

**JOURNAL**  
**OF THE**  
**HOUSE**  
**OF REPRESENTATIVES**  
**SEVENTY-SECOND SESSION**  
**OF THE**  
**LEGISLATURE**  
**STATE OF MINNESOTA**  
**1981**

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**RAMALEY PRINTING COMPANY**



STATE OF MINNESOTA

SEVENTY-SECOND SESSION - 1981

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FIRST DAY

SAINT PAUL, MINNESOTA, TUESDAY, JANUARY 6, 1981

In accordance with the Constitution and the Laws of the State of Minnesota, the members-elect of the House of Representatives assembled in the Chamber of the House of Representatives in the Capitol in Saint Paul on Tuesday, the sixth day of January, 1981.

At the hour of twelve o'clock noon and pursuant to Minnesota Statutes 1980, Section 3.05, the Honorable Joan Anderson Growe, Secretary of State, called the members-elect to order and appointed the Honorable Bernard J. Brinkman from District 16B as Clerk pro tempore.

Prayer was offered by Father William Mertz, Chaplain.

The Clerk pro tempore called the roll by legislative district in numerical order, and the following members-elect presented proof of their eligibility to be sworn in and seated as members of the House of Representatives:

District 1A	Myron Nysether
District 1B	LeRoy Stumpf
District 2A	Tony Stadum
District 2B	Willis Eken
District 3A	Irv Anderson
District 3B	Robert Lemen
District 4A	John A. Ainley
District 4B	Glen Sherwood
District 5A	Dominic J. Elioff
District 5B	Lona Minne
District 6A	Joseph R. Begich
District 6B	David P. Battaglia
District 7A	Willard Munger
District 7B	Ben E. Gustafson
District 8A	Arlene Lehto
District 8B	Thomas R. Berkelman
District 9A	Dwaine H. Hoberg
District 9B	Merlyn Valan
District 10A	Jim Evans

District 10B	Bob Anderson
District 11A	Paul D. Aasness
District 11B	Dave Fjoslien
District 12A	Bruce Nelsen
District 12B	Stephen G. Wenzel
District 13A	Don Samuelson
District 13B	Paul Anders Ogren
District 14A	Doug Carlson
District 14B	Mary Murphy
District 15A	Earl Hauge
District 15B	Glen Anderson
District 16A	Joe T. Niehaus
District 16B	B. J. Brinkman
District 17A	Marcus Marsh
District 17B	Dave Gruenes
District 18A	Dick Welch
District 18B	Bob McEachern
District 19A	John T. Clawson
District 19B	John Weaver
District 20A	Ray Welker
District 20B	Cal Ludeman
District 21A	Dean Alton Johnson
District 21B	Gaylin Den Ouden
District 22A	Adolph L. Kvam
District 22B	Tony Onnen
District 23A	Gary Schafer
District 23B	Carl M. Johnson
District 24A	Robert E. Vanasek
District 24B	Marnie Luknic
District 25A	Steve Sviggum
District 25B	Lyle Mehrkens
District 26A	Buzz Anderson
District 26B	Wendell O. Erickson
District 27A	George Mann
District 27B	David Jennings
District 28A	Gilbert Esau
District 28B	Terry Dempsey
District 29A	Mark Piepho
District 29B	Richard (Dick) Wigley
District 30A	Henry J. Kalis
District 30B	Jerry Schoenfeld
District 31A	Bob Haukoos
District 31B	Leo J. Reding
District 32A	Tom J. Shea
District 32B	Don L. Friedrich
District 33A	J. R. "Dick" Kaley
District 33B	Ken Zubay
District 34A	Warren "Tom" Stowell
District 34B	Tim Sherman
District 35A	Elton R. Redalen
District 35B	Al Wieser, Jr.
District 36A	K. J. McDonald
District 36B	Tom Rees
District 37A	Shirley Hokanson

District 37B	James C. "Jim" Swanson
District 38A	Kathleen Blatz
District 38B	Bill Peterson
District 39A	Mary Forsythe
District 39B	John Himle
District 40A	Doug Ewald
District 40B	Jerry Knickerbocker
District 41A	Sally Olsen
District 41B	Elliot Rothenberg
District 42A	Tad Jude
District 42B	Robert L. Searles
District 43A	Lon Heinitz
District 43B	Jim Heap
District 44A	Lyndon R. Carlson
District 44B	Dorothy Hokr
District 45A	Bill Schreiber
District 45B	Robert L. "Bob" Ellingson
District 46A	Paul McCarron
District 46B	Wayne Simoneau
District 47A	Joel Jacobs
District 47B	Gordon O. Voss
District 48A	Steven G. Novak
District 48B	John Rose
District 49A	Don Valento
District 49B	Robert W. (Bob) Reif
District 50A	
District 50B	Dick Kostohryz
District 51A	Gary W. Laidig
District 51B	Mike Sieben
District 52A	James P. Metzen
District 52B	Harry Sieben, Jr.
District 53A	Carolyn Rodriguez
District 53B	Charles C. "Chuck" Halberg
District 54A	George Dahlvang
District 54B	James I. Rice
District 55A	Lawrence J. Pogemiller
District 55B	John J. Sarna
District 56A	Randy W. Staten
District 56B	Dee Long
District 57A	Phyllis Kahn
District 57B	Lee Greenfield
District 58A	Bill Dean
District 58B	Todd Otis
District 59A	Karen Clark
District 59B	Ken Nelson
District 60A	Janet Clark
District 60B	Donna Peterson
District 61A	John Brandl
District 61B	Wesley J. "Wes" Skoglund
District 62A	Ann Wynia
District 62B	Walter Hanson
District 63A	Kathleen Vellenga
District 63B	John Drew
District 64A	Tom Osthoff

District 64B	Peggy Byrne
District 65A	Fred C. Norton
District 65B	Tom Harens
District 66A	Richard M. O'Connor
District 66B	Randy C. Kelly
District 67A	Frank J. Rodriguez, Sr.
District 67B	John Tomlinson

133 eligible persons answered to the call by legislative district. Levi was excused for the day.

The arrival of the Honorable Raymond Pavlak, District Court Judge, was announced and he was escorted to the front of the Chamber.

#### OATH OF OFFICE

The members-elect subscribed to the oath of office as administered to them by the Honorable Raymond Pavlak.

The members took their seats in the Chamber of the House of Representatives.

The Clerk pro tempore called the roll in alphabetical order and the following members answered to their names:

Aasness	Esau	Kalis	O'Connor	Sherwood
Ainley	Evans	Kelly	Ogren	Sieben, H.
Anderson, B.	Ewald	Knickerbocker	Olsen	Sieben, M.
Anderson, G.	Fjoslien	Kostohryz	Onnen	Simoneau
Anderson, I.	Forsythe	Kvam	Osthoff	Skoglund
Anderson, R.	Friedrich	Laidig	Otis	Stadum
Battaglia	Greenfield	Lehto	Peterson, B.	Staten
Begich	Gruenes	Lemen	Peterson, D.	Stowell
Berkelman	Gustafson	Long	Piepho	Stumpf
Blatz	Halberg	Ludeman	Pogemiller	Sviggum
Brandl	Hanson	Luknic	Redalen	Swanson
Brinkman	Harens	Mann	Reding	Tomlinson
Byrne	Hauge	Marsh	Rees	Valan
Carlson, D.	Haukoos	McCarron	Reif	Valento
Carlson, L.	Heap	McDonald	Rice	Vanasek
Clark, J.	Heinitz	McEachern	Rodriguez, C.	Vellenga
Clark, K.	Himle	Mehrkens	Rodriguez, F.	Voss
Clawson	Hoberg	Metzen	Rose	Weaver
Dahlvang	Hokanson	Minne	Rothenberg	Welch
Dean	Hokr	Munger	Samuelson	Welker
Dempsey	Jacobs	Murphy	Sarna	Wenzel
Den Ouden	Jennings	Nelsen, B.	Schafer	Wieser
Drew	Johnson, C.	Nelson, K.	Schoenfeld	Wigley
Eken	Johnson, D.	Niehaus	Schreiber	Wynia
Elioff	Jude	Norton	Searles	Zubay
Ellingson	Kahn	Novak	Shea	
Erickson	Kaley	Nysether	Sherman	

A quorum was present.

## ELECTION OF OFFICERS

The Secretary of State announced the next order of business to be the election of Speaker.

The name of Harry A. Sieben, Jr., was placed in nomination by Eken. The nomination was seconded by Anderson, I.; Johnson, C.; Wenzel and Hokanson.

The name of O. J. "Lon" Heinitz was placed in nomination by Searles. The nomination was seconded by Kaley and Wigley.

There being no further nominations, the Secretary of State declared the nominations closed.

The Clerk pro tempore called the roll on the election of a Speaker.

The following members of the House voted for Sieben, H.:

Anderson, B.	Eken	Kelly	O'Connor	Sieben, H.
Anderson, G.	Elioff	Kostohryz	Ogren	Sieben, M.
Anderson, I.	Ellingson	Lehto	Osthoff	Simoneau
Battaglia	Greenfield	Long	Otis	Skoglund
Begich	Gustafson	Mann	Peterson, D.	Staten
Berkelman	Hanson	McCarron	Pogemiller	Stumpf
Brandl	Harens	McEachern	Reding	Swanson
Brinkman	Hauge	Metzen	Rice	Tomlinson
Byrne	Hokanson	Minne	Rodriguez, C.	Vanasek
Carlson, L.	Jacobs	Munger	Rodriguez, F.	Vellenga
Clark, J.	Johnson, C.	Murphy	Samuelson	Voss
Clark, K.	Jude	Nelson, K.	Sarna	Welch
Clawson	Kahn	Norton	Schoenfeld	Wenzel
Dahlvang	Kalis	Novak	Shea	Wynia

Sieben, H., received 70 votes.

The following members of the House voted for Heinitz:

Aasness	Fjoslien	Kaley	Olsen	Sherwood
Ainley	Forsythe	Knickerbocker	Onnen	Stadum
Anderson, R.	Friedrich	Kvam	Peterson, B.	Stowell
Blatz	Gruenes	Laidig	Piepho	Sviggum
Carlson, D.	Halberg	Lemen	Redalen	Valan
Dean	Haukoos	Ludeman	Rees	Valento
Dempsey	Heap	Luknic	Reif	Weaver
Den Ouden	Heinitz	Marsh	Rose	Welker
Drew	Himle	McDonald	Rothenberg	Wieser
Erickson	Hoberg	Mehrkens	Schafer	Wigley
Esau	Hokr	Nelsen, B.	Schreiber	Zubay
Evans	Jennings	Niehaus	Searles	
Ewald	Johnson, D.	Nysether	Sherman	

Heinitz received 63 votes.

Sieben, H., having received a majority of the votes cast, was declared duly elected Speaker of the House.

Metzen; Harens; Sieben, M.; Murphy and Halberg were appointed to escort the Speaker-elect to the rostrum.

The arrival of the Honorable Miles W. Lord, Judge of the United States District Court, was announced and he was escorted to the front of the Chamber.

#### OATH OF OFFICE

The oath of office was administered to the Speaker-elect by the Honorable Miles W. Lord. The Speaker expressed his appreciation for the honor bestowed upon him.

The Speaker announced the next order of business to be the election of the Chief Clerk.

The name of Edward A. Burdick was placed in nomination by Vanasek. The nomination was seconded by Rice and Carlson, D.

There being no further nominations, the Speaker declared the nominations closed.

The Clerk pro tempore called the roll on the election of the Chief Clerk and the following voted for Burdick:

Aasness	Esau	Kalis	O'Connor	Sherwood
Ainley	Evans	Kelly	Ogren	Sieben, M.
Anderson, B.	Ewald	Knickerbocker	Olsen	Simoneau
Anderson, G.	Fjoslien	Kostohryz	Onnen	Skoglund
Anderson, I.	Forsythe	Kvam	Osthoff	Stadum
Anderson, R.	Friedrich	Laidig	Otis	Staten
Battaglia	Greenfield	Lehto	Peterson, B.	Stowell
Begich	Gruenes	Lemen	Peterson, D.	Stumpf
Berkelman	Gustafson	Long	Piepho	Sviggum
Blatz	Halberg	Ludeman	Pogemiller	Swanson
Brandl	Hanson	Luknic	Redalen	Tomlinson
Brinkman	Harens	Mann	Reding	Valan
Byrne	Hauge	Marsh	Rees	Valento
Carlson, D.	Haukoos	McCarron	Reif	Vanasek
Carlson, L.	Heap	McDonald	Rice	Vellenga
Clark, J.	Heinitz	McEachern	Rodriguez, C.	Voss
Clark, K.	Himle	Mehrkens	Rodriguez, F.	Weaver
Clawson	Hoberg	Metzen	Rose	Welch
Dahlvang	Hokanson	Minne	Rothenberg	Welker
Dean	Hokr	Munger	Samuelson	Wenzel
Dempsey	Jacobs	Murphy	Sarna	Wieser
Den Ouden	Jennings	Nelsen, B.	Schafer	Wigley
Drew	Johnson, C.	Nelson, K.	Schoenfeld	Wynia
Eken	Johnson, D.	Niehaus	Schreiber	Zubay
Elioff	Jude	Norton	Searles	Spkr. Sieben, H.
Ellingson	Kahn	Novak	Shea	
Erickson	Kaley	Nysether	Sherman	

Edward A. Burdick, having received a majority of the votes cast, was declared elected Chief Clerk of the House of Representatives.

## OATH OF OFFICE

The oath of office was administered to the Chief Clerk-elect by the Speaker.

The Speaker announced the next order of business to be the election of other elected officers of the House of Representatives.

Eken offered the following resolution and moved its adoption:

*Resolved*, that the election of other officers be made on one roll call unless there should be more than one nomination for any one office.

The motion prevailed and the resolution was adopted.

The following names were placed in nomination:

The name of Betty M. Hayenga was placed in nomination for First Assistant Chief Clerk by Mann.

The name of Albin A. Mathiowetz was placed in nomination for Second Assistant Chief Clerk by Simoneau.

The name of Robert A. Marquardt was placed in nomination for Postmaster by Samuelson.

The name of Teresa B. Kittridge was placed in nomination for Assistant Postmaster by Novak.

The name of M. J. Hedstrom was placed in nomination for Assistant Sergeant at Arms by Voss.

The name of Thomas R. Bartsch was placed in nomination for Assistant Sergeant at Arms by Clark, J.

The name of Shirley Tschida was placed in nomination for Assistant Sergeant at Arms by Wynia.

The name of Stephen E. Fischer was placed in nomination for Index Clerk by Hokanson.

There being no further nominations, the Speaker declared the nominations closed.

The Chief Clerk called the roll on the election of the other officers and the following members voted for the other officers:

Aasness	Anderson, G.	Battaglia	Blatz	Byrne
Ainley	Anderson, I.	Begich	Brandl	Carlson, D.
Anderson, B.	Anderson, R.	Berkelman	Brinkman	Carlson, L.



Clark, J.	Hauge	Ludeman	Peterson, B.	Skoglund
Clark, K.	Haukoos	Luknic	Peterson, D.	Stadum
Clawson	Heap	Mann	Piepho	Staten
Dahlvang	Heinitz	Marsh	Pogemiller	Stowell
Dean	Himle	McCarron	Redalen	Stumpf
Dempsey	Hoberg	McDonald	Reding	Sviggum
Den Ouden	Hokanson	McEachern	Rees	Swanson
Drew	Hokr	Mehrkens	Reif	Tomlinson
Eken	Jacobs	Metzen	Rice	Valan
Elioff	Jennings	Minne	Rodriguez, C.	Valento
Ellingson	Johnson, C.	Munger	Rodriguez, F.	Vanasek
Erickson	Johnson, D.	Murphy	Rose	Vellenga
Esau	Jude	Nelsen, B.	Rothenberg	Voss
Evans	Kahn	Nelson, K.	Samuelson	Weaver
Ewald	Kaley	Niehaus	Sarna	Welch
Fjoslien	Kalis	Norton	Schafer	Welker
Forsythe	Kelly	Novak	Schoenfeld	Wenzel
Friedrich	Knickerbocker	Nysether	Schreiber	Wieser
Greenfield	Kostohryz	O'Connor	Searles	Wigley
Gruenes	Kvam	Ogren	Shea	Wynia
Gustafson	Laidig	Olsen	Sherman	Zubay
Halberg	Lehto	Onnen	Sherwood	Spkr. Sieben, H.
Hanson	Lemen	Osthoff	Sieben, M.	
Harens	Long	Otis	Simoneau	

The nominees, having received a majority of the votes cast, were declared duly elected to their respective offices.

#### OATH OF OFFICE

The oath of office was administered to those elected to the above offices by the Speaker.

Eken offered the following resolution and moved its adoption :

*Resolved*, that the temporary Rules of the House for this session, the 72nd Regular Session, shall be the same as the permanent Rules of the House for the last session, the 71st Regular Session, as they existed on Saturday, April 12, 1980, with the following exceptions :

Rule 6.1 shall read as follows :

6.1 *Committees*. Standing committees of the House shall be appointed by the Speaker as follows :

Agriculture

Appropriations

Divisions: Education  
Health, Welfare and Corrections  
Semi-State  
State Departments

Commerce and Economic Development

Criminal Justice

## Education

Division: School Aids

## Energy

## Environment and Natural Resources

## Financial Institutions and Insurance

## General Legislation and Veterans Affairs

## Governmental Operations

## Health and Welfare

## Judiciary

## Labor-Management Relations

## Local and Urban Affairs

## Reapportionment and Elections

## Regulated Industries

## Rules and Legislative Administration

## Taxes

Divisions: Revenue  
Tax Laws

## Transportation

In rules 1.10, 1.16, 3.4, 6.11 and 9.3 delete "1980" and insert "1981".

The temporary rules of the House for the 72nd session shall apply to the order of business of parliamentary practice until such time as the Committee on Rules and Legislative Administration to be appointed by the Speaker shall have made its report and new permanent rules shall have been adopted.

The question was taken on the adoption of the resolution and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, I.	Berkelman	Byrne	Clark, K.
Ainley	Anderson, R.	Blatz	Carlson, D.	Clawson
Anderson, B.	Battaglia	Brandl	Carlson, L.	Dahlvang
Anderson, G.	Begich	Brinkman	Clark, J.	Dean

Dempsey	Himle	Marsh	Piepho	Stadum
Den Ouden	Hoberg	McCarron	Pogemiller	Staten
Drew	Hokanson	McDonald	Redalen	Stowell
Eken	Hokr	McEachern	Reding	Stumpf
Elioff	Jacobs	Mehrkens	Rees	Sviggum
Ellingson	Jennings	Metzen	Reif	Swanson
Erickson	Johnson, C.	Minne	Rice	Tomlinson
Esau	Johnson, D.	Munger	Rodriguez, C.	Valan
Evans	Jude	Murphy	Rodriguez, F.	Valento
Ewald	Kahn	Nelsen, B.	Rose	Vanasek
Fjoslien	Kaley	Nelson, K.	Rothenberg	Vellenga
Forsythe	Kalis	Niehaus	Samuelson	Voss
Friedrich	Kelly	Norton	Sarna	Weaver
Greenfield	Knickerbocker	Novak	Schafer	Welch
Gruenes	Kostohryz	Nysether	Schoenfeld	Welker
Gustafson	Kvam	O'Connor	Schreiber	Wenzel
Halberg	Laidig	Ogren	Searles	Wieser
Hanson	Lehto	Olsen	Shea	Wigley
Harens	Lemen	Onnen	Sherman	Wynia
Hauge	Long	Osthoff	Sherwood	Zubay
Haukoos	Ludeman	Otis	Sieben, M.	Sprk. Sieben, H.
Heap	Luknic	Peterson, B.	Simoneau	
Heinitz	Mann	Peterson, D.	Skoglund	

The motion prevailed and the resolution was adopted.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of Lawrence W. Bothwell as Chief Sergeant at Arms.

#### OATH OF OFFICE

The oath of office was administered to the Chief Sergeant at Arms by the Speaker.

Eken offered the following resolution and moved its adoption:

*Resolved*, That the Chief Clerk be instructed to inform the Senate that the House is duly organized pursuant to law and to invite the Senate to meet with the House in joint convention at 11:45 a.m., Wednesday, January 7, 1981, to receive the message of the Governor which will be delivered at 12:00 noon.

The motion prevailed and the resolution was adopted.

Eken offered the following resolution and moved its adoption:

*Resolved*, That an invitation be extended to the Governor to address a joint convention of the House and Senate to be held in the House chamber on Wednesday, January 7, 1981, said joint convention to convene at 11:45 a.m. and said message to be delivered at 12:00 noon; and that the Speaker appoint a committee of five members of the House to act with a similar committee of the Senate to extend the invitation to the Governor and to notify him that the Senate and House of Representatives are now duly organized pursuant to law.

The motion prevailed and the resolution was adopted.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members on the committee to invite the Governor to address the joint convention and to notify him that the House is now organized:

Munger, Chairman; Rice, Wynia, Laidig, and Sherman.

Eken offered the following resolution and moved its adoption:

*Resolved*, That the Speaker be and he is hereby directed to appoint a committee of five members on the part of the House to act with a similar committee on the part of the Senate to escort the Governor to the joint convention to be held in the House chamber on Wednesday, January 7, 1981.

The motion prevailed and the resolution was adopted.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members on the committee to escort the Governor to the House chamber:

Swanson, Chairman; Norton, Staten, Forsythe, and Schreiber.

Eken offered the following resolution and moved its adoption:

*Resolved*, That necessary employees as directed by the Committee on Rules and Legislative Administration be authorized by the House effective today, Tuesday, January 6, 1981, to better expedite the business of the House.

The motion prevailed and the resolution was adopted.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Committee on Rules and Legislative Administration:

Eken, Chairman	Anderson, R.
Simoneau, Vice Chairman	Carlson, D.
Anderson, I.	Forsythe
Brinkman	Friedrich

Johnson, C.	Halberg
Mann	Heinitz
Munger	Knickerbocker
Norton	Nelsen, B.
Novak	Schreiber
Rice	Sherwood
Samuelson	Weaver
Sieben, H.	Welker
Sieben, M.	
Swanson	
Vanasek	

Eken offered the following resolution and moved its adoption :

*Resolved*, That the following order shall prevail in the selection of permanent desks :

1. That all members who are serving their sixth session or more, the majority leader and assistant majority leaders, the minority leader and assistant minority leaders, the Chairman of the Committee on Appropriations, the Chairman of the Committee on Taxes, and all members with impaired hearing, impaired sight, or other physical handicaps shall be permitted to select their desks.

2. The Chief Clerk shall prepare a list of members who are serving their fifth session and place the names in a box from which the names will be drawn and announced until the names are exhausted, and the members being called will have the right to select their desks in the order in which they are called.

3. The Chief Clerk shall then prepare a list of members who are serving their fourth session and proceed in a like manner until all names are exhausted.

4. The Chief Clerk shall then prepare a list of members who are serving their third session and proceed in a like manner until all names are exhausted.

5. The Chief Clerk shall then prepare a list of members who are serving their second session and proceed in a like manner until all names are exhausted.

6. The Chief Clerk shall then prepare a list of members who are serving their first session and proceed in a like manner until all names are exhausted.

Members of the 1st and 2nd groups shall remain in the chamber until their names have been drawn.

Members of the 3rd and 4th groups shall wait in the Reception area (room 214 East of the chamber) until notified orally by the Sergeant at Arms that their names have been drawn, at which time they shall enter and select their permanent desks.

Members of the 5th and 6th groups shall wait in the Retiring room (North of the chamber) until notified orally by the Sergeant at Arms that their names have been drawn, at which time they shall enter and select their permanent desks.

The motion prevailed and the resolution was adopted.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I have the honor to announce that the Senate of the State of Minnesota is now duly organized pursuant to law with the election of the following officers:

Jack Davies, President

Jerome M. Hughes, President Pro Tem

Patrick E. Flahaven, Secretary of the Senate

Janine Mattson, First Assistant Secretary of the Senate

Patrice Urman, Second Assistant Secretary of the Senate

Kay Ganje, Engrossing Secretary

Catherine Morrison, Engrossing and Appointments Clerk

Marvin Raiola, Sergeant at Arms

Ralph Graham, Assistant Sergeant at Arms

Sister Michelle, Chaplin

The Senate also adopted a resolution naming Roger D. Moe as Majority Leader and Robert O. Ashbach as Minority Leader.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I have the honor to announce that the Senate has appointed a committee of eight members of the Senate to act with a like committee on the part of the House to notify the Governor that the Senate of the State of Minnesota is duly organized pursuant to law and together with the House is ready to receive any message that he may have.

Messrs. Kroening; Ulland; Langseth; Pehler; Setzepfandt; Peterson, D. L.; Bang and Ms. Berglin have been appointed as members of such committee on the part of the Senate.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted.

#### Senate Concurrent Resolution No. 1

A Concurrent Resolution relating to the adoption of temporary joint rules.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### SUSPENSION OF RULES

Eken moved that the Rules be so far suspended that Senate Concurrent Resolution No. 1 be now considered and be placed upon its adoption. The motion prevailed.

#### SENATE CONCURRENT RESOLUTION NO. 1

A senate concurrent resolution relating to the adoption of temporary joint rules.

*Be It Resolved*, by the Senate of the State of Minnesota, the House of Representatives concurring therein:

The joint rules of the Senate and the House of Representatives for the 70th session are adopted as the temporary joint rules of

the 72nd session, to be effective until the adoption of permanent joint rules by the Senate and the House of Representatives.

Eken moved that Senate Concurrent Resolution No. 1 be now adopted. The motion prevailed and the resolution was adopted.

Mr. Speaker :

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted.

#### Senate Concurrent Resolution No. 2

A Concurrent Resolution relating to parking space on the Capitol grounds, Capitol Approach and Aurora Avenue for members of the Legislature and staff.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### SUSPENSION OF RULES

Eken moved that the Rules be so far suspended that Senate Concurrent Resolution No. 2 be now considered and be placed upon its adoption. The motion prevailed.

#### SENATE CONCURRENT RESOLUTION NO. 2

A senate concurrent resolution relating to parking space on the Capitol grounds, Capitol Approach and Aurora Avenue for members of the Legislature and staff.

*Be It Resolved*, by the Senate of the State of Minnesota, the House of Representatives concurring therein:

The custodian of the Capitol shall reserve all parking space necessary on the Capitol grounds, Capitol Approach and Aurora Avenue for the use of the members and staff of the Legislature for the 72nd session of the Legislature, allowing reasonable space for parking to the general public having business at the Capitol. The Committee on Rules and Administration of the Senate and the Committee on Rules and Legislative Administration of the House of Representatives are authorized to designate necessary personnel to assist the custodian of the Capitol in this matter.

The Secretary of the Senate and the Chief Clerk of the House of Representatives may deduct from the check of any legislator or legislative employee in each year of the 72nd session of the Legislature a sum adequate to cover the exercise of the parking privilege herein defined in conformity with the practice of the Department of Administration.



Eken moved that Senate Concurrent Resolution No. 2 be now adopted. The motion prevailed and the resolution was adopted.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following schedule of committee meetings for the 1981-82 regular session:

1981-82 HOUSE COMMITTEE SCHEDULE

<i>Committee</i>	<i>Meeting Room</i>	<i>Hour</i>
<b>MONDAY</b>		
Appropriations	57	8:00- 9:45 a.m.
Education	81	8:00- 9:45 a.m.
Governmental Operations	83	8:00- 9:45 a.m.
Reapportionment and Elections	57	10:00-11:45 a.m.
Criminal Justice	81	10:00-11:45 a.m.
Regulated Industries	83	10:00-11:45 a.m.
Education (School Aids)	57	12:00- 1:45 p.m.
Labor-Management Relations	81	12:00- 1:45 p.m.
<b>TUESDAY</b>		
Appropriations	57	8:00- 9:45 a.m.
Taxes	81	8:00- 9:45 a.m.
Governmental Operations	83	8:00- 9:45 a.m.
Health and Welfare	57	10:00-11:45 a.m.
Commerce and Economic Development	81	10:00-11:45 a.m.
Environment and Natural Resources	83	10:00-11:45 a.m.
Energy	57	12:00- 1:45 p.m.
Local and Urban Affairs	83	12:00- 1:45 p.m.
<b>WEDNESDAY</b>		
Appropriations	57	8:00- 9:45 a.m.
Education	81	8:00- 9:45 a.m.
Governmental Operations	83	8:00- 9:45 a.m.
Reapportionment and Elections	57	10:00-11:45 a.m.
Criminal Justice	81	10:00-11:45 a.m.
Agriculture	83	10:00-11:45 a.m.
Financial Institutions and Insurance	81	12:00- 1:45 p.m.
Transportation	83	12:00- 1:45 p.m.

<i>Committee</i>	<i>Meeting Room</i>	<i>Hour</i>
<b>THURSDAY</b>		
Appropriations	57	8:00- 9:45 a.m.
Taxes	81	8:00- 9:45 a.m.
Governmental Operations	83	8:00- 9:45 a.m.
Health and Welfare	57	10:00-11:45 a.m.
Commerce and Economic Development	81	10:00-11:45 a.m.
Environment and Natural Resources	83	10:00-11:45 a.m.
General Legislation and Veterans Affairs	57	12:00- 1:45 p.m.
Judiciary	81	12:00- 1:45 p.m.
Local and Urban Affairs	83	12:00- 1:45 p.m.

**FRIDAY**

Taxes	83	8:00- 9:45 a.m.
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Appropriations Divisions will meet when the full committee is not meeting. The rooms are as follows:

Education	57
Health, Welfare and Corrections	51
State Departments	14
Semi-State	22

Taxes Divisions will meet when the full committee is not meeting.

**ANNOUNCEMENT BY THE SPEAKER**

The Speaker announced the following House committee assignments for the 1981-82 session:

**AGRICULTURE — Wednesdays, 10:00 A.M., Room 83**

Wenzel, Chairman	Aasness
Shea, Vice Chairman	Carlson, D.
Anderson, B.	Erickson
Anderson, G.	Esau
Brinkman	Luknic
Hauge	McDonald
Kalis	Nelsen, B.
Mann	Schafer
Ogren	Stowell
Stumpf	Valan
Vellenga	
Welch	

## APPROPRIATIONS —

Mondays through Thursdays, 8:00 A.M., Room 57

Sieben, M., Chairman	Anderson, R.
Hokanson, Vice Chairman	Dean
Anderson, G.	Den Ouden
Battaglia	Erickson
Berkelman	Forsythe
Carlson, L.	Haukoos
Ellingson	Johnson, D.
Kahn	Laidig
Kalis	Mehrkens
Metzen	Nelsen, B.
Munger	Piepho
Osthoff	Reif
Rice	Stadum
Samuelson	Valan
Schoenfeld	Weaver
Staten	Welker
Swanson	Wieser
Voss	
Welch	
Wynia	

Appropriations Divisions will meet when the full committee is not meeting. The rooms are as indicated:

Education: Carlson, L.	57
Health, Welfare and Corrections: Samuelson	51
State Departments: Kahn	14
Semi-State: Anderson, G.	22

## COMMERCE AND ECONOMIC DEVELOPMENT —

Tuesdays and Thursdays, 10:00 A.M., Room 81

Sarna, Chairman	Anderson, R.
Metzen, Vice Chairman	Ewald
Anderson, I.	Friedrich
Dahlvang	Forsythe
Gustafson	Heap
Jude	Himle
Kelly	Marsh
Murphy	Piepho
Ogren	Redalen
Osthoff	Sherman
Otis	Welker
Peterson, D.	Zubay
Rodriguez, C.	
Staten	

**CRIMINAL JUSTICE —**

Mondays and Wednesdays, 10:00 A.M., Room 81

Vanasek, Chairman	Blatz
Clark, J., Vice Chairman	Johnson, D.
Battaglia	Lemen
Byrne	Levi
Clawson	Marsh
Gustafson	Mehrrens
Kelly	Rose
Lehto	Rothenberg
Long	Valento
O'Connor	Zubay
Pogemiller	
Staten	

**EDUCATION — Mondays and Wednesdays, 8:00 A.M., Room 81**

Johnson, C., Chairman	Ainley
Kelly, Vice Chairman	Drew
Anderson, B.	Esau
Clark, J.	Fjoslien
Elioff	Gruenes
Hauge	Heap
Kostohryz	Hoberg
Long	Jennings
Mann	Knickerbocker
McEachern	Levi
Nelson	Niehaus
Otis	Olsen
Rodriguez, C.	Schafer
Shea	Zubay
Tomlinson	
Vellenga	

**SCHOOL AIDS DIVISION OF EDUCATION —**  
Mondays, 12:00 Noon, Room 57

McEachern, Chairman	Jennings
Anderson, B., Vice Chairman	Levi
Johnson, C.	Olsen
Kostohryz	Schafer
Nelson	
Tomlinson	

## ENERGY — Tuesdays, 12:00 Noon, Room 57

Nelson, K., Chairman	Aasness
Reding, Vice Chairman	Ainley
Clark, J.	Den Ouden
Greenfield	Fjoslien
Harens	Himle
Hauge	Jennings
Jude	Luknic
Kahn	McDonald
Munger	Rose
Ogren	Rothenberg
Otis	Schafer
Stumpf	Welker
Tomlinson	
Wynia	

ENVIRONMENT AND NATURAL RESOURCES —  
Tuesdays and Thursdays, 10:00 A.M., Room 83

Munger, Chairman	Carlson, D.
Battaglia, Vice Chairman	Dean
Begich	Den Ouden
Ellingson	Drew
Hanson	Fjoslien
Kahn	Lemen
Kostohryz	Ludeman
Lehto	Nysether
Long	Peterson, B.
Nelson	Rose
Reding	Stowell
Schoenfeld	Weaver
Skoglund	
Vanasek	

FINANCIAL INSTITUTIONS AND INSURANCE —  
Wednesdays, 12:00 Noon, Room 81

Brinkman, Chairman	Dean
Wynia, Vice Chairman	Ewald
Anderson, B.	Heinitz
Berkelman	Hokr
Ellingson	Johnson, D.
Greenfield	Kaley
Kelly	Rees
McCarron	Searles
Metzen	Sherman
Norton	Stadum
Osthoff	Sviggum
Swanson	Valan
Voss	
Wenzel	

GENERAL LEGISLATION AND VETERANS AFFAIRS —  
Thursdays, 12:00 Noon, Room 57

Kostohryz, Chairman	Evans
Peterson, D., Vice Chairman	Heap
Anderson, G.	Hokr
Harens	Lemen
Jacobs	Marsh
Minne	Olsen
Samuelson	Rees
Sarna	Rothenberg
Skoglund	Sviggunn
Staten	
Stumpf	

GOVERNMENTAL OPERATIONS —  
Mondays through Thursdays, 8:00 A.M., Room 83

Norton, Chairman	Heinitz
Murphy, Vice Chairman	Hokr
Byrne	Kaley
Clark, K.	Lemen
Clawson	Ludeman
Dahlvang	Marsh
Greenfield	McDonald
Lehto	Rees
Ogren	Rose
Pogemiller	Sherman
Reding	Sherwood
Rodriguez, F.	Stowell
Sarna	Sviggunn
Simoneau	Wigley
Stumpf	
Wenzel	

HEALTH AND WELFARE —  
Tuesdays and Thursdays, 10:00 A.M., Room 57

Swanson, Chairman	Aasness
Byrne, Vice Chairman	Blatz
Berkelman	Gruenes
Brandl	Heinitz
Carlson, L.	Hokr
Clark, J.	Kaley
Clark, K.	Kvam
Clawson	McDonald
Elioff	Niehaus
Greenfield	Onnen
Hokanson	Reif
McEachern	Sviggunn
Rodriguez, F.	
Welch	

JUDICIARY — Thursdays, 12:00 Noon, Room 81

Jude, Chairman	Dempsey
Ellingson, Vice Chairman	Forsythe
Anderson, B.	Luknic
Gustafson	Nysether
Hokanson	Onnen
Norton	Peterson
O'Connor	Schafer
Sieben, M.	Wieser
Vellenga	
Wynia	

LABOR-MANAGEMENT RELATIONS —  
Mondays, 12:00 Noon, Room 81

Rice, Chairman	Evans
Begich, Vice Chairman	Himle
Carlson, L.	Ludeman
Dahlvang	Niehaus
Elioff	Peterson, B.
Harens	Piepho
Minne	Reif
Murphy	Stadum
O'Connor	Stowell
Rodriguez, F.	
Simoneau	

LOCAL AND URBAN AFFAIRS —  
Tuesdays and Thursdays, 12:00 Noon, Room 83

Voss, Chairman	Anderson, R.
Lehto, Vice Chairman	Drew
Berkelman	Gruenes
Brandl	Haukoos
Clark, K.	Hoberg
Clawson	Knickerbocker
Hanson	Laidig
Kalis	Levi
Long	Niehaus
McCarron	Schreiber
McEachern	Searles
Pogemiller	Sherman
Rodriguez, C.	Valento
Schoenfeld	Weaver
Shea	
Welch	

**REAPPORTIONMENT AND ELECTIONS —**

Mondays and Wednesdays, 10:00 A.M., Room 57

McCarron, Chairman	Fjoslien
Osthoff, Vice Chairman	Halberg
Anderson, I.	Haukoos
Carlson, L.	Heap
Eken	Himle
Harens	Hoberg
Jude	Jennings
Minne	Knickerbocker
Peterson, D.	Kvam
Rice	Laidig
Samuelson	
Tomlinson	

**REGULATED INDUSTRIES — Mondays, 10:00 A.M., Room 83**

Jacobs, Chairman	Ainley
Skoglund, Vice Chairman	Evans
Clark, K.	Ewald
Hokanson	Friedrich
Johnson, C.	Nysether
Nelson	Redalen
Novak	Rees
Otis	Den Ouden
Reding	Wieser
Sarna	Wigley
Simoneau	
Vellenga	

**RULES AND LEGISLATIVE ADMINISTRATION —**

Call of the Chair, Room 95

Eken, Chairman	Anderson, R.
Simoneau, Vice Chairman	Carlson, D.
Anderson, I.	Forsythe
Brinkman	Friedrich
Johnson, C.	Halberg
Mann	Heinitz
Munger	Knickerbocker
Norton	Nelsen, B.
Novak	Schreiber
Rice	Sherwood
Samuelson	Weaver
Sieben, H.	Welker
Sieben, M.	
Swanson	
Vanasek	



**TAXES** — Tuesdays and Thursdays, 8:00 A.M., Room 81;  
 Fridays, 8:00 A.M., Room 83

Anderson, I., Chairman	Blatz
Novak, Vice Chairman	Dempsey
Begich	Evans
Brandl	Halberg
Brinkman	Kvam
Eken	Luknic
Gustafson	Olsen
Hanson	Onnen
Jacobs	Peterson
Johnson, C.	Redalen
Minne	Rothenberg
O'Connor	Schreiber
Peterson, D.	Searles
Sieben, H.	Valento
Skoglund	
Tomlinson	
Vanasek	

Revenue Division : Tomlinson  
 Tax Laws Division : Hanson

**TRANSPORTATION** — Wednesdays, 12:00 Noon, Room 83

Mann, Chairman	Aasness
Kalis, Vice Chairman	Carlson, D.
Anderson, G.	Dempsey
Brandl	Erickson
Dahlvang	Esau
Hanson	Friedrich
Hauge	Halberg
Jacobs	Mehrkens
Kostohryz	Nelsen
Novak	Nysether
Pogemiller	Schreiber
Rodriguez, C.	Wigley
Schoenfeld	
Shea	

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 11:30 a.m., Wednesday, January 7, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:30 a.m., Wednesday, January 7, 1981.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**



## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## SECOND DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, JANUARY 7, 1981

The House of Representatives convened at 11:30 a.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Reverend Robert Dickson, Hope Presbyterian Church, Minneapolis, Minnesota.

The roll was called and the following members were present:

Aasness	Esau	Kalis	O'Connor	Sherwood
Ainley	Evans	Kelly	Ogren	Sieben, M.
Anderson, B.	Ewald	Knickerbocker	Olsen	Simoneau
Anderson, G.	Fjoslien	Kostohryz	Onnen	Skoglund
Anderson, I.	Forsythe	Kvam	Osthoff	Stadum
Anderson, R.	Friedrich	Laidig	Otis	Staten
Battaglia	Greenfield	Lehto	Peterson, B.	Stowell
Begich	Gruenes	Lemen	Peterson, D.	Stumpf
Berkelman	Gustafson	Long	Piepho	Sviggum
Blatz	Halberg	Ludeman	Pogemiller	Swanson
Brandl	Hanson	Luknic	Redalen	Tomlinson
Brinkman	Harens	Mann	Reding	Valan
Byrne	Hauge	Marsh	Rees	Valento
Carlson, D.	Haukoos	McCarron	Reif	Vanasek
Carlson, L.	Heap	McDonald	Rice	Vellenga
Clark, J.	Heinitz	McEachern	Rodriguez, C.	Voss
Clark, K.	Himle	Mehrkens	Rodriguez, F.	Weaver
Clawson	Hoberg	Metzen	Rose	Welch
Dahlvang	Hokanson	Minne	Rothenberg	Welker
Dean	Hokr	Munger	Samuelson	Wenzel
Dempsey	Jacobs	Murphy	Sarna	Wieser
Den Ouden	Jennings	Nelsen, B.	Schafer	Wigley
Drew	Johnson, C.	Nelson, K.	Schoenfeld	Wynia
Eken	Johnson, D.	Niehaus	Schreiber	Zubay
Elioff	Jude	Norton	Searles	Spkr. Sieben, H.
Ellingson	Kahn	Novak	Shea	
Erickson	Kaley	Nysether	Sherman	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Kelly moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

Munger, for the Committee to invite the Governor, reported that the Governor will be present to address the Joint Convention of the House of Representatives and the Senate at 12:00 noon, Wednesday, January 7, 1981.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I have the honor to inform the House that the Senate is duly organized pursuant to law and is ready to meet with the House at 11:45 a.m., Wednesday, January 7, 1981, to receive the message of the Honorable Albert H. Quie, Governor of the State of Minnesota.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I have the honor to announce that the Senate has appointed a committee of eight members of the Senate to act with a similar committee on the part of the House to escort the Governor to the Joint Convention to be held in the House Chamber, Wednesday, January 7, 1981, at 12:00 noon.

Mr. Willet, Mmes. Lantry, Kronebusch, Messrs. Dicklich, Renneke, Engler, Menning and Petty have been appointed to such committee on the part of the Senate.

PATRICK E. FLAHAVEN, Secretary of the Senate

Eken moved that the House recess subject to the call of the Chair for the purpose of meeting with the Senate in Joint Convention. The motion prevailed, and the Speaker declared the House recessed.

RECESS

RECONVENED

The Speaker called the House to order at 11:45 a.m.

The Sergeant at Arms announced the arrival of the members of the Senate, and they were escorted to the seats reserved for them at the front of the Chamber.

## JOINT CONVENTION

The Speaker of the House as President of the Joint Convention called the Joint Convention to order.

Prayer was offered by the Chaplain.

The roll being called, the following Senators answered to their names: Ashbach, Bang and Belanger.

Senator Moe, R. D., moved that further proceedings of the roll call be dispensed with. The motion prevailed, and a quorum was declared present.

The Sergeant at Arms announced the arrival of the Constitutional Officers of the State of Minnesota: Joan Anderson Growe, Secretary of State; Arne H. Carlson, State Auditor; Jim Lord, State Treasurer; and Warren Spannaus, Attorney General. The Constitutional Officers were escorted to the seats reserved for them at the rostrum.

The Sergeant at Arms announced the arrival of the Honorable Robert J. Sheran, Chief Justice of the Supreme Court, and the Associate Justices of the Supreme Court. They were escorted to the seats reserved for them near the rostrum.

The Sergeant at Arms announced the arrival of former governors Harold E. Stassen, C. Elmer Anderson, Elmer L. Andersen, Karl F. Rolvaag, Harold LeVander and Wendell R. Anderson. The distinguished guests were escorted to the seats reserved for them.

The Sergeant at Arms announced the arrival of the Honorable Lou Wangberg, Lieutenant Governor of the State of Minnesota. The Lieutenant Governor was escorted to the rostrum.

The Sergeant at Arms announced the arrival of the Honorable Albert H. Quie, Governor of the State of Minnesota, and his official party. The Governor was escorted to the rostrum by the appointed committees.

## ADDRESS BY THE GOVERNOR

Governor Albert H. Quie was presented by the President of the Joint Convention, and the Governor delivered his "State of State Address" to the members of the Convention and their guests.

Following the address, Senate Moe, R. D., moved that the Joint Convention arise. The motion prevailed, and the President declared the Joint Convention adjourned.

**RECONVENED**

The House reconvened and was called to order by the Speaker.

**ADJOURNMENT**

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, January 8, 1981.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**

## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## THIRD DAY

SAINT PAUL, MINNESOTA, THURSDAY, JANUARY 8, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by the Reverend Neal Lloyd, Presbyterian Church of the Way, Arden Hills, Minnesota.

The roll was called and the following members were present:

Aasness	Esau	Kalis	Nysether	Sherman
Ainley	Evans	Kelly	O'Connor	Sherwood
Anderson, B.	Ewald	Knickerbocker	Ogren	Sieben, M.
Anderson, G.	Fjoslien	Kostohryz	Olsen	Simoneau
Anderson, I.	Forsythe	Kvam	Osthoff	Skoglund
Anderson, R.	Friedrich	Laidig	Otis	Stadum
Battaglia	Greenfield	Lehto	Peterson, B.	Staten
Begich	Gruenes	Lemen	Peterson, D.	Stowell
Berkelman	Gustafson	Long	Piepho	Stumpf
Blatz	Halberg	Ludeman	Pogemiller	Sviggum
Brandl	Hanson	Luknic	Redalen	Swanson
Brinkman	Harens	Mann	Reding	Tomlinson
Byrne	Hauge	Marsh	Rees	Valan
Carlson, D.	Heap	McCarron	Reif	Valento
Carlson, L.	Heimitz	McDonald	Rice	Vanasek
Clark, J.	Himle	McEachern	Rodriguez, C.	Vellenga
Clark, K.	Hoberg	Mehrkens	Rodriguez, F.	Weaver
Clawson	Hokanson	Metzen	Rose	Welch
Dahlvang	Hokr	Minne	Rothenberg	Welker
Dempsey	Jacobs	Munger	Samuelson	Wenzel
Den Ouden	Jennings	Murphy	Sarna	Wieser
Drew	Johnson, C.	Nelsen, B.	Schafer	Wigley
Eken	Johnson, D.	Nelson, K.	Schoenfeld	Wynia
Elioff	Jude	Niehaus	Schreiber	Zubay
Ellingson	Kahn	Norton	Searles	Spkr. Sieben, H.
Erickson	Kaley	Novak	Shea	

A quorum was present.

Dean, Haukoos, Onnen and Voss were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Kelly moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.



## PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

September 4, 1980

Speaker of the House  
St. Paul, Minnesota 55155

Dear Sir:

The following appointment to the State Ethical Practices Board is hereby respectfully submitted to the House for confirmation as required by law:

Judith G. Schotzko, R.R. No. 1, Blue Earth, Faribault County, has been appointed by me effective September 4, 1980, for a term expiring on the first Monday in January, 1983.

Sincerely yours,

ALBERT H. QUIE  
Governor

The communication relating to the State Ethical Practices Board was referred to the Committee on Reapportionment and Elections.

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

September 15, 1980

Speaker of the House  
St. Paul, Minnesota 55155

Dear Sir:

The following appointment to the State Ethical Practices Board is hereby respectfully submitted to the House for confirmation as required by law:

Bruce W. Okney, 5128 Thomas Avenue South, Minneapolis, Hennepin County, has been appointed by me effective September 15, 1980, for a term expiring on the first Monday in January, 1983.

Sincerely yours,

ALBERT H. QUIE  
Governor

The communication relating to the State Ethical Practices Board was referred to the Committee on Reapportionment and Elections.

### INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

McEachern; Tomlinson; Nelson, K.; Kostohryz and Johnson, C., introduced:

H. F. No. 1, A bill for an act relating to education; requiring payment in fiscal 1982 of school aids not paid in fiscal 1981 because of spending reductions approved by the governor.

The bill was read for the first time and referred to the Committee on Education.

Wenzel, Osthoff, Jennings, Rose and Vanasek introduced:

H. F. No. 2, A bill for an act relating to crimes; providing that whoever causes the death of a human being when committing certain crimes is guilty of murder in the first degree; amending Minnesota Statutes 1980, Sections 609.185 and 609.195.

The bill was read for the first time and referred to the Committee on Criminal Justice.

McCarron and Kaley introduced:

H. F. No. 3, A bill for an act relating to community social services; defining groups of persons for whom counties are responsible; establishing certain funding levels; clarifying sections of the community social services act; amending Minnesota Statutes 1980, Sections 245.64; 245.66; 245.84, Subdivision 5; 252.21; 252.24, Subdivisions 1, 3 and 4; 254A.03, Subdivision 1; 254A.05, Subdivision 1; 254A.07, Subdivision 2; 254A.08, Subdivision 1; 256E.03, Subdivision 2; 256E.04, Subdivision 1; 256E.05, Subdivisions 2 and 3; 256E.06, Subdivisions 2, 4, and 5; 256E.07, Subdivision 2; 256E.08, Subdivisions 1 and 7; 256E.09, Subdivisions 1, 3, and by adding a subdivision; 256E.10; and 256E.12, Subdivision 3; repealing Minnesota Statutes 1980, Sections 245.67; 245.68; 245.72; 245.84, Subdivision 2; 245.87; 252.26; 252.27, Subdivisions 1, 2 and 3; 256E.06, Subdivision 11; 256E.07, Subdivision 1; 256E.08, Subdivision 9; and 261.27.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Simoneau, Rice, Stadum, Begich and Lehto introduced:

H. F. No. 4, A bill for an act relating to workers' compensation; defining family farm corporation; reenacting Laws 1980, Chapter 556; amending Minnesota Statutes 1980, Section 176.011, Subdivision 11a.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Heinitz, Norton, Lemen, Sviggum and Kaley introduced:

H. F. No. 5, A bill for an act relating to retirement; apportionment of state aid to firefighter's relief associations; amending Minnesota Statutes 1980, Sections 69.011, Subdivision 1; and 69.021, Subdivisions 6 and 7.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Johnson, C.; Kalis; Friedrich and Jennings introduced:

H. F. No. 6, A bill for an act relating to commerce; prohibiting certain sales of gasoline for prices which are determined by certain factors other than actual gallonage received; proposing new law coded in Minnesota Statutes, Chapter 296.

The bill was read for the first time and referred to the Committee on Regulated Industries.

## MOTIONS AND RESOLUTIONS

Eken moved that the House and Senate meet in Joint Convention in the House chamber at 12:00 noon, Thursday, January 15, 1981, to hear an address by the Honorable Walter F. Mondale, Vice President of the United States; and that an invitation be extended to the Senate immediately on behalf of the House by the Chief Clerk. The motion prevailed.

## ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, January 12, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, January 12, 1981.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**

## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION — 1981

## FOURTH DAY

SAINT PAUL, MINNESOTA, MONDAY, JANUARY 12, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Reverend George Pease, Emmanuel Baptist Church, Brooklyn Park, Minnesota.

## OATH OF OFFICE

Connie M. Levi of District 50A presented proof of her eligibility to be sworn and seated as a member of the House of Representatives. The member-elect subscribed to the oath of office as administered to her by Harry A. Sieben, Jr., Speaker of the House.

The roll was called and the following members were present:

Aasness	Esau	Kelly	O'Connor	Sherwood
Ainley	Evans	Knickerbocker	Ogren	Sieben, M.
Anderson, B.	Ewald	Kostohryz	Olsen	Simoneau
Anderson, G.	Fjoslien	Kvam	Onnen	Skoglund
Anderson, I.	Friedrich	Laidig	Osthoff	Stadum
Anderson, R.	Greenfield	Lehto	Otis	Staten
Battaglia	Gruenes	Lemen	Peterson, B.	Stowell
Begich	Gustafson	Levi	Peterson, D.	Stumpf
Berkelman	Halberg	Long	Piepho	Swiggum
Blatz	Hanson	Ludeman	Pogemiller	Swanson
Brandl	Harens	Luknic	Redalen	Tomlinson
Brinkman	Hauge	Mann	Reding	Valan
Byrne	Haukoos	Marsh	Rees	Valento
Carlson, D.	Heap	McCarron	Reif	Vanasek
Carlson, L.	Heinitz	McDonald	Rice	Vellenga
Clark, J.	Himle	McEachern	Rodriguez, C.	Voss
Clark, K.	Hoberg	Mehrkens	Rodriguez, F.	Weaver
Clawson	Hokanson	Metzen	Rose	Welch
Dahlvang	Hokr	Minne	Rothenberg	Welker
Dean	Jacobs	Munger	Samuelson	Wenzel
Dempsey	Jennings	Murphy	Sarna	Wieser
Den Ouden	Johnson, C.	Nelsen, B.	Schafer	Wigley
Drew	Johnson, D.	Nelson, K.	Schoenfeld	Zubay
Eken	Jude	Niehaus	Schreiber	Spkr. Sieben, H.
EHoff	Kahn	Norton	Searles	
Ellingson	Kaley	Novak	Shea	
Erickson	Kalis	Nysether	Sherman	

A quorum was present.

Forsythe and Wynia were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Novak moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

### INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Jacobs; Anderson, I.; Osthoff; McCarron and Knickerbocker introduced:

H. F. No. 7, A bill for an act relating to elections; providing for apportionment of congressional districts; stating policy.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Jacobs; Anderson, I.; Osthoff; McCarron and Knickerbocker introduced:

H. F. No. 8, A bill for an act relating to the legislature; providing for apportionment of legislative districts; stating policy.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Jude, Rothenberg, Osthoff, Himle and Wenzel introduced:

H. F. No. 9, A bill for an act relating to elections; providing for a presidential primary election; regulating the selection of convention delegates; proposing new law coded as Minnesota Statutes, Chapter 207A.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Skoglund introduced :

H. F. No. 10, A bill for an act relating to public safety; requiring certain insurance companies to offer child restraint systems to insureds; requiring the use of child passenger restraint systems for certain children under the age of two years; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapters 65B and 169.

The bill was read for the first time and referred to the Committee on Transportation.

Anderson, B.; Welch; Clawson; Anderson, G., and Hauge introduced :

H. F. No. 11, A bill for an act relating to education; providing for a final adjustment payment of school aids to school districts for fiscal year 1981; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

Otis; Jacobs; Sieben, M.; Drew and Fjoslien introduced :

H. F. No. 12, A bill for an act relating to public utilities; repealing authority for rate increases pending final commission approval; repealing Minnesota Statutes 1980, Sections 216B.16, Subdivision 3; and 237.075, Subdivision 3.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Anderson, I.; Stumpf; Battaglia and Nysether introduced :

H. F. No. 13, A bill for an act relating to criminal procedure; providing officers of the United States customs service and the immigration and naturalization service with the arrest powers of peace officers; amending Minnesota Statutes 1980, Sections 629.30; and 629.34.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Mehrkens, Jude, Clawson, Welch and Sviggum introduced :

H. F. No. 14, A bill for an act relating to agriculture; requiring notice of real estate improvement liens to be given to certain farmers; amending Minnesota Statutes 1980, Section 514.011, Subdivision 4.

The bill was read for the first time and referred to the Committee on Agriculture.

Jacobs; Anderson, I.; Osthoff; Evans and Luknic introduced:

H. F. No. 15, A bill for an act relating to taxation; income tax; excise tax; altering the rate of tax on corporations; amending Minnesota Statutes 1980, Sections 290.06, Subdivision 1; and 290.361, Subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

Anderson, I.; Peterson, D.; Murphy; Schoenfeld and McEachern introduced:

H. F. No. 16, A bill for an act relating to taxation; income tax; providing a credit to certain employed students; amending Minnesota Statutes 1980, Section 290.06, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Osthoff introduced:

H. F. No. 17, A bill for an act relating to retirement; specifying eligibility for early retirement health and welfare insurance coverage for certain employees of the city of St. Paul.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Anderson, I.; Sarna; Osthoff; Dahlvang and Rodriguez, F., introduced:

H. F. No. 18, A bill for an act relating to labor; defining a professional strikebreaker to include certain salaried employees; amending Minnesota Statutes 1980, Section 179.01, Subdivision 16.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Simoneau, Lehto, Stowell, Skoglund and Peterson, D., introduced:

H. F. No. 19, A bill for an act relating to cemeteries; requiring the maintenance of certain abandoned cemeteries; amending Minnesota Statutes 1980, Section 306.243, Subdivision 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Osthoff, Swanson, Reif, Samuelson and Rose introduced:

H. F. No. 20, A bill for an act relating to health; establishing a state advisory council on epilepsy; appropriating money.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Jude; Ellingson; Peterson, B.; Hokanson and Forsythe introduced:

H. F. No. 21, A bill for an act relating to courts; providing for an additional probate judge for Hennepin county; amending Minnesota Statutes 1980, Section 525.04.

The bill was read for the first time and referred to the Committee on Judiciary.

Berkelman, Schreiber, Wynia and Friedrich introduced:

H. F. No. 22, A bill for an act relating to commerce; limiting projects for municipal industrial development; repealing Minnesota Statutes 1980, Section 474.02, Subdivisions 1a and 1b.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Wigley; Johnson, C.; Haukoos; Schoenfeld and Kalis introduced:

H. F. No. 23, A bill for an act relating to the city of Madison Lake; authorizing the issuance of general obligation bonds for a municipal center.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Heinitz, Swanson, Blatz, Schreiber and Forsythe introduced:

H. F. No. 24, A bill for an act relating to public welfare; removing the presumption of eligibility from the general assistance program; amending Minnesota Statutes 1980, Section 256D.07.

The bill was read for the first time and referred to the Committee on Health and Welfare.



Ellingson introduced:

H. F. No. 25, A bill for an act relating to courts; changing the compensation of Hennepin County conciliation court referees; amending Minnesota Statutes 1980, Section 488A.13, Subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Ellingson introduced:

H. F. No. 26, A bill for an act relating to crimes; eliminating the power of a sentencing court to stay the revocation of the driver's license of a person convicted of driving, operating or being in physical control of a motor vehicle while under the influence of alcohol or controlled substances or a combination thereof; amending Minnesota Statutes 1980, Sections 169.121, Subdivision 5; and 609.135, Subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Blatz; Tomlinson; Johnson, C.; Olsen and McEachern introduced:

H. F. No. 27, A bill for an act relating to education; modifying and clarifying certain provisions governing a discretionary levy; amending Minnesota Statutes 1980, Section 275.125, Subdivision 7a.

The bill was read for the first time and referred to the Committee on Education.

Redalen; Anderson, B.; Nysether; Hauge and Stumpf introduced:

H. F. No. 28, A bill for an act relating to agriculture; prohibiting pension funds from acquiring certain farm land; amending Minnesota Statutes 1980, Section 500.24, Subdivisions 3, 4 and 5.

The bill was read for the first time and referred to the Committee on Agriculture.

Berkelman, Blatz, Heinitz, Swanson and Clark, J., introduced:

H. F. No. 29, A bill for an act relating to hospitals; requiring adoption of federal medicare standards for hospital licensing; regulating hospital inspections; providing for licensing of hospitals accredited by the joint commission on hospital accreditation; amending Minnesota Statutes 1980, Sections 144.50, Subdivision 1; and 144.55.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Kalis introduced:

H. F. No. 30, A bill for an act relating to Independent School District No. 219, Elmore; requiring revision of its certified statutory operating debt.

The bill was read for the first time and referred to the Committee on Education.

Kalis, Schoenfeld, Mann and Johnson, D., introduced:

H. F. No. 31, A bill for an act relating to appropriations; appropriating funds for swine disease research at the University of Minnesota.

The bill was read for the first time and referred to the Committee on Appropriations.

Heinitz, Searles, Berkelman and Blatz introduced:

H. F. No. 32, A bill for an act relating to the legislature; reducing appropriations to the legislature for the 1981 fiscal year by ten percent.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Olsen; Hoberg; Weaver; Johnson, D., and Knickerbocker introduced:

H. F. No. 33, A bill for an act relating to education; restoring school aids withheld in fiscal year 1981; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

## HOUSE ADVISORIES

The following House Advisory was introduced:

Osthoff introduced:

H. A. No. 1, A proposal to economize in government.

The advisory was referred to the Committee on Governmental Operations.

## MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I have the honor to inform the House that the Senate is ready to meet with the House in Joint Convention at 12 noon, Thursday, January 15, 1981, to receive the address of the Honorable Walter F. Mondale, Vice President of the United States.

PATRICK E. FLAHAVEN, Secretary of the Senate

## MOTIONS AND RESOLUTIONS

Simoneau moved that the name of Rice be stricken and the name of Mehrkens be added as an author on H. F. No. 4. The motion prevailed.

Anderson, I., moved that the name of Osthoff be stricken and the name of Murphy be added as an author on H. F. No. 18. The motion prevailed.

Olsen, Munger, Mann and Erickson introduced:

House Resolution No. 1, A house resolution eulogizing Ernie R. Jacobsen for the exemplary nature of his life and work.

## SUSPENSION OF RULES

Olsen moved that the Rules be so far suspended that House Resolution No. 1 be now considered and be placed upon its adoption. The motion prevailed.

## HOUSE RESOLUTION NO. 1

A house resolution eulogizing Ernie R. Jacobsen for the exemplary nature of his life and work.

*Whereas*, Ernie R. Jacobsen was born on September 2, 1905, in Denmark and was educated there; and,

*Whereas*, Ernie R. Jacobsen was a resident and businessman in Hennepin County since 1932; and,

*Whereas*, Ernie R. Jacobsen was the past president of the St. Louis Park Lion's Club and the Lutheran Brotherhood Wooddale Church, and was a Mason and a Shriner; and,

*Whereas*, he served as a state representative from north Hennepin County from 1963 to 1966; and,

*Whereas*, he recently died at the age of 75 years; *Now, Therefore*,

*Be It Resolved* by the House of Representatives of the State of Minnesota that its members are saddened at the news of Ernie Jacobsen's passing and its condolences are extended to his wife, Cecilia, and his entire family.

*Be It Further Resolved* that the Chief Clerk is directed to prepare an enrolled copy of this resolution and present it to the family of Ernie R. Jacobsen with the deepest sympathy of the members and staff of the House.

Olsen moved that House Resolution No. 1 be now adopted. The motion prevailed and the resolution was adopted.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 11:30 a.m., Thursday, January 15, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:30 a.m., Thursday, January 15, 1981.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**



## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION — 1981

## FIFTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, JANUARY 15, 1981

The House of Representatives convened at 11:30 a.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Dr. John Maxwell Adams, Chaplain Emeritus, Macalester College, St. Paul, Minnesota.

The roll was called and the following members were present:

Aasness	Elioff	Kahn	Ogren	Sieben, M.
Ainley	Ellingson	Kaley	Onnen	Simoneau
Anderson, B.	Erickson	Kalis	Osthoff	Skoglund
Anderson, G.	Esau	Knickerbocker	Otis	Stadum
Anderson, I.	Ewald	Kostohryz	Peterson, B.	Stowell
Anderson, R.	Fjoslien	Laidig	Peterson, D.	Stumpf
Battaglia	Forsythe	Long	Piepho	Sviggum
Begich	Friedrich	Ludeman	Pogemiller	Swanson
Berkelman	Greenfield	Luknic	Redalen	Tomlinson
Blatz	Gruenes	Mann	Reding	Valan
Brandl	Halberg	Marsh	Rees	Valento
Brinkman	Hanson	McCarron	Reif	Vanasek
Byrne	Harens	McDonald	Rodriguez, C.	Vellenga
Carlson, D.	Hauge	McEachern	Rodriguez, F.	Voss
Carlson, L.	Haukoos	Metzen	Rothenberg	Weaver
Clark, J.	Heap	Minne	Samuelson	Welch
Clark, K.	Himle	Munger	Sarna	Welker
Clawson	Hoberg	Murphy	Schafer	Wenzel
Dahlvang	Hokanson	Nelsen, B.	Schoenfeld	Wieser
Dean	Hokr	Nelson, K.	Schreiber	Wigley
Dempsey	Jacobs	Niehaus	Searles	Wynia
Den Ouden	Jennings	Norton	Shea	Zubay
Drew	Johnson, C.	Novak	Sherman	Spkr. Sieben, H.
Eken	Jude	Nysether	Sherwood	

A quorum was present.

Evans; Gustafson; Heinitz; Johnson, D.; Kelly; Kvam; Lehto; Lemen; Levi; Mehrkens; O'Connor; Olsen; Rice; Rose and Staten were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Peterson, B., moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF STANDING COMMITTEES

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 4, A bill for an act relating to workers' compensation; defining family farm corporation; reenacting Laws 1980, Chapter 556; amending Minnesota Statutes 1980, Section 176.011, Subdivision 11a.

Reported the same back with the following amendments:

Page 1, line 17, delete "\$6,000" and insert "\$7,000"

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. No. 4 was read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Jude, Voss, Zubay, Gruenes and McEachern introduced:

H. F. No. 34, A bill for an act proposing an amendment to the Minnesota Constitution, Article XIII, Section 3; allowing the status of the University of Minnesota to be provided by law.

The bill was read for the first time and referred to the Committee on Judiciary.

Samuelson; McCarron; Anderson, I.; Knickerbocker and Sherwood introduced:

H. F. No. 35, A resolution memorializing Congress to enact legislation relating to the early release of election returns.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Rees, Munger, Drew, Vanasek and Schreiber introduced:

H. F. No. 36, A bill for an act relating to waters; providing for notice of hearings on certain watershed improvements; amending Minnesota Statutes 1980, Section 112.53.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Swanson, Wenzel, Gruenes, Niehaus and Osthoff introduced:

H. F. No. 37, A bill for an act relating to health; providing health maintenance organizations the option to include or exclude elective, induced abortions; amending Minnesota Statutes 1980, Section 62D.02, Subdivision 7.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Vanasek and Sviggum introduced:

H. F. No. 38, A bill for an act relating to local government; permitting the city of Northfield to make payments to the town of Waterford as a condition of an annexation.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Forsythe, Nysether, Tomlinson, Mann and Den Ouden introduced:

H. F. No. 39, A bill for an act relating to education; establishing a procedure for transferring certain territory from one school district to another; permitting a district from which territory was transferred to enroll certain students from the transferred territory under certain conditions; proposing new law coded in Minnesota Statutes, Chapter 122.

The bill was read for the first time and referred to the Committee on Education.

Begich introduced:

H. F. No. 40, A bill for an act relating to state lands; authorizing the conveyance of certain lands in St. Louis County.

The bill was read for the first time and referred to the Committee on Governmental Operations.



Begich, Battaglia, Elioff, Minne and Anderson, I., introduced:

H. F. No. 41, A bill for an act relating to public utilities; repealing authority of a public utility or telephone company to impose increased rates pending a final determination by the public utilities commission; repealing Minnesota Statutes 1980, Sections 216B.16, Subdivision 3; and 237.075, Subdivision 3.

The bill was read for the first time and referred to the Committee on Regulated Industries.

McEachern, Welch, Munger, Battaglia and Fjoslien introduced:

H. F. No. 42, A bill for an act relating to game and fish; validating fee receipts in instances where deer licenses are unavailable; amending Minnesota Statutes 1980, Section 98.45, Subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Simoneau; Fjoslien; Berkelman; Peterson, B., and McCarron introduced:

H. F. No. 43, A bill for an act relating to drivers' licenses; directing the commissioner of public safety to promulgate rules related to denying, restricting, and cancelling licenses based on mental and physical disabilities; authorizing a medical advisory committee; amending Minnesota Statutes 1980, Sections 171.04; 171.09; and 171.14.

The bill was read for the first time and referred to the Committee on Transportation.

Simoneau; Fjoslien; Berkelman; Peterson, B., and McCarron introduced:

H. F. No. 44, A bill for an act relating to health; repealing a certain administrative rule of the department of health prohibiting double beds in nursing homes and boarding care homes.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Simoneau; Fjoslien; Berkelman; Peterson, B., and McCarron introduced:

H. F. No. 45, A bill for an act relating to health; repealing a certain administrative rule of the department of health prohibiting the use of locks on patient room doors in nursing homes.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Simoneau introduced:

H. F. No. 46, A bill for an act relating to workers' compensation; requiring notification to employers of rate increases; providing a penalty; proposing new law coded in Minnesota Statutes, Chapter 79.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Schreiber, Voss, Berkelman, Valento and Levi introduced:

H. F. No. 47, A bill for an act relating to local improvements; permitting issuance of refunding temporary improvement bonds; amending Minnesota Statutes 1980, Section 429.091, Subdivision 3.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Simoneau introduced:

H. F. No. 48, A bill for an act relating to elections; fair campaign practices; providing a penalty for denial of access to certain dwellings; amending Minnesota Statutes 1980, Section 210A.43, Subdivision 4.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Olsen and Sarna introduced:

H. F. No. 49, A bill for an act relating to retirement; authorizing repayment of employee contributions to the Minneapolis Municipal Employees Retirement Fund by a certain former member.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Osthoff; Peterson, D.; Samuelson; Minne and Jennings introduced:

H. F. No. 50, A bill for an act relating to elections; providing for preparation of consolidated primary election ballots by counties at state expense; appropriating money; amending Minnesota Statutes 1980, Section 203A.23, Subdivision 1.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Osthoff, Wenzel, Hanson, Evans and Onnen introduced:

H. F. No. 51, A bill for an act relating to taxation; restricting the allowance of abortion expenses as a medical deduction for income tax purposes; amending Minnesota Statutes 1980, Section 290.09, Subdivision 10.

The bill was read for the first time and referred to the Committee on Taxes.

Lehto, Begich and Gustafson introduced:

H. F. No. 52, A bill for an act relating to courts; changing the procedure whereby a judicial district administrator is appointed; amending Minnesota Statutes 1980, Section 484.68, Subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Lehto, Vanasek, Zubay and Kaley introduced:

H. F. No. 53, A bill for an act relating to the prevention of crime; private security; providing for the registration and training of security guards; setting forth criteria for the use of deadly force by security guards; prescribing penalties; amending Minnesota Statutes 1980, Sections 326.32, by adding a subdivision; 326.33, Subdivision 1; 326.331; 326.332, Subdivision 1; 326.333; 326.336, by adding subdivisions; 326.338, Subdivision 2; and proposing new law coded in Minnesota Statutes, Chapter 326.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Kaley; Johnson, C.; Brinkman; Norton and Zubay introduced:

H. F. No. 54, A bill for an act relating to meetings of public bodies; allowing public employers to determine negotiation strategy at a nonpublic meeting; amending Minnesota Statutes 1980, Section 471.705, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Stowell; Peterson, B.; Wenzel and Wieser introduced:

H. F. No. 55, A bill for an act relating to outdoor recreation; authorizing establishment of state trails within wildlife management areas; amending Minnesota Statutes 1980, Section 86A.08, Subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Lehto, Kvam, Skoglund, Vanasek and Blatz introduced:

H. F. No. 56, A bill for an act relating to taxation; real property; extending the homestead credit to certain noncontiguous property; amending Minnesota Statutes 1980, Sections 273.13, Subdivision 7; and 290A.03, Subdivision 6.

The bill was read for the first time and referred to the Committee on Taxes.

Ludeman introduced:

H. F. No. 57, A bill for an act relating to real estate; directing a conveyance of the states right, title and interest in certain lands to Independent School District No. 417 of Tracy, Minnesota.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Jude introduced:

H. F. No. 58, A bill for an act relating to taxation; modifying the notification procedure prior to forfeiture of real property in certain cases; amending Minnesota Statutes 1980, Sections 279.37, Subdivision 6; and 281.13.

The bill was read for the first time and referred to the Committee on Taxes.

Ellingson and Jude introduced:

H. F. No. 59, A bill for an act relating to the recording of decrees and certificates in bankruptcy proceedings; providing for the admissibility of certificates as evidence; amending Minnesota Statutes 1980, Section 386.45.

The bill was read for the first time and referred to the Committee on Judiciary.

Luknic, Hoberg and Schoenfeld introduced:

H. F. No. 60, A bill for an act relating to retirement; increasing the minimum period of service required to qualify for a legislator retirement allowance; amending Minnesota Statutes 1980, Section 3A.02, Subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Luknic, Vanasek, Levi and Lehto introduced:

H. F. No. 61, A bill for an act relating to crimes; prohibiting the furnishing of tobacco related devices to minors; prohibiting minors from using tobacco related devices; prescribing penalties; amending Minnesota Statutes 1980, Section 609.685.

The bill was read for the first time and referred to the Committee on Judiciary.

Piepho; Johnson, C.; Wigley and Voss introduced:

H. F. No. 62, A bill for an act relating to elections; providing for elections to fill vacancies on county boards; amending Minnesota Statutes 1980, Section 375.101.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Wenzel, Jude, Niehaus, Sviggum and Elioff introduced:

H. F. No. 63, A bill for an act relating to health maintenance organizations; declaring legislative intent and public policy favoring childbirth over abortion; eliminating any requirements that health maintenance organizations provide elective, induced abortions; requiring the organizations to notify enrollees if elective, induced abortions are added to or eliminated from coverage; amending Minnesota Statutes 1980, Sections 62D.01, by adding a subdivision; 62D.02, Subdivision 7; 62D.07, Subdivision 4; 62D.20; and 62D.22, Subdivision 5.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Rees introduced:

H. F. No. 64, A bill for an act relating to waste disposal; declaring unsuitability of a certain site for sewage sludge disposal.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Niehaus; Wenzel; Erickson; Johnson, D., and Brinkman introduced:

H. F. No. 65, A bill for an act relating to insurance; requiring insurers to notify the commissioner of public safety if an insured fails to renew or cancels a required plan of reparation security; amending Minnesota Statutes 1980, Section 65B.69.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Nelsen, B.; Wenzel and Carlson, D., introduced:

H. F. No. 66, A bill for an act relating to agriculture; changing Todd County from area one to area four for the purposes of potato promotion; amending Minnesota Statutes 1980, Section 30.464, Subdivision 1.

The bill was read for the first time and referred to the Committee on Agriculture.

Luknic introduced:

H. F. No. 67, A bill for an act relating to education; providing mobility incentives for teachers at the school for the deaf and at the braille and sight-saving school; amending Minnesota Statutes 1980, Section 354.094, Subdivisions 1, 3, 5 and 6; proposing new law coded in Minnesota Statutes, Chapters 128A and 354.

The bill was read for the first time and referred to the Committee on Education.

Skoglund, Brandl and Lehto introduced:

H. F. No. 68, A bill for an act relating to the environment; requiring the pollution control agency to establish a system of airport installation noise permits; proposing new law coded in Minnesota Statutes, Chapter 116.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Brinkman; Heinitz; Anderson, B., and Kaley introduced:

H. F. No. 69, A bill for an act relating to workers' compensation; providing for commencement of payment for permanent partial disability upon the employee's return to work; allowing insurers to adjust compensation amounts to the nearest dollar; providing for a new minimum compensation for temporary total disability; empowering the commissioner of labor and industry to enter agreements; regulating notices of discontinuance; regulating payment disputes; providing for a new maximum compensation for permanent partial disability; providing for a waiting period before annual adjustments in benefits are made; providing for apportionment of compensation when a permanent disability involves a prior injury; setting a maximum death benefit; removing the conclusive presumption that certain diseases are occupational diseases for employees of fire and police departments, the Minnesota highway patrol, department of natural resources, state crime bureau and sheriffs' departments; providing for a statute of limitations for certain actions;

prohibiting employees of the department of labor and industry from representing workers; requiring the commissioner of labor and industry to establish a schedule of degrees of disability; amending Minnesota Statutes 1980, Sections 176.011, Subdivision 15; 176.021, Subdivision 3, and by adding a subdivision; 176.041, by adding a subdivision; 176.101, Subdivisions 1 and 3; 176.105, Subdivision 1; 176.111, by adding a subdivision; 176.131, Subdivision 1; 176.151; 176.191, Subdivision 3; 176.241, Subdivisions 1, 2, and 3; 176.261; and 176.645.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

#### HOUSE ADVISORIES

The following House Advisory was introduced:

Lehto, Vanasek and Norton introduced:

H. A. No. 2, A proposal for Criminal Justice/Governmental Operations to jointly evaluate potential for Department of Justice.

The advisory was referred to the Committee on Governmental Operations.

#### REPORTS FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Eken for the Committee on Rules and Legislative Administration offered the following report and moved its adoption:

*Be It Resolved*, by the Committee on Rules and Legislative Administration, that each member of the House of Representatives is eligible to receive 3,000 first-class postage stamps for immediate use and an additional 1,400 first-class postage stamps upon convening of the House in 1982.

The question was taken on the adoption of the resolution and the roll was called. There were 88 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Clawson	Greenfield	Johnson, C.	McEachern
Ainley	Dahlvang	Halberg	Jude	Metzen
Anderson, B.	Dean	Harens	Kaley	Minne
Anderson, I.	Dempsey	Hauge	Kalis	Munger
Battaglia	Den Ouden	Haukoos	Kostohryz	Murphy
Berkelman	Drew	Heap	Laidig	Nelsen, B.
Brandl	Eken	Himle	Ludeman	Norton
Brinkman	Elioff	Hoberg	Luknic	Novak
Byrne	Ellingson	Hokanson	Mann	Nysether
Carlson, D.	Forsythe	Jacobs	Marsh	Ogren
Carlson, L.	Friedrich	Jennings	McCarron	Onnen

Osthoff	Rodriguez, C.	Searles	Sviggum	Welch
Peterson, B.	Rodriguez, F.	Shea	Swanson	Welker
Peterson, D.	Rothenberg	Sherman	Valan	Wenzel
Pogemiller	Samuelson	Sieben, M.	Valento	Wigley
Redalen	Sarna	Simoneau	Vanasek	Spkr. Sieben, H.
Reding	Schafer	Skoglund	Vellenga	
Rees	Schoenfeld	Stadum	Weaver	

The motion prevailed and the resolution was adopted.

Eken for the Committee on Rules and Legislative Administration offered the following report and moved its adoption:

*Be It Resolved*, by the Committee on Rules and Legislative Administration, that each member of the House of Representatives shall be furnished up to 3,500 letter-size letterheads and 3,500 envelopes; up to 1,000 note-size letterheads and 1,000 envelopes shall be furnished upon request by the member; however, if any member desires, he/she may elect to receive an additional 1,000 8 1/2 by 11 letterheads and matching envelopes or 250 5 1/2 x 4 1/4 note cards and matching envelopes in lieu of the note-size stationery and envelopes; and

*Be It Further Resolved*, that the Speaker, the Majority Leader, the Minority Leader, and the chairman of each standing committee and division shall be furnished an additional 1,000 letterheads and 1,000 envelopes, upon request, and shall be authorized to send items of mail necessitated by their official positions for posting by the Chief Clerk, the cost of which shall not be included in the postage allowance provided in the January 13, 1981 Postage Resolution; and

*Be It Further Resolved*, that at the time of contracting for such stationery, the Chief Clerk, under the direction of the Committee on Rules and Legislative Administration, shall allow any member to order further amounts of letterheads and envelopes as the said member may desire provided said member shall pay the printer directly for such additional printing; however, subsequent to the original order, any additional letterheads and envelopes shall be ordered by the member directly from the printer and at the member's expense.

The question was taken on the adoption of the resolution and the roll was called. There were 102 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Blatz	Dahlvang	Esau	Himle
Ainley	Brandl	Dean	Forsythe	Hoberg
Anderson, B.	Brinkman	Dempsey	Friedrich	Hokanson
Anderson, G.	Byrne	Den Ouden	Halberg	Jacobs
Anderson, I.	Carlson, D.	Drew	Hanson	Jennings
Anderson, R.	Carlson, L.	Eken	Harens	Johnson, C.
Battaglia	Clark, J.	Elioff	Hauge	Jude
Begich	Clark, K.	Ellingson	Haukoos	Kahn
Berkelman	Clawson	Erickson	Heap	Kaley



Kalis	Murphy	Pogemiller	Searles	Vellenga
Kostohryz	Nelson, K.	Redalen	Shea	Voss
Long	Norton	Reding	Sherman	Weaver
Ludeman	Novak	Rees	Sieben, M.	Welch
Luknic	Nysether	Reif	Simoneau	Welker
Mann	Ogren	Rodriguez, C.	Skoglund	Wenzel
Marsh	Onnen	Rodriguez, F.	Stadum	Wigley
McCarron	Osthoff	Rothenberg	Sviggum	Zubay
McEachern	Otis	Samuelson	Swanson	Spkr. Sieben, H.
Metzen	Peterson, B.	Sarna	Valan	
Minne	Peterson, D.	Schafer	Valento	
Munger	Piepho	Schoenfeld	Vanasek	

The motion prevailed and the resolution was adopted.

Eken for the Committee on Rules and Legislative Administration offered the following report and moved its adoption:

*Be It Resolved*, by the Committee on Rules and Legislative Administration, that the Chief Clerk is authorized and directed to make payment for long distance telephone expenses incurred by each member of the House of Representatives in the amount of \$600.00 per year. Any unused amounts allotted for the first year of the biennium may be carried over and credited to the amount allotted in the second year of the biennium. Such payment shall be made directly to the billing telephone company and shall be made only upon the presentation to the Chief Clerk, by the member, the bill issued by such company on the credit account established for such member in his capacity as a state representative.

The question was taken on the adoption of the resolution and the roll was called. There were 103 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Jude	Nysether	Sherman
Ainley	Elioff	Kahn	Ogren	Sieben, M.
Anderson, B.	Ellingson	Kaley	Onnen	Simoneau
Anderson, G.	Erickson	Kalis	Osthoff	Skoglund
Anderson, I.	Esau	Knickerbocker	Otis	Stadum
Anderson, R.	Ewald	Kostohryz	Peterson, B.	Sviggum
Battaglia	Forsythe	Laidig	Peterson, D.	Swanson
Begich	Friedrich	Ludeman	Piepho	Valan
Berkelman	Greenfield	Luknic	Pogemiller	Valento
Brandl	Halberg	Mann	Redalen	Vanasek
Brinkman	Hanson	Marsh	Reding	Vellenga
Carlson, D.	Hauge	McCarron	Reif	Voss
Carlson, L.	Haukoos	McEachern	Rodriguez, C.	Weaver
Clark, J.	Heap	Metzen	Rodriguez, F.	Welch
Clark, K.	Himle	Minne	Rothenberg	Welker
Clawson	Hoberg	Munger	Samuelson	Wenzel
Dahlvang	Hokanson	Murphy	Sarna	Wieser
Dean	Hokr	Nelsen, B.	Schafer	Wigley
Dempsey	Jacobs	Nelson, K.	Schoenfeld	Spkr. Sieben, H.
Den Ouden	Jennings	Norton	Schreiber	
Drew	Johnson, C.	Novak	Shea	

The motion prevailed and the resolution was adopted.

Eken for the Committee on Rules and Legislative Administration offered the following report and moved its adoption:

*Be It Resolved*, by the Committee on Rules and Legislative Administration, that those members and members-elect who attended the Freshman Orientation and Legislative Orientation Programs held in preparation for the 72nd Session shall be reimbursed in the same manner and in the same amounts as reimbursement was made to legislators who attended interim meetings of legislative committees during the 71st Legislative Session.

The question was taken on the adoption of the resolution and the roll was called. There were 113 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Jude	Novak	Shea
Ainley	Elioff	Kahn	Nysether	Sherman
Anderson, B.	Ellingson	Kaley	Ogren	Sieben, M.
Anderson, G.	Erickson	Kalis	Onnen	Simoneau
Anderson, I.	Esau	Knickerbocker	Osthoff	Skoglund
Anderson, R.	Ewald	Kostohryz	Otis	Stadum
Battaglia	Forsythe	Laidig	Peterson, B.	Sviggum
Begich	Friedrich	Long	Peterson, D.	Swanson
Berkelman	Greenfield	Ludeman	Piepho	Valan
Blatz	Gruenes	Luknic	Pogemiller	Valento
Brandl	Halberg	Mann	Redalen	Vanasek
Brinkman	Hanson	Marsh	Reding	Vellenga
Byrne	Harens	McCarron	Rees	Voss
Carlson, D.	Hauge	McDonald	Reif	Weaver
Carlson, L.	Haukoos	McEachern	Rodriguez, C.	Welch
Clark, J.	Heap	Metzen	Rodriguez, F.	Welker
Clark, K.	Himle	Minne	Rothenberg	Wenzel
Clawson	Hoberg	Munger	Samuelson	Wieser
Dahlvang	Hokanson	Murphy	Sarna	Wigley
Dean	Hokr	Nelsen, B.	Schafer	Zubay
Dempsey	Jacobs	Nelson, K.	Schoenfeld	Spkr. Sieben, H.
Den Ouden	Jennings	Niehaus	Schreiber	
Drew	Johnson, C.	Norton	Searles	

The motion prevailed and the resolution was adopted.

Eken for the Committee on Rules and Legislative Administration offered the following report and moved its adoption:

*Be It Resolved*, by the Committee on Rules and Legislative Administration, that a High School Page Program is established under the supervision of the Sergeant at Arms. High school pages shall be selected from each legislative district according to the procedure established by local school authorities. They shall serve as employees of the House for a period of two weeks and shall be compensated at a rate of \$15.00 per day. The compensation for high school pages that have moved from their usual place of residence shall be \$20.00 per day. The Sergeant at Arms shall report to the Committee on Rules and Legislative Administration the names of all high school pages for approval. The House of

Representatives assumes no responsibility for supervision of high school pages outside of normal working hours and the Sergeant at Arms shall so inform local school authorities and the parents or guardian of all high school pages.

The question was taken on the adoption of the resolution and the roll was called. There were 113 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Jude	Novak	Sherwood
Ainley	Elihoff	Kahn	Nysether	Sieben, M.
Anderson, B.	Ellingson	Kaley	Ogren	Simoneau
Anderson, G.	Erickson	Kalis	Onnen	Skoglund
Anderson, I.	Esau	Knickerbocker	Osthoff	Stadum
Anderson, R.	Ewald	Kostohryz	Otis	Sviggum
Battaglia	Forsythe	Laidig	Peterson, B.	Swanson
Begich	Friedrich	Long	Peterson, D.	Valan
Berkelman	Greenfield	Ludeman	Piepho	Valento
Blatz	Gruenes	Luknic	Pogemiller	Vanasek
Brandl	Halberg	Mann	Redalen	Vellenga
Brinkman	Hanson	Marsh	Reding	Voss
Byrne	Harens	McCarron	Reif	Weaver
Carlson, D.	Hauge	McDonald	Rodriguez, C.	Welch
Carlson, L.	Haukoos	McEachern	Rodriguez, F.	Welker
Clark, J.	Heap	Metzen	Rothenberg	Wenzel
Clark, K.	Himle	Minne	Samuelson	Wieser
Clawson	Hoberg	Munger	Sarna	Wigley
Dahlvang	Hokanson	Murphy	Schoenfeld	Wynia
Dean	Hokr	Nelsen, B.	Schreiber	Zubay
Dempsey	Jacobs	Nelson, K.	Searles	Spkr. Sieben, H.
Den Ouden	Jennings	Niehaus	Shea	
Drew	Johnson, C.	Norton	Sherman	

The motion prevailed and the resolution was adopted.

Eken for the Committee on Rules and Legislative Administration offered the following report and moved its adoption:

*Be It Resolved*, by the Committee on Rules and Legislative Administration, that the Chief Clerk is authorized and directed to make payment for actual mileage and meal expenses, incurred in the course of legislative work by non-paid, college enrolled interns working at least 16 hours per week for a member of the House of Representatives, in an amount not to exceed \$25.00 per week; provided that such payment shall be made only upon presentation to the Chief Clerk of a signed and verified statement by the member for whom such intern is working, on a form provided by the Chief Clerk, indicating the intern expenses incurred; provided that no member shall have more than one intern eligible for this reimbursement; and, be it

*Further Resolved*, that this resolution shall be effective retroactively to January 6, 1981.

The question was taken on the adoption of the resolution and the roll was called. There were 109 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Jude	Nysether	Shea
Ainley	Eken	Kahn	Ogren	Sherman
Anderson, B.	Elioff	Kaley	Onnen	Sherwood
Anderson, G.	Ellingson	Kalis	Osthoff	Simoneau
Anderson, I.	Erickson	Knickerbocker	Otis	Skoglund
Anderson, R.	Esau	Kostohryz	Peterson, B.	Stadum
Battaglia	Ewald	Laidig	Peterson, D.	Stumpf
Begich	Forsythe	Long	Piepho	Sviggum
Berkelman	Greenfield	Ludeman	Pogemiller	Swanson
Blatz	Halberg	Luknic	Redalen	Valan
Brandl	Hanson	Mann	Reding	Valento
Brinkman	Harens	Marsh	Rees	Vanasek
Byrne	Hauge	McCarron	Reif	Vellenga
Carlson, D.	Haukoos	McEachern	Rodriguez, C.	Voss
Carlson, L.	Heap	Metzen	Rodriguez, F.	Weaver
Clark, J.	Himle	Minne	Rothenberg	Welch
Clark, K.	Hoberg	Munger	Samuelson	Welker
Clawson	Hokanson	Murphy	Sarna	Wigley
Dahlvang	Hokr	Nelson, K.	Schafer	Wynia
Dean	Jacobs	Niehaus	Schoenfeld	Zubay
Dempsey	Jennings	Norton	Schreiber	Spkr. Sieben, H.
Den Ouden	Johnson, C.	Novak	Searles	

The motion prevailed and the resolution was adopted.

## MOTIONS AND RESOLUTIONS

Berkelman moved that the name of Voss be added as an author on H. F. No. 22. The motion prevailed.

Heintz moved that the name of Levi be added as an author on H. F. No. 32. The motion prevailed.

Luknic moved that the name of Mehrkens be added as an author on H. F. No. 61. The motion prevailed.

Norton; Staten; Nelson, K.; and Gustafson introduced:

House Resolution No. 2, A house resolution designating January 15 as Martin Luther King, Jr. Day.

## SUSPENSION OF RULES

Norton moved that the Rules be so far suspended that House Resolution No. 2 be now considered and the placed upon its adoption. The motion prevailed.

## HOUSE RESOLUTION NO. 2

A house resolution designating January 15 as Martin Luther King, Jr. Day.

*Whereas*, January 15 marks the birth of Martin Luther King, Jr.; and,

*Whereas*, the actions and efforts of Martin Luther King, Jr. have served as an inspiration to the citizens of the State of Minnesota; and,

*Whereas*, many citizens and community groups of the State of Minnesota wish to recognize the great achievements in human and civil rights accomplished in great part through the efforts of Martin Luther King, Jr.; *Now, Therefore*,

*Be It Resolved* by the Minnesota House of Representatives that the State of Minnesota recognizes the immense contributions of Martin Luther King, Jr. in creating a high quality of life for all citizens of this country regardless of race, creed, or color.

*Be It Further Resolved* that the Minnesota House of Representatives hereby designates January 15 as Martin Luther King, Jr. Day in the State of Minnesota.

Norton moved that House Resolution No. 2 be now adopted. The motion prevailed and the resolution was adopted.

Hoberg introduced:

House Resolution No. 3, A house resolution eulogizing Clarence Evenson for the exemplary nature of his life and work.

#### SUSPENSION OF RULES

Hoberg moved that the Rules be so far suspended that House Resolution No. 3 be now considered and be placed upon its adoption. The motion prevailed.

#### HOUSE RESOLUTION NO. 3

A house resolution eulogizing Clarence Evenson for the exemplary nature of his life and work.

*Whereas*, Clarence Evenson was born on January 17, 1890, in Moorhead and was educated there; and,

*Whereas*, Clarence Evenson owned and operated the Evenson Food Market in Moorhead for 51 years; and,

*Whereas*, Clarence Evenson was the past president of the Moorhead Chamber of Commerce, Mayor of Moorhead, Alderman for Moorhead, and was a member of the Moorhead City Charter Commission, and the Clay County Board; and,

*Whereas*, he served as a state representative from the Moorhead area from 1959 to 1963; and,

*Whereas*, he died on January 7, 1981 at the age of 90 years;  
*Now, Therefore*,

*Be It Resolved* by the House of Representatives of the State of Minnesota that its members are saddened at the news of Clarence Evenson's passing and its condolences are extended to his wife, and his entire family.

*Be It Further Resolved* that the Chief Clerk is directed to prepare an enrolled copy of this resolution and present it to the family of Clarence Evenson with the deepest sympathy of the members and staff of the House.

Hoberg moved that House Resolution No. 3 be now adopted. The motion prevailed and the resolution was adopted.

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, January 19, 1981. The motion prevailed.

Eken moved that the House recess subject to the call of the Chair for the purpose of meeting with the Senate in Joint Convention. The motion prevailed and the Speaker declared the House recessed.

#### RECESS

#### RECONVENED

The Speaker called the House to order at 11:45 a.m.

The Sergeant at Arms announced the arrival of the members of the Senate, and they were escorted to the seats reserved for them at the front of the Chamber.

#### JOINT CONVENTION

The Speaker of the House as President of the Joint Convention called the Joint Convention to order.

The roll being called, the following Senators answered to their names: Ashbach, Bang and Belanger.

Senator Moe, R. D., moved that further proceedings of the roll call be dispensed with. The motion prevailed, and a quorum was declared present.

The Sergeant at Arms announced the arrival of the Constitutional Officers of the State of Minnesota: Joan Anderson Growe, Secretary of State; and Jim Lord, State Treasurer. The Constitutional Officers were escorted to the seats reserved for them at the front of the Chamber.

The Sergeant at Arms announced the arrival of the Honorable Robert J. Sheran, Chief Justice of the Supreme Court, and the Associate Justices of the Supreme Court. They were escorted to the seats reserved for them at the front of the Chamber.

The Sergeant at Arms announced the arrival of the Honorable Albert H. Quie, Governor of the State of Minnesota, and his official party. The Governor was escorted to the seat reserved for him at the front of the Chamber.

The Sergeant at Arms announced the arrival of the Honorable Warren Spannaus, Attorney General of the State of Minnesota. The Attorney General was escorted to the seat reserved for him at the front of the Chamber.

The Sergeant at Arms announced the arrival of the Honorable Walter F. Mondale, Vice President of the United States. The Vice President was escorted to the rostrum.

Prayer was offered by Dr. John Maxwell Adams, Chaplain Emeritus, Macalester College, St. Paul, Minnesota.

**ADDRESS BY THE VICE PRESIDENT  
OF THE UNITED STATES**

The Honorable Walter F. Mondale, Vice President of the United States, was presented by the President of the Joint Convention. The Vice President addressed the members of the Joint Convention and their guests.

Following the address, Senator Moe, R. D., moved that the Joint Convention arise. The motion prevailed, and the President declared the Joint Convention adjourned.

**RECONVENED**

The House reconvened and was called to order by the Speaker.

**ADJOURNMENT**

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, January 19, 1981.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**

## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## SIXTH DAY

SAINT PAUL, MINNESOTA, MONDAY, JANUARY 19, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Dr. Joseph Simonson, former Pastor of Christ Lutheran Church, St. Paul, Minnesota.

The roll was called and the following members were present:

Aasness	Erickson	Kelly	Olsen	Sieben, M.
Ainley	Esau	Knickerbocker	Onnen	Simoneau
Anderson, B.	Evans	Kostohryz	Osthoff	Skoglund
Anderson, G.	Ewald	Kvam	Otis	Stadum
Anderson, I.	Friedrich	Laidig	Peterson, B.	Staten
Anderson, R.	Greenfield	Lehto	Peterson, D.	Stowell
Battaglia	Gruenes	Lemen	Piepho	Stumpf
Begich	Gustafson	Levi	Pogemiller	Sviggum
Berkelman	Halberg	Long	Redalen	Swanson
Blatz	Hanson	Ludeman	Reding	Tomlinson
Brandl	Hauge	Luknic	Rees	Valento
Brinkman	Haukoos	Mann	Reif	Vanasek
Byrne	Heap	Marsh	Rice	Vellenga
Carlson, D.	Heinitz	McDonald	Rodriguez, C.	Voss
Carlson, L.	Himle	McEachern	Rodriguez, F.	Weaver
Clark, J.	Hoberg	Mehrkens	Rose	Welch
Clark, K.	Hokanson	Metzen	Rothenberg	Welker
Clawson	Hokr	Minne	Samuelson	Wenzel
Dahlvang	Jacobs	Munger	Sarna	Wieser
Dean	Jennings	Murphy	Schafer	Wigley
Dempsey	Johnson, C.	Nelsen, B.	Schoenfeld	Wynia
Den Ouden	Johnson, D.	Nelson, K.	Schreiber	Zubay
Drew	Jude	Niehaus	Searles	Sprk. Sieben, H.
Eken	Kahn	Norton	Shea	
Elioff	Kaley	Novak	Sherman	
Ellingson	Kalis	Ogren	Sherwood	

A quorum was present.

Fjoslien, Forsythe, Harens, McCarron, O'Connor and Valan were excused. Nysether was excused until 2:50 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Stowell moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.



## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. No. 4 have been placed in the members' files.

## REPORTS OF STANDING COMMITTEES

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 1, A bill for an act relating to education; requiring payment in fiscal 1982 of school aids not paid in fiscal 1981 because of spending reductions approved by the governor.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [FULL PAYMENT OF SCHOOL AIDS.]

*Subdivision 1. [PAYMENT REQUIRED.] Notwithstanding the provisions of Minnesota Statutes 1980, Sections 16A.15 or 124.77, by August 1, 1981, the commissioner of finance shall draw warrants for any amounts appropriated to the commissioner of education, revenue or finance or to the department of education for state aids, payments, reimbursements or fund transfers to or on behalf of school districts, public library systems, educational cooperative service units, and regional management information centers, for the fiscal year ending June 30, 1981, which were withheld pursuant to Minnesota Statutes 1980, Sections 16A.15 and 124.77 because funds in the state treasury were insufficient.*

*Subd. 2. [PROHIBITION ON USE OF RECEIPTS.] Receipts from taxes or other sources credited to the general fund in the state treasury for fiscal year 1981 shall not be used to make the payments required by subdivision 1.*

*Subd. 3. [FULL PAYMENT.] Payments in full pursuant to this section shall constitute full satisfaction of the state's obligations under Minnesota Statutes 1980, Sections 124.77 and 124.78.*

*Subd. 4. [APPROPRIATION.] The amount necessary to make the payments required by subdivision 1 is appropriated from the general fund to the department of education for the fiscal year ending June 30, 1982. The payments required by subdivision 1 shall be considered a fiscal year 1982 liability for purposes of the state accounting system.*

Sec. 2. Minnesota Statutes 1980, Section 16A.15, Subdivision 1, is amended to read:

Subdivision 1. [REDUCTION.] In case the commissioner of finance shall discover at any time that the probable receipts from taxes or other sources for any appropriation, fund, or item will be less than was anticipated, and that consequently the amount available for the remainder of the term of the appropriation or for any allotment period will be less than the amount estimated or allotted therefor, he shall, with the approval of the governor, and after notice to the agency concerned, reduce the amount allotted or to be allotted so as to prevent a deficit. *Provided, however, no allotment pursuant to an appropriation for state aids, payments, reimbursements or fund transfers to or on behalf of school districts shall be reduced pursuant to this subdivision.* In like manner he shall request reduction of the amount allotted or to be allotted to any agency by the amount of any saving which can be effected upon previous spending plans through a reduction in prices or other cause.

Sec. 3. [REPEALER.]

*Minnesota Statutes 1980, Sections 124.77 and 124.78 are repealed."*

Delete the title in its entirety and insert:

"A bill for an act relating to education; restoring education aids withheld in fiscal year 1981; providing for full payment of school aids in future years; repealing certain provisions relating to pro rata payment of school aids and reimbursements and certificates for the unpaid amounts; appropriating money; amending Minnesota Statutes 1980, Section 16A.15, Subdivision 1; repealing Minnesota Statutes 1980, Sections 124.77 and 124.78."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

McEachern; Anderson, B.; Johnson, C.; Levi and Jennings introduced:

H. F. No. 70, A bill for an act relating to education; requiring school boards to hold public hearings for all mill rate increases in the discretionary levy; amending Minnesota Statutes 1980, Section 275.125, Subdivision 7a.

The bill was read for the first time and referred to the Committee on Education.

Minne, McCarron, Osthoff, Haukoos and Fjoslien introduced:

H. F. No. 71, A bill for an act relating to elections; revising, reorganizing and recodifying major portions of the Minnesota election law; modernizing and improving language, organization and style; clarifying certain ambiguities; removing certain obsolete terms and provisions; restating guidelines for determining voter eligibility; providing for voter registration, absentee voting, the conduct of elections and the counting and canvassing of election returns; defining terms; providing penalties; making necessary technical amendments, corrections and other revisions; amending Minnesota Statutes 1980, Sections 10A.01, Subdivision 12; 40.05, Subdivision 3; 123.32, Subdivision 7; 200.01; 200.02; 201.01; 201.021; 201.061; 201.071; 201.081; 201.091; 201.11; 201.12; 201.121; 201.13; 201.14; 201.15; 201.161; 201.171; 201.18; 201.211; 201.221; 201.27; 201.275; 202A.11; 202A.16, Subdivision 1; 205.01; 205.03; 205.11, Subdivision 4a; 205.13, Subdivision 1; 205.14, Subdivision 4; 205.15; 205.17, Subdivision 2; 205.20, Subdivisions 2 and 5; 206.026, Subdivision 5; 206.07, Subdivision 1; 206.185, Subdivisions 1 and 5; 206.20, Subdivision 2; 206.21, Subdivisions 1 and 2; 208.04, Subdivisions 1 and 2; 210A.07; 210A.26, Subdivision 4; 210A.28; 210A.34, Subdivision 4; 290.06, Subdivision 11; 290.21, Subdivision 3; 365.51; 365.52; 375.20; 382.28; and 487.03, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapters 200, 201, 205, and 210A; proposing new law coded as Minnesota Statutes, Chapters 203B, 204B, 204C, and 204D; repealing Minnesota Statutes 1980, Sections 201.231; 201.26; 201.33; 202A.21 to 202A.721; and 210.22; and Chapters 203A, 204A, and 207.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Laidig; Sieben, H.; Hanson and Skoglund introduced:

H. F. No. 72, A bill for an act relating to highway traffic regulations; requiring the use of child passenger restraint systems for certain children under the age of four years; prescribing penalties; amending Minnesota Statutes 1980, Section 169.685, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Niehaus, McCarron, Haukoos, Gruenes and Brinkman introduced:

H. F. No. 73, A bill for an act relating to towns; providing for certain notice requirements; amending Minnesota Statutes 1980, Section 365.12.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Niehaus, Kalis, Laidig, McEachern and Haukoos introduced:

H. F. No. 74, A bill for an act relating to towns; providing for separate election of town supervisors; amending Minnesota Statutes 1980, Section 367.33, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Battaglia, Murphy, Begich, Elioff and Minne introduced:

H. F. No. 75, A bill for an act relating to recreation; extending protection from liability for recreational use of land to the state, governmental units and nonprofit corporations; amending Minnesota Statutes 1980, Sections 87.01; and 87.021, Subdivision 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Rothenberg, Levi, Laidig, Marsh and Pogemiller introduced:

H. F. No. 76, A bill for an act relating to crimes; establishing a bill of rights for victims and witnesses of crime; providing a right to protection from harm and a right to bring an action against an employer if dismissed for court appearance purposes; establishing certain participatory, informational, notification and referral rights for victims and witnesses; encouraging counties to provide certain services, information, and notices to victims and witnesses; authorizing counties to assess a surcharge on fines to be used for providing victim and witness services; providing senior citizen court calendar preference; amending Minnesota Statutes 1980, Sections 244.10, Subdivision 1; 357.22; 546.07; 609.115, Subdivision 1; 630.36; proposing new law coded in Minnesota Statutes, Chapters 181; 241; 630; and 631.

The bill was read for the first time and referred to the Committee on Judiciary.

Rodriguez, C.; Forsythe; Peterson, D.; Otis and Sarna introduced:

H. F. No. 77, A bill for an act relating to mobile home parks; eliminating certain mobile home park reports made to the secretary of state; repealing Minnesota Statutes 1980, Section 327.29.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Jennings, Piepho, Ludeman, Haukoos and Welker introduced:

H. F. No. 78, A bill for an act relating to state government; requiring agency rules to be submitted to the legislative commission to review administrative rules before their final adoption; providing for legislative approval of rules; amending Minnesota Statutes 1980, Sections 3.965, Subdivision 2; 15.0412, Subdivision 4f, and by adding a subdivision; and 15.0413, Subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Pogemiller; Vanasek; Sieben, M., and Blatz introduced:

H. F. No. 79, A bill for an act relating to commerce; providing for the regulation and licensing of precious metal dealers; establishing identification procedures and recording requirements; prohibiting certain transactions; providing for criminal and civil penalties; providing remedies; amending Minnesota Statutes 1980, Section 609.53, Subdivision 4, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapter 325F.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Jennings introduced:

H. F. No. 80, A bill for an act relating to taxation; income tax; abolishing the non-game wildlife checkoff; repealing Minnesota Statutes 1980, Section 290.431.

The bill was read for the first time and referred to the Committee on Taxes.

Minne, Begich, Elioff, Battaglia and Anderson, I., introduced:

H. F. No. 81, A bill for an act relating to public lands; requiring approval of state land acquisitions by local authorities in certain counties; proposing new law coded in Minnesota Statutes, Chapter 15.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Stumpf introduced:

H. F. No. 82, A bill for an act relating to retirement; police survivor benefits in the city of Thief River Falls.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Battaglia, Murphy, Begich, Elioff and Minne introduced:

H. F. No. 83, A bill for an act relating to insurance; broadening the scope of mandated group accident and health coverage for ambulatory mental health services; amending Minnesota Statutes 1980, Section 62A.152.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Jennings introduced:

H. F. No. 84, A bill for an act relating to the city of St. James; authorizing the issuance of revenue bonds for the acquisition and betterment of an airport facility.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Sieben, M., introduced:

H. F. No. 85, A bill for an act relating to eminent domain; providing for the taking of possession and title by the petitioner under certain circumstances; providing that certain payments deposited with the court shall be paid out under direction of the court; amending Minnesota Statutes 1980, Section 117.042.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sieben, M., introduced:

H. F. No. 86, A bill for an act relating to probate; eliminating requirement of notice to representatives of foreign countries in certain formal testacy proceedings; amending Minnesota Statutes 1980, Section 524.3-403.

The bill was read for the first time and referred to the Committee on Judiciary.

Sieben, M., introduced:

H. F. No. 87, A bill for an act relating to commerce; expanding the definition of a "sale of goods" as it applies to consumer credit sales to include certain terminable bailments or leases; clarifying the interests of the respective parties; providing for a certain contract provision; amending Minnesota Statutes 1980, Sections 325G.15, Subdivision 5; and 325G.16, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Otis; Nelson, K., and Rothenberg introduced:

H. F. No. 88, A bill for an act relating to public utilities; factors in computing rate of return; amending Minnesota Statutes 1980, Section 216B.16, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Rose, Wenzel, Vanasek, Levi and Rothenberg introduced:

H. F. No. 89, A bill for an act relating to crimes; prescribing penalties for the possession of controlled substances on school premises; amending Minnesota Statutes 1980, Section 152.15, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Criminal Justice.

#### HOUSE ADVISORIES

The following House Advisory was introduced:

Brinkman, Wynia, Heinitz, Novak and Greenfield introduced:

H. A. No. 3, A proposal to study changes in insurance laws to combat arson for profit.

The advisory was referred to the Committee on Financial Institutions and Insurance.

### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

#### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. No. 4 which it recommended progress with the following amendment offered by Heinitz:

Page 2, after line 5, insert a section to read:

“Sec. 3. [REPEALER.]

*Laws 1980, Chapter 556, Sections 1 to 5, as reenacted by this act are repealed.”*

Page 2, line 9, after the period insert “*Section 3 is effective retroactively to April 13, 1980.*”

Renumber the sections accordingly.

Further, amend the title as follows:

Page 1, line 5, delete the period and insert “; repealing Laws 1980, Chapter 556, Sections 1, 2, 3, 4, and 5, as amended.”

On the motion of Eken the report of the Committee of the Whole was adopted.

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

Stadum moved to amend H. F. No. 4, as follows:

Page 1, delete lines 13 to 25

Page 2, delete lines 1 to 5

Page 2, line 8, delete “*Section 2 is*”



Page 2, delete line 9

Renumber the section accordingly

Further, amend the title as follows:

Page 1, line 2, delete "defining family"

Page 1, line 3, delete "farm corporation;"

Page 1, line 3, after "556" delete ";

Page 1, delete line 4

Page 1, line 5, delete "Subdivision 11a"

The question was taken on the adoption of the amendment and the roll was called. There were 61 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Aasness	Friedrich	Knickerbocker	Onnen	Stadum
Ainley	Gruenes	Kvam	Peterson, B.	Stowell
Anderson, R.	Halberg	Laidig	Piepho	Sviggum
Blatz	Haukoos	Lemen	Redalen	Valento
Carlson, D.	Heap	Levi	Rees	Weaver
Dean	Heinitz	Ludeman	Reif	Welker
Dempsey	Himle	Luknic	Rose	Wieser
Den Ouden	Hoberg	Marsh	Rothenberg	Wigley
Drew	Hokr	McDonald	Schafer	Zubay
Erickson	Jennings	Mehrkens	Schreiber	
Esau	Johnson, D.	Nelsen, B.	Searles	
Evans	Kaley	Niehaus	Sherman	
Ewald	Kalis	Olsen	Sherwood	

Those who voted in the negative were:

Anderson, B.	Dahlyang	Kelly	Osthoff	Skoglund
Anderson, G.	Eken	Kostohryz	Otis	Staten
Anderson, I.	Elioff	Lehto	Peterson, D.	Stumpf
Battaglia	Ellingson	Long	Pogemiller	Swanson
Begich	Greenfield	Mann	Reding	Tomlinson
Berkelman	Gustafson	McEachern	Rice	Vanasek
Brandl	Hanson	Metzen	Rodriguez, C.	Vellinga
Brinkman	Hauge	Minne	Rodriguez, F.	Voss
Byrne	Hokanson	Munger	Samuelson	Welch
Carlson, L.	Jacobs	Murphy	Sarna	Wenzel
Clark, J.	Johnson, C.	Nelson, K.	Shea	Wynia
Clark, K.	Jude	Novak	Sieben, M.	Spkr. Sieben, H.
Clawson	Kahn	Ogren	Simoneau	

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

Heinitz moved to amend H. F. No. 4, as follows:

Page 2, after line 5, insert a section to read:

“Sec. 3. [REPEALER.]

*Laws 1980, Chapter 556, Sections 1 to 5, as reenacted by this act are repealed.”*

Page 2, line 9, after the period insert *“Section 3 is effective retroactively to April 13, 1980.”*

Renumber the sections accordingly

Further, amend the title as follows:

Page 1, line 5, delete the period and insert “; repealing Laws 1980, Chapter 556, Sections 1, 2, 3, 4, and 5, as amended.”

The question was taken on the adoption of the amendment and the roll was called. There were 66 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Knickerbocker	Peterson, B.	Stowell
Ainley	Ewald	Kvam	Piepho	Stumpf
Anderson, B.	Friedrich	Laidig	Redalen	Sviggum
Anderson, G.	Gruenes	Lemen	Rees	Valento
Anderson, R.	Halberg	Levi	Reif	Weaver
Blatz	Haukoos	Ludeman	Rose	Welch
Brinkman	Heap	Marsh	Rothenberg	Welker
Carlson, D.	Heinitz	McDonald	Schafer	Wieser
Dean	Himle	Mehrkens	Schreiber	Wigley
Dempsey	Hoberg	Nelsen, B.	Searles	Zubay
Den Ouden	Hokr	Niehaus	Shea	
Drew	Jennings	Nysether	Sherman	
Erickson	Johnson, D.	Olsen	Sherwood	
Esau	Kaley	Onnen	Stadum	

Those who voted in the negative were:

Anderson, I.	Ellingson	Kostohryz	Ogren	Sieben, M.
Battaglia	Greenfield	Lehto	Osthoff	Simoneau
Begich	Gustafson	Long	Otis	Skoglund
Brandl	Hanson	Mann	Peterson, D.	Staten
Byrne	Hauge	McEachern	Pogemiller	Swanson
Carlson, L.	Hokanson	Metzen	Reding	Tomlinson
Clark, J.	Jacobs	Minne	Rice	Vanasek
Clark, K.	Johnson, C.	Munger	Rodriguez, C.	Vellenga
Clawson	Jude	Murphy	Rodriguez, F.	Voss
Dahlvang	Kahn	Nelson, K.	Samuelson	Wenzel
Eken	Kalis	Norton	Sarna	Wynia
Elioff	Kelly	Novak	Schoenfeld	Spkr. Sieben, H.

The motion prevailed and the amendment was adopted.

## MOTIONS AND RESOLUTIONS

Johnson, C., moved that the name of Fjoslien be added as an author on H. F. No. 6. The motion prevailed.

Simoneau moved that the name of McEachern be added as an author on H. F. No. 48. The motion prevailed.

Laidig moved that the name of Reif be added as an author on H. F. No. 72. The motion prevailed.

Kalis moved that the name of Erickson be added as an author on H. F. No. 31. The motion prevailed.

Rothenberg moved that H. F. No. 76 be recalled from the Committee on Judiciary and be re-referred to the Committee on Criminal Justice. The motion prevailed.

Searles; Sherwood; Nelsen, B.; Schreiber; and Carlson, D., introduced:

House Resolution No. 4, A house resolution relating to establishing a House Select Committee on the Budget.

The resolution was referred to the Committee on Rules and Legislative Administration.

## ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, January 22, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, January 22, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION — 1981

## SEVENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, JANUARY 22, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Reverend Winfield V. Johnson, former Pastor Christ Lutheran Church, St. Paul, Minnesota.

The roll was called and the following members were present:

Aasness	Fjoslien	Knickerbocker	O'Connor	Sherman
Ainley	Forsythe	Kostohryz	Ogren	Sherwood
Anderson, G.	Friedrich	Kvam	Olsen	Sieben, M.
Anderson, I.	Greenfield	Laidig	Onnen	Simoneau
Anderson, R.	Gruenes	Lehto	Osthoff	Skoglund
Battaglia	Gustafson	Lemen	Otis	Stadum
Berkelman	Halberg	Levi	Peterson, B.	Staten
Blatz	Hanson	Long	Peterson, D.	Stowell
Brinkman	Harens	Ludeman	Piepho	Stumpf
Byrne	Hauge	Luknic	Pogemiller	Sviggum
Carlson, D.	Haukoos	Mann	Redalen	Swanson
Carlson, L.	Heap	Marsh	Reding	Tomlinson
Clark, J.	Heinitz	McCarron	Rees	Valan
Clark, K.	Himle	McDonald	Reif	Valento
Clawson	Hoberg	McEachern	Rice	Vanasek
Dahlvang	Hokanson	Mehrkens	Rodriguez, C.	Vellenga
Dean	Hokr	Metzen	Rodriguez, F.	Voss
Dempsey	Jacobs	Minne	Rose	Weaver
Den Ouden	Jennings	Munger	Rothenberg	Welch
Drew	Johnson, C.	Murphy	Samuelson	Welker
Eken	Johnson, D.	Nelsen, B.	Sarna	Wenzel
Ellingson	Jude	Nelson, K.	Schafer	Wieser
Erickson	Kahn	Niehaus	Schoenfeld	Wigley
Esau	Kaley	Norton	Schreiber	Wynia
Evans	Kalis	Novak	Shearles	Zubay
Ewald	Kelly	Nysether	Shea	Spkr. Sieben, H.

A quorum was present.

Anderson, B.; Begich; Brandl and Elioff were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Clawson moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H.F. No. 4 have been placed in the members' files.

## PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL

January 16, 1981

The Honorable Jack Davies  
President of the Senate

The Honorable Harry Sieben  
Speaker of the House

Sirs:

I respectfully request the opportunity of addressing a joint session of the House and Senate of the 72nd Session of the Minnesota Legislature on Tuesday, January 27, 1981, at 12:00 noon, for the purpose of presenting my budget message to the Legislature.

Sincerely,

ALBERT H. QUIE  
Governor

Eken moved that the House accede to the request of the Governor for a Joint Convention to hear the budget message of the Governor at 12:00 noon, Tuesday, January 27, 1981; that the Chief Clerk be instructed to invite the Senate to meet in Joint Convention at 11:50 a.m. and advise the Governor regarding the Joint Convention; and that the Speaker appoint a committee of five members to act with a similar committee to be appointed by the Senate to escort the Governor to the Joint Convention. The motion prevailed.

## REPORTS OF STANDING COMMITTEES

Sieben, M., from the Committee on Appropriations to which was referred:

H. F. No. 1, A bill for an act relating to education; restoring education aids withheld in fiscal year 1981; providing for full payment of school aids in future years; repealing certain provi-

sions relating to pro rata payment of school aids and reimbursements and certificates for the unpaid amounts; appropriating money; amending Minnesota Statutes 1980, Section 16A.15, Subdivision 1; repealing Minnesota Statutes 1980, Sections 124.77 and 124.78.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred the following appointment as reported in the Journal of the House for January 8, 1981:

#### ETHICAL PRACTICES BOARD

Judith G. Schotzko

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

McCarron moved that the report of the Committee on Reapportionment and Elections relating to the appointment of Judith G. Schotzko to the Ethical Practices Board be adopted. The motion prevailed and the report was adopted.

#### CONFIRMATION

McCarron moved that the House, having advised, do now consent to and confirm the appointment of Judith G. Schotzko, R. R. No. 1, Blue Earth, Faribault County, effective September 4, 1980, for a term expiring on the first Monday in January, 1983. The motion prevailed and the appointment of Judith G. Schotzko was confirmed by the House.

McCarron from the Committee on Reapportionment and Elections to which was referred the following appointment as reported in the Journal of the House for January 8, 1981:

#### ETHICAL PRACTICES BOARD

Bruce W. Okney

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

McCarron moved that the report of the Committee on Reapportionment and Elections relating to the appointment of Bruce W. Okney to the Ethical Practices Board be adopted. The motion prevailed and the report was adopted.

## CONFIRMATION

McCarron moved that the House, having advised, do now consent to and confirm the appointment of Bruce W. Okney, 5128 Thomas Avenue South, Minneapolis, Hennepin County, effective September 15, 1980, for a term expiring on the first Monday in January, 1983. The motion prevailed and the appointment of Bruce W. Okney was confirmed by the House.

## SECOND READING OF HOUSE BILLS

H. F. No. 1 was read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Simoneau; McCarron; Peterson, B., and Berkelman introduced:

H. F. No. 90, A bill for an act relating to administrative rules; clarifying the meaning of the term "rule"; amending Minnesota Statutes 1980, Sections 15.0411, Subdivision 3; and 15.0413, Subdivision 1.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Wieser, Vanasek, Lemen, Zubay and Brinkman introduced:

H. F. No. 91, A bill for an act relating to public safety; specifying the crime of fleeing from a peace officer by use of a motorized vehicle; providing that whoever flees a peace officer in a motorized vehicle shall be liable for any loss caused by such flight; prohibiting insurers from excluding such liability from their policies; providing for legislation impact evaluation by the bureau of criminal apprehension; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapters 65B and 609.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Onnen; Tomlinson; Brinkman; Peterson, B., and Hanson introduced:

H. F. No. 92, A bill for an act proposing an amendment to the Minnesota Constitution, Article X, adding a section; providing a presumption that references to United States tax laws are to the laws as amended.

The bill was read for the first time and referred to the Committee on Taxes.

Voss, Vanasek, Valento, Jacobs and Rose introduced:

H. F. No. 93, A bill for an act relating to crimes; prescribing penalties for the possession of controlled substances on school premises; amending Minnesota Statutes 1980, Section 152.15, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Samuelson, Niehaus, Munger, Ogren and Clark, K., introduced:

H. F. No. 94, A bill for an act relating to health; removing the requirement that public water supplies be fluoridated; repealing Minnesota Statutes 1980, Section 144.145.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Jacobs and Voss introduced:

H. F. No. 95, A bill for an act relating to taxation; providing a credit against the income tax for contributions to candidates for local elective office and removing restriction concerning campaign expenditure limitation agreements; amending Minnesota Statutes 1980, Section 290.06, Subdivision 11.

The bill was read for the first time and referred to the Committee on Taxes.

Wenzel, Gruenes, Searles, Novak and Anderson, I., introduced:

H. F. No. 96, A bill for an act relating to taxation; income tax; providing a credit for contributions to institutions of higher education; proposing new law coded in Minnesota Statutes, Chapter 290.

The bill was read for the first time and referred to the Committee on Taxes.

Begich; Carlson, D.; Battaglia; Ludeman and Anderson, I., introduced:

H. F. No. 97, A bill for an act relating to natural resources; limiting state land acquisitions for certain purposes, by requiring sale of lands of equal value; proposing new law coded in Minnesota Statutes, Chapter 94.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.



Greenfield, Dean and Nelson, K., introduced:

H. F. No. 98, A bill for an act relating to energy; amending certain provisions for home energy disclosure reports; amending Minnesota Statutes 1980, Section 116H.129, Subdivisions 1, 2, 5, 6, and 7.

The bill was read for the first time and referred to the Committee on Energy.

Wynia; Laidig; Forsythe; Sieben, H., and Vellenga introduced:

H. F. No. 99, A bill for an act relating to the legislature; making permanent the council on the economic status of women; changing certain membership and reporting requirements of the council; appropriating money; amending Laws 1976, Chapter 337, Section 1, Subdivisions 2 and 4, as amended, and Subdivision 3; repealing Laws 1976, Chapter 337, Section 3, as amended.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Clawson; Jude; Clark, J.; Kvam and Niehaus introduced:

H. F. No. 100, A bill for an act relating to hospitalization and commitment; providing patients with right of access to medical records; amending Minnesota Statutes 1980, Section 144.335, Subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Dempsey and Piepho introduced:

H. F. No. 101, A bill for an act relating to courts; excluding constitutional issues from the tax court's jurisdiction; amending Minnesota Statutes 1980, Section 271.01, Subdivision 5.

The bill was read for the first time and referred to the Committee on Judiciary.

Aasness introduced:

H. F. No. 102, A bill for an act relating to Traverse County; permitting the issuance of bonds by the county to provide funds for the construction, alteration, repair, and improvement of necessary buildings for county fair purposes, and to aid county agricultural societies to defray related financial obligations; providing for payment of the obligations.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Den Ouden, Kvam, Onnen and Johnson, D., introduced:

H. F. No. 103, A bill for an act relating to state trails; authorizing the sale of certain lands acquired for the Luce Line Trail.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Johnson, D., and Den Ouden introduced:

H. F. No. 104, A bill for an act relating to the city of New London; authorizing the issuance of bonds for the acquisition and betterment of a city hall, community center, and municipal library.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Niehaus, Wenzel, Onnen, Nysether and Brinkman introduced:

H. F. No. 105, A bill for an act relating to public health; requiring family planning employees who advise an abortion, sterilization, or contraceptive use to a minor to notify the parent before this recommendation; amending Minnesota Statutes 1980, Section 145.925, Subdivision 4.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Clawson; Sieben, M.; Vanasek; Haukoos and Hoberg introduced:

H. F. No. 106, A bill for an act proposing an amendment to the Minnesota Constitution, Article IX, Section 1; providing the majority necessary to ratify an amendment.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Drew, Luknic, Reif and Otis introduced:

H. F. No. 107, A bill for an act relating to the environment; providing for public notification of certain hearings by the pollution control agency; amending Minnesota Statutes 1980, Section 116.07, Subdivision 5.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Niehaus, Friedrich, Erickson, Wenzel and Esau introduced:

H. F. No. 108, A bill for an act relating to highway traffic regulations; increasing the driver license revocation period for second and subsequent convictions of driving under the influence of alcohol or controlled substances; amending Minnesota Statutes 1980, Section 169.121, Subdivision 4.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Kvam, Brinkman, Gruenes, Dempsey and Anderson, I., introduced:

H. F. No. 109, A bill for an act relating to taxation; income tax; providing that the one time exclusion of gain on sale of a residence is effective at the same time as effective for federal income tax purposes; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20.

The bill was read for the first time and referred to the Committee on Taxes.

Luknic; Samuelson; Johnson, D.; Welch and Weaver introduced:

H. F. No. 110, A bill for an act relating to state hospitals; authorizing the commissioner of public welfare to obtain a consultant's report on accident control in a state hospital; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Clawson and Hokanson introduced:

H. F. No. 111, A bill for an act relating to public welfare; providing for the withholding of child support or maintenance; amending Minnesota Statutes 1980, Sections 256.872; 256.873; and 518.611.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Berkelman, Gustafson, Lehto, Munger and Murphy introduced:

H. F. No. 112, A bill for an act relating to retirement; Duluth teachers retirement fund association; authorizing an increase in retirement allowances and benefits for certain teachers; establishing a new coordinated retirement program within the retirement fund association; amending Minnesota Statutes 1980, Sections 354A.011, Subdivision 11; 354A.092; 354A.093; 354A.12, Subdivisions 1 and 2; 354A.24; 354A.32; 354A.39; and 354A.41.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Ewald, Otis, Rothenberg, Kahn and Nelson, K., introduced:

H. F. No. 113, A bill for an act relating to energy; authorizing use of energy audits in meeting energy disclosure requirements; amending Minnesota Statutes 1980, Section 116H.129, Subdivision 7.

The bill was read for the first time and referred to the Committee on Energy.

Den Ouden, Reding, Redalen, Jacobs and Johnson, C., introduced:

H. F. No. 114, A bill for an act relating to public utilities; redefining the term "public utility" so as to exempt from public service commission jurisdiction certain small natural gas utilities; amending Minnesota Statutes 1980, Section 216B.02, Subdivision 4.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Jacobs and Osthoff introduced:

- H. F. No. 115, A bill for an act relating to the legislature; fixing the number of senators and representatives in 1983 and thereafter; amending Minnesota Statutes 1980, Section 2.021.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Berkelman; McEachern; Anderson, B.; Johnson, D., and Lude-man introduced:

H. F. No. 116, A bill for an act relating to local government; providing conditions for the annexation of town territory to municipalities; providing for the membership of the municipal board; amending Minnesota Statutes 1980, Sections 414.01, Subdivision 2; and 414.031, Subdivision 4.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Hokanson; Forsythe; Peterson, D.; Swanson and Ewald introduced:

H. F. No. 117, A bill for an act relating to general assistance; providing for vendor payments of grants prior to verification of applications; amending Minnesota Statutes 1980, Section 256D.09, Subdivision 1.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Simoneau, McCarron and Munger introduced:

H. F. No. 118, A bill for an act relating to the environment; establishing a superfund to finance the clean up costs associated with certain hazardous substances; providing for liability, compensation, and emergency response for hazardous substances released into the environment or stored in disposal facilities; requiring the director of the pollution control agency to adopt rules to implement the superfund program; assessing fees to be paid by certain industries and facilities to establish the superfund; providing for penalties; proposing new law coded in Minnesota Statutes, Chapter 115A.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Begich, Stadum, Ludeman, Elioff and Fjoslien introduced:

H. F. No. 119, A bill for an act relating to crimes; regulating the possession and use of pistols; defining certain terms; property rights of certain persons in pistols; prohibiting discrimination in the issuance of permits to carry pistols; providing penalties; amending Minnesota Statutes 1980, Sections 624.712, Subdivisions 2, 4 and 5 and by adding a subdivision; 624.713; 624.7131, Subdivision 1; 624.714, Subdivisions 1, 5, 9, 10 and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Simoneau, Norton and Novak introduced:

H. F. No. 120, A bill for an act relating to the legislature; creating a legislative fiscal office; providing for its duties relating to economic and financial analysis and projection and for fiscal notes on bills; appropriating money; amending Minnesota Statutes 1980, Section 3.304, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 3; repealing Minnesota Statutes 1980, Section 3.98.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Lemen introduced:

H. F. No. 121, A bill for an act relating to intoxicating liquor; authorizing the sale and dispensing of liquor at the I.R.A. arena in Grand Rapids.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Clawson, Mann, Berkelman, Kelly and Drew introduced:

H. F. No. 122, A bill for an act relating to animals; prohibiting the transfer of certain animals for experimental purposes; amending Minnesota Statutes 1980, Section 35.71.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Kalis; Anderson, B.; Schafer; Niehaus and Berkelman introduced:

H. F. No. 123, A bill for an act relating to towns; making authority to exercise certain powers optional with certain towns; amending Minnesota Statutes 1980, Section 368.01, Subdivision 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

McDonald; O'Connor; Nelsen, B.; Rees and Harens introduced:

H. F. No. 124, A resolution memorializing the United States Congress relating to amending the United States Constitution to protect human life; applying to Congress to call a constitutional convention to provide for protection of all human life.

The bill was read for the first time and referred to the Committee on Judiciary.

Norton, Gustafson, Staten, Dean and Drew introduced:

H. F. No. 125, A bill for an act relating to state government; making Martin Luther King's Birthday an official state holiday; amending Minnesota Statutes 1980, Section 645.44, Subdivision 5.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Anderson, B.; Erickson; Mann; Esau and Ludeman introduced:

H. F. No. 126, A bill for an act relating to waters; requiring posting and publication of notice of aeration operations by a municipality or political subdivision; establishing a presumption of due care; proposing new law coded in Minnesota Statutes, Chapter 378.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

## REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. No. 4 which it recommended progress.

On the motion of Eken the report of the Committee of the Whole was adopted.

## MOTIONS AND RESOLUTIONS

Brinkman moved that the name of Kalis be added as an author on H. F. No. 69. The motion prevailed.

Pogemiller moved that the name of Zubay be added as an author on H. F. No. 79. The motion prevailed.

Dempsey moved that the name of Jude be added as an author on H. F. No. 101. The motion prevailed.

Jacobs moved that the name of Otis be added as an author on H. F. No. 115. The motion prevailed.

Simoneau moved that the name of Hanson be added as an author on H. F. No. 118. The motion prevailed.

Simoneau moved that the name of Hanson be added as an author on H. F. No. 120. The motion prevailed.

Skoglund, Wenzel, Vanasek, Rothenberg and Friedrich introduced:

House Resolution No. 5, A house resolution relating to the release of the American hostages in Iran.

## SUSPENSION OF RULES

Skoglund moved that the Rules be so far suspended that House Resolution No. 5 be now considered and be placed upon its adoption. The motion prevailed.

## HOUSE RESOLUTION NO. 5

A house resolution relating to the release of the American hostages in Iran.

*Whereas*, American citizens serving at the American embassy in Iran were taken captive by Iranian militants on November 4, 1979; and,



*Whereas*, since being taken captive, the hostages have spent long hours bound and gagged, beaten, and isolated from each other and from outside news; and,

*Whereas*, during the entire period the American people have not only had to endure the fact that its citizens were being held hostage contrary to international law and diplomatic custom, but also to a continual stream of verbal invective from the Iranian captors; and,

*Whereas*, the families of the American hostages have had to endure over 14 months of anguish over the health and safety of their relatives; and,

*Whereas*, an attempted rescue of the hostages resulted in the greatest sacrifice by eight brave Americans; and,

*Whereas*, the crisis, caused by the outrageous actions of the Iranians, threatened to rend the delicate fabric of world peace; and,

*Whereas*, on January 20, 1981, after 444 days the hostages were set free; and,

*Whereas*, the hostages, their families and all the American people are gratified that the crisis will at last be over; and,

*Whereas*, the efforts of the government of the United States, in particular those of state department personnel, and the government of Algeria to resolve the crisis should be acknowledged and appreciation indicated; *Now, Therefore*,

*Be it Resolved* by the House of Representatives of the state of Minnesota, on the part of all Minnesotans, that it is joyful over the safe return of the American hostages. It is hoped that the lingering resentment over the taking and lengthy holding and treatment of the hostages will dissolve in the elation over their freedom. A welcome home is extended to all the American hostages, but particularly to the Minnesotans L. Bruce Laingen and Joseph Hall.

*Be It Further Resolved* that the skill, courage, and ultimate sacrifice of the eight Americans who gave their lives to save their fellow countrymen and countrywomen should never be forgotten.

*Be It Further Resolved* that the appreciation of the American people is expressed to President Ronald Reagan, President Jimmy Carter, Vice-President Walter Mondale, Secretary of State Edmund Muskie, Secretary of State Cyrus Vance, Deputy Secretary of State Warren Christopher, the personnel of the state department, and the government of Algeria for their long, tireless, and now fruitful efforts to return the hostages.

*Be It Further Resolved* that the Chief Clerk of the House is directed to prepare enrolled copies of this resolution, to be authenticated by his signature and that of the speaker, and to transmit them to the families of the eight Americans who died in the rescue effort; to Presidents Reagan and Carter, Vice-President Mondale, Secretaries of State Muskie and Vance, Deputy Secretary Christopher; to the Algerian ambassador to the government of the United States; to the secretary of state of the United States; and to L. Bruce Laingen and Joseph Hall.

Skoglund moved that House Resolution No. 5 be now adopted. The motion prevailed and the resolution was adopted.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following change in committee assignment:

Agriculture: Remove the name of Schafer and add the name of Gruenes.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, January 26, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, January 26, 1981.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**



## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## EIGHTH DAY

SAINT PAUL, MINNESOTA, MONDAY, JANUARY 26, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Reverend Martin H. Krause, Rose of Sharon Lutheran Church, Cottage Grove, Minnesota.

The roll was called and the following members were present:

Aasness	Esau	Kalis	Nysether	Sieben, M.
Ainley	Evans	Kelly	O'Connor	Simoneau
Anderson, B.	Ewald	Knickerbocker	Ogren	Skoglund
Anderson, G.	Fjoslien	Kostohryz	Olsen	Stadum
Anderson, I.	Forsythe	Kvam	Onnen	Staten
Anderson, R.	Friedrich	Laidig	Osthoff	Stowell
Battaglia	Greenfield	Lehto	Otis	Stumpf
Begich	Gruenes	Lemen	Peterson, B.	Sviggum
Berkelman	Gustafson	Levi	Peterson, D.	Swanson
Blatz	Halberg	Long	Piepho	Tomlinson
Brandl	Hanson	Ludeman	Pogemiller	Valan
Brinkman	Harens	Luknic	Redalen	Valento
Byrne	Hauge	Mann	Reding	Vanasek
Carlson, D.	Haukoos	Marsh	Rees	Vellenga
Carlson, L.	Heap	McCarron	Reif	Voss
Clark, J.	Heinitz	McDonald	Rice	Weaver
Clark, K.	Himle	McEachern	Rodriguez, C.	Welch
Clawson	Hoberg	Mehrkers	Rodriguez, F.	Welker
Dahlvang	Hokanson	Metzen	Rose	Wenzel
Dean	Hokr	Minne	Rothenberg	Wieser
Dempsey	Jacobs	Munger	Sarna	Wigley
Den Ouden	Jennings	Murphy	Schafer	Wynia
Drew	Johnson, C.	Nelsen, B.	Schoenfeld	Zubay
Eken	Johnson, D.	Nelson, K.	Schreiber	Spkr. Sieben, H.
Elioff	Jude	Niehaus	Shea	
Ellingson	Kahn	Norton	Sherman	
Erickson	Kaley	Novak	Sherwood	

A quorum was present.

Samuelson and Searles were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Erickson moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. No. 1 have been placed in the members' files.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Nysether, Stumpf, Stadum, Battaglia and Anderson, I., introduced:

H. F. No. 127, A bill for an act relating to agriculture; providing compensation for livestock destroyed or damaged; appropriating money; amending Minnesota Statutes 1980, Section 3.737.

The bill was read for the first time and referred to the Committee on Appropriations.

Clawson, Byrne, Minne, Dean and Mehrkens introduced:

H. F. No. 128, A bill for an act relating to the collection and dissemination of data; administration of the state archives and state and local government records; classifying data; providing a penalty; amending Minnesota Statutes 1980, Sections 15.17, Subdivisions 1 and 4; 138.161; 138.17, Subdivisions 1, 6, 7, and by adding subdivisions; 138.19; 138.20; 138.21; proposing new law coded in Minnesota Statutes, Chapter 138; repealing Minnesota Statutes 1980, Sections 16.66 and 138.18.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Redalen, Munger, Clawson and Valan introduced:

H. F. No. 129, A bill for an act relating to soil and water conservation; imposing duties upon land occupiers to apply and maintain water erosion control systems in accordance with certain rules of soil and water conservation districts; proposing new law coded in Minnesota Statutes, Chapter 40.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Stowell, Rothenberg, Sherman, Levi and Jennings introduced :

H. F. No. 130, A resolution memorializing the United Nations to condemn the Iranian seizure of the American Embassy in Tehran.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Kelly; Brinkman; Anderson, B.; Himle and Peterson, B., introduced :

H. F. No. 131, A bill for an act relating to crimes; authorizing the release of account information to law enforcement authorities investigating the issuance of worthless checks; authorizing the issuance of account information to payee or holders when a check has been dishonored; amending Minnesota Statutes 1980, Section 609.535, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Kalis and Anderson, B., introduced :

H. F. No. 132, A bill for an act relating to education; restoring funds appropriated to state universities and withheld in fiscal year 1981; providing for full payment of state universities' appropriations in future years; appropriating money; amending Minnesota Statutes 1980, Section 16A.15, Subdivision 1.

The bill was read for the first time and referred to the Committee on Appropriations.

Hanson, Kahn, Hokanson and Forsythe introduced :

H. F. No. 133, A bill for an act relating to probate; changing certain provisions relating to descent of a cemetery lot; amending Minnesota Statutes 1980, Section 525.14.

The bill was read for the first time and referred to the Committee on Judiciary.

Hanson, Harens, Munger and Jacobs introduced :

H. F. No. 134, A bill for an act relating to public utilities; repealing authority for rate increases pending final commission approval; repealing Minnesota Statutes 1980, Sections 216B.16, Subdivision 3; and 237.075, Subdivision 3.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Hanson, Wynia, Byrne and Jacobs introduced :

H. F. No. 135, A bill for an act relating to transportation; restricting the powers of the commissioner of transportation with respect to a certain trunk highway within the city of St. Paul; proposing new law coded in Minnesota Statutes, Chapter 161.

The bill was read for the first time and referred to the Committee on Transportation.

Voss, Ewald, Greenfield, Blatz and Ellingson introduced :

H. F. No. 136, A bill for an act relating to financial institutions; authorizing certain branch banks; providing for application and approval of branch banks; permitting change of locations and office closings; permitting establishment of branch banks through merger or consolidation; amending Minnesota Statutes 1980, Sections 48.34 and 49.34.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

McEachern, Murphy, Metzen, Jude and Welch introduced :

H. F. No. 137, A bill for an act relating to state government; creating an office for promotion of efficiency and productivity in state government; protecting state employees disclosing certain information; appropriating money; proposing new law coded in Minnesota Statutes, Chapters 15 and 43.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Lehto, Battaglia, Gustafson and Munger introduced :

H. F. No. 138, A bill for an act relating to courts; authorizing the judges of the sixth judicial district to set the salaries of court reporters.

The bill was read for the first time and referred to the Committee on Judiciary.

Otis; Sieben, M.; Jacobs; Sieben, H., and Eken introduced :

H. F. No. 139, A bill for an act relating to public utilities; prohibiting inclusion of expenses relating to cancelled facilities in a rate base; amending Minnesota Statutes 1980, Section 216B.16, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Kahn introduced:

H. F. No. 140, A bill for an act relating to the city of Minneapolis; directing the charter commission to propose certain organizational changes; requiring a report to the legislature.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Anderson, I.; Novak; Jacobs; Kvam and O'Connor introduced:

H. F. No. 141, A bill for an act relating to taxation; extending and changing the property tax targeting credit; providing maximum household income limits; amending Minnesota Statutes 1980, Section 290A.04, Subdivision 2c.

The bill was read for the first time and referred to the Committee on Taxes.

Forsythe, Ainley, Kvam, Hanson and Anderson, I., introduced:

H. F. No. 142, A bill for an act relating to taxation; real property; extending 3 classification to certain property used for recreational purposes; amending Minnesota Statutes 1980, Section 273.13, Subdivision 4.

The bill was read for the first time and referred to the Committee on Taxes.

Elioff, Battaglia, Minne, Staten and Schoenfeld introduced:

H. F. No. 143, A bill for an act relating to education; restoring funds appropriated to community colleges, state universities and the University of Minnesota and withheld in fiscal year 1981; providing for full payment of higher education appropriations in future years; appropriating money; amending Minnesota Statutes 1980, Section 16A.15, Subdivision 1.

The bill was read for the first time and referred to the Committee on Appropriations.



Battaglia; Minne; Anderson, I.; Jacobs and Stumpf introduced:

H. F. No. 144, A bill for an act relating to education; restoring funds appropriated to community colleges and withheld in fiscal year 1981; providing for full payment of community college appropriations in future years; appropriating money; amending Minnesota Statutes 1980, Section 16A.15, Subdivision 1.

The bill was read for the first time and referred to the Committee on Appropriations.

Long, Dean, Munger, Ellingson and Drew introduced:

H. F. No. 145, A bill for an act relating to game and fish; re-affirming the protected status of mourning doves; amending Minnesota Statutes 1980, Section 100.27, Subdivision 6; and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Haukoos, Laidig, Minne, Osthoff and Himle introduced:

H. F. No. 146, A bill for an act relating to elections; requiring loan repayments in an election year to be counted against certain contribution and approved expenditure limits; amending Minnesota Statutes 1980, Section 10A.32, Subdivision 3.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

O'Connor, Jude, Dempsey, Sarna and Dahlvang introduced:

H. F. No. 147, A bill for an act relating to courts; authorizing the supreme court to adopt a uniform fee schedule for civil actions; proposing new law coded in Minnesota Statutes, Chapter 480.

The bill was read for the first time and referred to the Committee on Judiciary.

Long, Munger, Berkelman, Wynia and Murphy introduced:

H. F. No. 148, A bill for an act relating to education; restoring funds appropriated to the University of Minnesota and withheld in fiscal year 1981; providing for full payment of University of Minnesota appropriations in future years; appropriating money; amending Minnesota Statutes 1980, Section 16A.15, Subdivision 1.

The bill was read for the first time and referred to the Committee on Appropriations.

Hoberg; Vanasek; Levi; Clark, J., and Evans introduced:

H. F. No. 149, A bill for an act relating to crimes; prohibiting assaulting a peace officer; prescribing penalties; amending Minnesota Statutes 1980, Section 609.224; proposing new law coded in Minnesota Statutes, Chapter 609.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Vanasek, Munger, Stowell, Dean and Ellingson introduced:

H. F. No. 150, A bill for an act relating to parks; removing authority to lease certain lands within Tettegouche state park; repealing Laws 1979, Chapter 301, Section 10, Subdivision 7.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Vanasek, Gustafson, Luknic, Schoenfeld and Evans introduced:

H. F. No. 151, A bill for an act relating to taxation; sales and use; permitting a deduction for the costs of collection and remittance; amending Minnesota Statutes 1980, Section 297A.26, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Nysether, Stumpf, Stadum, Eken and Kalis introduced:

H. F. No. 152, A bill for an act relating to the state auditor; providing for state payment of county audits; appropriating money; amending Minnesota Statutes 1980, Sections 6.56; and 6.57.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sviggum, Wenzel, Welker, Schoenfeld and Schafer introduced:

H. F. No. 153, A bill for an act relating to retirement; legislators retirement plan; providing for an election to be excluded from retirement coverage; increasing the vesting period; amending Minnesota Statutes 1980, Sections 3A.01, Subdivision 3; 3A.02, Subdivision 1; and proposing new law coded in Minnesota Statutes, Chapter 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Brinkman, Luknic, Stadum, Vanasek and Johnson, C., introduced:

H. F. No. 154, A bill for an act relating to taxation; income; allowing an investment credit deduction; amending Minnesota Statutes 1980, Section 290.09, Subdivision 24.

The bill was read for the first time and referred to the Committee on Taxes.

Luknic introduced:

H. F. No. 155, A bill for an act relating to public welfare; providing for retention of certain receipts by state hospitals; amending Minnesota Statutes 1980, Section 246.57.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Hokanson; Clark, J.; Onnen; Zubay and Byrne introduced:

H. F. No. 156, A bill for an act relating to aid to families with dependent children; authorizing county agencies to grant aid in the form of protective or vendor payments for recipients 17 years of age or younger; amending Minnesota Statutes 1980, Section 256.81.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Hokanson; Clark, J.; Zubay; Niehaus and Byrne introduced:

H. F. No. 157, A bill for an act relating to public welfare; providing that every birth to a minor shall be reported within 24 hours to the commissioner of public welfare; amending Minnesota Statutes 1980, Section 257.33.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Kelly; Brinkman; Anderson, B.; Himle and Peterson, B., introduced:

H. F. No. 158, A bill for an act relating to crimes; authorizing notices of dishonored checks to be made by regular mail and an affidavit of service by mailing; amending Minnesota Statutes 1980, Section 609.535, Subdivision 3.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Murphy and Carlson, D., introduced:

H. F. No. 159, A bill for an act relating to Carlton county; abolishing the office of court commissioner.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Murphy introduced:

H. F. No. 160, A bill for an act relating to cemeteries; requiring the maintenance of certain abandoned cemeteries; amending Minnesota Statutes 1980, Section 306.243, Subdivision 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Murphy introduced:

H. F. No. 161, A bill for an act relating to the city of Cloquet; permitting the city to contract, pay, and tax for certain public transportation services.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Weaver; Begich; Carlson, D.; Redalen and Ludeman introduced:

H. F. No. 162, A bill for an act relating to game and fish; authorizing a season on *Zenaidura macroura*; setting maximum daily and possession limits; amending Minnesota Statutes 1980, Sections 100.27, Subdivision 6; and 100.28, Subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Haukoos; Jennings; Johnson, C.; Brinkman and Sviggum introduced:

H. F. No. 163, A bill for an act relating to taxation; income; adopting federal treatment of unemployment compensation; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20.

The bill was read for the first time and referred to the Committee on Taxes.

Johnson, D., introduced:

H. F. No. 164, A bill for an act relating to state property; providing for the conveyance to Kandiyohi County of a residence building in Sibley state park.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Ellingson; Sieben, M.; Dempsey; Halberg and Jude introduced:

H. F. No. 165, A bill for an act relating to corporations; modernizing and improving provisions governing business corporations; appropriating money; amending Minnesota Statutes 1980, Sections 53.01; 303.05, Subdivision 1; 308.341; 319A.03; 319A.05; 319A.12, Subdivisions 1a and 2; 319A.20; and 367.42, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 302A; repealing Minnesota Statutes 1980, Sections 301.01 to 301.67.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Aasness; Sherwood; Rodriguez, F.; Haukoos and Schafer introduced:

H. F. No. 166, A bill for an act relating to alcoholic beverages; increasing the age for licensing, sale, consumption, possession and furnishing; amending Minnesota Statutes 1980, Sections 340.02, Subdivision 8; 340.035, Subdivision 1; 340.119, Subdivision 2; 340.13, Subdivision 12; 340.403, Subdivision 3; 340.73, Subdivision 1; 340.731; 340.78; 340.79; 340.80; and 340.81.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Jude, Jacobs, Heap, Friedrich and Sarna introduced:

H. F. No. 167, A bill for an act relating to cable communications; providing for resolution of certain pole attachment disputes; amending Minnesota Statutes 1980, Section 238.02, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 238.

The bill was read for the first time and referred to the Committee on Regulated Industries.

### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby inform the House that the Senate is ready to meet with the House in Joint Convention at 12:00 noon, Tuesday, January 27, 1981, to receive the budget message of the Honorable Albert H. Quie, Governor of the State of Minnesota.

PATRICK E. FLAHAVEN, Secretary of the Senate

### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

#### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. No. 4 which it recommended progress.

H. F. No. 1 which it recommended to pass.

On the motion of Eken the report of the Committee of the Whole was adopted.

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

Knickerbocker, Hoberg and Ainley moved to amend H. F. No. 1.

Osthoff requested a division of the amendment.

The first portion of the Knickerbocker, Hoberg and Ainley amendment reads as follows:

Page 1, line 13, delete "SCHOOL" and insert "EDUCATION"

Page 1, line 14, delete "[PAYMENT REQUIRED.]" and insert "[ELEMENTARY AND SECONDARY EDUCATION AIDS.]"

Page 1, after line 25, insert:

*"Subd. 2. [POST-SECONDARY EDUCATION APPROPRIATIONS.] Notwithstanding the provisions of Minnesota Statutes 1980, Section 16A.15, by August 1, 1981, the commissioner of finance shall draw warrants for any amounts appropriated to the university of Minnesota for the fiscal year ending June 30, 1981, which were withheld pursuant to Minnesota Statutes 1980, Section 16A.15 because funds in the state treasury were insufficient."*

Renumber subdivision 2 as subdivision 3

Page 2, line 1, delete "subdivision 1" and insert "subdivisions 1 and 2"

Renumber subdivision 3 as subdivision 4

Page 2, line 2, delete "this" and insert "subdivision 1"

Page 2, line 3, delete "section"

Renumber subdivision 4 as subdivision 5

Page 2, after line 11, insert:

*"Subd. 6. [APPROPRIATION.] The amounts necessary to make the payments required by subdivision 2 are appropriated from the general fund to the university of Minnesota for the fiscal year ending June 30, 1982. The payment required by subdivision 2 shall be considered a fiscal year 1982 liability for purposes of the state accounting system."*

Further, amend the title as follows:

Page 1, line 2, after "restoring" insert "elementary, secondary and post-secondary"

Page 1, line 2, delete "aids" and insert "appropriations"

The question was taken on the first portion of the Knickerbocker, Hoberg and Ainley amendment and the roll was called. There were 48 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Hokr	Nelsen, B.	Stadum
Ainley	Evans	Johnson, D.	Olsen	Stowell
Anderson, R.	Ewald	Kaley	Onnen	Sviggum
Blatz	Fjoslien	Knickerbocker	Peterson, B.	Valan
Carlson, D.	Forsythe	Laidig	Piepho	Valento
Dean	Friedrich	Lemen	Redalen	Weaver
Dempsey	Gruenes	Ludeman	Reif	Welker
Den Ouden	Halberg	Luknic	Rothenberg	Wynia
Drew	Himle	Marsh	Schafer	
Erickson	Hoberg	Mehrkens	Schreiber	

Those who voted in the negative were:

Anderson, B.	Gustafson	Long	Otis	Staten
Anderson, G.	Hanson	Mann	Peterson, D.	Stumpf
Anderson, I.	Harens	McCarron	Pogemiller	Swanson
Battaglia	Hauge	McDonald	Reding	Tomlinson
Begich	Haukoos	McEachern	Rees	Vanasek
Berkelman	Heap	Metzen	Rice	Vellenga
Brandl	Hokanson	Minne	Rodriguez, C.	Voss
Brinkman	Jacobs	Munger	Rodriguez, F.	Welch
Carlson, L.	Jennings	Murphy	Rose	Wenzel
Clark, J.	Johnson, C.	Nelson, K.	Sarna	Wieser
Clark, K.	Jude	Niehaus	Schoenfeld	Wigley
Clawson	Kahn	Norton	Shea	Zubay
Dahlvang	Kalis	Novak	Sherman	Spkr. Sieben, H.
Eken	Kelly	Nysether	Sherwood	
Elioff	Kostohryz	O'Connor	Sieben, M.	
Ellingson	Kvam	Ogren	Simoneau	
Greenfield	Lehto	Osthoff	Skoglund	

The motion did not prevail and the first portion of the amendment was not adopted.

The second portion of the Knickerbocker, Hoberg and Ainley amendment reads as follows:

Page 1, line 13, delete "SCHOOL" and insert "EDUCATION"

Page 1, line 14, delete "[PAYMENT REQUIRED.]" and insert "[ELEMENTARY AND SECONDARY EDUCATION AIDS.]"

Page 1, after line 25, insert:

*"Subd. 2. [POST-SECONDARY EDUCATION APPROPRIATIONS.] Notwithstanding the provisions of Minnesota Statutes 1980, Section 16A.15, by August 1, 1981, the commissioner of finance shall draw warrants for any amounts appro-*



*appropriated to the state university board for the fiscal year ending June 30, 1981, which were withheld pursuant to Minnesota Statutes 1980, Section 16A.15 because funds in the state treasury were insufficient."*

Renumber subdivision 2 as subdivision 3

Page 2, line 1, delete "subdivision 1" and insert "subdivisions 1 and 2"

Renumber subdivision 3 as subdivision 4

Page 2, line 2, delete "this" and insert "subdivision 1"

Page 2, line 3, delete "section"

Renumber subdivision 4 as subdivision 5

Page 2, after line 11, insert:

*"Subd. 6. [APPROPRIATION.] The amounts necessary to make the payments required by subdivision 2 are appropriated from the general fund to the state university board for the fiscal year ending June 30, 1982. The payment required by subdivision 2 shall be considered a fiscal year 1982 liability for purposes of the state accounting system."*

Further, amend the title as follows:

Page 1, line 2, after "restoring" insert "elementary, secondary and post-secondary"

Page 1, line 2, delete "aids" and insert "appropriations"

The question was taken on the second portion of the Knickerbocker, Hoberg and Ainley amendment and the roll was called. There were 52 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kaley	Olsen	Stadum
Ainley	Ewald	Knickerbocker	Onnen	Stowell
Anderson, R.	Fjoslien	Laidig	Peterson, B.	Sviggum
Brinkman	Forsythe	Lemen	Piepho	Valan
Carlson, D.	Friedrich	Levi	Redalen	Valento
Dean	Grunes	Ludeman	Reif	Weaver
Dempsey	Halberg	Luknic	Rose	Welker
Den Ouden	Himle	Mann	Rothenberg	Wigley
Drew	Hoberg	Marsh	Schafer	
Erickson	Hokr	Mehrkens	Schreiber	
Esau	Johnson, D.	Nelsen, B.	Sherman	

Those who voted in the negative were:

Anderson, B.	Ellingson	Kelly	Nysether	Sieben, M.
Anderson, G.	Greenfield	Kostohryz	O'Connor	Simoneau
Anderson, I.	Gustafson	Kvam	Ogren	Skoglund
Battaglia	Hanson	Lehto	Osthoff	Staten
Begich	Harens	Long	Otis	Stumpf
Berkelman	Hauge	McCarron	Peterson, D.	Swanson
Blatz	Haukoos	McDonald	Pogemiller	Tomlinson
Brandl	Heap	McEachern	Reding	Vanasek
Byrne	Heinitz	Metzen	Rees	Vellenga
Carlson, L.	Hokanson	Minne	Rice	Voss
Clark, J.	Jacobs	Munger	Rodriguez, C.	Welch
Clark, K.	Jennings	Murphy	Rodriguez, F.	Wenzel
Clawson	Johnson, C.	Nelson, K.	Sarna	Wieser
Dahlvang	Jude	Niehaus	Schoenfeld	Wynia
Eken	Kahn	Norton	Shea	Zubay
Elioff	Kalis	Novak	Sherwood	Spkr. Sieben, H.

The motion did not prevail and the second portion of the amendment was not adopted.

The third portion of the Knickerbocker, Hoberg and Ainley amendment reads as follows:

Page 1, line 13, delete "SCHOOL" and insert "EDUCATION"

Page 1, line 14, delete "[PAYMENT REQUIRED.]" and insert "[ELEMENTARY AND SECONDARY EDUCATION AIDS.]"

Page 1, after line 25, insert:

*"Subd. 2. [POST-SECONDARY EDUCATION APPROPRIATIONS.] Notwithstanding the provisions of Minnesota Statutes 1980, Section 16A.15, by August 1, 1981, the commissioner of finance shall draw warrants for any amounts appropriated to the state board for community colleges for the fiscal year ending June 30, 1981, which were withheld pursuant to Minnesota Statutes 1980, Section 16A.15 because funds in the state treasury were insufficient."*

Renumber subdivision 2 as subdivision 3

Page 2, line 1, delete "subdivision 1" and insert "subdivisions 1 and 2"

Renumber subdivision 3 as subdivision 4

Page 2, line 2, delete "this" and insert "subdivision 1"

Page 2, line 3, delete "section"

Renumber subdivision 4 as subdivision 5

Page 2, after line 11, insert:

*"Subd. 6. [APPROPRIATION.] The amounts necessary to make the payments required by subdivision 2 are appropriated from the general fund to the state board for community colleges for the fiscal year ending June 30, 1982. The payment required by subdivision 2 shall be considered a fiscal year 1982 liability for purposes of the state accounting system."*

Further, amend the title as follows:

Page 1, line 2, after "restoring" insert "elementary, secondary and post-secondary"

Page 1, line 2, delete "aids" and insert "appropriations"

The question was taken on the third portion of the Knickerbocker, Hoberg and Ainley amendment and the roll was called. There were 51 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kaley	Onnen	Stadum
Ainley	Ewald	Knickerbocker	Osthoff	Stowell
Anderson, R.	Fjoslien	Laidig	Peterson, B.	Swiggum
Blatz	Forsythe	Lemen	Piepho	Valan
Carlson, D.	Friedrich	Levi	Redalen	Valento
Dean	Gruenes	Ludeman	Rees	Weaver
Dempsey	Halberg	Luknic	Reif	Welker
Den Ouden	Himle	Marsh	Rose	
Drew	Hoberg	Mehrkens	Rothenberg	
Erickson	Hokr	Nelsen, B.	Schafer	
Esau	Johnson, D.	Olsen	Schreiber	

Those who voted in the negative were:

Anderson, B.	Ellingson	Kostohryz	Nysether	Simoneau
Anderson, G.	Greenfield	Kvam	O'Connor	Skoglund
Anderson, I.	Gustafson	Lehto	Ogren	Staten
Battaglia	Hanson	Long	Otis	Stumpf
Begich	Harens	Mann	Peterson, D.	Swanson
Berkelman	Hauge	McCarron	Pogemiller	Tomlinson
Brandl	Haukoos	McDonald	Reding	Vanasek
Brinkman	Heap	McEachern	Rice	Vellenga
Byrne	Heinitz	Metzen	Rodriguez, C.	Voss
Carlson, L.	Hokanson	Minne	Rodriguez, F.	Welch
Clark, J.	Jacobs	Munger	Sarna	Wenzel
Clark, K.	Johnson, C.	Murphy	Schoenfeld	Wieser
Clawson	Jude	Nelson, K.	Shea	Wigley
Dahlvang	Kahn	Niehaus	Sherman	Wynia
Eken	Kalis	Norton	Sherwood	Zubay
Elioff	Kelly	Novak	Sieben, M.	Spkr. Sieben, H.

The motion did not prevail and the third portion of the amendment was not adopted.

The question was taken on the motion to recommend passage of H. F. No. 1 and the roll was called. There were 115 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Kelly	Novak	Sherman
Anderson, G.	Evans	Knickerbocker	O'Connor	Sieben, M.
Anderson, I.	Ewald	Kostohryz	Ogren	Simoneau
Anderson, R.	Fjoslien	Kvam	Olsen	Skoglund
Battaglia	Forsythe	Laidig	Onnen	Stadum
Begich	Greenfield	Lehto	Osthoff	Staten
Berkelman	Gruenes	Lemen	Otis	Stowell
Blatz	Gustafson	Levi	Peterson, B.	Stumpf
Brandl	Halberg	Long	Peterson, D.	Sviggum
Brinkman	Hanson	Luknic	Pogemiller	Swanson
Byrne	Harens	Mann	Redalen	Tomlinson
Carlson, D.	Hauge	Marsh	Reding	Valan
Carlson, L.	Heap	McCarron	Rees	Valento
Clark, J.	Himle	McEachern	Reif	Vanasek
Clark, K.	Hoberg	Mehrkens	Rice	Vellenga
Clawson	Hokanson	Metzen	Rodriguez, C.	Voss
Dahlvang	Hokr	Minne	Rodriguez, F.	Weaver
Dean	Jacobs	Munger	Rose	Welch
Drew	Johnson, C.	Murphy	Rothenberg	Wenzel
Eken	Johnson, D.	Nelsen, B.	Sarna	Wieser
Elioff	Jude	Nelson, K.	Schafer	Wigley
Ellingson	Kahn	Niehaus	Schoenfeld	Wynia
	Kalis	Norton	Shea	Spkr. Sieben, H.

Those who voted in the negative were:

Aasness	Friedrich	Kaley	Piepho	Zubay
Dempsey	Haukoos	Ludeman	Schreiber	
Den Ouden	Heinitz	McDonald	Sherwood	
Esau	Jennings	Nysether	Welker	

The motion prevailed.

## MOTIONS AND RESOLUTIONS

Pogemiller moved that his name be stricken as an author on H. F. No. 76. The motion prevailed.

Simoneau moved that the name of Clawson be added as an author on H. F. No. 120. The motion prevailed.

Luknic moved that the name of Rees be added as an author on H. F. No. 60. The motion prevailed.

Mehrkens moved that his name be stricken as an author on H. F. No. 4. The motion prevailed.

Jacobs moved that the name of Blatz be added as an author on H. F. No. 115. The motion prevailed.

Jacobs moved that the name of Olsen be added as an author on H. F. No. 115. The motion prevailed.

Simoneau moved that the name of Olsen be added as an author on H. F. No. 118. The motion prevailed.

Murphy moved that the name of Jacobs be added as an author on H. F. No. 160. The motion prevailed.

Simoneau moved that the name of Novak be added as an author on H. F. No. 46. The motion prevailed.

Hanson moved that the name of Kelly be added as an author on H. F. No. 134. The motion prevailed.

Skoglund moved that the names of Kelly and Laidig be added as authors on H. F. No. 10. The motion prevailed.

Skoglund moved that the name of McCarron be added as an author on H. F. No. 68. The motion prevailed.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the committee to escort the Governor to the Joint Convention being held in the House chamber tomorrow, Tuesday, January 27, 1981, at 12:00 noon:

Kalis, Dahlvang, Luknic, Kahn, and Dean.

The members of the committee will please meet in the Governor's office tomorrow, Tuesday, at 11:50 a.m.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 11:30 a.m., Tuesday, January 27, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:30 a.m., Tuesday, January 27, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## NINTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, JANUARY 27, 1981

The House of Representatives convened at 11:30 a.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Dr. John J. Salchert, Deacon, St. Austin's Church, Minneapolis, Minnesota.

The roll was called and the following members were present:

Aasness	Esau	Kalis	O'Connor	Sieben, M.
Ainley	Evans	Kelly	Olsen	Simoneau
Anderson, B.	Ewald	Knickerbocker	Onnen	Skoglund
Anderson, G.	Fjoslien	Kostohryz	Osthoff	Stadum
Anderson, I.	Forsythe	Kvam	Otis	Staten
Anderson, R.	Friedrich	Laidig	Peterson, B.	Stowell
Battaglia	Greenfield	Lehto	Peterson, D.	Stumpf
Begich	Gruenes	Lemen	Piepho	Sviggum
Berkelman	Gustafson	Levi	Pogemiller	Swanson
Blatz	Halberg	Long	Redalen	Tomlinson
Brandl	Hanson	Ludeman	Reding	Valan
Brinkman	Harens	Luknic	Rees	Valento
Byrne	Hauge	Mann	Reif	Vanasek
Carlson, D.	Haukoos	Marsh	Rice	Vellenga
Carlson, L.	Heap	McCarron	Rodriguez, C.	Voss
Clark, J.	Heinitz	McDonald	Rodriguez, F.	Weaver
Clark, K.	Himle	McEachern	Rose	Welch
Clawson	Hoberg	Mehrkens	Rothenberg	Welker
Dahlvang	Hokanson	Metzen	Samuelson	Wenzel
Dean	Hokr	Minne	Sarna	Wieser
Dempsey	Jacobs	Munger	Schafer	Wigley
Den Ouden	Jennings	Murphy	Schoenfeld	Wynia
Drew	Johnson, C.	Nelsen, B.	Schreiber	Zubay
Eken	Johnson, D.	Niehaus	Searles	Spkr. Sieben, H.
Elioff	Jude	Norton	Shea	
Ellingson	Kahn	Novak	Sherman	
Erickson	Kaley	Nysether	Sherwood	

A quorum was present.

Nelson, K., and Ogren were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Laidig moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced :

Novak, Hanson, Blatz, Hokanson and Peterson, B., introduced :

H. F. No. 168, A bill for an act relating to motor vehicle carriers; providing procedures for granting permits to courier service carriers in certain cases; amending Minnesota Statutes 1980, Section 221.121, Subdivision 4.

The bill was read for the first time and referred to the Committee on Transportation.

Hoberg and Valan introduced :

H. F. No. 169, A bill for an act relating to the city of Moorhead; increasing the amount which the city may expend for public transportation services; amending Laws 1969, Chapter 192, Section 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Fjoslien, Munger, Mann, Brinkman and Wenzel introduced :

H. F. No. 170, A bill for an act relating to commerce; requiring manufacturers of alcohol fueled motor vehicles to offer the same for sale within the state; proposing new law coded in Minnesota Statutes, Chapter 325E.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Fjoslien and Wieser introduced :

H. F. No. 171, A bill for an act relating to historic sites; changing the classification of the Kensington Runestone historic site; amending Minnesota Statutes 1980, Section 138.56, by adding a subdivision; repealing Minnesota Statutes 1980, Section 138.58, Subdivision 7.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Kahn; Lehto; Greenfield; Clark, K., and Vanasek introduced:

H. F. No. 172, A resolution memorializing the Congress and the President of the United States to seek peaceful means to carry out our nation's diplomatic aims.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Piepho, Hokanson, Jude and Dempsey introduced:

H. F. No. 173, A bill for an act relating to human rights; providing that certain statutes be equally applicable to all persons regardless of sex, including statutes related to the health department, suits for seduction, garnishment actions, and probate proceedings; providing for a penalty; amending Minnesota Statutes 1980, Sections 144.06; 242.47; 246.53; 510.06; 525.05; 525.082; 540.07; 540.08; 540.09; 550.37, Subdivision 10; and 576.08.

The bill was read for the first time and referred to the Committee on Judiciary.

Fjoslien; Brinkman; Mann; Nelsen, B., and Wigley introduced:

H. F. No. 174, A bill for an act relating to taxation; sales and use tax; providing for the payment of tax on the leasing of farm and irrigation equipment; proposing new law coded in Minnesota Statutes, Chapter 297A.

The bill was read for the first time and referred to the Committee on Taxes.

Gustafson, Lehto, Munger and Berkelman introduced:

H. F. No. 175, A bill for an act relating to elections; changing compensation of certain election judges; amending Minnesota Statutes 1980, Section 204A.23.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.



Weaver, Battaglia, Den Ouden, Reding and Ludeman introduced:

H. F. No. 176, A bill for an act relating to natural resources; requiring county boards to give due consideration to town officer recommendations when local approval of acquisition of wildlife lands is required by law; amending Minnesota Statutes 1980, Section 97.481, Subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Sviggum, Stumpf, Battaglia, Haukoos and Begich introduced:

H. F. No. 177, A bill for an act relating to waters; changing the terminology for public waters and wetlands to protected waters and wetlands; amending Minnesota Statutes 1980, Sections 105.37, Subdivisions 14, 15, and 16; 105.38; 105.39, Subdivision 3; and 105.391, Subdivisions 1, 3, 10, and 12.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Simoneau; Clark, J.; Pogemiller; Skoglund and Wynia introduced:

H. F. No. 178, A bill for an act relating to local government; regulating the zoning of battered women's shelters; amending Minnesota Statutes 1980, Section 462.357, Subdivisions 7 and 8.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Ellingson introduced:

H. F. No. 179, A bill for an act relating to commerce; providing for a lien on all personal property stored at certain storage facilities; defining terms; establishing a procedure for the enforcement of the liens; proposing new law coded in Minnesota Statutes, Chapter 514.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Wenzel; Nelsen, B.; Weaver; Haukoos and Reding introduced:

H. F. No. 180, A bill for an act relating to local government; granting towns certain powers over town cemeteries; regulating town cemeteries; amending Minnesota Statutes 1980, Sections 365.26; and 365.27.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Ellingson introduced:

H. F. No. 181, A bill for an act relating to agriculture; restricting the importation of certain birds; providing a penalty; proposing new law coded in Minnesota Statutes, Chapter 17.

The bill was read for the first time and referred to the Committee on Agriculture.

#### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby inform the House that the Senate has appointed a committee of five members of the Senate to act with a similar committee on the part of the House to escort the Governor to the Joint Convention to be held in the House Chamber, Tuesday, January 27, 1981.

Messrs. Peterson, C. C.; Dahl; Dicklich; Benson and Mrs. Kronebusch have been appointed to such committee on the part of the Senate.

PATRICK E. FLAHAVER, Secretary of the Senate

#### CALENDAR

Eken moved that the bill on the Calendar for today be continued one day. The motion prevailed.

#### GENERAL ORDERS

Eken moved that the bill on General Orders for today be continued one day. The motion prevailed.

#### MOTIONS AND RESOLUTIONS

Hanson moved that the name of O'Connor be added as an author on H. F. No. 133. The motion prevailed.

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, January 29, 1981. The motion prevailed.

Eken moved that the House recess subject to the call of the Chair for the purpose of meeting with the Senate in Joint Convention. The motion prevailed, and the Speaker declared the House recessed.

#### RECESS

#### RECONVENED

The House reconvened at 11:50 a.m. and was called to order by the Speaker.

The Sergeant at Arms announced the arrival of the members of the Senate and they were escorted to the seats reserved for them at the front of the House Chamber.

#### JOINT CONVENTION

The Speaker of the House as President of the Joint Convention called the Joint Convention to order.

Prayer was offered by the Chaplain.

The roll being called the following Senators answered to their names: Ashbach, Bang and Belanger.

Senator Moe, R. D., moved that further proceedings of the roll call be dispensed with. The motion prevailed and a quorum was declared present.

The Sergeant at Arms announced the arrival of the Constitutional Officers of the State of Minnesota: Lou Wangberg, Lieutenant Governor; Joan Anderson Growe, Secretary of State; Arne H. Carlson, State Auditor; and Jim Lord, State Treasurer. The Constitutional Officers were escorted to the seats reserved for them at the rostrum.

The Sergeant at Arms announced the arrival of the Honorable Albert H. Quie, Governor of the State of Minnesota and his official party. The Governor was escorted to the rostrum by the appointed committees.

**ADDRESS BY THE GOVERNOR**

Governor Albert H. Quie was presented to the Joint Convention by the President and the Governor delivered his biennial budget message to the members of the House and Senate.

Following the address, Senator Moe, R. D., moved that the Joint Convention arise. The motion prevailed and the President declared the Joint Convention adjourned.

**RECONVENED**

The House reconvened and was called to order by the Speaker.

**ADJOURNMENT**

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, January 29, 1981.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**



## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION — 1981

## TENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, JANUARY 29, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Reverend Carl A. Jensen, St. Luke's Lutheran Church, Minneapolis, Minnesota.

The roll was called and the following members were present:

Aasness	Evans	Knickerbocker	Ogren	Simoneau
Ainley	Ewald	Kostohryz	Onnen	Skoglund
Anderson, B.	Fjoslien	Kvam	Osthoff	Stadum
Anderson, G.	Forsythe	Laidig	Otis	Staten
Anderson, I.	Friedrich	Lehto	Peterson, B.	Stowell
Anderson, R.	Greenfield	Lemen	Peterson, D.	Stumpf
Battaglia	Gruenes	Levi	Piepho	Sviggum
Begich	Gustafson	Long	Pogemiller	Swanson
Berkelman	Hanson	Ludeman	Redalen	Tomlinson
Blatz	Harens	Luknic	Reding	Valan
Brandl	Hauge	Mann	Rees	Valento
Brinkman	Haukoos	Marsh	Reif	Vanasek
Byrne	Heap	McCarron	Rice	Vellenga
Carlson, D.	Heinitz	McDonald	Rodriguez, C.	Voss
Carlson, L.	Himle	McEachern	Rodriguez, F.	Weaver
Clark, J.	Hoberg	Mehrkens	Rose	Welch
Clark, K.	Hokanson	Metzen	Rothenberg	Welker
Dahlvang	Hokr	Minne	Samuelson	Wenzel
Dean	Jacobs	Munger	Sarna	Wieser
Dempsey	Jennings	Murphy	Schafer	Wigley
Den Ouden	Johnson, C.	Nelsen, B.	Schoenfeld	Wynia
Drew	Johnson, D.	Nelson, K.	Schreiber	Zubay
Eken	Jude	Niehaus	Searles	Spkr. Sieben, H.
Elioff	Kahn	Norton	Shea	
Ellingson	Kaley	Novak	Sherman	
Erickson	Kalis	Nysether	Sherwood	
Esau	Kelly	O'Connor	Sieben, M.	

A quorum was present.

Clawson, Halberg and Olsen were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Erickson moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

**INTRODUCTION AND FIRST READING  
OF HOUSE BILLS**

The following House Files were introduced:

Berkelman, Dean, Metzen, Brinkman and Ewald introduced:

H. F. No. 182, A bill for an act relating to commerce; revising the small loan act; increasing the loan amount which determines the necessity of obtaining a license; increasing the application fee; increasing the amount of liquid assets which must be maintained by a licensee; allowing certain purchasers of accounts to obtain a license; providing for the regulation of closings of licenses on holidays and weekends; providing for examinations at the commissioner's discretion; allowing the use of certain mechanical or electronic data processing methods to be used as books of account; allowing alternative compliance on certain rates of charge statements; allowing certain loans to be secured by real estate; restating maximum rates and charges; providing for the making of certain open-end loans; regulating licensee provisions concerning certain insurance in connection with loans made; allowing industrial loan and thrifts to make secured or unsecured loans on the terms, rates, and conditions permitted licensees; providing remedies; defining terms; providing for miscellaneous clarifications and revisions; amending Minnesota Statutes 1980, Sections 53.04, by adding a subdivision; 56.01; 56.02; 56.04; 56.07; 56.09; 56.10; 56.11; 56.12; 56.14; 56.15, Subdivision 1; 56.16; 56.17; 56.18; 56.19; 56.26; and proposing new law coded in Minnesota Statutes, Chapter 56; repealing Minnesota Statutes 1980, Sections 53.04, Subdivisions 3, 4, 6, and 7; 53.051; 56.06; 56.13; 56.15, Subdivision 2; and 56.20.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Greenfield; Norton; Staten; Nelson, K., and Heinitz introduced:

H. F. No. 183, A bill for an act relating to state employees; including the staff of the council on Black Minnesotans within the unclassified civil service; amending Minnesota Statutes 1980, Section 3.9225, Subdivision 5.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Eken introduced:

H. F. No. 184, A bill for an act relating to cities; increasing the amount of obligations that may be issued for television systems; validating prior issuances; amending Minnesota Statutes 1980, Section 465.70.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Begich, Elioff, Battaglia, Minne and Anderson, I., introduced:

H. F. No. 185, A bill for an act relating to taxation; income; providing a credit for certain motor vehicle fuel costs; proposing new law coded in Minnesota Statutes, Chapter 290.

The bill was read for the first time and referred to the Committee on Taxes.

Begich and Elioff introduced:

H. F. No. 186, A bill for an act relating to taxation; real property; providing for the assessment of property used for residential purposes; amending Minnesota Statutes 1980, Sections 273.08 and 273.20.

The bill was read for the first time and referred to the Committee on Taxes.

Simoneau and Skoglund introduced:

H. F. No. 187, A bill for an act relating to insurance; requiring reassignment of certain policies upon termination of the agency relationship; amending Minnesota Statutes 1980, Sections 65A.27, Subdivision 1; 65B.14, Subdivision 1; and 65B.17; proposing new law coded in Minnesota Statutes, Chapters 65A; and 65B.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Brinkman; Heinitz; Anderson, B.; Wenzel and Sviggum introduced:

H. F. No. 188, A bill for an act relating to financial institutions; increasing the maximum lawful interest rate chargeable by state banks and savings banks on certain transactions; amending Minnesota Statutes 1980, Section 48.195.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.



Begich, Battaglia and Anderson, I., introduced:

H. F. No. 189, A bill for an act relating to governmental operations; prohibiting the use of state government vehicles for non-governmental functions; amending Minnesota Statutes 1980, Section 16.753, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Norton, Heinritz, Lehto, Metzen and McDonald introduced:

H. F. No. 190, A bill for an act relating to accountancy; removing an expiration provision related to the board of accountancy; repealing Laws 1979, Chapter 326, Section 15.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Battaglia, Elioff, Begich, Minne and Lemen introduced:

H. F. No. 191, A bill for an act relating to retirement; extending coverage in the public employees retirement association to certain employees; amending Minnesota Statutes 1980, Section 353.01, Subdivision 2a.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Rodriguez, F.; Rice; Anderson, I., and Murphy introduced:

H. F. No. 192, A bill for an act relating to labor; regulating migrant labor; requiring employers and recruiters to provide employment statements to migrant workers; setting requirements for employment statements and for payment of wages to migrant workers; providing for private causes of action; proposing new law coded in Minnesota Statutes, Chapter 181.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Lemen, Schoenfeld, Schafer, Stumpf and Aasness introduced:

H. F. No. 193, A bill for an act relating to highway traffic regulations; providing for the type and placement of reflectors on certain farm equipment; amending Minnesota Statutes 1980, Section 169.55, Subdivision 2.

The bill was read for the first time and referred to the Committee on Transportation.

Hoberg; Elioff; Anderson, R.; Murphy and Evans introduced:

H. F. No. 194, A bill for an act relating to retirement; directing recalculation of certain annuities and benefits paid by the teachers retirement association; appropriating funds.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Jude; Ellingson; O'Connor; Peterson, B., and Dean introduced:

H. F. No. 195, A bill for an act relating to probate; providing for filing of genealogical records; establishing fees; proposing new law coded in Minnesota Statutes, Chapter 525.

The bill was read for the first time and referred to the Committee on Judiciary.

Peterson, B.; Munger; Stowell; Drew and Vanasek introduced:

H. F. No. 196, A bill for an act relating to game and fish; increasing and making permanent a surcharge on small game licenses for wildlife land acquisition; amending Minnesota Statutes 1980, Section 97.482, Subdivision 1; repealing Laws 1961, Chapter 66, Section 1, as amended.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Wieser, Hokanson, Forsythe, Samuelson and Den Ouden introduced:

H. F. No. 197, A bill for an act relating to welfare; establishing a program of subsidies to families caring in the home for certain mentally retarded, autistic and cerebral palsied minor dependents; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 245; repealing Minnesota Statutes 1980, Section 252.27, Subdivision 4.

The bill was read for the first time and referred to the Committee on Health and Welfare.

## HOUSE ADVISORIES

The following House Advisory was introduced:

Fjoslien; Anderson, R.; Hauge; Aasness and Wenzel introduced:

H. A. No. 4, A proposal to study UPA/CPA air ion related health problems.

The advisory was referred to the Committee on Environment and Natural Resources.

## MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 1, A bill for an act relating to education; restoring education aids withheld in fiscal year 1981; providing for full payment of education aids in future years; repealing certain provisions relating to pro rata payment of education aids and reimbursements and certificates for the unpaid amounts; appropriating money; amending Minnesota Statutes 1980, Sections 16A.15, Subdivision 1; 124.71; 124.72; 124.73; and 124.781; repealing Minnesota Statutes 1980, Sections 124.77 and 124.78.

The bill was read for the first time.

McEachern moved that S. F. No. 1 and H. F. No. 1, now on the Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

## GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

## REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. No. 4 which it recommended progress until Monday, April 20, 1981.

On the motion of Eken the report of the Committee of the Whole was adopted.

## ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, February 2, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, February 2, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## ELEVENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 2, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Reverend Norman P. Belland, Scandian Grove Lutheran Church, St. Peter, Minnesota.

The roll was called and the following members were present:

Aasness	Esau	Kalis	O'Connor	Sherwood
Ainley	Evans	Kelly	Ogren	Sieben, M.
Anderson, B.	Ewald	Knickerbocker	Olsen	Simoneau
Anderson, G.	Fjoslien	Kostohryz	Onnen	Skoglund
Anderson, I.	Forsythe	Kvam	Osthoff	Stadum
Anderson, R.	Friedrich	Laidig	Otis	Staten
Battaglia	Greenfield	Lehto	Peterson, B.	Stowell
Begich	Gruenes	Lemen	Peterson, D.	Stumpf
Berkelman	Gustafson	Levi	Piepho	Sviggum
Blatz	Halberg	Long	Pogemiller	Swanson
Brandl	Hanson	Ludeman	Redalen	Tomlinson
Brinkman	Harens	Luknic	Reding	Valan
Byrne	Hauge	Mann	Rees	Valento
Carlson, D.	Haukoos	Marsh	Reif	Vanasek
Carlson, L.	Heap	McCarron	Rice	Vellenga
Clark, J.	Heinitz	McDonald	Rodriguez, C.	Voss
Clark, K.	Himle	McEachern	Rodriguez, F.	Weaver
Clawson	Hoberg	Mehrkens	Rose	Welch
Dahlvang	Hokanson	Metzen	Rothenberg	Welker
Dean	Hokr	Minne	Samuelson	Wenzel
Dempsey	Jacobs	Munger	Sarna	Wieser
Den Ouden	Jennings	Murphy	Schafer	Wigley
Drew	Johnson, C.	Nelson, K.	Schoenfeld	Wynia
Eken	Johnson, D.	Niehaus	Schreiber	Spkr. Sieben, H.
Elioff	Jude	Norton	Searles	
Ellingson	Kahn	Novak	Shea	
Erickson	Kaley	Nysether	Sherman	

A quorum was present.

Nelsen, B., and Zubay were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Stowell moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of S. F. No. 1 have been placed in the members' files.

S. F. No. 1 and H. F. No. 1, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

McEachern moved that the rules be so far suspended that S. F. No. 1 be substituted for H. F. No. 1 and that the House File be indefinitely postponed. The motion prevailed.

## REPORTS OF STANDING COMMITTEES

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 23, A bill for an act relating to the city of Madison Lake; authorizing the issuance of general obligation bonds for a municipal center.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 38, A bill for an act relating to local government; permitting the city of Northfield to make payments to the town of Waterford as a condition of an annexation.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 23 and 38 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. No. 1 was read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Onnen, McEachern, Kalis, Haukoos and Berkelman introduced:

H. F. No. 198, A bill for an act relating to towns; giving towns general powers to provide for town welfare by police, health and safety ordinances; amending Minnesota Statutes 1980, Section 365.10.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

McDonald, Brinkman, Rees, Onnen and Piepho introduced:

H. F. No. 199, A bill for an act relating to regional development; providing advisory referenda on regional development commissions and the metropolitan council.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

McDonald, Rees, Marsh, Ludeman and Rothenberg introduced:

H. F. No. 200, A bill for an act proposing an amendment to the Minnesota Constitution; adding an article to limit state expenditures.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Haukoos, Schoenfeld, Jennings, McEachern and Schreiber introduced:

H. F. No. 201, A bill for an act relating to fire control services; providing for reimbursement by railroads and the transportation department; setting the time limit for claims; amending Minnesota Statutes 1980, Sections 161.465; and 219.761, Subdivision 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.



Welch and Wenzel introduced:

H. F. No. 202, A bill for an act relating to retirement; authorizing the purchase of prior service credit in the public employees retirement association by a certain county commissioner.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Welch; Luknic; Anderson, B., and Samuelson introduced:

H. F. No. 203, A bill for an act relating to education; slowing the phase-out of special education services for certain handicapped pupils over age 21; eliminating a restriction on eligibility for those special education services; amending Minnesota Statutes 1980, Section 120.17, Subdivision 1a.

The bill was read for the first time and referred to the Committee on Education.

McDonald introduced:

H. F. No. 204, A bill for an act relating to taxation; income; abolishing the limitations on deductions attributable to farming; repealing Minnesota Statutes 1980, Section 290.09, Subdivision 29.

The bill was read for the first time and referred to the Committee on Taxes.

Berkelman, Gustafson, Munger and Lehto introduced:

H. F. No. 205, A bill for an act relating to retirement; extending the combined service annuity to members of the University of Minnesota faculty plan; amending Minnesota Statutes 1980, Section 356.30, Subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Berkelman, Gustafson, Munger and Lehto introduced:

H. F. No. 206, A bill for an act relating to public employees; regulating bargaining between instructional unit employees and the University of Minnesota; amending Minnesota Statutes 1980, Section 179.741, Subdivision 3.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Gustafson, Lehto, Berkelman, Munger and Murphy introduced:

H. F. No. 207, A bill for an act relating to retirement; authorizing certain persons to purchase prior service credit.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Johnson, C.; Ainley; Novak; Simoneau and Ludeman introduced:

H. F. No. 208, A bill for an act relating to public utilities; statement of delinquency charges; amending Minnesota Statutes 1980, Section 222.75.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Stadum; Eken; Ainley; Johnson, C., and Valan introduced:

H. F. No. 209, A bill for an act relating to taxation; income; providing job expansion and investment credits for new businesses; proposing new law coded as Minnesota Statutes, Chapter 290B.

The bill was read for the first time and referred to the Committee on Taxes.

Stadum, Schoenfeld, Stumpf, Valan and Anderson, B., introduced:

H. F. No. 210, A bill for an act relating to workers' compensation; redefining a family farm for terms of employee coverage; amending Minnesota Statutes 1980, Section 176.011, Subdivision 11a.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Hoberg and Valan introduced:

H. F. No. 211, A bill for an act relating to local government; permitting agreements for compensation for transfers of taxable property in certain annexations; proposing new law coded in Minnesota Statutes, Chapter 414.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Den Ouden, McDonald and Forsythe introduced:

H. F. No. 212, A bill for an act relating to public welfare; limiting the first month's grant under the general assistance and aid to families with dependent children programs to a prorated share based on the time of application; amending Minnesota Statutes 1980, Sections 256.76, Subdivision 1; and 256D.07.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Den Ouden and McDonald introduced:

H. F. No. 213, A bill for an act relating to public welfare; requiring general assistance medical care recipients to pay a percentage of the cost of their care; amending Minnesota Statutes 1980, Sections 256D.02, Subdivision 4a; and 256D.03, Subdivision 3.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Niehaus, Aasness, Wenzel, Fjoslien and Kalis introduced:

H. F. No. 214, A bill for an act relating to labor; regulating certain steam engine and boiler operators; exempting certain operators from testing requirements; amending Minnesota Statutes 1980, Section 183.411.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Hoberg and Valan introduced:

H. F. No. 215, A bill for an act relating to the city of Moorhead; permitting a city levy for the arts and humanities.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Stadum, Valan, Ludeman, Nysether and Aasness introduced:

H. F. No. 216, A bill for an act relating to labor; providing labor dispute procedures in certain emergency situations; proposing new law coded in Minnesota Statutes, Chapter 179.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Anderson, G., introduced:

H. F. No. 217, A bill for an act relating to state trails; authorizing the sale of certain lands acquired for the Luce Line Trail.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Fjoslien, Battaglia, Begich, Wenzel and Dempsey introduced:

H. F. No. 218, A bill for an act relating to alcohol; exempting certain federally licensed manufacturers thereof from state regulation; amending Minnesota Statutes 1980, Section 340.18, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Stadum introduced:

H. F. No. 219, A bill for an act relating to wastewater treatment projects; eliminating the requirement that lists of delinquent contractors be published; providing for publication of a list of previous contractors; amending Minnesota Statutes 1980, Section 115.83.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Otis; Kahn; Nelson, K., and Luknic introduced:

H. F. No. 220, A bill for an act relating to energy; establishing certain conditions for the issuance of certificates of need; amending Minnesota Statutes 1980, Section 116H.13, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Energy.

Vellenga, Gruenes, Osthoff and Long introduced:

H. F. No. 221, A bill for an act relating to marriage; changing the liability of spouses for certain debts; amending Minnesota Statutes 1980, Section 519.05.

The bill was read for the first time and referred to the Committee on Judiciary.

Rose, Marsh, Lemen, Staten and Anderson, I., introduced:

H. F. No. 222, A bill for an act relating to families; designating an American family day; proposing new law coded in Minnesota Statutes, Chapter 517.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Vellenga; Reding; Rodriguez, C.; Voss and Hokr introduced:

H. F. No. 223, A bill for an act relating to creditors' remedies; property exempt from attachment, garnishment or sale on any final process issued from any court; providing for an increase in the amount of the life insurance exemption and extending the class of those eligible to benefit; amending Minnesota Statutes 1980, Section 550.37, Subdivision 10.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Stadum, Battaglia, Ludeman, Valan and Munger introduced:

H. F. No. 224, A bill for an act relating to watershed districts; requiring a public hearing before district managers adopt a budget; amending Minnesota Statutes 1980, Section 112.611, Subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Vellenga; Tomlinson; Peterson, D.; Dean and Gustafson introduced:

H. F. No. 225, A bill for an act relating to taxation; providing that the disallowance of income tax deductions relating to substandard housing shall not expire; amending Laws 1975, Chapter 226, Section 4, as amended.

The bill was read for the first time and referred to the Committee on Taxes.

Voss, Ogren, Hauge, Zubay and Laidig introduced:

H. F. No. 226, A bill for an act relating to weights and measures; regulating and restricting conversion to the metric system of measurement; prescribing and limiting the powers and duties of public officers and agencies; enacting the uniform metric system procedure act; providing penalties; proposing new law coded in Minnesota Statutes, Chapter 239; repealing Minnesota Statutes 1980, Sections 239.001; 239.002; 239.003; and 239.004.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Kvam, Rothenberg, Novak, Skoglund and Dempsey introduced:

H. F. No. 227, A bill for an act relating to taxation; recodifying and simplifying the income tax law for individuals; increasing conformance to federal income tax laws; allowing income averaging; providing an accrual system for determining the federal income tax adjustment to gross income; abolishing the homemakers credit; abolishing the farm loss modification; and abolishing the substandard buildings deduction limitation; extending the uses of agricultural electricity exempt from sales and use tax; proposing new law; amending Minnesota Statutes 1980, Section 297A.25, Subdivision 1; repealing Minnesota Statutes 1980, Sections 62E.03, Subdivision 2; 290.06, Subdivision 3e; 290.09, Subdivisions 29 and 30; 290.101.

The bill was read for the first time and referred to the Committee on Taxes.

Hanson, Munger, Dean, Fjoslien and Ellingson introduced:

H. F. No. 228, A bill for an act relating to solid waste; prohibiting retail sale of certain plastic nonrefillable beverage containers; imposing penalties; amending Minnesota Statutes 1980, Sections 116F.21; and 116F.22, Subdivision 2, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Begich, Munger and Elioff introduced:

H. F. No. 229, A bill for an act relating to pesticides; prescribing certain limitations on the aerial application of pesticides; imposing requirements for pesticide application in certain areas; proposing new law coded in Minnesota Statutes, Chapter 18A.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Sieben, M.; Nelsen, B.; Eken; Carlson, D., and Samuelson introduced:

H. F. No. 230, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money.

The bill was read for the first time and referred to the Committee on Appropriations.

Aasness; Mann; Niehaus; Johnson, C., and Valan introduced:

H. F. No. 231, A bill for an act relating to agriculture; imposing certain requirements on milk houses for milk used for manufacturing; setting up an inspection program; requiring permits for certain dairy operations; amending Minnesota Statutes 1980, Section 32.212.

The bill was read for the first time and referred to the Committee on Agriculture.

McDonald and Schreiber introduced:

H. F. No. 232, A bill for an act relating to crimes; prohibiting the possession, manufacture, or delivery of drug paraphernalia; prohibiting the delivery of drug paraphernalia to minors; prohibiting the advertisement of drug paraphernalia; providing for civil forfeiture of drug paraphernalia; prohibiting the sale of cigarette paper or the means for making cigarettes if there is knowledge or reason to believe that the items will be used in violation of the controlled substance law; prohibiting owners of real property to lease or otherwise permit the use of their property for the retail sale of drug paraphernalia; prescribing penalties; amending Minnesota Statutes 1980, Sections 152.01, by adding subdivisions; 152.19, Subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, Chapter 152.

The bill was read for the first time and referred to the Committee on Judiciary.

Stadum; Anderson, G.; Johnson, C.; Kaley and Sviggum introduced:

H. F. No. 233, A bill for an act relating to workers' compensation; providing for insurance rate setting by individual insurance companies; eliminating duties of rating bureau of Minnesota; creating and eliminating duties for the commissioner of insurance; amending Minnesota Statutes 1980, Sections 70A.02; 70A.04, by adding a subdivision; 70A.08, by adding a subdivision; 70A.09; 70A.19; and 176.185, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapters 70A and 176; repealing Minnesota Statutes 1980, Chapter 79.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Mann, Munger and Kalis introduced:

H. F. No. 234, A bill for an act relating to waters; maintaining existing classification of the water use designation of Okabena Creek in Jackson and Nobles Counties.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Jacobs introduced:

H. F. No. 235, A bill for an act relating to taxation; providing that the proceeds of the motor vehicle excise tax shall be deposited in the highway user tax distribution fund for highway purposes; amending Minnesota Statutes 1980, Sections 168.27, Subdivision 16; 297B.035, Subdivision 2; and 297B.09.

The bill was read for the first time and referred to the Committee on Transportation.

Munger; Sieben, H.; Eken and Friedrich introduced:

H. F. No. 236, A bill for an act relating to environmental protection; imposing a moratorium on enforcement of the law banning plastic milk containers; repealing Laws 1977, Chapters 268, Section 3; and 455, Section 96.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.



Reding introduced:

H. F. No. 237, A bill for an act relating to gambling devices; clarifying definitions of gambling devices; authorizing certain payments for operation of gambling devices; changing prize limitations; amending Minnesota Statutes 1980, Section 349.26, Subdivisions 4, 5, 12, 13 and 15.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Anderson, G.; Vanasek; Anderson, R., and Kalis introduced:

H. F. No. 238, A bill for an act relating to the department of public safety; financing the divisions of highway patrol and driver's license from the general fund; amending Minnesota Statutes 1980, Sections 299D.02, Subdivision 1; 299D.04; 299D.05, Subdivision 3; and proposing new law coded in Minnesota Statutes, Chapters 171 and 299D.

The bill was read for the first time and referred to the Committee on Transportation.

Novak, Skoglund, Samuelson, Kvam and Anderson, I., introduced:

H. F. No. 239, A bill for an act relating to taxation; increasing the maximum pension exclusion; providing that it increase according to annual increases in Social Security benefits; eliminating the income offset; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20.

The bill was read for the first time and referred to the Committee on Taxes.

Nysether, Brinkman, Friedrich, Minne and Mann introduced:

H. F. No. 240, A bill for an act relating to energy; residential energy disclosure program; repealing Minnesota Statutes 1980, Section 116H.129, Subdivisions 5, 6, and 7.

The bill was read for the first time and referred to the Committee on Energy.

## HOUSE ADVISORIES

The following House Advisory was introduced:

Reding introduced:

H. A. No. 5, A proposal to transfer all agricultural marketing promotion to the Department of Economic Development.

The advisory was referred to the Committee on Commerce and Economic Development.

## MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 12 and 13.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 12, A bill for an act relating to eminent domain; providing for the taking of possession and title by the petitioner under certain circumstances; providing that certain payments deposited with the court shall be paid out under direction of the court; amending Minnesota Statutes 1980, Section 117.042.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 13, A bill for an act relating to crimes; eliminating the power of a sentencing court to stay the revocation of the driver's license of a person convicted of driving, operating or being in physical control of a motor vehicle while under the influence of alcohol or controlled substances or a combination thereof; amending Minnesota Statutes 1980, Sections 169.121, Subdivision 5; and 609.135, Subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

## MOTIONS AND RESOLUTIONS

Wenzel moved that the name of Jude be stricken and the name of Swanson be added as second author on H. F. No. 63. The motion prevailed.

McDonald moved that the names of Battaglia, Hanson and Rees be added as authors on H. F. No. 232. The motion prevailed.

Munger moved that the name of Begich be added as an author on H. F. No. 236. The motion prevailed.

## ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, February 5, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, February 5, 1981.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**

## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## TWELFTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 5, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Pastor Tyrone Burkette, Dayton Avenue Presbyterian Church, St. Paul, Minnesota.

The roll was called and the following members were present:

Aasness	Erickson	Kaley	Nysether	Sherman
Ainley	Esau	Kalis	O'Connor	Sherwood
Anderson, B.	Evans	Knickerbocker	Ogren	Sieben, M.
Anderson, G.	Ewald	Kostohryz	Olsen	Simoneau
Anderson, I.	Fjoslien	Kvam	Onnen	Skoglund
Anderson, R.	Forsythe	Laidig	Osthoff	Stadum
Battaglia	Friedrich	Lehto	Otis	Staten
Begich	Greenfield	Lemen	Peterson, B.	Stowell
Berkelman	Gruenes	Levi	Peterson, D.	Stumpf
Blatz	Gustafson	Long	Piepho	Sviggum
Brandl	Halberg	Ludeman	Pogemiller	Swanson
Brinkman	Harens	Luknic	Redalen	Tomlinson
Byrne	Hauge	Mann	Reding	Valan
Carlson, D.	Haukoos	Marsh	Rees	Valento
Carlson, L.	Heap	McCarron	Reif	Vanasek
Clark, J.	Heinritz	McDonald	Rice	Vellenga
Clark, K.	Himle	McEachern	Rodriguez, C.	Weaver
Clawson	Hoberg	Mehrkens	Rodriguez, F.	Welch
Dahlvang	Hokanson	Metzen	Rothenberg	Welker
Dean	Hokr	Minne	Samuelson	Wenzel
Dempsey	Jacobs	Munger	Sarna	Wieser
Den Ouden	Jennings	Murphy	Schafer	Wigley
Drew	Johnson, C.	Nelsen, B.	Schoenfeld	Wynia
Eken	Johnson, D.	Niehaus	Schreiber	Zubay
Elioff	Jude	Norton	Searles	Spkr. Sieben, H.
Ellingson	Kahn	Novak	Shea	

A quorum was present.

Hanson; Kelly; Nelson, K.; Rose and Voss were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Stumpf moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 23 and 38 and S. F. Nos. 12 and 13 have been placed in the members' files.

## REPORTS OF STANDING COMMITTEES

Sieben, M., from the Committee on Appropriations to which was referred:

H. F. No. 230, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money.

Reported the same back with the following amendments:

Page 1, line 18, delete "739,000" and insert "533,000"

Page 1, line 19, delete "998,000" and insert "236,000"

Page 2, line 2, delete "\$44,649,200" and insert "\$43,681,200"

Page 2, line 3, delete "44,649,200" and insert "43,681,200"

Page 3, line 18, delete "739,000" and insert "533,000"

Page 3, line 20, after "general" delete "the purposes"

Page 3, delete lines 21 to 26 and insert "for energy conservation projects at armories" and insert in the far right column "236,000"

Page 4, after line 28, insert:

"\$3,500,000 of the appropriations cancelled in subdivision 6 are reappropriated for this purpose."

Page 5, after line 8, insert:

"Subd. 6. The unencumbered balances of appropriations made by Laws 1978, Chapter 792, Section 11, Subdivision 2, Clauses (f) and (h) are cancelled"

Page 6, delete lines 17 to 21

Page 7, line 14, delete "Water chiller system for" and insert "Remodel"

Page 7, line 25, delete "Life safety" and insert "Licensure"

Page 8, line 40, delete "\$44,649,200" and insert "\$40,185,000"

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. No. 230 was read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Stadum, Stumpf, Niehaus, Murphy and Voss introduced:

H. F. No. 241, A bill for an act relating to local government; removing a limit on advertising budgets of certain statutory cities; amending Minnesota Statutes 1980, Section 465.56, Subdivision 1; repealing Minnesota Statutes 1980, Section 465.56, Subdivision 2.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Osthoff, Dempsey, Wenzel, McEachern and Hanson introduced:

H. F. No. 242, A bill for an act relating to taxation; increasing the deduction for tuition, textbooks, and transportation of dependents attending certain schools; amending Minnesota Statutes 1980, Section 290.09, Subdivision 22.

The bill was read for the first time and referred to the Committee on Taxes.

Anderson, G., and Friedrich introduced:

H. F. No. 243, A bill for an act relating to taxation; providing that the proceeds of the motor vehicle excise tax be allocated between the general fund and the highway user tax distribution fund for a period of four years, and thereafter all the proceeds to be deposited in the highway user tax distribution fund; amending Minnesota Statutes 1980, Sections 168.27, Subdivision 16; 297B.035, Subdivision 2; and 297B.09.

The bill was read for the first time and referred to the Committee on Transportation.

Simoneau introduced:

H. F. No. 244, A bill for an act relating to probate; increasing the surviving spouse's share of certain personal property; amending Minnesota Statutes 1980, Section 525.15.

The bill was read for the first time and referred to the Committee on Judiciary.

Simoneau introduced:

H. F. No. 245, A bill for an act relating to motor vehicles; providing for the transfer of title; requiring the transferor in certain cases to mail or deliver the certificate, application for a new certificate, assignment, and any tax due on the transfer to the department of public safety; amending Minnesota Statutes 1980, Section 168A.10, Subdivision 1; repealing Minnesota Statutes 1980, Section 168A.10, Subdivision 2.

The bill was read for the first time and referred to the Committee on Transportation.

Drew introduced:

H. F. No. 246, A bill for an act relating to local government; providing that the city of St. Paul may acquire property by eminent domain for the St. Paul port authority.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Peterson, D., introduced:

H. F. No. 247, A bill for an act relating to retirement; authorizing the purchase of prior service credit by certain court reporters.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Johnson, D.; Norton; Reif; Kelly and Clark, J., introduced:

H. F. No. 248, A bill for an act relating to health; providing for the establishment of a joint legislative study commission to study the educational programs in patient care at the University of Minnesota Medical School; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Anderson, R.; Simoneau; Drew; Johnson, C., and Evans introduced:

H. F. No. 249, A bill for an act relating to taxation; income tax; allowing a depreciation deduction for the personal use of automobiles; amending Minnesota Statutes 1980, Section 290.09, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Johnson, D.; Norton; Stadum; Ellingson and Wynia introduced:

H. F. No. 250, A bill for an act relating to insurance; providing for the payment of certain expenses incurred in prosecuting a claim; proposing new law coded in Minnesota Statutes, Chapter 60A.

The bill was read for the first time and referred to the Committee on Judiciary.

Sarna introduced:

H. F. No. 251, A bill for an act relating to retirement; making various changes in the laws governing the operation of the public employees retirement association; amending Minnesota Statutes 1980, Section 353.01, Subdivision 19; 353.03, Subdivisions 1, 2, and 5; 353.15; 353.27, Subdivision 4; 353.28, Subdivision 5; 353.29, Subdivision 8; 353.31, Subdivision 1; 353.32, Subdivision 9; 353.33, Subdivisions 4, 5, and 6; 353.46, Subdivision 1; 353.64, Subdivisions 1 and 6; 353.656, Subdivision 2; and 353.657, Subdivision 3; repealing Minnesota Statutes 1980, Sections 353.017, Subdivision 5; 353.272; and 353.37, Subdivision 1a.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Lehto, Niehaus, McEachern and Onnen introduced:

H. F. No. 252, A bill for an act relating to taxation; allowing urban towns to increase their tax levy limit base by eight percent per year; amending Minnesota Statutes 1980, Section 275.52, Subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.



Peterson, B.; Brinkman; Munger; Lemen and Weaver introduced:

H. F. No. 253, A bill for an act relating to state lands and tax-forfeited land sales; changing the interest rate on unpaid sale balances; amending Minnesota Statutes 1980, Sections 92.06, Subdivision 1; 94.11; 282.01, Subdivision 4; 282.15; 282.222, Subdivision 4; 282.261; and 282.35, Subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Kelly, Greenfield, Gustafson, Himle and Friedrich introduced:

H. F. No. 254, A bill for an act relating to landlords and tenants; changing the time limit for landlords to furnish tenants with certain information; amending Minnesota Statutes 1980, Section 290A.19.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Kalis introduced:

H. F. No. 255, A bill for an act relating to public safety; requiring permission from the chief of police or county sheriff and the superintendent of the bureau of criminal apprehension to use radio equipment, base fixed monitors, or portable radio units capable of receiving signals from any police emergency frequency; amending Minnesota Statutes 1980, Section 299C.37, Subdivisions 1 and 3.

The bill was read for the first time and referred to the Committee on Transportation.

Kalis introduced:

H. F. No. 256, A bill for an act relating to public safety; requiring permission from the chief of police or county sheriff to use radio equipment, base fixed monitors, or portable radio units capable of receiving signals from any police emergency frequency; amending Minnesota Statutes 1980, Section 299C.37, Subdivisions 1 and 3.

The bill was read for the first time and referred to the Committee on Transportation.

Friedrich, Begich, Ludeman, Osthoff and Kostohryz introduced:

H. F. No. 257, A bill for an act relating to public holidays; regulating the observance of Memorial Day; amending Minnesota Statutes 1980, Sections 465.50; and 645.44, Subdivision 5.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Evans, Ainley, Metzen, Reding and Osthoff introduced:

H. F. No. 258, A bill for an act relating to commerce; allowing the manufacture, sale, and shipment of gambling devices for use in other states; amending Minnesota Statutes 1980, Sections 349.31, Subdivision 1; 609.75, Subdivision 1; 609.76; proposing new law coded in Minnesota Statutes, Chapter 349.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Samuelson and Ogren introduced:

H. F. No. 259, A bill for an act relating to the city of Brainerd; service credit in the public employees police and fire fund for the fire chief therein.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Voss; Knickerbocker; Sieben, H.; Dahlvang and Schreiber introduced:

H. F. No. 260, A bill for an act relating to metropolitan government; providing for the maximum amount of the borrowing authorization of the metropolitan airports commission; amending Minnesota Statutes 1980, Section 473.667, Subdivision 2.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Ludeman, Jennings, Schafer, Onnen and Reif introduced:

H. F. No. 261, A bill for an act relating to the legislature; redefining "legislative day" as any calendar day except Sunday in order to shorten the duration of legislative sessions; amending Minnesota Statutes 1980, Section 3.012.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Simoneau, Rice, Begich, Stumpf and Murphy introduced :

H. F. No. 262, A bill for an act relating to workers' compensation; regulating insurance companies reserves for claims; providing the possibility of premium refunds for non-experience rated employers; amending Minnesota Statutes 1980, Section 79.071, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 79.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Simoneau, Staten, Begich, Rice and Murphy introduced :

H. F. No. 263, A bill for an act relating to public employment; authorizing recognition of legal strike by non-members of bargaining unit; amending Minnesota Statutes 1980, Section 179.64, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Simoneau, Greenfield, Eken, Rice and Clawson introduced :

H. F. No. 264, A bill for an act relating to unemployment compensation; redefining wages for contribution purposes; regulating contribution rates; amending Minnesota Statutes 1980, Sections 268.04, Subdivision 25; 268.06, Subdivisions 3a, 5, 6 and 8; and 268.071, Subdivision 6.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Simoneau, Begich, Murphy, Rice and Staten introduced :

H. F. No. 265, A bill for an act relating to workers' compensation; creating the Minnesota workers' compensation insurance corporation as a nonprofit public corporation; changing the procedure for the administration of compensation claims of state employees; appropriating money; amending Minnesota Statutes 1980, Section 176.591, Subdivisions 1 and 3; proposing new law coded as Minnesota Statutes, Chapter 176A; repealing Minnesota Statutes 1980, Sections 176.061, Subdivisions 8 and 9; 176.541, Subdivisions 2, 3, 4, 5, 6 and 8; 176.551; 176.561; 176.571; 176.603 and 176.611.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Kelly introduced :

H. F. No. 266, A bill for an act relating to insurance; removing the state comprehensive health insurance plan's limitation of coverage on pre-existing conditions as it applies to retired persons; amending Minnesota Statutes 1980, Section 62E.14, Subdivision 3.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Brinkman, Vanasek, Mann, Valan and Sviggum introduced :

H. F. No. 267, A bill for an act relating to retirement; granting an option as to public employees retirement association membership to employees of public hospitals, nursing homes and extended care facilities; proposing new law coded in Minnesota Statutes, Chapter 355; repealing Minnesota Statutes 1980, Section 355.73, Subdivision 6.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Norton introduced :

H. F. No. 268, A bill for an act relating to economic development; transferring certain administrative authorities from the commerce department to the department of economic development; referring municipal adoption of guidelines for industrial revenue bonds; amending Minnesota Statutes 1980, Section 474.01, Subdivisions 7a, 7b, and by adding subdivisions.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Simoneau introduced :

H. F. No. 269, A bill for an act relating to elections; allowing a candidate to transport parents of the candidate or the candidate's spouse to or from the polls; amending Minnesota Statutes 1980, Section 210A.13, Subdivision 3.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Fjoslien; McCarron; Simoneau; Peterson, B., and Berkelman introduced:

H. F. No. 270, A bill for an act relating to taxation; exempting from the sales and use tax meals sold to charitable, religious and educational organizations; amending Minnesota Statutes 1980, Section 297A.25, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Searles introduced:

H. F. No. 271, A bill for an act relating to state historic sites; adding the Wayzata Depot to the registry of state historic sites; amending Minnesota Statutes 1980, Section 138.56, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Simoneau, McCarron, Berkelman, Fjoslien and Peterson, B., introduced:

H. F. No. 272, A bill for an act relating to administrative rules; clarifying certain powers and duties of the legislative commission to review administrative rules; amending Minnesota Statutes 1980, Section 3.965, Subdivision 3, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Jude; Anderson, B.; Luknic; Dempsey and Tomlinson introduced:

H. F. No. 273, A bill for an act relating to the administration of criminal justice; requiring prosecuting authorities to notify victims of plea agreements; prohibiting courts from accepting plea agreements if the victim has not been notified; proposing new law coded in Minnesota Statutes, Chapter 630.

The bill was read for the first time and referred to the Committee on Judiciary.

McCarron introduced:

H. F. No. 274, A bill for an act relating to public welfare; closing Anoka state hospital; providing for continued employment of its personnel; directing disposition of related buildings and land; instructing the revisor of statutes to eliminate certain obsolete references from statutes; amending Minnesota Statutes 1980, Sections 246.02, Subdivision 2; 253.015; and 254.05.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Greenfield, Swanson, Harens, Kaley and Heinitz introduced:

H. F. No. 275, A bill for an act relating to optometrists; requiring advice to patients under certain conditions; proposing new law coded in Minnesota Statutes, Chapter 148.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Kelly introduced:

H. F. No. 276, A bill for an act relating to juveniles; prescribing the elements of a prima facie case for referring a child to adult court for criminal prosecution; amending Minnesota Statutes 1980, Section 260.125, Subdivision 3.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Brinkman, Mann, Wenzel and Niehaus introduced:

H. F. No. 277, A bill for an act relating to insurance; broadening the investment authority of township mutual insurance companies; prescribing recordkeeping duties; providing remedies; proposing new law coded in Minnesota Statutes, Chapter 67A; repealing Minnesota Statutes 1980, Sections 67A.23 and 67A.24.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Ellingson, Wynia, Heinitz and Brinkman introduced :

H. F. No. 278, A bill for an act relating to insurance; revising the statutory provisions relating to surplus lines insurance; clarifying its operation and coverage; providing penalties; proposing new law coded in Minnesota Statutes, Chapter 60A; repealing Minnesota Statutes 1980, Section 60A.20.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Fjoslien, Mann, Ludeman, Heinitz and Welker introduced :

H. F. No. 279, A bill for an act relating to aircraft; broadening the insurance exemption for certain aircraft; amending Minnesota Statutes 1980, Section 360.59, Subdivision 10.

The bill was read for the first time and referred to the Committee on Judiciary.

Heap, Hokanson, Heinitz and Elioff introduced :

H. F. No. 280, A bill for an act relating to public welfare; authorizing the department of vocational rehabilitation to provide funds for power assisted wheelchairs to handicapped persons under certain circumstances; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 129A.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Dempsey and Gustafson introduced :

H. F. No. 281, A bill for an act relating to statutes; providing that selected statutes shall be subject to judicial modification as is common law; proposing new law coded in Minnesota Statutes 1980, Chapter 645.

The bill was read for the first time and referred to the Committee on Judiciary.

Schreiber, Tomlinson, Brinkman, Dempsey and Valento introduced :

H. F. No. 282, A bill for an act relating to taxes; establishing Project Fair Share; providing for the investigation of unreported or underreported Minnesota income or failure to file a tax return and other cases where tax is owed to the state; appropriating money.

The bill was read for the first time and referred to the Committee on Taxes.

McEachern, Norton, Metzen, Valan and Anderson, B., introduced:

H. F. No. 283, A bill for an act relating to insurance; authorizing the commissioner of public safety to issue a limited license to persons whose license has been revoked for failure to provide security required by the no-fault automobile insurance act; amending Minnesota Statutes 1980, Section 65B.67, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

#### HOUSE ADVISORIES

The following House Advisory was introduced:

Hokanson; Sieben, M.; Stowell; Clark, J., and Rothenberg introduced:

H. A. No. 6, A proposal to study the operation, structure and contractual obligations of social and athletic clubs.

The advisory was referred to the Committee on General Legislation and Veterans Affairs.

#### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 7, 16 and 17.

PATRICK E. FLAHAVER, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 7, A bill for an act relating to Traverse County; permitting the issuance of bonds by the county to provide funds for the construction, alteration, repair, and improvement of necessary buildings for county fair purposes, and to aid county agricultural societies to defray related financial obligations; providing for payment of the obligations.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 16, A bill for an act relating to probate; changing certain time limits and procedures for a personal representative



to file an inventory and appraisalment; amending Minnesota Statutes 1980, Section 524.3-706.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 17, A bill for an act relating to witnesses; exempting parents and minors from testifying with respect to confidential communications made by the minor to parent; amending Minnesota Statutes 1980, Section 595.02.

The bill was read for the first time and referred to the Committee on Judiciary.

### CONSENT CALENDAR

H. F. No. 23, A bill for an act relating to the city of Madison Lake; authorizing the issuance of general obligation bonds for a municipal center.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kaley	O'Connor	Sherwood
Ainley	Esau	Kalis	Ogren	Sieben, M.
Anderson, B.	Evans	Knickerbocker	Olsen	Simoneau
Anderson, G.	Ewald	Kostohryz	Onnen	Skoglund
Anderson, I.	Fjoslien	Kvam	Osthoff	Stadum
Anderson, R.	Forsythe	Lehto	Otis	Staten
Battaglia	Friedrich	Lemen	Peterson, B.	Stowell
Berkelman	Gruenes	Levi	Peterson, D.	Stumpf
Blatz	Gustafson	Long	Piepho	Svigum
Brandl	Halberg	Ludeman	Pogemiller	Swanson
Brinkman	Harens	Luknic	Redalen	Tomlinson
Byrne	Hauge	Marsh	Reding	Valan
Carlson, D.	Haukoos	McCarron	Rees	Valento
Carlson, L.	Heap	McDonald	Reif	Vellenga
Clark, J.	Heinitz	McEachern	Rodriguez, C.	Weaver
Clark, K.	Himle	Mehrkens	Rodriguez, F.	Welch
Clawson	Hoberg	Metzen	Rothenberg	Welker
Dahlvang	Hokanson	Minne	Samuelson	Wenzel
Dean	Hokr	Munger	Sarna	Wieser
Dempsey	Jacobs	Murphy	Schafer	Wigley
Den Ouden	Jennings	Nelsen, B.	Schoenfeld	Wynia
Drew	Johnson, C.	Niehaus	Schreiber	Zubay
Eken	Johnson, D.	Norton	Searles	Spkr. Sieben, H.
Elioff	Jude	Novak	Shea	
Ellingson	Kahn	Nysether	Sherman	

The bill was passed and its title agreed to.

Eken moved that the House recess subject to the call of the Chair. The motion prevailed.

## RECESS

## RECONVENED

The House reconvened and was called to order by the Speaker.

## CONSENT CALENDAR, Continued

H. F. No. 38, A bill for an act relating to local government; permitting the city of Northfield to make payments to the town of Waterford as a condition of an annexation.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Kahn	Novak	Sherman
Ainley	Erickson	Kaley	Nysether	Sherwood
Anderson, B.	Esau	Kalis	O'Connor	Sieben, M.
Anderson, G.	Ewald	Knickerbocker	Ogren	Simoneau
Anderson, I.	Fjoslien	Kostohryz	Olsen	Skoglund
Anderson, R.	Forsythe	Kvam	Onnen	Stadum
Battaglia	Friedrich	Laidig	Osthoff	Staten
Begich	Greenfield	Lehto	Otis	Stowell
Berkelman	Gruenes	Lemen	Peterson, D.	Stumpf
Blatz	Gustafson	Levi	Piepho	Sviggum
Brandl	Halberg	Long	Pogemiller	Swanson
Brinkman	Harens	Ludeman	Redalen	Tomlinson
Byrne	Hauge	Luknic	Reding	Valan
Carlson, D.	Haukoos	Marsh	Rees	Valento
Carlson, L.	Heap	McCarron	Reif	Vanasek
Clark, J.	Heinitz	McDonald	Rice	Vellenga
Clark, K.	Himle	McEachern	Rodriguez, C.	Weaver
Clawson	Hoberg	Mehrkens	Rodriguez, F.	Welch
Dahlvang	Hokanson	Metzen	Rothenberg	Welker
Dean	Hokr	Minne	Samuelson	Wenzel
Dempsey	Jacobs	Munger	Sarna	Wieser
Den Ouden	Jennings	Murphy	Schoenfeld	Wigley
Drew	Johnson, C.	Nelsen, B.	Schreiber	Wynia
Eken	Johnson, D.	Niehaus	Searles	Zubay
Elioff	Jude	Norton	Shea	Spkr. Sieben, H.

The bill was passed and its title agreed to.

## CALENDAR

S. F. No. 1 was reported to the House and given its third reading.

Searles moved that S. F. No. 1 be re-referred to the Committee on Appropriations.

A roll call was requested and properly seconded.

The question was taken on the Searles motion and the roll was called. There were 35 yeas and 92 nays as follows:

Those who voted in the affirmative were:

Aasness	Halberg	Laidig	Peterson, B.	Stowell
Ainley	Haukoos	Lemen	Piepho	Sviggum
Dempsey	Heinitz	Levi	Redalen	Valento
Den Ouden	Hokr	Ludeman	Rees	Welker
Esau	Jennings	McDonald	Schreiber	Wieser
Fjoslien	Kaley	Nysether	Searles	Wigley
Friedrich	Kvam	Onnen	Sherwood	Zubay

Those who voted in the negative were:

Anderson, B.	Eken	Kalis	O'Connor	Sieben, M.
Anderson, G.	Elihoff	Knickerbocker	Ogren	Simoneau
Anderson, I.	Ellingson	Kostohryz	Olsen	Skoglund
Anderson, R.	Ewald	Lehto	Osthoff	Stadum
Battaglia	Forsythe	Long	Otis	Staten
Begich	Greenfield	Luknic	Peterson, D.	Stumpf
Berkelman	Gruenes	Mann	Pogemiller	Swanson
Blatz	Gustafson	Marsh	Reding	Tomlinson
Brandl	Harens	McCarron	Reif	Valan
Brinkman	Hauge	McEachern	Rice	Vanasek
Byrne	Heap	Mehrkens	Rodriguez, C.	Vellenga
Carlson, D.	Himle	Metzen	Rodriguez, F.	Weaver
Carlson, L.	Hoberg	Minne	Rothenberg	Welch
Clark, J.	Hokanson	Munger	Samuelson	Wenzel
Clark, K.	Jacobs	Murphy	Sarna	Wynia
Clawson	Johnson, C.	Nelsen, B.	Schafer	Spkr. Sieben, H.
Dahlvang	Johnson, D.	Niehaus	Schoenfeld	
Dean	Jude	Norton	Shea	
Drew	Kahn	Novak	Sherman	

The motion did not prevail.

McDonald moved to amend S. F. No. 1, as follows:

Page 1, line 2, delete "restoring" insert "advancing"

Page 1, line 3, delete "withheld in fiscal year 1981"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 37 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Aasness	Dempsey	Esau	Friedrich	Haukoos
Blatz	Den Ouden	Fjoslien	Halberg	Heinitz

Jennings	McDonald	Piepho	Searles	Wieser
Kaley	Nelsen, B.	Redalen	Sherman	Wigley
Kvam	Niehaus	Rees	Sherwood	Zubay
Laidig	Nysether	Reif	Stadum	
Lemen	Olsen	Rothenberg	Valento	
Ludeman	Onnen	Schreiber	Welker	

Those who voted in the negative were:

Ainley	Drew	Johnson, C.	Novak	Simoneau
Anderson, B.	Eken	Johnson, D.	O'Connor	Skoglund
Anderson, G.	Elioff	Jude	Ogren	Staten
Anderson, I.	Ellingson	Kahn	Osthoff	Stumpf
Anderson, R.	Erickson	Kalis	Otis	Sviggum
Battaglia	Evans	Kostohryz	Peterson, B.	Swanson
Begich	Ewald	Lehto	Peterson, D.	Tomlinson
Berkelman	Forsythe	Long	Pogemiller	Valan
Brandl	Greenfield	Luknic	Reding	Vanasek
Brinkman	Gruenes	Mann	Rice	Vellenga
Byrne	Gustafson	McCarron	Rodriguez, C.	Weaver
Carlson, D.	Harens	McEachern	Rodriguez, F.	Welch
Carlson, L.	Hauge	Mehrkens	Samuelson	Wenzel
Clark, J.	Himle	Metzen	Sarna	Wynia
Clark, K.	Hoberg	Minne	Schafer	Sprk. Sieben, H.
Clawson	Hokanson	Munger	Schoenfeld	
Dahlvang	Hokr	Murphy	Shea	
Dean	Jacobs	Norton	Sieben, M.	

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

S. F. No. 1, A bill for an act relating to education; restoring education aids withheld in fiscal year 1981; providing for full payment of education aids in future years; repealing certain provisions relating to pro rata payment of education aids and reimbursements and certificates for the unpaid amounts; appropriating money; amending Minnesota Statutes 1980, Sections 16A.15, Subdivision 1; 124.71; 124.72; 124.73; and 124.781; repealing Minnesota Statutes 1980, Sections 124.77 and 124.78.

The bill was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 111 yeas and 18 nays as follows:

Those who voted in the affirmative were:

Ainley	Carlson, L.	Fjoslien	Jacobs	Long
Anderson, B.	Clark, J.	Forsythe	Johnson, C.	Luknic
Anderson, G.	Clark, K.	Greenfield	Johnson, D.	Mann
Anderson, I.	Clawson	Gruenes	Jude	Marsh
Anderson, R.	Dahlvang	Gustafson	Kahn	McCarron
Battaglia	Dean	Halberg	Kalis	McEachern
Begich	Drew	Harens	Knickerbocker	Mehrkens
Berkelman	Eken	Hauge	Kostohryz	Metzen
Blatz	Elioff	Heap	Kvam	Minne
Brandl	Ellingson	Himle	Laidig	Munger
Brinkman	Erickson	Hoberg	Lehto	Murphy
Byrne	Evans	Hokanson	Lemen	Nelsen, B.
Carlson, D.	Ewald	Hokr	Levi	Niehaus

Norton	Pogemiller	Sarna	Stowell	Welch
Novak	Redalen	Schafer	Stumpf	Wenzel
O'Connor	Reding	Schoenfeld	Swigum	Wieser
Ogren	Rees	Shea	Swanson	Wigley
Olsen	Reif	Sherman	Tomlinson	Wynia
Onnen	Rice	Sieben, M.	Valan	Spkr. Sieben, H.
Osthoff	Rodriguez, C.	Simoneau	Valento	
Otis	Rodriguez, F.	Skoglund	Vanasek	
Peterson, B.	Rothenberg	Stadum	Vellenga	
Peterson, D.	Samuelson	Staten	Weaver	

Those who voted in the negative were:

Aasness	Friedrich	Kaley	Piepho	Welker
Dempsey	Haukoos	Ludeman	Schreiber	Zubay
Den Ouden	Heinitz	McDonald	Searles	
Esau	Jennings	Nysether	Sherwood	

The bill was passed and its title agreed to.

### MOTIONS AND RESOLUTIONS

Redalen moved that the name of Reding be added as an author on H. F. No. 129. The motion prevailed.

Den Ouden moved that the name of Wieser be added as an author on H. F. No. 212. The motion prevailed.

Jacobs moved that the names of Blatz and McEachern be added as authors on H. F. No. 235. The motion prevailed.

Anderson, I., moved that the names of Dahlvang and Rodriguez, F., be stricken and the names of Begich and Metzén be added as authors on H. F. No. 18. The motion prevailed.

Vellenga moved that the name of Olsen be added as an author on H. F. No. 221. The motion prevailed.

Simoneau moved that the name of Long be added as an author on H. F. No. 244. The motion prevailed.

Anderson, G., moved that the names of Anderson, B., Stadum and Welker be added as authors on H. F. No. 243. The motion prevailed.

Norton moved that the name of Osthoff be added as an author on H. F. No. 268. The motion prevailed.

Kvam moved that the names of Novak and Skoglund be stricken as authors on H. F. No. 227. The motion prevailed.

Simoneau moved that the name of Sarna be added as an author on H. F. No. 245. The motion prevailed.

Jacobs moved that the name of Niehaus be added as an author on H. F. No. 235. The motion prevailed.

Fjoslien introduced:

House Resolution No. 6, A house resolution eulogizing Carl M. Iverson and commemorating the exemplary nature of his life and work.

#### SUSPENSION OF RULES

Fjoslien moved that the Rules be so far suspended that House Resolution No. 6 be now considered and be placed upon its adoption. The motion prevailed.

#### HOUSE RESOLUTION NO. 6

A house resolution eulogizing Carl M. Iverson and commemorating the exemplary nature of his life and work.

*Whereas*, Carl M. Iverson was born in Grant County, Minnesota, on April 6, 1894; and,

*Whereas*, Carl M. Iverson attended the country school in Grant County, graduated from Moorhead State Normal School, and studied agriculture at the University of Minnesota; and,

*Whereas*, Carl M. Iverson took over his parents' farm and operated it until recently and was the general manager of the Farmer's Produce Cooperative Association from its inception until he died; and,

*Whereas*, Carl M. Iverson was elected from Grant County to the old 48th district of the House of Representatives of the State of Minnesota and served there continuously from 1918 until 1930, served in the Senate from 1930 to 1934, and again served in the House from 1939 until 1966; and

*Whereas*, during his forty-four years of service in the House of Representatives and Senate he was a much respected member of the legislature known for his oratorical skill and remembered as one of the best orators ever to serve in the legislature; and,

*Whereas*, Carl M. Iverson authored many bills to assist the cooperative movement and was an expert in legislative reapportionment; and,

*Whereas*, he was the principal author of many laws which benefited the people of the State of Minnesota and of Grant County; and,

*Whereas*, Carl M. Iverson was a member of the First Presbyterian Church in Ashby, the Ashby Lions Club, the Masons, and Zurah Shrine, and engaged in other work for the betterment of the people of the State of Minnesota; and,

*Whereas*, Carl M. Iverson died on February 3, 1981; *Now, Therefore*,

*Be It Resolved*, by the House of Representatives of the State of Minnesota that it commends to the people of the State of Minnesota the record of Carl M. Iverson as a life, work, and spirit worth emulation. It extends its condolences to his relatives and to all the people of Grant County who knew him.

*Be It Further Resolved*, that the Chief Clerk of the House of Representatives is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Speaker, and to present it to the brother and sister of Carl M. Iverson.

Fjoslien moved that House Resolution No. 6 be now adopted. The motion prevailed and the resolution was adopted.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, February 9, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, February 9, 1981.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**

## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## THIRTEENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 9, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Reverend James Tomlonson, Church of the Brethren, Preston, Minnesota.

The roll was called and the following members were present:

Aasness	Ewald	Kalis	Novak	Searles
Ainley	Fjoslien	Kelly	Nysether	Sherman
Anderson, B.	Forsythe	Knickerbocker	O'Connor	Sherwood
Anderson, G.	Friedrich	Kostohryz	Ogren	Sieben, M.
Anderson, I.	Greenfield	Kvam	Olsen	Simoneau
Anderson, R.	Gruenes	Laidig	Onnen	Skoglund
Battaglia	Gustafson	Lehto	Osthoff	Stadum
Begich	Halberg	Lemen	Otis	Staten
Berkelman	Hanson	Levi	Peterson, B.	Stumpf
Blatz	Harens	Long	Peterson, D.	Sviggum
Byrne	Hauge	Ludeman	Piepho	Swanson
Carlson, D.	Haukoos	Luknic	Pogemiller	Tomlinson
Carlson, L.	Heap	Mann	Redalen	Valan
Clark, K.	Heinitz	Marsh	Reding	Valento
Clawson	Himle	McCarron	Rees	Vanasek
Dahlvang	Hoberg	McEachern	Reif	Vellenga
Dean	Hokanson	Mehrkens	Rice	Weaver
Dempsey	Hokr	Metzen	Rodriguez, C.	Welch
Den Ouden	Jacobs	Minne	Rodriguez, F.	Welker
Drew	Jennings	Munger	Rose	Wenzel
Eken	Johnson, C.	Murphy	Rothenberg	Wieser
Elioff	Johnson, D.	Nelsen, B.	Samuelson	Wigley
Ellingson	Jude	Nelson, K.	Sarna	Wynia
Esau	Kahn	Niehaus	Schafer	Spkr. Sieben, H.
Evans	Kaley	Norton	Schoenfeld	

A quorum was present.

Brandl; Brinkman; Clark, J.; Erickson; McDonald; Schreiber; Shea; Stowell; Voss and Zubay were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Kelly moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.



## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. No. 230 and S. F. Nos. 16, 17 and 7 have been placed in the members' files.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced :

Elioff, Jude, Luknic and Battaglia introduced :

H. F. No. 284, A bill for an act relating to health; prescribing procedures for notification of parents, guardians, and conservators prior to performing abortions on certain persons; providing a penalty; amending Minnesota Statutes 1980, Section 144.343.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Dempsey; Johnson, C.; Anderson, B., and Reding introduced :

H. F. No. 285, A bill for an act relating to counties; providing that autopsy costs may be charged against the estates of the deceased persons; amending Minnesota Statutes 1980, Section 375.18, by adding a subdivision.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Jennings, Levi, Schreiber, Haukoos and Sherman introduced :

H. F. No. 286, A bill for an act providing for establishment of the boundaries of congressional and legislative districts by a commission; providing by law for the duties, powers and operation of the commission; providing for judicial review of an apportionment plan; imposing duties on certain state officials; appropriating money; proposing new law coded as Minnesota Statutes, Chapter 2A; repealing Minnesota Statutes 1980, Sections 2.041 to 2.712 and 2.731 to 2.811.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Simoneau introduced:

H. F. No. 287, A bill for an act relating to education; changing the ballot question for discretionary levy reverse referendums; amending Minnesota Statutes 1980, Section 275.125, Subdivision 7a.

The bill was read for the first time and referred to the Committee on Education.

Brandl, Clawson, Hokanson, Aasness and Haukoos introduced:

H. F. No. 288, A bill for an act relating to public welfare; providing for actions against parents for contributions on behalf of certain children; providing for withholding from income for the enforcement of a court order for child support and maintenance of a parent of a dependent child; amending Minnesota Statutes 1980, Sections 256.87, Subdivision 1; 256.872; and 256.873.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Levi; McCarron; Sieben, M.; McEachern and Valento introduced:

H. F. No. 289, A bill for an act relating to metropolitan government; providing conditions for parks and open spaces acquisition, management and conveyance; amending Minnesota Statutes 1980, Section 473.333.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Sviggum, Brinkman, Ludeman, Kalis and Vanasek introduced:

H. F. No. 290, A bill for an act relating to unemployment compensation; requiring benefit requalification following a voluntary quit or misconduct disqualification to be treated like initial qualification; amending Minnesota Statutes 1980, Section 268.09, Subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

McDonald, McEachern, McCarron, Niehaus and Mehrkens introduced:

H. F. No. 291, A bill for an act relating to intoxicating liquor; providing for a sharing with towns of county liquor license fees; amending Minnesota Statutes 1980, Section 340.11, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Ludeman, Dempsey, Schafer, Piepho and Ainley introduced:

H. F. No. 292, A bill for an act relating to workers' compensation; providing for insurance rate setting by individual insurance companies; creating duties for the commissioner of insurance; limiting certain claims; regulating levels of compensation; amending Minnesota Statutes 1980, Sections 70A.02; 70A.09; 70A.16; 79.075; 79.09; 79.21; 79.211, Subdivision 1; 79.24; 79.25, Subdivision 1; 79.28; 79.29; 79.30; 79.31; 79.32; 176.021, Subdivision 3; 176.101, Subdivision 3; 176.111, by adding a subdivision; 176.151; proposing new law coded in Minnesota Statutes, Chapters 79 and 176; repealing Minnesota Statutes 1980, Sections 79.01, Subdivision 7; 79.071; 79.072; 79.073; 79.076; 79.08; 79.10; 79.11; 79.12; 79.13; 79.14; 79.15; 79.16; 79.17; 79.171; 79.18; 79.19; 79.20; 79.22; 79.26; and 79.27.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Reding and Kalis introduced:

H. F. No. 293, A bill for an act relating to civil actions; authorizing converts to organizations promising religious or philosophical self-fulfillment to maintain actions for damages; authorizing family members of converts to organizations promising religious or philosophical self-fulfillment to maintain actions for damages; proposing new law coded as Minnesota Statutes, Chapter 608.

The bill was read for the first time and referred to the Committee on Judiciary.

Reding; Haukoos; Anderson, B., and Wieser introduced:

H. F. No. 294, A bill for an act relating to transportation; providing that interstate route no. 391, designated I-90, be included in the system of bicycle trails; authorizing restricted bicycle and motor bicycle use on the route; proposing new law coded in Minnesota Statutes, Chapter 160.

The bill was read for the first time and referred to the Committee on Transportation.

Sarna and Kaley introduced :

H. F. No. 295, A bill for an act relating to retirement; providing post retirement annuity or benefit increases for certain retired or disabled public employees; appropriating funds; amending Laws 1979, Chapter 293, Section 10, Subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Lehto, Dean and Kahn introduced :

H. F. No. 296, A bill for an act relating to energy; directing a study of the effect upon energy conservation of smoking in public places; appropriating funds.

The bill was read for the first time and referred to the Committee on Energy.

Elioff, Minne, Begich and Battaglia introduced :

H. F. No. 297, A bill for an act relating to the town of Great Scott; granting the town certain powers of a municipality.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Elioff, Murphy, Begich, Staten and Battaglia introduced :

H. F. No. 298, A bill for an act relating to trade regulations; requiring service stations selling motor vehicle fuel at retail to be equipped with operational devices for inflating motor vehicle tires; proposing new law coded in Minnesota Statutes, Chapter 325E.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Elioff, Murphy, Begich, Minne and Hoberg introduced :

H. F. No. 299, A bill for an act relating to highways; prohibiting certain actions affecting portions of St. Louis county state-aid highway No. 25 unless payment is first made to the county of St. Louis for certain costs of betterments and improvements, declaring certain instruments null and void as against public policy.

The bill was read for the first time and referred to the Committee on Transportation.

Anderson, I.; Tomlinson; Jacobs; O'Connor and Schreiber introduced:

H. F. No. 300, A bill for an act relating to taxation; income; excluding from gross income capital gains from sale of shares in a Minnesota based corporation; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20.

The bill was read for the first time and referred to the Committee on Taxes.

Anderson, I.; Jacobs; Osthoff; Peterson, D., and Olsen introduced:

H. F. No. 301, A bill for an act relating to taxation; income; providing a deduction for certain funeral expenses of a spouse or dependent; amending Minnesota Statutes 1980, Section 290.09, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Anderson, I.; McCarron; Begich and Rice introduced:

H. F. No. 302, A bill for an act relating to unemployment compensation; providing for work weeks to begin on Monday; requiring vacation pay to be deducted from benefits; amending Minnesota Statutes 1980, Sections 268.04, Subdivision 27; 268.07, Subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Peterson, B.; O'Connor; Dempsey; Sieben, M., and Vanasek introduced:

H. F. No. 303, A bill for an act relating to arrest records; providing for the return of arrest records to unconvicted persons; providing for the sealing of arrest records when convictions are set aside; amending Minnesota Statutes 1980, Sections 299C.11; 609.166; 609.167, Subdivision 3; and 609.168.

The bill was read for the first time and referred to the Committee on Judiciary.

Peterson, B.; Jude; Sieben, M.; Rothenberg and Weaver introduced:

H. F. No. 304, A bill for an act relating to courts; authorizing a committee consisting of county and county municipal court judges to adopt by rule guidelines for the awarding of maintenance, child support and disposition of property in dissolution, legal separation and maintenance proceedings; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 518.

The bill was read for the first time and referred to the Committee on Judiciary.

Greenfield, Staten, Blatz, Lehto and Vanasek introduced:

H. F. No. 305, A bill for an act relating to crimes; specifying the crime of theft of services; amending Minnesota Statutes 1980, Section 609.52, Subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Greenfield, Vanasek, Kelly, Staten and Blatz introduced:

H. F. No. 306, A bill for an act relating to crimes; establishing the crime of commercial bribery; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 609.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Aasness, Ludeman, Piepho, Den Ouden and Friedrich introduced:

H. F. No. 307, A bill for an act relating to education; allowing school districts to transfer funds from the capital expenditure fund to the general fund.

The bill was read for the first time and referred to the Committee on Education.

Blatz, Jude, Ellingson, Hokanson and Peterson, B., introduced:

H. F. No. 308, A bill for an act relating to courts; Hennepin and Ramsey County district courts, juvenile divisions; authorizing appointment of district court judges to hear cases arising under the juvenile court act for terms up to six years; amending Minnesota Statutes 1980, Section 260.019, Subdivision 3.

The bill was read for the first time and referred to the Committee on Judiciary.

Stadum; Anderson, R.; Erickson and Ludeman introduced:

H. F. No. 309, A bill for an act relating to taxation; real property; providing a method for determining the value of agricultural land; amending Minnesota Statutes 1980, Section 273.11, Subdivision 1, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Pogemiller, Long, Weaver, Lehto and Rodriguez, C., introduced:

H. F. No. 310, A bill for an act relating to metropolitan government; providing for certain transit commission plans and passes; amending Minnesota Statutes 1980, Sections 473.408, Subdivisions 6 and 7; and 473.411, Subdivision 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Kaley, Sarna and Reding introduced:

H. F. No. 311, A bill for an act relating to retirement; providing post retirement annuity or benefit increases for certain retired or disabled public employees; appropriating funds; amending Laws 1979, Chapter 293, Section 10, Subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Dahlvang; Redalen; Johnson, C., and Carlson, D., introduced:

H. F. No. 312, A bill for an act relating to agriculture; requiring the commissioner of agriculture to examine fluid milk and milk product marketing and packaging; proposing new law coded in Minnesota Statutes, Chapter 32.

The bill was read for the first time and referred to the Committee on Agriculture.

Jude; McEachern; McDonald; Clark, K., and Searles introduced:

H. F. No. 313, A bill for an act relating to local government; authorizing certain cities and towns to levy an assessment for services provided to the Hennepin County Park Reserve District.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Brandl; Elioff; Clark, K.; Niehaus and McDonald introduced:

H. F. No. 314, A bill for an act relating to public welfare; providing for a statewide program of subsidies for families of mentally retarded children; amending Minnesota Statutes 1980, Section 252.27, Subdivision 4.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Otis and Long introduced:

H. F. No. 315, A bill for an act relating to taxation; real property; decreasing the classification ratio on apartments; amending Minnesota Statutes 1980, Section 273.13, Subdivision 19.

The bill was read for the first time and referred to the Committee on Taxes.

Reding, Vanasek, Munger, Sherwood and Sieben, H., introduced:

H. F. No. 316, A bill for an act relating to natural resources; providing for the designation of endangered plant species; establishing a temporary technical advisory committee; amending Minnesota Statutes 1980, Section 97.488, Subdivisions 1, 2, 4, 5, and 7.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Rodriguez, F.; Norton; Sieben, H.; Brandl and Tomlinson introduced:

H. F. No. 317, A bill for an act relating to state government; making permanent the state council on affairs of the Spanish-speaking people; appropriating money; amending Laws 1978, Chapter 510, Sections 2 and 5; repealing Laws 1978, Chapter 510, Section 10.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Osthoff; Peterson, D.; Jacobs; Luknic and Anderson, I., introduced:

H. F. No. 318, A bill for an act relating to taxation; income tax; providing a credit for energy conservation expenditures; amending Minnesota Statutes 1980, Section 290.06, Subdivision 14.

The bill was read for the first time and referred to the Committee on Taxes.



Jacobs introduced:

H. F. No. 319, A bill for an act relating to the department of public safety; financing the divisions of highway patrol and driver's license from the general fund; amending Minnesota Statutes 1980, Sections 299D.02, Subdivision 1; 299D.04; 299D.05, Subdivision 3; and proposing new law coded in Minnesota Statutes, Chapters 171 and 299D.

The bill was read for the first time and referred to the Committee on Transportation.

Jacobs and Murphy introduced:

H. F. No. 320, A bill for an act relating to drivers licenses; authorizing married applicants to use their married name as their middle name; amending Minnesota Statutes 1980, Section 171.06, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Norton; Drew; Vellenga; Rodriguez, F., and Kelly introduced:

H. F. No. 321, A bill for an act relating to the city of St. Paul; authorizing the issuance of a license for the sale of intoxicating liquor at Town Square Park.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Norton; Jude; Peterson, B.; Gustafson and Ellingson introduced:

H. F. No. 322, A bill for an act relating to probate; changing certain time limits and procedures for a personal representative to file an inventory and appraisal; amending Minnesota Statutes 1980, Section 524.3-706.

The bill was read for the first time and referred to the Committee on Judiciary.

Wynia, Jude, Brandl, Hokanson and Nysether introduced:

H. F. No. 323, A bill for an act relating to witnesses; exempting parents and minors from testifying with respect to confidential communications made by the minor to parent; amending Minnesota Statutes 1980, Section 595.02.

The bill was read for the first time and referred to the Committee on Judiciary.

Metzen; Rodriguez, C.; Rodriguez, F.; Sarna and Kaley introduced:

H. F. No. 324, A bill for an act relating to retirement; city of West St. Paul; authorizing certain police officers to change retirement coverage for future service, to purchase prior service credit and to receive a refund of certain member contributions.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Norton; Dempsey; Sieben, M.; Forsythe and Jude introduced:

H. F. No. 325, A bill for an act relating to actions involving negligence; providing that contributory fault be measured against the aggregate fault of persons from whom recovery is sought; amending Minnesota Statutes 1980, Section 604.01, Subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Swanson; Sieben, H.; Reif; Murphy and Heinitz introduced:

H. F. No. 326, A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1980, Sections 62E.52, Subdivision 2; 62E.53, Subdivisions 1 and 2; and 62E.531, Subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Welfare.

#### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 8 and 92.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 8, A bill for an act relating to the city of New London; authorizing the issuance of bonds for the acquisition and betterment of a city hall, community center, and municipal library.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 92, A bill for an act relating to crimes; prescribing penalties for the possession of controlled substances on school premises; amending Minnesota Statutes 1980, Section 152.15, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Criminal Justice.

## GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

## REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. No. 230 which it recommended to pass.

On the motion of Eken the report of the Committee of the Whole was adopted.

## ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

Weaver moved to amend H. F. No. 230 as follows:

Page 1, line 24, delete "10,888,000" and insert "11,074,935"

Page 2, line 2, delete "43,681,200" and insert "43,868,135"

Page 2, line 3, delete "43,681,200" and insert "43,868,135"

Page 6, line 12, delete "10,888,000" and insert "11,074,935"

Page 6, lines 21 and 22, delete subdivision 3 and insert:

“Subd. 3. Anoka State Hospital	385,935
(a) emergency generator	199,000
(b) air conditioning	186,935”

The question was taken on the adoption of the amendment and the roll was called. There were 46 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Ainley	Halberg	Lemen	Onnen	Sviggum
Carlson, D.	Haukoos	Levi	Peterson, B.	Valan
Clawson	Heap	Ludeman	Piepho	Valento
Dean	Heinitz	Luknic	Redalen	Weaver
Dempsey	Hoberg	Marsh	Rees	Welker
Drew	Hokr	Mehrkens	Reif	Wigley
Esau	Johnson, D.	Nelsen, B.	Rothenberg	
Ewald	Kaley	Niehaus	Searles	
Fjoslien	Knickerbocker	Nysether	Sherwood	
Gruenes	Kvam	Olsen	Stadium	

Those who voted in the negative were:

Anderson, B.	Ellingson	Kostohryz	Ogren	Simoneau
Anderson, G.	Evans	Laidig	Osthoff	Skoglund
Anderson, I.	Forsythe	Lehto	Otis	Staten
Anderson, R.	Greenfield	Long	Peterson, D.	Stumpf
Battaglia	Gustafson	Mann	Pogemiller	Swanson
Begich	Hanson	McCarron	Reding	Tomlinson
Berkelman	Harens	McEachern	Rice	Vanasek
Blatz	Hauge	Metzen	Rodriguez, C.	Vellenga
Byrne	Himle	Minne	Rodriguez, F.	Welch
Carlson, L.	Hokanson	Munger	Rose	Wenzel
Clark, K.	Jacobs	Murphy	Samuelson	Wieser
Dahlvang	Johnson, C.	Nelson, K.	Sarna	Wynia
Den Ouden	Jude	Norton	Schoenfeld	Spkr. Sieben, H.
Eken	Kahn	Novak	Sherman	
Elioff	Kalis	O'Connor	Sieben, M.	

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

Ainley moved to amend H. F. No. 230 as follows:

Page 1, line 26, delete “975,000” and insert “836,000”

Page 2, line 2, delete “43,681,200” and insert “43,542,200”

Page 2, line 3, delete “43,681,200” and insert “43,542,200”

Page 8, line 7, delete “975,000” and insert “836,000”

Page 8, lines 11 to 14, delete subdivision 2

Renumber the subdivisions accordingly

The question was taken on the adoption of the amendment and the roll was called. There were 52 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Aasness	Friedrich	Knickerbocker	Onnen	Svigum
Ainley	Halberg	Kvam	Piepho	Swanson
Blatz	Haukoos	Lemen	Redalen	Valan
Carlson, D.	Heap	Levi	Rees	Valento
Dempsey	Heinitz	Ludeman	Reif	Weaver
Den Ouden	Himle	Luknic	Rothenberg	Welker
Drew	Hoberg	Marsh	Schafer	Wieser
Esau	Hokr	Nelsen, B.	Searles	Wigley
Ewald	Jennings	Niehaus	Sherman	
Fjoslien	Johnson, D.	Nysether	Sherwood	
Forsythe	Kaley	Olsen	Stadum	

Those who voted in the negative were:

Anderson, B.	Ellingson	Kostohryz	O'Connor	Sieben, M.
Anderson, G.	Evans	Laidig	Ogren	Simoneau
Anderson, I.	Greenfield	Lehto	Osthoff	Skoglund
Anderson, R.	Gruenes	Long	Otis	Staten
Battaglia	Gustafson	Mann	Peterson, B.	Stumpf
Begich	Hanson	McCarron	Peterson, D.	Tomlinson
Berkelman	Harens	McEachern	Pogemiller	Vanasek
Byrne	Hauge	Mehrkens	Reding	Vellenga
Carlson, L.	Hokanson	Metzen	Rice	Welch
Clark, K.	Jacobs	Minne	Rodriguez, C.	Wenzel
Clawson	Johnson, C.	Munger	Rodriguez, F.	Wynia
Dahlvang	Jude	Murphy	Rose	Sprk. Sieben, H.
Dean	Kahn	Nelson, K.	Samuelson	
Eken	Kalis	Norton	Sarna	
Elioff	Kelly	Novak	Schoenfeld	

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

## MOTIONS AND RESOLUTIONS

Kelly moved that H. F. No. 131 be recalled from the Committee on Criminal Justice and be re-referred to the Committee on Financial Institutions and Insurance. The motion prevailed.

Kelly moved that H. F. No. 158 be recalled from the Committee on Criminal Justice and be re-referred to the Committee on Financial Institutions and Insurance. The motion prevailed.

Dahlvang moved that the name of Kalis be added as an author on H. F. No. 312. The motion prevailed.

Elioff moved that the name of Reif be added as an author on H. F. No. 284. The motion prevailed.

Jacobs moved that the names of Long and Olsen be added as authors on H. F. No. 320. The motion prevailed.

Piepho moved that the name of Levi be added as an author on H. F. No. 173. The motion prevailed.

Reding moved that the name of Valento be added as an author on H. F. No. 293. The motion prevailed.

Simoneau moved that the name of Stumpf be added as an author on H. F. No. 244. The motion prevailed.

Dempsey moved that the name of Olsen be added as an author on H. F. No. 281. The motion prevailed.

Heap moved that the name of Olsen be added as an author on H. F. No. 280. The motion prevailed.

Jacobs moved that the name of McEachern be added as an author on H. F. No. 319. The motion prevailed.

Otis moved that the name of Dean be added as an author on H. F. No. 315. The motion prevailed.

Reding moved that his name be stricken as an author on H. F. No. 176. The motion prevailed.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, February 12, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, February 12, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## FOURTEENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 12, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Reverend Jerry Strandquist, Christian Life Church, Farmington, Minnesota.

The roll was called and the following members were present:

Aasness	Erickson	Kalis	Novak	Sherman
Ainley	Esau	Kelly	Nysether	Sherwood
Anderson, B.	Evans	Knickerbocker	O'Connor	Sieben, M.
Anderson, G.	Ewald	Kostohryz	Ogren	Simoneau
Anderson, I.	Fjoslien	Kvam	Olsen	Skoglund
Anderson, R.	Forsythe	Laidig	Onnen	Stadum
Battaglia	Friedrich	Lehto	Osthoff	Staten
Begich	Greenfield	Lemen	Otis	Stowell
Berkelman	Gruenes	Levi	Peterson, B.	Stumpf
Blatz	Gustafson	Long	Peterson, D.	Sviggum
Brandl	Halberg	Ludeman	Piepho	Swanson
Brinkman	Hanson	Luknic	Pogemiller	Tomlinson
Byrne	Harens	Mann	Redalen	Valan
Carlson, D.	Hauge	Marsh	Reding	Valento
Carlson, L.	Haukoos	McCarron	Rees	Vanasek
Clark, J.	Heap	McDonald	Reif	Vellenga
Clark, K.	Himle	McEachern	Rice	Voss
Clawson	Hoberg	Mehrrens	Rodriguez, C.	Weaver
Dahlvang	Hokanson	Metzen	Rodriguez, F.	Welch
Dean	Jacobs	Minne	Rose	Welker
Dempsey	Jennings	Munger	Rothenberg	Wenzel
Den Ouden	Johnson, C.	Murphy	Samuelson	Wieser
Drew	Johnson, D.	Nelsen, B.	Sarna	Wigley
Eken	Jude	Nelson, K.	Schreiber	Wynia
Elioff	Kahn	Niehaus	Searles	Zubay
Ellingson	Kaley	Norton	Shea	Spkr. Sieben, H.

A quorum was present.

Heinitz, Hokr, Schafer and Schoenfeld were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Erickson moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.



## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of S. F. Nos. 8 and 92 have been placed in the members' files.

## REPORTS OF STANDING COMMITTEES

Jude from the Committee on Judiciary to which was referred:

H. F. No. 59, A bill for an act relating to the recording of decrees and certificates in bankruptcy proceedings; providing for the admissibility of certificates as evidence; amending Minnesota Statutes 1980, Section 386.45.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 386.45, is amended to read:

**386.45 [BANKRUPTCY DOCUMENTS, RECORDING DECREES AND CERTIFICATES IN BANKRUPTCY PROCEEDINGS, CERTIFICATES AS EVIDENCE.]**

When a petition for bankruptcy, or a decree of adjudication, or an order approving the trustee's bond is made, pursuant to the Federal Bankruptcy Act of 1898, as amended by the Bankruptcy Act of 1938, Chapter 575, 52 Statutes 840, Section 21 g, or a petition is made pursuant to the Bankruptcy Reform Act of 1978, hereinafter referred to as the "Bankruptcy Code", the bankrupt, debtor, trustee, receiver, custodian, referee, or any creditor may record a certified copy of the petition, decree, (OR) order, or a certificate of a clerk of the United States Bankruptcy Court relating to any matter involving the status of or disposition of the proceedings or pleadings, property of the estate or property of the debtor or documents or orders filed in the proceeding, all pursuant to the Bankruptcy Code, in the office of the county recorder or file the instruments in the office of the registrar of titles of any county in this state.

*Any certificate so recorded, or a certified copy thereof, is admissible as evidence in any action involving any instrument to which it relates or involving the title to the real estate affected by the certificate and is prima facie evidence of the facts stated therein.*

Sec. 2. [EFFECTIVE DATE.]

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

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. No. 59 was read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Jacobs; O'Connor; Peterson, D., and Anderson, I., introduced:

H. F. No. 327, A bill for an act relating to taxation; providing for state income tax to be imposed on taxpayer's federal tax liability; removing agricultural electricity credit from the income tax return; amending Minnesota Statutes 1980, Sections 290.01, Subdivisions 1, 7, and by adding subdivisions; 290.03; 290.05; 290.07, Subdivisions 1 and 2; 290.34, Subdivision 3; 290.37, Subdivisions 1 and 3; 290.38; 290.93, Subdivision 1; 290A.03, Subdivision 3; 297A.25, Subdivision 1; and proposing new law coded in Minnesota Statutes, Chapter 290; repealing Minnesota Statutes 1980, Sections 290.01, Subdivisions 1a to 6, 8 to 13, 15, 17 to 19, and 21 to 27; 290.013; 290.02; 290.032; 290.04; 290.06, Subdivisions 1 to 3c; 290.07, Subdivisions 3 to 7; 290.071 to 290.081; 290.085; 290.09, Subdivisions 1 to 21, 24, 25, and 27 to 30; 290.091 to 290.33; 290.35 to 290.361; 290.39, Subdivision 2; 290.40; and 297A.35, Subdivision 3.

The bill was read for the first time and referred to the Committee on Taxes.

Simoneau introduced:

H. F. No. 328, A bill for an act relating to workers' compensation; changing the method for offsetting government disability benefit payments; amending Minnesota Statutes 1980, Section 176.101, Subdivision 4.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Otis, Kostohryz, Ainley and Nelson, K., introduced:

H. F. No. 329, A bill for an act relating to education; clarifying and removing references to a school district building energy report; repealing an obsolete provision requiring a study and report on school district energy management personnel; amending Minnesota Statutes 1980, Section 116H.126, Subdivisions 2, 4, and 5; repealing Minnesota Statutes 1980, Section 116H.126, Subdivisions 1 and 7.

The bill was read for the first time and referred to the Committee on Energy.

Vellenga, Kelly, Harens, Byrne and Wynia introduced:

H. F. No. 330, A bill for an act relating to Independent School District No. 625; providing for times of election and terms of office; amending Laws 1965, Chapter 705, Section 1, Subdivision 2, as amended.

The bill was read for the first time and referred to the Committee on Education.

Vellenga; Drew; Knickerbocker; Nelson, K., and Rodriguez, C., introduced:

H. F. No. 331, A bill for an act relating to education; providing that the deadline for applications for aid for programs for limited English proficient students be set by the commissioner of education, rather than by statute and changing the time for notice of aid to applicants; repealing an obsolete provision requiring the state board of education to promulgate rules for the time schedule for implementation of the uniform minimum school age entrance requirements and a requirement that it make a certain biennial report to the governor; amending Minnesota Statutes 1980, Section 126.263, Subdivisions 3 and 4; repealing Minnesota Statutes 1980, Sections 120.06, Subdivision 2; and 121.13.

The bill was read for the first time and referred to the Committee on Education.

Dempsey; Sieben, M.; Anderson, I.; Halberg and Sarna introduced:

H. F. No. 332, A bill for an act relating to commerce; providing for the regulation of motor vehicle franchises; prohibiting certain practices by motor vehicle manufacturers; removing motor vehicle franchises from the general statutory provisions regarding franchises; prescribing penalties; providing remedies; amending Minnesota Statutes 1980, Section 80C.01, Subdivision 4; proposing new law coded as Minnesota Statutes, Chapter 80E; repealing Minnesota Statutes 1980, Sections 168.27, Subdivision 21; and 325D.17 to 325D.29.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Den Ouden; Johnson, C., and Niehaus introduced:

H. F. No. 333, A bill for an act relating to education; providing for special elections for school district pairing agreements; amending Minnesota Statutes 1980, Section 122.541.

The bill was read for the first time and referred to the Committee on Education.

Den Ouden, Rothenberg and Mehrkens introduced:

H. F. No. 334, A bill for an act relating to highway traffic regulations; reducing alcohol concentration limits relating to evidence of driving under the influence of alcohol; amending Minnesota Statutes 1980, Sections 169.121, Subdivisions 1 and 2; and 169.123, Subdivisions 2, 4, 5a, and 6.

The bill was read for the first time and referred to the Committee on Transportation.

Elioff, Ludeman, Lehto, Dempsey and Piepho introduced:

H. F. No. 335, A bill for an act relating to retirement; granting town employees an option as to public employees retirement association coverage for new employees; proposing new law coded in Minnesota Statutes, Chapter 353.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Nelson, K.; Hauge; Evans; Tomlinson and Friedrich introduced:

H. F. No. 336, A bill for an act relating to taxation; property tax; extending the energy device exemption to certain devices used to provide energy for sale; amending Minnesota Statutes 1980, Section 273.11, Subdivision 6.

The bill was read for the first time and referred to the Committee on Taxes.

Carlson, L.; Rice and Simoneau introduced:

H. F. No. 337, A bill for an act relating to workers' compensation; requiring detailed information on Minnesota business experience under workers' compensation insurance to be supplied by the Minnesota workers' compensation insurance rating association in any request for a modification of the rate schedule; proposing new law coded in Minnesota Statutes, Chapter 79.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Clawson, Voss, Niehaus, Kalis and Levi introduced:

H. F. No. 338, A bill for an act relating to statutory cities; permitting publication of summaries of ordinances prior to enactment; amending Minnesota Statutes 1980, Section 412.191, Subdivision 4.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Berkelman, Elioff, Minne, Begich and Battaglia introduced:

H. F. No. 339, A bill for an act relating to certain towns in St. Louis County; providing a method for determining whether to open or maintain certain town roads.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Kelly, Gustafson, Levi, Lemen and Long introduced:

H. F. No. 340, A bill for an act relating to juveniles; creating a classification of "persons in need of supervision" for children; providing procedures and dispositions in the juvenile court for children classified as persons in need of supervision; amending Minnesota Statutes 1980, Sections 260.015, Subdivision 5, and by adding a subdivision; 260.131, by adding a subdivision; 260.145; 260.155, Subdivision 5; 260.165, Subdivision 1; 260.173, Subdivision 3, and by adding subdivisions; 260.185, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 260.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Forsythe, Himle and Dean introduced:

H. F. No. 341, A bill for an act relating to the city of Edina; providing for the purchasing and contracting authority of the city manager and council.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Dempsey, Ellingson, Gruenes and Sherman introduced:

H. F. No. 342, A bill for an act relating to juries; authorizing the trial court in civil actions to seat a jury of 12 persons; amending Minnesota Statutes 1980, Section 593.01, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Piepho; McDonald; Johnson, D.; Schafer and Kvam introduced:

H. F. No. 343, A bill for an act relating to state government; abolishing the state planning agency; transferring functions of the agency.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Welker, Kvam and Anderson, G., introduced:

H. F. No. 344, A bill for an act relating to county courts; providing for residency of county court judges in the counties of Chippewa, Lac Qui Parle, Renville, Yellow Medicine, Kandiyohi, Meeker and Swift.

The bill was read for the first time and referred to the Committee on Judiciary.

Sarna, Metzen, Reding, Norton and Kaley introduced:

H. F. No. 345, A bill for an act relating to insurance; providing for the calculation of state aid to police and fire departments; requiring property owners who self-insure or who insure in unauthorized companies to pay a tax equivalent amount; requiring an annual report from certain property owners; providing for the disposition of amounts collected; providing a penalty; appropriating money; amending Minnesota Statutes 1980, Sections 69.021, Subdivision 5; and 60.031, Subdivision 3; proposing new law coded as Minnesota Statutes, Chapter 287A; repealing Minnesota Statutes 1980, Sections 69.58 to 69.61.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Kelly, Tomlinson and Norton introduced:

H. F. No. 346, A bill for an act relating to courts; Ramsey county municipal and conciliation courts; requiring fees to be taxed to the state and certain other governmental subdivisions in certain criminal prosecutions; requiring the state and city of St. Paul to pay fees in civil actions; providing for compensation of conciliation court referees; amending Minnesota Statutes 1980, Sections 488A.20, Subdivision 4; 488A.23, Subdivision 6; 488A.30, Subdivision 1; 488A.31, Subdivisions 1 and 5; 488A.33, Subdivisions 5 and 8; and 488A.34, Subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

O'Connor, Kelly, Vellenga, Sarna and Dean introduced:

H. F. No. 347, A bill for an act relating to the city of St. Paul; relating to a proposed joint housing finance program by the cities of St. Paul and Minneapolis.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Sarna; Reding; Rodriguez, F.; Kaley and Wigley introduced:

H. F. No. 348, A bill for an act relating to retirement; public employees retirement association; reducing the additional employer contributions made for coordinated members; restoring the post-retirement fund to full amount; providing less of a reduction for election of an optional annuity; increasing the amount paid to the beneficiary of a deceased member; providing an additional surviving spouse optional annuity; amending Minnesota Statutes 1980, Sections 353.27, Subdivision 3a; 353.271, by adding a subdivision; 353.30, Subdivision 3; 353.32, Subdivision 1, and by adding a subdivision; and 353.657, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Stumpf; Ogren; Anderson, G.; Nelsen, B., and Wenzel introduced:

H. F. No. 349, A bill for an act relating to agriculture; regulating livestock marketing; providing a penalty; amending Minnesota Statutes 1980, Sections 17A.02; 17A.03, Subdivision 7; 17A.14; proposing new law coded in Minnesota Statutes, Chapter 17A.

The bill was read for the first time and referred to the Committee on Agriculture.

Osthoff, McEachern, Hokanson, Kostohryz and Olsen introduced:

H. F. No. 350, A bill for an act relating to veterans; creating a tuition allowance program for certain veterans; proposing new law coded in Minnesota Statutes, Chapter 197.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Wynia, Ellingson, Greenfield, Kelly and Swanson introduced:

H. F. No. 351, A bill for an act relating to insurance; broadening the conversion privilege on group life insurance; amending Minnesota Statutes 1980, Section 61A.09, Subdivision 1.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Kelly, Vanasek, Pogemiller, Zubay and Rothenberg introduced:

H. F. No. 352, A bill for an act relating to crimes; establishing a bill of rights for victims and witnesses of crimes; establishing certain participatory, informational, notification and referral rights for victims and witnesses; affirming the right of victims to bring actions against offenders; establishing the right of a victim to request restitution; providing for implementation of victim and witness rights by law; providing penal sanctions and judicial mechanisms to deter intimidation of witnesses; facilitating the expeditious return of stolen property by provision of judicial and administrative procedures; establishing county coordinating committees on victim and witness assistance to coordinate victim and witness assistance planning; providing for employer intercession, secure court waiting areas and witness fees; requiring criminal justice agencies to inform victims of the progress of criminal prosecutions and to inform victims of financial assistance and social services; providing for minimal victim participation in the criminal process; establishing a crime victims compensation and service fund for payment of compensation awards and victim and witness services; providing penalties; amending Minnesota Statutes 1980, Sections 241.26, Subdivisions 5 and 6; 243.23, Subdivision 3; 363.03, by adding a subdivision; 571.55, by adding a subdivision; 609.115, Subdivision 1; and 631.425, Subdivision 5; proposing new law coded as Minnesota Statutes, Chapter 611A; repealing Minnesota Statutes 1980, Sections 299C.07; 357.24; and 609.498.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Schoenfeld, Wenzel, Sviggum, Erickson and Kalis introduced:

H. F. No. 353, A bill for an act relating to agriculture; protecting agricultural operations from nuisance suits under certain circumstances; proposing new law coded in Minnesota Statutes, Chapter 561.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.



Peterson, D.; Minne; Blatz; Halberg and Anderson, I., introduced:

H. F. No. 354, A bill for an act relating to marriage; changing the fee for marriage licenses; providing funds for certain battered women and displaced worker programs; appropriating money; amending Minnesota Statutes 1980, Section 517.08, Subdivision 1b, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Kahn; Greenfield; Vanasek; Clark, K., and Fjoslien introduced:

H. F. No. 355, A bill for an act relating to nuclear energy; providing for the storage and disposal of certain radioactive wastes; requiring licensure of radioactive waste management facilities in Minnesota; proposing new law coded in Minnesota Statutes, Chapter 116C.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Kahn; Vanasek; Johnson, D.; Laidig and Lehto introduced:

H. F. No. 356, A bill for an act relating to crimes; specifying offenses relating to computers; providing penalties; proposing new law coded in Minnesota Statutes 1980, Chapter 609.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Rodriguez, C.; Jennings; Vellenga; Olsen and Esau introduced:

H. F. No. 357, A bill for an act relating to highway traffic regulation; authorizing and regulating the use of strobe lamps on school buses; amending Minnesota Statutes 1980, Section 169.64, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Schafer, Staten, Dempsey, Jude and Heinitz introduced:

H. F. No. 358, A bill for an act relating to crimes; providing for compensation and travel expenses of jurors; amending Minnesota Statutes 1980, Section 593.48.

The bill was read for the first time and referred to the Committee on Judiciary.

Nelsen, B.; Munger; Stadum; Dahlvang and Weaver introduced:

H. F. No. 359, A bill for an act relating to education; increasing the number of members of the higher education coordinating board who have knowledge of and interest in vocational education; adding the assistant commissioner for vocational education to the membership of the higher education advisory council; amending Minnesota Statutes 1980, Section 136A.02, Subdivisions 1 and 6.

The bill was read for the first time and referred to the Committee on Education.

Kelly, Pogemiller, Gustafson, Blatz and Valento introduced:

H. F. No. 360, A bill for an act relating to crimes; authorizing counties to establish victim support funds and to provide services to victims of crime; providing for a penalty assessment on convicted persons; proposing new law coded in Minnesota Statutes, Chapter 241.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Greenfield; Long; Clark, K.; Kahn and Peterson, D., introduced:

H. F. No. 361, A bill for an act relating to health; requiring physicians to give certain advice to their pregnant patients who are 40 years old or older; proposing new law coded in Minnesota Statutes, Chapter 145.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Minne, Elioff, Sarna, Battaglia and Metzen introduced:

H. F. No. 362, A bill for an act relating to taxation; income; allowing a credit equal to two percent of the purchase price of a new American-made motor vehicle; amending Minnesota Statutes 1980, Section 290.06, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Swanson; Heinitz; Clark, K.; Gruenes and Rodriguez, F., introduced:

H. F. No. 363, A bill for an act relating to public welfare; altering the membership of the advisory council for the mentally retarded and physically handicapped; amending Minnesota Statutes 1980, Section 252.31.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Clawson, Kalis and Redalen introduced:

H. F. No. 364, A bill for an act relating to retirement; including employees of soil and water conservation districts in membership in the public employees retirement association; amending Minnesota Statutes 1980, Sections 353.01, Subdivision 6; and 353.022.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Anderson, R.; Murphy; Hoberg; Wenzel and Simoneau introduced:

H. F. No. 365, A bill for an act relating to building code inspectors; authorizing the certification of inspectors to enforce the provisions of the building code related to access for handicapped persons; amending Minnesota Statutes 1980, Section 16.861, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Jude introduced:

H. F. No. 366, A bill for an act relating to metropolitan government; removing the city of Hanover from definitions of metropolitan areas; amending Minnesota Statutes 1980, Sections 473.121, Subdivision 2; 473.123, Subdivision 3; 473.403; and 473F.02, Subdivisions 2 and 8.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Stadum, Heinitz, Valan and Anderson, G., introduced:

H. F. No. 367, A bill for an act relating to unemployment compensation; prohibiting the use of wage credits in certain situations; amending Minnesota Statutes 1980, Section 268.07, Subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Stadum, Kaley, Hokr, Valan and Heinitz introduced:

H. F. No. 368, A bill for an act relating to workers' compensation; prohibiting the payment of permanent total and permanent partial benefits for the same injury; creating an incentive to return to work; amending Minnesota Statutes 1980, Section 176.021, Subdivision 3.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Stadum, Kaley, Jennings, Valan and Kalis introduced:

H. F. No. 369, A bill for an act relating to workers' compensation; prohibiting the payment of permanent total and permanent partial benefits for the same injury; creating an incentive to return to work; freezing the permanent partial maximum; amending Minnesota Statutes 1980, Sections 176.021, Subdivision 3; and 176.101, Subdivision 3.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Levi; Anderson, B.; Schafer and Knickerbocker introduced:

H. F. No. 370, A bill for an act relating to education; modifying a requirement that a school board provide either transportation or board and room to pupils living two miles or more from school under certain circumstances; amending Minnesota Statutes 1980, Section 123.39, Subdivision 1.

The bill was read for the first time and referred to the Committee on Education.

Brinkman, Heinitz and Sieben, M., introduced:

H. F. No. 371, A bill for an act relating to insurance; prohibiting insurance companies which offer funeral or burial expense policies from designating as beneficiaries under the policies persons who provide funeral or burial services and supplies; removing the prohibition against an insurance company's affiliation with a funeral establishment; proposing new law coded in Minnesota Statutes, Chapter 72A; repealing Minnesota Statutes 1980, Section 72A.321.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Nelsen, B.; Wenzel; Anderson, G.; Kostohryz and Fjoslien introduced:

H. F. No. 372, A bill for an act relating to the military; expanding the authorized uses of the military land fund to include reseeding and tree spraying on military lands and to acquire services for the morale of troops serving at Camp Ripley; amending Minnesota Statutes 1980, Section 190.25, Subdivision 3.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Simoneau, Evans, Novak, Dempsey and Byrne introduced:

H. F. No. 373, A bill for an act relating to workers' compensation; requiring reimbursement of 50 percent of attorney's fees; providing a standard for rehabilitation on the job; allowing attorney's fees for supplementary benefit cases; eliminating the list of neutral physicians; providing for a second surgical opinion at the employee's request for non-emergency surgery; amending Minnesota Statutes 1980, Sections 176.081; 176.102, Subdivision 5; 176.133; 176.135, Subdivision 1a; 176.155, Subdivision 2; and 176.391, Subdivision 2.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Evans, Vanasek, Redalen, Brinkman and Anderson, I., introduced:

H. F. No. 374, A bill for an act relating to gravel taxation; providing definitions; allowing distribution to cities; extending the time for payment; amending Minnesota Statutes 1980, Section 298.75.

The bill was read for the first time and referred to the Committee on Taxes.

Evans, Vanasek, Novak, Luknic and Halberg introduced:

H. F. No. 375, A bill for an act relating to taxation; income; providing a carryforward of the charitable contributions credit; amending Minnesota Statutes 1980, Section 290.21, Subdivision 3.

The bill was read for the first time and referred to the Committee on Taxes.

Reding, Friedrich, Simoneau, Evans and Osthoff introduced:

H. F. No. 376, A bill for an act proposing an amendment to the Minnesota Constitution, Article X, adding a section; authorizing and taxing parimutuel wagering on races if authorized by law.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Clawson; Byrne; Clark, K.; Stumpf and McDonald introduced:

H. F. No. 377, A bill for an act relating to state contracts; providing for published notice of availability of certain contracts; establishing a limit on compensation for consultant or professional and technical services contracts; establishing conflict of interest provisions for certain contracts; amending Minnesota Statutes 1980, Section 16.098, Subdivision 1, 3, and 5; proposing new law coded in Minnesota Statutes, Chapter 16.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Simoneau introduced:

H. F. No. 378, A bill for an act relating to crimes; authorizing peace officers to make arrest upon probable cause in cases of domestic abuse; amending Minnesota Statutes 1980, Section 629.341, Subdivision 1.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Kelly introduced:

H. F. No. 379, A bill for an act relating to crimes; deleting obsolete terminology and substituting new terminology consistent with other laws; amending Minnesota Statutes 1980, Sections 192A.605; 241.51, Subdivision 2; 609.11, Subdivision 1; 624.712, Subdivision 5; and 626A.05, Subdivision 2.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Olsen; Johnson, C.; Eken; Searles and Jennings introduced:

H. F. No. 380, A bill for an act relating to retirement; authorizing teachers on extended leave of absence or their employers to make employer contributions when state funds are not available; amending Minnesota Statutes 1980, Sections 354.094, Subdivision 1; and 354A.091, Subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Rodriguez, C.; Sieben, M.; Sviggum; Searles and Brandl introduced:

H. F. No. 381, A bill for an act relating to the organization and operation of government; requiring a study of the proper role and structure of metropolitan government agencies; requiring a review of the distribution of powers and duties between the metropolitan council, the metropolitan commissions, the legislature and political subdivisions within the metropolitan area; mandating a report; providing for certain services to be performed by the state planning agency; appropriating money.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Otis; Sarna; Sieben, M.; Forsythe and Piepho introduced:

H. F. No. 382, A bill for an act relating to employment; exempting search firms from employment agency licensing; amending Minnesota Statutes 1980, Section 184.22, Subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Hanson; Wynia; Anderson, I.; Clark, K., and Simoneau introduced:

H. F. No. 383, A bill for an act relating to financial institutions; creating the bank of Minnesota; establishing its governing board; defining its powers and duties; providing for initial capitalization limits; providing for the making of loans and the handling of deposits; providing for the handling of civil actions against the bank; providing for audits and examinations; defining terms; proposing new law coded as Minnesota Statutes, Chapter 45A.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Kelly, Clawson, Long, Levi and Blatz introduced:

H. F. No. 384, A bill for an act relating to crimes; increasing the penalty for certain forms of cruelty to animals; amending Minnesota Statutes 1980, Section 346.29.

The bill was read for the first time and referred to the Committee on Judiciary.

## MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 23.

PATRICK E. FLAHAVER, Secretary of the Senate



## FIRST READING OF SENATE BILLS

S. F. No. 23, A bill for an act relating to the recording of decrees and certificates in bankruptcy proceedings; providing for the admissibility of certificates as evidence; amending Minnesota Statutes 1980, Section 386.45.

The bill was read for the first time.

Ellingson moved that S. F. No. 23 and H. F. No. 59, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

## CALENDAR

H. F. No. 230, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	Nysether	Sherwood
Ainley	Evans	Kelly	O'Connor	Sieben, M.
Anderson, B.	Ewald	Knickerbocker	Ogren	Simoneau
Anderson, G.	Fjoslien	Kostohryz	Olsen	Skoglund
Anderson, I.	Forsythe	Laidig	Onnen	Stadum
Anderson, R.	Friedrich	Lehto	Osthoff	Staten
Battaglia	Greenfield	Lemen	Otis	Stowell
Begich	Gruenes	Levi	Peterson, B.	Stumpf
Berkelman	Gustafson	Long	Peterson, D.	Sviggum
Blatz	Halberg	Ludeman	Piepho	Swanson
Brandl	Hanson	Luknic	Pogemiller	Tomlinson
Brinkman	Harens	Mann	Redalen	Valan
Byrne	Hauge	Marsh	Reding	Valento
Carlson, D.	Haukoos	McCarron	Rees	Vanasek
Carlson, L.	Heap	McDonald	Reif	Vellenga
Clark, J.	Himle	McEachern	Rice	Voss
Clark, K.	Hoberg	Mehrkens	Rodriguez, C.	Weaver
Clawson	Hokanson	Metzen	Rodriguez, F.	Welch
Dahlvang	Jacobs	Minne	Rose	Welker
Dean	Jennings	Munger	Rothenberg	Wenzel
Dempsey	Johnson, C.	Murphy	Samuelson	Wieser
Den Ouden	Johnson, D.	Nelsen, B.	Sarna	Wynia
Eken	Jude	Nelson, K.	Searles	Zubay
Ellingson	Kahn	Norton	Shea	Spkr. Sieben, H.
Erickson	Kaley	Novak	Sherman	

Those who voted in the negative were:

Drew            Kvam            Niehaus        Wigley

The bill was passed and its title agreed to.

#### MOTIONS AND RESOLUTIONS

Otis moved that the name of Rothenberg be added as an author on H. F. No. 315. The motion prevailed.

Rodriguez, F., moved that the name of Sarna be added as an author on H. F. No. 192. The motion prevailed.

Johnson, D., moved that H. F. No. 248 be recalled from the Committee on Health and Welfare and be re-referred to the Committee on Education. The motion prevailed.

Vellenga moved that H. F. No. 330 be recalled from the Committee on Education and be re-referred to the Committee on Reapportionment and Elections. The motion prevailed.

Den Ouden moved that the name of Kalis be added as an author on H. F. No. 334. The motion prevailed.

Anderson, I., moved that H. F. No. 302 be returned to its author. The motion prevailed.

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, February 16, 1981. The motion prevailed.

Eken moved that the House recess subject to the call of the Chair. The motion prevailed.

#### RECESS

#### RECONVENED

The House reconvened and was called to order by the Speaker.

#### ADJOURNMENT

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, February 16, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## FIFTEENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 16, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Reverend William Sanden, United Lutheran Church, Frost, Minnesota.

The roll was called and the following members were present:

Aasness	Esau	Kelly	Nysether	Shea
Ainley	Evans	Knickerbocker	O'Connor	Sherman
Anderson, B.	Ewald	Kostohryz	Ogren	Sherwood
Anderson, G.	Fjoslien	Kvam	Olsen	Sieben, M.
Anderson, I.	Forsythe	Laidig	Onnen	Simoneau
Anderson, R.	Friedrich	Lehto	Osthoff	Skoglund
Battaglia	Gruenes	Lemen	Otis	Stadum
Begich	Gustafson	Levi	Peterson, B.	Staten
Berkelman	Hanson	Long	Peterson, D.	Stowell
Blatz	Harens	Ludeman	Piepho	Stumpf
Brandl	Hauge	Luknic	Pogemiller	Sviggum
Brinkman	Haukoos	Mann	Redalen	Swanson
Byrne	Heap	Marsh	Reding	Tomlinson
Carlson, D.	Heinitz	McCarron	Rees	Valan
Carlson, L.	Himle	McDonald	Reif	Valento
Clark, J.	Hoberg	McEachern	Rice	Vanasek
Clark, K.	Hokanson	Mehrkens	Rodriguez, C.	Vellenga
Clawson	Hokr	Metzen	Rodriguez, F.	Voss
Dahlvang	Jacobs	Minne	Rose	Weaver
Dean	Jennings	Munger	Rothenberg	Welch
Den Ouden	Johnson, C.	Murphy	Samuelson	Welker
Drew	Johnson, D.	Nelsen, B.	Sarna	Wenzel
Eken	Jude	Nelson, K.	Schafer	Wigley
Elioff	Kahn	Niehaus	Schoenfeld	Wynia
Ellingson	Kaley	Norton	Schreiber	Zubay
Erickson	Kalis	Novak	Searles	Sprk. Sieben, H.

A quorum was present.

Dempsey, Greenfield, Halberg and Wieser were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Vanasek moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. No. 59 and S. F. No. 23 have been placed in the members' files.

S. F. No. 23 and H. F. No. 59, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Ellingson moved that S. F. No. 23 be substituted for H. F. No. 59 and that the House File be indefinitely postponed. The motion prevailed.

## SECOND READING OF SENATE BILLS

S. F. No. 23 was read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced :

Jacobs; Anderson, I.; Osthoff and Sieben, H., introduced:

H. F. No. 385, A bill for an act relating to congressional districts; apportioning congressional districts; amending Minnesota Statutes 1980, Sections 2.741, 2.751, 2.761, 2.771, 2.781, 2.791, 2.801 and 2.811.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Byrne, Kelly, Hanson, Norton and Drew introduced:

H. F. No. 386, A bill for an act relating to the city of St. Paul; authorizing issuance of general obligation bonds for capital improvements; fixing amounts; amending Laws 1971, Chapter 773, Section 1, as amended.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Lemen, Elihoff, Begich, Minne and Battaglia introduced:

H. F. No. 387, A bill for an act relating to local government; making explicit the power of local government units to establish more than one recreation board; amending Minnesota Statutes 1980, Section 471.15.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Lemen, Elioff, Begich, Minne and Battaglia introduced:

H. F. No. 388, A bill for an act relating to taxation; reducing the motor vehicle excise tax on the purchase of new American-made vehicles; proposing new law coded in Minnesota Statutes, Chapter 297B.

The bill was read for the first time and referred to the Committee on Taxes.

Reding, Haukoos, Begich and Fjoslien introduced:

H. F. No. 389, A bill for an act relating to public employment; eliminating certain part time adult vocational education instructors from the definition of public employee; amending Minnesota Statutes 1980, Section 179.63, Subdivision 7.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Reding, Kaley and Sarna introduced:

H. F. No. 390, A bill for an act relating to retirement; providing for an increase in the amount of employer contributions to the teachers retirement association and to the teachers retirement fund associations in cities of the first class; amending Minnesota Statutes 1980, Sections 354.42, Subdivision 5; and 354A.12, Subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Reding, Kaley and Sarna introduced:

H. F. No. 391, A bill for an act relating to retirement; teacher retirement funds; providing for periodic increases in the amount of employer contributions to the teachers retirement association and to the teachers retirement fund associations in cities of the first class; amending Minnesota Statutes 1980, Sections 354.42, Subdivision 5; and 354A.12, Subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Aasness; Johnson, C.; Mann; Niehaus and Valan introduced:

H. F. No. 392, A bill for an act relating to agriculture; imposing certain requirements on milk houses for milk used for manufacturing; amending Minnesota Statutes 1980, Section 32.212.

The bill was read for the first time and referred to the Committee on Agriculture.

Hokanson; Gruenes; Clark, K.; Aasness and Berkelman introduced:

H. F. No. 393, A bill for an act relating to public welfare; requiring certain facilities to safeguard the well-being and safety of persons in their care; providing for penalties; proposing new law coded in Minnesota Statutes, Chapter 245.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Drew, Rose and Rodriguez, F., introduced:

H. F. No. 394, A bill for an act relating to Ramsey County; providing for an age for mandatory retirement of employees; amending Laws 1974, Chapter 435, Section 3.03.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Welch, Marsh, Clawson, McEachern and Carlson, D., introduced:

H. F. No. 395, A bill for an act relating to state government; allowing other public employees to participate in state employee van pools under certain circumstances; amending Minnesota Statutes 1980, Section 16.756, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Jennings, Kostohryz, Rothenberg, Levi and Anderson, G., introduced:

H. F. No. 396, A bill for an act relating to veterans; requiring the commissioner of veterans affairs to furnish an American Flag to the nearest surviving relative of a deceased veteran who served six or more years in the Minnesota National Guard; amending Minnesota Statutes 1980, Section 196.05.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Haukoos, Kaley, Reding, Ludeman and Sarna introduced:

H. F. No. 397, A bill for an act relating to retirement; various retirement funds; authorizing disability benefit recipients to elect an actuarially equivalent optional annuity; amending Minnesota Statutes 1980, Sections 352.113, Subdivision 12, and by adding a subdivision; 352.95, Subdivision 5, and by adding a subdivision; 352B.10; 352B.105; 353.33, Subdivision 11, and by adding a subdivision; 353.656, Subdivision 6, and by adding a subdivision; 354.48, Subdivision 10, and by adding a subdivision; and 354A.36, Subdivision 10, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Onnen, Lehto, Halberg, Rice and Osthoff introduced:

H. F. No. 398, A bill for an act proposing an amendment to the Minnesota Constitution, changing Article IV, Sections 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 23, 24, 25 and 26; Article VIII, Section 1; Article IX, Sections 1 and 2; and Article XI, Section 5; providing for a unicameral legislature of 135 members.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Den Ouden; Wenzel; Anderson, B.; Rees and Sherwood introduced:

H. F. No. 399, A bill for an act relating to health; requiring parental notice of a minor's intended abortion or sterilization; setting penalties; amending Minnesota Statutes 1980, Section 145.412, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 145.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Reding, Heap, Lehto, Kalis and Ewald introduced:

H. F. No. 400, A bill for an act relating to economic development; appropriating money to permit the small business finance agency to participate in business loans; amending Minnesota Statutes 1980, Section 362.53, Subdivision 12.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.



Haukoos; Elioff; Nelsen, B.; Wynia and Jennings introduced:

H. F. No. 401, A bill for an act relating to commerce; regulating the licensing of electricians; amending Minnesota Statutes 1980, Section 326.242, Subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Harens, Norton and Drew introduced:

H. F. No. 402, A bill for an act relating to the city of St. Paul; authorizing the imposition of a tax on the conversion of rental dwelling units to condominiums.

The bill was read for the first time and referred to the Committee on Taxes.

Minne; Hauge; Begich; Sieben, H., and Fjoslien introduced:

H. F. No. 403, A bill for an act relating to public utilities; providing for rights of shareholders of cooperative electric associations; proposing new law coded in Minnesota Statutes, Chapter 216B.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Skoglund, Clawson, Brandl, Shea and Himle introduced:

H. F. No. 404, A bill for an act relating to health; requiring installation of telecommunication devices for the deaf in county sheriff's offices and public safety agencies; requiring the commissioner of health to make telecommunication devices available to county sheriff's offices; proposing new law coded in Minnesota Statutes, Chapter 145.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Brinkman, Wenzel and Sarna introduced:

H. F. No. 405, A bill for an act relating to elections; prohibiting announcement of certain election results before the polls are closed; proposing new law coded in Minnesota Statutes, Chapter 204A.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Wynia, Murphy, Sarna, Clawson and Kaley introduced:

H. F. No. 406, A bill for an act relating to retirement; requiring public pension funds to provide information concerning optional annuity forms with the retirement application form; requiring the signature of the spouse of a member on the retirement application form in certain instances; proposing new law coded in Minnesota Statutes, Chapter 356.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Wynia; Anderson, B.; Sarna; Ellingson and Kaley introduced:

H. F. No. 407, A bill for an act relating to insurance; modifying the definition of a covered claim for purposes of the state's insurance guaranty association act; amending Minnesota Statutes 1980, Section 60C.09, Subdivision 1.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Byrne, Luknic, McCarron, Samuelson and Clark, J., introduced:

H. F. No. 408, A bill for an act relating to public welfare; authorizing grants to county boards to provide semi-independent living services for mentally retarded persons; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 252.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Erickson, Mann, Stowell, Kalis and Wenzel introduced:

H. F. No. 409, A bill for an act relating to agriculture; requiring department of agriculture approval and receipt of certain grain storage receipts; regulating the family farm security program; changing terms of members of the family farm advisory council; regulating denaturing of certain food; identifying fur pelts; updating references in the shade tree control law; amending Minnesota Statutes 1980, Sections 17.35, Subdivision 7; 18.023, Subdivision 3a; 31.095; 41.52, Subdivisions 5, 8 and 9; 41.54, Subdivision 2; 41.56, Subdivisions 1 and 2; 41.53, Subdivision 2; 232.06, Subdivision 1; 233.03; 234.02; 236.03; 275.50, Subdivision 6; and 290.08, Subdivision 24; repealing Minnesota Statutes 1980, Section 29.091.

The bill was read for the first time and referred to the Committee on Agriculture.

Rodriguez, F.; Clawson; Clark, K.; McDonald and Berkelman introduced:

H. F. No. 410, A bill for an act relating to public welfare; authorizing the commissioner of public welfare to designate the county of financial responsibility for patients transferred under the Interstate Compact on Mental Health who are not residents of Minnesota; amending Minnesota Statutes 1980, Section 245.52.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Kelly introduced:

H. F. No. 411, A bill for an act relating to Ramsey County; stating positions in the unclassified county service; placing employees of the judicial district administrator's office in the unclassified service; amending Laws 1974, Chapter 435, Section 3.02, Subdivision 6, as amended.

The bill was read for the first time and referred to the Committee on Judiciary.

Stowell, Olsen, Byrne, Lehto and Levi introduced:

H. F. No. 412, A bill for an act relating to taxation; exempting feminine hygiene products from the sales and use tax; amending Minnesota Statutes 1980, Section 297A.25, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Lemen; Rodriguez, F.; Schafer; Jude and Heinitz introduced:

H. F. No. 413, A bill for an act relating to handicapped persons; prohibiting persons serving as foreign language interpreters or interpreters for persons with hearing or speaking impairments from disclosing communications made to them during the course of civil, criminal or administrative proceedings; amending Minnesota Statutes 1980, Sections 546.44, by adding a subdivision; 595.02; 611.30; 611.31; and 611.33, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Hanson, Novak, Vanasek, Samuelson and Anderson, R., introduced:

H. F. No. 414, A bill for an act relating to taxation; altering the method of taxing the income of certain oil companies by prohibiting their use of the arithmetic average allocation formula and of certain deductions; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 19, and by adding a subdivision; 290.09, Subdivision 8; and 290.19, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Simoneau introduced:

H. F. No. 415, A bill for an act relating to financial institutions; authorizing federal funds transactions for credit unions; removing the limitation on insurance commission income and prohibiting participation of officials in such income; permitting the sale of real estate loans; amending Minnesota Statutes 1980, Section 52.04, Subdivision 1.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Stadum, Metzen, Jennings, Valan and Brinkman introduced:

H. F. No. 416, A bill for an act relating to taxation; authorizing the establishment of education savings accounts; providing that contributions to an account which are used exclusively in connection with the educational expenses of a child are deductible for income tax purposes; providing tax penalties; amending Minnesota Statutes 1980, Sections 48.159, by adding a subdivision; 50.157, by adding a subdivision; 51A.21, by adding a subdivision; 290.09, by adding a subdivision; 290.17, Subdivision 2; and proposing new law coded in Minnesota Statutes, Chapter 52.

The bill was read for the first time and referred to the Committee on Taxes.

Valan, Eken, Hoberg, Stumpf and Stadum introduced:

H. F. No. 417, A bill for an act relating to taxation; authorizing certain taxing districts to provide property tax exemption or abatement for certain new business facilities; requiring an adjustment of the EARC valuation; adjusting the local government aid formula; amending Minnesota Statutes 1980, Sections 124.212; and 477A.01, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 273.

The bill was read for the first time and referred to the Committee on Taxes.

Anderson, I.; Jacobs; Skoglund; Kvam and Onnen introduced:

H. F. No. 418, A bill for an act relating to taxation; income; providing a credit for certain research and experimental expenditures; proposing new law coded in Minnesota Statutes, Chapter 290.

The bill was read for the first time and referred to the Committee on Taxes.

Rice; Sviggum; Heinitz; Johnson, C., and Anderson, G., introduced:

H. F. No. 419, A bill for an act relating to financial institutions; regulating certain acquisitions by bank holding companies; defining terms; prescribing limitations; proposing new law coded in Minnesota Statutes, Chapter 47.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Rice introduced:

H. F. No. 420, A bill for an act relating to the bureau of criminal apprehension; including the superintendent within workers' compensation coverage; amending Minnesota Statutes 1980, Section 299C.19.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Rice introduced:

H. F. No. 421, A bill for an act relating to labor; providing for increases in fees for certain steamfitters; amending Minnesota Statutes 1980, Section 326.50.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Kostohryz introduced:

H. F. No. 422, A bill for an act relating to retirement; Minnesota state retirement system; authorizing certain persons to purchase prior service credit.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Gustafson and Berkelman introduced:

H. F. No. 423, A bill for an act relating to the city of Duluth; authorizing the fire chief to issue variances from the provisions of the state fire code under certain circumstances.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Ogren, Sherwood, Wenzel, Samuelson and Nelsen, B., introduced:

H. F. No. 424, A bill for an act relating to health; establishing a model rural program for community-based treatment of adolescents with serious chemical abuse problems; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 254A.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Gustafson; Sieben, M.; Drew and Piepho introduced:

H. F. No. 425, A bill for an act relating to public employees; providing for student participation in certain labor negotiations; proposing new law coded in Minnesota Statutes, Chapter 179.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Gustafson introduced:

H. F. No. 426, A bill for an act relating to highway traffic regulations; requiring motor vehicle inspections; providing penalties; and appropriating money; proposing new law coded in Minnesota Statutes, Chapter 169.

The bill was read for the first time and referred to the Committee on Transportation.

McDonald and Rees introduced:

H. F. No. 427, A bill for an act relating to Carver county; providing for payment of expenses of the county commissioners.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Onnen, Sherwood, Kalis, Redalen and Reding introduced:

H. F. No. 428, A bill for an act relating to taxation; real property; extending the homestead credit to certain noncontiguous property; amending Minnesota Statutes 1980, Sections 273.13, Subdivision 7; and 290A.03, Subdivision 6.

The bill was read for the first time and referred to the Committee on Taxes.

Reding introduced:

H. F. No. 429, A bill for an act relating to historic sites; designating an additional historic site; amending Minnesota Statutes 1980, Section 138.58, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Nelsen, B.; Begich; Carlson, D., and Rose introduced:

H. F. No. 430, A bill for an act relating to state lands; providing for the sale by taxing districts of certain tax-forfeited land; amending Minnesota Statutes 1980, Section 282.018.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 230, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money.

PATRICK E. FLAHAVEN, Secretary of the Senate

Sieben, M., moved that the House refuse to concur in the Senate amendments to H. F. No. 230, that the Speaker appoint a Conference Committee of 3 members of the House, and that

the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker :

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted :

S. F. Nos. 32, 77, 85, 97 and 102.

PATRICK E. FLAHAVER, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 32, A bill for an act relating to cemeteries; requiring the maintenance of certain abandoned cemeteries; amending Minnesota Statutes 1980, Section 306.243, Subdivision 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 77, A bill for an act relating to foreign corporations; removing certain deficiencies and ambiguities; defining certain activities that do not constitute transacting business in the state; and removing limitations on engaging in the business of making real estate loans; amending Minnesota Statutes 1980, Sections 303.02, Subdivision 3; 303.03; 303.04; and 303.25.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 85, A bill for an act relating to towns; providing for separate election of town supervisors; amending Minnesota Statutes 1980, Section 367.03, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

S. F. No. 97, A bill for an act relating to agriculture; changing Todd County from area one to area four for the purposes of potato promotion; amending Minnesota Statutes 1980, Section 30.464, Subdivision 1.

The bill was read for the first time and referred to the Committee on Agriculture.

S. F. No. 102, A bill for an act relating to towns; providing for certain notice requirements; amending Minnesota Statutes 1980, Section 365.12.



The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

S. F. No. 23 which it recommended to pass.

On the motion of Eken the report of the Committee of the Whole was adopted.

### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 230:

Sieben, M.; Kahn and Nelsen, B.

### MOTIONS AND RESOLUTIONS

Peterson, B., moved that H. F. No. 253 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Welker moved that the name of Brinkman be added as an author on H. F. No. 344. The motion prevailed.

Clawson moved that the name of Valan be added as an author on H. F. No. 364. The motion prevailed.

Evans moved that his name be stricken as an author on H. F. No. 373. The motion prevailed.

Aasness moved that H. F. No. 231 be returned to its author. The motion prevailed.

## ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, February 19, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, February 19, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## SIXTEENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 19, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Reverend Carl Manfred, Normandale Lutheran Church, Edina, Minnesota.

The roll was called and the following members were present:

Aasness	Erickson	Kalis	O'Connor	Sherman
Ainley	Esau	Kelly	Ogren	Sherwood
Anderson, B.	Evans	Knickerbocker	Olsen	Simoneau
Anderson, G.	Ewald	Kostohryz	Onnen	Skoglund
Anderson, I.	Fjoslien	Kvam	Osthoff	Stadum
Anderson, R.	Forsythe	Laidig	Otis	Staten
Battaglia	Friedrich	Lehto	Peterson, B.	Stowell
Begich	Greenfield	Lemen	Peterson, D.	Stumpf
Berkelman	Gruenes	Levi	Piepho	Sviggum
Blatz	Gustafson	Long	Pogemiller	Swanson
Brandl	Hanson	Ludeman	Redalen	Tomlinson
Brinkman	Harens	Luknic	Reding	Valan
Byrne	Hauge	Mann	Rees	Valento
Carlson, D.	Haukoos	Marsh	Reif	Vanasek
Carlson, L.	Heap	McCarron	Rice	Vellenga
Clark, J.	Heinitz	McDonald	Rodriguez, C.	Weaver
Clark, K.	Himle	McEachern	Rodriguez, F.	Welker
Clawson	Hoberg	Mehrkens	Rose	Wenzel
Dahlvang	Hokanson	Metzen	Rothenberg	Wieser
Dean	Hokr	Munger	Samuelson	Wigley
Dempsey	Jacobs	Murphy	Sarna	Wynia
Den Ouden	Jennings	Nelson, K.	Schafer	Zubay
Drew	Johnson, C.	Niehaus	Schoenfeld	Spkr. Sieben, H.
Eken	Johnson, D.	Norton	Schreiber	
Elioff	Jude	Novak	Searles	
Ellingson	Kaley	Nysether	Shea	

A quorum was present.

Halberg; Kahn; Minne; Nelsen, B.; Sieben, M.; Voss and Welch were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Vanasek moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of S. F. Nos. 77, 85, 97, 102 and 32 have been placed in the members' files.

## PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

February 17, 1981

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

The Honorable Jack Davies  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1981</i>	<i>Date Filed 1981</i>
1		1	February 13	February 13

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

## REPORTS OF STANDING COMMITTEES

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 3, A bill for an act relating to community social services; defining groups of persons for whom counties are responsible; establishing certain funding levels; clarifying sections of the community social services act; amending Minnesota Statutes 1980, Sections 245.64; 245.66; 245.84, Subdivision 5; 252.21; 252.24, Subdivisions 1, 3 and 4; 254A.03, Subdivision 1; 254A.05, Subdivision 1; 254A.07, Subdivision 2; 254A.08, Subdivision 1; 256E.03, Subdivision 2; 256E.04, Subdivision 1; 256E.05, Subdivisions 2 and 3; 256E.06, Subdivisions 2, 4, and 5; 256E.07, Subdivision 2; 256E.08, Subdivisions 1 and 7; 256E.09, Subdivisions 1, 3, and by adding a subdivision; 256E.-

10; and 256E.12, Subdivision 3; repealing Minnesota Statutes 1980, Sections 245.67; 245.68; 245.72; 245.84, Subdivision 2; 245.87; 252.26; 252.27, Subdivisions 1, 2 and 3; 256E.06, Subdivision 11; 256E.07, Subdivision 1; 256E.08, Subdivision 9; and 261.27.

Reported the same back with the following amendments:

Page 7, line 13, delete "county"

Page 7, lines 33 to 35, delete "*County boards shall comply with minimum standards established by the commissioner in fulfilling these responsibilities.*"

Page 8, line 5, reinstate "(SECTIONS)"

Page 8, line 5, delete "section"

Page 8, line 6, reinstate "(AND 256E.07)"

Page 14, line 18, delete "252.23" and insert "252.28"

Page 17, line 36, delete "256E.07, Subdivision 1;"

Further, amend the title as follows:

Page 1, line 19, delete "256E.07, Subdivision 1;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 14, A bill for an act relating to agriculture; requiring notice of real estate improvement liens to be given to certain farmers; amending Minnesota Statutes 1980, Section 514.011, Subdivision 4.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 29, A bill for an act relating to hospitals; requiring adoption of federal medicare standards for hospital licensing;

regulating hospital inspections; providing for licensing of hospitals accredited by the joint commission on hospital accreditation; amending Minnesota Statutes 1980, Sections 144.50, Subdivision 1; and 144.55.

Reported the same back with the following amendments:

Page 2, line 21, after "construction" insert "*and environmental health*"

Page 5, delete lines 9 to 14 and insert:

*"Subd. 10. [PROGRAM TERMINATION; EVALUATION REPORT.] Utilization of the joint commission's hospital accreditation program for licensure purposes, as described in subdivision 4, shall continue until June 30, 1984. On November 15, 1983, the commissioner shall provide the legislature and the governor with a written report evaluating the utilization of the program, paying particular attention to its effect upon the public health and safety."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 44, A bill for an act relating to health; repealing a certain administrative rule of the department of health prohibiting double beds in nursing homes and boarding care homes.

Reported the same back with the following amendments:

Page 1, line 9, after "*which*" insert "*unconditionally*"

Page 1, line 10, after the period, insert "*This section applies to MHD 52(a)(1) as it existed March 5, 1980.*"

Amend the title as follows:

Page 1, line 3, after "health" insert "unconditionally"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 45, A bill for an act relating to health; repealing a certain administrative rule of the department of health prohibiting the use of locks on patient room doors in nursing homes.

Reported the same back with the following amendments:

Page 1, line 9, after "(3)" insert "(ff)"

Page 1, line 9, after the period insert "*This section applies to MHD 64(a)(3)(ff)(ff1) as it existed March 5, 1980.*"

Further amend the title as follows:

Page 1, line 3, after "health" insert "unconditionally"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred:

H. F. No. 71, A bill for an act relating to elections; revising, reorganizing and recodifying major portions of the Minnesota election law; modernizing and improving language, organization and style; clarifying certain ambiguities; removing certain obsolete terms and provisions; restating guidelines for determining voter eligibility; providing for voter registration, absentee voting, the conduct of elections and the counting and canvassing of election returns; defining terms; providing penalties; making necessary technical amendments, corrections and other revisions; amending Minnesota Statutes 1980, Sections 10A.01, Subdivision 12; 40.05, Subdivision 3; 123.32, Subdivision 7; 200.01; 200.02; 201.01; 201.021; 201.061; 201.071; 201.081; 201.091; 201.11; 201.12; 201.121; 201.13; 201.14; 201.15; 201.161; 201.171; 201.18; 201.211; 201.221; 201.27; 201.275; 202A.11; 202A.16, Subdivision 1; 205.01; 205.03; 205.11, Subdivision 4a; 205.13, Subdivision 1; 205.14, Subdivision 4; 205.15; 205.17, Subdivision 2; 205.20, Subdivisions 2 and 5; 206.026, Subdivision 5; 206.07, Subdivision 1; 206.185, Subdivisions 1 and 5; 206.20, Subdivision 2; 206.21, Subdivisions 1 and 2; 208.04, Subdivisions 1 and 2; 210A.07; 210A.26, Subdivision 4; 210A.28; 210A.34, Subdivision 4; 290.06, Subdivision 11; 290.21, Subdivision 3; 365.51; 365.52; 375.20; 382.28; and 487.03, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapters 200, 201, 205, and 210A; proposing new law coded as Minnesota Statutes, Chapters 203B, 204B, 204C, and 204D; repealing Minnesota Statutes 1980, Sections 201.231; 201.26; 201.33; 202A.21 to 202A.721; and 210.22; and Chapters 203A, 204A, and 207.



Reported the same back with the following amendments:

Page 13, line 4, after "*Subdivision 1*" insert "*or not recorded under Article III, Section 19*"

Page 45, line 5, after "*counted*" insert "*and the uncounted ballots shall be returned by the election judges with the rejected ballots*"

Page 47, line 16, after "*recent*" insert "*precinct*"

Page 47, line 16, delete "*in the election precinct in*"

Page 47, line 17, delete "*which he maintained residence*"

Page 55, line 13, delete "*shall*" and insert "*may*"

Page 55, line 18, delete "*individual*" and insert "*eligible voter*"

Page 55, line 20, delete "*individual*" and insert "*eligible voter*"

Page 73, delete lines 27 to 32

Page 74, line 2, delete everything after the period

Page 74, delete lines 3 and 4

Page 78, line 13, delete "*25*" and insert "*26*"

Page 82, line 23, after the period, insert "*No two metal straps shall bear the same number.*"

Page 90, line 22, delete "*members of at least two different*" and insert "*evenly divided between the*"

Page 95, line 15, delete "*Subdivision 1.*"

Page 95, line 15, delete the headnote

Page 96, line 14, delete everything after period

Page 96, delete line 15

Page 96, line 16, delete "*auditor.*"

Page 97, line 26, delete "; RULES"

Page 100, line 34, before the comma, insert "*and in the absence of any selection by the county board from among its own members*"

Page 119, line 28, before "*When*" insert "*Except for vacancies in the legislature which occur at any time between the last day of session in an odd-numbered year and the thirty-third day prior to the opening day of session in the succeeding even-numbered year,*"

Page 123, line 10, after "*registered*" insert "*or not recorded under Article III, Section 19*"

Page 131, line 6, delete "*chpater*" and insert "*chapter*"

Page 132, line 22, delete "*voters*" and insert "*total number of individuals who voted*"

Page 132, line 30, strike "*person*" and insert "*individual*"

Page 140, line 4, strike "*person*" and insert "*individual*"

Page 140, line 20, strike "*persons*" and insert "*individuals*"

Page 141, line 10, reinstate the stricken language

Page 141, lines 11 and 12, delete "*sealed with evidence tape supplied by the county auditor*"

Page 142, line 25, strike "*person*" and insert "*individual*"

Page 142, line 26, strike "*person*" and insert "*individual*"

Page 143, line 33, strike "*persons*" and insert "*individuals*"

Page 147, delete lines 19 to 26

Page 150, line 23, strike "*person*" and insert "*individual*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 87, A bill for an act relating to commerce; expanding the definition of a "sale of goods" as it applies to consumer credit sales to include certain terminable bailments or leases; clarifying the interests of the respective parties; providing for a certain contract provision; amending Minnesota Statutes 1980, Sections 325G.15, Subdivision 5; and 325G.16, by adding subdivisions.

Reported the same back with the following amendments:

Page 2, line 17, after "obligations" insert "*in the form of terminable bailment or lease of goods*"

Further amend the title as follows:

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

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 121, A bill for an act relating to intoxicating liquor; authorizing the sale and dispensing of liquor at the I.R.A. arena in Grand Rapids.

Reported the same back with the following amendments:

Page 1, line 18, delete "*The fee for*"

Page 1, delete lines 19 to 25

Page 2, delete lines 1 to 4 and insert "*The governing body of the city of Grand Rapids may fix and assess a fee to be paid to the city by an on-sale licensee for each occasion where the licensee is engaged to dispense intoxicating liquor. All dispensing of intoxicating liquor pursuant to this act shall be in accordance with all applicable provisions of Minnesota Statutes, Chapter 340, not inconsistent herewith, together with such terms and conditions as the city may prescribe, shall be limited to persons attending the event, and shall not be made to the public or to any persons attending or participating in any amateur athletic event being held on the arena premises.*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 149, A bill for an act relating to crimes; prohibiting assaulting a peace officer; prescribing penalties; amending Minnesota Statutes 1980, Section 609.224; proposing new law coded in Minnesota Statutes, Chapter 609.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, 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 interferes with a peace officer while the officer is engaged in the performance of his official duties may be sentenced as follows:

(1) *If the act was accompanied by force or violence from which bodily harm results, to imprisonment for not more than two years or to payment of a fine of not more than \$2,000, or both; or*

(2) *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 \$1,000, or both; or*

((2)) (3) *In other cases to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both.*

Sec. 2. [EFFECTIVE DATE.]

*This act is effective the day after final enactment and applies to all crimes committed on or after that date."*

Delete the title and insert:

"A bill for an act relating to crimes; prescribing penalties for obstructing a peace officer from performing official duties; amending Minnesota Statutes 1980, Section 609.50."

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 168, A bill for an act relating to motor vehicle carriers; providing procedures for granting permits to courier service carriers in certain cases; amending Minnesota Statutes 1980, Section 221.121, Subdivision 4.

Reported the same back with the following amendments:

Page 1, lines 16 and 17, delete "*who are fit and able and*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 236, A bill for an act relating to environmental protection; imposing a moratorium on enforcement of the law banning plastic milk containers; repealing Laws 1977, Chapters 268, Section 3; and 455, Section 96.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 14, 29, 44, 45, 71, 87, 121, 149, 168 and 236 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Clawson, Novak, Vanasek, Jacobs and Anderson, I., introduced:

H. F. No. 431, A bill for an act relating to taxation; exempting federal income tax reductions from state income taxation.

The bill was read for the first time and referred to the Committee on Taxes.

Carlson, L.; Swanson; Haukoos; Knickerbocker and McCarron introduced:

H. F. No. 432, A bill for an act relating to elections; eliminating the party primary ten percent requirement; amending Minnesota Statutes 1980, Sections 202A.23, Subdivision 2; and 202A.41, Subdivision 2; repealing Minnesota Statutes 1980, Section 202A.41, Subdivision 3.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Wynia, Kelly, Hanson, Tomlinson and Levi introduced:

H. F. No. 433, A bill for an act relating to Ramsey County; simplifying the numbering of the county code; amending Laws 1974, Chapter 435, Articles I to IV, as amended.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Rodriguez, C.; Shea; Pogemiller and Carlson, D., introduced:

H. F. No. 434, A bill for an act relating to motor vehicles; increasing the period of time for which number plates may be issued for certain vehicles and adjusting the tax accordingly; providing for the issuance of single dealer plates; amending Minnesota Statutes 1980, Sections 168.013, Subdivisions 1c and 1e; 168.12, Subdivisions 1 and 2a; 168.27, Subdivisions 16 and 17; 169.79, and 297B.035, Subdivision 2.

The bill was read for the first time and referred to the Committee on Transportation.

Novak, Skoglund and Anderson, I., introduced:

H. F. No. 435, A bill for an act relating to taxation; income; property tax refund; adopting certain federal income tax amendments; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; 290.06, Subdivision 14; 290.07, Subdivision 5; 290.077, Subdivision 4; 290.08, Subdivisions 8 and 20; 290.09, Subdivisions 2, 3, 4, 17a, and 19; 290.091; 290.131, Subdivision 2; 290.132, Subdivision 2; 290.135, Subdivision 2; 290.136, Subdivision 1; 290.138, by adding a subdivision; 290.26, Subdivision 2; 290.31, Subdivision 3; 290.41, by adding subdivisions; 290.92, Subdivision 20; 290.971, by adding a subdivision; 290A.03, Subdivision 3; and Laws 1980, Chapter 607, Article I, Section 34; repealing Minnesota Statutes 1980, Sections 290.08, Subdivisions 7 and 13; 290.09, Subdivision 12; 290.136, Subdivisions 2, 3, 4, 5, 6, 7, and 9; 290.137, and 290.138, Subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Taxes.

Heinitz, Brinkman, Kaley, Ellingson and Wynia introduced :

H. F. No. 436, A bill for an act relating to financial institutions; setting application fees for industrial loan and thrifts; providing for publication of notices; establishing procedures for consideration of applications for consent to sell and issue certificates; increasing the minimum amounts for insurance of accounts; amending Minnesota Statutes 1980, Sections 53.03, Subdivision 1, and by adding subdivisions; and 53.10, Subdivision 1.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Weaver, Hauge, Ludeman, Friedrich and Battaglia introduced :

H. F. No. 437, A bill for an act relating to waters; allowing counties to request authority for issuing or denying permits in public wetlands; directing the commissioner to delegate certain authority over wetlands; providing for certain notices to landowners; placing the burden of proof for denying certain permit applications on the commissioner of natural resources; amending Minnesota Statutes 1980, Sections 105.391, Subdivision 1; 105.42, Subdivision 1a; and 105.45; proposing new law coded in Minnesota Statutes, Chapter 105.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Sarna introduced :

H. F. No. 438, A bill for an act relating to retirement; Minneapolis teachers retirement fund association; providing for the purchase of military service credit by certain members; authorizing an amendment to the articles of incorporation of the retirement fund.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sarna introduced :

H. F. No. 439, A bill for an act relating to retirement; Minneapolis municipal employees retirement fund; authorizing the repayment of a refund by certain individuals.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Nysether introduced:

H. F. No. 440, A bill for an act relating to taxation; extending the period for filing gravel tax reports and sending notice of overdue returns; amending Minnesota Statutes 1980, Section 298.75, Subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Taxes.

Sarna; Heinitz; Anderson, I.; Minne and Osthoff introduced:

H. F. No. 441, A bill for an act relating to commerce; restricting the ability of certain franchisors to require their franchisees to purchase supplies from them; providing for the identification of motor fuel refiners to purchasers under certain circumstances; amending Minnesota Statutes 1980, Section 80C.13, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 325E.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Weaver, Wigley, Kvam, Ogren and Begich introduced:

H. F. No. 442, A bill for an act relating to waters; removing the right of the commissioner of natural resources to appeal the decision of a hearings unit in certain cases; amending Minnesota Statutes 1980, Section 105.391, Subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Hoberg and Valan introduced:

H. F. No. 443, A bill for an act relating to education; specifying the authority of a school board for selection and employment of a superintendent; amending Minnesota Statutes 1980, Section 123.34, Subdivision 9.

The bill was read for the first time and referred to the Committee on Education.



Stowell, Simoneau, Sherman, Erickson and Anderson, B., introduced:

H. F. No. 444, A bill for an act relating to taxation; sales and use tax; clarifying the exemption of wrapping paper purchased for custom meat processing; amending Minnesota Statutes 1980, Section 297A.25, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Kostohryz; Jennings; Johnson, C.; Levi and Nelson, K., introduced:

H. F. No. 445, A bill for an act relating to education; providing for the use of the proceeds of the sale or exchange of school buildings or real property of a school district; amending Minnesota Statutes 1980, Section 123.36, Subdivision 13.

The bill was read for the first time and referred to the Committee on Education.

Kostohryz, Osthoff, Tomlinson, Novak and Knickerbocker introduced:

H. F. No. 446, A bill for an act relating to taxation; clarifying the time for payment and interest for property tax refunds; amending Minnesota Statutes 1980, Section 290A.07.

The bill was read for the first time and referred to the Committee on Taxes.

Aasness, Heap, Mann, Valan and Brinkman introduced:

H. F. No. 447, A bill for an act relating to taxation; real property; decreasing the classification ratio on a certain portion of commercial and industrial property; amending Minnesota Statutes 1980, Section 273.13, Subdivision 9.

The bill was read for the first time and referred to the Committee on Taxes.

Brandl, Ludeman, Ogren, Heap and Kelly introduced:

H. F. No. 448, A bill for an act relating to financial institutions; authorizing detached facilities in the same county in which the bank is located or in contiguous counties; amending Minnesota Statutes 1980, Section 47.52.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Gustafson; Jude; Peterson, B.; Stowell and Sieben, H., introduced:

H. F. No. 449, A bill for an act relating to courts; increasing the salary of court reporters; amending Minnesota Statutes 1980, Section 486.05, Subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Wynia, Ellingson, Vellenga, Forsythe and Sieben, M., introduced:

H. F. No. 450, A bill for an act relating to marriage dissolution; clarifying factors to consider in awarding maintenance; amending Minnesota Statutes 1980, Section 518.552.

The bill was read for the first time and referred to the Committee on Judiciary.

Nelson, K.; Hanson; Evans; Munger and Sieben, H., introduced:

H. F. No. 451, A bill for an act relating to energy; modifying certain need certification criteria; amending Minnesota Statutes 1980, Section 116H.13, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Energy.

Kelly, Novak, Heap and Long introduced:

H. F. No. 452, A bill for an act relating to education; providing for hearings before an arbitrator in certain cases and for a school board to furnish a teacher with certain transcripts; eliminating certain hearings before a school board; requiring that probationary teachers be placed on unnegotiated, unrequested leave in the inverse order of their employment; removing financial limitations as a basis for placing teachers on unrequested leave; removing a teacher's duty to mitigate damages while awaiting judicial review of a termination for dismissal; amending Minnesota Statutes 1980, Section 125.12, Subdivisions 2, 3, 4, 6a, 6b, 8, 9, 10, and 11.

The bill was read for the first time and referred to the Committee on Education.

Byrne, Kostohryz, Clawson and Stumpf introduced:

H. F. No. 453, A bill for an act relating to housing; providing statutory warranties on home improvement work; establishing a cause of action for breach of warranty; providing remedies; amending Minnesota Statutes 1980, Sections 327A.01, Subdivisions 5, 8 and by adding subdivisions; 327A.02, by adding a subdivision; 327A.03; 327A.04, Subdivision 2; 327A.05; and 327A.07.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Shea, Simoneau, Forsythe, Norton and Heinitz introduced:

H. F. No. 454, A bill for an act relating to economic development; prescribing the powers and duties of the bureau of business licenses regarding the consolidation, simplification, and expedition of business license procedures of state agencies; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 352.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Hoberg, Murphy, Sherman, McEachern and Levi introduced:

H. F. No. 455, A bill for an act relating to libraries; regulating regional library support grants; eliminating local support requirement; amending Minnesota Statutes 1980, Section 134.34, Subdivision 4.

The bill was read for the first time and referred to the Committee on Education.

Rothenberg, Blatz, Levi, Rose and Peterson, B., introduced:

H. F. No. 456, A bill for an act relating to juveniles; requiring imposition of restitution sanctions for minors adjudicated delinquent for crimes against property; amending Minnesota Statutes 1980, Section 260.185, Subdivision 1.

The bill was read for the first time and referred to the Committee on Criminal Justice.

McEachern, Jude and Welch introduced:

H. F. No. 457, A bill for an act relating to transportation; appropriating money for the purposes of the joint commuter rail study commission; extending the life of the commission and the deadline for its report; amending Laws 1980, Chapter 607, Article XIII, Section 2, Subdivisions 3 and 5.

The bill was read for the first time and referred to the Committee on Transportation.

Heinitz, O'Connor, Wieser, Onnen and Hokanson introduced:

H. F. No. 458, A bill for an act relating to children; specifying rights of stepparents to visit certain children; proposing new law coded in Minnesota Statutes, Chapter 257.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Clark, J.; Knickerbocker; Kelly; Murphy and Heap introduced:

H. F. No. 459, A bill for an act relating to education; providing for removing a pupil from class; establishing grounds for removal; establishing procedures for removal and return; amending Minnesota Statutes 1980, Sections 127.27, Subdivision 2, and by adding subdivisions; 127.28; 127.29, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 127.

The bill was read for the first time and referred to the Committee on Education.

Simoneau introduced:

H. F. No. 460, A bill for an act relating to drugs; requiring imprinting of legend drugs; amending Minnesota Statutes 1980, Section 151.361.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Wieser, Redalen, Jude, Luknic and Samuelson introduced:

H. F. No. 461, A bill for an act relating to courts; providing that elections for county court judges will be on a countywide basis; amending Minnesota Statutes 1980, Section 487.03, Subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Kelly introduced:

H. F. No. 462, A bill for an act relating to commerce; requiring invoices on certain repairs; amending Minnesota Statutes 1980, Sections 325F.60; and 325F.64.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development

Aasness, Ainley, Sarna, Reding and Rose introduced:

H. F. No. 463, A bill for an act relating to transportation; including within the specific information signing program commercial establishments that provide resort recreational or related services to the recreational traveler; amending Minnesota Statutes 1980, Sections 160.292, Subdivisions 2 and 9, and 160.293, Subdivisions 1 and 3.

The bill was read for the first time and referred to the Committee on Transportation.

Simoneau introduced:

H. F. No. 464, A bill for an act relating to health; regulating the use of ionizing radiation; directing the commissioner of health to set standards related to the use of x-ray equipment; setting a penalty; proposing new law coded in Minnesota Statutes, Chapter 144.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Hanson, Mann and Kalis introduced:

H. F. No. 465, A bill for an act relating to transportation; providing for the allocation of federal aid secondary funds; and the full utilization of those funds; amending Minnesota Statutes 1980, Section 161.086.

The bill was read for the first time and referred to the Committee on Transportation.

Brandl, Rice, Niehaus, Begich and Peterson, B., introduced:

H. F. No. 466, A bill for an act relating to labor and employment; status of certain tenured private college employees under compulsory retirement laws; amending Minnesota Statutes 1980, Section 181.811.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Anderson, G., introduced:

H. F. No. 467, A bill for an act relating to motor vehicles; authorizing the identification of certain tax exempt vehicles by use of removable plates or placards; amending Minnesota Statutes 1980, Section 168.012, Subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation.

Lehto, Reding, Simoneau, Haukoos and Ludeman introduced:

H. F. No. 468, A bill for an act relating to retirement; various public pension funds; clarifying service credit for employees in the Minnesota demonstration job-sharing program; amending Minnesota Statutes 1980, Section 43.60, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 43.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Lehto, Clawson, Stowell, and Haukoos introduced:

H. F. No. 469, A bill for an act relating to peace officers; changing the designation of part-time officers and reserve officers; removing the hours of work limitation for certain part-time peace officers; permitting reserve peace officers to carry firearms in emergencies; providing for two additional members on the peace officers standards and training board; authorizing the board to provide for training for certain part-time peace officers; authorizing the board to obtain criminal history data; amending Minnesota Statutes 1980, Sections 214.10, Subdivision 7; 626.84; 626.841; 626.843, Subdivision 1; 626.845, Subdivision 1; 626.846, Subdivisions 1 and 2; 626.8461; 626.8462; 626.8463; 626.8464; 626.8465, Subdivisions 1 and 2; 626.851, Subdivision 1; and 626.852.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Clawson, Berkelman, Vanasek, Rose and Rees introduced:

H. F. No. 470, A bill for an act relating to the department of public safety; changing the name of the highway patrol to the state patrol; amending Minnesota Statutes 1980, Section 299D.-01, Subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation.

Welch; Ogren; Carlson, D.; Gruenes and Stumpf introduced:

H. F. No. 471, A bill for an act relating to agriculture; consolidating certain promotional fund accounts; regulating deposit of certain funds; appropriating money; amending Minnesota Statutes 1980, Sections 17.59, Subdivisions 3, 4 and by adding a subdivision; 29.17; and 30.469.

The bill was read for the first time and referred to the Committee on Agriculture.

Greenfield; Dean; Nelson, K.; Ogren and Clark, K., introduced:

H. F. No. 472, A bill for an act relating to energy; providing tenant enforcement of certain conservation standards; proposing new law coded in Minnesota Statutes, Chapter 504.

The bill was read for the first time and referred to the Committee on Energy.

Hauge; Nelson, K.; Otis and Luknic introduced:

H. F. No. 473, A bill for an act relating to energy; establishing rates and conditions of service for cogenerators and small power producers; proposing new law coded in Minnesota Statutes, Chapter 216B.

The bill was read for the first time and referred to the Committee on Energy.

Clawson, Long, Byrne, Levi and Rothenberg introduced:

H. F. No. 474, A bill for an act relating to crime; authorizing use of tear gas compounds in self-defense; amending Minnesota Statutes 1980, Section 624.73, Subdivision 2; repealing Minnesota Statutes 1980, Section 624.73, Subdivision 1.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Reding; Johnson, C.; Dempsey; Anderson, I., and Wenzel introduced:

H. F. No. 475, A bill for an act relating to state police aid; distribution and disposition thereof; amending Minnesota Statutes 1980, Sections 69.011, Subdivisions 1 and 2; 69.021, Subdivision 7; and 69.031, Subdivision 5.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Dempsey; Hauge; Den Ouden; Peterson, B., and Harens introduced:

H. F. No. 476, A bill for an act relating to drivers licenses; providing for the identification of blood types on drivers licenses at the applicants option; amending Minnesota Statutes 1980, Sections 171.06, Subdivision 3; and 171.07, Subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation.

Johnson, C.; Wynia; Rose; Welch and Carlson, D., introduced:

H. F. No. 477, A bill for an act relating to education; changing a reference to the provisions governing the student loan program; allowing parents of eligible students to obtain loans through the student loan program; increasing the bonding authority of the higher education coordinating board; expanding the career guidance program; transferring responsibility for certain portions of the statewide testing program; providing exclusive property rights in certain records; abolishing tuition subsidies for post-secondary vocational-technical school students; providing for certification of status of tuition subsidy recipients; amending Minnesota Statutes 1980, Sections 136A.141; 136A.15, by adding a subdivision; 136A.16, Subdivisions 3 and 4; 136A.17, Subdivisions 1, 4, 5, 7, and 10; 136A.171; 136A.85; 136A.86, Subdivisions 2, 3, and by adding a subdivision; repealing Minnesota Statutes 1980, Section 136A.236.

The bill was read for the first time and referred to the Committee on Education.

Heap, Schreiber, McCarron and Long introduced:

H. F. No. 478, A bill for an act relating to the city of Robbinsdale; providing that certain tax increment backed bond issues shall be exempt from net debt limits.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Weaver, Kvam, Fjoslien, Valento and Elioff introduced:

H. F. No. 479, A bill for an act relating to public waters; changing the procedure for the designation of public waters; amending Minnesota Statutes 1980, Section 105.391, Subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.



Kalis, Eken, Mann, Redalen and Munger introduced :

H. F. No. 480, A bill for an act relating to agriculture; changing the name of the joint legislative committee on agricultural land preservation; amending Laws 1979, Chapter 315, Sections 2 and 3.

The bill was read for the first time and referred to the Committee on Agriculture.

Fjoslien, Mann, Kalis and McDonald introduced :

H. F. No. 481, A bill for an act relating to education; providing for training teachers and producers in the method of producing agriculturally derived alcohol fuels; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

Greenfield, Dean, Norton and Heinitz introduced :

H. F. No. 482, A bill for an act relating to health; enacting the uniform determination of death act; proposing new law coded in Minnesota Statutes, Chapter 145.

The bill was read for the first time and referred to the Committee on Judiciary.

Kostohryz, Osthoff, McCarron, Hanson and Reif introduced :

H. F. No. 483, A bill for an act relating to Ramsey county, providing for the administration of the soldiers' rest; amending Laws 1974, Chapter 435, Section 1.0212.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Blatz introduced :

H. F. No. 484, A bill for an act relating to commerce; regulating continuing care facilities; delaying effective date of regulation.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Long, Simoneau and Clawson introduced:

H. F. No. 485, A bill for an act relating to local government; enlarging the class of cities that may maintain cable television systems; clarifying the description of a system; removing a debt limit; amending Minnesota Statutes 1980, Section 465.70.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Kahn, Greenfield, Vanasek, Clawson and Clark, K., introduced:

H. F. No. 486, A resolution memorializing the Congress and the President of the United States to cease all military and economic aid to El Salvador.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Harens, Byrne, O'Connor and Rose introduced:

H. F. No. 487, A bill for an act relating to the capitol area architectural and planning board; providing for disposition of tax-forfeited property within the capitol area; amending Minnesota Statutes 1980, Section 15.50, Subdivision 6.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Jacobs and Anderson, I., introduced:

H. F. No. 488, A bill for an act relating to taxation; providing a new schedule for payment of income taxes withheld from wages; giving temporary rulemaking authority; appropriating money; amending Minnesota Statutes 1980, Section 290.92, Subdivision 6.

The bill was read for the first time and referred to the Committee on Taxes.

Brandl; Clawson; Weaver; Clark, J., and Heinitz introduced:

H. F. No. 489, A bill for an act relating to public welfare; establishing a grant mechanism for funding services to adult mentally ill persons in residential programs; setting forth responsibilities of the commissioner of public welfare; exempting residential facilities for mentally ill persons from certain requirements until July 1, 1984; appropriating money; amending Minnesota Statutes 1980, Section 245.812, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 245.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Brinkman, Wenzel, Mann, Niehaus and Anderson, B., introduced:

H. F. No. 490, A bill for an act relating to solid and hazardous waste; prohibiting waste disposal and processing sites on agricultural land; amending Minnesota Statutes 1980, Sections 115A.03, by adding a subdivision; 115A.09, Subdivision 2; 115A.20; 116.081, by adding a subdivision; 368.01, Subdivision 14; 412.221, Subdivision 22; 473.153, Subdivision 2; and 473.803, Subdivision 1a; proposing new law coded in Minnesota Statutes, Chapters 116C and 400.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Anderson, I., introduced:

H. F. No. 491, A bill for an act establishing the North Koochiching county waste water treatment board; prescribing its duties and powers; providing for the treatment and disposal of waste water in described areas.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

#### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 230, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money.

The Senate has appointed as such committee Messrs. Willet, Nelson and Ashbach.

House File No. 230 is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

### CALENDAR

S. F. No. 23, A bill for an act relating to the recording of decrees and certificates in bankruptcy proceedings; providing for the admissibility of certificates as evidence; amending Minnesota Statutes 1980, Section 386.45.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kalis	O'Connor	Sherwood
Ainley	Esau	Kelly	Ogren	Simoneau
Anderson, B.	Evans	Knickerbocker	Olsen	Skoglund
Anderson, G.	Ewald	Kostohryz	Onnen	Stadum
Anderson, I.	Fjoslien	Kvam	Osthoff	Staten
Anderson, R.	Forsythe	Laidig	Otis	Stowell
Battaglia	Friedrich	Lehto	Peterson, B.	Stumpf
Begich	Greenfield	Lemen	Peterson, D.	Sviggum
Berkelman	Gruenes	Levi	Piepho	Swanson
Blatz	Gustafson	Long	Pogemiller	Tomlinson
Brandl	Hanson	Ludeman	Redalen	Valan
Brinkman	Harens	Luknic	Reding	Valento
Byrne	Hauge	Mann	Rees	Vanasek
Carlson, D.	Haukoos	Marsh	Reif	Vellenga
Carlson, L.	Heap	McCarron	Rice	Weaver
Clark, J.	Heimitz	McDonald	Rodriguez, C.	Welker
Clark, K.	Himle	McEachern	Rodriguez, F.	Wenzel
Clawson	Hoberg	Mehrkens	Rose	Wieser
Dahlvang	Hokanson	Metzen	Rothenberg	Wigley
Dean	Hokr	Munger	Samuelson	Wynia
Dempsey	Jacobs	Murphy	Sarna	Zubay
Den Ouden	Jennings	Nelson, K.	Schafer	Spkr. Sieben, H.
Drew	Johnson, C.	Niehaus	Schoenfeld	
Eken	Johnson, D.	Norton	Schreiber	
Elioff	Jude	Novak	Shea	
Ellingson	Kaley	Nysether	Sherman	

The bill was passed and its title agreed to.

## MOTIONS AND RESOLUTIONS

McEachern moved that the name of Marsh be added as an author on H. F. No. 457. The motion prevailed.

Simoneau moved that the name of Pogemiller be added as an author on H. F. No. 4. The motion prevailed.

Olsen moved that H. F. No. 380 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Education. The motion prevailed.

Haukoos moved that his name be stricken as an author on H. F. No. 294. The motion prevailed.

Sherman, Piepho, Harens and Johnson, D., introduced:

House Concurrent Resolution No. 1, A house concurrent resolution expressing the appreciation of Minnesotans in this day of renewed patriotism to all Vietnam War veterans for their services to the people of the State of Minnesota; and encouraging the establishment of a memorial and local demonstrations to engender proper recognition of Vietnam veterans.

The resolution was referred to the Committee on Rules and Legislative Administration.

## ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, February 23, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, February 23, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## SEVENTEENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 23, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Reverend Warren I. Egebo, Shiloh Lutheran Church, Elmore, Minnesota.

The roll was called and the following members were present:

Aasness	Esau	Kalis	Ogren	Simoneau
Ainley	Evans	Kelly	Olsen	Skoglund
Anderson, B.	Ewald	Knickerbocker	Onnen	Stadum
Anderson, G.	Fjoslien	Kostohryz	Osthoff	Staten
Anderson, I.	Forsythe	Kvam	Otis	Stowell
Anderson, R.	Friedrich	Laidig	Peterson, B.	Stumpf
Battaglia	Greenfield	Lehto	Peterson, D.	Sviggum
Begich	Gruenes	Lemen	Piepho	Swanson
Berkelman	Gustafson	Levi	Pogemiller	Tomlinson
Blatz	Halberg	Long	Redalen	Valan
Brandl	Hanson	Ludeman	Reding	Valento
Brinkman	Harens	Luknic	Rees	Vanasek
Byrne	Hauge	Mann	Reif	Vellenga
Carlson, D.	Haukoos	Marsh	Rice	Voss
Carlson, L.	Heap	McCarron	Rodriguez, C.	Weaver
Clark, J.	Heinitz	McDonald	Rodriguez, F.	Welch
Clark, K.	Himle	Mehrkens	Rose	Welker
Clawson	Hoberg	Metzen	Rothenberg	Wenzel
Dahlvang	Hokanson	Minne	Samuelson	Wieser
Dean	Hokr	Munger	Sarna	Wigley
Dempsey	Jacobs	Murphy	Schoenfeld	Wynia
Den Ouden	Jennings	Nelson, K.	Schreiber	Zubay
Drew	Johnson, C.	Niehaus	Searles	Spkr. Sieben, H.
Eken	Johnson, D.	Norton	Shea	
Elioff	Jude	Novak	Sherman	
Ellingson	Kahn	Nysether	Sherwood	
Erickson	Kaley	O'Connor	Sieben, M.	

A quorum was present.

McEachern, Nelsen, B., and Schafer were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Vanasek moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 14, 236, 44, 121, 45, 149, 168, 87, 29 and 71 have been placed in the members' files.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Gruenes; Gustafson; Johnson, D.; Niehaus and McEachern introduced:

H. F. No. 492, A bill for an act relating to crimes; authorizing counties to expend money for the purpose of investigating criminal activity relating to selling or receiving stolen property; proposing new law coded in Minnesota Statutes, Chapter 299C.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Voss; Nelson, K.; Vellenga; Elioff and Hoberg introduced:

H. F. No. 493, A bill for an act relating to energy; authorizing the Minnesota energy agency to administer a program of loans to municipalities for establishing and improving district heating systems; authorizing the issuance of state bonds pursuant to Article XI of the Minnesota constitution; appropriating money; amending Minnesota Statutes 1980, Sections 412.321, Subdivision 1; 412.351; 412.361, Subdivision 3; and 429.021, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapters 116H, 216B, and 465.

The bill was read for the first time and referred to the Committee on Energy.

Norton, Drew, Eken and Peterson, D., introduced:

H. F. No. 494, A bill for an act relating to taxation; providing that certain emergency shelters are exempt from the property tax; amending Minnesota Statutes 1980, Section 272.02, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Peterson, B.; Searles; Begich; Brinkman and Valento introduced:

H. F. No. 495, A bill for an act proposing an amendment to the Minnesota Constitution, Article XI, adding a section; providing constitutional limits on state spending.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Harens; Staten; Peterson, B.; Norton and Schafer introduced:

H. F. No. 496, A bill for an act relating to intoxicating liquor; proof required to purchase, possess or consume; amending Minnesota Statutes 1980, Section 340.039.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Anderson, B.; Carlson, D.; Clark, J., and Simoneau introduced:

H. F. No. 497, A bill for an act relating to occupations and professions; clarifying the definition of the scope of practice of doctors of optometry by authorizing the use of topical ocular diagnostic drugs; proposing new law coded in Minnesota Statutes, Section 148.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Simoneau introduced:

H. F. No. 498, A bill for an act relating to probate; providing that certain mobile homes are homesteads; amending Minnesota Statutes 1980, Section 525.145.

The bill was read for the first time and referred to the Committee on Judiciary.

Simoneau introduced:

H. F. No. 499, A bill for an act relating to financial institutions; authorizing demand deposits for members of credit unions; permitting the purchase and sale of loans; amending Minnesota Statutes 1980, Section 52.04.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.



Mehrkens, Otis, Stowell and Novak introduced:

H. F. No. 500, A bill for an act relating to agriculture; establishing a grape research and development program funded by a portion of the wine excise tax; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 340.

The bill was read for the first time and referred to the Committee on Agriculture.

Hanson, Simoneau, Rice and Osthoff introduced:

H. F. No. 501, A bill for an act relating to motor vehicles; requiring certain owners of motorcycles to furnish evidence of security under the Minnesota no-fault automobile insurance act; amending Minnesota Statutes 1980, Section 65B.68, Subdivision 2.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

O'Connor introduced:

H. F. No. 502, A bill for an act relating to workers' compensation; providing clarification of the method of payment to eligible recipients; creating a time limit for payment following issuance of official order; amending Minnesota Statutes 1980, Section 176.221, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Harens introduced:

H. F. No. 503, A bill for an act relating to workers' compensation; providing for change in the method of notice to employees relative to payment of benefits; amending Minnesota Statutes 1980, Section 176.241, Subdivisions 1 and 3.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Rice, O'Connor, Harens, Murphy and Dahlvang introduced:

H. F. No. 504, A bill for an act relating to workers' compensation; requiring payment of attorneys' fees by employer where claim is upheld; increasing temporary partial benefits; requiring payment of spousal travel expenses in certain cases; increasing interest rates and expanding liability in cases of disputes between insurers; amending Minnesota Statutes 1980, Sections 176.081, Subdivision 7; 176.101, Subdivision 2; 176.133; 176.135, Subdivision 1; and 176.191.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Sieben, M., introduced:

H. F. No. 505, A bill for an act relating to public safety; requiring certain rules promulgated by the commissioner of public safety be subject to the administrative procedure act; amending Minnesota Statutes 1980, Section 169.128.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Greenfield, Ellingson, Sviggum, Simoneau and Rees introduced:

H. F. No. 506, A bill for an act relating to credit unions; permitting a change of titles of officers; amending Minnesota Statutes 1980, Section 52.09, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Lehto introduced:

H. F. No. 507, A bill for an act relating to criminal justice; establishing a crime control planning board; establishing regional crime control advisory councils; authorizing grants to regional crime control advisory councils; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 299A; repealing Minnesota Statutes 1980, Section 299A.03.

The bill was read for the first time and referred to the Committee on Criminal Justice.

McCarron, Heinitz, Simoneau, Battaglia and Begich introduced:

H. F. No. 508, A bill for an act relating to the pollution control agency; voiding certain rules of the agency unless they are re-promulgated by a specific date; requiring the agency to enforce federal regulations under some circumstances; proposing new law coded in Minnesota Statutes, Chapter 116.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Rodriguez, C.; Shea; Zubay and Rodriguez, F., introduced:

H. F. No. 509, A bill for an act relating to commerce; requiring disclosure in motor vehicle transactions; proposing new law coded in Minnesota Statutes, Chapter 168.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Samuelson, Sherwood, Eken, Ainley and Ogren introduced:

H. F. No. 510, A bill for an act relating to Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison Counties; authorizing a joint board to prepare and implement a land use plan for the upper Mississippi River and adjacent lands.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Swanson; Johnson, D.; Novak; Olsen and Anderson, I., introduced:

H. F. No. 511, A bill for an act relating to taxation; sales and use tax; exempting goods and admissions sold by certain non-profit organizations; amending Minnesota Statutes 1980, Section 297A.25, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Dempsey, Brinkman and Hauge introduced:

H. F. No. 512, A bill for an act relating to workers' compensation; permitting certain local units of government to join the reinsurance association; amending Minnesota Statutes 1980, Section 79.34, Subdivision 1.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Rothenberg and Dempsey introduced:

H. F. No. 513, A bill for an act relating to financial institutions; broadening the application of the escrow account requirement for certain mortgages; requiring the escrowing of funds for the payment of special assessments or other obligations; amending Minnesota Statutes 1980, Section 47.20, Subdivision 9.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Olsen, Skoglund, Long, Knickerbocker and Hanson introduced:

H. F. No. 514, A bill for an act relating to metropolitan government; providing for a metropolitan rail transit program; providing financing; appropriating money; amending Minnesota Statutes 1980, Sections 473.401, by adding subdivisions; 473.402, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 473.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Reif, Kelly and Drew introduced:

H. F. No. 515, A bill for an act relating to coroners; eliminating the requirement of filing a certificate of no inquest; amending Minnesota Statutes 1980, Section 390.17.

The bill was read for the first time and referred to the Committee on Judiciary.

Blatz; Swanson; Carlson, L.; Jude and Tomlinson introduced:

H. F. No. 516, A bill for an act relating to elections; authorizing use of electronic voting systems for absentee voting; imposing rule-making duties on the secretary of state; proposing new law coded in Minnesota Statutes, Chapter 207.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Blatz, Harens, Hoberg, Jude and Tomlinson introduced :

H. F. No. 517, A bill for an act relating to elections; authorizing the validation of absentee ballots by judges of absentee ballot precincts; amending Minnesota Statutes 1980, Sections 207.11, Subdivisions 1 and 5; and 207.30, Subdivision 3.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Zubay, Kaley, Kelly, Friedrich and Clark, J., introduced :

H. F. No. 518, A bill for an act relating to volunteer services; authorizing a volunteer incentive program; proposing new law coded in Minnesota Statutes, Chapter 4.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Novak; Skoglund; Sieben, H.; Friedrich and Anderson, I., introduced :

H. F. No. 519, A bill for an act relating to individual housing accounts; providing for the subtraction from federal adjusted gross income of certain contributions to and interest earned on individual housing accounts; repealing the deduction for individual housing account contributions and interest; clarifying various provisions relating to individual housing accounts; amending Minnesota Statutes 1980, Sections 48.159, Subdivision 2; 50.157, Subdivision 2; 51A.21, Subdivision 16a; 52.136; 290.01, Subdivision 20; 290.08, by adding a subdivision; and 290.17, Subdivision 2; repealing Minnesota Statutes 1980, Section 290.09, Subdivision 30.

The bill was read for the first time and referred to the Committee on Taxes.

Piepho, McDonald, Nysether and Aasness introduced :

H. F. No. 520, A bill for an act relating to education; requiring daily recitation of the pledge of allegiance; amending Minnesota Statutes 1980, Section 126.08.

The bill was read for the first time and referred to the Committee on Education.

Ainley, Simoneau, Sarna, Eken and Evans introduced :

H. F. No. 521, A bill for an act relating to transportation; including motels within the specific information signing program; amending Minnesota Statutes 1980, Sections 160.292; 160.293, Subdivisions 1 and 3; and 160.295, Subdivision 3.

The bill was read for the first time and referred to the Committee on Transportation.

Dempsey; Clark, J.; Esau and Piepho introduced :

H. F. No. 522, A bill for an act relating to family; clarifying circumstances in which parent with custody of child may move to another state; amending Minnesota Statutes 1980, Section 518.175, Subdivision 3.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Zubay, Kaley, Friedrich and Wieser introduced :

H. F. No. 523, A bill for an act relating to Olmsted County; authorizing the board of county commissioners to improve and maintain the Olmsted county hospital; amending Laws 1978, Chapter 509, Section 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Weaver, Jacobs, Kostohryz, Evans and Kelly introduced :

H. F. No. 524, A bill for an act relating to education; requiring the board of education to establish and fill the position of specialist for industrial arts education and to prescribe the duties of the specialist; appropriating money; amending Minnesota Statutes 1980, Section 121.11, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Murphy, Berkelman and Elioff introduced :

H. F. No. 525, A bill for an act relating to agriculture; limiting the applicability and changing the size of county extension committees; amending Minnesota Statutes 1980, Section 38.36.

The bill was read for the first time and referred to the Committee on Agriculture.

Erickson; Johnson, C.; Olsen; Shea and Wenzel introduced:

H. F. No. 526, A bill for an act relating to education; authorizing school districts to reduce an authorized increase in levy amounts; amending Minnesota Statutes 1980, Section 275.125, Subdivision 2a.

The bill was read for the first time and referred to the Committee on Education.

Anderson, B., introduced:

H. F. No. 527, A bill for an act relating to taxation; providing that property owned by certain senior citizens' groups be exempt from taxation; amending Minnesota Statutes 1980, Section 272.02, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Olsen, Knickerbocker, Laidig and Himle introduced:

H. F. No. 528, A bill for an act relating to the legislature; reducing the number of members of the senate and house of representatives; providing for the determination of the compactness of all reapportionment plans considered by the legislature; amending Minnesota Statutes 1980, Section 2.021.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Kelly introduced:

H. F. No. 529, A bill for an act relating to crimes; establishing penalties for the crime of issuing a worthless check; amending Minnesota Statutes 1980, Section 609.535, Subdivision 2.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Wieser, Welker, Redalen, Luknic and Samuelson introduced:

H. F. No. 530, A bill for an act relating to courts; providing for residency of county court judges in the counties they serve; amending Minnesota Statutes 1980, Section 487.03, Subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Battaglia, Elioff, and Staten introduced:

H. F. No. 531, A bill for an act relating to workers' compensation; requiring and providing for additional state workers' compensation attorneys; appropriating money.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Begich, Murphy and Elioff introduced:

H. F. No. 532, A bill for an act relating to workers' compensation; limiting the expense allowance permissible in workers' compensation insurance rate increase proposals; amending Minnesota Statutes 1980, Section 79.071, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

McDonald introduced:

H. F. No. 533, A bill for an act relating to metropolitan government; removing the city of Victoria from the metropolitan transit area and taxing district; amending Minnesota Statutes 1980, Sections 473.403; and 473.446, Subdivision 2.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Clawson, Byrne, Mehrkens, Dean and Stumpf introduced:

H. F. No. 534, A bill for an act relating to the collection and dissemination of data; administration of the state archives and state and local government records; classifying data; providing a penalty; amending Minnesota Statutes 1980, Sections 15.17; 138.161; 138.17, Subdivisions 1, 6, 7, and by adding subdivisions; 138.19; 138.20; 138.21; proposing new law coded in Minnesota Statutes, Chapter 138; repealing Minnesota Statutes 1980, Sections 16.66 and 138.18.

The bill was read for the first time and referred to the Committee on Judiciary.



Clawson; Redalen; Eken; Anderson, B., and Carlson, D., introduced:

H. F. No. 535, A bill for an act relating to agriculture; prohibiting certain acquisitions of agricultural land; changing certain enforcement procedures; providing a penalty; amending Minnesota Statutes 1980, Section 500.24, Subdivisions 2 and 5.

The bill was read for the first time and referred to the Committee on Agriculture.

Rodriguez, F.; Harens; Kelly; Drew and Osthoff introduced:

H. F. No. 536, A bill for an act relating to retirement; city of St. Paul public housing agency; transferring retirement coverage for certain public employees; amending Laws 1977, Chapter 228, Section 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Reding introduced:

H. F. No. 537, A bill for an act relating to air pollution; allowing cities and towns to adopt ordinances to permit and regulate open burning of leaves; amending Minnesota Statutes 1980, Section 116.07, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Brandl, Skoglund and Tomlinson introduced:

H. F. No. 538, A bill for an act relating to taxation; estate tax; clarifying certain deductions; updating references to internal revenue code; clarifying the method of computing credits; clarifying exemptions and exclusions; providing for a statute of limitations; eliminating obsolete references; providing disclosure of data to certain persons; clarifying recording procedures; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; 291.005, Subdivision 1; 291.03, Subdivision 1; 291.05; 291.065; 291.09, Subdivision 3a; 291.20, Subdivision 1; 291.31, Subdivision 1; 291.48; and 600.21.

The bill was read for the first time and referred to the Committee on Taxes.

Reding, Dempsey and McCarron introduced:

H. F. No. 539, A bill for an act relating to local government; providing that vacancies on charter commissions be filled by the governing bodies of cities; providing for reports to and removals by the governing bodies; amending Minnesota Statutes 1980, Section 410.05, Subdivision 2.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Anderson, B., introduced:

H. F. No. 540, A bill for an act relating to corrections; requiring the commissioner to establish guidelines for inmates detained in segregation units; proposing new law coded in Minnesota Statutes, Chapter 244.

The bill was read for the first time and referred to the Committee on Criminal Justice.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 23, A bill for an act relating to the city of Madison Lake; authorizing the issuance of general obligation bonds for a municipal center.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 74, 153 and 200.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 74, A bill for an act relating to trade regulations; prescribing a penalty for the sale of imitation Indian-made goods without a brand; amending Minnesota Statutes 1980, Section 325F.46.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

S. F. No. 153, A bill for an act relating to local government; granting towns certain powers over town cemeteries; regulating town cemeteries; amending Minnesota Statutes 1980, Sections 365.26; and 365.27.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 200, A bill for an act relating to agriculture; prohibiting the sale of certain female cattle; amending Minnesota Statutes 1980, Section 35.245, Subdivision 3.

The bill was read for the first time and referred to the Committee on Agriculture.

#### SUSPENSION OF RULES

Sieben, M., moved that the Joint Rules of the Senate and the House of Representatives be so far suspended to permit consideration today of the Conference Committee Report on H. F. No. 230. The motion prevailed.

The following conference committee report was received:

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 230

A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money.

February 23, 1981

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

The Honorable Jack Davies  
President of the Senate

We, the undersigned conferees for H. F. No. 230, report that we have agreed upon the items in dispute and recommend as follows:

The Senate recede from its amendment and that H. F. 230 be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [PUBLIC LAND AND BUILDINGS; APPROPRIATIONS.] The sums set forth in the column designated "APPROPRIATIONS" are appropriated from the state building fund, or any other fund designated, to the state agencies indicated, to be expended for the acquisition and betterment of public land and buildings and other public improvements of a capital nature, as more specifically described in the following sections of this act.

### SUMMARY

ADMINISTRATION .....	\$13,443,000
NATURAL RESOURCES .....	533,000
MILITARY AFFAIRS .....	922,200
EDUCATION .....	4,939,000
STATE UNIVERSITIES .....	597,000
UNIVERSITY OF MINNESOTA .....	5,650,000
CORRECTIONS .....	4,742,200
PUBLIC WELFARE .....	10,888,000
ECONOMIC SECURITY .....	250,000
MINNESOTA HISTORICAL SOCIETY .....	975,000
BOND SALE EXPENSES .....	30,000
TOTAL .....	\$42,969,400
Building Fund .....	42,969,400

### APPROPRIATIONS

\$            \$

#### Sec. 2. [ADMINISTRATION.]

To the commissioner of administration for the purposes specified in this section .....	13,443,000
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Subdivision 1. Handicapped access to state buildings .....	4,265,000
---	-----------

\$

\$

This appropriation shall not be expended for physical remodeling wherever accessibility for the handicapped may be provided by program changes including rescheduling, relocation of classes, or other methods.

The commissioner of administration shall present a proposed work program to the chairmen of the house appropriations and senate finance committees and the council for the handicapped for review and comment prior to encumbering money for accessibility remodeling.

Subd. 2. Energy conservation ..... 5,000,000

This appropriation is only for energy projects that have an estimated payback in energy savings in five years or less.

The commissioner of administration shall present a proposed work program to the chairmen of the house appropriations and senate finance committees for review and comment prior to encumbering money for energy conservation.

None of this appropriation shall be used for painting walls.

Subd. 3. State building contingent account ..... 450,000

This appropriation may be spent for plans, studies and surveys, and for alterations, betterments, construction, reconstruction, improvements, or rehabilitation of any state owned building or structure, if it appears to the commissioner that the expenditure is necessary in the public interest in order to avoid injury or damage to persons or property and money has not been otherwise appropriated for these purposes. The commissioner, however, shall not authorize any expenditures from the account until he has first consulted with the chairman of the house appropriations committee and the chairman of the senate finance committee and has received their

\$            \$

recommendations thereon. The recommendations are advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation.

Subd. 4. Prepare preliminary plans for conversion of Mechanic Arts High School to state use ..... 42,000

The commissioner of administration in consultation with members of the legislature shall present a plan to the chairman of the house appropriations committee and chairman of the senate finance committee by January 15, 1982 for the utilization of remodeled space in the capitol complex. The plan shall include an analysis of the desirability of the occupation of some part of the capitol complex by administrative offices of departments currently located outside of the capitol complex.

Subd. 5. Repair capitol roof ..... 1,392,000

Subd. 6. Replace break switches ..... 80,000

Subd. 7. Remodel Supreme Court Clerk's office ..... 53,000

Subd. 8. Life safety improvements in Capitol Square building ..... 2,161,000

### Sec. 3. [NATURAL RESOURCES.]

To the commissioner of natural resources for the improvement of the Badoura forest nursery ..... 533,000

### Sec. 4. [MILITARY AFFAIRS.]

To the adjutant general for the purposes more specifically described in the following subdivisions of this section ..... 922,200

Subdivision 1. Energy conservation projects at armories ..... 236,000

Subd. 2. Purchase of McCarron's Lake Elementary School for National Guard ... 686,200

\$

\$

This appropriation is sufficient to pay 90 percent of the \$762,400 purchase price previously asked by Independent School District No. 623. The ten percent local match for this project shall be contributed by the school district in the form of a purchase price reduced to \$686,200.

Sec. 5. [EDUCATION.]

To the commissioner of administration, except as otherwise provided, for the purposes more specifically described in the following subdivisions of this section . . . .

4,939,000

Subdivision 1. Minnesota School for the Deaf and Minnesota Braille and Sight Saving School—General remodeling and repairs . . . . .

150,000

Subd. 2. Minnesota Braille and Sight Saving School Building for blind and multi-handicapped students . . . . .

4,605,000

This appropriation includes funds for construction, building demolition, vocational building code compliance, utilities, site work, and fees on the campus of the Minnesota Braille and Sight Saving School.

Subd. 3. To the state board of education for post-secondary vocational-technical construction in the school districts for handicapped access . . . . .

184,000

This appropriation is for remodeling to improve access for physically handicapped persons at area vocational-technical institutes.

Sec. 6. [STATE UNIVERSITIES.]

To the commissioner of administration for systemwide replacement of windows . .

597,000

Sec. 7. [UNIVERSITY OF MINNESOTA.]

To the regents of the university of Minnesota for the purposes more specifically

	\$	\$
described in the following subdivisions of this section .....		5,650,000

Subdivision 1. Minneapolis Campus

Continuation of heating plant conversion .....	510,000
--	---------

\$3,559,000 remaining from appropriations paid to the regents of the university of Minnesota pursuant to Laws 1978, Chapter 792, Section 11, Subdivision 2, Clauses (f) and (h) shall be used for this purpose or returned to the state treasury for credit to the state bond fund.

Subd. 2. St. Paul Campus

Planning funds for replacement of heating plant boiler .....	200,000
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Subd. 3. Crookston Campus ..... 2,680,000

(a) Improve heating plant .. 2,500,000

(b) Rehabilitate primary electric system .....	180,000
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Subd. 4. Waseca Campus

Rehabilitate primary electric system and utilities .....	260,000
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Subd. 5. System-wide ..... 2,000,000

(a) Upgrade facilities to accommodate physically handicapped .....	1,000,000
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(b) Remodel facilities to conserve energy .....	1,000,000
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The appropriation in (b) above is to be spent on projects as shown on official conference committee work papers.

Sec. 8. [CORRECTIONS.]

To the commissioner of administration for the purposes more specifically described in the following subdivisions of this section	4,742,200
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	\$	\$
<b>Subdivision 1. Minnesota Correctional Facility—Red Wing</b>		
Repair Knox cottage .....		42,000
<b>Subd. 2. Willow River Camp</b>		
Construct building for truck body shop .....		63,000
<b>Subd. 3. Minnesota Correctional Facility—Sauk Centre</b>		
(a) Replace underground water lines .....	31,000	
(b) Replace boiler .....	25,000	
(c) Sinclair Lewis Hall repairs .....	10,200	
<b>Subd. 4. Minnesota Correctional Facility—Stillwater</b>		
(a) Health and safety measures .....	1,000,000	
(b) Power plant improvements .....	2,523,000	
(c) Masonry renovation .....	337,000	
<b>Subd. 5. Minnesota Correctional Facility—St. Cloud</b>		
(a) New windows in cell house B .....	73,000	
(b) New windows in industries building .....	74,000	
(c) Replace cell house screens .....	52,000	
(d) Refinish interior walls of cell houses .....	195,000	
(e) Reroof E house .....	117,000	
(f) Dayroom for B house .....	150,000	

\$ \$

(g) Masonry renovation . . . . . 50,000

Sec. 9. [PUBLIC WELFARE.]

To the commissioner of administration for the purposes more specifically described in the following subdivisions of this section . . . . .

10,888,000

Subdivision 1. Ah-Gwah-Ching State Nursing Home . . . . . 1,085,000

(a) Fire safety . . . . . 512,000

(b) Remodel residences . . . . . 167,000

(c) New water tower . . . . . 196,000

(d) Ash handling system . . . . . 210,000

Subd. 2. Oak Terrace State Nursing Home roof repair 11 and 17 . . . . . 71,000

Subd. 3. Anoka State Hospital

Emergency generator . . . . . 199,000

Subd. 4. Brainerd State Hospital . . . . . 1,499,000

(a) Roof repair . . . . . 299,000

(b) Remodel resident building . . . . . 1,200,000

Subd. 5. Cambridge State Hospital . . . . . 934,000

(a) Roof repair . . . . . 361,000

(b) Life safety code remodeling . . . . . 350,000

(c) Elevators in cottages 8 and 11 . . . . . 223,000

Subd. 6. Faribault State Hospital . . . . . 3,141,000

(a) Remodel cottages and medical hospital . . . . . 2,024,000

(b) Roof repair . . . . . 514,000

	\$	\$
(c) Renovate laundry . . . . .	353,000	
(d) Emergency lighting . . . . .	250,000	
Subd. 7. Fergus Falls State Hospital . . . . .		558,000
(a) Fire and life safety re- modeling . . . . .	250,000	
(b) Roof repair . . . . .	308,000	
Subd. 8. Moose Lake State Hospital . . . . .		897,000
(a) Roof repair . . . . .	132,000	
(b) Remodel buildings . . . . .	765,000	
Subd. 9. Rochester State Hospital . . . . .		175,000
(a) Remodel building 8 . . . . .	77,000	
(b) Roofs . . . . .	98,000	
Subd. 10. St. Peter State Hospital . . . . .		1,825,000
(a) Complete construction of the security hospital . . . . .	862,000	
(b) Roof repair . . . . .	245,000	
(c) Life safety code remodel- ing . . . . .	500,000	
(d) Emergency generator . . . . .	218,000	
Subd. 11. Willmar State Hospital . . . . .		504,000
(a) Licensure code remodel- ing . . . . .	265,000	
(b) Remodel bathing facil- ities . . . . .	154,000	
(c) Roof repair . . . . .	80,000	
(d) Repair deep well . . . . .	5,000	

\$                    \$

Subd. 12. In order to expedite the projects at state hospitals and nursing homes provided for in this section, the commissioner of administration may retain the designing architects and engineers currently working on similar projects at these hospitals and need not follow the procedure for selection of architects and engineers set forth in Minnesota Statutes, Chapter 16.

Subd. 13. The commissioner of administration may transfer unencumbered balances in any of the subdivisions in this section to other subdivisions in this section. The transfers may be completed after notifying the chairmen of the senate finance committee and house appropriations committee of the purpose, reason, and amount of the transfer.

Sec. 10. [ECONOMIC SECURITY.]

To the commissioner of administration to renovate St. Paul area office .....	250,000
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Sec. 11. [MINNESOTA HISTORICAL SOCIETY.]

To the Minnesota historical society for the purposes specified in this section .....	975,000
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Subdivision 1. Preservation of research center and installation of sprinkler system .....	150,000
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Subd. 2. Plan and design Itasca Interpretive center .....	139,000
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Federal Great River Road funds may be used to supplement this appropriation.

Subd. 3. Restore Lac Qui Parle Mission .....	88,000
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The Minnesota historical society shall consult with the research committees of the Chippewa County and Lac Qui Parle County historical societies with regard to the history of the area and the restoration of the site.

	\$	\$
Subd. 4. Interior and exterior renovation at Hill house .....	568,000	

Federal Great River Road funds may be used to supplement this appropriation.

Subd. 5. Handicapped access—Historical building .....	30,000	
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#### Sec. 12. [BOND SALE EXPENSES.]

To the commissioner of finance for bond sale expenses pursuant to Minnesota Statutes, Section 16A.64, Subdivision 4. ....	30,000	
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#### Sec. 13. [BOND SALE; DEBT SERVICE.]

*To provide the money appropriated in this act from the state building fund the commissioner of finance upon request of the governor shall sell and issue bonds of the state in an amount up to \$42,970,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, Sections 16A.63 to 16A.67 and by the Constitution, Article XI, Sections 4 to 7.*

#### Sec. 14. [CONSULTATION REQUIRED.]

*No land shall be purchased and no buildings shall be purchased, constructed, or erected on lands of the university of Minnesota until the regents have first consulted with the chairman of the senate finance committee and the chairman of the house appropriations committee and obtained their recommendations, which are advisory only.*

#### Sec. 15. [REVIEW OF PLANS.]

*The commissioner of administration and the board of regents of the university of Minnesota shall not prepare final plans and specifications for any construction or major remodeling authorized by this act until the using agency or department has presented the program and schematic plans to the chairman of the house appropriations committee and the chairman of the senate finance committee and the chairmen have made their recommendations thereon. The recommendations are advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation.*

#### Sec. 16. [APPROPRIATIONS FOR CONSTRUCTION; TRANSFER.]

*Upon the awarding of final contracts for the completion of any project for construction or other permanent improvement*

*authorized by this act, the commissioner of administration and the board of regents of the university of Minnesota as to appropriations made to them may transfer any unencumbered balance in the project account to any other project enumerated in the same section of the appropriation act as the project about to be completed. The money transferred pursuant to this section is appropriated for the purposes for which transferred. The commissioner of administration and the board of regents of the university of Minnesota shall report to the chairman of the house appropriations committee and the chairman of the senate finance committee on any transfer made pursuant to this section.*

**Sec. 17. [APPROPRIATIONS FOR CONSTRUCTION; FEDERAL MONEY; EXCEEDING AUTHORIZED COST.]**

*The commissioner of administration and the board of regents of the university of Minnesota shall apply for the maximum federal share for each capital improvement project for which money is appropriated by this act. Encumbrance or expenditure of money in excess of the project authorization shall be made only after the commissioner of administration and the board of regents, as appropriate, have consulted with the chairman of the house appropriations committee and the chairman of the senate finance committee and the chairmen have made their recommendations thereon. The recommendations are advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation.*

**Sec. 18. [METHODS OF ACQUISITION.]**

*Where money has been appropriated by this act to the commissioner of administration to acquire lands or sites for public buildings or real estate, acquisition may be by gift, purchase, or condemnation proceedings. Condemnation proceedings shall be pursuant to chapter 117.*

**Sec. 19. [CANCELLATION.]**

*For each appropriation made in this act, each project shall have completed the designer selection board process within 60 days, and shall be obligated by award of contract within 26 weeks. Those projects not meeting each of these requirements shall be abandoned and the appropriation shall immediately lapse and be cancelled to the state bond fund. If an extenuating condition arises, the governor may authorize the continuation of a project beyond the deadline only after consulting with the chairmen of the house appropriations and senate finance committees for their recommendation. The deadlines established shall be determined from the date of final enactment.*

**Sec. 20. [EFFECTIVE DATE.]**

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

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

House Conferees: MICHAEL R. SIEBEN and PHYLLIS L. KAHN.

Senate Conferees: GERALD L. WILLET, TOM A. NELSON and ROBERT O. ASHBACH.

Sieben, M., moved that the report of the Conference Committee on H. F. No. 230 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 230, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kaley	Ogren	Simoneau
Ainley	Evans	Kalis	Olsen	Skoglund
Anderson, B.	Ewald	Kelly	Onnen	Stadum
Anderson, G.	Fjoslien	Knickerbocker	Osthoff	Staten
Anderson, I.	Forsythe	Kostohryz	Otis	Stowell
Anderson, R.	Friedrich	Laidig	Peterson, B.	Stumpf
Battaglia	Greenfield	Lehto	Peterson, D.	Sviggum
Begich	Gruenes	Lemen	Piepho	Swanson
Berkelman	Gustafson	Levi	Pogemiller	Tomlinson
Blatz	Halberg	Long	Redalen	Valan
Brandl	Hanson	Ludeman	Reding	Valento
Brinkman	Harens	Luknic	Rees	Vanasek
Byrne	Hauge	Mann	Reif	Vellenga
Carlson, D.	Haukoos	Marsh	Rice	Voss
Carlson, L.	Heap	McCarron	Rodriguez, C.	Weaver
Clark, J.	Heinitz	McDonald	Rodriguez, F.	Welch
Clark, K.	Himle	Mehrrens	Rose	Welker
Clawson	Hoberg	Metzen	Rothenberg	Wenzel
Dahlvang	Hokanson	Minne	Samuelson	Wieser
Dean	Hokr	Munger	Sarna	Wynia
Dempsey	Jacobs	Murphy	Schoenfeld	Zubay
Den Ouden	Jennings	Nelson, K.	Schreiber	Spkr. Sieben, H.
Eken	Johnson, C.	Norton	Shea	
Elioff	Johnson, D.	Novak	Sherman	
Ellingson	Jude	Nysether	Sherwood	
Erickson	Kahn	O'Connor	Sieben, M.	

Those who voted in the negative were:

Drew	Kvam	Niehaus	Wigley
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The bill was repassed, as amended by Conference, and its title agreed to.

### CONSENT CALENDAR

H. F. No. 44 was reported to the House.

Forsythe moved to amend H. F. No. 44, as follows:

Page 1, after line 12, insert a section to read:

"Sec. 2. Minnesota Statutes 1980, Section 147.09, is amended to read:

#### 147.09 [EXEMPTIONS.]

This chapter shall not apply to commissioned surgeons of the United States armed forces, to physicians from other states who are in actual consultation here or who treat their homestate patients or *other participating patients* while the physicians and those patients are participating together in outdoor recreation in this state as defined by section 86A.03, subdivision 3, to students practicing under the direct supervision of a preceptor while they are enrolled in and regularly attending a recognized medical school or to scientific, sanitary or teaching personnel employed by the state university, the state department of education, or by any public or private school, college, or other bona fide educational institution, or the state department of health, whose duties are entirely of a public health or educational character, while engaged in such duties.

These physicians shall first register with the board of medical examiners and shall complete a form provided by the board for that purpose. The board shall not be required to promulgate the contents of that form by rule. No fee shall be charged for this registration."

Renumber the remaining section

Further amend the title:

Page 1, line 5, before the period insert "; exempting out of state physicians from licensing regulations under certain conditions; amending Minnesota Statutes 1980, Section 147.09"

The motion prevailed and the amendment was adopted.

H. F. No. 44, A bill for an act relating to health; repealing a certain administrative rule of the department of health unconditionally prohibiting double beds in nursing homes and boarding care homes; exempting out of state physicians from licensing



regulations under certain conditions; amending Minnesota Statutes 1980, Section 147.09.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kelly	Ogren	Simoneau
Ainley	Evans	Knickerbocker	Olsen	Skoglund
Anderson, B.	Ewald	Kostohryz	Onnen	Stadum
Anderson, G.	Fjoslien	Kvam	Osthoff	Staten
Anderson, I.	Forsythe	Laidig	Otis	Stowell
Anderson, R.	Greenfield	Lehto	Peterson, B.	Stumpf
Battaglia	Gruenes	Lemen	Peterson, D.	Sviggum
Begich	Gustafson	Levi	Piepho	Swanson
Berkelman	Halberg	Long	Pogemiller	Tomlinson
Blatz	Hanson	Ludeman	Redalen	Valan
Brandl	Hauge	Luknic	Reding	Valento
Brinkman	Haukoos	Mann	Rees	Vanasek
Byrne	Heap	Marsh	Reif	Vellenga
Carlson, D.	Heinitz	McCarron	Rice	Voss
Carlson, L.	Himle	McDonald	Rodriguez, C.	Weaver
Clark, J.	Hoberg	Mehrkens	Rodriguez, F.	Welch
Clark, K.	Hokanson	Metzen	Rose	Welker
Clawson	Hokr	Minne	Rothenberg	Wenzel
Dahlvang	Jacobs	Munger	Samuelson	Wieser
Dean	Jennings	Murphy	Sarna	Wigley
Den Ouden	Johnson, C.	Nelson, K.	Schoenfeld	Wynia
Drew	Johnson, D.	Niehaus	Schreiber	Zubay
Eken	Jude	Norton	Shea	Spkr. Sieben, H.
Elioff	Kahn	Novak	Sherman	
Ellingson	Kaley	Nysether	Sherwood	
Erickson	Kalis	O'Connor	Sieben, M.	

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

H. F. No. 45, A bill for an act relating to health; repealing a certain administrative rule of the department of health unconditionally prohibiting the use of locks on patient room doors in nursing homes.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, R.	Brandl	Clark, J.	Dempsey
Ainley	Battaglia	Brinkman	Clark, K.	Den Ouden
Anderson, B.	Begich	Byrne	Clawson	Drew
Anderson, G.	Berkelman	Carlson, D.	Dahlvang	Eken
Anderson, I.	Blatz	Carlson, L.	Dean	Elioff

Ellingson	Hokr	Marsh	Piepho	Stadum
Erickson	Jacobs	McCarron	Pogemiller	Staten
Esau	Jennings	McDonald	Redalen	Stowell
Evans	Johnson, C.	Mehrkens	Reding	Stumpf
Ewald	Johnson, D.	Metzen	Rees	Sviggum
Fjoslien	Jude	Minne	Reif	Swanson
Forsythe	Kahn	Munger	Rice	Tomlinson
Friedrich	Kaley	Murphy	Rodriguez, C.	Valan
Greenfield	Kalis	Nelson, K.	Rodriguez, F.	Valento
Gruenes	Kelly	Niehaus	Rose	Vanasek
Gustafson	Knickerbocker	Norton	Rothenberg	Vellenga
Halberg	Kostohryz	Novak	Samuelson	Voss
Hanson	Kvam	Nysether	Sarna	Weaver
Harens	Laidig	O'Connor	Schoenfeld	Welch
Hauge	Lehto	Ogren	Schreiber	Welker
Haukoos	Lemen	Olsen	Shea	Wenzel
Heap	Levi	Onnen	Sherman	Wieser
Heinitz	Long	Osthoff	Sherwood	Wigley
Himle	Ludeman	Otis	Sieben, M.	Wynia
Hoberg	Luknic	Peterson, B.	Simoneau	Zubay
Hokanson	Mann	Peterson, D.	Skoglund	Spkr. Sieben, H.

The bill was passed and its title agreed to.

Friedrich was excused from 2:30 p.m. to 3:45 p.m.

H. F. No. 121, A bill for an act relating to intoxicating liquor; authorizing the sale and dispensing of liquor at the I.R.A. arena in Grand Rapids.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Kaley	O'Connor	Simoneau
Ainley	Evans	Kalis	Ogren	Skoglund
Anderson, B.	Ewald	Kelly	Olsen	Stadum
Anderson, G.	Forsythe	Knickerbocker	Onnen	Staten
Anderson, I.	Greenfield	Kostohryz	Otis	Stowell
Anderson, R.	Gruenes	Laidig	Peterson, B.	Stumpf
Battaglia	Gustafson	Lehto	Peterson, D.	Sviggum
Begich	Halberg	Lemen	Piepho	Tomlinson
Berkelman	Hanson	Levi	Pogemiller	Valan
Blatz	Harens	Long	Redalen	Valento
Brandl	Hauge	Ludeman	Reding	Vanasek
Brinkman	Haukoos	Luknic	Rees	Vellenga
Byrne	Heap	Mann	Reif	Voss
Carlson, D.	Heinitz	Marsh	Rodriguez, C.	Weaver
Carlson, L.	Himle	Mehrkens	Rodriguez, F.	Welch
Clark, J.	Hoberg	Metzen	Rose	Welker
Clark, K.	Hokanson	Minne	Rothenberg	Wenzel
Clawson	Hokr	Munger	Samuelson	Wieser
Dahlvang	Jacobs	Murphy	Sarna	Wigley
Dean	Jennings	Nelson, K.	Schoenfeld	Wynia
Dempsey	Johnson, C.	Niehaus	Schreiber	Zubay
Drew	Johnson, D.	Norton	Shea	Spkr. Sieben, H.
Eken	Jude	Novak	Sherman	
Elioff	Kahn	Nysether	Sieben, M.	

Those who voted in the negative were:

Den Ouden	Fjoslien	McDonald	Rice	Swanson
Erickson	Kvam	Osthoff	Sherwood	
Esau	McCarron			

The bill was passed and its title agreed to.

### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

#### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 14, 29, 71, 149 and 168 which it recommended to pass.

H. F. No. 87 which it recommended progress.

H. F. No. 236 which it recommended postponement until Monday, March 16, 1981.

On the motion of Eken the report of the Committee of the Whole was adopted.

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll call was taken in the Committee of the Whole:

Rice and Carlson, D., moved that the consideration of H. F. No. 236 be postponed until Monday, March 16, 1981.

The question was taken on the Rice and Carlson, D., motion and the roll was called. There were 68 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Aasness	Brinkman	Erickson	Friedrich	Heap
Ainley	Carlson, D.	Esau	Gruenes	Heinitz
Anderson, I.	Dahlvang	Evans	Halberg	Himle
Anderson, R.	Dempsey	Ewald	Hauge	Hoberg
Blatz	Den Ouden	Forsythe	Haukoos	Hokr

Jennings	Ludeman	Onnen	Sarna	Valan
Johnson, D.	Luknic	Piepho	Schreiber	Valento
Jude	Marsh	Redalen	Shea	Weaver
Kaley	McDonald	Rees	Sherman	Welker
Kalis	Mehrkens	Reif	Sherwood	Wieser
Knickerbocker	Metzen	Rice	Stadum	Wigley
Kvam	Niehaus	Rodriguez, F.	Staten	Zubay
Laidig	Nysether	Rose	Stumpf	
Levi	O'Connor	Samuelson	Sviggum	

Those who voted in the negative were:

Anderson, B.	Eken	Lehto	Osthoff	Swanson
Anderson, G.	Elioff	Lemen	Otis	Tomlinson
Battaglia	Ellingson	Long	Peterson, B.	Vanasek
Begich	Fjoslien	Mann	Peterson, D.	Vellenga
Berkelman	Greenfield	McCarron	Pogemiller	Voss
Brandl	Gustafson	Minne	Reding	Welch
Byrne	Hanson	Munger	Rodriguez, C.	Wenzel
Carlson, L.	Harens	Murphy	Rothenberg	Wynia
Clark, J.	Hokanson	Nelson, K.	Schoenfeld	Spkr. Sieben, H.
Clark, K.	Johnson, C.	Norton	Sieben, M.	
Clawson	Kahn	Novak	Simoneau	
Dean	Kelly	Ogren	Skoglund	
Drew	Kostohryz	Olsen	Stowell	

The motion prevailed.

## MOTIONS AND RESOLUTIONS

Harens moved that the name of Novak be added as an author on H. F. No. 402. The motion prevailed.

Hoberg moved that the name of Valan be stricken and the names of Clark, J.; Johnson, C.; Olsen and Schafer be added as authors on H. F. No. 443. The motion prevailed.

Gustafson moved that the names of Knickerbocker and Kelly be added as authors on H. F. No. 426. The motion prevailed.

Harens moved that the name of Marsh be added as an author on H. F. No. 487. The motion prevailed.

Hanson moved that the name of Samuelson be stricken and the name of Clark, K., be added as an author on H. F. No. 414. The motion prevailed.

Reding moved that H. F. No. 475 be recalled from the Committee on Financial Institutions and Insurance and be re-referred to the Committee on Governmental Operations. The motion prevailed.

Reding moved that the name of Olsen be added as an author on H. F. No. 539. The motion prevailed.

Lehto moved that the names of Voss and Long be added as authors on H. F. No. 507 and that Voss be shown as chief author and Lehto as second author. The motion prevailed.

Norton moved that the name of Olsen be added as an author on H. F. No. 494. The motion prevailed.

Piepho moved that the name of Rees be added as an author on H. F. No. 520. The motion prevailed.

Anderson, B., moved that the name of Staten be added as an author on H. F. No. 527. The motion prevailed.

Byrne moved that the name of Stowell be added as an author on H. F. No. 453. The motion prevailed.

Clawson moved that the name of Brandl be added as an author on H. F. No. 111. The motion prevailed.

Knickerbocker introduced:

House Resolution No. 7, A house resolution relating to the payment of living expenses and mileage for members of the House of Representatives.

The resolution was referred to the Committee on Rules and Legislative Administration.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, February 26, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, February 26, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## EIGHTEENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 26, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Father Samuel D. Jadin, Associate Pastor at Newman Center, St. Cloud, Minnesota.

The roll was called and the following members were present:

Aasness	Esau	Kalis	O'Connor	Sherwood
Ainley	Evans	Kelly	Ogren	Sieben, M.
Anderson, B.	Ewald	Knickerbocker	Olsen	Simoneau
Anderson, G.	Fjoslien	Kostohryz	Onnen	Skoglund
Anderson, I.	Forsythe	Kvam	Osthoff	Stadum
Anderson, R.	Friedrich	Laidig	Otis	Staten
Battaglia	Greenfield	Lehto	Peterson, B.	Stowell
Begich	Gruenes	Lemen	Peterson, D.	Stumpf
Berkelman	Gustafson	Levi	Piepho	Sviggum
Blatz	Halberg	Long	Pogemiller	Swanson
Brandl	Hanson	Ludeman	Redalen	Tomlinson
Brinkman	Harens	Luknic	Reding	Valan
Byrne	Hauge	Marsh	Rees	Valento
Carlson, D.	Haukoos	McCarron	Reif	Vanasek
Carlson, L.	Heap	McDonald	Rice	Vellenga
Clark, J.	Heinitz	McEachern	Rodriguez, C.	Voss
Clark, K.	Himle	Mehrkens	Rodriguez, F.	Weaver
Clawson	Hoberg	Metzen	Rose	Welch
Dahlvang	Hokanson	Minne	Rothenberg	Welker
Dean	Hokr	Munger	Samuelson	Wenzel
Dempsey	Jacobs	Murphy	Sarna	Wieser
Den Ouden	Jennings	Nelsen, B.	Schafer	Wigley
Drew	Johnson, C.	Nelson, K.	Schoenfeld	Wynia
Eken	Johnson, D.	Niehaus	Schreiber	Zubay
Elioff	Jude	Norton	Searles	Spkr. Sieben, H.
Ellingson	Kahn	Novak	Shea	
Erickson	Kaley	Nysether	Sherman	

A quorum was present.

Mann was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Kelly moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of S. F. Nos. 74, 153 and 200 have been placed in the members' files.

## REPORTS OF STANDING COMMITTEES

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 13, A bill for an act relating to criminal procedure; providing officers of the United States customs service and the immigration and naturalization service with the arrest powers of peace officers; amending Minnesota Statutes 1980, Sections 629.30; and 629.34.

Reported the same back with the following amendments:

Page 2, line 15, delete "*all of*"

Page 2, line 17, after "*duty*" delete the semicolon and insert "*within the scope of assignment and one or more of the following situations exist:*"

Page 2, delete line 18

Page 2, lines 26 and 27, delete "*, and the reasonable cause is not founded on a customs search; and*" and insert a new period

Page 2, after line 27, insert:

*"(iv) The officer has received positive information by written, teletypic, telephonic, radio, or other authoritative source that a peace officer holds a warrant for the person's arrest; or"*

Page 2, delete lines 28 to 30 and insert:

*"(b) When the assistance of the officer has been requested by another Minnesota law enforcement agency."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 30, A bill for an act relating to Independent School District No. 219, Elmore; requiring revision of its certified statutory operating debt.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 79, A bill for an act relating to commerce; providing for the regulation and licensing of precious metal dealers; establishing identification procedures and recording requirements; prohibiting certain transactions; providing for criminal and civil penalties; providing remedies; amending Minnesota Statutes 1980, Section 609.53, Subdivision 4, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapter 325F.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [325F.5201] [DEFINITIONS.]

*Subdivision 1. [TERMS.] For the purposes of sections 1 to 17, the following terms have the meanings given them.*

*Subd. 2. [PRECIOUS METAL DEALER.] "Precious metal dealer" includes any natural person, copartnership, or corporation, either as principal or agent, engaging in the business of buying secondhand items containing precious metal, including, but not limited to, jewelry, watches, eating utensils, candlesticks, religious, and decorative objects.*

*Subd. 3. [PRECIOUS METALS.] "Precious metals" includes silver, gold, and platinum.*

*Subd. 4. [ITEMS CONTAINING PRECIOUS METAL.] "Items containing precious metal" means items made in whole or in part of metal, which contain more than one percent by weight of silver, gold or platinum.*

Sec. 2. [325F.5202] [LICENSE.]

*Subdivision 1. [REQUIREMENT.] Except as provided for in subdivision 2, it is unlawful for a precious metal dealer to engage in or transact any business as such without having a valid license as provided in section 3.*

*Subd. 2. [SCOPE.] The requirements of sections 1 to 17 do not apply to the following:*



(1) *Transactions at occasional "garage" or "yard" sales, except that precious metal dealers must comply with the requirements of sections 4 to 11 for these transactions.*

(2) *Transactions regulated by Minnesota Statutes, Chapter 80A.*

(3) *Transactions regulated by the Federal Commodity Futures Commission Act.*

(4) *Transactions between precious metal dealers licensed under section 3.*

(5) *Transactions involving the purchase of precious metal grindings, filings, slag, sweeps, scraps, or dust from an industrial manufacturer, dental lab, dentist, or agent thereof.*

(6) *Transactions involving the purchase of photographic film, such as lithographic and x-ray film, or silver residue or flake recovered in lithographic and x-ray film processing.*

(7) *Transactions involving coins, bullion, or ingots.*

(8) *Transactions where the second hand item containing precious metal is exchanged for a new item containing precious metal and the value of the new item exceeds the value of the second hand item, except that a natural person, partnership or corporation who is a precious metal dealer by engaging in a transaction which is not exempted by this section must comply with sections 4 through 11.*

(9) *Transactions between precious metal dealers where the item in such transactions is shipped from, and the business of the seller in such transactions is located, outside the state of Minnesota.*

**Sec. 3. [325F.5203] [LICENSE; APPLICATION; TERMS AND CONDITIONS.]**

*Subdivision 1. [APPLICATION.] Any precious metal dealer desiring to engage in or transact business as such in any county of this state shall file an application for a license for that purpose with the auditor of the county in which he desires to do business. The applicant shall state his name, date of birth, resident address, proposed principal place of business and branch offices within the county, and other locations within the county where the applicant intends to hold secondhand precious metals. If the person in charge of the business or a branch office is someone other than the applicant, his name, date of birth, and resident address shall be stated with the location or branches indicated. If the applicant is a corporation or copartnership the name, date of birth and resident address of each officer and general partner shall be stated.*

*Subd. 2. [FEE.] Each applicant shall pay to the treasurer of the county a license fee in an amount determined by the board of county commissioners of the county to be necessary to cover the expenses of administering this licensing function.*

*Subd. 3. [BUSINESS LOCATIONS.] A precious metal dealer license shall authorize the precious metal dealer to transact business only at the location or locations designated in the license.*

*Subd. 4. [TERM.] A precious metal dealer license shall be valid for a period of one year from the date of its issuance.*

*Subd. 5. [BRANCH OFFICES.] Each branch office shall be operated under the same name as the principal office.*

*Subd. 6. [POSTING OF LICENSE.] Every precious metal dealer shall prominently post his license in a conspicuous location at his principal place of business and a copy of his license in a conspicuous location at each branch office.*

*Subd. 7. [POSTING OF PRICES; WEIGHING.] Every precious metal dealer shall prominently post in a conspicuous place and in letters exceeding one inch in height the minimum prices per ounce or pennyweight that are currently being paid by the dealer for precious metals and a warning notice that unless otherwise informed, the prices offered are based on the melt down value of the precious metal, rather than the value of the item in its existing form. Precious metal items shall be weighed in plain sight of the prospective seller on scales approved by the division of weights and measures of the department of public service in accordance with Minnesota Statutes, Section 239.08.*

*Subd. 8. [PUBLIC RECORD OF LICENSES.] The county auditor shall keep a record of the licenses in a book provided for that purpose. The book shall be open for public inspection.*

**Sec. 4. [325F.5204] [IDENTIFICATION OF SELLERS.]**

*Every precious metal dealer shall require a seller of second-hand items containing precious metals to present to him at the time of the transaction an identification card of the seller containing a picture of the seller and his address.*

**Sec. 5. [325F.5205] [RECORDS REQUIRED.]**

*Every precious metal dealer shall keep a book at his business location in which shall be clearly written in ink, in the English language, at the time of each transaction, or as close thereto as possible, the following information:*

(1) *An accurate description of every secondhand item containing precious metals bought, including the type of item, number of items, brand name of item, if any, engraving or other identifying features of the item, if any, and a description of any gems attached;*

(2) *The amount of money paid;*

(3) *The date of the transaction; and*

(4) *From the identification card containing a picture of the seller, the type of card presented and the serial number of the card, if any, and the name and address of the person selling or purchasing the item. The book, as well as the item in the possession of the dealer, shall at all reasonable times be open to inspection by any police officer of the city wherein the business is located or the sheriff or any deputy sheriff of the county wherein the business is located.*

**Sec. 6. [325F.5206] [REQUIRED HOLDING PERIOD.]**

*Every precious metal dealer shall keep in his possession at his business location or other location within the licensing county from the time of the transaction or as close thereto as possible, for a period of no less than 14 days, every secondhand item containing precious metal purchased by the dealer unless the item is purchased or consigned from another dealer licensed under section 3. The item shall not be altered at the time of sale and shall remain unaltered during the required holding period.*

**Sec. 7. [325F.5207] [ADDITIONAL HOLDING PERIOD.]**

*The sheriff or his designee may by written notification require a precious metal dealer licensed in his county not to sell or alter a secondhand item containing precious metal if he has probable cause that the item is stolen. The item shall not be sold, altered, or removed from the licensed premises until authorized to be released in writing by the sheriff or his designee.*

*The chief of police or his designee may also exercise this same authority for licensed businesses, within his jurisdiction.*

**Sec. 8. [325F.5208] [TRADING.]**

*It is unlawful to trade or barter in a manner intended to avoid identification and recording of transactions under sections 4 and 5 and payment under this section.*

**Sec. 9. [325F.5209] [CERTAIN PURCHASES PROHIBITED.]**

*It is unlawful for a precious metal dealer to purchase a secondhand item containing precious metals from a person under 18 years of age unless the person is accompanied by his parent or guardian who is identified and whose identity is recorded in accordance with sections 4 and 5.*

**Sec. 10. [325F.5210] [PAYMENT BY CHECK.]**

*Payment by a precious metal dealer for the purchase of a secondhand item containing precious metal shall be made only by a check, draft, or other negotiable or non-negotiable instrument or order of withdrawal which is drawn against funds held by a financial institution.*

**Sec. 11. [325F.5211] [MUNICIPALITIES MAY REGULATE.]**

*The provisions of sections 1 to 17 shall not be construed as prohibiting, or in any way limiting, or interfering with the right of any city or other municipal corporation or governmental subdivision of the state to regulate or license precious metal dealers within the municipality.*

**Sec. 12. [325F.5212] [CRIMINAL PENALTY.]**

*Any person who violates any provision of sections 1 to 17 is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$25,000, or both.*

**Sec. 13. [325F.5213] [CIVIL PENALTY.]**

*The attorney general or any county attorney may institute a civil action in the name of the state in the district court to revoke, deny or suspend for a period of time the license on the ground that the licensee has violated a provision of sections 1 to 17. For this purpose, the attorney general or county attorney shall be invested with the additional powers contained in Minnesota Statutes, Section 8.31. It is no defense to the action that the state has adequate remedies at law.*

**Sec. 14. Minnesota Statutes 1980, Section 609.53, is amended by adding a subdivision to read:**

**Subd. 1a.** *Any precious metal dealer as defined in section 1, subdivision 2, or any person employed by a precious metal dealer as defined in section 1, subdivision 2, who receives, possesses, transfers, buys or conceals any stolen property or property obtained by robbery, knowing the same to be stolen or obtained by robbery, may be sentenced as follows:*

(1) *If the value of the property received, bought or concealed is \$150 or more, to imprisonment for not more than ten years or to payment of a fine of not more than \$50,000, or both;*

(2) *If the value of the property received, bought or concealed is less than \$150, to imprisonment for not more than three years or to payment of a fine of not more than \$25,000, or both.*

Sec. 15. Minnesota Statutes 1980, Section 609.53, is amended by adding a subdivision to read:

*Subd. 2a. Any precious metal dealer as defined in section 1, subdivision 2, or any person employed by a precious metal dealer as defined in section 1, subdivision 2, who receives, possesses, transfers, buys or conceals any stolen property or property obtained by robbery, having reason to believe the same to be stolen or obtained by robbery, may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$25,000, or both.*

Sec. 16. Minnesota Statutes 1980, Section 609.53, is amended by adding a subdivision to read:

*Subd. 3a. Any precious metal dealer as defined in section 1, subdivision 2, or any person employed by a precious metal dealer as defined in section 1, subdivision 2, convicted of a second or subsequent violation under section 15 within a period of one year may be sentenced as provided in section 14, clause (1).*

Sec. 17. Minnesota Statutes 1980, Section 609.53, Subdivision 4, is amended to read:

*Subd. 4. Any person who has been injured by a violation of subdivision 1 or sections 15 and 16 may bring an action for three times the amount of actual damages, (IF ANY,) sustained by the plaintiff or \$1,500, whichever is greater, the costs of suit and reasonable attorney's fees.*

Sec. 18. [EFFECTIVE DATE.]

*Sections 1 to 17 are effective 60 days after final enactment."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 91, A bill for an act relating to public safety; specifying the crime of fleeing from a peace officer by use of a motorized vehicle; providing that whoever flees a peace officer in a motorized vehicle shall be liable for any loss caused by such flight; prohibiting insurers from excluding such liability from their policies; providing for legislation impact evaluation by the bureau of criminal apprehension; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapters 65B and 609.

Reported the same back with the following amendments:

Page 1, after line 16, insert:

*"Subdivision 1. [DEFINITION.] For purposes of sections 1 to 3, the term "flee" means to increase speed, extinguish motor vehicle headlights or taillights, or to use other means with intent to attempt to elude a peace officer following a signal given by any peace officer to the driver of a motor vehicle."*

Renumber the remaining subdivisions accordingly.

Page 1, line 19, after "the" insert "exercise of reasonable care and"

Page 2, line 19, after "OFFICER;" insert "DEATH;"

Page 2, line 24, after "causes" insert "the death of a human being not constituting murder or manslaughter or"

Page 2, lines 25 and 26, delete "for not more than five years or to payment of a fine of not more than \$5,000, or both" and insert

"as follows:

(a) *If the course of fleeing results in death, to imprisonment for ten years or to payment of a fine of not more than \$10,000, or both; or*

(b) *If the course of fleeing results in great bodily harm, to imprisonment for five years or to payment of a fine of not more than \$5,000, or both; or*

(c) *If the course of fleeing results in substantial bodily harm, to imprisonment for three years or to payment of a fine of not more than \$3,000, or both"*

Pages 2 and 3, delete all of subdivision 3

Further amend the title as follows:

Page 1, delete line 8

Page 1, line 9, delete "bureau of criminal apprehension;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Financial Institutions and Insurance.

The report was adopted.

Nelson from the Committee on Energy to which was referred:

H. F. No. 98, A bill for an act relating to energy; amending certain provisions for home energy disclosure reports; amending Minnesota Statutes 1980, Section 116H.129, Subdivisions 1, 2, 5, 6, and 7.

Reported the same back with the following amendments:

Page 1, line 18, delete "and"

Page 1, line 18, after "buildings" insert ", and type of ownership"

Page 2, line 27, strike ", and has found no instance of"

Page 2, strike line 28

Page 2, line 29, strike "of the date thereon except as specifically designated"

Page 3, line 9, strike the comma and after "characteristics" insert "and"

Page 3, line 10, strike the comma

Page 3, strike line 11

Page 3, line 12, strike "subdivision 1"

Page 4, line 5, delete "November 1, 1981" and insert "January 1, 1982"

Page 4, line 8, after the period insert "*The director may provide training for evaluators. The director may also establish requirements for continuing education, periodic recertification, and revocation of certification for evaluators.*"

Page 4, line 16, after "unless the" insert "prospective"

Page 4, line 18, after "*provided that*" insert "*within the seven-county metropolitan area*"

Page 4, line 19, delete "1981" and insert "1988" in both places

Page 4, line 20, after the second "*conveyance*" insert "*for a residence*"

Page 4, line 20, delete "a" and insert "*the conveyance or contract for conveyance bears a notation that the disclosure report or waiver has been filed with the county auditor*"

Page 4, line 21, delete "*copy of the disclosure report is also recorded*"

Page 4, line 24, after "*Subdivision*" insert "; and provided that no utility with a geographic audit plan approved by the agency shall be required to deviate from that geographic plan in order to provide a residential energy audit"

Page 4, line 24, delete "*November 1, 1981*" and insert "*January 1, 1982*"

Page 4, line 27, strike "If the residence has been evaluated subsequent to April"

Page 4, line 28, strike "6, 1978,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 99, A bill for an act relating to the legislature; making permanent the council on the economic status of women; changing certain membership and reporting requirements of the council; appropriating money; amending Laws 1976, Chapter 337, Section 1, Subdivisions 2 and 4, as amended, and Subdivision 3; repealing Laws 1976, Chapter 337, Section 3, as amended.

Reported the same back with the following amendments:

Page 2, line 16, after the period, strike the remainder of the line

Page 2, line 17, strike the old language and delete the new language



Page 2, strike lines 18 and 19 and insert "*The council shall not endorse any program or philosophy which would encourage abortion.*"

Amend the title as follows:

Page 1, line 8, delete "3" and insert "4"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 167, A bill for an act relating to cable communications; providing for resolution of certain pole attachment disputes; amending Minnesota Statutes 1980, Section 238.02, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 238.

Reported the same back with the following amendments:

Page 2, line 12, after the period insert "*Expenses of contested case hearings as provided in this subdivision shall be assessed pursuant to Minnesota Statutes, Section 216B.62 or 237.295.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 201, A bill for an act relating to fire control services; providing for reimbursement by railroads and the transportation department; setting the time limit for claims; amending Minnesota Statutes 1980, Sections 161.465; and 219.761, Subdivision 1.

Reported the same back with the following amendments:

Page 1, line 18, strike "transportation or department of"

Page 1, line 19, strike "transportation" and insert "*public safety*"

Page 1, line 23, strike "transportation" and insert "*public safety*"

Page 2, after line 26, add a new section as follows:

"Sec. 3. [EFFECTIVE DATE.]

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

Amend the title as follows:

Page 1, line 3, delete "transportation"

Page 1, line 4, after "department" insert "of public safety"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 223, A bill for an act relating to creditors' remedies; property exempt from attachment, garnishment or sale on any final process issued from any court; providing for an increase in the amount of the life insurance exemption and extending the class of those eligible to benefit; amending Minnesota Statutes 1980, Section 550.37, Subdivision 10.

Reported the same back with the following amendments:

Page 1, line 14, strike "upon the life" and insert "*payable at the death*"

Page 1, line 15, strike "deceased"

Page 1, line 16, after the period insert "*The \$20,000 exemption provided by this subdivision shall be increased by \$5,000 for each dependent of the surviving spouse or child.*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 260, A bill for an act relating to metropolitan government; providing for the maximum amount of the borrowing authorization of the metropolitan airports commission; amending Minnesota Statutes 1980, Section 473.667, Subdivision 2.

Reported the same back with the following amendments:

Page 1, after line 22, add new sections as follows:

"Sec. 2. Minnesota Statutes 1980, Section 473.608, Subdivision 20, is amended to read:

Subd. 20. Subject to the final enactment of the Airport and Airways Development Act Amendments of 1975 the corporation shall install aircraft noise suppressing equipment at the ground run-up operation sites of the Minneapolis-St. Paul International Airport. All such aircraft noise suppressing equipment shall conform to specifications approved by the pollution control agency. The pollution control agency shall determine the deadline for design selection and installation of the aircraft noise suppressing equipment; provided the deadline for design selection shall be no later than (DECEMBER 31, 1980) *March 1, 1983.*

Sec. 3. [473.612] [NOISE ABATEMENT PLAN.]

*By December 31, 1981 the commission shall submit to the legislature a noise abatement plan for the Minneapolis-St. Paul International Airport, containing annual objectives until December 31, 1987, for reduction of aircraft noise within the metropolitan area. The plan shall contain definite proposals for specific annual reductions in the maximum hourly noise levels, such as defined by Minnesota pollution control agency rules, 6 MCAR 4.2001 (15) and (16), based on the typically worst noise condition on an hourly basis received in populated residential areas. By December 31, 1982, and each year thereafter until December 31, 1987, the commission shall submit to the legislature a report detailing the reduction of aircraft noise in meeting the annual objectives outlined in the above noise abatement plan."*

Page 1, line 24, delete "to the area included"

Renumber subsequent section.

Further, amend the title as follows:

Page 1, line 4, after "commission;" insert "requiring actions to abate airport noise;"

Page 1, line 5, after "1980," insert "Sections 473.608, Subdivision 20; and"

Page 1, line 5, delete "Section"

Page 1, line 5, after "Subdivision 2" insert "; proposing new law coded in Minnesota Statutes, Chapter 473"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 276, A bill for an act relating to juveniles; prescribing the elements of a prima facie case for referring a child to adult court for criminal prosecution; amending Minnesota Statutes 1980, Section 260.125, Subdivision 3.

Reported the same back with the following amendments:

Page 1, line 21, delete "admitted to or"

Page 1, line 22, after "court" insert ", pursuant to an admission in court or after trial,"

Page 2, line 3, delete "admitted to or"

Page 2, line 4, after "court" insert ", pursuant to an admission in court or after trial,"

Page 2, line 11, delete "admitted"

Page 2, line 12, delete "to or"

Page 2, line 12, after "court" insert ", pursuant to an admission in court or after trial,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 312, A bill for an act relating to agriculture; requiring the commissioner of agriculture to examine fluid milk and milk product marketing and packaging; proposing new law coded in Minnesota Statutes, Chapter 32.

Reported the same back with the following amendments:

Page 2, after line 6, insert a new section to read:

"Sec. 2. [REPEALER.] *Minnesota Statutes 1980, Sections 116F.21 and 116F.22 are repealed.*"

Renumber the remaining section

Amend the title as follows:

Page 1, line 4, after the semi-colon insert "repealing the prohibition on the sale of milk in non-returnable plastic containers;"

Page 1, line 5, before the period insert "; repealing Minnesota Statutes 1980, Sections 116F.21 and 116F.22."

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 331, A bill for an act relating to education; providing that the deadline for applications for aid for programs for limited English proficient students be set by the commissioner of education, rather than by statute and changing the time for notice of aid to applicants; repealing an obsolete provision requiring the state board of education to promulgate rules for the time schedule for implementation of the uniform minimum school age entrance requirements and a requirement that it make a certain biennial report to the governor; amending Minnesota Statutes 1980, Section 126.263, Subdivisions 3 and 4; repealing Minnesota Statutes 1980, Sections 120.06, Subdivision 2; and 121.13.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 337, A bill for an act relating to workers' compensation; requiring detailed information on Minnesota business experience under workers' compensation insurance to be supplied by the Minnesota workers' compensation insurance rating association in any request for a modification of the rate schedule; proposing new law coded in Minnesota Statutes, Chapter 79.

Reported the same back with the following amendments:

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 1980, Section 79.171, is amended to read:

## 79.171 [INFORMATION.]

In addition to other information that the commissioner requests pursuant to section 79.071, *the rating association shall also provide data on Minnesota experience with respect to the information required in this section.* The rating association shall: (a) separate the incurred but not reported losses of its members; (b) separate paid and outstanding losses of its members; (c) provide information indicating cases in which its members have established a reserve in excess of \$50,000; and (d) provide a sufficient amount of information (ON) related specifically to Minnesota for purposes of determining the income on invested reserves of its members.

The commissioner shall consider this information in an appropriate manner in adopting a schedule of rates, and shall apply a formula or other method of rate calculation presented at the rate hearing to the information received in evidence at the rate hearing, giving explicit consideration to the income on invested reserves of the members of the rating association. After consideration of the information in accordance with this section, the commissioner shall adopt the lowest rate obtainable consistent with the standards established in section 79.071. The commissioner shall decline to grant a hearing pursuant to section 79.071 if the association fails to provide the information; provided, however, to the extent that the information received in a pending or future petition for a modification of the existing schedule of rates is insufficient to allow the commissioner to apply a formula or other method of rate calculation to the information received in evidence at the rate hearing and to give explicit consideration to the income on invested reserves of the members of the rating association, the commissioner shall withhold a final determination with respect to the adoption of a schedule of rates pursuant to section 79.071, subdivisions 4 and 5; and, provided further, if the commissioner withholds final consideration pursuant to this section, then he shall hold additional hearings as he deems necessary and the provisions of section 79.071, subdivision 5, shall not apply."

Page 1, line 12, delete "Subdivision 1. [DUTIES OF COMMISSIONER.]"

Page 1, line 17, after "79.171" delete everything before the period

Pages 1, 2, and 3, delete all of subdivisions 2 and 3

Re-number sections accordingly

Amend the title as follows:

Page 1, line 7, after "schedule;" insert "amending Minnesota Statutes 1980, Section 79.171;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 357, A bill for an act relating to highway traffic regulation; authorizing and regulating the use of strobe lamps on school buses; amending Minnesota Statutes 1980, Section 169.64, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, before line 8, insert:

"Section 1. Minnesota Statutes 1980, Section 169.44, Subdivision 3, is amended to read:

Subd. 3. [SIGN ON BUS.] (THIS SECTION) *Subdivisions 1, 1c, 10, and 14* shall be applicable only (IN THE EVENT) *if* the school bus (SHALL BEAR UPON) *bears on* the front and rear thereof a plainly visible sign containing the words "school bus" in letters not less than eight inches in height, which shall be removed or covered when the vehicle is not in use as a school bus.

Sec. 2. Minnesota Statutes 1980, Section 169.44, Subdivision 10, is amended to read:

Subd. 10. [APPROVED FLASHING SIGNALS; SYSTEM OF OPERATION.] Flashing pre-warning amber signals and flashing red signals shall be of a type approved by the commissioner of public safety. (SUCH) *The* signals shall be a complete system meeting minimum standards as prescribed by *this section and* state board of education rules (AND REGULATIONS).

Sec. 3. Minnesota Statutes 1980, Section 169.44, is amended by adding a subdivision to read:

*Subd. 14. [FLASHING SIGNALS ON STOP ARM.] A school bus stop signal arm may be equipped with alternately flashing red warning signals which are visible both to the front and to the rear of the bus. The stop signal arm and flashing red warning signals shall conform to the Society of Automotive Engineers' Standard SAE J-1133.*

Sec. 4. Minnesota Statutes 1980, Section 169.44, is amended by adding a subdivision to read:

*Subd. 15. [TYPE THREE SCHOOL BUS.] Type three school buses are restricted to passenger cars, station wagons, and vans with a maximum manufacturer's rated seating capacity of ten persons including the driver.*

*A type three school bus shall not in any way be outwardly equipped and identified as a school bus, as defined in subdivision 1a."*

Re-number the remaining section

Amend the title as follows:

Page 1, line 4, after the semicolon insert "correcting the applicability provision of a school bus law; authorizing and regulating flashing signals or school bus stop signal arms; imposing standards for the signal arms; restricting the meaning of "type three school bus"; prohibiting a type three school bus from being equipped and identified as certain other school buses; amending Minnesota Statutes 1980, Sections 169.44, Subdivisions 3 and 10, and by adding subdivisions;"

Page 1, line 4, delete "amending Minnesota Statutes 1980, Section"

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 470, A bill for an act relating to the department of public safety; changing the name of the highway patrol to the state patrol; amending Minnesota Statutes 1980, Section 299D.-01, Subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

S. F. No. 92, A bill for an act relating to crimes; prescribing penalties for the possession of controlled substances on school premises; amending Minnesota Statutes 1980, Section 152.15, by adding a subdivision.



Reported the same back with the recommendation that the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 102, A bill for an act relating to towns; providing for certain notice requirements; amending Minnesota Statutes 1980, Section 365.12.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 13, 30, 79, 98, 167, 201, 223, 260, 276, 312, 331, 337, 357 and 470 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 92 and 102 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Osthoff; Anderson, B.; Otis; Jennings and Dean introduced:

H. F. No. 541, A bill for an act relating to cable communications; changing certain definitions and procedures relating to cable communications system franchises and operations; amending Minnesota Statutes 1980, Sections 238.02, Subdivision 3; 238.03; 238.06, Subdivision 6; 238.08, Subdivision 4; 238.09, Subdivisions 6 and 7; 238.11, Subdivision 2; and 238.12, Subdivisions 1 and 2; repealing Minnesota Statutes 1980, Section 238.05, Subdivisions 6 and 7.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Rice; Murphy; Begich; Clark, K., and Sieben, H., introduced:

H. F. No. 542, A bill for an act relating to employment; providing relief to employees who lose their jobs due to business closings, plant relocations, and reductions in operations; requiring advance notification to affected employees, employee organizations, municipalities, and the state of business closings, plant relocations, and reductions of operations; prescribing duties of certain departments, governmental bodies, and officers with respect to business closings, plant relocations, and reductions of operations; creating a community services council; providing for the creation of a community jobs assistance fund; providing penalties; proposing new law coded as Minnesota Statutes, Chapter 179A.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Jacobs introduced:

H. F. No. 543, A bill for an act proposing an amendment to the Minnesota Constitution, Article X, adding a section; permitting state tax laws to adopt future federal tax law amendments by reference.

The bill was read for the first time and referred to the Committee on Taxes.

Begich, Murphy, Simoneau and Dahlvang introduced:

H. F. No. 544, A bill for an act relating to labor relations; making certain collective bargaining agreements binding and enforceable upon transferee employers; proposing new law coded in Minnesota Statutes, Chapter 179.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Schreiber; Hokr; Carlson, L.; Jude and Heinitz introduced:

H. F. No. 545, A bill for an act relating to retirement; providing for membership of employees of the Suburban Public Health Nursing Service, Incorporated, in the Public Employees Retirement Association; and authorizing the purchase of prior service credits therein.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Rees, Wenzel, Wynia, Brinkman and Kelly introduced:

H. F. No. 546, A bill for an act relating to insurance; providing for a program of continuing education; establishing a continuing insurance education advisory committee; authorizing the commissioner of insurance to promulgate rules to implement the program; proposing new law coded in Minnesota Statutes, Chapter 60A.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Kelly, Battaglia and Vanasek introduced:

H. F. No. 547, A bill for an act relating to crimes; establishing penalties for the crime of issuing a worthless check; amending Minnesota Statutes 1980, Section 609.535, Subdivisions 1, 2, 3, 4, and by adding subdivisions.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Kelly, Long and Vanasek introduced:

H. F. No. 548, A bill for an act relating to crimes; increasing the penalty for intentional and unintentional homicides committed while committing certain felonies; amending Minnesota Statutes 1980, Sections 609.185; 609.19; 609.195; and 609.20.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Nelson, K.; Clark, K.; Wynia; Dean and Evans introduced:

H. F. No. 549, A bill for an act relating to energy; creating the Minnesota renewable energy financing commission; establishing a program of loans and financial assistance for small businesses and municipalities; authorizing the issuance of bonds; appropriating money; proposing new law coded in Minnesota Statutes 1980, Chapter 116H.

The bill was read for the first time and referred to the Committee on Energy.

Kelly; Heap; Rodriguez, C.; Long and Novak introduced:

H. F. No. 550, A bill for an act relating to education; modifying and providing certain procedures for the termination, discharge and demotion of certain teachers; amending Minnesota Statutes 1980, Sections 125.12, Subdivisions 3, 4, 8, 9, 11, and by adding a subdivision; and 125.17, Subdivisions 2, 5 and 10; repealing Minnesota Statutes 1980, Sections 125.12, Subdivision 10; and 125.17, Subdivisions 6, 7, 8 and 9.

The bill was read for the first time and referred to the Committee on Education.

Clark, K.; Greenfield; Lehto and Staten introduced:

H. F. No. 551, A bill for an act relating to crimes; repealing the offenses of sodomy, adultery and fornication; repealing Minnesota Statutes 1980, Sections 609.293; 609.34; and 609.36.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Clawson, Ogren, Rees, Welch and Mehrkens introduced:

H. F. No. 552, A bill for an act relating to commerce; prohibiting fraud in the use of recreational camping areas; providing a penalty; amending Minnesota Statutes 1980, Sections 327.07; and 327.14, Subdivision 8.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Esau, Reding, Wigley, Kalis and Dahlvang introduced:

H. F. No. 553, A bill for an act relating to drivers licenses; increasing fees for motorized bicycle operator permits and for driver licenses; establishing a fee for the Minnesota identification card; providing for uniform application fees; requiring re-examination before issuance of a new drivers license after revocation; amending Minnesota Statutes 1980, Sections 171.02, Subdivision 3; 171.06, Subdivisions 1, 2 and 4; 171.07, Subdivision 3; and 171.29.

The bill was read for the first time and referred to the Committee on Transportation.

Peterson, B.; Vanasek; Reding; Kostohryz and Ludeman introduced:

H. F. No. 554, A bill for an act relating to natural resources; increasing motor vehicle permit fees for state parks, monuments, recreation areas, and waysides; establishing a dedicated account; appropriating money; amending Minnesota Statutes 1980, Section 85.05, Subdivisions 1 and 2; proposing new law coded in Minnesota Statutes, Chapter 85.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Anderson, B.; Stumpf; Evans; Welch and Sviggum introduced:

H. F. No. 555, A bill for an act relating to agriculture; regulating alien ownership of land; providing for permanent resident alien and loss of status; amending Minnesota Statutes 1980, Section 500.221, Subdivisions 1, 3, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Agriculture.

McCarron introduced:

H. F. No. 556, A bill for an act relating to liens; modifying the penalties for failure to properly use the proceeds of payments made for the satisfaction of labor, skill, material, and machinery costs for improvements to real property; amending Minnesota Statutes 1980, Section 514.02, Subdivision 1.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Greenfield; Niehaus; Clark, J.; Clawson and Clark, K., introduced:

H. F. No. 557, A bill for an act relating to public welfare; establishing and empowering a board for the blind; transferring certain powers and duties of the commissioner of public welfare to the board; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 248; repealing Minnesota Statutes 1980, Sections 248.07; and 248.08.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Kaley, Reding and Sarna introduced:

H. F. No. 558, A bill for an act relating to retirement; extending the option for purchase of prior service credit by certain legislative employees; amending Laws 1975, Chapter 388, Section 1, Subdivision 3, as added and amended.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Dempsey; Stadum; Jennings; Sieben, M., and Metzen introduced:

H. F. No. 559, A bill for an act relating to courts; providing court commissioners with the judicial powers of a judge of the county court or the county municipal court; authorizing counties to abolish the office of county commissioner; amending Minnesota Statutes 1980, Section 489.02; proposing new law coded in Minnesota Statutes, Chapter 489.

The bill was read for the first time and referred to the Committee on Judiciary.

Voss; Ellingson; Peterson, B.; O'Connor and Dempsey introduced:

H. F. No. 560, A bill for an act relating to courts; costs and disbursements; authorizing the awarding of attorney's fees in certain actions or proceedings; proposing new law coded in Minnesota Statutes, Chapter 549.

The bill was read for the first time and referred to the Committee on Judiciary.

Voss, Begich and Battaglia introduced:

H. F. No. 561, A bill for an act relating to public utilities; placing certain cooperative electric associations under the jurisdiction of the public utilities commission for rate making purposes; amending Minnesota Statutes 1980, Section 216B.16, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Hauge; Nelsen, B.; Vellenga; Gruenes and Anderson, G., introduced:

H. F. No. 562, A bill for an act relating to agriculture; regulating fertilizers and soil and plant amendments; providing a penalty; amending Minnesota Statutes 1980, Sections 17.711; 17.713; 17.714; 17.716, by adding subdivisions; 17.717, Subdivisions 4, 5 and by adding a subdivision; 17.718, Subdivision 1; 17.719; 17.72; 17.721; 17.722; 17.723; 17.725; 17.726; 17.727; 17.728, Subdivision 1; 17.729; repealing Minnesota Statutes 1980, Section 17.717, Subdivision 2.

The bill was read for the first time and referred to the Committee on Agriculture.

Brinkman; Jennings; Valan; Johnson, D., and Anderson, B., introduced:

H. F. No. 563, A bill for an act relating to interest; regulating rates of interest on loans for business and agricultural transactions and loans made by agricultural credit corporations; removing certain deficiencies and ambiguities; amending Minnesota Statutes 1980, Sections 334.011, Subdivision 1; and 334.061.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Brinkman and Mann introduced:

H. F. No. 564, A bill for an act relating to insurance; allowing a township mutual fire insurance company to insure property in cities of the second class; amending Minnesota Statutes 1980, Section 67A.14, Subdivision 5.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Clawson; Hauge; Clark, K., and Niehaus introduced:

H. F. No. 565, A bill for an act relating to eminent domain; providing for certain procedures relating to condemnation actions and other acquisition of property; establishing rates of interest for certain payments related to acquisition of property; amending Minnesota Statutes 1980, Sections 117.041; 117.042; 117.055; 117.075; 117.085; 117.125; 117.155; 117.175, Subdivision 1; 117.195; 117.231; 117.232; 117.51; 117.52; and proposing new law coded in Minnesota Statutes, Chapter 117.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Clawson, Voss, Vellenga, Piepho and Fjoslien introduced:

H. F. No. 566, A bill for an act proposing an amendment to the Minnesota Constitution, Article V, Sections 1, 3 and 4; Article VIII, Section 2; and Article XI, Sections 7 and 8; abolishing the constitutional office of state treasurer.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Olsen; Kaley; Johnson, C.; Sarna and Reding introduced:

H. F. No. 567, A bill for an act relating to retirement; teachers retirement association and teacher retirement fund associations in cities of the first class; allowing certain types of survivor coverage be provided to a designated beneficiary instead of a surviving spouse requiring public pension funds to provide information concerning optional annuity forms with retirement application form; requiring the signature of the spouse of a member on the retirement application form in certain instances; amending Minnesota Statutes 1980, Sections 354.46, Subdivisions 1 and 2; 354.47, Subdivision 1; and 354A.35, Subdivisions 1 and 2; and proposing new law coded in Minnesota Statutes, Chapter 356.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Hanson, Olsen, Kelly, Clawson and Kostohryz introduced:

H. F. No. 568, A bill for an act relating to education; increasing the aid amount and percent of pupils who qualify for gifted and talented educational programs; amending Minnesota Statutes 1980, Section 124.247, Subdivision 3.

The bill was read for the first time and referred to the Committee on Education.

Peterson, D.; Heap; Clawson; Pogemiller and Heinitz introduced:

H. F. No. 569, A bill for an act relating to housing; providing new standards and procedures for disclosing conflicts of interest for commissioners and employees of housing and redevelopment authorities; establishing penalties; proposing new law coded in Minnesota Statutes, Chapter 462; repealing Minnesota Statutes 1980, Section 462.431.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.



Battaglia, Murphy, Elioff, Begich and Munger introduced:

H. F. No. 570, A bill for an act relating to pollution; authorizing water pollution control fund grants for certain wastewater treatment projects; authorizing issuance of Minnesota state water pollution control bonds; appropriating money; amending Minnesota Statutes 1980, Section 116.18, Subdivisions 1 and 4.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Battaglia, Begich, Elioff and Carlson, D., introduced:

H. F. No. 571, A bill for an act relating to game and fish; revising certain provisions concerning the transportation of pistols and revolvers; amending Minnesota Statutes 1980, Section 100.29, Subdivision 5.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Battaglia, Begich and Elioff introduced:

H. F. No. 572, A bill for an act relating to wild animals; prescribing requirements for carrying firearms under certain conditions; amending Minnesota Statutes 1980, Section 100.29, Subdivisions 3 and 9.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Kelly introduced:

H. F. No. 573, A bill for an act relating to education; authorizing transportation for certain handicapped pupils from home to hospitals or treatment centers when instructional programs are provided; amending Minnesota Statutes 1980, Sections 123.39, by adding a subdivision; and 124.223.

The bill was read for the first time and referred to the Committee on Education.

Battaglia, Begich and Elioff introduced:

H. F. No. 574, A bill for an act relating to intoxicating liquor; authorizing the issuance of one off-sale license in the town of Tofte.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Dempsey introduced:

H. F. No. 575, A bill for an act relating to the city of New Ulm; authorizing issuance of a license for the sale of intoxicating liquor at Vogel arena.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Clawson, Wenzel, Sherman, Stumpf and Wigley introduced:

H. F. No. 576, A bill for an act relating to the state register; specifying the contents and requiring various matters of public interest to be published in the state register; amending Minnesota Statutes 1980, Sections 3.21; 15.0412, Subdivision 6; 15.051, Subdivision 1; and by adding a subdivision; 16.07, Subdivision 2; 16A.67, Subdivision 4; 41.56, Subdivision 4; 60A.08, Subdivision 7; 85.021, Subdivision 2; 85A.03, Subdivision 4a; 90.101, Subdivision 2; 92.14; 93.16; 94.10, Subdivision 2; 97.48, Subdivision 11; 155.17; 161.23, Subdivision 2; 161.44, Subdivision 6; 167.50, Subdivision 2; 241.09, Subdivision 2; 299C.07; 340.63, Subdivision 2; 345.47, Subdivision 2; 360.302, Subdivision 2; and 370.07.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Voss, Valento, Hanson and Laidig introduced:

H. F. No. 577, A bill for an act relating to economic development; regulating municipal industrial development projects; amending Minnesota Statutes 1980, Sections 474.01, Subdivisions 7a, 7b, 8, and by adding a subdivision; and 474.06.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Metzen; Anderson, I.; Sarna; Battaglia and Blatz introduced:

H. F. No. 578, A bill for an act relating to crimes; prescribing a mandatory five year term of imprisonment for aggravated robbery without discretionary early release; amending Minnesota Statutes 1980, Section 609.245.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Berkelman, Brinkman, Ewald, Voss and Heinitz introduced :

H. F. No. 579, A bill for an act relating to financial institutions; allowing new mortgage instruments; modifying rate restrictions on certain loans; providing a maximum late charge on certain loans; amending Minnesota Statutes 1980, Section 47.20, Subdivisions 1, 2, 4, 4a, 6 and 12.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Dempsey introduced :

H. F. No. 580, A bill for an act relating to eminent domain; providing for attorney's fees on appeal; amending Minnesota Statutes 1980, Section 117.175, Subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Begich; Carlson, D.; Rodriguez, C.; Voss and Jude introduced :

H. F. No. 581, A bill for an act relating to crimes; regulating the furnishing and possession of tear gas compounds; providing penalties; amending Minnesota Statutes 1980, Section 624.73.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Begich, Battaglia, Minne, Elioff and Anderson, I., introduced :

H. F. No. 582, A bill for an act relating to natural resources; regulating the use of state funded trails; providing a penalty; amending Minnesota Statutes 1980, Section 84.90, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 85.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Begich, Battaglia, Minne, Elioff and Anderson, I., introduced :

H. F. No. 583, A bill for an act relating to public use of private land; clarifying and altering landowners' liability in the recreational use of their land; amending Minnesota Statutes 1980, Sections 87.021, Subdivisions 2 and 3; 87.0221; 87.023; 87.025; and 87.03; repealing Minnesota Statutes 1980, Section 87.022.

The bill was read for the first time and referred to the Committee on Judiciary.

Halberg, Rees and Rodriguez, C., introduced :

H. F. No. 584, A bill for an act relating to Independent School District No. 191; allowing proceeds from the sale of school buildings or real property to be placed in the capital expenditure fund.

The bill was read for the first time and referred to the Committee on Education.

Carlson, D.; Wenzel; Redalen; Kalis and Clawson introduced :

H. F. No. 585, A bill for an act relating to natural resources; authorizing the soil and water conservation board to purchase certain insurance; appropriating money; amending Minnesota Statutes 1980, Section 40.03, Subdivision 4.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Anderson, B.; Levi; Clawson and Welch introduced :

H. F. No. 586, A bill for an act relating to crimes; specifying the crime of incest; prescribing penalties; amending Minnesota Statutes 1980, Sections 518B.01, Subdivision 2; 609.35; and 626.556, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 609.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Peterson, D.; Minne; Carlson, L.; Hoberg and Laidig introduced :

H. F. No. 587, A bill for an act relating to elections; changing certain procedures and requirements relating to elections; amending Minnesota Statutes 1980, Sections 201.061, Subdivisions 1 and 3; 202A.22, Subdivision 1; 203A.13; 203A.31, Subdivision 3; 203A.32, Subdivision 3; 203A.33, Subdivision 4; 204A.14; 204A.29; 204A.34, Subdivision 2; 204A.44, Subdivision 1; 204A.45, Subdivision 1; 204A.47, Subdivision 1; 204A.49, Subdivision 1; 206.03; 206.20, Subdivision 2; 207.08, Subdivision 2; 208.03; 208.05; and 210A.39; repealing Minnesota Statutes 1980, Section 201.18.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Anderson, B.; Berkelman; Brinkman; Ewald and Dean introduced:

H. F. No. 588, A bill for an act relating to financial institutions; providing for maximum interest rates on overdraft checking loans; amending Minnesota Statutes 1980, Section 48.185, Subdivision 3.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Den Ouden, Esau and Johnson, D., introduced:

H. F. No. 589, A bill for an act relating to crimes; authorizing law enforcement agencies in municipalities with less than 25,000 inhabitants to seize property unlawfully used in connection with controlled substance violations; amending Minnesota Statutes 1980, Section 152.01, Subdivision 17.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Anderson, B., introduced:

H. F. No. 590, A bill for an act relating to the city of Pipestone; fixing the method of determining its population for certain purposes.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Osthoff, Hanson, Harens, Norton and Wynia introduced:

H. F. No. 591, A bill for an act relating to the city of St. Paul; repealing the people mover act; repealing Minnesota Statutes 1980, Chapter 458B.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Lehto; Skoglund; Clark, J.; Vanasek and Luknic introduced:

H. F. No. 592, A bill for an act relating to probate; changing the order of descent of a cemetery lot in intestate proceedings; amending Minnesota Statutes 1980, Section 525.14.

The bill was read for the first time and referred to the Committee on Judiciary.

Hoberg and Valan introduced:

H. F. No. 593, A bill for an act relating to education; authorizing Independent School District No. 152 to place proceeds from the sale of buildings and real property in the capital expenditure fund.

The bill was read for the first time and referred to the Committee on Education.

Battaglia, Begich and Elioff introduced:

H. F. No. 594, A bill for an act relating to education; permitting certain school districts to levy taxes for certain costs of non-resident tuition; amending Minnesota Statutes 1980, Sections 123.39, by adding a subdivision; and 275.125, Subdivision 4.

The bill was read for the first time and referred to the Committee on Education.

Murphy, Staten, Lehto, Halberg and Rodriguez, C., introduced:

H. F. No. 595, A bill for an act relating to the state building code, authorizing stricter fire prevention standards in certain municipalities; proposing new law coded in Minnesota Statutes, Chapter 16.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Minne, Rice, Murphy, Elioff and Begich introduced:

H. F. No. 596, A bill for an act relating to labor; requiring prevailing wage payment on certain projects; amending Minnesota Statutes 1980, Section 471.345, Subdivision 7.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Gustafson, Berkelman, Munger and Lehto introduced:

H. F. No. 597, A bill for an act relating to education; providing an appropriation to pay for capital expenses required by certain desegregation orders.

The bill was read for the first time and referred to the Committee on Education.

Simoneau introduced:

H. F. No. 598, A bill for an act relating to education; providing for the inclusion of certain community college and state university faculty members in the definition of an employee under the public employee labor relations act of 1971; amending Minnesota Statutes 1980, Section 179.63, Subdivision 7.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Reding; Peterson, B.; Kostohryz; Rose and Sherwood introduced:

H. F. No. 599, A bill for an act relating to game and fish; increasing game and fish licenses and other fees; amending Minnesota Statutes 1980, Sections 98.46, Subdivisions 2, 2a, 3, 4, 5, 5a, 6, 7, 8, 9, 9a, 10, 11, 12, 14, 15, 16, 17, 18, and 19; 99.28, Subdivision 5; 100.35, Subdivisions 1 and 5; and 101.44.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Kostohryz, Harens, Minne, Evans and Sarna introduced:

H. F. No. 600, A bill for an act relating to veterans; requiring the Veterans of Foreign Wars to provide assistance to disabled veterans in filing claims with the United States government; appropriating money.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Ogren, O'Connor and Luknic introduced:

H. F. No. 601, A bill for an act relating to cemeteries; requiring public cemeteries having permanent care and improvement funds to file a notice and an annual report with the county auditor; amending Minnesota Statutes 1980, Section 306.761.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Voss; Jude; Begich; Rodriguez, C., and Clark, K., introduced:

H. F. No. 602, A bill for an act relating to public safety; permitting use of disabling chemicals for purposes of self-defense; amending Minnesota Statutes 1980, Section 624.73, Subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Clawson; Clark, K.; Hauge; Ludeman and Fjoslien introduced:

H. F. No. 603, A bill for an act relating to eminent domain; limiting the authority to acquire certain property by condemnation; repealing certain obsolete provisions of law authorizing acquisition by condemnation; changing certain obsolete language; amending Minnesota Statutes 1980, Sections 84.033; 84.154, Subdivision 3; 84A.10; 84A.39; 84A.55, Subdivision 13; 85.015, Subdivisions 12 and 13; 88.09, Subdivision 2; 89.032, Subdivision 1; 105.39, Subdivision 4; 123.64; 136.65, Subdivision 1; 137.01, Subdivision 2; 137.02, Subdivisions 1 and 3; 190.11; 193.143; 193.144, Subdivisions 2 and 3; 459.06, Subdivision 1; 463.03; and 641.263, Subdivision 2; repealing Minnesota Statutes 1980, Sections 38.05; 85A.02, Subdivision 6; 117.31; 123.40, Subdivision 6; 123.63; 161.29; 193.144, Subdivision 4; and 308.39.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Peterson, D.; Hoberg; Laidig; Minne and Osthoff introduced:

H. F. No. 604, A bill for an act relating to elections; changing eligibility requirements and compensation for election judges; authorizing time off from work for election judges; amending Minnesota Statutes 1980, Sections 204A.18; and 204A.23.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Friedrich; Rees; Johnson, C., and Kalis introduced:

H. F. No. 605, A bill for an act relating to transportation; permitting establishment of toll bridges on county highways and county state aid highways; authorizing the issuance of bonds to finance their cost; proposing new law coded in Minnesota Statutes, Chapter 165.

The bill was read for the first time and referred to the Committee on Transportation.

Esau, Mann, Jacobs, Dempsey and Rodriguez, C., introduced:

H. F. No. 606, A bill for an act relating to highway traffic regulations; specifying minimum property damage accident report requirements; making the report available to state agencies; amending Minnesota Statutes 1980, Section 169.09, Subdivisions 7 and 13.

The bill was read for the first time and referred to the Committee on Transportation.



Harens, O'Connor, Stadum, Himle and Murphy introduced:

H. F. No. 607, A bill for an act relating to liens; increasing the amount of an employee's lien for wages; amending Minnesota Statutes 1980, Section 514.59.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Fjoslien; Clawson; Anderson, R., and Anderson, B., introduced:

H. F. No. 608, A bill for an act relating to private passenger vehicle insurance; prohibiting certain premium increases attributable to relatives living in the same household; proposing new law coded in Minnesota Statutes, Chapter 65B.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Welch; Greenfield; Gruenes; Rodriguez, F., and Onnen introduced:

H. F. No. 609, A bill for an act relating to health; authorizing the commissioner of health to issue orders concerning well water quality; changing the claim limitations on cost of removing nuisances; amending Minnesota Statutes 1980, Sections 145.22; and 156A.05, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Welch, Clawson, McDonald, Onnen and McEachern introduced:

H. F. No. 610, A bill for an act relating to public welfare; modifying certain provisions regarding continued eligibility for medical assistance; amending Minnesota Statutes 1980, Section 256B.062.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Skoglund; Clark, J.; Reding; Jacobs and Sherwood introduced:

H. F. No. 611, A bill for an act relating to crimes; prohibiting tattooing intoxicated persons; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 609.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Skoglund, Jacobs, Friedrich, Reding and Otis introduced:

H. F. No. 612, A bill for an act relating to cable communications; changing the definition of cable communications system; reducing the number of days available to the metropolitan council for review of cable service territory proposals; conforming the certificate of confirmation term to the franchise term; authorizing rules preventing obstruction of service to multiple unit dwellings; providing to municipalities the option concerning cable service rates information included in a franchise; amending Minnesota Statutes 1980, Sections 238.02, Subdivision 3; 238.05, Subdivision 7, and by adding a subdivision; 238.09, Subdivisions 6 and 7, and by adding a subdivision; 238.12, by adding a subdivision; repealing Minnesota Statutes 1980, Section 238.12, Subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Skoglund, Tomlinson, Hanson, Evans and Anderson, I., introduced:

H. F. No. 613, A bill for an act relating to taxation; recodifying the income tax law; repealing Minnesota Statutes 1980, Chapter 290.

The bill was read for the first time and referred to the Committee on Taxes.

#### HOUSE ADVISORIES

The following House Advisory was introduced:

Rodriguez, C.; Halberg and Mann introduced:

H. A. No. 7, A proposal to study the relationship between traffic accidents, traffic law and highway planning and maintenance.

The advisory was referred to the Committee on Transportation.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 230, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 121, 143, 144 and 145.

PATRICK E. FLAHAVER, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 121, A bill for an act relating to statutory cities and urban towns; permitting publication of summaries of ordinances prior to enactment; amending Minnesota Statutes 1980, Sections 368.01, Subdivision 21; and 412.191, Subdivision 4.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 143, A bill for an act relating to marriage; changing the liability of spouses for certain debts; amending Minnesota Statutes 1980, Section 519.05.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 144, A bill for an act relating to creditors' remedies; property exempt from attachment, garnishment or sale on any final process issued from any court; providing for an increase in the amount of the life insurance exemption and extending the class of those eligible to benefit; amending Minnesota Statutes 1980, Section 550.37, Subdivision 10.

The bill was read for the first time.

Vellenga moved that S. F. No. 144 and H. F. No. 223, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 145, A bill for an act relating to crimes; authorizing notices of dishonored checks to be made by certified or regular mail and an affidavit of service by mailing; amending Minnesota Statutes 1980, Section 609.535, Subdivision 3.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

REPORTS FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

Eken for the Committee on Rules and Legislative Administration offered the following report and moved its adoption:

*Be It Resolved*, by the House of Representatives that the House Administrator of the House of Representatives is hereby authorized and directed to prepare and issue warrants in payment of living expenses and mileage to each member of the House from the Legislative Expense Fund for each calendar day of the Sessions of the 72nd Legislature.

*Resolved Further*, that living expenses in the sum of up to \$36 per diem shall be paid to the Speaker of the House and to each member of the House who has moved from his or her usual place of lodging during a substantial part of the Sessions of the 72nd Legislature.

*Provided Further*, that the per diem living expenses of a member of the House who has not so changed his or her place of lodging for a substantial part of said Sessions of the 72nd Legislature shall be the sum of up to \$23 per day.

*Provided Further*, that those members of the House who are eligible to be paid the per diem of \$36 shall in addition be reimbursed for travel to and from their homes at the same amount as may be authorized by the Commissioner of Personnel for state employees, not to exceed one round trip per week of the Sessions.

*Provided Also*, that each member of the House shall certify in writing to the House Administrator of the House of Representatives, prior to the issuance of the first of such warrants for each of the Sessions of the 72nd Legislature for such living expenses whether or not he or she has moved from the usual place of lodging.

The question was taken on the adoption of the resolution and the roll was called. There were 79 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Ainley	Evans	Kaley	Novak	Searles
Anderson, B.	Ewald	Kelly	O'Connor	Sieben, M.
Anderson, G.	Fjoslien	Knickerbocker	Ogren	Simoneau
Anderson, I.	Forsythe	Kostohryz	Osthoff	Stadum
Anderson, R.	Friedrich	Laidig	Otis	Staten
Brandl	Greenfield	Lehto	Peterson, B.	Stowell
Byrne	Gustafson	Levi	Peterson, D.	Stumpf
Carlson, D.	Halberg	Long	Pogemiller	Swanson
Carlson, L.	Hanson	Luknic	Redalen	Vanasek
Clark, J.	Harens	McDonald	Reding	Vellenga
Clark, K.	Hauge	Mehrrens	Rees	Wenzel
Clawson	Heap	Metzen	Rice	Wieser
Dahlvang	Heinitz	Munger	Rodriguez, F.	Wynia
Dean	Hokanson	Nelsen, B.	Rose	Zubay
Eken	Johnson, C.	Nelson, K.	Sarna	Spkr. Sieben, H.
Ellingson	Kahn	Norton	Schreiber	

Those who voted in the negative were:

Aasness	Esau	Ludeman	Reif	Tomlinson
Battaglia	Gruenes	Marsh	Rodriguez, C.	Valan
Begich	Haukoos	McCarron	Rothenberg	Valento
Blatz	Hoberg	Minne	Samuelson	Voss
Brinkman	Hokr	Murphy	Schoenfeld	Weaver
Dempsey	Jennings	Niehaus	Shea	Welch
Den Ouden	Johnson, D.	Nysether	Sherman	Welker
Drew	Jude	Olsen	Sherwood	Wigley
Elioff	Kalis	Ornen	Skoglund	
Erickson	Lemen	Piepho	Sviggum	

The motion prevailed and the resolution was adopted.

Eken for the Committee on Rules and Legislative Administration offered the following report on the proposed permanent rules of the House for the Seventy-Second Session:

## PERMANENT RULES OF THE HOUSE

### ARTICLE I — DAILY BUSINESS

1.1 CONVENING OF THE HOUSE. Unless otherwise ordered, regular sessions of the House shall convene at two o'clock p.m. The Speaker shall take the chair at the hour at which the House convenes and the House shall then be called to order. After prayer by the Chaplain or a brief meditation, a roll of members shall be called and the names of members present and members excused shall be entered in the Journal of the House.

1.2 READING OF THE JOURNAL. A quorum being present, the Journal of the preceding day shall be read by the Chief Clerk unless otherwise ordered. The House may correct any errors in the Journal of the preceding day.

1.3 ORDER OF BUSINESS. After the reading of the Journal, the order of business of the day shall be:

- (1) Presentation of petitions or other communications.
- (2) Reports of standing committees.
- (3) Second reading of House bills.
- (4) Second reading of Senate bills.
- (5) Reports of select committees.
- (6) Introduction and first reading of House bills.
- (7) Consideration of messages from the Senate.
- (8) First reading of Senate bills.
- (9) Consent Calendar.
- (10) Calendar for the day.
- (11) General Orders.
- (12) Motions and resolutions.

Conference committees and the Committee on Rules and Legislative Administration may report at any time.

**1.4 SECOND READING OF BILLS.** Every bill shall require a second reading.

Except as otherwise ordered, every bill requiring the approval of the Governor shall, after a second reading, be considered in a Committee of the Whole before it shall be finally acted upon by the House.

**1.5 COMMITTEE OF THE WHOLE.** The Committee of the Whole is a committee of the entire membership of the House. The Speaker may appoint another member as chairman to preside over the Committee of the Whole.

When the House arrives at the General Orders of the Day, it shall resolve itself into a Committee of the Whole to consider bills on General Orders.

A bill considered in the Committee of the Whole shall be reported and then debated by sections, with the title considered last. All amendments shall be typewritten and five copies shall be submitted to the Chairman who shall report them to the House.

**1.6 RULES TO APPLY TO COMMITTEE OF THE WHOLE.** The Rules of the House shall be observed in the Committee of the Whole so far as may be applicable except that the previous question shall not be forced or speaking limited.

Upon demand of 15 members, the ayes and nays shall be called, the question voted on, and the ayes and nays recorded in the Journal of the House.

In the Committee of the Whole no amendment increasing the amount of any appropriation shall be passed without the ayes and nays recorded in the Journal of the House.

A motion that the committee arise shall always be in order and shall be decided without debate.

Upon the request of any member, a bill shall be excepted from the report of the Committee of the Whole. Only a motion to strike an amendment to the bill adopted in the Committee of the Whole or to amend the recommendation of the Committee of the Whole concerning the disposition of the bill shall be in order.

**1.7 GENERAL ORDERS OF THE DAY.** The Chief Clerk at the direction of the speaker shall prepare the General Orders of the Day, which is a list of all bills which have not been made Special Orders or placed on the Consent Calendar, numbered according to their order at second reading. Unless otherwise ordered by a majority of the Committee, items on General Orders shall be taken up in numerical order.

The Chief Clerk shall see that a copy of each bill printed under the Rules or Orders of the House is placed in each member's file, which is to be kept at his desk in the chamber, at least 24 hours before the bill shall be considered in the Committee of the Whole. Under the first order of business each day, the Chief Clerk shall report to the House which bills he has placed in the files.

If a bill is progressed three times it shall be placed at the end of General Orders unless otherwise ordered by majority vote.

Except during the last five days in any year on which a bill may be passed, a bill amended in the Committee of the Whole shall not be given its third reading until it is engrossed and reproduced as amended.

**1.8 THIRD READING OF BILLS.** No amendment shall be received on the third reading without the unanimous consent of the House, except to fill blanks or to amend titles.

At any time prior to its passage any bill or resolution may be committed or recommitted by a majority vote of the whole

House. If the committee, other than the Committee of the Whole, to which it was committed or recommitted reports an amendment on it, it shall again be given its second reading, considered in Committee of the Whole, given its third reading and placed upon its final passage.

1.9 SPECIAL ORDERS. A bill may be made the Order of the Day for a special time and be placed upon a separate list known as "Special Orders".

The Committee on Rules and Legislative Administration may by committee report designate as a Special Order any bill which has had its second reading.

Any member may move to make a bill a Special Order by giving notice at least two legislative days in advance of and specifying the day on which he will so move. The notice shall include the number and title of the bill and the day and time certain for the Special Order. Only the member giving such notice, or another member designated by him in writing to the Speaker, may make the motion for the Special Order. A two-thirds vote of the whole House on such motion is required to make a bill a Special Order.

The time set for the motion may not be extended, and failure to make the motion on the specified day forfeits the right to make the motion.

A motion to make a bill a Special Order, when made according to the procedures herein prescribed, shall be a privileged motion, shall take precedence over all other motions except a motion to adjourn or to set the time to adjourn and questions of personal privilege, and may be made at any time on the day designated in the notice. A three-fourths vote of the whole House is required to suspend the motion.

Any Special Order, or any part of it, may be continued or postponed by two-thirds vote of the whole House at the time of such Special Order.

When the time arrives for the consideration of any Special Order, the House shall consider each bill upon the Special Order in the order in which it is listed. After consideration it shall immediately be read the third time and placed upon final passage.

1.10 TAX AND APPROPRIATION BILLS GIVEN PRECEDENCE. At any time after (FEBRUARY 18, 1980) *April 13, 1981*, any bill relating to taxes or raising revenue shall be acted upon whenever requested by the Chairman of the Committee on Taxes, and any appropriation bill shall be acted upon whenever requested by the Chairman of the Committee on Appropriations.



1.11 CONSENT CALENDAR. Any bill of a non-controversial nature for which the committee report recommends placement upon the Consent Calendar shall be given its second reading after the report is adopted and placed upon the Consent Calendar. The bill shall be printed and placed in the members' files at least one day before it can be considered. The bill shall be placed upon the Consent Calendar in the order in which it is given its second reading.

The Consent Calendar shall immediately precede the order of business known as "Calendar for the Day". Every bill on the Consent Calendar shall be debated, given its third reading and voted upon, provided, however, that at any time prior to third reading, ten members may object to any bill as being controversial. Any bill so objected to shall be stricken from the Consent Calendar and be immediately returned to General Orders, taking its place in the usual order.

1.12 SUSPENSION OF RULES TO ADVANCE A BILL. Every bill shall be reported on three different days, except that in case of urgency, a two-thirds majority of the whole House may suspend this Rule. A motion for suspension of the Rules to advance a bill for consideration out of its regular order is in order under the order of business "Motions and Resolutions" or at any time the bill is before the House. The motion must be presented to the Speaker in writing and must state the present position of the bill.

1.13 MINORITY REPORTS. Any minority report shall be made separately from the majority report and shall be considered before the majority report. If the minority report is adopted the majority report shall not be considered. If the minority report is not adopted the majority report shall then be considered.

1.14 COMMITTEE REPORT LAID OVER. The report of any committee may be laid over one day and printed in the Journal, if so ordered by the House.

1.15 RECALLING BILL FROM COMMITTEE. Except after the deadline for committee reports on bills originating in the House, any bill or resolution may be recalled from any committee at any time by majority vote of the whole House, be given a second reading and be advanced to General Orders. A motion to recall a bill or resolution shall be in order only under the order of business "Motions and Resolutions".

1.16 TIME LIMIT FOR CONSIDERATION OF BILLS. If 20 legislative days after a bill has been referred to committee (other than a bill in Appropriations) no report has been made upon it by the committee, its chief author may request that it be returned to the House and the request shall be entered in the Journal for the day. The committee shall have ten calendar days

thereafter in which to vote upon the bill requested. If the committee fails to vote upon it within the ten days, the chief author may, at any time within five calendar days thereafter, present a written demand to the Speaker for its immediate return to the House. The demand shall be entered in the Journal for that day and shall constitute the demand of the House. The bill shall then be considered to be in the possession of the House, given its second reading and placed at the foot of General Orders.

Such bill is subject to re-reference by a majority vote of the whole House. If the motion to re-refer is made on the day of the demand or within one legislative day thereafter, the motion shall take precedence over all other motions except privileged motions and shall be in order at any time.

After (MARCH 27, 1980) *May 15, 1981*, the House shall not act on bills other than those recommended by conference committee reports or the Committee on Rules and Legislative Administration, and those bills contained in messages from the Senate or from the Governor.

**1.17 DISPOSITION OF SENATE BILLS.** Any Senate File received by the House, accompanied by a message announcing its passage by the Senate, shall be referred to the appropriate standing committee in accordance with Rule 5.4. However, if a Senate File is received which is stated by a member to be identical to a House File already reported by a standing committee of the House and placed on General Orders, Calendar, Consent Calendar, or Special Orders, the Senate File shall be referred to the Chief Clerk for comparison. If the Chief Clerk reports that the Senate File is identical with the House File, the Senate File may by majority vote be substituted for the House File and take its place. The fact that the bills are identical shall be entered in the Journal and the House File is then considered withdrawn.

Any Senate File which has been amended on the floor of the House, except at time of final passage, and any Senate File which has been reported to the House with amendments by a House standing committee, shall be unofficially engrossed and reprinted by the Chief Clerk. Amendments to unofficial engrossments of a Senate File may be offered by members on the floor of the House but shall not be offered in standing committees.

**1.18 RECORDED FLOOR PROCEEDINGS.** All proceedings on the floor of the House shall be recorded on magnetic tape or similar recording device under the direction of the Chief Clerk. Two copies of each tape shall be delivered to the Director of the Legislative Reference Library and there maintained on file for use by any member of the public in accordance with the rules of the Legislative Reference Library. At the end of each biennium, the Director of the Legislative Reference Library shall deliver one copy of each tape to the Director of the Minnesota Historical Society.

Any person may obtain a copy of any such tape during the biennium in which it is recorded upon payment of a fee determined by the Chief Clerk to be adequate to cover the cost of preparing the copy.

Discussion preserved under this rule is not intended to be admissible in any court or administrative proceeding on an issue of legislative intent.

#### ARTICLE II — VOTING

**2.1 AUTHORIZING ELECTRIC VOTING SYSTEM.** Except for a vote upon elections or the overriding of a Governor's veto, any vote may be taken by means of the electric voting system which shall be under the control of the Speaker of the House.

**2.2 CALL OF THE HOUSE.** Ten members may demand a call of the House at any time except after voting has commenced. When such call is demanded, the doors shall be closed, the roll shall be called, the absent members shall be sent for, and no member may be permitted to leave until the roll call is suspended or completed. During the roll call, no motion shall be in order except a motion pertaining to matters incidental to the call. Proceedings under the roll call may be suspended by a majority vote of the whole House. After the roll call is suspended or completed the Sergeant at Arms shall not permit any member to leave the Chamber unless excused by the Speaker. A call of the House may be lifted by a majority vote of the whole House.

**2.3 DEMANDING YEAS AND NAYS.** Yeas and nays shall be ordered without demand upon final passage of bills and upon adoption of resolutions or motions directing the payment of money. In all other cases the yeas and nays shall be ordered only upon demand of 15 members.

**2.4 EXPLAINING OR CHANGING VOTE.** No member shall be allowed to explain his vote or discuss the question while the yeas and nays are being taken, nor be allowed to change his vote after the yeas and nays have been announced from the chair by the Speaker.

**2.5 EVERY UNEXCUSED MEMBER TO VOTE.** Any member who is immediately interested in the question being voted on shall not vote.

Every other member present before a vote is declared from the chair shall vote for or against the matter before the House, unless the House excuses him from voting.

When a member declines to vote on a call of his name, he shall be required to state his reasons for so declining. After the vote has been taken but before the chair has announced the

vote, he shall submit to the House the question, "Shall the member, for the reasons stated, be excused from voting?" which shall be decided without debate. Any other proceedings in reference thereto shall take place after announcement of the vote.

#### ARTICLE III — MOTIONS AND AMENDMENTS

**3.1 MOTIONS.** No motion shall be debated until after it is stated by the Speaker.

After a motion has been stated by the Speaker it is in possession of the House, but the mover may withdraw it at any time before amendment or decision. Unless a motion, resolution or amendment is withdrawn on the day it is made, it shall be entered in the Journal, together with the name of the member offering it.

The Speaker may require any motion to be written.

**3.2 PRECEDENCE OF MOTIONS.** When a question is under consideration, no motion shall be received except the following, the first four of which shall be decided without debate:

- (1) To fix the time of adjournment.
- (2) To adjourn.
- (3) To lay on the table.
- (4) For the previous question.
- (5) To refer.
- (6) To postpone to a day certain.
- (7) To amend.
- (8) To postpone indefinitely.
- (9) To pass.

The motions shall have precedence in the order listed. However, if the motion for the previous question has been seconded and the main question ordered, the motion to lay on the table shall not be in order.

**3.3 MOTION TO ADJOURN.** A motion to adjourn shall always be in order except during roll call.

When a motion to adjourn is made it shall be in order for the Speaker, before putting the question, to permit any member

to state reasons which would seem to render adjournment improper at that time. Such a statement shall not be debatable and shall be limited to not over two minutes.

**3.4 MOTION FOR RECONSIDERATION.** When a question has been decided either in the affirmative or negative, it shall be in order for any member who voted with the prevailing side to move its reconsideration, provided that such motion is made either on the same day the vote was taken or within the following two days of actual session of the House. A motion for reconsideration can be made at any time in the Order of Business and shall take precedence over all other questions except the motion to adjourn and the notice of intention to move reconsideration. Such motion or notice shall not be in order if the document, bill, resolution, message, report or other official action on which the vote was taken shall have left the possession of the House.

When a member gives notice of intention to move reconsideration of the final action of the House on any bill, resolution, message, report or other official action, the Chief Clerk shall retain the same until after the matter is disposed of or the time has expired during which the motion for reconsideration can be made.

On the last day allowed for the motion to reconsider, it shall be in order for any member who voted on the prevailing side to make the motion, unless the matter has been already disposed of.

A motion for reconsideration having been voted upon and lost shall not be renewed.

(THE) *In 1981* notice of intention to move reconsideration shall not be in order after (MARCH 8, 1980) *Monday, April 27.*

**3.5 ORDER OF PUTTING QUESTION.** Except in the case of privileged questions, all questions, whether in committee or in the House, shall be put in the order in which they are moved. When filling blanks, a motion for the largest sum or the longest time shall be put first.

**3.6 DIVISION OF A QUESTION.** Any member may request the division of a question which contains several points. A motion to strike out and insert shall not be divisible. If a motion to strike out is lost it shall not preclude another motion to amend or to strike out and insert.

**3.7 THE PREVIOUS QUESTION.** The motion calling for the previous question must be seconded by 15 members. If the motion for the previous question is ordered by a majority of members present, it shall have the effect of cutting off all debate and bringing the House to direct vote upon the question or questions.

The previous question may be moved and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments; or it may include all authorized motions or amendments, including a vote on final passage of a bill.

On a motion for the previous question, but prior to its being ordered, a call of the House shall be in order. After a majority has ordered the previous question, no call shall be in order prior to the decision on the main question.

When the previous question is decided in the negative, the main question remains under debate until disposed of by taking a vote either on the question or in some other manner.

All incidental questions of order arising after a motion is made for the previous question and prior to the vote on the main question shall be decided without debate.

**3.8 UNANIMOUS CONSENT TO MAKE A MOTION.** Whenever unanimous consent to make a motion is requested by a member, the member as a part of such request shall state briefly the purpose of such motion and the subject matter involved.

**3.9 MOTIONS AND PROPOSITIONS TO BE GERMANE.** No motion or proposition on a subject different from that under consideration shall be admitted under guise of its being an amendment.

**3.10 AMENDMENT NOT TO ANNEX ANOTHER BILL.** Except in a standing committee no bill or resolution shall at any time be amended by annexing or incorporating any other bill or resolution pending before the House.

**3.11 RESOLUTIONS AND MOTIONS INVOLVING EXPENDITURE OF MONEY.** Any resolution or motion involving the expenditure of money out of the legislative expense fund shall be referred to the Committee on Rules and Legislative Administration before being acted upon by the House. A majority vote of the whole House, determined by a roll call, is required to pass any such resolution or motion.

**3.12 AMENDMENTS TO APPROPRIATION BILLS.** No amendment increasing the amount or amounts carried by any appropriation bill shall be declared passed until voted for by a majority of the whole House determined by a roll call vote.

**3.13 MOTION TO RESCIND.** The motion to rescind shall not be in order at any time in any proceeding in the House or in any committee of the House.

**3.14 SUSPENSION OR AMENDMENT OF THE RULES.** The concurrence of two-thirds of the whole House is required to suspend,

alter, or amend any Rule of the House, except that any amendment to the Rules reported by the Committee on Rules and Legislative Administration may be adopted by a majority of the whole House.

Except as provided in Rule 1.12, a motion to suspend, alter, or amend any Rule of the House must be made under the order of business "Motions and Resolutions". If the motion is made at any other time, unanimous consent is required before the Speaker can entertain the motion.

A motion to suspend the Rules, together with the subject matter to which it pertains, is debatable, but the previous question may be applied to the motion.

#### ARTICLE IV — DEBATE AND DECORUM

4.1 ABSENCE OF MEMBERS AND OFFICERS. Unless illness or other sufficient cause prevents attendance, no member or officer of the House shall absent himself from any session of the House without first having obtained from the Speaker permission to be absent.

4.2 DUTIES OF MEMBERS. Members shall keep their seats until the Speaker announces adjournment.

Every member, before speaking, shall rise from his seat and respectfully address the Speaker and shall not speak further until recognized by the Speaker. When two or more members rise at the same time, the Speaker shall designate the member to speak first.

4.3 QUESTIONS OF ORDER. If any member of the House transgresses the Rules, either in speaking or in any other way, the Speaker shall, or any member may, call him to order. A member so called to order shall immediately sit down unless another member moves to permit him to explain. In either case, the House, if appealed to, shall decide without debate. Only if the decision is in favor of the member called to order shall he be at liberty to proceed. A member called to order shall be liable to censure or such other punishment as the House may deem proper.

4.4 ORDER IN DEBATE. No member shall speak more than twice on the same subject without leave of the House, nor more than once until every other member wishing to speak on the pending question has had an opportunity to do so.

4.5 NOTICE OF INTENTION TO DEBATE A RESOLUTION. Any member may give notice of his intention to debate a resolution. Such notice may be given at any time before the vote is taken

on the resolution. If such notice is given, the resolution shall be laid over one day without debate or any other action.

**4.6 OFFENSIVE WORDS IN DEBATE.** If any member is called to order for offensive words in debate, the member calling him to order shall report the words to which exception is taken and the Clerk shall record them. No member shall be held to answer or be subject to censure of the House for any language used in debate if exception is not taken before any other member has spoken or any other business has taken place.

**4.7 ORDER DURING SESSION.** No member shall walk out of or across the Chamber when the Speaker is putting the question. No member shall engage in private conversation while another member is speaking or pass between the speaking member and the chair.

**4.8 NO ONE TO REMAIN BY THE CLERK'S DESK.** No member or other person shall remain by the clerk's desk while the yeas and nays are being called.

**4.9 WHO MAY BE ADMITTED TO THE FLOOR.** No person shall be admitted within the House Chamber, except members themselves, properly authorized employees, the Chief Executive and ex-governors of the State of Minnesota, members of the Senate, heads of departments of the state government, judges of the Supreme and District Courts, members of Congress, properly accredited representatives of radio and television stations, newspapers and press associations, as herein provided for, and none other. When a former member of Congress or the Minnesota Legislature or any other person is issued a permit by the Speaker good for the day he shall be provided with a seat near the Speaker's rostrum, and at no time shall a conversation be carried on so as to disturb the business of the House. Before issuing the permit, the Speaker shall satisfy himself that the person does not seek the floor of the House for the purpose of influencing decisions of the House.

The alcoves shall be kept for the use of members only, and the Sergeant at Arms shall keep them cleared.

It shall not be in order for the Speaker to entertain a request for the suspension of this Rule, or to present from the Chair the request of any member for unanimous consent unless an extraordinary condition exists, in which event he may consent to entertain a motion for its suspension.

During the period extending from one hour prior to the time the House is scheduled to convene until one hour after the House adjourns for the day, the retiring room shall be reserved for the exclusive use of the members and employees of the House or Senators specifically authorized to be present by a House member. No committee meetings shall be held therein except for



emergency meetings authorized by the Speaker of the House. The Sergeant at Arms is charged with the duty of strict enforcement of this provision.

4.10 PRESENTATION OF PETITIONS. Any petition, memorial or other paper presented to the House shall include the name of the member introducing it and a brief description of its contents and shall be presented by the Speaker, who shall state briefly its contents.

4.11 NO SMOKING IN HOUSE CHAMBER. No member of the House of Representatives or officer of the House, or other person, shall be permitted to smoke in the House Chamber except in designated smoking areas, confined only to the front desk and the legislative retiring room. There shall be no smoking in the visitors' section of the galleries.

#### ARTICLE V — BILLS

5.1 BILL FORM. No bill shall be introduced until it has been examined and approved by the Revisor of Statutes as to form and compliance with the Joint Rules of the House and Senate and the Rules of the House. Approval as to form shall be endorsed on the bill by the Revisor of Statutes.

5.2 INTRODUCTION OF BILLS AND RESOLUTIONS. A bill, advisory bill or resolution offered for introduction shall be placed in the hands of the Speaker at least 24 hours prior to the convening of the daily session. Every bill, advisory bill and resolution shall be introduced in quadruplicate and each copy shall contain the signature of the member or name of the committee introducing it. No bill, advisory bill, memorial or resolution shall have more than five authors. Any memorial (a statement of facts being forwarded to a governmental official, agency or body) shall be introduced in the same form as a bill and take the same course as a bill. No resolution shall authorize the expenditure of monies from any source other than the legislative expense fund.

5.3 ADVISORY BILLS. An advisory bill may be introduced by any member in the same manner as a bill except that the requirements of Rule 5.1 shall not apply.

Each advisory bill shall be typewritten on a form provided by the Chief Clerk. It shall have a title not exceeding 12 words in length and shall contain a specific proposal for the initiation, termination or alteration of a law or program of the state or any of its subdivisions. It need not be drafted in a form appropriate for enactment into law.

An advisory bill may be considered only in committee and shall not be given a second reading or be otherwise considered by the

House, except that the committee may report its recommendation for re-referral to another committee.

**5.4 FIRST READING AND REFERENCE OF BILLS.** Each bill, advisory bill and resolution shall be reported and given its first reading upon its introduction. No bill, advisory bill or resolution shall be objected to upon its introduction.

Except as provided in Rule 1.17 and Rule 5.5 each bill, advisory bill or resolution shall, after first reading, be referred by the Speaker to the appropriate standing committee.

Except as otherwise provided in these Rules, after a bill, advisory bill or resolution has been referred by the Speaker, a majority vote of the whole House shall be required for a re-referral or recommittal of the bill, advisory bill or resolution by the House.

**5.5 COMMITTEE BILLS.** A committee bill shall be read for the first time and may be referred by the Speaker to any standing committee. If it is not so referred, it shall be laid over one day. It shall then be read for the second time and placed upon General Orders, or, if recommended by the Committee, upon the Consent Calendar.

**5.6 PRINTING OF BILLS.** Every bill shall be printed after it has been given its second reading. A bill may be printed at any other time a majority of the House so orders.

**5.7 BILLS CARRYING AN APPROPRIATION.** Any bill, whether originating in the House or Senate, carrying an appropriation, or which may involve any present or future financial obligation on the part of the State, after being reported to the House, shall be referred, or re-referred, as the case may be, to the Committee on Appropriations for action by that committee. Any committee, other than the Committee on Appropriations, to which such bill has been referred shall note in its report that the bill carries an appropriation.

**5.8 BILLS AFFECTING STATE GOVERNMENT POWERS AND STRUCTURE.** Any bill, whether originating in the House or the Senate, which creates any new department, agency, commission, board or bureau, or which substantially changes or alters the organization of any department or agency thereof of state government, or substantially changes, alters, vests or divests official rights, powers, or duties of any official department or agency of the state government of any institution under its control, after being reported to the House, shall be referred, or re-referred as the case may be, to the Committee on Governmental Operations for action by that committee. Any committee other than the Committee on Governmental Operations to which such bill is referred shall, in its report, recommend re-referral to the Committee on Governmental Operations.

**5.9 BILLS AFFECTING TAXES.** Any bill whether originating in the House or Senate, which substantially affects state tax policy or the administration of state tax policy, after being reported to the House, shall be referred, or re-referred, as the case may be, to the Committee on Taxes for action by that committee. Any standing committee other than the Committee on Taxes to which such a bill is referred shall, in its report, recommend re-referral to the Committee on Taxes.

**ARTICLE VI — COMMITTEES — POWERS AND DUTIES**

**6.1 COMMITTEES.** Standing committees of the House shall be appointed by the Speaker as follows:

Agriculture

Appropriations

Divisions: Education

Health, Welfare, Corrections

Semi-State

State Departments

(CLAIMS)

Commerce and Economic Development

Criminal Justice

Education

Divisions: School Aids

(HIGHER EDUCATION)

Energy (AND UTILITIES)

Environment and Natural Resources

Financial Institutions and Insurance

General Legislation and Veterans Affairs

Governmental Operations

Health and Welfare

Judiciary

Labor-Management Relations

Local and Urban Affairs

*Reapportionment and Elections*

*Regulated Industries*

Rules and Legislative Administration

Taxes

Divisions: (I AND II) *Revenue*

*Tax Laws*

Transportation

6.2 COMMITTEE MEMBERSHIP. No less than 30 days prior to the opening of a regular session of the Legislature, the Speaker-designate shall provide the minority group with a list of the standing committees proposed for the session. He shall also designate the number of minority members to be appointed to each committee and may require general membership guidelines to be followed in the selection of committee members.

If the minority leader submits to the Speaker-designate, at least 15 days prior to the opening of the session, a list of proposed committee assignments for the minority group, which complies with the numbers and guidelines provided, the Speaker shall make such proposed assignments with the purpose of attaining proportionate representation on the committees for the minority group.

No committee of the House shall have exclusive membership from any one profession, occupation or vocation.

6.3 COMMITTEE MEETING SCHEDULE. The Speaker shall prepare a schedule of committee meetings, fixing as far as practicable the day of the week and the hour for the regular meeting time of each committee. The schedule of committee meetings shall officially be made available to the news media. The chairman of any committee holding a special meeting or making a change in the regular schedule of meetings shall give written notice which may be announced from the desk and shall be posted on the bulletin board at least one day in advance of the change.

The chairman of each committee or subcommittee shall as far as practicable give three days notice of any meeting. The notice shall include the date, time, place and agenda for the meeting.

**6.4 COMMITTEE PROCEDURES.** Meetings of all committees of the House shall be open to the public.

A majority of members of any committee shall constitute a quorum.

The Rules of the House shall be observed in all committees wherever they are applicable.

Any member of any committee may demand a roll call on any bill, resolution, report, motion or amendment before the committee. Only upon such demand being made shall the roll be called and the vote of each member on the bill, resolution, report, motion or amendment be recorded in the committee minutes, together with the name of the member demanding the roll call.

A committee may reconsider any action so long as the matter remains in the possession of the committee. A committee member need not have voted with the prevailing side in order to move reconsideration.

At any time during the period in which a standing committee has possession of a bill the members of the committee may, by majority vote, order the preparation of a Revisor's Analysis of the bill. The Revisor's Analysis shall consist of a concise description of the terms of the bill and shall be provided by the Revisor of Statutes. If the Revisor's Analysis is ordered at the time the bill is given committee approval, the analysis shall accompany the committee report to the House and shall thereafter be attached to the printed bill by the Chief Clerk.

At any time during the period in which a standing committee has possession of a bill, the members of the committee may, by majority vote, order the preparation of a Fiscal Note. If a Fiscal Note is ordered at the time the bill is given committee approval, the Fiscal Note shall accompany the committee report to the House and shall thereafter be attached to the printed bill by the Chief Clerk. No Fiscal Note shall be ordered for any bill given committee approval within ten days of the end of a regular session in any year.

Neither a Revisor's Analysis nor a Fiscal Note shall be considered a part of a bill or any indication of legislative intent.

**6.5 SUBCOMMITTEES.** The chairman of a committee shall appoint the chairman and members of each subcommittee. The chairman or the committee may refer bills to subcommittee. Any subcommittee may make such investigation or exercise such authority as is delegated to it by the chairman or the committee.

**6.6 COMMITTEE RECORDS.** The chairman or acting chairman of each standing committee shall cause a record to be kept, in the form prescribed by the Committee on Rules and Legislative Administration, which shall include the record of each bill referred to the committee and the minutes of the committee. The minutes shall include:

a. The time and place of each hearing or meeting of the committee;

b. Committee members present;

c. The name and address of each person appearing before the committee, together with the name and address of the person, association, firm or corporation in whose behalf the appearance is made;

d. The language of each motion, the name of the committee member making the motion, and the result of any vote taken upon the motion, including the ayes and nays whenever a roll call is demanded;

e. The date on which any subcommittee is created, the names of its members and the bills referred to it;

f. The record of each subcommittee meeting, including the time and place of the meeting; members present; the name of each person appearing before the subcommittee, together with the name of the person, association, firm or corporation in whose behalf the appearance is made; and the language of each motion, together with the name of the member making the motion, and the result of any vote taken upon the motion, including the ayes and nays whenever a roll call is demanded;

g. Other important matters related to the work of the committee.

The minutes shall be approved at the next regular meeting of the committee.

Copies of the minutes, after approval by the committee, shall be filed with the Chief Clerk and shall be open to public inspection in the Chief Clerk's office. At the end of the biennium they shall be delivered, together with the other committee records, to the Director of the Legislative Reference Library, where they shall remain open for public inspection during regular office hours. A copy of any page of any committee minutes may be obtained upon payment of a fee determined by the Chief Clerk to be adequate to cover the cost of preparing the copy.

The magnetic tape recording of any committee meetings shall be retained by the chairman until the minutes of that meeting

have been approved by the committee. The recording or a copy of the recording shall then be filed with the Director of the Legislative Reference Library, where it shall be maintained for a period of two years from the date of filing for use by any person in accordance with the rules of the Legislative Reference Library. After expiration of the two-year period the recording may be erased and the tape may be reused.

Any person may obtain a copy of such tape during the period in which it is maintained in the Legislative Reference Library upon payment of a fee determined by the Chief Clerk to be sufficient to cover the cost of the copy. Testimony and discussion preserved under this rule is not intended to be admissible in any court or administrative proceeding on an issue of legislative intent.

**6.7 COMMITTEE REPORTS.** The chairman of a standing committee reporting to the House the action taken by his committee upon any bill or resolution referred to it shall do so upon the form provided for such reports. Each bill or resolution shall be reported separately and the report shall be adopted or rejected without amendment.

The report shall contain the action taken by the committee and the date of such action and shall be authenticated by the signature of the chairman.

Before a committee reports favorably upon a bill or resolution, the chairman shall see that the form of the bill or resolution conforms to the Joint Rules of the House and Senate and these Rules.

Except during the last seven legislative days in any year, the committee report and any minority report shall be placed in the hands of the Chief Clerk at least four hours prior to the convening of the daily session.

The Committee on Rules and Legislative Administration may report at any time.

If a majority of the members of a standing committee finds a bill referred to the committee to be of a non-controversial nature, the report to the House may recommend that the bill be placed upon a separate calendar to be known as the Consent Calendar.

**6.8 COMMITTEE BILLS.** Any standing or special committee of the House may introduce a bill as a committee bill on any subject within its purview.

**6.9 SUBSTITUTION OF BILLS.** No standing or special committee nor any of its members shall report a substitute for any

bill referred to the committee if the substitute relates to a different subject, is intended to accomplish a different purpose, or would require a title essentially different from that of the original bill. Whenever the House is advised that a substitute bill reported to the House is in violation of this rule, the report shall not be adopted.

6.10 SPECIAL COMMITTEES. Any special committee to which a matter has been referred shall in all cases report to the House a statement of facts and its opinions and conclusions thereon.

6.11 CONFERENCE COMMITTEES. A conference committee may report at any time. No committee except a conference committee or the Committee on Rules and Legislative Administration shall sit during any daily session of the House without leave.

A conference committee report shall include only subject matter contained in the House or Senate versions of the bill for which that conference committee was appointed, or like subject matter contained in a bill passed by the House or Senate.

In (1980) 1981 except after (MARCH 27) *May 14*, a written copy of a report of a conference committee shall be placed on the desk of each member of the House twelve hours before action on the report by the House. If the report has been reprinted in the Journal of the House for a preceding day and is available to the members, the Journal copy shall serve as the written report.

6.12 COMMITTEE BUDGETS AND EXPENSES. The Committee on Rules and Legislative Administration shall establish a budget for each standing committee of the House for expenses incurred by the committee, its members, or its staff in conducting its legislative business. Per diem expense allowances paid to members during sessions or at times set by the Speaker shall not be charged against the budget. No committee shall incur expenses in excess of its authorized budget.

Employees shall be reimbursed for actual expenses in the same manner as state employees.

During sessions, for travel away from the Capitol, members shall be reimbursed for actual expenses in the same manner as state employees in addition to per diem expense allowances.

All charges against the committee budget must be approved by the chairman before payment is made.

#### ARTICLE VII — OFFICERS OF THE HOUSE

7.1 DUTIES AND PRIVILEGES OF THE SPEAKER. The Speaker shall preside over the House and shall have all the powers and be charged with all the duties of the presiding officer.



He shall preserve order and decorum and he or the chairman of the Committee of the Whole may order the lobby or galleries cleared in the case of disorderly conduct or other disturbance.

Except as provided by rule or law, he shall have general control of the chamber of the House and of the corridors, passages and rooms assigned to the use of the House.

He shall sign all acts, addresses, joint resolutions, writs, warrants and subpoenas of the House or issued by order of the House. He shall sign all abstracts for the payment of money out of the legislative expense fund of the House; but no money shall be paid out of said fund unless the abstract is also signed by the Chief Clerk of the House.

He shall appoint the Chief Sergeant at Arms or shall designate him from among the Sergeants at Arms elected by the House or appointed by the Committee on Rules and Legislative Administration.

**7.2 SPEAKER PRO TEM.** The Speaker may call a member to preside as Speaker pro tempore, but such temporary appointment shall not extend beyond adjournment for the day. In the absence of the Speaker, the Committee on Rules and Legislative Administration shall select a member to preside until the return of the Speaker.

**7.3 DUTIES OF CHIEF CLERK.** The Chief Clerk shall have general supervision of all clerical duties pertaining to the business of the House. He shall perform under the direction of the Speaker all the duties pertaining to his office and shall keep records showing the situation and progress of all bills, memorials and resolutions.

Neither the Chief Clerk nor any of his assistants or employees shall permit any records or papers belonging to the House to be removed from their custody other than in the regular course of business. The Chief Clerk shall report any missing records or papers to the Speaker.

During a temporary absence of the Chief Clerk, the First Assistant Chief Clerk shall be delegated all the usual responsibilities of the Chief Clerk and is authorized to sign the daily journal, enrollments, abstracts and other legislative documents. A temporary absence shall be defined by agreement of the Speaker and the Chairman of the Committee on Rules and Legislative Administration.

**7.4 ENGROSSMENT AND ENROLLMENT.** The Chief Clerk of the House shall have supervision over the engrossment and enrollment of bills. He shall cause to be kept a record by file number

of the bills introduced in the House which have passed both houses and been enrolled.

**7.5 BUDGET AND PURCHASING.** The (CHIEF CLERK) *House Administrator* shall prepare a biennial budget for the House which must be approved by the Committee on Rules and Legislative Administration before it is submitted to the Committee on Appropriations.

The (CHIEF CLERK) *House Administrator* shall be the agent of the House of Representatives for the purchase of supplies. He shall seek the lowest possible prices and shall file timely reports of expenditures made with the Committee on Rules and Legislative Administration.

**7.6 CLERICAL CORRECTIONS TO BILLS.** Minor clerical errors in any bill, memorial, or resolution, such as errors in spelling or grammar, or the incorrect use of one word for another or the incorrect numbering of references, whether occurring in the original document or any amendment to it, shall be corrected as a matter of course by the Chief Clerk, upon the approval of the chairman of any committee to which it was referred.

If the enacting clause of a bill has been omitted, the Chief Clerk shall insert the clause before passage of the bill.

Webster's New International Dictionary shall be the standard authority in matters pertaining to this rule.

**7.7 BULLETIN BOARD.** The Chief Clerk shall prepare a bulletin board upon which shall be posted a list of committee and subcommittee meetings and any other announcements or notices the House may require.

**7.8 INDEX.** The Index Clerk, under the supervision of the Chief Clerk, shall prepare an index in which bills may be indexed by topic, number, author, subject, section of the code amended, committees, and any other subject that will make it a complete and comprehensive index. The Index shall be open for public inspection at all times during the session and shall be printed in the permanent Journal of the House.

**7.9 DUTIES OF THE SERGEANT AT ARMS.** It shall be the duty of the Sergeant at Arms to carry out all orders of the House or the Speaker and to perform all other services pertaining to the office of Sergeant at Arms, including maintaining order in the Chamber and supervising entering and exiting from the Chamber and the prompt delivery of messages.

#### ARTICLE VIII — EMPLOYEES OF THE HOUSE

**8.1 APPOINTMENT OF EMPLOYEES.** The Committee on Rules and Legislative Administration shall designate the position of

and appoint each employee of the House and set the compensation of each officer and employee. A record of all such appointments, including positions and compensation, shall be kept in the office of the Chief Clerk and shall be open for inspection by the public.

The Committee on Rules and Legislative Administration, by resolution, shall establish the procedure for filling vacancies when the legislature is not in session.

Any employee of the House may be assigned to other duties, suspended or discharged at any time by the Committee on Rules and Legislative Administration.

No employee of the House shall receive any pay, compensation, gratuity or reward over and above the salary named for the position except upon approval of a three-fourths vote of the whole House.

**8.2 DUTIES OF EMPLOYEES.** No employee shall make or permit to be made any copy or copies of any journal, bill, paper, file, record, or document in his possession or custody or to which he has access except on request of a member of the House. No person other than a member of the House shall furnish or deliver any journal, bill, paper, file, record, document, or copy thereof to any person other than a member of the House except by or through the Chief Clerk with the approval or under the direction of the Committee on Rules and Legislative Administration, in accordance with these rules, and upon such terms as such committee shall prescribe.

Any violation of this rule shall be cause for removal or discharge of the offender.

#### ARTICLE IX — GENERAL PROVISIONS

**9.1 RULE AS TO CONSTRUCTION.** As used in these rules the terms "majority vote" and "vote of the House" shall mean a majority of members present at the particular time. The term "vote of the whole House" shall mean a majority vote of all the members elected to the House for that particular session of the Legislature.

Singular words used in these rules shall include the plural, unless the context indicates a contrary intention.

The words "he", "his" and "him" shall be construed to include "she", "hers" and "her" whenever the latter are appropriate.

**9.2 MEDIA NEWS REPORTERS.** Accredited representatives of the press, press associations, and radio and television stations

shall be accorded equal press privileges by the House. Any person wishing to report proceedings of the House may apply to the Committee on Rules and Legislative Administration for a press pass and assignment to suitable available space.

Television stations shall be permitted to televise sessions of the House.

**9.3 DEADLINES.** In (1980) 1981, committee reports on bills favorably acted upon by a committee in the house of origin after (MONDAY, MARCH 10) *Friday, April 10* and committee reports on bills originating in the other house favorably acted upon by a committee after (MONDAY, MARCH 17) *Friday, April 24* shall be referred in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. Referral is not required when a committee after (MARCH) *April 10* and by (MARCH 17) *April 24* acts on a bill that is a companion to a bill that has then been acted upon by April 10 in the Senate. This rule does not apply in the House Committees on Appropriations and on Taxes.

**9.4 DISPOSITION OF BILLS.** Adjournment of the regular session in any odd-numbered year to a day certain in the following year shall be equivalent to daily adjournment except that any bill on the Consent Calendar, Calendar, Special Orders or General Orders shall be returned to the standing committee last acting on the bill.

**9.5 RECESS BILL INTRODUCTIONS.** During the period between the last day of the session in any odd-numbered year and the first day of the session in the following year, any bill filed with the Speaker for introduction shall be given a file number and may be unofficially referred to an appropriate standing committee of the House of Representatives.

**9.6 AUTHORIZED MANUAL OF PARLIAMENTARY PROCEDURE.** The rules of parliamentary procedure contained in Mason's Manual of Legislative Procedure shall govern the House in all applicable cases in which they are not inconsistent with these Rules or the Joint Rules of the Senate and House of Representatives.

Eken moved that the report of the Committee on Rules and Legislative Administration on the proposed permanent rules of the House be printed in the Journal for today and be laid over until Monday, March 2, 1981. The motion prevailed.

## CALENDAR

H. F. No. 14, A bill for an act relating to agriculture; requiring notice of real estate improvement liens to be given to certain farmers; amending Minnesota Statutes 1980, Section 514.011, Subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Kalis	Nysether	Shea
Ainley	Erickson	Kelly	O'Connor	Sherman
Anderson, B.	Evans	Knickerbocker	Ogren	Sherwood
Anderson, G.	Ewald	Kostohryz	Olsen	Sieben, M.
Anderson, I.	Forsythe	Kvam	Onnen	Simoneau
Anderson, R.	Friedrich	Laidig	Osthoff	Skoglund
Battaglia	Greenfield	Lehto	Otis	Stadum
Begich	Gruenes	Lemen	Peterson, B.	Staten
Berkelman	Gustafson	Levi	Peterson, D.	Stowell
Blatz	Halberg	Long	Piepho	Stumpf
Brandl	Hanson	Ludeman	Pogemiller	Sviggum
Brinkman	Harens	Luknic	Redalen	Swanson
Byrne	Haukoos	Marsh	Reding	Tomlinson
Carlson, D.	Heap	McCarron	Rees	Valan
Carlson, L.	Heinitz	McDonald	Reif	Valento
Clark, J.	Himle	McEachern	Rice	Vanasek
Clark, K.	Hoberg	Mehrkens	Rodriguez, C.	Vellenga
Clawson	Hokanson	Metzen	Rodriguez, F.	Weaver
Dahlvang	Hokr	Minne	Rose	Welch
Dean	Jacobs	Murphy	Rothenberg	Welker
Dempsey	Jennings	Nelsen, B.	Samuelson	Wenzel
Den Ouden	Johnson, C.	Nelson, K.	Sarna	Wieser
Drew	Johnson, D.	Niehaus	Schoenfeld	Wynia
Eken	Jude	Norton	Schreiber	Zubay
Elioff	Kaley	Novak	Searles	Spkr. Sieben, H.

Those who voted in the negative were:

Hauge

The bill was passed and its title agreed to.

H. F. No. 29, A bill for an act relating to hospitals; requiring adoption of federal medicare standards for hospital licensing; regulating hospital inspections; providing for licensing of hospitals accredited by the joint commission on hospital accreditation; amending Minnesota Statutes 1980, Sections 144.50, Subdivision 1; and 144.55.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, B.	Anderson, I.	Battaglia	Berkelman
Ainley	Anderson, G.	Anderson, R.	Begich	Blatz

Brandl	Gustafson	Laidig	Otis	Skoglund
Brinkman	Halberg	Lehto	Peterson, B.	Stadum
Byrne	Hanson	Lemen	Peterson, D.	Staten
Carlson, D.	Harens	Levi	Piepho	Stowell
Carlson, L.	Hauge	Long	Pogemiller	Stumpf
Clark, J.	Haukoos	Ludeman	Redalen	Sviggum
Clawson	Heap	Luknic	Reding	Swanson
Dahlvang	Heinitz	Marsh	Rees	Tomlinson
Dean	Himle	McCarron	Reif	Valan
Dempsey	Hoberg	McDonald	Rice	Valento
Den Ouden	Hokanson	Mehrkens	Rodriguez, C.	Vanasek
Drew	Hokr	Minne	Rodriguez, F.	Vellenga
Eken	Jacobs	Murphy	Rose	Voss
Elioff	Jennings	Nelsen, B.	Rothenberg	Weaver
Ellingson	Johnson, C.	Nelson, K.	Samuelson	Weich
Erickson	Johnson, D.	Niehaus	Sarna	Welker
Esau	Jude	Norton	Schoenfeld	Wenzel
Evans	Kahn	Novak	Schreiber	Wieser
Ewald	Kaley	Nysether	Searles	Wigley
Fjoslien	Kalis	O'Connor	Shea	Wynia
Forsythe	Kelly	Ogren	Sherman	Zubay
Friedrich	Knickerbocker	Olsen	Sherwood	Spkr. Sieben, H.
Greenfield	Kostohryz	Onnen	Sieben, M.	
Gruenes	Kvam	Osthoff	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 71, A bill for an act relating to elections; revising, reorganizing and recodifying major portions of the Minnesota election law; modernizing and improving language, organization and style; clarifying certain ambiguities; removing certain obsolete terms and provisions; restating guidelines for determining voter eligibility; providing for voter registration, absentee voting, the conduct of elections and the counting and canvassing of election returns; defining terms; providing penalties; making necessary technical amendments, corrections and other revisions; amending Minnesota Statutes 1980, Sections 10A.01, Subdivision 12; 40.05, Subdivision 3; 123.32, Subdivision 7; 200.01; 200.02; 201.01; 201.021; 201.061; 201.071; 201.081; 201.091; 201.11; 201.12; 201.121; 201.13; 201.14; 201.15; 201.161; 201.171; 201.18; 201.211; 201.221; 201.27; 201.275; 202A.11; 202A.-16, Subdivision 1; 205.01; 205.03; 205.11, Subdivision 4a; 205.13, Subdivision 1; 205.14, Subdivision 4; 205.15; 205.17, Subdivision 2; 205.20, Subdivisions 2 and 5; 206.026, Subdivision 5; 206.07, Subdivision 1; 206.185, Subdivisions 1 and 5; 206.20, Subdivision 2; 206.21, Subdivisions 1 and 2; 208.04, Subdivisions 1 and 2; 210A.07; 210A.26, Subdivision 4; 210A.28; 210A.34, Subdivision 4; 290.06, Subdivision 11; 290.21, Subdivision 3; 365.51; 365.52; 375.20; 382.28; and 487.03, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapters 200, 201, 205, and 210A; proposing new law coded as Minnesota Statutes, Chapters 203B, 204B, 204C, and 204D; repealing Minnesota Statutes 1980, Sections 201.231; 201.26; 201.33; 202A.21 to 202A.-721; and 210.22; and Chapters 203A, 204A, and 207.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	Nysether	Sherman
Ainley	Evans	Kelly	O'Connor	Sherwood
Anderson, G.	Ewald	Knickerbocker	Ogren	Sieben, M.
Anderson, I.	Fjoslien	Kostohryz	Olsen	Simoneau
Anderson, R.	Forsythe	Kvam	Onnen	Skoglund
Battaglia	Friedrich	Laidig	Osthoff	Stadum
Begich	Greenfield	Lehto	Otis	Staten
Berkelman	Gruenes	Lemen	Peterson, B.	Stowell
Blatz	Gustafson	Levi	Peterson, D.	Stumpf
Brandl	Halberg	Long	Piepho	Sviggum
Brinkman	Hanson	Ludeman	Pogemiller	Swanson
Byrne	Hauge	Luknic	Redalen	Tomlinson
Carlson, D.	Haukoos	Marsh	Reding	Valan
Carlson, L.	Heap	McCarron	Rees	Valento
Clark, J.	Heinitz	McDonald	Reif	Vanasek
Clark, K.	Himle	McEachern	Rice	Vellenga
Clawson	Hoberg	Mehrkens	Rodriguez, C.	Voss
Dahlvang	Hokanson	Metzen	Rodriguez, F.	Weaver
Dean	Hokr	Minne	Rose	Welker
Dempsey	Jacobs	Munger	Rothenberg	Wenzel
Den Ouden	Jennings	Murphy	Samuelson	Wieser
Drew	Johnson, C.	Nelsen, B.	Sarna	Wigley
Eken	Johnson, D.	Nelson, K.	Schoenfeld	Wynia
Elioff	Jude	Niehaus	Schreiber	Zubay
Ellingson	Kahn	Norton	Searles	Spkr. Sieben, H.
Erickson	Kaley	Novak	Shea	

The bill was passed and its title agreed to.

H. F. No. 149, A bill for an act relating to crimes; prescribing penalties for obstructing a peace officer from performing official duties; amending Minnesota Statutes 1980, Section 609.50.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Aasness	Clark, J.	Forsythe	Jacobs	Levi
Ainley	Clark, K.	Friedrich	Jennings	Long
Anderson, B.	Clawson	Gruenes	Johnson, C.	Ludeman
Anderson, G.	Dahlvang	Gustafson	Johnson, D.	Luknic
Anderson, I.	Dean	Halberg	Jude	Marsh
Anderson, R.	Dempsey	Hanson	Kahn	McCarron
Battaglia	Den Ouden	Harens	Kaley	McDonald
Begich	Drew	Hauge	Kalis	McEachern
Berkelman	Elioff	Haukoos	Kelly	Mehrkens
Blatz	Ellingson	Heap	Knickerbocker	Metzen
Brandl	Erickson	Heinitz	Kostohryz	Minne
Brinkman	Esau	Himle	Kvam	Munger
Byrne	Evans	Hoberg	Laidig	Murphy
Carlson, D.	Ewald	Hokanson	Lehto	Nelson, B.
Carlson, L.	Fjoslien	Hokr	Lemen	Nelson, K.

Niehaus	Peterson, D.	Samuelson	Stadum	Weaver
Norton	Piepho	Sarna	Stowell	Welch
Novak	Pogemiller	Schoenfeld	Stumpf	Welker
Nysether	Redalen	Schreiber	Sviggum	Wenzel
O'Connor	Reding	Searles	Swanson	Wieser
Ogren	Rees	Shea	Tomlinson	Wigley
Olsen	Reif	Sherman	Valan	Wynia
Onnen	Rodriguez, C.	Sherwood	Valento	Zubay
Osthoff	Rodriguez, F.	Sieben, M.	Vanasek	Spkr. Sieben, H.
Otis	Rose	Simoneau	Vellenga	
Peterson, B.	Rothenberg	Skoglund	Voss	

Those who voted in the negative were:

Greenfield      Rice              Staten

The bill was passed and its title agreed to.

H. F. No. 168, A bill for an act relating to motor vehicle carriers; providing procedures for granting permits to courier service carriers in certain cases; amending Minnesota Statutes 1980, Section 221.121, Subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kaley	Nysether	Sherman
Ainley	Evans	Kalis	O'Connor	Sherwood
Anderson, B.	Ewald	Kelly	Ogren	Sieben, M.
Anderson, G.	Fjoslien	Knickerbocker	Olsen	Simoneau
Anderson, I.	Forsythe	Kostohryz	Onnen	Skoglund
Anderson, R.	Friedrich	Kvam	Osthoff	Stadum
Battaglia	Greenfield	Laidig	Otis	Staten
Begich	Gruenes	Lehto	Peterson, B.	Stowell
Berkelman	Gustafson	Lemen	Peterson, D.	Stumpf
Blatz	Halberg	Levi	Piepho	Sviggum
Brandl	Hanson	Ludeman	Pogemiller	Swanson
Brinkman	Harens	Luknic	Redalen	Tomlinson
Carlson, D.	Hauge	Marsh	Reding	Valan
Carlson, L.	Haukoos	McCarron	Rees	Valento
Clark, J.	Heap	McDonald	Reif	Vanasek
Clark, K.	Heinitz	McEachern	Rice	Vellenga
Clawson	Himle	Mehrkens	Rodriguez, C.	Voss
Dahlvang	Hoberg	Metzen	Rodriguez, F.	Weaver
Dean	Hokanson	Minne	Rose	Welch
Dempsey	Hokr	Munger	Rothenberg	Welker
Den Ouden	Jacobs	Murphy	Samuelson	Wenzel
Drew	Jennings	Nelsen, B.	Sarna	Wieser
Eken	Johnson, C.	Nelson, K.	Schoenfeld	Wigley
Elioff	Johnson, D.	Niehaus	Schreiber	Wynia
Ellingson	Jude	Norton	Searles	Zubay
Erickson	Kahn	Novak	Shea	Spkr. Sieben, H.

The bill was passed and its title agreed to.



## GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

## REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. No. 87 which it recommended to pass.

On the motion of Eken the report of the Committee of the Whole was adopted.

## MOTIONS AND RESOLUTIONS

O'Connor moved that the names of Stadum; Carlson, L.; Begich and Simoneau be added as authors on H. F. No. 502. The motion prevailed.

Rodriguez, F., moved that the name of Sarna be stricken and the name of Dean be added as an author on H. F. No. 192. The motion prevailed.

Olsen moved that the name of Levi be added as an author on H. F. No. 528. The motion prevailed.

Harens moved that the names of Stadum; Carlson, L.; Begich and Simoneau be added as authors on H. F. No. 503. The motion prevailed.

Greenfield moved that the name of Munger be added as an author on H. F. No. 98. The motion prevailed.

Battaglia moved that the name of Den Ouden be added as an author on H. F. No. 571. The motion prevailed.

Kalis moved that the name of Lehto be added as an author on H. F. No. 255. The motion prevailed.

## ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, March 2, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, March 2, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## NINETEENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 2, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Reverend Don E. Whipple, Delano Evangelical Free Church, Delano, Minnesota.

The roll was called and the following members were present:

Aasness	Esau	Kalis	Nysether	Sherman
Ainley	Evans	Kelly	O'Connor	Sherwood
Anderson, B.	Ewald	Knickerbocker	Ogren	Sieben, M.
Anderson, G.	Fjoslien	Kostohryz	Olsen	Simoneau
Anderson, I.	Forsythe	Kvam	Onnen	Skoglund
Anderson, R.	Friedrich	Laidig	Osthoff	Stadum
Battaglia	Greenfield	Lehto	Otis	Staten
Begich	Gruenes	Lemen	Peterson, B.	Stowell
Blatz	Gustafson	Levi	Peterson, D.	Stumpf
Brandl	Halberg	Ludeman	Piepho	Sviggum
Brinkman	Harens	Luknic	Pogemiller	Swanson
Byrne	Haukoos	Mann	Redalen	Tomlinson
Carlson, D.	Heap	Marsh	Reding	Valan
Carlson, L.	Heinitz	McCarron	Rees	Valento
Clark, J.	Himle	McDonald	Reif	Vanasek
Clark, K.	Hoberg	Mehrkens	Rice	Vellenga
Clawson	Hokanson	Metzen	Rodriguez, C.	Voss
Dahlvang	Hokr	Minne	Rodriguez, F.	Weaver
Dean	Jacobs	Munger	Rose	Welch
Dempsey	Jennings	Murphy	Rothenberg	Welker
Den Ouden	Johnson, C.	Nelsen, B.	Samuelson	Wenzel
Drew	Johnson, D.	Nelson, K.	Sarna	Wieser
Eken	Jude	Niehaus	Schafer	Wynia
Elioff	Kahn	Norton	Schoenfeld	Zubay
Ellingson	Kaley	Novak	Searles	Spkr. Sieben, H.

A quorum was present.

Berkelman, Erickson, Hanson, Hauge, Long, McEachern, Schreiber and Wigley were excused.

Shea was excused until 3:00 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Stowell moved that further reading of the Journal be

dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

#### REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 44, 30, 331, 470, 13, 98, 167, 201, 223, 260, 276, 312, 337, 357 and 79 and S. F. Nos. 121, 143, 144 and 145 have been placed in the members' files.

S. F. No. 144 and H. F. No. 223, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Vellenga moved that S. F. No. 144 be substituted for H. F. No. 223 and that the House File be indefinitely postponed. The motion prevailed.

#### PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

February 27, 1981

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

Dear Speaker Sieben:

I have the honor to inform you that I received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 23, relating to the city of Madison Lake; authorizing the issuance of general obligation bonds for a municipal center.

H. F. No. 230, relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money.

Sincerely,

ALBERT H. QUJE  
Governor

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

February 27, 1981

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

The Honorable Jack Davies  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1981</i>	<i>Date Filed 1981</i>
	23	2	February 27	February 27
	23	3	February 27	February 27
	230	4	February 27	February 27

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

#### REPORTS OF STANDING COMMITTEES

Jude from the Committee on Judiciary to which was referred:

H. F. No. 173, A bill for an act relating to human rights; providing that certain statutes be equally applicable to all persons regardless of sex, including statutes related to the health department, suits for seduction, garnishment actions, and probate proceedings; providing for a penalty; amending Minnesota Statutes 1980, Sections 144.06; 242.47; 246.53; 510.06; 525.05; 525.082; 540.07; 540.08; 540.09; 550.37, Subdivision 10; and 576.08.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 46.09, Subdivision 1, is amended to read:

Subdivision 1. No person who is a bank examiner or other officer or employee of the division of banking shall be interested, either directly or indirectly, as a stockholder, director, officer, trustee, assignee, employee, or otherwise, in any bank, savings bank, trust company, financial institution, or corporation holding the stock of any such corporation within this state, or which carries on a banking business within this state, either directly or indirectly, or through an affiliated group or chain bank operating within this state. If the (WIFE) *spouse*, or any other member of the household of a bank examiner, or other officer or employee, shall be so interested, it shall be conclusively presumed that the bank examiner, or other officer or employee, is indirectly interested in the corporation within the meaning of this section; but the meaning of the words "directly or indirectly" is not otherwise qualified. The provisions of this section shall not apply to the commissioner of banks.

Sec. 2. Minnesota Statutes 1980, Section 144.06, is amended to read:

**144.06 [STATE COMMISSIONER OF HEALTH TO PROVIDE INSTRUCTION.]**

The state commissioner of health, hereinafter referred to as the commissioner, is hereby authorized to provide instruction and advice to expectant mothers *and fathers* during pregnancy (AND CONFINEMENT) and to mothers, *fathers*, and their infants after childbirth; and to employ such persons as may be necessary to carry out the requirements of sections 144.06 and 144.07. Such instruction, advice, and care shall be given only to applicants residing within the state. No (WOMAN) *person* receiving aid under sections 144.06, 144.07, and 144.09 shall for this reason be affected thereby in any civil or political rights, nor shall (HER) *the person's* identity be disclosed except upon written order of the commissioner.

Sec. 3. Minnesota Statutes 1980, Section 181.07, is amended to read:

**181.07 [ASSIGNMENT OF UNEARNED WAGES AS SECURITY.]**

No assignment of or order for wages to be earned in the future to secure a loan of less than \$200 shall be valid against an employer of the person making the assignment or order until the assignment or order is accepted in writing by the employer and the assignment or order and the acceptance of the same have been filed and recorded with the clerk of the city or town where the party making the assignment or order resides, if a resident of this state, or in which (HE) *the person* is employed if not such resident. No such assignment of or order for wages to be earned in the future shall be valid when made by a married (MAN) *per-*

son unless the written consent of his (WIFE) or her spouse to the making of such assignment or order is attached thereto.

Sec. 4. Minnesota Statutes 1980, Section 242.47, is amended to read:

**242.47 [INTERFERENCE WITH INMATES.]**

Every person who shall abduct, conceal, entice, carry away, or improperly interfere with, any *juvenile* inmate of (THE) a Minnesota correctional facility (RED WING) shall be guilty of a misdemeanor.

Sec. 5. Minnesota Statutes 1980, Section 246.53, is amended to read:

**246.53 [CLAIM AGAINST ESTATE OF DECEASED PATIENT.]**

Upon the death of a patient, or a former patient, the total cost of care given (HIM) *such patient*, less the amount actually paid toward the cost of such care by the patient and (HIS) *the patient's* relatives, shall be filed by the commissioner as a claim against the estate of such patient with the court having jurisdiction to probate the estate and all proceeds collected by the state in such case shall be divided between the state and county in proportion to the cost of care each has borne. If the commissioner of public welfare shall determine that the property or estate of any such patient is not to more than care for and maintain the (WIFE) *spouse* and minor or dependent children of such deceased patient, he shall have the power to compromise the claim of the state in such manner as he, in his judgment and upon investigation, may deem just and proper. Any statute of limitations which limits the commissioner in recovering the cost of care obligation incurred by a patient or former patient shall not apply to any claim against an estate made hereunder to recover cost of care.

Sec. 6. Minnesota Statutes 1980, Section 256.85, is amended to read:

**256.85 [LIBERAL CONSTRUCTION.]**

Sections 256.72 to 256.87 shall be liberally construed with a view to accomplishing their purpose, which is (HEREBY) declared to be to enable the state and its several counties to cooperate with responsible (MOTHERS OR RELATIVES) *primary caretakers of children* in rearing future citizens, when such cooperation is necessary on account of relatively permanent conditions, in order to keep the family together in the same household, reasonably safeguard the health of the (MOTHER)

*children's primary caretaker* and secure to the children during their tender years (HER) personal care and training.

Sec. 7. Minnesota Statutes 1980, Section 290.28, Subdivision 3, is amended to read:

Subd. 3. [INCOME OF AN ESTATE OR TRUST IN CASE OF DIVORCE.] (1) There shall be included in the gross income of a (WIFE) *person* who is divorced or legally separated under a decree of divorce or of legal separation (or who is separated from *his or her* (HUSBAND) *spouse* under a written separation agreement) the amount of the income of any trust which such (WIFE) *person* is entitled to receive and which, except for this subdivision, would be includible in the gross income of *his or her* (HUSBAND) *spouse*, and such amount shall not, despite any other provision of this chapter, be includible in the gross income of such (HUSBAND) *spouse*. This paragraph shall not apply to that part of any such income of the trust which the terms of the decree, written separation agreement, or trust instrument fix, in terms of an amount of money or a portion of such income, as a sum which is payable for the support of minor children of such (HUSBAND) *spouse*. In case such income is less than the amount specified in the decree, agreement, or instrument, for the purpose of applying the preceding sentence, such income, to the extent of such sum payable for such support, shall be considered a payment for such support.

(2) For purposes of computing the taxable income of the estate or trust and the taxable income of a (WIFE) *person* to whom paragraph (1) applies, such (WIFE) *person* shall be considered as the beneficiary specified in sections 290.22 to 290.28. A periodic payment of maintenance, to any portion of which sections 290.22 to 290.28 applies, shall be included in the gross income of the beneficiary in the taxable year in which under sections 290.22 to 290.28 such portion is required to be included.

Sec. 8. Minnesota Statutes 1980, Section 490.102, Subdivision 6, is amended to read:

Subd. 6. The (WIDOW) *spouse* of every judge of the district or supreme court who dies, in active service, shall be paid one-half of the retirement compensation to which such judge would have been entitled on the date of (HIS) death, if (HE) *the judge* would have been otherwise eligible for retirement under the provisions of section 490.101 or under section 490.025, and had retired on that date, irrespective of whether (HE) *the judge* shall have attained the age of retirement at the date of (HIS) death or not and irrespective of whether (HE) *the judge* had served 15 years as such judge or as a judge of a court of record, and irrespective of whether (HE) *the judge* had previously been eligible to retire, but had not retired under the provisions of section 490.101, prior to (HIS) death, provided (SHE) *the spouse* had

been married to such judge for three years prior to (HIS) *the judge's* death. The (WIDOW) *spouse* of every judge of the district court or supreme court who dies after retiring shall be paid one-half of the retirement compensation which such judge was receiving at the date of (HIS) death.

Any judge who has heretofore retired and exercised the option previously set forth in section 490.102, shall, after July 1, 1961, be paid the full retirement compensation herein provided for, and (HIS WIDOW) *the judge's spouse* shall upon (HIS) *the judge's* death be entitled to compensation as herein set forth.

The term ("WIDOW") "*spouse*" as used in this subdivision means the surviving (WIFE) *spouse* of a district or supreme court judge, but only if *he or she* was married to (HIM) *the judge* for a period of not less than three years immediately prior to the date of (HIS) *the judge's* retirement or (OF HIS) death, whichever occurs first.

If such (WIDOW) *spouse*, either of a retired judge or a judge who dies in active service, who is otherwise qualified under this section, has not attained the age of 40 years at the time of such judge's death, such (WIDOW) *spouse* will not become eligible for retirement compensation payments hereunder until *his or her* 40th birthday but shall receive such payments thereafter.

A (WIDOW) *spouse* who is entitled to a retirement compensation under the provisions of this subdivision and subdivision 7 shall be paid such retirement compensation for the period of *his or her* life, unless *he or she* remarries, in which event such retirement compensation is to cease and terminate. Every judge of the district court and every judge of the supreme court shall contribute four percent of his *or her* state salary, which amount shall be deducted from his *or her* salary at least once each month and paid to the state treasurer to be deposited in a special survivor retirement account. This contribution shall be for the purpose of providing the survivor benefits established by this subdivision and subdivision 7 and such amount as may be necessary to carry out this purpose is hereby appropriated from such special retirement account. It is declared to be the policy of the legislature that the survivor benefits provided for herein shall be wholly paid from contributions by the judges to said special retirement account. To implement this policy the rate of contribution by the judges shall be reviewed periodically and contributions adjusted to make this account sufficient to cover all benefits.

Sec. 9. Minnesota Statutes 1980, Section 490.102, Subdivision 7, is amended to read:

Subd. 7. In addition to the provisions of Minnesota Statutes 1961, Section 490.102, Subdivisions 1 to 6, inclusive, and notwith-



standing the limitations thereof, the (WIDOW) *spouse* of every judge of the district or supreme court who died in active service prior to May 19, 1961, who had been married to such judge for five years prior to (HIS) *the judge's* death and who has now attained the age of 49 years, shall be paid during *his or her* life one-half of the retirement compensation to which such judge would have been entitled, if (HE) *the judge* had been retired as of date of death. For the purposes of this subdivision, the said judge shall be deemed to have been entitled to full retirement and to have retired as of the day of (HIS) death. If retirement of a district judge from active service was by executive order prior to enactment of Laws 1949, Chapter 640, *his or her* unremarried (WIDOW) *spouse* who would otherwise qualify under this section will receive one-half of the compensation such judge would have received if (HIS) *the judge's* retirement occurred in 1949 after enactment of that law and (HE) *the judge* was eligible for compensation thereunder.

Sec. 10. Minnesota Statutes 1980, Section 510.06, is amended to read:

510.06 [EXEMPTION NOT LOST BY DEATH OR DESERTION.]

If the owner (SHALL DIE) *dies* leaving a spouse or minor children constituting *his or her* family surviving, the homestead exemption shall not be affected by such death. If (A HUSBAND) *the owner* shall abscond, or otherwise desert *his or her* family, (HIS WIFE) *the spouse* and the minor children comprising (SUCH) *the family* may retain the homestead, with all the rights of owners therein. They shall not have power to sell or mortgage the same, except in cases expressly provided for by law.

Sec. 11. Minnesota Statutes 1980, Section 525.05, is amended to read:

525.05 [JUDGE OR REFEREE; GROUNDS FOR DISQUALIFICATION.]

The following shall be grounds for disqualification of any judge or referee from acting in any matter: (1) That (HE OR HIS WIFE) *the judge or his or her spouse* or any of (HIS OR HER) *either person's* kin nearer than first cousin (SHALL BE) *is* interested as representative, heir, devisee, legatee, ward, or creditor in the estate involved therein; (2) that it involves the validity or interpretation of a will drawn or witnessed by (HIM) *the judge*; (3) that (HE) *the judge* may be a necessary witness in such matter; (4) that it involves a property right in respect to which (HE) *the judge* has been engaged or is engaged as an attorney, or (5) that (HE) *the judge* was engaged in a joint enterprise for profit with the decedent at the time of death or that (HE) *the judge* is then engaged in a joint enterprise for

profit with any person interested in such matter as representative, heir, devisee, legatee, ward, or creditor. When grounds for disqualification exist, the judge may, and upon proper petition of any person interested in the estate must, request the probate judge of another county or a probate judge who has retired as provided in section 490.12, subdivision 2, to act in his *or her* stead in such matter.

Sec. 12. Minnesota Statutes 1980, Section 525.082, is amended to read:

**525.082 [JUDICIAL OFFICERS, INCREASE IN COMPENSATION.]**

Notwithstanding any law to the contrary, or any provision of Laws 1971, Chapter 951, the salaries of all judges of probate as provided under section 525.081, Subdivisions 1 and 2, who do not become county court judges, but who are eligible to serve out the balance of their term as judicial officers of the county district court as provided in Laws 1971, Chapter 951, shall be increased by 10 percent of the amount provided for and received by said judge under the provisions of section 525.081, subdivisions 1 and 2, which salary shall be the salary for the balance of the term for which they are elected, and which salary shall determine any retirement and (WIDOW'S) *spouse's* survivorship to which the judge and his (WIFE) *or her spouse* may be entitled to under the laws pertaining thereto.

Sec. 13. Minnesota Statutes 1980, Section 540.07, is amended to read:

**540.07 [PARENT OR GUARDIAN MAY SUE FOR SEDUCTION.]**

A (FATHER, OR, IN CASE OF HIS DEATH OR DESERTION OF HIS FAMILY, THE MOTHER,) *parent* may maintain an action for the seduction of the *son or* daughter, and the guardian *may maintain an action* for the seduction of the ward, though such *son or* daughter or ward is not living with, or in the service of, the plaintiff at the time of the seduction or afterwards, and there is no loss of service.

Sec. 14. Minnesota Statutes 1980, Section 540.08, is amended to read:

**540.08 [INJURY TO CHILD OR WARD; SUIT BY PARENT OR GUARDIAN.]**

A (FATHER) *parent* may maintain an action for the injury of his *or her* minor child. (WHEN SUCH FATHER HAS DESERTED HIS FAMILY OR IS DEAD THE MOTHER OF SUCH MINOR CHILD MAY MAINTAIN THE ACTION.

WHEN CUSTODY OF THE INJURED CHILD HAS BEEN GRANTED TO EITHER PARENT BY A COURT HAVING JURISDICTION, THAT PARENT MAY MAINTAIN THE ACTION.) A general guardian may maintain an action for the injury of his *or her* ward. A guardian of a dependent, neglected, or delinquent child, appointed by a court having jurisdiction, may maintain an action for the injury of such child. If no such action is brought by the father or mother, an action for the injury may be brought by a guardian ad litem, either before or after the death of such parent. Before any such parent receives any property as a result of any such action, he *or she* shall file such bond as the court prescribes and approves as security therefor. In lieu of this bond, upon petition of the parent, the court may order that the property so received shall be invested in securities issued by the United States, which shall be deposited pursuant to the order of the court, or such property shall be invested in a savings account, savings certificate, or certificate of deposit, in a bank, savings and loan association, or trust company, subject to the order of the court. A copy of the court's order and the evidence of such deposit shall be filed with the clerk of such court. No settlement or compromise of any such action is valid unless it is approved by a judge of the court in which the action is pending.

Sec. 15. Minnesota Statutes 1980, Section 540.09, is amended to read:

**540.09 [DESERTED (WIFE) SPOUSE MAY SUE AND DEFEND IN (HUSBAND'S) ABSENT SPOUSE'S NAME.]**

When a husband *or wife* has deserted his *or her* family, the (WIFE) *deserted spouse* may prosecute or defend, in (HIS NAME) *the name of the absent spouse*, any action which (HE) *the absent spouse* might have prosecuted or defended, and shall have the same powers and rights therein as (HE) *the absent spouse* might have had.

Sec. 16. Minnesota Statutes 1980, Section 558.28, is amended to read:

**558.28 [(WIFE MAY) RELEASE OF CONTINGENT INTEREST.]**

A married (WOMAN) *person* may release to his *or her* (HUSBAND HER) *spouse* a contingent interest in (HIS) real estate by a writing executed and acknowledged in the same manner as a conveyance, and, upon the filing of such instrument with the clerk, the whole proceeds arising from such sale shall be paid to the (HUSBAND) *spouse to whom the interest was released*. Such release shall bar (HER) *the releaser's* contingent interest in such real estate.

Sec. 17. Minnesota Statutes 1980, Section 576.08, is amended to read:

**576.08 [HEARING BY COURT; DISMISSAL OF PROCEEDING; APPOINTMENT AND BOND OF RECEIVER.]**

The absentee, or any person who claims an interest in any of the property, may appear and show cause why the prayer of the petition should not be granted. The court may, after hearing, dismiss the petition and order the property in possession of the officer to be returned to the person entitled thereto, or it may appoint a receiver of the property which is in the possession of the officer and named in his schedule. If a receiver is appointed, the court shall find and record the date of the disappearance or absconding of the absentee; and such receiver shall give a bond to the state in such sum and with such condition as the court orders, to be approved by the court. In the appointment of the receiver the court shall give preference to the (WIFE) *spouse* of the absentee, if (SHE) *the spouse* is competent and suitable.

Sec. 18. Minnesota Statutes 1980, Section 609.375, is amended to read:

**609.375 [NON-SUPPORT OF (WIFE) SPOUSE OR CHILD.]**

Subdivision 1. Whoever is legally obligated to provide care and support to his (WIFE) *or her spouse* who is in necessitous circumstances, or (HIS) child, whether or not its custody has been granted to another, and knowingly omits and fails without lawful excuse to do so is guilty of non-support of said (WIFE) *spouse* or child, as the case may be, and upon conviction thereof may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$300.

Subd. 2. If the knowing omission and failure without lawful excuse to provide care and support to a *spouse*, a minor child, or a pregnant wife continues for a period in excess of 90 days such person is guilty of a felony and may be sentenced to imprisonment for not more than five years.

Subd. 3. Upon conviction, the court may provide by order for the care and support of such child or (WIFE) *spouse* for a period not to exceed five years, require bond or other security to the state to secure performance thereof, and suspend sentence or execution thereof, conditioned upon compliance with such order.

Subd. 4. If, upon order to show cause duly made, the court finds that an order made pursuant to subdivision 3 has been violated, the suspension may be revoked and sentence imposed or executed, and the obligors of such bond or security shall

become liable pursuant to the terms thereof, and, with leave of the court, the (WIFE) *spouse*, or child, or any public agency which furnished care or support to such (WIFE) *spouse* or child while such order for care and support was in force, may recover thereon.

Sec. 19. Minnesota Statutes 1980, Section 629.55, is amended to read:

**629.55 [REFUSAL TO RECOGNIZE.]**

Every witness required to recognize, with or without sureties, who shall refuse so to do, shall be committed by the magistrate until he *or she* shall comply with such order, or be otherwise discharged according to law. Every person held as a witness shall receive such compensation during confinement as the court before whom the case is pending shall direct, not exceeding regular witness fees. When a (MARRIED WOMAN OR A) minor shall be a material witness, any other person may recognize for the appearance of such witness, or the magistrate may take recognizance of such witness in a sum of not more than \$50, which shall be valid and binding in law notwithstanding such disability.

Sec. 20. Minnesota Statutes 1980, Section 631.09, is amended to read:

**631.09 [JURY; HOW AND WHERE KEPT WHILE DELIBERATING; SEPARATE ACCOMMODATIONS FOR (WOMEN) JURORS.]**

After hearing the charge the jury may either decide in court, or retire for deliberation, if it shall not agree without retiring, one or more officers shall be sworn to take charge of it, and it shall be kept together in some private and convenient place, without food or drink except water, unless otherwise ordered by the court, and no person shall be permitted to speak to or communicate with it or any one of its number unless by order of court, nor listen to the deliberations; and it shall be returned into court when agreed, or when so ordered by the court. In case of mixed juries counties shall provide adequate, separate quarters for *men and for women* jurors with proper accommodations and, in the event the county shall so fail to provide such proper accommodations, the court shall order such (WOMEN) jurors kept in a suitable hotel for the night.

This section shall apply only in cases where the jury has failed to agree.

Sec. 21. Minnesota Statutes 1980, Section 519.05, is amended to read:

## 519.05 [LIABILITY OF HUSBAND AND WIFE.]

(NO MARRIED WOMAN SHALL BE) *A spouse is not liable for (ANY) debts of (HER HUSBAND, NOR SHALL ANY MARRIED MAN BE LIABLE FOR ANY TORTS, DEBTS, OR CONTRACTS OF HIS WIFE, COMMITTED OR ENTERED INTO EITHER BEFORE OR DURING COVERTURE) the other spouse, except for necessities furnished to the (WIFE) other after marriage, where (HE) the spouse would be liable at common law. Where husband and wife are living together, they shall be jointly and severally liable for all necessary household articles and supplies furnished to and used by the family.*"

Delete the title and insert:

"A bill for an act relating to human rights; providing that certain statutes be equally applicable to all persons regardless of sex, including statutes related to the health department, suits for seduction, garnishment actions, judicial pensions, and probate proceedings; providing for a penalty; amending Minnesota Statutes 1980, Sections 46.09, Subdivision 1; 144.06; 181.07; 242.47; 246.53; 256.85; 290.28, Subdivision 3; 490.102, Subdivisions 6 and 7; 510.06; 519.05; 525.05; 525.082; 540.07; 540.08; 540.09; 558.28; 576.08; 609.375; 629.55; and 631.09."

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 415, A bill for an act relating to financial institutions; authorizing federal funds transactions for credit unions; removing the limitation on insurance commission income and prohibiting participation of officials in such income; permitting the sale of real estate loans; amending Minnesota Statutes 1980, Section 52.04, Subdivision 1.

Reported the same back with the following amendments:

Page 3, line 33, after "or" insert "be"

Page 4, line 33, delete "Identifies" and insert "Identify"

Page 4, line 34, delete "Provides" and insert "Provide"

Page 5, line 1, delete "Defines" and insert "Define"

Page 5, line 4, delete "Provides" and insert "Provide"

Page 5, line 7, delete "*Provides*" and insert "*Provide*"

Page 5, line 9, delete "*Provides*" and insert "*Provide*"

Page 5, line 10, delete "*States*" and insert "*State*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 483, A bill for an act relating to Ramsey county, providing for the administration of the soldiers' rest; amending Laws 1974, Chapter 435, Section 1.0212.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

S. F. No. 13, A bill for an act relating to crimes; eliminating the power of a sentencing court to stay the revocation of the driver's license of a person convicted of driving, operating or being in physical control of a motor vehicle while under the influence of alcohol or controlled substances or a combination thereof; amending Minnesota Statutes 1980, Sections 169.121, Subdivision 5; and 609.135, Subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 173, 415 and 483 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 144 and 13 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Simoneau introduced:

H. F. No. 614, A bill for an act relating to economic development; establishing a uniform business licensing policy; defining its scope; and detailing its application and effect; proposing new law coded in Minnesota Statutes, Chapter 362.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Laidig introduced:

H. F. No. 615, A bill for an act relating to corrections; providing for the transfer of convicted offenders under certain circumstances; proposing new law coded in Minnesota Statutes, Chapter 243.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Sarna; Anderson, I.; Rodriguez, C.; Forsythe and Murphy introduced:

H. F. No. 616, A bill for an act relating to commerce; requiring that consumer contracts be written in clear and coherent language; providing remedies; proposing new law coded in Minnesota Statutes, Chapter 325G.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Anderson, R.; Anderson, I.; Kostohryz; Evans and Anderson, G., introduced:

H. F. No. 617, A resolution memorializing the President, Congress, and the United States Postal Service of Minnesota's opposition to the nine digit zip code.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Norton; Sieben, H.; Jude; Dempsey and Greenfield introduced:

H. F. No. 618, A bill for an act relating to corporations; providing for the issuance of stock in a professional corporation to a professional corporation performing the same kind of service; providing for the transfer of stock to a professional corporation; amending Minnesota Statutes 1980, Section 319A.11.

The bill was read for the first time and referred to the Committee on Judiciary.



Sviggum, Halberg and Rees introduced:

H. F. No. 619, A bill for an act relating to intoxicating liquor; correcting the wording of the ballot question for a municipal liquor store referendum; amending Minnesota Statutes 1980, Section 340.353, Subdivision 2.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Otis, Begich, Lehto, Nysether and Sherwood introduced:

H. F. No. 620, A bill for an act relating to the environment; providing for county referenda on nuclear waste sites; proposing new law coded in Minnesota Statutes, Chapter 115A.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Peterson, B.; Dempsey; Vellenga; Brinkman and Jude introduced:

H. F. No. 621, A bill for an act relating to landlords and tenants; permitting certain actions in unlawful detainer to be done by nonattorneys; amending Minnesota Statutes 1980, Section 481.02, Subdivision 3.

The bill was read for the first time and referred to the Committee on Judiciary.

McCarron; Carlson, D.; Brinkman; Drew and Sieben, H., introduced:

H. F. No. 622, A bill for an act relating to insurance; requiring health maintenance organizations to provide chiropractic care equivalent to that provided by health insurance; amending Minnesota Statutes 1980, Sections 62A.15; and 62D.02, Subdivision 7.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Stowell, Vanasek, Friedrich, Schreiber and Byrne introduced:

H. F. No. 623, A bill for an act relating to commerce; providing for an alternative method of meeting the organizational membership requirement for the conducting of bingo occasions by organizations; amending Minnesota Statutes 1980, Section 349.14.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Laidig, Clawson, Greenfield and Byrne introduced:

H. F. No. 624, A bill for an act relating to corrections; clarifying the transfer of correctional inmates to medical facilities; providing for tuberculosis testing for correctional employees; clarifying unclaimed property of correctional inmates, and diversified labor accounts; changing terminology of correctional facilities; harmonizing furlough provisions; prescribing the time for counties to submit estimates for reimbursement for probation services; amending Minnesota Statutes 1980, Sections 241.07; 241.09; 241.14; 241.22; 242.20; 242.22; 242.43; 242.44; 242.45; 242.48; 243.05; 243.20; 243.211; 243.465; 243.57; 243.58; 243.64; 244.07, Subdivision 1; 260.311, Subdivision 5; repealing Minnesota Statutes 1980, Sections 241.01, Subdivision 8; 241.15; 242.23; 242.24; 242.375; 242.52; 242.53; 243.06; 243.22; 243.25; 243.26; and 243.78.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Brinkman, Dean, Jude and Ainley introduced:

H. F. No. 625, A bill for an act relating to crimes; changing certain penalties and enforcement procedures in the fair campaign practices act; amending Minnesota Statutes 1980, Sections 210A.37 and 210A.42.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Jude, Dempsey, Nysether and Sieben, M., introduced:

H. F. No. 626, A bill for an act relating to judicial procedures; changing certain provisions relating to guardianship and conservatorship; amending Minnesota Statutes 1980, Sections 525.539, Subdivision 3; 525.54; 525.541; 525.542; 525.543; 525.55; 525.551; 525.5515; 525.56, Subdivisions 3 and 4; 525.58; 525.591, Subdivisions 2 and 3; 525.618, Subdivision 1; 525.6185; 525.619; 525.6192; 525.6196; 525.6198; 525.62; 525.67; 525.69; and 525.703.

The bill was read for the first time and referred to the Committee on Judiciary.

Hanson, Gruenes, Staten, Schafer and Tomlinson introduced:

H. F. No. 627, A bill for an act relating to education; establishing an experimental mobile unit grant program; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

Anderson, I., introduced :

H. F. No. 628, A bill for an act relating to state lands; requiring conveyance of good title to state and tax forfeited lands; proposing new law coded in Minnesota Statutes, Chapters 92 and 282.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Nysether, Schoenfeld, Friedrich and Hauge introduced :

H. F. No. 629, A bill for an act relating to motor vehicles; permitting political subdivisions to use removable identification devices on certain tax exempt vehicles; amending Minnesota Statutes 1980, Section 168.012, Subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation.

Wynia, Ellingson, Brandl, Dempsey and Osthoff introduced :

H. F. No. 630, A bill for an act relating to open meetings; requiring availability of certain materials; prescribing penalties; amending Minnesota Statutes 1980, Section 471.705, Subdivision 2; and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Begich; Anderson, I.; Elioff; Lemen and Rose introduced :

H. F. No. 631, A bill for an act relating to taxation; real property; providing open space treatment for archery and firearms ranges; amending Minnesota Statutes 1980, Section 273.112, Subdivision 3.

The bill was read for the first time and referred to the Committee on Taxes.

Anderson, B.; Schreiber; Reding; Ludeman and Stumpf introduced :

H. F. No. 632, A bill for an act relating to financial institutions; removing certain restrictions on directors' qualifying shares; amending Minnesota Statutes 1980, Section 48.06.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Laidig, by request, introduced:

H. F. No. 633, A bill for an act relating to municipal industrial development; including the restaurant business in the industrial development law; amending Minnesota Statutes 1980, Section 474.02, Subdivision 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Marsh, Sarna, Heap, Ogren and Blatz introduced:

H. F. No. 634, A bill for an act relating to securities; providing for improved regulation of the sale of securities and the licensing of broker-dealers, agents, and investment advisers; making miscellaneous clarifications and revisions; amending Minnesota Statutes 1980, Sections 80A.04, Subdivision 4; 80A.05, Subdivision 1; 80A.07, Subdivision 1; 80A.12, Subdivision 3; 80A.14; 80A.15, Subdivisions 1 and 2; 80A.16; 80A.21, Subdivision 1; 80A.28, Subdivisions 1, 2, 3, 4 and 7, and by adding a subdivision; 80A.30, Subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Anderson, B.; Levi; Jude; Stowell and Anderson, G., introduced:

H. F. No. 635, A bill for an act relating to education; changing the secondary vocational education categorical aid program to a general aid program; appropriating the amount previously provided to the school districts pursuant to Minnesota Statutes 1980, Section 124.573 to the districts' general operating funds in the school years 1981-1982 and 1982-1983; proposing new law coded in Minnesota Statutes, Chapter 124; and repealing Minnesota Statutes 1980, Sections 124.573 and 124.574.

The bill was read for the first time and referred to the Committee on Education.

Anderson, I.; Battaglia; Begich and Rice introduced:

H. F. No. 636, A bill for an act relating to unemployment compensation; providing for work weeks to begin on Monday; requiring vacation pay not to be deducted from benefits; amending Minnesota Statutes 1980, Sections 268.04, Subdivision 27; 268.07, Subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Simoneau introduced :

H. F. No. 637, A bill for an act relating to local government; providing that charter commission documents be available to the public; amending Minnesota Statutes 1980, Sections 410.05, Subdivision 4; and 410.07.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Laidig, by request, introduced :

H. F. No. 638, A bill for an act relating to taxation; providing for the valuation and assessment of certain platted lands containing park or recreational land; amending Minnesota Statutes 1980, Sections 273.11, Subdivision 1; and 273.12.

The bill was read for the first time and referred to the Committee on Taxes.

Kalis, Schoenfeld and Nelsen, B., introduced :

H. F. No. 639, A bill for an act relating to public waters; changing the coverage of the inventory of public waters and wetlands; amending Minnesota Statutes 1980, Section 105.37, Subdivision 14.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Sarna; Anderson, I.; Osthoff; Battaglia and Anderson, R., introduced :

H. F. No. 640, A bill for an act relating to commerce; establishing a statewide consumer outreach service in the section of consumer services; appropriating money; amending Minnesota Statutes 1980, Section 45.16, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Murphy, Evans, Samuelson and Battaglia introduced :

H. F. No. 641, A bill for an act relating to state lands; granting authority for the extension of certain timber permits.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Weaver; Wieser; Johnson, D., and Hauge introduced:

H. F. No. 642, A bill for an act relating to natural resources; changing the definition of public waters; amending Minnesota Statutes 1980, Section 105.37, Subdivision 14.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Sviggum and Mehrkens introduced:

H. F. No. 643, A bill for an act relating to Goodhue county; permitting an additional tax for county fairs.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Minne and Elioff introduced:

H. F. No. 644, A bill for an act relating to education; authorizing Independent School District No. 701 to transfer a certain amount of money from the debt service fund to the capital expenditure fund to partially pay for replacement of a steam line; providing for no reduction of the maintenance levy pursuant to this transfer.

The bill was read for the first time and referred to the Committee on Education.

Hoberg, Ainley, Ludeman, Piepho and Elioff introduced:

H. F. No. 645, A bill for an act relating to education; providing an early retirement incentive program for certain higher education personnel; proposing new law coded in Minnesota Statutes, Chapter 136.

The bill was read for the first time and referred to the Committee on Education.

Metzen; Jude; Peterson, B.; Dempsey and O'Connor introduced:

H. F. No. 646, A bill for an act relating to courts; authorizing chief judges of judicial districts to serve more than two consecutive terms; amending Minnesota Statutes 1980, Section 484.69, Subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Lehto, Wynia, Zubay and Onnen introduced:

H. F. No. 647, A bill for an act relating to commerce; transferring the powers, duties, staff, and unexpended funds of the board of cosmetology examiners to the office of consumer services; establishing an advisory commission; authorizing licensing by occupation and operations; providing for enforcement; providing a complaint handling procedure; prescribing penalties; providing remedies; proposing new law coded as Minnesota Statutes, Chapter 155A; repealing Minnesota Statutes 1980, Sections 155.01 to 155.21.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Berkelman, Reif, Hokanson, Samuelson and Swanson introduced:

H. F. No. 648, A bill for an act relating to public welfare; establishing a formula for payments to vendors of dental services in the medical assistance program; prioritizing dental services to be offered if appropriations to the program are inadequate; proposing new law coded in Minnesota Statutes, Chapter 256B.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Anderson, I.; Begich and Battaglia introduced:

H. F. No. 649, A bill for an act relating to game and fish; allowing operation of snowmobiles and all-terrain vehicles in deer hunting areas during daylight hours; amending Minnesota Statutes 1980, Section 100.29, Subdivision 28.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Drew, Luknic and Reif introduced:

H. F. No. 650, A bill for an act relating to controlled substances; prescribing penalties for minors in possession of controlled substances on school premises; amending Minnesota Statutes 1980, Section 152.15, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Drew, Heap and Niehaus introduced:

H. F. No. 651, A bill for an act relating to education; encouraging school boards to establish school councils to perform certain duties; amending Minnesota Statutes 1980, Section 123.741.

The bill was read for the first time and referred to the Committee on Education.

Nelsen, B.; Kalis; Jennings; Anderson, B., and Schafer introduced:

H. F. No. 652, A bill for an act relating to education; requiring the state board of vocational education to take estimated tuition revenue into account in the allocation of supply or support services aids; amending Minnesota Statutes 1980, Sections 124.5622, Subdivision 4, and 124.5623, Subdivision 4.

The bill was read for the first time and referred to the Committee on Education.

Murphy, Byrne, Stumpf and Sherman introduced:

H. F. No. 653, A bill for an act relating to the operation of state government; providing for the expiration or periodic re-evaluation of various regulatory programs; requiring program and fiscal review of regulatory programs; providing for performance audits by the legislative auditor; establishing a pilot program; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 15.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Fjoslien and Reding introduced:

H. F. No. 654, A bill for an act relating to game and fish; dates for seasons on raccoon; amending Minnesota Statutes 1980, Section 100.27, Subdivision 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Anderson, I., introduced:

H. F. No. 655, A bill for an act relating to local government; setting conditions for group insurance contract bids; amending Minnesota Statutes 1980, Section 471.616, Subdivision 1.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.



Sieben, M., introduced:

H. F. No. 656, A bill for an act relating to drivers licenses; requiring the suspension of licenses of certain uninsured persons; providing a penalty; proposing new law coded in Minnesota Statutes, Chapter 171.

The bill was read for the first time and referred to the Committee on Transportation.

Sieben, M., introduced:

H. F. No. 657, A bill for an act relating to local government; requiring elections to approve annexations of territory of certain towns; proposing new law coded in Minnesota Statutes, Chapter 414.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Brinkman, Voss, Metzen, Valan and Stadum introduced:

H. F. No. 658, A bill for an act relating to financial institutions; permitting banks to make adjustable-rate mortgage loans; proposing new law coded in Minnesota Statutes, Chapter 48.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Norton; Drew; Bryne; Rodriguez, F., and Hanson introduced:

H. F. No. 659, A bill for an act relating to retirement; St. Paul teachers retirement fund association; removing an expiration date on authority to provide post retirement increases in certain instances; authorizing reduced early retirement in certain instances; amending Laws 1979, Chapter 109, Section 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Carlson, D., introduced:

H. F. No. 660, A bill for an act relating to outdoor recreation; exempting certain trails from the requirement of a master plan; amending Minnesota Statutes 1980, Section 86A.09, Subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

## HOUSE ADVISORIES

The following House Advisories were introduced:

Lemen, Evans, Marsh, Gruenes and Sherwood introduced:

H. A. No. 8, A proposal to tax interest income at a special rate.

The advisory was referred to the Committee on Taxes.

Friedrich, Jacobs, Nysether, Novak and Ainley introduced:

H. A. No. 9, A proposal to study the regulatory procedures utilized in setting utility rates.

The advisory was referred to the Committee on Regulated Industries.

Sarna, Metzen and Anderson, I., introduced:

H. A. No. 10, A proposal to recodify liquor laws contained primarily in Minnesota Statutes, Chapter 340.

The advisory was referred to the Committee on Commerce and Economic Development.

Levi and Rees introduced:

H. A. No. 11, A proposal to study access to adoption records.

The advisory was referred to the Committee on Health and Welfare.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 14, 149, 159 and 175.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 18 and 171.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 339.

PATRICK E. FLAHAVER, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 14, A bill for an act relating to statutes; defining terms; amending Minnesota Statutes 1980, Section 645.44.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 18, A bill for an act relating to probate; eliminating requirement of notice to representatives of foreign countries in certain formal testacy proceedings; amending Minnesota Statutes 1980, Section 524.3-403.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 149, A bill for an act relating to delivery or filing of documents; providing for timely delivery or filing of certain documents with respect to weekends and holidays; amending Minnesota Statutes 1980, Section 645.15; proposing new law coded in Minnesota Statutes, Chapter 645.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 159, A bill for an act relating to transportation; providing for the allocation of federal aid secondary funds; and the full utilization of those funds; amending Minnesota Statutes 1980, Section 161.086.

The bill was read for the first time and referred to the Committee on Transportation.

S. F. No. 171, A bill for an act relating to probate; changing certain provisions relating to descent of a cemetery lot; amending Minnesota Statutes 1980, Section 525.14.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 175, A bill for an act relating to accountancy; removing an expiration provision related to the board of accountancy; repealing Laws 1979, Chapter 326, Section 15.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 339, A bill for an act relating to historic sites; designating an additional historic site; amending Minnesota Statutes 1980, Section 138.58, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

#### REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Eken moved that the report of the Committee on Rules and Legislative Administration and the proposed permanent Rules of the House which were printed in the Journal of the House for the Eighteenth day and laid over until today be continued until Thursday, March 5, 1981. The motion prevailed.

#### CONSENT CALENDAR

H. F. No. 30, A bill for an act relating to Independent School District No. 219, Elmore; requiring revision of its certified statutory operating debt.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Clark, J.	Fjoslien	Hokr	Lemen
Ainley	Clark, K.	Forsythe	Jacobs	Levi
Anderson, B.	Clawson	Friedrich	Jennings	Mann
Anderson, G.	Dahlvang	Greenfield	Johnson, C.	Marsh
Anderson, I.	Dean	Gruenes	Johnson, D.	McCarron
Anderson, R.	Dempsey	Gustafson	Jude	McDonald
Battaglia	Den Ouden	Halberg	Kaley	Mehrkens
Begich	Drew	Harens	Kalis	Metzen
Blatz	Eken	Haukoos	Kelly	Minne
Brandl	Elioff	Heap	Knickerbocker	Munger
Brinkman	Ellingson	Heinitz	Kostohryz	Murphy
Byrne	Esau	Himle	Kvam	Nelsen, B.
Carlson, D.	Evans	Hoberg	Laidig	Nelson, K.
Carlson, L.	Ewald	Hokanson	Lehto	Niehaus

Norton	Piepho	Samuelson	Stowell	Welch
Novak	Pogemiller	Sarna	Stumpf	Welker
Nysether	Redalen	Schafer	Sviggum	Wenzel
O'Connor	Reding	Schoenfeld	Swanson	Wieser
Ogren	Rees	Searles	Tomlinson	Wynia
Olsen	Reif	Sherman	Valan	Zubay
Onnen	Rice	Sherwood	Valento	Spkr. Sieben, H.
Osthoff	Rodriguez, C.	Sieben, M.	Vanasek	
Otis	Rodriguez, F.	Simoneau	Vellenga	
Peterson, B.	Rose	Skoglund	Voss	
Peterson, D.	Rothenberg	Stadum	Weaver	

The bill was passed and its title agreed to.

H. F. No. 201, A bill for an act relating to fire control services; providing for reimbursement by railroads and the department of public safety; setting the time limit for claims; amending Minnesota Statutes 1980, Sections 161.465; and 219.761, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	Nysether	Sherman
Ainley	Evans	Kelly	O'Connor	Sherwood
Anderson, B.	Ewald	Knickerbocker	Ogren	Sieben, M.
Anderson, G.	Fjoslien	Kostohryz	Olsen	Simoneau
Anderson, I.	Forsythe	Kvam	Onnen	Skoglund
Anderson, R.	Friedrich	Laidig	Osthoff	Stadum
Battaglia	Greenfield	Lehto	Otis	Staten
Begich	Gruenes	Lemen	Peterson, B.	Stowell
Blatz	Gustafson	Levi	Peterson, D.	Stumpf
Brandl	Halberg	Ludeman	Piepho	Sviggum
Brinkman	Harens	Luknic	Pogemiller	Swanson
Byrne	Haukoos	Mann	Redalen	Tomlinson
Carlson, D.	Heap	Marsh	Reding	Valan
Carlson, L.	Heinitz	McCarron	Rees	Valento
Clark, J.	Himle	McDonald	Reif	Vanasek
Clark, K.	Hoberg	Mehrkens	Rice	Vellenga
Clawson	Hokanson	Metzen	Rodriguez, C.	Voss
Dahlvang	Hokr	Minne	Rodriguez, F.	Weaver
Dean	Jacobs	Munger	Rose	Welch
Dempsey	Jennings	Murphy	Rothenberg	Welker
Den Ouden	Johnson, C.	Nelsen, B.	Samuelson	Wenzel
Drew	Johnson, D.	Nelson, K.	Sarna	Wieser
Eken	Jude	Niehaus	Schafer	Wynia
Elioff	Kahn	Norton	Schoenfeld	Zubay
Ellingson	Kaley	Novak	Searles	Spkr. Sieben, H.

The bill was passed and its title agreed to.

H. F. No. 331, A bill for an act relating to education; providing that the deadline for applications for aid for programs for limited English proficient students be set by the commissioner of education, rather than by statute and changing the time for

notice of aid to applicants; repealing an obsolete provision requiring the state board of education to promulgate rules for the time schedule for implementation of the uniform minimum school age entrance requirements and a requirement that it make a certain biennial report to the governor; amending Minnesota Statutes 1980, Section 126.263, Subdivisions 3 and 4; repealing Minnesota Statutes 1980, Sections 120.06, Subdivision 2; and 121.13.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kelly	O'Connor	Sherwood
Ainley	Ewald	Knickerbocker	Ogren	Sieben, M.
Anderson, B.	Fjoslien	Kostohryz	Olsen	Simoneau
Anderson, G.	Forsythe	Kvam	Onnen	Skoglund
Anderson, I.	Friedrich	Laidig	Osthoff	Stadum
Anderson, R.	Greenfield	Lehto	Otis	Staten
Battaglia	Gruenes	Lemen	Peterson, B.	Stowell
Begich	Gustafson	Levi	Peterson, D.	Stumpf
Blatz	Halberg	Ludeman	Piepho	Svigum
Brandl	Harens	Luknic	Pogemiller	Swanson
Brinkman	Haukoos	Mann	Redalen	Tomlinson
Byrne	Heap	Marsh	Reding	Valan
Carlson, D.	Heinitz	McCarron	Rees	Valento
Carlson, L.	Himle	McDonald	Reif	Vanasek
Clark, J.	Hoberg	Mehrkens	Rice	Vellenga
Clark, K.	Hokanson	Metzen	Rodriguez, C.	Voss
Clawson	Hokr	Minne	Rodriguez, F.	Weaver
Dahlvang	Jacobs	Munger	Rose	Welch
Dean	Jennings	Murphy	Rothenberg	Welker
Dempsey	Johnson, C.	Nelsen, B.	Samuelson	Wenzel
Drew	Johnson, D.	Nelson, K.	Sarna	Wieser
Eken	Jude	Niehaus	Schafer	Wynia
Elioff	Kahn	Norton	Schoenfeld	Zubay
Ellingson	Kaley	Novak	Searles	Spkr. Sieben, H.
Esau	Kalis	Nysether	Sherman	

The bill was passed and its title agreed to.

S. F. No. 102, A bill for an act relating to towns; providing for certain notice requirements; amending Minnesota Statutes 1980, Section 365.12.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	Nysether	Sherman
Ainley	Evans	Kelly	O'Connor	Sherwood
Anderson, B.	Ewald	Knickerbocker	Ogren	Sieben, M.
Anderson, G.	Fjoslien	Kostohryz	Olsen	Simoneau
Anderson, I.	Forsythe	Kvam	Onnen	Skoglund
Anderson, R.	Friedrich	Laidig	Osthoff	Stadum
Battaglia	Greenfield	Lehto	Otis	Staten
Begich	Gruenes	Lemen	Peterson, B.	Stowell
Blatz	Gustafson	Levi	Peterson, D.	Stumpf
Brandl	Halberg	Ludeman	Piepho	Svigum
Brinkman	Harens	Luknic	Pogemiller	Swanson
Byrne	Haukoos	Mann	Redalen	Tomlinson
Carlson, D.	Heap	Marsh	Reding	Valan
Carlson, L.	Heinitz	McCarron	Rees	Valento
Clark, J.	Himle	McDonald	Reif	Vanasek
Clark, K.	Hoberg	Mehrkens	Rice	Vellenga
Clawson	Hokanson	Metzen	Rodriguez, C.	Voss
Dahlvang	Hokr	Minne	Rodriguez, F.	Weaver
Dean	Jacobs	Munger	Rose	Welch
Dempsey	Jennings	Murphy	Rothenberg	Welker
Den Ouden	Johnson, C.	Nelsen, B.	Samuelson	Wenzel
Drew	Johnson, D.	Nelson, K.	Sarna	Wieser
Eken	Jude	Niehaus	Schafer	Wynia
Elioff	Kahn	Norton	Schoenfeld	Zubay
Ellingson	Kaley	Novak	Searles	Spkr. Sieben, H.

The bill was passed and its title agreed to.

#### CALENDAR

H. F. No. 87, A bill for an act relating to commerce; clarifying the definition of a "sale of goods" as it applies to consumer credit sales to include certain terminable bailments or leases; clarifying the interests of the respective parties; providing for a certain contract provision; amending Minnesota Statutes 1980, Sections 325G.15, Subdivision 5; and 325G.16, by adding subdivisions.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Clark, J.	Fjoslien	Hokr	Lehto
Ainley	Clark, K.	Forsythe	Jacobs	Lemen
Anderson, B.	Clawson	Friedrich	Jennings	Levi
Anderson, G.	Dahlvang	Greenfield	Johnson, C.	Ludeman
Anderson, I.	Dean	Gruenes	Johnson, D.	Luknic
Anderson, R.	Dempsey	Gustafson	Jude	Mann
Battaglia	Den Ouden	Halberg	Kahn	Marsh
Begich	Drew	Harens	Kaley	McCarron
Blatz	Eken	Haukoos	Kalis	McDonald
Brandl	Elioff	Heap	Kelly	McDonald
Brinkman	Ellingson	Heinitz	Knickerbocker	Mehrkens
Byrne	Esau	Himle	Kostohryz	Metzen
Carlson, D.	Evans	Hoberg	Kvam	Minne
Carlson, L.	Ewald	Hokanson	Laidig	Munger
				Murphy

Nelsen, B.	Otis	Rose	Skoglund	Vellenga
Nelson, K.	Peterson, B.	Rothenberg	Stadum	Voss
Niehaus	Peterson, D.	Samuelson	Staten	Weaver
Norton	Piepho	Sarna	Stowell	Welch
Novak	Pogemiller	Schafer	Stumpf	Welker
Nysether	Redalen	Schoenfeld	Sviggum	Wenzel
O'Connor	Reding	Searles	Swanson	Wieser
Ogren	Rees	Sherman	Tomlinson	Wynia
Olsen	Rice	Sherwood	Valan	Zubay
Onnen	Rodriguez, C.	Sieben, M.	Valento	Spkr. Sieben, H.
Osthoff	Rodriguez, F.	Simoneau	Vanasek	

The bill was passed and its title agreed to.

### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 13, 79, 167, 276 and 357 which it recommended to pass.

S. F. No. 92 which it recommended to pass.

H. F. Nos. 98, 260, 312, 337 and 470 upon which it recommended progress.

On the motion of Eken the report of the Committee of the Whole was adopted.

### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

The question was taken on the motion to recommend passage of H. F. No. 79 and the roll was called. There were 103 yeas and 15 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Blatz	Clark, J.	Drew	Forsythe
Anderson, G.	Brandl	Clark, K.	Eken	Greenfield
Anderson, I.	Brinkman	Clawson	Elioff	Gruenes
Anderson, R.	Byrne	Dahlvang	Ellingson	Gustafson
Battaglia	Carlson, D.	Dempsey	Esau	Halberg
Begeh	Carlson, L.	Den Ouden	Ewald	Harens



Haukoos	Mann	Olsen	Rose	Swanson
Hokanson	Marsh	Onnen	Rothenberg	Tomlinson
Hokr	McCarron	Osthoff	Samuelson	Valento
Jacobs	Mehrkens	Otis	Sarna	Vanasek
Johnson, C.	Metzen	Peterson, B.	Schafer	Vellenga
Johnson, D.	Minne	Peterson, D.	Schoenfeld	Voss
Jude	Munger	Piepho	Sherman	Weaver
Kahn	Murphy	Pogemiller	Sherwood	Welch
Kelly	Nelson, K.	Redalen	Sieben, M.	Wenzel
Kvam	Niehaus	Reding	Simoneau	Wieser
Laidig	Norton	Rees	Skoglund	Wynia
Lehto	Novak	Reif	Stadum	Zubay
Lemen	Nysether	Rice	Staten	Spkr. Sieben, H.
Levi	O'Connor	Rodriguez, C.	Stowell	
Luknic	Ogren	Rodriguez, F.	Sviggum	

Those who voted in the negative were:

Aasness	Fjoslien	Hoberg	Ludeman	Searles
Ainley	Friedrich	Jennings	McDonald	Stumpf
Evans	Heap	Kalis	Nelsen, B.	Welker

The motion prevailed.

The question was taken on the Peterson, B., motion that H. F. No. 167 be re-referred to the Committee on Governmental Operations and the roll was called. There were 51 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Aasness	Ewald	Johnson, D.	Osthoff	Sherwood
Ainley	Fjoslien	Knickerbocker	Peterson, B.	Stadum
Anderson, B.	Forsythe	Lemen	Piepho	Stowell
Anderson, G.	Gruenes	Levi	Redalen	Sviggum
Anderson, R.	Halberg	Ludeman	Rees	Valan
Blatz	Haukoos	Luknic	Reif	Valento
Carlson, D.	Heinitz	McDonald	Rose	Welker
Den Ouden	Himle	Nelsen, B.	Rothenberg	
Drew	Hoberg	Niehaus	Schafer	
Esau	Hokr	Olsen	Searles	
Evans	Jennings	Onnen	Sherman	

Those who voted in the negative were:

Anderson, I.	Ellingson	Laidig	Otis	Tomlinson
Battaglia	Friedrich	Lehto	Peterson, D.	Vanasek
Begich	Greenfield	Mann	Reding	Vellenga
Brandl	Gustafson	Marsh	Rice	Voss
Brinkman	Harens	McCarron	Rodriguez, C.	Weaver
Byrne	Heap	Metzen	Rodriguez, F.	Welch
Carlson, L.	Hokanson	Minne	Samuelson	Wenzel
Clark, J.	Jacobs	Munger	Sarna	Wieser
Clark, K.	Johnson, C.	Murphy	Schoenfeld	Wynia
Clawson	Jude	Nelson, K.	Sieben, M.	Zubay
Dahlvang	Kahn	Norton	Simoneau	Spkr. Sieben, H.
Dean	Kaley	Novak	Skoglund	
Dempsey	Kalis	Nysether	Staten	
Eken	Kelly	O'Connor	Stumpf	
Elioff	Kostohryz	Ogren	Swanson	

The motion did not prevail.

## MOTIONS AND RESOLUTIONS

Simoneau moved that the names of Reif; Carlson, L.; Swanson and Heinitz be added as authors on H. F. No. 460. The motion prevailed.

Anderson, I., moved that the name of Samuelson be added as an author on H. F. No. 636. The motion prevailed.

Otis moved that the name of Otis be stricken and the name of Novak be added as chief author on H. F. No. 139. The motion prevailed.

Sherman moved that the name of Rothenberg be added as an author on House Concurrent Resolution No. 1. The motion prevailed.

Drew moved that the name of Rothenberg be added as an author on H. F. No. 650. The motion prevailed.

Fjoslien moved that the name of Nelsen, B., be added as an author on H. F. No. 654. The motion prevailed.

Anderson, B., moved that the name of Anderson, R., be added as an author on H. F. No. 586. The motion prevailed.

Samuelson moved that H. F. No. 510 be recalled from the Committee on Local and Urban Affairs and be re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Weaver moved that the name of Valento be added as an author on H. F. No. 642. The motion prevailed.

## ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, March 5, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, March 5, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

SEVENTY-SECOND SESSION - 1981

## TWENTIETH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 5, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Reverend Clyde B. McDowell, Wooddale Baptist Church, Richfield, Minnesota.

The roll was called and the following members were present:

Aasness	Esau	Kalis	Nysether	Sherman
Ainley	Evans	Kelly	O'Connor	Sherwood
Anderson, B.	Ewald	Knickerbocker	Ogren	Sieben, M.
Anderson, G.	Fjoslien	Kostohryz	Olsen	Simoneau
Anderson, I.	Forsythe	Kvam	Onnen	Skoglund
Anderson, R.	Friedrich	Laidig	Osthoff	Stadum
Battaglia	Greenfield	Lehto	Otis	Staten
Begich	Gruenes	Lemen	Peterson, B.	Stowell
Berkelman	Gustafson	Levi	Peterson, D.	Stumpf
Blatz	Halberg	Long	Piepho	Sviggum
Brandl	Hanson	Ludeman	Pogemiller	Swanson
Brinkman	Harens	Luknic	Redalen	Tomlinson
Byrne	Hauge	Mann	Reding	Valan
Carlson, D.	Haukoos	Marsh	Rees	Valento
Carlson, L.	Heap	McCarron	Reif	Vanasek
Clark, J.	Heintz	McDonald	Rice	Vellenga
Clark, K.	Himle	McEachern	Rodriguez, C.	Voss
Clawson	Hoberg	Mehrkens	Rodriguez, F.	Weaver
Dahlvang	Hokanson	Metzen	Rose	Welch
Dean	Hokr	Minne	Rothenberg	Welker
Dempsey	Jacobs	Munger	Samuelson	Wenzel
Den Ouden	Jennings	Murphy	Sarna	Wieser
Drew	Johnson, C.	Nelsen, B.	Schafer	Wigley
Eken	Johnson, D.	Nelson, K.	Schoenfeld	Wynia
Elioff	Jude	Niehaus	Schreiber	Zubay
Ellingson	Kahn	Norton	Searles	Spkr. Sieben, H.
Erickson	Kaley	Novak	Shea	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Laidig moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 483, 173 and 415 and S. F. Nos. 14, 149, 159, 175, 18, 171 and 339 have been placed in the members' files.

## REPORTS OF STANDING COMMITTEES

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 2, A bill for an act relating to crimes; providing that whoever causes the death of a human being when committing certain crimes is guilty of murder in the first degree; amending Minnesota Statutes 1980, Sections 609.185 and 609.195.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 609.11, Subdivision 1, is amended to read:

Subdivision 1. [COMMITMENTS WITHOUT MINIMUMS.] All commitments to the commissioner of corrections for imprisonment of the defendant are without minimum terms except when *the* sentence is to life imprisonment as required by law and except as otherwise provided in this chapter. (ANY COMMITMENT FOLLOWING THE DEFENDANT'S FIRST CONVICTION OF AN OFFENSE WHEREIN THE DEFENDANT OR AN ACCOMPLICE HAD IN POSSESSION A FIREARM OR USED A DANGEROUS WEAPON AT THE TIME OF THE OFFENSE SHALL BE FOR A TERM OF NOT LESS THAN ONE YEAR PLUS ONE DAY, NOR MORE THAN THE MAXIMUM SENTENCE PROVIDED BY LAW FOR THE OFFENSE FOR WHICH CONVICTED. ANY COMMITMENT FOLLOWING DEFENDANT'S SECOND OR SUBSEQUENT CONVICTION OF AN OFFENSE WHEREIN THE DEFENDANT OR AN ACCOMPLICE HAD IN POSSESSION A FIREARM OR USED A DANGEROUS WEAPON AT THE TIME OF THE OFFENSE SHALL BE FOR A TERM NOT LESS THAN THREE YEARS, NOR MORE THAN THE MAXIMUM SENTENCE PROVIDED BY LAW FOR THE OFFENSE FOR WHICH CONVICTED. ANY PERSON CONVICTED AND SENTENCED AS REQUIRED BY THIS SECTION SHALL NOT BE ELIGIBLE FOR PROBATION OR PAROLE UNTIL THAT PERSON SHALL HAVE SERVED THE FULL MINIMUM SENTENCE HEREIN PROVIDED, NOTWITHSTANDING THE PROVISIONS OF SECTIONS 242.19, 243.05, 609.12, 609.135, AND ANY OTHER LAW TO THE CONTRARY. THE OFFENSES FOR WHICH

MANDATORY MINIMUM SENTENCES SHALL BE SERVED BEFORE ELIGIBILITY FOR PROBATION OR PAROLE AS HEREIN PROVIDED ARE: AGGRAVATED ASSAULT, BURGLARY, KIDNAPPING, MANSLAUGHTER, MURDER IN THE SECOND OR THIRD DEGREE, ROBBERY, CRIMINAL SEXUAL CONDUCT IN THE FIRST, SECOND OR THIRD DEGREE, ESCAPE WHILE UNDER CHARGE OR CONVICTION OF A FELONY, OR DISCHARGE OF AN EXPLOSIVE OR INCENDIARY DEVICE, OR ANY ATTEMPT TO COMMIT ANY OF THESE OFFENSES.)

Sec. 2. Minnesota Statutes 1980, Section 609.11, is amended by adding subdivisions to read:

*Subd. 4. [DANGEROUS WEAPON.] Any defendant convicted of an offense listed in subdivision 9 wherein the defendant or an accomplice, at the time of the offense, used, whether by brandishing, displaying, threatening with, or otherwise employing, a dangerous weapon other than a firearm, or had in possession a firearm, shall be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than one year plus one day, nor more than the maximum sentence provided by law. Any defendant convicted of a second or subsequent offense wherein the defendant or an accomplice, at the time of the offense, used a dangerous weapon other than a firearm, or had in possession a firearm, shall be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than three years nor more than the maximum sentence provided by law.*

*Subd. 5. [FIREARM.] Any defendant convicted of an offense listed in subdivision 9 wherein the defendant or an accomplice, at the time of the offense, used, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm, shall be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than three years, nor more than the maximum sentence provided by law. Any defendant convicted of a second or subsequent offense wherein the defendant or an accomplice, at the time of the offense, used a firearm shall be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than five years, nor more than the maximum sentence provided by law.*

*Subd. 6. [NO EARLY RELEASE.] Any defendant convicted and sentenced as required by this section shall not be eligible for probation, parole, discharge, or supervised release until that person shall have served the full mandatory minimum term of imprisonment as provided by law, notwithstanding the provisions of sections 242.19, 243.05, 609.12, 609.135, and any other law to the contrary.*

*Subd. 7. [PROSECUTOR SHALL ESTABLISH.] Whenever reasonable grounds exist to believe that the defendant or an accomplice used a firearm or other dangerous weapon or had in possession a firearm, at the time of commission of an offense listed in subdivision 9, the prosecutor shall, at the time of trial or at the plea of guilty, present all evidence tending to establish that fact unless it is otherwise admitted on the record. The question of whether the defendant or an accomplice, at the time of commission of an offense listed in subdivision 9, used a firearm or other dangerous weapon or had in possession a firearm shall be determined by the court at the time of sentencing based upon the record of the trial or the plea of guilty. The court shall also determine at the time of sentencing whether the defendant has been convicted of a second or subsequent offense wherein the defendant or an accomplice, at the time of commission of an offense listed in subdivision 9, used a firearm or other dangerous weapon or had in possession a firearm.*

*Subd. 8. [MOTION BY PROSECUTOR.] Prior to the time of sentencing, the prosecutor may file a motion to have the defendant sentenced without regard to the mandatory minimum terms of imprisonment established by this section. The motion shall be accompanied by a written statement of the reasons therefor. When presented with the motion and if it finds good cause therefore, the court shall sentence the defendant without regard to the mandatory minimum terms of imprisonment established by this section.*

*Subd. 9. [APPLICABLE OFFENSES.] The crimes for which mandatory minimum sentences shall be served before eligibility for probation, parole, or supervised release as provided in this section are: murder in the first, second, or third degree; assault in the first, second, or third degree; burglary; kidnapping; false imprisonment; manslaughter in the first or second degree; aggravated robbery; simple robbery; criminal sexual conduct in the first, second, or third degree; escape from custody; arson in the first, second, or third degree; or any attempt to commit any of these offenses.*

**Sec. 3. Minnesota Statutes 1980, Section 609.135, Subdivision 1, is amended to read:**

**Subdivision 1. Except when a sentence of life imprisonment is required by law, or when a (PERSON IS CONVICTED OF ONE OF THE CRIMES SPECIFIED UNDER) mandatory minimum term of imprisonment is required by section 609.11, (SUBDIVISION 1, AND HAD IN HIS POSSESSION A FIREARM OR USED ANOTHER DANGEROUS WEAPON,) any court, including a justice of the peace to the extent otherwise authorized by law, may stay imposition or execution of sentence and place the defendant on probation with or without supervision and on such terms as the court may prescribe, including restitution when practicable. The court may order the super-**

vision to be under the probation officer of the court, or, if there is none and the conviction is for a felony, by the commissioner of corrections, or in any case by some other suitable and consenting person.

Sec. 4. Minnesota Statutes 1980, Section 609.185, is amended to read:

609.185 [MURDER IN THE FIRST DEGREE.]

Whoever does (EITHER) *any* of the following is guilty of murder in the first degree and shall be sentenced to imprisonment for life:

(1) Causes the death of a human being with premeditation and with intent to effect the death of such person or of another; (OR)

(2) Causes the death of a human being while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence, either upon or affecting such person or another; *or*

(3) *Causes the death of a human being with intent to effect the death of such person or another, while committing or attempting to commit burglary, aggravated robbery, kidnapping, arson in the first or second degree, tampering with a witness in the first degree, or escape from custody.*

Sec. 5. Minnesota Statutes 1980, Section 609.19, is amended to read:

609.19 [MURDER IN THE SECOND DEGREE.]

Whoever does either of the following is guilty of murder in the second degree and may be sentenced to imprisonment for not more than 40 years:

(1) Causes the death of a human being with intent to effect the death of such person or another, but without premeditation (, IS GUILTY OF MURDER IN THE SECOND DEGREE AND MAY BE SENTENCED TO IMPRISONMENT FOR NOT MORE THAN 40 YEARS), *or*

(2) *Causes the death of a human being, without intent to effect the death of any person, while committing or attempting to commit a felony offense other than criminal sexual conduct in the first or second degree with force or violence.*

Sec. 6. Minnesota Statutes 1980, Section 609.195, is amended to read:



## 609.195 [MURDER IN THE THIRD DEGREE.]

Whoever, without intent to effect the death of any person, causes the death of another by (EITHER OF THE FOLLOWING MEANS) *perpetrating an act eminently dangerous to others and evincing a depraved mind, regardless of human life*, is guilty of murder in the third degree and may be sentenced to imprisonment for not more than 25 years (:)

(1) PERPETRATES AN ACT EMINENTLY DANGEROUS TO OTHERS AND EVINCING A DEPRAVED MIND, REGARDLESS OF HUMAN LIFE; OR)

(2) COMMITS OR ATTEMPTS TO COMMIT A FELONY UPON OR AFFECTING THE PERSON WHOSE DEATH WAS CAUSED OR ANOTHER, EXCEPT CRIMINAL SEXUAL CONDUCT IN THE FIRST OR SECOND DEGREE WITH FORCE OR VIOLENCE WITHIN THE MEANING OF SECTION 609.185).

Sec. 7. Minnesota Statutes 1980, Section 609.20, is amended to read:

## 609.20 [MANSLAUGHTER IN THE FIRST DEGREE.]

Whoever does any of the following is guilty of manslaughter in the first degree and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$15,000, or both:

(1) Intentionally causes the death of another person in the heat of passion provoked by such words or acts of another as would provoke a person of ordinary self-control under like circumstances; or

(2) Causes the death of another in committing or attempting to commit a (CRIME) *misdemeanor or gross misdemeanor offense* with such force and violence that death of or great bodily harm to any person was reasonably foreseeable, and murder in the first or second degree was not committed thereby; or

(3) Intentionally causes the death of another person because the actor is coerced by threats made by someone other than his co-conspirator and which cause him reasonably to believe that his act is the only means of preventing imminent death to himself or another.

## Sec. 8. [REPEALER.]

*Minnesota Statutes 1980, Section 609.11, Subdivision 3, is repealed.*

## Sec. 9. [EFFECTIVE DATE.]

*Sections 1 to 9 are effective on the day following final enactment and shall apply to all offenses committed on or after that date."*

Delete the title and insert:

"A bill for an act relating to crimes; establishing mandatory minimum terms of imprisonment for use of a dangerous weapon or possession of a firearm; increasing the penalty for intentional and unintentional homicides committed while committing certain felonies; amending Minnesota Statutes 1980, Sections 609.11, Subdivision 1, and by adding subdivisions; 609.135, Subdivision 1; 609.185; 609.19; 609.195; 609.20; repealing Minnesota Statutes 1980, Section 609.11, Subdivision 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 28, A bill for an act relating to agriculture; prohibiting pension funds from acquiring certain farm land; amending Minnesota Statutes 1980, Section 500.24, Subdivisions 3, 4 and 5.

Reported the same back with the following amendments:

Page 1, after line 6, insert a section to read:

"Section 1. Minnesota Statutes 1980, Section 500.24, Subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] For the purposes of this section, the terms defined in this subdivision have the meanings here given them:

(a) "Farming" means the production of (1) agricultural products; (2) livestock or livestock products; (3) milk or milk products; or (4) fruit or other horticultural products. It does not include the processing, refining or packaging of said products, nor the provision of spraying or harvesting services by a processor or distributor of farm products. It does not include the production of timber or forest products or the production of poultry or poultry products.

(b) "Family farm" means an unincorporated farming unit owned by one or more persons residing on the farm or actively engaging in farming.

(c) "Family farm corporation" means a corporation founded for the purpose of farming and the ownership of agricultural land in which the majority of the voting stock is held by and the majority of the stockholders are persons or the spouses of persons related to each other within the third degree of kindred according to the rules of the civil law, and at least one of said related persons is residing on or actively operating the farm, and none of whose stockholders are corporations; provided that a family farm corporation shall not cease to qualify as such hereunder by reason of any devise or bequest of shares of voting stock.

(d) "Authorized farm corporation" means a corporation meeting the following standards:

- (1) Its shareholders do not exceed five in number;
- (2) All its shareholders, other than any estate are natural persons;
- (3) It does not have more than one class of shares; and
- (4) Its revenues from rent, royalties, dividends, interest and annuities does not exceed 20 percent of its gross receipts; and
- (5) Shareholders holding a majority of the shares must be residing on the farm or actively engaging in farming.

(e) "Agricultural land" means land used for farming.

(f) "*Pension or investment fund*" means any private or public pension fund, mutual fund, life insurance company separate account, or any other investment fund, however managed except private pension funds established by family farms, authorized farm corporations and family farm corporations."

Renumber the sections

Page 1, line 11, after "*pension*" insert "*or investment*"

Page 1, line 12, after "*pension*" insert "*or investment*"

Page 1, line 22, after "*pension*" insert "*or investment*"

Page 1, line 23, delete "3" and insert "4"

Page 1, line 26, after "*pension*" insert "*or investment*"

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

Page 2, line 22, after "*pension*" insert "*or investment*"

Page 2, line 23, after "*pension*" insert "*or investment*"

Page 2, line 29, after "*pension*" insert "*or investment*"

Page 2, line 36, after "*pension*" insert "*or investment*"

Page 2, after line 37 insert "its nonfarm business operations ; provided,"

Page 3, line 11, after "*pension*" insert "*or investment*"

Page 3, line 21, after "*pension*" insert "*or investment*"

Page 3, line 23, after "*pension*" insert "*or investment*"

Page 4, line 26, after "*pension*" insert "*or investment*"

Page 4, line 36, after "*pension*" insert "*or investment*"

Page 5, line 1, after "*pension*" insert "*or investment*"

Page 5, line 8, after "*pension*" insert "*or investment*"

Page 5, line 12, after "*pension*" insert "*or investment*"

Page 5, line 17, after "*pension*" insert "*or investment*"

Page 5, line 32, after "*pension*" insert "*or investment*"

Page 6, line 9, after "corporation" insert ", *pension or investment fund*"

Page 6, line 22, after "*pension*" insert "*or investment*"

Page 6, line 26, after "*pension*" insert "*or investment*"

Page 6, line 28, after "*pension*" insert "*or investment*"

Amend the title as follows:

Page 1, line 2, after "pension" insert "or investment"

Page 1, line 4, after "Subdivisions" insert "2,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 40, A bill for an act relating to state lands; authorizing the conveyance of certain lands in St. Louis County.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 77, A bill for an act relating to mobile home parks; eliminating certain mobile home park reports made to the secretary of state; repealing Minnesota Statutes 1980, Section 327.29.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 111, A bill for an act relating to public welfare; providing for the withholding of child support or maintenance; amending Minnesota Statutes 1980, Sections 256.872; 256.873; and 518.611.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 256.87, Subdivision 1, is amended to read:

Subdivision 1. [ACTIONS AGAINST PARENTS FOR ASSISTANCE FURNISHED.] If any time during the continuance of any assistance granted under sections 256.72 to 256.87 the state agency or county agency finds that any parent of any child receiving assistance is reasonably able to contribute to the necessary care and support of the recipient without undue hardship to himself or his immediate family and the person so able to contribute to the care and support of the recipient fails or refuses to contribute according to his ability to the care and support of the recipient, then, after notice to the person, there shall exist a cause of action against this person for the amount of assistance furnished under sections 256.72 to 256.87 subsequent to the notice, or any part thereof as the person is reasonably able to pay. The action may be ordered by the state agency or county

agency and shall be brought in the name of the county by the county attorney of the county in which the assistance was granted, or by the state agency against this person for the recovery of the amount of assistance granted after the notice, as hereinbefore provided, together with the costs and disbursements of the action.

*Subd. 1a.* In addition to granting the county or state agency a money judgment the court may, upon a motion or order to show cause, order continuing contributions by a person found able to reimburse the county or state agency. The order shall be effective only for the period of time during which the recipient receives public assistance from the county or state agency. *An order for continuing contributions shall automatically become effective again without a further hearing upon notice to a parent previously ordered to provide child support that assistance is again being given on behalf of the parent's child under sections 256.72 to 256.87. After an order for continuing contributions has become automatically effective pursuant to this subdivision, and during the time when the recipient receives assistance from the county or state agency, the court may, on petition of either the person found able to pay, or the county or state agency providing assistance, modify the order respecting the amount of payment.*

Sec. 2. Minnesota Statutes 1980, Section 256.872, is amended to read:

**256.872 [DEPENDENT CHILD SUPPORT AND MAINTENANCE OBLIGATIONS; COURT ORDERS TO WITHHOLD.]** Whenever an obligation for support of a dependent child or the maintenance of the parent of a dependent child has been determined and ordered by a court of this state, the public agency responsible for child support enforcement may (PETITION) move the district or county court for an order providing for the withholding of the amount of child support and maintenance as determined by court order, from the (WAGES) income, regardless of source, of the person obligated to pay (SAID) the support or maintenance. *Income may include, but is not limited to, wages, salary, commissions, dividends, worker's compensation payments, unemployment compensation payments, and pension and disability payments. This order (MAY) shall be granted upon a showing to the court that (SAID) required payments (OF SUPPORT ARE NOT LIKELY TO BE MADE TO THE PERSONS ENTITLED THERETO WHEN DUE) are more than 30 days in arrears.*

Sec. 3. Minnesota Statutes 1980, Section 256.873, is amended to read:

**256.873 [PAYOR'S DUTY; REMITTANCE OF AMOUNT WITHHELD.]** A court order for withholding obtained pursuant to section 256.872 is binding on the payor of funds specified in the order upon service of notice to the payor of funds

*that the court order has been obtained. The notice shall include a copy of the court order. The support or maintenance money shall be withheld by the (EMPLOYER) payor of funds of (SAID) the person obligated to pay the support or maintenance and the amount withheld shall be remitted monthly or more frequently to the public agency responsible for child support enforcement. Any amount so received in excess of the amount of public assistance expended for (SAID) the child shall be further remitted to the person entitled thereto. No employer may discharge, suspend or otherwise penalize (ANY) an employee by reason of the fact that the employer must withhold the support or maintenance money.*

Sec. 4. Minnesota Statutes 1980, Section 518.611, is amended to read:

518.611 [ASSIGNMENTS.]

*Subdivision 1. [COURT ORDER.] If the person obligated to pay support or maintenance fails to make a required payment, (AND IS GIVEN A REASONABLE OPPORTUNITY BY THE COURT TO ALLEGE HARDSHIP OR THAT THE PAYMENT HAS BEEN MADE,) the other party or the public authority responsible for support enforcement, when acting as or for the trustee pursuant to section 518.61, may (, AFTER 30 DAYS,) move the court (TO) for an order (, AND THE COURT, UNLESS HARDSHIP IS SHOWN, SHALL ORDER THE EMPLOYER OR TRUSTEE TO WITHHOLD FROM THE OBLIGOR'S PERIODIC EARNINGS OR TRUST INCOME AN AMOUNT EQUAL TO THE COURT'S ORDER FOR SUPPORT OR MAINTENANCE) providing for the withholding of the amount of child support, and maintenance, from the income, regardless of source, of the person obligated to pay the support or maintenance. Income may include, but is not limited to, wages, salary, commissions, dividends, worker's compensation payments, unemployment compensation payments, and pension and disability payments. This order shall be granted upon a showing to the court that required payments are more than 30 days in arrears.*

*Subd. 2. [ORDER BINDING.] The (ASSIGNMENT) order for withholding is binding on the employer (, TRUSTEE,) or other payor of the funds upon service upon him of notice that it has been (MADE) obtained. The notice shall include a copy of the court order. The payor shall withhold from the earnings or (TRUST) income payable to the person obligated to pay support or maintenance the amount (SPECIFIED IN THE ASSIGNMENT) ordered by the court and shall monthly or more frequently remit the amounts withheld (TO THE OTHER PARTY OR, IN THE CASE OF A PUBLIC ASSISTANCE RECIPIENT,) to the public agency responsible for support enforcement. Amounts received by the public authority responsible for support enforcement which are in excess of public assistance*

expended for the party or for a child shall be remitted to the party. An employer shall not discharge, *suspend*, or otherwise discipline an employee as a result of a wage or salary assignment authorized by this section.

Sec. 5. [EFFECTIVE DATE.] *This act is effective the day following its final enactment.*"

Further, delete the title and insert:

"A bill for an act relating to public welfare; providing for the withholding of child support or maintenance; amending Minnesota Statutes 1980, Sections 256.87, Subdivision 1; 256.872; 256.873; and 518.611."

With the recommendation that when so amended the bill pass.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 114, A bill for an act relating to public utilities; redefining the term "public utility" so as to exempt from public service commission jurisdiction certain small natural gas utilities; amending Minnesota Statutes 1980, Section 216B.02, Subdivision 4.

Reported the same back with the following amendments:

Page 1, line 24, delete "*person or corporation*" and insert "*public utility*"

Page 1, line 25, after "*natural*" where it appears both times, insert "*, manufactured or mixed*"

Page 2, line 2, after the period insert "*the city council may rescind the resolution requesting exemption at any time, and, upon the filing of the rescinding resolution with the commission, the provisions of this chapter shall apply to the public utility.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 117, A bill for an act relating to general assistance; providing for vendor payments of grants prior to verification



of applications; amending Minnesota Statutes 1980, Section 256D.09, Subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 256D.07, is amended to read:

**256D.07 [TIME OF PAYMENT OF ASSISTANCE.]**

An applicant for general assistance or general assistance medical care authorized by section 256D.03, subdivision 3 shall be deemed (PRESUMPTIVELY) eligible if his application (ON ITS FACE DEMONSTRATES) *and the verification of the statement on that application demonstrate* that he is within the eligibility criteria established by sections 256D.01 to 256D.21 and any applicable rules of the commissioner. *Any person requesting general assistance or general assistance medical care shall be permitted by the local agency to make an application for assistance as soon as administratively possible and in no event later than the fourth day following the date on which assistance is first requested, and no local agency shall require that a person requesting assistance appear at the offices of the local agency more than once prior to the date on which the person is permitted to make the application.* The application shall be in writing in the manner and upon the form prescribed by the commissioner and (VERIFIED) *attested to* by the oath of the applicant or in lieu thereof shall contain the following declaration which shall be signed by the applicant: "I declare that this application has been examined by me and to the best of my knowledge and belief is a true and correct statement of every material point." *On the date that general assistance is first requested, the local agency shall inquire and determine whether the person requesting assistance is in immediate need of food, shelter, clothing, assistance for necessary transportation, or other emergency assistance pursuant to section 256D.06, subdivision 2. A person in need of emergency assistance shall be granted emergency assistance immediately, and necessary emergency assistance shall continue until either the person is determined to be ineligible for general assistance or the first grant of general assistance is paid to the person. A determination of an applicant's eligibility for general assistance shall be made by the local agency as soon as the required verifications are received by the local agency and in no event later than 30 days following the date that the application is made. Any verifications required of the applicant shall be reasonable, and the commissioner shall by rule establish reasonable verifications.* General assistance shall be (IMMEDIATELY) granted to (SUCH PRESUMPTIVELY) an eligible applicant without the necessity of first securing action by the board of the local agency. *The amount of the first grant of general assistance awarded to an applicant shall be computed to cover the time*

*period starting with the date that assistance is first requested or if the applicant is not eligible on that date, the date on which the applicant first becomes eligible, and the first grant may be reduced by the amount of emergency general assistance paid to the applicant.*

If upon verification and due investigation it appears that the applicant provided false information and the false information materially affected his eligibility for general assistance or general assistance medical care provided pursuant to section 256D.-03, subdivision 3 or the amount of his general assistance grant, the local agency may refer the matter to the county attorney. The county attorney may commence a criminal prosecution or a civil action for the recovery of any general assistance wrongfully received, or both.

Sec. 2. Minnesota Statutes 1980, Section 256D.09, Subdivision 1, is amended to read:

Subdivision 1. (ALL) *Until the local agency has determined the initial eligibility of the applicant in accordance with the provisions of section 256D.07, grants for emergency general assistance shall be in the form of vouchers or vendor payments unless the local agency determines that a cash grant will best resolve the applicant's need for emergency assistance. Thereafter grants of general assistance shall be paid in cash and (, SUBSEQUENT TO THE INITIAL GRANT,) shall be paid once per month on the first day of the month.*

Delete the title and insert:

*"A bill for an act relating to general assistance; removing the presumption of eligibility from general assistance; providing that applications be permitted no later than four days after assistance is requested; requiring that determinations be made with respect to the need for emergency general assistance; providing that eligibility determinations for general assistance be made no later than 30 days following application; providing that the first general assistance grant be computed for eligible applicants from the time when assistance is requested; requiring vendor payments of grants until eligibility determinations are complete; amending Minnesota Statutes 1980, Sections 256D.07 and 256D.-09, Subdivision 1."*

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 157, A bill for an act relating to public welfare; providing that every birth to a minor shall be reported within 24 hours to the commissioner of public welfare; amending Minnesota Statutes 1980, Section 257.33.

Reported the same back with the following amendments:

Page 1, line 16, delete the new language

Page 1, line 17, delete "*to whom social services should be offered,*"

Page 1, line 19, delete "*24 hours*" and insert "*three working days*"

Page 1, line 21, before the period insert "*and shall notify the minor that the report has been made*"

Amend the title as follows:

Page 1, line 3, delete "*24 hours*" and insert "*three working days*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 183, A bill for an act relating to state employees; including the staff of the council on Black Minnesotans within the unclassified civil service; amending Minnesota Statutes 1980, Section 3.9225, Subdivision 5.

Reported the same back with the following amendments:

Page 2, line 1, after "*council*" insert "*, and the council may appoint,*"

Page 2, line 1, strike "*staffing*" and insert "*staff*"

Page 2, line 5, strike "*additional staff and*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 189, A bill for an act relating to governmental operations; prohibiting the use of state government vehicles for nongovernmental functions; amending Minnesota Statutes 1980, Section 16.753, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 16.753, is amended to read:

**16.753 [USE OF STATE (OWNED) VEHICLES; COMPENSATION FOR USE OF PERSONAL VEHICLES.]**

**Subdivision 1. [DEFINITION.] (BY OCTOBER 1, 1975, THE COMMISSIONER OF ADMINISTRATION SHALL DEVELOP, IMPLEMENT, AND, AS NEEDED, AMEND RULES, REIMBURSEMENT RATES AND NECESSARY OPERATING POLICIES REGARDING STATE-OWNED VEHICLES ASSIGNED TO INDIVIDUAL EMPLOYEES FOR EXTENDED USE IN THE PERFORMANCE OF THEIR ASSIGNED DUTIES. REIMBURSEMENT TO THE STATE BY EMPLOYEES SHALL BE MADE FOR THE FULL COST TO THE STATE FOR TRAVEL BY THE EMPLOYEE TO AND FROM HIS PLACE OF RESIDENCE. SUCH RULES, RATES AND OPERATING POLICIES SHALL NOT BE SUBJECT TO THE PROVISIONS OF THE ADMINISTRATIVE PROCEDURES ACT. ALL MONEYS RECEIVED UNDER THIS PROVISION SHALL BE DEPOSITED AS NONDEDICATED RECEIPTS TO THE CREDIT OF THE FUND FROM WHICH THE COSTS OF OPERATING THE INDIVIDUAL VEHICLES ARE PAID.)** *For purposes of section 1, "state vehicle" means any vehicle owned or leased by the state, or loaned to the state.*

**Subd. 2. [PROHIBITED USES.] (THE PROVISIONS OF SUBDIVISION 1 SHALL NOT APPLY TO ANY MEMBER OF THE STATE HIGHWAY PATROL, CRIME BUREAU INVESTIGATORS, NOR TO THE COMMISSIONER AND DEPUTY COMMISSIONER OF PUBLIC SAFETY.)** *A state vehicle shall be used only for authorized state business. A state vehicle shall not be used for transportation to or from the residence of a state employee, except as provided in subdivision 3.*

**Subd. 3. [PERMITTED USES.]** *A state vehicle may be used by a state employee to travel to or from the employee's residence:*

*(a) On a day on which it may be necessary for the employee to respond to a work-related emergency during hours when the employee is not normally working; or*

(b) *If the employee has been assigned the use of a state vehicle for authorized state business on an extended basis, and the employee's primary place of work is not the state work station to which he is permanently assigned; or*

(c) *If the employee has been assigned the use of a state vehicle for authorized state business away from the work station to which he is permanently assigned, and the number of miles travelled, or the time needed to conduct the business, will be minimized if the employee uses a state vehicle to travel to the employee's residence before or after travelling to the place of state business. Use of a state vehicle pursuant to this subdivision shall require the prior approval of the agency head, or the designee of the agency head. Within 15 days of the end of each three-month period, beginning July 1, 1981, the head of each state agency or department shall report to the commissioner of administration on each case in which a state vehicle is used by an employee of that agency to travel to or from the employee's residence. The commissioner shall specify the form of this report and the information to be included. If no state vehicles have been used for this travel, the head of the agency shall report this to the commissioner.*

**Subd. 4. [PERSONAL VEHICLES.]** *No state employee shall be compensated by the state for use of a personal vehicle for travel between the employee's residence and the state work station to which the employee is permanently assigned.*

**Subd. 5. [EXCLUSIONS.]** *Subdivisions 2 to 4 do not apply to the van pooling program established in section 16.756, or a ride-sharing program established by the department of transportation, or a trooper employed by the state patrol, or to use of a state vehicle by the governor.*

**Subd. 6. [ADMINISTRATIVE POLICIES.]** *The commissioner of administration shall adopt regulations necessary to implement section 1. These regulations shall include, but are not limited to, a determination of when an employee shall reimburse the state for use of a state vehicle, and rates of reimbursement. Rates of reimbursement shall cover the full cost to the state for the travel for which reimbursement is required. The commissioner shall also set operating procedures for use of state vehicles. These regulations, rates and operating procedures shall not be subject to the administrative procedure act. All moneys received under these regulations and procedures shall be deposited as nondedicated receipts to the credit of the fund from which the costs of operating the individual vehicles are paid.*

**Sec. 2. [EFFECTIVE DATE.]**

*This act is effective July 1, 1981."*

Amend the title as follows:

Page 1, line 4, after "functions;" insert "prohibiting compensation of employees for use of personal vehicles for nongovernmental purposes;"

Page 1, line 5, delete ", by adding a subdivision"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 237, A bill for an act relating to gambling devices; clarifying definitions of gambling devices; authorizing certain payments for operation of gambling devices; changing prize limitations; amending Minnesota Statutes 1980, Section 349.26, Subdivisions 4, 5, 12, 13 and 15.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 317, A bill for an act relating to state government; making permanent the state council on affairs of the Spanish-speaking people; appropriating money; amending Laws 1978, Chapter 510, Sections 2 and 5; repealing Laws 1978, Chapter 510, Section 10.

Reported the same back with the following amendments:

Page 2, line 4, reinstate the stricken language

Page 2, line 5, before "council" insert "and"

Page 2, line 6, after "by" insert "a majority vote of"

Page 2, line 6, after "the" insert "entire"

Page 2, line 10, strike "additional staff and"

Page 2, after line 12 insert:

"Sec. 3. [CLASSIFIED STAFF.]

*Notwithstanding section 2, the staff person of the council in the classified service on or before July 1, 1981 shall remain in the classified service."*

Renumber sections accordingly

Page 2, after line 19 insert:

"Sec. 6. [EFFECTIVE DATE.]

*Section 4 is effective the day following final enactment."*

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 354, A bill for an act relating to marriage; changing the fee for marriage licenses; providing funds for certain battered women and displaced worker programs; appropriating money; amending Minnesota Statutes 1980, Section 517.08, Subdivision 1b, and by adding a subdivision.

Reported the same back with the following amendments:

Page 2, delete lines 12 to 22 and insert:

*"Subd. 1c. [PAYMENT OF RECEIPTS TO STATE; DISPOSITION OF FEES.] On or before the tenth day of each month, the county treasurer shall determine and pay to the state treasurer \$15 of each fee collected pursuant to subdivision 1b. The state treasurer shall deposit such receipts in the state general fund and credit them to the following special accounts: (a) 45 percent to be credited to a "battered women's account" which is hereby created. The proceeds of this account are annually appropriated to the commissioner of corrections for the purpose of making grants to provide emergency shelter and support services to battered women pursuant to section 241.61; (b) 55 percent to be credited to a "displaced homemaker's account" which is hereby created. The proceeds of this account are annually appropriated to the commissioner of economic security to provide assistance to displaced homemakers pursuant to section 4.40."*

With amendments and without further recommendation and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 401, A bill for an act relating to commerce; regulating the licensing of electricians; amending Minnesota Statutes 1980, Section 326.242, Subdivision 2.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 434, A bill for an act relating to motor vehicles; increasing the period of time for which number plates may be issued for certain vehicles and adjusting the tax accordingly; providing for the issuance of single dealer plates; amending Minnesota Statutes 1980, Sections 168.013, Subdivisions 1c and 1e; 168.12, Subdivisions 1 and 2a; 168.27, Subdivisions 16 and 17; 169.79, and 297B.035, Subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 467, A bill for an act relating to motor vehicles; authorizing the identification of certain tax exempt vehicles by use of removable plates or placards; amending Minnesota Statutes 1980, Section 168.012, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 480, A bill for an act relating to agriculture; changing the name of the joint legislative committee on agricultural land preservation; amending Laws 1979, Chapter 315, Sections 2 and 3.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.



Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 518, A bill for an act relating to volunteer services; authorizing a volunteer incentive program; proposing new law coded in Minnesota Statutes, Chapter 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 136A.233, Subdivision 2, is amended to read:

Subd. 2. For purposes of sections 136A.231 to 136A.235, the following words have the meanings ascribed to them:

(a) "Eligible student" means a Minnesota resident enrolled or intending to enroll full time in a Minnesota post-secondary institution.

(b) "Financial need" means the need for financial assistance in order to attend a post-secondary institution as determined by a post-secondary institution according to guidelines established by the higher education coordinating board.

(c) "Eligible employer" means any eligible post-secondary institution and any nonprofit, nonsectarian agency located in the state of Minnesota, *including state hospitals*, and also includes a handicapped person or a person over 65 who employs a student to provide personal services in or about the residence of the handicapped person or the person over 65.

(d) "Eligible post-secondary institution" means any post-secondary institution eligible for participation in the Minnesota state scholarship and grant program as specified in section 136A.101, Subdivision 4."

Delete the title and insert:

"A bill for an act relating to education; including state hospitals as eligible employers for the purpose of work-study grants; amending Minnesota Statutes 1980, Section 136A.233, Subdivision 2."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 521, A bill for an act relating to transportation; including motels within the specific information signing program; amending Minnesota Statutes 1980, Sections 160.292; 160.293, Subdivisions 1 and 3; and 160.295, Subdivision 3.

Reported the same back with the following amendments:

Page 1, line 19, after "area" insert ", motel or resort"

Page 2, line 21, strike everything after "areas."

Page 2, strike lines 22 and 23, and insert:

"Sec. 3. Minnesota Statutes 1980, Section 160.293, Subdivision 2, is amended to read:

Subd. 2. [SPECIFIC SERVICE SIGNS ON NONFREEWAY HIGHWAYS.] A specific service sign may (NOT) be (INCLUDED IN THE SIGNING OF TRUNK HIGHWAY INTERSECTIONS) *erected at the intersection of a trunk highway with a local road, on by-passes of outstate municipalities, and subject to prior approval of the federal highway administration, at the intersection of two trunk highways. A specific service sign may not be erected if the place of business is readily visible or effective directional advertising is visible or the sign can be legally and effectively located near the intersection. (SPECIFIC SERVICE SIGNS MAY BE PLACED ON THE APPROACHES OF A TRUNK HIGHWAY INTERSECTION WITH A LOCAL ROAD.)*"

Renumber the sections

Amend the title as follows:

Page 1, line 5, after "Subdivisions 1" insert ", 2,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

S. F. No. 12, A bill for an act relating to eminent domain; providing for the taking of possession and title by the petitioner under certain circumstances; providing that certain payments deposited with the court shall be paid out under direction of the court; amending Minnesota Statutes 1980, Section 117.042.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

S. F. No. 175, A bill for an act relating to accountancy; removing an expiration provision related to the board of accountancy; repealing Laws 1979, Chapter 326, Section 15.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 2, 28, 40, 77, 111, 114, 117, 157, 183, 189, 237, 401, 434, 467, 480, 518 and 521 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 12 and 175 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Wenzel, Jude, Minne, Gruenes and Anderson, I., introduced:

H. F. No. 661, A bill for an act relating to taxation; income; excluding the first \$1,000 in interest on certain savings; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20.

The bill was read for the first time and referred to the Committee on Taxes.

Greenfield, Kelly, Drew, Piepho and Otis introduced:

H. F. No. 662, A bill for an act relating to education; imposing duties on certain test agencies; providing a penalty for failure to perform the duties; proposing new law coded in Minnesota Statutes, Chapter 136A.

The bill was read for the first time and referred to the Committee on Education.

Wenzel, O'Connor, Gruenes and Jude introduced:

H. F. No. 663, A bill for an act relating to crimes; providing that a child's crying is not a word or act that would provoke a person of ordinary self-control; amending Minnesota Statutes 1980, Section 609.20.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Rees introduced:

H. F. No. 664, A bill for an act relating to counties; providing correct references to certain civil service procedures; amending Minnesota Statutes 1980, Sections 375.58, Subdivision 3; and 375.62.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Wenzel, Kalis, Dahlvang, Shea and Mann introduced:

H. F. No. 665, A bill for an act relating to counties; permitting escalation clauses or negotiated price changes in county contracts; clarifying advertising requirements; amending Minnesota Statutes 1980, Section 375.21, Subdivision 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Rothenberg, Voss, Clawson, Olsen and Heinitz introduced:

H. F. No. 666, A bill for an act relating to metropolitan government; providing for election and salaries of council members and for administration of council business; amending Minnesota Statutes 1980, Sections 15A.081, Subdivision 7; and 473.123, Subdivisions 2, 4, 5, and 6, and by adding subdivisions.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Jude; Voss; Sieben, M.; Halberg and Knickerbocker introduced:

H. F. No. 667, A bill for an act relating to metropolitan government; requiring that metropolitan council districts be apportioned after the 1980 federal census; amending Minnesota Statutes 1980, Section 473.123, Subdivision 2.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Wenzel, Mann, Kalis, Stowell and Brinkman introduced :

H. F. No. 668, A resolution memorializing the President and Congress to continue the price support level for milk and milk products.

The bill was read for the first time and referred to the Committee on Agriculture.

Halberg, Kvam, Dempsey, Searles and Valento introduced :

H. F. No. 669, A bill for an act relating to taxation; changing interest rates on delinquent taxes; rescheduling certain payments to local governments; changing definition of claimant for property tax refund and offsetting credit based on amount of medical assistance; providing for declaration and estimated payments of gross earnings tax; allowing deduction of federal taxes on the accrual basis; repealing distribution of estate taxes to counties; amending Minnesota Statutes 1980, Sections 270.75; 273.13, Subdivision 15a; 273.136, Subdivision 3; 290.01, Subdivisions 20 and 23; 290.09, Subdivision 4; 290.10; 290.18, Subdivision 2; 290A.03, Subdivision 8; 290A.04, by adding a subdivision; 290A.07, Subdivision 2; 477A.01, Subdivision 4b; and 477A.13; proposing new law coded in Minnesota Statutes, Chapter 295; repealing Minnesota Statutes 1980, Section 291.33.

The bill was read for the first time and referred to the Committee on Taxes.

Anderson, I., introduced :

H. F. No. 670, A bill for an act establishing the North Koochiching county waste water treatment board; prescribing its duties and powers; providing for the treatment and disposal of waste water in described areas.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Rees, Voss and Anderson, R., introduced :

H. F. No. 671, A bill for an act relating to manufactured homes; requiring provision for manufactured homes in planning and zoning; amending Minnesota Statutes 1980, Section 462.357, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Osthoff, Hokanson, Halberg, Novak and Clark, K., introduced :

H. F. No. 672, A bill for an act relating to metropolitan government; providing for an elected metropolitan council; amending Minnesota Statutes 1980, Section 473.123, Subdivisions 2, 3 and 4.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Staten, Otis, Sarna, Ogren and Luknic introduced :

H. F. No. 673, A bill for an act relating to commerce; increasing the amount of the surety bond required of collection agencies; authorizing the commissioner of securities and real estate to investigate and examine certain collection agencies; broadening the classification of prohibited practices; amending Minnesota Statutes 1980, Sections 332.34; 332.37; and 332.40.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Anderson, G.; Kalis and Friedrich introduced :

H. F. No. 674, A bill for an act proposing an amendment to the Minnesota Constitution, Article XIV, Section 11; removing certain restrictions on highway bonds.

The bill was read for the first time and referred to the Committee on Transportation.

Ludeman, Sviggum and Friedrich introduced :

H. F. No. 675, A bill for an act relating to civil actions; providing for a two year limitation of time for commencing an action for malpractice against podiatrists; amending Minnesota Statutes 1980, Section 541.07.

The bill was read for the first time and referred to the Committee on Judiciary.

Kvam, Schafer and Onnen introduced :

H. F. No. 676, A bill for an act relating to McLeod county; providing for a special election to fill a vacancy in the office of county auditor.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Heinitz introduced:

H. F. No. 677, A bill for an act relating to public welfare; establishing a task force to study publicly funded health care programs; modifying the payment responsibility for costs of care for mentally retarded persons in state institutions; changing resource limits for recipients of aid to families with dependent children; prorating the first month's grant; reducing the scope of services provided under the medical assistance program; limiting payments to vendors; eliminating certain income disregards; restricting eligibility for general assistance to persons who are injured, ill, or incapacitated; redefining the term "income" for purposes of determining eligibility for general assistance; limiting general assistance medical care to emergency situations; allowing the commissioner of public welfare to adjust eligibility and payment standards under certain circumstances; limiting emergency general assistance to fuel aid; setting a limit on the personal needs allowance for general assistance; providing for vendor payments; eliminating general assistance based on residence in a shelter facility; eliminating the catastrophic health expense protection program; providing a penalty; amending Minnesota Statutes 1980, Sections 245.0313; 256.73, Subdivision 2; 256.76, Subdivision 1; 256B.02, Subdivision 8; 256B.03; 256B.06, Subdivision 1; 256D.01, Subdivision 1; 256D.02, Subdivisions 4 and 8; 256D.03, Subdivisions 2 and 3, and by adding a subdivision; 256D.04; 256D.05, Subdivisions 1, 2, and 4, and by adding a subdivision; 256D.06, Subdivisions 1, 2, and 3, and by adding a subdivision; 256D.07; 256D.09; 256D.14; and 261.23; repealing Minnesota Statutes 1980, Sections 62E.51 to 62E.55; 256D.02, Subdivisions 9, 10, and 13; 256D.05, Subdivision 3; and 256D.11.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Osthoff, Clawson, Sherwood, Eken and Sieben, H., introduced:

H. F. No. 678, A bill for an act relating to elections; changing certain election procedures, requirements and time limits; amending Minnesota Statutes 1980, Sections 201.071, Subdivision 1; 202A.26, Subdivision 1; 203A.22, Subdivision 4; 203A.31, Subdivisions 1 and 3; 203A.32; 204A.04, Subdivision 1; 204A.13, Subdivision 1; 204A.17, Subdivision 1; 204A.18, Subdivision 2; 204A.53, Subdivision 2; 204A.54, Subdivision 1; 205.03, Subdivisions 1 and 3; 207.03, Subdivision 1; 207.04, Subdivision 1; 207.20, Subdivision 1; 207.22; and 209.02, Subdivision 4; repealing Minnesota Statutes 1980, Sections 201.091, Subdivision 5; 202A.54; and 206.18.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Wenzel introduced:

H. F. No. 679, A bill for an act relating to retirement; Minnesota state retirement system; authorizing the purchase of service credit for prior military and other service in certain instances.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Stumpf, Eken, Hanson and Samuelson introduced:

H. F. No. 680, A bill for an act relating to taxation; real property; providing a reduced assessment ratio for industrial and commercial property; amending Minnesota Statutes 1980, Section 273.13, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Reding, Sarna, Kaley, Rice and Rodriguez, F., introduced:

H. F. No. 681, A bill for an act relating to retirement; reducing a certain deduction from amounts available to pay post-retirement adjustments; appropriating funds; amending Minnesota Statutes 1980, Section 11A.18, Subdivision 9.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Simoneau introduced:

H. F. No. 682, A bill for an act relating to workers' compensation; altering and establishing schedules of payment for permanent partial disability; amending Minnesota Statutes 1980, Section 176.101, Subdivision 3.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.



Olsen; Schafer; Nelsen, B.; Levi and Knickerbocker introduced:

H. F. No. 683, A bill for an act relating to education; increasing certain state aids; establishing the foundation allowance and the basic maintenance mill rate for the 1982-1983 school year; reducing the percent of aids paid in certain fiscal years and increasing the percent of aids paid in October; providing funds for 12 districts to purchase and operate mobile units; providing for development of chemical use programs; authorizing the state board to use funds appropriated for post-secondary vocational instructional aid for new programs; providing that the quarterly tuition at a post-secondary vocational technical school shall be set by the state board for vocational education rather than by statute; exempting the state board from the rulemaking requirements of chapter 15 when it sets the tuition; providing for suspension of penalty in 1981 when districts levy less than the maximum allowable basic maintenance levy; appropriating money; amending Minnesota Statutes 1980, Sections 123.705; 124.01, Subdivisions 2 and 3; 124.11, Subdivisions 1 and 2a, and by adding a subdivision; 124.212, by adding a subdivision; 124.225, Subdivision 11; 124.247, Subdivision 3; 124.26, Subdivisions 3 and 4; 124.32, Subdivision 9; 124.565, Subdivisions 3, 4 and 6; 124.566; 124.572, Subdivision 8; 124.573, Subdivision 5; 124.646, Subdivision 1; 275.125, Subdivision 2a; and proposing new law coded in Minnesota Statutes, Chapter 124.

The bill was read for the first time and referred to the Committee on Education.

Welker; Voss; Munger; Nelson, K., and Weaver introduced:

H. F. No. 684, A bill for an act relating to energy; permits for reinjection of underground waters for heat extraction purposes; proposing new law coded in Minnesota Statutes, Chapter 116.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Lehto, Kelly, Jude, Dempsey and Mehrkens introduced:

H. F. No. 685, A bill for an act relating to crimes; providing for the return of stolen property; providing that photographic records of stolen property shall be admissible as evidence; proposing new law coded in Minnesota Statutes, Chapter 609.

The bill was read for the first time and referred to the Committee on Judiciary.

Clawson, Otis, Voss, Dempsey and Nysether introduced:

H. F. No. 686, A bill for an act proposing an amendment to the Minnesota Constitution, Article VI, Sections 7 and 8; providing for the appointment and election of judges.

The bill was read for the first time and referred to the Committee on Judiciary.

Greenfield; Clark, K.; Norton; Heinitz and Kaley introduced:

H. F. No. 687, A bill for an act relating to state employees; authorizing the deduction from salaries or wages of sums of moneys designated by them for certain combined charitable funds; amending Minnesota Statutes 1980, Section 15.375.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Friedrich; Johnson, C.; Sviggum; Anderson, G., and Mehrkens introduced:

H. F. No. 688, A bill for an act proposing an amendment to the Minnesota Constitution, Article XIV, Sections 6 and 11; providing that highway bonds may be issued on the same conditions as other state bonds.

The bill was read for the first time and referred to the Committee on Transportation.

Lemen; Clark, J.; Nelson, K.; Schafer and Brinkman introduced:

H. F. No. 689, A bill for an act relating to taxation; estate tax; abolishing the reporting of certain bank deposits and the inventorying of safe deposit boxes; repealing Minnesota Statutes 1980, Sections 55.10, Subdivision 2; 291.20; and 385.36.

The bill was read for the first time and referred to the Committee on Taxes.

Johnson, D.; Wenzel and Fjoslien introduced:

H. F. No. 690, A bill for an act relating to state departments; providing for maintaining museums of Minnesota military history at Fort Snelling and Camp Ripley; appropriating money.

The bill was read for the first time and referred to the Committee on Appropriations.

Zubay, Voss, Jude and Welker introduced:

H. F. No. 691, A bill for an act relating to courts; permitting the use of electronic recording equipment in certain court proceedings; amending Minnesota Statutes 1980, Sections 486.02; and 486.03; proposing new law coded in Minnesota Statutes, Chapter 484.

The bill was read for the first time and referred to the Committee on Judiciary.

Anderson, B.; Redalen; Welch; Stumpf and Johnson, D., introduced:

H. F. No. 692, A bill for an act relating to agriculture; regulating alien ownership of land; providing for permanent resident alien and loss of status; amending Minnesota Statutes 1980, Section 500.221.

The bill was read for the first time and referred to the Committee on Agriculture.

Ludeman, Mehrkens, Den Ouden and Anderson, B., introduced:

H. F. No. 693, A bill for an act relating to natural resources; changing the definition of public waters; amending Minnesota Statutes 1980, Section 105.37, Subdivision 14.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

McEachern; Sarna; Reding; Rodriguez, F., and Kaley introduced:

H. F. No. 694, A bill for an act relating to pensions; increasing the earnings thresholds for eligibility for public employees retirement association membership; amending Minnesota Statutes 1980, Section 353.01, Subdivision 2b.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Staten, Otis, Sarna, Schafer and Ogren introduced :

H. F. No. 695, A bill for an act relating to commerce; regulating franchises; providing a penalty; amending Minnesota Statutes 1980, Sections 80C.01, Subdivisions 4, 13, and by adding subdivisions; 80C.03; 80C.09, by adding a subdivision; 80C.14; 80C.17, Subdivision 3, and by adding a subdivision; 80C.18, Subdivision 2; and 80C.19, Subdivision 1.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Stadum introduced :

H. F. No. 696, A bill for an act relating to the city of East Grand Forks; permitting the city to acquire and develop certain land for industrial purposes.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Stumpf; Carlson, D.; Welch; Shea and Eken introduced :

H. F. No. 697, A bill for an act relating to agriculture; regulating alien use of agricultural land; providing penalties; amending Minnesota Statutes 1980, Section 500.221.

The bill was read for the first time and referred to the Committee on Agriculture.

Ewald; Begich; Peterson, B.; Himle and Battaglia introduced :

H. F. No. 698, A bill for an act relating to the Riley-Purgatory Creek Watershed District; authorizing certain tax levies.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Piepho, Staten, Rothenberg, Greenfield and Sherman introduced :

H. F. No. 699, A bill for an act relating to crimes; providing for additional sentences for crimes against the elderly; proposing new law coded in Minnesota Statutes, Chapter 609.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Clark, J.; Kelly; Johnson, D.; Levi and Staten introduced:

H. F. No. 700, A bill for an act relating to crimes; redefining criminal sexual conduct; amending Minnesota Statutes 1980, Sections 609.342; 609.343; and 609.345.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Heinitz and Brinkman introduced:

H. F. No. 701, A bill for an act relating to state government; extending the contract preference for United States materials to include Mexican and Canadian made materials; amending Minnesota Statutes 1980, Section 16.073.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Ellingson introduced:

H. F. No. 702, A bill for an act relating to delivery or filing of documents; providing for timely delivery or filing of certain documents with respect to weekends and holidays; proposing new law coded in Minnesota Statutes, Chapter 645.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Anderson, B.; Jennings; Levi; Kostohryz and Shea introduced:

H. F. No. 703, A bill for an act relating to education; authorizing an aid and a levy to reduce class sizes; amending Minnesota Statutes 1980, Sections 124.212, by adding a subdivision; and 275.125, by adding a subdivision; repealing Minnesota Statutes 1980, Section 275.125, Subdivision 7b.

The bill was read for the first time and referred to the Committee on Education.

Brinkman, Gruenes and Marsh introduced:

H. F. No. 704, A bill for an act relating to motor vehicles; providing for the taxation and registration of certain collector's vehicles; including additional vehicles entitled to classic car license plates; increasing the tax thereon; amending Minnesota Statutes 1980, Section 168.10, Subdivision 1b.

The bill was read for the first time and referred to the Committee on Transportation.

Anderson, I., introduced:

H. F. No. 705, A bill for an act relating to the city of Northome; authorizing the establishment of detached banking facilities.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Fjoslien, Weaver and Kvam introduced:

H. F. No. 706, A bill for an act relating to waters; changing the terminology for public waters and wetlands to private waters and wetlands; amending Minnesota Statutes 1980, Sections 105.37, Subdivisions 14, 15, and 16; 105.38; 105.39, Subdivision 3; and 105.391, Subdivisions 1, 3, 10, and 12.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Heap; Heinitz; Carlson, L., and Olsen introduced:

H. F. No. 707, A bill for an act relating to Independent School District No. 281, Robbinsdale; providing an alley system for at large election of school board members.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Ewald, Voss, Swanson, Rothenberg and Knickerbocker introduced:

H. F. No. 708, A bill for an act relating to public improvements; permitting deferral of special assessments in instances of hardship; amending Minnesota Statutes 1980, Section 435.193.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Berkelman, Norton, Long, Dean and Searles introduced:

H. F. No. 709, A bill for an act relating to financial institutions; increasing the number of detached facilities which may be allowed; authorizing establishment of detached facilities resulting from mergers and consolidations; authorizing establishment of detached facilities in certain counties; amending Minnesota Statutes 1980, Section 47.52.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Den Ouden, Onnen, Reif, Drew and Forsythe introduced :

H. F. No. 710, A bill for an act relating to taxation; property tax refund; excluding from eligibility certain residents of institutions; amending Minnesota Statutes 1980, Section 290A.03, Subdivision 8.

The bill was read for the first time and referred to the Committee on Taxes.

Novak, Dean, Vanasek, Begich and Sieben, H., introduced :

H. F. No. 711, A bill for an act relating to taxation; providing a reduction of certain property taxes; providing reimbursement to taxing districts for revenue lost as a result thereof; appropriating money; amending Minnesota Statutes 1980, Section 273.13, Subdivisions 9 and 15a.

The bill was read for the first time and referred to the Committee on Taxes.

Norton, Luknic and O'Connor introduced :

H. F. No. 712, A bill for an act relating to evidence; providing for audio-visual recording of evidence; enacting the Uniform Audio-Visual Deposition Act; proposing new law coded in Minnesota Statutes 1980, Chapter 600.

The bill was read for the first time and referred to the Committee on Judiciary.

Heinitz, Kaley, Stadum and Fjoslien introduced :

H. F. No. 713, A bill for an act relating to workers' compensation; eliminating concurrent payment of permanent partial and permanent total benefits; creating an incentive to return to work; freezing the permanent partial maximum at \$70; providing for payment in weekly installments; reforming the payment of permanent partial benefits; amending Minnesota Statutes 1980, Sections 176.021, Subdivision 3; and 176.101, Subdivision 3.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Peterson, D.; Dean; Rice; McCarron and Hoberg introduced:

H. F. No. 714, A bill for an act relating to elections; allowing cities and counties to elect to use data processing systems in lieu of duplicate registration cards; requiring the secretary of state to prescribe alternate forms for duplicate registration files; changing voter verification requirements for cities and counties which elect to use data processing systems; amending Minnesota Statutes 1980, Sections 201.071, Subdivision 4, and by adding subdivisions; 201.221, Subdivision 4; and 204A.29, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Eken, Stumpf, Shea and Jennings introduced:

H. F. No. 715, A bill for an act relating to the state building code; authorizing municipalities under 5,000 to elect that the code not apply within their jurisdictions; proposing new law coded in Minnesota Statutes, Chapter 16.

The bill was read for the first time and referred to the Committee on Governmental Operations.

McCarron, Schreiber, Metzen, Valan and Brinkman introduced:

H. F. No. 716, A bill for an act relating to insurance; regulating policies of automobile insurance providing comprehensive coverage; requiring full coverage of windshield glass damage; proposing new law coded in Minnesota Statutes, Chapter 65B.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Rees, Jude, Sherwood and Johnson, C., introduced:

H. F. No. 717, A bill for an act relating to taxation; income; increasing the amount of non-farm income which may be used to offset farming expenses and losses; amending Minnesota Statutes 1980, Section 290.09, Subdivision 29.

The bill was read for the first time and referred to the Committee on Taxes.



Reding introduced:

H. F. No. 718, A bill for an act relating to taxation; property; exempting property held longer than three years by a political subdivision for economic development purposes; amending Minnesota Statutes 1980, Section 272.02, Subdivision 5.

The bill was read for the first time and referred to the Committee on Taxes.

Otis; Norton; Nelson, K.; Long and Dean introduced:

H. F. No. 719, A bill for an act relating to education; creating a program for arts education in the elementary and secondary schools; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 3.

The bill was read for the first time and referred to the Committee on Education.

Ogren; Anderson, R.; Marsh; Gustafson and Staten introduced:

H. F. No. 720, A bill for an act relating to economic development; raising certain matching grant limitations; changing the composition of a community development corporation board; amending Minnesota Statutes 1980, Sections 362.12, Subdivision 4; and 362.41, Subdivision 6.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Reding and Nelson, K., introduced:

H. F. No. 721, A bill for an act relating to employment; regulating employee inventions related to energy; amending Minnesota Statutes 1980, Section 181.78, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Weaver, Jacobs, Voss and Sviggum introduced:

H. F. No. 722, A bill for an act relating to the Coon Creek watershed district; authorizing an annual administrative levy by the district.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Dempsey, Wigley and Carlson, D., introduced:

H. F. No. 723, A bill for an act relating to taxation; real property; providing a method for determining the value of agricultural land; amending Minnesota Statutes 1980, Section 273.11, Subdivision 1, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Lehto, Munger, Berkelman and Gustafson introduced:

H. F. No. 724, A bill for an act relating to public employees; redefining "confidential employee" for purposes of the public employees labor relations act; amending Minnesota Statutes 1980, Section 179.63, Subdivision 8.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Reding, Lehto, Norton, Kaley and Marsh introduced:

H. F. No. 725, A bill for an act relating to state government; authorizing a new account in the Minnesota supplemental investment fund; modifying the post-retirement adjustment; authorizing the state board of investment to invest in commingled funds and limited partnerships; amending Minnesota Statutes 1980, Sections 11A.17; 11A.18, Subdivision 9; and 11A.24, Subdivisions 3, 4, 5, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Wynia, Osthoff, Swanson and Hokanson introduced:

H. F. No. 726, A bill for an act relating to insurance; prohibiting the issuance or renewal of certain health policies or plans which exclude or limit coverage on DES related conditions; proposing new law coded in Minnesota Statutes, Chapter 62A.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Wynia, Voss, Wenzel, Dempsey and Dean introduced:

H. F. No. 727, A bill for an act relating to no-fault automobile insurance; increasing basic economic loss benefits; increasing the weekly maximums for certain first-party benefits; clarifying legislative intent concerning stacking of insurance policies; coordinating the priority of applicability of security for payment of certain benefits; increasing residual liability benefits; increasing certain uninsured benefits; establishing tort threshold limitations on uninsured motorist coverage; prohibiting short-term policies; providing mandatory underinsured motorist coverage; amending Minnesota Statutes 1980, Sections 65B.44, Subdivisions 1, 3, 6, and 7; 65B.47, Subdivision 2, and by adding subdivisions; and 65B.49, Subdivisions 3 and 4, and by adding subdivisions.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

#### HOUSE ADVISORIES

The following House Advisory was introduced:

Reif; Rodriguez, F.; Minne and Rice introduced:

H. A. No. 12, A proposal for improvement of labor relations in health facilities through bilingual assistance.

The advisory was referred to the Committee on Labor-Management Relations.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 247.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 219, 346 and 366.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 219, A bill for an act relating to state historic sites; adding the Wayzata Depot to the registry of state historic sites; amending Minnesota Statutes 1980, Section 138.56, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 247, A bill for an act relating to metropolitan government; providing for the maximum amount of the borrowing authorization of the metropolitan airports commission; requiring the installation of certain equipment; mandating a noise abatement plan; amending Minnesota Statutes 1980, Sections 473.608, Subdivision 20, and by adding a subdivision; and 473.667, subdivision 2.

The bill was read for the first time.

Voss moved that S. F. No. 247 and H. F. No. 260, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 346, A bill for an act relating to workers' compensation; requiring detailed information on Minnesota business experience under workers' compensation insurance to be supplied by the Minnesota workers' compensation insurance rating association in any request for a modification of the rate schedule; amending Minnesota Statutes 1980, Section 79.171; proposing new law coded in Minnesota Statutes, Chapter 79.

The bill was read for the first time.

Carlson, L., moved that S. F. No. 346 and H. F. No. 337, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 366, A bill for an act relating to taxation; providing a new schedule for payment of income taxes withheld from wages; giving temporary rulemaking authority; appropriating money; amending Minnesota Statutes 1980, Section 290.92, Subdivision 6.

The bill was read for the first time and referred to the Committee on Taxes.

REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

Eken moved that the report of the Committee on Rules and Legislative Administration and the proposed permanent Rules

of the House for the Seventy-Second Session which were printed in the Journal of the House for the Eighteenth day and which were laid over until today be now adopted.

Knickerbocker moved to amend the proposed permanent rules of the House, as printed in the Journal of the House for the Eighteenth day, by changing rule 1.16 as follows:

**1.16 TIME LIMIT FOR CONSIDERATION OF BILLS.** If 20 legislative days after a bill has been referred to committee (other than a bill in Appropriations) no report has been made upon it by the committee, its chief author may request that it be returned to the House and the request shall be entered in the Journal for the day. The committee shall have ten calendar days thereafter in which to vote upon *the passage of the bill* requested. If the committee fails to vote upon (IT) *the passage of the bill* within the ten days, the chief author may, at any time within five calendar days thereafter, present a written demand to the Speaker for its immediate return to the House. The demand shall be entered in the Journal for that day and shall constitute the demand of the House. The bill shall then be considered to be in the possession of the House, given its second reading and placed at the foot of General Orders.

Such bill is subject to re-reference by a majority vote of the whole House. If the motion to re-refer is made on the day of the demand or within one legislative day thereafter, the motion shall take precedence over all other motions except privileged motions and shall be in order at any time.

After (MARCH 27, 1980) *May 15, 1981*, the House shall not act on bills other than those recommended by conference committee reports or the Committee on Rules and Legislative Administration, and those bills contained in messages from the Senate or from the Governor.

A roll call was requested and properly seconded.

#### CALL OF THE HOUSE

On the motion of Eken and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Aasness	Brandl	Dempsey	Fjoslien	Heinitz
Ainley	Brinkman	Den Ouden	Forsythe	Himle
Anderson, B.	Byrne	Drew	Friedrich	Hoberg
Anderson, G.	Carlson, D.	Eken	Greenfield	Hokanson
Anderson, I.	Carlson, L.	Elioff	Gruenes	Hokr
Anderson, R.	Clark, J.	Ellingson	Gustafson	Jacobs
Battaglia	Clark, K.	Erickson	Halberg	Jennings
Begich	Clawson	Esau	Hanson	Johnson, C.
Berkelman	Dahlvang	Evans	Harens	Johnson, D.
Blatz	Dean	Ewald	Heap	Jude

Kaley	McDonald	Onnen	Sarna	Swanson
Kalis	McEachern	Osthoff	Schafer	Tomlinson
Kelly	Mehrkens	Otis	Schoenfeld	Valan
Knickerbocker	Metzen	Peterson, B.	Schreiber	Vanasek
Kostohryz	Minne	Peterson, D.	Searles	Vellenga
Kvam	Munger	Piepho	Shea	Voss
Laidig	Murphy	Pogemiller	Sherman	Weaver
Lehto	Nelsen, B.	Redalen	Sherwood	Welch
Lemen	Nelson, K.	Rees	Sieben, M.	Welker
Levi	Niehaus	Reif	Simoneau	Wenzel
Long	Norton	Rice	Skoglund	Wieser
Ludeman	Novak	Rodriguez, C.	Stadum	Wigley
Luknic	Nysether	Rodriguez, F.	Staten	Wynia
Mann	O'Connor	Rose	Stowell	Zubay
Marsh	Ogren	Rothenberg	Stumpf	Spkr. Sieben, H.
McCarron	Olsen	Samuelson	Sviggum	

Eken moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the Knickerbocker amendment to the proposed rules and the roll was called. There were 63 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Aasness	Forsythe	Knickerbocker	Olsen	Sherwood
Ainley	Friedrich	Kvam	Onnen	Stadum
Blatz	Gruenes	Laidig	Peterson, B.	Stowell
Carlson, D.	Halberg	Lemen	Piepho	Sviggum
Dean	Haukoos	Levi	Redalen	Valan
Dempsey	Heap	Ludeman	Rees	Valento
Den Ouden	Heinitz	Luknic	Reif	Weaver
Drew	Himle	Marsh	Rose	Welker
Erickson	Hoberg	McDonald	Rothenberg	Wieser
Esau	Hokr	Mehrkens	Schafer	Wigley
Evans	Jennings	Nelsen, B.	Schreiber	Zubay
Ewald	Johnson, D.	Niehaus	Searles	
Fjoslien	Kaley	Nysether	Sherman	

Those who voted in the negative were:

Anderson, B.	Dahlvang	Kalis	Novak	Simoneau
Anderson, G.	Eken	Kelly	O'Connor	Skoglund
Anderson, I.	Elioff	Kostohryz	Ogren	Staten
Anderson, R.	Ellingson	Lehto	Osthoff	Stumpf
Battaglia	Greenfield	Long	Otis	Swanson
Begich	Gustafson	Mann	Peterson, D.	Tomlinson
Berkelman	Hanson	McCarron	Pogemiller	Vanasek
Brandl	Harens	McEachern	Rodriguez, C.	Vellenga
Brinkman	Hauge	Metzen	Rodriguez, F.	Voss
Byrne	Hokanson	Minne	Samuelson	Welch
Carlson, L.	Jacobs	Munger	Sarna	Wenzel
Clark, J.	Johnson, C.	Murphy	Schoenfeld	Wynia
Clark, K.	Jude	Nelson, K.	Shea	Spkr. Sieben, H.
Clawson	Kahn	Norton	Sieben, M.	

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

Searles moved to amend the proposed permanent rules of the House, as printed in the Journal of the House for the Eighteenth day, by adding a rule to read as follows:

**6.13 COMMITTEE ON THE BUDGET.** *Subdivision 1. The Committee on the Budget shall be composed of the Speaker, House Majority Leader, the chairmen of the House Committees on Appropriations and Taxes, the House Minority Leader and two members appointed by the Minority Leader. The House Majority Leader shall serve as chairman of the committee.*

*Subd. 2. Within 90 calendar days of the date of presentation of the governor's budget in an odd-numbered year, the Committee on the Budget shall complete action on and report to the House for its approval a resolution on the budget for the fiscal years in the biennium covered by the governor's budget. The resolution shall set forth:*

(a) *the level of total budget outlays and of total new budget authority from each of the various funds;*

(b) *an estimate of budget outlays and an appropriate level of new budget authority for each major category of state spending (including tax expenditures);*

(c) *the amount, if any, of the surplus in the budget;*

(d) *a recommended level of state revenues and the amount, if any, by which the aggregate level of state revenues should be increased or decreased;*

(e) *an appropriate level of the public debt including bonding authorization;*

(f) *the amount, if any, of any outlays for the previous biennium; and*

(g) *other matters relating to the budget as the committee may deem appropriate.*

*Subd. 3. Notwithstanding any rule to the contrary, it shall not be in order at any time in the House of Representatives during the biennium to consider any House bill, Senate bill, resolution, or amendment which:*

(a) *carries an appropriation;*

(b) *increases or decreases state revenues;*

(c) *increases or decreases bonding authority; or*

(d) carries an outlay for the previous biennium;

until a resolution on the budget for the biennium has been adopted in the odd-numbered year by a majority vote of the whole House.

*Subd. 4. At any time after the House resolution on the budget has been adopted and before the House adjourns sine die in the even-numbered year, the Committee on the Budget may recommend to the House, for its approval, other resolutions on the budget which revise the original budget resolution. Other resolutions shall be effective upon a majority vote of the whole House.*

*Subd. 5. Notwithstanding any rule to the contrary, prior to House consideration in an odd-numbered year of any appropriation bill or any tax bill which increases or decreases revenue, the Committee on Appropriations and the Committee on Taxes and all other committees having input into the allocation of the budget and the raising of revenue shall, each, submit to the Committee on the Budget a report comparing their recommendations with the appropriate levels of budget outlays and new budget authority set forth in the House resolution on the budget. Thereupon, the Committee on the Budget shall submit to the House a summary report comparing the committees' recommendations with the budget levels set forth in the House resolution on the budget. The summary report shall be printed in the Journal of the House. After the Committee on the Budget submits its report to the House, any appropriation bill or any tax bill which increases or decreases revenue may be reported to the House in accordance with these rules.*

A roll call was requested and properly seconded.

The question was taken on the Searles amendment to the proposed permanent rules and the roll was called. There were 62 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Aasness	Forsythe	Knickerbocker	Olsen	Stadum
Ainley	Friedrich	Kvam	Onnen	Stowell
Blatz	Gruenes	Laidig	Peterson, B.	Sviggm
Carlson, D.	Halberg	Lemen	Piepho	Valan
Dean	Haukoos	Levi	Redalen	Valento
Dempsey	Heap	Ludeman	Rees	Weaver
Den Ouden	Heinitz	Luknic	Reif	Welker
Drew	Himle	Marsh	Rose	Wieser
Erickson	Hoberg	McDonald	Rothenberg	Wigley
Esau	Hokr	Mehrkens	Schafer	Zubay
Evans	Jennings	Nelsen, B.	Schreiber	
Ewald	Johnson, D.	Niehaus	Searles	
Fjoslien	Kaley	Nysether	Sherwood	



Those who voted in the negative were :

Anderson, G.	Eken	Kelly	O'Connor	Sieben, M.
Anderson, I.	Elioff	Kostohryz	Ogren	Simoneau
Anderson, R.	Ellingson	Lehto	Osthoff	Skoglund
Battaglia	Greenfield	Long	Otis	Staten
Begich	Gustafson	Mann	Peterson, D.	Stumpf
Berkelman	Hanson	McCarron	Pogemiller	Swanson
Brandl	Harens	McEachern	Reding	Tomlinson
Brinkman	Hauge	Metzen	Rice	Vanasek
Byrne	Hokanson	Minne	Rodriguez, C.	Vellenga
Carlson, L.	Jacobs	Munger	Rodriguez, F.	Voss
Clark, J.	Johnson, C.	Murphy	Samuelson	Welch
Clark, K.	Jude	Nelson, K.	Sarna	Wenzel
Clawson	Kahn	Norton	Schoenfeld	Wynia
Dahlvang	Kalis	Novak	Shea	Spkr. Sieben, H.

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

Nelsen, B., moved to amend the proposed permanent rules of the House, as printed in the Journal of the House for the Eighteenth day, by changing rule 3.10 to read as follows :

**3.10 AMENDMENT NOT TO ANNEX ANOTHER BILL.**  
 Except in a standing committee (NO BILL OR RESOLUTION SHALL AT ANY TIME BE AMENDED BY ANNEXING OR INCORPORATING ANY OTHER BILL OR RESOLUTION PENDING BEFORE THE HOUSE), *it shall not be in order at anytime on or after the first legislative day following the introduction of a bill or resolution to offer the identical contents of that bill or resolution in their entirety as an amendment to any other bill or resolution.*

A roll call was requested and properly seconded.

The question was taken on the Nelsen, B., amendment to the proposed permanent rules and the roll was called. There were 63 yeas and 68 nays as follows :

Those who voted in the affirmative were :

Aasness	Forsythe	Kvam	Onnen	Stadum
Ainley	Friedrich	Laidig	Peterson, B.	Stowell
Blatz	Gruenes	Lemen	Piepho	Sviggum
Carlson, D.	Halberg	Levi	Redalen	Tomlinson
Dean	Haukoos	Ludeman	Rees	Vaian
Dempsey	Heap	Luknic	Reif	Valento
Den Ouden	Heinitz	Marsh	Rose	Weaver
Drew	Himle	McDonald	Rothenberg	Welker
Erickson	Hoberg	Mehrkens	Schafer	Wieser
Esau	Hokr	Nelsen, B.	Schreiber	Wigley
Evans	Jennings	Niehaus	Searles	Zubay
Ewald	Johnson, D.	Nysether	Sherman	
Fjoslien	Knickerbocker	Olsen	Sherwood	

Those who voted in the negative were:

Anderson, B.	Eken	Kelly	O'Connor	Simoneau
Anderson, G.	Elioff	Kostohryz	Ogren	Skoglund
Anderson, I.	Ellingson	Lehto	Osthoff	Staten
Battaglia	Greenfield	Long	Otis	Stumpf
Begich	Gustafson	Mann	Peterson, D.	Swanson
Berkelman	Hanson	McCarron	Pogemiller	Vanasek
Brandl	Harens	McEachern	Reding	Vellenga
Brinkman	Hauge	Metzen	Rice	Voss
Byrne	Hokanson	Minne	Rodriguez, F.	Welch
Carlson, L.	Jacobs	Munger	Samuelson	Wenzel
Clark, J.	Johnson, C.	Murphy	Sarna	Wynia
Clark, K.	Jude	Nelson, K.	Schoenfeld	Spkr. Sieben, H.
Clawson	Kahn	Norton	Shea	
Dahlvang	Kalis	Novak	Sieben, M.	

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

The question recurred on the Eken motion that the proposed permanent rules of the House as printed in the Journal of the House for the Eighteenth day of the Seventy-Second Session be now adopted. The roll was called and there were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kelly	O'Connor	Sherwood
Ainley	Ewald	Knickerbocker	Ogren	Sieben, M.
Anderson, B.	Fjoslien	Kostohryz	Olsen	Simoneau
Anderson, G.	Forsythe	Kvam	Onnen	Skoglund
Anderson, I.	Friedrich	Laidig	Osthoff	Stadum
Anderson, R.	Greenfield	Lehto	Otis	Staten
Battaglia	Gruenes	Lemen	Peterson, B.	Stowell
Begich	Gustafson	Levi	Peterson, D.	Stumpf
Berkelman	Halberg	Long	Piepho	Sviggum
Brandl	Hanson	Ludeman	Pogemiller	Swanson
Brinkman	Harens	Luknic	Redalen	Tomlinson
Byrne	Hauge	Mann	Reding	Valan
Carlson, D.	Haukoos	Marsh	Rees	Valente
Carlson, L.	Heap	McCarron	Reif	Vanasek
Clark, J.	Heimitz	McDonald	Rice	Vellenga
Clark, K.	Himle	McEachern	Rodriguez, C.	Voss
Clawson	Hoberg	Mehrkens	Rodriguez, F.	Weaver
Dahlvang	Hokanson	Metzen	Rose	Welch
Dean	Hokr	Minne	Rothenberg	Welker
Dempsey	Jacobs	Munger	Samuelson	Wenzel
Den Ouden	Jennings	Murphy	Sarna	Wieser
Drew	Johnson, C.	Nelsen, B.	Schafer	Wigley
Eken	Johnson, D.	Nelson, K.	Schoenfeld	Wynia
Elioff	Jude	Niehaus	Schreiber	Zubay
Ellingson	Kahn	Norton	Searles	Spkr. Sieben, H.
Erickson	Kaley	Novak	Shea	
Esau	Kalis	Nysether	Sherman	

The motion prevailed and the permanent rules of the House for the Seventy-Second Session were adopted.

## CALL OF THE HOUSE LIFTED

Jennings moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

## CONSENT CALENDAR

S. F. No. 144, A bill for an act relating to creditors' remedies; property exempt from attachment, garnishment or sale on any final process issued from any court; providing for an increase in the amount of the life insurance exemption and extending the class of those eligible to benefit; amending Minnesota Statutes 1980, Section 550.37, Subdivision 10.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	Nysether	Sherwood
Ainley	Evans	Kelly	O'Connor	Sieben, M.
Anderson, B.	Ewald	Knickerbocker	Ogren	Simoneau
Anderson, G.	Fjoslien	Kostohryz	Olsen	Skoglund
Anderson, I.	Forsythe	Kvam	Onnen	Stadum
Anderson, R.	Friedrich	Laidig	Osthoff	Staten
Battaglia	Greenfield	Lehto	Otis	Stowell
Begich	Gruenes	Lemen	Peterson, B.	Stumpf
Berkelman	Gustafson	Levi	Peterson, D.	Sviggum
Blatz	Halberg	Long	Pogemiller	Swanson
Brandl	Hanson	Ludeman	Redalen	Tomlinson
Brinkman	Harens	Luknic	Reding	Valan
Byrne	Hauge	Mann	Rees	Valento
Carlson, D.	Haukoos	Marsh	Reif	Vanasek
Carlson, L.	Heap	McCarron	Rice	Vellenga
Clark, J.	Heinitz	McDonald	Rodriguez, C.	Voss
Clark, K.	Himle	McEachern	Rodriguez, F.	Weaver
Clawson	Hoberg	Mehrkens	Rose	Welch
Dahlvang	Hokanson	Metzen	Rothenberg	Welker
Dean	Hokr	Minne	Samuelson	Wenzel
Dempsey	Jacobs	Munger	Sarna	Wieser
Den Ouden	Jennings	Murphy	Schafer	Wigley
Drew	Johnson, C.	Nelsen, B.	Schoenfeld	Wynia
Eken	Johnson, D.	Nelson, K.	Schreiber	Zubay
Elioff	Jude	Niehaus	Searles	Spkr. Sieben, H.
Ellingson	Kahn	Norton	Shea	
Erickson	Kaley	Novak	Sherman	

The bill was passed and its title agreed to.

H. F. No. 483, A bill for an act relating to Ramsey county, providing for the administration of the soldiers' rest; amending Laws 1974, Chapter 435, Section 1.0212.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kelly	O'Connor	Sieben, M.
Ainley	Ewald	Knickerbocker	Ogren	Simoneau
Anderson, B.	Fjoslien	Kostohryz	Olsen	Skoglund
Anderson, G.	Forsythe	Kvam	Onnen	Stadum
Anderson, I.	Friedrich	Laidig	Osthoff	Staten
Battaglia	Greenfield	Lehto	Otis	Stowell
Begich	Gruenes	Lemen	Peterson, B.	Stumpf
Berkelman	Gustafson	Levi	Peterson, D.	Sviggum
Blatz	Halberg	Long	Pogemiller	Swanson
Brandl	Hanson	Ludeman	Redalen	Tomlinson
Brinkman	Harens	Luknic	Reding	Valan
Byrne	Hauge	Mann	Rees	Valento
Carlson, D.	Haukoos	Marsh	Reif	Vanasek
Carlson, L.	Heap	McCarron	Rice	Vellenga
Clark, J.	Heinitz	McDonald	Rodriguez, C.	Voss
Clark, K.	Himle	McEachern	Rodriguez, F.	Weaver
Clawson	Hoberg	Mehrkens	Rose	Welch
Dahlvang	Hokanson	Metzen	Rothenberg	Welker
Dean	Hokr	Minne	Samuelson	Wenzel
Dempsey	Jacobs	Munger	Sarna	Wieser
Den Ouden	Jennings	Murphy	Schafer	Wigley
Drew	Johnson, C.	Nelsen, B.	Schoenfeld	Wynia
Eken	Johnson, D.	Nelson, K.	Schreiber	Zubay
Elioff	Jude	Niehaus	Searles	Spkr. Sieben, H.
Ellingson	Kahn	Norton	Shea	
Erickson	Kaley	Novak	Sherman	
Esau	Kalis	Nysether	Sherwood	

The bill was passed and its title agreed to.

## CALENDAR

H. F. No. 13, A bill for an act relating to criminal procedure; providing officers of the United States customs service and the immigration and naturalization service with the arrest powers of peace officers; amending Minnesota Statutes 1980, Sections 629.30; and 629.34.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Blatz	Dahlvang	Esau	Halberg
Ainley	Brandl	Dean	Evans	Hanson
Anderson, B.	Brinkman	Dempsey	Ewald	Harens
Anderson, G.	Byrne	Den Ouden	Fjoslien	Hauge
Anderson, I.	Carlson, D.	Drew	Forsythe	Haukoos
Anderson, R.	Carlson, L.	Eken	Friedrich	Heap
Battaglia	Clark, J.	Elioff	Greenfield	Heinitz
Begich	Clark, K.	Ellingson	Gruenes	Himle
Berkelman	Clawson	Erickson	Gustafson	Hoberg

Hokanson	Luknic	Olsen	Sarna	Valan
Hokr	Mann	Onnen	Schafer	Valento
Jacobs	Marsh	Osthoff	Schoenfeld	Vanasek
Jennings	McCarron	Otis	Schreiber	Vallenga
Johnson, C.	McEachern	Peterson, B.	Searles	Voss
Johnson, D.	Mehrkens	Peterson, D.	Shea	Weaver
Jude	Metzen	Piepho	Sherman	Welch
Kahn	Minne	Pogemiller	Sherwood	Welker
Kaley	Munger	Redalen	Sieben, M.	Wenzel
Kalis	Murphy	Reding	Simoneau	Wieser
Kelly	Nelsen, B.	Rees	Skoglund	Wigley
Knickerbocker	Nelson, K.	Reif	Stadum	Wynia
Kostohryz	Niehaus	Rice	Staten	Zubay
Kvam	Norton	Rodriguez, C.	Stowell	Spkr. Sieben, H.
Laidig	Novak	Rodriguez, F.	Stumpf	
Lehto	Nysether	Rose	Sviggum	
Levi	O'Connor	Rothenberg	Swanson	
Long	Ogren	Samuelson	Tomlinson	

The bill was passed and its title agreed to.

H. F. No. 79, A bill for an act relating to commerce; providing for the regulation and licensing of precious metal dealers; establishing identification procedures and recording requirements; prohibiting certain transactions; providing for criminal and civil penalties; providing remedies; amending Minnesota Statutes 1980, Section 609.53, Subdivision 4, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapter 325F.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Esau	Knickerbocker	Olsen	Sherwood
Anderson, G.	Ewald	Kostohryz	Onnen	Sieben, M.
Anderson, I.	Fjoslien	Kvam	Osthoff	Simoneau
Anderson, R.	Forsythe	Laidig	Otis	Skoglund
Battaglia	Greenfield	Lehto	Peterson, B.	Stadum
Begich	Gruenes	Lemen	Peterson, D.	Staten
Berkelman	Gustafson	Levi	Piepho	Stowell
Blatz	Halberg	Long	Pogemiller	Stumpf
Brandl	Hanson	Luknic	Redalen	Swanson
Brinkman	Harens	Mann	Reding	Tomlinson
Byrne	Hauge	Marsh	Rees	Valan
Carlson, D.	Haukoos	McCarron	Reif	Valento
Carlson, L.	Heap	McEachern	Rice	Vanasek
Clark, J.	Heimitz	Mehrkens	Rodriguez, C.	Vallenga
Clark, K.	Himle	Metzen	Rodriguez, F.	Voss
Clawson	Hoberg	Minne	Rose	Weaver
Dahlvang	Hokanson	Munger	Rothenberg	Welch
Dean	Hokr	Murphy	Samuelson	Wenzel
Dempsey	Jacobs	Nelsen, B.	Sarna	Wieser
Den Ouden	Johnson, C.	Nelson, K.	Schafer	Wigley
Drew	Johnson, D.	Niehaus	Schoenfeld	Wynia
Eken	Jude	Norton	Schreiber	Zubay
Elioff	Kahn	Novak	Searles	Spkr. Sieben, H.
Ellingson	Kaley	O'Connor	Shea	
Erickson	Kelly	Ogren	Sherman	

Those who voted in the negative were:

Aasness	Evans	Kalis	McDonald	Welker
Ainley	Jennings	Ludeman	Sviggum	

The bill was passed and its title agreed to.

H. F. No. 167 was reported to the House and given its third reading.

Peterson, B., moved that H. F. No. 167 be re-referred to the Committee on Governmental Operations.

A roll call was requested and properly seconded.

The question was taken on the motion to re-refer and the roll was called. There were 63 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Jennings	Norton	Shea
Ainley	Elioff	Johnson, D.	Nysether	Sherman
Anderson, B.	Erickson	Knickerbocker	Olsen	Stadum
Anderson, R.	Esau	Laidig	Peterson, B.	Stowell
Battaglia	Evans	Lehto	Redalen	Sviggum
Begich	Ewald	Lemen	Rees	Swanson
Berkelman	Forsythe	Ludeman	Reif	Valan
Blatz	Gruenes	Luknic	Rice	Valento
Byrne	Haukoos	McDonald	Rodriguez, C.	Weaver
Carlson, D.	Heinitz	Mehrkens	Rose	Welker
Carlson, L.	Himle	Minne	Rothenberg	Wynia
Dean	Hoberg	Nelsen, B.	Schafer	
Den Ouden	Hokr	Niehaus	Searles	

Those who voted in the negative were:

Anderson, I.	Harens	Mann	Otis	Skoglund
Brandl	Hauge	Marsh	Peterson, D.	Staten
Clark, J.	Heap	McCarron	Piepho	Stumpf
Clark, K.	Hokanson	McEachern	Pogemiller	Tomlinson
Clawson	Jacobs	Metzen	Reding	Vanasek
Eken	Jude	Munger	Rodriguez, F.	Vellenga
Ellingson	Kahn	Murphy	Samuelson	Voss
Fjoslien	Kaley	Nelson, K.	Sarna	Welch
Friedrich	Kalis	Novak	Schoenfeld	Wenzel
Greenfield	Kelly	O'Connor	Schreiber	Wieser
Gustafson	Kostohryz	Ogren	Sherwood	Wigley
Halberg	Levi	Onnen	Sieben, M.	Zubay
Hanson	Long	Osthoff	Simoneau	Spkr. Sieben, H.

The motion did not prevail.

H. F. No. 167, A bill for an act relating to cable communications; providing for resolution of certain pole attachment disputes; amending Minnesota Statutes 1980, Section 238.02, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 238.

The bill was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 108 yeas and 22 nays as follows :

Those who voted in the affirmative were :

Aasness	Friedrich	Kostohryz	O'Connor	Sherman
Anderson, B.	Greenfield	Kvam	Ogren	Sherwood
Anderson, I.	Gruenes	Laidig	Olsen	Sieben, M.
Battaglia	Gustafson	Lehto	Onnen	Simoneau
Begich	Halberg	Lemen	Osthoff	Skoglund
Berkelman	Hanson	Levi	Otis	Staten
Brandl	Harens	Long	Peterson, D.	Stowell
Brinkman	Hauge	Luknic	Piepho	Stumpf
Byrne	Heap	Mann	Pogemiller	Tomlinson
Carlson, D.	Heinitz	Marsh	Reding	Valan
Carlson, L.	Himle	McCarron	Rees	Vanasek
Clark, J.	Hoberg	McDonald	Reif	Vellenga
Clawson	Hokanson	McEachern	Rodriguez, C.	Voss
Dahlvang	Jacobs	Metzen	Rodriguez, F.	Weaver
Dean	Johnson, C.	Minne	Rothenberg	Welch
Dempsey	Johnson, D.	Munger	Samuelson	Wenzel
Eken	Jude	Murphy	Sarna	Wieser
Elioff	Kahn	Nelsen, B.	Schafer	Wigley
Ellingson	Kaley	Nelson, K.	Schoenfeld	Zubay
Erickson	Kalis	Niehaus	Schreiber	Spkr. Sieben, H.
Fjoslien	Kelly	Norton	Searles	
Forsythe	Knickerbocker	Novak	Shea	

Those who voted in the negative were :

Ainley	Drew	Jennings	Redalen	Welker
Anderson, G.	Esau	Ludeman	Rose	Wynia
Anderson, R.	Evans	Mehrkens	Sviggum	
Blatz	Ewald	Nysether	Swanson	
Den Ouden	Haukoos	Peterson, B.	Valento	

The bill was passed and its title agreed to.

H. F. No. 276, A bill for an act relating to juveniles; prescribing the elements of a prima facie case for referring a child to adult court for criminal prosecution; amending Minnesota Statutes 1980, Section 260.125, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows :

Those who voted in the affirmative were :

Aasness	Anderson, R.	Brandl	Clark, J.	Dempsey
Ainley	Battaglia	Brinkman	Clark, K.	Den Ouden
Anderson, B.	Begich	Byrne	Clawson	Drew
Anderson, G.	Berkelman	Carlson, D.	Dahlvang	Elioff
Anderson, I.	Blatz	Carlson, L.	Dean	Ellingson

Erickson	Johnson, C.	Mehrkens	Rees	Stumpf
Esau	Johnson, D.	Metzen	Reif	Sviggum
Evans	Jude	Minne	Rice	Swanson
Ewald	Kahn	Munger	Rodriguez, C.	Tomlinson
Fjoslien	Kaley	Murphy	Rodriguez, F.	Valan
Forsythe	Kalis	Nelsen, B.	Rose	Valento
Friedrich	Kelly	Nelson, K.	Rothenberg	Vanasek
Greenfield	Knickerbocker	Niehaus	Samuelson	Vellenga
Gruenes	Kostohryz	Norton	Sarna	Voss
Gustafson	Kvam	Novak	Schafer	Weaver
Halberg	Laidig	Nysether	Schoenfeld	Welch
Hanson	Lehto	Ogren	Schreiber	Welker
Harens	Lemen	Olsen	Searles	Wenzel
Hauge	Levi	Onnen	Shea	Wieser
Haukoos	Long	Osthoff	Sherman	Wigley
Heap	Ludeman	Otis	Sherwood	Wynia
Heinitz	Luknic	Peterson, B.	Sieben, M.	Zubay
Himle	Mann	Peterson, D.	Simoneau	Spkr. Sieben, H.
Hoberg	Marsh	Piepho	Skoglund	
Hokanson	McCarron	Pogemiller	Stadum	
Jacobs	McDonald	Redalen	Staten	
Jennings	McEachern	Reding	Stowell	

The bill was passed and its title agreed to.

H. F. No. 357, A bill for an act relating to highway traffic regulation; authorizing and regulating the use of strobe lamps on school buses; correcting the applicability provision of a school bus law; authorizing and regulating flashing signals or school bus stop signal arms; imposing standards for the signal arms; restricting the meaning of "type three school bus"; prohibiting the type three school bus from being equipped and identified as certain other school buses; amending Minnesota Statutes 1980, Sections 169.44, Subdivisions 3 and 10, and by adding subdivisions; 169.64, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Dahlvang	Hanson	Knickerbocker	Murphy
Ainley	Dean	Harens	Kostohryz	Nelsen, B.
Anderson, B.	Demsey	Hauge	Kvam	Nelson, K.
Anderson, G.	Den Ouden	Haukoos	Lehto	Niehaus
Anderson, I.	Drew	Heap	Lemen	Norton
Anderson, R.	Elioff	Heinitz	Levi	Novak
Battaglia	Ellingson	Himle	Long	Nysether
Begich	Erickson	Hokanson	Ludeman	O'Connor
Berkelman	Esau	Hokr	Luknic	Ogren
Blatz	Evans	Jacobs	Mann	Olsen
Brandl	Ewald	Jennings	Marsh	Onnen
Brinkman	Fjoslien	Johnson, C.	McCarron	Osthoff
Byrne	Forsythe	Johnson, D.	McDonald	Otis
Carlson, D.	Friedrich	Jude	McEachern	Peterson, B.
Carlson, L.	Greenfield	Kahn	Mehrkens	Peterson, D.
Clark, J.	Gruenes	Kaley	Metzen	Piepho
Clark, K.	Gustafson	Kalis	Minne	Pogemiller
Clawson	Halberg	Kelly	Munger	Redalen



Reding	Sarna	Simoneau	Valan	Wieser
Rees	Schafer	Skoglund	Valento	Wigley
Reif	Schoenfeld	Stadum	Vanasek	Wynia
Rice	Schreiber	Staten	Vellenga	Zubay
Rodriguez, C.	Searles	Stowell	Voss	Spkr. Sieben, H.
Rodriguez, F.	Shea	Stumpf	Weaver	
Rose	Sherman	Sviggum	Welch	
Rothenberg	Sherwood	Swanson	Welker	
Samuelson	Sieben, M.	Tomlinson	Wenzel	

The bill was passed and its title agreed to.

S. F. No. 92, A bill for an act relating to crimes; prescribing penalties for the possession of controlled substances on school premises; amending Minnesota Statutes 1980, Section 152.15, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Knickerbocker	Ogren	Sherwood
Ainley	Ewald	Kostohryz	Olsen	Sieben, M.
Anderson, B.	Fjoslien	Kvam	Onnen	Simoneau
Anderson, G.	Forsythe	Lehto	Osthoff	Skoglund
Anderson, I.	Friedrich	Lemen	Otis	Stadum
Anderson, R.	Gruenes	Levi	Peterson, B.	Staten
Battaglia	Gustafson	Long	Peterson, D.	Stowell
Begich	Halberg	Ludeman	Piepho	Stumpf
Berkelman	Hanson	Luknic	Pogemiller	Sviggum
Blatz	Harens	Mann	Redalen	Swanson
Brandl	Hauge	Marsh	Reding	Tomlinson
Brinkman	Haukoos	McCarron	Rees	Valan
Carlson, D.	Heap	McDonald	Reif	Valento
Carlson, L.	Heinitz	McEachern	Rice	Vanasek
Clark, J.	Himle	Mehrkens	Rodriguez, C.	Vellenga
Clark, K.	Hoberg	Metzen	Rodriguez, F.	Voss
Clawson	Hokanson	Minne	Rose	Weaver
Dahlvang	Hokr	Munger	Rothenberg	Welch
Dean	Jacobs	Murphy	Samuelson	Welker
Dempsey	Jennings	Nelsen, B.	Sarna	Wenzel
Den Ouden	Johnson, C.	Nelson, K.	Schafer	Wieser
Drew	Johnson, D.	Niehaus	Schoenfeld	Wigley
Elihoff	Jude	Norton	Schreiber	Wynia
Ellingson	Kaley	Novak	Searles	Zubay
Erickson	Kalis	Nysether	Shea	Spkr. Sieben, H.
Esau	Kelly	O'Connor	Sherman	

Those who voted in the negative were:

Byrne            Greenfield        Kahn

The bill was passed and its title agreed to.

Stowell was excused at 4:00 p.m. Murphy and Carlson, D., were excused from 4:00 p.m. to 4:30 p.m. Clawson and Searles were excused at 4:25 p.m.

### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

#### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 312, 173 and 415 which it recommended to pass.

S. F. No. 13 which it recommended to pass.

H. F. No. 470 which it recommended progress.

H. F. No. 98 which it recommended progress with the following amendment offered by Fjoslien, Heinitz, Metzen, Sviggum and Minne:

Page 4, line 21, after "report" delete "; *provided that*"

Page 4, delete line 22

Page 4, line 23, delete "*accepted after June 30, 1983*"

On the motion of Eken the report of the Committee of the Whole was adopted.

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

Fjoslien, Heinitz, Metzen, Sviggum and Minne moved to amend H. F. No. 98 as follows:

Page 4, line 21, after "report" delete "; *provided that*"

Page 4, delete line 22

Page 4, line 23, delete "*accepted after June 30, 1983*"

The question was taken on the adoption of the amendment and the roll was called. There were 87 yeas and 35 nays as follows:

Those who voted in the affirmative were:

Aasness	Elioff	Johnson, D.	Nysether	Stadum
Ainley	Esau	Kaley	O'Connor	Sviggum
Anderson, B.	Evans	Knickerbocker	Olsen	Swanson
Anderson, G.	Fjoslien	Kostohryz	Onnen	Valan
Anderson, R.	Forsythe	Kvam	Peterson, B.	Valento
Battaglia	Friedrich	Laidig	Piepho	Vanasek
Begich	Gruenes	Lemen	Redalen	Vellenga
Berkelman	Halberg	Levi	Rees	Voss
Blatz	Hanson	Long	Reif	Weaver
Brinkman	Haukoos	Ludeman	Rodriguez, C.	Welch
Byrne	Heap	Luknic	Rose	Welker
Carlson, D.	Heinitz	Marsh	Rothenberg	Wenzel
Carlson, L.	Himle	McDonald	Schafer	Wieser
Dahlvang	Hoberg	Mehrkens	Schreiber	Wigley
Dempsey	Hokanson	Metzen	Searles	Zubay
Den Ouden	Hokr	Minne	Shea	
Drew	Jennings	Nelsen, B.	Sherman	
Eken	Johnson, C.	Niehaus	Sherwood	

Those who voted in the negative were:

Brandl	Harens	Munger	Peterson, D.	Simoneau
Clark, J.	Hauge	Nelson, K.	Pogemiller	Skoglund
Clark, K.	Jacobs	Norton	Reding	Staten
Dean	Kahn	Novak	Rice	Stumpf
Ellingson	Kelly	Ogren	Rodriguez, F.	Tomlinson
Greenfield	Lehto	Osthoff	Samuelson	Wynia
Gustafson	Mann	Otis	Sieben, M.	Spkr. Sieben, H.

The motion prevailed and the amendment was adopted.

The question was taken on the Anderson, G., motion that H. F. No. 312 be re-referred to the Committee on Agriculture and the roll was called. There were 58 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eken	Kalis	Ogren	Skoglund
Anderson, G.	Elioff	Kelly	Osthoff	Staten
Battaglia	Ellingson	Kostohryz	Otis	Swanson
Begich	Fjoslien	Lehto	Peterson, B.	Tomlinson
Berkelman	Greenfield	Lemen	Peterson, D.	Vanasek
Blatz	Gustafson	Long	Pogemiller	Vellenga
Brandl	Halberg	Mann	Reding	Voss
Byrne	Hanson	Minne	Rodriguez, C.	Welch
Carlson, L.	Harens	Munger	Rose	Wynia
Clark, J.	Hauge	Nelson, K.	Rothenberg	Spkr. Sieben, H.
Clark, K.	Hokanson	Norton	Sieben, M.	
Dean	Kahn	Novak	Simoneau	

Those who voted in the negative were:

Aasness	Ainley	Anderson, I.	Anderson, R.	Brinkman
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Carlson, D.	Heinitz	Ludeman	Onnen	Stadum
Dahlvang	Himle	Luknic	Piepho	Stumpf
Dempsey	Hoberg	Marsh	Redalen	Swiggum
Den Ouden	Hokr	McCarron	Rees	Valan
Drew	Jacobs	McDonald	Reif	Valento
Erickson	Jennings	McEachern	Rice	Weaver
Esau	Johnson, C.	Mehrrens	Samuelson	Welker
Evans	Johnson, D.	Metzen	Sarna	Wenzel
Ewald	Jude	Murphy	Schafer	Wieser
Forsythe	Kaley	Nelsen, B.	Schoenfeld	Wigley
Friedrich	Knickerbocker	Niehaus	Schreiber	Zubay
Gruenes	Kvam	Nysether	Shea	
Haukoos	Laidig	O'Connor	Sherman	
Heap	Levi	Olsen	Sherwood	

The motion did not prevail.

The question was taken on the motion to recommend passage of H. F. No. 312 and the roll was called. There were 75 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Aasness	Forsythe	Kaley	Niehaus	Shea
Ainley	Friedrich	Kalis	Nysether	Sherman
Anderson, I.	Gruenes	Knickerbocker	O'Connor	Sherwood
Anderson, R.	Halberg	Kvam	Ogren	Stadum
Brinkman	Hauge	Laidig	Olsen	Stumpf
Carlson, D.	Haukoos	Levi	Onnen	Swiggum
Dahlvang	Heap	Ludeman	Piepho	Swanson
Dempsey	Heinitz	Luknic	Redalen	Valan
Den Ouden	Himle	Mann	Rees	Valento
Drew	Hoberg	Marsh	Reif	Weaver
Erickson	Hokr	McDonald	Rice	Welker
Esau	Jennings	McEachern	Rose	Wenzel
Evans	Johnson, C.	Mehrrens	Schafer	Wieser
Ewald	Johnson, D.	Metzen	Schoenfeld	Wigley
Fjoslien	Jude	Nelsen, B.	Schreiber	Zubay

Those who voted in the negative were:

Anderson, B.	Dean	Kostohryz	Otis	Skoglund
Anderson, G.	Eken	Lehto	Peterson, B.	Staten
Battaglia	Elioff	Lemen	Peterson, D.	Tomlinson
Begich	Ellingson	Long	Pogemiller	Vanasek
Berkelman	Greenfield	Minne	Reding	Vellenga
Blatz	Gustafson	Munger	Rodriguez, C.	Voss
Brandl	Hanson	Murphy	Rothenberg	Welch
Byrne	Harens	Nelson, K.	Samuelson	Wynia
Carlson, L.	Hokanson	Norton	Sarna	Spkr. Sieben, H.
Clark, J.	Kahn	Novak	Sieben, M.	
Clark, K.	Kelly	Osthoff	Simoneau	

The motion prevailed.

## MOTIONS AND RESOLUTIONS

Kelly moved that the name of Pogemiller be added as an author on H. F. No. 276. The motion prevailed.

Rodriguez, C., moved that the name of Friedrich be added as an author on H. F. No. 434. The motion prevailed.

Simoneau moved that the names of Greenfield and Lehto be added as authors on H. F. No. 378. The motion prevailed.

Greenfield moved that the name of Peterson, D., be added as an author on H. F. No. 482. The motion prevailed.

Ludeman moved that the name of Welker be added as an author on H. F. No. 693. The motion prevailed.

Kelly moved that the name of Clark, K., be added as an author on H. F. No. 266. The motion prevailed.

Greenfield moved that H. F. No. 557 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Health and Welfare. The motion prevailed.

Vanasek moved that the name of Vanasek be stricken and the name of Battaglia be added as chief author on H. F. No. 150. The motion prevailed.

Kelly moved that the name of Rodriguez, C., be added as an author on H. F. No. 452. The motion prevailed.

Murphy moved that the name of Long be added as an author on H. F. No. 653. The motion prevailed.

Clawson moved that H. F. No. 128 be returned to its author. The motion prevailed.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, March 9, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, March 9, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## TWENTY-FIRST DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 9, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Reverend David E. Wilder, Bethany Covenant Church, Bloomington, Minnesota.

The roll was called and the following members were present:

Aasness	Erickson	Kaley	Nysether	Sieben, M.
Ainley	Evans	Kalis	O'Connor	Simoneau
Anderson, B.	Ewald	Kelly	Olsen	Skoglund
Anderson, G.	Fjoslien	Knickerbocker	Onnen	Stowell
Anderson, I.	Forsythe	Kostohryz	Osthoff	Stumpf
Anderson, R.	Friedrich	Kvam	Otis	Sviggum
Battaglia	Greenfield	Laidig	Peterson, B.	Swanson
Begich	Gruenes	Lehto	Peterson, D.	Tomlinson
Berkelman	Gustafson	Lemen	Piepho	Valan
Blatz	Halberg	Levi	Pogemiller	Valento
Brandl	Hanson	Long	Reding	Vanasek
Brinkman	Harens	Mann	Reif	Vellenga
Byrne	Hauge	Marsh	Rice	Voss
Carlson, D.	Haukoos	McCarron	Rodriguez, C.	Weaver
Carlson, L.	Heap	McDonald	Rodriguez, F.	Welch
Clark, J.	Heinitz	McEachern	Rose	Welker
Clark, K.	Himle	Mehrkens	Rothenberg	Wenzel
Clawson	Hoberg	Metzen	Samuelson	Wieser
Dahlvang	Hokanson	Minne	Sarna	Wigley
Dean	Hokr	Munger	Schafer	Wynia
Dempsey	Jacobs	Murphy	Schoenfeld	Zubay
Den Ouden	Jennings	Nelsen, B.	Schreiber	Spkr. Sieben, H.
Drew	Johnson, C.	Nelson, K.	Searles	
Eken	Johnson, D.	Niehaus	Shea	
Elioff	Jude	Norton	Sherman	
Ellingson	Kahn	Novak	Sherwood	

A quorum was present.

Esau, Ludeman, Luknic, Ogren, Redalen, Rees, Stadum and Staten were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Vanasek moved that further reading of the Journal be

dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

#### REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 40, 77, 237, 401, 434, 467, 480, 2, 28, 111, 114, 117, 157, 183, 189, 518, 521, and 98 and S. F. Nos. 219, 346, 366 and 247 have been placed in the members' files.

Eken moved that the bills on the Consent Calendar, Calendar and General Orders for today be continued until Thursday, March 12, 1981. The motion prevailed.

In memory of and out of respect for the late former State Senator from District 65, Nicholas D. Coleman, the Minnesota House of Representatives dedicated today's session in his honor.

Tributes to the late former State Senator Nicholas D. Coleman were offered by Representatives Eken; Carlson, D.; Rice; Norton and Welch.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, March 12, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, March 12, 1981.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**

## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## TWENTY-SECOND DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 12, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Reverend Allan O. Nelson, Our Savior Lutheran Church, Kiester, Minnesota.

The roll was called and the following members were present:

Aasness	Esau	Kalis	Novak	Sherwood
Ainley	Evans	Kelly	Nysether	Sieben, M.
Anderson, B.	Ewald	Knickerbocker	O'Connor	Simoneau
Anderson, G.	Fjoslien	Kostohryz	Ogren	Skoglund
Anderson, I.	Forsythe	Kvam	Olsen	Stadum
Anderson, R.	Friedrich	Laidig	Otis	Staten
Battaglia	Greenfield	Lehto	Peterson, B.	Stowell
Begich	Gruenes	Lemen	Peterson, D.	Stumpf
Berkelman	Gustafson	Levi	Piepho	Sviggum
Blatz	Halberg	Long	Pogemiller	Swanson
Brandl	Hanson	Ludeman	Redalen	Tomlinson
Brinkman	Harens	Luknie	Reding	Valan
Carlson, D.	Hauge	Mann	Rees	Valento
Carlson, L.	Haukoos	Marsh	Reif	Vanasek
Clark, J.	Heap	McCarron	Rice	Vellenga
Clark, K.	Heinitz	McDonald	Rodriguez, C.	Voss
Clawson	Himle	McEachern	Rodriguez, F.	Weaver
Dahlvang	Hoberg	Mehrkens	Rose	Welch
Dean	Hokanson	Metzen	Rothenberg	Welker
Dempsey	Hokr	Minne	Sarna	Wenzel
Den Ouden	Jennings	Munger	Schafer	Wieser
Drew	Johnson, C.	Murphy	Schoenfeld	Wigley
Eken	Johnson, D.	Nelsen, B.	Schreiber	Wynia
Elioff	Jude	Nelson, K.	Searles	Zubay
Ellingson	Kahn	Niehaus	Shea	Spkr. Sieben, H.
Erickson	Kaley	Norton	Sherman	

A quorum was present.

Byrne, Jacobs, Onnen, Osthoff and Samuelson were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Clawson moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.



## REPORTS OF CHIEF CLERK

S. F. No. 247 and H. F. No. 260, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Voss moved that the rules be so far suspended that S. F. No. 247 be substituted for H. F. No. 260 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 346 and H. F. No. 337, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Carlson, L., moved that the rules be so far suspended that S. F. No. 346 be substituted for H. F. No. 337 and that the House File be indefinitely postponed. The motion prevailed.

## PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
SAINT PAUL 55155

March 11, 1981

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

The Honorable Jack Davies  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1981</i>	<i>Date Filed 1981</i>
102		5	March 11	March 11

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

## REPORTS OF STANDING COMMITTEES

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 20, A bill for an act relating to health; establishing a state advisory council on epilepsy; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [ADVISORY TASK FORCE ON EPILEPSY.]

*Subdivision 1. [CREATION.] There is created in the legislative branch an advisory task force to study and report on the status of programs, services, and facilities for epileptic persons in Minnesota.*

*Subd. 2. [MEMBERSHIP.] The task force shall consist of the commissioners of education, health, public welfare, economic security, and insurance, or their designees; five members of the house of representatives appointed by the speaker; five members of the senate appointed by the subcommittee on committees of the senate rules and administration committee; one member appointed by the council for the handicapped; and ten citizens appointed by the governor. The persons appointed by the governor shall have an interest in the problems of epileptics and shall include representatives of medicine, law, education, organized labor, business, and social services organizations. At least five persons appointed by the governor shall have epilepsy or be the parent of a person with epilepsy. Members shall serve until the expiration date of this section or until the expiration of their legislative terms. The compensation of non-legislator members, their removal from office, and the filling of vacancies shall be as provided in Minnesota Statutes, Section 15.059, Subdivisions 3 and 4. The task force may hold meetings and hearings to accomplish its purposes and shall select from among its members a chairperson and any other appropriate officers.*

*Subd. 3. [DUTIES.] The task force shall study all matters related to persons with epilepsy in Minnesota, including their needs for private and public facilities and services, the nature of laws and rules related to them, and the availability of adequate public and private epilepsy prevention and control programs. The task force shall analyze the findings and recommendations of the national commission for the control of epilepsy and its consequences and shall report to the governor and the legislature by June 30, 1983, with specific findings and recommendations for implementing the ideas of the national report that are applicable to this state. The task force may also include findings and recommendations unrelated to the national report if they are related to encouraging the development of coordinated*

*public and private programs, services, and facilities for persons with epilepsy.*

*Subd. 4. [EXECUTIVE DIRECTOR; STAFF.] The task force may select an executive director by a vote of a majority of all task force members. The executive director shall be in the unclassified service of the state and shall act as secretary to the task force and perform other duties as the task force may require. Upon recommendation of the executive director, the task force may approve employment of clerical and other employees in the unclassified service as the task force deems necessary. The selection and compensation of the executive director and other staff shall require the approval of the legislative coordinating commission. The executive director shall be reimbursed for all actual and necessary expenses incurred as a result of task force responsibilities. Reimbursement shall be made pursuant to the rules governing other legislative employees.*

*Subd. 5. [SPACE; SERVICES.] The legislative coordinating commission shall supply the task force with office space and administrative services. The task force shall have the right to call upon and receive from state departments, agencies, and institutions any technical advice and service which is reasonably necessary to fulfill the purposes of the task force, subject to the restrictions of the data privacy act.*

*Subd. 6. [ACCEPTANCE OF GIFTS.] When any person, corporation, the United States government or any other entity offers funds to the task force by way of gift, grant or loan, for the purpose of assisting the task force to carry out its duties, the task force may accept the offer by majority vote and, upon acceptance, the chairperson shall receive the funds subject to the terms of the offer, but no money shall be accepted or received as a loan nor shall any indebtedness be incurred except in the manner and under the limitations otherwise provided by law.*

## Sec. 2. [REPEALER.]

*Section 1 is repealed June 30, 1983.*

*Sec. 3. [APPROPRIATION.] There is appropriated from the general fund to the legislative coordinating commission the sum of \$ . . . . . to pay expenses incurred by the task force. This appropriation is available until June 30, 1983."*

Amend the title as follows:

Page 1, line 3, delete "council" and insert "task force"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 57, A bill for an act relating to real estate; directing a conveyance of the states right, title and interest in certain lands to Independent School District No. 417 of Tracy, Minnesota.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 84, A bill for an act relating to the city of St. James; authorizing the issuance of revenue bonds for the acquisition and betterment of an airport facility.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 91, A bill for an act relating to public safety; specifying the crime of fleeing from a peace officer by use of a motorized vehicle; providing that whoever flees a peace officer in a motorized vehicle shall be liable for any loss caused by such flight; prohibiting insurers from excluding such liability from their policies; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapters 65B and 609.

Reported the same back with the following amendments:

Page 1, line 15, delete "sections 1 to" and insert "this section"

Page 1, line 16, delete "3"

Page 2, delete lines 3 to 13 and insert:

*"Subd. 3. [INSURANCE COVERAGE.] Notwithstanding any provision in a contract to the contrary, every insurer or reparation obligor providing liability insurance for bodily injury or property damage covering obligations arising from ownership, maintenance, operation or use of a motor vehicle or motorcycle shall include coverage for a claim based upon the*

liability of its insured as a fleeing person pursuant to subdivision 2."

Page 2, line 14, after "FLEEING" insert "A"

Page 2, after line 15 insert:

*"Subdivision 1. [DEFINITION.] For purposes of this section, the term "flee" means to increase speed, extinguish motor vehicle headlights or taillights, or to use other means with intent to attempt to elude a peace officer following a signal given by any peace officer to the driver of a motor vehicle."*

Page 2, line 16, delete "Subdivision 1. [FLEEING" and insert "Subd. 2. [FLEEING AN"

Page 2, line 23, delete "2. [FLEEING" and insert "3. [FLEEING AN"

Amend the title as follows:

Page 1, line 6, delete "prohibiting insurers from" and insert "requiring insurers to"

Page 1, line 7, delete "excluding" and insert "include"

Page 1, line 7, delete "from" and insert "in"

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 170, A bill for an act relating to commerce; requiring manufacturers of alcohol fueled motor vehicles to offer the same for sale within the state; proposing new law coded in Minnesota Statutes, Chapter 325E.

Reported the same back with the following amendments:

Page 1, line 9, after "Any" insert "domestic"

Amend the title as follows:

Page 1, line 2, after "requiring" insert "domestic"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 241, A bill for an act relating to local government; removing a limit on advertising budgets of certain statutory cities; amending Minnesota Statutes 1980, Section 465.56, Subdivision 1; repealing Minnesota Statutes 1980, Section 465.56, Subdivision 2.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 277, A bill for an act relating to insurance; broadening the investment authority of township mutual insurance companies; prescribing recordkeeping duties; providing remedies; proposing new law coded in Minnesota Statutes, Chapter 67A; repealing Minnesota Statutes 1980, Sections 67A.23 and 67A.24.

Reported the same back with the following amendments:

Page 2, line 36, delete "30" and insert "60"

Page 3, delete all of subdivision 3, and insert:

*"Subd. 3. [EXAMINATION BY COMMISSIONER.] The commissioner, with due cause based upon information disclosed in any statement or report or upon information from any examination conducted under this section or when requested by five or more members, shall make an examination of the financial and business affairs of any township mutual fire insurance company doing business within this state. The company examined shall pay the actual expenses of the person or persons making the examination and the fees prescribed in Minnesota Statutes, Section 60A.03, Subdivision 5."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 321, A bill for an act relating to the city of St. Paul; authorizing the issuance of a license for the sale of intoxicating liquor at Town Square Park.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 326, A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1980, Sections 62E.52, Subdivision 2; 62E.53, Subdivisions 1 and 2; and 62E.531, Subdivision 2.

Reported the same back with the following amendments:

Page 1, after line 25, insert

“Sec. 2. Minnesota Statutes 1980, Section 62E.52, Subdivision 3, is amended to read:

Subd. 3. “Qualified expense” means any charge incurred (SUBSEQUENT TO JULY 1, 1977) *within 18 months prior to application for coverage under sections 62E.51 to 62E.55 for a health service which is included in the list of covered services described in section 62E.06, subdivision 1, and for which no third party is liable.*”

Page 2, line 9, delete “an” and insert “any”

Page 2, line 15, reinstate the stricken language

Page 3, line 12, delete “\$20,000,000” and insert “\$15,000,000”

Page 3, line 14, delete “4” and insert “5”

Renumber the sections

Amend the title as follows:

Page 1, line 5, delete “Subdivision” and insert “Subdivisions and”

Page 1, line 6, delete the first “2” and insert “3”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 341, A bill for an act relating to the city of Edina; providing for the purchasing and contracting authority of the city manager and council.

Reported the same back with the following amendments:

Page 1, line 11, after "*exceed*" insert "*\$2,000, provided that the council, by resolution, may from time to time increase such amount as it shall determine but not in excess of*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 371, A bill for an act relating to insurance; prohibiting insurance companies which offer funeral or burial expense policies from designating as beneficiaries under the policies persons who provide funeral or burial services and supplies; removing the prohibition against an insurance company's affiliation with a funeral establishment; proposing new law coded in Minnesota Statutes, Chapter 72A; repealing Minnesota Statutes 1980, Section 72A.321.

Reported the same back with the following amendments:

Page 1, line 23, after "*choice.*" insert "*No owner, director, or employee of a funeral establishment shall receive any agent's fee on any insurance sale facilitated through the funeral establishment.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 395, A bill for an act relating to state government; allowing other public employees to participate in state employee van pools under certain circumstances; amending Minnesota Statutes 1980, Section 16.756, by adding a subdivision.

Reported the same back with the following amendments:



Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 16.756, is amended by adding a subdivision to read:

*Subd. 1a. State and other public employees and their spouses who live or work outside the metropolitan area shall also be eligible for the employee transportation program established through this section; provided, however, that the driver and substitute driver of every van pool are state employees; and provided, further, that state employees constitute a majority of the members of every van pool. Available space in van pools must, whenever possible, be filled by state employees.*

Sec. 2. [EFFECTIVE DATE.]

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

Amend the title as follows:

Page 1, line 3, after "employees" insert ", as well as spouses of state and other public employees,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 436, A bill for an act relating to financial institutions; setting application fees for industrial loan and thrifts; providing for publication of notices; establishing procedures for consideration of applications for consent to sell and issue certificates; increasing the minimum amounts for insurance of accounts; amending Minnesota Statutes 1980, Sections 53.03, Subdivision 1, and by adding subdivisions; and 53.10, Subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 462, A bill for an act relating to commerce; requiring invoices on certain repairs; amending Minnesota Statutes 1980, Sections 325F.60; and 325F.64.

Reported the same back with the following amendments:

Page 1, line 10, delete "*For the purpose*"

Page 1, delete line 11

Page 1, line 12, delete "*for a total*" and insert "*Notwithstanding the provisions of section 325F.56, subdivision 2, for the purpose of this section 'repair' means work of any value performed under the manufacturer's warranty, service contract, or insurance policy; or any repair work performed for a total value*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 477, A bill for an act relating to education; changing a reference to the provisions governing the student loan program; allowing parents of eligible students to obtain loans through the student loan program; increasing the bonding authority of the higher education coordinating board; expanding the career guidance program; transferring responsibility for certain portions of the statewide testing program; providing exclusive property rights in certain records; abolishing tuition subsidies for post-secondary vocational-technical school students; providing for certification of status of tuition subsidy recipients; amending Minnesota Statutes 1980, Sections 136A.141; 136A.15, by adding a subdivision; 136A.16, Subdivisions 3 and 4; 136A.17, Subdivisions 1, 4, 5, 7, and 10; 136A.171; 136A.85; 136A.86, Subdivisions 2, 3, and by adding a subdivision; repealing Minnesota Statutes 1980, Section 136A.236.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1980, Section 136A.141, is amended to read:

**136A.141 [STUDENT LOAN PROGRAM.]**

The higher education coordinating board (IS AUTHORIZED AND DIRECTED TO) shall establish and supervise (A) one or more student loan (PROGRAM) programs in accordance with the provisions of (MINNESOTA STATUTES 1971,) sections 136A.14 to 136A.17.

Sec. 2. Minnesota Statutes 1980, Section 136A.15, Subdivision 7, is amended to read:

Subd. 7. "Eligible student" means a student who is officially registered or accepted for enrollment at an eligible institution in Minnesota or a Minnesota resident who is officially registered as a student or accepted for enrollment at an eligible institution in another state. *Eligible student, except for purposes of section 136A.161, includes parents of an eligible student as the term "parent" is defined in the higher education act of 1965, as amended, and the regulations promulgated thereunder.*

Sec. 3. Minnesota Statutes 1980, Section 136A.16, Subdivision 3, is amended to read:

Subd. 3. The board (SHALL BE AUTHORIZED TO) *may* make loans in amounts not to exceed the maximum amount provided in the higher education act of 1965 and any amendments thereof (AND). The board (SHALL BE AUTHORIZED TO) *may* establish procedures determining the loan amounts for which students are eligible.

Sec. 4. Minnesota Statutes 1980, Section 136A.16, Subdivision 4, is amended to read:

Subd. 4. The board (SHALL HAVE THE RIGHT TO) *may* contract with or (TO) enter into agreements with eligible lenders for (PURPOSES) *the purpose* of making loans to (RESIDENTS) *eligible students* in accordance with the policies (,) *and* rules (, AND REGULATIONS) of the board.

Sec. 5. Minnesota Statutes 1980, Section 136A.17, Subdivision 1, is amended to read:

Subdivision 1. (ELIGIBILITY OF STUDENT BORROWERS. AN APPLICANT) *A student* shall be eligible to apply for a loan under the provisions of sections 136A.14 to 136A.17 if the board finds that (HE) *the student* is an eligible student as defined in those sections and is eligible for a loan under federal laws and regulations governing the (FEDERALLY INSURED) *federal guaranteed* student loan program.

Sec. 6. Minnesota Statutes 1980, Section 136A.17, Subdivision 4, is amended to read:

Subd. 4. No loan shall be made in excess of the maximum provided by pertinent federal laws and regulations (AND). The aggregate unpaid principal amount of loans to any individual student shall not exceed the maximum provided in pertinent federal laws and regulations.

Sec. 7. Minnesota Statutes 1980, Section 136A.17, Subdivision 10, is amended to read:

Subd. 10. The board (IS AUTHORIZED TO) *may* establish variable repayment schedules consistent with the need and anticipated income streams of (STUDENT) borrowers (PROVIDED THAT SUCH). *The* repayment schedules shall not violate the federal laws and regulations governing (FEDERALLY INSURED) *federal guaranteed* (STUDENTS) *student* loan programs.

Sec. 8. Minnesota Statutes 1980, Section 136A.171, is amended to read:

136A.171 [REVENUE BONDS; ISSUANCE; PROCEEDS.]

The higher education coordinating board may issue revenue bonds to obtain funds for loans made in accordance with the provisions of this chapter. The aggregate amount of revenue bonds, issued directly by the board, outstanding at any one time, not including refunded bonds or otherwise defeased or discharged bonds, shall not exceed (\$300,000,000) *\$550,000,000*. Proceeds from the issuance of bonds may be held and invested by the board pending disbursement in the form of loans. All interest and profits from (SUCH) *the* investments shall inure to the benefit of the board and shall be available to the board for the same purposes as the proceeds from the sale of revenue bonds including, but not limited to, costs incurred in administering loans under this chapter and loan reserve funds.

Sec. 9. Minnesota Statutes 1980, Section 136A.85, is amended to read:

136A.85 [CAREER GUIDANCE PROGRAM; ESTABLISHMENT.]

The Minnesota higher education coordinating board shall establish for all eleventh grade students in the state who desire to participate, a statewide *career* guidance, testing (AND), information *and planning* program designed to:

(a) Assist students to make career plans and decisions regarding post-secondary education, training and goals;

(b) Assist high school, college and vocational institute counselors in their work with students;

(c) Assist Minnesota colleges and vocational institutes to identify students for whose talents, interests and needs they have appropriate programs;

(d) Assist colleges and scholarship agencies to select from applicants those who show the most promise of benefiting from particular programs;

(e) Provide educators, state planners and policy makers in the state a continuous inventory of the talents, plans, needs and other characteristics of students in individual educational institutions, in educational systems, and in the state as a whole; and

(f) Assist educators, state planners and policy makers to develop improved educational measures and counseling tools.

Sec. 10. Minnesota Statutes 1980, Section 136A.86, Subdivision 2, is amended to read:

Subd. 2. The board shall periodically review and evaluate the statewide *career* guidance, testing (AND), information *and planning* program and report to the governor and legislature the program status and the board's recommendations for legislation to improve the program.

Sec. 11. Minnesota Statutes 1980, Section 136A.86, Subdivision 3, is amended to read:

Subd. 3. The board (SHALL) *may* contract with the University of Minnesota (TO ADMINISTER THE PROGRAM. THE UNIVERSITY OF MINNESOTA MAY CONTRACT WITH) *and* other testing agencies and suppliers to obtain instruments or services needed to operate the program.

Sec. 12. Minnesota Statutes 1980, Section 136A.86, is amended by adding a subdivision to read:

*Subd. 4. Any data, reports, studies, tapes, or other documents prepared by contractors for the board under this program shall be the exclusive property of the board, and those materials shall be remitted to the board upon completion, termination, or cancellation of any contract or agreement with the board.*

Sec. 13. [CERTIFICATION.]

*The Minnesota higher education coordinating board shall certify to the legislature before January 1, 1983, whether the essential financial needs of students who have been recipients of tuition subsidies pursuant to section 136A.236 can be met through the provisions of 136A.09 to 136A.131.*

Sec. 14. [EFFECTIVE DATE.]

*Sections 1 to 13 are effective the day following final enactment."*

Amend the title as follows:

Page 1, delete line 4

Page 1, line 5, delete "through the student loan program" and insert "including parents within the definition of eligible student for guaranteed student loan purposes"

Page 1, delete line 8

Page 1, line 9, delete "the statewide testing program;"

Page 1, line 10, delete "abolishing tuition"

Page 1, delete line 11

Page 1, line 12, delete "school students;"

Page 1, line 14, delete "by adding a"

Page 1, line 15, delete "subdivision" and insert "Subdivision 7"

Page 1, line 16, delete "5, 7,"

Page 1, line 18, delete "; repealing Minnesota Statutes 1980,"

Page 1, line 19, delete "Section 136A.236"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 481, A bill for an act relating to education; providing for training teachers and producers in the method of producing agriculturally derived alcohol fuels; appropriating money.

Reported the same back with the following amendments:

Page 1, line 9, delete "\$150,000" and insert "\$50,000"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 496, A bill for an act relating to intoxicating liquor; proof required to purchase, possess or consume; amending Minnesota Statutes 1980, Section 340.039.

Reported the same back with the following amendments:

Page 1, lines 15 to 17, delete the new language

Page 1, line 17, after the period insert "*In the case of a foreign national, a valid passport may be used as an alternative to the foregoing methods of identification.*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 509, A bill for an act relating to commerce; requiring disclosure in motor vehicle transactions; proposing new law coded in Minnesota Statutes, Chapter 168.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 564, A bill for an act relating to insurance; allowing a township mutual fire insurance company to insure property in cities of the second class; amending Minnesota Statutes 1980, Section 67A.14, Subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 67A.14, Subdivision 5, is amended to read:

Subd. 5. [WHAT MAY NOT BE INSURED; PROPERTY OUTSIDE DESIGNATED TERRITORY; EXCEPTIONS.] (a) No township mutual (FIRE) insurance company shall insure any property in cities of the first or second class (OR).

(b) *If by annexation or other growth in population a city, town, township or unorganized territory or any portion thereof*

*is reclassified into a city of the second class, a township mutual insurance company may continue to do business in that portion of the city in which it was authorized to do business prior to the reclassification.*

(c) *No township mutual insurance company shall insure any property outside of the limits of the territory in which the company is authorized by its certificate or articles of incorporation to transact business (, EXCEPT PERSONAL PROPERTY TEMPORARILY OUTSIDE OF THE AUTHORIZED TERRITORY).*

(d) *The prohibition in clause (c) shall not apply to any property temporarily outside of the authorized territory of the township mutual insurance company."*

Amend the title

Page 1, line 3, after "insure" insert "certain"

Page 1, line 3, delete "in cities of the"

Page 1, line 4, delete "second class"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 603, A bill for an act relating to eminent domain; limiting the authority to acquire certain property by condemnation; repealing certain obsolete provisions of law authorizing acquisition by condemnation; changing certain obsolete language; amending Minnesota Statutes 1980, Sections 84.033; 84.154, Subdivision 3; 84A.10; 84A.39; 84A.55, Subdivision 13; 85.015, Subdivisions 12 and 13; 88.09, Subdivision 2; 89.032, Subdivision 1; 105.39, Subdivision 4; 123.64; 136.65, Subdivision 1; 137.01, Subdivision 2; 137.02, Subdivisions 1 and 3; 190.11; 193.143; 193.144, Subdivisions 2 and 3; 459.06, Subdivision 1; 463.03; and 641.263, Subdivision 2; repealing Minnesota Statutes 1980, Sections 38.05; 85A.02, Subdivision 6; 117.31; 123.40, Subdivision 6; 123.63; 161.29; 193.144, Subdivision 4; and 308.39.

Reported the same back with the following amendments:

Page 15, line 12, before "193.144," insert "163.12;"

Page 15, after line 12, insert:



"Sec. 24. [EFFECTIVE DATE.]

*Sections 2 to 23 are effective the day following final enactment, and shall apply to any action in which the petition for condemnation is filed with the district court on or after that date."*

Amend the title as follows:

Page 1, line 16, after "161.29;" insert "163.12;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

S. F. No. 97, A bill for an act relating to agriculture; changing Todd County from area one to area four for the purposes of potato promotion; amending Minnesota Statutes 1980, Section 30.464, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 121, A bill for an act relating to statutory cities and urban towns; permitting publication of summaries of ordinances prior to enactment; amending Minnesota Statutes 1980, Sections 368.01, Subdivision 21; and 412.191, Subdivision 4.

Reported the same back with the following amendments:

Page 1, delete the new language

Page 2, lines 1 and 2, delete the new language and insert:  
*"An ordinance that, if printed, would exceed one broadsheet newspaper page when published in a six-point type set solid need not be published in its entirety if the council by a four-fifths vote of its members directs that only the title of the ordinance and a summary of it be published. The publication shall contain notice that printed copies of the ordinance are available to any person during regular office hours at the office of the city clerk and any other location which the council designates, and at least one copy of the entire ordinance shall be marked as the official copy and filed for use and examination by the public. The unpublished*

*provisions of the entire ordinance shall be as much a part of the ordinance as if they had been published in full. Before authorizing the publication of the title and summary the council shall approve the text of the summary and determine that it clearly informs the public of the intent and effect of the ordinance."*

Page 2, lines 5 and 6, reinstate the stricken language and delete the new language

Page 2, lines 15 to 29, delete the new language and insert: "An ordinance that, if printed, would exceed one broadsheet newspaper page when published in a six-point type set solid need not be published in its entirety if the town board by a two-thirds vote of its members, or in the case of a five member town board when a four-fifths vote of its members, directs that only the title of the ordinance and a summary of it be published. The publication shall contain notice that printed copies of the ordinance are available to any person during regular office hours at the office of the town clerk and any other location which the town board designates, and at least one copy of the entire ordinance shall be marked as the official copy and filed for use and examination by the public. The unpublished provisions of the entire ordinance shall be as much a part of the ordinance as if they had been published in full. Before authorizing the publication of the title and summary the town board shall approve the text of the summary and determine that it clearly informs the public of the intent and effect of the ordinance."

Page 2, lines 31 and 32, reinstate the stricken language and delete the new language

Page 2, line 34, after "Supervisors" insert "of"

Amend the title as follows:

Page 1, line 4 delete "prior to enactment"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on Taxes to which was referred:

S. F. No. 366, A bill for an act relating to taxation; providing a new schedule for payment of income taxes withheld from wages; giving temporary rulemaking authority; appropriating money; amending Minnesota Statutes 1980, Section 290.92, Subdivision 6.

Reported the same back with the following amendments:

Page 2, line 26, after "\$200," insert "*or beginning January 1, 1982, \$500,*"

Page 7, line 22, after "1981" insert "*, except that clause (1) (b) (ii) relating to the eighth-monthly periods shall not be effective for eighth-monthly periods beginning on or after July 1, 1982*"

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 57, 84, 91, 170, 241, 277, 321, 341, 371, 395, 436, 462, 496, 509, 564 and 603 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 247, 346, 97, 121 and 366 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Murphy; Lehto; Clark, K., and Byrne introduced:

H. F. No. 728, A bill for an act relating to labor; eliminating the tip credit for minimum wage; repealing Minnesota Statutes 1980, Section 177.28, Subdivision 4.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Otis and Nelson, K., introduced:

H. F. No. 729, A bill for an act relating to energy; requiring the provision of energy audits for multi-family rental housing; expanding certain utility investment programs; amending Minnesota Statutes 1980, Sections 216B.165, Subdivision 2, and by adding a subdivision; and 216B.241, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Energy.

Simoneau, Kahn and Byrne introduced :

H. F. No. 730, A bill for an act relating to health; establishing a fund to compensate employees with disabilities attributable to occupational diseases and to smoking; imposing an additional excise tax on cigarettes; imposing duties on the commissioner of labor and industry; amending Minnesota Statutes 1980, Sections 297.02, Subdivision 1; and 297.13; proposing new law coded in Minnesota Statutes, Chapter 176.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Gruenes introduced :

H. F. No. 731, A bill for an act relating to family; providing for solemnization of marriages by certain court officers; amending Minnesota Statutes 1980, Section 517.04.

The bill was read for the first time and referred to the Committee on Judiciary.

Erickson, Wenzel, Ludeman, Dempsey and Eken introduced :

H. F. No. 732, A bill for an act relating to agriculture; providing for continuation of certain farm tenancies on termination of life estates; proposing new law coded in Minnesota Statutes, Chapter 500.

The bill was read for the first time and referred to the Committee on Agriculture.

Nelson, K.; Munger; Clawson; Hauge and Carlson, D., introduced :

H. F. No. 733, A bill for an act relating to the environmental quality board; requiring notice of intent for construction of large electric power facilities outside of state to supply Minnesota; empowering the board to require notice of intent for large electric power facilities to be constructed within the state; clarifying considerations to be made in adopting site and route criteria and standards; providing support to units of local government in siting and routing of small electric power facilities; authorizing the environmental quality board to consider upgrading of existing facilities; exempting small utilities from payment of general fees; creating limitations on judicial review of certain decisions; providing notice for entry onto land; authorizing temporary emergency suspension of construction; pro-

viding for enforcement of certificates and permits; requiring the promulgation of emergency rules; amending Minnesota Statutes 1980, Sections 116C.52, by adding subdivisions; 116C.53, by adding a subdivision; 116C.55, Subdivision 2; 116C.57, Subdivisions 1, 2, 4, and by adding a subdivision; 116C.63, by adding subdivisions; 116C.645; 116C.65; 116C.68; and 116C.69, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 116C.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Carlson, L.; Jude; Swanson and Schreiber introduced:

H. F. No. 734, A bill for an act relating to Hennepin county; providing for the administration of the county library system; repealing Laws 1957, Chapter 788, as amended; and Extra Session Laws 1967, Chapter 24, as amended.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Greenfield, Ellingson, Dean and Brandl introduced:

H. F. No. 735, A bill for an act relating to Hennepin County; providing for the acquisition of hospital facilities; permitting issuance of bonds.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Clark, J.; Peterson, D.; Pogemiller; Himle and Peterson, B., introduced:

H. F. No. 736, A bill for an act relating to Hennepin county; providing for the administration of health care and related services of the county; providing for the administration of the duties and the appointment of the county medical examiner; repealing Laws 1963, Chapter 738, as amended; and Laws 1963, Chapter 848, as amended.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Byrne introduced:

H. F. No. 737, A bill for an act relating to juveniles; removing certain status offenders from definition of "delinquent child"; defining status offenders as "dependent children"; providing procedures and dispositions for certain dependent children; amending Minnesota Statutes 1980, Sections 260.015, Subdivisions 5, 6, and 10; 260.131, by adding a subdivision; 260.135, Subdivision 1; 260.145; 260.155, Subdivisions 5 and 8, and by adding a subdivision; 260.165, Subdivision 1; 260.171, Subdivision 1; 260.172, Subdivisions 1 and 2; 260.173, Subdivisions 1 and 3, and by adding subdivisions; 260.185, Subdivision 1; 260.191, Subdivision 1, and by adding subdivisions.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Hoberg and Valan introduced:

H. F. No. 738, A bill for an act relating to the city of Moorhead; authorizing imposition of a tax on the gross receipts from the furnishing of certain lodging.

The bill was read for the first time and referred to the Committee on Taxes.

Minne introduced:

H. F. No. 739, A bill for an act relating to local government; regulating the tax levy of the joint recreation and park board of the city of Hibbing and Independent School District 701; amending Laws 1971, Chapter 573, Section 2.

The bill was read for the first time and referred to the Committee on Taxes.

Sarna, Osthoff, Metzen and Ewald introduced:

H. F. No. 740, A bill for an act relating to economic development; extending the date on which the report of the conference on small business is due; extending the life of certain appropriations; amending Laws 1980, Chapter 613, Sections 4 and 5.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Onnen and Jude introduced :

H. F. No. 741, A bill for an act relating to guardianship and conservatorship; providing for the guardian or conservator's duties to seek government benefits on behalf of the ward; amending Minnesota Statutes 1980, Section 525.56, Subdivisions 3 and 4.

The bill was read for the first time and referred to the Committee on Judiciary.

Brinkman, Niehaus and Gruenes introduced :

H. F. No. 742, A bill for an act relating to county courts; establishing the responsibility for prosecution of violations; establishing the manner of disposition of fines, fees and other moneys; amending Minnesota Statutes 1980, Sections 487.25, Subdivision 10; and 487.33, Subdivision 5; repealing Minnesota Statutes 1980, Section 487.33, Subdivision 6.

The bill was read for the first time and referred to the Committee on Judiciary.

McEachern, Jude and Welch introduced :

H. F. No. 743, A bill for an act relating to energy; requiring the provision of fuel payment locations; proposing new law coded in Minnesota Statutes, Chapter 116H.

The bill was read for the first time and referred to the Committee on Energy.

Begich, Valento, Elioff, Ludeman and Battaglia introduced :

H. F. No. 744, A bill for an act proposing an amendment to the Minnesota Constitution, Article I, adding a section to provide that the right to possess and use arms shall not be abridged.

The bill was read for the first time and referred to the Committee on Judiciary.

Mehrkens, Dempsey, Kalis, Mann and Dahlvang introduced:

H. F. No. 745, A bill for an act relating to transportation; classifying the engineers' estimates for all state transportation construction projects as non-public data; adding a new route to the trunk highway system in substitution of an existing route; authorizing the commissioner of transportation to convey or otherwise dispose of certain lands no longer needed for trunk highway purposes; authorizing the temporary transfer of money from certain public funds under certain conditions to certain agency accounts and providing for repayment; increasing the dollar limits for certain contracts and agreements negotiated by the commissioner; defining motor carrier and exempt carrier; transferring the licensing and regulatory provisions for building movers to the transportation regulation board; increasing the dollar limit for development of landing strips; providing fees for hot air balloons and certain non-resident aircraft; amending Minnesota Statutes 1980, Sections 161.16, Subdivision 4; 161.32, Subdivision 2; 161.36, Subdivision 5; 161.46, Subdivision 3; 221.011, Subdivisions 15 and 22; 221.031, Subdivision 2; 221.261; 221.81; 360.305, Subdivision 4; and 360.55, by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapters 15 and 161.

The bill was read for the first time and referred to the Committee on Transportation.

Carlson, L.; Swanson; McEachern; Kaley and Blatz introduced:

H. F. No. 746, A bill for an act relating to occupational and professional licensing; removing the consecutive term restriction from the board of nursing; removing delinquent and non-practicing statuses; providing for nursing permits; repealing outdated statutes; amending Minnesota Statutes 1980, Sections 148.181, Subdivision 2; 148.231, Subdivisions 1, 4, 5, and 6; 148.271; 148.294 and 148.295; repealing Minnesota Statutes 1980, Section 148.231, Subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Murphy, Wynia, Wenzel and Johnson, D., introduced:

H. F. No. 747, A bill for an act relating to financial institutions; providing for deposits of certain public funds in credit unions; amending Minnesota Statutes 1980, Sections 118.005; 118.01, Subdivisions 1, 8, and 9; 118.11; and 118.16.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.



Dean and Munger introduced:

H. F. No. 748, A bill for an act relating to recycling of solid waste; authorizing counties to license redemption centers; requiring payment of a refund on nonrefillable beverage containers; imposing duties on the commissioner of revenue and county auditors; imposing penalties; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 116F.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Rothenberg, Ellingson, Jude and Peterson, B., introduced:

H. F. No. 749, A bill for an act relating to real property; providing a fee for issuing noncertified copies of instruments or parts of instruments on file in the office of the registrar of titles; amending Minnesota Statutes 1980, Section 508.82.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Metzen, Berkelman, Valan and Den Ouden introduced:

H. F. No. 750, A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

The bill was read for the first time and referred to the Committee on Appropriations.

Searles; Sieben, M.; Vanasek; Halberg and Sherwood introduced:

H. F. No. 751, A bill for an act relating to creation of a budget stabilization bookkeeping account; providing for transfers into and out of the account; providing for the maintenance and administration of the account; relating the operation of the account to the budget process of this state; prescribing the powers and duties of certain state officers; amending Minnesota Statutes 1980, Sections 16A.11, by adding a subdivision; 16A.15, Subdivision 1; and proposing new law coded in Minnesota Statutes, Chapter 16A.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Knickerbocker, Laidig, Haukoos, Hoberg and Jennings introduced:

H. F. No. 752, A bill for an act relating to congressional districts; apportioning congressional districts; amending Minnesota Statutes 1980, Sections 2.741; 2.751; 2.761; 2.771; 2.781; 2.791; 2.801; and 2.811.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Ellingson, Ainley, Dean and Staten introduced:

H. F. No. 753, A bill for an act relating to privacy; classifying law enforcement data; providing definitions; amending Minnesota Statutes 1980, Sections 15.162, Subdivisions 2a and 5a; 15.1673, Subdivision 1; and 169.09, Subdivision 13; proposing new law coded in Minnesota Statutes, Chapter 15; repealing Minnesota Statutes 1980, Sections 15.162, Subdivision 1a; 15.1678 and 15.1695.

The bill was read for the first time and referred to the Committee on Judiciary.

Ellingson, Ainley, Dean and Sieben, M., introduced:

H. F. No. 754, A bill for an act relating to privacy; classifying government data; providing definitions; amending Minnesota Statutes 1980, Section 15.162, Subdivisions 3, 5b, 5e, 8, and by adding subdivisions; 15.1621, Subdivisions 1 and 2; 15.163, Subdivision 8, and by adding a subdivision; 15.166, Subdivision 4; 15.1692, Subdivisions 2 and 3; 15.1693, by adding a subdivision; and 15.17, Subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Ellingson introduced:

H. F. No. 755, A bill for an act relating to the collection and dissemination of data; classifying data; proposing classifications of data as private, confidential nonpublic and protected nonpublic; amending Minnesota Statutes 1980, Sections 15.1693, by adding a subdivision; 15.1695, Subdivision 1, and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 15.

The bill was read for the first time and referred to the Committee on Judiciary.

Clark, J.; Nelson, K.; Rice; Hauge and Evans introduced:

H. F. No. 756, A bill for an act relating to foods; directing the establishment of labeling and grading requirements for domestically grown wild rice by the commissioner of agriculture; providing a penalty; proposing new law coded in Minnesota Statutes, Chapter 30.

The bill was read for the first time and referred to the Committee on Agriculture.

Anderson, B.; Johnson, D.; Voss and Brinkman introduced:

H. F. No. 757, A bill for an act relating to financial institutions; authorizing establishment of detached facilities resulting from mergers and consolidations; amending Minnesota Statutes 1980, Sections 49.34; 49.36; and 49.45.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Norton; Heinitz; Sieben, H., and Dempsey introduced:

H. F. No. 758, A bill for an act relating to the operation of state government; setting base salaries or salary ranges for constitutional officers, certain executive branch employees, metropolitan agency officers, judges and judicial branch employees; amending Minnesota Statutes 1980, Sections 15A.081, Subdivisions 1, 6 and 7; and 15A.083, Subdivisions 1, 2 and 4.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Norton; Jude; Peterson, B.; Luknic and Vellenga introduced:

H. F. No. 759, A bill for an act relating to marriage dissolution; changing provisions relating to venue, disposition of the homestead and marital assets, and modification of support orders; providing for expedited hearings in certain cases; amending Minnesota Statutes 1980, Sections 518.09; 518.131, by adding a subdivision; 518.58; and 518.64, Subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Begich introduced:

H. F. No. 760, A bill for an act relating to retirement; authorizing increases in benefits payable by the Eveleth police and fire trust fund.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Simoneau and Voss introduced:

H. F. No. 761, A bill for an act relating to workers' compensation; permitting a single employee to constitute a payroll classification; reenacting Laws 1980, Chapter 556, Section 6; amending Minnesota Statutes 1980, Section 79.211, Subdivision 2.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Minne introduced:

H. F. No. 762, A bill for an act relating to elections; permitting certain challenges to voters; providing procedures for election contests; clarifying sanctions for campaign practices violations; amending Minnesota Statutes 1980, Sections 204A.32, Subdivision 4; 209.02, Subdivisions 3, 4, and 4a; 209.06, Subdivision 2; 209.09; 209.10, Subdivision 1; and 210A.39; proposing new law coded in Minnesota Statutes, Chapter 209.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Voss, Hanson and Schreiber introduced:

H. F. No. 763, A bill for an act relating to taxation; imposing certain requirements and restrictions on the use of tax increment financing; amending Minnesota Statutes 1980, Sections 273.73, Subdivision 10; 273.74, Subdivisions 1, 2, 3, and 4, and by adding a subdivision; 273.75, Subdivisions 4 and 6, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapter 273; repealing Minnesota Statutes 1980, Section 273.76, Subdivision 4.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Kostohryz, Hanson, Osthoff, Rose and Rodriguez, F., introduced:

H. F. No. 764, A bill for an act relating to local government; changing responsibilities for the administration of the Ramsey county court house and Saint Paul city hall building; amending Laws 1974, Chapter 435, Section 3.12; and repealing Laws 1980, Chapter 612, Section 5.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Hokr, Vanasek, Rees and Nelsen, B., introduced:

H. F. No. 765, A bill for an act relating to public welfare; providing access to criminal conviction data of certain applicants for licenses; amending Minnesota Statutes 1980, Section 245.783, Subdivision 3.

The bill was read for the first time and referred to the Committee on Judiciary.

Norton; Sherwood; Sieben, M.; Nelsen, B., and Carlson, L., introduced:

H. F. No. 766, A bill for an act relating to the University of Minnesota hospitals; authorizing the sale of state bonds and loan of the proceeds of the sale to the board of regents of the University of Minnesota; appropriating money.

The bill was read for the first time and referred to the Committee on Appropriations.

Brinkman introduced:

H. F. No. 767, A bill for an act relating to local government; reenacting and validating an act permitting self insurance of health benefits and authorizing self insurance; requiring cost comparisons for certain proposals; authorizing the commissioner of insurance to adopt emergency rules; clarifying certain provisions; amending Minnesota Statutes 1980, Sections 60A.23, Subdivision 8; 471.616, Subdivision 1; and 471.617; repealing Laws 1980, Chapter 528, Section 4.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Otis, Tomlinson, Luknic, Rothenberg and Jacobs introduced:

H. F. No. 768, A bill for an act relating to taxation; providing a sales and use tax exemption for energy conservation and renewable energy source devices and materials; amending Minnesota Statutes 1980, Section 297A.25, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Anderson, B.; Kalis and Shea introduced:

H. F. No. 769, A bill for an act relating to transportation; establishing a rail bank account; providing for the deposit of money in the rail bank account and specifying the purposes for which it may be expended; appropriating money; amending Minnesota Statutes 1980, Sections 222.49; 222.50, Subdivision 7; 222.63, by adding a subdivision; and Laws 1980, Chapter 610, Section 1.

The bill was read for the first time and referred to the Committee on Transportation.

Onnen, Swanson, Haukoos, Clawson and Blatz introduced:

H. F. No. 770, A bill for an act relating to children; requiring stepparents to support their unadopted stepchildren; proposing new law coded in Minnesota Statutes, Chapter 257.

The bill was read for the first time and referred to the Committee on Judiciary.

Norton introduced:

H. F. No. 771, A bill for an act relating to marriage dissolution; changing certain provisions relating to child custody; providing for joint custody in certain cases; amending Minnesota Statutes 1980, Sections 518.003, by adding a subdivision; and 518.17.

The bill was read for the first time and referred to the Committee on Judiciary.

Norton introduced:

H. F. No. 772, A bill for an act relating to family; changing provisions relating to orders for continuing contributions by parents; withholding of income and payments of support to the public authority in certain cases; amending Minnesota Statutes 1980, Sections 256.87; 256.872; 256.873; 256.875; 256.877; 518.54, by adding subdivisions; 518.551; and 518.611; repealing Minnesota Statutes 1980, Section 256.87, Subdivision 3.

The bill was read for the first time and referred to the Committee on Judiciary.

Norton introduced:

H. F. No. 773, A bill for an act relating to marriage dissolution; adopting the revised uniform reciprocal enforcement of support act; proposing new law coded as Minnesota Statutes, Chapter 518C; repealing Minnesota Statutes 1980, Sections 518.41 to 518.53.

The bill was read for the first time and referred to the Committee on Judiciary.

Clawson; Clark, J.; Hokanson; Levi and Laidig introduced:

H. F. No. 774, A bill for an act relating to children; providing for reports of dependency, neglect, and abuse of children; allowing for courts to compel testimony under certain circumstances; amending Minnesota Statutes 1980, Sections 254A.09; and 626.556, Subdivisions 7, 8, 10, and 11.

The bill was read for the first time and referred to the Committee on Judiciary.

Reding; Schoenfeld; Johnson, C.; Evans and McEachern introduced:

H. F. No. 775, A bill for an act relating to public utilities; removing municipal utilities from public utilities commission jurisdiction and granting an option in regard thereto; amending Minnesota Statutes 1980, Section 216B.11; proposing new law coded in Minnesota Statutes, Chapter 216B; repealing Minnesota Statutes 1980, Sections 216B.10, Subdivision 6; 216B.12, Subdivision 2; and 216B.13, Subdivision 2.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Wynia, Jennings, Brinkman, Voss and Ellingson introduced:

H. F. No. 776, A bill for an act relating to insurance; requiring private passenger vehicle insurers to disclose surcharge rates and plans; proposing new law coded in Minnesota Statutes, Chapter 65B.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Marsh, Jude, Heap and Eken introduced:

H. F. No. 777, A bill for an act relating to agriculture; applying food licensing provisions to certain food preparers; amending Minnesota Statutes 1980, Section 28A.15, Subdivision 2.

The bill was read for the first time and referred to the Committee on Agriculture.

Minne, Elioff, Battaglia, Begich and Murphy introduced:

H. F. No. 778, A bill for an act relating to unemployment compensation; increasing the amount of earnings not deducted from benefits; amending Minnesota Statutes 1980, Section 268.07, Subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Reding; Rodriguez, F.; Kaley; Rice and Sarna introduced:

H. F. No. 779, A bill for an act relating to retirement; contributions and benefits of judges and survivors under the uniform retirement and survivors' annuities law; amending Minnesota Statutes 1980, Section 490.124, Subdivisions 9 and 12.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Minne, McCarron, Osthoff and Peterson, D., introduced:

H. F. No. 780, A bill for an act relating to elections; providing a penalty for broadcasting certain false information; amending Minnesota Statutes 1980, Section 210A.04, Subdivision 1.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.



Reding; Rodriguez, F., and Rice introduced:

H. F. No. 781, A bill for an act relating to retirement; providing post retirement annuity or benefit increases for certain retired or disabled public employees; appropriating funds; amending Laws 1979, Chapter 293, Section 10, Subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Rose introduced:

H. F. No. 782, A bill for an act relating to workers' compensation; permitting certain local units of government to join the reinsurance association; amending Minnesota Statutes 1980, Section 79.34, Subdivision 1.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Carlson, L.; Reif; Swanson; Welch and Hokr introduced:

H. F. No. 783, A bill for an act relating to hospitals; promoting price competition by requiring hospitals to report certain diagnostic and price information to the commissioner of health; requiring the commissioner of health to analyze and disseminate the information; proposing new law coded in Minnesota Statutes, Chapter 144.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Evans introduced:

H. F. No. 784, A bill for an act relating to Independent School District No. 22, Detroit Lakes; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

Marsh, Kaley, Jude, Metzen and Sviggum introduced:

H. F. No. 785, A bill for an act relating to taxation; income; excluding certain dividend and interest income; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20.

The bill was read for the first time and referred to the Committee on Taxes.

Lemen, Munger, Voss, Samuelson and Gruenes introduced :

H. F. No. 786, A bill for an act relating to water resources; altering certain provisions concerning the regulation of shoreland use and development in municipalities; amending Minnesota Statutes 1980, Section 105.485, Subdivision 6.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Wynia, Murphy, Rice, Ellingson and Osthoff introduced :

H. F. No. 787, A bill for an act relating to unemployment compensation; disallowing certain evidence of reasons for disqualification from benefits; amending Minnesota Statutes 1980, Section 268.10, Subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Anderson, B.; Erickson; Voss; Welch and Laidig introduced :

H. F. No. 788, A bill for an act relating to courts; conciliation courts; authorizing actions to recover amounts lost due to worthless checks in the county of issuance and where the plaintiff resides; amending Minnesota Statutes 1980, Section 487.30, by adding a subdivision; 488A.12, Subdivision 3; and 488A.29, Subdivision 3.

The bill was read for the first time and referred to the Committee on Judiciary.

Piepho; Dempsey; Johnson, C.; Norton and Wigley introduced :

H. F. No. 789, A bill for an act relating to courts; county conciliation court; clarifying that the court has jurisdiction of certain actions relating to possession or ownership of property; amending Minnesota Statutes 1980, Section 487.30, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Schreiber; Sviggum; Jude; Sieben, M., and Levi introduced:

H. F. No. 790, A bill for an act relating to metropolitan government; revising the metropolitan agricultural preserves act; amending Minnesota Statutes 1980, Sections 473H.02, Subdivisions 2 and 3; 473H.04, Subdivisions 1 and 2; 473H.05, Subdivision 1, and by adding a subdivision; 473H.06, Subdivisions 1, 2 and 5; 473H.08, Subdivision 4; 473H.09; 473H.14; 473H.15, by adding a subdivision; and 473H.16, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 473H.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Anderson, B.; Evans; Ogren; Stumpf and Anderson, R., introduced:

H. F. No. 791, A bill for an act relating to taxation; providing for the taxation of gain on the sale of real property by a non-resident alien; requiring reporting of certain transactions; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; and 290.41, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Clark, K.; Peterson, D., and Vellenga introduced:

H. F. No. 792, A bill for an act relating to housing; requiring municipal housing plans to incorporate policies to minimize displacement and encourage citizen participation; establishing maximum downpayment requirements; eliminating the exemption of income limits for loans in certain areas of municipalities; providing that multifamily housing loans may be used to acquire structures for purposes of conversion to cooperative ownership; amending Minnesota Statutes 1980, Sections 462C.03, Subdivisions 1, 3, and 7; and 462C.05, Subdivision 1; repealing Minnesota Statutes 1980, Sections 462C.03, Subdivision 8; and 462C.05, Subdivision 3.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Hokanson; Anderson, B.; Dempsey; Wynia and Forsythe introduced:

H. F. No. 793, A bill for an act relating to civil actions; limitations of actions; providing that actions for malpractice against health care professionals be commenced within two years; amending Minnesota Statutes 1980, Section 541.07.

The bill was read for the first time and referred to the Committee on Judiciary.

Sarna, Jacobs, Begich and Osthoff introduced:

H. F. No. 794, A bill for an act relating to unemployment compensation; abolishing the waiting period prior to receipt of benefits; amending Minnesota Statutes 1980, Sections 268.08, Subdivision 1; and 268.231.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sarna introduced:

H. F. No. 795, A bill for an act relating to retirement; Minneapolis municipal employees retirement association; authorizing a transfer of pension coverage for certain public employees.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Redalen introduced:

H. F. No. 796, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to sell certain lands acquired for trail purposes.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Levi, Eken, Vanasek, Olsen and Dempsey introduced:

H. F. No. 797, A bill for an act relating to education; adjusting amounts used to compute "replacement" levies and foundation aid in certain districts; amending Minnesota Statutes 1980, Section 124.212, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Sarna; Jacobs; Nelson, K.; Wenzel and Heap introduced:

H. F. No. 798, A bill for an act relating to energy; authorizing a temporary state set-aside program to ease shortages of gasoline and petroleum distillates administered by the Minnesota energy agency; appropriating funds.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Mehrkens; McEachern; Johnson, C.; Forsythe and Shea introduced:

H. F. No. 799, A bill for an act relating to education; specifying methods of computing summer school enrollments for aid purposes; requiring the state board of education to adopt rules to define summer school expenditures; authorizing school districts to levy for summer school expenditures; amending Minnesota Statutes 1980, Sections 124.17, Subdivisions 2 and 2c, and by adding a subdivision; 124.20; and 275.125, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Clark, J.; Byrne; Gustafson; Zubay and Vanasek introduced:

H. F. No. 800, A bill for an act relating to crimes; changing the amount of pecuniary gain on damage sustained incident to a violation of law requisite to being categorized as a felony; amending Minnesota Statutes 1980, Sections 609.27, Subdivision 2; 609.52, Subdivision 3; 609.53, Subdivision 1; and 609.563, Subdivision 1.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Samuelson; Anderson, I.; Minne and Carlson, D., introduced:

H. F. No. 801, A bill for an act relating to local government; allowing counties to impose a deed recording or registration fee; amending Minnesota Statutes 1980, Sections 357.18, Subdivision 1a, and by adding a subdivision; and 508.82.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Samuelson; McCarron; Clark, J.; Anderson, R., and Niehaus introduced:

H. F. No. 802, A bill for an act relating to health; providing for home health services through the community health services act; changing certain funding formulas; appropriating money; amending Minnesota Statutes 1980, Sections 144A.51, by adding a subdivision; 144A.52, Subdivision 3; 144A.53; 144A.54, Subdivision 1; 145.913, by adding a subdivision; 145.914, Subdivision 2; 145.915, by adding a subdivision; 145.918, by adding a subdivision; 145.919; 145.921; and 145.95, Subdivision 5.

The bill was read for the first time and referred to the Committee on Health and Welfare.

O'Connor, Jude, Dempsey and Anderson, B., introduced:

H. F. No. 803, A bill for an act relating to tort liability; fixing the maximum liability of the state, political subdivisions and their employees; permitting subrogation of certain claims; amending Minnesota Statutes 1980, Sections 3.736, Subdivision 4; 466.01, Subdivision 1; 466.03, Subdivision 2; 466.04; 466.05, Subdivision 2; 466.06; and 466.07.

The bill was read for the first time and referred to the Committee on Judiciary.

Gruenes; Piepho; Johnson, C.; Heinitz and McEachern introduced:

H. F. No. 804, A bill for an act relating to education; establishing a student activity board at each state university to administer certain university activity funds designated for student activities; amending Minnesota Statutes 1980, Section 136.11, Subdivision 5, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Nelsen, B.; Anderson, R.; Jennings; Johnson, C., and Anderson, B., introduced:

H. F. No. 805, A bill for an act relating to education; providing for full funding of certain programs when funds available are less than the amount appropriated; amending Minnesota Statutes 1980, Section 124.572, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Wenzel and Welch introduced:

H. F. No. 806, A bill for an act relating to gas utility rates; clarifying rate schedules for certain customers; proposing new law coded in Minnesota Statutes, Chapter 216B.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Skoglund, Brandl, Minne, Luknic and Jacobs introduced:

H. F. No. 807, A bill for an act relating to taxation; excise tax on petroleum products; providing a new method for reporting and paying tax on special fuel; amending Minnesota Statutes 1980, Section 296.12, Subdivisions 3, 4, and 5.

The bill was read for the first time and referred to the Committee on Taxes.

McDonald; Clawson; Peterson, D., and Weaver introduced:

H. F. No. 808, A bill for an act relating to taxation; imposing a tax on retail on-sales of intoxicating liquor; providing for the financing of chemical dependency programs; providing penalties; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 340.

The bill was read for the first time and referred to the Committee on Taxes.

Kvam, Dempsey, Heinitz, Forsythe and Rothenberg introduced:

H. F. No. 809, A bill for an act relating to appropriations; providing conditions for disbursements to comply with court orders; proposing new law coded in Minnesota Statutes, Chapter 16A.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Reif, Byrne, Blatz, McEachern and Jennings introduced:

H. F. No. 810, A bill for an act relating to health; creating an office for prevention of problems related to use of drugs and alcohol; appropriating money; amending Minnesota Statutes 1980, Sections 254A.03, by adding a subdivision; and 254A.10.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Begich, Battaglia, Elioff, Minne and Anderson, I., introduced:

H. F. No. 811, A bill for an act relating to transportation; declassifying the position of district engineer; providing that district engineers shall serve at the pleasure of the commissioner of transportation; establish employment rights of incumbent district engineers not appointed to the unclassified position of district engineer; amending Minnesota Statutes 1980, Section 174.02, Subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Murphy introduced:

H. F. No. 812, A bill for an act relating to retirement; age for payment of lump sum service pensions by volunteer firefighters associations; amending Minnesota Statutes 1980, Section 422A.02, Subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Dahlvang; Anderson, G.; Brinkman; Schreiber and Friedrich introduced:

H. F. No. 813, A bill for an act relating to public safety; providing for the issuance of driver's licenses and Minnesota identification cards; eliminating the requirement that the licenses and cards be plastic with embossed identification information; amending Minnesota Statutes 1980, Section 171.07, Subdivisions 1 and 3.

The bill was read for the first time and referred to the Committee on Transportation.

Samuelson, Byrne, Norton and Heinitz introduced:

H. F. No. 814, A bill for an act relating to state government; establishing a department of health and social services; transferring duties and powers to the new department from the departments of health and public welfare; abolishing the department of health; prescribing salaries; appropriating money; amending Minnesota Statutes 1980, Sections 3.738, Subdivision 1; 3.755; 6.48; 15.01; 15.1691, Subdivision 1; 15.43, Subdivision 3; 15.46; 15A.081, Subdivision 1; 16A.72; 43.09, Subdivision 2a; 62D.02, Subdivision 3; 116C.03, Subdivision 2; 136.11, Subdivision 1; 144.05; 144.053, Subdivisions 1, 3, and 4; 144.1761; 144.218, Subdivision 2; 144.225, Subdivision 2; 144.226, Subdivision 1; 144.417; 144.422, Subdivisions 6, 9, and 10; 144.424, Subdivision 11; 144.425; 144.53; 144.571; 144.653; 144.656;



144.696, Subdivision 2; 144A.01, Subdivision 2; 144A.05; 144A.-10, Subdivisions 1, 3, and 8; 144A.19, Subdivision 1; 144A.52, Subdivision 1; 144A.53, Subdivision 4; 144A.611, Subdivision 3; 145.411, Subdivision 3; 145.833, Subdivision 2; 145.896; 181.54; 214.14; 241.07; 241.31, Subdivision 6; 241.69, Subdivisions 1 and 6; 243.24, Subdivision 1; 243.55, Subdivisions 2 and 3; 243.88, Subdivision 2; 245.03; 245.0311; 245.75; 245.781; 245.782, Subdivision 8; 246.01; 246.14; 246.15, Subdivision 1; 246.151; 246.16; 246.18; 246.28; 246.33, Subdivision 1; 246.50, Subdivision 2; 246.59, Subdivisions 2, 3, and 4; 246.60; 252.31; 252A.02, Subdivision 3; 252A.04, Subdivision 4; 253.20; 253A.-14, Subdivision 1; 254A.02, Subdivision 13; 256.01, Subdivision 2; 256.012; 256.12, Subdivision 19; 256.482, Subdivision 1; 256.736, Subdivisions 3, 4, 5, and 7; 256.74, Subdivisions 1 and 2; 256.93; 256.94; 256.96; 256.965; 256.971; 256.975, Subdivisions 1 and 2; 256.9753; 256.976, Subdivisions 2, 3, and 4; 256.-977, Subdivisions 4 and 5; 256.978; 256B.51, Subdivisions 1 and 2; 257.42; 259.21, Subdivision 5; 259.261, Subdivisions 1 and 3; 376.62; 376.65; 376.66; 462A.03, Subdivision 7; and 473.149, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 144, repealing Minnesota Statutes 1980, Sections 15.45, Subdivision 3; 15.47; 144.011; 144.13; 245.04; 245.-05; 245.06; 245.07; 253.201; 256.01, Subdivisions 1, 5, 6, 7, 9, and 10; 256.02; 256.05; 256.06; 256.08; 256.09; and 256.10.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Friedrich, Schreiber and Sherwood introduced:

H. F. No. 815, A bill for an act relating to transportation; providing for the financing of certain services of the department of transportation; increasing the motor vehicle registration tax on certain vehicles; increasing the tax on gasoline and special fuels; authorizing the issuance of state transportation bonds and appropriating the proceeds for the purpose of providing money for capital improvements comprising construction and reconstruction of key bridges on the trunk highway system, segments of the interstate system and interstate highway substitution projects; amending Minnesota Statutes 1980, Sections 168.011, Subdivisions 7, 10, 17 and 25; 168.013, Subdivisions 1a, 1b, 1c, 1d, 1e, 1g, 1h and 2; 168.017, Subdivisions 1 and 3; 174.50, Subdivision 1; and 296.02, Subdivision 1; repealing Minnesota Statutes 1980, Section 168.013, Subdivisions 16 and 17.

The bill was read for the first time and referred to the Committee on Transportation.

Sherman, by request, introduced:

H. F. No. 816, A bill for an act relating to local government; permitting the cities of Winona and Goodview to impose a tax on the gross receipts from furnishing certain lodging.

The bill was read for the first time and referred to the Committee on Taxes.

Schoenfeld, Luknic, Vanasek, Jennings and Johnson, C., introduced:

H. F. No. 817, A bill for an act relating to education; permitting the operation of single sex wrestling teams; amending Minnesota Statutes 1980, Section 126.21, Subdivision 3.

The bill was read for the first time and referred to the Committee on Education.

Schoenfeld introduced:

H. F. No. 818, A bill for an act relating to the town of Woodville; permitting payment of the cemetery directors; amending Laws 1959, Chapter 149, Section 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Skoglund, O'Connor, Jacobs, Gustafson and Olsen introduced:

H. F. No. 819, A bill for an act relating to taxation; providing dates for settlement of mortgage registry and deed tax receipts; providing for payment of excise tax on special fuel by bulk purchasers; clarifying responsibilities and authority of commissioner of revenue in administering and auditing mineral taxes; providing for filing requirements for royalty reports; amending Minnesota Statutes 1980, Sections 287.12; 287.29, Subdivision 1; 296.12, by adding a subdivision; 298.09, by adding a subdivision; 298.15; 299.03; 299.05; and 299.12; and repealing Minnesota Statutes 1980, Section 287.29, Subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

Hanson, Munger, Voss, Kahn and Dean introduced:

H. F. No. 820, A bill for an act relating to the environment; establishing a radioactive waste review board; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 115A.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Eken and Evans introduced:

H. F. No. 821, A resolution memorializing the President and Congress to seek a settlement of the White Earth Indian Reservation controversy.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Ogren introduced:

H. F. No. 822, A bill for an act relating to state lands; authorizing the exchange of certain state lands in Aitkin County.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Dempsey; Jude; O'Connor; Anderson, R., and Hokanson introduced:

H. F. No. 823, A bill for an act relating to statute of limitations; providing a limitation on actions against land surveyors; proposing new law coded in Minnesota Statutes, Chapter 541.

The bill was read for the first time and referred to the Committee on Judiciary.

Reding, Sarna, Dempsey, Kaley and Rodriguez, F., introduced:

H. F. No. 824, A bill for an act relating to retirement; volunteer firefighters relief associations; authorizing relief associations to increase retirement benefit and service pension amounts without municipal ratification in certain instances; amending Minnesota Statutes 1980, Sections 69.772, Subdivision 6; 69.773, Subdivision 6; and 424A.02, Subdivision 10.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Reding, Sarna, Kaley and Rodriguez, F., introduced:

H. F. No. 825, A bill for an act relating to retirement; volunteer firefighters relief associations; financing and benefit amounts; amending Minnesota Statutes 1980, Sections 69.772, Subdivision 2a; 424.01; 424.02; 424.04; 424.16; 424.17; and 424A.02, Subdivisions 3, 7 and 9.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Clark, K., introduced:

H. F. No. 826, A bill for an act relating to health; proposing a population-based, statewide cancer and birth defects surveillance system; establishing an advisory task force; designing a system and pilot test; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Clark, K., introduced:

H. F. No. 827, A bill for an act relating to the environment; prohibiting certain radioactive waste disposal; setting a penalty; proposing new law coded in Minnesota Statutes, Chapter 116H.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Begich, Battaglia, Minne and Elioff introduced:

H. F. No. 828, A bill for an act relating to St. Louis county; permitting the county to maintain two historical societies.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Sarna, McCarron, Voss, Simoneau and Clawson introduced:

H. F. No. 829, A bill for an act relating to counties; concerning Anoka county; providing for a seven member board of commissioners; amending Minnesota Statutes 1980, Section 375.01.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Dahlvang; Jacobs; Sieben, H.; Halberg and Dempsey introduced:

H. F. No. 830, A bill for an act relating to advertising devices; requiring compensation for removing certain devices; providing for maintenance of areas; amending Minnesota Statutes 1980, Section 173.17; proposing new law coded in Minnesota Statutes, Chapter 173.

The bill was read for the first time and referred to the Committee on Transportation.

Murphy, Lehto and McCarron introduced:

H. F. No. 831, A bill for an act relating to aeronautics; providing compensation for land takings due to airport zoning; regulating airport zoning; amending Minnesota Statutes 1980, Section 360.062; 360.066, Subdivision 1a; and 360.067, Subdivision 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Clark, K.; Staten and Norton introduced:

H. F. No. 832, A bill for an act relating to human rights; prohibiting unfair discriminatory practices on the basis of affectional or sexual orientation; amending Minnesota Statutes 1980, Sections 363.01, Subdivision 24, and by adding a subdivision; 363.02, Subdivision 2; 363.03, Subdivisions 1, 2, 3, 4, 5, 7, and 8; 363.05, Subdivision 1; 363.11; 363.115; and 363.12, Subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Blatz, Berkelman, Wynia, Brinkman and Kaley introduced:

H. F. No. 833, A bill for an act relating to fire insurance; allowing an application to be introduced as evidence; requiring that the insured in case of loss shall show the damaged property and related records to the company and consent to be examined under oath; permitting reduction of the amount to be paid in case of loss if the building is not repaired or replaced; providing for a two-way exchange of information on fire loss or potential fire loss between insurance companies and authorized persons; amending Minnesota Statutes 1980, Sections 65A.01, Subdivisions 3 and 5; 65A.08, Subdivision 2; 299F.054, Subdivision 1, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Nelson, K.; Greenfield; Dean; Hanson and Norton introduced:

H. F. No. 834, A bill for an act relating to the cities of Minneapolis and St. Paul; authorizing the implementation of energy conservation programs; authorizing the financing of residential energy conservation programs; authorizing the issuance of qualified mortgage bonds.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Sviggum and Sieben, H., introduced:

H. F. No. 835, A bill for an act relating to state lands; providing for the transfer of certain lands to the city of Hastings.

The bill was read for the first time and referred to the Committee on Appropriations.

Rodriguez, F.; Sarna; Reding and Kaley introduced:

H. F. No. 836, A bill for an act relating to the board of boxing; requiring certain persons or organizations showing closed circuit boxing broadcasts to furnish a bond; amending Minnesota Statutes 1980, Section 341.05, Subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Voss and Jacobs introduced:

H. F. No. 837, A bill for an act relating to public utilities; requiring a single zone for telephone service in the metropolitan area; proposing new law coded in Minnesota Statutes, Chapter 239.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Rose, Dahivang and Luknic introduced:

H. F. No. 838, A bill for an act relating to transportation; delaying the effective date of the laws establishing and prescribing the powers and duties of the transportation regulation board; amending Laws 1980, Chapter 534, Section 87.

The bill was read for the first time and referred to the Committee on Transportation.

McDonald introduced:

H. F. No. 839, A bill for an act relating to highway traffic regulations; aggravated alcohol-related offense committed when driving after cancellation, suspension or revocation of driver's license; providing for admission of evidence relating to amount of alcohol in driver's blood; amending Minnesota Statutes 1980, Section 169.129.

The bill was read for the first time and referred to the Committee on Judiciary.

Kaley, Brinkman, Swanson, Berkelman and Heinitz introduced:

H. F. No. 840, A bill for an act relating to taxation; property tax refund; excluding from eligibility certain residents of institutions; amending Minnesota Statutes 1980, Section 290A.03, Subdivision 8.

The bill was read for the first time and referred to the Committee on Taxes.

Wynia and Greenfield introduced:

H. F. No. 841, A bill for an act relating to insurance; voiding a policy of fire insurance if the insured wilfully misrepresents information supplied on a written application; requiring written applications for fire insurance disclosing all owners of the insured property; authorizing the commissioner of insurance to require use of a two-tier application for fire insurance; permitting agreement to reduce replacement cost coverage; amending Minnesota Statutes 1980, Sections 65A.01, Subdivision 3; and 65A.10; proposing new law coded in Minnesota Statutes, Chapter 65A.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Clawson, Ellingson, Voss, Dempsey and Jude introduced:

H. F. No. 842, A bill for an act relating to courts; proposing an amendment to the Minnesota Constitution, Article VI, Sections 1, 2, 5 and 6, providing for a court of appeals; providing for election of judges; conferring certain powers and duties on the court of appeals; amending Minnesota Statutes 1980, Sections 2.724, Subdivision 2; 3.751, Subdivision 4; 5.08, Subdivision 2; 10A.01, Subdivisions 5 and 19; 15.0416; 15.0417; 15.0424, Subdivisions 1, 2, 3 and 6; 15.0426; 32A.09, Subdivision 5; 43.01, Subdivision 18; 43.43, Subdivision 2; 43.491, Subdivision 4; 44.09, Subdivision 3; 45.07; 45.17, Subdivision 5; 49.18; 51A.03, Subdivision 3; 51A.07; 56.23; 60A.05; 60A.15, Subdivisions 11

and 12; 72A.27; 84.59; 97.481, Subdivision 2; 97.50, Subdivision 6; 106.631, Subdivisions 5 and 6; 110A.36; 111.42; 112.82, Subdivisions 1 and 2; 114.13, Subdivision 4; 115.49, Subdivision 5; 116A.19, Subdivision 4; 116C.65; 122.23, Subdivision 16c; 123.-32, Subdivision 25; 124.212, Subdivision 17; 127.25, Subdivision 3; 145.698, Subdivision 2; 145.838, Subdivision 4; 150A.08, Subdivision 2; 161.34, Subdivision 4; 168.68; 175.0061; 176.081, Subdivision 4; 176.135, Subdivision 1; 176.225, Subdivision 1; 176.461; 176.471, Subdivisions 1, 2, 4, 6, 7, 8 and 9; 176.481; 176.491; 176.501; 176.511, Subdivisions 4 and 5; 177.29, Subdivision 2; 178.09, Subdivision 2; 179.64, Subdivision 5; 181A.10, Subdivision 2; 185.15; 192A.255, Subdivision 1; 197.481, Subdivision 6; 202A.22, Subdivisions 1, 3 and 5; 202A.25, Subdivisions 1 and 1a; 203A.12, Subdivision 5; 203A.21, Subdivision 1; 204A.04, Subdivision 2; 209.09; 209.10, Subdivision 1; 210A.-01, Subdivision 3; 237.39; 244.11; 246.55; 253A.15, Subdivision 2; 253A.21, Subdivision 5; 256.045, Subdivisions 9 and 10; 259.-32; 260.291, Subdivision 2; 268.06, Subdivision 20; 268.10, Subdivision 8; 270.076, Subdivision 2; 270.22; 270.23; 270.26; 271.01, Subdivision 5; 271.07; 271.09, Subdivision 1; 271.10, Subdivisions 1 and 2; 271.12; 271.19; 273.16; 279.21; 290.48, Subdivision 6; 290.65, Subdivisions 2 and 9; 290.92, Subdivision 6; 294.-09, Subdivision 3; 297.08, Subdivisions 3 and 4; 297A.15, Subdivision 4; 298.09, Subdivision 3; 299F.25; 299F.26, Subdivision 3; 340.404, Subdivision 7; 340.54, Subdivision 2; 357.07; 357.08; 363.072, Subdivisions 1 and 2; 373.11; 375.67, Subdivision 3; 387.41; 412.092, Subdivision 1; 414.07, Subdivision 2; 414.08; 419.12; 420.13; 430.03; 430.031, Subdivision 4; 462.14, Subdivision 12; 462.715; 465.43; 473.675, Subdivision 4; 480.01; 480.-054; 480.055, Subdivision 1; 480.061, Subdivision 8; 480.062; 480.19; 483.02; 484.63; 487.39, Subdivisions 1 and 2; 488A.01, Subdivision 14; 488A.17, Subdivision 12; 488A.18, Subdivision 14; 488A.34, Subdivision 11; 501.35; 508.29; 525.71; 558.215; 562.04; 571.64; 574.18; 582.11; 586.09; 586.11; 589.29; 589.30; 590.01, Subdivision 1; 590.04, Subdivision 3; 590.06; 595.024, Subdivision 3; 595.025, Subdivision 3; 611.07, Subdivisions 2 and 3; 611.071, Subdivisions 1 and 2; 611.14; 611.18; 611.25; 648.39, Subdivision 1; proposing new law coded as Minnesota Statutes, Chapter 480A; repealing Minnesota Statutes 1980, Sections 80A.24, Subdivision 3; 363.10; 473.597; and 525.74.

The bill was read for the first time and referred to the Committee on Judiciary.

#### HOUSE ADVISORIES

The following House Advisory was introduced:

Clark, J.; Vanasek; Swanson; Johnson, C., and Forsythe introduced:

H. A. No. 13, A proposal for a joint committee to study adolescent chemical dependency.



The advisory was referred to the Committee on Criminal Justice.

### CONSENT CALENDAR

H. F. No. 40, A bill for an act relating to state lands; authorizing the conveyance of certain lands in St. Louis County.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kelly	O'Connor	Skoglund
Ainley	Evans	Knickerbocker	Ogren	Stadum
Anderson, B.	Ewald	Kostohryz	Olsen	Staten
Anderson, G.	Fjoslien	Kvam	Otis	Stowell
Anderson, I.	Forsythe	Laidig	Peterson, D.	Stumpf
Anderson, R.	Friedrich	Lehto	Piepho	Sviggum
Battaglia	Greenfield	Lemen	Pogemiller	Swanson
Begich	Gruenes	Levi	Redalen	Tomlinson
Berkelman	Halberg	Long	Reding	Valan
Blatz	Hanson	Ludeman	Rees	Valento
Brandl	Harens	Luknic	Reif	Vanasek
Brinkman	Hauge	Mann	Rice	Vellenga
Carlson, D.	Haukoos	Marsh	Rodriguez, C.	Voss
Carlson, L.	Heap	McCarron	Rodriguez, F.	Weaver
Clark, J.	Heinitz	McDonald	Rose	Welch
Clark, K.	Himle	McEachern	Rothenberg	Weiker
Clawson	Hoberg	Mehrkens	Sarna	Wenzel
Dahlvang	Hokanson	Metzen	Schafer	Wieser
Dean	Hokr	Minne	Schoenfeld	Wigley
Dempsey	Jennings	Munger	Schreiber	Wynia
Den Ouden	Johnson, C.	Nelsen, B.	Searles	Zubay
Drew	Johnson, D.	Nelson, K.	Shea	Spkr. Sieben, H.
Eken	Jude	Niehaus	Sherman	
Elioff	Kahn	Norton	Sherwood	
Ellingson	Kaley	Novak	Sieben, M.	
Erickson	Kalis	Nysether	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 77, A bill for an act relating to mobile home parks; eliminating certain mobile home park reports made to the secretary of state; repealing Minnesota Statutes 1980, Section 327.29.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kelly	O'Connor	Skoglund
Ainley	Evans	Knickerbocker	Ogren	Stadum
Anderson, B.	Ewald	Kostohryz	Olsen	Staten
Anderson, G.	Fjoslien	Kvam	Otis	Stowell
Anderson, I.	Forsythe	Laidig	Peterson, D.	Stumpf
Anderson, R.	Friedrich	Lehto	Piepho	Sviggum
Battaglia	Greenfield	Lemen	Pogemiller	Swanson
Begich	Gruenes	Levi	Redalen	Tomlinson
Berkelman	Halberg	Ludeman	Reding	Valan
Blatz	Hanson	Luknic	Rees	Valento
Brandl	Harens	Mann	Reif	Vanasek
Brinkman	Hauge	Marsh	Rice	Vellenga
Carlson, D.	Haukoos	McCarron	Rodriguez, C.	Voss
Carlson, L.	Heap	McDonald	Rodriguez, F.	Weaver
Clark, J.	Heimitz	McEachern	Rose	Welch
Clark, K.	Himle	Mehrkens	Rothenberg	Welker
Clawson	Hoberg	Metzen	Sarna	Wenzel
Dahlvang	Hokanson	Minne	Schafer	Wieser
Dean	Hokr	Munger	Schoenfeld	Wigley
Dempsey	Jennings	Murphy	Schreiber	Wynia
Den Ouden	Johnson, C.	Nelsen, B.	Searles	Zubay
Drew	Johnson, D.	Nelson, K.	Shea	Spkr. Sieben, H.
Eken	Jude	Niehaus	Sherman	
Elioff	Kahn	Norton	Sherwood	
Ellingson	Kaley	Novak	Sieben, M.	
Erickson	Kalis	Nysether	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 117 was reported to the House.

Hokanson moved to amend H. F. No. 117, as follows:

Page 3, line 1, delete "paid" and insert "provided"

Page 3, after line 21, insert:

"Sec. 3. [EFFECTIVE DATE.]

*Sections 1 and 2 are effective the day following final enactment."*

The motion prevailed and the amendment was adopted.

H. F. No. 117, A bill for an act relating to general assistance; removing the presumption of eligibility from general assistance; providing that applications be permitted no later than four days after assistance is requested; requiring that determinations be made with respect to the need for emergency general assistance; providing that eligibility determinations for general assistance be made no later than 30 days following application; providing that the first general assistance grant be computed for eligible applicants from the time when assistance is requested; requiring vendor payments of grants until eligibility determinations are

complete; amending Minnesota Statutes 1980, Sections 256D.07 and 256D.09, Subdivision 1.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kelly	Nysether	Simoneau
Ainley	Ewald	Knickerbocker	O'Connor	Skoglund
Anderson, B.	Fjoslien	Kostohryz	Ogren	Stadum
Anderson, G.	Forsythe	Kvam	Olsen	Staten
Anderson, I.	Friedrich	Laidig	Otis	Stowell
Battaglia	Greenfield	Lehto	Peterson, B.	Stumpf
Begich	Gruenes	Lemen	Peterson, D.	Sviggum
Berkelman	Gustafson	Levi	Piepho	Swanson
Blatz	Halberg	Long	Pogemiller	Tomlinson
Brandl	Hanson	Ludeman	Redalen	Valan
Brinkman	Harens	Luknic	Reding	Valento
Carlson, D.	Hauge	Mann	Rees	Vanasek
Carlson, L.	Haukoos	Marsh	Reif	Vellenga
Clark, J.	Heap	McCarron	Rice	Voss
Clark, K.	Heinitz	McDonald	Rodriguez, C.	Weaver
Clawson	Himle	McEachern	Rodriguez, F.	Welch
Dahlvang	Hoberg	Mehrkens	Rothenberg	Welker
Dean	Hokanson	Metzen	Sarna	Wenzel
Dempsey	Hokr	Minne	Schafer	Wieser
Den Ouden	Jennings	Munger	Schoenfeld	Wigley
Drew	Johnson, C.	Murphy	Schreiber	Wynia
Eken	Johnson, D.	Nelsen, B.	Searles	Zubay
Elioff	Jude	Nelson, K.	Shea	Spkr. Sieben, H.
Ellingson	Kahn	Niehaus	Sherman	
Erickson	Kaley	Norton	Sherwood	
Esau	Kalis	Novak	Sieben, M.	

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

H. F. No. 401, A bill for an act relating to commerce; regulating the licensing of electricians; amending Minnesota Statutes 1980, Section 326.242, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Battaglia	Carlson, D.	Dean	Ellingson
Ainley	Begich	Carlson, L.	Dempsey	Erickson
Anderson, B.	Berkelman	Clark, J.	Den Ouden	Esau
Anderson, G.	Blatz	Clark, K.	Drew	Evans
Anderson, I.	Brandl	Clawson	Eken	Ewald
Anderson, R.	Brinkman	Dahlvang	Elioff	Fjoslien

Forsythe	Kahn	Metzen	Rees	Stowell
Friedrich	Kaley	Minne	Reif	Stumpf
Greenfield	Kalis	Munger	Rice	Sviggunn
Gruenes	Kelly	Murphy	Rodriguez, C.	Tomlinson
Gustafson	Knickerbocker	Nelsen, B.	Rodriguez, F.	Valan
Halberg	Kostohryz	Nelson, K.	Rose	Valento
Hanson	Kvam	Niehaus	Rothenberg	Vanasek
Harens	Laidig	Norton	Sarna	Vellenga
Hauge	Lehto	Novak	Schafer	Voss
Haukoos	Lemen	Nysether	Schoenfeld	Weaver
Heap	Levi	O'Connor	Schreiber	Welch
Heinitz	Long	Ogren	Searles	Welker
Himle	Ludeman	Olsen	Shea	Wenzel
Hoberg	Luknic	Otis	Sherman	Wieser
Hokanson	Mann	Peterson, B.	Sherwood	Wigley
Hokr	Marsh	Peterson, D.	Sieben, M.	Wynia
Jennings	McCarron	Piepho	Simoneau	Zubay
Johnson, C.	McDonald	Pogemiller	Skoglund	Spkr. Sieben, H.
Johnson, D.	McEachern	Redalen	Stadum	
Jude	Mehrkens	Reding	Staten	

Those who voted in the negative were:

Swanson

The bill was passed and its title agreed to.

H. F. No. 467, A bill for an act relating to motor vehicles; authorizing the identification of certain tax exempt vehicles by use of removable plates or placards; amending Minnesota Statutes 1980, Section 168.012, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Ainley	Eken	Hoberg	Luknic	Otis
Anderson, B.	Elioff	Hokanson	Mann	Peterson, B.
Anderson, G.	Ellingson	Hokr	Marsh	Peterson, D.
Anderson, I.	Erickson	Jennings	McCarron	Piepho
Anderson, R.	Esau	Johnson, C.	McDonald	Pogemiller
Battaglia	Evans	Johnson, D.	McEachern	Redalen
Begich	Ewald	Jude	Mehrkens	Reding
Berkelman	Fjoslien	Kahn	Metzen	Rees
Blatz	Forsythe	Kaley	Minne	Reif
Brandl	Friedrich	Kalis	Munger	Rice
Brinkman	Greenfield	Kelly	Murphy	Rodriguez, C.
Carlson, D.	Gruenes	Knickerbocker	Nelsen, B.	Rodriguez, F.
Carlson, L.	Gustafson	Kostohryz	Nelson, K.	Rose
Clark, J.	Halberg	Kvam	Niehaus	Rothenberg
Clark, K.	Hanson	Laidig	Norton	Sarna
Dahlvang	Hauge	Lehto	Novak	Schafer
Dean	Haukoos	Lemen	Nysether	Schoenfeld
Dempsey	Heap	Levi	O'Connor	Schreiber
Den Ouden	Heinitz	Long	Ogren	Searles
Drew	Himle	Ludeman	Olsen	Shea

Sherman	Stadum	Swanson	Voss	Wieser
Sherwood	Staten	Tomlinson	Weaver	Wigley
Sieben, M.	Stowell	Valan	Welch	Wynia
Simoneau	Stumpf	Valento	Welker	Zubay
Skoglund	Sviggum	Vellenga	Wenzel	Spkr. Sieben, H.

The bill was passed and its title agreed to.

H. F. No. 480, A bill for an act relating to agriculture; changing the name of the joint legislative committee on agricultural land preservation; amending Laws 1979, Chapter 315, Sections 2 and 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	Novak	Sherwood
Ainley	Evans	Kelly	Nysether	Sieben, M.
Anderson, B.	Ewald	Knickerbocker	O'Connor	Simoneau
Anderson, G.	Fjoslien	Kostohryz	Ogren	Skoglund
Anderson, I.	Forsythe	Kvam	Olsen	Stadum
Anderson, R.	Friedrich	Laidig	Otis	Staten
Battaglia	Greenfield	Lehto	Peterson, B.	Stowell
Begich	Gruenes	Lemen	Peterson, D.	Stumpf
Berkelman	Gustafson	Levi	Piepho	Sviggum
Blatz	Halberg	Long	Pogemiller	Swanson
Brandl	Hanson	Ludeman	Redalen	Tomlinson
Brinkman	Harens	Luknic	Reding	Valan
Carlson, D.	Hauge	Mann	Rees	Valento
Carlson, L.	Haukoos	Marsh	Reif	Vanasek
Clark, J.	Heap	McCarron	Rice	Vellenga
Clark, K.	Heinitz	McDonald	Rodriguez, C.	Voss
Clawson	Himle	McEachern	Rodriguez, F.	Weaver
Dahlvang	Hoberg	Mehrkens	Rose	Welch
Dean	Hokanson	Metzen	Rothenberg	Welker
Dempsey	Hokr	Minne	Sarna	Wenzel
Den Ouden	Jennings	Munger	Schafer	Wieser
Drew	Johnson, C.	Murphy	Schoenfeld	Wigley
Eken	Johnson, D.	Nelsen, B.	Schreiber	Wynia
Elioff	Jude	Nelson, K.	Searles	Zubay
Ellingson	Kahn	Niehaus	Shea	Spkr. Sieben, H.
Erickson	Kaley	Norton	Sherman	

The bill was passed and its title agreed to.

H. F. No. 518, A bill for an act relating to education; including state hospitals as eligible employers for the purpose of work-study grants; amending Minnesota Statutes 1980, Section 136A.-233, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Ainley	Evans	Kelly	Nysether	Sieben, M.
Anderson, B.	Ewald	Knickerbocker	O'Connor	Simoneau
Anderson, G.	Fjoslien	Kostohryz	Ogren	Skoglund
Anderson, I.	Forsythe	Kvam	Olsen	Stadum
Anderson, R.	Friedrich	Laidig	Otis	Staten
Battaglia	Greenfield	Lehto	Peterson, B.	Stowell
Begich	Gruenes	Lemen	Peterson, D.	Stumpf
Berkelman	Gustafson	Levi	Piepho	Sviggum
Blatz	Halberg	Long	Pogemiller	Swanson
Brandl	Hanson	Ludeman	Redalen	Tomlinson
Brinkman	Harens	Luknic	Reding	Valan
Carlson, D.	Hauge	Mann	Rees	Valento
Carlson, L.	Haukoos	Marsh	Reif	Vanasek
Clark, J.	Heap	McCarron	Rice	Vellenga
Clark, K.	Heinitz	McDonald	Rodriguez, C.	Voss
Clawson	Himle	McEachern	Rodriguez, F.	Weaver
Dahlvang	Hoberg	Mehrken	Rose	Welch
Dean	Hokanson	Metzen	Rothenberg	Welker
Dempsey	Hokr	Minne	Sarna	Wenzel
Den Ouden	Jennings	Munger	Schafer	Wieser
Drew	Johnson, C.	Murphy	Schoenfeld	Wigley
Eken	Johnson, D.	Nelsen, B.	Schreiber	Wynia
Elioff	Jude	Nelson, K.	Searles	Zubay
Ellingson	Kahn	Niehaus	Shea	Spkr. Sieben, H.
Erickson	Kaley	Norton	Sherman	
Esau	Kalis	Novak	Sherwood	

The bill was passed and its title agreed to.

S. F. No. 12, A bill for an act relating to eminent domain; providing for the taking of possession and title by the petitioner under certain circumstances; providing that certain payments deposited with the court shall be paid out under direction of the court; amending Minnesota Statutes 1980, Section 117.042.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, D.	Ellingson	Hanson	Johnson, D.
Ainley	Carlson, L.	Erickson	Harens	Jude
Anderson, B.	Clark, J.	Esau	Hauge	Kahn
Anderson, G.	Clark, K.	Evans	Haukoos	Kaley
Anderson, I.	Clawson	Ewald	Heap	Kalis
Anderson, R.	Dahlvang	Fjoslien	Heinitz	Kelly
Battaglia	Dean	Forsythe	Himle	Knickerbocker
Begich	Dempsey	Friedrich	Hoberg	Kostohryz
Berkelman	Den Ouden	Greenfield	Hokanson	Kvam
Blatz	Drew	Gruenes	Hokr	Laidig
Brandl	Eken	Gustafson	Jennings	Lehto
Brinkman	Elioff	Halberg	Johnson, C.	Lemen

Levi	Nelsen, B.	Redalen	Shea	Vanasek
Long	Nelson, K.	Reding	Sherman	Vellenga
Ludeman	Niehaus	Rees	Sherwood	Voss
Luknic	Norton	Reif	Sieben, M.	Weaver
Mann	Novak	Rice	Simoneau	Welch
Marsh	Nysether	Rodriguez, C.	Skoglund	Welker
McCarron	O'Connor	Rodriguez, F.	Stadum	Wenzel
McDonald	Ogren	Rose	Staten	Wieser
McEachern	Olsen	Rothenberg	Stumpf	Wigley
Mehrkens	Otis	Sarna	Sviggum	Wynia
Metzen	Peterson, B.	Schafer	Swanson	Zubay
Minne	Peterson, D.	Schoenfeld	Tomlinson	Spkr. Sieben, H.
Munger	Piepho	Schreiber	Valan	
Murphy	Pogemiller	Searles	Valento	

The bill was passed and its title agreed to.

S. F. No. 175 was reported to the House.

Norton moved that S. F. No. 175 be continued on the Consent Calendar until Monday, March 16, 1981. The motion prevailed.

## CALENDAR

### CALL OF THE HOUSE

On the motion of Dahlvang and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Aasness	Ellingson	Johnson, D.	Murphy	Schreiber
Ainley	Erickson	Jude	Nelson, K.	Searles
Anderson, B.	Esau	Kahn	Niehaus	Shea
Anderson, G.	Evans	Kalis	Norton	Sherman
Anderson, I.	Ewald	Kelly	Novak	Sherwood
Anderson, R.	Fjoslien	Knickerbocker	Nysether	Sieben, M.
Battaglia	Forsythe	Kostohryz	O'Connor	Simoneau
Begich	Friedrich	Kvam	Ogren	Skoglund
Berkelman	Greenfield	Laidig	Olsen	Stadum
Blatz	Gruenes	Lehto	Otis	Staten
Brandl	Gustafson	Lemen	Peterson, B.	Stowell
Brinkman	Halberg	Levi	Peterson, D.	Sviggum
Carlson, D.	Hanson	Long	Piepho	Swanson
Carlson, L.	Harens	Ludeman	Redalen	Valan
Clark, J.	Hauge	Luknic	Reding	Valento
Clark, K.	Haukoos	Mann	Rees	Voss
Clawson	Heap	Marsh	Reif	Welch
Dahlvang	Heinitz	McCarron	Rice	Wenzel
Dean	Himle	McDonald	Rodriguez, C.	Wieser
Dempsey	Hoberg	McEachern	Rose	Wigley
Den Ouden	Hokanson	Mehrkens	Rothenberg	Wynia
Drew	Hokr	Metzen	Sarna	Zubay
Eken	Jennings	Minne	Schafer	Spkr. Sieben, H.
Elioff	Johnson, C.	Munger	Schoenfeld	

Eken moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

H. F. No. 312, A bill for an act relating to agriculture; requiring the commissioner of agriculture to examine fluid milk and milk product marketing and packaging; repealing the prohibition on the sale of milk in non-returnable plastic containers; proposing new law coded in Minnesota Statutes, Chapter 32; repealing Minnesota Statutes 1980, Sections 116F.21 and 116F.22.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 76 yeas and 52 nays as follows:

Those who voted in the affirmative were:

Aasness	Friedrich	Kvam	Piepho	Stowell
Ainley	Gruenes	Laidig	Redalen	Stumpf
Anderson, I.	Halberg	Levi	Reding	Sviggum
Anderson, R.	Haukoos	Ludeman	Rees	Swanson
Brinkman	Heap	Luknic	Reif	Valan
Carlson, D.	Heinitz	Marsh	Rice	Valento
Clawson	Himle	McCarron	Rodriguez, F.	Weaver
Dahlvang	Hoberg	McDonald	Rose	Welker
Dempsey	Hokr	McEachern	Schafer	Wenzel
Den Ouden	Jennings	Mehrkens	Schoenfeld	Wieser
Drew	Johnson, C.	Metzen	Schreiber	Wigley
Erickson	Johnson, D.	Nelsen, B.	Searles	Zubay
Esau	Jude	Niehaus	Shea	
Evans	Kaley	Nysether	Sherman	
Ewald	Kalis	O'Connor	Sherwood	
Forsythe	Knickerbocker	Olsen	Stadum	

Those who voted in the negative were:

Anderson, B.	Eken	Kelly	Novak	Skoglund
Anderson, G.	Elioff	Kostohryz	Ogren	Staten
Battaglia	Ellingson	Lehto	Otis	Tomlinson
Begich	Fjoslien	Lemen	Peterson, B.	Vellenga
Berkelman	Greenfield	Long	Peterson, D.	Voss
Blatz	Gustafson	Mann	Pogemiller	Welch
Brandl	Hanson	Minne	Rodriguez, C.	Wynia
Carlson, L.	Harens	Munger	Rothenberg	Spkr. Sieben, H.
Clark, J.	Hauge	Murphy	Sarna	
Clark, K.	Hokanson	Nelson, K.	Sieben, M.	
Dean	Kahn	Norton	Simoneau	

The bill was passed and its title agreed to.

Greenfield was excused for the remainder of today's session.

H. F. No. 173, A bill for an act relating to human rights; providing that certain statutes be equally applicable to all persons regardless of sex, including statutes related to the health department, suits for seduction, garnishment actions, judicial pensions, and probate proceedings; providing for a penalty; amending Minnesota Statutes 1980, Sections 46.09, Subdivision 1; 144.06; 181.07; 242.47; 246.53; 256.85; 290.28, Subdivision 3; 490.102,



Subdivisions 6 and 7; 510.06; 519.05; 525.05; 525.082; 540.07; 540.08; 540.09; 558.28; 576.08; 609.375; 629.55; and 631.09.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kelly	Nysether	Sieben, M.
Ainley	Evans	Knickerbocker	O'Connor	Simoneau
Anderson, B.	Ewald	Kostohryz	Ogren	Skoglund
Anderson, G.	Fjoslien	Kvam	Olsen	Stadum
Anderson, I.	Forsythe	Laidig	Otis	Staten
Anderson, R.	Friedrich	Lehto	Peterson, B.	Stowell
Battaglia	Gruenes	Lemen	Peterson, D.	Stumpf
Begich	Gustafson	Levi	Piepho	Sviggum
Berkelman	Halberg	Long	Pogemiller	Swanson
Blatz	Hanson	Ludeman	Redalen	Tomlinson
Brandl	Harens	Luknic	Reding	Valan
Brinkman	Hauge	Mann	Rees	Valento
Carlson, D.	Haukoos	Marsh	Reif	Vellenga
Carlson, L.	Heap	McCarron	Rice	Voss
Clark, J.	Heinitz	McDonald	Rodriguez, C.	Weaver
Clark, K.	Himle	McEachern	Rodriguez, F.	Welch
Clawson	Hoberg	Mehrkens	Rose	Welker
Dahlvang	Hokanson	Metzen	Rothenberg	Wenzel
Dean	Hokr	Minne	Sarna	Wieser
Dempsey	Jennings	Munger	Schafer	Wigley
Den Ouden	Johnson, C.	Murphy	Schoenfeld	Wynia
Drew	Johnson, D.	Nelsen, B.	Schreiber	Zubay
Eken	Jude	Nelson, K.	Searles	Spkr. Sieben, H.
Elioff	Kahn	Niehaus	Shea	
Ellingson	Kaley	Norton	Sherman	
Erickson	Kalis	Novak	Sherwood	

The bill was passed and its title agreed to.

#### CALL OF THE HOUSE LIFTED

Jennings moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

H. F. No. 415, A bill for an act relating to financial institutions; authorizing federal funds transactions for credit unions; removing the limitation on insurance commission income and prohibiting participation of officials in such income; permitting the sale of real estate loans; amending Minnesota Statutes 1980, Section 52.04, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kalis	Novak	Sherwood
Ainley	Esau	Kelly	Nysether	Sieben, M.
Anderson, B.	Evans	Knickerbocker	O'Connor	Simoneau
Anderson, G.	Ewald	Kostohryz	Ogren	Skoglund
Anderson, I.	Fjoslien	Kvam	Olsen	Stadum
Anderson, R.	Forsythe	Lehto	Otis	Staten
Battaglia	Friedrich	Lemen	Peterson, B.	Stowell
Begich	Gruenes	Levi	Peterson, D.	Stumpf
Berkelman	Gustafson	Long	Piepho	Sviggum
Blatz	Haberg	Ludeman	Pogemiller	Swanson
Brandl	Hanson	Luknic	Redalen	Tomlinson
Brinkman	Harens	Mann	Reding	Valan
Carlson, D.	Hauge	Marsh	Rees	Valento
Carlson, L.	Heap	McCarron	Reif	Vellenga
Clark, J.	Heinitz	McDonald	Rice	Voss
Clark, K.	Himle	McEachern	Rodriguez, C.	Weaver
Clawson	Hoberg	Mehrkens	Rodriguez, F.	Welch
Dahlvang	Hokanson	Metzen	Rose	Welker
Dean	Hokr	Minne	Rothenberg	Wenzel
Dempsey	Jennings	Munger	Sarna	Wieser
Den Ouden	Johnson, C.	Murphy	Schafer	Wigley
Drew	Johnson, D.	Nelsen, B.	Schoenfeld	Wynia
Eken	Jude	Nelson, K.	Schreiber	Zubay
Elioff	Kahn	Niehaus	Searles	Sprk. Sieben, H.
Ellingson	Kaley	Norton	Sherman	

The bill was passed and its title agreed to.

S. F. No. 13, A bill for an act relating to crimes; eliminating the power of a sentencing court to stay the revocation of the driver's license of a person convicted of driving, operating or being in physical control of a motor vehicle while under the influence of alcohol or controlled substances or a combination thereof; amending Minnesota Statutes 1980, Sections 169.121, Subdivision 5; and 609.135, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 90 yeas and 30 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Himle	Levi	Ogren
Anderson, B.	Ellingson	Hokanson	Long	Olsen
Anderson, G.	Erickson	Hokr	Ludeman	Otis
Berkelman	Esau	Jennings	Luknic	Peterson, B.
Blatz	Ewald	Johnson, D.	Mann	Peterson, D.
Brandl	Fjoslien	Jude	Marsh	Piepho
Brinkman	Forsythe	Kahn	McDonald	Pogemiller
Carlson, D.	Friedrich	Kaley	Minne	Reif
Carlson, L.	Hanson	Kalis	Munger	Rodriguez, C.
Clark, J.	Harens	Kelly	Murphy	Rodriguez, F.
Clark, K.	Hauge	Knickerbocker	Nelsen, B.	Rose
Clawson	Haukoos	Kostohryz	Nelson, K.	Rothenberg
Dean	Heap	Laidig	Novak	Sarna
Den Ouden	Heinitz	Lehto	Nysether	Schoenfeld

Searles	Stadum	Swanson	Voss	Wenzel
Shea	Staten	Tomlinson	Weaver	Wieser
Sherwood	Stumpf	Valan	Welch	Wynia
Skoglund	Sviggum	Vellenga	Welker	Spkr. Sieben, H.

Those who voted in the negative were:

Ainley	Elioff	McCarron	Redalen	Sherman
Anderson, R.	Evans	McEachern	Reding	Sieben, M.
Battaglia	Gruenes	Metzen	Rees	Simoneau
Begich	Halberg	Niehaus	Rice	Stowell
Dempsey	Hoberg	Norton	Schafer	Valento
Drew	Kvam	O'Connor	Schreiber	Wigley

The bill was passed and its title agreed to.

Levi and Voss were excused at 3:50 p.m. Valan was excused from 3:45 p.m. to 4:40 p.m.

### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 470 and 111 which it recommended to pass.

H. F. No. 2 which it recommended progress.

H. F. No. 98 which it recommended progress retaining its place on General Orders.

S. F. No. 346 which it recommended progress.

S. F. No. 247 which it recommended to pass with the following amendment offered by Voss:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1980, Section 473.667, Subdivision 2, is amended to read:

Subd. 2. [BORROWING AUTHORIZATION.] No additional bonds shall be issued under the provisions of section 473.-665, over and above the amount outstanding April 1, 1974. Except for refunding bonds and certificates of indebtedness, the principal amount of bonds that may be issued under this section,

over and above the amount of bonds of the commission outstanding (FEBRUARY 1, 1980) *January 15, 1981*, is limited to (\$75,000,000) *\$92,000,000* until and unless this limitation is increased by law. The pledge of revenues of the commission to its debt service fund in lieu of the taxes otherwise required by section 473.665 to be assessed and extended shall be and remain a first charge on all current revenues of the commission to the extent required annually to cancel such taxes.

Sec. 2. Minnesota Statutes 1980, Section 473.608, Subdivision 20, is amended to read:

Subd. 20. Subject to the final enactment of the Airport and Airways Development Act Amendments of 1975 the corporation shall install aircraft noise suppressing equipment at the ground run-up operation sites of the Minneapolis-St. Paul International Airport. All such aircraft noise suppressing equipment shall conform to specifications approved by the pollution control agency. The pollution control agency shall determine the deadline for design selection and installation of the aircraft noise suppressing equipment; provided the deadline for design selection shall be no later than (DECEMBER 31, 1980) *March 1, 1983*.

Sec. 3. [473.612] [NOISE ABATEMENT PLAN.]

*By December 31, 1981 the commission shall submit to the legislature a noise abatement plan for the Minneapolis-St. Paul International Airport, containing annual objectives until December 31, 1987, for reduction of aircraft noise within the metropolitan area. The plan shall contain definite proposals for specific annual reductions in the maximum hourly noise levels, such as defined by Minnesota pollution control agency rules, 6 MCAR 4.2001 (15) and (16), based on the typically worst noise condition on an hourly basis received in populated residential areas. By December 31, 1982, and each year thereafter until December 31, 1987, the commission shall submit to the legislature a report detailing the reduction of aircraft noise in meeting the annual objectives outlined in the above noise abatement plan.*

Sec. 4. [EFFECTIVE DATE.]

*This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington and is effective the day after final enactment."*

Further amend by striking the title and inserting:

"A bill for an act relating to metropolitan government; providing for the maximum amount of the borrowing authorization of the metropolitan airports commission; requiring actions to

abate airport noise; amending Minnesota Statutes 1980, Sections 473.608, Subdivision 20; and 473.667, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 473."

H. F. No. 28 which it recommended to pass with the following amendment offered by Redalen:

Page 1, line 3, after "from" insert "farming or"

On the motion of Eken the report of the Committee of the Whole was adopted.

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll call was taken in the Committee of the Whole:

The question was taken on the Simoneau motion that H. F. No. 28, as amended, be re-referred to the Committee on Governmental Operations and the roll was called. There were 28 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Elioff	Heap	Metzen	Sieben, M.
Battaglia	Ellingson	Kelly	Murphy	Simoneau
Berkelman	Evans	Kostohryz	Norton	Skoglund
Brandl	Friedrich	Kvam	Otis	Staten
Carlson, L.	Gustafson	Long	Reding	
Dahlvang	Hanson	McCarron	Rodriguez, F.	

Those who voted in the negative were:

Aasness	Fjoslien	Laidig	Peterson, B.	Stumpf
Ainley	Forsythe	Lemen	Peterson, D.	Sviggum
Anderson, B.	Gruenes	Ludeman	Piepho	Swanson
Anderson, G.	Halberg	Luknic	Redalen	Tomlinson
Anderson, I.	Harens	Mann	Rees	Valento
Blatz	Hauge	Marsh	Reif	Vellenga
Brinkman	Haukoos	McDonald	Rice	Weaver
Carlson, D.	Himle	McEachern	Rodriguez, C.	Welch
Clark, K.	Hoberg	Mehrrens	Rose	Welker
Clawson	Hokanson	Minne	Rothenberg	Wenzel
Dean	Hokr	Munger	Schafer	Wieser
Dempsey	Jennings	Nelsen, B.	Schoenfeld	Wynia
Den Ouden	Johnson, C.	Niehaus	Schreiber	Zubay
Drew	Johnson, D.	Novak	Shea	Spkr. Sieben, H.
Eken	Jude	Nysether	Sherman	
Erickson	Kaley	O'Connor	Sherwood	
Esau	Kalis	Ogren	Stadum	
Ewald	Knickerbocker	Olsen	Stowell	

The motion did not prevail.

## MOTIONS AND RESOLUTIONS

Wenzel moved that the name of Marsh be added as an author on H. F. No. 663. The motion prevailed.

Zubay moved that the name of Halberg be added as an author on H. F. No. 691. The motion prevailed.

Wenzel moved that the name of Drew be added as an author on H. F. No. 679. The motion prevailed.

Rodriguez, F., moved that the name of Clark, K., be added as an author on H. F. No. 836. The motion prevailed.

Hanson moved that the name of Vellenga be added as an author on H. F. No. 135. The motion prevailed.

Murphy moved that the name of Minne be added as an author on H. F. No. 728. The motion prevailed.

Simoneau moved that the name of Novak be added as an author on H. F. No. 730. The motion prevailed.

Clark, K., moved that the name of Battaglia be added as an author on H. F. No. 827. The motion prevailed.

Clark, K., moved that the name of Norton be added as an author on H. F. No. 792. The motion prevailed.

Clark, K., moved that the name of Long be added as an author on H. F. No. 551. The motion prevailed.

Clark, K., moved that the name of Greenfield be added as an author on H. F. No. 832. The motion prevailed.

McDonald moved that the name of Brandl be added as an author on H. F. No. 808. The motion prevailed.

Clawson moved that the name of Clark, K., be added as an author on H. F. No. 111. The motion prevailed.

Clawson moved that the name of Anderson, B., be added as an author on H. F. No. 565. The motion prevailed.

Anderson, I., moved that H. F. No. 670 be returned to its author. The motion prevailed.

**ADJOURNMENT**

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, March 16, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, March 16, 1981.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**

## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## TWENTY-THIRD DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 16, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Reverend Henry T. Aukee, Messiah Lutheran Church, Duluth, Minnesota and was followed in song by the Prairie Winds, Murray County Barbershop Chapter.

The roll was called and the following members were present:

Aasness	Esau	Kalis	Nysether	Sherman
Ainley	Evans	Kelly	O'Connor	Sherwood
Anderson, B.	Ewald	Knickerbocker	Ogren	Sieben, M.
Anderson, G.	Fjoslien	Kostohryz	Olsen	Simoneau
Anderson, I.	Forsythe	Kvam	Onnen	Skoglund
Anderson, R.	Friedrich	Laidig	Osthoff	Stadum
Battaglia	Greenfield	Lehto	Otis	Staten
Begich	Gruenes	Lemen	Peterson, B.	Stowell
Berkelman	Gustafson	Levi	Peterson, D.	Stumpf
Blatz	Halberg	Long	Piepho	Sviggum
Brandl	Hanson	Ludeman	Pogemiller	Swanson
Brinkman	Harens	Luknic	Redalen	Tomlinson
Byrne	Hauge	Mann	Reding	Valan
Carlson, D.	Haukoos	Marsh	Rees	Valento
Carlson, L.	Heap	McCarron	Reif	Vanasek
Clark, J.	Heinitz	McDonald	Rice	Vellenga
Clark, K.	Himle	McEachern	Rodriguez, C.	Voss
Clawson	Hoberg	Mehrkens	Rodriguez, F.	Weaver
Dahlvang	Hokanson	Metzen	Rose	Welch
Dean	Hokr	Minne	Rothenberg	Welker
Dempsey	Jacobs	Munger	Samuelson	Wenzel
Den Ouden	Jennings	Murphy	Sarna	Wieser
Drew	Johnson, C.	Nelsen, B.	Schafer	Wigley
Eken	Johnson, D.	Nelson, K.	Schoenfeld	Wynia
Elioff	Jude	Niehaus	Schreiber	Zubay
Ellingson	Kahn	Norton	Searles	Sprk. Sieben, H.
Erickson	Kaley	Novak	Shea	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Stumpf moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.



## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 57, 84, 241, 321, 436, 509, 28, 91, 117, 170, 277, 341, 371, 395, 462, 496, 564 and 603 and S. F. Nos. 121, 247 and 366 have been placed in the members' files.

## REPORTS OF STANDING COMMITTEES

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 258, A bill for an act relating to commerce; allowing the manufacture, sale, and shipment of gambling devices for use in other states; amending Minnesota Statutes 1980, Sections 349.31, Subdivision 1; 609.75, Subdivision 1; 609.76; proposing new law coded in Minnesota Statutes, Chapter 349.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 349, A bill for an act relating to agriculture; regulating livestock marketing; providing a penalty; amending Minnesota Statutes 1980, Sections 17A.02; 17A.03, Subdivision 7; 17A.14; proposing new law coded in Minnesota Statutes, Chapter 17A.

Reported the same back with the following amendments:

Page 2, line 15, after "violates" insert "*any of*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on Taxes to which was referred:

H. F. No. 435, A bill for an act relating to taxation; income; property tax refund; adopting certain federal income tax amendments; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; 290.06, Subdivision 14; 290.07, Subdivision 5; 290.077, Subdivision 4; 290.08, Subdivisions 8 and 20; 290.09, Subdivisions 2, 3, 4, 17a, and 19; 290.091; 290.131, Subdivision 2; 290.132, Subdivision 2; 290.135, Subdivision 2; 290.136, Subdivi-

sion 1; 290.138, by adding a subdivision; 290.26, Subdivision 2; 290.31, Subdivision 3; 290.41, by adding subdivisions; 290.92, Subdivision 20; 290.971, by adding a subdivision; 290A.03, Subdivision 3; and Laws 1980, Chapter 607, Article 1, Section 34; repealing Minnesota Statutes 1980, Sections 290.08, Subdivisions 7 and 13; 290.09, Subdivision 12; 290.136, Subdivisions 2, 3, 4, 5, 6, 7, and 9; 290.137, and 290.138, Subdivisions 1 and 2.

Reported the same back with the following amendments:

Pages 21 to 23, delete section 7

Page 26, line 3, delete "*subparagraph*" and insert "*clause*"

Page 26, line 7, delete "*subparagraph and subparagraph*" and insert "*clause and clause*"

Page 42, after line 35, insert a section to read:

"Sec. 22. Minnesota Statutes 1980, Section 290.934, Subdivision 4, is amended to read:

Subd. 4. [EXCEPTION.] (a) Notwithstanding the provisions of the preceding subdivisions, the addition to the tax with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the lesser.

(1) The tax shown on the return of the corporation for the preceding taxable year reduced by \$1,000, if a return showing a liability for tax was filed by the corporation for the preceding taxable year and such preceding year was a taxable year of 12 months.

(2) An amount equal to the tax computed at the rates applicable to the taxable year but otherwise on the basis of the facts shown on the return of the corporation for, and the law applicable to, the preceding taxable year.

(b) *Notwithstanding clause (a), in the case of a large corporation, the addition to the tax with respect to any underpayment of any installment shall be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of the installment is less than the amount required to be paid on or before the date. The amount required to be paid as estimated tax for the taxable year shall in no event be less than 60 percent of (A) the tax shown on the return for the taxable year; or (B) if no return was filed, the tax for the year. The term "large corporation" means any cor-*

*poration (or any predecessor corporation) which had taxable net income of \$1,000,000 or more for any taxable year during the testing period. The term "testing period" means the three taxable years immediately preceding the taxable year involved."*

Page 44, after line 23 insert:

"Sec. 25. Minnesota Statutes 1980, Section 474.12, Subdivision 2, is amended to read:

Subd. 2. Notwithstanding subdivision 1, the interest paid on bonds issued under authority of this chapter and issued after June 30, 1979 shall be exempt only as provided under (SECTION) sections 290.01, subdivision 20, and 290.08, subdivision (7) 8, for obligations of the issuing municipality."

Page 46, after line 8, insert "*Section 22 is effective for taxable years beginning after June 30, 1981.*"

Page 46, line 4, delete "7, 10" and insert "9"

Page 46, line 5, delete "12" and insert "11"

Page 46, line 6, delete "9" and insert "8"

Page 46, line 7, delete "18" and insert "17"

Page 46, line 8, delete "22" and insert "21"

Page 46, line 12, delete "28" and insert "29"

Renumber the sections

Amend the title as follows:

Page 1, line 7, delete "2,"

Page 1, line 12, after "20;" insert "290.934, Subdivision 4;"

Page 1, line 14, after "3;" insert "474.12, Subdivision 2;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 600, A bill for an act relating to veterans; requiring the Veterans of Foreign Wars to provide assistance to disabled

veterans in filing claims with the United States government; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 258, 349 and 435 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Tomlinson; Luknic; Nelson, K., and Munger introduced:

H. F. No. 843, A bill for an act relating to energy; providing for statewide enforcement of energy conservation standards; amending Minnesota Statutes 1980, Section 16.868.

The bill was read for the first time and referred to the Committee on Energy.

Peterson, B., introduced:

H. F. No. 844, A bill for an act relating to crimes; providing the court with discretion to require a presentence investigation in the case of felony convictions; amending Minnesota Statutes 1980, Section 609.115, Subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Marsh, Staten, Gruenes, Hoberg and Sherman introduced:

H. F. No. 845, A bill for an act relating to economic development; providing grants to colleges and universities receiving federal small business management grants; appropriating money.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Marsh, Rothenberg, Wenzel, Brinkman and Laidig introduced:

H. F. No. 846, A bill for an act relating to crimes; requiring the sentencing guidelines commission to modify the sentencing guidelines by providing for more frequent application of incarcerative sanctions and increasing the duration of presumptive sentences; requiring modification of the sentencing guidelines to include specific aggravating factors for major narcotics offenses; requiring the commission to authorize judicial consideration of "real offense" information in certain cases involving the plea negotiation process; requiring the commission to study the impact of the plea negotiation process on the operation of the guidelines; amending Minnesota Statutes 1980, Section 244.09, Subdivision 5; proposing new law coded in Minnesota Statutes, Chapter 244.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Nysether, Eken, Stadum, Kalis and Hauge introduced:

H. F. No. 847, A bill for an act relating to highway traffic regulations; providing for the designation and undesignation of routes to carry certain gross weights; amending Minnesota Statutes 1980, Section 169.832, Subdivision 11; repealing Minnesota Statutes 1980, Section 169.832, Subdivision 12.

The bill was read for the first time and referred to the Committee on Transportation.

Munger, Lehto, Berkelman, Gustafson and Nelson, K., introduced:

H. F. No. 848, A bill for an act relating to the city of Duluth; authorizing the establishment of a home energy conservation program as part of its municipal utility system and the issuance of municipal revenue bonds or notes for that purpose.

The bill was read for the first time and referred to the Committee on Energy.

Reif; Carlson, D.; Blatz; Anderson, B., and Welch introduced:

H. F. No. 849, A bill for an act relating to health; prohibiting the possession of skunks; setting a penalty; proposing new law coded in Minnesota Statutes, Chapter 145.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Schreiber; Sieben, H.; Rees; Voss and McDonald introduced:

H. F. No. 850, A bill for an act relating to local and metropolitan government; regulating transportation planning and zoning; allowing official maps to show state trunk highway corridors; permitting loans by the metropolitan council for the purpose of purchasing certain highway rights-of-way under certain conditions; authorizing a tax levy in the metropolitan area; amending Minnesota Statutes 1980, Sections 394.22, Subdivision 12; 462.-352, Subdivision 10; and 473.167.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Schafer, Gruenes, Piepho, Welker and Hoberg introduced:

H. F. No. 851, A bill for an act relating to taxation; income tax; requiring indication on tax return of school district in which taxpayer resides; amending Minnesota Statutes 1980, Section 290.39, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Schafer, Ludeman and Jennings introduced:

H. F. No. 852, A bill for an act relating to the legislature; reducing by ten percent the compensation paid to members of the legislature; amending Minnesota Statutes 1980, Section 3.099, Subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Schafer, Ogren, Staten, Gruenes and Lemen introduced:

H. F. No. 853, A bill for an act relating to agriculture; providing for contracts for deed in the family farm security program; amending Minnesota Statutes 1980, Sections 41.52, Subdivisions 5, 8 and 9; and 41.58, Subdivision 2.

The bill was read for the first time and referred to the Committee on Agriculture.

Lehto, Swanson, McCarron and Reif introduced:

H. F. No. 854, A bill for an act relating to autopsies; requiring autopsies for deaths related to the discharge of firearms; amending Minnesota Statutes 1980, Sections 390.11, Subdivision 2; and 390.32, Subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Blatz, Eken, Haukoos, McCarron and Rice introduced:

H. F. No. 855, A bill for an act relating to education; changing the time period for filing an application to be placed on the ballot for board elections; amending Minnesota Statutes 1980, Section 123.32, Subdivision 4.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Heinitz; Metzen; Sarna; Nelsen, B., and Osthoff introduced:

H. F. No. 856, A bill for an act relating to commerce; modifying the initial and continuing education requirements for real estate salespersons; clarifying the commissioner's authority to prescribe curriculum requirements and standards for instructors; amending Minnesota Statutes 1980, Section 82.22, Subdivisions 6, 8, and 10; repealing Minnesota Statutes 1980, Section 82.22, Subdivisions 7, 9, and 13.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Pogemiller, Swanson and Greenfield introduced:

H. F. No. 857, A bill for an act relating to nursing homes; requiring the installation of automatic sprinkler systems; authorizing the small business finance agency to make certain loans; amending Minnesota Statutes 1980, Sections 144A.08, Subdivision 1; and 362.52, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Greenfield introduced:

H. F. No. 858, A bill for an act relating to insurance; prohibiting the inclusion of household or family exclusions in homeowners insurance policies; proposing new law coded in Minnesota Statutes, Chapter 60A.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Johnson, D.; Brinkman; Hokr; Sherman and Wynia introduced:

H. F. No. 859, A bill for an act relating to commerce; providing for examinations of financial institutions; providing for the proportioning of annual assessments; providing uniform retention periods for records; clarifying the definition of financial institution; clarifying the distance drive-in or walk-up facilities may be located from a detached facility under certain circumstances; clarifying the notice and approval procedures and judicial review procedures for detached facilities; providing that voting equity in a bank's holding company satisfies the stock requirement of a director; providing additional time for submitting certain bank reports and authorizing acceptance of certain substitute reports; clarifying certain withdrawal provisions applicable to savings associations; requiring credit unions to obtain a commitment for insurance of accounts prior to approval of its application for organization; expanding the exemption from the licensing requirement for sales finance companies to include certain other financial institutions; providing for a compliance examination of sales finance companies once every two years instead of annually; removing certain obsolete provisions; amending Minnesota Statutes 1980, Sections 46.04, Subdivision 1; 46.131, Subdivision 4; 46.21; 47.015, Subdivision 1; 47.52; 47.54; 48.06; 48.48; 51A.33; 52.01; 168.67; and 168.705; repealing Minnesota Statutes 1980, Sections 46.131, Subdivision 6; and 47.17.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Sarna, Simoneau, Brandl, Dean and Novak introduced:

H. F. No. 860, A bill for an act relating to retirement; the Minneapolis employees retirement fund; establishing a new retirement benefit fund therein; transferring assets from the Minnesota post-retirement investment fund; amending Minnesota Statutes 1980, Section 422A.06, Subdivisions 1, 3, 4, 5, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.



Wenzel, Luknic, Kostohryz, Welch and Swanson introduced:

H. F. No. 861, A bill for an act relating to education; authorizing state aid for fringe benefits paid to essential personnel employed in educational programs for handicapped children; amending Minnesota Statutes 1980, Section 124.32, Subdivision 1.

The bill was read for the first time and referred to the Committee on Education.

Fjoslien, Evans, Valan and Aasness introduced:

H. F. No. 862, A bill for an act relating to Otter Tail county; authorizing the county board to grant certain powers for a district created under Minnesota Statutes, Chapter 116A.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Heinitz, Swanson and Rose introduced:

H. F. No. 863, A bill for an act relating to state government; changing the name of the department of public welfare to the department of social services; amending Minnesota Statutes 1980, Section 245.03.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Battaglia, Elioff and Begich introduced:

H. F. No. 864, A bill for an act relating to education; requiring schools and certain other institutions to conduct monthly fire drills; requiring an annual report of the drills to the state fire marshal; removing the requirement of posting records of drills within buildings; requiring one drill a year under the supervision of a local fire department; amending Minnesota Statutes 1980, Section 299F.30.

The bill was read for the first time and referred to the Committee on Education.

Lehto, Munger, Battaglia and Gustafson introduced:

H. F. No. 865, A bill for an act relating to the environment; requiring the preparation of an environmental impact statement before the introduction of non-indigenous life into Lake Superior; prescribing a civil penalty; proposing new law coded in Minnesota Statutes, Chapter 116D.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Olsen and Rothenberg introduced:

H. F. No. 866, A bill for an act relating to pollution; providing funds for the costs relating to resolution of groundwater contamination problems at the site of the Reilly Tar and Chemical Company in St. Louis Park; appropriating money.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Dean, Lehto, Luknic, Sherwood and Kahn introduced:

H. F. No. 867, A bill for an act relating to crimes and criminals; prohibiting the sale of certain confectionery cigarettes to minors; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 609.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Reding, Battaglia, Aasness, Zubay and Harens introduced:

H. F. No. 868, A bill for an act relating to obscenity; prohibiting the promotion and dissemination of obscene materials; providing penalties; amending Minnesota Statutes 1980, Sections 617.26; 617.27; 617.291, Subdivision 2; 617.292, Subdivisions 4, 6, 7 and 8; proposing new law coded in Minnesota Statutes, Chapter 609; repealing Minnesota Statutes 1980, Section 617.241.

The bill was read for the first time and referred to the Committee on Judiciary.

Reding and Battaglia introduced:

H. F. No. 869, A bill for an act relating to game and fish; restricting the taking of bear to adult bear; amending Minnesota Statutes 1980, Section 100.27, Subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Kalis, Friedrich, Mann, Voss and Mehrkens introduced:

H. F. No. 870, A bill for an act relating to motor vehicles; providing for the re-registration of certain motor vehicles and combinations of vehicles; defining gross vehicle weight; exempting certain vehicles from certain weight limitations; establishing gross weight limitations on certain highways for certain motor vehicles and combinations of vehicles; providing exceptions to certain gross weight limitations; providing for the designation and undesignation of certain routes; providing for the weighing of certain vehicles and combinations of vehicles and the enforcement of weight limitations; allowing the use of certain documents as relevant evidence of exceeding vehicle weight limits, and providing exceptions; requiring record keeping for shipments loaded or unloaded, and providing exceptions; imposing civil and criminal penalties; amending Minnesota Statutes 1980, Sections 168.013, Subdivision 3; 169.01, Subdivision 46; 169.03, Subdivision 6; 169.832, Subdivision 11; 169.85; 169.851; 169.86, Subdivision 1a; 169.87, Subdivision 2; 169.871; 169.872; proposing new law coded in Minnesota Statutes, Chapter 169; repealing Minnesota Statutes 1980, Sections 169.83; 169.832, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 12; and 169.834.

The bill was read for the first time and referred to the Committee on Transportation.

Valento, Brinkman and Rothenberg introduced:

H. F. No. 871, A bill for an act relating to probate; limiting benefits under life insurance policies payable to corporations to portion of shares not owned by person who killed decedent; establishing procedures for distribution of unpaid benefits; amending Minnesota Statutes 1980, Section 524.2-803.

The bill was read for the first time and referred to the Committee on Judiciary.

Luknic, McEachern, Drew, Knickerbocker and Skoglund introduced:

H. F. No. 872, A bill for an act relating to public welfare; providing for funding the catastrophic health insurance program for the 1981-1983 biennium; and appropriating money.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Den Ouden; Sieben, H., and Valento introduced:

H. F. No. 873, A bill for an act relating to transportation; regulating apportionment from the municipal state-aid street fund; providing for the inclusion of certain cities in the 1981 apportionment of municipal state-aid street funds.

The bill was read for the first time and referred to the Committee on Transportation.

Halberg, Brandl, Hokr, Blatz and Swanson introduced:

H. F. No. 874, A bill for an act relating to child abuse; requiring reports of certain sexual and physical abuse of children; requiring reports to parents in certain cases; amending Minnesota Statutes 1980, Section 626.556, Subdivisions 1, 2, 3, 7 and 9.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Anderson, B., introduced:

H. F. No. 875, A bill for an act relating to local government; permitting Murray county and the city of Slayton to make joint powers agreements for the administration of county ditches.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Staten; Norton; Clark, K.; Harens and Elioff introduced:

H. F. No. 876, A bill for an act relating to employment; authorizing the commissioner of economic security to make certain summer youth employment advances; amending Minnesota Statutes 1980, Section 268.34.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Kalis, Wigley, Welch, Haukoos and Jennings introduced:

H. F. No. 877, A bill for an act relating to agriculture; increasing a variety of fees charged by the department of agriculture for services, inspections, and other duties; establishing a revolving fund; appropriating money; amending Minnesota Statutes 1980, Sections 17B.15; 18.51, Subdivision 2; 18.52, Subdivision 5; 18.54, Subdivision 1; 19.19, Subdivisions 1 and 2; 19.20, Subdivision 4; 223.03; 223.12, Subdivision 1; 231.16; 232.02, Subdivisions 1, 2, and 3; and 233.08.

The bill was read for the first time and referred to the Committee on Agriculture.

Levi, Forsythe, Norton, McEachern and Sieben, H., introduced:

H. F. No. 878, A bill for an act relating to taxation; income; providing depreciation and amortization deductions for the rehabilitation and improvement of historic structures; disallowing expenses, losses and depreciation for the alteration or demolition of historic structures; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; and 290.09, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Levi, Voss, McEachern, Zubay and Carlson, D., introduced:

H. F. No. 879, A bill for an act relating to juveniles; authorizing imposition of fines and other dispositions for children adjudicated delinquent for offenses relating to controlled substances and intoxicating liquors; amending Minnesota Statutes 1980, Sections 152.15, by adding a subdivision; 340.035, Subdivision 2, and by adding a subdivision; 340.73, Subdivision 3, and by adding a subdivision; and 340.732.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Drew, Dempsey, Schreiber and Gustafson introduced:

H. F. No. 880, A bill for an act relating to taxation; providing that certain debts may be satisfied by set-off of income tax refunds; proposing new law coded in Minnesota Statutes, Chapter 518.

The bill was read for the first time and referred to the Committee on Taxes.

Ellingson, Voss, Staten and Dempsey introduced:

H. F. No. 881, A bill for an act relating to the public defender; creating a state board of public defense and district committees for public defense; providing the duties of those bodies; providing partial reimbursement to certain counties for public defender services; abolishing the judicial council; appropriating money; amending Minnesota Statutes 1980, Sections 611.18; 611.23; 611.24; 611.25; 611.27; 611.271; proposing new law coded in Minnesota Statutes, Chapter 611; repealing Minnesota Statutes 1980, Sections 611.07; 611.071; 611.12; 611.14; 611.26; 611.28; 611.29; and Chapter 483.

The bill was read for the first time and referred to the Committee on Judiciary.

Byrne, Reding, Sarna and Dahlvang introduced:

H. F. No. 882, A bill for an act relating to retirement; St. Paul firefighters relief association; specifying the investment authority of the relief association; amending Laws 1955, Chapter 375, Section 12, as amended.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Rodriguez, C.; Voss; Long and Halberg introduced:

H. F. No. 883, A bill for an act relating to metropolitan government; changing procedures for financial assistance to the metropolitan transit commission; establishing a program to assist demonstrations of alternative methods of providing public transit service for certain communities; providing for alternative uses of metropolitan transit tax levies; amending Minnesota Statutes 1980, Sections 174.24, Subdivision 3; 473.411, Subdivision 1; and 473.446; proposing new law coded in Minnesota Statutes, Chapter 174; repealing Minnesota Statutes 1980, Section 174.28.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Simoneau and Heinitz introduced:

H. F. No. 884, A bill for an act relating to human rights; allowing certain complaints of discrimination to be submitted to binding arbitration; proposing new law coded in Minnesota Statutes, Chapter 363.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Jude; Ellingson; Peterson, B.; Dempsey and O'Connor introduced:

H. F. No. 885, A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Section 12; removing references to legislative days.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Voss, McDonald and McEachern introduced:

H. F. No. 886, A bill for an act relating to mobile homes; regulating lot rentals; specifying conditions on which a lessor may recover possession of land upon which a mobile home is located; amending Minnesota Statutes 1980, Section 327.44.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Schreiber, Laidig and Weaver introduced:

H. F. No. 887, A bill for an act relating to municipal land use planning; permitting municipal fees for administrative actions relating to official controls; amending Minnesota Statutes 1980, Section 462.353, by adding a subdivision; repealing Minnesota Statutes 1980, Section 462.358, Subdivision 4.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Himle, Osthoff, Otis and Friedrich introduced:

H. F. No. 888, A bill for an act relating to commerce; regulating certain subdivided land sales, clarifying the regulation of subdivided lands; providing penalties; amending Minnesota Statutes 1980, Sections 83.20, Subdivisions 1, 5, 11, and by adding subdivisions; 83.21; 83.23; 83.24; 83.25, Subdivision 1; 83.26; 83.27; 83.28; 83.29, by adding subdivisions; 83.30; 83.31; 83.33; 83.34, Subdivision 1; 83.35; 83.36; 83.37; 83.38, Subdivision 2; 83.39; 83.40; 83.41; 83.42; and proposing new law coded in Minnesota Statutes, Chapter 83.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Voss, Norton, Heinitz, Dahlvang and Rose introduced:

H. F. No. 889, A bill for an act relating to water well contractors; altering the exemption from license requirements for certain registered professional engineers; amending Minnesota Statutes 1980, Section 156A.03, Subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Clark, K.; Rodriguez, F.; Reding and Sarna introduced:

H. F. No. 890, A bill for an act relating to the state board of investment; establishing standards for the selection of certain prudent investments; amending Minnesota Statutes 1980, Section 11A.09.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Anderson, G.; Battaglia and Eken introduced:

H. F. No. 891, A bill for an act relating to waters; altering the definition of public wetlands; amending Minnesota Statutes 1980, Section 105.37, Subdivision 15.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Simoneau and Heinitz introduced:

H. F. No. 892, A bill for an act relating to state government; improving the state's personnel management and labor relations functions; proposing new law coded as Minnesota Statutes, Chapter 43A; repealing Minnesota Statutes, Chapter 43.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sieben, M., and Metzen introduced:

H. F. No. 893, A bill for an act relating to transportation; authorizing the purchase of the closed combination railroad and highway bridge connecting St. Paul Park in Washington County and Inver Grove Heights in Dakota County, and authorizing its operation as a toll bridge by a private business entity; providing for the regulation of the operation and maintenance of the bridge and the establishment of maximum toll charges by the counties of Washington and Dakota.

The bill was read for the first time and referred to the Committee on Transportation.

Simoneau introduced:

H. F. No. 894, A bill for an act relating to labor; overtime; changing the maximum workweek; amending Minnesota Statutes 1980, Section 177.25, Subdivision 1.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.



Eken introduced:

H. F. No. 895, A bill for an act relating to state lands; authorizing the sale of certain tax-forfeited land.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Vanasek, Schoenfeld, Stumpf, Gustafson and Luknic introduced:

H. F. No. 896, A bill for an act relating to taxation; income tax; increasing the exclusion for pension income; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20.

The bill was read for the first time and referred to the Committee on Taxes.

Simoneau introduced:

H. F. No. 897, A bill for an act relating to workers' compensation; changing the funding for administrative expenses related to the special compensation fund; amending Minnesota Statutes 1980, Section 176.131, Subdivision 10.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Schreiber introduced:

H. F. No. 898, A bill for an act relating to crimes; prohibiting the possession, manufacture, or delivery of drug paraphernalia; prohibiting the delivery of drug paraphernalia to minors; prohibiting the advertisement of drug paraphernalia; providing for civil forfeiture of drug paraphernalia; prescribing penalties; amending Minnesota Statutes 1980, Sections 152.01, by adding a subdivision; 152.19, Subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, Chapter 152.

The bill was read for the first time and referred to the Committee on Judiciary.

Vanasek, Brinkman, Evans, Kvam and Anderson, I., introduced:

H. F. No. 899, A bill for an act relating to taxation; providing for the reimbursement of certain costs incurred by counties for the installation and use of deed tax meter machines, if authorized by the commissioner; appropriating money; amending Minnesota Statutes 1980, Section 287.27, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Voss, Schreiber, Norton, Long and Kostohryz introduced:

H. F. No. 900, A bill for an act relating to open space and recreation; providing for costs of acquisition and betterment of regional recreation open space lands by the metropolitan council and metropolitan area local governmental units; authorizing issuance of state bonds; appropriating money.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Rice; Carlson, D.; Reding; Dahlvang and Schreiber introduced:

H. F. No. 901, A bill for an act relating to retirement; transferring jurisdiction over investment of funds of the public employees retirement association from the state board of investment to the public employees retirement association board of trustees; amending Minnesota Statutes 1980, Sections 11A.14, Subdivision 5; 11A.23, Subdivision 4; 353.05; and 353.06; proposing new law coded in Minnesota Statutes, Chapter 353; repealing Minnesota Statutes 1980, Section 353.271.

The bill was read for the first time and referred to the Committee on Governmental Operations.

O'Connor; Sarna; Gustafson; Carlson, D., and Jacobs introduced:

H. F. No. 902, A bill for an act relating to public utilities; refunds or credits to customers upon disallowance of rate increases; amending Minnesota Statutes 1980, Sections 216B.16, Subdivision 3; and 237.075, Subdivision 3.

The bill was read for the first time and referred to the Committee on Regulated Industries.

## HOUSE ADVISORIES

The following House Advisories were introduced:

Kalis; Carlson, D.; Wenzel; Mann and Valan introduced:

H. A. No. 14, A proposal to study the use of bonding, licensing and financial auditing of grain elevators.

The advisory was referred to the Committee on Agriculture.

Kelly, Vanasek, Staten, Greenfield and Eken introduced:

H. A. No. 15, A proposal for Criminal Justice to evaluate potential organizational structures for Crime Control Planning Board.

The advisory was referred to the Committee on Criminal Justice.

O'Connor, Lehto, Vanasek, Metzen and Carlson, D., introduced:

H. A. No. 16, A proposal to study the problems of outstanding warrants and means of collection.

The advisory was referred to the Committee on Criminal Justice.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 4, A Concurrent Resolution relating to commemoration of the centennial of the appointment of William Mitchell as Associate Justice of the Minnesota Supreme Court.

PATRICK E. FLAHAVEN, Secretary of the Senate

## SUSPENSION OF RULES

Jude moved that the Rules be so far suspended that Senate Concurrent Resolution No. 4 be now considered and be placed upon its adoption. The motion prevailed.

## SENATE CONCURRENT RESOLUTION NO. 4

A senate concurrent resolution relating to commemoration of the centennial of the appointment of William Mitchell as Associate Justice of the Minnesota Supreme Court.

*Whereas*, William Mitchell was born on November 19, 1832, at Stamford, Ontario, Canada; and,

*Whereas*, he graduated from Jefferson College in 1853, where he was known as a "determined scholar" in Latin, Greek, logic, and mathematics; and,

*Whereas*, he read law in Virginia and was admitted to the Virginia bar in 1857; and,

*Whereas*, he came to Winona, Minnesota, by steamboat in 1857 to open a law office; and,

*Whereas*, he practiced law until 1873 when he was elected to the district court bench; and,

*Whereas*, he was appointed as an associate justice of the Minnesota Supreme Court on March 9, 1881, and served until he retired in 1899; and,

*Whereas*, during his service on the Minnesota Supreme Court he wrote over 1,600 opinions known for their conciseness and clarity and which formed the basis of much of Minnesota's common law especially in the areas of contracts, agency, and torts; and,

*Whereas*, he was also active in the business of banking and railroading during Minnesota's formative years; and,

*Whereas*, he served in Minnesota's 2nd Legislature and was active in many other civic and service projects; and,

*Whereas*, William Mitchell died on August 21, 1900, at the age of 67; *Now Therefore*,

*Be It Resolved* by the Senate of the State of Minnesota, the House concurring, that, on the centennial of his appointment as Associate Justice of the Minnesota Supreme Court, it commends to the people of the State of Minnesota the record of Justice William Mitchell as a life, work, and spirit worth emulation. It recognizes his contribution to the law and life of Minnesota.

*Be It Further Resolved* that the Secretary of the Senate is directed to prepare two enrolled copies of this resolution, to be authenticated by his signature and those of the President, the Chief Clerk of the House of Representatives, and Speaker of the

House of Representatives, and to present one to a representative of the descendants of Justice Mitchell and one to the Dean of William Mitchell College of Law.

Jude moved that Senate Concurrent Resolution No. 4 be now adopted. The motion prevailed and Senate Concurrent Resolution No. 4 was adopted.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 52.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE FILES

S. F. No. 52, A bill for an act relating to elections; fair campaign practices; providing a penalty for denial of access to certain dwellings; amending Minnesota Statutes 1980, Section 210A.43, Subdivision 4.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

### CONSENT CALENDAR

S. F. No. 175, A bill for an act relating to accountancy; removing an expiration provision related to the board of accountancy; repealing Laws 1979, Chapter 326, Section 15.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Carlson, D.	Erickson	Harens	Jude
Ainley	Carlson, L.	Esau	Haukoos	Kahn
Anderson, B.	Clark, J.	Evans	Heap	Kaley
Anderson, G.	Clark, K.	Ewald	Heinitz	Kalis
Anderson, I.	Clawson	Fjoslien	Himle	Kelly
Anderson, R.	Dahlvang	Forsythe	Hoberg	Knickerbocker
Battaglia	Dean	Friedrich	Hokanson	Kostohryz
Begich	Dempsey	Greenfield	Hokr	Kvam
Blatz	Drew	Gruenes	Jacobs	Laidig
Brandl	Eken	Gustafson	Jennings	Lehto
Brinkman	Elioff	Halberg	Johnson, C.	Lemen
Byrne	Ellingson	Hanson	Johnson, D.	Levi

Long	Nelson, K.	Redalen	Searles	Valan
Ludeman	Niehaus	Reding	Shea	Valento
Luknic	Norton	Rees	Sherman	Vanasek
Mann	Novak	Reif	Sherwood	Vellenga
Marsh	Nysether	Rice	Sieben, M.	Voss
McCarron	O'Connor	Rodriguez, C.	Simoneau	Weaver
McDonald	Ogren	Rodriguez, F.	Skoglund	Welch
McEachern	Olsen	Rose	Stadum	Weiker
Mehrkens	Osthoff	Rothenberg	Staten	Wenzel
Metzen	Otis	Samuelson	Stowell	Wieser
Minne	Peterson, B.	Sarna	Stumpf	Wigley
Munger	Peterson, D.	Schafer	Sviggum	Wynia
Murphy	Piepho	Schoenfeld	Swanson	Zubay
Nelsen, B.	Pogemiller	Schreiber	Tomlinson	Spkr. Sieben, H.

Those who voted in the negative were:

Den Ouden

The bill was passed and its title agreed to.

H. F. No. 57, A bill for an act relating to real estate; directing a conveyance of the states right, title and interest in certain lands to Independent School District No. 417 of Tracy, Minnesota.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kelly	Ogren	Sieben, M.
Ainley	Evans	Knickerbocker	Olsen	Simoneau
Anderson, B.	Ewald	Kostohryz	Onnen	Skoglund
Anderson, G.	Fjoslien	Kvam	Osthoff	Stadum
Anderson, I.	Forsthe	Laidig	Otis	Staten
Anderson, R.	Friedrich	Lehto	Peterson, B.	Stowell
Battaglia	Greenfield	Lemen	Peterson, D.	Stumpf
Begich	Gruenes	Levi	Piepho	Sviggum
Berkelman	Gustafson	Long	Pogemiller	Swanson
Blatz	Halberg	Ludeman	Redalen	Tomlinson
Brandl	Hanson	Luknic	Reding	Valan
Brinkman	Harens	Mann	Rees	Valento
Byrne	Haukoos	Marsh	Reif	Vanasek
Carlson, D.	Heap	McCarron	Rice	Vellenga
Carlson, L.	Heinitz	McDonald	Rodriguez, C.	Voss
Clark, J.	Himle	Mehrkens	Rodriguez, F.	Weaver
Clark, K.	Hoberg	Metzen	Rose	Welch
Clawson	Hokanson	Minne	Rothenberg	Weiker
Dahlvang	Hokr	Munger	Samuelson	Wenzel
Dean	Jacobs	Murphy	Sarna	Wieser
Dempsey	Jennings	Nelsen, B.	Schafer	Wigley
Den Ouden	Johnson, C.	Nelson, K.	Schoenfeld	Wynia
Drew	Johnson, D.	Niehaus	Schreiber	Zubay
Eken	Jude	Norton	Searles	Spkr. Sieben, H.
Elioff	Kahn	Novak	Shea	
Ellingson	Kaley	Nysether	Sherman	
Erickson	Kalis	O'Connor	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 84, A bill for an act relating to the city of St. James; authorizing the issuance of revenue bonds for the acquisition and betterment of an airport facility.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kelly	Nysether	Sherman
Ainley	Evans	Knickerbocker	O'Connor	Sherwood
Anderson, B.	Ewald	Kostohryz	Ogren	Sieben, M.
Anderson, G.	Fjoslien	Kvam	Olsen	Skoglund
Anderson, I.	Forsythe	Laidig	Onnen	Stadum
Anderson, R.	Friedrich	Lehto	Osthoff	Staten
Battaglia	Greenfield	Lemen	Otis	Stowell
Begich	Gruenes	Levi	Peterson, B.	Stumpf
Berkelman	Gustafson	Long	Peterson, D.	Sviggum
Blatz	Halberg	Ludeman	Piepho	Swanson
Brandl	Hanson	Luknic	Pogemiller	Tomlinson
Brinkman	Harens	Mann	Redalen	Valan
Byrne	Haukoos	Marsh	Reding	Valento
Carlson, D.	Heap	McCarron	Rees	Vanasek
Carlson, L.	Heinitz	McDonald	Reif	Vellenga
Clark, J.	Himle	McEachern	Rodriguez, C.	Voss
Clark, K.	Hoberg	Mehrkens	Rodriguez, F.	Weaver
Clawson	Hokanson	Metzen	Rose	Welch
Dahlvang	Hokr	Minne	Rothenberg	Welker
Dean	Jennings	Munger	Samuelson	Wenzel
Dempsey	Johnson, C.	Murphy	Sarna	Wieser
Den Ouden	Johnson, D.	Nelsen, B.	Schafer	Wigley
Drew	Jude	Nelson, K.	Schoenfeld	Wynia
Elioff	Kahn	Niehaus	Schreiber	Zubay
Ellingson	Kaley	Norton	Searles	Spkr. Sieben, H.
Erickson	Kalis	Novak	Shea	

The bill was passed and its title agreed to.

H. F. No. 241, A bill for an act relating to local government; removing a limit on advertising budgets of certain statutory cities; amending Minnesota Statutes 1980, Section 465.56, Subdivision 1; repealing Minnesota Statutes 1980, Section 465.56, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Ainley	Anderson, B.	Anderson, G.	Anderson, I.
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Anderson, R.	Friedrich	Kvam	Ogren	Sherman
Begich	Greenfield	Laidig	Olsen	Sherwood
Berkelman	Gruenes	Lehto	Onnen	Sieben, M.
Blatz	Gustafson	Lemen	Osthoff	Skoglund
Brandl	Halberg	Levi	Otis	Stadum
Brinkman	Hanson	Long	Peterson, B.	Staten
Byrne	Harens	Ludeman	Peterson, D.	Stowell
Carlson, D.	Haukoos	Luknic	Piepho	Stumpf
Carlson, L.	Heap	Mann	Pogemiller	Sviggum
Clark, J.	Heinitz	Marsh	Redalen	Swanson
Clark, K.	Himle	McCarron	Reding	Tomlinson
Clawson	Hoberg	McDonald	Rees	Valan
Dahlvang	Hokanson	McEachern	Reif	Valento
Dean	Hokr	Mehrkens	Rice	Vanasek
Dempsey	Jacobs	Metzen	Rodriguez, C.	Vellenga
Den Ouden	Jennings	Minne	Rodriguez, F.	Voss
Drew	Johnson, C.	Munger	Rose	Weaver
Elioff	Johnson, D.	Murphy	Rothenberg	Welch
Ellingson	Jude	Nelsen, B.	Samuelson	Welker
Erickson	Kahn	Nelson, K.	Sarna	Wenzel
Esau	Kaley	Niehaus	Schafer	Wieser
Evans	Kalis	Norton	Schoenfeld	Wigley
Ewald	Kelly	Novak	Schreiber	Wynia
Fjoslien	Knickerbocker	Nysether	Searles	Zubay
Forsythe	Kostohryz	O'Connor	Shea	Sprk. Sieben, H.

The bill was passed and its title agreed to.

H. F. No. 321, A bill for an act relating to the city of St. Paul; authorizing the issuance of a license for the sale of intoxicating liquor at Town Square Park.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Ainley	Elioff	Kahn	Murphy	Rodriguez, F.
Anderson, B.	Ellingson	Kaley	Nelsen, B.	Rose
Anderson, G.	Esau	Kalis	Nelson, K.	Rothenberg
Anderson, I.	Evans	Kelly	Niehaus	Samuelson
Anderson, R.	Ewald	Knickerbocker	Norton	Sarna
Battaglia	Forsythe	Kostohryz	Novak	Schafer
Begich	Friedrich	Kvam	Nysether	Schoenfeld
Berkelman	Greenfield	Laidig	O'Connor	Schreiber
Blatz	Gruenes	Lehto	Ogren	Searles
Brandl	Gustafson	Lemen	Olsen	Shea
Brinkman	Halberg	Levi	Onnen	Sherman
Byrne	Hanson	Long	Osthoff	Sieben, M.
Carlson, D.	Harens	Ludeman	Otis	Simoneau
Carlson, L.	Haukoos	Luknic	Peterson, B.	Skoglund
Clark, J.	Heap	Mann	Peterson, D.	Stadum
Clark, K.	Heinitz	Marsh	Piepho	Staten
Clawson	Himle	McCarron	Pogemiller	Stowell
Dahlvang	Hoberg	McDonald	Redalen	Stumpf
Dean	Hokanson	McEachern	Reding	Sviggum
Dempsey	Jennings	Mehrkens	Rees	Swanson
Den Ouden	Johnson, C.	Metzen	Reif	Tomlinson
Drew	Johnson, D.	Minne	Rice	Valan
Eken	Jude	Munger	Rodriguez, C.	Valento



Vanasek	Weaver	Wenzel	Wynia	Spkr. Sieben, H.
Vellenga	Welch	Wieser	Zubay	
Voss	Welker	Wigley		

Those who voted in the negative were:

Aasness	Erickson	Fjoslien	Sherwood
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The bill was passed and its title agreed to.

H. F. No. 341, A bill for an act relating to the city of Edina; providing for the purchasing and contracting authority of the city manager and council.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kelly	Ogren	Sieben, M.
Ainley	Evans	Knickerbocker	Olsen	Simoneau
Anderson, B.	Ewald	Kostohryz	Onnen	Skoglund
Anderson, G.	Fjoslien	Kvam	Osthoff	Stadum
Anderson, I.	Forsythe	Laidig	Otis	Staten
Anderson, R.	Friedrich	Lehto	Peterson, B.	Stowell
Battaglia	Greenfield	Lemen	Peterson, D.	Stumpf
Begich	Gruenes	Levi	Piepho	Sviggum
Berkelman	Gustafson	Long	Pogemiller	Swanson
Blatz	Halberg	Ludeman	Redalen	Tomlinson
Brandl	Hanson	Luknic	Reding	Valento
Brinkman	Harens	Mann	Rees	Vanasek
Byrne	Haukoos	Marsh	Reif	Vellenga
Carlson, D.	Heap	McCarron	Rice	Voss
Carlson, L.	Heinitz	McDonald	Rodriguez, C.	Weaver
Clark, J.	Himle	Mehrkens	Rodriguez, F.	Welch
Clark, K.	Hoberg	Metzen	Rose	Welker
Clawson	Hokanson	Minne	Rothenberg	Wenzel
Dahlvang	Hokr	Munger	Samuelson	Wieser
Dean	Jacobs	Murphy	Sarna	Wigley
Dempsey	Jennings	Nelsen, B.	Schafer	Wynia
Den Ouden	Johnson, C.	Nelson, K.	Schoenfeld	Zubay
Drew	Johnson, D.	Niehaus	Schreiber	Spkr. Sieben, H.
Eken	Jude	Norton	Searles	
Elioff	Kahn	Novak	Shea	
Ellingson	Kaley	Nysether	Sherman	
Erickson	Kalis	O'Connor	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 496, A bill for an act relating to intoxicating liquor; proof required to purchase, possess or consume; amending Minnesota Statutes 1980, Section 340.039.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kaley	Novak	Sherman
Ainley	Esau	Kalis	Nysether	Sieben, M.
Anderson, B.	Evans	Kelly	Ogren	Simoneau
Anderson, G.	Ewald	Knickerbocker	Olsen	Skoglund
Anderson, I.	Fjoslien	Kostohryz	Onnen	Stadum
Anderson, R.	Forsythe	Kvam	Osthoff	Staten
Battaglia	Friedrich	Laidig	Otis	Stowell
Begich	Greenfield	Lemen	Peterson, B.	Stumpf
Berkelman	Gruenes	Levi	Peterson, D.	Sviggum
Blatz	Gustafson	Long	Pogemiller	Swanson
Brandl	Halberg	Ludeman	Redalen	Tomlinson
Brinkman	Hanson	Luknic	Reding	Valan
Byrne	Harens	Mann	Rees	Valento
Carlson, D.	Hauge	Marsh	Reif	Vanasek
Carlson, L.	Haukoos	McCarron	Rice	Vellenga
Clark, J.	Heap	McDonald	Rodriguez, C.	Voss
Clark, K.	Heinitz	McEachern	Rodriguez, F.	Weaver
Clawson	Himle	Mehrkens	Rose	Welch
Dahlvang	Hoberg	Metzen	Rothenberg	Welker
Dean	Hokanson	Minne	Samuelson	Wenzel
Dempsey	Jacobs	Munger	Sarna	Wieser
Den Ouden	Jennings	Murphy	Schafer	Wigley
Drew	Johnson, C.	Nelsen, B.	Schoenfeld	Wynia
Eken	Johnson, D.	Nelson, K.	Schreiber	Zubay
Elioff	Jude	Niehaus	Searles	Spkr. Sieben, H.
Ellingson	Kahn	Norton	Shea	

The bill was passed and its title agreed to.

H. F. No. 564, A bill for an act relating to insurance; allowing a township mutual fire insurance company to insure certain property; amending Minnesota Statutes 1980, Section 67A.14, Subdivision 5.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, D.	Erickson	Hauge	Kahn
Ainley	Carlson, L.	Esau	Haukoos	Kaley
Anderson, B.	Clark, J.	Evans	Heap	Kalis
Anderson, G.	Clark, K.	Ewald	Heinitz	Kelly
Anderson, I.	Clawson	Fjoslien	Himle	Knickerbocker
Anderson, R.	Dahlvang	Forsythe	Hoberg	Kostohryz
Battaglia	Dean	Friedrich	Hokanson	Kvam
Begich	Dempsey	Greenfield	Hokr	Laidig
Berkelman	Den Ouden	Gruenes	Jacobs	Lehto
Blatz	Drew	Gustafson	Jennings	Lemen
Brandl	Eken	Halberg	Johnson, C.	Levi
Brinkman	Elioff	Hanson	Johnson, D.	Long
Byrne	Ellingson	Harens	Jude	Ludeman

Luknic	Norton	Rees	Sherman	Vanasek
Mann	Novak	Reif	Sherwood	Vellenga
Marsh	Nysether	Rice	Sieben, M.	Voss
McCarron	O'Connor	Rodriguez, C.	Simoneau	Weaver
McDonald	Ogren	Rodriguez, F.	Skoglund	Welch
McEachern	Olsen	Rose	Stadum	Welker
Mehrkens	Onnen	Rothenberg	Staten	Wenzel
Metzen	Osthoff	Samuelson	Stowell	Wieser
Minne	Otis	Sarna	Stumpf	Wigley
Munger	Peterson, B.	Schafer	Sviggum	Wynia
Murphy	Peterson, D.	Schoenfeld	Swanson	Zubay
Nelsen, B.	Pogemiller	Schreiber	Tomlinson	Spkr. Sieben, H.
Nelson, K.	Redalen	Searles	Valan	
Niehaus	Reding	Shea	Valento	

The bill was passed and its title agreed to.

S. F. No. 97, A bill for an act relating to agriculture; changing Todd County from area one to area four for the purposes of potato promotion; amending Minnesota Statutes 1980, Section 30.464, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	Nysether	Sherwood
Ainley	Evans	Kelly	O'Connor	Sieben, M.
Anderson, B.	Ewald	Knickerbocker	Ogren	Simoneau
Anderson, G.	Fjoslien	Kostohryz	Olsen	Skoglund
Anderson, I.	Forsythe	Kvam	Onnen	Stadum
Anderson, R.	Friedrich	Laidig	Osthoff	Staten
Battaglia	Greenfield	Lehto	Otis	Stowell
Begich	Gruenes	Lemen	Peterson, B.	Stumpf
Berkelman	Gustafson	Levi	Peterson, D.	Sviggum
Blatz	Halberg	Long	Pogemiller	Swanson
Brandl	Hanson	Ludeman	Redalen	Tomlinson
Brinkman	Harens	Luknic	Reding	Valan
Byrne	Hauge	Mann	Rees	Valento
Carlson, D.	Haukoos	Marsh	Reif	Vanasek
Carlson, L.	Heap	McCarron	Rice	Vellenga
Clark, J.	Heinitz	McDonald	Rodriguez, C.	Voss
Clark, K.	Himle	McEachern	Rodriguez, F.	Weaver
Clawson	Hoberg	Mehrkens	Rose	Welch
Dahlvang	Hokanson	Metzen	Rothenberg	Welker
Dean	Hokr	Samuelson	Staten	Wenzel
Dempsey	Jacobs	Munger	Sarna	Wieser
Den Ouden	Jennings	Murphy	Schafer	Wigley
Drew	Johnson, C.	Nelsen, B.	Schoenfeld	Wynia
Eken	Johnson, D.	Nelson, K.	Schreiber	Zubay
Elioff	Jude	Niehaus	Searles	Spkr. Sieben, H.
Ellingson	Kahn	Norton	Shea	
Erickson	Kaley	Novak	Sherman	

The bill was passed and its title agreed to.

## CALENDAR

S. F. No. 247, A bill for an act relating to metropolitan government; providing for the maximum amount of the borrowing authorization of the metropolitan airports commission; requiring the installation of certain equipment; mandating a noise abatement plan; amending Minnesota Statutes 1980, Sections 473.608, Subdivision 20, and by adding a subdivision; and 473.667, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kelly	O'Connor	Sherwood
Ainley	Esau	Knickerbocker	Ogren	Sieben, M.
Anderson, B.	Evans	Kostohryz	Olsen	Simoneau
Anderson, G.	Ewald	Laidig	Onnen	Skoglund
Anderson, I.	Fjoslien	Lehto	Osthoff	Stadum
Anderson, R.	Forsythe	Lemen	Otis	Staten
Battaglia	Friedrich	Levi	Peterson, B.	Stowell
Begich	Greenfield	Long	Peterson, D.	Stumpf
Berkelman	Gruenes	Ludeman	Pogemiller	Swiggum
Blatz	Halberg	Luknic	Redalen	Swanson
Brandl	Hanson	Mann	Reding	Tomlinson
Brinkman	Hauge	Marsh	Rees	Valan
Byrne	Haukoos	McCarron	Reif	Valento
Carlson, D.	Heap	McDonald	Rice	Vanasek
Carlson, L.	Heinitz	McEachern	Rodriguez, C.	Vellenga
Clark, J.	Himle	Mehrkens	Rodriguez, F.	Voss
Clark, K.	Hoberg	Metzen	Rose	Weaver
Clawson	Hokanson	Minne	Rothenberg	Welch
Dahlvang	Hokr	Munger	Samuelson	Welker
Dean	Jacobs	Murphy	Sarna	Wenzel
Dempsey	Jennings	Nelsen, B.	Schafer	Wieser
Den Ouden	Johnson, D.	Nelson, K.	Schoenfeld	Wigley
Drew	Jude	Niehaus	Schreiber	Wynia
Eken	Kahn	Norton	Searles	Zubay
Elioff	Kaley	Novak	Shea	Spkr. Sieben, H.
Ellingson	Kalis	Nysether	Sherman	

The bill was passed and its title agreed to.

H. F. No. 470, A bill for an act relating to the department of public safety; changing the name of the highway patrol to the state patrol; amending Minnesota Statutes 1980, Section 299D.-01, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 109 yeas and 19 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kvam	Olsen	Sieben, M.
Ainley	Ewald	Laidig	Onnen	Simoneau
Anderson, G.	Forsythe	Lehto	Peterson, B.	Skoglund
Anderson, I.	Friedrich	Lemen	Peterson, D.	Stadum
Battaglia	Greenfield	Levi	Piepho	Staten
Begich	Gruenes	Long	Pogemiller	Stowell
Berkelman	Gustafson	Ludeman	Redalen	Stumpf
Blatz	Hanson	Luknic	Rees	Sviggum
Brinkman	Harens	Mann	Reif	Swanson
Byrne	Haukoos	Marsh	Rice	Tomlinson
Carlson, L.	Heap	McCarron	Rodriguez, C.	Valan
Clark, J.	Heinitz	McDonald	Rodriguez, F.	Valento
Clawson	Himle	McEachern	Rose	Vanasek
Dahlvang	Hoberg	Mehrkens	Rothenberg	Vellenga
Dean	Hokanson	Minne	Samuelson	Voss
Dempsey	Jacobs	Munger	Sarna	Weaver
Den Ouden	Johnson, C.	Murphy	Schafer	Welch
Drew	Johnson, D.	Nelsen, B.	Schreiber	Welker
Elioff	Jude	Nelson, K.	Searles	Wenzel
Ellingson	Kaley	Novak	Shea	Zubay
Erickson	Kalis	Nysether	Sherman	Spkr. Sieben, H.
Esau	Kostohryz	Ogren	Sherwood	

Those who voted in the negative were:

Anderson, R.	Eken	Jennings	O'Connor	Wieser
Brandl	Fjoslien	Knickerbocker	Osthoff	Wigley
Carlson, D.	Halberg	Niehaus	Otis	Wynia
Clark, K.	Hauge	Norton	Schoenfeld	

The bill was passed and its title agreed to.

H. F. No. 28, A bill for an act relating to agriculture; prohibiting pension or investment funds from farming or acquiring certain farm land; amending Minnesota Statutes 1980, Section 500.24, Subdivisions 2, 3, 4 and 5.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 76 yeas and 53 nays as follows:

Those who voted in the affirmative were:

Aasness	Dempsey	Haukoos	Munger	Rodriguez, F.
Anderson, B.	Den Ouden	Hoberg	Nelsen, B.	Samuelson
Anderson, G.	Drew	Hokr	Niehaus	Schafer
Anderson, I.	Eken	Jacobs	Novak	Schoenfeld
Anderson, R.	Ellingson	Johnson, C.	Nysether	Schreiber
Battaglia	Erickson	Johnson, D.	O'Connor	Shea
Begich	Esau	Jude	Ogren	Sherman
Berkelman	Evans	Kalis	Otis	Sherwood
Brinkman	Fjoslien	Kvam	Redalen	Simoneau
Carlson, D.	Gruenes	Lemen	Reding	Stadum
Clark, J.	Gustafson	Luknic	Rees	Stowell
Clark, K.	Hanson	Mann	Reif	Stumpf
Clawson	Harens	Mehrkens	Rice	Sviggum

Tomlinson	Vellenga	Wenzel	Wynia	Spkr. Sieben, H.
Valan	Voss	Wieser		
Vanasek	Welch	Wigley		

Those who voted in the negative were:

Ainley	Greenfield	Laidig	Norton	Sarna
Blatz	Heap	Levi	Olsen	Searles
Brandl	Heinitz	Long	Onnen	Sieben, M.
Byrne	Himle	Ludeman	Osthoff	Skoglund
Carlson, L.	Hokanson	Marsh	Peterson, B.	Staten
Dahlvang	Jennings	McCarron	Peterson, D.	Swanson
Dean	Kahn	McEachern	Piepho	Valento
Elioff	Kaley	Metzen	Pogemiller	Welker
Ewald	Kelly	Minne	Rodriguez, C.	Zubay
Forsythe	Knickerbocker	Murphy	Rose	
Friedrich	Kostohryz	Nelson, K.	Rothenberg	

The bill was passed and its title agreed to.

H. F. No. 111, A bill for an act relating to public welfare; providing for the withholding of child support or maintenance; amending Minnesota Statutes 1980, Sections 256.87, Subdivision 1; 256.872; 256.873; and 518.611.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kelly	Ogren	Simoneau
Ainley	Ewald	Knickerbocker	Olsen	Skoglund
Anderson, B.	Fjoslien	Kostohryz	Onnen	Stadum
Anderson, G.	Forsythe	Kvam	Osthoff	Staten
Anderson, I.	Friedrich	Laidig	Otis	Stowell
Anderson, R.	Greenfield	Lehto	Peterson, B.	Stumpf
Battaglia	Gruenes	Lemen	Peterson, D.	Sviggum
Begich	Gustafson	Levi	Piepho	Swanson
Berkelman	Halberg	Long	Redalen	Tomlinson
Blatz	Hanson	Luknic	Reding	Valan
Brandl	Harens	Mann	Rees	Valento
Brinkman	Haukoos	Marsh	Reif	Vanasek
Byrne	Heap	McCarron	Rice	Vellenga
Carlson, D.	Heinitz	McEachern	Rodriguez, C.	Voss
Carlson, L.	Himle	Mehrkens	Rose	Weaver
Clark, K.	Hoberg	Metzen	Rothenberg	Welch
Clawson	Hokanson	Minne	Samuelson	Welker
Dahlvang	Hokr	Munger	Sarna	Wenzel
Dean	Jacobs	Murphy	Schafer	Wieser
Dempsey	Jennings	Nelsen, B.	Schoenfeld	Wigley
Drew	Johnson, C.	Nelson, K.	Schreiber	Wynia
Eken	Johnson, D.	Niehaus	Searles	Zubay
Elioff	Jude	Norton	Shea	Spkr. Sieben, H.
Ellingson	Kahn	Novak	Sherman	
Erickson	Kaley	Nysether	Sherwood	
Esau	Kalis	O'Connor	Sieben, M.	

The bill was passed and its title agreed to.

Luknic was excused at 3:30 p.m. Tomlinson was excused at 3:45 p.m. Anderson, I.; Peterson, D., and Redalen were excused at 4:00 p.m.

### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

#### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 157 and 183 which it recommended to pass.

H. F. Nos. 236 and 114 which it recommended progress.

S. F. No. 346 which it recommended progress.

H. F. No. 98 which it recommended progress until Monday, March 23, 1981, retaining its place on General Orders.

H. F. No. 2 which it recommended to pass with the following amendments:

Offered by Osthoff:

Page 5, line 7, delete "or"

Page 5, line 12, after "custody" insert "; or"

*(4) Causes the death of a peace officer or a guard employed at a Minnesota state correctional facility, with intent to effect the death of such person or another, while such peace officer or guard is engaged in the performance of his official duties"*

Offered by Laidig:

Page 3, line 13, after "243.05," insert "244.04,"

Offered by Rothenberg:

Page 3, delete lines 32 to 36

Page 4, delete lines 1 to 4

Renumber remaining subdivision accordingly.

H. F. No. 189 which it recommended to pass with the following amendment offered by Begich:

Page 3, line 2, after "assigned" insert "*except pursuant to a collective bargaining agreement negotiated under chapter 179, or a plan adopted by the commissioner of employee relations under section 43.113. A collective bargaining agreement or a plan adopted by the commissioner may only provide for this compensation in cases in which an employee is called back to work during hours when the employee is not normally working*"

On the motion of Eken the report of the Committee of the Whole was adopted.

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

Osthoff moved to amend H. F. No. 2, as follows:

Page 5, line 7, delete "or"

Page 5, line 12, after "custody" insert "; or

*(4) Causes the death of a peace officer or a guard employed at a Minnesota state correctional facility, with intent to effect the death of such person or another, while such peace officer or guard is engaged in the performance of his official duties"*

Rothenberg moved to amend the Osthoff amendment to H. F. No. 2, as follows:

Line 7, after "another," insert "*or by use of a dangerous weapon,*"

The question was taken on the adoption of the Rothenberg amendment to the Osthoff amendment and the roll was called. There were 51 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Ainley	Ewald	Hokr	McDonald	Rees
Anderson, B.	Fjoslien	Johnson, D.	Mehrkens	Rose
Anderson, R.	Friedrich	Kaley	Nelsen, B.	Rothenberg
Carlson, D.	Gruenes	Knickerbocker	Niehaus	Schafer
Den Ouden	Haukoos	Laidig	Nysether	Searles
Drew	Heap	Lemen	Olsen	Sherman
Erickson	Heinitz	Ludeman	Onnen	Sherwood
Esau	Himle	Mann	Peterson, B.	Stadum
Evans	Hoberg	Marsh	Piepho	Stowell



Swiggum  
Valento

Weaver

Welker

Wigley

Zubay

Those who voted in the negative were:

Anderson, G.	Greenfield	Levi	Peterson, D.	Staten
Battaglia	Gustafson	Long	Pogemiller	Stumpf
Begich	Hanson	McCarron	Redalen	Swanson
Berkelman	Harens	McEachern	Reding	Tomlinson
Blatz	Hauge	Metzen	Rice	Vanasek
Brandl	Hokanson	Minne	Rodriguez, C.	Vellenga
Byrne	Jacobs	Murphy	Rodriguez, F.	Voss
Carlson, L.	Johnson, C.	Nelson, K.	Samuelson	Wenzel
Clark, J.	Jude	Norton	Sarna	Wynia
Clark, K.	Kahn	Novak	Schoenfeld	Spkr. Sieben, H.
Clawson	Kalis	O'Connor	Shea	
Dahlvang	Kelly	Ogren	Sieben, M.	
Elioff	Kostohryz	Osthoff	Simoneau	
Ellingson	Lehto	Otis	Skoglund	

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the Osthoff amendment and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Ainley	Ewald	Kelly	O'Connor	Sherwood
Anderson, B.	Fjoslien	Knickerbocker	Ogren	Sieben, M.
Anderson, G.	Friedrich	Kostohryz	Olsen	Simoneau
Anderson, I.	Greenfield	Laidig	Onnen	Skoglund
Anderson, R.	Gruenes	Lehto	Osthoff	Stadum
Battaglia	Gustafson	Lemen	Otis	Staten
Begich	Halberg	Levi	Peterson, B.	Stowell
Berkelman	Hanson	Long	Peterson, D.	Stumpf
Blatz	Harens	Ludeman	Piepho	Swiggum
Brandl	Hauge	Mann	Pogemiller	Swanson
Brinkman	Haukoos	Marsh	Redalen	Tomlinson
Byrne	Heap	McCarron	Reding	Valento
Carlson, D.	Heinitz	McDonald	Rees	Vanasek
Carlson, L.	Himle	McEachern	Rodriguez, C.	Vellenga
Clark, J.	Hoberg	Mehrkens	Rodriguez, F.	Voss
Clark, K.	Hokanson	Metzen	Rose	Weaver
Clawson	Hokr	Minne	Rothenberg	Welch
Dahlvang	Jacobs	Munger	Samuelson	Welker
Den Ouden	Jennings	Murphy	Sarna	Wenzel
Drew	Johnson, C.	Nelsen, B.	Schafer	Wigley
Elioff	Johnson, D.	Nelson, K.	Schoenfeld	Wynia
Ellingson	Jude	Niehaus	Schreiber	Zubay
Erickson	Kahn	Norton	Searles	Spkr. Sieben, H.
Esau	Kaley	Novak	Shea	
Evans	Kalis	Nysether	Sherman	

The motion prevailed and the Osthoff amendment was adopted.

Rothenberg moved to amend H. F. No. 2, as follows:

Page 3, delete lines 32 to 36

Page 4, delete lines 1 to 4

Renumber remaining subdivision accordingly.

The question was taken on the amendment and the roll was called. There were 68 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Aasness	Fjoslien	Knickerbocker	Olsen	Sherwood
Ainley	Forsythe	Kvam	Onnen	Stadum
Anderson, I.	Friedrich	Laidig	Peterson, B.	Stowell
Berkelman	Gruenes	Lemen	Piepho	Sviggum
Blatz	Halberg	Levi	Redalen	Valan
Carlson, D.	Haukoos	Ludeman	Rees	Valento
Dean	Heap	Marsh	Reif	Voss
Dempsey	Heinitz	McDonald	Rose	Weaver
Den Ouden	Himle	McEachern	Rothenberg	Welker
Drew	Hoberg	Munger	Sarna	Wieser
Erickson	Hokr	Nelsen, B.	Schoenfeld	Wigley
Esau	Jennings	Niehaus	Schreiber	Zubay
Evans	Johnson, D.	Nysether	Searles	
Ewald	Kaley	O'Connor	Sherman	

Those who voted in the negative were:

Anderson, B.	Eken	Kostohryz	Osthoff	Staten
Anderson, G.	Elioff	Lehto	Otis	Stumpf
Anderson, R.	Ellingson	Long	Peterson, D.	Swanson
Battaglia	Greenfield	Mann	Pogemiller	Vanasek
Begich	Gustafson	McCarron	Reding	Vellenga
Brandl	Harens	Mehrkens	Rice	Welch
Brinkman	Hauge	Metzen	Rodriguez, C.	Wenzel
Byrne	Hokanson	Minne	Rodriguez, F.	Wynia
Carlson, L.	Jacobs	Murphy	Samuelson	Spkr. Sieben, H.
Clark, J.	Johnson, C.	Nelson, K.	Shea	
Clark, K.	Jude	Norton	Sieben, M.	
Clawson	Kahn	Novak	Simoneau	
Dahlvang	Kelly	Ogren	Skoglund	

The motion prevailed and the amendment was adopted.

Rothenberg moved to amend H. F. No. 2, as amended, as follows:

Page 5, after line 12, insert

*“(5) Causes the death of a human being by use of a dangerous weapon while committing or attempting to commit burglary, aggravated robbery, kidnapping, arson in the first or second degree, tampering with a witness in the first degree, or escape from custody.”*

The question was taken on the amendment and the roll was called. There were 62 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Aasness	Friedrich	Knickerbocker	Onnen	Stadum
Ainley	Gruenes	Kvam	Peterson, B.	Stowell
Carlson, D.	Halberg	Laidig	Piepho	Swiggum
Dean	Haukoos	Lemen	Rees	Valan
Dempsey	Heap	Ludeman	Reif	Valento
Den Ouden	Heinitz	Marsh	Rose	Weaver
Drew	Himle	McDonald	Rothenberg	Welker
Erickson	Hoberg	Mehrkens	Schafer	Wieser
Esau	Hokr	Nelsen, B.	Schoenfeld	Wigley
Evans	Jennings	Niehaus	Schreiber	Zubay
Ewald	Johnson, D.	Nysether	Searles	
Fjoslien	Kaley	O'Connor	Sherman	
Forsythe	Kalis	Olsen	Sherwood	

Those who voted in the negative were:

Anderson, G.	Dahlvang	Kahn	Novak	Simoneau
Anderson, R.	Eken	Kelly	Ogren	Skoglund
Battaglia	Elioff	Kostohryz	Osthoff	Staten
Begich	Ellingson	Lehto	Otis	Stumpf
Berkelman	Greenfield	Long	Pogemiller	Swanson
Blatz	Gustafson	Mann	Reding	Vanasek
Brandl	Hanson	McCarron	Rice	Voss
Brinkman	Harens	McEachern	Rodriguez, C.	Welch
Byrne	Hauge	Metzen	Rodriguez, F.	Wenzel
Carlson, L.	Hokanson	Minne	Samuelson	Wynia
Clark, J.	Jacobs	Murphy	Sarna	Spkr. Sieben, H.
Clark, K.	Johnson, C.	Nelson, K.	Shea	
Clawson	Jude	Norton	Sieben, M.	

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

Anderson, R., moved that the vote whereby the second Rothenberg amendment to H. F. No. 2 was not adopted be now reconsidered.

The question was taken on the Anderson, R., motion for reconsideration and the roll was called. There were 63 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Aasness	Ewald	Johnson, D.	Nysether	Sherwood
Ainley	Fjoslien	Kaley	Olsen	Stadum
Anderson, B.	Forsythe	Knickerbocker	Onnen	Stowell
Anderson, R.	Friedrich	Kvam	Peterson, B.	Swiggum
Blatz	Gruenes	Laidig	Piepho	Valan
Carlson, D.	Halberg	Lemen	Rees	Valento
Dean	Haukoos	Levi	Reif	Weaver
Dempsey	Heap	Ludeman	Rose	Welker
Den Ouden	Heinitz	Marsh	Rothenberg	Wieser
Drew	Himle	McDonald	Schafer	Wigley
Erickson	Hoberg	Mehrkens	Schreiber	Zubay
Esau	Hokr	Nelsen, B.	Searles	
Evans	Jennings	Niehaus	Sherman	

Those who voted in the negative were:

Anderson, G.	Elioff	Kostohryz	Ogren	Simoneau
Battaglia	Ellingson	Lehto	Osthoff	Skoglund
Begich	Greenfield	Long	Otis	Staten
Berkelman	Gustafson	Mann	Pogemiller	Stumpf
Brandl	Hanson	McCarron	Reding	Swanson
Brinkman	Harens	McEachern	Rice	Vanasek
Byrne	Hauge	Metzen	Rodriguez, C.	Vellenga
Carlson, L.	Jacobs	Minne	Rodriguez, F.	Voss
Clark, J.	Johnson, C.	Murphy	Samuelson	Welch
Clark, K.	Jude	Nelson, K.	Sarna	Wenzel
Clawson	Kahn	Norton	Schoenfeld	Wynia
Dahlvang	Kalis	Novak	Shea	Spkr. Sieben, H.
Eken	Kelly	O'Connor	Sieben, M.	

The motion did not prevail.

The question was taken on the motion to recommend passage of H. F. No. 2, as amended, and the roll was called. There were 126 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	O'Connor	Simoneau
Ainley	Evans	Kelly	Ogren	Skoglund
Anderson, B.	Ewald	Knickerbocker	Olsen	Stadum
Anderson, G.	Fjoslien	Kostohryz	Onnen	Staten
Anderson, R.	Forsythe	Kvam	Osthoff	Stowell
Battaglia	Friedrich	Laidig	Otis	Stumpf
Begich	Greenfield	Lehto	Peterson, B.	Sviggum
Berkelman	Gruenes	Lemen	Piepho	Swanson
Blatz	Gustafson	Levi	Pogemiller	Valan
Brandl	Halberg	Long	Reding	Valento
Brinkman	Hanson	Ludeman	Rees	Vanasek
Byrne	Harens	Mann	Reif	Vellenga
Carlson, D.	Haukoos	Marsh	Rodriguez, C.	Voss
Carlson, L.	Heap	McCarron	Rodriguez, F.	Weaver
Clark, J.	Heinitz	McDonald	Rose	Welch
Clark, K.	Himle	McEachern	Rothenberg	Welker
Clawson	Hoberg	Mehrkens	Samuelson	Wenzel
Dahlvang	Hokanson	Metzen	Sarna	Wieser
Dean	Hokr	Minne	Schafer	Wigley
Dempsey	Jacobs	Munger	Schoenfeld	Wynia
Den Ouden	Jennings	Murphy	Schreiber	Zubay
Drew	Johnson, C.	Nelsen, B.	Searles	Spkr. Sieben, H.
Eken	Johnson, D.	Nelson, K.	Shea	
Elioff	Jude	Niehaus	Sherman	
Ellingson	Kahn	Novak	Sherwood	
Erickson	Kaley	Nysether	Sieben, M.	

Those who voted in the negative were:

Norton            Rice

The motion prevailed.

## MOTIONS AND RESOLUTIONS

Simoneau moved that the names of Voss, Norton, Rees and Greenfield be added as authors on H. F. No. 499. The motion prevailed.

Voss moved that the name of Pogemiller be added as an author on H. F. No. 768. The motion prevailed.

Simoneau moved that the name of Rose be added as an author on H. F. No. 892. The motion prevailed.

Voss moved that the name of Jude be added as an author on H. F. No. 837. The motion prevailed.

Reding moved that the name of Skoglund be added as an author on H. F. No. 869. The motion prevailed.

Schreiber moved that the names of Blatz, Hokanson, Forsythe and Jude be added as authors on H. F. No. 898. The motion prevailed.

## ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, March 19, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, March 19, 1981.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**

## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## TWENTY-FOURTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 19, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Reverend Dennis G. Albrecht, All Saints Lutheran Church, Minnetonka, Minnesota.

The roll was called and the following members were present:

Aasness	Evans	Kelly	Ogren	Sieben, M.
Ainley	Ewald	Knickerbocker	Olsen	Simoneau
Anderson, B.	Fjoslien	Kostohryz	Onnen	Skoglund
Anderson, G.	Forsythe	Kvam	Osthoff	Stadum
Anderson, I.	Friedrich	Laidig	Otis	Staten
Anderson, R.	Greenfield	Lehto	Peterson, B.	Stowell
Battaglia	Gruenes	Lemen	Peterson, D.	Stumpf
Berkelman	Gustafson	Levi	Piepho	Sviggum
Blatz	Halberg	Long	Pogemiller	Swanson
Brandl	Hanson	Ludeman	Redalen	Tomlinson
Brinkman	Harens	Luknic	Reding	Valan
Byrne	Hauge	Mann	Rees	Valento
Carlson, D.	Haukoos	Marsh	Reif	Vanasek
Carlson, L.	Heap	McCarron	Rice	Vellenga
Clark, J.	Heinitz	McDonald	Rodriguez, C.	Voss
Clark, K.	Himle	McEachern	Rodriguez, F.	Weaver
Clawson	Hoberg	Mehrkens	Rose	Welch
Dahlvang	Hokanson	Metzen	Rothenberg	Welker
Dean	Hokr	Minne	Samuelson	Wenzel
Dempsey	Jacobs	Munger	Sarna	Wieser
Den Ouden	Jennings	Murphy	Schafer	Wigley
Drew	Johnson, C.	Nelsen, B.	Schoenfeld	Wynia
Eken	Johnson, D.	Niehaus	Schreiber	Zubay
Elioff	Jude	Norton	Searles	Spkr. Sieben, H.
Ellingson	Kahn	Novak	Shea	
Erickson	Kaley	Nysether	Sherman	
Esau	Kalis	O'Connor	Sherwood	

A quorum was present.

Begich and Nelson, K., were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Vanasek moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 258, 349, 435, 189, 395 and 2 and S. F. No. 52 have been placed in the members' files.

## REPORTS OF STANDING COMMITTEES

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 18, A bill for an act relating to labor; defining a professional strikebreaker to include certain salaried employees; amending Minnesota Statutes 1980, Section 179.01, Subdivision 16.

Reported the same back with the following amendments:

Page 1, line 20, delete "*a salaried*" and insert "*an*"

Page 2, after line 1, insert:

"Sec. 2. [EFFECTIVE DATE.]

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

Amend the title as follows:

Page 1, line 3, delete "salaried"

With the recommendation that when so amended the bill pass.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred:

H. F. No. 35, A resolution memorializing Congress to enact legislation relating to the early release of election returns.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 61, A bill for an act relating to crimes; prohibiting the furnishing of tobacco related devices to minors; prohibiting

minors from using tobacco related devices; prescribing penalties; amending Minnesota Statutes 1980, Section 609.685.

Reported the same back with the following amendments:

Page 1, line 12, after "*section,*" delete "*the*" and insert "*“tobacco or tobacco related devices” means loose tobacco, cigarettes, cigars, cigarette papers, or pipes, except children’s toy pipes.*"

Page 1, delete lines 13 to 27

Page 2, delete lines 1 to 4

Page 2, line 5, strike "may be"

Page 2, strike line 6

Page 2, line 7, strike "payment of a fine of not more than \$50" and insert "*is guilty of a misdemeanor*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Criminal Justice.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 110, A bill for an act relating to state hospitals; authorizing the commissioner of public welfare to obtain a consultant's report on accident control in a state hospital; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 150, A bill for an act relating to parks; removing authority to lease certain lands within Tettegouche state park; repealing Laws 1979, Chapter 301, Section 10, Subdivision 7.

Reported the same back with the recommendation that the bill pass.

The report was adopted.



Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 161, A bill for an act relating to the city of Cloquet; permitting the city to contract, pay, and tax for certain public transportation services.

Reported the same back with the following amendments:

Page 1, line 12, delete "*in an amount*"

Page 1, line 13, delete "*sufficient to discharge*" and insert "*of up to one mill for the purpose of discharging*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred:

H. F. No. 269, A bill for an act relating to elections; allowing a candidate to transport parents of the candidate or the candidate's spouse to or from the polls; amending Minnesota Statutes 1980, Section 210A.13, Subdivision 3.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 304, A bill for an act relating to courts; authorizing a committee consisting of county and county municipal court judges to adopt by rule guidelines for the awarding of maintenance, child support and disposition of property in dissolution, legal separation and maintenance proceedings; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 518.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [518.553] [GUIDELINES FOR AWARD OF CHILD SUPPORT; ADOPTION BY RULE.]

*Subdivision 1. [COMMITTEE; ADOPTION OF GUIDELINES BY RULE.] The judicial planning committee shall*

*adopt by rule, on or before July 1, 1983, guidelines for the awarding of child support in dissolution and legal separation proceedings. The guidelines shall include schedules for child support based on a number of assumed factors with respect to the financial resources and needs of the respective parties to the proceedings. The guidelines shall be only advisory to the district, county municipal or county court and the schedule for child support shall set forth the percentage of net or gross earnings to be paid as child support, based on the financial resources of the party seeking child support and other factors as are embodied in Minnesota Statutes, Chapter 518, or as the committee, in its discretion, deems relevant to establishing an equitable system of child support and shall clearly declare that other considerations, if relevant, are not precluded.*

**Subd. 2. [MEETING.]** *The committee shall meet as necessary for the purpose of preparing the guidelines.*

**Subd. 3. [DISTRIBUTION OF PROPOSED GUIDELINES; HEARING.]** *Before adoption of the guidelines, the committee shall distribute copies of the proposed guidelines to such persons who register with the committee their desire to receive notice of hearings on the proposed guidelines for their consideration and suggestions and give due consideration to suggestions as they may submit to the committee. The Minnesota state bar association or a professional judicial organization may file with the committee a petition specifying their suggestions concerning any proposed guideline and requesting a hearing thereon. The committee shall grant a hearing within three months after the filing of the petition.*

**Subd. 4. [RIGHT RESERVED.]** *This section shall not abridge the right of the legislature to enact, modify, or repeal any statute or modify or repeal any court rule adopted under this section.*

**Sec. 2. [APPROPRIATION.]**

*The sum of \$30,000 is appropriated from the general fund to the committee for the purpose of this act, and shall be available until June 30, 1983.*

**Sec. 3. [EFFECTIVE DATE.]**

*This act is effective July 1, 1981."*

**Amend the title as follows:**

**Page 1, lines 2 and 3, delete "a committee consisting of county and county municipal court judges" and insert "the judicial planning committee"**

Page 1, line 4 delete "maintenance,"

Page 1, line 5, delete "and disposition of property"

Page 1, line 6, delete the comma and insert "and"

Page 1, line 6, delete "and maintenance"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 305, A bill for an act relating to crimes; specifying the crime of theft of services; amending Minnesota Statutes 1980, Section 609.52, Subdivisions 1 and 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 306, A bill for an act relating to crimes; establishing the crime of commercial bribery; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 609.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [609.824] [COMMERCIAL BRIBERY.]

*Subdivision 1. [ACTS CONSTITUTING.] Whoever does any of the following is guilty of commercial bribery and may be sentenced as provided in subdivision 2:*

*(1) Offers, gives, or agrees to give, directly or indirectly, any benefit, consideration, compensation, reward or gratuity to any employee, agent or fiduciary of a person, corporation or union without consent of the described agent's employer or principal and with the intent to influence his action in relation to his employer's or principal's business; or*

(2) *Being an employee, agent or fiduciary of a person, corporation or union requests, receives or agrees to receive, directly or indirectly, from another person any benefit, consideration, compensation, reward or gratuity without the consent of his employer or principal upon the understanding or agreement that he shall be influenced in his conduct in relation to his employer's or principal's business.*

Subd. 2. [SENTENCE.] *Whoever commits commercial bribery may be sentenced as follows:*

(1) *To imprisonment for not more than three years or to payment of a fine of not more than \$3,000, or both, if the value of the benefit, consideration, compensation, reward or gratuity is greater than \$150;*

(2) *In all other cases where the value of the benefit, consideration, compensation, reward or gratuity is \$150 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$500; provided however, in any prosecution the value of the benefit, consideration, compensation, reward or gratuity received by the defendant within any six month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed, or all of the offenses aggregated under this clause."*

With the recommendation that when so amended the bill pass.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred:

H. F. No. 330, A bill for an act relating to Independent School District No. 625; providing for times of election and terms of office; amending Laws 1965, Chapter 705, Section 1, Subdivision 2, as amended.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 356, A bill for an act relating to crimes; specifying offenses relating to computers; providing penalties; proposing new law coded in Minnesota Statutes 1980, Chapter 609.

Reported the same back with the following amendments:

Page 2, line 17, delete "[ACTS PROHIBITED.]" insert "[AGGRAVATED COMPUTER ABUSE.]"

Page 2, line 18, after "of" insert "aggravated"

Page 2, line 31, delete "accesses,"

Page 2, after line 34, insert a subdivision:

*"Subd. 3. [COMPUTER ABUSE.] Whoever intentionally and without authorization, directly or indirectly accesses any computer, computer system, or computer network, or any computer software, program or data contained in such computer, computer system or computer network is guilty of computer abuse and may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$500, or both."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 372, A bill for an act relating to the military; expanding the authorized uses of the military land fund to include reseeded and tree spraying on military lands and to acquire services for the morale of troops serving at Camp Ripley; amending Minnesota Statutes 1980, Section 190.25, Subdivision 3.

Reported the same back with the following amendments:

Page 1, line 22, delete "tree reseeded and tree spraying" and insert "forest management"

Page 1, line 23, after "reservation;" insert "and"

Page 1, line 24, delete everything after "center"

Page 1, delete line 25

Page 1, line 26, delete everything before the period

Page 1, after line 26, insert:

"Sec. 2. [EFFECTIVE DATE.]

*Section 1 is effective on the date after final enactment."*

Amend the title:

Page 1, lines 3 and 4, delete "reseeding and tree spraying" and insert "forest management"

Page 1, lines 4 and 5, delete "acquire services for the morale of troops serving" and insert "provide an enlisted persons' service center"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 378, A bill for an act relating to crimes; authorizing peace officers to make arrest upon probable cause in cases of domestic abuse; amending Minnesota Statutes 1980, Section 629.-341, Subdivision 1.

Reported the same back with the following amendments:

Page 1, line 12, strike "(1)" and insert "*anywhere, including*"

Page 1, line 13, after "residence" strike "; or (2) when the person"

Page 1, line 13, delete "*has threatened or*"

Page 1, line 13, strike "is"

Page 1, line 14, strike "threatening to return to his place of residence,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 381, A bill for an act relating to the organization and operation of government; requiring a study of the proper role and structure of metropolitan government agencies; requiring a review of the distribution of powers and duties between the metropolitan council, the metropolitan commissions, the legislature and political subdivisions within the metropolitan area; mandating a report; providing for certain services to be performed by the state planning agency; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [POLICY.]**

*The legislature finds that institutions of governance in the metropolitan area, as defined in section 473.121, have been substantially altered in recent years; that legislation relating to the purpose, structure, operation, and effects of those institutions and their policies and programs is regularly submitted to the legislature; and that such legislation raises important and enduring issues of governmental philosophy and practice. The legislature therefore declares that a legislative commission should be temporarily established as a forum in which to undertake a thorough review of governance in the metropolitan area and to develop a comprehensive state policy on the subject.*

**Sec. 2 [LEGISLATIVE COMMISSION ON METROPOLITAN GOVERNANCE.]**

*Subdivision 1. [CREATION; MEMBERSHIP.] There is created a legislative commission on metropolitan governance consisting of five members of the house of representatives appointed by the speaker and five members of the senate appointed by the chairman of the senate committee on rules and administration. Members shall be compensated in the same manner and amount as for other legislative service.*

*Subd. 2. [ORGANIZATION; STAFF.] The commission shall choose a chairperson and other officers as necessary. The commission may hold meetings and hearings and subpoena witnesses and records. Staff and administrative support for the commission shall be provided by existing legislative service offices.*

**Sec. 3. [DUTIES.]**

*The object of the commission shall be to develop, articulate and recommend to the legislature a comprehensive policy on governance in the metropolitan area, with special emphasis on the interrelationships of governmental units, excepting school districts. The commission shall consider issues and policies relating at least to the following subjects:*

*(a) the assignment or reassignment of governmental responsibilities to ensure performance by the appropriate levels and units of government;*

*(b) the relationships among the metropolitan council and the various metropolitan special purpose agencies and between*

*these metropolitan institutions and other units and agencies of government, both within and surrounding the metropolitan area, and methods for coordinating policies and programs and for resolving disputes among these institutions of government, including methods for assessing and controlling the unforeseen external effects of metropolitan area policies and programs;*

*(c) the structure and powers of the various metropolitan special purpose agencies and the metropolitan council;*

*(d) the membership of the metropolitan council and metropolitan agencies, including eligibility requirements, selection and appointment methods, accountability, and representational equity;*

*(e) the financing of metropolitan institutions, facilities, and services; and*

*(f) the appropriate uses of the authority of the metropolitan council and metropolitan agencies to review local applications for state and federal financial assistance.*

#### Sec. 4. [REPORT.]

*The commission shall submit a report of its findings and recommendations to the legislature no later than January 5, 1983.*

#### Sec. 5. [APPROPRIATION.]

*\$ . . . . . is appropriated to the commission from the general fund for the purposes specified in this act.*

#### Sec. 6. [EFFECTIVE DATE.]

*This act is effective the day after final enactment and shall expire January 6, 1983."*

Amend the title as follows:

Page 1, line 3, after "a" insert "legislative"

Page 1, line 9, delete everything following the semicolon

Page 1, delete line 10

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.



Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 408, A bill for an act relating to public welfare; authorizing grants to county boards to provide semi-independent living services for mentally retarded persons; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 252.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 410, A bill for an act relating to public welfare; authorizing the commissioner of public welfare to designate the county of financial responsibility for patients transferred under the Interstate Compact on Mental Health who are not residents of Minnesota; amending Minnesota Statutes 1980, Section 245.52.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred:

H. F. No. 432, A bill for an act relating to elections; eliminating the party primary ten percent requirement; amending Minnesota Statutes 1980, Sections 202A.23, Subdivision 2; and 202A.41, Subdivision 2; repealing Minnesota Statutes 1980, Section 202A.41, Subdivision 3.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 443, A bill for an act relating to education; specifying the authority of a school board for selection and employment of a superintendent; amending Minnesota Statutes 1980, Section 123.34, Subdivision 9.

Reported the same back with the following amendments:

Page 1, line 16, after "as" delete "a" and insert "the"

With the recommendation that when so amended the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 471, A bill for an act relating to agriculture; consolidating certain promotional fund accounts; regulating deposit of certain funds; appropriating money; amending Minnesota Statutes 1980, Sections 17.59, Subdivisions 3, 4 and by adding a subdivision; 29.17; and 30.469.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 17.59, Subdivision 3, is amended to read:

Subd. 3. [FINANCING REFERENDUMS.] The commissioner shall require producers petitioning for a promotional order to deposit (WITH HIM) in advance (SUCH) an amount (AS HE DEEMS) necessary to defray the expense of electing the first council, formulating an order, submitting it to referendum and issuing the order. *Funds received for that purpose shall be deposited in the commodity research and promotion account.* If the order is issued, (SUCH) the producers shall be reimbursed when funds are available from assessments. If the order is not issued the commissioner shall refund only that portion of the deposit remaining after payment of expenses incurred on a pro rata basis.

Sec. 2. Minnesota Statutes 1980, Section 17.59, Subdivision 4, is amended to read:

Subd. 4. [DEPOSIT AND USE OF FEES.] Fees collected pursuant to sections 17.51 to 17.69 shall be deposited in a (BANK OR BANKS OR OTHER DEPOSITORY APPROVED BY THE COMMISSIONER OF BANKS) *federally insured depository institution* and shall be disbursed by (SUCH) the officers and employees (AS MAY BE) approved by the council for the necessary expenses incurred in the administration of sections 17.51 to 17.69. Fees collected shall be used exclusively for the purpose collected and not for legislative or political activities.

Sec. 3. Minnesota Statutes 1980, Section 17.59, is amended by adding a subdivision to read:

*Subd. 5. [COMMODITIES RESEARCH AND PROMOTION ACCOUNT.] All fees collected by the department under sections 17.51 to 17.69; 21A.01 to 21A.19; 29.14 to 29.19; 30.461 to 30.477; 32B.01 to 32B.13; and any other fees and income received by the department in the administration of these statutes shall be deposited in a separate account known as the commodity research and promotion account which is annually appropriated to the department for the purpose of defraying the expenses of administering and enforcing the sections listed in this subdivision.*

Sec. 4. Minnesota Statutes 1980, Section 21A.09, Subdivision 1, is amended to read:

Subdivision 1. Fees collected pursuant to sections 21A.01 to 21A.19 shall be deposited in a (BANK OR BANKS OR OTHER DEPOSITORY APPROVED BY THE COMMISSIONER OF BANKS) *federally insured depository institution* and shall be disbursed by (SUCH) *the* officers and employees (AS MAY BE) approved by the commissioner, with the advice and consent of the council, for the necessary expenses incurred in the administration of sections 21A.01 to 21A.19, and said funds are hereby appropriated for the purposes of sections 21A.01 to 21A.19.

Sec. 5. Minnesota Statutes 1980, Section 29.17, is amended to read:

29.17 [DEPOSIT OF FEES; TURKEY DEVELOPMENT PROGRAM.] Fees collected pursuant to sections 29.14 to 29.19 shall be deposited in a (BANK OR BANKS OR OTHER DEPOSITORY APPROVED BY THE COMMISSIONER OF BANKS) *federally insured depository institution* and shall be disbursed by (SUCH) *the* officers and employees (AS MAY BE) approved by the commissioner with the advice and consent of the council for the necessary expenses incurred with respect to sections 29.14 to 29.19. All persons authorized to control, handle, or disburse funds shall provide bond in (SUCH) *a* manner and in (SUCH) *the* amount (AS MAY BE) required from time to time by the council.

Sec. 6. Minnesota Statutes 1980, Section 30.469, is amended to read:

30.469. [ASSESSMENT LEVIED.] Commencing July 1, 1977, an assessment at the rate of two cents per hundredweight shall be levied and imposed upon all potatoes grown or sold or delivered to a first handler in this state. The assessment shall not be imposed upon potatoes retained by growers to be used for seed purposes or for their own consumption.

(a) The assessment imposed by sections 30.461 to 30.479 shall be due upon any identifiable lot or quantity of potatoes.

(b) A first handler of potatoes shall file an application with the council on forms prescribed and furnished by the council which shall contain the name under which the handler is transacting business within the state, the place or places of business and location of loading and shipping places of agents of the first handler, the names and addresses of the several persons constituting a firm or partnership, and, if a corporation, the corporate name and the names and addresses of its principal officers and agents within the state. The council shall issue a certificate to the first handler and a first handler shall not sell or ship any potatoes until the certificate is furnished as required by this section.

(c) Each first handler of potatoes shall collect the assessment imposed by sections 30.461 to 30.479 by charging and collecting from the seller the assessment at the rate of two cents per hundredweight by deducting the assessment from the purchase price of all potatoes subject to the assessment and purchased by the first handler.

(d) Every first handler shall keep (AS A PART OF HIS) permanent records (A RECORD) of all purchases, sales, and shipments of raw potatoes, which records shall be open for examination by the commissioner at all reasonable times. Every first handler shall render a report to the council stating the quantity of potatoes received, sold, or shipped (BY HIM) during the preceding calendar quarter, on forms to be furnished by the council. The report shall be due not later than 15 days after the end of the calendar quarter. The report shall contain (SUCH) further information as the council shall prescribe. With the filing of the report, each first handler shall pay to the council an assessment at the rate of two cents per hundredweight upon all potatoes reported as purchased, sold, or shipped, as determined by the council.

All moneys levied and collected under sections 30.461 to 30.479 shall be paid to the area council having jurisdiction for deposit to the credit of that area, in a fund designated "Potato Fund", in a (BANK, OR BANKS, OR OTHER DEPOSITORY, APPROVED BY THE COMMISSIONER OF BANKS) *federally insured depository institution* and shall be disbursed by (SUCH) the officers and employees (AS MAY BE) approved by the commissioner of agriculture with the advice and consent of the area potato council. (SUCH) *These* funds are to be used exclusively to carry out the intent and the purposes of sections 30.461 to 30.479 as it relates to that area.

Sec. 7. Minnesota Statutes 1980, Section 30.47, is amended to read:

## 30.47 [FINANCING REFERENDUMS.]

Any petitioners for a referendum to organize under sections 30.461 to 30.479 filing such petition after June 30, 1969, shall deposit with the commissioner of agriculture sufficient funds to pay the costs of (SUCH) *the* referendum (AND SUCH FUNDS SHALL BE USED BY THE COMMISSIONER FOR THAT PURPOSE). *Funds received for that purpose shall be deposited in the commodity research and promotion account.* If an area council is created pursuant to such a referendum it may reimburse petitioners for the amount of such deposit from any funds received by the council.

Sec. 8. Minnesota Statutes 1980, Section 32B.07, is amended to read:

## 32B.07 [PROSPECTIVE FEES; MILK MARKETING PROGRAM.]

Fees collected pursuant to sections 32B.01 to 32B.13 shall be deposited in a (BANK OR BANKS OR OTHER DEPOSITORY APPROVED BY THE COMMISSIONER OF BANKS) *federally insured depository institution* and shall be disbursed by (SUCH) *the* officers and employees (AS MAY BE) approved by the commissioner of agriculture with the advice and consent of the council for the necessary expenses incurred with respect to sections 32B.01 to 32B.13. All persons authorized to control, handle, or deposit these fees shall be bonded. The amount, manner and payment of (SUCH) *the* bonds shall be the responsibility of the council. All fees collected by the first buyer of milk must be remitted within 30 days of collection of same.

Sec. 9. Minnesota Statutes 1980, Section 32B.12, is amended to read:

## 32B.12 [ACCEPTANCE OF FUNDS (; APPROPRIATION).]

The commissioner of agriculture may accept funds, private and public, for the purpose of conducting a referendum or doing any other act or thing required under the terms and provisions of sections 32B.01 to 32B.13 (, AND ANY MONEYS SO RECEIVED BY THE COMMISSIONER). *Funds received for those purposes shall be deposited in the (STATE TREASURY AND ARE HEREBY APPROPRIATED ANNUALLY FOR THE PURPOSE SET FORTH HEREIN) commodity research and promotion account.*

Sec. 10. *All moneys received by the department of agriculture pursuant to Minnesota Statutes 1978, Sections 17.59, Subdivision 3; 21A.09; 29.049; 30.469; and 32B.04 and not expended by July 1, 1981, shall be transferred to the commodity research and promotion account in the state treasury on July 1, 1981."*

Delete the title and insert:

"A bill for an act relating to agriculture; consolidating certain promotional fund accounts; regulating deposit of certain funds; appropriating money; amending Minnesota Statutes 1980, Sections 17.59, Subdivisions 3, 4 and by adding a subdivision; 21A.09, Subdivision 1; 29.17; 30.469; 30.47; 32B.07; and 32B.12."

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 489, A bill for an act relating to public welfare; establishing a grant mechanism for funding services to adult mentally ill persons in residential programs; setting forth responsibilities of the commissioner of public welfare; exempting residential facilities for mentally ill persons from certain requirements until July 1, 1984; appropriating money; amending Minnesota Statutes 1980, Section 245.812, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 245.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [245.73] [GRANTS FOR RESIDENTIAL SERVICES FOR ADULT MENTALLY ILL PERSONS.]

*Subdivision 1. [COMMISSIONER'S DUTY.] The commissioner shall establish a statewide program to assist counties in ensuring provision of services to adult mentally ill persons. The commissioner shall make grants to county boards to provide community based services to mentally ill persons through facilities licensed under Sections 245.781 to 245.812.*

*Subd. 2. [APPLICATION; CRITERIA.] County boards may submit an application and budget for use of the money in the form specified by the commissioner. The commissioner shall make grants only to counties whose applications and budgets are approved by the commissioner. The commissioner shall give first priority to residential facilities for adult mentally ill persons operating as of July 1, 1980, to meet licensing requirements of the commissioner pursuant to sections 245.781 to 245.812. Funds shall not be used to supplant or reduce local, state, or federal expenditure levels supporting existing resources unless the reduction in available moneys is the result of a state or federal decision not to refund an existing program. No more than 15 percent, on a one-time basis per facility, of any grant received by a county*

*pursuant to this section may be used for upgrading of the physical plant as required for licensure as a facility for mentally ill persons under sections 245.781 to 245.812.*

*Subd. 3. [FORMULA.] Grants made pursuant to this section shall finance up to 75 percent, but no less than 60 percent, of the county's costs of expanding or providing services for adult mentally ill persons in residential facilities as provided in subdivision 2.*

*Subd. 4. [RULES; REPORTS.] The commissioner shall promulgate a temporary and permanent rule to govern grant applications, approval of applications, allocation of grants, and maintenance of service and financial records by grant recipients. The commissioner shall require collection of data for compliance, monitoring and evaluation purposes and shall require periodic reports to demonstrate the effectiveness of the services in helping adult mentally ill persons remain and function in their own communities. The commissioner shall report to the legislature no later than December 31 of each even-numbered year as to the effectiveness of this program and recommendations regarding continued funding.*

**Sec. 2.** Minnesota Statutes 1980, Section 245.812, is amended by adding a subdivision to read:

*Subd. 7. Residential facilities serving persons identified as adult mentally ill established on or before July 1, 1981, shall be exempted from subdivisions 2 to 4 of this section until July 1, 1984. The commissioner shall develop a mechanism for ensuring full compliance with this section by existing residential facilities for adult mentally ill persons by July 1, 1984. Residential facilities for adult mentally ill persons established after July 1, 1981, shall meet the requirements of subdivisions 1 to 6 of this section.*

**Sec. 3. [APPROPRIATION.]**

*For the biennium ending June 30, 1983, there is appropriated from the general fund to the commissioner of public welfare the sum of \$ . . . . . for the purposes of section 1.*

**Sec. 4. [EFFECTIVE DATE.]**

*This act is effective July 1, 1981."*

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 502, A bill for an act relating to workers' compensation; providing clarification of the method of payment to eligible recipients; creating a time limit for payment following issuance of official order; amending Minnesota Statutes 1980, Section 176.221, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 503, A bill for an act relating to workers' compensation; providing for change in the method of notice to employees relative to payment of benefits; amending Minnesota Statutes 1980, Section 176.241, Subdivisions 1 and 3.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 525, A bill for an act relating to agriculture; limiting the applicability and changing the size of county extension committees; amending Minnesota Statutes 1980, Section 38.36.

Reported the same back with the following amendments:

Page 1, line 10, delete "*containing over 100*"

Page 1, line 11, delete the new language and reinstate the old language

Page 1, line 15, delete the new language and reinstate the old language

Page 1, line 16, after "section." insert "*In the counties containing over 100 townships, the extension committee shall consist of eleven members, eight of which shall be selected and appointed at large by the county board as provided in this section.*"



With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 539, A bill for an act relating to local government; providing that vacancies on charter commissions be filled by the governing bodies of cities; providing for reports to and removals by the governing bodies; amending Minnesota Statutes 1980, Section 410.05, Subdivision 2.

Reported the same back with the following amendments:

Page 1, lines 18 to 20, delete the new language and reinstate the stricken language

Page 2, line 1, after the period insert "*If the chief judge fails to appoint new commission members within 60 days, then the governing body of the city may appoint new commission members to fill the vacancies upon concurrence by two-thirds of the membership of the charter commission.*"

Page 2, lines 2, 9, 10, 20, and 21, delete the new language and reinstate the stricken language

Page 2, line 22, reinstate the stricken language

Page 2, after line 23, insert:

"Sec. 2. [EFFECTIVE DATE.]

*This act is effective June 30, 1982.*"

Delete the title and insert:

"A bill for an act relating to local government; providing a method for the filling of vacancies on charter commissions; amending Minnesota Statutes 1980, Section 410.05, Subdivision 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred:

H. F. No. 829, A bill for an act relating to counties; concerning Anoka county; providing for a seven member board of commissioners; amending Minnesota Statutes 1980, Section 375.01.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 7, A bill for an act relating to Traverse County; permitting the issuance of bonds by the county to provide funds for the construction, alteration, repair, and improvement of necessary buildings for county fair purposes, and to aid county agricultural societies to defray related financial obligations; providing for payment of the obligations.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 8, A bill for an act relating to the city of New London; authorizing the issuance of bonds for the acquisition and betterment of a city hall, community center, and municipal library.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred:

S. F. No. 52, A bill for an act relating to elections; fair campaign practices; providing a penalty for denial of access to certain dwellings; amending Minnesota Statutes 1980, Section 210A.43, Subdivision 4.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

**SECOND READING OF HOUSE BILLS**

H. F. Nos. 18, 150, 269, 305, 306, 330, 356, 372, 378, 410, 432, 443, 471, 502, 503, 525, 539 and 829 were read for the second time.

**SECOND READING OF SENATE BILLS**

S. F. Nos. 7, 8 and 52 were read for the second time.

**INTRODUCTION AND FIRST READING  
OF HOUSE BILLS**

The following House Files were introduced:

Elioff; Clark, K., and Begich introduced:

H. F. No. 903, A bill for an act relating to unemployment compensation; removing the disqualification from benefits of employees who voluntarily terminate their employment and employees who are engaged in a labor dispute; amending Minnesota Statutes 1980, Section 268.09, Subdivisions 1 and 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Begich introduced:

H. F. No. 904, A bill for an act relating to unemployment compensation; including retroactive wage awards within the definition of wages for unemployment compensation purposes; amending Minnesota Statutes 1980, Section 268.04, Subdivisions 25, 26, and 29.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Minne and Clark, K., introduced:

H. F. No. 905, A bill for an act relating to unemployment compensation; eliminating the requirement of a waiting period prior to payment of unemployment compensation benefits; amending Minnesota Statutes 1980, Sections 268.08, Subdivision 1; 268.09, Subdivisions 1 and 2; and 268.231.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Byrne, Voss and Jude introduced :

H. F. No. 906, A bill for an act relating to resolution of disputes; authorizing establishment of dispute resolution mechanisms; appropriating money; proposing new law coded as Minnesota Statutes, Chapter 494.

The bill was read for the first time and referred to the Committee on Judiciary.

Munger; Sieben, H.; Begich; Lemen and Norton introduced :

H. F. No. 907, A bill for an act relating to natural resources; requiring the commissioner of natural resources to recommend to the legislature for preservation of certain peatlands of the state; authorizing leasing of state peatlands for various purposes; regulating the mining of peat; amending Minnesota Statutes 1980, Sections 93.44; 93.46, Subdivisions 2 and 6; 93.47, Subdivision 2; and 93.481, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 94.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Begich, Battaglia, Murphy, Minne and Anderson, I., introduced :

H. F. No. 908, A bill for an act relating to motor vehicles; providing for a reduced registration tax on certain vehicles owned by senior citizens who do not operate the vehicles on the public streets and highways during certain periods; amending Minnesota Statutes 1980, Section 168.013, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Begich; Minne; Anderson, I., and Elioff introduced :

H. F. No. 909, A bill for an act relating to state parks; waiving admission and certain other fees for certain motor vehicles and the permanently and totally disabled; amending Minnesota Statutes 1980, Section 85.05, Subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Elioff, Begich, Battaglia, Minne and Lemen introduced :

H. F. No. 910, A bill for an act relating to taxation; providing that the proceeds of the taconite production tax distributed to certain school districts be adjusted by the steel mill products index; amending Minnesota Statutes 1980, Section 298.28, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Jude, for the Committee on Judiciary, introduced :

H. F. No. 911, A bill for an act relating to the statutes; removing archaic language from certain laws related to animals; amending Minnesota Statutes 1980, Sections 346.20; 346.21; 346.215; 346.216; 346.22; 346.23; 346.24; 346.25; 346.26; 346.27; 346.28; 346.31; 346.32; 346.33; 346.34; and 347.23.

The bill was read for the first time and referred to the Committee on Judiciary.

Jude, for the Committee on Judiciary, introduced :

H. F. No. 912, A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted and obsolete references and text; eliminating redundant, conflicting and superseded provisions; reenacting certain laws; amending Minnesota Statutes 1980, Sections 10.30; 12.03, Subdivision 9; 12.25, Subdivision 1; 15.0412, Subdivision 4d; 15.1611, Subdivisions 1 and 2; 15.1621, Subdivision 2; 15.163, Subdivision 6; 15.166, Subdivisions 1, 2 and 4; 15.1671; 15.50, Subdivision 1; 15.61, Subdivision 2; 16.172; 16.822, Subdivisions 3 and 6; 17.72; 17B.23; 27.01, Subdivision 1; 31.58; 32A.04, Subdivision 1; 35.067; 40.05, Subdivision 4; 40.071; 43.12, Subdivision 19; 43.126, Subdivisions 1 and 2; 43.24, Subdivision 2; 43.323, Subdivision 3; 47.203; 48.88, Subdivision 2; 50.14, Subdivision 5, as reenacted; 55.15; 60A.23, Subdivision 8; 62A.152, Subdivision 2; 62D.22, Subdivision 6; 62D.28, Subdivisions 2 and 3; 65B.05; 65B.06, Subdivision 2; 65B.71, Subdivision 2; 69.031, Subdivision 5; 69.29; 72A.20, Subdivision 15; 72C.11; 79.34, Subdivision 1; 84.55; 84A.52; 84B.05; 90.195; 92.36; 93.45, Subdivision 2; 111.09, Subdivision 2; 111.11; 111.31; 111.36; 111.78; 112.43, Subdivision 2; 115.34, Subdivision 1; 116.02, Subdivision 3; 116.06, Subdivision 1; 116.10; 122.532, Subdivision 3; 144.125; 144.653, Subdivision 1; 144.801, Subdivision 8; 144.92; 144A.01, Subdivision 2; 144A.10, Subdivi-

sion 3; 145.838, Subdivision 3; 148.88; 151.26, Subdivision 1; 161.38, Subdivision 6; 162.08, Subdivision 3; 173.12; 173.13, Subdivision 2; 173.20; 173.21; 174.256, Subdivision 5; 176.011, Subdivision 11a; 179.68, Subdivision 2; 179.69, Subdivision 3a; 179.691; 179.692; 182.661, Subdivision 1; 183.52; 183.56; 183.57, Subdivision 2; 183.59; 197.13; 197.48; 197.603, Subdivision 2; 218.031, Subdivision 1; 218.041, Subdivisions 2, 7 and 8; 219.39; 219.40; 219.741; 237.30; 239.05, Subdivision 1; 239.09; 241.021, Subdivision 2; 241.045, Subdivision 6; 241.27, Subdivision 2; 241.62, Subdivision 5; 243.87; 245.05; 245.06; 245.07; 245.781; 245.782, Subdivisions 1, 11 and 12; 245.783, Subdivisions 1, 2 and 3; 245.791; 245.801, Subdivision 5; 245.802, Subdivision 2; 245.803, Subdivisions 1, 2 and 3; 245.812, Subdivisions 2, 5 and 6; 250.05, Subdivisions 2 and 4; 256.25; 256.263, Subdivision 1; 256.483, Subdivision 1; 256B.15; 256E.03, Subdivision 2; 256E.06, Subdivision 2; 257.64, Subdivision 1; 260.241, Subdivision 4; 273.13, Subdivision 6; 275.50, Subdivisions 2 and 5; 282.281; 290.05, Subdivision 1; 290.14; 290.35; 290.53, Subdivision 4; 290.92, Subdivision 5; 290A.01; 290A.02; 290A.03, Subdivisions 1, 3, 8, 11 and 12; 290A.08; 290A.09; 290A.11, Subdivision 1; 290A.13; 290A.15; 290A.16; 290A.17; 290A.20; 290A.22; 294.25; 295.34, Subdivision 1; 297.03, Subdivision 3; 298.223; 298.244, Subdivision 2; 299F.19, Subdivision 6; 299H.22, Subdivision 2; 308.07, Subdivision 10; 325F.34; 326.02, Subdivisions 1, 2, 3, 4a and 5; 326.03, Subdivision 5; 326.08, Subdivision 1; 326.11, Subdivision 1; 326.12, Subdivision 3; 326.13; 340.54, Subdivisions 1 and 2; 349.11; 352.22, Subdivision 3; 352B.075, Subdivision 1; 353.661, Subdivision 2; 353.71, Subdivision 1; 354.44, Subdivision 1a; 354A.21; 360.037, Subdivision 2; 368.86; 412.251; 414.0325, Subdivisions 1 and 5; 418.20; 423.075, Subdivision 2; 427.09; 447.34, Subdivision 1; 447.35; 447.45, Subdivision 1; 465.72; 471.371, Subdivision 3; 471.616, Subdivision 1; 471.617; 471.74, Subdivision 2; 473.438, Subdivision 3; 473F.02, Subdivision 17; 474.03; 480.059, Subdivision 7; 485.14; 508.37, by adding a subdivision; 518.155; 518.66; 595.021; 595.022; 611.07, Subdivision 3; 611.12, Subdivision 7; 626.556, Subdivision 11; 626A.12, Subdivision 5; 628.56; 629.404, Subdivision 1; Laws 1980, Chapter 614, Section 163; reenacting Minnesota Statutes 1980, Section 50.14, Subdivision 5; reenacting and validating Laws 1980, Chapters 528 and 556; repealing Minnesota Statutes 1980, Chapters 2A and 3B; Sections 115.15; 115.16; 218.041, Subdivision 3; 273.061, Subdivision 11; 282.11; 325F.33; 325F.49; 325F.50; 473F.08, Subdivision 11; 475.53, Subdivision 2; 508.37, Subdivision 1; Laws 1979, Chapters 40, Sections 6 and 9; 303, Article 2, Section 7, and Article 10, Section 7; and 334, Article 3, Section 15; Laws 1980, Chapters 437, Section 4; 460, Sections 5, 18, 19 and 27; 487, Section 14; 509, Section 127; 528, Section 4; 534, Sections 27, 31, 39, 47, 53 and 54; 579, Section 3; and 600, Section 8.

The bill was read for the first time and referred to the Committee on Judiciary.

Jude, for the Committee on Judiciary, introduced:

H. F. No. 913, A bill for an act relating to Minnesota Statutes; making various clarifications and technical amendments relating to the style and form of Minnesota Statutes 1980, Chapter 56; amending Minnesota Statutes 1980, Sections 56.01; 56.02; 56.04; 56.05; 56.06; 56.07; 56.09; 56.10; 56.11; 56.12; 56.13; 56.14; 56.15, Subdivision 1; 56.16; 56.17; 56.18; 56.19; 56.20; 56.21; 56.22; 56.23; 56.24; 56.25; proposing new law coded in Minnesota Statutes, Chapter 56; repealing Minnesota Statutes 1980, Sections 56.15, Subdivision 2; and 56.26.

The bill was read for the first time and referred to the Committee on Judiciary.

Jude and Ellingson introduced:

H. F. No. 914, A bill for an act relating to the legislature; proposing an amendment to Article IV, Section 23 of the Minnesota Constitution; extending the ordinary period for the governor to consider vetoing a bill; providing for a "veto session" of the legislature at which it may consider overriding a governor's veto of a bill returned after the legislature's adjournment; and to otherwise simplify the veto process.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Long, Wynia, Greenfield and Kelly introduced:

H. F. No. 915, A bill for an act relating to commerce; interest rates on money; authorizing variable or indexed principal contracts; proposing new law coded in Minnesota Statutes, Chapter 334.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Long, Byrne, Pogemiller and Kelly introduced:

H. F. No. 916, A bill for an act relating to crimes; extending the coverage of the bribery law to the offering of bribes to owners and employees of the news media and the accepting of bribes by such persons; providing penalties; amending Minnesota Statutes 1980, Section 609.42, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Rose introduced :

H. F. No. 917, A bill for an act relating to retirement; authorizing special coverage for members of the Minnesota state retirement system prohibited from performing specified duties after age 60; proposing new law coded in Minnesota Statutes, Chapter 352.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Jacobs, Redalen, Reding and Johnson, C., introduced :

H. F. No. 918, A bill for an act relating to cooperatives; procedure for elections by members or shareholders of cooperative electric associations on public utilities commission regulation; amending Minnesota Statutes 1980, Section 216B.02, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 216B.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Ellingson, Skoglund, Wynia, Blatz and Dempsey introduced :

H. F. No. 919, A bill for an act relating to real property; providing for the registration of certain possessory estates in real property without court proceedings; providing for a changeover from a certificate of possessory title to a certificate of title after a certain number of years; proposing new law coded as Minnesota Statutes, Chapter 508A.

The bill was read for the first time and referred to the Committee on Judiciary.

Reding, Friedrich, Brinkman and Anderson, R., introduced :

H. F. No. 920, A bill for an act proposing an amendment to the Minnesota Constitution; repealing Article XIII, Section 5 which prohibits lotteries.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.



Mehrkens, Shea, Friedrich, Dahlvang and Pogemiller introduced:

H. F. No. 921, A bill for an act relating to motor vehicles; adjusting bond provisions for dealers; requiring bonds for motorized bicycle dealers; amending Minnesota Statutes 1980, Section 168.27, Subdivision 24.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Berkelman, Voss, Heinitz, Brinkman and Ewald introduced:

H. F. No. 922, A bill for an act relating to financial institutions; providing for uniform administration of liquidity reserve requirements among deposit institutions; amending Minnesota Statutes 1980, Sections 46.04, Subdivision 1; 50.175; and 52.17; proposing new law coded in Minnesota Statutes, Chapters 48; and 51A; and repealing Minnesota Statutes 1980, Sections 48.22; and 51A.36.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Mehrkens introduced:

H. F. No. 923, A bill for an act relating to education; tax levies; authorizing Independent School District No. 256 to adjust its 1981 levy for school maintenance purposes.

The bill was read for the first time and referred to the Committee on Education.

Johnson, D.; Valento; Kelly; Vanasek and Rose introduced:

H. F. No. 924, A bill for an act relating to crimes; authorizing state funding for the Minnesota automated fingerprint identification network; appropriating money; amending Minnesota Statutes 1980, Sections 299C.46; and 299C.48.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Kaley, Sarna and Reding introduced:

H. F. No. 925, A bill for an act relating to retirement; providing for periodic increases in the amount of employer contributions to the teachers retirement association and to the teachers retirement fund associations in cities of the first class; amending Minnesota Statutes 1980, Sections 354.42, Subdivision 5; and 354A.12, Subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sviggum; Ludeman; Simoneau; Rodriguez, F., and Reding introduced:

H. F. No. 926, A bill for an act relating to workers' compensation; requiring evidence of insurance before issuing certain permits and licenses; increasing the penalty for failure to provide insurance coverage; amending Minnesota Statutes 1980, Section 176.181, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 176.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Hanson, Kostohryz, Tomlinson, Rose and Skoglund introduced:

H. F. No. 927, A bill for an act relating to metropolitan government; providing for a speed skating rink; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 473.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Clawson introduced:

H. F. No. 928, A bill for an act relating to the city of Isanti; authorizing the city to issue general obligation bonds for the acquisition and betterment of a municipal building.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Peterson, B., by request, introduced:

H. F. No. 929, A bill for an act relating to courts; authorizing the district court to adopt by rule guidelines for the awarding of maintenance, child support and disposition of property in dissolution, legal separation and maintenance proceedings; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 518.

The bill was read for the first time and referred to the Committee on Judiciary.

Ellingson and Dempsey introduced:

H. F. No. 930, A bill for an act relating to information practices of public bodies; regulating the treatment of government data; providing conditions for disclosure; enacting the uniform information practices code; providing penalties; amending Minnesota Statutes 1980, Sections 3.97, Subdivisions 9 and 11; 10A.02, Subdivision 11a; 72A.062, Subdivision 2; 115A.14, Subdivision 3; 123.704; 123.741, Subdivision 5; 136A.162; 144.1761, Subdivision 2; 144.216, Subdivision 2; 144.218; 144.225, Subdivision 1; 144.691, Subdivision 4; 144.693; 144A.10, Subdivision 3; 145.925, Subdivision 6; 147.073, Subdivision 1; 169.126, Subdivision 2; 197.603, Subdivision 2; 241.44, Subdivision 1a; 241.62, Subdivision 5; 241.66, Subdivision 1; 245.69, Subdivision 2; 256B.27, Subdivision 5; 268.40, Subdivision 3; 270A.11; 299F.055; 362.53, Subdivision 17; 462A.065; 481.15, Subdivision 3; 626.556, Subdivision 11; and 626.557, Subdivisions 11 and 12; proposing new law coded as Minnesota Statutes, Chapter 16B; repealing Minnesota Statutes 1980, Sections 15.1611; 15.162; 15.1621; 15.163; 15.1642; 15.165; 15.166; 15.167; 15.1671; 15.1672; 15.1673; 15.1674; 15.1675; 15.1676; 15.1677; 15.1678; 15.1679; 15.1681; 15.1691; 15.1692; 15.1693; 15.1694; 15.1695; 15.1696; 15.1697; 15.1698; and 15.1699.

The bill was read for the first time and referred to the Committee on Judiciary.

Ellingson and Dempsey introduced:

H. F. No. 931, A bill for an act relating to the collection and dissemination of data; classifying data; proposing classifications of data as private, confidential nonpublic and protected nonpublic; amending Minnesota Statutes 1980, Sections 15.1693, by adding a subdivision; 15.1695, Subdivision 1, and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 15.

The bill was read for the first time and referred to the Committee on Judiciary.

Kvam; Anderson, I.; Blatz; Sieben, H., and Onnen introduced:

H. F. No. 932, A bill for an act relating to taxation; income; property tax refund; making technical corrections; deleting obsolete provisions; amending Minnesota Statutes 1980, Sections 290.01, Subdivisions 3, 19, 20, 21, 22, 23, 25, 26, and 27; 290.011; 290.032, Subdivision 2; 290.06, Subdivisions 1, 2c, 3e, 3f, and 11; 290.07, Subdivision 3; 290.071, Subdivisions 2 and 3; 290.075; 290.077, Subdivisions 1 and 2; 290.079, Subdivision 6; 290.081; 290.085; 290.09, Subdivisions 1, 2, 4, 5, 6, 7, 10, 15, 18, 21, and 29; 290.10; 290.101, Subdivision 9; 290.12, Subdivisions 1, 2, and 4; 290.13, Subdivision 5; 290.131, Subdivision 3; 290.132, Subdivision 1; 290.133, Subdivision 2; 290.134, Subdivision 1; 290.135, Subdivision 1; 290.14; 290.16, Subdivisions 1, 3, 7, 8, 9, 12, and 13; 290.17, Subdivision 2; 290.18, Subdivisions 1 and 2; 290.21, Subdivisions 1, 3, 3a, 4, and 7; 290.23, Subdivisions 2, 3, 5, 9, 10, and 15; 290.25, Subdivisions 2, 3, and 4; 290.26, Subdivisions 1, 2a, and 3; 290.28, Subdivision 1; 290.281, Subdivision 2; 290.31, Subdivisions 2, 3, 4, 6, 9, 10, 11, 21, and by adding a subdivision; 290.32; 290.34, Subdivision 3; 290.35; 290.39, Subdivision 1; 290.42; 290.45, Subdivision 3; 290.46; 290.48, Subdivision 2; 290.49, Subdivisions 1 and 4; 290.50, Subdivisions 1, 3, and 5; 290.53, Subdivisions 1 and 4; 290.56, Subdivisions 2, 3, and 4; 290.92, Subdivisions 1, 5, 6, 16, and 19; 290.93, Subdivisions 5 and 6; 290.932, Subdivisions 1 and 4; 290A.03, Subdivisions 3 and 13; 290A.04, Subdivisions 2 and 2c; 290A.06; and 290A.07, Subdivision 2; repealing Minnesota Statutes 1980, Sections 290.076; 290.131, Subdivisions 4, 5, 6, and 7; 290.133, Subdivision 3; 290.134, Subdivisions 2, 3, and 4; 290.135, Subdivisions 2, 3, and 4; 290.23, Subdivisions 11, 12, 13, and 14; 290.24; 290.26, Subdivisions 4 and 7; 290.60; 290.65, Subdivision 17; 290.931, Subdivision 4; 290.932, Subdivision 3; 290.933, Subdivision 3; and 290.934, Subdivision 6.

The bill was read for the first time and referred to the Committee on Taxes.

Rees, Voss, Sarna, Gruenes and Norton introduced:

H. F. No. 933, A bill for an act relating to commerce; regulating the manufacture, importation, distribution, sale, leasing and alteration of manufactured homes; conforming state regulatory practices and the state manufactured home building code to federal law; providing for enforcement of the code; prohibiting certain practices; providing civil and criminal penalties; amending Minnesota Statutes 1980, Sections 327.31; 327.32; 327.33; and 327.34; proposing new law coded in Minnesota Statutes, Chapter 327.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Osthoff; Peterson, D.; Zubay; Drew and Battaglia introduced:

H. F. No. 934, A bill for an act relating to housing; creating a demonstration program in congregate housing; appropriating money; amending Minnesota Statutes 1980, Sections 462A.02, by adding a subdivision; 462A.03, by adding a subdivision; 462A.05, by adding a subdivision; and 462A.21, by adding a subdivision.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Brinkman; Anderson, B.; Ewald and Heinitz introduced:

H. F. No. 935, A bill for an act relating to commerce; eliminating the state override of the federal usury preemption on certain loans; repealing Minnesota Statutes 1980, Section 47.203.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Lehto, Munger and Peterson, B., introduced:

H. F. No. 936, A bill for an act relating to natural resources; raising limitations on values of state timber which may be sold at public auction or informal sale; providing for special auction sales and changing certain other provisions relating to the sale and removal of state timber; amending Minnesota Statutes 1980, Sections 90.031, Subdivision 4; 90.101, Subdivision 1; 90.151, Subdivisions 11 and 13; 90.173; 90.181, Subdivision 2; 90.191, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 90.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Gustafson and Berkelman introduced:

H. F. No. 937, A bill for an act relating to the city of Duluth; authorizing the city to continue to issue the number of liquor licenses it was authorized to issue in the year 1980.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Elioff, Minne, Murphly, Begich and Lemen introduced:

H. F. No. 938, A bill for an act relating to transportation; requiring reflectors on railroad cars and cabooses; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 219.

The bill was read for the first time and referred to the Committee on Transportation.

Elioff, Battaglia, Minne, Begich and Ainley introduced:

H. F. No. 939, A bill for an act relating to education; authorizing aid for certain school districts to reimburse expenses related to the East Range Vocational Cooperative Center; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

Pogemiller, Battaglia, Rose, Valento and Clawson introduced:

H. F. No. 940, A bill for an act relating to crimes; increasing the maximum fine for petty misdemeanors, misdemeanors, gross misdemeanors and felonies; amending Minnesota Statutes 1980, Sections 169.89, Subdivision 2; 412.231; 609.02, Subdivisions 3 and 4a; 609.03; 609.031; and 609.032.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Ludeman, McDonald, Sviggum, Welker and Piepho introduced:

H. F. No. 941, A bill for an act relating to state government; removing certain powers and duties from the state planning agency; appropriating money; amending Minnesota Statutes 1980, Sections 4.12, Subdivisions 1, 2, and 4; 4.13; 4.191; 160.265, Subdivision 1; repealing Minnesota Statutes 1980, Sections 4.26 to 4.30; 4.35; and 4.36.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sviggum, Kaley and Reif introduced:

H. F. No. 942, A bill for an act relating to welfare; clarifying certain provisions for determination of cost of care at state hospitals; directing the commissioner of public welfare to promulgate rules; changing the responsibility of relatives under certain circumstances; altering the method of charging for outpatient care; giving claims against estates of deceased patients or responsible relatives preferred status; amending Minnesota Statutes 1980, Sections 246.50, Subdivision 5; 246.51; 246.53; and 487.39, Subdivision 1.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Gustafson, Begich, Eken and Skoglund introduced:

H. F. No. 943, A bill for an act relating to taxation; clarifying which parties are to be served with notices of appeal; changing requirements for filing certain abstracts and statements of exemption; changing certain fees to be charged by county auditors and treasurers; changing method of computing native prairie and wetland credits and attached machinery aids; clarifying assessment of property of cooperative associations; eliminating a special levy; providing certain dates for delivery and return of tax lists; providing interest rates on delinquent taxes; repealing publisher's bonds; changing certain definitions for the property tax refund; providing additional authority for county boards to reduce values; providing county valuation of certain airport property; amending Minnesota Statutes 1980, Sections 270.11, Subdivision 2; 271.10, Subdivision 2; 272.025, Subdivision 3; 272.46; 272.47; 273.115, Subdivision 1; 273.116, Subdivision 1; 273.138, Subdivision 2; 273.40; 275.50, Subdivision 5; 276.01; 277.15; 279.02; 279.03; 279.14; 290A.03, Subdivision 13; 375.192, Subdivision 2; 473.626; repealing Minnesota Statutes 1980, Section 279.11.

The bill was read for the first time and referred to the Committee on Taxes.

Lemen, Sherwood, Battaglia, Ainley and Elioff introduced:

H. F. No. 944, A bill for an act relating to tax forfeited lands; sale of stumpage without bids; amending Minnesota Statutes 1980, Section 282.04, Subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Schoenfeld, Sherman, Stumpf and Mann introduced:

H. F. No. 945, A bill for an act relating to motor vehicles; providing for registration and regulating the display of plates and insignia; providing exemptions from registration and taxation for nonresident servicemen; specifying the time when the tax is due and payable; amending Minnesota Statutes 1980, Sections 168.04, Subdivision 1; 168.09, Subdivisions 1 and 3; and 168.31, Subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation.

Brinkman, Heinitz and Norton introduced:

H. F. No. 946, A bill for an act relating to insurance; regulating interest rates on life insurance policy loans; establishing written pricing and dividend policies in certain circumstances; prescribing penalties; amending Minnesota Statutes 1980, Section 61A.03; proposing new law coded in Minnesota Statutes, Chapter 72A.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Nysether introduced:

H. F. No. 947, A bill for an act relating to natural resources; raising limitations on values of state timber which may be sold at public auction or informal sale; providing for special auction sales and changing certain other provisions relating to the sale and removal of state timber; amending Minnesota Statutes 1980, Sections 90.031, Subdivision 4; 90.101, Subdivision 1; 90.151, Subdivisions 11 and 13; 90.173; 90.181, Subdivision 2; 90.191, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 90.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Anderson, G.; Ainley; Wigley; Dahlvang and Wenzel introduced:

H. F. No. 948, A bill for an act relating to state departments; creating a revolving fund for use by the board of electricity to deposit inspection fees and pay costs of inspection; appropriating money; amending Minnesota Statutes 1980, Sections 326.241, Subdivision 3; and 326.244, Subdivision 2.

The bill was read for the first time and referred to the Committee on Appropriations.



Kostohryz, Drew, Osthoff, Den Ouden and McCarron introduced:

H. F. No. 949, A bill for an act relating to education; requiring the school district of residence to provide additional transportation to certain nonpublic school pupils; amending Minnesota Statutes 1980, Sections 120.17, Subdivision 9; 123.76; 123.78; and 123.79.

The bill was read for the first time and referred to the Committee on Education.

Byrne, Ellingson, Dempsey, Luknic and Peterson, D., introduced:

H. F. No. 950, A bill for an act relating to minors; permitting blood donation by minors; providing circumstances under which minors are emancipated; providing procedures for a declaration of emancipation; amending Minnesota Statutes 1980, Section 145.41; and proposing new law coded in Minnesota Statutes, Chapter 260.

The bill was read for the first time and referred to the Committee on Judiciary.

Munger, Norton, Welch, Osthoff and Stowell introduced:

H. F. No. 951, A bill for an act relating to transportation; providing for continuing Amtrak rail passenger service between Duluth and the Twin Cities metropolitan area; appropriating money.

The bill was read for the first time and referred to the Committee on Appropriations.

Jude, Redalen, Brinkman, Nysether and Novak introduced:

H. F. No. 952, A bill for an act relating to crimes; specifying the crime of theft of utility services; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 609.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Dahlvang, Weaver, Reding, Samuelson and Begich introduced:

H. F. No. 953, A bill for an act relating to the environment; changing procedures for the appointment of the director of the environmental education board; requiring litter bags and receptacles in certain places; prohibiting littering; directing the commissioner of transportation to support certain public education programs related to pollution; requiring a litter collection analysis; establishing penalties; appropriating money; amending Minnesota Statutes 1980, Sections 116E.03, Subdivisions 7, 7a and 8; and 174.02, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 174; repealing Minnesota Statutes 1980, Sections 85.20, Subdivision 6; 169.42; and 609.68.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Mehrkens; Osthoff; Nelsen, B.; Metzen and Anderson, G., introduced:

H. F. No. 954, A bill for an act relating to state government; abolishing the center for study of Minnesota folklife; abolishing the position of state folklorist; amending Minnesota Statutes 1980, Sections 138.81; 138.82; and 138.83; repealing Minnesota Statutes 1980, Sections 138.84; 138.85; 138.86; and 138.87.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Berkelman, Byrne, Welch and Kaley introduced:

H. F. No. 955, A bill for an act relating to health; extending the nursing home dental program; appropriating money; amending Laws 1980, Chapter 570, Sections 6 and 10.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Greenfield; Kahn; Clark, K.; Hauge and Kelly introduced:

H. F. No. 956, A bill for an act relating to civil actions; repealing provisions of law which require that a person bringing an action against a public body must obtain a surety bond; repealing Minnesota Statutes 1980, Chapter 562.

The bill was read for the first time and referred to the Committee on Judiciary.

Reding introduced:

H. F. No. 957, A bill for an act relating to game and fish; selection of deer licensees in certain restricted hunting areas; amending Minnesota Statutes 1980, Section 97.48, Subdivision 24.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Skoglund, Jacobs, Ellingson, Simoneau and Anderson, I., introduced:

H. F. No. 958, A bill for an act relating to taxation; income; increasing the amount of adoption expenses allowable as a deduction; amending Minnesota Statutes 1980, Section 290.09, Subdivision 27.

The bill was read for the first time and referred to the Committee on Taxes.

Tomlinson, Otis, Stumpf, Ainley and Rothenberg introduced:

H. F. No. 959, A bill for an act relating to taxation; authorizing school district levies for energy conservation measures; amending Minnesota Statutes 1980, Section 275.125, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Haukoos, Schoenfeld, Wigley and Jennings introduced:

H. F. No. 960, A bill for an act relating to local government; permitting certain cities to post certain accounts; amending Minnesota Statutes 1980, Sections 412.191, Subdivision 3; and 471.698, Subdivision 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Tomlinson, Hanson, Novak, Olsen and Blatz introduced:

H. F. No. 961, A bill for an act relating to taxation; real property; adjusting the maximum amount of market value subject to certain homestead classification ratios based upon average sale price of residential homes; amending Minnesota Statutes 1980, Section 273.13, Subdivisions 6 and 7; proposing new law coded in Minnesota Statutes, Chapter 273.

The bill was read for the first time and referred to the Committee on Taxes.

Wieser introduced:

H. F. No. 962, A bill for an act relating to outdoor advertising; authorizing privately owned directional devices to be erected and maintained in areas adjacent to the right-of-way of interstate and other trunk highways; restricting the purposes for which they may be erected and maintained; providing for their regulation by rule; prescribing a fee; amending Minnesota Statutes 1980, Sections 173.02, Subdivision 6; 173.13, Subdivision 4; and proposing new law coded in Minnesota Statutes, Chapter 173.

The bill was read for the first time and referred to the Committee on Transportation.

Mehrkens, Shea, Friedrich, Dahlvang and Pogemiller introduced:

H. F. No. 963, A bill for an act relating to highway traffic regulations; establishing permit fees for certain oversized vehicles; amending Minnesota Statutes 1980, Section 169.86, Subdivision 5.

The bill was read for the first time and referred to the Committee on Transportation.

Stadum, McEachern, Valan, Metzen and Nysether introduced:

H. F. No. 964, A bill for an act relating to education; prohibiting the state board of education from requiring athletic coaches to hold teaching licenses; proposing new law coded in Minnesota Statutes, Chapter 125.

The bill was read for the first time and referred to the Committee on Education.

Redalen, Kalis, Stumpf, Shea and Carlson, D., introduced:

H. F. No. 965, A bill for an act relating to taxation; altering the procedure by which certain pollution control equipment is exempted from the property tax; amending Minnesota Statutes 1980, Section 272.02, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Nelson, K.; Sieben, H.; Otis; Ogren and Stumpf introduced:

H. F. No. 966, A resolution memorializing the President and Congress to maintain the present schedule for natural gas price decontrol.

The bill was read for the first time and referred to the Committee on Energy.

Anderson, B.; Mann; Stowell and Nelsen, B., introduced:

H. F. No. 967, A bill for an act relating to transportation; authorizing road authorities to designate ten-ton collector routes; prescribing maximum vehicle weights on those routes; proposing new law coded in Minnesota Statutes, Chapter 169.

The bill was read for the first time and referred to the Committee on Transportation.

Lehto; Carlson, D.; Knickerbocker; Kelly and Vanasek introduced:

H. F. No. 968, A bill for an act relating to peace officers; creating the Minnesota law enforcement training account; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 626.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Voss, Searles, Schreiber and McCarron introduced:

H. F. No. 969, A bill for an act relating to metropolitan government; authorizing the metropolitan council to prepare guidelines relating to the amendment of comprehensive plans; amending Minnesota Statutes 1980, Section 473.864, Subdivision 2.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Vellenga, Elioff, Evans, Forsythe and Lehto introduced:

H. F. No. 970, A bill for an act relating to marriage; making the age of consent requirements for boys the same as for girls; amending Minnesota Statutes 1980, Section 517.02.

The bill was read for the first time and referred to the Committee on Judiciary.

Long introduced:

H. F. No. 971, A bill for an act relating to insurance; regulating suicide provisions in life insurance contracts; proposing new law coded in Minnesota Statutes, Chapter 61A.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Brinkman, Sviggum, Metzen, Heinitz and Wynia introduced :

H. F. No. 972, A bill for an act relating to financial institutions; increasing the percentage of capital and surplus a bank or trust company may invest in the stock of certain banks or bank holding companies; amending Minnesota Statutes 1980, Section 48.61, Subdivision 3.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Norton; Anderson, R.; Clark, J.; Forsythe and Elioff introduced :

H. F. No. 973, A bill for an act relating to public welfare; establishing a sliding fee schedule payment program for child care; appropriating money; amending Minnesota Statutes 1980, Section 245.84, Subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Anderson, I.; Weaver; Begich; Lemen and Murphy introduced :

H. F. No. 974, A bill for an act relating to game and fish; authorizing doe permits in designated areas and seasons; amending Minnesota Statutes 1980, Section 98.48, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

#### HOUSE ADVISORIES

The following House Advisory was introduced :

Levi, Zubay and Vanasek introduced :

H. A. No. 17, A proposal to study the impact of Sentencing Guidelines on state and local facilities.

The advisory was referred to the Committee on Criminal Justice.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate :

Mr. Speaker :

I hereby announce the passage by the Senate of the following House File, herewith returned :

H. F. No. 87, A bill for an act relating to commerce; clarifying the definition of a "sale of goods" as it applies to consumer credit sales to include certain terminable bailments or leases; clarifying the interests of the respective parties; providing for a certain contract provision; amending Minnesota Statutes 1980, Sections 325G.15, Subdivision 5; and 325G.16, by adding subdivisions.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 30 and 209.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 30, A bill for an act relating to public utilities; re-defining the term "public utility" so as to exempt from public service commission jurisdiction certain small natural gas utilities; amending Minnesota Statutes 1980, Section 216B.02, Subdivision 4.

The bill was read for the first time.

Den Ouden moved that S. F. No. 30 and H. F. No. 114, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 209, A bill for an act relating to gambling devices; clarifying definitions of gambling devices; authorizing an additional gambling device; authorizing certain payments for operation of gambling devices; changing prize limitations; changing the penalty provision for violation; amending Minnesota Statutes 1980, Sections 349.26, Subdivisions 2, 4, 5, 12, 13, 14 and 15, and by adding a subdivision; 349.30, Subdivision 2; and 349.31, Subdivision 1.

The bill was read for the first time.

Reding moved that S. F. No. 209 and H. F. No. 237, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

Eken from the Committee on Rules and Legislative Administration, pursuant to Rule 1.9, designated the following bill as a Special Order to be acted upon immediately preceding General Orders for today, March 19, 1981:

S. F. No. 366.

CALENDAR

H. F. No. 2, A bill for an act relating to crimes; establishing mandatory minimum terms of imprisonment for use of a dangerous weapon or possession of a firearm; increasing the penalty for intentional and unintentional homicides committed while committing certain felonies; amending Minnesota Statutes 1980, Section 609.11, Subdivision 1, and by adding subdivisions; 609.135, Subdivision 1; 609.185; 609.19; 609.195; 609.20; repealing Minnesota Statutes 1980, Section 609.11, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	O'Connor	Sieben, M.
Ainley	Evans	Kelly	Ogren	Simoneau
Anderson, B.	Ewald	Knickerbocker	Olsen	Skoglund
Anderson, G.	Fjoslien	Kostohryz	Onnen	Stadum
Anderson, I.	Forsythe	Kvam	Osthoff	Stowell
Anderson, R.	Friedrich	Laidig	Peterson, B.	Stumpf
Battaglia	Greenfield	Lehto	Peterson, D.	Sviggum
Berkelman	Gruenes	Lemen	Piepho	Swanson
Blatz	Gustafson	Levi	Pogemiller	Tomlinson
Brandl	Halberg	Long	Redalen	Valan
Brinkman	Hanson	Ludeman	Reding	Valento
Byrne	Harens	Luknic	Rees	Vanasek
Carlson, D.	Hauge	Mann	Reif	Vellenga
Carlson, L.	Haukoos	Marsh	Rodriguez, C.	Voss
Clark, J.	Heap	McCarron	Rodriguez, F.	Weaver
Clark, K.	Heimitz	McDonald	Rose	Welch
Clawson	Himle	McEachern	Rothenberg	Welker
Dahlvang	Hoberg	Mehrrens	Samuelson	Wenzel
Dean	Hokanson	Metzen	Sarna	Wieser
Dempsey	Hokr	Minne	Schafer	Wigley
Den Ouden	Jacobs	Munger	Schoenfeld	Wynia
Drew	Jennings	Murphy	Schreiber	Zubay
Eken	Johnson, C.	Nelsen, B.	Searles	Spkr. Sieben, H.
Elioff	Johnson, D.	Niehaus	Shea	
Ellingson	Jude	Novak	Sherman	
Erickson	Kaley	Nysether	Sherwood	



Those who voted in the negative were:

Norton            Otis            Rice            Staten

The bill was passed and its title agreed to.

H. F. No. 157, A bill for an act relating to public welfare; providing that every birth to a minor shall be reported within three working days to the commissioner of public welfare; amending Minnesota Statutes 1980, Section 257.33.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kelly	O'Connor	Sherwood
Ainley	Evans	Knickerbocker	Ogren	Sieben, M.
Anderson, B.	Ewald	Kostohryz	Olsen	Simoneau
Anderson, G.	Fjoslien	Kvam	Onnen	Skoglund
Anderson, I.	Foraythe	Laidig	Osthoff	Stadum
Anderson, R.	Friedrich	Lehto	Otis	Staten
Battaglia	Greenfield	Lemen	Peterson, B.	Stowell
Berkelman	Gruenes	Levi	Peterson, D.	Stumpf
Blatz	Gustafson	Long	Piepho	Swiggum
Brandl	Halberg	Ludeman	Pogemiller	Swanson
Brinkman	Hanson	Luknic	Redalen	Tomlinson
Byrne	Harens	Mann	Reding	Valan
Carlson, D.	Hauge	Marsh	Rees	Valento
Carlson, L.	Heap	McCarron	Reif	Vanasek
Clark, J.	Heinitz	McDonald	Rice	Vellenga
Clark, K.	Himle	McEachern	Rodriguez, C.	Voss
Clawson	Hoberg	Mehrkens	Rodriguez, F.	Weaver
Dahlvang	Hokanson	Metzen	Rose	Welch
Dean	Hokr	Minne	Rothenberg	Wenzel
Dempsey	Jacobs	Munger	Samuelson	Wigley
Den Ouden	Johnson, C.	Murphy	Sarna	Wynia
Drew	Johnson, D.	Nelsen, B.	Schafer	Zubay
Eken	Jude	Niehaus	Schoenfeld	Spkr. Sieben, H.
Elioff	Kahn	Norton	Schreiber	
Ellingson	Kaley	Novak	Searles	
Erickson	Kalis	Nysether	Sherman	

Those who voted in the negative were:

Haukoos            Jennings            Walker            Wieser

The bill was passed and its title agreed to.

H. F. No. 183, A bill for an act relating to state employees; including the staff of the council on Black Minnesotans within the unclassified civil service; amending Minnesota Statutes 1980, Section 3.9225, Subdivision 5.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kalis	Nysether	Sherman
Ainley	Ewald	Kelly	O'Connor	Sherwood
Anderson, B.	Fjoslien	Knickerbocker	Ogren	Sieben, M.
Anderson, G.	Forsythe	Kostohryz	Olsen	Simoneau
Anderson, I.	Friedrich	Kvam	Onnen	Skoglund
Anderson, R.	Greenfield	Laidig	Osthoff	Stadum
Battaglia	Gruenes	Lehto	Otis	Staten
Berkelman	Gustafson	Lemen	Peterson, B.	Stowell
Blatz	Halberg	Levi	Peterson, D.	Stumpf
Brandl	Hanson	Long	Piepho	Sviggum
Brinkman	Harens	Ludeman	Pogemiller	Swanson
Byrne	Hauge	Luknic	Redalen	Tomlinson
Carlson, D.	Haukoos	Mann	Reding	Valan
Carlson, L.	Heap	Marsh	Rees	Valento
Clark, J.	Heinitz	McCarron	Reif	Vanasek
Clark, K.	Himle	McDonald	Rice	Vellenga
Dahlvang	Hoberg	McEachern	Rodriguez, C.	Weaver
Dean	Hokanson	Mehrkens	Rodriguez, F.	Welch
Dempsey	Hokr	Metzen	Rose	Welker
Den Ouden	Jacobs	Minne	Rothenberg	Wenzel
Drew	Jennings	Munger	Samuelson	Wieser
Eken	Johnson, C.	Murphy	Sarna	Wigley
Elioff	Johnson, D.	Nelsen, B.	Schafer	Wynia
Ellingson	Jude	Niehaus	Schoenfeld	Zubay
Erickson	Kahn	Norton	Schreiber	Sprk. Sieben, H.
Esau	Kaley	Novak	Searles	

The bill was passed and its title agreed to.

H. F. No. 189 was reported to the House.

There being no objection, H. F. No. 189 was continued on the Calendar for one day.

### SPECIAL ORDERS

S. F. No. 366 was reported to the House.

Jacobs and Kahn moved to amend S. F. No. 366, the unofficial engrossment, as follows:

Page 7, delete sections 3 and 4

Page 7, line 26, delete "Sections 2, 3 and 4 are" and insert "Section 2 is"

Re-number the sections accordingly.

The motion prevailed and the amendment was adopted.

Kvam moved to amend S. F. No. 366, the unofficial engrossment, as amended, as follows:

Page 7, line 23 after "1981" delete the rest of the language

Page 7, delete lines 24 and 25

Page 7, line 26, delete "1, 1982"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 65 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Aasness	Fjoslien	Johnson, D.	Niehaus	Searles
Ainley	Forsythe	Kaley	Nysether	Sherman
Anderson, R.	Friedrich	Knickerbocker	Olsen	Sherwood
Blatz	Gruenes	Kvam	Onnen	Stadum
Carlson, D.	Halberg	Laidig	Peterson, B.	Stowell
Dean	Haukoos	Lemen	Piepho	Sviggum
Dempsey	Heap	Levi	Redalen	Valan
Den Ouden	Heinitz	Ludeman	Rees	Valento
Drew	Himle	Luknic	Reif	Weaver
Erickson	Hoberg	Marsh	Rose	Welker
Esau	Hokr	McDonald	Rothenberg	Wieser
Evans	Jacobs	Mehrkens	Schafer	Wigley
Ewald	Jennings	Nelsen, B.	Schreiber	Zubay

Those who voted in the negative were:

Anderson, B.	Elioff	Lehto	Otis	Staten
Anderson, G.	Ellingson	Long	Peterson, D.	Stumpf
Anderson, I.	Greenfield	Mann	Pogemiller	Swanson
Battaglia	Gustafson	McCarron	Reding	Vanasek
Berkelman	Hanson	McEachern	Rice	Vellenga
Brandl	Harens	Metzen	Rodriguez, C.	Voss
Brinkman	Hauge	Minne	Rodriguez, F.	Welch
Byrne	Hokanson	Munger	Samuelson	Wenzel
Carlson, L.	Johnson, C.	Murphy	Sarna	Wynia
Clark, J.	Jude	Norton	Schoenfeld	Spkr. Sieben, H.
Clark, K.	Kahn	Novak	Shea	
Clawson	Kalis	O'Connor	Sieben, M.	
Dahlvang	Kelly	Ogren	Simoneau	
Eken	Kostohryz	Osthoff	Skoglund	

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

S. F. No. 366, A bill for an act relating to taxation; providing a new schedule for payment of income taxes withheld from wages; giving temporary rulemaking authority; appropriating money; amending Minnesota Statutes 1980, Section 290.92, Subdivision 6.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 116 yeas and 13 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kaley	Nysether	Sieben, M.
Ainley	Evans	Knickerbocker	O'Connor	Simoneau
Anderson, B.	Ewald	Kostohryz	Olsen	Stadum
Anderson, I.	Fjoslien	Kvam	Onnen	Staten
Anderson, R.	Forsythe	Laidig	Otis	Stumpf
Battaglia	Friedrich	Lehto	Peterson, B.	Sviggunn
Berkelman	Greenfield	Lemen	Peterson, D.	Swanson
Blatz	Gruenes	Levi	Piepho	Tomlinson
Brandl	Halberg	Long	Pogemiller	Valan
Brinkman	Hanson	Luknic	Redalen	Valento
Byrne	Harens	Mann	Reding	Vanasek
Carlson, D.	Hauge	Marsh	Rees	Vellenga
Carlson, L.	Haukoos	McCarron	Reif	Weaver
Clark, J.	Heap	McDonald	Rice	Welch
Clark, K.	Heinitz	McEachern	Rodriguez, F.	Wenzel
Clawson	Himle	Mehrkens	Rose	Wieser
Dahlvang	Hoberg	Metzen	Rothenberg	Wigley
Dempsey	Hokanson	Minne	Samuelson	Wynia
Den Ouden	Hokr	Munger	Sarna	Zubay
Drew	Jacobs	Murphy	Schafer	Spkr. Sieben, H.
Eken	Johnson, C.	Nelsen, B.	Searles	
Elioff	Johnson, D.	Niehaus	Shea	
Ellingson	Jude	Norton	Sherman	
Erickson	Kahn	Novak	Sherwood	

Those who voted in the negative were:

Anderson, G.	Kalis	Osthoff	Skoglund	Welker
Dean	Ludeman	Rodriguez, C.	Stowell	
Jennings	Ogren	Schoenfeld	Voss	

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

Anderson, G., was excused for the remainder of today's session. Nelsen, B., was excused at 4:15 p.m.

## GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

## REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 434, 521, 170, 277, 395, 436 and 462 which it recommended to pass.

H. F. Nos. 236 and 371 which it recommended progress.

S. F. No. 346 which it recommended progress retaining its place on General Orders.

H. F. No. 91 which it recommended to pass with the following amendments:

Offered by Wieser:

Page 1, after line 19, insert:

*"Subd. 2. [PEACE OFFICER; DEFINITION.] For purposes of this section, "peace officer" means an employee of a political subdivision or state law enforcement agency who is licensed by the Minnesota board of peace officer standards and training, charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota highway patrol."*

Page 1, line 20, delete "2" and insert "3"

Page 2, line 3, delete "3" and insert "4"

Page 2, after line 17, insert:

*"Subd. 2. [PEACE OFFICER; DEFINITION.] For purposes of this section, "peace officer" means an employee of a political subdivision or state law enforcement agency who is licensed by the Minnesota board of peace officer standards and training, charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota highway patrol."*

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

Page 2, line 25, delete "3" and insert "4"

Offered by Dempsey:

As previously amended.

Page 2, delete lines 3 to 10

Amend the title as follows:

Page 1, lines 6 and 7 delete "requiring insurers to include such liability in their policies;"

On the motion of Eken the report of the Committee of the Whole was adopted.

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

The question was taken on the Hanson motion that H. F. No. 170 be re-referred to the Committee on Commerce and Economic Development and the roll was called. There were 39 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dahlvang	Kahn	Pogemiller	Skoglund
Anderson, I.	Drew	Kostohryz	Rice	Tomlinson
Battaglia	Ellingson	Lehto	Rodriguez, C.	Vanasek
Berkelman	Forsythe	McCarron	Rodriguez, F.	Voss
Brandl	Greenfield	Metzen	Samuelson	Welch
Carlson, L.	Hanson	Norton	Sarna	Wynia
Clark, K.	Harens	Novak	Sieben, M.	Spkr. Sieben, H.
Clawson	Hokanson	Osthoff	Simoneau	

Those who voted in the negative were:

Aasness	Hauge	Levi	Onnen	Stadum
Anderson, B.	Haukoos	Long	Otis	Staten
Anderson, R.	Heap	Ludeman	Peterson, B.	Stowell
Brinkman	Heinitz	Luknic	Peterson, D.	Stumpf
Byrne	Himle	Mann	Piepho	Sviggum
Carlson, D.	Hoberg	Marsh	Redalen	Swanson
Clark, J.	Hokr	McDonald	Reding	Valento
Dempsey	Jacobs	McEachern	Rees	Vellenga
Eken	Jennings	Mehrkens	Reif	Weaver
Erickson	Johnson, C.	Minne	Rose	Welker
Esau	Johnson, D.	Munger	Rothenberg	Wenzel
Evans	Jude	Murphy	Schafer	Wieser
Ewald	Kaley	Nelsen, B.	Schoenfeld	Wigley
Fjoslien	Kalis	Niehaus	Schreiber	Zubay
Friedrich	Kelly	Nysether	Searles	
Gruenes	Knickerbocker	O'Connor	Shea	
Gustafson	Kvam	Ogren	Sherman	
Halberg	Lemen	Olsen	Sherwood	

The motion did not prevail.

The question was taken on the motion to recommend passage of H. F. No. 170 and the roll was called. There were 62 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, B.	Anderson, R.	Brinkman	Byrne
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Carlson, D.	Heap	Long	Peterson, B.	Sherwood
Clark, K.	Himle	Mann	Peterson, D.	Stowell
Dempsey	Hoberg	Marsh	Piepho	Stumpf
Eken	Hokr	Mehrkens	Redalen	Swanson
Erickson	Johnson, C.	Minne	Reding	Valento
Esau	Johnson, D.	Munger	Rees	Weaver
Evans	Kaley	Niehaus	Reif	Wenzel
Ewald	Kalis	O'Connor	Rothenberg	Wieser
Fjoslien	Knickerbocker	Ogren	Schafer	Wigley
Forsythe	Kvam	Olsen	Schoenfeld	
Halberg	Lehto	Onnen	Shea	
Hauge	Lemen	Otis	Sherman	

Those who voted in the negative were:

Ainley	Greenfield	Kostohryz	Osthoff	Stadum
Anderson, I.	Gruenes	Levi	Pogemiller	Staten
Battaglia	Gustafson	Ludeman	Rice	Sviggum
Berkelman	Hanson	Luknic	Rodriguez, C.	Tomlinson
Brandl	Harens	McCarron	Rodriguez, F.	Vellenga
Carlson, L.	Haukoos	McDonald	Rose	Voss
Clawson	Hokanson	McEachern	Samuelson	Welch
Dahlvang	Jacobs	Metzen	Sarna	Welker
Drew	Jennings	Murphy	Schreiber	Wynia
Elioff	Jude	Nelsen, B.	Sieben, M.	Zubay
Ellingson	Kahn	Norton	Simoneau	Spkr. Sieben, H.
Friedrich	Kelly	Nysether	Skoglund	

The motion prevailed.

## MOTIONS AND RESOLUTIONS

Reding moved that the name of Lehto be added as an author on H. F. No. 869. The motion prevailed.

Begich moved that his name be stricken as an author on H. F. No. 508. The motion prevailed.

Anderson, I., moved that his name be stricken as an author on H. F. No. 383. The motion prevailed.

Himle moved that the name of Metzen be added as an author on H. F. No. 888. The motion prevailed.

Evans moved that H. F. No. 784 be recalled from the Committee on Education and be re-referred to the Committee on Appropriations. The motion prevailed.

Harens moved that H. F. No. 607 be recalled from the Committee on Financial Institutions and Insurance and be re-referred to the Committee on Labor-Management Relations. The motion prevailed.

Dempsey moved that the name of McCarron be added as an author on H. F. No. 575. The motion prevailed.

Piepho moved that the names of McDonald and Aasness be stricken and the names of Elioff and Otis be added as authors on H. F. No. 520. The motion prevailed.

Lehto moved that the name of Nysether be added as an author on H. F. No. 936. The motion prevailed.

Levi moved that the name of Laidig be added as an author on House Advisory No. 17. The motion prevailed.

Sieben, H.; Eken and Sherwood introduced:

House Resolution No. 8, A house resolution to welcome and recognize the members of the Legislative Leadership Training Program of the West African nation of Nigeria, to acknowledge and applaud their efforts and the efforts of their country towards establishing and preserving a democracy for their people.

#### SUSPENSION OF RULES

Eken moved that the Rules be so far suspended that House Resolution No. 8 be now considered and be placed upon its adoption. The motion prevailed.

#### HOUSE RESOLUTION NO. 8

A house resolution to welcome and recognize the members of the Legislative Leadership Training Program of the West African nation of Nigeria, to acknowledge and applaud their efforts and the efforts of their country towards establishing and preserving a democracy for their people.

*Whereas*, the people of the West African nation of Nigeria have chosen a democratic form of government through their constitution signed in October 1979; and,

*Whereas*, The National Assembly and nineteen unicameral state assemblies, having been newly created by this Constitutional mandate, have thus sought to strengthen their legislatures by sending delegations of legislative leaders to the United States for study and observation; and,

*Whereas*, as a part of this program, a delegation of legislative leaders from Nigeria is presently observing the Minnesota State Legislature; *Now, Therefore*,

*Be It Resolved* by the House of Representatives of the State of Minnesota that the members of the Nigerian Legislative Leadership Training Program who are presently observing the Minnesota State Legislature are hereby welcomed and duly



recognized, as are their efforts and the efforts of their country towards establishing and preserving a democracy for their people.

Eken moved that House Resolution No. 8 be now adopted. The motion prevailed and the resolution was adopted.

Eken introduced:

House Concurrent Resolution No. 2, A house concurrent resolution relating to joint rules; adopting permanent joint rules of the Senate and House of Representatives.

The resolution was referred to the Committee on Rules and Legislative Administration.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, March 23, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, March 23, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## TWENTY-FIFTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 23, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Reverend Daniel L. Johns, Trinity Lutheran Church, Stillwater, Minnesota.

The roll was called and the following members were present:

Aasness	Esau	Kalis	O'Connor	Sieben, M.
Ainley	Evans	Kelly	Ogren	Simoneau
Anderson, B.	Ewald	Knickerbocker	Olsen	Skoglund
Anderson, G.	Fjoslien	Kostohryz	Onnen	Stadum
Anderson, I.	Forsythe	Kvam	Osthoff	Staten
Anderson, R.	Friedrich	Laidig	Otis	Stowell
Battaglia	Greenfield	Lehto	Peterson, B.	Stumpf
Begich	Gruenes	Lemen	Peterson, D.	Sviggum
Berkelman	Gustafson	Levi	Piepho	Tomlinson
Blatz	Halberg	Ludeman	Pogemiller	Valan
Brandl	Hanson	Luknic	Redalen	Valento
Brinkman	Harens	Mann	Reding	Vanasek
Byrne	Hauge	Marsh	Rees	Vellenga
Carlson, D.	Haukoos	McCarron	Reif	Voss
Carlson, L.	Heap	McDonald	Rice	Weaver
Clark, J.	Heinitz	McEachern	Rodriguez, C.	Welch
Clark, K.	Himle	Mehrkeis	Rodriguez, F.	Welker
Clawson	Hoberg	Metzen	Rose	Wenzel
Dahlvang	Hokanson	Minne	Rothenberg	Wieser
Dean	Hokr	Munger	Samuelson	Wigley
Dempsey	Jacobs	Murphy	Sarna	Wynia
Den Ouden	Jennings	Nelsen, B.	Schafer	Zubay
Drew	Johnson, C.	Nelson, K.	Schoenfeld	Spkr. Sieben, H.
Eken	Johnson, D.	Niehaus	Schreiber	
Elioff	Jude	Norton	Shea	
Ellingson	Kahn	Novak	Sherman	
Erickson	Kaley	Nysether	Sherwood	

A quorum was present.

Long and Searles were excused. Swanson was excused until 2:15 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Kvam moved that further reading of the Journal be

dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

#### REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 150, 269, 305, 330, 432, 502, 503, 829, 18, 306, 356, 372, 378, 410, 435, 443, 471, 525, 539 and 91 and S. F. Nos. 30 and 209 have been placed in the members' files.

S. F. No. 30 and H. F. No. 114, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Den Ouden moved that the rules be so far suspended that S. F. No. 30 be substituted for H. F. No. 114 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 209 and H. F. No. 237, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Reding moved that the rules be so far suspended that S. F. No. 209 be substituted for H. F. No. 237 and that the House File be indefinitely postponed. The motion prevailed.

#### REPORTS OF STANDING COMMITTEES

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 131, A bill for an act relating to crimes; authorizing the release of account information to law enforcement authorities investigating the issuance of worthless checks; authorizing the issuance of account information to payee or holders when a check has been dishonored; amending Minnesota Statutes 1980, Section 609.535, by adding subdivisions.

Reported the same back with the following amendments:

Page 1, line 16, after "*any*" insert "*state, county or local*"

Page 1, line 25, delete "*delivered*" and insert "*mailed*"

Page 1, line 26, delete "*two*"

Page 1, line 26, after "*periods*" insert "*immediately*"

Page 1, line 26, after "*to*" and before "*and*" insert "*, during*"

Page 1, line 27, after "*check*" insert "*or other order for the payment of money which is*"

Page 1, line 27, delete "*such*" and insert "*the*"

Page 2, line 4, after "*request*" insert "*accompanied with a photostatic copy of the dishonored check or order for payment of money*"

Page 2, line 5, after "*check*" insert "*or other order for the payment of money*"

Page 2, line 7, delete "*any such*" and insert "*the*"

Page 2, delete lines 8 to 10 and insert:

*"(1) Whether at the time the check or the order for payment of money was issued or presented for payment the drawer had sufficient funds or credit with the drawee, and whether at that time the account was open, closed or restricted for any reason and, if closed, the date of closing; and"*

Page 2, line 11, after "*the*" insert "*most*"

Page 2, after line 12, insert:

*"Subd. 8. [CONFIDENTIALITY OF INFORMATION.] Any information released pursuant to either subdivision 6 or 7 shall not be intentionally released, delivered, or communicated by the recipient to any third party unless the release, delivery, or communication is necessary to the collection or prosecution of a complaint against a drawer under this section or section 609.52, subdivision 2, clause (3)(a)."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 355, A bill for an act relating to nuclear energy; providing for the storage and disposal of certain radioactive wastes; requiring licensure of radioactive waste management facilities in Minnesota; proposing new law coded in Minnesota Statutes, Chapter 116C.

Reported the same back with the following amendments:

Page 1, line 13, after "means" delete "radioactive waste"

Page 1, delete lines 14 to 16 and insert "*any material defined as such pursuant to federal regulation 10 CFR 61, or any subsequent amendments thereto.*"

(c) "*High level radioactive waste*" means any material defined as such pursuant to federal regulation 10 CFR 60, or any subsequent amendments thereto."

Page 1, line 18, delete "LICENSE" and insert "PERMIT"

Page 1, line 22, delete "license" and insert "permit"

Page 1, line 25, after the period insert, "*High level and low level radioactive waste facilities shall require issuance of separate permits. Sections 2 to 9 of this act shall not apply to any facility for management of low level radioactive waste as defined in section 1, clause (b) of this act.*"

Page 2, line 3, delete "license" and insert "permit"

Page 2, line 3, after "applications" insert ", including process for the siting of a facility"

Page 2, line 3, after the period insert "*The board shall solicit and utilize the advice of its member agencies and the principle generators of low level radioactive wastes to assist the board in the development of rules under this act.*"

Page 2, line 10, delete "service" and insert "utilities"

Page 2, lines 14 and 16, delete "license" and insert "permit"

Page 2, line 21, delete "agency" and insert "board"

Page 2, lines 27 and 30, delete "license" and insert "permit"

Page 3, line 11, delete "license" and insert "permit"

Page 3, line 18, delete "LICENSE" and insert "PERMIT"

Page 3, line 23, in both cases delete "license" and insert "permit"

Page 3, line 23, delete "not decide" and insert "decide not"

Page 4, line 2, delete "in perpetuity"

Page 4, line 4, delete "at all times"

Page 4, line 10, delete "LICENSE" and insert "PERMIT"

Page 4, line 11, delete "licensee" and insert "permittee"

Page 4, line 30, delete "INTERSTATE COMPACT AUTHORITY" and insert "MINNESOTA LOW LEVEL RADIOACTIVE WASTE INTERIM STUDY COMMISSION"

Page 4, delete lines 31 to 35 and insert:

*"To carry out its responsibilities under the federal "Low Level Radioactive Waste Policy Act" (P.L. 96-573), the legislature hereby creates a Minnesota low level radioactive waste interim study commission consisting of four members appointed by the committee on committees of the senate; four representatives appointed by the speaker of the house of representatives; four members selected by the governor from the executive branch; and four members selected by the governor from the public who are not members of the Minnesota legislature or the executive branch of state government. The commission shall prepare recommendations for consideration by the 1982 legislature regarding:*

*(a) The feasibility and desirability of the state of Minnesota entering into an interstate compact with other states for siting, developing, operating and maintaining a facility for management of low level radioactive waste in one of the compact states for use by Minnesota generators and recommended procedures for implementing an interstate compact; and*

*(b) The scope of state involvement and recommendations for siting, developing, operating, owning and maintaining a facility for management of low level radioactive waste in Minnesota for use by Minnesota generators of such waste.*

**Sec. 11. [INTERIM STORAGE FOR LOW LEVEL WASTE.]**

*The department of health shall collect and evaluate data from Minnesota generators of low level radioactive waste for purposes of determining whether their storage capacities are sufficient to satisfy the contingency of early closure of existing disposal facilities located in other states. If it is determined that additional storage is required and no other suitable alternative exists, the department shall submit to the legislature a plan for developing necessary interim storage facilities."*

Renumber remaining section

Amend the title as follows:

Page 1, line 4, delete "licensure" and insert "permitting"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 409, A bill for an act relating to agriculture; requiring department of agriculture approval and receipt of certain grain storage receipts; regulating the family farm security program; changing terms of members of the family farm advisory council; regulating denaturing of certain food; identifying fur pelts; updating references in the shade tree control law; amending Minnesota Statutes 1980, Sections 17.35, Subdivision 7; 18.023, Subdivision 3a; 31.095; 41.52, Subdivisions 5, 8 and 9; 41.54, Subdivision 2; 41.56, Subdivisions 1 and 2; 41.58, Subdivision 2; 232.06, Subdivision 1; 233.03; 234.02; 236.03; 275.50, Subdivision 6; and 290.08, Subdivision 24; repealing Minnesota Statutes 1980, Section 29.091.

Reported the same back with the following amendments:

Page 1 to 3, delete section 2

Page 6, after line 10, add a section to read:

"Sec. 9. Minnesota Statutes 1980, Section 41.56, Subdivision 4 is amended to read:

Subd. 4. [SALE OF DEFAULTED PROPERTY.] In the event that title to the property is acquired by the state, upon conveyance of title to the state and expiration of the period of redemption, the commissioner shall, within 15 days of the expiration of such period, undertake to sell the property by publishing a notice of the impending sale at least once each week for four successive weeks in a legal newspaper and also in a newspaper of general distribution in the county in which the property to be sold is situated. Such notice shall specify the time and place in the county at which the sale will commence, a description of the lots or tracts to be offered, and a general statement of the terms of sale. Except as further provided in this subdivision, the terms and method of sale shall be determined by the commissioner. The commissioner shall sell the property to the highest bidder as determined by taking sealed bids or by public auction, provided that in either event he shall select the successful bidder within 15 days of the date of the last published notice of sale. Bidders shall submit bid security in the form of a certified check or bid bond in the amount of two percent of their bid price and the successful bidder shall remit the balance of the purchase

price to the commissioner within 90 days of the date of sale. Upon remittance of such balance within 90 days of the date of sale, the commissioner shall transfer title to the property, *including any acquired mineral rights*, to the purchaser by quitclaim deed. In the event that the purchaser fails to remit any part of such balance within 90 days of the date of sale, the purchaser shall forfeit all rights to the property and any moneys paid thereon and the state shall recommence the sale process as specified in this subdivision. Proceeds from the sale of a parcel of property obtained by the state pursuant to this section shall be paid into the (INTO THE) special account authorized in section 41.61, subdivision 1, to the extent that funds from the special account were disbursed according to the terms of the family farm security loan guarantee and into the general fund to the extent that funds were disbursed as payment adjustments by the commissioner. Proceeds in excess of these amounts shall be paid to the lender to the extent that payment to the lender pursuant to the loan guarantee was less than the money due and payable to the lender under the family farm security loan. Additional proceeds, if any, shall be paid into the general fund."

Page 10, delete section 15

Renumber the sections in order

Amend the title as follows:

Page 1, lines 7 and 8, delete "updating references in the shade tree control law;"

Page 1, lines 9 and 10, delete "18.023, Subdivision 3a;"

Page 1, line 11, delete "and 2" and insert ", 2 and 4"

Page 1, line 13, delete "275.50, Subdivision 6;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Nelson, K., from the Committee on Energy to which was referred:

H. F. No. 473, A bill for an act relating to energy; establishing rates and conditions of service for cogenerators and small power producers; proposing new law coded in Minnesota Statutes, Chapter 216B.

Reported the same back with the following amendments:

Page 1, line 10, delete "*The purpose of this*"



Page 1, delete lines 11 to 15

Page 1, line 16, delete "*responsibilities under these provisions of federal law.*"

Page 2, line 11, after "*customer*" delete the comma

Page 2, delete line 12

Page 2, line 13, delete "*charges,*"

Page 2, line 15, after the period insert "*If the qualifying facility is interconnected with a non-generating utility which has a sole source contract with a municipal power agency or a generation and transmission utility, the non-generating utility may elect to treat its purchase of any net input under this subdivision as being made on behalf of its supplier and shall be reimbursed by its supplier for any additional costs incurred in making the purchase.*"

Page 2, after line 21 insert:

*"(b) The utility to which the qualifying facility is interconnected shall purchase all energy and capacity made available by the qualifying facility. The qualifying facility shall be paid the utility's full avoided capacity and energy costs as negotiated by the parties or set by the commission."*

Page 2, line 22, delete "*(b)*" and insert "*(c)*"

Page 2, line 22, delete "*If the utility to which the qualifying facility is*"

Page 2, delete line 23

Page 2, line 24, delete "*planned for the ensuing ten years,*"

Page 2, line 26, after "*agreements*" insert "*wherever practicable*"

Page 2, delete lines 32 and 33

Page 3, after line 3, insert:

*"Subd. 7. [REPORTS.] On January 1, 1988, the commission shall submit a report to the legislature. The report shall describe:*

*(a) The location, type and output of cogenerators and small power producers in the state;*

(b) *The impact of cogeneration and small power production on utility system costs and reliability; and*

(c) *The effectiveness of the provisions of this section and the commission's rules in encouraging cogeneration and small power production."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 575, A bill for an act relating to the city of New Ulm; authorizing issuance of a license for the sale of intoxicating liquor at Vogel arena.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 340.11, is amended by adding a subdivision to read:

*Subd. 11c. [SALE OF LIQUOR AT SPORTS OR CONVENTION FACILITIES.] The governing body of any statutory or home rule charter city may by ordinance authorize any holder of an on-sale intoxicating liquor license issued by the city to dispense intoxicating liquor at any convention, banquet, conference, meeting or social affair conducted on the premises of a sports or convention facility owned by the city or instrumentality thereof having independent policymaking and appropriating authority, and located within the city. The licensee must be engaged to dispense intoxicating liquor at such an event held by a person or organization permitted to use the premises, and may dispense intoxicating liquor only to persons attending the event. The licensee shall not dispense intoxicating liquor to any person attending or participating in any amateur athletic event held on the premises. The dispensing of intoxicating liquor shall be subject to all laws and ordinances governing the dispensing of intoxicating liquor as are not inconsistent herewith. All dispensing of intoxicating liquor shall be in accordance with terms and conditions prescribed by the city, and such terms and conditions may limit the dispensing of intoxicating liquor to designated areas of the facility. The city may fix and assess a fee to be paid to the city by an on-sale licensee for each occasion where the licensee is engaged to dispense intoxicating liquor. The authority granted by this subdivision shall not be construed as counting as an additional on-sale intoxicating liquor license for purposes of determining*

*the number of liquor licenses permitted to be issued under the provisions of section 340.11.*

Sec. 2. [PRIOR LAWS.]

*Nothing in this act shall be construed to affect the provisions of any act enacted prior to the effective date of this act authorizing any city to permit the dispensing of intoxicating liquor at any publicly owned sports or convention facility.*

Sec. 3. [EFFECTIVE DATE.]

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

Amend the title as follows :

Delete lines 2 to 6 and insert :

*"relating to intoxicating liquor; authorizing cities to permit on-sale of liquor at publicly owned sports or convention facilities by existing licensees; amending Minnesota Statutes 1980, Section 340.11, by adding a subdivision."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred :

H. F. No. 595, A bill for an act relating to the state building code, authorizing stricter fire prevention standards in certain municipalities; proposing new law coded in Minnesota Statutes, Chapter 16.

Reported the same back with the following amendments :

Delete everything after the enacting clause and insert :

"Section 1. [16.855] [STRICTER FIRE PREVENTION STANDARDS.]

*Whether or not it has adopted the state building code, a county, home rule charter or statutory city or town may adopt, by ordinance, the fire prevention standards of the code or stricter fire prevention standards than those contained in the code. The stricter fire prevention standards shall be limited to standards relating to fire detection, alerting and suppression devices."*

With the recommendation that when so amended the bill pass.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred:

H. F. No. 604, A bill for an act relating to elections; changing eligibility requirements and compensation for election judges; authorizing time off from work for election judges; amending Minnesota Statutes 1980, Sections 204A.18; and 204A.23.

Reported the same back with the following amendments:

Page 3, line 1, strike "in home rule"

Page 3, strike lines 2 to 5

Page 3, line 6, strike "town board." and insert: "*shall be set as follows: by the governing body in home rule charter and statutory cities, by the county board in unorganized territory, and by the town board in towns; provided that in all cases*"

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 131, 409, 473, 575, 595 and 604 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 30 and 209 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Kahn, Voss, Norton, Dean and Osthoff introduced:

H. F. No. 975, A bill for an act relating to data processing by certain public bodies; establishing the Minnesota state data processing board; prescribing its powers and duties; appropriating money; amending Minnesota Statutes 1980, Sections 10A.01, Subdivision 18; 16.90, Subdivision 4; 16.911, Subdivision 2; 16.94; 16.95; proposing new law coded as Minnesota Statutes, Chapter 16B; repealing Minnesota Statutes 1980, Sections 16.90, Subdivision 1; 16.91; and 16.955.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sarna; Kaley; Reding; Rodriguez, F., and Rice introduced:

H. F. No. 976, A bill for an act relating to retirement; Minneapolis teachers retirement fund association; authorizing the establishment of a lump sum post retirement adjustment program; authorizing service credit for parental leaves.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Nelson, K.; Staten; Clark, J.; Johnson, D., and Levi introduced:

H. F. No. 977, A bill for an act relating to crimes; providing for review of sentences imposed prior to adoption of sentencing guidelines; amending Minnesota Statutes 1980, Section 244.08, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 244.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Schreiber, Voss, Levi and Sieben, H., introduced:

H. F. No. 978, A bill for an act relating to local improvements; regulating the issuance of temporary improvement bonds; amending Minnesota Statutes 1980, Section 429.091, Subdivision 3, and by adding subdivisions.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Norton, Reif, Swanson, Kaley and Welch introduced:

H. F. No. 979, A bill for an act relating to health; encouraging philanthropic support of hospitals; providing that funds derived from specified types of gifts or grants shall not be deducted from the operating costs of a hospital; proposing new law coded in Minnesota Statutes, Chapter 144.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Harens introduced:

H. F. No. 980, A bill for an act relating to congressional districts; apportioning congressional districts; amending Minnesota Statutes 1980, Sections 2.741; 2.751; 2.761; 2.771; 2.781; 2.791; 2.801; and 2.811.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Simoneau and Clark, J., introduced:

H. F. No. 981, A bill for an act relating to workers' compensation; defining home care attendants for handicapped persons who are paid by the state as state employees for workers' compensation purposes; amending Minnesota Statutes 1980, Section 176.011, Subdivision 9.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Hanson, McCarron, Swanson, Knickerbocker and Peterson, B., introduced:

H. F. No. 982, A bill for an act relating to financial institutions; authorizing additional detached facilities; increasing the distance between facilities in certain municipalities; amending Minnesota Statutes 1980, Section 47.52.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Hanson, Kahn, Osthoff and Voss introduced:

H. F. No. 983, A bill for an act relating to cable communications; requiring that franchised cable communications systems bury all line underground; proposing new law coded in Minnesota Statutes, Chapter 238.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Brandl; Clark, J.; Clawson; Sviggum and Kaley introduced:

H. F. No. 984, A bill for an act relating to marriage dissolution; providing for a child support enforcement service charge to obligors; amending Minnesota Statutes 1980, Section 518.551.

The bill was read for the first time and referred to the Committee on Judiciary.

Dahlvang, Sarna, Friedrich, Schreiber and Osthoff introduced:

H. F. No. 985, A bill for an act relating to liquor; registration of labels; amending Minnesota Statutes 1980, Section 340.621.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Brinkman, Ewald, Metzen and Valan introduced:

H. F. No. 986, A bill for an act relating to financial institutions; savings associations; increasing the loan term of direct reduction loans; providing for the organization, operation, conversion, merger, reorganization, consolidation, and dissolution of mutual and capital stock associations; authorizing the establishment of savings and loan holding companies; granting the commissioner certain supervisory powers; providing certain examination and reporting requirements; authorizing the issuance and sale of capital certificates; authorizing the payment of dividends on capital stock; authorizing the issuance of certain accounts to married persons or minors as sole owners thereof; allowing certain foreign associations to do business in the state; prescribing duties; providing examinations and supervision; defining terms; prescribing penalties; amending Minnesota Statutes 1980, Sections 51A.02, Subdivisions 2 and 4, and by adding subdivisions; 51A.03; 51A.04; 51A.07; 51A.08; 51A.09; 51A.10; 51A.11; 51A.12; 51A.13; 51A.15, Subdivision 7; 51A.19, Subdivision 1, and by adding subdivisions; 51A.20; 51A.21, Subdivision 5, and by adding subdivisions; 51A.22; 51A.43; 51A.44; 51A.45; 51A.50; 51A.52; 51A.53; proposing new law coded in Minnesota Statutes, Chapter 51A; repealing Minnesota Statutes 1980, Sections 51A.06; and 51A.49.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Otis introduced:

H. F. No. 987, A bill for an act relating to taxation; changing the property tax targeting; repealing the maximum amount of credit; amending Minnesota Statutes 1980, Section 290A.04, Subdivision 2c.

The bill was read for the first time and referred to the Committee on Taxes.

Rose introduced:

H. F. No. 988, A bill for an act relating to taxation; motor vehicle excise; extending the exemption of transfers by gift to additional persons; amending Minnesota Statutes 1980, Section 297B.01, Subdivisions 7 and 8.

The bill was read for the first time and referred to the Committee on Taxes.

Swanson; Nelsen, B.; Erickson; Sieben, M., and McEachern introduced:

H. F. No. 989, A bill for an act relating to education; replacing the post-secondary vocational capital expenditure aid with equipment aid and repair and betterment aid; amending Minnesota Statutes 1980, Sections 124.11, Subdivisions 2b and 2c; 124.561; 124.5621, Subdivisions 2 and 6; 124.5622; 124.5623; 124.5624; proposing new law coded in Minnesota Statutes, Chapter 124.

The bill was read for the first time and referred to the Committee on Education.

Laidig; McDonald; Aasness; Anderson, B., and Sherwood introduced:

H. F. No. 990, A resolution memorializing the President and Congress to adopt legislation requiring a health hazard notice be required on all bottles of alcoholic beverage.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Wenzel introduced:

H. F. No. 991, A bill for an act relating to unemployment compensation; changing the time period for an appeal from a decision of the commissioner; amending Minnesota Statutes 1980, Section 268.10, Subdivision 8.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Haukoos, Reding and Nysether introduced:

H. F. No. 992, A bill for an act relating to peace officers; prescribing colors for uniforms; amending Minnesota Statutes 1980, Section 626.88.

The bill was read for the first time and referred to the Committee on Criminal Justice.



Dempsey, Ellingson and Peterson, B., introduced :

H. F. No. 993, A bill for an act relating to courts; providing that district judges shall elect a chief judge and that county or county municipal judges shall elect a chief judge; amending Minnesota Statutes 1980, Section 484.69, Subdivision 3, and by adding a subdivision; repealing Minnesota Statutes 1980, Section 484.69, Subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Hanson introduced :

H. F. No. 994, A bill for an act relating to taxation; extending the special levy for shade tree disease control by two years; amending Minnesota Statutes 1980, Section 275.50, Subdivision 6.

The bill was read for the first time and referred to the Committee on Taxes.

Reding introduced :

H. F. No. 995, A bill for an act relating to motor vehicles; providing for the registration and taxation of certain trailers and wagons used for hauling agricultural products and commodities; amending Minnesota Statutes 1980, Section 168.012, Subdivision 2.

The bill was read for the first time and referred to the Committee on Transportation.

Reding, Sarna, Kaley and Rodriguez, F., introduced :

H. F. No. 996, A bill for an act relating to retirement; making various administrative changes in the teachers retirement law; authorizing a medical advisor; payment of shortages in member deductions; amending Minnesota Statutes 1980, Sections 354.091; 354.092; 354.44, Subdivisions 4 and 8; 354.48, Subdivisions 2, 4, and by adding a subdivision; 354.51, Subdivision 5; 354.52, Subdivision 4; and 354.62, Subdivisions 4 and 5.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Shea; Anderson, B.; Sherman; Gustafson and Friedrich introduced:

H. F. No. 997, A bill for an act relating to drivers licenses; providing for the filing of photographic negatives; restricting the use of the negatives; amending Minnesota Statutes 1980, Section 171.07, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Elioff, Begich, Minne and Battaglia introduced:

H. F. No. 998, A bill for an act relating to the city of Buhl; survivor benefits payable by the police relief association.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Peterson, D.; McCarron; Hanson; Rose and Osthoff introduced:

H. F. No. 999, A bill for an act relating to housing; establishing a veterans housing assistance program in the department of veterans affairs; abolishing the veterans housing assistance program of the housing finance agency; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 196; repealing Minnesota Statutes 1980, Section 462A.05, Subdivision 19.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Battaglia, Elioff, Munger, Murphy and Anderson, I., introduced:

H. F. No. 1000, A bill for an act relating to local government; providing for the valuation and assessment for property taxes of certain unique mining property.

The bill was read for the first time and referred to the Committee on Taxes.

Valento, Begich, Luknic, Blatz and Johnson, C., introduced:

H. F. No. 1001, A bill for an act relating to taxation; income; excluding from gross income the first \$500 of income paid for voluntary firefighter services; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20.

The bill was read for the first time and referred to the Committee on Taxes.

Skoglund; Anderson, I.; Jacobs; Vanasek and Welch introduced:

H. F. No. 1002, A bill for an act relating to taxation; increasing the amount of market value on homestead property taxed at lower rates; increasing the maximum homestead credit from \$650 to \$700; amending Minnesota Statutes 1980, Section 273.13, Subdivision 7.

The bill was read for the first time and referred to the Committee on Taxes.

Johnson, D., and Kvam introduced:

H. F. No. 1003, A bill for an act relating to transportation; providing for continued Amtrak service between Minneapolis-St. Paul to Fargo on the Empire Builder; appropriating money.

The bill was read for the first time and referred to the Committee on Appropriations.

Clawson, Searles and Novak introduced:

H. F. No. 1004, A bill for an act relating to taxation; providing for expiration of tax expenditure devices; establishing procedures for analysis and review of tax expenditure devices prior to enactment or extension; proposing new law coded as Minnesota Statutes, Chapter 290B.

The bill was read for the first time and referred to the Committee on Taxes.

Peterson, D.; Olsen; Kostohryz; Schreiber and Samuelson introduced:

H. F. No. 1005, A bill for an act relating to the housing finance agency; authorizing temporary rulemaking to define certain terms; providing for a revolving account; permitting certain loans; appropriating money; amending Minnesota Statutes 1980, Sections 462A.03, Subdivision 10; 462A.04, Subdivision 8; 462A.05, Subdivision 17, and by adding subdivisions; 462A.20, Subdivision 3; 462A.21, Subdivision 8, and by adding a subdivision; and 462A.22, Subdivision 9; repealing Minnesota Statutes 1980, Section 462A.21, Subdivision 11.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Carlson, D., introduced:

H. F. No. 1006, A bill for an act relating to energy; designation of sites for large electric power generating plants; amending Minnesota Statutes 1980, Section 116C.57, Subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Swanson, Greenfield, Kaley, Hokr and Wynia introduced:

H. F. No. 1007, A bill for an act relating to insurance; establishing standards applicable to accident or health insurance policies which purport to supplement medicare benefits; prescribing minimum levels of coverage; providing for certain disclosures; and prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 62A.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Rodriguez, C., and Vellenga introduced:

H. F. No. 1008, A bill for an act relating to public utilities; prohibiting unsolicited business or charitable subscription calls to designated telephone subscribers; providing a penalty; proposing new law coded in Minnesota Statutes, Chapter 237.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Ainley; Anderson, I.; Lemen; Dempsey and Sherwood introduced:

H. F. No. 1009, A bill for an act relating to courts; prescribing salaries for judges not learned in the law; amending Minnesota Statutes 1980, Section 15A.083, Subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Dempsey; Peterson, B., and Ellingson introduced:

H. F. No. 1010, A bill for an act relating to courts; requiring consent of the affected judge before assignment to a court other than the one the judge serves; amending Minnesota Statutes 1980, Section 484.69, Subdivision 3.

The bill was read for the first time and referred to the Committee on Judiciary.

Stumpf, Schoenfeld, Welch, Redalen and Carlson, D., introduced:

H. F. No. 1011, A bill for an act relating to agriculture; regulating corporate use of agricultural lands; providing a penalty; amending Minnesota Statutes 1980, Section 500.24.

The bill was read for the first time and referred to the Committee on Agriculture.

Brandl, Long, Pogemiller and Peterson, D., introduced:

H. F. No. 1012, A bill for an act relating to municipal development; providing limitations on, and requiring public purpose findings for, commercial revenue bonds; redefining redevelopment district for purposes of tax increment law; amending Minnesota Statutes 1980, Sections 474.01, Subdivision 7b; and 273.73, Subdivision 10; proposing new law coded in Minnesota Statutes, Chapter 474.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Reding, Simoneau, Heinitz and Lehto introduced:

H. F. No. 1013, A bill for an act relating to the operation of state government; authorizing the state board of investment to employ investment management firms to invest certain funds on its behalf; appropriating money; amending Minnesota Statutes 1980, Section 11A.04.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Zubay, Kaley, Hokanson, Vanasek and Levi introduced:

H. F. No. 1014, A bill for an act relating to crimes; defining the term "collateral source" for purposes of the crime reparations act; requiring inclusion of victim comment on presentence investigation reports; providing that restitution shall be the preferred sanction for persons convicted of crimes who are placed on probation; amending Minnesota Statutes 1980, Sections 299B.02; 609.115, Subdivision 1; and 609.135, Subdivision 1.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Vellenga, Tomlinson, Otis, Levi and O'Connor introduced:

H. F. No. 1015, A bill for an act relating to education; modifying the provisions governing teachers placed on unrequested leave of absence in experimental paired districts; providing for the combination of teachers into one unit in cooperating and paired districts; amending Minnesota Statutes 1980, Sections 122.85, Subdivision 4; and 179.63, Subdivision 17.

The bill was read for the first time and referred to the Committee on Education.

Sherwood, Otis, Esau, Den Ouden and Kalis introduced:

H. F. No. 1016, A bill for an act relating to education; permitting districts to purchase insurance coverage for the operation of leased buses in certain circumstances; amending Minnesota Statutes 1980, Section 123.39, Subdivisions 8 and 9 and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Kalis, Mann, Hauge, Lehto and Haukoos introduced:

H. F. No. 1017, A bill for an act proposing an amendment to the Minnesota Constitution, Article XI, Section 5; providing for the improvement and rehabilitation of certain railroad facilities.

The bill was read for the first time and referred to the Committee on Transportation.

Eken; Anderson, G.; Nelsen, B., and Welch introduced:

H. F. No. 1018, A bill for an act relating to agriculture; consolidating existing laws; providing for agricultural commodity research and promotion councils; establishing procedures; providing penalties; amending Minnesota Statutes 1980, Sections 17.53; 17.54; 17.56; 17.57; 17.58; 17.59; 17.60; 17.62; 17.63; 17.64; and 17.67; repealing Minnesota Statutes 1980, Sections 17.55; 17.601; 17.65; 17.68; 21A.01 to 21A.19; 29.14 to 29.19; 30.461 to 30.479; and 32B.01 to 32B.13.

The bill was read for the first time and referred to the Committee on Agriculture.

Greenfield, Byrne, Kvam, Valan and Voss introduced:

H. F. No. 1019, A bill for an act relating to health; requiring the commissioner of health to adopt rules; establishing an air quality standard within residential units; prohibiting the sale of residential units which contain unsafe levels of formaldehyde; requiring a warning on building materials that emit formaldehyde; providing penalties and remedies; appropriating money; amending Minnesota Statutes 1980, Section 8.31, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 325F; repealing Minnesota Statutes 1980, Sections 144.495; and 325F.18.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Welch, Heap, Zubay, Eken and Anderson, I., introduced:

H. F. No. 1020, A bill for an act relating to education; establishing a state board for technical institutes and community colleges; requesting the release of the technical colleges from the University of Minnesota; transferring powers, duties and functions from school districts, school boards, the state board for vocational education, and the state board for community colleges to the state board for technical institutes and community colleges; appropriating money; proposing new law coded as Minnesota Statutes, Chapter 135A.

The bill was read for the first time and referred to the Committee on Education.

Carlson, L.; Peterson, D.; Minne; Heap and Osthoff introduced:

H. F. No. 1021, A bill for an act relating to elections; changing certain requirements for voting by absent and disabled voters; amending Minnesota Statutes 1980, Sections 207.02; and 207.03, Subdivision 1.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Metzen, Berkelman, Valan, Den Ouden and Osthoff introduced:

H. F. No. 1022, A bill for an act relating to claims against the state; appropriating money for the payment thereof.

The bill was read for the first time and referred to the Committee on Appropriations.

O'Connor, Lehto, Dean, Kelly and Gustafson introduced:

H. F. No. 1023, A bill for an act relating to motor vehicles; limiting the issuance of vehicle registration plates or tabs under certain circumstances; prohibiting the issuance of arrest warrants for violations of parking laws by certain courts; defining parking violations and participating jurisdictions; requiring notice to violators; appropriating money; amending Minnesota Statutes 1980, Sections 169.99, Subdivision 1, and by adding a subdivision; and 171.16, Subdivision 3, and by adding subdivisions.

The bill was read for the first time and referred to the Committee on Transportation.

McEachern; Ainley; Johnson, C., and Levi introduced:

H. F. No. 1024, A bill for an act relating to education; adding a representative from the Minnesota association of private post-secondary schools to the higher education advisory council; amending Minnesota Statutes 1980, Section 136A.02, Subdivision 6.

The bill was read for the first time and referred to the Committee on Education.

Marsh, by request, introduced:

H. F. No. 1025, A bill for an act relating to safety; imposing an additional registration tax on motorcycles for motorcycle safety education programs; providing for the disposition of the proceeds of the additional tax; prescribing duties of commissioner of education; appropriating money; amending Minnesota Statutes 1980, Section 168.013, Subdivisions 1b and 8; proposing new law coded in Minnesota Statutes, Chapter 126.

The bill was read for the first time and referred to the Committee on Transportation.

Lemen, Begich, Weaver and Sherwood introduced:

H. F. No. 1026, A bill for an act relating to natural resources; procedure on land acquisitions; amending Minnesota Statutes 1980, Section 84.0272.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.



Anderson, B., introduced:

H. F. No. 1027, A bill for an act relating to regional railroad authorities; providing that cities of the first class may join in the organization of a regional railroad authority in conjunction with one or more counties; amending Minnesota Statutes 1980, Sections 398A.02; 398A.03; 398A.04, Subdivisions 8 and 9; and 398A.06, Subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation.

Clawson, Voss, Byrne, Haukoos and McDonald introduced:

H. F. No. 1028, A bill for an act relating to the legislature; creating a legislative fiscal office; requiring fiscal notes to accompany certain bills and administrative rules; appropriating money; amending Minnesota Statutes 1980, Sections 3.98, Subdivision 1; 15.0412, Subdivision 7; proposing new law coded in Minnesota Statutes, Chapter 3; repealing Minnesota Statutes 1980, Section 3.98.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

O'Connor, Jude, Vellenga, Pogemiller and Dempsey introduced:

H. F. No. 1029, A bill for an act relating to crimes; conforming the definition of trade secret in the law proscribing theft to the definition of trade secret in the uniform trade secrets act; amending Minnesota Statutes 1980, Section 609.52, Subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Mehrkens, Brandl, Pogemiller, Friedrich and Novak introduced:

H. F. No. 1030, A bill for an act relating to motor vehicles; defining motorized bicycles; regulating the operation thereof; providing for the licensure of operators; amending Minnesota Statutes 1980, Sections 168.011, Subdivision 27; 169.01, Subdivision 4a; 169.223; 171.01, Subdivision 20; and 171.02, Subdivision 3.

The bill was read for the first time and referred to the Committee on Transportation.

Reding, Norton, Sviggum, Lemen and Clawson introduced:

H. F. No. 1031, A bill for an act relating to financial institutions; providing for reasonable time to respond to requests for documents and reasonable compensation for costs of document production; proposing new law coded in Minnesota Statutes, Chapter 47.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Blatz; Tomlinson; Schreiber; Peterson, B., and Brandl introduced:

H. F. No. 1032, A bill for an act relating to taxation; providing that the rate of interest on delinquent taxes other than property taxes shall be adjusted according to the prime rate charged by banks; providing that the rate of interest on refunds on overpayments of taxes other than property taxes shall be adjusted according to the prime rate charged by banks; amending Minnesota Statutes 1980, Sections 270.75, by adding a subdivision; 290.50, Subdivision 1; 290.92, Subdivisions 11 and 13; 290.93, Subdivision 9; 290.936; 290A.07, Subdivision 4; 291.18; 293.09; 293.11; 294.09, Subdivision 1; 297A.35, Subdivision 1; 299.08; 299.10; and 340.492; proposing new law coded in Minnesota Statutes, Chapter 270.

The bill was read for the first time and referred to the Committee on Taxes.

Clawson, Welch, McCarron, Blatz and McDonald introduced:

H. F. No. 1033, A bill for an act relating to public welfare; modifying the liability of counties for reimbursement to the state of the costs of certain state hospital patients; authorizing the commissioner to allow state hospitals to retain charges collected for certain services; amending Minnesota Statutes 1980, Sections 246.54; and 246.57.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Voss introduced:

H. F. No. 1034, A bill for an act relating to employment; prohibiting certain cities from establishing residency requirements as a condition of employment; proposing new law coded in Minnesota Statutes, Chapter 415.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Clark, J.; Onnen; Greenfield; Clawson and Swanson introduced:

H. F. No. 1035, A bill for an act relating to health; requiring the registration of nursing pools; imposing requirements for registration; requiring the promulgation of rules; providing penalties; requiring the establishment of maximum reimbursement rates for nursing pools; amending Minnesota Statutes 1980, Section 256B.04, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 144.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Ogren introduced:

H. F. No. 1036, A bill for an act relating to the housing finance agency; altering the formula for distribution of funds through a housing program offering assistance to Indians; amending Minnesota Statutes 1980, Section 462A.21, Subdivision 10.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Harens, Valento, Halberg and McCarron introduced:

H. F. No. 1037, A bill for an act relating to local government; removing a prohibition on public office holding for sheriffs and deputy sheriffs; providing that deputies may not be removed at the pleasure of the sheriff; amending Minnesota Statutes 1980, Sections 387.13; and 387.14.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Minne introduced:

H. F. No. 1038, A bill for an act relating to retirement; city of Chisholm police and firefighters' relief associations; increasing service pensions and survivors' benefits; amending Laws 1945, Chapter 74, Sections 2, as amended, 3, and 4, as amended; and Laws 1961, Chapter 631, Section 1, as amended.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Otis, Staten, Friedrich, Jude and Sherwood introduced:

H. F. No. 1039, A bill for an act relating to intoxicating liquor; requiring proof of financial responsibility; amending Minnesota Statutes 1980, Sections 340.11, by adding a subdivision; 340.12; and 340.353, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Dahlvang; Metzen; Peterson, D., and Dempsey introduced:

H. F. No. 1040, A bill for an act relating to intoxicating liquor; hours for Sunday sale; amending Minnesota Statutes 1980, Section 340.14, Subdivision 5.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Dahlvang, Metzen, Osthoff and Peterson, D., introduced:

H. F. No. 1041, A bill for an act relating to alcoholic beverages; removing the prohibition against sale on election days; amending Minnesota Statutes 1980, Sections 340.034, Subdivision 1; and 340.14, Subdivision 1.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Valento, Metzen and Anderson, G., introduced:

H. F. No. 1042, A bill for an act relating to sheriff fees; prescribing fees to be charged by the sheriff; amending Minnesota Statutes 1980, Section 357.09, Subdivisions 1 and 2, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Jude, Ellingson and Dempsey introduced:

H. F. No. 1043, A bill for an act relating to evidence; limiting the legislative history admissible to determine legislative intent; declaring testimony of certain individuals and certain kinds of records of legislative proceedings to be not relevant evidence of legislative intent; amending Minnesota Statutes 1980, Section 645.16; proposing new law coded in Minnesota Statutes, Chapter 599.

The bill was read for the first time and referred to the Committee on Judiciary.

Jude, Ellingson and Dempsey introduced :

H. F. No. 1044, A bill for an act relating to attachment; prescribing the grounds when a writ of attachment may be issued for purposes of securing property or acquiring quasi in rem jurisdiction over defendants; amending Minnesota Statutes 1980, Section 570.02.

The bill was read for the first time and referred to the Committee on Judiciary.

Schoenfeld and Ogren introduced :

H. F. No. 1045, A bill for an act relating to sheriffs; repealing the law prohibiting persons elected to the office of sheriff from holding public office; amending Minnesota Statutes 1980, Section 387.13.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Pogemiller introduced :

H. F. No. 1046, A bill for an act relating to corrections; providing for sheriffs expenses incurred in conveying convicts to correctional facilities; amending Minnesota Statutes 1980, Section 243.17, Subdivision 1.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Rodriguez, C.; Sieben, H., and Kahn introduced :

H. F. No. 1047, A bill for an act relating to the Minnesota zoological garden; regulating motor vehicle access to the garden.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Rees, Brinkman, Ewald, Wynia and McDonald introduced :

H. F. No. 1048, A bill for an act relating to insurance; removing insurance solicitors from insurance licensing provisions; prescribing certain fees; providing for licensing of certain legal entities as agents; providing for the licensing of other insurance agents; providing for examinations; providing exceptions to the licensing requirements; authorizing temporary licenses; providing for appointment of agents by insurers; prohibiting certain persons from obtaining an agent's license; providing for the revocation or suspension of licenses upon specified condi-

tions; providing for the surrender, loss, or destruction of licenses; prescribing certain powers of the commissioner; authorizing the sale of contracts on a variable basis without licensure in certain circumstances; authorizing the commissioner to promulgate rules; prescribing penalties; amending Minnesota Statutes 1980, Sections 60A.02, Subdivision 7; 60A.14, Subdivision 1; 60A.17, Subdivisions 1, 3, 5, 6, 10, 12, and 13, and by adding subdivisions; repealing Minnesota Statutes 1980, Sections 60A.02, Subdivision 8; and 60A.17, Subdivisions 2, 2a, 2b, 4, 5a, 6a, 7, and 9.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Ainley introduced:

H. F. No. 1049, A bill for an act relating to energy; providing loans to communities for district heating systems; clarifying authority for municipalities to own and operate district heating systems; providing authority for city governments to authorize district heating improvements; expanding the definition of district heating systems to include cogeneration facilities; appropriating money; authorizing sale of bonds; amending Minnesota Statutes 1980, Sections 412.351; 412.361, Subdivision 3; and 429.021, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapters 116H and 465.

The bill was read for the first time and referred to the Committee on Energy.

Weaver, Brinkman, Heinitz, Swanson and Osthoff introduced:

H. F. No. 1050, A bill for an act relating to insurance; requiring proof of motor vehicle or motorcycle insurance prior to the issuance of a parking permit by a governmental unit; proposing new law coded in Minnesota Statutes, Chapter 65B.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 366, A bill for an act relating to taxation; providing a new schedule for payment of income taxes withheld from

wages; giving temporary rulemaking authority; appropriating money; amending Minnesota Statutes 1980, Section 290.92, Subdivision 6.

And the Senate respectfully requests that a Conference Committee be appointed thereon. Messrs. Moe, R. D.; Frederick; Johnson; Hanson and Sieloff have been appointed as such committee on the part of the Senate.

Senate File No. 366 is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Jacobs moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 366. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 42, 99, 225 and 338.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 345 and 620.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 42, A bill for an act relating to elections; permitting certain challenges to voters; providing procedures for election contests; amending Minnesota Statutes 1980, Sections 204A.32, Subdivision 4; 209.02, Subdivisions 3, 4, and 4a; 209.06, Subdivision 2; 209.09; and 209.10, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 209.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

S. F. No. 99, A bill for an act relating to elections; changing certain procedures and requirements relating to elections; amending Minnesota Statutes 1980, Sections 201.061, Subdivisions 1 and 3; 203A.13; 203A.31, Subdivision 3; 203A.32, Subdivision 3; 203A.33, Subdivision 4; 204A.14; 204A.29; 204A.34, Subdivision 2; 204A.44, Subdivision 1; 204A.45, Subdivision 1; 204A.47, Subdivision 1; 204A.49, Subdivision 1; 206.03; 206.20, Subdivision 2; 207.08, Subdivision 2; 208.03; and 208.05; repealing Minnesota Statutes 1980, Section 201.18.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

S. F. No. 225, A bill for an act relating to labor; regulating certain charges to persons earning the minimum wage; amending Minnesota Statutes 1980, Section 177.24, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

S. F. No. 338, A bill for an act relating to public employment; eliminating certain part time adult vocational education instructors from the definition of public employee; amending Minnesota Statutes 1980, Section 179.63, Subdivision 7.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

S. F. No. 345, A bill for an act relating to crimes; increasing the penalty for certain forms of cruelty to animals; amending Minnesota Statutes 1980, Section 346.29.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 620, A bill for an act relating to economic development; extending the date on which the report of the conference on small business is due; extending the life of certain appropriations; amending Laws 1980, Chapter 613, Sections 4 and 5.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

#### CONSENT CALENDAR

H. F. No. 269, A bill for an act relating to elections; allowing a candidate to transport parents of the candidate or the candidate's spouse to or from the polls; amending Minnesota Statutes 1980, Section 210A.13, Subdivision 3.



The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	O'Connor	Sieben, M.
Ainley	Evans	Kelly	Ogren	Simoneau
Anderson, B.	Ewald	Knickerbocker	Olsen	Skoglund
Anderson, G.	Fjoslien	Kostohryz	Onnen	Stadum
Anderson, I.	Forsythe	Kvam	Osthoff	Staten
Anderson, R.	Friedrich	Laidig	Otis	Stowell
Battaglia	Greenfield	Lehto	Peterson, B.	Stumpf
Begich	Gruenes	Lemen	Peterson, D.	Sviggum
Berkelman	Gustafson	Levi	Piepho	Tomlinson
Blatz	Halberg	Ludeman	Pogemiller	Valan
Brandl	Hanson	Luknic	Redalen	Valento
Brinkman	Harens	Mann	Reding	Vanasek
Byrne	Hauge	Marsh	Rees	Vellenga
Carlson, D.	Haukoos	McCarron	Reif	Voss
Carlson, L.	Heap	McDonald	Rice	Weaver
Clark, J.	Heinitz	McEachern	Rodriguez, C.	Welch
Clark, K.	Himle	Mehrkens	Rodriguez, F.	Welker
Clawson	Hoberg	Metzen	Rose	Wenzel
Dahlvang	Hokanson	Minne	Rothenberg	Wieser
Dean	Hokr	Munger	Samuelson	Wigley
Dempsey	Jacobs	Murphy	Sarna	Wynia
Den Ouden	Jennings	Nelsen, B.	Schafer	Zubay
Drew	Johnson, C.	Nelson, K.	Schoenfeld	Spkr. Sieben, H.
Eken	Johnson, D.	Niehaus	Schreiber	
Elioff	Jude	Norton	Shea	
Ellingson	Kahn	Novak	Sherman	
Erickson	Kaley	Nysether	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 330, A bill for an act relating to Independent School District No. 625; providing for times of election and terms of office; amending Laws 1965, Chapter 705, Section 1, Subdivision 2, as amended.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Aasness	Blatz	Clawson	Ellingson	Greenfield
Ainley	Brandl	Dahlvang	Erickson	Gruenes
Anderson, B.	Brinkman	Dean	Esau	Gustafson
Anderson, G.	Byrne	Dempsey	Evans	Halberg
Anderson, I.	Carlson, D.	Den Ouden	Ewald	Hanson
Anderson, R.	Carlson, L.	Drew	Fjoslien	Harens
Battaglia	Clark, J.	Eken	Forsythe	Hauge
Begich	Clark, K.	Elioff	Friedrich	Haukoos

Heap	Lehto	Norton	Rose	Swanson
Heinitz	Lemen	Novak	Rothenberg	Tomlinson
Himle	Levi	Nysether	Samuelson	Valan
Hoberg	Ludeman	O'Connor	Sarna	Vanasek
Hokanson	Luknic	Ogren	Schafer	Vellenga
Hokr	Mann	Olsen	Schoenfeld	Voss
Jacobs	Marsh	Osthoff	Schreiber	Weaver
Jennings	McCarron	Otis	Shea	Welch
Johnson, C.	McDonald	Peterson, B.	Sherman	Welker
Johnson, D.	McEachern	Peterson, D.	Sherwood	Wenzel
Jude	Mehrkens	Piepho	Sieben, M.	Wieser
Kahn	Metzen	Pogemiller	Simoneau	Wigley
Kaley	Minne	Redalen	Skoglund	Wynia
Kalis	Munger	Reding	Stadum	Zubay
Kelly	Murphy	Rees	Staten	Spkr. Sieben, H.
Kostohryz	Nelsen, B.	Rice	Stowell	
Kvam	Nelson, K.	Rodriguez, C.	Stumpf	
Laidig	Niehaus	Rodriguez, F.	Sviggum	

Those who voted in the negative were:

Knickerbocker Reif                      Valento

The bill was passed and its title agreed to.

H. F. No. 410, A bill for an act relating to public welfare; authorizing the commissioner of public welfare to designate the county of financial responsibility for patients transferred under the Interstate Compact on Mental Health who are not residents of Minnesota; amending Minnesota Statutes 1980, Section 245.52.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Heinitz	Ludeman	Onnen
Ainley	Drew	Himle	Luknic	Osthoff
Anderson, B.	Eken	Hoberg	Mann	Otis
Anderson, G.	Elioff	Hokanson	Marsh	Peterson, B.
Anderson, I.	Ellingson	Hokr	McCarron	Peterson, D.
Anderson, R.	Erickson	Jacobs	McDonald	Piepho
Battaglia	Esau	Jennings	McEachern	Pogemiller
Begich	Evans	Johnson, C.	Mehrkens	Redalen
Berkelman	Ewald	Johnson, D.	Metzen	Reding
Blatz	Fjoslien	Jude	Minne	Rees
Brandl	Forsythe	Kahn	Munger	Reif
Brinkman	Friedrich	Kaley	Murphy	Rice
Byrne	Greenfield	Kalis	Nelsen, B.	Rodriguez, C.
Carlson, D.	Gruenes	Kelly	Nelson, K.	Rodriguez, F.
Carlson, L.	Gustafson	Knickerbocker	Niehaus	Rose
Clark, J.	Halberg	Kostohryz	Norton	Rothenberg
Clark, K.	Hanson	Kvam	Novak	Samuelson
Clawson	Harens	Laidig	Nysether	Sarna
Dahlvang	Hauge	Lehto	O'Connor	Schafer
Dean	Haukoos	Lemen	Ogren	Schoenfeld
Dempsey	Heap	Levi	Olsen	Schreiber

Shea	Stadum	Tomlinson	Weaver	Wynia
Sherman	Staten	Valan	Welch	Zubay
Sherwood	Stowell	Valento	Welker	Spkr. Sieben, H.
Sieben, M.	Stumpf	Vanasek	Wenzel	
Simoneau	Sviggum	Vellenga	Wieser	
Skoglund	Swanson	Voss	Wigley	

The bill was passed and its title agreed to.

H. F. No. 432, A bill for an act relating to elections; eliminating the party primary ten percent requirement; amending Minnesota Statutes 1980, Sections 202A.23, Subdivision 2; and 202A.41, Subdivision 2; repealing Minnesota Statutes 1980, Section 202A.41, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kelly	Ogren	Simoneau
Ainley	Ewald	Knickerbocker	Olsen	Skoglund
Anderson, B.	Fjoslien	Kostohryz	Onnen	Stadum
Anderson, G.	Forsythe	Kvam	Osthoff	Staten
Anderson, I.	Friedrich	Laidig	Otis	Stowell
Anderson, R.	Greenfield	Lehto	Peterson, B.	Stumpf
Battaglia	Gruenes	Lemen	Peterson, D.	Sviggum
Begich	Gustafson	Levi	Piepho	Swanson
Berkelman	Halberg	Ludeman	Pogemiller	Tomlinson
Blatz	Hanson	Luknic	Redalen	Valan
Brandl	Harens	Mann	Reding	Valento
Brinkman	Hauge	Marsh	Rees	Vanasek
Byrne	Haukoos	McCarron	Reif	Vellenga
Carlson, D.	Heap	McDonald	Rice	Voss
Carlson, L.	Heinitz	McEachern	Rodriguez, C.	Weaver
Clark, J.	Himle	Mehrkens	Rodriguez, F.	Welch
Clark, K.	Hoberg	Metzen	Rose	Welker
Dahlvang	Hokanson	Minne	Rothenberg	Wenzel
Dean	Hokr	Munger	Samuelson	Wieser
Dempsey	Jacobs	Murphy	Sarna	Wigley
Den Ouden	Jennings	Nelsen, B.	Schafer	Wynia
Drew	Johnson, C.	Nelson, K.	Schoenfeld	Zubay
Eken	Johnson, D.	Niehaus	Schreiber	Spkr. Sieben, H.
Elioff	Jude	Norton	Shea	
Ellingson	Kahn	Novak	Sherman	
Erickson	Kaley	Nysether	Sherwood	
Esau	Kalis	O'Connor	Sieben, M.	

The bill was passed and its title agreed to.

H. F. No. 502 was reported to the House.

O'Connor moved that H. F. No. 502 be continued on the Consent Calendar for one day. The motion prevailed.

H. F. No. 503 was reported to the House.

Harens moved that H. F. No. 503 be continued on the Consent Calendar for one day. The motion prevailed.

H. F. No. 525, A bill for an act relating to agriculture; limiting the applicability and changing the size of county extension committees; amending Minnesota Statutes 1980, Section 38.36.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kalis	O'Connor	Sieben, M.
Ainley	Esau	Kelly	Ogren	Simoneau
Anderson, B.	Evans	Knickerbocker	Olsen	Skoglund
Anderson, G.	Ewald	Kostohryz	Onnen	Stadum
Anderson, I.	Fjoslien	Kvam	Osthoff	Staten
Anderson, R.	Forsythe	Laidig	Otis	Stowell
Battaglia	Lehto	Peterson, B.	Piepho	Stumpf
Begich	Gruenes	Lemen	Pogemiller	Swanson
Berkelman	Gustafson	Levi	Redalen	Tomlinson
Blatz	Halberg	Ludeman	Reding	Valan
Brandl	Hanson	Luknic	Rees	Valento
Brinkman	Hauge	Mann	Reif	Vanasek
Byrne	Haukoos	Marsh	Rice	Vellenga
Carlson, D.	Heap	McDonald	Rodriguez, C.	Voss
Carlson, L.	Heinitz	McEachern	Rodriguez, F.	Weaver
Clark, J.	Himle	Mehrkens	Rose	Welch
Clark, K.	Hoberg	Metzen	Rothenberg	Welker
Clawson	Hokanson	Minne	Samuelson	Wenzel
Dahlvang	Hokr	Munger	Sarna	Wieser
Dean	Jacobs	Murphy	Schafer	Wigley
Dempsey	Jennings	Nelsen, B.	Schoenfeld	Wynia
Den Ouden	Johnson, C.	Nelson, K.	Schreiber	Zubay
Drew	Johnson, D.	Niehaus	Shea	Spkr. Sieben, H.
Eken	Jude	Norton	Sherman	
Elioff	Kahn	Novak	Sherwood	
Ellingson	Kaley	Nysether		

The bill was passed and its title agreed to.

S. F. No. 7, A bill for an act relating to Traverse County; permitting the issuance of bonds by the county to provide funds for the construction, alteration, repair, and improvement of necessary buildings for county fair purposes, and to aid county agricultural societies to defray related financial obligations; providing for payment of the obligations.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kalis	Nysether	Sherman
Ainley	Esau	Kelly	O'Connor	Sherwood
Anderson, B.	Evans	Knickerbocker	Ogren	Sieben, M.
Anderson, G.	Ewald	Kostohryz	Olsen	Simoneau
Anderson, I.	Fjoslien	Kvam	Onnen	Skoglund
Anderson, R.	Forsythe	Laidig	Osthoff	Stadum
Battaglia	Friedrich	Lehto	Otis	Staten
Begich	Greenfield	Lemen	Peterson, B.	Stowell
Berkelman	Gruenes	Levi	Peterson, D.	Stumpf
Blatz	Halberg	Ludeman	Piepho	Sviggum
Brandl	Hanson	Luknic	Pogemiller	Swanson
Brinkman	Harens	Mann	Redalen	Tomlinson
Byrne	Hauge	Marsh	Reding	Valan
Carlson, D.	Haukoos	McCarron	Rees	Valento
Carlson, L.	Heap	McDonald	Reif	Vanasek
Clark, J.	Heinitz	McEachern	Rice	Vellenga
Clark, K.	Himle	Mehrkens	Rodriguez, C.	Voss
Clawson	Hoberg	Metzen	Rodriguez, F.	Weaver
Dahlvang	Hokanson	Minne	Rose	Welch
Dean	Hokr	Munger	Rothenberg	Welker
Dempsey	Jacobs	Murphy	Samuelson	Wenzel
Den Ouden	Jennings	Nelsen, B.	Sarna	Wieser
Drew	Johnson, C.	Nelson, K.	Schafer	Wigley
Eken	Johnson, D.	Niehaus	Schoenfeld	Wynia
Elioff	Jude	Norton	Schreiber	Zubay
Ellingson	Kahn	Novak	Shea	Sprk. Sieben, H.

The bill was passed and its title agreed to.

S. F. No. 8, A bill for an act relating to the city of New London; authorizing the issuance of bonds for the acquisition and betterment of a city hall, community center, and municipal library.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 182 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Clawson	Gruenes	Jude	McDonald
Ainley	Dahlvang	Gustafson	Kahn	McEachern
Anderson, B.	Dean	Halberg	Kaley	Mehrkens
Anderson, G.	Dempsey	Hanson	Kalis	Metzen
Anderson, I.	Den Ouden	Harens	Kelly	Minne
Anderson, R.	Drew	Hauge	Knickerbocker	Munger
Battaglia	Eken	Haukoos	Kostohryz	Murphy
Begich	Elioff	Heap	Kvam	Nelsen, B.
Berkelman	Ellingson	Heinitz	Laidig	Nelson, K.
Blatz	Erickson	Himle	Lehto	Niehaus
Brandl	Esau	Hoberg	Lemen	Norton
Brinkman	Evans	Hokanson	Levi	Novak
Byrne	Ewald	Hokr	Ludeman	Nysether
Carlson, D.	Fjoslien	Jacobs	Luknic	O'Connor
Carlson, L.	Forsythe	Jennings	Mann	Ogren
Clark, J.	Friedrich	Johnson, C.	Marsh	Olsen
Clark, K.	Greenfield	Johnson, D.	McCarron	Onnen

Osthoff	Rice	Shea	Sviggum	Welker
Otis	Rodriguez, C.	Sherman	Swanson	Wenzel
Peterson, B.	Rodriguez, F.	Sherwood	Tomlinson	Wieser
Peterson, D.	Rose	Sieben, M.	Valan	Wigley
Piepho	Rothenberg	Simoneau	Valento	Wynia
Pogemiller	Samuelson	Skoglund	Vanasek	Zubay
Redalen	Sarna	Stadum	Vellenga	Spkr. Sieben, H.
Reding	Schafer	Staten	Voss	
Rees	Schoenfeld	Stowell	Weaver	
Reif	Schreiber	Stumpf	Welch	

The bill was passed and its title agreed to.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 366:

Jacobs; Anderson, I.; Tomlinson; Sieben, H., and Dempsey.

#### CALENDAR

H. F. No. 189, A bill for an act relating to governmental operations; prohibiting the use of state government vehicles for non-governmental functions; prohibiting compensation of employees for use of personal vehicles for nongovernmental purposes; amending Minnesota Statutes 1980, Section 16.753.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Elioff	Jennings	Munger	Rodriguez, F.
Ainley	Ellingson	Johnson, C.	Murphy	Rose
Anderson, B.	Erickson	Johnson, D.	Nelsen, B.	Rothenberg
Anderson, G.	Esau	Jude	Nelson, K.	Samuelson
Anderson, I.	Evans	Kaley	Niehaus	Sarna
Anderson, R.	Ewald	Kalis	Norton	Schafer
Battaglia	Fjoslien	Kelly	Novak	Schoenfeld
Begich	Forsythe	Knickerbocker	Nysether	Schreiber
Berkelman	Friedrich	Kostohryz	O'Connor	Shea
Blatz	Greenfield	Kvam	Ogren	Sherman
Brandl	Gruenes	Laidig	Olsen	Sherwood
Brinkman	Gustafson	Lehto	Onnen	Sieben, M.
Byrne	Halberg	Lemen	Osthoff	Simoneau
Carlson, D.	Hanson	Levi	Otis	Skoglund
Carlson, L.	Harens	Ludeman	Peterson, B.	Stadum
Clark, J.	Hauge	Luknic	Peterson, D.	Staten
Clark, K.	Haukoos	Mann	Piepho	Stumpf
Clawson	Heap	Marsh	Pogemiller	Sviggum
Dahlvang	Heinitz	McCarron	Redalen	Swanson
Dean	Himle	McDonald	Reding	Tomlinson
Dempsey	Hoberg	McEachern	Rees	Valan
Den Ouden	Hokanson	Mehrrens	Reif	Valento
Drew	Hokr	Metzen	Rice	Vanasek
Eken	Jacobs	Minne	Rodriguez, C.	Vellenga

Voss	Welch	Wenzel	Wigley	Zubay
Weaver	Welker	Wieser	Wynia	Spkr. Sieben, H.

The bill was passed and its title agreed to.

H. F. No. 434, A bill for an act relating to motor vehicles; increasing the period of time for which number plates may be issued for certain vehicles and adjusting the tax accordingly; providing for the issuance of single dealer plates; amending Minnesota Statutes 1980, Sections 168.013, Subdivisions 1c and 1e; 168.12, Subdivisions 1 and 2a; 168.27, Subdivisions 16 and 17; 169.79, and 297B.035, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	Nysether	Sherman
Ainley	Evans	Kelly	O'Connor	Sherwood
Anderson, B.	Ewald	Knickerbocker	Ogren	Sieben, M.
Anderson, I.	Fjorliien	Kostohryz	Olsen	Simoneau
Anderson, R.	Forsythe	Kvam	Onnen	Skoglund
Battaglia	Friedrich	Laidig	Osthoff	Stadum
Begich	Greenfield	Lehto	Otis	Staten
Berkelman	Gruenes	Lemen	Peterson, B.	Stowell
Blatz	Gustafson	Levi	Peterson, D.	Stumpf
Brandl	Halberg	Ludeman	Piepho	Sviggum
Brinkman	Hanson	Luknic	Pogemiller	Swanson
Byrne	Harens	Mann	Redalen	Tomlinson
Carlson, D.	Hauge	Marsh	Reding	Valan
Carlson, L.	Haukoos	McCarron	Rees	Valento
Clark, J.	Heap	McDonald	Reif	Vanasek
Clark, K.	Heinitz	McEachern	Rice	Vellenga
Clawson	Himle	Mehrkens	Rodriguez, C.	Voss
Dahlvang	Hoberg	Metzen	Rodriguez, F.	Weaver
Dean	Hokanson	Minne	Rose	Welch
Dempsey	Jacobs	Munger	Rothenberg	Welker
Den Ouden	Jennings	Murphy	Samuelson	Wenzel
Drew	Johnson, C.	Nelsen, B.	Sarna	Wieser
Eken	Johnson, D.	Nelson, K.	Schafer	Wigley
Eloff	Jude	Niehaus	Schoenfeld	Wynia
Ellingson	Kahn	Norton	Schreiber	Zubay
Erickson	Kaley	Novak	Shea	Spkr. Sieben, H.

The bill was passed and its title agreed to.

H. F. No. 521, A bill for an act relating to transportation; including motels within the specific information signing program; amending Minnesota Statutes 1980, Sections 160.292; 160.293, Subdivisions 1, 2 and 3; and 160.295, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kalis	O'Connor	Sherwood
Ainley	Esau	Kelly	Ogren	Sieben, M.
Anderson, B.	Evans	Knickerbocker	Olsen	Simoneau
Anderson, G.	Ewald	Kostohryz	Onnen	Skoglund
Anderson, I.	Fjoslien	Kvam	Osthoff	Stadum
Anderson, R.	Forsythe	Laidig	Otis	Staten
Battaglia	Friedrich	Lehto	Peterson, B.	Stowell
Begich	Greenfield	Lemen	Peterson, D.	Stumpf
Berkelman	Gruenes	Levi	Piepho	Sviggun
Blatz	Gustafson	Ludeman	Pogemiller	Swanson
Brandl	Halberg	Luknic	Redalen	Tomlinson
Brinkman	Harens	Mann	Reding	Valan
Byrne	Hauge	Marsh	Rees	Valento
Carlson, D.	Haukoos	McCarron	Reif	Vanasek
Carlson, L.	Heap	McDonald	Rice	Vellenga
Clark, J.	Heinritz	McEachern	Rodriguez, C.	Voss
Clark, K.	Himle	Mehrkens	Rodriguez, F.	Weaver
Clawson	Hoberg	Metzen	Rose	Welch
Dahlvang	Hokanson	Minne	Rothenberg	Welker
Dean	Hokr	Murphy	Samuelson	Wenzel
Dempsey	Jacobs	Nelsen, B.	Sarna	Wieser
Den Ouden	Jennings	Nelson, K.	Schafer	Wigley
Drew	Johnson, C.	Niehaus	Schoenfeld	Wynia
Eken	Johnson, D.	Norton	Schreiber	Zubay
Elioff	Jude	Novak	Shea	Spkr. Sieben, H.
Ellingson	Kaley	Nysether	Sherman	

Those who voted in the negative were:

Hanson

The bill was passed and its title agreed to.

H. F. No. 91, A bill for an act relating to public safety; specifying the crime of fleeing from a peace officer by use of a motorized vehicle; providing that whoever flees a peace officer in a motorized vehicle shall be liable for any loss caused by such flight; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapters 65B and 609.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Battaglia	Byrne	Dean	Ellingson
Ainley	Begich	Carlson, L.	Dempsey	Erickson
Anderson, B.	Berkelman	Clark, J.	Den Ouden	Esau
Anderson, G.	Blatz	Clark, K.	Drew	Evans
Anderson, I.	Brandl	Clawson	Eken	Ewald
Anderson, R.	Brinkman	Dahlvang	Elioff	Fjoslien



Forsythe	Kahn	Minne	Reding	Stowell
Friedrich	Kaley	Munger	Rees	Stumpf
Gruenes	Kalis	Murphy	Reif	Sviggum
Gustafson	Kelly	Nelsen, B.	Rodriguez, C.	Swanson
Halberg	Knickerbocker	Nelson, K.	Rodriguez, F.	Tomlinson
Hanson	Kostohryz	Niehaus	Rose	Valan
Harens	Kvam	Norton	Rothenberg	Valento
Hauge	Laidig	Novak	Samuelson	Vanasek
Haukoos	Lehto	Nysether	Sarna	Vellenga
Heap	Lemen	O'Connor	Schafer	Voss
Heinitz	Levi	Ogren	Schoenfeld	Weaver
Himle	Ludeman	Olsen	Schreiber	Welch
Hoberg	Luknic	Onnen	Shea	Welker
Hokanson	Mann	Osthoff	Sherman	Wenzel
Hokr	Marsh	Otis	Sherwood	Wieser
Jacobs	McCarron	Peterson, B.	Sieben, M.	Wigley
Jennings	McDonald	Peterson, D.	Simoneau	Wynia
Johnson, C.	McEachern	Piepho	Skoglund	Zubay
Johnson, D.	Mehrkens	Pogemiller	Stadum	Spkr. Sieben, H.
Jude	Metzen	Redalen	Staten	

Those who voted in the negative were:

Greenfield      Rice

The bill was passed and its title agreed to.

H. F. No. 170, A bill for an act relating to commerce; requiring domestic manufacturers of alcohol fueled motor vehicles to offer the same for sale within the state; proposing new law coded in Minnesota Statutes, Chapter 325E.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 62 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kalis	Ogren	Sherman
Anderson, B.	Ewald	Knickerbocker	Olsen	Sherwood
Anderson, G.	Fjoslien	Kvam	Onnen	Simoneau
Anderson, R.	Forsythe	Laidig	Otis	Stowell
Berkelman	Halberg	Lehto	Peterson, B.	Stumpf
Blatz	Hauge	Lemen	Redalen	Valan
Brinkman	Heap	Mann	Reding	Vanasek
Byrne	Heinitz	Marsh	Rees	Wenzel
Carlson, D.	Himle	Mehrkens	Rothenberg	Wieser
Dean	Hoberg	Minne	Samuelson	Wigley
Dempsey	Hokr	Munger	Schafer	
Erickson	Johnson, C.	Niehaus	Schoenfeld	
Esau	Johnson, D.	Norton	Shea	

Those who voted in the negative were:

Ainley	Brandl	Drew	Friedrich	Harens
Anderson, I.	Carlson, L.	Eken	Greenfield	Haukoos
Battaglia	Dahlyang	Elioff	Gruenes	Hokanson
Begich	Den Ouden	Ellingson	Gustafson	Jacobs

Jennings	McDonald	Osthoff	Schreiber	Valento
Jude	McEachern	Peterson, D.	Sieben, M.	Vellenga
Kaley	Metzen	Piepho	Skoglund	Voss
Kelly	Murphy	Pogemiller	Stadum	Weaver
Kostohryz	Nelsen, B.	Rodriguez, C.	Staten	Welch
Ludeman	Novak	Rodriguez, F.	Sviggum	Welker
Luknic	Nysether	Rose	Swanson	Wynia
McCarron	O'Connor	Sarna	Tomlinson	Zubay

The bill was not passed.

H. F. No. 277, A bill for an act relating to insurance; broadening the investment authority of township mutual insurance companies; prescribing recordkeeping duties; providing remedies; proposing new law coded in Minnesota Statutes, Chapter 67A; repealing Minnesota Statutes 1980, Sections 67A.23 and 67A.24.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	Nysether	Sieben, M.
Ainley	Evans	Kelly	O'Connor	Simoneau
Anderson, B.	Ewald	Knickerbocker	Ogren	Skoglund
Anderson, G.	Fjoslien	Kostohryz	Olsen	Stadum
Anderson, I.	Forsythe	Kvam	Onnen	Staten
Anderson, R.	Friedrich	Laidig	Otis	Stowell
Battaglia	Greenfield	Lehto	Peterson, B.	Stumpf
Begich	Gruenes	Lemen	Peterson, D.	Sviggum
Berkelman	Halberg	Levi	Piepho	Swanson
Blatz	Hanson	Ludeman	Pogemiller	Tomlinson
Brandl	Harens	Luknic	Redalen	Valan
Brinkman	Hauge	Mann	Reding	Valento
Byrne	Haukoos	Marsh	Rees	Vanasek
Carlson, D.	Heap	McCarron	Reif	Vellenga
Carlson, L.	Heinitz	McDonald	Rice	Voss
Clark, J.	Himle	McEachern	Rodriguez, C.	Weaver
Clark, K.	Hoberg	Mehrkens	Rodriguez, F.	Welch
Clawson	Hokanson	Metzen	Rose	Welker
Dean	Hokr	Minne	Rothenberg	Wenzel
Dempsey	Jacobs	Munger	Samuelson	Wieser
Den Ouden	Jennings	Murphy	Sarna	Wigley
Drew	Johnson, C.	Nelsen, B.	Schafer	Wynia
Eken	Johnson, D.	Nelson, K.	Schoenfeld	Zubay
Elioff	Jude	Niehaus	Schreiber	Spkr. Sieben, H.
Ellingson	Kahn	Norton	Sherman	
Erickson	Kaley	Novak	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 395, A bill for an act relating to state government; allowing other public employees, as well as spouses of state and other public employees, to participate in state employee van pools under certain circumstances; amending Minnesota Statutes 1980, Section 16.756, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kaley	Novak	Shea
Ainley	Evans	Kalis	Nysether	Sherman
Anderson, B.	Ewald	Kelly	O'Connor	Sherwood
Anderson, G.	Fjoslien	Knickerbocker	Ogren	Sieben, M.
Anderson, I.	Forsythe	Kostohryz	Olsen	Simoneau
Anderson, R.	Friedrich	Kvam	Onnen	Skoglund
Battaglia	Greenfield	Laidig	Osthoff	Stadum
Begich	Gruenes	Lehto	Otis	Staten
Berkelman	Gustafson	Lemen	Peterson, B.	Stowell
Blatz	Halberg	Levi	Peterson, D.	Stumpf
Brandl	Hanson	Ludeman	Piepho	Sviggum
Brinkman	Harens	Luknic	Pogemiller	Swanson
Byrne	Hauge	Mann	Redalen	Valan
Carlson, D.	Haukoos	Marsh	Reding	Valento
Carlson, L.	Heap	McCarron	Rees	Vanasek
Clark, J.	Heinitz	McDonald	Reif	Vellenga
Clark, K.	Himle	McEachern	Rice	Voss
Clawson	Hoberg	Mehrkens	Rodriguez, C.	Weaver
Dahlvang	Hokanson	Metzen	Rodriguez, F.	Welch
Dean	Hokr	Minne	Rose	Wenzel
Dempsey	Jacobs	Munger	Rothenberg	Wieser
Den Ouden	Jennings	Murphy	Samuelson	Wigley
Eken	Johnson, C.	Nelsen, B.	Sarna	Wynia
Elioff	Johnson, D.	Nelson, K.	Schafer	Zubay
Ellingson	Jude	Niehaus	Schoenfeld	Spkr. Sieben, H.
Erickson	Kahn	Norton	Schreiber	

Those who voted in the negative were:

Drew                      Welker

The bill was passed and its title agreed to.

H. F. No. 436, A bill for an act relating to financial institutions; setting application fees for industrial loan and thrifts; providing for publication of notices; establishing procedures for consideration of applications for consent to sell and issue certificates; increasing the minimum amounts for insurance of accounts; amending Minnesota Statutes 1980, Sections 53.03, Subdivision 1, and by adding subdivisions; and 53.10, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kaley	Novak	Sherman
Ainley	Esau	Kalis	Nysether	Sherwood
Anderson, B.	Evans	Kelly	O'Connor	Sieben, M.
Anderson, G.	Ewald	Knickerbocker	Ogren	Simoneau
Anderson, I.	Fjoslien	Kostohryz	Olsen	Skoglund
Anderson, R.	Forsythe	Kvam	Onnen	Stadum
Battaglia	Friedrich	Laidig	Osthoff	Staten
Begich	Greenfield	Lehto	Otis	Stowell
Berkelman	Gruenes	Lemen	Peterson, B.	Stumpf
Blatz	Gustafson	Levi	Peterson, D.	Sviggum
Brandl	Halberg	Ludeman	Piepho	Swanson
Brinkman	Hanson	Luknic	Pogemiller	Valan
Byrne	Harens	Mann	Redalen	Valento
Carlson, D.	Hauge	Marsh	Reding	Vanasek
Carlson, L.	Haukoos	McCarron	Rees	Vellenga
Clark, J.	Heap	McDonald	Reif	Weaver
Clark, K.	Heinitz	McEachern	Rodriguez, C.	Welch
Clawson	Himle	Mehrkens	Rodriguez, F.	Welker
Dahlvang	Hoberg	Metzen	Rose	Wenzel
Dean	Hokanson	Minne	Rothenberg	Wieser
Dempsey	Hokr	Munger	Samuelson	Wigley
Den Ouden	Jacobs	Murphy	Sarna	Wynia
Drew	Jennings	Nelsen, B.	Schafer	Zubay
Eken	Johnson, C.	Nelson, K.	Schoenfeld	Spkr. Sieben, H.
Elioff	Jude	Niehaus	Schreiber	
Ellingson	Kahn	Norton	Shea	

The bill was passed and its title agreed to.

H. F. No. 462, A bill for an act relating to commerce; requiring invoices on certain repairs; amending Minnesota Statutes 1980, Sections 325F.60; and 325F.64.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 108 yeas and 20 nays as follows:

Those who voted in the affirmative were:

Aasness	Dean	Heinitz	Levi	Otis
Anderson, B.	Drew	Himle	Luknic	Peterson, B.
Anderson, G.	Eken	Hoberg	Mann	Peterson, D.
Anderson, I.	Elioff	Hokanson	Marsh	Pogemiller
Anderson, R.	Ellingson	Jacobs	McCarron	Reding
Battaglia	Evans	Johnson, C.	McEachern	Reif
Begich	Ewald	Johnson, D.	Metzen	Rice
Berkelman	Fjoslien	Jude	Minne	Rodriguez, C.
Blatz	Forsythe	Kahn	Munger	Rodriguez, F.
Brandl	Greenfield	Kaley	Murphy	Rose
Brinkman	Gruenes	Kalis	Nelson, K.	Rothenberg
Byrne	Gustafson	Kelly	Niehaus	Samuelson
Carlson, D.	Halberg	Knickerbocker	Norton	Sarna
Carlson, L.	Hanson	Kostohryz	Novak	Schafer
Clark, J.	Harens	Kvam	O'Connor	Schoenfeld
Clark, K.	Hauge	Laidig	Ogren	Schreiber
Clawson	Haukoos	Lehto	Olsen	Shea
Dahlvang	Heap	Lemen	Osthoff	Sherman

Sherwood	Staten	Valento	Weaver	Wynia
Sieben, M.	Stumpf	Vanasek	Welch	Spkr. Sieben, H.
Simoneau	Swanson	Vellenga	Wenzel	
Skoglund	Valan	Voss	Wigley	

Those who voted in the negative were:

Ainley	Esau	Mehrkens	Piepho	Svigum
Dempsey	Friedrich	Nelsen, B.	Rees	Welker
Den Ouden	Ludeman	Nysether	Stadum	Wieser
Erickson	McDonald	Onnen	Stowell	Zubay

The bill was passed and its title agreed to.

Anderson, R., was excused from 3:15 p.m. until 4:30 p.m.  
Nelsen, B., was excused at 4:40 p.m. Clark, J., was excused at 5:15 p.m.

### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

#### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 509, 258, 349 and 435 which it recommended to pass.

H. F. Nos. 371 and 603 which it recommended progress.

H. F. No. 236 which it recommended progress until Monday, April 20, 1981, retaining its place on General Orders.

S. F. Nos. 30 and 121 which it recommended to pass.

S. F. No. 209 which it recommended progress.

S. F. No. 346 which it recommended progress retaining its place on General Orders.

H. F. No. 98 which it recommended to pass, as amended by the Committee of the Whole on Thursday, March 5, 1981, and with the following amendments:

Offered by Greenfield:

Page 4, line 6, after the period insert *"The director shall enter into an agreement with the department of education for the pro-*

*vision of evaluator training through the area vocational technical institutes. The director may contract with the area vocational technical institutes to reduce the training costs to the students. The director may eliminate the examination fee for persons seeking upgraded certificates."* Delete the balance of the line

Page 4, delete lines 7 and 8

Page 4, line 9 delete "*training for evaluators.*"

Offered by Fjoslien :

Page 4, line 21, delete "*After June 30,*"

Page 4, delete lines 22 to 24

Page 4, line 25, delete "*has been filed with the county auditor.*"

H. F. No. 18 which it recommended progress with the following amendment offered by Anderson, I.:

Page 2, line 1, after the period insert: "*For the purpose of this subdivision the term "business" shall exempt those businesses defined as small under Minnesota Statutes, Section 645.445.*"

On the motion of Eken the report of the Committee of the Whole was adopted.

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

The question was taken on the Welker motion that H. F. No. 98, as amended, be re-referred to the Committee on Appropriations and the roll was called. There were 19 yeas and 106 nays as follows:

Those who voted in the affirmative were:

Aasness	Jennings	McDonald	Reif	Valento
Carlson, D.	Lemen	Nelsen, B.	Sherwood	Welker
Den Ouden	Ludeman	Nysether	Stadum	Wigley
Esau	Marsh	Piepho	Svigum	

Those who voted in the negative were:

Ainley	Begich	Byrne	Dahlvang	Ellingson
Anderson, B.	Berkelman	Carlson, L.	Dean	Ewald
Anderson, G.	Blatz	Clark, J.	Drew	Fjoslien
Anderson, I.	Brandl	Clark, K.	Eken	Forsythe
Battaglia	Brinkman	Clawson	Elioff	Greenfield

Gruenes	Kahn	Munger	Rodriguez, C.	Swanson
Gustafson	Kaley	Murphy	Rodriguez, F.	Tomlinson
Halberg	Kalis	Nelson, K.	Rose	Valan
Hanson	Kelly	Niehaus	Rothenberg	Vanasek
Harens	Knickerbocker	Norton	Samuelson	Vellenga
Hauge	Kostohryz	Novak	Sarna	Voss
Haukoos	Kvam	O'Connor	Schafer	Weaver
Heap	Laidig	Ogren	Schoenfeld	Welch
Heinitz	Lehto	Olsen	Schreiber	Wenzel
Himle	Levi	Onnen	Shea	Wieser
Hoberg	Luknic	Osthoff	Sherman	Wynia
Hokanson	Mann	Otis	Sieben, M.	Zubay
Hokr	McCarron	Peterson, D.	Simoneau	Spkr. Sieben, H.
Jacobs	McEachern	Pogemiller	Skoglund	
Johnson, C.	Mehrkens	Reding	Staten	
Johnson, D.	Metzen	Rees	Stowell	
Jude	Minne	Rice	Stumpf	

The motion did not prevail.

Jennings moved to amend H. F. No. 18, as follows:

Page 2, delete lines 2 and 3 and insert

“Sec. 2. Minnesota Statutes 1980, Section 179.11, is amended to read:

**179.11 [UNFAIR LABOR PRACTICES BY EMPLOYEES.]**

It shall be an unfair labor practice:

(1) For any employee or labor organization to institute a strike if such strike is a violation of any valid collective agreement between any employer and his employees or labor organization and the employer is, at the time, in good faith complying with the provisions of the agreement, or to violate the terms and conditions of such bargaining agreement;

(2) For any employee or labor organization to institute a strike if the calling of such strike is in violation of sections 179.-06 or 179.07 or to create or authorize payment from a fund for compensation to a striking employee in lieu of his normal salary or other compensation during a labor dispute;

(3) For any person to seize or occupy property unlawfully during the existence of a labor dispute;

(4) For any person to picket or cause to be picketed a place of employment of which place the person is not an employee while a strike is in progress affecting the place of employment, unless the majority of persons engaged in picketing the place of employment at these times are employees of the place of employment;

(5) For more than one person to picket or cause to be picketed a single entrance to any place of employment where no strike is in progress at the time;

(6) For any person to interfere in any manner with the operation of a vehicle or the operator thereof when neither the owner nor operator of the vehicle is at the time a party to a strike;

(7) For any employee, labor organization, or officer, agent, or member thereof, to compel or attempt to compel any person to join or to refrain from joining any labor organization or any strike against his will by any threatened or actual unlawful interference with his person, immediate family, or physical property, or to assault or unlawfully threaten any such person while in pursuit of lawful employment;

(8) Unless the strike has been approved by a majority vote of the voting employees in a collective bargaining unit of the employees of an employer or association of employers against whom such strike is primarily directed, for any person or labor organization to cooperate in engaging in, promoting or inducing a strike. Such vote shall be taken by secret ballot at an election called by the collective bargaining agent for the unit, and reasonable notice shall be given to all employees in the collective bargaining unit of the time and place of election.

(9) For any person or labor organization to hinder or prevent by intimidation, force, coercion or sabotage, or by threats thereof, the production, transportation, processing or marketing by a producer, processor or marketing organization, of agricultural products, or to combine or conspire to cause or threaten to cause injury to any processor, producer or marketing organization, whether by withholding labor or other beneficial intercourse, refusing to handle, use or work on particular agricultural products, or by other unlawful means, in order to bring such processor or marketing organization against his or its will into a concerted plan to coerce or inflict damage upon any producer; provided that nothing in this subsection shall prevent a strike which is called by the employees of such producer, processor or marketing organization for the bona fide purpose of improving their own working conditions or promoting or protecting their own rights of organization, selection of bargaining representative or collective bargaining.

(10) The violation of clauses (2), (3), (4), (5), (6), (7), (8) and (9) are hereby declared to be unlawful acts."

Further amend the title

Page 1, line 3, after the semicolon insert "prohibiting certain employee or labor organization activity"



Page 1, line 4, delete "Section" and insert "Sections"

Page 1, line 5, before the period insert "; and 179.11"

The question was taken on the amendment and the roll was called. There were 26 yeas and 91 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kaley	Piepho	Wigley
Carlson, D.	Evans	Ludeman	Redalen	Zubay
Dempsey	Forsythe	McDonald	Sherman	
Den Ouden	Heinitz	Nelsen, B.	Stadum	
Drew	Hoberg	Nysether	Valan	
Erickson	Jennings	Peterson, B.	Welker	

Those who voted in the negative were:

Ainley	Gustafson	Lemen	Peterson, D.	Skoglund
Anderson, B.	Hanson	Levi	Pogemiller	Staten
Anderson, I.	Harens	Luknic	Reding	Stowell
Anderson, R.	Hauge	Mann	Rees	Stumpf
Battaglia	Haukoos	McCarron	Reif	Sviggum
Begich	Himle	Mehrkens	Rice	Swanson
Blatz	Hokanson	Metzen	Rodriguez, C.	Tomlinson
Brandl	Hokr	Minne	Rodriguez, F.	Valento
Brinkman	Jacobs	Munger	Rose	Vanasek
Carlson, L.	Johnson, C.	Murphy	Rothenberg	Vellenga
Clark, J.	Johnson, D.	Niehaus	Samuelson	Weaver
Clark, K.	Jude	Norton	Sarna	Wenzel
Clawson	Kahn	Novak	Schafer	Wieser
Dahlvang	Kalis	O'Connor	Schoenfeld	Wynia
Eken	Kelly	Ogren	Schreiber	Spkr. Sieben, H.
Elioff	Knickerbocker	Olsen	Shea	
Ellingson	Kostohryz	Onnen	Sherwood	
Greenfield	Kvam	Osthoff	Sieben, M.	
Gruenes	Laidig	Otis	Simoneau	

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

Anderson, I., moved to amend H. F. No. 18, as follows:

Page 2, line 1, after the period insert: "*For the purpose of this subdivision the term "business" shall exempt those businesses defined as small under Minnesota Statutes, Section 645.445.*"

The question was taken on the amendment and the roll was called. There were 99 yeas and 21 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Begich	Carlson, D.	Dean	Erickson
Anderson, G.	Berkelman	Carlson, L.	Den Ouden	Fjoslien
Anderson, I.	Blatz	Clark, K.	Eken	Forsythe
Anderson, R.	Brandl	Clawson	Elioff	Friedrich
Battaglia	Byrne	Dahlvang	Ellingson	Greenfield

Gruenes	Jude	Nelson, K.	Rice	Staten
Gustafson	Kahn	Niehaus	Rodriguez, C.	Stowell
Hanson	Kalis	Norton	Rodriguez, F.	Stumpf
Harens	Kelly	Novak	Rose	Sviggum
Hauge	Kostohryz	Nysether	Rothenberg	Swanson
Haukoos	Kvam	O'Connor	Samuelson	Tomlinson
Heap	Laidig	Ogren	Sarna	Valento
Heinitz	Lemen	Olsen	Schafer	Vanasek
Himle	Levi	Onnen	Schoenfeld	Vellenga
Hoberg	Mann	Osthoff	Shea	Voss
Hokanson	McCarron	Otis	Sherman	Welch
Hokr	McEachern	Pogemiller	Sherwood	Wenzel
Jacobs	Metzen	Reding	Sieben, M.	Wynia
Johnson, C.	Munger	Rees	Simoneau	Spkr. Sieben, H.
Johnson, D.	Murphy	Reif	Skoglund	

Those who voted in the negative were:

Aasness	Evans	McDonald	Stadium	Zubay
Ainley	Halberg	Peterson, B.	Valan	
Brinkman	Jennings	Piepho	Weaver	
Dempsey	Kaley	Redalen	Welker	
Drew	Ludeman	Schreiber	Wieser	

The motion prevailed and the amendment was adopted.

Carlson, D., moved to amend H. F. No. 18, as amended, as follows:

Page 2, delete lines 2 and 3 and insert

"Sec. 2. Minnesota Statutes 1980, Section 179.11, is amended to read:

**179.11 [UNFAIR LABOR PRACTICES BY EMPLOYEES.]**

It shall be an unfair labor practice:

(1) For any employee or labor organization to institute a strike if such strike is a violation of any valid collective agreement between any employer and his employees or labor organization and the employer is, at the time, in good faith complying with the provisions of the agreement, or to violate the terms and conditions of such bargaining agreement;

(2) For any employee or labor organization to institute a strike if the calling of such strike is in violation of sections 179.06 or 179.07 or to create or authorize payment from a fund for compensation to a striking employee in lieu of his normal salary or other compensation during a labor dispute, except after five days on strike the employee would qualify for unemployment benefits;

(3) For any person to seize or occupy property unlawfully during the existence of a labor dispute.

(4) For any person to picket or cause to be picketed a place of employment of which place the person is not an employee while a strike is in progress affecting the place of employment, unless the majority of persons engaged in picketing the place of employment at these times are employees of the place of employment;

(5) For more than one person to picket or cause to be picketed a single entrance to any place of employment where no strike is in progress at the time;

(6) For any person to interfere in any manner with the operation of a vehicle or the operator thereof when neither the owner nor operator of the vehicle is at the time a party to a strike;

(7) For any employee, labor organization, or officer, agent, or member thereof, to compel or attempt to compel any person to join or to refrain from joining any labor organization or any strike against his will by any threatened or actual unlawful interference with his person, immediate family, or physical property, or to assault or unlawfully threaten any such person while in pursuit of lawful employment;

(8) Unless the strike has been approved by a majority vote of the voting employees in a collective bargaining unit of the employees of an employer or association of employers against whom such strike is primarily directed, for any person or labor organization to cooperate in engaging in, promoting or inducing a strike. Such vote shall be taken by secret ballot at an election called by the collective bargaining agent for the unit, and reasonable notice shall be given to all employees in the collective bargaining unit of the time and place of election.

(9) For any person or labor organization to hinder or prevent by intimidation, force, coercion or sabotage, or by threats thereof, the production, transportation, processing or marketing by a producer, processor or marketing organization, of agricultural products, or to combine or conspire to cause or threaten to cause injury to any processor, producer or marketing organization, whether by withholding labor or other beneficial intercourse, refusing to handle, use or work on particular agricultural products, or by other unlawful means, in order to bring such processor or marketing organization against his or its will into a concerted plan to coerce or inflict damage upon any producer; provided that nothing in this subsection shall prevent a strike which is called by the employees of such producer, processor or marketing organization for the bona fide purpose of improving their own working conditions or promoting or protecting their own rights of organization, selection of bargaining representative or collective bargaining.

(10) The violation of clauses (2), (3), (4), (5), (6), (7), (8) and (9) are hereby declared to be unlawful acts."

Further amend the title

Page 1, line 3, after the semicolon insert "prohibiting certain employee or labor organization activity"

Page 1, line 4, delete "Section" and insert "Sections"

Page 1, line 5, before the period insert "; and 179.11"

Anderson, I., requested a division of the amendment.

The first portion of the amendment can be shown by the new language in clause (2) of section 2, as follows:

"(2) For any employee or labor organization to institute a strike if the calling of such strike is in violation of sections 179.06 or 179.07 or to create or authorize payment from a fund for compensation to a striking employee in lieu of his normal salary or other compensation during a labor dispute,"

The question was taken on the first portion of the Carlson, D., amendment and the roll was called. There were 38 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kaley	Peterson, B.	Stowell
Ainley	Fjoslien	Kvam	Piepho	Valan
Anderson, B.	Forsythe	Levi	Redalen	Welker
Carlson, D.	Friedrich	Ludeman	Reif	Wieser
Dean	Heap	McDonald	Rothenberg	Wigley
Den Ouden	Heinitz	Niehaus	Sherman	Zubay
Drew	Himle	Nysether	Sherwood	
Erickson	Jennings	O'Connor	Stadum	

Those who voted in the negative were:

Anderson, I.	Evans	Knickerbocker	Otis	Skoglund
Anderson, R.	Greenfield	Kostohryz	Peterson, D.	Staten
Battaglia	Gruenes	Laidig	Pogemiller	Stumpf
Begich	Gustafson	Lemen	Reding	Sviggun
Berkelman	Halberg	McCarron	Rees	Swanson
Blatz	Hanson	Mehrkens	Rice	Tomlinson
Brandl	Harens	Metzen	Rodriguez, C.	Valento
Brinkman	Hauge	Minne	Rodriguez, F.	Vanasek
Byrne	Haukoos	Munger	Rose	Voss
Carlson, L.	Hoberg	Murphy	Samuelson	Weaver
Clark, K.	Hokanson	Nelson, K.	Sarna	Welch
Clawson	Jacobs	Norton	Schafer	Wenzel
Dahlvang	Johnson, C.	Novak	Schoenfeld	Wynia
Dempsey	Johnson, D.	Ogren	Schreiber	Spkr. Sieben, H.
Eken	Jude	Olsen	Shea	
Elioff	Kahn	Onnen	Sieben, M.	
Ellingson	Kelly	Osthoff	Simoneau	

The motion did not prevail and the first portion of the amendment was not adopted.

The second portion of the amendment can be shown by the new language in clause (2) of section 2, as follows:

"(2) For any employee or labor organization to institute a strike if the calling of such strike is in violation of sections 179.06 or 179.07, *except after five days on strike the employee would qualify for unemployment benefits;*"

#### POINT OF ORDER

Anderson, I., raised a point of order pursuant to rule 3.9 that the second portion of the Carlson, D., amendment was out of order. The Speaker ruled the point of order well taken and the second portion of the amendment out of order.

Stadum moved to amend H. F. No. 18, as amended, as follows:

Page 1, delete lines 20 to 22

The question was taken on the amendment and the roll was called. There were 64 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Johnson, D.	Nysether	Sherwood
Ainley	Fjoslien	Kaley	Olsen	Stadum
Anderson, B.	Forsythe	Kalis	Onnen	Stowell
Anderson, R.	Friedrich	Knickerbocker	Peterson, B.	Stumpf
Blatz	Gruenes	Kvam	Piepho	Sviggum
Brinkman	Halberg	Laidig	Redalen	Valan
Carlson, D.	Haukoos	Lemen	Rees	Valento
Dean	Heap	Levi	Reif	Weaver
Dempsey	Heinitz	Ludeman	Rose	Welker
Den Ouden	Himle	Marsh	Rothenberg	Wieser
Drew	Hoberg	McDonald	Schafer	Wigley
Erickson	Hokr	Mehrkens	Schreiber	Zubay
Esau	Jennings	Niehaus	Sherman	

Those who voted in the negative were:

Anderson, G.	Elioff	Kostohryz	Ogren	Sieben, M.
Anderson, I.	Ellingson	Lehto	Osthoff	Simoneau
Battaglia	Greenfield	Mann	Otis	Skoglund
Begich	Gustafson	McCarron	Peterson, D.	Staten
Berkelman	Hanson	McEachern	Pogemiller	Swanson
Brandl	Harens	Metzen	Reding	Tomlinson
Byrne	Hauge	Minne	Rice	Vanasek
Carlson, L.	Hokanson	Munger	Rodriguez, C.	Vellenga
Clark, J.	Jacobs	Murphy	Rodriguez, F.	Voss
Clark, K.	Johnson, C.	Nelson, K.	Samuelson	Welch
Clawson	Jude	Norton	Sarna	Wenzel
Dahlvang	Kahn	Novak	Schoenfeld	Wynia
Eken	Kelly	O'Connor	Shea	Spkr. Sieben, H.

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

The question was taken on the motion to recommend passage of H. F. No. 18, as amended, and the roll was called. There were 56 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Ellingson	McCarron	Otis	Staten
Battaglia	Greenfield	McEachern	Peterson, D.	Swanson
Begich	Gustafson	Metzen	Pogemiller	Vanasek
Berkelman	Hanson	Minne	Reding	Vellenga
Brandl	Harens	Munger	Rice	Voss
Byrne	Hokanson	Murphy	Rodriguez, C.	Wenzel
Carlson, L.	Jacobs	Nelson, K.	Rodriguez, F.	Wynia
Clark, K.	Jude	Norton	Samuelson	Spkr. Sieben, H.
Clawson	Kahn	Novak	Sarna	
Dahlvang	Kostohryz	O'Connor	Sieben, M.	
Eken	Lehto	Ogren	Simoneau	
Elioff	Mann	Osthoff	Skoglund	

Those who voted in the negative were:

Aasness	Fjoslien	Kaley	Peterson, B.	Stumpf
Ainley	Forsythe	Kalis	Piepho	Sviggum
Anderson, B.	Friedrich	Knickerbocker	Redalen	Tomlinson
Anderson, G.	Gruenes	Kvam	Rees	Valan
Anderson, R.	Halberg	Laidig	Reif	Valento
Blatz	Hauge	Lemen	Rose	Weaver
Brinkman	Haukoos	Levi	Rothenberg	Welch
Carlson, D.	Heap	Ludeman	Schafer	Welker
Dean	Heinitz	Marsh	Schoenfeld	Wieser
Dempsey	Himle	McDonald	Schreiber	Wigley
Den Ouden	Hoberg	Mehrkens	Shea	Zubay
Drew	Hokr	Niehaus	Sherman	
Erickson	Jennings	Nysether	Sherwood	
Esau	Johnson, C.	Olsen	Stadum	
Evans	Johnson, D.	Onnen	Stowell	

The motion did not prevail.

## MOTIONS AND RESOLUTIONS

Voss moved that the name of Levi be added as an author on H. F. No. 886. The motion prevailed.

Ellingson moved that H. F. No. 702 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Judiciary. The motion prevailed.

Jacobs moved that the name of Fjoslien be added as an author on H. F. No. 918. The motion prevailed.

Simoneau moved that the name of Luknic be added as an author on H. F. No. 981. The motion prevailed.

Sarna moved that H. F. No. 345 be recalled from the Committee on Financial Institutions and Insurance and be re-referred to the Committee on Taxes. The motion prevailed.

Voss moved that the name of Byrne be added as an author on H. F. No. 1034. The motion prevailed.

Skoglund moved that his name be stricken as an author on H. F. No. 514. The motion prevailed.

Jacobs moved that the name of Skoglund be added as an author on H. F. No. 320. The motion prevailed.

Clawson moved that the name of Wynia be added as an author on H. F. No. 1004. The motion prevailed.

Nelson, K., moved that H. F. No. 966 be recalled from the Committee on Energy and be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

Stadum moved that H. F. No. 216 be returned to its author. The motion prevailed.

Jacobs introduced :

House Resolution No. 9, A house resolution extending congratulations to the Coon Rapids High School girls basketball team for winning the 1981 State High School AA Girls Basketball Tournament.

#### SUSPENSION OF RULES

Jacobs moved that the Rules be so far suspended that House Resolution No. 9 be now considered and be placed upon its adoption. The motion prevailed.

#### HOUSE RESOLUTION NO. 9

A house resolution extending congratulations to the Coon Rapids High School girls basketball team for winning the 1981 State High School AA Girls Basketball Tournament.

*Whereas*, the Coon Rapids High School has won the 1981 Minnesota girls state high school AA basketball tournament; and

*Whereas*, the state high school basketball tournament is a great exhibition of the best Minnesota team and individual athletics in a sport in which Minnesota takes intense interest; and

*Whereas*, the Coon Rapids Cardinals won in three thrilling games against excellent competition: Coon Rapids 61 — Minne-

apolis Washburn 42; Coon Rapids 57 — Little Falls 56; Coon Rapids 60 — St. Paul Harding 42; and

*Whereas*, Coon Rapids exemplified the best sportsmanship as well as skill throughout the season; *Now Therefore*

*Be It Resolved*, by the House of Representatives of the State of Minnesota that congratulations be extended to the Coon Rapids team, its members and its coaches.

Amy Jaeger, Co-Captain	Lisa Neuman
Dawn Anderson, Co-Captain	Caryl Parks
Kathy Cordes	Colleen Schroer
Tracy Cronin	Sandra Sparks
Jeana Cullen	Jodi Thorson
Caren Jund	Lynn Weyek
Cindy Nelson	Beth Wik
Penny Stiles, Coach	
Sharen Keller, Assistant Coach	
Jeff Wolfe, Assistant Coach	
Sandy Gallagher, Student Manager	
Al Huebsch, Student Manager	

*Be It Further Resolved* that the Chief Clerk of the House of Representatives shall prepare a formal copy of this resolution authenticated by his signature and that of the Speaker to be presented to the Coon Rapids team.

Jacobs moved that House Resolution No. 9 be now adopted. The motion prevailed and the resolution was adopted.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, March 26, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, March 26, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives





## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## TWENTY-SIXTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 26, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Reverend Vernon D. Gundermann, Beautiful Savior Lutheran Church, New Hope, Minnesota.

The roll was called and the following members were present:

Aasness	Esau	Kelly	O'Connor	Sieben, M.
Ainley	Evans	Knickerbocker	Ogren	Simoneau
Anderson, B.	Ewald	Kostohryz	Olsen	Skoglund
Anderson, G.	Fjoslien	Kvam	Onnen	Staten
Anderson, I.	Forsythe	Laidig	Otis	Stowell
Anderson, R.	Friedrich	Lehto	Peterson, B.	Stumpf
Battaglia	Greenfield	Lemen	Peterson, D.	Svigum
Begich	Gruenes	Levi	Piepho	Swanson
Berkelman	Gustafson	Long	Pogemiller	Tomlinson
Blatz	Halberg	Ludeman	Redalen	Valan
Brandl	Hanson	Luknic	Reding	Valento
Brinkman	Hauge	Mann	Rees	Vanasek
Byrne	Haukoos	Marsh	Reif	Vellenga
Carlson, D.	Heap	McCarron	Rice	Voss
Carlson, L.	Heinitz	McDonald	Rodriguez, C.	Weaver
Clark, J.	Himle	McEachern	Rodriguez, F.	Welch
Clark, K.	Hoberg	Mehrkens	Rose	Welker
Clawson	Hokanson	Metzen	Rothenberg	Wenzel
Dahlvang	Hokr	Minne	Samuelson	Wieser
Dean	Jacobs	Munger	Sarna	Wigley
Dempsey	Jennings	Murphy	Schafer	Wynia
Den Ouden	Johnson, C.	Nelsen, B.	Schoenfeld	Zubay
Drew	Johnson, D.	Nelson, K.	Schreiber	Spkr. Sieben, H.
Eken	Jude	Niehaus	Searles	
Elioff	Kahn	Norton	Shea	
Ellingson	Kaley	Novak	Sherman	
Erickson	Kalis	Nysether	Sherwood	

A quorum was present.

Harens, Osthoff and Stadum were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Vanasek moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 131, 409, 473, 575, 595, 604, 98 and 18 and S. F. Nos. 42, 99, 225, 338, 345 and 620 have been placed in the members' files.

## PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

March 23, 1981

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

The Honorable Jack Davies  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1981</i>	<i>Date Filed 1981</i>
92		6	March 20	March 20
144		7	March 20	March 20

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

March 25, 1981

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

The Honorable Jack Davies  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been

received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1981	Date Filed 1981
12		8	March 25	March 25
18		9	March 25	March 25

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

### REPORTS OF STANDING COMMITTEES

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 12, A bill for an act relating to public utilities; repealing authority for rate increases pending final commission approval; repealing Minnesota Statutes 1980, Sections 216B.16, Subdivision 3; and 237.075, Subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 216B.16, Subdivision 3, is amended to read:

Subd. 3. Notwithstanding any order of suspension of a proposed increase in rates, the (PUBLIC UTILITY) *commission* may (PUT THE SUSPENDED) *order an interim rate schedule* into effect on the date when it would have become effective if not suspended, or any date subsequent thereto within the suspension period (, BY FILING WITH THE COMMISSION A BOND IN AN AMOUNT APPROVED BY THE COMMISSION WITH SURETIES APPROVED BY THE COMMISSION, CONDITIONED UPON THE REFUND, IN A MANNER TO BE PRESCRIBED BY ORDER OF THE COMMISSION, OF THE EXCESS IN INCREASED RATES, INCLUDING INTEREST THEREON WHICH SHALL BE AT THE CURRENT RATE OF INTEREST AS DETERMINED BY THE COMMISSION, COLLECTED DURING THE PERIOD OF THE SUSPENSION IF THE SCHEDULE SO PUT INTO EFFECT IS FINALLY DISALLOWED BY THE COMMISSION. THERE MAY BE SUBSTITUTED FOR THE BOND OTHER ARRANGEMENTS SATISFACTORY TO THE COMMISSION FOR THE PROTECTION OF PERSONS AF-

FFECTED). The commission shall consider the imposition of interim rates if the utility's filing pursuant to subdivision 1 includes documentation which supports the clear and compelling need for the proposed interim rate changes. Interim rates, if imposed by the commission, shall be imposed without a public hearing as a contested case pursuant to chapter 15. Notwithstanding the provisions of sections 216B.27 and 216B.52, no interim rate ordered by the commission pursuant to this subdivision shall be subject to an application for a rehearing or an appeal to any court until the commission has rendered its "final determination" as defined in subdivision 2. The commission shall not order any interim rate which is calculated to include a rate of return on common equity for the utility which is higher than that authorized in the utility's most recent rate proceeding and calculated on a rate base which excludes issues disallowed by the commission in the most recent rate proceeding or order any change in the existing rate design. Interim rates shall include only those previously allowed expense items experienced by the utility in its most recent historical year prior to the effective date of the interim rates, including costs of labor and materials, that can be shown to have increased in cost since the utility's most recent rate proceeding as well as any expenses incurred in complying with any state or federal law or rule. In the case of a utility which has not been subject to a prior commission determination, the commission shall base its interim order, if any, on its most recent determination concerning a similar utility.

If, at the time of its "final determination" as defined in subdivision 2, the commission finds that the interim rates are in excess of the rates in the final determination, the commission shall order the utility to refund the excess amount collected under the interim rates, including interest calculated at a rate two percent above the average prime interest rate as determined by the commission. The refund shall be distributed to the utility's customers within 60 days of the final determination.

If the public utility fails to make refunds within the period of time prescribed by the commission, the commission shall sue therefore and is authorized to recover on behalf of all persons entitled to a refund. In addition to the amount of the refund and interest due, the commission shall be entitled to recover reasonable attorney's fees, court costs and estimated cost of administering the distribution of the refund to persons entitled thereto. No suit under this subdivision shall be maintained unless instituted within two years after the end of the period of time prescribed by the commission for repayment of refunds. (HOWEVER, NO PUBLIC UTILITY) The commission shall not put (A SUSPENDED) an interim rate schedule into effect as provided by this subdivision until at least (90 DAYS) one year after (THE COMMISSION) it has made a determination concerning any previously filed change of the rate schedule or

the change has otherwise become effective under subdivision 2, unless it finds that a one year delay would unreasonably burden the utility, its customers, or its shareholders and that an earlier imposition of interim rates is therefore necessary.

Sec. 2. Minnesota Statutes 1980, Section 237.075, Subdivision 3, is amended to read:

Subd. 3. Notwithstanding any order of suspension of a proposed increase in rates, the (TELEPHONE COMPANY) commission may (PUT THE SUSPENDED) order an interim schedule into effect on the date when it would have become effective if not suspended, or any date subsequent thereto within the suspension period (, BY FILING WITH THE COMMISSION A BOND IN AN AMOUNT APPROVED BY THE COMMISSION WITH SURETIES APPROVED BY THE COMMISSION, CONDITIONED UPON THE REFUND, IN A MANNER TO BE PRESCRIBED BY ORDER OF THE COMMISSION, OF THE EXCESS IN INCREASED RATES, INCLUDING INTEREST THEREON WHICH SHALL BE AT THE CURRENT RATE OF INTEREST AS DETERMINED BY THE COMMISSION, COLLECTED DURING THE PERIOD OF THE SUSPENSION IF THE SCHEDULE SO PUT INTO EFFECT IS FINALLY DISALLOWED BY THE COMMISSION. THERE MAY BE SUBSTITUTED FOR THE BOND OTHER ARRANGEMENTS SATISFACTORY TO THE COMMISSION FOR THE PROTECTION OF PERSONS AFFECTED). *The commission shall consider the imposition of interim rates if the telephone company's filing pursuant to subdivision 1 includes documentation which supports the clear and compelling need for the proposed interim rate changes. Interim rates, if imposed by the commission, shall be imposed without a public hearing as a contested case pursuant to chapter 15. No interim rate ordered by the commission pursuant to this subdivision shall be subject to an application for a rehearing or an appeal to any court until the commission has rendered its "final determination" as defined in subdivision 2. The commission shall not order any interim rate which is calculated to include a rate of return on common equity for the company which is higher than that authorized in the company's most recent rate proceeding and calculated on a rate base which excludes issues disallowed by the commission in the most recent rate proceeding or order any change in the existing rate design. Interim rates shall include only those previously allowed expense items experienced by the company in its most recent historical year prior to the effective date of the interim rates, including costs of labor and materials, that can be shown to have increased in cost since the company's most recent rate proceeding as well as any expenses incurred in complying with any state or federal law or rule. In the case of a company which has not been subject to a prior commission determination, the commission shall base its interim order, if any, on its most recent determination concerning a similar company.*

*If, at the time of its "final determination" as defined in subdivision 2, the commission finds, that the interim rates are in excess of the rates in the final determination, the commission shall order the company to refund the excess amount collected under the interim rates, including interest calculated at a rate two percent above the average prime interest rate as determined by the commission. The refund shall be distributed to the company's customers within 60 days of the final determination.*

If the telephone company fails to make refunds within the period of time prescribed by the commission, the commission shall sue therefore and is authorized to recover on behalf of all persons entitled to a refund. In addition to the amount of the refund and interest due, the commission shall be entitled to recover reasonable attorney's fees, court costs and estimated cost of administering the distribution of the refund to persons entitled thereto. No suit under this subdivision shall be maintained unless instituted within two years after the end of the period of time prescribed by the commission for repayment of refunds. (HOWEVER, NO TELEPHONE COMPANY) *The commission shall not put (A SUSPENDED) an interim rate schedule into effect as provided by this subdivision until at least (90 DAYS) one year after (THE COMMISSION) it has made a determination concerning any previously filed change of the rate schedule or the change has otherwise become effective under subdivision 2, unless it finds that a one year delay would unreasonably burden the company, its customers, or its shareholders and that an earlier imposition of interim rates is therefore necessary.*

### Sec. 3. [EFFECTIVE DATE.]

*This act is effective the day following final enactment and applies to all rate changes wherein notice is given to the commission on or after the effective date."*

Delete the title and insert:

"A bill for an act relating to public utilities; requiring commission approval of interim rate changes; amending Minnesota Statutes 1980, Sections 216B.16, Subdivision 3; and 237.075, Subdivision 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on Taxes to which was referred:

H. F. No. 142, A bill for an act relating to taxation; real property; extending 3 classification to certain property used for rec-

reational purposes; amending Minnesota Statutes 1980, Section 273.13, Subdivision 4.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 169, A bill for an act relating to the city of Moorhead; increasing the amount which the city may expend for public transportation services; amending Laws 1969, Chapter 192, Section 1.

Reported the same back with the following amendments:

Page 1, line 14, delete "*is authorized to*" and insert "*may*"

Page 1, line 18, strike "*such*" and insert "*a*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 171, A bill for an act relating to historic sites; changing the classification of the Kensington Runestone historic site; amending Minnesota Statutes 1980, Section 138.56, by adding a subdivision; repealing Minnesota Statutes 1980, Section 138.58, Subdivision 7.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 211, A bill for an act relating to local government; permitting agreements for compensation for transfers of taxable property in certain annexations; proposing new law coded in Minnesota Statutes, Chapter 414.

Reported the same back with the following amendments:



Delete everything after the enacting clause and insert:

**"Section 1. [MOORHEAD ANNEXATIONS.]**

*When a municipal board order under section 414.0325 annexes part of a town to the city of Moorhead, the orderly annexation agreement between the town and city may provide a reimbursement from the city to the town for all or part of the taxable property annexed as part of the board order. The reimbursement shall be completed in substantially equal payments over not less than two nor more than six years from the time of annexation.*

**Sec. 2. [LOCAL APPROVAL.]**

*This act is effective the day after compliance by the governing body of the city of Moorhead with the provisions of Minnesota Statutes, Section 645.021, Subdivision 3. The city and the affected towns are located in Clay county. Pursuant to Minnesota Statutes, Section 645.023, Subdivision 1, Clause (a), approval by the towns is not necessary."*

Delete the title and insert:

**"A bill for an act relating to local government; permitting agreements for compensation for transfers of taxable property to the city of Moorhead by certain annexations."**

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 214, A bill for an act relating to labor; regulating certain steam engine and boiler operators; exempting certain operators from testing requirements; amending Minnesota Statutes 1980, Section 183.411.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Nelson, K., from the Committee on Energy to which was referred:

H. F. No. 296, A bill for an act relating to energy; directing a study of the effect upon energy conservation of smoking in public places; appropriating funds.

Reported the same back with the following amendments:

Page 1, line 24, delete "*conduct energy audits*" and insert "*design and conduct a study*"

Page 2, line 1, after "*study*" insert "*and make recommendations*"

Page 2, delete lines 2 to 5

Amend the title as follows:

Page 1, line 3, delete the semicolon

Page 1, line 4, delete "appropriating funds"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 297, A bill for an act relating to the town of Great Scott; granting the town certain powers of a municipality.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Nelson, K., from the Committee on Energy to which was referred:

H. F. No. 329, A bill for an act relating to education; clarifying and removing references to a school district building energy report; repealing an obsolete provision requiring a study and report on school district energy management personnel; amending Minnesota Statutes 1980, Section 116H.126, Subdivisions 2, 4, and 5; repealing Minnesota Statutes 1980, Section 116H.126, Subdivisions 1 and 7.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 347, A bill for an act relating to the city of St. Paul; relating to a proposed joint housing finance program by the cities of St. Paul and Minneapolis.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [CITY OF ST. PAUL; CITY OF MINNEAPOLIS; JOINT FAMILY HOUSING PROGRAM.]

*Subdivision 1. The legislature of the state of Minnesota hereby finds that the cities of St. Paul and Minneapolis have authorized, or will authorize, their respective housing and redevelopment authorities to issue, jointly or separately, housing revenue bonds pursuant to provisions of Minnesota law, to finance joint housing programs; the United States department of housing and urban development has approved urban development action grants for both cities in connection with their joint housing programs and projects; the congress of the United States has enacted certain legislation authorizing the cities of Minneapolis and St. Paul to issue housing revenue bonds in the maximum principal amount of \$235,000,000 without regard to the provisions of sections 1102 and 1103 of the mortgage subsidy bond tax act of 1980; the McKnight Foundation, the Minneapolis/St. Paul Family Housing Fund and others will participate in the housing finance programs by providing financial assistance to some of those receiving loans from the proceeds of the housing revenue bonds; and the proposed housing finance programs accomplish a public purpose.*

*Subd. 2. For the purpose of computing the aggregate principal amount of revenue bonds or other obligations issued by the city of St. Paul and the city of Minneapolis pursuant to section 462C.07 and subject to the limitations of subdivision 2 thereof, the housing revenue bonds described in subdivision 1 and not subject to sections 1102 and 1103 of the mortgage subsidy bond tax act of 1980 shall not be included.*

Sec. 2. [EFFECTIVE DATE.]

*This act shall become effective as to each city the date after compliance by the governing body of each city with the provisions of Minnesota Statutes, Section 645.021, Subdivision 3.”*

Amend the title as follows:

Page 1, line 2, before the semicolon, insert “and the city of Minneapolis”

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 353, A bill for an act relating to agriculture; protecting agricultural operations from nuisance suits under certain circumstances; proposing new law coded in Minnesota Statutes, Chapter 561.

Reported the same back with the following amendments:

Page 2, line 5, after "*expanded*" insert "*or significantly altered*"

Page 2, line 5, after "*expansion*" insert "*or alteration*"

Page 2, line 8, in both cases after "*expanded*" insert "*or altered*"

Page 2, line 18, delete "*one year*" and insert "*five years*"

Page 2, line 20, after "*apply*" insert ":(a)"

Page 2, line 22, after "*appurtenances*" insert ":(b) when an agricultural operation or its appurtenances causes injury or direct threat of injury to public health or safety"

Page 2, line 24, delete "2" and insert "3"

Page 2, line 24, after the comma insert "*governmental unit,*"

Page 2, line 27, delete "*a stream*" and insert "*the state*"

Page 2, line 28, after "*overflow of*" insert "*the waters on*"

Page 2, line 28, after the comma insert "*governmental unit,*"

Page 2, line 30, delete "2" and insert "3"

Page 3, delete lines 7 to 15

Page 3, line 17, delete "*is*" and insert "*becomes*"

Page 3, line 17, delete "*the day*" and insert "*one year*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 386, A bill for an act relating to the city of St. Paul; authorizing issuance of general obligation bonds for capital improvements; fixing amounts; amending Laws 1971, Chapter 773, Section 1, as amended.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 400, A bill for an act relating to economic development; appropriating money to permit the small business finance agency to participate in business loans; amending Minnesota Statutes 1980, Section 362.53, Subdivision 12.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 420, A bill for an act relating to the bureau of criminal apprehension; including the superintendent within workers' compensation coverage; amending Minnesota Statutes 1980, Section 299C.19.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Nelson, K., from the Committee on Energy to which was referred:

H. F. No. 493, A bill for an act relating to energy; authorizing the Minnesota energy agency to administer a program of loans to municipalities for establishing and improving district heating systems; authorizing the issuance of state bonds pursuant to Article XI of the Minnesota constitution; appropriating money; amending Minnesota Statutes 1980, Sections 412.321, Subdivision 1; 412.351; 412.361, Subdivision 3; and 429.021, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapters 116H, 216B, and 465.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [116H.31] [DISTRICT HEATING LOANS.]

*Subdivision 1. [POLICIES.] Developing and improving efficient and economical district heating systems is a public purpose for state financing and a proper function of state government. Climate and geography make a reliable, economic supply of energy essential for industrial, commercial, and residential heating. Imported supplies are increasingly costly, unreliable, and environmentally disadvantageous. District heating systems employing cogeneration techniques and innovative technology offer an important means of increasing the efficiency of Minnesota's energy systems and reducing the state's reliance on imported energy supplies. The combination of the large initial capital cost and investors' lack of familiarity with district heating has made the private market reluctant to provide the necessary capital for district heating projects. As a result, public leadership, cooperation, and aid are needed to demonstrate the feasibility of district heating systems by establishing economically viable municipal district heating systems as demonstration projects. Municipal district heating systems may be financed by loans from the state and from other sources available to municipalities.*

*Subd. 2. [DEFINITIONS.] In this section:*

(a) "Commissioner" means the commissioner of finance.

(b) "Construction costs" means all costs associated with the construction, modification or expansion of a district heating system except for preliminary planning costs and detailed design costs. Construction costs include the cost of debt service from the time a construction loan is made until five years after the beginning of the operation of the district heating system constructed or the part of the system being modified or expanded.

(c) "Director" means the director of the Minnesota energy agency.

(d) "District heating" means the use of a central energy conversion facility to produce hot water or steam for distribution to homes or businesses. District heating facilities may also produce electricity in addition to hot water or steam.

(e) "Municipality" means any county, city, town, municipal power agency, or public utility, as defined in section 452.01, subdivision 3, owned and operated by a city, however organized.

*Subd. 3. [ELIGIBILITY.] The commissioner of finance, upon request of the governor, may make loans to municipalities for the acquisition and betterment of district heating systems. A loan shall be made only to a municipality that has demonstrated that:*

*(a) The municipality has the financial capability to sponsor the project;*

*(b) The project is technologically feasible;*

*(c) The district heating project will become a cogeneration facility or the project will utilize hot water or, if the project involves an existing district steam heating system, the project will become integrated with a hot water district heating system, or the project will allow the use of non-petroleum fuels or will construct an efficient heat transmission system; and*

*(d) The municipality has made adequate provision to assure proper and efficient operation and maintenance of the project after construction is completed.*

*Subd. 4. [PRIORITIES.] The director shall give higher priority to a project that does more to achieve the following goals:*

*(a) The district heating conversion facility employs cogeneration techniques;*

*(b) The facility uses renewable or nonpetroleum sources of energy;*

*(c) The district heating facility will save petroleum or natural gas;*

*(d) The operation of the district heating facility will not have an adverse impact on the environment;*

*(e) The district heating facility may readily be expanded to serve additional customers or to supply additional amounts of energy, and market demand for the energy exists;*

*(f) The project has obtained additional financing from the federal government, private sources, or other sources of capital; and*

*(g) Other goals the director finds desirable for district heating systems.*

*Subd. 5. [PRELIMINARY PLANNING GRANTS.] Upon the recommendation of the governor pursuant to subdivision 9,*

*the director shall make grants to municipalities for preliminary planning related to the development of district heating systems. The municipality must demonstrate that a community heatload survey and map have been successfully completed, that potential district heating load is sufficiently large to justify further consideration, and that sufficient resources are available for the municipality to meet its financial requirements. Eligible planning grant costs include project definition, development of preliminary financing and distribution system plans, and obtaining community commitment for detailed planning or design and preparation of a final report. The amount of a grant shall be limited to 90 percent of eligible planning costs and shall not exceed \$20,000.*

*Subd. 6. [APPLICATION.] Application for a loan to be made pursuant to subdivision 7 shall be made by a municipality to the director on a form prescribed by the director by rule. The director shall review each application and determine:*

- (a) Whether or not the project is eligible for a loan;*
- (b) The priority of the project when ranked with all other eligible projects for which a loan application has been submitted;*
- (c) The total estimated cost of the project;*
- (d) The amount of the loan for which the project is eligible;*
- (e) The terms upon which the loan would be made; and*
- (f) The means by which the municipality proposes to finance the project, including:*
  - (1) A loan authorized by state law; or*
  - (2) A grant of money appropriated by state law; or*
  - (3) A grant to the municipality by an agency of the federal government within the amount of money then appropriated to that agency and allocated by it to projects within the state; or*
  - (4) The appropriation of proceeds of bonds or other money of the municipality to an account for the construction of the project; or*
  - (5) User charges, franchise fees, special assessments or taxes; or*
  - (6) Any or all of the means referred to in clauses (1) to (5).*

*Subd. 7. [LOANS.] Upon the recommendation of the governor pursuant to subdivision 9, the commissioner shall make loans to municipalities on the following terms:*



(a) *In the case of loans for design costs, a municipality must meet the requirements for grants pursuant to subdivision 5. For cities of the first class, the amount of the loan shall not exceed 40 percent of the design costs. For cities of the second, third and fourth class, the amount of the loan shall not exceed 90 percent of the design costs;*

(b) *In the case for loans for construction costs, a municipality must demonstrate that all design activities have been completed; that the project is economically and technologically feasible; that the district heating system will be constructed, and that it has made adequate provisions to assure proper and efficient operation and maintenance of the project. For cities of the first class, the amount of the loan shall not exceed 50 percent of the construction costs. For cities of the second, third or fourth class, the amount of the loan shall not exceed 90 percent of the construction costs.*

(c) *Loans made pursuant to this section are repayable over a period of 25 years beginning after the receipt of the loan. Interest payments shall begin one year after the receipt of the loan with interest accruing from the date of the loan at a rate sufficient to cover the cost to the state of borrowing the money.*

**Subd. 8. [MODERN STEAM SYSTEMS.]** (a) *A municipality which has operating within its boundaries a modern steam district heating system owned by a district heating utility may apply for a loan or grant under this section even though the district heating project for which the loan or grant application is made may be planned, constructed, or owned by a district heating utility. The loan or grant application shall be treated in the same manner as loan or grant applications for district heating projects where the projects are to be planned, constructed, or owned by a municipality.*

*All or a portion of the proceeds of a grant or loan made to a municipality described in this paragraph may be used to make grants or loans to a district heating utility to provide financial assistance for the planning or construction of a district heating project. Prior to making the loan or grant to the district heating utility, the municipality shall:*

(1) *Adopt a district heating plan which identifies the areas of the city to be served by district heating; a time schedule indicating when service would be available in different areas of the city and the type of service to be offered; and*

(2) *Enter into a written agreement with the district heating utility which includes a requirement that the district heating utility restrict expansion of its existing steam system within its current geographic boundaries as determined by the municipality and develop a hot water system on a specific time schedule.*

(b) *The powers, authority and obligations granted to a municipality under this subdivision are supplemental to the powers, authority and obligations granted all municipalities under this section.*

(c) *As used in this subdivision, "modern steam district heating system" means a steam district heating system with condensate return built after 1970 and before the effective date of this section. "District heating utility" means any person, corporation, or other legal entity which owns or operates or plans to own or operate a district heating system.*

*Subd. 9. [GRANT AND LOAN APPROVAL.] The director shall prepare and submit to the legislative advisory commission a list of district heating grant and loan requests. The list shall contain the supporting information required by subdivisions 3, 4, 5, 6, 7 and 8. The recommendation of the legislative advisory commission shall be transmitted to the governor. The governor shall approve or disapprove, or return for further consideration, each project recommended for approval by the legislative advisory commission. Loans or grants may be disbursed only upon approval by the governor.*

*Subd. 10. [PAYMENT; OBLIGATION.] The commissioner shall not pay money to a municipality pursuant to an approved loan until he has determined that:*

(a) *Financing of the project as proposed by the municipality is assured by an irrevocable undertaking, by resolution of the governing body of the municipality, to use all money made available by the financing plan exclusively for the eligible costs of the project, and to pay any additional amount by which the cost of the project exceeds the estimate by the appropriation to the construction account of additional municipal money or the proceeds of additional bonds to be issued by the municipality; and that*

(b) *The governing body of the municipality has adopted a resolution obligating the municipality to repay the loan according to the terms in the loan. The obligation may be payable from user charges, franchise fees, special assessments or other money available to the municipality. The resolution shall obligate the municipality to annually impose and collect user charges, franchise fees, special assessments, or to use any other money available to it from any other specified source, in amounts and at times that if collected in full will annually produce at least five percent in excess of the amount needed for all annual costs of the system, including annual repayment on state loans. A municipality may also pledge to levy an ad valorem tax to guarantee the payments under the loan agreement. For the purpose of repaying the loan, the municipality by resolution of its governing body may fix the rates and charges for district heating system*

*service and products, may enter into contracts for the payment by others of costs of construction, maintenance, and use of the project in accordance with section 444.075 and may pledge the revenues derived therefrom. The commissioner shall condition a loan upon the establishment of rates and charges or the execution of contracts sufficient to produce annually the revenues pledged for repayment of all annual costs of the system, including annual repayment of the state loan.*

*Subd. 11. [RECEIPTS.] All principal and interest payments received by the commissioner in repayment of the loans authorized by this section shall be deposited in the state treasury and credited to the state bond fund and are appropriated to the commissioner for the purposes of that account.*

*Subd. 12. [RULES.] The director shall adopt rules necessary to carry out this section. The director shall adopt temporary rules pursuant to section 15.0412, subdivision 5, meeting the requirements of this section. The rules shall contain as a minimum:*

- (a) Procedures for application by municipalities; and*
- (b) Criteria for reviewing grant and loan applications.*

**Sec. 2. Minnesota Statutes 1980, Section 412.321, Subdivision 1, is amended to read:**

**Subdivision 1. [AUTHORITY TO OWN AND OPERATE.] Any statutory city may own and operate any waterworks, district heating system, or gas, light, power, or heat plant for supplying its own needs for utility service or for supplying utility service to private consumers or both. It may construct and install all facilities reasonably needed for that purpose and may lease or purchase any existing utility properties so needed. It may, in lieu of providing for the local production of gas, electricity, water, hot water, steam, or heat, purchase the same wholesale and resell it to local consumers. After any such utility has been acquired, the council, except as its powers have been limited through establishment of a public utilities commission in the city, shall make all necessary rules and regulations for the protection, maintenance, operation, extension, and improvement thereof and for the sale of its utility products.**

**Sec. 3. Minnesota Statutes 1980, Section 412.351, is amended to read:**

**412.351 [COMMISSION, JURISDICTION.]**

**The council shall, in the ordinance establishing the commission, decide which of the following public utilities shall be within the commission's jurisdiction: (1) the city water system; (2) light and power system, including any system then in use or later**

acquired for the production and distribution of steam heat; (3) gas system; (4) sanitary or storm sewer system or both, including the city sewage disposal plant; (5) public buildings owned or leased by the city; (6) *district heating system*. As used subsequently in sections 412.351 to 412.391, the term "public utility" means any water, light and power, gas or sewer system, or public buildings thus placed by ordinance under the jurisdiction of the public utilities commission. Any public utility not placed under the jurisdiction of the public utilities commission by the ordinance establishing the commission may be placed under the jurisdiction of the commission by an amendment to the original ordinance.

Sec. 4. Minnesota Statutes 1980, Section 412.361, Subdivision 3, is amended to read:

Subd. 3. The commission shall have power to buy all fuel and supplies, and it may purchase wholesale electric energy, steam heat, *hot water energy*, gas or water, as the case may be, for municipal distribution.

Sec. 5. Minnesota Statutes 1980, Section 429.021, Subdivision 1, is amended to read:

Subdivision 1. [IMPROVEMENTS AUTHORIZED.] The council of a municipality shall have power to make the following improvements:

(1) To acquire, open, and widen any street, and to improve the same by constructing, reconstructing, and maintaining sidewalks, pavement, gutters, curbs, and vehicle parking strips of any material, or by grading, graveling, oiling, or otherwise improving the same, including the beautification thereof and including storm sewers or other street drainage and connections from sewer, water or similar mains to curb lines.

(2) To acquire, develop, construct, reconstruct, extend and maintain storm and sanitary sewers and systems, including outlets, holding areas and ponds, treatment plants, pumps, lift stations, service connections, and other appurtenances of a sewer system, within and without the corporate limits.

(3) To construct, reconstruct, extend and maintain steam heating mains.

(4) To install, replace, extend and maintain street lights and street lighting systems and special lighting systems.

(5) To acquire, improve, construct, reconstruct, extend and maintain water works systems, including mains, valves, hydrants, service connections, wells, pumps, reservoirs, tanks, treat-

ment plants, and other appurtenances of a water works system, within and without the corporate limits.

(6) To acquire, improve and equip parks, open space areas, playgrounds and recreational facilities within or without the corporate limits.

(7) To plant trees on streets and provide for their trimming, care and removal.

(8) To abate nuisances and to drain swamps, marshes and ponds on public or private property and to fill the same.

(9) To construct, reconstruct, extend, and maintain dikes and other flood control works.

(10) To construct, reconstruct, extend and maintain retaining walls and area walls.

(11) To acquire, construct, reconstruct, improve, alter, extend, operate, maintain and promote a pedestrian skyway system.

(12) To acquire, construct, reconstruct, extend, operate, maintain and promote underground pedestrian concourses.

(13) To acquire, construct, improve, alter, extend, operate, maintain and promote public malls, plazas or courtyards.

(14) *To construct, reconstruct, extend, and maintain district heating systems.*

**Sec. 6. [465.74] [AUTHORIZATION TO OPERATE DISTRICT HEATING SYSTEMS.]**

*Subdivision 1. [CITIES OF THE FIRST CLASS.] Any city operating or authorized to operate a public utility pursuant to chapter 452 or its charter is authorized to acquire, construct, own, and operate a municipal district heating system pursuant to the provisions of that chapter or its charter. Acquisition or construction of a municipal district heating system shall not be subject to the election requirement of sections 452.11 and 452.12, or city charter provision, but must be approved by a three-fifths vote of the city's council or other governing body. Loans obtained by a municipality pursuant to section 1 are not subject to the limitations on the amount of money which may be borrowed upon a pledge of the city's full faith and credit or the election requirements for general obligation borrowing, contained in section 452.08.*

*Subd. 2. [CITIES OF THE SECOND AND THIRD CLASS.] A city authorized to operate an electric light plant or an electric*

light and power plant pursuant to chapter 455 or its charter may acquire, construct, own, and operate a municipal district heating system under that chapter or its charter.

**Subd. 3. [EXTENSION OF SERVICE OUTSIDE CITY.]** A municipal district heating system, operating pursuant to this section, may sell energy to customers located outside of the municipality.

**Subd. 4. [NET DEBT LIMITS.]** The loan obligations incurred by a political subdivision pursuant to section 1 shall not be considered as a part of its indebtedness under the provisions of its governing charter or of any law of this state fixing a limit of indebtedness.

**Sec. 7. [475.525] [MUNICIPAL DISTRICT HEATING BONDS.]**

**Subd. 1. [GENERAL OBLIGATION BONDS.]** A municipality may, pursuant to the provisions of chapter 475, issue general obligation bonds for the purpose of acquiring or constructing a district heating system and may pledge its full faith and credit as security for the bonds. Bonds issued under this section shall be considered as part of a municipality's indebtedness under its governing charter or any law fixing a limit of indebtedness.

**Subd. 2. [REVENUE BONDS.]** Notwithstanding any other law, general or special, or the provisions of any home rule charter to the contrary, a municipality may, by resolution, authorize, issue and sell revenue bonds or obligations payable solely from all or a portion of revenues derived from a district heating system located wholly or partially within a municipality to finance the acquisition, construction or operation of a district heating system and for the purpose of loaning the proceeds of the bonds or obligations to any person, firm or public or private corporation to acquire or construct a district heating system. The bonds or obligations shall mature as determined by resolution of the municipality and may be issued in one or more series and shall bear such date or dates, bear interest at such rate or rates, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in medium of payment at such place or places, and be subject to such terms of redemption, with or without premium, as such resolution, its trust indenture or mortgage may provide. The bonds or obligations may be sold at public or private sale at the price or prices as the municipality by resolution shall determine, and any provision of any law to the contrary notwithstanding, shall be fully negotiable. In any suit, action, or proceedings involving the validity or enforceability of any bonds or obligations of the municipality or the security therefore, any bond or obligation reciting in substance

*that it has been issued by the municipality to aid in the acquisition, construction or operation of a district heating system shall be conclusively deemed to have been issued for such purpose. Neither the municipality nor any council member, officer, employee or agent of the municipality nor any person executing the bonds or obligations shall be liable personally on the bonds or obligations by reason of the issuance thereof. The bonds or obligations may be further secured by a pledge and mortgage of all or any portion of the property in aid of which the bonds or obligations are issued and such covenants as the municipality shall deem by such resolution to be necessary and proper to secure payment of the bonds or obligations. The bonds or obligations, and the bonds or obligations shall so state on their face, shall not be payable from nor charged upon any funds other than the revenues and property pledged or mortgaged to the payment thereof, nor shall the issuing municipality be subject to any liability thereon or have the powers to obligate itself to pay or pay the bonds or obligations from funds other than the revenues and properties pledged and mortgaged and no holder or holders of the bonds or obligations shall ever have the right to compel any exercise of any taxing power of the issuing municipality or any other public body to pay the principal of or interest on any such bonds or obligations, nor to enforce payment thereof against any property of the municipality or other public body other than that expressly pledged or mortgaged for the payment thereof.*

**Sec. 8. [216B.166] [COGENERATING POWER PLANTS.]**

*Subdivision 1. [FINDING.] The legislature finds and declares that significant public benefits may be derived from the cogeneration of electrical and thermal energy and that cogenerated district heating may result in improved utilization and conservation of fuel, the substitution of coal for scarce oil and natural gas, the substitution of domestic fuel for imported fuel, and the establishment of a reliable, competitively priced heat source. Since the cost of cogenerated thermal energy is dependent upon the method used to allocate costs between the production of electric and thermal energy at a power plant, and because the method of cost allocation can be a significant factor in determining investment in district heating, it is necessary to develop cost allocation methods rapidly.*

*Subd. 2. [DEFINITIONS.] For the purpose of this section, the following terms shall have the meanings given.*

*(a) "Cogeneration" means a combined process whereby electrical and thermal energy are simultaneously produced by a public utility power plant.*

*(b) "District heating" means a process whereby thermal energy is distributed within a community for use as a primary heat source.*

(c) "District heating utility" means any person, corporation, or other legal entity which owns and operates a facility for district heating.

*Subd. 3. [ALLOCATION.] The methods used to allocate or assign costs between electrical and thermal energy produced by cogeneration power plants owned by public utilities shall be consistent with the following principles:*

(a) *The method used shall result in a cost per unit of electricity which is no greater than the cost per unit which would exist if the power plants owned by the public utility had been normally constructed and operated without cogenerating capability;*

(b) *Costs which the public utility incurs for the exclusive benefit of the district heating utility, including but not limited to backup and peaking facilities, shall be assigned to thermal energy produced by cogeneration;*

(c) *The methods and procedures may be different for retrofitted than for new cogeneration power plants; and*

(d) *The methods should encourage cogeneration while preventing subsidization by electric consumers so that both heating and electricity consumers are treated fairly and equitably with respect to the costs and benefits of cogeneration.*

#### Sec. 9. [APPROPRIATIONS.]

*Subdivision 1. The sum of \$44,900,000 is appropriated from the state building fund to the commissioner of finance for the purpose of making loans to municipalities for district heating systems pursuant to section 1.*

*Subd. 2. The sum of \$100,000 is appropriated from the general fund to the director of the energy agency for the period ending June 30, 1982, for the purpose of administering loans and grants to municipalities pursuant to section 1. The approved complement of the energy agency is increased by one position.*

*Subd. 3. The sum of \$2,700,000 is appropriated from the state building fund to the commissioner of administration to install district heating in the capitol complex.*

*Subd. 4. The sum of \$1,200,000 is appropriated from the state building fund to Moorhead State University to install district heating in its facilities.*

*Subd. 5. The sum of \$1,200,000 is appropriated from the state building fund to the commissioner of finance for the pur-*



*pose of making loans to develop wood fuel conversion facilities managed by a consortium consisting of independent school district No. 692, Babbitt, independent school district No. 696, Ely, and independent school district No. 708, Tower-Soudan. The loans shall be repaid to the commissioner of finance over a period not to exceed 20 years, with interest at a rate sufficient to cover the cost to the state of borrowing the money. Repayments shall be credited to the state bond fund. The money shall not be loaned until an agreement authorized pursuant to section 471.59 is executed by the boards of the designated districts. The agreement shall include the organization of the consortium, the management, accounting and allocation of money among members of the consortium, and the consortium's plans for fuel conversion, plant retrofitting and energy conservation.*

*Subd. 6. The sum of \$300,000 is appropriated from the general fund to the director of the energy agency for the purpose of making planning grants to municipalities approved by the governor pursuant to section 1, subdivision 9.*

*Subd. 7. The appropriations made by subdivisions 1, 3, 4, 5 and 6 are available until expended and shall not cancel pursuant to section 16A.28 or other law.*

**Sec. 10. [BOND SALE; DEBT SERVICE.]**

*To provide the money appropriated from the state building fund by section 9, subdivisions 1, 3, 4 and 5, the commissioner of finance upon request of the governor shall sell and issue bonds of the state in an amount up to \$50,000,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, Sections 16A.63 to 16A.67, and by the Constitution, Article XI, Sections 4 to 7.*

**Sec. 11. [EFFECTIVE DATE.]**

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

Amend the title as follows:

Page 1, line 11, delete "and 465" and insert "465, and 475"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Anderson, I, from the Committee on Taxes to which was referred:

H. F. No. 519, A bill for an act relating to individual housing accounts; providing for the subtraction from federal adjusted

gross income of certain contributions to an interest earned on individual housing accounts; repealing the deduction for individual housing account contributions and interest; clarifying various provisions relating to individual housing accounts; amending Minnesota Statutes 1980, Sections 48.159, Subdivision 2; 50.157, Subdivision 2; 51A.21, Subdivision 16a; 52.136; 290.01, Subdivision 20; 290.08, by adding a subdivision; and 290.17, Subdivision 2; repealing Minnesota Statutes 1980, Section 290.09, Subdivision 30.

Reported the same back with the following amendments:

Page 14, line 18, after the period insert "*For purposes of this paragraph, "participant" means in the case of a married couple either spouse at the time of the purchase.*"

Page 15, line 14, delete "*a good faith, written*" and insert "*an*"

Page 15, line 15, delete "*and*" and insert ";" and after "*completed,*" insert "*and the distribution is not forfeited to the seller,*"

Page 16, line 9, after "*spouse.*" insert, "*The ten percent tax provided by this clause shall not be imposed, if (1) the participant is unable to make a qualified purchase because he marries a person who has or had an ownership interest in a residence; and (2) no contributions or interest are excluded from gross income in a taxable year ending after the date of the marriage.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 524, A bill for an act relating to education; requiring the board of education to establish and fill the position of specialist for industrial arts education and to prescribe the duties of the specialist; appropriating money; amending Minnesota Statutes 1980, Section 121.11, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 531, A bill for an act relating to workers' compensation; requiring and providing for additional state workers' compensation attorneys; appropriating money.

Reported the same back with the following amendments:

Page 1, line 10, after the comma, insert "*and nine support employees,*"

Page 1, line 12, after "*attorneys*" insert "*and support employees*"

Page 1, line 23, delete "*nine*" and insert "*18*"

Amend the title as follows:

Page 1, line 4, after "*attorneys*" insert "*and support employees*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Anderson, I., from the Committee on Taxes to which was referred:

H. F. No. 538, A bill for an act relating to taxation; estate tax; clarifying certain deductions; updating references to internal revenue code; clarifying the method of computing credits; clarifying exemptions and exclusions; providing for a statute of limitations; eliminating obsolete references; providing disclosure of data to certain persons; clarifying recording procedures; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; 291.005, Subdivision 1; 291.03, Subdivision 1; 291.05; 291.065; 291.09, Subdivision 3a; 291.20, Subdivision 1; 291.31, Subdivision 1; 291.48; and 600.21.

Reported the same back with the following amendments:

Page 10, line 24, delete "*in*"

Page 10, line 25, delete "*duplicate*"

Page 14, line 10, delete "*(e)*"

Page 15, after line 10, insert:

"Sec. 6. Minnesota Statutes 1980, Section 291.07, Subdivision 1, is amended to read:

291.07 [ADDITIONAL DEDUCTIONS.]

Subdivision 1. In determining the tax imposed by section 291.01, the following *additional* deductions shall be allowed:

- (1) funeral expenses;
- (2) reasonable legal, accounting, fiduciary and administration expenses and fees with respect to both probate and non-probate assets, including but not limited to expenses incurred during administration in converting real and personal property held by the estate into cash;
- (3) expenses of last illness unpaid at death;
- (4) valid claims against and debts of the decedent, unpaid at death, which have been properly paid;
- (5) Minnesota and federal income taxes on "income in respect of a decedent," as computed under subdivision 3;
- (6) the portion of the federal estate tax allocable to Minnesota, which shall equal the amount obtained by multiplying the federal estate tax due and payable to the United States Treasury by a fraction, the numerator of which shall equal the value of the Minnesota gross estate reduced by: (a) in the case of a resident decedent, the deductions and exemptions allowed by sections 291.05, 291.051, 291.065, 291.07, subdivision 1, clauses (1), (2), (3), (4), (5), (7) and (8); or (b) in the case of a nonresident decedent the deductions and exemptions allowed by sections 291.05, 291.051, 291.065, 291.08, clauses (1), (2), (4) and (5), and the denominator of which shall equal the value of the federal taxable estate as defined in section 2051 of the Internal Revenue Code; provided, however, in any case where any property is included in the Minnesota gross estate but incorrectly omitted from the federal gross estate or where any property that is included in both the Minnesota gross estate and the federal gross estate is valued at a higher or lower value in determining the Minnesota gross estate than in determining the federal gross estate, the federal taxable estate shall be recomputed for purposes of this provision and shall be based on a federal gross estate including the value of such omitted property and including or excluding the difference in value of such revalued property, and further provided that the federal estate tax deduction shall not exceed the federal estate tax due and payable to the United States Treasury;
- (7) real estate taxes due and payable prior to or in the year of the decedent's death with respect to real estate subject to taxation under this chapter and other taxes which have accrued and are a lien on property in the estate at the time of death;
- (8) liens and mortgages on property subject to taxation under this chapter which are not deductible as claims or debts of the decedent.

Sec. 7. Minnesota Statutes 1980, Section 291.08, is amended to read:

**291.08 [NONRESIDENT ESTATES; ALLOWANCE OF ADDITIONAL DEDUCTIONS (AND EXEMPTIONS).]**

Where a tax is due on the transfer of any property or interest therein owned by a nonresident, the following *additional* deductions (AND EXEMPTIONS) shall be allowed:

- (1) Funeral expenses to the extent incurred in Minnesota;
- (2) Reasonable legal, accounting, fiduciary and administration fees and expenses allocable to both probate and nonprobate property included in the Minnesota gross estate;
- (3) Federal estate taxes as computed in section 291.07;
- (4) Real estate taxes on Minnesota property which are due and payable prior to or in the year of the decedent's death;
- (5) Liens and mortgages on property included in the Minnesota gross estate."

Page 15, line 16, delete "*three years*" and insert "*180 days*"

Page 16, line 24, delete "*three years*" and insert "*180 days*"

Page 16, line 30, delete "*three years*" and insert "*180 days*"

Page 16, line 35, after "tax" insert " ,"

Pages 17 and 18, delete section 7

Page 22, line 9, delete "*6, and 7*" and insert "*and 8*"

Page 22, line 10, delete "*June 30*" and insert "*December 31*"

Page 22, line 11, delete "*10*" and insert "*11*"

Page 22, line 12, delete "*Section 8 and 9*" and insert "*Sections 9 and 10*"

Renumber the sections

Amend the title as follows:

Page 1, line 11, after "*291.065;*" insert "*291.07, Subdivision 1; 291.08;*"

Page 1, line 11, delete "291.20,"

Page 1, line 12, before "291.31" delete "Subdivision 1;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Nelson, K., from the Committee on Energy to which was referred:

H. F. No. 549, A bill for an act relating to energy; creating the Minnesota renewable energy financing commission; establishing a program of loans and financial assistance for small businesses and municipalities; authorizing the issuance of bonds; appropriating money; proposing new law coded in Minnesota Statutes 1980, Chapter 116H.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [116H.135] [RENEWABLE ENERGY FINANCING COMMISSION ACT.]

*Subdivision 1. [TITLE.] Sections 1 to 3 may be cited as the "Minnesota energy financing commission act."*

*Subd. 2. [POLICIES.] Improving energy efficiency and developing economical renewable energy systems is a public purpose for state financing and a proper function of state government. Climate and geography make a reliable, economic supply of energy essential for municipalities and small businesses. Imported supplies are increasingly costly, unreliable, and environmentally disadvantageous. Renewable energy systems offer an important means of increasing the efficiency of Minnesota's energy systems and reducing the state's reliance on imported energy supplies. The combination of the large initial capital cost and investors' lack of familiarity with renewable energy systems has made the private market reluctant to provide the necessary capital for their development. As a result, public leadership, cooperation, and aid are needed to develop economically viable renewable energy systems.*

*Subd. 3. [DEFINITIONS.] Each term defined in this subdivision has the meaning given it whenever used in sections 1 to 3.*

(a) "Commission" means the renewable energy financing commission created in this section.

(b) "Owner" means a person, partnership, firm, or corporation engaged in a small business and applying to the commission for a loan under section 2.

(c) "Small business" means an enterprise defined as a small business concern in regulations of the United States small business administration pursuant to 15 U.S. Code, Sections 631 to 647, as in effect March 1, 1980, which is engaged in any industrial or commercial activity. For the purposes of sections 1 to 3, a small business includes a cooperative association organized pursuant to chapter 308, a charitable organization as defined in section 309.50, a nonprofit corporation as defined in section §17.02, a conservation service company, or a labor union. A small business also includes a family farm, a family farm corporation, or an authorized farm corporation as defined in section 500.24, subdivision 2.

(d) "Target small business" for the purpose of section 2, subdivision 6, means a small business entity as defined in clause (c) which:

(1) Is not an affiliate or subsidiary of a business dominant in its field of operation;

(2) Has 50 or fewer full time employees or not more than the equivalent of \$2,000,000 in annual gross revenues in the preceding fiscal year; and

(3) Demonstrates a commitment to employ individuals who are from low income households and have a history of unemployment.

(e) "Dominant in its field of operation" means having more than 50 full time employees and more than \$2,000,000 in annual gross revenues.

(f) "Affiliate or subsidiary of a business dominant in its field of operation" means a business which is at least 20 percent owned by a business dominant in its field of operation, or by partners, officers, directors, majority stockholders, or their equivalent, of a business dominant in its field of operation.

(g) "Financial institution" means any bank or other financial corporation described in chapter 47, any insurance company licensed to do business under chapter 60A, any securities broker-dealer licensed under chapter 80A, and any credit union.

(h) "Renewable energy system" includes, but is not limited to, the systems that qualify under the provisions of section 290.06, subdivision 14 and the rules promulgated under it except that qualifying systems described in section 290.06, subdivision 14, clause (c) may sell any fuels they produce.

(i) "Conservation" means a capital investment designed to reduce the use of energy so that the resulting fuel savings amortize the cost of the investment over a period of ten years or less.

(j) "Municipality" means any city, however organized, or any municipal power agency governed by chapter 453, or any group or combination of those units operating under an agreement to jointly undertake projects authorized by sections 1 to 3.

**Subd. 4. [ENERGY COMMISSION.]** An energy financing commission is established to carry out the powers and duties authorized in sections 1 to 3 to implement a loan program by which, in cooperation with cities, towns, counties and private or public lenders, adequate funds may be provided on sufficiently favorable terms to assist and encourage the establishment, maintenance and growth of small renewable energy and conservation businesses in Minnesota and to reduce to a manageable level the cost of energy to businesses and municipalities. The commission shall make loans to assist small businesses and municipalities in the manufacture, design, distribution, maintenance, installation or acquisition of renewable energy systems and energy conservation materials and devices.

Because of its ability to pool or combine loans to be funded from one or more issues of bonds, the commission will be able to spread its financing costs among the municipalities, small businesses and individuals to which the commission makes loans.

**Subd. 5. [PURPOSE.]** Sections 1 to 3 are enacted to promote the welfare and prosperity of the state by maintaining and increasing the career and job opportunities of its citizens, by reducing waste of resources and by protecting and enhancing the tax base on which state and local governments depend for the financing of public services.

**Subd. 6. [LIABILITY.]** Neither the state nor any other agency or political subdivision of the state shall be liable on any bond, note or other obligation of the commission, and no bond, note, or other obligation of the commission shall constitute a debt or loan of credit of the state or any political subdivision.

**Subd. 7. [LIMIT OF STATE ACTION.]** The state pledges and agrees with all holders of obligations of the commission that it will not limit or alter the rights vested in the commission to fulfill their terms, and will not in any way impair the rights or remedies of the holders, until all of the obligations and interest on them, with interest on any unpaid installments of interest and all costs and expenses in connection with any action or proceeding by or on behalf of the holders to enforce the payment and other provisions of the obligations, are fully met and discharged. The commission may include and recite this pledge and agreement of the state in any obligation or related document.



Subd. 8. [POWERS OF THE STATE.] *This section does not affect the power of the state to supervise and control the commission or to discontinue its operation or alter its organization, programs or activities or transfer its powers to a successor agency, but the action of the state must be consistent with the provisions of subdivision 7 and title to all property owned by the commission at the time of the state's action must remain or vest in the commission, its successor or the state, as the case may be.*

Subd. 9. [TAXES.] *The property of the commission and its income and operation shall be exempt from all taxation by the state or any of its political subdivisions and all bonds and notes of the commission shall be exempt from all taxation by the state or any of its political subdivisions.*

Subd. 10. [BONDS; TAX STATUS.] *The state covenants with the purchasers and all subsequent holders and transferees of notes and bonds issued by the commission in consideration of the acceptance of and payment for the notes and bonds, that the notes and bonds of the commission issued pursuant to sections 1 to 3 and the income from them and all its fees, charges, gifts, grants, revenues, receipts, and other moneys received or to be received, pledges to pay or secure the payment of the notes or bonds shall at all times be free and exempt from all state, city, county or other taxation provided by the laws of the state, except for estate and gift taxes and taxes on transfers, and except for the Minnesota corporate franchise tax measured by income, so long as the interest on federal bonds is included in the income by which the corporate franchise tax is measured.*

Subd. 11. [COMMISSION; MEMBERS.] *The commission shall have five members knowledgeable about energy appointed by the governor with the advice and consent of the senate. The commissioners shall include:*

- (a) *One renewable energy or conservation entrepreneur managing a small business;*
- (b) *One officer from a commercial lending institution; and*
- (c) *One labor union official.*

*The director of the energy agency, the director of the housing finance agency, and the commissioner of economic development shall serve as ex officio members of the commission.*

Subd. 12. [TERMS.] *The commissioners shall serve three year terms. The first members shall be appointed for terms as follows: (a) one for a term ending the first Monday in January, 1982; (b) two for terms ending the first Monday in January, 1983; and (c) two for terms ending the first Monday in January, 1984.*

*Subd. 13. [CHAIR.] The members of the commission shall annually elect a chairman and other officers they deem necessary.*

*Subd. 14. [STAFF.] The commission shall hire permanent and temporary employees necessary for the performance of its duties. The commission may enter into agreements under which the housing finance agency will provide administrative support for the commission.*

*Subd. 15. [SERVICES.] The commission shall identify general consultative and technical services to assist in financing municipalities and small business facilities for which loans may be made pursuant to section 2. It may enter into agreements or other transactions concerning the receipt or provision of those services.*

**Sec. 2. [116H.136] [LOANS.]**

*Subdivision 1. [GENERAL.] The commission may make or purchase or participate with financial institutions in making or purchasing renewable energy loans or energy conservation loans upon the conditions described in this section, and may enter into commitments for loans.*

*Subd. 2. [LOAN PURCHASES.] The commission may participate with financial institutions in making or purchasing business loans not exceeding \$1,000,000 in principal amount, to be serviced by the institutions, provided that:*

*(a) The commission's share shall not exceed 90 percent of the total principal amount, and shall be payable with interest at the same times but not necessarily at the same interest rate as the share of the financial institution, and both shares shall be equally and ratably secured by a valid mortgage on or security interest in real and personal property;*

*(b) The total principal amount shall not exceed 90 percent of the value of the property securing the loan, unless the amount in excess of 90 percent is:*

*(1) Loaned from available funds which are not proceeds received directly from the sale of the commission's bonds or notes and are not restricted under the terms of any resolution or indenture securing bonds or notes, or*

*(2) Insured or guaranteed by a federal agency or by a private insurer qualified to write the insurance in the state, insuring a percentage of any claim for loss at least equal to the percentage by which the loan exceeds 90 percent of the value;*

(c) *The value of the property securing the loan shall be certified by the participating financial institution, on the basis of appraisals, bids, purchase orders, and engineers' certificates as the commission may require;*

(d) *The commission shall not disburse more than one-third of the total funds under a commitment to participate in a loan for the construction or substantial improvement of property until the construction or improvement has been completed in accordance with plans and specifications, unless the financial institution furnishes an irrevocable letter of credit or a qualified corporate surety furnishes payment and performance bonds, satisfactory to the commission and in an aggregate amount equal to the amount payable under the construction contract; and*

(e) *No other indebtedness may be secured by a mortgage on or security interest in property securing a business loan made or purchased pursuant to this subdivision.*

*Subd. 3. [LOANS; AMOUNT.] The commission may make small business and municipal loans not exceeding \$200,000 in principal amount, but each loan shall be made only from the proceeds of a bond or note sold and issued to a financial institution, payable exclusively from the repayments of principal and interest on the loan, which shall be assigned to and serviced by the financial institution.*

*Subd. 4. [ASSURED FINANCING.] No loan of state funds for any project shall be disbursed until the commission has determined the total estimated cost of a qualified project and ascertained that financing of the project is assured by:*

(a) *A loan or grant of funds authorized by state law;*

(b) *A grant of funds by an agency of the federal government which is within the amount of funds appropriated to that agency and allocated by it to the project;*

(c) *A grant or loan of funds from any other public or private entity;*

(d) *The appropriation of the proceeds of bonds or other funds of a municipality; or*

(e) *Any combination of the sources referred to in clauses (a) to (d).*

*Subd. 5. [MUNICIPAL PLEDGE.] In addition to the requirements of subdivision 4, no loan of state funds shall be disbursed until the governing body of qualifying municipality has adopted a resolution agreeing to utilize not only all funds*

*it allocates specifically for the qualifying project, but also to pay any additional amount by which the cost of the project exceeds those allocated funds. The resolution shall agree to obtain the additional amounts which are necessary to fully fund the project from either the appropriation of additional municipal funds or the appropriation of the proceeds of additional bonds to be issued by the municipality.*

*Subd. 6. [LOANS; TYPES.] The commission shall make every effort to assure that at least 40 percent of the principal amount of the loans made or purchased by the agency in each fiscal year consists of loans to target small businesses as defined in section 1, subdivision 3, clause (d), and shall provide technical assistance needed by target small business owners to complete applications and meet other requirements for those loans. The commission shall report to the legislature annually on or before October 1 as to its compliance with the requirements of this subdivision during the preceding fiscal year.*

*Subd. 7. [REPORTS]. (a) Each financial institution which participates in a residential or business loan with the commission shall annually on or before March 1 submit a report for the prior calendar year to the agency on a form prescribed by the state auditor. The report shall include a listing of each new and outstanding loan in which the financial institution is a participant, the amount and terms of the loan, the purpose of the loan and any other information as the state auditor may reasonably require.*

*(b) The commission shall annually on or before May 1 submit a report on a form prescribed by the state auditor for the prior calendar year to the state auditor on all loans which it makes, purchases or participates in. The report shall include a listing of each new and outstanding loan in which the financial institution is a participant, the amount and terms of the loan, the purpose of the loan and any other information the state auditor may reasonably require.*

*(c) The state auditor shall annually on or before July 1 submit a report for the prior calendar year to the governor and the legislature summarizing the report submitted pursuant to clause (b).*

*(d) The cost of preparing and submitting the reports required by this subdivision shall be borne by the party submitting it. Any financial institution which fails to comply with the requirements of this subdivision shall be prohibited from participating in future loans until it complies.*

**Sec. 3. [116H.137] [POWERS; DUTIES.]**

*Subdivision 1. [GENERAL.] In implementing its corporate purposes and the programs described in sections 1 to 3, the*

*commission shall have the powers and duties set forth in this section.*

*Subd. 2. [LAWSUITS.] It may sue and be sued.*

*Subd. 3. [CORPORATE SEAL.] It may have a seal and alter it at will.*

*Subd. 4. [RULES.] It may adopt, amend and repeal rules consistent with the provisions of sections 1 to 3 as necessary to effectuate its corporate purposes.*

*Subd. 5. [PROPERTY.] It may acquire, hold and dispose of personal property for its corporate purposes.*

*Subd. 6. [AGREEMENTS.] It may enter into agreements or other transactions with any federal or state agency, any person and any domestic or foreign partnership, corporation, association or organization.*

*Subd. 7. [PROPERTY; DEFAULT.] It may acquire real property, or an interest in real property, in its own name, by purchase or foreclosure, when the acquisition is necessary or appropriate to protect any loan in which the agency has an interest and may sell, transfer and convey the property to a buyer and, if sale, transfer or conveyance cannot be effected with reasonable promptness or at a reasonable price, may lease the property to a tenant.*

*Subd. 8. [LOANS; SALES.] It may sell, at public or private sale, any note, mortgage or other instrument or obligation evidencing or securing a loan.*

*Subd. 9. [INSURANCE.] It may procure insurance against any loss in connection with its property in the amounts, and from the insurers, as necessary or desirable.*

*Subd. 10. [TERMS; MODIFICATION.] It may consent, when it deems it necessary or desirable in the fulfillment of its corporate purpose, to the modification of the rate of interest, time of payment or any installment of principal or interest, or any other term, of any mortgage loan, mortgage loan commitment, construction loan, temporary loan, contract or agreement of any kind to which the agency is a party.*

*Subd. 11. [BONDS.] It may borrow money to accomplish its corporate purpose and issue its negotiable bonds or notes as evidence of the borrowing in accordance with sections 462A.08 to 462A.13, 462A.16 and 462A.17, all with the force and effect stated and the incidental powers granted and duties imposed in those sections. The aggregate principal amount of the commission's bonds and notes outstanding at any one time, excluding*

*the amount satisfied and discharged by payment or provision for payment in accordance with their terms, and deducting amounts held in debt service reserve funds for them, shall not exceed \$1,000 unless authorized by another law.*

*Subd. 12. [RESERVE.] It may issue and sell bonds, notes and other obligations payable solely from particular moneys, assets or revenues derived from its programs notwithstanding section 462A.08, subdivision 3. Obligations issued to participate in making or purchasing small business and municipal loans pursuant to section 2, shall be payable solely from revenues derived by the commission from repayments of the loans and from enforcement of the security for them, or from a general reserve fund irrevocably pledged and appropriated to pay principal and interest due, for which other funds are not available. No obligations shall be issued at any time unless the amount then in the general reserve fund equals at least ten percent of the aggregate principal amount of all the obligations then issued and then outstanding.*

*Subd. 13. [PRICES.] It may sell any of its obligations at public or private sale, at the price or prices the commission shall determine, notwithstanding the limitation on sale price in the fourth sentence of section 462A.09.*

*Subd. 14. [COMPLIANCE.] It may establish and collect reasonable interest and amortization payments on loans, and in connection with them may establish and collect or authorize the collection of reasonable fees and charges or require funds to be placed in escrow, sufficient to provide for the payment and security of its bonds, notes, commitments and other obligations and for the servicing of them, to provide reasonable allowances for or insurance against losses which may be incurred and to cover the cost of issuance of obligations and technical, consultative and project assistance services. It shall require the payment of all processing, administrative and guarantee fees and the deposit in escrow of all funds required by the small business administration or other federal agency or instrumentality guaranteeing any loan and shall comply and enforce compliance with all terms and conditions of each guarantee.*

*Subd. 15. [INVESTMENTS.] It may invest any funds not required for immediate disbursement in direct obligations of or obligations guaranteed as to principal and interest by the United States, or in insured savings accounts, up to the amount of the insurance, in any institution the accounts of which are insured by the federal savings and loan insurance corporation or in a savings or other account in a bank insured by the federal deposit insurance corporation or in time certificates of deposit issued by a bank insured by the federal deposit insurance corporation and maturing within one year or less. It may deposit funds in excess of the amount insured with security as provided in chapter 118. Notwithstanding the foregoing, it may invest and de-*

*posit funds in accounts established pursuant to resolutions or indentures securing its bonds or notes in the investments and deposit accounts or certificates, and with the security, as may be agreed with the holders or a trustee for the holders.*

*Subd. 16. [DATA.] Financial information, including, but not limited to, credit reports, financial statements and net worth calculations, received or prepared by the commission regarding any project loan is private data on individuals as defined in section 15.162, subdivision 5a.*

*Subd. 17. [OTHER FUNDING.] It may accept appropriations, gifts, grants, bequests and devises and use or dispose of them for its corporate purposes.*

*Subd. 18. [FUNDING.] All proceeds of the commission's bonds, notes and other obligations, any amounts granted or appropriated to the commission for the making or purchase or the insurance or guaranty of loans or for bond reserves, all income from their investment and all revenues from loans, fees and charges of the commission are annually appropriated to the commission for the accomplishment of its corporate purposes and shall be expended, administered and accounted for in accordance with the applicable provisions of all bond and note resolutions, indentures and other instruments, contracts, and agreements of the agency.*

*Subd. 19. [HOUSING FINANCE AGENCY.] The director of the housing finance agency at the commission's request may enter into agreements or transactions with the commission to perform any or all administrative tasks in connection with the exercise and implementation of the powers and programs of the commission.*

**Sec. 4. [APPROPRIATION.]**

*\$ . . . . . is appropriated from the general fund to the commission to establish the reserve required by section 3, subdivision 12.*

**Sec. 5. [APPROPRIATION.]**

*\$ . . . . . is appropriated from the general fund to the commission to hire necessary staff, consultants, and equipment to carry out the provisions of sections 1 to 3.*

**Sec. 6. [REPEALER.]**

*Minnesota Statutes 1980, Section 3.351 is repealed.*

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

*Sections 1 to 6 are effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to energy; creating the Minnesota energy financing commission; establishing a program of loans and financial assistance for small businesses and municipalities; authorizing the issuance of bonds; appropriating money; proposing new law coded in Minnesota Statutes 1980, Chapter 116H; repealing Minnesota Statutes 1980, Section 3.351."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 554, A bill for an act relating to natural resources; increasing motor vehicle permit fees for state parks, monuments, recreation areas, and waysides; establishing a dedicated account; appropriating money; amending Minnesota Statutes 1980, Section 85.05, Subdivisions 1 and 2; proposing new law coded in Minnesota Statutes, Chapter 85.

Reported the same back with the following amendments:

Page 2, line 17, after the period insert "*Fees paid pursuant to this section shall be deposited in the state park maintenance and operation account in the state treasury.*"

Page 2, line 22, after "park," strike "state"

Page 2, line 23, strike "monument,"

Page 2, line 26, strike "of natural resources"

Page 2, line 29, strike "state monument,"

Page 3, line 4, strike "state monuments,"

Page 3, line 9, delete "*which is annually appropriated*" and insert "*. Appropriations from this fund shall be*"

Page 3, line 24, strike "without charge" and insert "*for one-half of the fees provided in clause (a)*"

Page 3, line 34, strike "monuments,"



Page 4, after line 9, insert a new section to read :

“Sec. 4. Minnesota Statutes 1980, Section 85.22, Subdivision 2a, is amended to read :

Subd. 2a. [RECEIPTS, APPROPRIATION.] All receipts derived from the (OPERATIONS OF) *sale of items in state parks* shall be deposited in the state treasury and be credited to the state parks working capital fund, which fund is annually appropriated solely for the purchase of merchandise for resale. Annually, as of the close of business on June 30, the unencumbered balance in excess of (\$50,000) \$100,000 shall be cancelled into the general fund.”

Renumber remaining section

Page 4, line 11, delete “*January 1, 1982 except that increases*”

Page 4, delete lines 12 and 13 and insert “*July 1, 1981.*”

Amend the title as follows :

Page 1, line 3, delete “*monuments,*”

Page 1, line 6, delete “*Section*” and insert “*Sections*”

Page 1, line 7, after “*2;*” insert “*and 85.22, Subdivision 2a;*”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred :

H. F. No. 579, A bill for an act relating to financial institutions; allowing new mortgage instruments; modifying rate restrictions on certain loans; providing a maximum late charge on certain loans; amending Minnesota Statutes 1980, Section 47.20, Subdivisions 1, 2, 4, 4a, 6 and 12.

Reported the same back with the following amendments :

Page 2, delete lines 14 to 16

Page 2, line 17, delete “*(4)*” and insert “*(3)*”

Page 2, line 18, after “*purchase*” insert “*, in whole or in part,*”

Page 2, line 21, delete the period and insert “; and

*(4) To make, purchase or participate in such loans and advances of credit secured by mortgages on real property which are authorized by the federal home loan bank board or the office of the comptroller of the currency.”*

Page 5, line 24, strike “and” and insert “;”

Page 5, line 24, after “fee” insert “, and any share of future appreciation of the mortgaged property”

Page 5, line 25, strike “and” and insert “;”

Page 5, line 25, after “fee,” insert “and any share of future appreciation of the mortgaged property,”

Page 5, line 27, after the period, insert “*The finance charge, with respect to wraparound mortgages, shall be computed based upon the face amount of the wraparound mortgage note, which face amount shall consist of the aggregate of those funds actually advanced by the wraparound lender and the total outstanding principal balances of the prior note or notes which have been made a part of the wraparound mortgage note.*”

Page 6, line 1, after the period, insert “*For purposes of this section, with respect to wraparound mortgages, the rate of interest or loan yield shall be based upon the principal balance set forth in the wraparound note and mortgage and shall not include any interest differential or yield differential between the stated interest rate on the wraparound mortgage and the stated interest rate on the one or more prior mortgages included in the stated loan amount on a wraparound note and mortgage.*”

Page 11, lines 12 to 14, reinstate the stricken language

Page 11, line 14, delete “and”

Page 11, line 20, reinstate the stricken language

Page 11, line 23, delete everything after “instruments”

Page 11, delete line 24

Page 11, line 25, delete “the lender”

Page 11, lines 26 to 35, reinstate the stricken language

Page 11, line 35, after “(INSTRUMENTS.)” insert “*This subdivision applies to all loans made on or after June 1, 1979 and before the effective date of this act.*”

Sec. 6. Minnesota Statutes 1980, Section 47.20, is amended by adding a subdivision to read:

*Subd. 6a. If the purpose of a conventional loan is to enable a borrower to purchase a one to four family dwelling for his or her primary residence, the lender shall consent to the subsequent transfer of the real estate and shall release the existing borrower from all obligations under the loan instruments, if the transferee (1) meets the standards of credit worthiness normally used by persons in the business of making conventional loans, including but not limited to the ability of the transferee to make the loan payments and satisfactorily maintain the real estate used as collateral, (2) executes an agreement in writing with the lender whereby the transferee assumes the obligations of the existing borrower under the loan instruments, and (3) executes an agreement in writing to pay interest on the remaining obligation at such rate as agreed to between the transferee and the lender. Any such agreement shall not affect the priority, validity or enforceability of any loan instrument."*

Page 12, line 1, after "lenders." insert "This subdivision applies to all loans made on or after the effective date of this act."

Page 13, line 5, delete "6" and insert "7"

Renumber the sections

Amend the title as follows:

Page 1, line 6, after "6" insert a comma and delete "and"

Page 1, line 6, after "12" insert "and by adding a subdivision"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 591, A bill for an act relating to the city of St. Paul; repealing the people mover act; repealing Minnesota Statutes 1980, Chapter 458B.

Reported the same back with the following amendments:

Page 1, line 10, delete "for the city of St. Paul"

Page 1, line 12, delete " , Clause (b) "

Page 1, line 12, after the period insert "This act applies to the government units and agencies named in chapter 458B, including

*the city of St. Paul and the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."*

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 601, A bill for an act relating to cemeteries; requiring public cemeteries having permanent care and improvement funds to file a notice and an annual report with the county auditor; amending Minnesota Statutes 1980, Section 306.761.

Reported the same back with the following amendments:

Page 2, line 15, strike "\$5" and insert "\$10"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 615, A bill for an act relating to corrections; providing for the transfer of convicted offenders under certain circumstances; proposing new law coded in Minnesota Statutes, Chapter 243.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 617, A resolution memorializing the President, Congress, and the United States Postal Service of Minnesota's opposition to the nine digit zip code.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 624, A bill for an act relating to corrections; clarifying the transfer of correctional inmates to medical facilities; providing for tuberculosis testing for correctional employees; clarifying unclaimed property of correctional inmates, and diversified labor accounts; changing terminology of correctional facilities; harmonizing furlough provisions; prescribing the time for counties to submit estimates for reimbursement for probation services; amending Minnesota Statutes 1980, Sections 241.07; 241.09; 241.14; 241.22; 242.20; 242.22; 242.43; 242.44; 242.45; 242.48; 243.05; 243.20; 243.211; 243.465; 243.57; 243.-58; 243.64; 244.07, Subdivision 1; 260.311, Subdivision 5; repealing Minnesota Statutes 1980, Sections 241.01, Subdivision 8; 241.15; 242.23; 242.24; 242.375; 242.52; 242.53; 243.06; 243.22; 243.25; 243.26; and 243.78.

Reported the same back with the following amendments:

Page 4, line 11, after "certificate" insert "*from a duly licensed physician*"

Page 4, after line 12, insert "*undergone a physical examination*"

Page 4, line 13, reinstate the stricken language

Page 4, after line 29, insert:

"Sec. 5. Minnesota Statutes 1980, Section 241.64, Subdivision 1, is amended to read:

Subdivision 1. [CREATION.] Within 60 days after the effective date of sections 241.61 to 241.66, the commissioner shall appoint a (NINE) 15 member advisory task force to advise him on the implementation of sections 241.61 to 241.66. The provisions of section 15.059, subdivision 6, shall govern the terms, compensation, and removal of members of the advisory task force.

Sec. 6. Minnesota Statutes 1980, Section 241.64, Subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] Persons appointed shall be knowledgeable in the fields of health, law enforcement, social services or the law. (FIVE) Ten members of the advisory task force shall be representatives of community or governmental organizations which provide services to battered women, and (FOUR) five members of the advisory task force shall be public members."

Page 4, line 35, strike “, subject to the”

Page 4, line 36, strike “provisions of section 242.24,”

Page 5, line 33, strike “CORRECTIONS BOARD” and insert  
“*COMMISSIONER*”

Page 7, line 7, strike “INFANTS” and insert “*CHILDREN*”

Page 7, after line 16 insert:

“Sec. 11. Minnesota Statutes 1980, Section 242.47, is amended to read:

242.47 [INTERFERENCE WITH INMATES.]

Every person who shall abduct, conceal, entice, carry away, or improperly interfere with, any inmate of (THE) a Minnesota correctional facility (RED WING) *for juveniles* shall be guilty of a misdemeanor.”

Page 11, line 24, strike “for his”

Page 11, strike lines 25 to 28

Page 11, line 30, before the period insert, “*to effect the apprehension and return of the escapee, which may include the offer of a reward of not more than \$100 to be paid from the state treasury, for information leading to the arrest and return to custody of the escapee*”

Page 13, line 4, after the first “each” insert “*even numbered*”

Page 13, after line 25, insert:

“Sec. 23. [EFFECTIVE DATE.]

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

Renumber the sections in order

Amend the title as follows:

Page 1, line 10, after “services;” insert “prescribing a penalty;”

Page 1, line 11, after “241.22;” insert “241.64, Subdivisions 1 and 2;”

Page 1, line 12, after “242.45;” insert “242.47;”

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 634, A bill for an act relating to securities; providing for improved regulation of the sale of securities and the licensing of broker-dealers, agents, and investment advisers; making miscellaneous clarifications and revisions; amending Minnesota Statutes 1980, Sections 80A.04, Subdivision 4; 80A.-05, Subdivision 1; 80A.07, Subdivision 1; 80A.12, Subdivision 3; 80A.14; 80A.15, Subdivisions 1 and 2; 80A.16; 80A.21, Subdivision 1; 80A.28, Subdivisions 1, 2, 3, 4 and 7, and by adding a subdivision; 80A.30, Subdivision 2.

Reported the same back with the following amendments:

Page 12, line 2, strike "Coast"

Page 15, line 35, strike "such" and insert "the"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 667, A bill for an act relating to metropolitan government; requiring that metropolitan council districts be apportioned after the 1980 federal census; amending Minnesota Statutes 1980, Section 473.123, Subdivision 2.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Reapportionment and Elections.

The report was adopted.

Anderson, I., from the Committee on Taxes to which was referred:

H. F. No. 739, A bill for an act relating to local government; regulating the tax levy of the joint recreation and park board of the city of Hibbing and Independent School District 701; amending Laws 1971, Chapter 573, Section 2.

Reported the same back with the following amendments:

Page 1, line 11, delete "*section 1*" insert "*sections 1 and 2, subdivision 2,*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 798, A bill for an act relating to energy; authorizing a temporary state set-aside program to ease shortages of gasoline and petroleum distillates administered by the Minnesota energy agency; appropriating funds.

Reported the same back with the following amendments:

Page 4, line 1, after "*dealers*" delete "*of*" and insert "*or*"

Page 4, line 2, delete "*suppliers*" and insert "*supplies*"

Page 4, line 18, after "*fuel*" insert "*due*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 877, A bill for an act relating to agriculture; increasing a variety of fees charged by the department of agriculture for services, inspections, and other duties; establishing a revolving fund; appropriating money; amending Minnesota Statutes 1980, Sections 17B.15; 18.51, Subdivision 2; 18.52, Subdivision 5; 18.54, Subdivision 1; 19.19, Subdivisions 1 and 2; 19.20, Subdivision 4; 223.03; 223.12, Subdivision 1; 231.16; 232.02, Subdivisions 1, 2, and 3; and 233.08.

Reported the same back with the following amendments:

Page 1, line 13, after "*17B.15,*" insert "*Subdivision 1,*"

Page 1, delete line 15

Page 2, delete lines 4 to 23

Page 3, line 3, delete "*15*" and insert "*50*"



Amend the title as follows:

Page 1, line 6, after "17B.15" insert ", Subdivision 1"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

S. F. No. 620, A bill for an act relating to economic development; extending the date on which the report of the conference on small business is due; extending the life of certain appropriations; amending Laws 1980, Chapter 613, Sections 4 and 5.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 12, 142, 171, 211, 214, 296, 297, 329, 347, 353, 386, 420, 519, 538, 579, 591, 601, 615, 617, 624, 634 and 739 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. No. 620 was read for the second time.

## SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the State of Minnesota, Sarna moved that the rule therein be suspended and an urgency be declared so that S. F. No. 620 be given its third reading and be placed upon its final passage. The motion prevailed.

Sarna moved that the rules of the House be so far suspended that S. F. No. 620 be given its third reading and be placed upon its final passage. The motion prevailed.

S. F. No. 620, A bill for an act relating to economic development; extending the date on which the report of the conference on small business is due; extending the life of certain appropriations; amending Laws 1980, Chapter 613, Sections 4 and 5.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kalis	Novak	Sherman
Ainley	Ewald	Kelly	Nysether	Sherwood
Anderson, G.	Fjoslien	Knickerbocker	O'Connor	Sieben, M.
Anderson, I.	Forsythe	Kvam	Ogren	Simoneau
Anderson, R.	Friedrich	Laidig	Olsen	Skoglund
Battaglia	Greenfield	Lehto	Onnen	Staten
Begich	Gruenes	Lemen	Otis	Stowell
Berkelman	Gustafson	Levi	Peterson, D.	Stumpf
Blatz	Halberg	Long	Piepho	Svigum
Brandl	Hanson	Luknic	Pogemiller	Swanson
Brinkman	Hauge	Mann	Redalen	Tomlinson
Byrne	Haukoos	Marsh	Reding	Valan
Carlson, L.	Heinitz	McCarron	Rees	Valento
Clark, K.	Himle	McDonald	Reif	Vanasek
Clawson	Hoberg	McEachern	Rice	Vellenga
Dahlvang	Hokanson	Mehrkens	Rodriguez, C.	Voss
Dean	Hokr	Metzen	Rodriguez, F.	Weaver
Dempsey	Jacobs	Minne	Rose	Welch
Drew	Jennings	Munger	Rothenberg	Wenzel
Eken	Johnson, C.	Murphy	Samuelson	Wieser
Elioff	Johnson, D.	Nelsen, B.	Sarna	Wigley
Ellingson	Jude	Nelson, K.	Schafer	Wynia
Erickson	Kahn	Niehaus	Schoenfeld	Zubay
Esau	Kaley	Norton	Schreiber	Spkr. Sieben, H.

Those who voted in the negative were:

Den Ouden      Ludeman      Welker

The bill was passed and its title agreed to.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Welch, Gruenes, Greenfield and Rodriguez, F., introduced:

H. F. No. 1051, A bill for an act relating to health; changing the claim limitations on cost of removing nuisances; authorizing the commissioner of health to issue orders concerning well water quality; clarifying the commissioner's authority over water wells and exploratory boring to include repairs and abandonment; changing the penalties for violations; amending Minnesota Statutes 1980, Sections 145.22; 156A.02, Subdivisions 1, 2, and 3; 156A.03, Subdivisions 1 and 2; 156A.05; 156A.07, Subdivisions 1 and 4; and 156A.08.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Aasness, Fjoslien and Anderson, R., introduced :

H. F. No. 1052, A bill for an act relating to state lands; providing for the conveyance of certain land to the city of Fergus Falls.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Schoenfeld; Vanasek; Wigley; Johnson, C., and Jennings introduced :

H. F. No. 1053, A bill for an act relating to the environment; directing regional development commissions to assist certain cities and towns to carry out environmental impact review procedures; reimbursing local governments for certain litigation costs; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 116D.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Ludeman introduced :

H. F. No. 1054, A bill for an act relating to metropolitan government; providing that the principal sports facility maintained by the metropolitan sports facilities commission be named the Minnesota Metrodome; amending Minnesota Statutes 1980, Section 473.556, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Gustafson; Johnson, D.; Lemen; Vanasek and Kelly introduced :

H. F. No. 1055, A bill for an act relating to negligent fires; altering minimum sentences for negligent fires; amending Minnesota Statutes 1980, Section 609.576.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Sherman, Blatz, Shea, Begich and Dempsey introduced :

H. F. No. 1056, A bill for an act relating to taxation; extending application of the revenue recapture act to county government; amending Minnesota Statutes 1980, Sections 270A.02; and 270A.03, Subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

Brandl; Clark, J.; Heinitz; Elioff and Onnen introduced:

H. F. No. 1057, A bill for an act relating to children; providing for review of foster care status of certain children; amending Minnesota Statutes 1980, Sections 257.071, Subdivisions 2, 3 and 4; 260.015, Subdivision 7; 260.111, Subdivision 2; and 260.131, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 260.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Norton; Ellingson; Johnson, D.; Berkelman and Ludeman introduced:

H. F. No. 1058, A bill for an act relating to financial institutions; allowing banks and trust companies to establish trust service offices at the location of other banks; proposing new law coded in Minnesota Statutes, Chapter 48.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Sieben, M.; Jude; Dempsey and Gustafson introduced:

H. F. No. 1059, A bill for an act relating to crimes; providing for the type of proof of the fact of killing in murder and manslaughter cases; amending Minnesota Statutes 1980, Section 634.051.

The bill was read for the first time and referred to the Committee on Judiciary.

Rodriguez, C., introduced:

H. F. No. 1060, A bill for an act relating to metropolitan revenue distribution; changing the determination of contributions to the area-wide tax base; amending Minnesota Statutes 1980, Section 473F.06.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Nelson, K.; Clark, J.; Dean; Staten and Skoglund introduced:

H. F. No. 1061, A bill for an act relating to the city of Minneapolis; requiring the proceeds of the sale of unclaimed stolen property to be placed in the general fund.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Otis, Norton, Dean, Wynia and Sherwood introduced:

H. F. No. 1062, A bill for an act relating to the operation of state government; providing for the expiration or periodic re-evaluation of various regulatory programs; requiring program and fiscal review of regulatory programs; providing for performance audits by the legislative auditor; establishing a pilot program; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 15.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Brinkman, Kvam and Niehaus introduced:

H. F. No. 1063, A bill for an act relating to public waters; requiring notice by certified mail to owners of property which includes or is adjacent to areas proposed to be designated as public waters or wetlands; amending Minnesota Statutes 1980, Section 105.391, Subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Osthoff and Eken introduced:

H. F. No. 1064, A bill for an act relating to elections; clarifying and correcting certain provisions and eliminating certain obsolete provisions of the ethics in government act; amending Minnesota Statutes 1980, Sections 10A.25, Subdivision 2; 10A.-255, by adding a subdivision; 10A.31, Subdivision 2; 10A.32, Subdivision 3b; and 10A.335; repealing Minnesota Statutes 1980, Section 10A.25, Subdivision 7.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Jacobs, Ainley, Novak, Friedrich and Otis introduced:

H. F. No. 1065, A bill for an act relating to public utilities; extending an option as to rate regulation by the public utilities commission to certain small telephone companies; amending Minnesota Statutes 1980, Sections 237.01; 237.075, Subdivision 9; and 237.081, Subdivision 1a.

The bill was read for the first time and referred to the Committee on Regulated Industries.

McEachern introduced:

H. F. No. 1066, A bill for an act relating to education; authorizing aid for driver education courses offered by school districts; appropriating money; amending Minnesota Statutes 1980, Section 124.212, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Osthoff and Clawson introduced:

H. F. No. 1067, A bill for an act relating to elections; changing certain definitions, providing for extended time limits, and clarifying certain provisions of the ethics in government law; amending Minnesota Statutes 1980, Sections 10A.01, Subdivisions 7 and 10; 10A.15, Subdivision 3; 10A.27, Subdivision 8; and 10A.28, Subdivision 2.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Peterson, D.; Clark, J.; Zubay; Byrne and Dempsey introduced:

H. F. No. 1068, A bill for an act relating to adoption; providing for record retention; providing for services by adoption agencies; proposing new law coded in Minnesota Statutes, Chapter 259.

The bill was read for the first time and referred to the Committee on Judiciary.

Greenfield; Drew; Clark, K.; Peterson, D., and Gustafson introduced:

H. F. No. 1069, A bill for an act relating to real estate; enabling municipalities to require filing of contracts for deed; proposing new law coded in Minnesota Statutes, Chapter 507.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Berkelman; Swanson; Carlson, L.; Kaley and Heinitz introduced:

H. F. No. 1070, A bill for an act relating to health; exempting students in schools of dental assisting from the requirement of a dental license; amending Minnesota Statutes 1980, Section 150A.05, Subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Clawson, Ogren, Esau and McDonald introduced:

H. F. No. 1071, A bill for an act relating to municipalities; discontinuance of unprofitable municipal liquor stores; restricting expenditure of public funds for liquor store operation; publication of operating statement; amending Minnesota Statutes 1980, Section 340.353, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapters 426 and 471.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Staten; O'Connor; Luknic; Rodriguez, C., and Byrne introduced:

H. F. No. 1072, A bill for an act relating to human rights; clarifying the meaning of reprisal; permitting the filing of a charge of unfair discriminatory practice directly in district court; authorizing injunctions for acts of reprisal; increasing the award of punitive damages; permitting the recovery of damages for mental anguish and suffering; amending Minnesota Statutes 1980, Sections 363.03, Subdivision 7; 363.06, Subdivisions 1, 3 and 4; 363.071, Subdivision 2; and 363.14, Subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Friedrich, Shea, Hauge and Carlson, D., introduced:

H. F. No. 1073, A bill for an act relating to transportation; authorizing the commissioner of transportation to act as agent for political subdivisions for the construction of roads and bridges under certain circumstances; amending Minnesota Statutes 1980, Section 161.36, Subdivision 3.

The bill was read for the first time and referred to the Committee on Transportation.

Drew, Munger, Rose and Reding introduced:

H. F. No. 1074, A bill for an act relating to game and fish; altering requirements for taking and possession; prescribing penalties; amending Minnesota Statutes 1980, Sections 97.4841, Subdivision 2; 98.45, Subdivision 1; 98.46, Subdivisions 2 and 14; 98.47, Subdivision 7; 98.52, Subdivision 1; 99.27, Subdivision 1; and 101.42, Subdivision 10.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Pogemiller, Lemen, Dahlvang, Simoneau and Kaley introduced:

H. F. No. 1075, A bill for an act relating to social and charitable organizations; increasing the threshold dollar amount required for the use of a certified financial statement; determining what is properly included in cost of goods or services; amending Minnesota Statutes 1980, Sections 309.53, Subdivision 3; and 309.555, Subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Jennings and Stowell introduced:

H. F. No. 1076, A bill for an act relating to education; requiring all schools to offer certain subjects; requiring nonpublic schools to report certain information to school district superintendents; requiring the commissioner of education to report to the legislature certain information regarding nonpublic schools; providing additional remedies to enforce the compulsory attendance laws; amending Minnesota Statutes 1980, Sections 120.10, Subdivision 2; 120.12, Subdivisions 2 and 3; proposing new law coded in Minnesota Statutes, Chapter 124.

The bill was read for the first time and referred to the Committee on Education.

Brandl, Greenfield, Welch, Blatz and Niehaus introduced:

H. F. No. 1077, A bill for an act relating to health; prescribing periods of retention for hospital medical records; amending Minnesota Statutes 1980, Section 145.32.

The bill was read for the first time and referred to the Committee on Health and Welfare.



Friedrich and Kalis introduced:

H. F. No. 1078, A bill for an act relating to transportation; providing for the repair of impassable town roads; establishing a dollar limit per mile for work performed by a county on impassable town roads; amending Minnesota Statutes 1980, Section 163.16, Subdivision 3.

The bill was read for the first time and referred to the Committee on Transportation.

Sviggum introduced:

H. F. No. 1079, A bill for an act relating to financial institutions; detached banking facilities; expanding the definition of municipality to include townships with a bank; amending Minnesota Statutes 1980, Section 47.51.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Anderson, R.; Hokanson; Wynia; Kaley and Welch introduced:

H. F. No. 1080, A bill for an act relating to children; authorizing counties to establish multidisciplinary child protection teams; proposing new law coded in Minnesota Statutes, Chapter 626.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Nelsen, B.; Reding; Sherwood; Hanson and Weaver introduced:

H. F. No. 1081, A bill for an act relating to wild animals; increasing the amount of the reward which may be paid for information relating to game law violations; amending Minnesota Statutes 1980, Section 97.51.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Swanson and Samuelson introduced :

H. F. No. 1082, A bill for an act relating to public welfare; changing the resource limits for medical assistance and restricting the transfer of assets; limiting the general assistance medical care services for which state reimbursement is available and making free choice of vendor optional with counties; amending Minnesota Statutes 1980, Sections 256B.06, Subdivision 1; 256B.17; 256D.02, Subdivision 4a; and 256D.03, Subdivision 3.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Pogemiller, Lemen, Dahlvang, Simoneau and Kaley introduced :

H. F. No. 1083, A bill for an act relating to charitable trusts; transferring responsibility of keeping certain records; amending Minnesota Statutes 1980, Sections 501.75; 501.76; 501.77; and 501.78, Subdivision 4.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Kalis and Schoenfeld introduced :

H. F. No. 1084, A bill for an act relating to taxation; providing that interest on estate tax should begin to accrue 18 months after the death of the decedent; providing that the purchase price of a motor vehicle for purposes of the motor vehicle excise tax shall be reduced by the trade-in value of any personal property taken in part payment; amending Minnesota Statutes 1980, Sections 291.131, Subdivision 6; 291.132, Subdivision 1; 291.15; 291.18; and 297B.01, Subdivision 8.

The bill was read for the first time and referred to the Committee on Taxes.

Evans, Rose, Jacobs, Mehrkens and Anderson, R., introduced :

H. F. No. 1085, A bill for an act relating to taxation; sales and use; providing a deduction to retailers for collection and reporting costs; amending Minnesota Statutes 1980, Section 297A.26, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Long; Harens; Anderson, R., and Dahlvang introduced:

H. F. No. 1086, A bill for an act relating to the environment; clarifying terms and duties in the waste management act; extending time limits for site selections and reports; providing that certain appropriations shall remain available until expended; amending Minnesota Statutes 1980, Sections 115A.03, Subdivisions 15 and 29; 115A.06, Subdivision 4, and by adding a subdivision; 115A.08, Subdivisions 4, 5 and 6; 115A.09; 115A.11, Subdivision 1; 115A.19; 115A.20; 115A.21, Subdivisions 1 and 2; 115A.22, Subdivisions 3 and 4; 115A.23; 115A.24; 115A.26; 115A.28, Subdivision 2; 115A.33; 115A.37, Subdivision 2; 115A.54, Subdivision 3; 116.07, Subdivisions 2 and 4; 116.41, Subdivision 2; 400.161; 473.149, Subdivisions 2c and 2e; 473.153, Subdivisions 1, 2 and 6; 473.803, Subdivision 1a; 473.811, Subdivision 5b; and 473.833, Subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Begich, Murphy, Rice, Brandl and Battaglia introduced:

H. F. No. 1087, A bill for an act relating to labor; regulating certain charges to persons earning the minimum wage; amending Minnesota Statutes 1980, Section 177.24, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Pogemiller; Rodriguez, F.; Greenfield; Heinitz and Kaley introduced:

H. F. No. 1088, A bill for an act relating to the secretary of state; requiring that government survey documents be maintained on microfilm; providing for filing certain documents with the Minnesota historical society; amending Minnesota Statutes 1980, Section 5.03.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Gruenes, Marsh, Welch, Voss and Nelson, K., introduced:

H. F. No. 1089, A bill for an act relating to the city of St. Cloud; authorizing the improvement and operation of the city-owned Mississippi River dam to provide for generation and transmission of hydroelectric power, and the issuance of revenue bonds to finance the project.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Laidig; Dean; Munger; Carlson, L., and Kahn introduced:

H. F. No. 1090, A bill for an act relating to education; creating a raptor research and rehabilitation program in the veterinary school of the University of Minnesota; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 137.

The bill was read for the first time and referred to the Committee on Education.

Clawson introduced:

H. F. No. 1091, A bill for an act relating to courts; providing for additional clerk and administrator duties in conciliation court; providing for a procedure to assist in collection of conciliation court judgments; changing certain deadlines; providing penalties; amending Minnesota Statutes 1980, Sections 487.30, by adding a subdivision; 488A.13, Subdivision 2; 488A.-14, Subdivisions 4 and 5; 488A.16, Subdivisions 2, 5, 6 and 8; 488A.17, Subdivisions 2 and 3; 488A.30, Subdivision 2; 488A.31, Subdivisions 4 and 5; 488A.33, Subdivisions 2, 5, 7 and 8; 488A.-34, Subdivisions 2 and 12.

The bill was read for the first time and referred to the Committee on Judiciary.

Forsythe; Himle; Clark, J.; Vanasek and Levi introduced:

H. F. No. 1092, A bill for an act relating to charitable organizations; providing for registration and reporting requirements applicable to certain charitable organizations; amending Minnesota Statutes 1980, Sections 309.52, by adding subdivisions; 309.-53, by adding subdivisions; 309.532, by adding a subdivision; and 309.534, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Clawson and Anderson, B., introduced:

H. F. No. 1093, A bill for an act relating to the practice of law; requiring the supreme court to promulgate a rule which mandates law students to participate in a legal education or legal internship program as a condition for admission to practice of law; amending Minnesota Statutes 1980, Sections 480.05; and 481.01.

The bill was read for the first time and referred to the Committee on Judiciary.

Anderson, B.; Greenfield; Nelsen, B.; Stowell and Welch introduced:

H. F. No. 1094, A bill for an act relating to crimes; creating the crime of intrafamilial sexual abuse; amending Minnesota Statutes 1980, Sections 595.02; 609.348; 609.35; and 626.556, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 609.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Clark, K.; Greenfield; Heinitz; Byrne and Reif introduced:

H. F. No. 1095, A bill for an act relating to handicapped persons; providing that certain social services be available to recipients of attendant care; proposing new law coded in Minnesota Statutes, Chapter 256C.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Harens, Blatz, Battaglia, Lehto and Rose introduced:

H. F. No. 1096, A bill for an act relating to crimes; prescribing mandatory minimum and mandatory sentences for certain offenses relating to promotion of prostitution; amending Minnesota Statutes 1980, Section 609.322, Subdivision 1.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Munger, Lehto, Norton, Laidig and Skoglund introduced:

H. F. No. 1097, A bill for an act relating to natural resources; prohibiting copper-nickel exploration, development or mining in areas wherein waters are directly tributary to the boundary waters canoe area; amending Minnesota Statutes, Section 84.523, Subdivision 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Simoneau introduced:

H. F. No. 1098, A bill for an act relating to the state auditor; providing funding to be used to prepare the report to the legislature on the general financial condition of the various volunteer firefighters' relief associations; appropriating money.

The bill was read for the first time and referred to the Committee on Appropriations.

Ogren, Clawson, Redalen, Eken and Anderson, I., introduced:

H. F. No. 1099, A bill for an act relating to agriculture; providing an additional tax on certain capital gains from the sale of agricultural land; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20; proposing new law coded in Minnesota Statutes, Chapter 290.

The bill was read for the first time and referred to the Committee on Agriculture.

Sarna, Dahlvang, Friedrich, Ogren and Zubay introduced:

H. F. No. 1100, A bill for an act relating to franchises; requiring motor fuel franchises to extend to and bind the successors of both parties; proposing new law coded in Minnesota Statutes, Chapter 80C.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Rice introduced:

H. F. No. 1101, A bill for an act relating to workers' compensation; allowing the special compensation fund the right of subrogation to the rights of the employee or employee's dependents under certain circumstances; amending Minnesota Statutes 1980, Section 176.061, Subdivisions 1, 3, 4, 5, 6, and 7.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Begich introduced:

H. F. No. 1102, A bill for an act relating to workers' compensation; providing for rounding of benefits to the nearest dollar; proposing new law coded in Minnesota Statutes, Chapter 176.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Kaley, Brinkman, Heinitz, Stadum and Anderson, B., introduced:

H. F. No. 1103, A bill for an act relating to workers' compensation; patterning the law after the law of Wisconsin; generally changing all facets of the workers' compensation law; amending Minnesota Statutes 1980, Sections 10.30; 43.12, Subdivision 18; 60B.26, Subdivision 1; 60B.39, Subdivision 5; 60C.02, Subdivision 1; 62A.22; 70A.02, Subdivision 2; 84.089, Subdivision 3; 175.006; 175.07; 175.08; 175.10; 175.101; 175.11, Subdivision 1; 175.14; 175.17; 181.80; 251.043, Subdivision 3; 256.482, Subdivision 5; 257.34, Subdivision 1; 393.07, Subdivision 7; proposing new law coded in Minnesota Statutes, Chapter 175; proposing new law coded as Minnesota Statutes, Chapters 79A and 176A; repealing Minnesota Statutes 1980, Sections 175.0061; 175.007; and 175.09 and Chapters 79 and 176.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Voss, Dempsey and Jude introduced:

H. F. No. 1104, A bill for an act relating to courts; authorizing the judges of the courts within each judicial district to elect to reorganize to form one unified court; proposing new law coded as Minnesota Statutes, Chapter 484A.

The bill was read for the first time and referred to the Committee on Judiciary.

Anderson, I.; Jude; Dahlvang; Himle and Piepho introduced:

H. F. No. 1105, A bill for an act relating to trade regulation; prohibiting certain unfair and deceptive practices and unreasonable restraints of trade in the business of motion picture distribution; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 325D.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Nelsen, B.; Carlson, L.; Olsen; Murphy and Dean introduced:

H. F. No. 1106, A bill for an act relating to education; maintaining a low-power television transmission project; authorizing the department of education to hire consultants to review the existing low-power television transmission project, study the need for expanding the project, recommend sites and procedures for additional projects, and assist school districts in applying for federal communications licenses; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

Forsythe, Swanson, Den Ouden, Samuelson and Reif introduced:

H. F. No. 1107, A bill for an act relating to public welfare; changing the general assistance program so that it covers only emergency needs; providing for vendor and voucher payments; setting standards for eligibility; limiting the duration of assistance; amending Minnesota Statutes 1980, Sections 256D.01, Subdivision 1; 256D.02, Subdivisions 4, 4a, 11, and 13, and by adding a subdivision; 256D.03; 256D.04; 256D.05; 256D.06, Subdivisions 1 and 3, and by adding a subdivision; 256D.07; 256D.08; 256D.09, Subdivision 1; 256D.10; 256D.11, Subdivisions 1, 4, 5, and 8, and by adding a subdivision; 256D.13, Subdivision 1; 256D.15; and 256D.16; repealing Minnesota Statutes 1980, Sections 256D.06, Subdivisions 1a and 2; 256D.09, Subdivision 2; and 256D.11, Subdivisions 1a, 2a, and 3a.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Clark, K., and Otis introduced:

H. F. No. 1108, A bill for an act relating to health; prohibiting disciplinary action against a physician who administers dimethyl sulfoxide under certain conditions; proposing new law coded in Minnesota Statutes, Chapter 147.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Clark, K., and Rodriguez, F., introduced:

H. F. No. 1109, A bill for an act relating to investment of retirement funds; clarifying the appointing authority of the investment advisory council; creating a state board of pension investment; prescribing its powers and duties; appropriating money; amending Minnesota Statutes 1980, Sections 11A.01; 11A.02, Subdivisions 2 and 4; 11A.04; 11A.08, Subdivision 1; 11A.13, Subdivision 1; 43.064; 179.74, Subdivision 4; proposing new law coded as Minnesota Statutes, Chapter 11B; repealing Minnesota Statutes 1980, Sections 11A.13, Subdivision 2; 11A.14; 11A.17 to 11A.19; 11A.23; and 11A.24.

The bill was read for the first time and referred to the Committee on Governmental Operations.



Clark, K., introduced:

H. F. No. 1110, A bill for an act relating to labor; providing for occupational safety and health; defining "toxic substance"; requiring certain information; creating a right to refuse work with a toxic substance under certain conditions; amending Minnesota Statutes 1980, Sections 182.651, by adding a subdivision; 182.654, by adding a subdivision; and 182.655, Subdivision 10.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Pogemiller, Kahn, Kelly, Dean and Norton introduced:

H. F. No. 1111, A bill for an act relating to state government; establishing a separate bureau within the department of administration to perform certain computer activities; establishing a contingency fund in the department of administration; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 16.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Rothenberg, Heap and Ewald introduced:

H. F. No. 1112, A bill for an act relating to elections; changing certain procedures and the effect of absentee ballots; amending Minnesota Statutes 1980, Section 207.05, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 207.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Kelly, Weaver, Kostohryz, Long and Jacobs introduced:

H. F. No. 1113, A bill for an act relating to education; eliminating the aid for the costs of necessary equipment for certain secondary vocational education programs; authorizing an aid for necessary equipment costs in certain programs; requiring secondary vocational trade and industrial arts courses to be held for a specified amount of time to receive funding; restricting the aids to certain vocational programs which replace nonvocational programs; requiring a report; imposing certain duties on the commissioner of education; amending Minnesota Statutes 1980, Section 124.573, Subdivisions 2 and 3, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Sieben, M., and Levi introduced:

H. F. No. 1114, A bill for an act relating to education; authorizing school districts to levy the amount of the regional average grandfather levy; providing matching foundation aid; providing foundation aid for the 1982-1983 school year; amending Minnesota Statutes 1980, Sections 124.212, by adding a subdivision; and 275.125, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Lehto and Voss introduced:

H. F. No. 1115, A bill for an act relating to transportation; establishing subsidy limits for transit grant recipients; defining terms; amending Minnesota Statutes 1980, Sections 174.22, Subdivision 5, and by adding subdivisions; 174.23, Subdivision 6; 174.24, Subdivision 3, and by adding subdivisions; repealing Minnesota Statutes 1980, Section 174.26.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Swanson introduced:

H. F. No. 1116, A bill for an act relating to public welfare; requiring criteria for the determination of appropriate chemical dependency care; requiring certain limitations on hospital utilization by medical assistance recipients; amending Minnesota Statutes 1980, Sections 254A.03, by adding a subdivision; and 256B.02, Subdivision 8.

The bill was read for the first time and referred to the Committee on Health and Welfare.

### CONSENT CALENDAR

H. F. No. 502 was reported to the House.

Upon objection of ten members H. F. No. 502 was stricken from the Consent Calendar and returned to General Orders.

H. F. No. 503 was reported to the House.

There being no objection H. F. No. 503 was continued on the Consent Calendar for one day.

## CALENDAR

H. F. No. 98, A bill for an act relating to energy; amending certain provisions for home energy disclosure reports; amending Minnesota Statutes 1980, Section 116H.129, Subdivisions 1, 2, 5, 6, and 7.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 84 yeas and 38 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Ewald	Laidig	Onnen	Sherwood
Battaglia	Fjoslien	Lehto	Otis	Simoneau
Begich	Greenfield	Lemen	Peterson, D.	Skoglund
Berkelman	Gustafson	Long	Piepho	Staten
Blatz	Halberg	Luknic	Pogemiller	Stowell
Brandl	Hanson	Mann	Reding	Stumpf
Byrne	Hauge	McCarron	Rees	Swanson
Carlson, L.	Heinitz	McEachern	Reif	Tomlinson
Clark, K.	Hokanson	Mehrkens	Rice	Valento
Clawson	Hokr	Metzen	Rodriguez, C.	Vanasek
Dahlvang	Jacobs	Munger	Rodriguez, F.	Vellenga
Dean	Johnson, D.	Nelson, K.	Rothenberg	Voss
Dempsey	Jude	Norton	Sarna	Weaver
Eken	Kahn	Novak	Schreiber	Wenzel
Elioff	Kelly	O'Connor	Searles	Wynia
Ellingson	Knickerbocker	Ogren	Shea	Spkr. Sieben, H.
Esau	Kvam	Olsen	Sherman	

Those who voted in the negative were:

Aasness	Erickson	Johnson, C.	Nelsen, B.	Sviggum
Ainley	Evans	Kaley	Niehaus	Valan
Anderson, G.	Forsythe	Kalis	Nysether	Welker
Anderson, R.	Friedrich	Levi	Redalen	Wieser
Brinkman	Gruenes	Ludeman	Rose	Wigley
Carlson, D.	Himle	Marsh	Samuelson	Zubay
Den Ouden	Hoberg	McDonald	Schafer	
Drew	Jennings	Minne	Schoenfeld	

The bill was passed and its title agreed to.

S. F. No. 30, A bill for an act relating to public utilities; redefining the term "public utility" so as to exempt from public service commission jurisdiction certain small natural gas utilities; amending Minnesota Statutes 1980, Section 216B.02, Subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 4 nays as follows:

Those who voted in the affirmative were :

Aasness	Esau	Kostohryz	Ogren	Sieben, M.
Ainley	Evans	Kvam	Olsen	Simoneau
Anderson, B.	Ewald	Laidig	Onnen	Skoglund
Anderson, G.	Fjoslien	Lehto	Otis	Staten
Anderson, R.	Forsythe	Lemen	Peterson, D.	Stowell
Battaglia	Friedrich	Levi	Piepho	Stumpf
Begich	Gruenes	Long	Pogemiller	Sviggum
Berkelman	Gustafson	Ludeman	Redalen	Swanson
Blatz	Halberg	Luknic	Reding	Tomlinson
Brandl	Hauge	Mann	Rees	Valan
Brinkman	Haukoos	Marsh	Reif	Valento
Byrne	Heap	McCarron	Rice	Vanasek
Carlson, D.	Heinitz	McDonald	Rodriguez, C.	Vellenga
Carlson, L.	Himle	McEachern	Rodriguez, F.	Voss
Clark, K.	Hoberg	Mehrkens	Rose	Weaver
Clawson	Hokanson	Metzen	Rothenberg	Welch
Dahlvang	Hokr	Minne	Samuelson	Welker
Dean	Jacobs	Munger	Sarna	Wenzel
Dempsey	Jennings	Murphy	Schafer	Wieser
Den Ouden	Johnson, C.	Nelsen, B.	Schoenfeld	Wigley
Drew	Johnson, D.	Nelson, K.	Schreiber	Wynia
Eken	Jude	Niehaus	Searles	Zubay
Elioff	Kaley	Norton	Shea	Spkr. Sieben, H.
Ellingson	Kalis	Novak	Sherman	
Erickson	Knickerbocker	Nysether	Sherwood	

Those who voted in the negative were :

Anderson, I.    Greenfield    Hanson    Kelly

The bill was passed and its title agreed to.

H. F. No. 509, A bill for an act relating to commerce; requiring disclosure in motor vehicle transactions; proposing new law coded in Minnesota Statutes, Chapter 168.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 4 nays as follows :

Those who voted in the affirmative were :

Aasness	Clark, K.	Forsythe	Hokr	Lehto
Anderson, B.	Clawson	Friedrich	Jacobs	Lemen
Anderson, G.	Dean	Greenfield	Jennings	Levi
Anderson, I.	Dempsey	Gruenes	Johnson, C.	Long
Anderson, R.	Den Ouden	Gustafson	Johnson, D.	Ludeman
Battaglia	Drew	Halberg	Jude	Luknic
Begich	Eken	Hanson	Kahn	Mann
Berkelman	Elioff	Hauge	Kaley	Marsh
Blatz	Ellingson	Haukoos	Kalis	McCarron
Brandl	Erickson	Heap	Kelly	McEachern
Brinkman	Esau	Heinitz	Knickerbocker	Mehrkens
Byrne	Evans	Himle	Kostohryz	Metzen
Carlson, D.	Ewald	Hoberg	Kvam	Minne
Carlson, L.	Fjoslien	Hokanson	Laidig	Munger

Murphy	Peterson, B.	Rose	Sieben, M.	Vanasek
Nelson, K.	Peterson, D.	Rothenberg	Simoneau	Voss
Niehaus	Piepho	Samuelson	Skoglund	Weaver
Norton	Pogemiller	Sarna	Staten	Welch
Novak	Redalen	Schafer	Stowell	Wenzel
Nysether	Reding	Schoenfeld	Stumpf	Wigley
O'Connor	Rees	Schreiber	Sviggum	Wynia
Ogren	Reif	Searles	Swanson	Zubay
Olsen	Rice	Shea	Tomlinson	Spkr. Sieben, H.
Onnen	Rodriguez, C.	Sherman	Valan	
Otis	Rodriguez, F.	Sherwood	Valento	

Those who voted in the negative were :

Ainley            McDonald        Welker            Wieser

The bill was passed and its title agreed to.

S. F. No. 121, A bill for an act relating to statutory cities and urban towns; permitting publication of summaries of ordinances prior to enactment; amending Minnesota Statutes 1980, Sections 368.01, Subdivision 21; and 412.191, Subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 2 nays as follows :

Those who voted in the affirmative were :

Aasness	Fjoslien	Kostohryz	Ogren	Sieben, M.
Anderson, B.	Forsythe	Kvam	Olsen	Simoneau
Anderson, G.	Friedrich	Laidig	Onnen	Skoglund
Anderson, I.	Greenfield	Lehto	Otis	Staten
Battaglia	Gruenes	Lemen	Peterson, B.	Stowell
Begich	Gustafson	Levi	Peterson, D.	Stumpf
Berkelman	Halberg	Long	Piepho	Sviggum
Blatz	Hanson	Ludeman	Pogemiller	Swanson
Brandl	Hauge	Luknic	Redalen	Tomlinson
Brinkman	Haukoos	Mann	Reding	Valan
Byrne	Heap	Marsh	Rees	Valento
Carlson, D.	Heinitz	McCarron	Reif	Vanasek
Carlson, L.	Himle	McDonald	Rice	Voss
Clark, K.	Hoberg	McEachern	Rodriguez, C.	Weaver
Clawson	Hokanson	Mehrkens	Rodriguez, F.	Welch
Dahlvang	Hokr	Metzen	Rose	Welker
Dean	Jacobs	Minne	Rothenberg	Wenzel
Den Ouden	Jennings	Munger	Samuelson	Wieser
Drew	Johnson, C.	Murphy	Sarna	Wigley
Eken	Johnson, D.	Nelsen, B.	Schafer	Wynia
Elioff	Jude	Nelson, K.	Schoenfeld	Zubay
Ellingson	Kahn	Niehaus	Schreiber	Spkr. Sieben, H.
Erickson	Kaley	Norton	Searles	
Essau	Kalis	Novak	Shea	
Evans	Kelly	Nysether	Sherman	
Ewald	Knickerbocker	O'Connor	Sherwood	

Those who voted in the negative were :

Ainley            Anderson, R.

The bill was passed and its title agreed to.

H. F. No. 258, A bill for an act relating to commerce; allowing the manufacture, sale, and shipment of gambling devices for use in other states; amending Minnesota Statutes 1980, Sections 349.31, Subdivision 1; 609.75, Subdivision 1; 609.76; proposing new law coded in Minnesota Statutes, Chapter 349.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 115 yeas and 10 nays as follows:

Those who voted in the affirmative were:

Ainley	Evans	Kalis	Novak	Searles
Anderson, B.	Ewald	Kelly	Nysether	Shea
Anderson, G.	Fjoslien	Knickerbocker	O'Connor	Sherman
Anderson, I.	Forsythe	Kostohryz	Ogren	Sieben, M.
Anderson, R.	Friedrich	Kvam	Olsen	Simoneau
Battaglia	Greenfield	Lehto	Onnen	Skoglund
Begich	Gruenes	Levi	Otis	Staten
Berkelman	Gustafson	Long	Peterson, B.	Stowell
Blatz	Halberg	Ludeman	Peterson, D.	Stumpf
Brinkman	Hauge	Luknic	Pogemiller	Sviggum
Byrne	Haukoos	Mann	Redalen	Swanson
Carlson, L.	Heap	Marsh	Reding	Tomlinson
Clark, K.	Heinitz	McCarron	Rees	Valan
Clawson	Himle	McDonald	Reif	Valento
Dahlvang	Hoberg	McEachern	Rice	Vanasek
Dean	Hokanson	Mehrkens	Rodriguez, C.	Voss
Dempsey	Hokr	Metzen	Rodriguez, F.	Weaver
Den Ouden	Jacobs	Minne	Rose	Welch
Drew	Jennings	Munger	Samuelson	Welker
Elken	Johnson, C.	Murphy	Sarna	Wieser
Elioff	Johnson, D.	Nelsen, B.	Schafer	Wigley
Ellingson	Jude	Nelson, K.	Schoenfeld	Zubay
Erickson	Kaley	Norton	Schreiber	Spkr. Sieben, H.

Those who voted in the negative were:

Aasness	Hanson	Lemen	Rothenberg	Wenzel
Esau	Laidig	Niehaus	Sherwood	Wynia

The bill was passed and its title agreed to.

H. F. No. 349, A bill for an act relating to agriculture; regulating livestock marketing; providing a penalty; amending Minnesota Statutes 1980, Sections 17A.02; 17A.03, Subdivision 7; 17A.14; proposing new law coded in Minnesota Statutes, Chapter 17A.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	Novak	Shea
Ainley	Evans	Kelly	Nysether	Sherman
Anderson, B.	Ewald	Knickerbocker	O'Connor	Sherwood
Anderson, G.	Fjoslien	Kostohryz	Ogren	Sieben, M.
Anderson, I.	Forsythe	Kvam	Olsen	Simoneau
Anderson, R.	Friedrich	Laidig	Onnen	Skoglund
Battaglia	Greenfield	Lehto	Otis	Staten
Begich	Gruenes	Lemen	Peterson, B.	Stowell
Berkelman	Gustafson	Levi	Peterson, D.	Stumpf
Blatz	Halberg	Long	Piepho	Sviggum
Brandl	Hanson	Ludeman	Pogemiller	Swanson
Brinkman	Hauge	Luknic	Redalen	Tomlinson
Byrne	Haukoos	Mann	Reding	Valan
Carlson, D.	Heap	Marsh	Rees	Valento
Carlson, L.	Heinitz	McCarron	Reif	Vanasek
Clark, K.	Himle	McDonald	Rice	Voss
Clawson	Hoberg	McEachern	Rodriguez, C.	Weaver
Dahlvang	Hokanson	Mehrkens	Rodriguez, F.	Welch
Dean	Hokr	Metzen	Rose	Welker
Dempsey	Jacobs	Minne	Rothenberg	Wenzel
Den Ouden	Jennings	Munger	Samuelson	Wieser
Drew	Johnson, C.	Murphy	Sarna	Wigley
Eken	Johnson, D.	Nelsen, B.	Schafer	Wynia
Elioff	Jude	Nelson, K.	Schoenfeld	Zubay
Ellingson	Kahn	Niehaus	Schreiber	Spkr. Sieben, H.
Erickson	Kaley	Norton	Searles	

The bill was passed and its title agreed to.

H. F. No. 435, A bill for an act relating to taxation; income; property tax refund; adopting certain federal income tax amendments; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; 290.06, Subdivision 14; 290.07, Subdivision 5; 290.077, Subdivision 4; 290.08, Subdivisions 8 and 20; 290.09, Subdivisions 3, 4, 17a, and 19; 290.091; 290.131, Subdivision 2; 290.132, Subdivision 2; 290.135, Subdivision 2; 290.136, Subdivision 1; 290.138, by adding a subdivision; 290.26, Subdivision 2; 290.31, Subdivision 3; 290.41, by adding subdivisions; 290.92, Subdivision 20; 290.934, Subdivision 4; 290.971, by adding a subdivision; 290A.03, Subdivision 3; 474.12, Subdivision 2; and Laws 1980, Chapter 607, Article I, Section 34; repealing Minnesota Statutes 1980, Sections 290.08, Subdivisions 7 and 13; 290.09, Subdivision 12; 290.136, Subdivisions 2, 3, 4, 5, 6, 7, and 9; 290.137 and 290.138, Subdivisions 1 and 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	Novak	Shea
Ainley	Evans	Kelly	Nysether	Sherman
Anderson, B.	Ewald	Knickerbocker	O'Connor	Sherwood
Anderson, G.	Fjoslien	Kostohryz	Ogren	Simoneau
Anderson, I.	Forsythe	Kvam	Olsen	Skoglund
Anderson, R.	Friedrich	Laidig	Onnen	Staten
Battaglia	Greenfield	Lehto	Otis	Stowell
Begich	Gruenes	Lemen	Peterson, B.	Stumpf
Berkelman	Gustafson	Levi	Peterson, D.	Sviggum
Blatz	Halberg	Long	Piepho	Swanson
Brandl	Hanson	Ludeman	Pogemiller	Tomlinson
Brinkman	Hauge	Luknic	Redalen	Valan
Byrne	Haukoos	Mann	Reding	Valento
Carlson, D.	Heap	Marsh	Rees	Vanasek
Carlson, L.	Heinitz	McCarron	Reif	Voss
Clark, K.	Himle	McDonald	Rice	Weaver
Clawson	Hoberg	McEachern	Rodriguez, C.	Welch
Dahlvang	Hokanson	Mehrkens	Rodriguez, F.	Wenzel
Dean	Hokr	Metzen	Rose	Wieser
Dempsey	Jacobs	Minne	Rothenberg	Wigley
Den Ouden	Jennings	Munger	Samuelson	Wynia
Drew	Johnson, C.	Murphy	Sarna	Zubay
Eken	Johnson, D.	Nelsen, B.	Schafer	Spkr. Sieben, H.
Elioff	Jude	Nelson, K.	Schoenfeld	
Ellingson	Kahn	Niehaus	Schreiber	
Erickson	Kaley	Norton	Searles	

Those who voted in the negative were:

Welker

The bill was passed and its title agreed to.

There being no objection the order of business reverted to Messages from the Senate.

### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 366, A bill for an act relating to taxation; providing a new schedule for payment of income taxes withheld from wages; giving temporary rulemaking authority; appropriating money; amending Minnesota Statutes 1980, Section 290.92, Subdivision 6.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate



## CONFERENCE COMMITTEE REPORT ON S. F. NO. 366

A bill for an act relating to taxation; providing a new schedule for payment of income taxes withheld from wages; giving temporary rulemaking authority; appropriating money; amending Minnesota Statutes 1980, Section 290.92, Subdivision 6.

March 26, 1981

The Honorable Jack Davies  
President of the Senate

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

We, the undersigned conferees for S. F. No. 366, 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. 366 be amended as follows:

Page 2, line 26, after "\$200," insert "*or beginning January 1, 1982, \$500,*"

Page 7, delete sections 3 and 4

Page 7, lines 22 and 23, delete "*Sections 2, 3 and 4 are*" and insert "*Section 2 is*"

Renumber the sections

Further, amend the title as follows:

Page 1, line 4, delete "appropriating money;"

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

Senate Conferees: ROGER MOE, DOUGLAS J. JOHNSON, RON SIELOFF, MEL FREDERICK and MARVIN HANSON.

House Conferees: JOEL JACOBS, TERRY DEMPSEY and HARRY A. SIEBEN, JR.

Jacobs moved that the report of the Conference Committee on S. F. No. 366 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 366, A bill for an act relating to taxation; providing a new schedule for payment of income taxes withheld from

wages; giving temporary rulemaking authority; appropriating money; amending Minnesota Statutes 1980, Section 290.92, Subdivision 6.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 107 yeas and 19 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kelly	O'Connor	Simoneau
Ainley	Ewald	Knickerbocker	Olsen	Staten
Anderson, B.	Fjoslien	Kostohryz	Onnen	Stowell
Anderson, R.	Forsythe	Kvam	Otis	Stumpf
Battaglia	Friedrich	Laidig	Peterson, B.	Sviggum
Blatz	Greenfield	Lehto	Piepho	Swanson
Brandl	Gruenes	Lemen	Redalen	Tomlinson
Brinkman	Halberg	Levi	Reding	Valan
Byrne	Hanson	Luknic	Rees	Valento
Carlson, D.	Hauge	Mann	Reif	Vanasek
Carlson, L.	Haukoos	Marsh	Rice	Weaver
Clark, K.	Heap	McDonald	Rodriguez, F.	Welch
Clawson	Heinitz	McEachern	Rose	Welker
Dahlvang	Himle	Mehrkens	Rothenberg	Wenzel
Dean	Hoberg	Metzen	Sarna	Wieser
Dempsey	Hokanson	Munger	Schafer	Wigley
Den Ouden	Hokr	Murphy	Schreiber	Wynia
Drew	Jacobs	Nelsen, B.	Searles	Zubay
Eken	Johnson, C.	Nelson, K.	Shea	Spkr. Sieben, H.
Ellingson	Johnson, D.	Niehaus	Sherman	
Erickson	Jude	Norton	Sherwood	
Esau	Kaley	Nysether	Sieben, M.	

Those who voted in the negative were:

Anderson, G.	Gustafson	Long	Ogren	Schoenfeld
Anderson, I.	Jennings	Ludeman	Peterson, D.	Skoglund
Begich	Kahn	Minne	Rodriguez, C.	Voss
Elioff	Kalis	Novak	Samuelson	

The bill was repassed, as amended by Conference, and its title agreed to.

Nelsen, B., was excused at 2:35 p.m. Tomlinson was excused at 3:40 p.m. Heinitz was excused at 4:20 p.m. Anderson, B., was excused at 4:35 p.m.

## GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

## REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 150, 305, 306, 356, 378, 443, 539 and 829 which it recommended to pass.

H. F. No. 372 which it recommended progress.

H. F. No. 18 which it recommended progress until Monday, April 13, 1981.

S. F. No. 209 which it recommended progress.

S. F. No. 346 which it recommended progress retaining its place on General Orders.

H. F. No. 371 which it recommended to pass with the following amendment offered by Wynia:

Page 1, line 25, after "establishment." insert:

*"No owner, director or employee of a funeral establishment, nor trade association of funeral establishments shall receive any fee for endorsing insurance policies, plans or services. A trade association may receive reimbursement for its expenses of administering such a policy or services."*

H. F. No. 603 which it recommended to pass with the following amendment offered by Wieser:

Page 1, line 30, after "section 86A.05" insert ", subdivision 5"

H. F. No. 471 which it recommended to pass with the following amendment offered by Welch:

Page 2, line 14, delete "a"

Page 2, line 15, delete "separate account known as"

Page 2, line 16, delete "which is annually" and insert "in the general fund. These funds shall be"

On the motion of Eken the report of the Committee of the Whole was adopted.

## ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

The question was taken on the motion to recommend passage of H. F. No. 305 and the roll was called. There were 112 yeas and 10 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Kahn	Niehaus	Sherwood
Ainley	Esau	Kaley	Norton	Sieben, M.
Anderson, B.	Evans	Kalis	Novak	Simoneau
Anderson, G.	Ewald	Kelly	Nysether	Skoglund
Anderson, I.	Fjoslien	Knickerbocker	Ogren	Staten
Battaglia	Forsythe	Kostohryz	Olsen	Stumpf
Begich	Friedrich	Laidig	Onnen	Sviggum
Berkelman	Greenfield	Lehto	Otis	Swanson
Blatz	Gruenes	Lemen	Peterson, D.	Valan
Brandl	Gustafson	Levi	Pogemiller	Valento
Brinkman	Halberg	Long	Redalen	Vanasek
Byrne	Hanson	Ludeman	Reding	Voss
Carlson, D.	Hauge	Luknic	Reif	Weaver
Carlson, L.	Haukoos	Mann	Rice	Welch
Clark, K.	Heap	Marsh	Rodriguez, C.	Welker
Clawson	Himle	McCarron	Rodriguez, F.	Wenzel
Dahlvang	Hokanson	McEachern	Rose	Wieser
Dean	Hokr	Mehrkens	Samuelson	Wynia
Dempsey	Jacobs	Metzen	Sarna	Zubay
Den Ouden	Jennings	Minne	Schafer	Spkr. Sieben, H.
Drew	Johnson, C.	Munger	Schoenfeld	
Eken	Johnson, D.	Murphy	Schreibler	
Elioff	Jude	Nelson, K.	Shea	

Those who voted in the negative were:

Anderson, R.	Kvam	Piepho	Rothenberg	Stowell
Heinitz	Peterson, B.	Rees	Searles	Wigley

The motion prevailed.

The question was taken on the motion to recommend passage of H. F. No. 829 and the roll was called. There were 69 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Clark, K.	Hokanson	McCarron	Otis
Anderson, I.	Clawson	Jacobs	McEachern	Peterson, D.
Anderson, R.	Dahlvang	Johnson, C.	Metzen	Pogemiller
Battaglia	Eken	Jude	Minne	Reding
Begich	Elioff	Kahn	Munger	Rees
Berkelman	Ellingson	Kalis	Murphy	Rice
Brandl	Evans	Kelly	Nelson, K.	Rodriguez, C.
Brinkman	Greenfield	Kostohryz	Norton	Rodriguez, F.
Byrne	Gustafson	Lehto	Novak	Samuelson
Carlson, L.	Hanson	Long	O'Connor	Sarna
Clark, J.	Hauge	Mann	Ogren	Schoenfeld

Shea	Skoglund	Swanson	Voss	Wynia
Sieben, M.	Staten	Vanasek	Welch	Spkr. Sieben, H.
Simoneau	Stumpf	Vellenga	Wenzel	

Those who voted in the negative were:

Aasness	Forsythe	Kvam	Onnen	Sherwood
Ainley	Friedrich	Laidig	Peterson, B.	Stowell
Blatz	Gruenes	Lemen	Piepho	Sviggum
Carlison, D.	Halberg	Ludeman	Redalen	Valan
Dempsey	Haukoos	Luknic	Reif	Valento
Den Ouden	Heap	Marsh	Rose	Weaver
Drew	Himle	McDonald	Rothenberg	Welker
Erickson	Hokr	Mehrkens	Schafer	Wieser
Esau	Jennings	Niehaus	Schreiber	Wigley
Ewald	Johnson, D.	Nysether	Searles	Zubay
Fjoslien	Knickerbocker	Olsen	Sherman	

The motion prevailed.

### MOTIONS AND RESOLUTIONS

Welch moved that the name of Clawson be added as an author on H. F. No. 1051. The motion prevailed.

Dean moved that his name be stricken as an author on H. F. No. 150. The motion prevailed.

Ogren moved that the name of Staten be added as an author on H. F. No. 1036. The motion prevailed.

Rodriguez, C., moved that the name of Wynia be added as an author on H. F. No. 1008. The motion prevailed.

Munger moved that H. F. No. 848 be recalled from the Committee on Energy and be re-referred to the Committee on Local and Urban Affairs. The motion prevailed.

Onnen moved that H. F. No. 770 be recalled from the Committee on Judiciary and be re-referred to the Committee on Health and Welfare. The motion prevailed.

Voss moved that the name of Jude be added as an author on H. F. No. 1034. The motion prevailed.

Simoneau moved that the name of McCarron be added as an author on H. F. No. 378. The motion prevailed.

Peterson, D., moved that H. F. No. 1005 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on General Legislation and Veterans Affairs. The motion prevailed.

Elioff moved that H. F. No. 910 be recalled from the Committee on Taxes and be re-referred to the Committee on Education. The motion prevailed.

Long moved that H. F. No. 1086 be recalled from the Committee on Environment and Natural Resources and be re-referred to the Committee on Local and Urban Affairs. The motion prevailed.

Rodriguez, C., moved that the names of Halberg and Levi be added as authors on H. F. No. 1060. The motion prevailed.

Luknic moved that the name of Sviggum be added as an author on H. F. No. 155. The motion prevailed.

McEachern moved that the name of Jacobs be added as an author on H. F. No. 1066. The motion prevailed.

Brinkman moved that the name of Den Ouden be added as an author on H. F. No. 1063. The motion prevailed.

Simoneau moved that the name of Rodriguez, C., be added as an author on H. F. No. 378. The motion prevailed.

Clark, K., moved that the names of Blatz and Rice be added as authors on H. F. No. 826. The motion prevailed.

Jennings moved that H. F. No. 80 be returned to its author. The motion prevailed.

Swanson moved that the name of Samuelson be added as an author on H. F. No. 1116. The motion prevailed.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, March 30, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, March 30, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## TWENTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 30, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Reverend Laurits Nielsen, First United Methodist Church, Windom, Minnesota.

The roll was called and the following members were present:

Aasness	Esau	Kelly	O'Connor	Sherwood
Ainley	Evans	Knickerbocker	Ogren	Sieben, M.
Anderson, B.	Ewald	Kostohryz	Olsen	Simoneau
Anderson, G.	Fjoslien	Kvam	Onnen	Skoglund
Anderson, I.	Forsythe	Laidig	Osthoff	Stadum
Anderson, R.	Friedrich	Lehto	Otis	Staten
Battaglia	Greenfield	Lemen	Peterson, B.	Stowell
Begich	Gruenes	Levi	Peterson, D.	Stumpf
Berkelman	Gustafson	Long	Piepho	Sviggum
Blatz	Hanson	Ludeman	Pogemiller	Swanson
Brandl	Harens	Luknic	Redalen	Tomlinson
Brinkman	Hauge	Mann	Reding	Valan
Byrne	Haukoos	Marsh	Rees	Valento
Carlson, D.	Heap	McCarron	Reif	Vanasek
Carlson, L.	Heinitz	McDonald	Rice	Vellenga
Clark, J.	Himle	McEachern	Rodriguez, C.	Voss
Clark, K.	Hoberg	Mehrkens	Rodriguez, F.	Weaver
Clawson	Hokanson	Metzen	Rose	Welch
Dahlvang	Hokr	Minne	Rothenberg	Welker
Dean	Jacobs	Munger	Samuelson	Wenzel
Dempsey	Jennings	Murphy	Sarna	Wieser
Den Ouden	Johnson, C.	Nelsen, B.	Schafer	Wigley
Drew	Johnson, D.	Nelson, K.	Schoenfeld	Wynia
Eken	Jude	Niehaus	Schreiber	Zubay
Elioff	Kahn	Norton	Searles	Spkr. Sieben, H.
Ellingson	Kaley	Novak	Shea	
Erickson	Kalis	Nysether	Sherman	

A quorum was present.

Halberg was excused until 2:30 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Gustafson moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.



## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 142, 171, 214, 297, 329, 386, 420, 615, 617, 12, 211, 296, 347, 353, 591, 624, 634, 739, 371, 471, 519, 538, 579, 603 and 601 have been placed in the members' files.

## PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

March 27, 1981

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

Dear Speaker Sieben:

I have the honor to inform you that I received, approved, signed and deposited in the Office of the Secretary of State the following House File:

H. F. No. 87, relating to commerce; clarifying the definition of a "sale of goods" as it applies to consumer credit sales to include certain terminable bailments or leases; clarifying the interests of the respective parties; providing for a certain contract provision;

Sincerely,

ALBERT H. QUIE  
Governor

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

March 30, 1981

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

The Honorable Jack Davies  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F.</i> <i>No.</i>	<i>H.F.</i> <i>No.</i>	<i>Session Laws</i> <i>Chapter No.</i>	<i>Date Approved</i> <i>1981</i>	<i>Date Filed</i> <i>1981</i>
	87	10	March 27	March 30

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1981	Date Filed 1981
97		11	March 27	March 30
175		12	March 27	March 30

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

### REPORTS OF STANDING COMMITTEES

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 63, A bill for an act relating to health maintenance organizations; declaring legislative intent and public policy favoring childbirth over abortion; eliminating any requirements that health maintenance organizations provide elective, induced abortions; requiring the organizations to notify enrollees if elective, induced abortions are added to or eliminated from coverage; amending Minnesota Statutes 1980, Sections 62D.01, by adding a subdivision; 62D.02, Subdivision 7; 62D.07, Subdivision 4; 62D.20; and 62D.22, Subdivision 5.

Reported the same back with the following amendments:

Page 1, delete lines 14 to 18

Page 2, delete lines 3 to 11

Page 3, after line 3, insert:

"Sec. 4. [EFFECTIVE DATE.]

*Application of sections 1 to 3 shall be effective for all health maintenance organization contracts issued or renewed after August 1, 1981."*

Renumber the sections

Amend the title as follows:

Page 1, delete line 3

Page 1, line 4, delete "favoring childbirth over abortion;"

Page 1, line 6, delete "requiring the"

Page 1, delete lines 7 and 8

Page 1, line 9, delete "62D.01, by"

Page 1, line 10, delete "adding a subdivision;"

Page 1, line 10, delete "62D.07,"

Page 1, line 11, delete "Subdivision 4,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Eken from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 90, A bill for an act relating to administrative rules; clarifying the meaning of the term "rule"; amending Minnesota Statutes 1980, Sections 15.0411, Subdivision 3; and 15.0413, Subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1, Minnesota Statutes 1980, Section 15.0413, Subdivision 1, is amended to read:

Subdivision 1. Every rule, *regardless of whether it might be known as a substantive, procedural, or interpretive rule, which is approved by the attorney general and filed in the office of the secretary of state as provided in section 15.0412 shall have the force and effect of law five working days after its publication in the state register unless a later date is required by statute or specified in the rule. The secretary of state shall keep a permanent record of rules filed with that office open to public inspection.*

Sec. 2. Minnesota Statutes 1980, Section 15.0413, is amended by adding a subdivision to read:

*Subd. 1a. [RETROACTIVE APPLICATION.] Every existing rule, regardless of whether it might be known as a substantive, procedural, or interpretive rule, shall have the force and effect of law retroactive to the date on which the rule became effective if:*

*(a) the rule was adopted in compliance with the provisions of the administrative procedure act in effect at the time the rule was adopted;*

*(b) the rule was approved by the attorney general before becoming effective; and*

*(c) the adopting agency had statutory authority to adopt the rule.*

Sec. 3. Minnesota Statutes 1980, Section 15.0413, is amended by adding a subdivision to read:

*Subd 1b. [LIMITATION.] Subdivisions 1 and 1a do not apply to any rule specifically held not to have the force and effect of law by the state supreme court before the effective date of this act.*

Sec. 4. [EFFECTIVE DATE.]

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

Delete the title and insert:

"A bill for an act relating to administrative rules; clarifying which rules have the force of law; amending Minnesota Statutes 1980, Section 15.0413, Subdivision 1, and by adding subdivisions."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 222, A bill for an act relating to families; designating an American family day; proposing new law coded in Minnesota Statutes, Chapter 517.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 272, A bill for an act relating to administrative rules; clarifying certain powers and duties of the legislative commission to review administrative rules; amending Minnesota Statutes 1980, Section 3.965, Subdivision 3, and by adding a subdivision.

Reported the same back with the following amendments:

Page 1, lines 18 and 19, reinstate the stricken language

Page 1, line 22, delete everything after the period

Page 1, delete lines 23 to 26

Page 2, delete lines 1 to 5

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on Taxes to which was referred:

H. F. No. 282, A bill for an act relating to taxes; establishing Project Fair Share; providing for the investigation of unre-

ported or underreported Minnesota income or failure to file a tax return and other cases where tax is owed to the state; appropriating money.

Reported the same back with the following amendments:

Page 2, line 15, delete "*chairman*" and insert "*chairmen*"; after "*finance*" insert "*and tax*"

Page 2, line 16, delete "*committee*" and insert "*committees*"; delete "*chairman*" and insert "*chairmen*"

Page 2, line 17, after "*appropriations*" insert "*and tax*"; delete "*committee*" and insert "*committees*"

Page 2, after line 22, insert:

"Sec. 3. Minnesota Statutes 1980, Section 270.66, is amended to read:

270.66 [RIGHT OF SETOFF.]

Upon certification by the commissioner of revenue to the commissioner of finance that a taxpayer has an uncontested delinquent tax liability owed to the commissioner of revenue, and notice that the state has purchased personal services, supplies, contract service, or purchased property from said taxpayer, the commissioner of finance shall apply to such delinquent tax liability funds sufficient to satisfy such unpaid tax liability from funds appropriated for payment of said obligation of the state or any of its agencies that are due and owing the taxpayer, provided however, that such credit shall not be made against any funds exempt under section 550.37 or owed the taxpayer under the provisions of chapter 256 or 256B.

All funds, whether general or dedicated, shall be subject to setoff in the manner herein provided. Transfer of funds as herein provided is payment of the obligation of the state or any of its agencies to such taxpayer and any actions for said funds, if any, shall be had against the department of revenue on the issue of such tax liability. Nothing in this section shall be construed to limit the previously existing right of the state or any of its agencies to setoff.

*Notwithstanding any provision to the contrary, every person, organization, or corporation doing business (hereafter called vendor) with the state of Minnesota or any of its departments, agencies, or educational institutions including the University of Minnesota (all hereafter called agency) shall provide that agency with their social security number or Minnesota tax identification number. The agency shall maintain records of this*

information, and shall make these records available to the commissioner, upon his request, for the sole purpose of identifying people who have not filed state tax returns or who have not paid uncontested state tax liabilities (hereafter called delinquent taxpayer). When an agency is notified by the commissioner that a vendor is a delinquent taxpayer, payments shall not be made by the agency to the vendor until the commissioner notifies the agency that the vendor no longer is a delinquent taxpayer. The commissioner shall determine that a vendor no longer is a delinquent taxpayer when the vendor has filed all delinquent state tax returns, paid all uncontested state tax liabilities or entered into an agreement with the commissioner which provides for the payment of these liabilities. The commissioner may notify an agency concerning a vendor, notwithstanding the provisions of sections 290.61 or 297A.43.

Sec. 4. [270.65] [APPROPRIATION.]

*For the purpose of collecting delinquent state tax liabilities from taxpayers who do not reside or are not located in Minnesota, there is hereby appropriated to the department of revenue an amount representing the cost of collection, not to exceed one-third of the amount collected by contract with collection agencies to enable the commissioner to reimburse these agencies for this service. The commissioner shall report quarterly on the status of this program to the chairmen of the house tax and appropriation committees and senate tax and finance committees."*

Page 2, delete lines 23 and 24 and insert:

"Sec. 5. [EFFECTIVE DATE.]

*Sections 3 and 4 are effective on July 1, 1981."*

Amend the title as follows:

Page 1, line 6, after the semicolon insert "requiring state agencies to keep certain records; providing access to this information; payments to collection agencies;"

Page 1, line 6, after "money" insert "; amending Minnesota Statutes 1980, Section 270.66; proposing new law coded in Minnesota Statutes, Chapter 270"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 339, A bill for an act relating to certain towns in St. Louis County; providing a method for determining whether to open or maintain certain town roads.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1980, Section 164.08, Subdivision 2, is amended to read:

Subd. 2. [SHALL BE ESTABLISHED IN CERTAIN INSTANCES.] Upon petition presented to the town board by the owner of a tract of land containing at least five acres, who has no access thereto except over the lands of others, *or whose access thereto is less than two rods in width*, the town board by resolution shall establish a cartway at least two rods wide connecting the petitioner's land with a public road. In an unorganized territory, the board of county commissioners of the county in which the tract is located shall act as the town board. The proceedings of the town board shall be in accordance with section 164.07. The amount of damages shall be paid by the petitioner to the town before such cartway is opened. For the purposes of this subdivision damages shall mean the compensation, if any, awarded to the owner of the land upon which the cartway is established together with the cost of professional and other services which the town may incur in connection with the proceedings for the establishment of the cartway.

Town road and bridge funds shall not be expended on the cartway unless the town board, or the county board acting as the town board in the case of a cartway established in an unorganized territory, by resolution determines that an expenditure is in the public interest. If no resolution is adopted to that effect, the grading or other construction work and the maintenance of the cartway is the responsibility of the petitioner, subject to the provisions of section 164.10. After the cartway has been constructed the town board, or the county board in the case of unorganized territory, may by resolution designate the cartway as a private driveway with the written consent of the affected landowner in which case from the effective date of the resolution no town road and bridge funds shall be expended for maintenance of the driveway; provided that the cartway shall not be vacated without following the vacation proceedings established under section 164.07.

Sec. 2. Minnesota Statutes 1980, Section 365.10, is amended to read:

365.10 [TOWN MEETINGS, POWERS.]

The electors of each town have power, at their annual town meeting:

(1) To determine the locations of pounds, and number of poundmasters, and to discontinue any such pounds;

(2) To select such town officers as are to be chosen;

(3) To make such lawful orders and bylaws as they deem proper for restraining horses, cattle, sheep, swine, and other domestic animals from going at large on the highways, and provide for impounding such animals so going at large;

(4) To fix penalties for violations of any order or bylaw made by such town, except such as relate to the keeping and maintaining of fences;

(5) To vote money for the repair and construction of roads and bridges, and determine the amount thereof to be assessed as labor tax, and to vote such sums as they deem expedient for other town expenses, including the construction and maintenance of docks and breakwaters;

(6) When they deem it for the interest of the town to direct that a specified amount of the poll and road tax be expended, under the direction of their town board, on the roads of an adjoining town;

(7) To authorize the town board to sell and convey or lease any real or personal property belonging to the town, not conveyed to and required to be held by the town for a special purpose;

(8) To authorize the town board to purchase or build a town hall or other building for the use of the town, and to determine, by ballot, the amount of money to be raised for that purpose; but, if a site for a town hall is once obtained, it shall not be changed for another site, except by vote therefor designating a new site by two-thirds of the votes cast at such election of the legal voters of the town;

(9) To authorize the town board, by vote, to purchase grounds for a town cemetery, and limit the price to be paid, and to vote a tax for the payment thereof;

(10) To authorize the town, either by itself or in conjunction with one or more other towns, to purchase grounds for a public park and to limit the price to be paid therefor, to authorize the town, alone or in conjunction with such other town or towns, to care for, improve, and beautify such parks, and to determine, by ballot, the amount of money to be raised for that purpose, and to vote a tax for the payment thereof;



(11) To vote money to aid in the construction of community halls, to be erected by farm bureaus, farmers clubs, or other like organizations.

(12) To vote a tax to purchase and maintain a public dumping ground.

(13) *To authorize the town board, by resolution, to determine whether to open or maintain town roads upon which no maintenance or construction has been conducted for 25 years or more. For purposes of this clause the provisions of section 163.16 shall not apply to town roads described in this clause, nor shall the provisions of this clause apply to cartways.*

Sec. 3. [EFFECTIVE DATE.]

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

Amend the title as follows:

Page 1, delete lines 2 to 4 and insert:

"relating to towns; providing for the opening of cartways under certain circumstances; providing a method for determining whether to open or maintain certain town roads; amending Minnesota Statutes 1980, Sections 164.08, Subdivision 2; and 365.10."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 350, A bill for an act relating to veterans; creating a tuition allowance program for certain veterans; proposing new law coded in Minnesota Statutes, Chapter 197.

Reported the same back with the following amendments:

Page 2, line 1, delete "*March*" and insert "*May*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 387, A bill for an act relating to local government; making explicit the power of local government units to establish more than one recreation board; amending Minnesota Statutes 1980, Section 471.15.

Reported the same back with the following amendments:

Page 2, after line 1, insert:

“Sec. 2. [EFFECTIVE DATE.]

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

With the recommendation that when so amended the bill pass.

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 396, A bill for an act relating to veterans; requiring the commissioner of veterans affairs to furnish an American flag to the nearest surviving relative of a deceased veteran who served six or more years in the Minnesota National Guard; amending Minnesota Statutes 1980, Section 196.05.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [192.381] [ADJUTANT GENERAL TO FURNISH AN AMERICAN FLAG TO SURVIVING RELATIVES.]

*Upon the death of any person who served six years or more in the Minnesota national guard, the adjutant general shall furnish an American flag to the closest surviving relative of the deceased member or former member.”*

Delete the title and insert:

“A bill for an act relating to the military; requiring the adjutant general to furnish an American flag to the closest surviving relative of a deceased person who served six years or more in the Minnesota national guard; proposing new law coded in Minnesota Statutes, Chapter 192.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Eken from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 486, A resolution memorializing the Congress and the President of the United States to cease all military and economic aid to El Salvador.

Reported the same back with the following amendments:

Page 1, line 9, delete "right wing, militaristic"

Page 1, line 9, after "for" insert "tolerating"

Page 1, line 10, delete "junta's"

Page 1, line 18, delete "could" and insert "may"

Page 1, line 19, delete "keeping" and insert "removing"

Page 1, line 19, delete "out of" and insert "from"

Page 1, line 24, delete "of the El Salvadorean junta" and insert "in that country"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 487, A bill for an act relating to the capitol area architectural and planning board; providing for disposition of tax-forfeited property within the capitol area; amending Minnesota Statutes 1980, Section 15.50, Subdivision 6.

Reported the same back with the following amendments:

Page 2, delete lines 8 to 31 and insert:

*"subdivisions of the state, the Ramsey county board of commissioners shall compile a list of these lands after the fee ownership has been recorded in the county recorder's office and submit the list to the board. The list shall include a property description of the tax-forfeited parcel and a listing of the buildings or structures thereon.*

*(2) Within 90 calendar days after receipt of the Ramsey county board of commissioners' list, the board, at its discretion, may: (i) direct the commissioner of revenue to release the tax-forfeited parcel from the trust for the taxing subdivision of the*

state, which action shall vest unencumbered title to the property in the name of the state; or (ii) authorize the parcel to be disposed of pursuant to chapter 282, provided that the parcel be thereafter utilized in accord with a portion or all of the standards, policies or guidelines in the board's comprehensive use plan.

(3) If the board fails to act within the prescribed 90-day period, the tax-forfeited parcel's disposition shall be governed by chapter 282.

(4) Unless and until the commissioner of revenue releases a tax-forfeited parcel from the trust for the taxing subdivision and during the aforementioned 90-day waiting period, the Ramsey county board of commissioners is authorized to maintain the parcel to minimize risks to persons and property contiguous to the parcel. If the parcel is conveyed from the trust to the state, the commissioner of administration shall assume these maintenance responsibilities."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 562, A bill for an act relating to agriculture; regulating fertilizers and soil and plant amendments; providing a penalty; amending Minnesota Statutes 1980, Sections 17.711; 17.713; 17.714; 17.716, by adding subdivisions; 17.717, Subdivisions 4, 5 and by adding a subdivision; 17.718, Subdivision 1; 17.719; 17.72; 17.721; 17.722; 17.723; 17.725; 17.726; 17.727; 17.728, Subdivision 1; 17.729; repealing Minnesota Statutes 1980, Section 17.717, Subdivision 2.

Reported the same back with the following amendments:

Page 6, delete lines 11 to 13 and insert "*sludge*" means the solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment plant for disposal at a sewage sludge disposal facility. Sewage sludge does not include incinerator residues and grit, scum, or screenings removed from other solids during treatment."

Page 7, line 26, strike "subdivision" and delete "3" and after "(2)" insert "subdivisions 3 and 4"

Page 9, line 24, delete "a soil or plant amendment" and insert "such materials"

Page 11, line 19, strike "subdivision" and delete "3" and after "(2)" insert "*subdivisions 3 and 4*"

Page 13, line 28, strike "For all"

Page 13, strike lines 29 to 31

Page 13, line 32, strike "shall not total less than 18 percent."

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 574, A bill for an act relating to intoxicating liquor; authorizing the issuance of one off-sale license in the town of Tofte.

Reported the same back with the following amendments:

Page 1, delete lines 16 to 17 and insert

*"This act is effective the day after compliance by the county board of Cook county with the provisions of Minnesota Statutes, Section 645.021, Subdivision 3."*

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 576, A bill for an act relating to the state register; specifying the contents and requiring various matters of public interest to be published in the state register; amending Minnesota Statutes 1980, Sections 3.21; 15.0412, Subdivision 6; 15.051, Subdivision 1; and by adding a subdivision; 16.07, Subdivision 2; 16A.67, Subdivision 4; 41.56, Subdivision 4; 60A.08, Subdivision 7; 85.021, Subdivision 2; 85A.03, Subdivision 4a; 90.101, Subdivision 2; 92.14; 93.16; 94.10, Subdivision 2; 97.48, Subdivision 11; 155.17; 161.23, Subdivision 2; 161.44, Subdivision 6; 167.50, Subdivision 2; 241.09, Subdivision 2; 299C.07; 340.63, Subdivision 2; 345.47, Subdivision 2; 360.302, Subdivision 2; and 370.07.

Reported the same back with the following amendments:

Page 6, after line 15, insert

"Sec. 7. Minnesota Statutes 1980, Section 25.40, Subdivision 2, is amended to read:

Subd. 2. Before the issuance, amendment, or repeal of any rule or regulation authorized by sections 25.31 to 25.44, the commissioner shall publish the proposed regulation, amendment, or notice to repeal an existing regulation in (A MANNER REASONABLY CALCULATED TO GIVE INTERESTED PARTIES, INCLUDING ALL CURRENT REGISTRANTS, ADEQUATE NOTICE) *the state register* and shall afford all interested persons an opportunity to present their views thereon, orally or in writing, within a reasonable period of time. After consideration of all views presented by interested persons, the commissioner shall take appropriate action to issue the proposed rule or regulation or to amend or repeal an existing rule or regulation. The provisions of this subdivision notwithstanding, if the commissioner, pursuant to the authority of sections 25.31 to 25.44, adopts the official definitions of feed ingredients or official feed terms as adopted by the Association of American Feed Control Officials, or regulations promulgated pursuant to the authority of the federal food, drug, and cosmetic act, any amendment or modification adopted by (SAID) *that association* or by the secretary of health, (EDUCATION) and (WELFARE) *human services* in the case of regulations promulgated pursuant to the federal food, drug, and cosmetic act, shall be adopted automatically under sections 25.31 to 25.44 without regard to the publication of the notice required by this subdivision unless the commissioner, by order specifically determines that (SAID) *the amendment or modification shall not be adopted.*"

Page 6, line 25, after "a" insert "*legal*"

Page 7, line 30, strike "forthwith" and insert "*immediately*"

Page 7, line 31, strike "thereof" and insert "*of that*"

Page 7, line 33, strike "thereof" and insert "*of that*"

Page 7, line 36, strike "such as" and insert "*that which*"

Page 8, line 7, strike "three" and insert "*two*"

Page 8, line 7, after "in" insert "*both the official newspaper of the county or counties in which the real estate lies and in*"

Page 8, line 27, after "*register*" insert "*and in additional newspapers and trade journals which may be designated by the board*"

Page 9, line 19, strike "three" and insert "*two*"

Page 9, line 31, before "each" insert "*the official newspaper of*"

Page 9, line 33, delete "is" and strike "If there be no newspaper published in any such county,"

Page 9, line 34, strike "four weeks posted notice shall be given therein."

Page 10, line 2, strike "four" and insert "*two*"

Page 10, line 2, after "publications" insert "*a week apart*" and after "in" strike "*a weekly*" and insert "*the official*"

Page 10, line 3, strike "and published at the county seat" and insert "*in the county*"

Page 10, line 4, strike "four" and insert "*two*"

Page 10, line 23, strike "four" and insert "*two*"

Page 11, line 2, strike "Such" and insert "*Any*"

Page 11, line 8, strike "four" and insert "*two*"

Page 11, line 10, before "newspaper" insert "*legal*"

Page 11, line 11, after "situated" strike "*, which*" and insert "*The*"

Page 11, line 33, strike "once" and insert "*twice*" strike "*a legal*" and insert "*the official*" strike "*within*" and insert "*of*"

Page 12, line 8, after "published" insert "*in the state register*"

Page 12, line 9, strike "three" and insert "*two*"

Page 12, line 10, after "meetings" insert "*and*"

Page 12, lines 10 and 11, reinstate the stricken language

Page 12, line 11, delete "*the state register*"

Page 12, line 22, strike "three" and insert "*two*"

Page 12, line 23, strike "a" and insert "*in the official*" strike "*or trade journal of general circulation in the*" and insert "*of each county or city in which the real estate lies*"

Page 12, line 24, strike "territory from which bids are likely to be received"

Page 12, line 32, strike "such" and insert "the"

Page 12, line 35, after "publication" insert "for at least two successive weeks"

Page 12, line 36, before "newspaper" insert "legal"

Page 12, line 37, strike "for at least two successive weeks"

Page 14, line 4, strike "thereto" and insert "to it"

Page 14, line 23, strike "thereof" and insert "of it"

Page 15, line 12, before "the" insert "two consecutive issues of"

Page 15, line 14, strike "such" and insert "the"

Page 15, delete section 23

Page 15, line 31, strike "Such" and insert "The"

Page 16, line 20, strike "such" and insert "the"

Page 16, line 37, strike "three" and insert "two"

Page 17, line 3, strike "thereof" and insert "of it"

Page 17, line 6, strike "thereafter"

Renumber the sections

Amend the title as follows:

Page 1, line 8, after the first "4;" insert "25.40, Subdivision 2;"

Page 1, line 14, delete "345.47, Subdivision 2;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 623, A bill for an act relating to commerce; providing for an alternative method of meeting the organizational membership requirement for the conducting of bingo occasions



by organizations; amending Minnesota Statutes 1980, Section 349.14.

Reported the same back with the following amendments:

Page 1, after line 17, insert:

"Sec. 2. Minnesota Statutes 1980, Section 349.26, Subdivision 9, is amended to read:

Subd. 9. Licenses shall be issued only to a fraternal, religious, veterans or other nonprofit organization covered by section 290.-05, subdivision 1, clause (i) or (k), which organization has been in existence for at least three years and has at least 30 active members, as defined in section 349.12, subdivision 2, *or one-half of one percent of the population of the local unit of government, whichever is less.*"

Amend the title as follows:

Page 1, line 4, after "occasions" insert ", operation of gambling devices, and conducting of raffles"

Page 1, line 6, delete "Section" and insert "Sections"

Page 1, line 6, after "349.14" insert "; and 349.26, Subdivision 9"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 911, A bill for an act relating to the statutes; removing archaic language from certain laws related to animals; amending Minnesota Statutes 1980, Sections 346.20; 346.21; 346.215; 346.216; 346.22; 346.23; 346.24; 346.25; 346.26; 346.-27; 346.28; 346.31; 346.32; 346.33; 346.34; and 347.23.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 153, A bill for an act relating to local government; granting towns certain powers over town cemeteries; regulating

town cemeteries; amending Minnesota Statutes 1980, Sections 365.26; and 365.27.

Reported the same back with the following amendments:

Page 2, after line 22 insert:

"Sec. 3. Minnesota Statutes 1980, Section 541.01, is amended to read:

541.01 [APPLICATION TO STATE AND OTHER STATES; EXCEPTIONS.]

Actions can only be commenced within the periods prescribed in this chapter, after the cause of action accrues, except where a different limitation is prescribed by the uniform commercial code or, in special cases, by other statute; provided that a cause of action for sales or use taxes imposed by any other state shall be deemed to have accrued at the time such tax first becomes due and payable.

Such limitation shall apply to actions by or in behalf of the state and the several political subdivisions thereof; provided that no occupant of a public way, levee, square, or other ground dedicated or appropriated to public use shall acquire, by reason of his occupancy, any title thereto.

*No occupant of the land of a public or private cemetery shall acquire any title to the cemetery land by reason of the occupancy."*

Amend the title as follows:

Page 1, delete lines 2 to 5 and insert:

"relating to cemeteries; granting towns certain powers over town cemeteries; regulating town cemeteries; providing that no occupant of cemetery land shall acquire any title to the land by reason of occupancy; amending Minnesota Statutes 1980, Sections 365.26; 365.27; and 541.01."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

S. F. No. 171, A bill for an act relating to probate; changing certain provisions relating to descent of a cemetery lot; amending Minnesota Statutes 1980, Section 525.14.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

S. F. No. 345, A bill for an act relating to crimes; increasing the penalty for certain forms of cruelty to animals; amending Minnesota Statutes 1980, Section 346.29.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 63, 90, 222, 272, 339, 387, 396, 486, 487, 562, 574, 576, 623 and 911 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 153, 171 and 345 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Stumpf, Eken, Rees, Nysether and Munger introduced:

H. F. No. 1117, A bill for an act relating to natural resources; changing and clarifying administrative provisions regarding watershed districts; increasing per diem for district managers; stating procedures for adopting rules by managers; requiring revision of certain plans every ten years; allowing cash bonds; permitting use of a map to show an assessment area; clarifying emergency procedures; amending Minnesota Statutes 1980, Sections 105.71, Subdivision 1a, and by adding subdivisions; 106.271; 106.471, Subdivision 1; 112.35, Subdivision 19, and by adding a subdivision; 112.36; 112.37, Subdivision 1; 112.39, Subdivision 1; 112.42, Subdivisions 5 and 6; 112.43, Subdivisions 1, 3, and by adding a subdivision; 112.46; 112.47; 112.48, Subdivisions 1, 2, and 4; 112.49, Subdivisions 1 and 7; 112.53, Subdivision 1; 112.58; 112.61, Subdivision 3; 112.62, Subdivision 1; 112.64; 112.65, Subdivision 2; and 112.801, Subdivision 8.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Zubay and Kaley introduced:

H. F. No. 1118, A bill for an act relating to taxation; exempting certain airport property of certain municipalities from the property user tax on exempt property; amending Minnesota Statutes 1980, Section 272.01, Subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

Dempsey, Kalis, Piepho and Rees introduced:

H. F. No. 1119, A bill for an act relating to probate; allowing claims based on certain medical assistance to be made against the homestead; amending Minnesota Statutes 1980, Sections 510.05; and 525.16.

The bill was read for the first time and referred to the Committee on Judiciary.

Ewald, Sarna, Metzen, Dahlvang and Marsh introduced:

H. F. No. 1120, A bill for an act relating to public safety; authorizing the sale to and use by engineers of fireworks; amending Minnesota Statutes 1980, Section 624.21.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Berkelman, Gustafson, Lehto and Munger introduced:

H. F. No. 1121, A bill for an act relating to port authorities; clarifying the exemption of a special county levy for a port authority from certain levy limitations; amending Minnesota Statutes 1980, Section 458.14.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Forsythe, Hokanson, Onnen, Vellenga and Dempsey introduced:

H. F. No. 1122, A bill for an act relating to privacy; government data practices; classifying certain law enforcement data; amending Minnesota Statutes 1980, Section 15.1695, Subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Kelly; Gustafson; O'Connor; Johnson, D., and Blatz introduced:

H. F. No. 1123, A bill for an act relating to crimes; defining terms for purposes of arson laws; establishing mandatory minimum prison sentences for arson in the first degree and arson in the second degree; increasing penalties for certain negligent fires; prohibiting removal or concealment of property to defraud an insurer; prohibiting submission of false insurance claims; amending Minnesota Statutes 1980, Sections 609.556 by adding subdivisions; 609.561; 609.562; 609.576; 609.611; and 609.645.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Rodriguez, F.; Reding and Sarna introduced:

H. F. No. 1124, A bill for an act relating to retirement; local police relief associations; authorizing the payment of benefits outside the United States in certain instances; proposing new law coded in Minnesota Statutes, Chapter 423; repealing Minnesota Statutes 1980, Section 423.811.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Reding introduced:

H. F. No. 1125, A bill for an act relating to economic development; providing for changes in the small business finance agency law to better provide assistance for small business; making technical changes; amending Minnesota Statutes 1980, Sections 362.50, Subdivisions 4, 5, 9 and 10; 362.52, Subdivisions 2 and 4; 362.53, Subdivisions 11, 12, 15 and 17; repealing Minnesota Statutes 1980, Section 362.50, Subdivisions 6 and 7.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Kelly introduced:

H. F. No. 1126, A bill for an act relating to juveniles; making technical amendments to the juvenile court act; amending Minnesota Statutes 1980, Sections 260.011, Subdivision 2; 260.111, Subdivision 1; 260.135, Subdivision 3; 260.155, Subdivision 4; 260.185, Subdivision 2; 260.255, Subdivision 1; 260.291; and 260.315.

The bill was read for the first time and referred to the Committee on Judiciary.

Minne; Peterson, D.; Olsen; Luknic and Blatz introduced:

H. F. No. 1127, A bill for an act relating to taxation; exempting certain feminine hygiene products from the sales and use tax; amending Minnesota Statutes 1980, Section 297A.25, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Kelly, Otis, Heap, Levi and Kostohryz introduced:

H. F. No. 1128, A bill for an act relating to education; providing a state aid incentive for class size reductions in kindergarten through twelfth grade; proposing new law coded in Minnesota Statutes, Chapter 124.

The bill was read for the first time and referred to the Committee on Education.

Jennings; Olsen; Nelson, K.; Levi and Johnson, C., introduced:

H. F. No. 1129, A bill for an act relating to education; establishing a council to improve teaching and learning; transferring the powers, duties and responsibilities of the council on quality education relating to early childhood and family education to the department of education; appropriating money; amending Minnesota Statutes 1980, Section 121.931, Subdivision 5; proposing new law coded in Minnesota Statutes, Chapter 3; repealing Minnesota Statutes 1980, Sections 3.924 to 3.927 and 3.9279, Subdivisions 8, 12 and 13.

The bill was read for the first time and referred to the Committee on Education.

Byrne; Vanasek; Clark, J.; Kahn and Dean introduced:

H. F. No. 1130, A bill for an act relating to corrections; providing programs for women offenders; establishing an advisory board on women offenders in corrections; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 241.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Haukoos; Vanasek; Nelsen, B.; Johnson, C., and Valan introduced:

H. F. No. 1131, A bill for an act relating to the state fire marshal; deleting references to a dedicated fund and to archaic misdemeanor fines; repealing obsolete statutory requirements pertaining to flammable liquids, fire extinguishers, doors of buildings, and theaters; correcting an erroneous designation of responsibility concerning fire insurance premium returns; setting a penalty; amending Minnesota Statutes 1980, Sections 299F.011, Subdivision 1; 299F.19; 299F.20; 299F.21; 299F.22; 299F.23; 299F.24; 299F.26, Subdivision 1; 299F.29; 299F.31; 299F.36, Subdivision 2; 299F.391, Subdivision 1; and 299F.46, Subdivision 1; repealing Minnesota Statutes 1980, Sections 299F.011, Subdivision 2; 299F.27; 299G.10; 299H.01; 299H.02; and 299H.28, Subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Hokanson, Clawson, Dean, Luknic and Anderson, I., introduced:

H. F. No. 1132, A bill for an act relating to the revenue recapture act; expanding the definition of claimant agencies to include counties; amending Minnesota Statutes 1980, Sections 270A.02; and 270A.03, Subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

Begich, Battaglia, Dahlvang, Elioff and Weaver introduced:

H. F. No. 1133, A bill for an act relating to the environment; changing procedures for the appointment of the director of the environmental education board; requiring litter bags and receptacles in certain places; prohibiting littering; directing the commissioner of transportation to support certain public education programs related to pollution; requiring a litter collection analysis; establishing penalties; appropriating money; amending Minnesota Statutes 1980, Sections 116E.03, Subdivisions 7, 7a and 8; 174.02, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 174; repealing Minnesota Statutes 1980, Sections 85.20, Subdivision 6; 169.42; and 609.68.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Reif, Valento and Levi introduced :

H. F. No. 1134, A bill for an act relating to Independent School District No. 624, White Bear Lake; authorizing it to transfer interest earnings from capital outlay and debt redemption funds to its general fund.

The bill was read for the first time and referred to the Committee on Education.

Novak, Jude, Vellenga, Levi and Kelly introduced :

H. F. No. 1135, A bill for an act relating to taxation; sales and use tax; exempting meals and lodging furnished to jurors; amending Minnesota Statutes 1980, Section 297A.25, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Reding introduced :

H. F. No. 1136, A bill for an act relating to game and fish; opening of the commercial fishing season on Lake of the Woods; amending Minnesota Statutes 1980, Section 102.26, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Ellingson introduced :

H. F. No. 1137, A bill for an act relating to courts; abolishing the maintenance of certain court records; amending Minnesota Statutes 1980, Sections 485.07; 548.08; 548.15; 548.22; 548.24; and 572.22, Subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Ellingson introduced :

H. F. No. 1138, A bill for an act relating to the public defender; establishing the board of public defense; transferring public defender responsibilities from the judicial council to the board of public defense; abolishing the judicial council; amending Minnesota Statutes 1980, Sections 611.23; 611.24; 611.26, Subdivisions 1, 2, 3, 4, and 5; proposing new law coded in Minnesota Statutes, Chapter 611; repealing Minnesota Statutes 1980, Section 480.053; and Chapter 483.

The bill was read for the first time and referred to the Committee on Judiciary.



Jude, for the Committee on Judiciary, introduced:

H. F. No. 1139, A bill for an act relating to courts; providing for certain reorganization of the court system in the state; providing that Hennepin and Ramsey municipal courts shall also be probate courts; abolishing the office of referee; providing for continuance of certain referee positions for a limited time; providing for continuance of certain judicial officer positions for a limited time; abolishing the office of court commissioner; providing for continuance of the Ramsey county court commissioner position for a limited time; amending Minnesota Statutes 1980, Sections 2.722, Subdivision 1, and by adding a subdivision; 260.021, Subdivision 4; 260.031, Subdivision 1, and by adding a subdivision; 484.70, Subdivision 1, and by adding subdivisions; 487.08, Subdivisions 2, 3, and by adding a subdivision; 488A.01, Subdivisions 1, 8, and by adding subdivisions; 488A.18, Subdivisions 1, 9, and by adding subdivisions; 489.01; 525.10; repealing Minnesota Statutes 1980, Sections 260.019; 484.64; 484.65; 484.67; 484.70, Subdivisions 2, 3, 4 and 5; 487.08, Subdivision 4; 487.09; 488A.01, Subdivision 7; 488A.18, Subdivision 8; 489.05; and 525.04.

The bill was read for the first time and referred to the Committee on Judiciary.

Mehrkens and Dempsey introduced:

H. F. No. 1140, A bill for an act relating to transportation; providing for the financing of certain services of the department of transportation; adjusting the motor vehicle registration tax on certain vehicles; increasing driver license fees and providing that all fees shall be credited to the trunk highway fund; increasing the tax on gasoline and special fuels; authorizing the issuance of state transportation bonds and appropriating the proceeds for the purpose of providing money for capital improvements comprising construction and reconstruction of key bridges on the trunk highway system, segments of the interstate system and interstate highway substitution projects; amending Minnesota Statutes 1980, Sections 168.011, Subdivisions 7 and 10; 168.013, Subdivisions 1a, 1b, 1c, 1d, 1e, 1h, and 2; 171.02, Subdivision 3; 171.06, Subdivision 2; 171.13, Subdivision 5; 171.26; 174.50, Subdivision 1; and 296.02, Subdivision 1; repealing Minnesota Statutes 1980, Section 168.013, Subdivision 17.

The bill was read for the first time and referred to the Committee on Transportation.

Mehrkens and Drew introduced:

H. F. No. 1141, A bill for an act relating to highway traffic regulations; providing for reimbursement to counties for certain costs of administering the alcohol safety program; assessing a user's fee; amending Minnesota Statutes 1980, Sections 169.124, Subdivision 3; and 169.126, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Den Ouden introduced:

H. F. No. 1142, A bill for an act relating to the city of Echo; authorizing the issuance of bonds for the acquisition and betterment of a city hall, community center, and municipal meeting room.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Brandl, Skoglund, Jacobs and Anderson, I., introduced:

H. F. No. 1143, A bill for an act relating to taxation; income; property tax refund; adopting federal income tax limitations on the deduction of interest; authorizing the commissioner to provide a short form income tax return; clarifying the computation of the low income alternative tax; providing for the computation of net operating loss; allowing for disclosures of information between the department of economic security and the commissioner of revenue regarding unemployment compensation; allowing for disclosures of information between the commissioner of revenue and the commissioner of public welfare; allowing the commissioner to obtain information required on returns by court action; allowing the commissioner to designate the places returns may be filed; conforming information return requirements to the federal requirements; requiring certain statements to be furnished to subjects of information returns; providing that payment of taxes of a decedent shall be made by successors in the absence of a personal representative; providing an action to enjoin certain tax return preparers from engaging in certain conduct or from preparing returns; adopting the federal requirements for withholding and reporting on tips; clarifying the liability of employers in regard to withholding tax returns; conforming information requirements of withholding statements to federal law; allowing notification of an employer by the department that a withholding certificate is invalid; providing for verification of withholding exemptions and appeal by the claimant; allowing certain spouses to file a joint property tax return claim; altering definitions of dependent for property tax return purposes; providing for payment of property tax refund claims in case of death; conforming estimated tax

requirements with federal law; altering the computation of the corporate estimated tax; conforming tax exempt provisions with federal law; altering filing requirements for corporations; allowing the commissioner to adjust the computation of federal adjusted gross income in certain circumstances; specifying or increasing interest rates on certain delinquent taxes and penalties; abolishing an election relating to the lump sum distribution tax; providing penalties; amending Minnesota Statutes 1980, Sections 10A.31, Subdivision 1; 268.12, Subdivision 12; 290.05; 290.06, Subdivision 3d; 290.067, Subdivision 2; 290.09, Subdivision 3; 290.095, Subdivisions 1, 9, and by adding a subdivision; 290.37, Subdivision 1; 290.39, Subdivision 1, and by adding a subdivision; 290.41, Subdivision 2, and by adding subdivisions; 290.-42; 290.43; 290.44; 290.46; 290.53, Subdivisions 3 and 3a; 290.-61; 290.92, Subdivisions 1, 2a, 7, 15, and by adding subdivisions; 290.93, Subdivisions 1, 3 and 10; 290.931, Subdivision 1; 290.934, Subdivisions 4 and 5; 290A.03, Subdivision 7; 290A.07, Subdivision 4; 290A.08; 290A.11, Subdivisions 2 and 4; 290A.18; 290A.-22; proposing new law coded in Minnesota Statutes, Chapters 290 and 290A; repealing Minnesota Statutes 1980, Section 290.-032, Subdivision 4.

The bill was read for the first time and referred to the Committee on Taxes.

Sieben, M.; Laidig and Levi introduced:

H. F. No. 1144, A bill for an act relating to Washington county; providing for the appointment, powers and compensation of a court commissioner.

The bill was read for the first time and referred to the Committee on Judiciary.

Norton; Sieben, H.; Sherwood; Kahn and Laidig introduced:

H. F. No. 1145, A bill for an act relating to the legislature; changing the membership and manner of appointment of certain committees and commissions with legislative members; amending Minnesota Statutes 1980, Sections 3.30, Subdivision 2; 15.50, Subdivision 1; 16.872, Subdivision 3; and 121.938, Subdivision 1.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Brandl, Jacobs, Minne, Blatz and Halberg introduced:

H. F. No. 1146, A bill for an act relating to taxation; income; providing for a deduction for excess costs associated with the employment of disabled persons; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; and 290.09, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Brandl, Clawson, Onnen, Blatz and Byrne introduced:

H. F. No. 1147, A bill for an act relating to public welfare; providing for alternatives to nursing home care in counties with preadmission screening; appropriating money; amending Minnesota Statutes 1980, Section 256B.091.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Rothenberg introduced:

H. F. No. 1148, A bill for an act relating to condominiums; providing for certain amendments to the declaration, bylaws, or floor plans of a condominium; amending Minnesota Statutes 1980, Section 515A.1-102.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Jacobs and O'Connor introduced:

H. F. No. 1149, A bill for an act relating to taxation; providing for state income tax to be imposed on taxpayer's federal tax liability; amending Minnesota Statutes 1980, Sections 290.01, Subdivisions 1, 7, and by adding subdivisions; 290.03; 290.05; 290.07, Subdivisions 1 and 2; 290.34, Subdivision 3; 290.37, Subdivisions 1 and 3; 290.38; 290.93, Subdivision 1; 290A.03, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 290; repealing Minnesota Statutes 1980, Sections 290.01, Subdivisions 1a, 2, 3, 4, 5, 6, 8, 8a, 9, 10, 11, 12, 13, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27; 290.013; 290.02; 290.032; 290.04; 290.06; 290.067; 290.07, Subdivisions 3, 4, 5, 5a, 6 and 7; 290.071 to 290.08; 290.085 to 290.33; 290.35; 290.36; 290.361; 290.39, Subdivision 2; and 290.40.

The bill was read for the first time and referred to the Committee on Taxes.

Simoneau introduced:

H. F. No. 1150, A bill for an act relating to workers' compensation; revising the method for members of the reinsurance association to select a retention limit; changing the indexing provisions for the retention limits of the reinsurance association; increasing the prefunded limit of the association; providing for the reinsurance association to return excess premiums or collect deficient premiums from association members; changing the limitations of the purchase of workers' compensation reinsurance from private entities; amending Minnesota Statutes 1980, Sections 79.34, Subdivisions 1 and 2; 79.35; and 79.36.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Drew; Rodriguez, F., and Welker introduced:

H. F. No. 1151, A resolution memorializing the Congress of the United States to admit Puerto Rico as a state.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Simoneau, Rice, Norton and Rose introduced:

H. F. No. 1152, A bill for an act relating to public employees; regulating arbitration decisions in disputes involving local governments and essential, supervisory and confidential employers, principals, and assistant principals; amending Laws 1979, Chapter 332, Article I, Section 116, as amended.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Pogemiller, Dahlvang, Skoglund, Long and Brandl introduced:

H. F. No. 1153, A bill for an act relating to the city of Minneapolis; providing for amendment of certain special revenue obligations; amending Laws 1975, Chapter 188, Section 3, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Long and Olsen introduced:

H. F. No. 1154, A bill for an act relating to transportation; prohibiting the expenditure of funds on a certain interstate route; requiring application for the withdrawal of the route from the interstate system and transfer and substitution of its federal funding entitlements to certain eligible transportation projects.

The bill was read for the first time and referred to the Committee on Transportation.

Long and Olsen introduced:

H. F. No. 1155, A bill for an act relating to transportation; limiting construction on certain trunk highways; amending Minnesota Statutes 1980, Section 161.123.

The bill was read for the first time and referred to the Committee on Transportation.

Carlson, L., and Hokr introduced:

H. F. No. 1156, A bill for an act relating to the city of Crystal; providing for the designation of polling places in a certain precinct.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Long and Sieben, H., introduced:

H. F. No. 1157, A bill for an act relating to unemployment compensation; regulating fees for legal services; amending Minnesota Statutes 1980, Section 268.10, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Reding introduced:

H. F. No. 1158, A bill for an act relating to retirement; clarifying certain ambiguous provisions; correcting certain oversights, inconsistencies, unintended results and erroneous provisions; eliminating certain redundant, obsolete or conflicting provisions; amending Minnesota Statutes 1980, Sections 3.85, Subdivision 3; 3A.01, Subdivisions 2 and 7; 3A.02, Subdivision 1; 3A.04, Subdivisions 1, 1a, 2 and 4; 3A.05; 3A.09; 3A.11, Subdivisions 1 and 2; 3A.12, Subdivision 1; 11A.17, Subdivision 11; 11A.23, Subdivision 2; 15A.083, Subdivision 3; 16A.19; 69.011, Subdivision 1; 69.031, Subdivisions 5 and 6; 69.051, Subdivision 1; 69.77, Subdivisions 1, 1a, 2 and 2a; 69.772, Subdivisions 2 and 2a; 69.773, Subdivision 2; 118.01, Subdivision 11; 136.80, Subdivision 1; 136.81; 136.82; 136.83; 136.85; 136.87, Subdivisions 1 and 2; 275.125, Subdivision 6a; 275.50, Subdivision 5; 352.01, Subdivisions 2A, 11, 19 and 23; 352.029, Subdivision 1; 352.03, Subdivision 6; 352.113, Subdivision 4; 352.115, Subdivision 10; 352.116, Subdivision 3; 352.12, Subdivision 11; 352.22, Subdivisions 2a, 3 and 10; 352.72, Subdivisions 2 and 4; 352.75; 352.85, by adding a subdivision; 352.90; 352.91, Subdivision 2; 352B.02, Subdivision 1; 352B.075, Subdivision 1; 352B.08, Subdivision 2; 352B.11, Subdivision 2; 352B.26, Subdivisions 1 and 3; 352C.031, by adding a subdivision; 352C.04, Subdivision 1; 352D.02, Subdivisions 1 and 2; 352D.04, Subdivision 2; 352D.09, Subdivision 1; 352E.01, Subdivision 1; 353.01, Subdivisions 6, 7 and 10; 353.023; 353.03, Subdivision 1; 353.16; 353.28, Subdivisions 6 and 8; 353.29, Subdivision 4; 353.30, Subdivision 1c; 353.31, Subdivisions 1 and 9; 353.32, Subdivision 1a; 353.33, Subdivision 2; 353.34, Subdivision 3; 353.36, Subdivision 2; 353.37; Subdivisions 1 and 1a; 353.46, Subdivision 1a, and by adding a subdivision; 353.64, by adding a subdivision; 353.656, Subdivision 6; 353.71, Subdivision 1; 354.05, Subdivisions 2, 13, 24, 25 and 26; 354.06, Subdivision 1; 354.07, Subdivision 1; 354.091; 354.092; 354.094; 354.43, Subdivision 4; 354.44, Subdivisions 1a, 4, 5, 6, 7 and 8; 354.47, Subdivision 1; 354.48, Subdivision 10, and by adding a subdivision; 354.50, Subdivision 2; 354.51, Subdivisions 1, 4 and 5; 354.52, Subdivisions 2, 3 and 4; 354.53, Subdivisions 1 and 3; 354.55, Subdivision 11; 354.56; 354.57; 354.60; 354.62, Subdivision 5; 354.66; 354.69; 354A.011, Subdivision 27; 354A.091, Subdivisions 1 and 6; 354A.092; 354A.094, Subdivisions 3, 8, 11, and by adding a subdivision; 354A.31, Subdivision 3; 354A.35, Subdivisions 2 and 3; 355.07; 355.11, Subdivisions 2, 4 and 5; 355.13, Subdivision 2; 355.21, Subdivisions 2 and 4; 355.22; 355.23, Subdivision 1; 355.29, Subdivisions 1, 3 and 4; 355.311, Subdivisions 1, 2 and 4; 355.41, Subdivisions 2, 3, 4 and 7; 355.46, Subdivision 3; 355.71, Subdivision 6; 355.72; 356.18, Subdivision 1; 356.20; 356.215; 356.216; 356.22, Subdivision 1; 356.24; 356.25; 356.32, Subdivision 1; 356.39; 356.45, Subdivision 2; 356.60, Subdivision 1; 422A.01, Subdivision 11; 422A.06, Subdivisions 2, 3 and 5; 422A.08, Subdivisions 1 and 5; 422A.09, Subdivision 3; 422A.101; 422A.11, Subdivision 1; 422A.15, Subdivision 1; 422A.16, Subdivision 8; 422A.22, Subdivision 2; 422A.23, Subdivision 5; 422A.24; 422A.26; 423.075, Subdivision

1; 423.38; 423.801, Subdivision 2; 423.802; 423.805; 423.806, Subdivision 1; 423.807, Subdivisions 1 and 2; 423.808; 423.809, Subdivisions 1 and 2; 423.810, Subdivision 1; 423.815, Subdivision 1; 423A.04; 424A.01, Subdivision 2; 424A.02, Subdivisions 1, 3, 4, 8 and 9; 424A.04; 424A.05, Subdivisions 1 and 3; 458.18, Subdivision 1; 484.61; 484.68, Subdivision 8; 488A.115; 488A.285; 490.101, Subdivision 2; 490.106; 490.107; 490.12, by adding a subdivision; 490.121, Subdivisions 1, 4, 6 and 7; 490.122; 490.123, Subdivision 1; 490.124, Subdivisions 1, 2, 6 and 10; 490.126, Subdivision 1; 490.129; and 490.132; Laws 1955, Chapter 75, Section 12, Subdivision 2, as amended; Laws 1959, Chapter 131, Section 10, Subdivision 1, as amended; Laws 1965, Chapters 446, Section 7, Subdivision 1, as amended; 458, Section 3, Subdivision 2, as amended; and 498, Section 1, Subdivision 1, as amended; Laws 1967, Chapters 575, Section 9, Subdivision 2; 742, Section 2; 775, Section 8, as amended; 798, Section 1, Subdivision 1, as amended; and 815, Section 8, Subdivision 1; Laws 1969, Chapters 526, Section 11, Subdivision 1; 576, Section 1, Subdivision 1, as amended; 641, Section 2, Subdivision 1, as amended; 719, Section 2; 1088, Section 8, Subdivision 1, as amended; and 1105, Section 4; Laws 1971, Chapters 51, Sections 9, as amended, and 10, Subdivision 2, as amended; 114, Section 8, Subdivision 1; 184, Sections 4 and 5; 214, Section 10; 407, Section 1, Subdivisions 2 and 3; 614, Section 2; and 810, Section 7, as amended; Laws 1973, Chapters 304, Section 3, Subdivision 1; and 587, Section 1, Subdivisions 3, as amended, and 5, as amended; Laws 1974, Chapter 251, Section 1, Subdivisions 2 and 3; Laws 1975, Chapter 424, Section 11, as amended; Laws 1976, Chapter 36, Sections 2, 3 and 4; Laws 1977, Chapter 61, Section 5, Subdivision 2, as amended; and Laws 1978, Chapter 689, Sections 4, Subdivision 2, and 8; proposing new law coded in Minnesota Statutes, Chapters 345, 352, 353, 355 and 356; repealing Minnesota Statutes 1980, Sections 136.86; 352.115, Subdivision 13; 352.1181; 352D.10; 354.09, Subdivisions 1 and 4; 354.41, Subdivisions 3, 6 and 8; 355.302; 355.303; 355.304; 355.305; 355.306; 355.307; 355.308; 355.309; 355.53; 355.73, Subdivisions 5, 6 and 7; 356.18, Subdivision 2; 422A.01, Subdivisions 14, 15 and 16; 422A.08, Subdivisions 2, 3, 4 and 6; 422A.081; 422A.091; 422A.30; 422A.31; 422A.32; 422A.33; 422A.34; 422A.35; 422A.39; 423.075, Subdivision 2; 423.815, Subdivision 3; 487.06; 490.104; 490.127; 490.128; and 490.13; Laws 1969, Chapter 252; Laws 1973, Chapter 481; Laws 1975, Chapter 429; Laws 1978, Chapter 538, Section 6; and Laws 1980, Chapters 342, Section 20; and 509, Section 135.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Simoneau introduced:

H. F. No. 1159, A bill for an act relating to administrative procedures; providing for the effect on rules of the transfer of powers between agencies; recodifying certain other procedures



relating to the transfer of powers between agencies; modifying the powers of the revisor of statutes with respect to drafting; compiling and publishing rules; extending certain statutory definitions of terms to administrative rules; amending Minnesota Statutes 1980, Sections 3.965, Subdivision 2; 15.0411, Subdivisions 2 and 3; 15.0412, Subdivisions 1, 1a, 2a, 4, 4c, 4d, 4e, 4f, 4g, 4h, 5, 7, 8, 9 and 10; 15.0413; 15.0415; 16.86, Subdivision 2; 62E.10, Subdivision 8; 121.931, Subdivision 8; 121.932, Subdivision 3; 238.09, Subdivision 9; 271.06, Subdivision 7; 299A.03, Subdivision 6; 360.015, Subdivisions 4, 5 and 16; 645.071, Subdivision 1; 645.08; 645.11; 645.12, Subdivision 1; 645.13; 645.14; 645.15; 645.18; 645.19; 645.20; 645.21; 645.23; 645.24; 645.26, Subdivisions 1 and 2; 645.31, Subdivision 1; 645.34; 645.35; 645.36; 645.37; 645.39; 645.40; 645.41; 645.44, Subdivision 1; 645.45; 645.451, Subdivision 1; 645.46; 645.48; 648.31, Subdivision 6; 648.50, Subdivisions 1, 2, 3 and 4, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapters 15 and 645; repealing Minnesota Statutes 1980, Sections 15.015 to 15.04; 174.06, Subdivision 6; and 245.04 to 245.07.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Metzen, Jude, Piepho and Wieser introduced:

H. F. No. 1160, A bill for an act relating to commerce; removing the auctioneer's exception to the definition of "real estate broker"; exempting certain real estate brokers and salespersons from the licensing requirements for mobile home manufacturers and dealers; amending Minnesota Statutes 1980, Sections 82.18; and 327.55, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Elioff, Minne, Battaglia, Begich and Anderson, R., introduced:

H. F. No. 1161, A bill for an act relating to local government; exempting certain small cities from the per capita tax levy limitation; amending Minnesota Statutes 1980, Section 275.11, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Dempsey; Jude; O'Connor; Anderson, R., and Hokanson introduced:

H. F. No. 1162, A bill for an act relating to statute of limitations; providing a limitation on actions against land surveyors; proposing new law coded in Minnesota Statutes, Chapter 541.

The bill was read for the first time and referred to the Committee on Judiciary.

Lemen and Elioff introduced:

H. F. No. 1163, A bill for an act relating to the Greenway joint recreation board; regulating its tax levies.

The bill was read for the first time and referred to the Committee on Taxes.

Ellingson and Carlson, L., introduced:

H. F. No. 1164, A bill for an act relating to Brooklyn Center; permitting the city to set a 25 mile per hour speed limit.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Lemen introduced:

H. F. No. 1165, A bill for an act relating to courts; providing that the chief judge of each judicial district shall be a district court judge and that the assistant chief judge shall be a judge of county, county municipal or probate court; requiring consent of the affected judge before assignment to a court other than the one the judge serves; amending Minnesota Statutes 1980, Section 484.69, Subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Judiciary.

Ellingson, Schreiber, Blatz, Voss and Dempsey introduced:

H. F. No. 1166, A bill for an act relating to metropolitan government; providing for membership on the metropolitan sports facilities commission; amending Minnesota Statutes 1980, Section 473.553, Subdivisions 2 and 4.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Ainley and Jennings introduced:

H. F. No. 1167, A bill for an act relating to elections; permitting employees time off to vote; amending Minnesota Statutes 1980, Section 204A.36.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Byrne, Jude, Levi, Hokanson and Searles introduced:

H. F. No. 1168, A bill for an act relating to metropolitan government; requiring legislative approval of the budget and complement of the metropolitan council; amending Minnesota Statutes 1980, Section 473.245.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Sviggum, Ludeman and Reding introduced:

H. F. No. 1169, A bill for an act relating to retirement; teacher retirement funds; increasing employer contributions; amending Minnesota Statutes 1980, Sections 354.42, Subdivision 5; and 354A.12, Subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Byrne introduced:

H. F. No. 1170, A bill for an act relating to retirement; providing post retirement annuity or benefit increases for certain retired or disabled public employees; appropriating funds; amending Laws 1979, Chapter 293, Section 10, Subdivisions 1, as amended, 3 and 4.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Kahn, Hanson, Byrne, Lehto and Laidig introduced:

H. F. No. 1171, A bill for an act relating to health; increasing the rate of tax on the sale of cigarettes; establishing a health services benefit account; establishing a council on physical fitness; appropriating money; amending Minnesota Statutes 1980, Sections 297.02, Subdivision 1; 297.13, Subdivision 1; and 297.22, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapters 144, 176 and 297.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Luknic; Staten; Clark, K., and Reif introduced:

H. F. No. 1172, A bill for an act relating to health; providing for the purchase of special dietary formula in order to combat phenykretonuria; appropriating money.

The bill was read for the first time and referred to the Committee on Appropriations.

Drew and Reding introduced:

H. F. No. 1173, A bill for an act relating to game and fish; affording protection to the coyote; authorizing a season thereon; amending Minnesota Statutes 1980, Sections 100.26, Subdivision 1; and 100.27, Subdivisions 3 and 7.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Berkelman, Erickson and Carlson, D., introduced:

H. F. No. 1174, A bill for an act relating to agriculture; excluding pipeline companies from certain restrictions on acquisition of agricultural land; amending Minnesota Statutes 1980, Section 500.221, Subdivision 2.

The bill was read for the first time and referred to the Committee on Agriculture.

Clawson, Simoneau, Byrne, Rice and Dahlvang introduced:

H. F. No. 1175, A bill for an act relating to labor; creating occupational safety and health committees in places of employment; providing duties and powers of the committees; creating a right to refuse hazardous work; prohibiting discrimination against members of occupational safety and health committees and those refusing hazardous work; amending Minnesota Statutes 1980, Section 182.651, by adding a subdivision; and proposing new law to be coded in Minnesota Statutes, Chapter 182.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Long, Harens, Voss, Munger and Dahlvang introduced:

H. F. No. 1176, A bill for an act relating to the environment; establishing an environmental response fund to pay for removal and remedial action associated with certain hazardous substances released into the environment; providing for liability for releases of hazardous substances; imposing penalties; appropriating money; proposing new law coded as Minnesota Statutes, Chapter 115B.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Searles and Ewald introduced:

H. F. No. 1177, A bill for an act relating to retirement; authorizing the purchase of allowable service credit by a certain member of the teachers retirement association.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Reif, Norton, Swanson, Berkelman and Heinitz introduced:

H. F. No. 1178, A bill for an act relating to the board of medical examiners; allowing temporary suspension of physicians' licenses without a hearing under certain conditions; amending Minnesota Statutes 1980, Section 147.021, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Hokanson, Clawson, Evans, Dempsey and Anderson, I., introduced:

H. F. No. 1179, A bill for an act relating to taxation; broadening the definitions of "claimant agency" and "debt" for purposes of the revenue recapture act; amending Minnesota Statutes 1980, Section 270A.03, Subdivisions 2 and 5.

The bill was read for the first time and referred to the Committee on Taxes.

Aasness; Anderson, R.; Nelson, K.; Samuelson and Hokanson introduced:

H. F. No. 1180, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and building on the Fergus Falls state hospital campus of a capital nature; authorizing issuance of state bonds; appropriating money.

The bill was read for the first time and referred to the Committee on Appropriations.

Novak; Johnson, C.; Begich; Searles and Dempsey introduced:

H. F. No. 1181, A bill for an act relating to taxation; providing for reduced assessment of property with conservation restrictions; providing penalties; proposing new law coded in Minnesota Statutes, Chapter 273.

The bill was read for the first time and referred to the Committee on Taxes.

Harens, Sviggum and Kostohryz introduced :

H. F. No. 1182, A bill for an act relating to veterans; changing the method of appointment of the administrator of its Minnesota veterans home; amending Minnesota Statutes 1980, Section 198.06.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Kelly; Rodriguez, F.; Hanson and Wynia introduced :

H. F. No. 1183, A bill for an act relating to public utilities; prohibiting the averaging of rates by natural gas utilities; proposing new law coded in Minnesota Statutes, Chapter 216B.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Hanson, Rose and Wynia introduced :

H. F. No. 1184, A bill for an act relating to the city of Falcon Heights; authorizing the imposition of a tax on the gross receipts of amusements within the city limits.

The bill was read for the first time and referred to the Committee on Taxes.

Wenzel introduced :

H. F. No. 1185, A bill for an act relating to highways; modifying restrictions on the loading of vehicles driven on the highways; amending Minnesota Statutes 1980, Section 169.81, Subdivision 5.

The bill was read for the first time and referred to the Committee on Transportation.

Anderson, I.; Rice; Anderson, R.; Jacobs and Metzen introduced :

H. F. No. 1186, A bill for an act relating to labor; regulating public employee labor relations; granting the public employee relations board jurisdiction over unfair labor practice; reconstituting the board; amending Minnesota Statutes 1980, Sections 179.64, Subdivision 5; 179.67, Subdivisions 3 and 13; 179.68, Subdivision 1; 179.72, Subdivisions 1, 2, 3, and 4; proposing new law coded in Minnesota Statutes, Chapter 179; repealing Minnesota Statutes 1980, Section 179.72, Subdivision 1a.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Pogemiller; Peterson, D.; Ogren and Minne introduced:

H. F. No. 1187, A bill for an act relating to taxation; increasing income tax rates for certain individuals, estates and trusts; amending Minnesota Statutes 1980, Section 290.06, Subdivision 2c.

The bill was read for the first time and referred to the Committee on Taxes.

Anderson, B., introduced:

H. F. No. 1188, A bill for an act relating to agriculture; eliminating the requirement for anaplasmosis testing of breeding cattle; repealing Minnesota Statutes 1980, Section 35.251.

The bill was read for the first time and referred to the Committee on Agriculture.

#### HOUSE ADVISORIES

The following House Advisory was introduced:

Mehrkens introduced:

H. A. No. 18, A proposal to study potential for penalty assessments or user fees in Minnesota's justice system.

The advisory was referred to the Committee on Criminal Justice.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 77, A bill for an act relating to mobile home parks; eliminating certain mobile home park reports made to the secretary of state; repealing Minnesota Statutes 1980, Section 327.29.

H. F. No. 496, A bill for an act relating to intoxicating liquor; proof required to purchase, possess or consume; amending Minnesota Statutes 1980, Section 340.039.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 38, A bill for an act relating to local government; permitting the city of Northfield to make payments to the town of Waterford as a condition of an annexation.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 183, A bill for an act relating to state employees; including the staff of the council on Black Minnesotans within the unclassified civil service; amending Minnesota Statutes 1980, Section 3.9225, Subdivision 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 247, A bill for an act relating to metropolitan government; providing for the maximum amount of the borrowing authorization of the metropolitan airports commission; requiring the installation of certain equipment; mandating a noise abatement plan; amending Minnesota Statutes 1980, Sections 473.608, Subdivision 20, and by adding a subdivision; and 473.667, Subdivision 2.

And the Senate respectfully requests that a Conference Committee be appointed thereon. Messrs. Purfeerst, Bang and Stern have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Voss moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 247. The motion prevailed.



Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 502.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 96.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 96, A bill for an act relating to state property; providing for the conveyance to Kandiyohi County of a residence building in Sibley state park.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 502, A bill for an act relating to public welfare; modifying certain provisions regarding continued eligibility for medical assistance; amending Minnesota Statutes 1980, Section 256B.062.

The bill was read for the first time and referred to the Committee on Health and Welfare.

#### REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Eken from the Committee on Rules and Legislative Administration to which was referred:

House Concurrent Resolution No. 2, A house concurrent resolution relating to joint rules; adopting permanent joint rules of the Senate and House of Representatives.

Reported the same back with the recommendation that the resolution be adopted.

## HOUSE CONCURRENT RESOLUTION NO. 2

A house concurrent resolution relating to joint rules; adopting permanent joint rules of the Senate and House of Representatives.

*Be It Resolved* by the House of Representatives, the Senate concurring therein:

The joint rules of the Senate and House of Representatives for the 72nd session of the Legislature shall read as follows:

JOINT RULES OF THE SENATE AND  
HOUSE OF REPRESENTATIVES

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## ARTICLE I: JOINT CONVENTION

## HOW GOVERNED

Rule 1.01. The Speaker of the House shall preside at all Conventions of the two houses of the Legislature and shall call the members to order. The Chief Clerk of the House shall be the Secretary and the Sergeant at Arms of the House shall be the Sergeant at Arms of the Convention.

## PRESIDENT'S DUTIES

Rule 1.02. The President of the Convention shall preserve order and decorum. He may speak on all points of order in preference to other members and shall decide questions of order, subject to an appeal to the Convention by any member. He shall rise to put a question but may state it while seated.

## PRESIDENT'S RIGHT TO VOTE

Rule 1.03. The President shall have the right to vote in all cases except appeals from his decisions. He shall vote last on all questions.

## STATING QUESTIONS

Rule 1.04. Questions shall be put to the Convention in the following form: "As many as are of the opinion that (the question) shall pass, say 'Aye.'" After an affirmative vote is expressed the nays shall be called as follows: "As many as are of the contrary opinion, say 'No.'" If the President is in doubt or a division is called, those in the affirmative shall rise first and those in the negative afterward.

## ORDER OF DEBATE

Rule 1.05. When any member wishes to speak to the Convention on any matter, he shall rise and respectfully address the President, and not speak further until recognized. He shall con-

fine himself to the question under debate and avoid personal remarks. When two or more members rise at the same time, the President shall designate the member to speak first. No member shall speak more than twice on the same question without permission of the Convention.

#### CALLING MEMBER TO ORDER

Rule 1.06. If any member of the Joint Convention is called to order for offensive words in debate, the member calling him to order shall report the words to which exception is taken and the Secretary shall record them. No member may be called to order for any language used in debate if exception is not taken before any other member has spoken or any other business has taken place. A member called to order shall immediately sit down unless another member moves to permit him to explain. In any case, the Joint Convention, if appealed to, shall decide without debate. Only if the decision is in favor of the member called to order shall he be at liberty to proceed.

#### CALL OF THE CONVENTION

Rule 1.07. Five members may demand a call of the Convention at any time except after voting has commenced. When such a call is demanded, the doors shall be closed, the roll shall be called, the absent members shall be sent for, and no member may be permitted to leave the Chamber, unless excused by the President, until the call is lifted. Proceedings under the roll call may be suspended by a majority vote of all the members of the Convention. A call of the Convention may be lifted by a majority vote of all the members of the Convention.

#### ELECTIONS

Rule 1.08. In all elections by the Joint Convention, members shall vote viva voce and the role of Senate members shall be called first. Whenever there is an election of any officer in Joint Convention, the result shall be certified by the President of the Senate and the Speaker of the House and announced by them to their respective houses. The result shall be entered on the Journal of each house and communicated to the Governor by the Secretary of the Convention.

#### NO SMOKING

Rule 1.09. No person is permitted to smoke in the Chamber or in the gallery during a Joint Convention.

#### PARLIAMENTARY PROCEDURE

Rule 1.10. The rules of the House shall be the Rules of the Joint Convention of both houses in all cases in which the foregoing rules are not applicable.

## ARTICLE II: BILLS

## FORM

Rule 2.01. The title of each bill shall clearly state its subject and briefly state its purpose. When a bill amends or repeals an existing act, the title shall refer to the chapter, section or subdivision.

Reference shall be made to Minnesota Statutes for the provisions appearing therein unless reference to previous session laws is required for some special reason.

Bills shall refer to Minnesota Statutes as follows:

"Minnesota Statutes . . . . ., Section . . . . ."

Bills shall refer to the session laws as follows:

"Laws . . . . ., Chapter . . . . ., Section . . . . ."

A bill for the amendment of a statute shall contain the full text of the section or subdivision to be amended as it appears in the latest edition of Minnesota Statutes unless it has been amended (AT A LATER SESSION), in which event it shall contain the full text as amended.

The words and characters constituting the amending matter shall be inserted in the proper place in the text and underscored. The words and characters to be eliminated by the amendment shall be stricken by drawing a line through them. The text of a new section or subdivision shall also be underscored when a bill amends an existing chapter or section by adding a new section or subdivision. In the omnibus appropriation bills required by Joint Rule 2.02, sections making an appropriation or transfer and not amending a statute or session law need not have new material underscored. Before a committee favorably reports upon a bill, the chairman of the committee shall see that the bill conforms to this rule. (PRINTED BILLS SHALL BE IN THE SAME FORM.) When a bill is printed in the Journal, the new matter shall be in italics or underscored and the matter to be eliminated shall be capitalized and in parentheses or stricken by drawing a line through it. A bill drafted by the Revisor of Statutes for the purposes of correcting errors in Minnesota Statutes need not comply with the provisions of this paragraph if the bill is labeled "REVISOR'S BILL" immediately below the title, and if there is attached thereto a memorandum of information explaining the reasons for the bill.

If the bill is for an original law and not for an amendment of an existing law, the sections and subdivisions shall be arranged, subdivided, and numbered in like manner as Minnesota Statutes.

If such a bill assigns to the sections thereof headnotes or identification by the decimal system of numbering used in Minnesota Statutes, such headnotes and decimal identification may be submitted by standing committee chairmen to the Revisor of Statutes for examination. Any such headnotes shall be capital letters enclosed in brackets, and shall be subject to the provisions of Minnesota Statutes, Section 648.36.

All numbers in titles shall be expressed in figures. All numbers of section or chapter of law shall be in figures. In the body of a bill numbers in excess of ten shall be in figures, except for a special reason they may be written, but when written they shall not be followed by numbers or parentheses.

#### APPROPRIATING MONEY

Rule 2.02. The same bill shall not appropriate public money or property to more than one local or private purpose.

No clause appropriating money for a local or private purpose shall be contained in a bill appropriating money for the State government or public institutions. All resolutions authorizing the issuing of abstracts by the Secretary of the Senate or the Chief Clerk of the House for the payment of money shall be upon the call of "yeas" and "nays."

*In odd-numbered years, at least twenty calendar days prior to the (ADJOURNMENT OF) last day the Legislature can meet in regular session [April 28, 1981], the Committee on Finance of the Senate and the Committee on Appropriations of the House shall report to their respective houses, unless directed by concurrent resolution to report different appropriation bills, eight separate appropriation bills as follows:*

(a) A bill appropriating money for the general administrative and judicial expenses of the State government for the succeeding two fiscal years including salaries, office expenses and supplies and other necessary expenses connected therewith;

(b) A bill covering all appropriations relating to public welfare, health and corrections for the support and maintenance of all State penal and charitable institutions, and other institutions of the State except educational for the two succeeding fiscal years;

(c) A bill appropriating money for the support and maintenance of all State educational institutions for the two succeeding fiscal years;

(d) A bill covering all appropriations providing for the payment of claims against the State of Minnesota which may have

been allowed by the Finance Committee of the Senate or the Appropriations Committee of the House;

(e) A bill covering all appropriations made for semi-state activities;

(f) A bill covering all appropriations for construction and major rehabilitation of public buildings to be financed by issuance of bonds;

(g) A bill covering all appropriations for maintenance, repair, and minor rehabilitation and construction of public buildings; and

(h) A bill covering appropriations for the department of transportation.

No other appropriations shall be contained in any of said bills but all other appropriations shall be contained in separate bills.

#### DEADLINES

Rule 2.03. (a) In (1978) *odd-numbered years*, committee reports on bills favorably acted upon by a committee in the house of origin after the *fifth Friday (, MARCH 3) prior to the last Friday on which the Legislature can meet in regular session [April 10, 1981]*, and committee reports on bills originating in the other house favorably acted upon by a committee after the *third Friday (, MARCH 10) prior to the last Friday on which the Legislature can meet in regular session [April 24, 1981]* shall be referred in the Senate to the Committee on Rules and Administration, and in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. Referral is not required when a committee after (MARCH 3) *the earlier date* and by (MARCH 10) *the later date set by this paragraph* acts on a bill that is a companion to a bill that has met the (MARCH 3) *earlier* deadline in the other house. This rule does not apply to the Senate Committees on Finance and on Taxes and Tax Laws, and the House Committees on Appropriations and on Taxes.

Conference committees on the major appropriation bills specified in Joint Rule 2.02 shall have their reports on the members' desks by (TUESDAY, MARCH 14) *the last Thursday on which the Legislature can meet in regular session [May 14, 1981]*. After (WEDNESDAY, MARCH 15) *the last Friday on which the Legislature can meet in regular session [May 15, 1981]*, neither house shall act on bills other than those contained in:

((A) 1) Reports of conference committees;

((B) 2) Messages from the other house;

((C) 3) Reports of the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House; or

((D) 4) Messages from the governor.

*(b) In even-numbered years the Legislature shall establish by concurrent resolution deadlines comparable to those set by paragraph (a) based on the date intended to be the date of adjournment sine die.*

#### AMENDING BILLS ORIGINATING IN OTHER HOUSE

Rule 2.04. Either house shall have the power to amend any bill, memorial, or resolution passed by the other house.

#### RECEDING FROM POSITION

Rule 2.05. Prior to a conference committee on any matter, either house may recede from its position on any difference existing between the two houses. In order to recede, and if the matter is not in the possession of a house, that house shall request return of the matter from the other house. To recede, a majority of a house shall govern, except in cases otherwise provided in the Constitution. If the question is put and lost, it shall not be put again on the same day. A reconsideration of the question shall in all respects be regulated by the rules of that house.

#### CONFERENCE COMMITTEES

Rule 2.06. In all cases of disagreement between the Senate and House on amendments adopted by either house to a bill, memorial or resolution passed by the other house, a Conference Committee consisting of not less than three members nor more than five members from each house may be requested by either house. The other house shall appoint a similar committee.

The manner of procedure shall be as follows: The house of origin passes a bill and transmits it to the other body. If the other body adopts an amendment to the bill and passes it as amended, it shall return the bill with a record of its actions to the house of origin. If the house of origin refuses to concur in the amendment, it shall ask for a conference committee, appoint such a committee on its part, and transmit the bill with a record of its action to the other house. If the other house adheres to its amendment, it shall appoint a like committee and return the bill to the house of origin.

At an agreed upon hour the conference committee shall meet. The members from each house shall state to the members from the other house, orally or in writing, the reason for their re-



spective positions. The members shall confer thereon and shall report to their respective houses the agreement they have reached, or, if none, the fact of a disagreement. (WITHIN SEVEN CALENDAR DAYS AFTER THE APPOINTMENT OF A CONFERENCE COMMITTEE, AND EVERY SEVEN CALENDAR DAYS THEREAFTER UNTIL SUCH TIME AS THE CONFERENCE COMMITTEE IS DISCHARGED, THE CONFERENCE COMMITTEE SHALL REPORT ITS PROGRESS TO EACH HOUSE.) If an agreement is reported, the house of origin shall act first upon the report. If the report is adopted and repassed as amended by the conference committee by the house of origin, the report, the bill and a record of its action shall be transmitted to the other house.

All Conference Committees shall be open to the public. Meetings of Conference Committees shall be announced as far in advance as practical.

Except (ON THE LAST TWO DAYS ON WHICH A BILL MAY BE PASSED IN ANY YEAR) *after the last Thursday on which the Legislature can meet in regular session in odd-numbered years [May 14, 1981], and after the last Thursday on which the Legislature intended, when it adopted the concurrent resolution required by Rule 2.03, paragraph (b), to meet in regular session in even-numbered years,* a written copy of a report of a Conference Committee shall be placed on the desk of each member of a house twelve hours before action on the report by that house. If the report has been reprinted in the Journal of either house for a preceding day and is available to the members, the Journal copy shall serve as the written report.

#### ENROLLMENT AND SIGNATURE

Rule 2.07. After a bill or memorial has been passed by both houses, it shall be carefully and properly enrolled by the Revisor of Statutes under the direction of the Secretary of the Senate for a matter originating in the Senate or the Chief Clerk of the House for a matter originating in the House. The Revisor of Statutes shall obtain the signatures and certificates of the proper officers to the enrolled copy of the bill or memorial and present it to the Governor for his approval.

A bill or memorial may be prepared for presentation to the Governor on good quality paper approximately 8 1/2" x (13) 14" in size and may be produced by means of a copying machine. An enrolled bill shall be labeled "An Act" and it shall be identical to the bill passed by the Legislature. An enrolled bill which is amendatory of any existing law or constitutional provision shall indicate deletions and additions in the manner provided in Rule 2.01 for printed bills.

## ARTICLE III: GENERAL PROVISIONS

## SUSPENSION OF JOINT RULES

Rule 3.01. Either house may suspend the Joint Rules of the Senate and House by a vote of two-thirds of its members.

## ODD YEAR SESSION ADJOURNMENT

Rule 3.02. Adjournment of the regular session in any odd-numbered year to a date certain in the following year shall be equivalent to daily adjournment, except that upon adjournment in any odd-numbered year to a date certain in the following year:

(a) Any bill being considered by a conference committee shall be returned to the house of origin, laid on the table, and the conference committee shall be discharged;

(b) Any bill referred to the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House pursuant to Joint Rule 2.03 shall be returned to the standing committee to which it was last previously referred; and

(c) Any bill returned by the Governor to the house of origin with his objections following such adjournment shall be laid on the table.

## INTERIM COMMITTEE AND COMMISSION REPORTS

Rule 3.03. Except as otherwise provided by law, the report of any interim committee or commission to the Legislature shall be submitted on paper 8 1/2" x 11" in size, *spiral bound, stapled, or punched on the left edge to fit a standard size three ring binder intended for that size paper.* A brief summary of the recommendations of the commission or committee shall appear first and be clearly separated from its findings, discussions, and exhibits. If the report contains legislative recommendations, a copy of any proposed legislation, particularly if extensive in character, shall if possible be attached as an exhibit at the end of the report.

Eken moved that the report from the Committee on Rules and Legislative Administration relating to House Concurrent Resolution No. 2 and the proposed permanent Joint Rules of the Senate and House of Representatives be now adopted.

Schreiber moved to amend House Concurrent Resolution No. 2 as follows:

Page 9, line 12, after the period insert "A conference committee report shall include only subject matter contained in the House or Senate versions of the bill for which that conference

*committee was appointed, or like subject matter contained in a bill passed by the House or Senate."*

A roll call was requested and properly seconded.

The question was taken on the Schreiber amendment and the roll was called. There were 61 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Aasness	Forsythe	Kvam	Peterson, B.	Stowell
Ainley	Friedrich	Laidig	Piepho	Sviggum
Blatz	Gruenes	Lemen	Redalen	Valan
Carlson, D.	Haukoos	Levi	Rees	Valento
Dean	Heap	Ludeman	Reif	Weaver
Dempsey	Heinitz	Marsh	Rose	Welker
Den Ouden	Himle	McDonald	Rothenberg	Wieser
Drew	Hoberg	Mehrkens	Schafer	Wigley
Erickson	Hokr	Nelsen, B.	Schreiber	Zubay
Esau	Jennings	Niehaus	Searles	
Evans	Johnson, D.	Nysether	Sherman	
Ewald	Kaley	Olsen	Sherwood	
Fjoslien	Knickerbocker	Onnen	Stadum	

Those who voted in the negative were:

Anderson, B.	Dahlvang	Kelly	Otis	Skoglund
Anderson, G.	Eken	Kostohryz	Peterson, D.	Staten
Anderson, I.	Ellingson	Lehto	Pogemiller	Stumpf
Anderson, R.	Greenfield	Long	Reding	Swanson
Battaglia	Gustafson	McCarron	Rice	Tomlinson
Begich	Hanson	McEachern	Rodriguez, C.	Vanasek
Brandl	Hauge	Metzen	Rodriguez, F.	Vellenga
Brinkman	Hokanson	Minne	Samuelson	Voss
Byrne	Jacobs	Munger	Sarna	Welch
Carlson, L.	Johnson, C.	Nelson, K.	Schoenfeld	Wenzel
Clark, J.	Jude	Norton	Shea	Wynia
Clark, K.	Kahn	Novak	Sieben, M.	Spkr. Sieben, H.
Clawson	Kalis	Ogren	Simoneau	

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

The question recurred on the Eken motion and the roll was called. There were 94 yeas and 34 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Carlson, L.	Evans	Hauge	Kalis
Anderson, I.	Clark, J.	Ewald	Himle	Kelly
Anderson, R.	Clark, K.	Fjoslien	Hoberg	Kostohryz
Battaglia	Clawson	Forsythe	Hokanson	Lehto
Begich	Dahlvang	Friedrich	Hokr	Long
Blatz	Dean	Greenfield	Jacobs	Luknic
Brandl	Eken	Gruenes	Johnson, C.	Mann
Brinkman	Elioff	Gustafson	Jude	McCarron
Byrne	Ellingson	Hanson	Kahn	McEachern
Carlson, D.	Erickson	Harens	Kaley	Metzen

Minne	Olsen	Rodriguez, C.	Sieben, M.	Vanasek
Munger	Onnen	Rodriguez, F.	Simoneau	Vellenga
Murphy	Osthoff	Rose	Skoglund	Voss
Nelsen, B.	Otis	Samuelson	Staten	Wenzel
Nelson, K.	Peterson, D.	Sarna	Stumpf	Wieser
Norton	Pogemiller	Schafer	Swanson	Wynia
Novak	Reding	Schoenfeld	Tomlinson	Zubay
O'Connor	Rees	Shea	Valan	Spkr. Sieben, H.
Ogren	Rice	Sherman	Valento	

Those who voted in the negative were :

Aasness	Jennings	Ludeman	Piepho	Stadum
Ainley	Johnson, D.	Marsh	Redalen	Stowell
Dempsey	Knickerbocker	McDonald	Reif	Sviggum
Den Ouden	Kvam	Mehrkens	Rothenberg	Weaver
Drew	Laidig	Niehaus	Schreiber	Welker
Esau	Lemen	Nysether	Searles	Wigley
Haukoos	Levi	Peterson, B.	Sherwood	

The motion prevailed and the Joint Rules for the Seventy-Second Session were adopted.

#### MOTION FOR RECONSIDERATION

Valento moved that the vote whereby H. F. No. 170 was not passed on the Calendar on Monday, March 23, 1981, be now reconsidered. The motion prevailed.

H. F. No. 170 was reported to the House.

Fjoslien moved that H. F. No. 170 be placed at the bottom of General Orders for today. The motion prevailed.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 247:

Voss, Skoglund and Schreiber.

#### CONSENT CALENDAR

H. F. No. 503 was reported to the House.

Upon objection of ten members H. F. No. 503 was stricken from the Consent Calendar and returned to General Orders.

H. F. No. 142 was reported to the House.

Upon objection of ten members H. F. No. 142 was stricken from the Consent Calendar and returned to General Orders.

H. F. No. 171, A bill for an act relating to historic sites; changing the classification of the Kensington Runestone historic site; amending Minnesota Statutes 1980, Section 138.56, by adding a subdivision; repealing Minnesota Statutes 1980, Section 138.58, Subdivision 7.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kelly	Novak	Sherman
Ainley	Ewald	Knickerbocker	Nysether	Sherwood
Anderson, G.	Fjoslien	Kostohryz	Ogren	Sieben, M.
Anderson, I.	Forsythe	Kvam	Olsen	Simoneau
Anderson, R.	Friedrich	Laidig	Onnen	Skoglund
Battaglia	Greenfield	Lehto	Osthoff	Stadum
Begich	Gruenes	Lemen	Otis	Staten
Berkelman	Gustafson	Levi	Peterson, D.	Stumpf
Blatz	Hanson	Long	Piepho	Sviggum
Brinkman	Hauge	Ludeman	Pogemiller	Swanson
Byrne	Haukoos	Luknic	Redalen	Tomlinson
Carlson, D.	Heap	Mann	Reding	Valan
Carlson, L.	Heinitz	Marsh	Rees	Valento
Clark, J.	Himle	McCarron	Reif	Vanasek
Clawson	Hoberg	McDonald	Rice	Vellenga
Dahlvang	Hokanson	McEachern	Rodriguez, C.	Voss
Dean	Hokr	Mehrkens	Rodriguez, F.	Weaver
Dempsey	Jacobs	Metzen	Rose	Welker
Den Ouden	Jennings	Minne	Rothenberg	Wenzel
Drew	Johnson, C.	Munger	Samuelson	Wieser
Eken	Johnson, D.	Murphy	Sarna	Wigley
Elioff	Jude	Nelsen, B.	Schafer	Wynia
Ellingson	Kahn	Nelson, K.	Schoenfeld	Zubay
Erickson	Kaley	Niehaus	Schreiber	Spkr. Sieben, H.
Esau	Kalis	Norton	Searles	

Those who voted in the negative were:

Brandl                      O'Connor

The bill was passed and its title agreed to.

H. F. No. 211, A bill for an act relating to local government; permitting agreements for compensation for transfers of taxable property to the city of Moorhead by certain annexations.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kelly	O'Connor	Sherwood
Anderson, G.	Ewald	Knickerbocker	Ogren	Sieben, M.
Anderson, I.	Fjoslien	Kostohryz	Olsen	Simoneau
Anderson, R.	Forsythe	Kvam	Onnen	Skoglund
Battaglia	Friedrich	Laidig	Osthoff	Stadum
Begich	Greenfield	Lehto	Otis	Staten
Berkelman	Gruenes	Lemen	Peterson, B.	Stowell
Blatz	Gustafson	Levi	Peterson, D.	Stumpf
Brandl	Hanson	Long	Piepho	Swiggum
Brinkman	Harens	Luknic	Pogemiller	Swanson
Byrne	Hauge	Mann	Redalen	Tomlinson
Carlson, D.	Haukoos	Marsh	Reding	Valan
Carlson, L.	Heap	McCarron	Rees	Valento
Clark, J.	Heinitz	McDonald	Reif	Vanasek
Clark, K.	Himle	McEachern	Rice	Vellenga
Clawson	Hoberg	Mehrkens	Rodriguez, C.	Voss
Dahlvang	Hokanson	Metzen	Rodriguez, F.	Weaver
Dean	Hokr	Minne	Rose	Welker
Dempsey	Jacobs	Munger	Rothenberg	Wenzel
Den Ouden	Jennings	Murphy	Samuelson	Wieser
Drew	Johnson, C.	Nelsen, B.	Sarna	Wigley
Eken	Johnson, D.	Nelson, K.	Schafer	Wynia
Elioff	Jude	Niehaus	Schoenfeld	Zubay
Ellingson	Kahn	Norton	Schreiber	Spkr. Sieben, H.
Erickson	Kaley	Novak	Searles	
Esau	Kalis	Nysether	Sherman	

The bill was passed and its title agreed to.

H. F. No. 214, A bill for an act relating to labor; regulating certain steam engine and boiler operators; exempting certain operators from testing requirements; amending Minnesota Statutes 1980, Section 183.411.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Dahlvang	Hanson	Kalis	Mehrkens
Ainley	Dean	Harens	Kelly	Metzen
Anderson, G.	Dempsey	Hauge	Knickerbocker	Minne
Anderson, I.	Den Ouden	Haukoos	Kostohryz	Munger
Anderson, R.	Drew	Heap	Kvam	Murphy
Battaglia	Eken	Heinitz	Laidig	Nelsen, B.
Begich	Elioff	Himle	Lehto	Nelson, K.
Berkelman	Ellingson	Hoberg	Lemen	Niehaus
Blatz	Erickson	Hokanson	Levi	Norton
Brandl	Esau	Hokr	Long	Novak
Brinkman	Evans	Jacobs	Ludeman	Nysether
Byrne	Ewald	Jennings	Luknic	O'Connor
Carlson, D.	Fjoslien	Johnson, C.	Mann	Ogren
Carlson, L.	Forsythe	Johnson, D.	Marsh	Olsen
Clark, J.	Friedrich	Jude	McCarron	Onnen
Clark, K.	Greenfield	Kahn	McDonald	Osthoff
Clawson	Gruenes	Kaley	McEachern	Otis

Peterson, B.	Rodriguez, C.	Searles	Stumpf	Weaver
Peterson, D.	Rodriguez, F.	Sherman	Sviggum	Welker
Piepho	Rose	Sherwood	Swanson	Wenzel
Pogemiller	Rothenberg	Sieben, M.	Tomlinson	Wieser
Redalen	Samuelson	Simoneau	Valan	Wigley
Reding	Sarna	Skoglund	Valento	Wynia
Rees	Schafer	Stadum	Vanasek	Zubay
Reif	Schoenfeld	Staten	Vellenga	Spkr. Sieben, H.
Rice	Schreiber	Stowell	Voss	

The bill was passed and its title agreed to.

H. F. No. 296, A bill for an act relating to energy; directing a study of the effect upon energy conservation of smoking in public places.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 91 yeas and 38 nays as follows:

Those who voted in the affirmative were:

Aasness	Ewald	Laidig	Olsen	Staten
Anderson, R.	Fjoslien	Lehto	Otis	Stowell
Battaglia	Friedrich	Lemen	Peterson, D.	Stumpf
Begich	Greenfield	Levi	Pogemiller	Swanson
Berkeiman	Gustafson	Long	Reding	Tomlinson
Blatz	Halberg	Luknic	Reif	Valento
Brandl	Hanson	Mann	Rice	Vanasek
Byrne	Harens	Marsh	Rodriguez, C.	Vellenga
Carlson, L.	Hauge	McDonald	Rodriguez, F.	Voss
Clark, J.	Haukoos	McEachern	Rothenberg	Weaver
Clark, K.	Heap	Metzen	Samuelson	Welch
Clawson	Hokr	Munger	Sarna	Wenzel
Dahlvang	Jacobs	Murphy	Schoenfeld	Wynia
Dean	Johnson, C.	Nelsen, B.	Searles	Zubay
Dempsey	Kahn	Nelson, K.	Sherman	Spkr. Sieben, H.
Eken	Kalis	Norton	Sherwood	
Elioff	Kelly	Novak	Sieben, M.	
Ellingson	Knickerbocker	Nysether	Simoneau	
Evans	Kostohryz	Ogren	Skoglund	

Those who voted in the negative were:

Anderson, G.	Gruenes	Kaley	Onnen	Stadum
Anderson, I.	Heinitz	Kvam	Osthoff	Sviggum
Brinkman	Himle	Ludeman	Peterson, B.	Valan
Carlson, D.	Hoberg	McCarron	Piepho	Welker
Den Ouden	Hokanson	Mehrkens	Redalen	Wieser
Drew	Jennings	Minne	Rees	Wigley
Erickson	Johnson, D.	Niehaus	Schafer	
Esau	Jude	O'Connor	Schreiber	

The bill was passed and its title agreed to.

H. F. No. 297, A bill for an act relating to the town of Great Scott; granting the town certain powers of a municipality.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kelly	O'Connor	Sieben, M.
Ainley	Ewald	Knickerbocker	Ogren	Simoneau
Anderson, B.	Fjoslien	Kostohryz	Olsen	Skoglund
Anderson, G.	Forsythe	Kvam	Onnen	Stadum
Anderson, I.	Friedrich	Laidig	Osthoff	Staten
Anderson, R.	Greenfield	Lehto	Otis	Stowell
Battaglia	Gruenes	Lemen	Peterson, B.	Stumpf
Begich	Gustafson	Levi	Peterson, D.	Sviggum
Berkelman	Halberg	Long	Piepho	Swanson
Blatz	Hanson	Ludeman	Pogemiller	Tomlinson
Brandl	Harens	Luknic	Redalen	Valan
Brinkman	Hauge	Mann	Reding	Valento
Byrne	Haukoos	Marsh	Rees	Vanasek
Carlson, D.	Heap	McCarron	Reif	Vellenga
Carlson, L.	Heinitz	McDonald	Rice	Voss
Clark, J.	Himle	McEachern	Rodriguez, C.	Weaver
Clark, K.	Hoberg	Mehrkens	Rodriguez, F.	Welch
Clawson	Hokanson	Metzen	Rose	Welker
Dahlvang	Hokr	Minne	Rothenberg	Wenzel
Dean	Jacobs	Munger	Samuelson	Wieser
Den Ouden	Jennings	Murphy	Sarna	Wigley
Drew	Johnson, C.	Nelsen, B.	Schafer	Wynia
Eken	Johnson, D.	Nelson, K.	Schoenfeld	Zubay
Elioff	Jude	Niehaus	Schreiber	Spkr. Sieben, H.
Ellingson	Kahn	Norton	Searles	
Erickson	Kaley	Novak	Sherman	
Esau	Kalis	Nysether	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 329, A bill for an act relating to education; clarifying and removing references to a school district building energy report; repealing an obsolete provision requiring a study and report on school district energy management personnel; amending Minnesota Statutes 1980, Section 116H.126, Subdivisions 2, 4, and 5; repealing Minnesota Statutes 1980, Section 116H.126, Subdivisions 1 and 7.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, R.	Brandl	Clark, J.	Dempsey
Ainley	Battaglia	Brinkman	Clark, K.	Den Ouden
Anderson, B.	Begich	Byrne	Clawson	Drew
Anderson, G.	Berkelman	Carlson, D.	Dahlvang	Eken
Anderson, I.	Blatz	Carlson, L.	Dean	Elioff



Ellingson	Jacobs	McDonald	Pogemiller	Staten
Erickson	Jennings	McEachern	Redalen	Stowell
Esau	Johnson, C.	Mehrkens	Reding	Stumpf
Evans	Johnson, D.	Metzen	Rees	Sviggum
Ewald	Jude	Minne	Reif	Swanson
Fjoslien	Kahn	Munger	Rice	Tomlinson
Forsythe	Kaley	Murphy	Rodriguez, C.	Valan
Friedrich	Kalis	Nelsen, B.	Rodriguez, F.	Valento
Greenfield	Kelly	Nelson, K.	Rose	Vanasek
Gruenes	Knickerbocker	Niehaus	Rothenberg	Vellenga
Gustafson	Kostohryz	Norton	Samuelson	Voss
Halberg	Kvam	Novak	Sarna	Weaver
Hanson	Laidig	Nysether	Schafer	Welch
Harens	Lehto	O'Connor	Schoenfeld	Welker
Hauge	Lemen	Ogren	Schreiber	Wenzel
Haukoos	Levi	Olsen	Searles	Wieser
Heap	Long	Omen	Sherman	Wigley
Heinitz	Ludeman	Osthoff	Sherwood	Wynia
Himle	Luknic	Otis	Sieben, M.	Zubay
Hoberg	Mann	Peterson, B.	Simoneau	Spkr. Sieben, H.
Hokanson	Marsh	Peterson, D.	Skoglund	
Hokr	McCarron	Piepho	Stadum	

The bill was passed and its title agreed to.

H. F. No. 386 was reported to the House.

Byrne moved that H. F. No. 386 be continued on the Consent Calendar for one day. The motion prevailed.

H. F. No. 420, A bill for an act relating to the bureau of criminal apprehension; including the superintendent within workers' compensation coverage; amending Minnesota Statutes 1980, Section 299C.19.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Clawson	Gruenes	Jude	McCarron
Ainley	Dahlvang	Gustafson	Kahn	McDonald
Anderson, B.	Dean	Halberg	Kaley	McEachern
Anderson, G.	Dempsey	Hanson	Kalis	Mehrkens
Anderson, I.	Den Ouden	Harens	Kelly	Metzen
Anderson, R.	Drew	Hauge	Knickerbocker	Minne
Battaglia	Eken	Haukoos	Kostohryz	Munger
Begich	Elioff	Heap	Kvam	Murphy
Berkelman	Ellingson	Heinitz	Laidig	Nelsen, B.
Blatz	Erickson	Himle	Lehto	Nelson, K.
Brandl	Esau	Hoberg	Lemen	Niehaus
Brinkman	Evans	Hokanson	Levi	Norton
Byrne	Ewald	Hokr	Long	Novak
Carlson, D.	Fjoslien	Jacobs	Ludeman	Nysether
Carlson, L.	Forsythe	Jennings	Luknic	O'Connor
Clark, J.	Friedrich	Johnson, C.	Mann	Ogren
Clark, K.	Greenfield	Johnson, D.	Marsh	Olsen

Onnen	Reif	Schreiber	Stowell	Weaver
Osthoff	Rice	Searles	Stumpf	Welch
Otis	Rodriguez, C.	Shea	Sviggum	Welker
Peterson, B.	Rodriguez, F.	Sherman	Swanson	Wenzel
Peterson, D.	Rose	Sherwood	Tomlinson	Wieser
Piepho	Rothenberg	Sieben, M.	Valan	Wigley
Pogemiller	Samuelson	Simoneau	Valento	Wynia
Redalen	Sarna	Skoglund	Vanasek	Zubay
Reding	Schafer	Stadum	Vellenga	Spkr. Sieben, H.
Rees	Schoenfeld	Staten	Voss	

The bill was passed and its title agreed to.

H. F. No. 591, A bill for an act relating to the city of St. Paul; repealing the people mover act; repealing Minnesota Statutes 1980, Chapter 458B.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kahn	Novak	Shea
Ainley	Esau	Kaley	Nysether	Sherman
Anderson, B.	Evans	Kalis	O'Connor	Sherwood
Anderson, G.	Ewald	Kelly	Ogren	Sieben, M.
Anderson, I.	Forsythe	Knickerbocker	Olsen	Skoglund
Anderson, R.	Friedrich	Kostohryz	Onnen	Stadum
Battaglia	Greenfield	Kvam	Osthoff	Staten
Begich	Gruenes	Laidig	Otis	Stowell
Berkelman	Gustafson	Lemen	Peterson, B.	Stumpf
Blatz	Halberg	Long	Peterson, D.	Sviggum
Brandl	Hanson	Ludeman	Piepho	Swanson
Brinkman	Harens	Luknic	Pogemiller	Tomlinson
Byrne	Hauge	Mann	Redalen	Valan
Carlson, D.	Haukoos	McCarron	Reding	Valento
Carlson, L.	Heap	McDonald	Rees	Vellenga
Clark, J.	Heimitz	McEachern	Reif	Voss
Clark, K.	Himle	Mehrkens	Rodriguez, C.	Weaver
Clawson	Hoberg	Metzen	Rodriguez, F.	Welch
Dahlvang	Hokanson	Minne	Rose	Welker
Dempsey	Hokr	Munger	Rothenberg	Wenzel
Den Ouden	Jacobs	Murphy	Samuelson	Wieser
Drew	Jennings	Nelsen, B.	Sarna	Wigley
Eken	Johnson, C.	Nelson, K.	Schafer	Wynia
Elioff	Johnson, D.	Niehaus	Schoenfeld	Zubay
Ellingson	Jude	Norton	Schreiber	Spkr. Sieben, H.

Those who voted in the negative were:

Dean	Fjoslien	Rice	Simoneau	Vanasek
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The bill was passed and its title agreed to.

H. F. No. 601, A bill for an act relating to cemeteries; requiring public cemeteries having permanent care and improvement

funds to file a notice and an annual report with the county auditor; amending Minnesota Statutes 1980, Section 306.761.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kelly	Ogren	Sieben, M.
Ainley	Evans	Knickerbocker	Olsen	Simoneau
Anderson, B.	Ewald	Kostohryz	Onnen	Skoglund
Anderson, G.	Fjoslien	Kvam	Osthoff	Stadum
Anderson, I.	Forsythe	Laidig	Otis	Staten
Anderson, R.	Greenfield	Lehto	Peterson, B.	Stowell
Battaglia	Gruenes	Lemen	Peterson, D.	Stumpf
Begich	Gustafson	Long	Piepho	Sviggum
Berkelman	Halberg	Ludeman	Pogemiller	Swanson
Blatz	Hanson	Luknic	Redalen	Tomlinson
Brandl	Harens	Mann	Reding	Valan
Brinkman	Hauge	Marsh	Rees	Valento
Byrne	Haukoos	McCarron	Reif	Vanasek
Carlson, D.	Heap	McDonald	Rice	Vellenga
Carlson, L.	Heintz	McEachern	Rodriguez, C.	Voss
Clark, J.	Himle	Mehrkens	Rodriguez, F.	Weaver
Clark, K.	Hoberg	Metzen	Rose	Welch
Clawson	Hokanson	Minne	Rothenberg	Welker
Dahlvang	Hokr	Munger	Samuelson	Wenzel
Dean	Jacobs	Murphy	Sarna	Wieser
Dempsey	Jennings	Nelsen, B.	Schafer	Wigley
Den Ouden	Johnson, C.	Nelson, K.	Schoenfeld	Wynia
Drew	Johnson, D.	Niehaus	Schreiber	Zubay
Eken	Jude	Norton	Searles	Spkr. Sieben, H.
Elioff	Kahn	Novak	Shea	
Ellingson	Kaley	Nysether	Sherman	
Erickson	Kalis	O'Connor	Sherwood	

The bill was passed and its title agreed to.

## CALENDAR

H. F. No. 371, A bill for an act relating to insurance; prohibiting insurance companies which offer funeral or burial expense policies from designating as beneficiaries under the policies persons who provide funeral or burial services and supplies; removing the prohibition against an insurance company's affiliation with a funeral establishment; proposing new law coded in Minnesota Statutes, Chapter 72A; repealing Minnesota Statutes 1980, Section 72A.321.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Ainley	Anderson, B.	Anderson, G.	Anderson, I.
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Anderson, R.	Forsythe	Kvam	Olsen	Sieben, M.
Battaglia	Greenfield	Laidig	Onnen	Simoneau
Begich	Gruenes	Lehto	Osthoff	Skoglund
Berkelman	Gustafson	Lemen	Otis	Stadum
Blatz	Halberg	Levi	Peterson, B.	Staten
Brandl	Hanson	Long	Peterson, D.	Stowell
Brinkman	Harens	Ludeman	Piepho	Stumpf
Byrne	Hauge	Luknic	Pogemiller	Sviggum
Carlson, D.	Haukoos	Mann	Redalen	Swanson
Carlson, L.	Heap	Marsh	Reding	Tomlinson
Clark, J.	Heinitz	McCarron	Rees	Valan
Clark, K.	Himle	McDonald	Reif	Valento
Clawson	Hoberg	McEachern	Rice	Vanasek
Dahlvang	Hokanson	Mehrkens	Rodriguez, C.	Vellenga
Dean	Hokr	Metzen	Rodriguez, F.	Weaver
Dempsey	Jacobs	Minne	Rose	Welch
Den Ouden	Jennings	Munger	Rothenberg	Welker
Drew	Johnson, C.	Murphy	Samuelson	Wenzel
Eken	Johnson, D.	Nelsen, B.	Sarna	Wieser
Elioff	Jude	Nelson, K.	Schafer	Wigley
Ellingson	Kahn	Niehaus	Schoenfeld	Wynia
Erickson	Kaley	Norton	Schreiber	Zubay
Esau	Kalis	Novak	Searles	Spkr. Sieben, H.
Evans	Kelly	Nysether	Shea	
Ewald	Knickerbocker	O'Connor	Sherman	
Fjoslien	Kostohryz	Ogren	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 603, A bill for an act relating to eminent domain; limiting the authority to acquire certain property by condemnation; repealing certain obsolete provisions of law authorizing acquisition by condemnation; changing certain obsolete language; amending Minnesota Statutes 1980, Sections 84.033; 84.154, Subdivision 3; 84A.10; 84A.39; 84A.55, Subdivision 13; 85.015, Subdivisions 12 and 13; 88.09, Subdivision 2; 89.032, Subdivision 1; 105.39, Subdivision 4; 123.64; 136.65, Subdivision 1; 137.01, Subdivision 2; 137.02, Subdivisions 1 and 3; 190.11; 193.143; 193.144, Subdivisions 2 and 3; 459.06, Subdivision 1; 463.03; and 641.263, Subdivision 2; repealing Minnesota Statutes 1980, Sections 38.05; 85A.02, Subdivision 6; 117.31; 123.40, Subdivision 6; 123.63; 161.29; 163.12; 193.144, Subdivision 4; and 308.39.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Blatz	Clawson	Ellingson	Greenfield
Ainley	Brandl	Dahlvang	Erickson	Gruenes
Anderson, B.	Brinkman	Dean	Esau	Gustafson
Anderson, G.	Byrne	Dempsey	Evans	Halberg
Anderson, R.	Carlson, D.	Den Ouden	Ewald	Hanson
Battaglia	Carlson, L.	Drew	Fjoslien	Harens
Begich	Clark, J.	Eken	Forsythe	Hauge
Berkelman	Clark, K.	Elioff	Friedrich	Haukoos

Heap	Lehto	Novak	Rose	Swanson
Heinitz	Levi	Nysether	Rothenberg	Tomlinson
Himle	Long	O'Connor	Samuelson	Valan
Hoberg	Ludeman	Ogren	Sarna	Valento
Hokanson	Luknic	Olsen	Schafer	Vanasek
Hokr	Mann	Onnen	Schoenfeld	Vellenga
Jacobs	Marsh	Osthoff	Schreiber	Voss
Jennings	McCarron	Otis	Searles	Weaver
Johnson, C.	McDonald	Peterson, B.	Shea	Welch
Johnson, D.	McEachern	Peterson, D.	Sherman	Wenzel
Jude	Mehrkens	Piepho	Sherwood	Wieser
Kahn	Metzen	Pogemiller	Sieben, M.	Wigley
Kaley	Minne	Redalen	Simoneau	Wynia
Kalis	Munger	Reding	Skoglund	Zubay
Kelly	Murphy	Rees	Stadum	Spkr. Sieben, H.
Knickerbocker	Nelsen, B.	Reif	Staten	
Kostohryz	Nelson, K.	Rice	Stowell	
Kvam	Niehaus	Rodriguez, C.	Stumpf	
Laidig	Norton	Rodriguez, F.	Sviggum	

Those who voted in the negative were:

Welker

The bill was passed and its title agreed to.

H. F. No. 150, A bill for an act relating to parks; removing authority to lease certain lands within Tettegouche state park; repealing Laws 1979, Chapter 301, Section 10, Subdivision 7.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Aasness	Elioff	Jacobs	Metzen	Reif
Ainley	Ellingson	Jennings	Minne	Rice
Anderson, B.	Erickson	Johnson, C.	Munger	Rodriguez, F.
Anderson, G.	Esau	Johnson, D.	Murphy	Rose
Anderson, I.	Evans	Jude	Nelsen, B.	Rothenberg
Anderson, R.	Ewald	Kahn	Nelson, K.	Samuelson
Battaglia	Fjoslien	Kaley	Niehaus	Sarna
Begich	Forsythe	Kalis	Norton	Schafer
Berkelman	Friedrich	Kelly	Novak	Schoenfeld
Blatz	Greenfield	Knickerbocker	Nysether	Searles
Brandl	Gruenes	Kostohryz	O'Connor	Shea
Brinkman	Gustafson	Kvam	Ogren	Sherman
Byrne	Halberg	Lehto	Olsen	Sieben, M.
Carlson, D.	Hanson	Levi	Onnen	Simoneau
Carlson, L.	Harens	Long	Osthoff	Skoglund
Clark, J.	Hauge	Ludeman	Otis	Stadum
Clark, K.	Haukoos	Luknic	Peterson, B.	Staten
Clawson	Heap	Mann	Peterson, D.	Stowell
Dahlvang	Heinitz	Marsh	Piepho	Stumpf
Dempsey	Himle	McCarron	Pogemiller	Sviggum
Den Ouden	Hoberg	McDonald	Redalen	Swanson
Drew	Hokanson	McEachern	Reding	Tomlinson
Eken	Hokr	Mehrkens	Rees	Valan

Valento	Welch	Wieser	Zubay	Spkr. Sieben, H.
Voss	Welker	Wigley		
Weaver	Wenzel	Wynia		

Those who voted in the negative were:

Laidig	Schreiber	Sherwood	Vanasek	Vellenga
Rodriguez, C.				

The bill was passed and its title agreed to.

H. F. No. 305, A bill for an act relating to crimes; specifying the crime of theft of services; amending Minnesota Statutes 1980, Section 609.52, Subdivisions 1 and 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kaley	Norton	Sherwood
Ainley	Evans	Kalis	Novak	Sieben, M.
Anderson, B.	Ewald	Kelly	Nysether	Simoneau
Anderson, G.	Fjoslien	Knickerbocker	O'Connor	Skoglund
Anderson, I.	Forsythe	Kostohryz	Ogren	Stadum
Anderson, R.	Greenfield	Kvam	Olsen	Staten
Battaglia	Grøenes	Laidig	Onnen	Stumpf
Begich	Gustafson	Lehto	Osthoff	Sviggum
Berkelman	Halberg	Lemen	Otis	Swanson
Blatz	Hanson	Levi	Peterson, D.	Tomlinson
Brandl	Harens	Long	Pogemiller	Valan
Brinkman	Hauge	Ludeman	Redalen	Valento
Byrne	Haukoos	Luknic	Reding	Vanasek
Carlson, D.	Heap	Mann	Reif	Vellenga
Carlson, L.	Heintz	Marsh	Rodriguez, C.	Voss
Clark, J.	Himle	McCarron	Rodriguez, F.	Weaver
Clark, K.	Hoberg	McEachern	Rose	Welch
Dahlvang	Hokanson	Mehrkens	Samuelson	Welker
Dempsey	Hokr	Metzen	Sarna	Wenzel
Den Ouden	Jacobs	Minne	Schafer	Wieser
Drew	Jennings	Munger	Schoenfeld	Wigley
Eken	Johnson, C.	Murphy	Schreiber	Wynia
Elioff	Johnson, D.	Nelsen, B.	Searles	Zubay
Ellingson	Jude	Nelson, K.	Shea	Spkr. Sieben, H.
Erickson	Kahn	Niehaus	Sherman	

Those who voted in the negative were:

Peterson, B.	Piepho	Rice	Rothenberg	Stowell
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The bill was passed and its title agreed to.

H. F. No. 306, A bill for an act relating to crimes; establishing the crime of commercial bribery; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 609.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kelly	O'Connor	Simoneau
Ainley	Ewald	Knickerbocker	Ogren	Skoglund
Anderson, B.	Fjoslien	Kostohryz	Olsen	Stadum
Anderson, G.	Forsythe	Kvam	Onnen	Staten
Anderson, I.	Friedrich	Laidig	Osthoff	Stowell
Anderson, R.	Greenfield	Lehto	Otis	Stumpf
Battaglia	Gruenes	Lemen	Peterson, B.	Sviggum
Begich	Gustafson	Levi	Peterson, D.	Swanson
Berkelman	Halberg	Long	Piepho	Tomlinson
Blatz	Hanson	Ludeman	Pogemiller	Valan
Brandl	Harens	Luknic	Redalen	Valento
Brinkman	Hauge	Mann	Rees	Vanasek
Byrne	Haukoos	Marsh	Reif	Vellenga
Carlson, D.	Heap	McCarron	Rodriguez, C.	Voss
Carlson, L.	Heimtz	McDonald	Rodriguez, F.	Weaver
Clark, J.	Himle	McEachern	Rose	Welch
Clark, K.	Hoberg	Mehrkens	Rothenberg	Welker
Clawson	Hokanson	Metzen	Samuelson	Wenzel
Dahlvang	Hokr	Minne	Sarna	Wieser
Dempsey	Jacobs	Munger	Schafer	Wigley
Den Ouden	Jennings	Murphy	Schoenfeld	Wynia
Drew	Johnson, C.	Nelsen, B.	Schreiber	Zubay
Eken	Johnson, D.	Nelson, K.	Searles	Spkr. Sieben, H.
Elioff	Jude	Niehaus	Shea	
Ellingson	Kahn	Norton	Sherman	
Erickson	Kaley	Novak	Sherwood	
Esau	Kalis	Nysether	Sieben, M.	

Those who voted in the negative were:

Rice

The bill was passed and its title agreed to.

H. F. No. 356, A bill for an act relating to crimes; specifying offenses relating to computers; providing penalties; proposing new law coded in Minnesota Statutes 1980, Chapter 609.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, I.	Berkelman	Byrne	Clark, K.
Ainley	Anderson, R.	Blatz	Carlson, D.	Clawson
Anderson, B.	Battaglia	Brandl	Carlson, L.	Dahlvang
Anderson, G.	Begich	Brinkman	Clark, J.	Dean

Dempsey	Himle	Mann	Peterson, D.	Stadum
Den Ouden	Hoberg	Marsh	Piepho	Staten
Drew	Hokanson	McCarron	Pogemiller	Stowell
Eken	Hokr	McDonald	Redalen	Stumpf
Elioff	Jacobs	McEachern	Reding	Swiggum
Ellingson	Jennings	Mehrkens	Rees	Swanson
Erickson	Johnson, C.	Metzen	Reif	Tomlinson
Esau	Johnson, D.	Minne	Rodriguez, C.	Valan
Evans	Jude	Munger	Rodriguez, F.	Valento
Ewald	Kahn	Murphy	Rose	Vanasek
Fjoslien	Kaley	Nelsen, B.	Rothenberg	Vellenga
Forsythe	Kalis	Nelson, K.	Samuelson	Voss
Friedrich	Kelly	Niehaus	Sarna	Weaver
Greenfield	Knickerbocker	Norton	Schafer	Welch
Gruenes	Kostohryz	Novak	Schoenfeld	Welker
Gustafson	Kvam	Nysether	Schreiber	Wenzel
Halberg	Laidig	O'Connor	Searles	Wieser
Hanson	Lehto	Ogren	Shea	Wigley
Harens	Lemen	Olsen	Sherman	Wynia
Hauge	Levi	Onnen	Sherwood	Zubay
Haukoos	Long	Osthoff	Sieben, M.	Spkr. Sieben, H.
Heap	Ludeman	Otis	Simoneau	
Heinitz	Luknic	Peterson, B.	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 378, A bill for an act relating to crimes; authorizing peace officers to make arrest upon probable cause in cases of domestic abuse; amending Minnesota Statutes 1980, Section 629.341, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Knickerbocker	Ogren	Simoneau
Ainley	Ewald	Kostohryz	Olsen	Skoglund
Anderson, B.	Fjoslien	Kvam	Onnen	Stadum
Anderson, G.	Forsythe	Laidig	Osthoff	Staten
Anderson, I.	Friedrich	Lehto	Otis	Stowell
Anderson, R.	Greenfield	Lemen	Peterson, B.	Stumpf
Battaglia	Gruenes	Levi	Peterson, D.	Swiggum
Begich	Gustafson	Long	Piepho	Swanson
Berkelman	Halberg	Ludeman	Pogemiller	Tomlinson
Blatz	Hanson	Luknic	Redalen	Valan
Brand	Harens	Mann	Reding	Valento
Brinkman	Hauge	Marsh	Rees	Vanasek
Byrne	Haukoos	McCarron	Reif	Vellenga
Carlson, L.	Heap	McDonald	Rice	Voss
Clark, J.	Himle	McEachern	Rodriguez, C.	Weaver
Clark, K.	Hoberg	Mehrkens	Rodriguez, F.	Welch
Clawson	Hokanson	Metzen	Rose	Welker
Dahlvang	Hokr	Minne	Rothenberg	Wenzel
Dean	Jacobs	Munger	Samuelson	Wieser
Dempsey	Jennings	Murphy	Sarna	Wigley
Den Ouden	Johnson, C.	Nelsen, B.	Schafer	Wynia
Drew	Johnson, D.	Nelson, K.	Schoenfeld	Zubay
Eken	Jude	Niehaus	Schreiber	Spkr. Sieben, H.
Elioff	Kahn	Norton	Shea	
Ellingson	Kaley	Novak	Sherman	
Erickson	Kalis	Nysether	Sherwood	
Esau	Kelly	O'Connor	Sieben, M.	



Those who voted in the negative were:

Heinitz            Searles

The bill was passed and its title agreed to.

H. F. No. 443, A bill for an act relating to education; specifying the authority of a school board for selection and employment of a superintendent; amending Minnesota Statutes 1980, Section 123.34, Subdivision 9.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kelly	O'Connor	Sherwood
Ainley	Evans	Knickerbocker	Ogren	Sieben, M.
Anderson, B.	Ewald	Kostohryz	Olsen	Simoneau
Anderson, G.	Fjoslien	Kvam	Onnen	Skoglund
Anderson, I.	Forsythe	Laidig	Osthoff	Stadum
Anderson, R.	Friedrich	Lehto	Otis	Staten
Battaglia	Greenfield	Lemen	Peterson, B.	Stumpf
Begich	Gruenes	Levi	Peterson, D.	Sviggum
Berkelman	Gustafson	Long	Piepho	Swanson
Blatz	Halberg	Ludeman	Pogemiller	Tomlinson
Brandl	Hanson	Luknic	Redalen	Valan
Brinkman	Harens	Mann	Reding	Valento
Byrne	Hauge	Marsh	Rees	Vanasek
Carlson, D.	Haukoos	McCarron	Reif	Vellenga
Carlson, L.	Heap	McDonald	Rice	Voss
Clark, J.	Himle	McEachern	Rodriguez, C.	Weaver
Clark, K.	Hoberg	Mehrkens	Rodriguez, F.	Welch
Clawson	Hokanson	Metzen	Rose	Welker
Dahlvang	Hokr	Minne	Rothenberg	Wenzel
Dean	Jacobs	Munger	Samuelson	Wieser
Dempsey	Jennings	Murphy	Sarna	Wigley
Den Ouden	Johnson, C.	Nelsen, B.	Schafer	Wynia
Drew	Johnson, D.	Nelson, K.	Schoenfeld	Zubay
Eken	Jude	Niehaus	Schreiber	Spkr. Sieben, H.
Elihoff	Kahn	Norton	Searles	
Ellingson	Kaley	Novak	Shea	
Erickson	Kalis	Nysether	Sherman	

Those who voted in the negative were:

Stowell

The bill was passed and its title agreed to.

H. F. No. 471, A bill for an act relating to agriculture; consolidating certain promotional fund accounts; regulating deposit of certain funds; appropriating money; amending Minnesota Statutes 1980, Sections 17.59, Subdivisions 3, 4 and by adding

a subdivision; 21A.09, Subdivision 1; 29.17; 30.469; 30.47; 32B.-07; and 32B.12.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Knickerbocker	Ogren	Sieben, M.
Ainley	Evans	Kostohryz	Olsen	Simoneau
Anderson, B.	Ewald	Kvam	Onnen	Skoglund
Anderson, G.	Fjoslien	Laidig	Osthoff	Stadum
Anderson, I.	Forsythe	Lehto	Otis	Staten
Anderson, R.	Friedrich	Lemen	Peterson, B.	Stowell
Battaglia	Greenfield	Levi	Peterson, D.	Stumpf
Begich	Gruenes	Long	Piepho	Sviggum
Berkelman	Gustafson	Ludeman	Pogemiller	Swanson
Blatz	Halberg	Luknic	Redalen	Tomlinson
Brandl	Hanson	Mann	Reding	Valan
Brinkman	Hauge	Marsh	Rees	Valento
Byrne	Haukoos	McCarron	Reif	Vanasek
Carlson, D.	Heap	McDonald	Rice	Vellenga
Carlson, L.	Heinitz	McEachern	Rodriguez, C.	Voss
Clark, J.	Himle	Mehrkens	Rodriguez, F.	Weaver
Clark, K.	Hoberg	Metzen	Rose	Welch
Clawson	Hokr	Minne	Rothenberg	Welker
Dahlvang	Jacobs	Munger	Samuelson	Wenzel
Dean	Jennings	Murphy	Sarna	Wieser
Dempsey	Johnson, C.	Nelsen, B.	Schafer	Wigley
Den Ouden	Johnson, D.	Nelson, K.	Schoenfeld	Wynia
Drew	Jude	Niehaus	Schreiber	Zubay
Eken	Kahn	Norton	Searles	Spkr. Sieben, H.
Elioff	Kaley	Novak	Shea	
Ellingson	Kalis	Nysether	Sherman	
Erickson	Kelly	O'Connor	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 539, A bill for an act relating to local government; providing a method for the filling of vacancies on charter commissions; amending Minnesota Statutes 1980, Section 410.05, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, I.	Berkelman	Byrne	Clark, K.
Ainley	Anderson, R.	Blatz	Carlson, D.	Clawson
Anderson, B.	Battaglia	Brandl	Carlson, L.	Dahlvang
Anderson, G.	Begich	Brinkman	Clark, J.	Dean

Dempsey	Himle	Mann	Peterson, D.	Skoglund
Den Ouden	Hoberg	Marsh	Piepho	Stadum
Drew	Hokanson	McCarron	Pogemiller	Staten
Eken	Hokr	McDonald	Redalen	Stowell
Elioff	Jacobs	McEachern	Reding	Stumpf
Ellingson	Jennings	Mehrkens	Rees	Sviggum
Erickson	Johnson, C.	Metzen	Reif	Swanson
Esau	Johnson, D.	Minne	Rice	Tomlinson
Evans	Jude	Munger	Rodriguez, C.	Valan
Ewald	Kahn	Murphy	Rodriguez, F.	Valento
Fjoslien	Kaley	Nelsen, B.	Rose	Vanasek
Forsythe	Kalis	Nelson, K.	Rothenberg	Vellenga
Friedrich	Kelly	Niehaus	Samuelson	Voss
Greenfield	Knickerbocker	Norton	Sarna	Weaver
Gruenes	Kostohryz	Novak	Schafer	Welch
Gustafson	Kvam	Nysether	Schoenfeld	Welker
Halberg	Laidig	O'Connor	Schreiber	Wenzel
Hanson	Lehto	Ogren	Searles	Wieser
Harens	Lemen	Olsen	Shea	Wigley
Hauge	Levi	Onnen	Sherman	Wynia
Haukoos	Long	Osthoff	Sherwood	Zubay
Heap	Ludeman	Otis	Sieben, M.	Spkr. Sieben, H.
Heintz	Luknic	Peterson, B.	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 829, A bill for an act relating to counties; concerning Anoka county; providing for a seven member board of commissioners; amending Minnesota Statutes 1980, Section 375.01.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 69 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eken	Kostohryz	Ogren	Simoneau
Anderson, G.	Elioff	Long	Osthoff	Skoglund
Anderson, I.	Ellingson	Mann	Otis	Staten
Anderson, R.	Greenfield	McCarron	Peterson, D.	Stumpf
Battaglia	Gustafson	McEachern	Pogemiller	Swanson
Begich	Hanson	Mehrkens	Reding	Tomlinson
Berkelman	Harens	Metzen	Rice	Vanasek
Brandl	Hauge	Minne	Rodriguez, C.	Vellenga
Brinkman	Hokanson	Munger	Rodriguez, F.	Voss
Byrne	Jacobs	Murphy	Samuelson	Welch
Carlson, L.	Johnson, C.	Nelson, K.	Sarna	Wenzel
Clark, J.	Jude	Norton	Schoenfeld	Wynia
Clawson	Kahn	Novak	Shea	Spkr. Sieben, H.
Dahlvang	Kelly	O'Connor	Sieben, M.	

Those who voted in the negative were:

Aasness	Dempsey	Ewald	Halberg	Hokr
Ainley	Den Ouden	Fjoslien	Haukoos	Jennings
Blatz	Drew	Forsythe	Heap	Johnson, D.
Carlson, D.	Erickson	Friedrich	Heintz	Kaley
Dean	Esau	Gruenes	Himle	Knickerbocker

Kvam	Nelsen, B.	Redalen	Sherman	Weaver
Laidig	Niehaus	Reif	Sherwood	Welker
Lemen	Nysether	Rose	Stadum	Wieser
Ludeman	Olsen	Rothenberg	Stowell	Wigley
Luknic	Onnen	Schafer	Sviggum	Zubay
Marsh	Peterson, B.	Schreiber	Valan	
McDonald	Piepho	Searles	Valento	

The bill was passed and its title agreed to.

### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

#### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. No. 372 which it recommended to pass.

S. F. No. 52 which it recommended progress.

S. F. No. 346 which it recommended progress retaining its place on General Orders.

S. F. No. 209 which it recommended to pass with the following amendment offered by Rice:

Page 1, delete lines 13 to 17

Page 2, lines 3 to 14, delete section 4

Page 2, delete lines 15 to 28

Page 4, lines 6 and 7, reinstate the old language

Page 4, line 8, reinstate "operated shall not exceed"

Page 4, line 8, after "\$500" insert "\$750" and reinstate the period

Page 4, lines 9 and 10, delete the new language

Page 4, line 14, delete "\$50,000" and insert "\$25,000"

Page 4, delete lines 22 to 34

Renumber the sections accordingly

Amend the title as follows:

Page 1, line 8, delete "2," "12," and "and"

Page 1, line 9, delete "by adding a subdivision"

Page 1, line 9, before "349.30" insert "and"

Page 1, line 9, after "Subdivision 2" delete "; and"

Page 1, line 10, delete "349.31, Subdivision 1"

On the motion of Eken the report of the Committee of the Whole was adopted.

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll call was taken in the Committee of the Whole:

Rice moved to amend S. F. No. 209, as follows:

Page 1, delete lines 13 to 17

Page 2, lines 3 to 14, delete section 4

Page 2, delete lines 15 to 28

Page 4, lines 6 and 7, reinstate the old language

Page 4, line 8, reinstate "operated shall not exceed"

Page 4, line 8, after "(\$500)" insert "\$750" and reinstate the period

Page 4, lines 9 and 10, delete the new language

Page 4, line 14, delete "\$50,000" and insert "\$25,000"

Page 4, delete lines 22 to 34

Renumber the sections accordingly

Amend the title as follows:

Page 1, line 8, delete "2," "12," and "and"

Page 1, line 9, delete "by adding a subdivision"

Page 1, line 9, before "349.30" insert "and"

Page 1, line 9, after "Subdivision 2" delete "; and"

Page 1, line 10, delete "349.31, Subdivision 1"

The question was taken on the amendment and the roll was called. There were 102 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Aasness	Elioff	Kaley	O'Connor	Sieben, M.
Ainley	Ellingson	Kalis	Olsen	Simoneau
Anderson, B.	Erickson	Kelly	Onnen	Skoglund
Anderson, G.	Esau	Knickerbocker	Osthoff	Staten
Anderson, I.	Fjoslien	Kostohryz	Peterson, B.	Stowell
Battaglia	Forsythe	Kvam	Peterson, D.	Sviggum
Begich	Greenfield	Laidig	Piepho	Swanson
Berkelman	Gruenes	Lehto	Pogemiller	Tomlinson
Blatz	Gustafson	Lemen	Redalen	Vanasek
Brandl	Hanson	Long	Rees	Vellenga
Brinkman	Harens	Ludeman	Rice	Voss
Byrne	Hauge	Luknic	Rodriguez, C.	Welch
Carlson, D.	Heap	Mann	Rodriguez, F.	Welker
Carlson, L.	Himle	Marsh	Rose	Wenzel
Clark, J.	Hokanson	McDonald	Rothenberg	Wieser
Clark, K.	Hokr	Mehrkens	Samuelson	Wigley
Dahlvang	Jennings	Minne	Schoenfeld	Wynia
Dean	Johnson, C.	Murphy	Schreiber	Zubay
Dempsey	Johnson, D.	Nelsen, B.	Shea	
Den Ouden	Jude	Niehaus	Sherman	
Drew	Kahn	Novak	Sherwood	

Those who voted in the negative were:

Eken	Jacobs	Reding	Stumpf	Spkr. Sieben, H.
Evans	Nysether	Reif	Valan	
Haukoos	Ogren	Schafer	Valento	
Hoberg	Otis	Stadum	Weaver	

The motion prevailed and the amendment was adopted.

## MOTIONS AND RESOLUTIONS

Long moved that the name of Searles be added as an author on H. F. No. 1086. The motion prevailed.

Olsen moved that the name of Peterson, D., be added as an author on H. F. No. 514. The motion prevailed.

Carlson, L., moved that H. F. No. 1156 be recalled from the Committee on Local and Urban Affairs and be re-referred to the Committee on Reapportionment and Elections. The motion prevailed.

Lehto moved that the name of Lehto be shown as second author and the name of Rodriguez, C., be added as chief author on H. F. No. 1115. The motion prevailed.

Sieben, M., moved that the name of Wieser be added as an author on H. F. No. 1059. The motion prevailed.

Sarna moved that the names of Ogren, Reding and Samuelson be added as authors on H. F. No. 295. The motion prevailed.

Drew moved that the name of Harens be added as an author on H. F. No. 1173. The motion prevailed.

Blatz moved that the names of Reif, Staten, Hokr and Berkelman be added as authors on H. F. No. 484. The motion prevailed.

Staten; Sieben, H.; Sherwood; Norton and Clark, K., introduced:

House Resolution No. 10, A house resolution expressing the anguish of the people of Minnesota at the continuing news of the disappearance and murder of more than twenty children in Atlanta, Georgia, and extending condolences to the citizens of Atlanta and to the parents, relatives and friends of the children.

The resolution was referred to the Committee on Rules and Legislative Administration.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, April 2, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, April 2, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-SECOND SESSION - 1981

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TWENTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 1, 1981

The Senate met on Wednesday, April 1, 1981, which was the Twenty-eighth Day of the Seventy-Second Session of the Minnesota State Legislature. The House of Representatives did not meet on this date.



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## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## TWENTY-NINTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 2, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Reverend Arvid Kingsriter, Bloomington Assembly of God Church, Bloomington, Minnesota.

The roll was called and the following members were present:

Aasness	Esau	Kelly	Ogren	Sieben, M.
Ainley	Evans	Knickerbocker	Olsen	Simoneau
Anderson, B.	Fjoslien	Kostohryz	Onnen	Skoglund
Anderson, G.	Forsythe	Kvam	Osthoff	Stadum
Anderson, I.	Friedrich	Laidig	Otis	Staten
Anderson, R.	Greenfield	Lehto	Peterson, B.	Stowell
Battaglia	Gruenes	Lemen	Peterson, D.	Stumpf
Begich	Gustafson	Levi	Piepho	Sviggum
Berkelman	Halberg	Long	Pogemiller	Swanson
Blatz	Hanson	Ludeman	Redalen	Tomlinson
Brandl	Harens	Mann	Reding	Valan
Brinkman	Hauge	Marsh	Rees	Valento
Byrne	Haukoos	McCarron	Reif	Vanasek
Carlson, D.	Heap	McDonald	Rice	Vellenga
Carlson, L.	Heinitz	McEachern	Rodriguez, C.	Voss
Clark, J.	Himle	Mehrkens	Rodriguez, F.	Weaver
Clark, K.	Hoberg	Metzen	Rose	Welch
Clawson	Hokanson	Minne	Rothenberg	Welker
Dahlvang	Hokr	Munger	Samuelson	Wenzel
Dean	Jacobs	Murphy	Sarna	Wieser
Dempsey	Jennings	Nelsen, B.	Schafer	Wigley
Den Ouden	Johnson, C.	Nelson, K.	Schoenfeld	Wynia
Drew	Johnson, D.	Niehaus	Schreiber	Zubay
Eken	Jude	Norton	Searles	Spkr. Sieben, H.
Elioff	Kahn	Novak	Shea	
Ellingson	Kaley	Nysether	Sherman	
Erickson	Kalis	O'Connor	Sherwood	

A quorum was present.

Luknic was excused. Ewald was excused until 2:30 p.m.

The Chief Clerk proceeded to read the Journals of the preceding days. Johnson, C., moved that further reading of the Journals be dispensed with and that the Journals be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 222, 911, 486, 562, 574, 623, 272, 339, 387, 487, 396, 63, 90 and 576 and S. F. Nos. 96, 502, 153 and 209 have been placed in the members' files.

## PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

March 30, 1981

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

The Honorable Jack Davies  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1981</i>	<i>Date Filed 1981</i>
366		13	March 30	March 30
620		14	March 30	March 30

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

April 1, 1981

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

The Honorable Jack Davies  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been re-

ceived from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1981</i>	<i>Date Filed 1981</i>
	7	15	April 1	April 1

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

### REPORTS OF STANDING COMMITTEES

Jude from the Committee on Judiciary to which was referred:

H. F. No. 21, A bill for an act relating to courts; providing for an additional probate judge for Hennepin county; amending Minnesota Statutes 1980, Section 525.04.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred:

H. F. No. 50, A bill for an act relating to elections; providing for preparation of consolidated primary election ballots by counties at state expense; appropriating money; amending Minnesota Statutes 1980, Section 203A.23, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 147, A bill for an act relating to courts; authorizing the supreme court to adopt a uniform fee schedule for civil actions; proposing new law coded in Minnesota Statutes, Chapter 480.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 182, A bill for an act relating to commerce; revising the small loan act; increasing the loan amount which determines the necessity of obtaining a license; increasing the application fee; increasing the amount of liquid assets which must be maintained by a licensee; allowing certain purchasers of accounts to obtain a license; providing for the regulation of closings of licensees on holidays and weekends; providing for examinations at the commissioner's discretion; allowing the use of certain mechanical or electronic data processing methods to be used as books of account; allowing alternative compliance on certain rates of charge statements; allowing certain loans to be secured by real estate; restating maximum rates and charges; providing for the making of certain open-end loans; regulating licensee provisions concerning certain insurance in connection with loans made; allowing industrial loan and thrifts to make secured or unsecured loans on the terms, rates, and conditions permitted licensees; providing remedies; defining terms; providing for miscellaneous clarifications and revisions; amending Minnesota Statutes 1980, Sections 53.04, by adding a subdivision; 56.01; 56.02; 56.04; 56.07; 56.09; 56.10; 56.11; 56.12; 56.14; 56.15, Subdivision 1; 56.16; 56.17; 56.18; 56.19; 56.26; and proposing new law coded in Minnesota Statutes, Chapter 56; repealing Minnesota Statutes 1980, Sections 53.04, Subdivisions 3, 4, 6, and 7; 53.051; 56.06; 56.13; 56.15, Subdivision 2; and 56.20.

Reported the same back with the following amendments:

Page 2, line 30, after "fees" insert "*for any security taken*"

Page 3, line 4, after "*computed*" insert "*actuarially*"

Page 6, strike lines 11 to 13 and insert:

"Not more than one place of business shall be maintained under the same license, but the commissioner may issue more than one license to the same licensee upon compliance with all the provisions of this chapter governing an original issuance of a license, for each such new license.

When a licensee shall wish to change his place of business to a street address (OTHER THAN THAT) *in the same municipality* designated in his license, he shall give written notice thereof *30 days in advance* to the commissioner, who (SHALL INVESTIGATE THE FACTS AND, IF HE SHALL FIND THAT ALLOWING THE LICENSEE TO ENGAGE IN BUSINESS IN THE NEW LOCATION WILL PROMOTE THE CONVENIENCE AND ADVANTAGE OF THE COMMUNITY IN WHICH THE LICENSEE DESIRES TO CONDUCT HIS

BUSINESS, HE) shall (ATTACH TO THE LICENSE, IN WRITING, HIS APPROVAL OF) *within 30 days of receipt of such notice, issue an amended license approving the change (AND THE DATE THEREOF, WHICH SHALL BE AUTHORITY FOR THE OPERATION OF THE BUSINESS UNDER THE LICENSE AT THE NEW LOCATION; IF THE COMMISSIONER SHALL NOT SO FIND, HE SHALL DENY THE LICENSEE PERMISSION SO TO CHANGE THE LOCATION OF HIS PLACE OF BUSINESS, IN THE MANNER SPECIFIED AND SUBJECT TO THE PROVISIONS CONTAINED IN THE SECOND TO THE LAST PARAGRAPH OF SECTION 56.04). No change in the place of business of a licensee to a location outside of the original municipality shall be permitted under the same license.*"

Page 10, line 3, delete everything after the period

Page 10, delete line 4

Page 10, line 5, delete "*time of any advance.*"

Page 10, line 8, after "*is*" insert "*not*"

Page 10, line 8, delete "*subordinate*" and insert "*first*"

Page 10, line 24, delete "*Except for open-end loans,*"

Page 11, line 7, delete everything after "*(b)*"

Page 11, delete lines 8 and 9

Page 11, line 10, delete everything before "*Interest*" delete "*may*" and insert "*shall*"

Page 11, line 11, after "*earned*" insert "*as provided in paragraph (a), clause (1) or*"

Page 12, line 29, delete "*. Provided*" and insert "*; provided*"

Page 14, line 9, delete "*(a)*"

Page 14, line 18, delete "*(1)*" and insert "*(a)*"

Page 14, line 20, delete "*(2)*" and insert "*(b)*"

Page 14, line 24, delete "*(i)*" and insert "*(1)*"

Page 14, line 26, delete "*(ii)*" and insert "*(2)*"

Page 14, delete lines 31 to 36

Page 15, delete lines 1 to 3

Page 16, line 19, to page 18, line 29, delete section 12

Page 19, line 27, delete everything after the semicolon

Page 19, delete lines 28 to 30

Page 20, lines 8 to 10, reinstate the stricken language

Page 20, line 10, after "same" insert a period

Page 20, line 12, delete "at" and insert "*or who may become obligated on it at any time upon*"

Page 20, line 12, delete "written"

Page 21, line 2, delete everything after "loan"

Page 21, line 3, delete "*and rules promulgated thereunder*" and insert "*but shall not be required as additional security for the indebtedness. If the debtor chooses to procure credit life insurance or credit accident and health insurance as security for the indebtedness, he shall have the option of furnishing this security through existing policies of insurance owned or controlled by him or of furnishing the coverage through any insurer authorized to transact business in this state. A statement in substantially the following form in bold face type of a minimum size of 12 points shall be provided to the borrower before the transaction is completed:*

**CREDIT LIFE INSURANCE AND CREDIT DISABILITY INSURANCE ARE NOT REQUIRED TO OBTAIN CREDIT. YOU MAY BUY ANY INSURANCE FROM ANY ONE YOU CHOOSE OR YOU MAY USE EXISTING INSURANCE"**

Page 22, line 7, delete everything after "to"

Page 22, line 8, delete "contract and"

Page 22, line 8, after "security" insert "*, but the amount and term of the insurance shall not exceed the amount and term of the loan*"

Page 24, delete lines 29 to 36

Page 25, delete lines 1 to 36 and insert:

"Subd. 2. [PENALTY FOR USURIOUS INTEREST.] *The taking, receiving or charging by a lender of a rate of interest*

*greater than is allowed by state law shall be deemed a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it, or which has been agreed to be paid thereon. In the case the greater rate of interest has been paid, the person paying it, or his legal representatives, may recover, in an action in the nature of an action of debt, twice the amount of the interest thus paid from the lender taking or receiving the interest, if the action is commenced within two years from the time the usurious transaction occurred."*

Page 26, line 7, delete everything after "loan" and insert a period.

Page 26, delete lines 8 and 9

Page 26, after line 36, insert:

"Sec. 21. Minnesota Statutes 1980, Section 334.02, is amended to read:

#### 334.02 [USURIOUS INTEREST; RECOVERY.]

Every person who for any such loan or forbearance shall have paid or delivered any greater sum or value than in section 334.01 allowed to be received may, by himself or his personal representatives, recover in an action against the person who shall have received the same, or his personal representatives, the full amount of interest or premium so paid, with costs, if action is brought within two years after such payment or delivery. This section does not apply when the loan or forbearance is made by a lender and the lender is liable for the penalty provided in section 48.196 and chapter 56 in connection with the loan or forbearance. For purposes of this section, the term "lender" means a bank or savings bank organized under the laws of this state, a federally chartered savings and loan association, a savings association organized under chapter 51A, a federally chartered credit union, a credit union organized under chapter 52, an industrial loan and thrift company organized under chapter 53, a licensed lender under chapter 56, or a mortgagee or lender approved or certified by the secretary of housing and urban development or approved or certified by the administrator of veterans affairs.

Sec. 22. Minnesota Statutes 1980, Section 334.03, is amended to read:

#### 334.03 [USURIOUS CONTRACTS INVALID; EXCEPTIONS.]

All bonds, bills, notes, mortgages, and all other contracts and securities, and all deposits of goods, or any other thing, whereupon or whereby there shall be reserved, secured, or taken any



greater sum or value for the loan or forbearance of any money, goods, or things in action than prescribed, except such instruments which are taken or received in accordance with and in reliance upon the provisions of any statute, shall be void except as to a holder in due course. No merely clerical error in the computation of interest, made without intent to avoid the provisions of this chapter, shall constitute usury. Interest at the rate of one-twelfth of eight percent for every 30 days shall not be construed to exceed eight percent per annum; nor shall the payment of interest in advance of one year, or any less time, at a rate not exceeding eight percent per annum constitute usury; and nothing herein shall prevent the purchase of negotiable mercantile paper, usurious or otherwise, for a valuable consideration, by a purchaser without notice, at any price before the maturity of the same, when there has been no intent to evade the provisions of this chapter, or where such purchase has not been a part of the original usurious transactions; but where the original holder of a usurious note sells the same to an innocent purchaser, the maker thereof, or his representatives, may recover back from the original holder the amount of principal and interest paid by him on the note. This section does not apply when the loan or forbearance is made by a lender and the lender is liable for the penalty provided in section 48.196 *and chapter 56* in connection with the loan or forbearance. For purposes of this section, the term "lender" means a bank or savings bank organized under the laws of this state, a federally chartered savings and loan association, a savings association organized under chapter 51A, a federally chartered credit union, a credit union organized under chapter 52, *an industrial loan and thrift company organized under chapter 53, a licensed lender under chapter 56, or a mortgagee or lender approved or certified by the secretary of housing and urban development or approved or certified by the administrator of veterans affairs.*"

Page 27, line 7, delete "21" and insert "22"

Renumber the sections

Amend the title as follows:

Page 1, line 4, delete everything after the semicolon

Page 1, line 5, delete everything before "increasing"

Page 1, line 16, delete everything after the semicolon

Page 1, line 17, delete "loans;"

Page 1, line 26, after "56.26;" insert "334.02; 334.03;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 188, A bill for an act relating to financial institutions; increasing the maximum lawful interest rate chargeable by state banks and savings banks on certain transactions; amending Minnesota Statutes 1980, Section 48.195.

Reported the same back with the following amendments:

Page 1, line 12, after "state" insert "*and any national bank doing business in this state*"

Page 1, after line 17, insert:

"Sec. 2. [EFFECTIVE DATE.]

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

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 206, A bill for an act relating to public employees; regulating bargaining between instructional unit employees and the University of Minnesota; amending Minnesota Statutes 1980, Section 179.741, Subdivision 3.

Reported the same back with the following amendments:

Page 4, line 3, before the period insert "*or may negotiate separate contracts with the regents. If the exclusive bargaining representatives jointly negotiate a contract with the regents, the contract shall be ratified by each unit*"

Page 4, after line 3, insert:

"Sec. 2. [EFFECTIVE DATE.]

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

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 280, A bill for an act relating to public welfare; authorizing the department of vocational rehabilitation to provide

funds for power assisted wheelchairs to handicapped persons under certain circumstances; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 129A.

Reported the same back with the following amendments:

Page 1, line 19, delete "two years" and insert "six months"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 314, A bill for an act relating to public welfare; providing for a statewide program of subsidies for families of mentally retarded children; amending Minnesota Statutes 1980, Section 252.27, Subdivision 4.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 332, A bill for an act relating to commerce; providing for the regulation of motor vehicle franchises; prohibiting certain practices by motor vehicle manufacturers; removing motor vehicle franchises from the general statutory provisions regarding franchises; prescribing penalties; providing remedies; amending Minnesota Statutes 1980, Section 80C.01, Subdivision 4; proposing new law coded as Minnesota Statutes, Chapter 80E; repealing Minnesota Statutes 1980, Sections 168.27, Subdivision 21; and 325D.17 to 325D.29.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [80E.01] [LEGISLATIVE PURPOSE AND INTENT.]

*The legislature finds and declares that the distribution and sale of motor vehicles within this state vitally affects the general economy of the state and the public interest and the public welfare, and that in order to promote the public interest and the public welfare, and in the exercise of its police power, it*

*is necessary to regulate and license motor vehicle manufacturers, distributors or wholesalers, and factory or distributor representatives, and to regulate dealers of motor vehicles doing business in this state in order to prevent fraud, impositions, and other abuses upon its citizens and to protect and preserve the investments and properties of the citizens of this state.*

**Sec. 2. [80E.02] [APPLICABILITY.]**

*The provisions of sections 1 to 17 shall apply to all new motor vehicle dealers and contracts existing between new motor vehicle dealers and manufacturers on the effective date of sections 1 to 17 and to all subsequent contracts between new motor vehicle dealers and manufacturers.*

**Sec. 3. [80E.03] [DEFINITIONS.]**

*Subdivision 1. [TERMS.] As used in sections 1 to 17, unless the context otherwise requires, the following terms have the meanings given them.*

*Subd. 2. [MOTOR VEHICLE.] "Motor vehicle" is as defined in Minnesota Statutes, Section 168.011, Subdivision 4, but does not include farm implements or machinery or special mobile equipment as defined in section 168.011, subdivision 22.*

*Subd. 3. [DEALER.] "New motor vehicle dealer" or "dealer" means a person who in the ordinary course of business is engaged in the business of selling new motor vehicles to consumers or other end users and who holds a valid sales and service agreement, franchise, or contract, granted by a manufacturer, distributor, or wholesaler for the sale of its motor vehicles.*

*Subd. 4. [MANUFACTURER.] "Manufacturer" means any person who manufactures or assembles new motor vehicles or any person, partnership, firm, association, joint venture, corporation, or trust which is controlled by the manufacturer.*

*Subd. 5. [DISTRIBUTOR.] "Distributor" means any person who in whole or in part offers for sale, sells, or distributes any new motor vehicle to new motor vehicle dealers, or who maintains factory representatives or who controls any person who in whole or in part offers for sale, sells, or distributes any new motor vehicle to new motor vehicle dealers.*

*Subd. 6. [FACTORY BRANCH.] "Factory branch" means a branch office maintained by a manufacturer for the purpose of selling, or offering for sale, motor vehicles to a distributor or new motor vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives.*

*Subd. 7. [NEW MOTOR VEHICLE.] "New motor vehicle" means a motor vehicle which is in the possession of a manufacturer, distributor, or wholesaler, or has been sold only to the holders of a valid sales and service agreement, franchise, or contract, granted by the manufacturer, distributor, or wholesaler for the sale of the new motor vehicle and which is in fact new and on which the original title has not been issued from the franchised dealer.*

*Subd. 8. [FRANCHISE.] "Franchise" means the agreement or contract between any new motor vehicle manufacturer, written or otherwise, and any new motor vehicle dealer which purports to fix the legal rights and liabilities of the parties to the agreement or contract.*

*Subd. 9. [GOOD FAITH.] "Good faith" means honesty in fact and the observation of reasonable commercial standards of fair dealing in the trade as is defined and interpreted in Minnesota Statutes, Section 336.2-103, Clause (1) (b).*

*Subd. 10. [DESIGNATED FAMILY MEMBER.] "Designated family member" means the spouse, child, grandchild, parent, brother, or sister of the owner of a new motor vehicle dealer who, in the case of the owner's death, is entitled to inherit the ownership interest in the new motor vehicle dealer under the terms of the owner's will or who, in the case of an incapacitated owner of a new motor vehicle dealer, has been appointed by a court as the legal representative of the new motor vehicle dealer's property.*

*Subd. 11. [RELEVANT MARKET AREA.] "Relevant market area" means the area within a radius of ten miles around an existing new motor vehicle dealer.*

**Sec. 4. [80E.04] [WARRANTY OBLIGATIONS TO DEALERS.]**

*Subdivision 1. [REQUIREMENTS.] Each new motor vehicle manufacturer shall specify in writing to each of its new motor vehicle dealers licensed in this state the dealer's obligations for preparation, delivery, and warranty service on its products. The manufacturer shall also compensate the new motor vehicle dealer for warranty service and parts required of the dealer by the manufacturer, and shall provide the dealer the schedule of compensation to be paid the dealer for parts, work, and service in connection with warranty services, and the time allowance for the performance of the work and service.*

*Subd. 2. [REASONABLE COMPENSATION FOR SERVICES.] In no event shall the schedule of compensation fail to include reasonable compensation for diagnostic work, as well as repair service, parts, and labor. Time allowances for the diag-*

*nosis and performance of warranty work and service shall be reasonable and adequate for the work to be performed. In the determination of what constitutes reasonable compensation under this section, the principal factors to be given consideration shall be the prevailing wage rates paid by dealers in the community in which the dealer is doing business, and in no event shall the hourly labor rate paid to a dealer for warranty services be less than the rate charged by the dealer for like service to non-warranty customers for nonwarranty service and repairs unless the rate is determined to be unreasonable.*

*Subd. 3. [VIOLATIONS.] It is a violation of this section for any new motor vehicle manufacturer to fail to: (a) perform any warranty obligations that it undertakes under the motor vehicle manufacturer's warranty; (b) include in written notices of factory recalls to new motor vehicle owners and dealers the expected date by which necessary parts and equipment will be available to dealers for the correction of the defects; or (c) to compensate any of the motor vehicle dealers licensed in this state for repairs effected by a recall.*

*Subd. 4. [PAYMENT OF CLAIMS.] All claims made by new motor vehicle dealers pursuant to this section for labor and parts shall be paid within 30 days of their approval. Claims shall be either approved or disapproved within 30 days after they are submitted to the manufacturer in the manner and on the forms it prescribes, and any claims not specifically disapproved in writing within 30 days after the manufacturer receives them shall be construed to be approved and payment must follow within 30 days; provided, however, that the manufacturer retains the right to audit the claims for a period of two years and to charge back any amounts paid on unsubstantiated or fraudulent claims.*

*Subd. 5. [PRODUCT LIABILITY; LIMITATION.] As between the dealer and the manufacturer, the obligations imposed by this section shall constitute the dealer's only responsibility for product liability based in whole or in part on strict liability in tort.*

**Sec. 5. [80E.05] [INDEMNIFICATION REQUIRED.]**

*Notwithstanding the terms of any franchise agreement to the contrary, it shall be a violation of sections 1 to 17 for any new motor vehicle manufacturer to fail to indemnify and hold harmless its franchised dealers against any judgment for damages, including, but not limited to, those based on strict liability, negligence, misrepresentation, warranty (express or implied), or revocation of acceptance as is defined in Minnesota Statutes, Section 336.2-608, where the complaint, claim, or lawsuit relates solely to the alleged defective or negligent manufacture, assembly, or design of new motor vehicles, parts or accessories or other functions by the manufacturer, beyond the control of the dealer.*

Sec. 6. [80E.06] [CANCELLATIONS; TERMINATIONS.]

*Subdivision 1. [REQUIREMENTS.] Notwithstanding the terms of any franchise agreement or waiver to the contrary, no manufacturer shall cancel or terminate any franchise relationship with a licensed new motor vehicle dealer unless the manufacturer has:*

- (a) *Satisfied the notice requirement of section 8;*
- (b) *Acted in good faith as defined in section 3, subdivision 9; and*
- (c) *Good cause for the cancellation or termination.*

*Subd. 2. [CIRCUMSTANCES CONSTITUTING GOOD CAUSE.] Notwithstanding the terms of any franchise agreement or waiver to the contrary, good cause exists for the purposes of a termination or cancellation, when the new motor vehicle dealer fails to comply with a provision of the franchise which is both reasonable and of material significance to the franchise relationship; provided, that the dealer has been notified in writing of the failure within 180 days after the manufacturer first acquired knowledge of the failure; and*

*If failure by the new motor vehicle dealer relates to the performance of the new motor vehicle dealer in sales or service, then good cause shall be defined as the failure of the new motor vehicle dealer to comply with reasonable performance criteria established by the manufacturer; provided, that the new motor vehicle dealer was apprised by the manufacturer in writing of the failure; the notification stated that notice was provided for failure of performance pursuant to sections 1 to 17; the new motor vehicle dealer was afforded a reasonable opportunity in no event less than six months to comply with the criteria; and the dealer did not demonstrate substantial progress towards compliance with the manufacturer's performance criteria during the period.*

Sec. 7. [80E.07] [CANCELLATION, TERMINATION; LIMITATIONS.]

*Subdivision 1. [CIRCUMSTANCES NOT CONSTITUTING GOOD CAUSE.] Notwithstanding the terms of any franchise agreement or waiver to the contrary, the following examples represent circumstances which do not by themselves constitute good cause for the termination or cancellation of a franchise:*

- (a) *A change of ownership of the new motor vehicle dealer's dealership. This paragraph does not authorize any change in*

ownership which would have the effect of the sale of the franchise without the manufacturer's or distributor's consent, but consent shall not in any case be unreasonably withheld. The burden of establishing the reasonableness is on the franchisor;

(b) The fact that the new motor vehicle dealer refused to purchase or accept delivery of any new motor vehicle parts, accessories, or any other commodity or services not ordered by the new motor vehicle dealer, other than parts necessary to conduct recall campaigns; or

(c) The fact that the new motor vehicle dealer owns, invests in, participates in the management of, holds a license for the sale of another make or line of new motor vehicle, or has established another make or line of new motor vehicle in the same dealership facilities as those of the manufacturer; provided, that the new motor vehicle dealer maintains a reasonable line of credit for each make or line of new motor vehicle, and that the new motor vehicle dealer remains in substantial compliance with the terms and conditions of the franchise and with any reasonable facilities' requirements of the manufacturer.

Subd. 2. [BURDEN OF PROOF.] The manufacturer has the burden of proving that it acted in good faith; that the notice requirements have been complied with; and that there was good cause for the franchise termination or cancellation.

## Sec. 8. [80E.08] [NOTICE OF TERMINATION OR CANCELLATION.]

Subdivision 1. [REQUIREMENTS.] Notwithstanding the terms of any franchise agreement or waiver to the contrary, prior to the termination or cancellation of any franchise, the manufacturer shall furnish notice of the termination, cancellation, or nonrenewal to the new motor vehicle dealer as provided in subdivision 2.

Subd. 2. [GENERALLY.] Notice shall be in writing and except as provided in subdivision 3 shall be given not less than 90 days prior to the effective date of the termination or cancellation.

Subd. 3. [SPECIFIC EXCEPTIONS.] (1) At least 15 days notice must be provided with respect to terminations or cancellations involving the following circumstances:

(a) Conviction of or plea of *nolo contendere* of a franchised motor vehicle dealer, or one of its principal owners, of a crime which constitutes a felony as defined in Minnesota Statutes, Section 609.02, Subdivision 2;



(b) *The business operations of the franchised motor vehicle dealer have been abandoned or closed for seven consecutive business days unless the closing is due to an act of God, strike or labor difficulty, or other cause over which the dealer has no control;*

(c) *A significant misrepresentation by the new motor vehicle dealer; or*

(d) *The suspension, revocation, or refusal to renew the franchised motor vehicle dealer's license pursuant to Minnesota Statutes, Section 168.27.*

(2) *Not less than 180 days notice must be provided prior to the effective date of cancellation or termination where the manufacturer or distributor is discontinuing the sale of the product line.*

**Subd. 4. [CONTENTS AND DELIVERY.]** *The notice shall be sent by certified mail or personally delivered to the new motor vehicle dealer. The notice shall contain the following information:*

(a) *A statement of intention to terminate or cancel the franchise;*

(b) *A statement of the reasons for the termination or cancellation; and*

(c) *The date on which the termination or cancellation takes effect.*

**Sec. 9. [80E.09] [PAYMENTS REQUIRED UPON TERMINATION.]**

**Subdivision 1. [REQUIREMENTS.]** *Upon the termination or cancellation of any franchise, the new motor vehicle dealer shall, in the time prescribed, be allowed fair and reasonable compensation by the manufacturer for the following items:*

(a) *New motor vehicle inventory which was originally acquired from the manufacturer;*

(b) *Equipment and furnishings if the new motor vehicle dealer purchased them from the manufacturer;*

(c) *Special tools;*

(d) *Supplies, including parts, purchased from the manufacturer. Fair and reasonable compensation as applied to parts means that the manufacturer shall reimburse the dealer for 100 percent of the net cost of all current unused automobile and*

*truck parts, including transportation charges, and 85 percent of the current net prices on repair parts, including superseded parts listed in current price lists or catalogs plus five percent of the current net price of all parts returned to compensate the dealer for the handling, packing, and loading of the parts;*

*(e) Except as provided in clause (f), dealership facilities if the facilities were required to be purchased or constructed as a precondition to obtaining the franchise or its renewal by the manufacturer. If the facilities described in this clause were leased and the lease was required by the manufacturer as a precondition to obtaining the franchise or to its renewal, then the manufacturer is liable for one year's payment of the rent or the remainder of the term of the lease, whichever is less. The manufacturer has no obligations under this clause if the termination or cancellation was for good cause based on the conviction or a plea of nolo contendere of the dealer or one of its principal owners for a crime which constitutes a felony as defined in Minnesota Statutes, Section 609.02, Subdivision 2, or where it has been demonstrated at the hearing that the new motor vehicle dealer has repeatedly exhibited a course of conduct constituting fraud with respect to the manufacturer or the general public;*

*(f) In the event the termination or cancellation is due to a failure of performance of the dealer in sales or service as described in section 6, subdivision 2, the manufacturer shall have no obligation to purchase facilities owned by the dealer but shall be required to pay the dealer a sum equivalent to the reasonable rental value of the facilities for one year. In all other respects the provisions of clause (e) shall apply.*

**Subd. 2. [TIME IN WHICH PAYMENTS MUST BE MADE.]** *Fair and reasonable compensation shall be paid by the manufacturer when possible within 90 days of the effective date of termination or cancellation as long as this period will allow compliance with the notification requirements of Minnesota Statutes, Sections 336.6-101 to 336.6-111 or any other state or federal laws relating to creditor notification.*

**Subd. 3. [VOLUNTARY TERMINATIONS OR CANCELLATIONS.]** *For the purposes of reimbursement under this section, termination or cancellation includes a voluntary termination or cancellation by the dealer.*

**Sec. 10. [80E.10] [NONRENEWALS.]**

**Subdivision 1. [GENERAL PROVISIONS.]** *No manufacturer, distributor, or factory branch shall fail or refuse to renew a franchise unless the manufacturer or distributor provides the new motor vehicle dealer at least 12 months written notice of its intention not to renew and clearly indicating therein the specific grounds for nonrenewal and unless during the 12 months prior to expiration of the franchise, the manufacturer or distrib-*

utor permits the dealer to sell or transfer his business to a purchaser meeting the manufacturer's or distributor's then current requirements for granting new franchises and in accordance with the provisions of section 13, clause (j).

*Subd. 2. [PERMITTED IN CERTAIN CIRCUMSTANCES.] A manufacturer or distributor may fail or refuse to renew a franchise where:*

*(a) Termination would be permitted pursuant to sections 1 to 17; or*

*(b) The dealer and the manufacturer or distributor agree not to renew the franchise;*

*(c) The manufacturer discontinues distribution of the franchise product at the dealership location, and does not establish a replacement dealer at or within two miles of that location for a period of at least four years;*

*(d) The manufacturer discontinues production or distribution of the franchise product;*

*(e) The manufacturer discontinues distribution of the franchise product in a geographic area due to federal, state or local laws;*

*(f) The dealer and the manufacturer fail to agree to changes or additions to the terms and conditions of the franchise agreement if the changes or additions would result in renewal of the franchise agreement on substantially the same terms and conditions which the manufacturer or distributor is then customarily granting renewal franchises. The manufacturer or distributor may give the new motor vehicle dealer written notice of a date which is at least 60 days subsequent to the notice, on or before which a proposed written agreement of the terms and conditions of the renewal franchise must be accepted in writing by the dealer; or*

*(g) The business relationship between the parties has deteriorated to the point that a reasonably harmonious association does not exist; provided the deterioration is the result of actions of a serious and significant nature by the dealer which were not caused by or attributable to unlawful acts or unfair practices of the manufacturer or distributor as described in sections 4, 12 and 13, or any federal law, and provided the manufacturer or distributor has made a good faith effort to advise the dealer of the problems contributing to the deterioration and thereby improve the business relationship in the 12 months prior to expiration of the franchise.*

*Subd. 3. [RESTRICTIONS.] Nonrenewal shall not be permitted where the refusal to renew is for the purpose of converting the new motor vehicle dealer's business premises to operation by employees or agents of the manufacturer or distributor. Operation of the premises by employees or agents of the manufacturer or distributor shall be prima facie evidence of intent to convert unless the operation is temporary for a reasonable period or pending sale to any qualified independent person at a fair and reasonable price, or in which an independent person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership of the dealership on reasonable terms and conditions.*

*Subd. 4. [PAYMENTS.] In the event of nonrenewal or failure to renew, the manufacturer or distributor shall be obligated to make the same payments to the dealer and in the same manner, subject to the same limitations and restrictions, as are set forth in section 9.*

*Subd. 5. [CERTAIN FRANCHISES ONLY.] This section applies only when the franchise agreement has a term of at least five years. However, nothing in this section shall prohibit a manufacturer from offering or agreeing before expiration of the current franchise term to extend the term of the franchise for a limited period in order to satisfy the time of notice or nonrenewal requirement contained herein.*

**Sec. 11. [80E.11] [SURVIVORSHIP.]**

*Subdivision 1. [AUTHORIZATION.] Any designated family member of a deceased or incapacitated owner of a new motor vehicle dealer may succeed to the ownership of the new motor vehicle dealer under the existing franchise or distribution agreement if: (a) the designated family member gives the manufacturer, distributor, factory branch, or importer of new motor vehicles written notice of the intention to succeed to ownership of the dealership within 120 days of the owner's death or incapacity; (b) agrees to be bound by all of the terms and conditions of the existing franchise; and (c) unless there exists good cause for refusal to honor the succession on the part of the manufacturer, factory branch, distributor, or importer.*

*Subd. 2. [PERSONAL AND FINANCIAL DATA.] At the time of serving notice under subdivision 1, the designated family member shall provide, upon the request of the manufacturer, distributor, factory branch, or importer, personal and financial data that is reasonably necessary to determine whether the succession should be honored.*

*Subd. 3. [NOTICE OF DISCONTINUANCE OR REFUSAL TO HONOR SUCCESSION.] If a manufacturer, distributor, factory branch, or importer believes that good cause exists for refusing to honor the succession to the ownership and operation*

*of a new motor vehicle dealer by a family member of a deceased or incapacitated owner of a new motor vehicle dealer under the existing franchise agreement, the manufacturer, distributor, factory branch, or importer may, within 60 days after receipt of the personal and financial data requested under subdivision 2, serve notice upon the designated family member of its refusal to honor the succession and of its intent to discontinue the existing franchise agreement with the new motor vehicle dealer no sooner than 90 days from the date the notice is served.*

**Subd. 4. [CONTENTS OF NOTICE.]** *The notice must state the specific grounds for the refusal to honor the succession and discontinue the existing franchise agreement with the new motor vehicle dealer.*

**Subd. 5. [EFFECT OF NOTICE NOT TIMELY SERVED.]** *If notice of refusal and discontinuance is not timely served upon the family member, the franchise agreement shall continue in effect subject to termination only as otherwise permitted by sections 1 to 17.*

**Subd. 6. [BURDEN OF PROOF.]** *In determining whether good cause for the refusal to honor the succession exists, the manufacturer, distributor, factory branch, or importer has the burden of proving that the successor is a person who is not of good moral character or does not meet the franchisor's existing and reasonable standards and, considering the volume of sales and service of the new motor vehicle dealer, uniformly applied minimum business experience standards in the market area.*

**Subd. 7. [SUCCESSION AGREEMENTS.]** *Notwithstanding the foregoing, in the event the new motor vehicle dealer and franchisor have duly executed an agreement concerning succession rights prior to the dealer's death, the agreement shall be observed, even if it designates an individual other than the surviving spouse or heirs of the franchised motor vehicle dealer.*

**Sec. 12. [80E.12] [UNLAWFUL ACTS BY MANUFACTURERS, DISTRIBUTORS, OR FACTORY BRANCHES.]**

*It shall be unlawful for any manufacturer, distributor, or factory branch to require a new motor vehicle dealer to do any of the following:*

(a) *Order or accept delivery of any new motor vehicle, part or accessory thereof, equipment, or any other commodity not required by law which has not been voluntarily ordered by the new motor vehicle dealer;*

(b) *Order or accept delivery of any new motor vehicle, part or accessory thereof, equipment, or any other commodity not required by law in order for the dealer to obtain delivery of any*

*other motor vehicle ordered by the dealer or to qualify for or participate in any rebate, refund, or similar program offered by the manufacturer;*

*(c) Order or accept delivery of any new motor vehicle with special features, accessories, or equipment not included in the list price of the motor vehicles as publicly advertised by the manufacturer or distributor;*

*(d) Participate monetarily in an advertising campaign or contest, or to purchase any promotional materials, showroom, or other display decorations or materials at the expense of the new motor vehicle dealer;*

*(e) Enter into any agreement with the manufacturer or to do any other act prejudicial to the new motor vehicle dealer by threatening to cancel a franchise or any contractual agreement existing between the dealer and the manufacturer. Notice in good faith to any dealer of the dealer's violation of any terms of the franchise agreement shall not constitute a violation of sections 1 to 17;*

*(f) Change the capital structure of the new motor vehicle dealer or the means by or through which the dealer finances the operation of the dealership; provided, that the new motor vehicle dealer at all times meets any reasonable capital standards agreed to by the dealer; and also provided, that no change in the capital structure shall cause a change in the principal management or have the effect of a sale of the franchise without the consent of the manufacturer or distributor as provided in section 13, clause (j);*

*(g) Prevent or attempt to prevent, by contract or otherwise, any motor vehicle dealer from changing the executive management control of the new motor vehicle dealer unless the franchisor proves that the change of executive management will result in executive management control by a person who is not of good moral character or who does not meet the franchisor's existing reasonable capital standards and, with consideration given to the volume of sales and services of the new motor vehicle dealer, uniformly applied minimum business experience standards in the market area; provided, that where the manufacturer, distributor, or factory branch rejects a proposed change in executive management control, the manufacturer, distributor, or factory branch shall give written notice of its reasons to the dealer;*

*(h) Refrain from participation in the management of, investment in, or the acquisition of, any other line of new motor vehicle or related products; provided, however, that this clause does not apply unless the new motor vehicle dealer maintains a reasonable line of credit for each make or line of new motor vehicle, and that the new motor vehicle dealer remains in sub-*

*stantial compliance with the terms and conditions of the franchise and with any reasonable facilities requirements of the manufacturer;*

*(i) During the course of the agreement, change the location of the new motor vehicle dealership or make any substantial alterations to the dealership premises during the course of the agreement, when to do so would be unreasonable; or*

*(j) Prospectively assent to a release, assignment, novation, waiver, or estoppel which would relieve any person from liability imposed by sections 1 to 17 or to require any controversy between a new motor vehicle dealer and a manufacturer, distributor, or factory branch to be referred to any person or tribunal other than the duly constituted courts of this state or the United States, if the referral would be binding upon the new motor vehicle dealer.*

**Sec. 13. [80E.13] [UNFAIR PRACTICES BY MANUFACTURERS, DISTRIBUTORS, FACTORY BRANCHES.]**

*It is unlawful and an unfair practice for a manufacturer, distributor, or factory branch to engage in any of the following practices:*

*(a) To delay, refuse, or fail to deliver new motor vehicles or new motor vehicle parts or accessories in reasonable time and in reasonable quantity relative to the new motor vehicle dealer's facilities and sales potential in the dealer's relevant market area, after having accepted an order from a new motor vehicle dealer having a franchise for the retail sale of any new motor vehicle sold or distributed by the manufacturer or distributor, if the new motor vehicle or new motor vehicle parts or accessories are publicly advertised as being available for delivery or actually being delivered. This clause is not violated, however, if the failure is caused by acts or causes beyond the control of the manufacturer;*

*(b) To refuse to disclose to any new motor vehicle dealer handling the same line make, the manner and mode of distribution of that line make within the relevant market area;*

*(c) To obtain money, goods, service, or any other benefit from any other person with whom the dealer does business, on account of, or in relation to, the transaction between the dealer and the other person, other than for compensation for services rendered, unless the benefit is promptly accounted for, and transmitted to, the new motor vehicle dealer;*

*(d) To increase prices of new motor vehicles which the new motor vehicle dealer had ordered for private retail consumers prior to the dealer's receiving the written official price increase*

*notification. A sales contract signed by a private retail consumer shall constitute evidence of each order if the vehicle is in fact delivered to that customer. In the event of manufacturer price reductions, the amount of any reduction received by a dealer shall be passed on to the private retail consumer by the dealer if the retail price was negotiated on the basis of the previous higher price to the dealer;*

*(e) To offer any refunds or other types of inducements to any new motor vehicle dealer for the purchase of new motor vehicles of a certain line make to be sold to the state or any political subdivision thereof without making the same offer to all other new motor vehicle dealers in the same line make within the relevant market area;*

*(f) To release to any outside party, except under subpoena or in an administrative or judicial proceeding involving the manufacturer or dealer, any business, financial, or personal information which may be provided by the dealer to the manufacturer, without the express written consent of the dealer or unless pertinent to judicial or governmental administrative proceedings or to arbitration proceedings of any kind;*

*(g) To deny any new motor vehicle dealer the right of free association with any other new motor vehicle dealer for any lawful purpose;*

*(h) To unfairly discriminate among its new motor vehicle dealers with respect to warranty reimbursement or authority granted its new vehicle dealers to make warranty adjustments with retail customers;*

*(i) To compete with a new motor vehicle dealer in the same line make operating under an agreement or franchise from the same manufacturer in the relevant market area. A manufacturer shall not, however, be deemed to be competing when operating a dealership either temporarily for a reasonable period, or in a bona fide retail operation which is for sale to any qualified independent person at a fair and reasonable price, or in a bona fide relationship in which an independent person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership of the dealership on reasonable terms and conditions; or*

*(j) To prevent a new motor vehicle dealer from receiving fair and reasonable compensation for the value of the new motor vehicle dealership. There shall be no transfer, assignment of the franchise, or major change in the executive management of the dealership, except as is otherwise provided in sections 1 to 17, without consent of the manufacturer, which shall not be unreasonably withheld. Denial of the request must be in writing and delivered to the new motor vehicle dealer within 60 days after the manufacturer receives the information necessary to*



*evaluate the proposed transfer. If a denial is not sent within this period, the manufacturer shall be deemed to have given its consent to the proposed transfer or change.*

**Sec. 14. [80E.14] [LIMITATIONS ON ESTABLISHING OR RELOCATING DEALERSHIPS.]**

*Subdivision 1. [NOTIFICATION; PROTEST; HEARING.] In the event that a manufacturer seeks to enter into a franchise establishing an additional new motor vehicle dealership or relocating an existing new motor vehicle dealership within or into a relevant market area where the line make is then represented, the manufacturer shall, in writing, first notify each new motor vehicle dealer in this line make in the relevant market area of the intention to establish an additional dealership or to relocate an existing dealership within or into that market area. The relevant market area is a radius of ten miles around an existing dealership. Within 15 days of receiving the notice or within 15 days after the end of any appeal procedure provided by the manufacturer, the new motor vehicle dealership may commence a civil action in a court of competent jurisdiction pursuant to section 17 challenging the establishing or relocating of the new motor vehicle dealership. An action brought under this section shall be placed on the calendar ahead of other civil actions to be heard and determined as expeditiously as possible. Thereafter the manufacturer shall not establish or relocate the proposed new motor vehicle dealership unless the court has determined that there is good cause for permitting the establishment or relocation of the motor vehicle dealership.*

*For the purposes of this section, the reopening in a relevant market area of a new motor vehicle dealership within two miles of a location at which a former dealership of the same line make had been in operation within the previous two years shall not be deemed the establishment of a new motor vehicle dealership.*

*The relocation of an existing dealer within its area of responsibility as defined in the franchise agreement shall not be subject to this section, if the proposed relocation site is not within five miles of an existing dealer of the same line make.*

*Subd. 2. [GOOD CAUSE.] In determining whether good cause has been established for not entering into or relocating an additional franchise for the same line make, the court shall take into consideration the existing circumstances, including, but not limited to:*

(a) *The permanency of the investment;*

(b) *The effect on the retail new motor vehicle business and the consuming public in the relevant market area;*

(c) *Whether it is injurious to the public welfare for an additional new motor dealership to be established;*

(d) *Whether the new motor vehicle dealers of the same line make in that relevant market area are providing adequate competition and convenient consumer care for the motor vehicles of the line make in the market area including the adequacy of motor vehicle sales and service facilities, equipment, supply of motor vehicle parts, and qualified service personnel;*

(e) *Whether the new motor vehicle dealers of the same line make in the relevant market area are providing adequate market penetration and representation; provided, that good cause shall not be shown solely by a desire for further market penetration;*

(f) *Whether the establishment of an additional new motor vehicle dealership would increase competition, and therefore be in the public interest; and*

(g) *The growth or decline in population and new car registrations in the relevant market area.*

**Sec. 15. [80E.15] [MANUFACTURERS, DISTRIBUTORS, FACTORY BRANCHES ACTING AS LESSORS.]**

*A manufacturer, distributor or factory branch acting in the capacity of lessor of buildings or facilities to a new motor vehicle dealer may not take any actions or include in a lease agreement relating to those buildings or facilities any provisions which would be in contravention of or prohibited by sections 1 to 17.*

**Sec. 16. [80E.16] [ENFORCEMENT.]**

*Subdivision 1. [CIVIL PENALTY.] Any person who violates sections 4, 11, or 12 shall be subject to a fine of not more than \$2,000 for each violation. Any person who fails to comply with a final judgment or order rendered by a court of competent jurisdiction, issued for a violation of sections 1 to 17, shall be subject to a fine of not more than \$25,000. The fines authorized by this subdivision shall be imposed in a civil action brought by the attorney general on behalf of the state of Minnesota, and shall be deposited into the state treasury.*

*Subd. 2. [REMEDIES CUMULATIVE.] Nothing in this section shall be construed to limit the power of the state to punish any person for any conduct which constitutes a crime under any other statute.*

**Sec. 17. [80E.17] [CIVIL REMEDIES.]**

*Notwithstanding the terms of any franchise agreement or waiver to the contrary, any person who is injured in his business or property by a violation of sections 1 to 17, or any person injured because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of sections 1 to 17, may bring a civil action to enjoin further violations and to recover the actual damages sustained, together with costs and disbursements, including reasonable attorney's fees.*

Sec. 18. Minnesota Statutes 1980, Section 80C.01, Subdivision 4, is amended to read:

Subd. 4. "Franchise" means a contract or agreement, either express or implied, whether oral or written, for a definite or indefinite period, between two or more persons:

(a) by which a franchisee is granted the right to engage in the business of offering or distributing goods or services using the franchisor's trade name, trademark, service mark, logotype, advertising, or other commercial symbol or related characteristics;

(b) in which the franchisor and franchisee have a community of interest in the marketing of goods or services at wholesale, retail, by lease, agreement, or otherwise; and

(c) for which the franchisee pays, directly or indirectly, a franchise fee.

"Franchise" shall include a contract, lease, or other agreement whereby the franchisee is granted the right to market ((1) AUTOMOBILES, MOTORCYCLES, TRUCKS, TRUCK TRACTORS, OR SELF PROPELLED MOTOR HOMES OR CAMPERS IF THE FOREGOING ARE DESIGNED PRIMARILY FOR THE TRANSPORTATION OF PERSONS OR PROPERTY ON THE PUBLIC HIGHWAYS OR (2)) motor vehicle fuel.

"Franchise" does not include any business which is operated under a lease on the premises of the lessor as long as such business is incidental to the business conducted by the lessor on such premises, including, without limitation, leased departments and concessions.

*"Franchise" does not include a contract, lease or other agreement between a new motor vehicle manufacturer, distributor, or factory branch and a franchisee whereby the franchisee is granted the right to market automobiles, motorcycles, trucks, truck tractors, or self-propelled motor homes or campers if the foregoing are designed primarily for the transportation of persons or property on public highways.*

**Sec. 19. [80C.145] [MOTOR FUEL FRANCHISES;  
RIGHT OF SURVIVORSHIP.]**

*Subdivision 1. [REQUIRED PROVISION.] After July 1, 1981, no motor fuel franchisor shall initially execute or renew a franchise agreement in the state unless it contains a provision that the franchise extends to and is binding upon the franchisor and its successors or assigns and upon the franchisee and its heirs, successors, or personal representatives.*

*Subd. 2. [ENFORCEMENT.] The attorney general or any aggrieved party may institute a civil action in the district court for an injunction prohibiting any violation of this section. It is no defense to the action that the state or aggrieved party has adequate remedies at law.*

**Sec. 20. [REPEALER.]**

*Minnesota Statutes 1980, Sections 168.27, Subdivision 21; 325D.17; 325D.18; 325D.19; 325D.20; 325D.21; 325D.22; 325D.23; 325D.24; 325D.25; 325D.26; 325D.27; 325D.28; and 325D.29 are repealed.*

**Sec. 21. [EFFECTIVE DATE.]**

*Sections 1 to 20 are effective the day following final enactment."*

Amend the title as follows:

Page 1, line 2, delete "commerce" and insert "franchises"

Page 1, line 6, after the first semicolon insert "requiring motor fuel franchises to extend to and bind the successors of both parties;"

Page 1, line 9, delete "Chapter 80E" insert "Chapters 80C and 80E"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 354, A bill for an act relating to marriage; changing the fee for marriage licenses; providing funds for certain battered women and displaced worker programs; appropriating money; amending Minnesota Statutes 1980, Section 517.08, Subdivision 1b, and by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 449, A bill for an act relating to courts; increasing the salary of court reporters; amending Minnesota Statutes 1980, Section 486.05, Subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 458, A bill for an act relating to children; specifying rights of stepparents to visit certain children; proposing new law coded in Minnesota Statutes, Chapter 257.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Judiciary.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 466, A bill for an act relating to labor and employment; status of certain tenured private college employees under compulsory retirement laws; amending Minnesota Statutes 1980, Section 181.811.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 569, A bill for an act relating to housing; providing new standards and procedures for disclosing conflicts of interest for commissioners and employees of housing and redevelopment authorities; establishing penalties; proposing new law coded in Minnesota Statutes, Chapter 462; repealing Minnesota Statutes 1980, Section 462.431.

Reported the same back with the following amendments:

Page 1, line 25, after "effect" insert "*on the commissioner or employee*"

Page 1, line 26, delete "*on the commissioner or*"

Page 1, line 27, delete "*employee*" and "*classification*"

Page 2, line 1, after "*who*" insert "*knowingly fails to submit a statement required by this subdivision or*"

Page 2, line 2, delete everything after "*statement*"

Page 2, line 3, delete "*to this subdivision*"

Page 2, line 11, after "*question*" insert "*and shall not be counted toward a quorum in any meeting of the authority considering such action or decision*"

Page 2, line 13, delete "*is authorized to take*" and insert "*knowingly takes*"

Page 2, line 15, delete "*shall not voluntarily have*" and insert "*in which he has*" and delete "*in that*"

Page 2, delete lines 16 and 17

Page 2, line 18, delete "*violates this subdivision*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 588, A bill for an act relating to financial institutions; providing for maximum interest rates on overdraft checking loans; amending Minnesota Statutes 1980, Section 48.185, Subdivision 3.

Reported the same back with the following amendments:

Page 1, line 26, after the period insert "*Balances in existing accounts shall continue to be charged interest at the rate charged prior to the effective date of this act until fully paid.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 590, A bill for an act relating to the city of Pipestone; fixing the method of determining its population for certain purposes.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 162.09, Subdivision 4, is amended to read:

Subd. 4. [FEDERAL CENSUS TO BE CONCLUSIVE.] In determining whether any city has a population of 5,000 or more, the last federal census shall be conclusive *provided that any city having been classified as having a population of 5,000 or more for the purposes of this chapter shall not be reclassified unless the city's population decreases by ten percent from the census figure which last qualified the city for inclusion; and further provided, that if an entire area not heretofore incorporated as a city is incorporated as such during the interval between federal censuses, its population shall be determined by its incorporation census. The incorporation census shall be determinative of the population of the city only until the next federal census.*"

Delete the title and insert:

"A bill for an act relating to highways; providing criteria for determining the population of a city for the purposes of the municipal state-aid street system; amending Minnesota Statutes 1980, Section 162.09, Subdivision 4."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 607, A bill for an act relating to liens; increasing the amount of an employee's lien for wages; amending Minnesota Statutes 1980, Section 514.59.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 514.59, is amended to read:

## 514.59 [WAGES, LIEN AS AGAINST SEIZURE.]

Every (MECHANIC, SALESMAN, CLERK, OPERATIVE, OR OTHER) employee (OF A MANUFACTURER, MERCHANT, OR DEALER IN MERCHANDISE SHALL HAVE) has a lien upon all the property of (HIS) an employer, as against any attachment or execution levied thereon, for the security of (HIS) *the employee's wages earned within the six months last preceding, to an amount not exceeding (\$200) \$1,000 or five weeks net wages, whichever is greater, subject to a maximum of \$3,000.* (SUCH) The lien shall not be affected by any agreement with the employer to waive the (SAME) *lien*, and shall be preferred to mortgages, judgments, and other liens which (SHALL HAVE ATTACHED) *attach* after the beginning of the labor or services (IN) *by* which the wages were earned."

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 610, A bill for an act relating to public welfare; modifying certain provisions regarding continued eligibility for medical assistance; amending Minnesota Statutes 1980, Section 256B.062.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 632, A bill for an act relating to financial institutions; removing certain restrictions on directors' qualifying shares; amending Minnesota Statutes 1980, Section 48.06.

Reported the same back with the following amendments:

Page 1, line 14, strike everything after "of" and insert "*the bank's common*"

Page 1, strike line 15

Page 1, line 16, strike "own at least \$500 per value of"

Page 1, line 17, after "*interest*" insert a comma



Page 1, line 17, after "*commissioner*" insert a comma

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 665, A bill for an act relating to counties; permitting escalation clauses or negotiated price changes in county contracts; clarifying advertising requirements; amending Minnesota Statutes 1980, Section 375.21, Subdivision 1.

Reported the same back with the following amendments:

Page 1, line 16, strike "some" and insert "*a qualified legal*"

Page 2, line 2, delete "A" and insert "*An advertised*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred:

H. F. No. 678, A bill for an act relating to elections; changing certain election procedures, requirements and time limits; amending Minnesota Statutes 1980, Sections 201.071, Subdivision 1; 202A.26, Subdivision 1; 203A.22, Subdivision 4; 203A.31, Subdivisions 1 and 3; 203A.32; 204A.04, Subdivision 1; 204A.13, Subdivision 1; 204A.17, Subdivision 1; 204A.18, Subdivision 2; 204A.53, Subdivision 2; 204A.54, Subdivision 1; 205.03, Subdivisions 1 and 3; 207.03, Subdivision 1; 207.04, Subdivision 1; 207.20, Subdivision 1; 207.22; and 209.02, Subdivision 4; repealing Minnesota Statutes 1980, Sections 201.091, Subdivision 5; 202A.54; and 206.18.

Reported the same back with the following amendments:

Page 5, line 27, strike "An individual"

Page 5, line 28, strike the existing language and delete the new language

Page 5, line 31, delete the new language and insert "*If the files of the appointing authority do not contain sufficient voters within a precinct who are qualified and willing to serve as election*

*judges, election judges may be appointed who reside in another precinct in the same municipality. If there are not sufficient voters within the municipality who are qualified and willing to serve as election judges, election judges may be appointed who reside in the county where the precinct is located'*

Pages 5 and 6, delete Section 10

Pages 10 and 11, delete Sections 18 and 19

Page 11, line 7, after "5;" and insert "and"

Page 11, line 8, delete "; and 206.18;"

Renumber the sections

Amend the title as follows:

Page 1, line 8, delete "204A.18, Subdivision 2;"

Page 1, line 11, before "207.20" insert "and"

Page 1, line 11, delete "207.22; and"

Page 1, line 12, delete "209.02, Subdivision 4;"

Page 1, line 13, after the first semicolon insert "and" and delete "; and"

Page 1, line 14, delete "206.18"

With the recommendation that when so amended the bill pass.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred:

H. F. No. 714, A bill for an act relating to elections; allowing cities and counties to elect to use data processing systems in lieu of duplicate registration cards; requiring the secretary of state to prescribe alternate forms for duplicate registration files; changing voter verification requirements for cities and counties which elect to use data processing systems; amending Minnesota Statutes 1980, Sections 201.071, Subdivision 4, and by adding subdivisions; 201.221, Subdivision 4; and 204A.29, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 18, delete "*Minnesota Statutes, Section*" and insert "*section*" and delete "*Subdivision*" and insert "*subdivision*"

Page 2, line 21, delete "*Minnesota Statutes, Chapter*" and insert "*chapter*"

Page 2, line 27, delete "*Minnesota Statutes, Section*" and insert "*section*"

Page 2, line 28, delete "*Subdivisions*" and insert "*subdivisions*"

Page 2, line 34, delete "*register*" and insert "*re-register*"

Page 2, line 35, delete "*required*" and insert "*requested*"

Page 2, line 36, delete "*when requested by*" and insert "*to*" and after "*municipality*" insert "*at any time except at the polling place. A county or municipality which makes the election authorized in section 2 shall make the prescribed duplicate registration file available as authorized by section 201.091 provided that no list which is made available for examination or purchase shall include the day and month of birth of any registered voter*"

Page 3, line 24, after the period insert "*In accordance with section 203A.17, the county auditor and the clerk of any municipality shall retain the prescribed duplicate registration file used on the date of election for one year following the election.*"

Page 3, line 27, delete "*Minnesota Statutes,*" and "*Subdivisions*" and insert "*subdivisions*"

Page 3, line 30, delete "*Minnesota Statutes, Section*" and insert "*section*"

Page 3, line 31, delete "*Subdivision*" and insert "*subdivision*"

Page 3, line 33, delete "*Minnesota Statutes, Section*" and insert "*section*"

Page 3, line 34, delete "*Subdivision*" and insert "*subdivision*"

Page 4, after line 5, insert a new section to read:

"Sec. 7. [TEMPORARY RULES.]

*The secretary of state shall have authority to promulgate temporary rules pursuant to chapter 15 to carry out the purposes of section 5."*

Renumber the section.

With the recommendation that when so amended the bill pass.

The report was adopted.

Nelson, K., from the Committee on Energy to which was referred:

H. F. No. 729, A bill for an act relating to energy; requiring the provision of energy audits for multi-family rental housing; expanding certain utility investment programs; amending Minnesota Statutes 1980, Sections 216B.165, Subdivision 2, and by adding a subdivision; and 216B.241, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 116H.129, Subdivision 4, is amended to read:

Subd. 4. [INSPECTIONS.] The energy agency shall conduct inspections on a random basis for compliance with the provisions of subdivision 3. *The director may authorize a municipality, with its consent, to conduct such inspections within the municipality's jurisdiction. Any municipality which conducts random inspections shall have authority under all subdivisions of section 116H.15 to enforce the provisions of subdivision 3.*

Sec. 2. Minnesota Statutes 1980, Section 116H.17, is amended to read:

116H.17 [ENERGY AUDITS.]

*Subdivision 1. [STATE PLAN.] The director of the energy agency, in cooperation with the director of consumer services, shall develop the state plan for the program of energy audits of residential and commercial buildings required by 42 United States Code, Section 8211 et seq. The consumer services division and the attorney general are authorized to release information on consumer complaints about the operation of the program to the energy agency.*

*Subd. 2. [RENTAL AUDITS.] By July 1, 1981, the state plan shall be amended to require that all utilities performing a residential energy audit pursuant to 42 United States Code 8211 et seq. shall make the audits available at the request of the renter or the owner, or the owner's agent, of property eligible for the audits made pursuant to 42 United States Code 8211 et seq. The results of the audit, and a list of conservation financing options, shall be provided to the property owner or manager and the renters of the property. Each utility shall submit to the director by September 1, 1981 a plan to promote energy audit*

*services to the owners and tenants of rental property through advertising, public service announcements, mailings, or other means.*

Sec. 3. Minnesota Statutes 1980, Section 216B.165, Subdivision 1, is amended to read:

Subdivision 1. A customer who asks a public utility to perform an energy audit of his residence pursuant to 42 United States Code 8211 et seq. shall pay no more than \$10 of the administrative and general expenses associated with the audit. *In the case of rental housing, the tenant or property owner shall pay no more than \$10 per building of the administrative and general expenses associated with the audit.* The remainder of the administrative and general expenses of operating a program of energy audits pursuant to 42 United States Code 8211 et seq., including those associated with program audits, list distribution, customer billing services, arranging services and post-installation inspections shall be treated as current operating expenses of providing utility service and shall be charged to all ratepayers of the public utility in the same manner as other current operating expenses of providing utility service.

Sec. 4. Minnesota Statutes 1980, Section 216B.241, is amended by adding a subdivision to read:

*Subd. 5. [RENTAL PROGRAMS.] Not later than July 1, 1982, the commission shall expand the scope of the pilot program required pursuant to subdivision 2 to include investments by each utility in energy conservation improvements in all types of rental housing.*

Sec. 5. [RULEMAKING.]

*The director may promulgate temporary or permanent rules for the purposes of section 2.*

Sec. 6. [EFFECTIVE DATE.]

*Sections 1 to 5 are effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to energy; requiring the provision of energy audits for rental housing; expanding certain utility investment programs; amending Minnesota Statutes 1980, Sections 116H.129, Subdivision 4; 116H.17; 216B.165, Subdivision 1; and 216B.241, by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 734, A bill for an act relating to Hennepin county; providing for the administration of the county library system; repealing Laws 1957, Chapter 788, as amended; and Extra Session Laws 1967, Chapter 24, as amended.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Nelson, K., from the Committee on Energy to which was referred:

H. F. No. 743, A bill for an act relating to energy; requiring the provision of fuel payment locations; proposing new law coded in Minnesota Statutes, Chapter 116H.

Reported the same back with the following amendments:

Page 1, line 9, after "*shall*" insert "*, where practical,*"

Page 1, line 10, after "*location*" insert "*in each community*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 775, A bill for an act relating to public utilities; removing municipal utilities from public utilities commission jurisdiction and granting an option in regard thereto; amending Minnesota Statutes 1980, Section 216B.11; proposing new law coded in Minnesota Statutes, Chapter 216B; repealing Minnesota Statutes 1980, Sections 216B.10, Subdivision 6; 216B.12, Subdivision 2; and 216B.13, Subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 810, A bill for an act relating to health; creating an office for prevention of problems related to use of drugs and alcohol; appropriating money; amending Minnesota Statutes 1980, Sections 254A.03, by adding a subdivision; and 254A.10.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 254A.03, is amended by adding a subdivision to read:

*Subd. 3. The state authority on alcohol and drug abuse is directed to coordinate and support efforts within state departments and agencies and to coordinate and support efforts within other governmental and non-governmental agencies, groups, and organizations to prevent problems related to the use of drugs and alcohol. This function shall be headed by a director who shall be in the unclassified service. The responsibilities of the director shall be to:*

*(a) Coordinate all activities, planning and programs of all the various state departments and agencies, and the University of Minnesota as they relate to the prevention of chemical use problems;*

*(b) Provide technical assistance, coordination, and support to governmental and non-governmental agencies, groups, and organizations;*

*(c) Inform and educate the general public on the prevention of chemical use problems;*

*(d) Develop and distribute prevention information, training, materials, and resources to state departments and agencies and to other governmental and non-governmental agencies, groups, and organizations; and,*

*(e) Report at least annually to the governor and the legislature on matters pertaining to this section.*

## Sec. 2. [APPROPRIATION; STAFF.]

*For the biennium ending June 30, 1983, there is appropriated from the general fund to the department of public welfare the sum of \$570,000 for the purposes of section 1. Of this sum, \$100,000 shall be granted to the commissioner of corrections during the biennium for purposes consistent with this act.*

*The approved complement of the department of public welfare is increased by three professional positions and one clerical position for the purposes of section 1. The approved complement of*

*the department of corrections is increased by one professional position and one-half clerical position for the purposes of section 1."*

Delete the title and insert:

"A bill for an act relating to health; providing for coordination and support of efforts to prevent problems related to the use of drugs and alcohol; appropriating money; amending Minnesota Statutes 1980, Section 254A.03; by adding a subdivision."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 817, A bill for an act relating to education; permitting the operation of single sex wrestling teams; amending Minnesota Statutes 1980, Section 126.21, Subdivision 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 876, A bill for an act relating to employment; authorizing the commissioner of economic security to make certain summer youth employment advances; amending Minnesota Statutes 1980, Section 268.34.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 893, A bill for an act relating to transportation; authorizing the purchase of the closed combination railroad and highway bridge connecting St. Paul Park in Washington County and Inver Grove Heights in Dakota County, and authorizing its operation as a toll bridge by a private business entity; providing for the regulation of the operation and maintenance of the bridge



and the establishment of maximum toll charges by the counties of Washington and Dakota.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 912, A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted and obsolete references and text; eliminating redundant, conflicting and superseded provisions; reenacting certain laws; amending Minnesota Statutes 1980, Sections 10.30; 12.03, Subdivision 9; 12.25, Subdivision 1; 15.0412, Subdivision 4d; 15.1611, Subdivisions 1 and 2; 15.1621, Subdivision 2; 15.163, Subdivision 6; 15.166, Subdivisions 1, 2 and 4; 15.1671; 15.50, Subdivision 1; 15.61, Subdivision 2; 16.172; 16.822, Subdivisions 3 and 6; 17.72; 17B.23; 27.01, Subdivision 1; 31.58; 32A.04, Subdivision 1; 35.067; 40.05, Subdivision 4; 40.071; 43.12, Subdivision 19; 43.126, Subdivisions 1 and 2; 43.24, Subdivision 2; 43.323, Subdivision 3; 47.203; 48.88, Subdivision 2; 50.14, Subdivision 5, as reenacted; 55.15; 60A.23, Subdivision 8; 62A.152, Subdivision 2; 62D.22, Subdivision 6; 62D.28, Subdivisions 2 and 3; 65B.05; 65B.06, Subdivision 2; 65B.71, Subdivision 2; 69.031, Subdivision 5; 69.29; 72A.20, Subdivision 15; 72C.11; 79.34, Subdivision 1; 84.55; 84A.52; 84B.05; 90.195; 92.36; 93.45, Subdivision 2; 111.09, Subdivision 2; 111.11; 111.31; 111.36; 111.78; 112.43, Subdivision 2; 115.34, Subdivision 1; 116.02, Subdivision 3; 116.06, Subdivision 1; 116.10; 122.532, Subdivision 3; 144.125; 144.653, Subdivision 1; 144.801, Subdivision 8; 144.92; 144A.01, Subdivision 2; 144A.10, Subdivision 3; 145.838, Subdivision 3; 148.88; 151.26, Subdivision 1; 161.38, Subdivision 6; 162.08, Subdivision 3; 173.12; 173.13, Subdivision 2; 173.20; 173.21; 174.256, Subdivision 5; 176.011, Subdivision 11a; 179.68, Subdivision 2; 179.69, Subdivision 3a; 179.691; 179.692; 182.661, Subdivision 1; 183.52; 183.56; 183.57, Subdivision 2; 183.59; 197.13; 197.48; 197.603, Subdivision 2; 218.031, Subdivision 1; 218.041, Subdivisions 2, 7 and 8; 219.39; 219.40; 219.741; 237.30; 239.05, Subdivision 1; 239.09; 241.021, Subdivision 2; 241.045, Subdivision 6; 241.27, Subdivision 2; 241.62, Subdivision 5; 243.87; 245.05; 245.06; 245.07; 245.781; 245.782, Subdivisions 1, 11 and 12; 245.783, Subdivisions 1, 2 and 3; 245.791; 245.801, Subdivision 5; 245.802, Subdivision 2; 245.803, Subdivisions 1, 2 and 3; 245.812, Subdivisions 2, 5 and 6; 250.05, Subdivisions 2 and 4; 256.25; 256.263, Subdivision 1; 256.483, Subdivision 1; 256B.15; 256E.03, Subdivision 2; 256E.06, Subdivision 2; 257.64, Subdivision 1; 260.241, Subdivision 4; 273.13, Subdivision 6; 275.50; 290A.22; 294.25; 295.34, Subdivision 1; 297.03, Subdivision 3;

298.223; 298.244, Subdivision 2; 299F.19, Subdivision 6; 299H.-22, Subdivision 2; 308.07, Subdivision 10; 325F.34; 326.02, Subdivisions 1, 2, 3, 4a and 5; 326.03, Subdivision 5; 326.08, Subdivision 1; 326.11, Subdivision 1; 326.12, Subdivision 3; 326.13; 340.54, Subdivisions 1 and 2; 349.11; 352.22, Subdivision 3; 352B.075, Subdivision 1; 353.661, Subdivision 2; 353.71, Subdivision 1; 354.44, Subdivision 1a; 354A.21; 360.037, Subdivision 2; 368.86; 412.251; 414.0325, Subdivisions 1 and 5; 418.20; 423.075, Subdivision 2; 427.09; 447.34, Subdivision 1; 447.35; 447.45, Subdivision 1; 465.72; 471.371, Subdivision 3; 471.616, Subdivision 1; 471.617; 471.74, Subdivision 2; 473.438, Subdivision 3; 473F.02, Subdivision 17; 474.03; 480.059, Subdivision 7; 485.14; 508.37, by adding a subdivision; 518.155; 518.66; 595.021; 595.022; 611.07, Subdivision 3; 611.12, Subdivision 7; 626.556, Subdivision 11; 626A.12, Subdivision 5; 628.56; 629.-404, Subdivision 1; Laws 1980, Chapter 614, Section 163; reenacting Minnesota Statutes 1980, Section 50.14, Subdivision 5; reenacting and validating Laws 1980, Chapters 528 and 556; repealing Minnesota Statutes 1980, Chapters 2A and 3B; Sections 115.15; 115.16; 218.041, Subdivision 3; 273.061, Subdivision 11; 282.11; 325F.33; 325F.49; 325F.50; 473F.08, Subdivision 11; 475.53, Subdivision 2; 508.37, Subdivision 1; Laws 1979, Chapters 40, Sections 6 and 9; 303, Article 2, Section 7, and Article 10, Section 7; and 334, Article 3, Section 15; Laws 1980, Chapters 437, Section 4; 460, Sections 5, 18, 19 and 27; 487, Section 14; 509, Section 127; 528, Section 4; 534, Sections 27, 31, 39, 47, 53 and 54; 579, Section 3; and 600, Section 8.

Reported the same back with the following amendments:

Page 60, delete lines 29 to 36

Page 61 delete lines 1 to 16

Page 61, line 19, delete "53" and insert "50"

Page 61, line 23, delete "55" and insert "52"

Renumber the sections

Page 82, delete lines 2 to 9, and renumber the remaining sections in the memorandum of explanation

Amend the title as follows:

Page 1, lines 32 and 33, delete "176.011, Subdivision 11a;"

Page 2, line 32, delete "Chapters 528 and 556" and insert "Chapter 528"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 918, A bill for an act relating to cooperatives; procedure for elections by members or shareholders of cooperative electric associations on public utilities commission regulation; amending Minnesota Statutes 1980, Section 216B.02, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 216B.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 1017, A bill for an act proposing an amendment to the Minnesota Constitution, Article XI, Section 5; providing for the improvement and rehabilitation of certain railroad facilities.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1040, A bill for an act relating to intoxicating liquor; hours for Sunday sale; amending Minnesota Statutes 1980, Section 340.14, Subdivision 5.

Reported the same back with the following amendments:

Page 1, lines 15 and 16, delete the new language and reinstate the stricken language

Page 1, line 17, after the period insert "*If the governing body of the municipality issuing the license adopts an ordinance authorizing an earlier sale, the licensees may serve intoxicating liquors between the hours of 10 o'clock a.m. and 12 o'clock midnight on Sundays in conjunction with the serving of food.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 1075, A bill for an act relating to social and charitable organizations; increasing the threshold dollar amount required for the use of a certified financial statement; determining what is properly included in cost of goods or services; amending Minnesota Statutes 1980, Sections 309.53, Subdivision 3; and 309.555, Subdivision 2.

Reported the same back with the following amendments:

Page 2, line 31, delete "nor any" and insert "."

Page 2, delete lines 32 to 34

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 1083, A bill for an act relating to charitable trusts; transferring responsibility of keeping certain records; amending Minnesota Statutes 1980, Sections 501.75; 501.76; 501.77; and 501.78, Subdivision 4.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 147, 182, 188, 206, 332, 449, 466, 569, 588, 590, 607, 632, 665, 678, 714, 729, 734, 743, 775, 817, 876, 893, 912, 918, 1040, 1075 and 1083 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Begich, Battaglia, Elioff, Minne and Lemen introduced:

H. F. No. 1189, A bill for an act relating to taxation; providing for the distribution and division of the proceeds of the taconite production tax; appropriating money; providing for certain tax credits; amending Minnesota Statutes 1980, Sections 298.225; 298.24, Subdivision 3; 298.28, Subdivisions 1 and 2; repealing Minnesota Statutes 1980, Section 273.135, Subdivision 4.

The bill was read for the first time and referred to the Committee on Taxes.

Begich, Elioff, Battaglia and Minne introduced:

H. F. No. 1190, A bill for an act relating to counties; providing that the compensation of members of the St. Louis county board of commissioners be set pursuant to general law; amending Minnesota Statutes 1980, Section 375.055, Subdivision 1; repealing Laws 1965, Chapter 843.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Blatz, Brandl, Berkelman, Reif and Clawson introduced:

H. F. No. 1191, A bill for an act relating to public welfare; changing resource limits and expanding the definition of resources for the program of aid to families with dependent children and providing that emergency assistance payments under this program will not be made to families who have created their own crisis; allowing for time limitation of general assistance grants; requiring that all nonexempt general assistance recipients actively seek employment and participate in employment services and providing for presumptive ineligibility for repeated violation of specified work requirements; amending Minnesota Statutes 1980, Sections 256.73, Subdivision 2; 256.74, Subdivision 1; 256.871, Subdivision 2; 256D.05, by adding a subdivision; and 256D.11, Subdivisions 1, 8 and 9.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Blatz introduced:

H. F. No. 1192, A bill for an act relating to waters; exempting certain watercraft from requirements related to personal flotation devices; amending Minnesota Statutes 1980, Section 361.141, Subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Rose introduced :

H. F. No. 1193, A bill for an act relating to insurance; providing for continuation of group health coverage if pre-existing conditions are excluded under new group health coverage; amending Minnesota Statutes 1980, Section 62A.17, Subdivision 2.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Nysether, Lemen, Elioff and Anderson, I., introduced :

H. F. No. 1194, A bill for an act relating to education; authorizing school districts with more than 1,000 square miles to receive an increased amount of money from the sparsity portion of the replacement levy; amending Minnesota Statutes 1980, Section 124.212, Subdivision 7d.

The bill was read for the first time and referred to the Committee on Education.

Jacobs; Carlson, D.; Redalen; Otis and Anderson, I., introduced :

H. F. No. 1195, A bill for an act relating to taxation; providing an income tax credit for electric heating equipment designed or equipped to function in accordance with a utility controlled monitoring device; amending Minnesota Statutes 1980, Section 290.06, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Kahn introduced :

H. F. No. 1196, A bill for an act relating to courts; tax court; increasing the number of authorized administrative employees; amending Minnesota Statutes 1980, Section 271.02.

The bill was read for the first time and referred to the Committee on Appropriations.

Den Ouden and Welker introduced :

H. F. No. 1197, A bill for an act relating to counties; fixing the time for review by the commissioner of revenue of appointments of county assessors; amending Minnesota Statutes 1980, Section 273.061, Subdivision 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Fjoslien; Peterson, D., and Dahlvang introduced:

H. F. No. 1198, A bill for an act relating to public safety; regulating boilers, other apparatus and their operators; providing penalties; amending Minnesota Statutes 1980, Sections 183.375, Subdivision 2; 183.38; 183.39, Subdivision 1; 183.41, Subdivision 2; 183.411, Subdivision 2; 183.42; 183.44; 183.45; 183.46; 183.465; 183.48; 183.50; 183.51; 183.52; 183.53; 183.54; 183.545; 183.56; 183.57; 183.59; 183.60; 183.61; 183.62; and proposing new law coded in Minnesota Statutes, Chapter 183; repealing Minnesota Statutes 1980, Section 183.39, Subdivision 2.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Brinkman introduced:

H. F. No. 1199, A bill for an act relating to insurance; providing for the examination of certain insurers; requiring certain reports and providing certain alternatives to examinations; authorizing the commissioner to promulgate rules; broadening the commissioner's power to revoke or suspend certificates of authority; expanding certain insurers' investment authority; allowing the commissioner to regulate an insurer's ratio of qualified assets to required liabilities; broadening the coverage of the financial statement requirement; providing for annual audits; providing standards for the investment of assets of insurance companies; allowing the use of certain depositories and systems; providing certain limitations on the acquisition of specified investments and holdings; providing for miscellaneous changes and clarifications; amending Minnesota Statutes 1980, Sections 60A.031, Subdivisions 1, 3, 4, 5, and by adding subdivisions; 60A.05; 60A.11, by adding subdivisions; 60A.13, Subdivisions 1 and 6, and by adding subdivisions; 61A.28, Subdivisions 2, 3, and 6; 61A.282; 61A.29, Subdivision 2; 61A.30; 61A.31, Subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, Chapters 60A and 61A; repealing Minnesota Statutes 1980, Sections 60A.031, Subdivision 2; and 60A.11, Subdivisions 2 to 8.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Anderson, R., introduced:

H. F. No. 1200, A bill for an act relating to courts; extending application of the provision of law providing for payment of travel expenses for certain district court judges; amending Laws 1980, Chapter 614, Section 162.

The bill was read for the first time and referred to the Committee on Judiciary.

Johnson, D.; Ainley; Sherman; Laidig and Knickerbocker introduced:

H. F. No. 1201, A bill for an act relating to retirement; transferring jurisdiction over investment of funds of the public employees retirement association from the state board of investment to the public employees retirement association board of trustees; amending Minnesota Statutes 1980, Sections 11A.14, Subdivision 5; 11A.23, Subdivision 4; 353.05; and 353.06; proposing new law coded in Minnesota Statutes, Chapter 353; repealing Minnesota Statutes 1980, Section 353.271.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Gustafson introduced:

H. F. No. 1202, A bill for an act relating to motor vehicles; providing that number plates issued to a vehicle shall be retained by the owner; providing for the transfer of number plates from one vehicle to another vehicle; amending Minnesota Statutes 1980, Sections 168.014; 168.041, Subdivision 7; 168.10, Subdivision 3; 168.11, Subdivision 1; 168.12, Subdivisions 1, 2, and 2a; 168.13; 168.15; 168.16; 168.30; 168.31, Subdivision 3; 168.36, Subdivision 2; 168A.13, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 168.

The bill was read for the first time and referred to the Committee on Transportation.

Rose introduced:

H. F. No. 1203, A bill for an act relating to public employees; excluding the executive secretaries of certain state boards from bargaining units; amending Minnesota Statutes 1980, Section 179.74, Subdivision 4.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Johnson, C.; Dempsey; Luknic; Eken and Mann introduced:

H. F. No. 1204, A bill for an act relating to agriculture; removing certain buyers and sellers of hay and straw from commission merchant licensing requirements; amending Minnesota Statutes 1980, Sections 223.01; 223.02; 223.03; and 223.05; repealing Minnesota Statutes 1980, Sections 223.06 and 223.12.

The bill was read for the first time and referred to the Committee on Agriculture.



Peterson, B., introduced :

H. F. No. 1205, A bill for an act relating to crimes; defining terms for purposes of arson laws; establishing mandatory minimum prison sentences for arson in the first degree and arson in the second degree; increasing penalties for certain negligent fires; prohibiting removal or concealment of property to defraud an insurer; prohibiting submission of false insurance claims; amending Minnesota Statutes 1980, Sections 609.556, by adding subdivisions; 609.561; 609.562; 609.576; 609.611; and 609.645.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Carlson, D., introduced :

H. F. No. 1206, A bill for an act relating to public welfare; allowing the commissioner of public welfare to grant a variance related to operators of licensed facilities whose licenses have been previously revoked; amending Minnesota Statutes 1980, Section 245.801, Subdivision 6.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Nysether introduced :

H. F. No. 1207, A bill for an act relating to education; providing matching funds for capital expenditures made by Lake of the Woods Independent School District No. 390; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

Clark, J.; Nelson, K.; Lehto; Voss and Himle introduced :

H. F. No. 1208, A bill for an act relating to energy; providing for the lease of potential hydropower sites by the state or political subdivisions; amending Minnesota Statutes 1980, Sections 272.02, Subdivision 1, and by adding a subdivision; 273.19, by adding a subdivision; and proposing new law coded in Minnesota Statutes, Chapter 116H.

The bill was read for the first time and referred to the Committee on Energy.

McEachern introduced:

H. F. No. 1209, A bill for an act relating to crimes; establishing minimum terms of imprisonment for use of a dangerous weapon or possession of a firearm; amending Minnesota Statutes 1980, Sections 609.11, Subdivision 1, and by adding subdivisions; and 609.135, Subdivision 1; repealing Minnesota Statutes 1980, Section 609.11, Subdivision 3.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Jacobs, Skoglund, Eken and Sieben, H., introduced:

H. F. No. 1210, A bill for an act relating to taxation; providing that an electing small business corporation for federal income tax purposes shall be an electing small business corporation for Minnesota income tax purposes; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; 290.974; proposing new law coded in Minnesota Statutes, Chapter 290; repealing Minnesota Statutes 1980, Sections 290.971; 290.972; 290.973; and 290.975.

The bill was read for the first time and referred to the Committee on Taxes.

Greenfield; Clark, J.; Heap and Byrne introduced:

H. F. No. 1211, A bill for an act relating to public welfare; providing medical assistance payments for attendant care on an equivalent basis with other providers; appropriating money; amending Minnesota Statutes 1980, Section 256B.02, Subdivision 8.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Greenfield; Gustafson; Clark, K., and Rodriguez, F., introduced:

H. F. No. 1212, A bill for an act relating to public welfare; creating an advisory council on the food stamp program to advise the commissioner of public welfare; appropriating money; amending Minnesota Statutes 1980, Section 256.01, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Rose introduced:

H. F. No. 1213, A bill for an act providing for establishment of the boundaries of congressional and legislative districts by a commission; providing by law for the duties, powers and operation of the commission; providing for judicial review of an apportionment plan; imposing duties on certain state officials; appropriating money; proposing new law coded as Minnesota Statutes, Chapter 2A; repealing Minnesota Statutes 1980, Sections 2.041 to 2.712 and 2.731 to 2.811.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Rothenberg and Clawson introduced:

H. F. No. 1214, A bill for an act relating to the legislature; reducing the number of members of the senate and house of representatives; amending Minnesota Statutes 1980, Section 2.021.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Kaley, Friedrich, Zubay and Stowell introduced:

H. F. No. 1215, A bill for an act relating to municipal industrial development; permitting financing of certain health related housing facilities; amending Minnesota Statutes 1980, Section 474.02, Subdivision 1d.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Dean, Jude, Ellingson, Rothenberg and Clark, J., introduced:

H. F. No. 1216, A bill for an act relating to courts; retaining the office of referee and judicial officer; amending Minnesota Statutes 1980, Sections 484.70, Subdivision 1; and 487.08, Subdivision 1; repealing Minnesota Statutes 1980, Section 487.08, Subdivisions 2, 3 and 4.

The bill was read for the first time and referred to the Committee on Judiciary.

Kaley, Friedrich and Mann introduced:

H. F. No. 1217, A bill for an act relating to taxation; gas tax credit; adopting certain federal limitations; amending Minnesota Statutes 1980, Sections 290.06, Subdivision 13; 296.18, Subdivision 1; and 296.421, Subdivision 5.

The bill was read for the first time and referred to the Committee on Taxes.

Kahn, Weaver, Dean, Welch and Hokanson introduced:

H. F. No. 1218, A bill for an act relating to education; extending due dates for plans and reports relating to the statewide education management information system; authorizing the state board to perform certain duties according to specified criteria in the absence of rules; amending Minnesota Statutes 1980, Sections 121.931, Subdivisions 3, 4 and 7; and 121.938, Subdivision 2.

The bill was read for the first time and referred to the Committee on Education.

Voss, Norton, Ellingson, Dean and Laidig introduced:

H. F. No. 1219, A bill for an act relating to correction and improvement of state laws; establishing a Minnesota law revision council; prescribing its duties and functions; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Clark, K., introduced:

H. F. No. 1220, A bill for an act relating to unemployment compensation; clarifying that quitting work due to sexual harassment does not result in benefit disqualification; amending Minnesota Statutes 1980, Section 268.09, Subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Minne, McCarron, Halberg, Jude and Laidig introduced:

H. F. No. 1221, A bill for an act relating to elections; providing for special elections to fill vacancies in statutory city offices; amending Minnesota Statutes 1980, Sections 205.10; 205.17, by adding a subdivision; and 412.02, Subdivision 2, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Reding introduced:

H. F. No. 1222, A bill for an act relating to game and fish; setting forth a model city trapping ordinance; restricting further prohibitions; providing for imposition of a penalty; proposing new law coded in Minnesota Statutes, Chapter 100.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Reding introduced:

H. F. No. 1223, A bill for an act relating to retirement; providing for an exemption from membership therein for city managers; proposing new law coded in Minnesota Statutes, Chapter 353.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Valan and Hoberg introduced:

H. F. No. 1224, A bill for an act relating to crimes; providing for distribution of proceeds from sale of forfeited property; amending Minnesota Statutes 1980, Section 152.19, Subdivision 5.

The bill was read for the first time and referred to the Committee on Judiciary.

Heap; Johnson, C.; Nelson, K.; Carlson, L., and Jennings introduced:

H. F. No. 1225, A bill for an act relating to education; allowing area vocational-technical institutes to grant degrees under certain conditions; proposing new law coded in Minnesota Statutes, Chapter 121.

The bill was read for the first time and referred to the Committee on Education.

Dean, Heap, Halberg, Sarna and Metzen introduced:

H. F. No. 1226, A bill for an act relating to foreign corporations; removing certain deficiencies and ambiguities; defining certain activities that do not constitute transacting business in the state; and removing limitations on engaging in the business of making real estate loans; amending Minnesota Statutes 1980, Sections 303.02, Subdivision 3; 303.03; 303.04; and 303.25.

The bill was read for the first time and referred to the Committee on Judiciary.

Peterson, D.; Clark, K.; Vellenga and Lehto introduced:

H. F. No. 1227, A bill for an act relating to the state building code; authorizing municipalities to adopt certain provisions which are stricter than the state building code; proposing new law coded in Minnesota Statutes, Chapter 16.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Nysether and Johnson, C., introduced:

H. F. No. 1228, A bill for an act relating to Lake of the Woods Independent School District No. 390; establishing subdistricts for the purpose of funding K-6 programs; granting bonding and levy authority; requiring a referendum.

The bill was read for the first time and referred to the Committee on Education.

Haukoos; Harens; Nelson, B.; Reding and Stadum introduced:

H. F. No. 1229, A bill for an act relating to workers' compensation; excluding certain small employers from coverage; amending Minnesota Statutes 1980, Section 176.041, Subdivision 1.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Kaley, Zubay and Friedrich introduced:

H. F. No. 1230, A bill for an act relating to the city of Rochester; permitting the imposition of certain taxes within the city; permitting the issuance of certain bonds by the city.

The bill was read for the first time and referred to the Committee on Taxes.

Laidig introduced:

H. F. No. 1231, A bill for an act relating to state lands; directing conveyance of certain lands in Washington County.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Zubay, Kaley, Stowell and Wieser introduced:

H. F. No. 1232, A bill for an act relating to taxation; exempting certain airport property of municipalities from the property user tax on exempt property; amending Minnesota Statutes 1980, Section 272.01, Subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

Simoneau introduced:

H. F. No. 1233, A bill for an act relating to state government; providing for the appropriation of funds equal to the value of transferred assets when certain assets are transferred among state agencies; directing the state auditor to determine certain adjustments to foundation aid payments; transferring to the commissioner of finance certain duties of the state auditor related to Minnesota aeronautics bonds; providing for the state auditor to approve bonds for officers and employees of regional development commissions; providing for audits of housing and redevelopment authorities under certain conditions; transferring duties of the state auditor to the commissioner of finance related to state taxes on the sale of certain obligations; appropriating money; amending Minnesota Statutes 1980, Sections 16.73; 124.212, Subdivision 20; 360.302; 462.389, Subdivisions 2 and 4; and 475.73, Subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Tomlinson; Rodriguez, F.; Norton; Kaley and Osthoff introduced:

H. F. No. 1234, A bill for an act relating to employees and officials of the state; hospital and medical benefits for retired or disabled state officials and employees; amending Minnesota Statutes 1980, Section 471.61, Subdivision 2a.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Ludeman introduced:

H. F. No. 1235, A bill for an act relating to real estate; directing the release of a certain state owned easement.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Carlson, D., introduced:

H. F. No. 1236, A bill for an act relating to state land; authorizing the conveyance of certain state lands in Pine county to the Amherst H. Wilder Foundation.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Voss introduced:

H. F. No. 1237, A bill for an act relating to the city of Blaine; permitting all council members to serve on the housing and redevelopment authority.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Greenfield; Otis; Nelson, K.; Kelly and Wynia introduced:

H. F. No. 1238, A bill for an act relating to energy; restructuring residential electric rates; proposing new law coded in Minnesota Statutes, Chapter 216B.

The bill was read for the first time and referred to the Committee on Energy.

Hanson; Rodriguez, C., and Nelson, K., introduced:

H. F. No. 1239, A bill for an act relating to education; creating a higher education scholarship program for students active in high school student government; proposing new law coded in Minnesota Statutes, Chapter 136A.

The bill was read for the first time and referred to the Committee on Education.

Novak, Rose and Valento introduced:

H. F. No. 1240, A bill for an act relating to education; authorizing Independent School District No. 621 to transfer the proceeds of certain sales of school buildings and real property from the debt retirement fund to the capital expenditure fund; authorizing the district to place the proceeds of certain other sales of school buildings and real property into the capital expenditure fund.

The bill was read for the first time and referred to the Committee on Education.



Johnson, C.; Rodriguez, F.; Simoneau and Novak introduced:

H. F. No. 1241, A bill for an act relating to retirement; allowing accrual of service credit in excess of 40 years in a public retirement plan; repealing Minnesota Statutes 1980, Section 356.60.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Murphy, Simoneau, Otis and Weaver introduced:

H. F. No. 1242, A bill for an act relating to public employment; altering the definition of supervisors in public sector collective bargaining; amending Minnesota Statutes 1980, Section 179.63, Subdivision 9a; repealing Minnesota Statutes 1980, Section 179.63, Subdivision 9.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Hanson, Voss, Pogemiller and Berkelman introduced:

H. F. No. 1243, A bill for an act relating to local government aid; increasing the amount and providing for the distribution of aids to local government; appropriating money; amending Minnesota Statutes 1980, Sections 16A.15, Subdivision 1, as amended; 477A.01, Subdivisions 2 and 4; and 477A.03; repealing Minnesota Statutes 1980, Section 477A.01, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Anderson, G., introduced:

H. F. No. 1244, A bill for an act relating to agriculture; providing for state-wide agricultural land preservation; amending Minnesota Statutes 1980, Sections 473H.01; 473H.02; 473H.04; 473H.06; and 473H.08, Subdivision 4.

The bill was read for the first time and referred to the Committee on Agriculture.

Simoneau introduced:

H. F. No. 1245, A bill for an act relating to taxation; abolishing the income tax credit for premium taxes paid by insurance companies; amending Minnesota Statutes 1980, Section 290.06, Subdivision 3f.

The bill was read for the first time and referred to the Committee on Taxes.

Murphy, Sviggum, Metzen and Jacobs introduced :

H. F. No. 1246, A bill for an act relating to public welfare; authorizing the commissioner of public welfare to use money in the revolving fund for vocational rehabilitation of the blind for certain purposes; removing the preference given to blind operators of vending machines who have resided in the state for a year; amending Minnesota Statutes 1980, Section 248.07, Subdivision 8.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Osthoff; Dean; Peterson, D., and Drew introduced :

H. F. No. 1247, A bill for an act relating to elections; fixing the majority necessary to approve an amendment to a home rule charter; amending Minnesota Statutes 1980, Section 410.12, Subdivision 4.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Simoneau and McCarron introduced :

H. F. No. 1248, A bill for an act relating to drainage; eliminating requirement for auditor's lien statement; changing payment procedures for assessments for certain ditches and drainage systems; amending Minnesota Statutes 1980, Sections 106.371; 106.381; 106.391; 106.401; 106.411, Subdivision 9; 106.471, Subdivisions 5 and 6; 106.491; and 112.64, Subdivision 2; repealing Minnesota Statutes 1980, Sections 106.341, 106.351 and 106.361.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Carlson, D., introduced :

H. F. No. 1249, A bill for an act relating to local government; providing for the board membership and powers of the Moose Lake and Windemere area sanitary sewer district; amending Laws 1974, Chapter 400, Section 3, Subdivision 12, as amended; and Section 4, Subdivision 2, as amended; repealing Laws 1974, Chapter 400, Section 8, Subdivision 5, as amended.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Clark, J.; Levi; Rees; Clark, K., and Kelly introduced:

H. F. No. 1250, A bill for an act relating to children; amending the definitions of shelter care facility and secure detention facility; extending the time limit for detaining children who may be dependent or neglected children; defining the privilege doctrine to exempt child abuse or neglect proceedings; creating an exception for chemical dependency personnel in a proceeding or investigation for child abuse or neglect; changing the disposition provision for children found to be neglected or dependent; changing the definition of sexual abuse in the reporting maltreatment of minors law; including attorneys and clergy to persons mandated to report child abuse and neglect; requiring persons who report child abuse or neglect to share all relevant information to the authorities authorized to receive and investigate the report; requiring the local welfare agency and police department to destroy records seven years after the date of final entry in the case record; amending Minnesota Statutes 1980, Sections 254A.09; 260.015, Subdivisions 16 and 17; 260.171, Subdivisions 2, 4, 5 and 6; 260.172, Subdivision 1; 260.191, Subdivision 1; 626.556, Subdivisions 2, 3, 7, 8 and 11; repealing Minnesota Statutes 1980, Section 260.015, Subdivision 15.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Carlson, D., introduced:

H. F. No. 1251, A bill for an act relating to crimes; eliminating the power of a sentencing court to stay the revocation of the driver's license of a person convicted of driving, operating or being in physical control of a motor vehicle while under the influence of alcohol, controlled substances or a combination thereof; amending Minnesota Statutes 1980, Sections 169.121, Subdivision 5; and 609.135, Subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Carlson, D., introduced:

H. F. No. 1252, A bill for an act relating to occupations and professions; providing for licensing of public accountants; amending Minnesota Statutes 1980, Section 326.191.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Eken, Hauge, Knickerbocker, Schreiber and Stumpf introduced:

H. F. No. 1253, A bill for an act relating to the department of economic security; authorizing financial assistance to community action agencies; defining terms; providing a formula for the distribution of funds; proposing new law coded as Minnesota Statutes, Chapter 268A.

The bill was read for the first time and referred to the Committee on Governmental Operations.

#### HOUSE ADVISORIES

The following House Advisory was introduced:

Carlson, L.; Swanson; Welch; Heinitz and Reif introduced:

H. A. No. 19, A proposal to examine and evaluate the health planning function in the state of Minnesota.

The advisory was referred to the Committee on Health and Welfare.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 44, A bill for an act relating to health; repealing a certain administrative rule of the department of health unconditionally prohibiting double beds in nursing homes and boarding care homes; exempting out of state physicians from licensing regulations under certain conditions; amending Minnesota Statutes 1980, Section 147.09.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Simoneau moved that the House concur in the Senate amendments to H. F. No. 44 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 44, A bill for an act relating to health; repealing a certain administrative rule of the department of health unconditionally prohibiting double beds in nursing homes and boarding care homes; exempting out of state physicians from licensing regulations under certain conditions; amending Minnesota Statutes 1980, Sections 144.56, by adding a subdivision; 144A.04, by adding a subdivision; and 147.09.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kelly	O'Connor	Sherman
Ainley	Evans	Knickerbocker	Ogren	Sherwood
Anderson, B.	Fjoslien	Kostohryz	Olsen	Sieben, M.
Anderson, G.	Forsythe	Kvam	Onnen	Simoneau
Anderson, I.	Friedrich	Laidig	Osthoff	Skoglund
Anderson, R.	Greenfield	Lehto	Otis	Stadum
Battaglia	Gruenes	Lemen	Peterson, B.	Staten
Begich	Gustafson	Levi	Peterson, D.	Stowell
Berkelman	Halberg	Long	Piepho	Stumpf
Brandl	Hanson	Ludeman	Pogemiller	Sviggum
Brinkman	Harens	Mann	Redalen	Swanson
Byrne	Haukoos	Marsh	Reding	Valan
Carlson, D.	Heap	McCarron	Rees	Valento
Carlson, L.	Heinitz	McDonald	Reif	Vanasek
Clark, J.	Himle	McEachern	Rice	Vellenga
Clawson	Hoberg	Mehrkens	Rodriguez, C.	Voss
Dahlvang	Hokanson	Metzen	Rodriguez, F.	Weaver
Dean	Hokr	Minne	Rose	Welch
Dempsey	Jacobs	Munger	Rothenberg	Welker
Den Ouden	Jennings	Murphy	Samuelson	Wenzel
Drew	Johnson, C.	Nelsen, B.	Sarna	Wieser
Eken	Johnson, D.	Nelson, K.	Schafer	Wigley
Elioff	Jude	Niehaus	Schoenfeld	Wynia
Ellingson	Kaley	Norton	Schreiber	Zubay
Erickson	Kalis	Novak	Searles	Spkr. Sieben, H.

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 45, A bill for an act relating to health; repealing a certain administrative rule of the department of health uncondi-

tionally prohibiting the use of locks on patient room doors in nursing homes.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Simoneau moved that the House concur in the Senate amendments to H. F. No. 45 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 45, A bill for an act relating to health; repealing a certain administrative rule of the department of health unconditionally prohibiting the use of locks on patient room doors in nursing homes; amending Minnesota Statutes 1980, Section 144A.04, by adding a subdivision.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kelly	Olsen	Simoneau
Ainley	Fjoslien	Knickerbocker	Onnen	Skoglund
Anderson, B.	Forsythe	Kostohryz	Osthoff	Stadum
Anderson, G.	Friedrich	Kvam	Otis	Staten
Anderson, I.	Greenfield	Laidig	Peterson, B.	Stowell
Battaglia	Gruenes	Lehto	Peterson, D.	Stumpf
Begich	Gustafson	Lemen	Piepho	Sviggum
Berkelman	Halberg	Levi	Pogemiller	Swanson
Brandl	Hanson	Long	Redalen	Valan
Brinkman	Harens	Ludeman	Rees	Valento
Byrne	Hauge	Mann	Reif	Vanasek
Carlson, D.	Haukoos	Marsh	Rice	Vellenga
Carlson, L.	Heap	McCarron	Rodriguez, C.	Voss
Clark, J.	Heinitz	McDonald	Rodriguez, F.	Weaver
Clark, K.	Himle	McEachern	Rose	Welch
Clawson	Hoberg	Metzen	Rothenberg	Welker
Dahlvang	Hokanson	Minne	Samuelson	Wenzel
Dean	Hokr	Munger	Sarna	Wieser
Dempsey	Jacobs	Murphy	Schafer	Wigley
Den Ouden	Jennings	Nelsen, B.	Schoenfeld	Wynia
Drew	Johnson, C.	Nelson, K.	Schreiber	Zubay
Eken	Johnson, D.	Niehaus	Searles	Spkr. Sieben, H.
Elioff	Jude	Norton	Shea	
Ellingson	Kahn	Novak	Sherman	
Erickson	Kaley	O'Connor	Sherwood	
Esau	Kalis	Ogren	Sieben, M.	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 11.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 2, 218, 279 and 354.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 2, A bill for an act relating to the Mississippi River headwaters area; establishing a joint board of counties to prepare, adopt and implement a comprehensive land use plan for the Mississippi River headwaters area; imposing a temporary moratorium on the use of certain lands subject to city land use controls; proposing new law coded as Minnesota Statutes, Chapter 114B.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 11, A bill for an act relating to liens; increasing the amount of an employee's lien for wages; amending Minnesota Statutes 1980, Section 514.59.

The bill was read for the first time.

Harens moved that S. F. No. 11 and H. F. No. 607, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 218, A bill for an act relating to landlords and tenants; changing the time limit for landlords to furnish tenants with certain information; amending Minnesota Statutes 1980, Section 290A.19.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

S. F. No. 279, A bill for an act relating to taxation; providing that certain emergency shelters are exempt from the property

tax; amending Minnesota Statutes 1980, Section 272.02, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 354, A bill for an act relating to taxation; modifying estate tax provisions; clarifying certain deductions; updating references to internal revenue code; clarifying the method of computing credits; clarifying exemptions and exclusions; providing for a statute of limitations; eliminating obsolete references; providing disclosure of data to certain persons; clarifying recording procedures; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; 291.005, Subdivision 1; 291.03, Subdivision 1; 291.05; 291.065; 291.07, Subdivision 1; 291.08; 291.09, Subdivision 3a; 291.31, Subdivision 1; 291.48; and 600.21.

The bill was read for the first time.

Brandl moved that S. F. No. 354 and H. F. No. 538, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

#### CONSENT CALENDAR

H. F. No. 386 was reported to the House.

Byrne moved to amend H. F. No. 386, as follows:

Page 2, line 13, after "year" insert " ; but at no time shall the aggregate principal amount of bonds authorized exceed \$8,500,000 in 1982, \$9,000,000 in 1983 and \$9,500,000 in 1984"

Page 3, after line 1, insert:

"Sec. 2. Laws 1978, Chapter 788, Section 5, is amended to read:

Sec. 5. Within the boundaries of any tax increment district established in the city of St. Paul proceeds from the sale of capital improvement bonds may be expended solely for transportation purposes.

*Capital improvement bonds authorized shall not be used to finance either temporarily or permanently any part of the cost of acquisition, relocation, demolition, administration, and development of any property for purpose of directly developing the city's property tax base. And bond moneys authorized shall not be used to subsidize or underwrite the development or redevelopment of private property, nor shall they be used to provide loans or grants for the development or rehabilitation of homes, businesses, private foundations, or public charities."*



Renumber the remaining section.

Amend the title as follows:

Page 1, line 5, after "amended" insert "; and Laws 1978, Chapter 788, Section 5"

The motion prevailed and the amendment was adopted.

Upon objection of ten members H. F. No. 386, as amended, was stricken from the Consent Calendar and returned to General Orders.

H. F. No. 222, A bill for an act relating to families; designating an American family day; proposing new law coded in Minnesota Statutes, Chapter 517.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kelly	Ogren	Sieben, M.
Ainley	Esau	Knickerbocker	Olsen	Simoneau
Anderson, B.	Evans	Kostohryz	Onnen	Skoglund
Anderson, G.	Fjoslien	Kvam	Osthoff	Stadum
Anderson, I.	Forsythe	Laidig	Otis	Staten
Anderson, R.	Friedrich	Lehto	Peterson, B.	Stowell
Battaglia	Greenfield	Lemen	Piepho	Stumpf
Begich	Gruenes	Levi	Pogemiller	Sviggum
Berkelman	Gustafson	Long	Redalen	Swanson
Blatz	Halberg	Ludeman	Reding	Valan
Brandl	Hanson	Mann	Rees	Valento
Brinkman	Hauge	Marsh	Reif	Vanasek
Byrne	Haukoos	McCarron	Rice	Vellenga
Carlson, D.	Heap	McDonald	Rodriguez, C.	Voss
Carlson, L.	Heinitz	McEachern	Rodriguez, F.	Weaver
Clark, J.	Hoberg	Mehrkens	Rose	Welch
Clark, K.	Hokanson	Metzen	Rothenberg	Welker
Clawson	Hokr	Munger	Samuelson	Wenzel
Dahlvang	Jacobs	Murphy	Sarna	Wieser
Dean	Jennings	Nelsen, B.	Schafer	Wigley
Dempsey	Johnson, C.	Nelson, K.	Schoenfeld	Wynia
Den Ouden	Johnson, D.	Niehaus	Schreiber	Zubay
Drew	Jude	Norton	Searles	Spkr. Sieben, H.
Eken	Kahn	Novak	Shea	
Elioff	Kaley	Nysether	Sherman	
Ellingson	Kalis	O'Connor	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 339, A bill for an act relating to towns; providing for the opening of cartways under certain circumstances; providing a method for determining whether to open or maintain

certain town roads; amending Minnesota Statutes 1980, Sections 164.08, Subdivision 2; and 365.10.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kalis	Nysether	Sherwood
Ainley	Esau	Kelly	O'Connor	Sieben, M.
Anderson, B.	Evans	Knickerbocker	Ogren	Simoneau
Anderson, G.	Fjoslien	Kostohryz	Olsen	Skoglund
Anderson, I.	Forsythe	Kvam	Onnen	Stadum
Anderson, R.	Friedrich	Laidig	Osthoff	Staten
Battaglia	Greenfield	Lehto	Otis	Stowell
Begich	Gruenes	Lemen	Peterson, B.	Stumpf
Berkelman	Gustafson	Levi	Peterson, D.	Sviggum
Blatz	Halberg	Long	Piepho	Swanson
Brandl	Hanson	Ludeman	Pogemiller	Valan
Brinkman	Harens	Mann	Redalen	Valento
Byrne	Hauge	Marsh	Reding	Vanasek
Carlson, D.	Haukoos	McCarron	Rees	Vellenga
Carlson, L.	Heap	McDonald	Reif	Voss
Clark, J.	Heinitz	McEachern	Rice	Weaver
Clark, K.	Himle	Mehrkens	Rodriguez, C.	Welch
Clawson	Hoberg	Metzen	Rodriguez, F.	Welker
Dahlvang	Hokanson	Minne	Rose	Wenzel
Dean	Hokr	Munger	Rothenberg	Wieser
Dempsey	Jacobs	Murphy	Samuelson	Wigley
Den Ouden	Jennings	Nelsen, B.	Sarna	Wynia
Drew	Johnson, C.	Nelson, K.	Schafer	Zubay
Eken	Johnson, D.	Niehaus	Schoenfeld	Spkr. Sieben, H.
Elioff	Jude	Norton	Schreiber	
Ellingson	Kahn	Novak	Sherman	

The bill was passed and its title agreed to.

H. F. No. 487, A bill for an act relating to the capitol area architectural and planning board; providing for disposition of tax-forfeited property within the capitol area; amending Minnesota Statutes 1980, Section 15.50, Subdivision 6.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, R.	Brandl	Clark, J.	Dempsey
Ainley	Battaglia	Brinkman	Clark, K.	Den Ouden
Anderson, B.	Begich	Byrne	Clawson	Drew
Anderson, G.	Berkelman	Carlson, D.	Dahlvang	Eken
Anderson, I.	Blatz	Carlson, L.	Dean	Elioff

Ellingson	Jacobs	McDonald	Piepho	Staten
Erickson	Jennings	McEachern	Pogemiller	Stowell
Esau	Johnson, C.	Mehrkens	Redalen	Stumpf
Evans	Johnson, D.	Metzen	Reding	Swiggum
Fjoslien	Jude	Minne	Rees	Swanson
Forsythe	Kahn	Munger	Reif	Tomlinson
Friedrich	Kaley	Murphy	Rice	Valan
Greenfield	Kalis	Nelsen, B.	Rodriguez, C.	Valento
Gruenes	Kelly	Nelson, K.	Rodriguez, F.	Vanasek
Gustafson	Knickerbocker	Niehaus	Rose	Vellenga
Halberg	Kostohryz	Norton	Rothenberg	Voss
Hanson	Kvam	Novak	Samuelson	Weaver
Harens	Laidig	Nysether	Sarna	Welch
Hauge	Lehto	O'Connor	Schafer	Welker
Haukoos	Lemen	Ogren	Schoenfeld	Wenzel
Heap	Levi	Olsen	Searles	Wieser
Heinitz	Long	Onnen	Sherman	Wigley
Himle	Ludeman	Osthoff	Sherwood	Wynia
Hoberg	Mann	Otis	Sieben, M.	Zubay
Hokanson	Marsh	Peterson, B.	Simoneau	Spkr. Sieben, H.
Hokr	McCarron	Peterson, D.	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 574, A bill for an act relating to intoxicating liquor; authorizing the issuance of one off-sale license in the town of Tofte.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Ainley	Fjoslien	Kelly	Olsen	Skoglund
Anderson, B.	Forsythe	Knickerbocker	Osthoff	Stadum
Anderson, G.	Friedrich	Kostohryz	Otis	Staten
Anderson, I.	Greenfield	Laidig	Peterson, B.	Stowell
Anderson, R.	Gruenes	Lehto	Peterson, D.	Stumpf
Battaglia	Gustafson	Levi	Piepho	Swiggum
Begich	Halberg	Long	Pogemiller	Swanson
Berkelman	Hanson	Ludeman	Redalen	Tomlinson
Blatz	Harens	Mann	Reding	Valan
Brandl	Hauge	Marsh	Rees	Valento
Brinkman	Haukoos	McCarron	Reif	Vanasek
Byrne	Heap	McDonald	Rice	Vellenga
Carlson, D.	Heinitz	McEachern	Rodriguez, C.	Voss
Carlson, L.	Himle	Mehrkens	Rodriguez, F.	Weaver
Clark, J.	Hoberg	Metzen	Rose	Welch
Clark, K.	Hokanson	Minne	Rothenberg	Welker
Clawson	Hokr	Munger	Samuelson	Wenzel
Dahlvang	Jacobs	Murphy	Sarna	Wieser
Dean	Jennings	Nelson, K.	Schafer	Wigley
Dempsey	Johnson, C.	Niehaus	Schoenfeld	Wynia
Drew	Johnson, D.	Norton	Schreiber	Zubay
Eken	Jude	Novak	Searles	Spkr. Sieben, H.
Elioff	Kahn	Nysether	Sherman	
Ellingson	Kaley	O'Connor	Sieben, M.	
Evans	Kalis	Ogren	Simoneau	

Those who voted in the negative were:

Aasness	Kvam	Nelsen, B.	Onnen	Sherwood
Erickson	Lemen			

The bill was passed and its title agreed to.

S. F. No. 153, A bill for an act relating to local government; granting towns certain powers over town cemeteries; regulating town cemeteries; amending Minnesota Statutes 1980, Sections 365.26; and 365.27.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Knickerbocker	Olsen	Simoneau
Anderson, B.	Fjoslien	Kostohryz	Onnen	Skoglund
Anderson, G.	Forsythe	Kvam	Osthoff	Stadum
Anderson, I.	Friedrich	Laidig	Otis	Staten
Anderson, R.	Greenfield	Lehto	Peterson, B.	Stowell
Battaglia	Gruenes	Lemen	Peterson, D.	Stumpf
Begich	Gustafson	Levi	Piepho	Sviggum
Berkelman	Halberg	Long	Pogemiller	Swanson
Blatz	Hanson	Ludeman	Redalen	Tomlinson
Brandl	Harens	Mann	Reding	Valan
Brinkman	Hauge	Marsh	Rees	Valento
Byrne	Haukoos	McCarron	Reif	Vanasek
Carlson, D.	Heap	McDonald	Rice	Vellenga
Carlson, L.	Heinitz	McEachern	Rodriguez, C.	Voss
Clark, J.	Himle	Mehrkens	Rodriguez, F.	Weaver
Clark, K.	Hoberg	Metzen	Rose	Welch
Clawson	Hokanson	Minne	Rothenberg	Welker
Dahlvang	Hokr	Munger	Samuelson	Wenzel
Dean	Jacobs	Murphy	Sarna	Wieser
Dempsey	Jennings	Nelsen, B.	Schafer	Wigley
Den Ouden	Johnson, C.	Nelson, K.	Schoenfeld	Wynia
Drew	Johnson, D.	Niehaus	Schreiber	Zubay
Eken	Jude	Norton	Searles	Spkr. Sieben, H.
Elioff	Kahn	Novak	Shea	
Ellingson	Kaley	Nysether	Sherman	
Erickson	Kalis	O'Connor	Sherwood	
Esau	Kelly	Ogren	Sieben, M.	

The bill was passed and its title agreed to.

S. F. No. 171, A bill for an act relating to probate; changing certain provisions relating to descent of a cemetery lot; amending Minnesota Statutes 1980, Section 525.14.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kelly	Ogren	Sieben, M.
Ainley	Evans	Knickerbocker	Olsen	Simoneau
Anderson, B.	Fjoslien	Kostohryz	Onnen	Skoglund
Anderson, G.	Forsythe	Kvam	Osthoff	Staten
Anderson, I.	Friedrich	Laidig	Otis	Stowell
Anderson, R.	Greenfield	Lehto	Peterson, B.	Stumpf
Battaglia	Gruenes	Lemen	Peterson, D.	Sviggum
Begich	Gustafson	Levi	Piepho	Swanson
Berkelman	Halberg	Long	Pogemiller	Tomlinson
Blatz	Hanson	Ludeman	Redalen	Valan
Brandl	Harens	Mann	Reding	Valento
Brinkman	Hauge	Marsh	Rees	Vanasek
Byrne	Haukoos	McCarron	Reif	Vellenga
Carlson, D.	Heap	McDonald	Rice	Voss
Carlson, L.	Heinitz	McEachern	Rodriguez, C.	Weaver
Clark, J.	Himle	Mehrkens	Rodriguez, F.	Welch
Clark, K.	Hoberg	Metzen	Rose	Welker
Clawson	Hokanson	Minne	Rothenberg	Wenzel
Dahlvang	Hokr	Munger	Samuelson	Wieser
Dean	Jacobs	Murphy	Sarna	Wigley
Dempsey	Jennings	Nelsen, B.	Schafer	Wynia
Den Ouden	Johnson, C.	Nelson, K.	Schoenfeld	Zubay
Drew	Johnson, D.	Niehaus	Schreiber	Spk. Sieben, H.
Eken	Jude	Norton	Searles	
Elioff	Kahn	Novak	Shea	
Ellingson	Kaley	Nysether	Sherman	
Erickson	Kalis	O'Connor	Sherwood	

The bill was passed and its title agreed to.

S. F. No. 345, A bill for an act relating to crimes; increasing the penalty for certain forms of cruelty to animals; amending Minnesota Statutes 1980, Section 346.29.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Clark, J.	Fjoslien	Hoberg	Laidig
Ainley	Clark, K.	Forsythe	Hokanson	Lehto
Anderson, B.	Clawson	Friedrich	Hokr	Lemen
Anderson, I.	Dahlvang	Greenfield	Jacobs	Levi
Anderson, R.	Dean	Gruenes	Jennings	Long
Battaglia	Dempsey	Gustafson	Johnson, C.	Ludeman
Begich	Den Ouden	Halberg	Johnson, D.	Mann
Berkelman	Drew	Hanson	Jude	Marsh
Blatz	Eken	Harens	Kaley	McCarron
Brandl	Elioff	Hauge	Kalis	McDonald
Brinkman	Ellingson	Haukoos	Kelly	McEachern
Byrne	Erickson	Heap	Knickerbocker	Mehrkens
Carlson, D.	Esau	Heinitz	Kostohryz	Metzen
Carlson, L.	Evans	Himle	Kvam	Minne

Munger	Osthoff	Rodriguez, F.	Simoneau	Vellenga
Murphy	Otis	Rose	Skoglund	Voss
Nelsen, B.	Peterson, B.	Rothenberg	Stadum	Weaver
Nelson, K.	Peterson, D.	Samuelson	Staten	Welch
Niehaus	Piepho	Sarna	Stowell	Welker
Norton	Pogemiller	Schafer	Stumpf	Wenzel
Novak	Redalen	Schoenfeld	Sviggum	Wieser
Nysether	Reding	Searles	Swanson	Wigley
O'Connor	Rees	Shea	Tomlinson	Wynia
Ogren	Reif	Sherman	Valan	Zubay
Olsen	Rice	Sherwood	Valento	Spkr. Sieben, H.
Onnen	Rodriguez, C.	Sieben, M.	Vanasek	

Those who voted in the negative were:

Anderson, G.

The bill was passed and its title agreed to.

### CALENDAR

S. F. No. 209, A bill for an act relating to gambling devices; clarifying definitions of gambling devices; authorizing an additional gambling device; authorizing certain payments for operation of gambling devices; changing prize limitations; changing the penalty provision for violation; amending Minnesota Statutes 1980, Sections 349.26, Subdivisions 2, 4, 5, 12, 13, 14 and 15, and by adding a subdivision; 349.30, Subdivision 2; and 349.31, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 91 yeas and 37 nays as follows:

Those who voted in the affirmative were:

Ainley	Evans	Kalis	Ogren	Sieben, M.
Anderson, B.	Friedrich	Kelly	Olsen	Simoneau
Anderson, R.	Greenfield	Knickerbocker	Otis	Skoglund
Battaglia	Gruenes	Kostohryz	Peterson, D.	Stadum
Begich	Gustafson	Lehto	Piepho	Staten
Blatz	Halberg	Levi	Pogemiller	Stowell
Brandl	Hauge	Long	Reding	Stumpf
Brinkman	Heap	Ludeman	Rees	Tomlinson
Byrne	Heinitz	Mann	Reif	Valan
Carlson, L.	Himle	McEachern	Rice	Valento
Clark, J.	Hoberg	Mehrkens	Rodriguez, C.	Vanasek
Clark, K.	Hokanson	Metzen	Rodriguez, F.	Vellenga
Clawson	Hokr	Minne	Rose	Voss
Dahlvang	Jacobs	Murphy	Samuelson	Welker
Dean	Jennings	Nelson, K.	Sarna	Spkr. Sieben, H.
Dempsey	Johnson, C.	Norton	Schoenfeld	
Eken	Johnson, D.	Novak	Schreiber	
Elioff	Jude	Nysether	Searles	
Ellingson	Kaley	O'Connor	Sherman	

Those who voted in the negative were:

Aasness	Forsythe	Marsh	Peterson, B.	Weaver
Anderson, I.	Hanson	McCarron	Redalen	Wenzel
Carlson, D.	Harens	McDonald	Rothenberg	Wieser
Den Ouden	Haukoos	Munger	Schafer	Wigley
Drew	Kahn	Nelsen, B.	Shea	Wynia
Erickson	Kvam	Niehaus	Sherwood	
Esau	Laidig	Onnen	Sviggum	
Fjoslien	Lemen	Osthoff	Swanson	

The bill was passed and its title agreed to.

H. F. No. 372 was reported to the House.

Nelsen, B., moved that H. F. No. 372 be continued on the Calendar for one day. The motion prevailed.

### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

#### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 131, 409, 575, 604, 353, 519, 615, 617, 624, 634 and 739 which it recommended to pass.

H. F. Nos. 473 and 502 which it recommended progress.

S. F. No. 52 which it recommended to pass.

S. F. No. 346 which it recommended progress retaining its place on General Orders.

H. F. No. 12 which it recommended be re-referred to the Committee on Appropriations.

H. F. No. 595 which it recommended to pass with the following amendment offered by Murphy:

Page 1, after line 15, insert:

"Sec. 2. [EFFECTIVE DATE.]

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

H. F. No. 347 which it recommended to pass with the following amendment offered by Olsen:

Delete everything after the enacting clause and insert:

"Section 1. [ST. PAUL, CITY OF; MINNEAPOLIS, CITY OF; JOINT FAMILY HOUSING PROGRAM.]

*Subdivision 1. The cities of St. Paul and Minneapolis may issue, jointly or separately, housing revenue bonds pursuant to Minnesota Statutes, Chapter 462C, to finance the joint housing program specifically exempted from the provisions of sections 1102 and 1103 of the Mortgage Subsidy Bond Tax Act of 1980. The bond issues, in an aggregate amount not to exceed \$235,000,000, shall not be included in the computation made pursuant to Minnesota Statutes, Section 462C.07, Subdivision 2, of the aggregate principal amount of revenue bonds or other obligations issued by the cities of St. Paul and Minneapolis.*

*Subd. 2. No more than 20 percent of the aggregate amount of all loans for single and multifamily housing provided in each city, pursuant to the program described in section 1, shall be made without regard to the income limits established in Minnesota Statutes, Section 462C.03, Subdivision 2.*

Sec. 2. [EFFECTIVE DATE.]

*This act shall become effective as to each city the day after compliance by the governing body of each city with the provisions of Minnesota Statutes, Section 645.021, Subdivision 3."*

Amend the title as follows:

Page 1, delete lines 2 to 5 and insert "relating to the cities of St. Paul and Minneapolis; exempting a certain joint housing bonding program from the provisions of Minnesota Statutes, Section 462C.07, Subdivision 2."

H. F. No. 579 which it recommended to pass with the following amendment offered by Berkelman:

Page 12, line 16, after "all" insert "conventional"

Page 12, after line 36 insert

"Sec. 7. Minnesota Statutes 1980, Section 47.20, is amended by adding a subdivision to read:

*Subd. 6b. Charges or fees for late payments on conventional loans shall be governed by chapter 51A for all lenders."*



Renumber the sections

Page 13, delete lines 1 to 4

Page 14, line 8, delete "7" and insert "8"

Amend the title as follows:

Page 1, line 7, delete "a"

Page 1, line 7, delete "subdivision" and insert "subdivisions"

On the motion of Eken the report of the Committee of the Whole was adopted.

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

Laidig moved to amend S. F. No. 52, as follows:

Page 1, after line 8 insert "Subdivision 2, is amended to read:

Subd. 2. [EXCEPTIONS.] The provisions of subdivision 1 shall not be construed to prohibit:

(a) Denial of admittance into a particular apartment, room, mobile home or personal residential unit by a person or persons residing in that particular apartment, room, mobile home or unit.

(b) Requiring reasonable and proper identification as a necessary prerequisite to admission to a multiple unit dwelling(;).

(c) In the case of nursing homes, denial of permission to visit certain persons where valid reasons of health exist therefor(;).

(d) Limiting visits by candidates or workers accompanied by the candidate to reasonable number of persons, reasonable hours or requiring prior appointments(;).

(e) Denial of admittance to or expulsion from a multiple unit dwelling for good cause.

(f) *Denial of admittance to or expulsion from a multiple unit dwelling at the request of a majority of the adult residents of the dwelling.*

Sec. 2. Minnesota Statutes 1980, Section 210A.43,"

Further amend the title as follows:

Page 1, line 4, after the semicolon insert "creating an exception;"

Page 1, line 5, delete "Subdivision" and insert "Subdivisions 2 and"

The question was taken on the amendment and the roll was called. There were 45 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Himle	Mehrkens	Schafer
Ainley	Evans	Hoberg	Nelsen, B.	Schreiber
Anderson, R.	Ewald	Johnson, D.	Niehaus	Searles
Blatz	Fjoslien	Kaley	Olsen	Sherwood
Carlson, D.	Forsythe	Knickerbocker	Peterson, B.	Swiggum
Dean	Friedrich	Kvam	Piepho	Valento
Dempsey	Halberg	Laidig	Redalen	Wieser
Den Ouden	Heap	Ludeman	Rose	Wigley
Erickson	Heinitz	McDonald	Rothenberg	Zubay

Those who voted in the negative were:

Anderson, B.	Gustafson	Mann	Peterson, D.	Staten
Anderson, G.	Hanson	Marsh	Pogemiller	Stumpf
Anderson, I.	Harens	McCarron	Reding	Swanson
Battaglia	Haukoos	McEachern	Rees	Tomlinson
Begich	Hokanson	Metzen	Reif	Valan
Berkelman	Hokr	Minne	Rice	Vanasek
Brandl	Jacobs	Munger	Rodriguez, C.	Vellenga
Brinkman	Jennings	Murphy	Rodriguez, F.	Voss
Carlson, L.	Johnson, C.	Nelson, K.	Samuelson	Weaver
Clawson	Jude	Norton	Sarna	Welch
Dahlvang	Kahn	Novak	Schoenfeld	Wenzel
Drew	Kalis	Nysether	Shea	Wynia
Eken	Kelly	O'Connor	Sherman	Spkr. Sieben, H.
Elioff	Kostohryz	Ogren	Sieben, M.	
Ellingson	Lehto	Onnen	Simoneau	
Greenfield	Lemen	Osthoff	Skoglund	
Gruenes	Long	Otis	Stadum	

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

The question was taken on the motion to recommend passage of S. F. No. 52 and the roll was called. There were 73 yeas and 55 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Brinkman	Dempsey	Gustafson	Jude
Anderson, G.	Byrne	Drew	Hanson	Kahn
Anderson, I.	Carlson, L.	Eken	Harens	Kalis
Battaglia	Clark, J.	Elioff	Hokanson	Kelly
Begich	Clawson	Ellingson	Jacobs	Kostohryz
Brandl	Dahlvang	Greenfield	Johnson, C.	Lehto

Long	Nelson, K.	Rees	Sherman	Vellenga
Mann	Norton	Reif	Sieben, M.	Voss
Marsh	Novak	Rice	Simoneau	Weaver
McCarron	O'Connor	Rodriguez, C.	Skoglund	Welch
McEachern	Ogren	Rodriguez, F.	Staten	Wynzel
Metzen	Osthoff	Samuelson	Stumpf	Wynia
Minne	Otis	Sarna	Swanson	Spkr. Sieben, H.
Munger	Peterson, D.	Schoenfeld	Tomlinson	
Murphy	Reding	Shea	Vanasek	

Those who voted in the negative were:

Aasness	Ewald	Hokr	Niehaus	Searles
Ainley	Fjoslien	Johnson, D.	Nysether	Sherwood
Anderson, R.	Forsythe	Knickerbocker	Olsen	Stadum
Berkelman	Friedrich	Kvam	Onnen	Stowell
Blatz	Gruenes	Laidig	Peterson, B.	Sviggum
Carlson, D.	Halberg	Lemen	Piepho	Valan
Dean	Haukoos	Levi	Redalen	Valento
Den Ouden	Heap	Ludeman	Rose	Welker
Erickson	Heinitz	McDonald	Rothenberg	Wieser
Esau	Himle	Mehrkens	Schafer	Wigley
Evans	Hoberg	Nelsen, B.	Schreiber	Zubay

The motion prevailed.

Kahn moved to amend H. F. No. 347, as amended, as follows:

Page 1, line 20 of the Olsen amendment, delete "*and Minneapolis*"

The question was taken on the amendment and the roll was called. There were 20 yeas and 96 nays as follows:

Those who voted in the affirmative were:

Ainley	Greenfield	Lemen	Rees	Welker
Anderson, R.	Gruenes	McDonald	Rice	Wieser
Evans	Hokr	Onnen	Rothenberg	Wigley
Fjoslien	Kahn	Piepho	Sherman	Zubay

Those who voted in the negative were:

Aasness	Dempsey	Himle	McEachern	Reding
Anderson, B.	Den Ouden	Hoberg	Mehrkens	Reif
Anderson, I.	Drew	Hokanson	Metzen	Rodriguez, C.
Battaglia	Eken	Jacobs	Minne	Rodriguez, F.
Begich	Elioff	Jennings	Murphy	Rose
Berkelman	Ellingson	Johnson, D.	Nelsen, B.	Samuelson
Blatz	Erickson	Jude	Nelson, K.	Sarna
Brandl	Esau	Kelly	Niehaus	Schafer
Brinkman	Ewald	Knickerbocker	Novak	Schoenfeld
Byrne	Forsythe	Kostohryz	O'Connor	Schreiber
Carlson, D.	Gustafson	Kvam	Ogren	Searles
Carlson, L.	Halberg	Laidig	Olsen	Shea
Clark, J.	Hanson	Levi	Osthoff	Sherwood
Clark, K.	Harens	Long	Otis	Simoneau
Clawson	Hauge	Mann	Peterson, D.	Skoglund
Dahlvang	Haukoos	Marsh	Pogemiller	Stadum
Dean	Heap	McCarron	Redalen	

Staten  
Stowell  
Stumpf

Swanson  
Tomlinson  
Valan

Valento  
Vellenga  
Voss

Weaver  
Wenzel

Spkr. Sieben, H.

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

The question was taken on the motion to recommend passage of H. F. No. 347, as amended, and the roll was called. There were 104 yeas and 20 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Kaley	Ogren	Sherwood
Anderson, G.	Ellingson	Kelly	Olsen	Sieben, M.
Anderson, I.	Ewald	Knickerbocker	Osthoff	Simoneau
Anderson, R.	Fjoslien	Kostohryz	Otis	Skoglund
Battaglia	Forsythe	Laidig	Peterson, D.	Staten
Begich	Greenfield	Lemen	Piepho	Stowell
Berkelman	Gustafson	Levi	Pogemiller	Stumpf
Blatz	Halberg	Long	Reding	Swanson
Brandl	Hanson	Mann	Rees	Tomlinson
Brinkman	Harens	Marsh	Reif	Valan
Byrne	Hauge	McCarron	Rice	Valento
Carlson, D.	Haukoos	McEachern	Rodriguez, C.	Vanasek
Carlson, L.	Heap	Mehrkens	Rodriguez, F.	Vellenga
Clark, J.	Himle	Metzen	Rose	Voss
Clark, K.	Hoberg	Minne	Samuelson	Weaver
Clawson	Hokanson	Murphy	Sarna	Welch
Dahlvang	Hokr	Nelson, K.	Schafer	Wenzel
Dean	Jacobs	Niehaus	Schoenfeld	Wigley
Dempsey	Johnson, C.	Norton	Schreiber	Wynia
Drew	Johnson, D.	Novak	Shea	Spkr. Sieben, H.
Eken	Jude	O'Connor	Sherman	

Those who voted in the negative were:

Ainley	Evans	Kvam	Nysether	Stadum
Den Ouden	Gruenes	Ludeman	Onnen	Svigggum
Erickson	Jennings	McDonald	Redalen	Welker
Esau	Kahn	Nelsen, B.	Rothenberg	Wieser

The motion prevailed.

Friedrich moved to amend H. F. No. 353, the first engrossment, as follows:

Page 3, line 12, after "effective" insert "in each of the several counties"

Page 3, line 13, after "enactment" insert "and following local approval pursuant to section 645.021,"

Page 3, line 13, delete "that" and insert "those"

Page 3, line 14, delete "day" and insert "dates"

The question was taken on the amendment and the roll was called. There were 60 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Aasness	Ewald	Kaley	Piepho	Stadum
Ainley	Friedrich	Kvam	Redalen	Staten
Anderson, B.	Gruenes	Levi	Rees	Stowell
Anderson, R.	Halberg	Ludeman	Reif	Stumpf
Berkelman	Haukoos	Marsh	Rodriguez, C.	Sviggum
Blatz	Heap	McDonald	Rose	Valan
Carlson, D.	Heinitz	Mehrkens	Rothenberg	Valento
Den Ouden	Himle	Nelsen, B.	Schafer	Weaver
Drew	Hoberg	Niehaus	Schreiber	Welker
Eken	Hokr	Nysether	Searles	Wieser
Esau	Jennings	Olsen	Sherman	Wigley
Evans	Johnson, D.	Onnen	Sherwood	Zubay

Those who voted in the negative were:

Anderson, I.	Ellingson	Kelly	Norton	Schoenfeld
Battaglia	Erickson	Kostohryz	Novak	Shea
Begich	Greenfield	Lehto	O'Connor	Sieben, M.
Brandl	Gustafson	Long	Ogren	Simoneau
Brinkman	Hanson	Mann	Osthoff	Skogiund
Byrne	Harens	McCarron	Otis	Swanson
Carlson, L.	Hokanson	McEachern	Peterson, D.	Vellenga
Clark, J.	Jacobs	Metzen	Pogemiller	Voss
Clark, K.	Johnson, C.	Minne	Reding	Welch
Dahlvang	Jude	Munger	Rodriguez, F.	Wenzel
Dempsey	Kahn	Murphy	Samuelson	Wynia
Elioff	Kalis	Nelson, K.	Sarna	Spkr. Sieben, H.

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

## MOTIONS AND RESOLUTIONS

Rothenberg moved that the name of Valento be added as an author on H. F. No. 1214. The motion prevailed.

Carlson, D., moved that the name of Valento be added as an author on H. F. No. 1251. The motion prevailed.

Jacobs moved that the name of Olsen be added as an author on H. F. No. 1210. The motion prevailed.

Ainley moved that his name be stricken as an author on H. F. No. 510. The motion prevailed.

Sarna moved that the name of Sarna be stricken and the name of Gustafson be added as chief author on H. F. No. 616. The motion prevailed.

Heinitz moved that his name be stricken as an author on H. F. No. 687. The motion prevailed.

Kaley moved that his name be stricken as an author on H. F. No. 687. The motion prevailed.

Swanson moved that S. F. No. 502 be recalled from the Committee on Health and Welfare and be re-referred to the Committee on Appropriations. The motion prevailed.

Greenfield moved that H. F. No. 1238 be recalled from the Committee on Energy and be re-referred to the Committee on Regulated Industries. The motion prevailed.

Jennings moved that H. F. No. 1076 be returned to its author. The motion prevailed.

Weaver introduced:

House Resolution No. 11, A house resolution commending and congratulating the Anoka High School Tornadoes for their outstanding performances as champions of the State of Minnesota Boys' Class AA Basketball Tournament.

#### SUSPENSION OF RULES

Weaver moved that the Rules be so far suspended that House Resolution No. 11 be now considered and be placed upon its adoption. The motion prevailed.

#### HOUSE RESOLUTION NO. 11

A house resolution commending and congratulating the Anoka High School Tornadoes for their outstanding performances as champions of the State of Minnesota Boys' Class AA Basketball Tournament.

*Whereas*, the State of Minnesota has gained national prominence for its annual state basketball tournaments which have been conducted for 65 years by the Minnesota State High School League; and,

*Whereas*, the 1981 Boys' Class AA Tournament, held at the St. Paul Civic Center, March 26-28, was a superb exhibition of outstanding statewide high school basketball skill; and,

*Whereas*, the Anoka High School Tornadoes, by virtue of their conquests of the fine basketball teams from Bloomington Jefferson, St. Paul Central, and Austin, earned the coveted crown as champion of the Class AA Minnesota Boys' Basketball Tournament; and,

*Whereas*, the Anoka Tornadoes, their coaches, managers, cheerleaders, band, danceline and student body exemplified the finest of skills and the highest levels of conduct and sportsmanship throughout the season; *now, therefore*,

*Be It Resolved* by the House of Representatives of the State of Minnesota that congratulations are extended to the Anoka High School Boys' Basketball Tornadoes, champions of the Class AA Minnesota State Basketball Tournament. In particular, congratulations are extended to the team members: Benjie Eskierka, Todd Anderson, John Ward, Jeff Halet, Kurt Flygare, Mike Ebert, Tryg Johnson, Mitch Carlson, Boyd DuFault, Scott Grabowska, Todd Hysjulien, Steve Knox, Greg Seiffert, Joe Silbernagel, and Steve Christenson. Congratulations are also extended to: Dave Tank, Head Coach; Bob Olson and Bill Wiberg, Assistant Coaches; Rick Holker, Student Manager; Tom Pearson, Athletic Director; Mike Hiatt, Band Director; and Renae Lenhardt, Cheerleader Advisor.

*Be It Further Resolved* that the Chief Clerk of the House of Representatives is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Speaker, and present it to the principal of Anoka High School.

Weaver moved that House Resolution No. 11 be now adopted. The motion prevailed and the resolution was adopted.

Norton introduced:

House Resolution No. 12, A house resolution acknowledging April as cancer control month in Minnesota.

#### SUSPENSION OF RULES

Norton moved that the Rules be so far suspended that House Resolution No. 12 be now considered and be placed upon its adoption. The motion prevailed.

#### HOUSE RESOLUTION NO. 12

A house resolution acknowledging April as cancer control month in Minnesota.

*Whereas*, cancer is a disease that continues to take precious lives of Minnesotans, touching our families, our private institutions, and the institutions of government; and,

*Whereas*, thousands and thousands of Minnesotans can be saved through greater awareness of this disease and the effectiveness of cancer treatment; and,

*Whereas*, scientific research is going forward which promises even greater effectiveness in treating cancer and saving lives; and,

*Whereas*, the American Cancer Society is a major influence in the fight against cancer, and, as a symbol of renewed life, is sponsoring Daffodil Days in Minnesota as a start to its annual crusade; *Now, Therefore*,

*Be It Resolved* by the House of Representatives of the State of Minnesota that it recognizes the great public service of the American Cancer Society and Acknowledges April 3, 4, and 5 as Daffodil Days and the month of April as cancer control month in Minnesota.

*Be It Further Resolved* that the Chief Clerk of the House of Representatives is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Speaker, and transmit it to the American Cancer Society.

Norton moved that House Resolution No. 12 be now adopted. The motion prevailed and the resolution was adopted.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, April 6, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, April 6, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives





## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## THIRTIETH DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 6, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Reverend John E. Melchert, retired Lutheran minister, Cologne, Minnesota.

The roll was called and the following members were present:

Aasness	Erickson	Kahn	Novak	Searles
Ainley	Esau	Kaley	Nysether	Shea
Anderson, B.	Evans	Kalis	O'Connor	Sherman
Anderson, G.	Ewald	Kelly	Ogren	Sherwood
Anderson, I.	Fjoslien	Knickerbocker	Olsen	Sieben, M.
Anderson, R.	Forsythe	Kostohryz	Onnen	Simoneau
Battaglia	Friedrich	Kvam	Osthoff	Skoglund
Begich	Greenfield	Laidig	Otis	Stadum
Berkelman	Gruenes	Lehto	Peterson, B.	Staten
Blatz	Gustafson	Lemen	Peterson, D.	Stowell
Brandl	Halberg	Levi	Piepho	Stumpf
Brinkman	Hanson	Long	Pogemiller	Svigum
Byrne	Harens	Ludeman	Redalen	Swanson
Carlson, D.	Hauge	Marsh	Reding	Tomlinson
Carlson, L.	Haukoos	McCarron	Rees	Valento
Clark, J.	Heap	McDonald	Reif	Vanasek
Clark, K.	Heinitz	McEachern	Rice	Vellenga
Clawson	Himle	Mehrkens	Rodriguez, C.	Voss
Dahlvang	Hoberg	Metzen	Rodriguez, F.	Weaver
Dean	Hokanson	Minne	Rose	Welch
Dempsey	Hokr	Munger	Rothenberg	Welker
Den Ouden	Jacobs	Murphy	Samuelson	Wenzel
Drew	Jennings	Nelsen, B.	Sarna	Wieser
Eken	Johnson, C.	Nelson, K.	Schafer	Wynia
Elioff	Johnson, D.	Niehaus	Schoenfeld	Zubay
Ellingson	Jude	Norton	Schreiber	Spkr. Sieben, H.

A quorum was present.

Luknic, Mann and Wigley were excused. Valan was excused until 3:05 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Stowell moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 147, 449, 466, 734, 775, 817, 876, 893, 918, 1083, 188, 569, 588, 590, 607, 632, 665, 743, 1075, 182, 678, 714, 1040, 206, 386, 729, 332, 595, 347, 579 and 912 and S. F. Nos. 2, 218, 279, 354 and 11 have been placed in the members' files.

S. F. No. 354 and H. F. No. 538, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Brandl moved that the rules be so far suspended that S. F. No. 354 be substituted for H. F. No. 538 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 11 and H. F. No. 607, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Harens moved that the rules be so far suspended that S. F. No. 11 be substituted for H. F. No. 607 and that the House File be indefinitely postponed. The motion prevailed.

## PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

April 3, 1981

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

Dear Speaker Sieben:

I have the honor to inform you that I received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 77, relating to mobile home parks; eliminating certain mobile home park reports made to the secretary of state;

H. F. No. 38, relating to local government; permitting the city of Northfield to make payments to the town of Waterford as a condition of an annexation.

H. F. No. 183, relating to state employees; including the staff of the council on Black Minnesotans within the unclassified civil service;

H. F. No. 496, relating to intoxicating liquor; proof required to purchase, possess or consume;

Sincerely,

ALBERT H. QUIE  
Governor

### REPORTS OF STANDING COMMITTEES

Mann from the Committee on Transportation to which was referred:

H. F. No. 72, A bill for an act relating to highway traffic regulations; requiring the use of child passenger restraint systems for certain children under the age of four years; prescribing penalties; amending Minnesota Statutes 1980, Section 169.685, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1980, Section 169.685, Subdivision 4, is amended to read:

Subd. 4. Proof of the use or failure to use seat belts *or a child passenger restraint system as described in section 2*, or proof of the installation or failure of installation of seat belts *or a child passenger restraint system as described in section 2* shall not be admissible in evidence in any litigation involving personal injuries or property damage resulting from the use or operation of any motor vehicle.

Sec. 2. Minnesota Statutes 1980, Section 169.685, is amended by adding a subdivision to read:

Subd. 5. *Every parent or legal guardian of a child under the age of four years residing in this state, when transporting the child on the streets and highways of this state in a motor vehicle owned by the parent or guardian, shall equip and install for use in the motor vehicle, in the right front or rear seats, a child passenger restraint system meeting federal motor vehicle safety*

*standards according to the manufacturer's instructions. A parent or guardian who violates this subdivision may be given a hazard warning by the state highway patrol or local law enforcement officer as to the possible danger to children due to the failure to equip and install for use in the motor vehicle a child passenger restraint system as described in this section. The warning shall also advise and urge that parent or guardian to utilize the child passenger restraint systems that are available in the vehicle. No other penalty shall be assessed against a parent or guardian for a violation of this section.*

**Sec. 3. [EFFECTIVE DATE.]**

*Sections 1 and 2 are effective January 1, 1982."*

Amend the title as follows

Page 1, line 6, before "by" insert "Subdivision 4, and"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 159, A bill for an act relating to Carlton county; abolishing the office of court commissioner.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 489.01, is amended to read:

**489.01. [ELECTION; TERM; OFFICE ABOLISHED.]**

*Subdivision 1. The office of court commissioner is abolished. No vacancy in the office of court commissioner shall be filled.*

*Subd. 2. Persons holding the office of court commissioner in all counties except Ramsey county may continue to serve until the incumbent's term of office expires. The person holding the office of court commissioner on January 1, 1981, in Ramsey county may continue to serve at the pleasure of the appointing authority under the terms and conditions to this appointment.*

*Subd. 3. In each county in the state there shall be elected at the general election in 1981 a court commissioner. The term of office of the court commissioner shall be four years (AND UNTIL HIS SUCCESSOR IS ELECTED AND QUALIFIED,)*

and begin on the first Monday in January next succeeding his election. This office shall be filled by election every four years thereafter. One person may hold at the same time the offices of court commissioner and probate judge.

*Subd. 4. When the office of court commissioner in Ramsey county is vacated or terminated the state court administrator shall evaluate the ability of the judicial workforce to meet the demands of the caseload. If the legislature is unable to create a judgeship or judgeships justified by the evaluation, the chief justice may authorize the chief judge of the district to appoint one temporary court commissioner for a period not to exceed 12 months."*

Amend the title as follows:

Delete lines 2 and 3 and insert:

"relating to court commissioners; abolishing the office of court commissioner; amending Minnesota Statutes 1980, Section 489.01."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 193, A bill for an act relating to highway traffic regulations; providing for the type and placement of reflectors on certain farm equipment; amending Minnesota Statutes 1980, Section 169.55, Subdivision 2.

Reported the same back with the following amendments:

Page 2, line 4 after "*equipment*" delete the balance of the line

Page 2, line 5, delete the new language and insert "*and the reflectors shall be reflex reflectors that shall be visible at night from all distances within 600 feet to 100 feet when directly in front of lawful lower beams of headlamps*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 243, A bill for an act relating to taxation; providing that the proceeds of the motor vehicle excise tax be allocated between the general fund and the highway user tax distribution fund for a period of four years, and thereafter all the proceeds to be deposited in the highway user tax distribution fund; amending Minnesota Statutes 1980, Sections 168.27, Subdivision 16; 297B.035, Subdivision 2; and 297B.09.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 168.011, Subdivision 7, is amended to read:

Subd. 7. [PASSENGER AUTOMOBILE.] "Passenger automobile" means any motor vehicle designed and used for the carrying of not more than eight persons (BUT EXCLUDING), and includes station wagons and motor vehicles commonly designated as pickup trucks other than farm trucks. Passenger automobile does not include motorcycles (,) and motor scooters (, AND STATION WAGONS).

Sec. 2. Minnesota Statutes 1980, Section 168.011, Subdivision 10, is amended to read:

Subd. 10. [TRUCK.] "Truck" means any motor vehicle designed and used for carrying things other than passengers, except pickup trucks included within the definition of passenger automobile in subdivision 7.

Sec. 3. Minnesota Statutes 1980, Section 168.013, Subdivision 1a, is amended to read:

Subd. 1a. [PASSENGER AUTOMOBILES; AMBULANCES; HEARSEs.] On passenger automobiles as defined in section 168.011, subdivision 7, ambulances, and hearses, except as otherwise provided, the tax shall be \$10 plus an additional tax equal to (1.25) 1.30 percent of the base value. Subject to the classification provisions herein, "base value" means the manufacturer's suggested retail price of the vehicle including destination charge as reflected on the price listing affixed to the vehicle in conformity with 15 U.S.C. 1231 to 1233. (Public Law 85-506) or otherwise suggested by the manufacturer or determined by the registrar if no suggested retail price exists, and shall not include the cost of each accessory or item of optional equipment separately added to the vehicle and the suggested retail price.

If the registrar is unable to determine the base value because the vehicle is specially constructed, or for any other reason, he may establish such value upon the cost price to the purchaser

or owner as evidenced by a certificate of cost but not including Minnesota sales or use tax or any local sales or other local tax.

The registrar shall classify every vehicle in its proper base value class as follows:

FROM	TO
\$ 0	\$199.99
200	399.99

and thereafter a series of classes successively set in brackets having a spread of \$200 consisting of such number of classes as will permit classification of all vehicles.

The base value for purposes of this section shall be the middle point between the extremes of its class.

The registrar shall establish the base value, when new, of every passenger automobile, ambulance and hearse registered prior to the effective date of Extra Session Laws 1971, Chapter 31, using list price information published by the manufacturer or any nationally recognized firm or association compiling such data for the automotive industry. If the registrar is unable to ascertain the base value of any registered vehicle in the foregoing manner, he may use any other available source or method. The tax on all previously registered vehicles shall be computed upon the base value thus determined taking into account the depreciation provisions of Extra Session Laws 1971, Chapter 31.

The annual additional tax computed upon the base value as provided herein, during the first year of vehicle life shall be computed upon 100 percent of the base value; for the second year, 90 percent of such value; for the third year, (75) 80 percent of such value; for the fourth year, (60) 70 percent of such value; for the fifth year, (45) 60 percent of such value; for the sixth year, (35) 50 percent of such value; for the seventh year, (30) 40 percent of such value; for the eighth year, (20) 30 percent of such value; for the ninth year, (15) 20 percent of such value; for the tenth year, 10 percent of such value; for the eleventh and each succeeding year, the sum of (\$2) \$15; *provided that for registrations renewed on or after January 1, 1983, and each year thereafter, the annual additional tax for the eleventh and each succeeding year of vehicle life shall be \$25.*

*In no event shall the annual additional tax be less than \$15 for any registration renewed after January 1, 1982, nor less than \$25 for any registration renewed after January 1, 1983, and subsequent years.*



Sec. 4. Minnesota Statutes 1980, Section 168.013, Subdivision 1b, is amended to read:

Subd. 1b. [MOTORCYCLES.] On motorcycles the tax (IS \$5, WHICH) shall be three-tenths of one percent of the base value when new, but in no event less than \$10. Base value has the meaning given it in subdivision 1a. This tax includes the surtax provided for in subdivision 14.

Sec. 5. Minnesota Statutes 1980, Section 168.013, Subdivision 1c, is amended to read:

Subd. 1c. [FARM TRUCKS.] On farm trucks having a gross weight of not more than 51,000 pounds, the tax shall be based on total gross weight and shall be (30) 45 percent of the Minnesota base rate prescribed by subdivision 1e (UNDER SCHEDULE I) during each of the first six years of vehicle life, but in no event less than (\$19) \$35, and during the seventh and succeeding years of vehicle life (AS TAKEN FROM SCHEDULE II, BUT IN NO EVENT LESS THAN \$11) the tax shall be 27 percent of the Minnesota base rate prescribed by subdivision 1e, but in no event less than \$21. On farm trucks having a gross weight of more than 51,000 pounds, the tax shall be 60 percent of the Minnesota base rate during the first nine years of vehicle life and 36 percent of the Minnesota base rate during the tenth and succeeding years. In addition to (SUCH) the gross weight tax imposed on a truck-tractor or truck used as a truck-tractor, each semitrailer shall be taxed a fee of (\$10) \$30 for a one year period or (\$50) \$150 for a five year period whichever the applicant elects.

Sec. 6. Minnesota Statutes 1980, Section 168.013, Subdivision 1d, is amended to read:

Subd. 1d. [TRAILERS.] On trailers the annual tax shall be based on total gross weight and shall be 30 percent of the Minnesota base rate prescribed in subdivision 1e, (SCHEDULE I,) but in no event less than (\$2) \$5, provided, that the tax on trailers with a total gross weight of 3,000 pounds or less shall be payable biennially.

Sec. 7. Minnesota Statutes 1980, Section 168.013, Subdivision 1e, is amended to read:

Subd. 1e. [TRUCKS; TRACTORS; COMBINATIONS; EXCEPTIONS.] (1) On all trucks and tractors except those in this chapter defined as farm trucks, and urban trucks, and on all truck-tractor and semi-trailer combinations except those defined as farm combinations and urban combinations, the tax based on total gross weight (DURING THE FIRST SIX YEARS OF VEHICLE LIFE) shall be graduated according to (SCHEDULE I OF) the Minnesota base rate schedule prescribed in this

subdivision, but in no event less than (\$28, AND DURING THE SEVENTH AND SUCCEEDING YEARS OF VEHICLE LIFE THE TAX SHALL BE GRADUATED ACCORDING TO SCHEDULE II OF THIS SUBDIVISION, BUT IN NO EVENT LESS THAN \$17) \$120.

### MINNESOTA BASE RATE SCHEDULE

Scheduled taxes include five percent surtax provided for in subdivision 14

	TOTAL GROSS WEIGHT IN POUNDS	(SCHEDULE I)		(SCHEDULE II)
		Tax		(TAX)
A	0 - 1,500	\$ (5.00)	15	(\$ . . . .)
B	1,501 - 3,000	(9.00)	20	(. . . .)
C	3,001 - 4,500	(14.00)	25	(8.00)
D	4,501 - 6,000	(19.00)	35	(11.00)
E	6,001 - 9,000	(28.00)	45	(17.00)
F	9,001 - 12,000	(39.00)	70	(23.00)
G	12,001 - 15,000	(62.00)	105	(37.00)
H	15,001 - 18,000	(86.00)	145	(52.00)
I	18,001 - 21,000	(114.00)	190	(68.00)
J	21,001 - 27,000	(158.00)	270	(95.00)
K	27,001 - 33,000	(230.00)	360	(138.00)
L	33,001 - 39,000	(320.00)	470	(192.00)
M	39,001 - 45,000	(420.00)	590	(252.00)
N	45,001 - 51,000	(540.00)	710	(324.00)
O	51,001 - 57,000	(690.00)	860	(414.00)
P	57,001 - 63,000	(830.00)	1010	(498.00)
Q	63,001 - 69,000	(970.00)	1180	(582.00)

	TOTAL GROSS WEIGHT IN POUNDS	(SCHEDULE I)	(SCHEDULE II)
		Tax	(TAX)
R	69,001 - 73,280	(1,050.00) 1320	(630.00)
S	73,281 -(77,000) 78,000	(1,155.00) 1520	(693.00)
T	(77,001) 78,001 - 81,000	(1,260.00) 1620	(746.00)

For each vehicle with a gross weight in excess of 81,000 pounds an additional tax of (\$36) \$50 is imposed for each ton or fraction thereof in excess of 81,000 pounds, subject to provisions of subdivision 12.

(PROVIDED HOWEVER, THAT ON ALL TRUCKS, EXCEPT THOSE IN THIS CHAPTER DEFINED AS FARM TRUCKS AND URBAN TRUCKS, HAVING A GROSS WEIGHT IN EXCESS OF 18,000 POUNDS BUT LESS THAN 27,001 POUNDS, THE TAX SHALL BE:)

((A) FOR THE REGISTRATION YEAR 1976, 70 PERCENT OF THE APPLICABLE SCHEDULE I OR SCHEDULE II OF THIS SUBDIVISION;)

((B) FOR THE REGISTRATION YEAR 1977, 80 PERCENT OF THE APPLICABLE SCHEDULE I OR SCHEDULE II OF THIS SUBDIVISION;)

((C) FOR THE REGISTRATION YEAR 1978, 90 PERCENT OF THE APPLICABLE SCHEDULE I OR SCHEDULE II OF THIS SUBDIVISION;)

((D) FOR THE REGISTRATION YEAR 1979 AND THEREAFTER; 100 PERCENT OF THE APPLICABLE SCHEDULE I OR SCHEDULE II OF THIS SUBDIVISION.)

(ON VEHICLES HAVING A GROSS WEIGHT IN EXCESS OF 27,000 POUNDS, AND USED FOR THE TRANSPORTATION OF LIVESTOCK OR UNPROCESSED AND RAW FARM PRODUCTS SHALL BE TAXED AT 90 PERCENT OF THE MINNESOTA BASE RATE PRESCRIBED BY THIS SUBDIVISION UNDER SCHEDULE I DURING EACH OF THE FIRST SIX YEARS OF VEHICLE LIFE AND DURING THE SEVENTH AND SUCCEEDING YEARS OF VEHICLE LIFE AS TAKEN FROM SCHEDULE II, PROVIDED THE GROSS RECEIPTS DERIVED FROM SUCH USE EQUAL OR EXCEED 60 PERCENT OF THE OWNER'S TOTAL GROSS RECEIPTS FROM THE OPERATION OF SUCH VEHICLE DURING THE 12 MONTH PERIOD IMMEDIATELY PRE-

CEDING THE DATE SET BY LAW FOR THE REREGISTRATION OF SUCH VEHICLE. THE OWNER SHALL FURNISH SUCH INFORMATION AS THE COMMISSIONER OF PUBLIC SAFETY MAY REQUIRE, INCLUDING SWORN STATEMENTS OF FACT, AND THE COMMISSIONER OF PUBLIC SAFETY SHALL THEREUPON DETERMINE WHETHER SUCH OWNER COMES WITHIN THE PROVISIONS OF THIS PARAGRAPH.)

(IF AN OWNER HAS NOT USED SUCH VEHICLE FOR THE TRANSPORTATION OF LIVESTOCK OR UNPROCESSED AND RAW FARM PRODUCTS SO AS TO BE ABLE TO REPORT GROSS RECEIPTS FOR THE 12 MONTH PERIOD AS HEREIN SET FORTH, HE MAY, NEVERTHELESS, APPLY FOR REGISTRATION HEREUNDER AND PAY THE REDUCED TAX AND THE COMMISSIONER OF PUBLIC SAFETY SHALL, AFTER CONSIDERATION OF THE ESTABLISHED FACTS, DETERMINE WHETHER SUCH OWNER IS ENTITLED TO HAVE SUCH REGISTRATION APPROVED.)

(IF AN OWNER FAILS TO OPERATE UNDER THE CONDITIONS AND LIMITATIONS HEREIN SET FORTH, HE SHALL IMMEDIATELY NOTIFY THE COMMISSIONER OF PUBLIC SAFETY OF SUCH FACT AND PAY THE DIFFERENCE BETWEEN THE SCHEDULED GROSS WEIGHT TAX AND THE REDUCED TAX PROPORTIONATE TO THE NUMBER OF MONTHS REMAINING IN THE YEAR, 1/12 OF THE DIFFERENCE FOR EACH MONTH OR FRACTION THEREOF, BEGINNING WITH THE MONTH IN WHICH SUCH OPERATIONS WERE DISCONTINUED OR CHANGED.)

(IF AN OWNER FIRST USES SUCH VEHICLE FOR THE TRANSPORTATION OF LIVESTOCK AND UNPROCESSED AND RAW FARM PRODUCTS AFTER THE TAX BECOMES DUE WITHOUT REDUCTION, NO ADJUSTMENT OF REFUND OF TAX SHALL BE MADE DURING THAT CALENDAR YEAR FOR REASONS OF TRANSPORTING LIVESTOCK AND UNPROCESSED AND RAW FARM PRODUCTS.)

(2) All truck-tractors except those herein defined as farm and urban truck-tractors shall be taxed in accord with the foregoing gross weight tax schedule on the basis of the combined gross weight of such truck-tractor and any semi-trailer or semi-trailers which the applicant proposes to combine with the truck-tractor. In addition, to (SUCH) *the* gross weight tax imposed on the truck-tractor, each semi-trailer shall be taxed a fee of (\$10) \$30 for a one year period or (\$50) \$150 for a five year period whichever the applicant elects.

(3) Urban trucks include only all trucks and all truck-tractors and semi-trailers used exclusively in transporting property within the metropolitan area consisting of Hennepin, Ramsey, Scott, Dakota, Anoka, Washington and Carver counties, or within the corporate limits of any city or contiguous cities or within one mile of cities of the first and second class. For the purposes of this clause a land area ceded to the United States of America under General Laws 1889, Chapter 57, is a statutory city. The vehicle shall not be operated outside the metropolitan area or corporate limits of such city or contiguous cities, or beyond one mile of cities of the first and second class; except that the commissioner of public safety may, by special permit, authorize the permanent removal of such vehicle from any registration area to another. The license plates issued therefor shall be plainly marked. On urban trucks and combinations the tax shall be based on total gross weight and shall be (30) 70 percent of the Minnesota base rate (PRESCRIBED IN THIS SUBDIVISION UNDER SCHEDULE I DURING EACH OF THE FIRST SIX YEARS OF VEHICLE LIFE, BUT IN NO EVENT LESS THAN \$19, AND DURING THE SEVENTH AND SUCCEEDING YEARS OF VEHICLE LIFE AS TAKEN FROM SCHEDULE II, BUT IN NO EVENT LESS THAN \$11. IN ADDITION TO SUCH GROSS WEIGHT TAX IMPOSED ON THE TRUCK-TRACTOR, EACH SEMITRAILER SHALL BE TAXED A FEE OF \$10 FOR A ONE YEAR PERIOD OR \$50 FOR A FIVE YEAR PERIOD WHICHEVER THE APPLICANT ELECTS). Provided that on vehicles used by an authorized local cartage carrier operating under a permit issued pursuant to section 221.296 and whose gross transportation revenue consist of at least 60 percent obtained solely from local cartage carriage, shall be (TAXED AT 90 PERCENT OF THE PRESCRIBED URBAN TRUCK AND COMBINATION RATES) *taxed at 50 percent of the Minnesota base rate schedule for all trucks and combinations for the life of the vehicle during each year such vehicle is used, provided that the gross revenues obtained from transportation services is obtained from local cartage carriage is at least 60 percent of all revenue obtained from transportation services by said person; and provided further, that said tax shall in no event be less than (\$10) \$25.*

(4) *Except for those trucks and combinations used by authorized local cartage carriers, on those trucks and combinations included within the definition of urban trucks prior to the effective date of this act, the tax for the seventh and succeeding years of vehicle life shall be:*

(a) *for the 1982 registration year, 43 percent of the tax imposed in the Minnesota base rate schedule;*

(b) *for the 1983 registration year, 56 percent of the tax imposed in the Minnesota base rate schedule; and*

(c) for the 1984 registration year and each succeeding year, 70 percent of the tax imposed in the Minnesota base rate schedule.

(5) On all trucks, truck tractors and semi-trailer combinations, except those defined as farm trucks and farm combinations, and except for those urban trucks and combinations specifically provided for in this subdivision, the tax for the seventh and succeeding years of vehicle life shall be:

(a) for the 1982 registration year, 73 percent of the tax imposed in the Minnesota base rate schedule;

(b) for the 1983 registration year, 87 percent of the tax imposed in the Minnesota base rate schedule; and

(c) for the 1984 registration year, and each succeeding year, 100 percent of the tax imposed in the Minnesota base rate schedule.

Sec. 8. Minnesota Statutes 1980, Section 168.013, Subdivision 1f, is amended to read:

Subd. 1f. [(INTERCITY) BUSES.] On all intercity buses, the tax during each the first two years of vehicle life shall be based on the gross weight of the vehicle and graduated according to the following schedule:

Gross Weight of Vehicle	Tax
Under 6,000 lbs. ....	\$125
6,000 to 8,000 lbs., incl. ....	125
8,001 to 10,000 lbs., incl. ....	125
10,001 to 12,000 lbs., incl. ....	150
12,001 to 14,000 lbs., incl. ....	190
14,001 to 16,000 lbs., incl. ....	210
16,001 to 18,000 lbs., incl. ....	225
18,001 to 20,000 lbs., incl. ....	260
20,001 to 22,000 lbs., incl. ....	300
22,001 to 24,000 lbs., incl. ....	350
24,001 to 26,000 lbs., incl. ....	400

26,001 to 28,000 lbs., incl. ....	450
28,001 to 30,000 lbs., incl. ....	500
30,001 and over .....	550

During each of the third and fourth years of vehicle life, the tax shall be 75 percent of the foregoing scheduled tax; during the fifth year of vehicle life, the tax shall be 50 percent of the foregoing scheduled tax; during the sixth year of vehicle life, the tax shall be 37 1/2 percent of the foregoing scheduled tax; and during the seventh and each succeeding year of vehicle life, the tax shall be 25 percent of the foregoing scheduled tax; provided that the annual tax paid in any year of its life for an intercity bus shall be not less than \$175 for a vehicle of over 25 passenger seating capacity and not less than \$125 for a vehicle of 25 passenger and less seating capacity.

On all intracity buses operated by an auto transportation company in the business of transporting persons for compensation as a common carrier and operating within the limits of cities having populations in excess of 200,000 inhabitants, the tax during each year of the vehicle life of each such bus shall be \$40; on all of such intracity buses operated in cities having a population of less than 200,000 and more than 70,000 inhabitants, the tax during each year of vehicle life of each bus shall be \$10; and on all of such intracity buses operating in cities having a population of less than 70,000 inhabitants, the tax during each year of vehicle life of each bus shall be \$2.

On all other buses the tax during each of the first three years of the vehicle life shall be based on the gross weight of the vehicle and graduated according to the following schedule: Where the gross weight of the vehicle is 6,000 pounds or less, \$25. Where the gross weight of the vehicle is more than 6,000 pounds, and not more than 8,000 pounds, the tax shall be \$25 plus an additional tax of \$5 per ton for the ton or major portion in excess of 6,000 pounds. Where the gross weight of the vehicle is more than 8,000 pounds, and not more than 20,000 pounds, the tax shall be \$30 plus an additional tax of \$10 per ton for each ton or major portion in excess of 8,000 pounds. Where the gross weight of the vehicle is more than 20,000 pounds and not more than 24,000 pounds, the tax shall be \$90 plus an additional tax of \$15 per ton for each ton or major portion in excess of 20,000 pounds. Where the gross weight of the vehicle is more than 24,000 pounds and not more than 28,000 pounds, the tax shall be \$120 plus an additional tax of \$25 per ton for each ton or major portion in excess of 24,000 pounds. Where the gross weight of the vehicle is more than 28,000 pounds, the tax shall be \$170 plus an additional tax of \$30 per ton for each ton or major portion in excess of 28,000 pounds.

During (EACH OF) the fourth (, FIFTH AND SIXTH) *and succeeding* years of vehicle life, the tax shall be 80 percent of the foregoing scheduled tax but in no event less than \$20 per vehicle.

(DURING EACH OF THE SEVENTH, EIGHTH AND NINTH YEARS OF VEHICLE LIFE, THE TAX SHALL BE 60 PERCENT OF THE FOREGOING SCHEDULED TAX BUT IN NO EVENT LESS THAN \$16 PER VEHICLE.)

(DURING THE TENTH AND SUCCEEDING YEARS OF VEHICLE LIFE, THE TAX SHALL BE 40 PERCENT OF THE FOREGOING SCHEDULED TAX BUT IN NO EVENT LESS THAN \$12 PER VEHICLE.)

Sec. 9. Minnesota Statutes 1980, Section 168.013, Subdivision 1g, is amended to read:

Subd. 1g. [RECREATIONAL VEHICLES.] Selfpropelled recreational vehicles shall be separately licensed and taxed annually on the basis of total gross weight (AT 100 PERCENT OF) *and the tax shall be graduated according to* the Minnesota base rate *schedule* prescribed in subdivision 1e (UNDER SCHEDULE I DURING EACH OF THE FIRST SIX YEARS OF VEHICLE LIFE), but in no event less than (\$14, AND DURING THE SEVENTH AND SUCCEEDING YEARS OF VEHICLE LIFE AS TAKEN FROM SCHEDULE II, BUT IN NO EVENT LESS THAN \$8) \$20.

*For all selfpropelled recreational vehicles, the tax for the seventh and succeeding years of vehicle life shall be:*

(a) *for the 1982 registration year, 73 percent of the tax imposed in the Minnesota base rate schedule;*

(b) *for the 1983 registration year, 87 percent of the tax imposed in the Minnesota base rate schedule; and*

(c) *for the 1984 registration year and each succeeding year, 100 percent of the tax imposed in the Minnesota base rate schedule.*

Towed recreational vehicles shall be separately licensed and taxed annually on the basis of total gross weight at 30 percent of the Minnesota base rate prescribed in subdivision 1e (UNDER SCHEDULE I) but in no event less than \$5.

The annual tax on a slip-in camper as defined in section 168.011, subdivision 25, shall be as provided for selfpropelled recreational vehicles unless (SUCH) *the* owner elects to register (SUCH) *the* slip-in camper as a truck. If the owner elects to register (SUCH) *the* slip-in camper as a truck, the annual tax shall be either the tax imposed for selfpropelled recreational



vehicles or the tax imposed for trucks on the basis of gross weight in subdivision 1e, whichever is higher. Notwithstanding any law to the contrary, all trailers and semitrailers taxed pursuant to this section shall be exempt from any wheelage tax now or hereafter imposed by any political subdivision or political subdivisions.

Sec. 10. Minnesota Statutes 1980, Section 168.013, Subdivision 1h, is amended to read:

Subd. 1h. [MOTORIZED BICYCLES.] On motorized bicycles the tax is (\$3) \$6, which includes the surtax provided for in subdivision 14.

Sec. 11. [168.018] [QUARTERLY REGISTRATION OF FARM TRUCKS.]

*The owner of any farm truck as defined in section 168.011, subdivision 17, may elect to register and license the farm truck only for one or more quarters of a registration year, at a tax of one-fourth of the annual tax on the vehicle plus \$5 for each quarterly registration. The expiration date of a quarterly registration shall be displayed on the license plate in such a manner as the registrar shall direct. No farm truck registered on a quarterly basis shall be operated on the public streets and highways more than ten days beyond the end of the quarter for which it is registered unless the registration has been renewed for another quarter or for the remainder of the registration year.*

*For purposes of this section registration quarters shall begin on March 1, June 1, September 1, and December 1.*

Sec. 12. Minnesota Statutes 1980, Section 168.12, Subdivision 2a, is amended to read:

Subd. 2a. [PERSONALIZED LICENSE PLATES.] Personalized license plates shall be issued to any applicant for registration of a passenger automobile, station wagon, van or pickup truck with a gross weight of 9,000 pounds or less, or self-propelled recreational vehicle, upon compliance with all laws of this state relating to registration of the vehicle, and upon payment of a fee of (\$50) \$100 in addition to the registration tax required by law for the vehicle. In lieu of the numbers assigned as provided in subdivision 1, such personalized license plates shall have imprinted thereon a series of not to exceed any combination of six numbers and letters. When an applicant has once obtained personalized plates, he shall have a prior claim for similar personalized plates in the next succeeding year that plates are issued if he makes application for them at least 30 days prior to the first date on which his registration can be renewed. The commissioner of public safety shall adopt rules and regulations in the manner provided by chapter 15, regulating the issuance and transfer of

such personalized license plates. No words or combination of letters placed on such personalized license plates may be used for commercial advertising or be of an obscene, indecent or immoral nature, or such as would offend public morals or decency. The call signals or letters of a radio or television station shall not be construed as commercial advertising for the purposes of this subdivision.

Notwithstanding the provisions of subdivision 1, personalized license plates issued pursuant to this subdivision may be transferred to another motor vehicle upon the payment of a fee of \$5, which fee shall be paid into the state treasury and credited to the highway user tax distribution fund. The registrar may by regulation provide a form for such notification.

The fee prescribed for personalized license plates shall be paid only in those years in which the number plate itself is issued, and shall not be payable in any year in which a year plate, tab or sticker is issued in lieu of a number plate.

All fees from the sale of personalized license plates shall be paid into the state treasury and credited to the highway user tax distribution fund.

Sec. 13. Minnesota Statutes 1980, Section 168.27, Subdivision 16, is amended to read:

Subd. 16. [PLATES, DISTINGUISHING NUMBERS.] (a) The registrar shall issue to every motor vehicle dealer, upon a request from such motor vehicle dealer licensed as provided in Subdivisions 2 or 3, one or more pair of number plates displaying a general distinguishing number upon the payment of \$10 to the registrar. In addition the dealer shall pay a motor vehicle excise tax of \$15 annually for each pair of dealer plates purchased as required by section 297B.035. The registrar shall deposit the tax in the state treasury and it shall be credited (TO THE GENERAL FUND) as provided in section 15. Motor vehicles, new or used, owned by such motor vehicle dealer and bearing such number plates, except vehicles leased to the user who is not an employee of the dealer during the term of the lease, held for hire, or customarily used by the dealer as a tow truck, service truck, or parts pickup truck, may be driven upon the streets and highways of this state by such motor vehicle dealer, or any employee of such motor vehicle dealer or by any member of the immediate family of such dealer or employee for either private or business purposes; or may be driven upon the streets and highways for demonstration purposes by any prospective buyer thereof for a period of 48 hours or in the case of a truck, truck-tractor, or semi-trailer, for a period of seven days.

(b) A new or used motor vehicle sold by such motor vehicle dealer and bearing the motor vehicle dealer's number plates

may be driven upon the public streets and highways for a period of 72 hours by the buyer for either of the following purposes: (1) Removing the vehicle from this state for registration in another state, or (2) permitting the buyer to use the motor vehicle before he receives number plates pursuant to his own registration. Use of a motor vehicle by the buyer under the provisions of clause (2) of the preceding sentence before he receives number plates pursuant to his own registration constitutes a use of the public streets or highways for the purpose of the time requirements for registration of motor vehicles.

Sec. 14. Minnesota Statutes 1980, Section 297B.035, Subdivision 2, is amended to read:

Subd. 2. Motor vehicles which satisfy the definitions of subdivision 1, shall be taxed at a yearly rate of \$15 per set of dealer plates. This tax shall be paid when dealer plates are purchased and shall be deposited in the state treasury and credited (TO THE GENERAL FUND) *as provided in section 15.* This tax shall be in lieu of any other state sales, excise, or use tax.

Sec. 15. Minnesota Statutes 1980, Section 297B.09, is amended to read:

297B.09 [ALLOCATION OF REVENUE.]

*Subdivision 1. [GENERAL FUND SHARE.] All moneys collected and received (UNDER LAWS 1971, CHAPTER 853,) under this chapter shall be (ALLOCATED MONTHLY BY THE MOTOR VEHICLE REGISTRAR TO THE STATE COMMISSIONER OF REVENUE AND BY HIM SHALL BE PAID TO THE STATE TREASURER AND SHALL BE) deposited (AS PROVIDED IN SECTION 297A.44.) in the state treasury and credited as follows:*

*(a) All of the proceeds collected until June 30, 1983 shall be credited to the general fund;*

*(b) Three-fourths of the proceeds collected after June 30, 1983 and before July 1, 1984 shall be credited to the general fund;*

*(c) One-half of the proceeds collected after June 30, 1984 and before July 1, 1985 shall be credited to the general fund;*

*(d) One-fourth of the proceeds collected after June 30, 1985 and before July 1, 1986 shall be credited to the general fund; and*

*(e) After June 30, 1986, none of the proceeds collected shall be credited to the general fund.*

*Subd. 2. [HIGHWAY USER TAX DISTRIBUTION FUND SHARE.] The proceeds collected under this chapter and not credited to the general fund shall be deposited in the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund.*

Sec. 16. Minnesota Statutes 1980, Section 296.02, Subdivision 1, is amended to read:

Subdivision 1. [TAX IMPOSED FOR MOTOR VEHICLE USE.] There is hereby imposed an excise tax of (11) 15 cents per gallon on all gasoline used in producing and generating power for propelling motor vehicles used on the public highways of this state. This tax shall be payable at the times, in the manner, and by persons specified in this chapter.

Sec. 17. Minnesota Statutes 1980, Section 174.50, Subdivision 1, is amended to read:

Subdivision 1. State assistance is needed to supplement local effort and the highway user tax distribution fund in financing capital improvements to preserve and develop a balanced transportation system throughout the state. Such a system is a proper function and concern of state government and necessary to protect the safety and personal and economic welfare of all citizens. *It requires capital expenditures for public facilities, improvements, and equipment that are complementary, additional, and alternate to highways and are a proper object for contracting public debt and engaging in works of internal improvement under article XI, section 5, clause (a) of the constitution. These expenditures are needed to harmonize state and local highway systems with the requirements of the federal interstate highways system, to avoid harmful environmental impact of arterial highways on urban, scenic, and recreational areas, to provide auxiliary facilities for the convenience and safety of persons crossing highways and persons living and working adjacent to them, and to reduce the number of private motor vehicles on highways by providing alternate modes of transportation. Capital expenditures of this nature exceed requirements for basic highway systems and should be funded from sources other than the taxes and bonds authorized in article XIV of the constitution. However, the improvements tend to reduce the cost of maintenance of highways to the minimum required for accommodation of traffic, and the cost may and shall continue to be paid from taxes authorized in article XIV of the constitution. Immediate improvement needs are reconstruction and replacement of key bridges and approaches to remove obstructions to the flow of traffic on state and county highways, municipal streets and township roads and expedited completion of the interstate highway system in Minnesota by paying the state and local shares of interstate highway segments, and of interstate highway substitution projects when approved by the United States secretary of*

*transportation, the governor, and the responsible regional councils and local government units.*

**Sec. 18. [TRANSPORTATION FUND APPROPRIATIONS.]**

*\$115,000,000 is appropriated from the state transportation fund to the commissioner of transportation to acquire and better public land, buildings, and capital improvements in accordance with section 174.50 and rules promulgated thereunder, to be expended in the following amounts for the following purposes, respectively:*

*(a) Design, construction, and reconstruction of key bridges and bridge approaches on routes of trunk and interstate highways - \$56,200,000;*

*(b) Payment of the state's share of the cost of completion of segments of the interstate highway system in cooperation with the United States secretary of transportation - \$52,200,000; and*

*(c) Payment of state and local shares of transit and highway projects for service of urbanized areas and connecting corridors in unurbanized areas, approved by the United States secretary of transportation, the governor, and responsible regional councils and local government units, in substitution for interstate routes withdrawn from the areas - \$6,600,000.*

**Sec. 19. [AUTHORIZATION OF BONDS.]**

*To provide the money appropriated in this act from the state transportation fund the commissioner of finance upon request of the governor shall sell and issue bonds of the state in an amount up to \$115,000,000 in the manner, upon the terms, and with the effect prescribed by section 174.51, and by the constitution, article XI, sections 4 to 7. The proceeds of the bonds, except premium and accrued interest, are appropriated to and shall be deposited in the Minnesota state transportation fund for expenditure for the acquisition and betterment of public land, buildings, and capital improvements in accordance with section 18 and section 174.50.*

**Sec. 20. [REPEALER.]**

*Minnesota Statutes 1980, Section 168.013, Subdivision 17, is repealed.*

**Sec. 21. [EFFECTIVE DATE.]**

*Sections 1 to 11 and 20 are effective November 15, 1981, for the year 1982 and subsequent years, provided that for vehicles registered under the monthly system on November 15, 1981, the increases provided in section 3 are effective on the date of the first renewal applications. Section 16 is effective June 1, 1981,*

*and applies to all gasoline and special fuel as defined in section 296.01, subdivision 6, in storage on that date. Sections 12, 17, 18 and 19 are effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to transportation; providing for the financing of certain services of the department of transportation; adjusting the motor vehicle registration tax on certain vehicles; increasing the fee for personalized license plates; increasing the tax on gasoline and special fuels; providing that the proceeds of the motor vehicle excise tax be allocated between the general fund and the highway user tax distribution fund for a period of four years, and thereafter all the proceeds to be deposited in the highway user tax distribution fund; authorizing the issuance of state bonds and appropriating the proceeds for the purpose of providing money to acquire and better public land, buildings, and capital improvements comprising key bridges, segments of interstate highways, and interstate highway substitution projects needed for an integrated state transportation system; amending Minnesota Statutes 1980, Sections 168.011, Subdivisions 7 and 10; 168.013, Subdivisions 1a, 1b, 1c, 1d, 1e, 1f, 1g, and 1h; 168.12, Subdivision 2a; 168.27, Subdivision 16; 174.50, Subdivision 1; 296.02, Subdivision 1; 297B.035, Subdivision 2; and 297B.09; proposing new law coded in Minnesota Statutes, Chapter 168; repealing Minnesota Statutes 1980, Section 168.013, Subdivision 17."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 407, A bill for an act relating to insurance; modifying the definition of a covered claim for purposes of the state's insurance guaranty association act; amending Minnesota Statutes 1980, Section 60C.09, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 411, A bill for an act relating to Ramsey County; stating positions in the unclassified county service; placing employees of the judicial district administrator's office in the un-

classified service; amending Laws 1974, Chapter 435, Section 3.02, Subdivision 6, as amended.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 553, A bill for an act relating to drivers licenses; increasing fees for motorized bicycle operator permits and for driver licenses; establishing a fee for the Minnesota identification card; providing for uniform application fees; requiring reexamination before issuance of a new drivers license after revocation; amending Minnesota Statutes 1980, Sections 171.02, Subdivision 3; 171.06, Subdivisions 1, 2 and 4; 171.07, Subdivision 3; and 171.29.

Reported the same back with the following amendments:

Page 2, after line 28 insert:

"Sec. 4. Minnesota Statutes 1980, Section 171.06, is amended by adding a subdivision to read:

*Subd. 3a. [MIDDLE NAME MAY BE MAIDEN NAME.] For the purposes of subdivision 3, and section 171.07, subdivision 1, the full name of a married applicant may include, at the option of the applicant, the applicant's family name prior to marriage instead of the applicant's given middle name, notwithstanding the middle name specified on the applicant's marriage certificate."*

Page 3, line 9, strike "an" and insert "a Minnesota identification card,"

Page 4, line 32, before "This" insert "Sections 1 and 2 and 4 to 7 of" and delete "is" and insert "are"

Page 4, line 32, after the period insert "Section 3 is effective January 1, 1983."

Renumber the sections

Amend the title as follows:

Page 1, line 7, after the semicolon insert "authorizing married applicants to use their maiden name as their middle name;"

Page 1, line 9, after "2" delete "and" and insert a comma

Page 1, line 9, after "4" insert ", and by adding a subdivision"

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 606, A bill for an act relating to highway traffic regulations; specifying minimum property damage accident report requirements; making the report available to state agencies; amending Minnesota Statutes 1980, Section 169.09, Subdivisions 7 and 13.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 673, A bill for an act relating to commerce; increasing the amount of the surety bond required of collection agencies; authorizing the commissioner of securities and real estate to investigate and examine certain collection agencies; broadening the classification of prohibited practices; amending Minnesota Statutes 1980, Sections 332.34; 332.37; and 332.40.

Reported the same back with the following amendments:

Page 1, line 17, delete "\$25,000" and insert "\$10,000 effective July 1, 1982 and \$20,000 effective July 1, 1983. An applicant for a new or renewal license may request that the amount of the bond hereby required be reduced to an amount which shall be not less than \$5,000. This request may be granted upon a showing that the total dollar amount received from debtors by the collection agency in the preceding fiscal year did not exceed \$30,000"

Page 1, line 25, strike "justices of the peace,"

Page 4, line 20, after "for" delete "any" and insert "or on"

Page 4, delete section 4

With the recommendation that when so amended the bill pass.

The report was adopted.



Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 697, A bill for an act relating to agriculture; regulating alien use of agricultural land; providing penalties; amending Minnesota Statutes 1980, Section 500.221.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 500.221, is amended to read:

500.221 [RESTRICTIONS ON ACQUISITION OF TITLE.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, "agricultural land" means land capable of use in the production of agricultural crops, livestock or livestock products, poultry or poultry products, milk or dairy products, or fruit and other horticultural products but does not include any land zoned by a local governmental unit for a use other than and nonconforming with agricultural use. For the purposes of this section, "interest in agricultural land" includes any leasehold interest. *For the purposes of this section, a "permanent resident alien of the United States" is a natural person who has been lawfully admitted to the United States as a permanent resident alien and in fact maintains his or her principal, actual dwelling place within the United States, for at least six months out of every consecutive 12 month period, without regard to intent. For the purposes of this section, "commissioner" means the commissioner of agriculture.*

Subd. 1a. [DETERMINATION OF ALIEN STATUS.] *Every permanent resident alien of the United States who owns property subject to this section shall annually after January 1 and prior to January 31, file with the commissioner a statement setting forth the dates and places of that person's residence in the United States during the prior calendar year.*

Subd. 2. [ALIENS AND NON-AMERICAN CORPORATIONS.] Except as hereinafter provided, no natural person shall (HEREAFTER) acquire directly or indirectly any interest in agricultural land unless (HE BE) *the person is a citizen of the United States, (OR) a permanent resident alien of the United States, or is in the employ of the United States* and, in addition to the restrictions in section 500.24, no corporation, partnership, limited partnership, trustee, or other business entity shall (HEREAFTER,) directly or indirectly, acquire or otherwise obtain any interest, whether legal, beneficial or otherwise, in any title to agricultural land unless at least 80 percent of each class of stock issued and outstanding or 80 percent of the ultimate beneficial interest of (SUCH) *the entity is held directly or indirectly by citizens of the United States or permanent resi-*

dent aliens. This section shall not apply to agricultural land that may be acquired by devise, inheritance, as security for indebtedness, by process of law in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise; provided, that all agricultural land so acquired in the collection of debts or by the enforcement of a lien or claim shall be disposed of within three years after acquiring ownership. Further, the provisions of this section shall not apply to citizens or subjects of a foreign country whose rights to hold land are secured by treaty or lands used for transportation purposes by a common carrier, as defined in section 218.011, subdivision 2, or lands or interests in lands acquired for use in connection with mining and mineral processing operations provided, however, that pending the development of agricultural land for mining purposes (SUCH) *the* land may not be used for farming except under lease to a family farm, a family farm corporation or an authorized farm corporation. Further, the provisions of this section shall not apply to agricultural land operated for research or experimental purposes, provided that the ownership of the agricultural land shall be incidental to the research or experimental objectives of the person or business entity, and provided that total acreage owned by the person or business entity does not exceed the acreage owned on May 27, 1977.

*Subd. 2a. [LOSS OF EXEMPT STATUS.] If any person or business entity acquires an interest in agricultural land as permitted by subdivision 2 and thereafter ceases to be a person or entity qualified to acquire an interest in agricultural land as permitted by subdivision 2 by reason of the loss of citizenship or permanent residence status or the loss of citizenship or permanent residence status of its shareholders or the holders of ultimate beneficial interests, the person or entity shall:*

*(a) Notify the commissioner within 90 days of the loss of qualification and shall file a report with the commissioner of agriculture giving a description of all agricultural land owned by the person or entity within the state, the date upon which the land was acquired, the date upon which the person or entity ceased to be qualified, and any other information as may reasonably be required by the commissioner;*

*(b) Divest itself of any agricultural land acquired after May 27, 1977 but before May 1, 1981, within three years and for those lands acquired after May 1, 1981, within one year of the date upon which the person or entity ceased to be qualified;*

*(c) Report the divestiture to the commissioner of agriculture within 30 days after it occurs;*

*(d) Make other reports as the commissioner may reasonably require; and*

(e) *Continue to file periodic reports as required by subdivision 4 with respect to any land acquired on or before May 27, 1977.*

*The commissioner is empowered to issue subpoenas requiring the attendance of any witness having information relevant to any matter reasonably related to the provisions of this section and to compel the production of any books, records, papers, articles, instruments, documents, memoranda, or other information, including machine sensible data, related to the matter. The commissioner is authorized to administer oaths and take testimony.*

*Any real estate broker or real estate salesperson, as defined in sections 82.17 and 82.18, and licensed under the provisions of chapter 82, who knowingly participates in a transaction in violation of this section shall be deemed to be in violation of chapter 82 and subject to its remedies.*

*Any person who willfully and knowingly violates this section as an agent shall be guilty of a misdemeanor.*

*Subd. 2b. [INJUNCTIVE RELIEF.] The commissioner may seek injunctive relief whenever a violation of this section is threatened.*

*Subd. 3. [ENFORCEMENT.] If the (ATTORNEY GENERAL) commissioner has reason to believe that any person is violating subdivision 2, he shall commence an action in the district court in which any agricultural land relative to the violation is situated, or if situated in two or more counties, in any county in which a substantial part of the land is situated. The (ATTORNEY GENERAL) commissioner shall file for record with the county recorder or the registrar of titles of each county in which any portion of said land is located a notice of the pendency of the action as provided in section 557.02. If the court finds that the land in question is being held in violation of subdivision 2, it shall enter an order so declaring. The (ATTORNEY GENERAL) commissioner shall file for record any such order with the county recorder or the registrar of titles of each county in which any portion of said land is located. Thereafter, the natural person, corporation, partnership, limited partnership, trustee or other business entity, owning such land shall have a period of one year from the date of the order to divest itself of the lands. The aforementioned one year limitation period shall be deemed a covenant running with the title to the land against any grantee or assignee or successor corporation. Any land not so divested within the time prescribed shall be sold at public sale in the manner prescribed by law for the foreclosure of a mortgage by action. In addition, any prospective or threatened violation may be enjoined by an action brought by the (ATTORNEY GENER-*

AL) *commissioner* in the manner provided by law. No title to land shall be invalid or subject to forfeiture by reason of the alienage of any former owner or person having a former interest therein.

Subd. 4. [REPORTS.] Any natural person, corporation, partnership, limited partnership, trustee, or other business entity prohibited from future acquisition of agricultural land may retain title to any agricultural land *lawfully acquired* within this state (ACQUIRED) prior to May 27, 1977, but it shall file a report with the commissioner of agriculture within (90) 30 days after May 27, 1977 and annually before (APRIL 15) *January 31* thereafter, containing a description of all agricultural land held within the state, the purchase price and market value of the land, the use to which it is put, the date of acquisition and any other reasonable information required by the commissioner. The commissioner shall make the information available to the public. *All required annual reports shall include a filing fee of \$100.*

Subd. 5. [PENALTY.] Willful failure to properly register any parcel of land as required by subdivision 4 is a gross misdemeanor. Each full month of failure to register is a separate offense."

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 731, A bill for an act relating to family; providing for solemnization of marriages by certain court officers; amending Minnesota Statutes 1980, Section 517.04.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 732, A bill for an act relating to agriculture; providing for continuation of certain farm tenancies on termination of life estates; proposing new law coded in Minnesota Statutes, Chapter 500.

Reported the same back with the following amendments:

Page 1, line 15, after "*March 1*" insert "*or completion of harvest, whichever is sooner,*"

Page 1, line 18, after "year" insert ", or upon completion of harvest, whichever is sooner"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 736, A bill for an act relating to Hennepin county; providing for the administration of health care and related services of the county; providing for the administration of the duties and the appointment of the county medical examiner; repealing Laws 1963, Chapter 738, as amended; and Laws 1963, Chapter 848, as amended.

Reported the same back with the following amendments:

Page 10, line 2, after "progress," insert "written"

Page 12, delete lines 3 to 6

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 748, A bill for an act relating to recycling of solid waste; authorizing counties to license redemption centers; requiring payment of a refund on nonrefillable beverage containers; imposing duties on the commissioner of revenue and county auditors; imposing penalties; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 116F.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [116F.09] [DEFINITIONS.]

*Subdivision 1. [SCOPE.] For the purposes of sections 2 to 10, the terms defined in this section have the meanings given them.*

*Subd. 2. [AGENCY.] "Agency" means the pollution control agency.*

**Subd. 3. [BEER.]** "Beer" means beer, ale or other malt drink containing one half of one percent or more of alcohol by volume.

**Subd. 4. [COMMISSIONER.]** "Commissioner" means the commissioner of revenue.

**Subd. 5. [DISTRIBUTOR.]** "Distributor" means a person who sells filled nonrefillable beverage containers to retail dealers in this state.

**Subd. 6. [LIQUOR.]** "Liquor" means ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing in excess of 3.2 percent of alcohol by weight.

**Subd. 7. [MILK.]** "Milk" means any milk or fluid milk product as defined in section 32.391, other than sour cream, cottage cheese and yogurt.

**Subd. 8. [NONREFILLABLE BEVERAGE CONTAINER.]** "Nonrefillable beverage container" means an individual hermetically sealed bottle, can, jar or carton which is composed of at least 50 percent glass, metal or plastic by weight and which is used for the purpose of containing milk, liquor, beer, soft drinks or other beverages in liquid form intended for human consumption, and which is not designed or constructed to be returned, refilled and resold after the beverage which it contained has been consumed.

**Subd. 9. [OTHER BEVERAGES.]** "Other beverages" means noncarbonated drinks including spring water, fruit or vegetable juices, fruit or vegetable drinks, chocolate drinks, and other similar drinks whether naturally or artificially flavored.

**Subd. 10. [RECYCLING CONTRACTOR.]** "Recycling contractor" means any person who contracts with the agency pursuant to section 5 and includes, but is not limited to, a local unit of government, distributor, retail dealer, recycling center, scrap dealer, waste transporter, or waste facility operator.

**Subd. 11. [SOFT DRINKS.]** "Soft drinks" means soda waters, mineral waters and any other carbonated non-alcoholic beverages.

**Sec. 2. [116F.10]. [WASTE RESOURCE RECOVERY VALUE.]**

*The price of a filled nonrefillable beverage container sold or offered for off-sale at retail stores in this state shall include a refund value of two cents plus a recycling allowance of one cent.*

## Sec. 3. [116.F.11] [COLLECTION.]

*Subdivision 1. [SCOPE.] A distributor selling filled non-refillable beverage containers to retail dealers in the state shall add three cents to the price of each filled nonrefillable beverage container.*

*Subd. 2. [REPORT.] After January 1, 1982, before the last day of each month, each distributor in the state shall complete a form supplied by the commissioner of revenue specifying the total number of filled nonrefillable beverage containers sold to retail dealers in the state for the previous month, and shall forward the report to the commissioner along with three cents per filled nonrefillable beverage container sold to retail dealers in the previous month.*

*Subd. 3. [FUND.] The department of finance shall establish a fund in the state treasury for the purposes of sections 1 to 10 to be known as the "land disposal abatement and recycling fund." All moneys collected by the commissioner pursuant to this section shall be deposited in the land disposal abatement and recycling fund, and are hereby appropriated for the purposes of sections 1 to 10, except that the commissioner may deduct the necessary costs to administer, audit and collect the moneys.*

## Sec. 4. [116F.12] [RECYCLING CONTRACTORS.]

*Subdivision 1. [PURPOSE.] The agency shall contract with recycling contractors for the purpose of recycling all nonrefillable beverage containers capable of being recycled, encouraging recycling throughout the state, and ensuring that a greater number of nonrefillable beverage containers are recycled each year.*

*Subd. 2. [REFUND PAYMENT.] A recycling contractor shall accept an empty nonrefillable beverage container from any person and shall pay an amount at least equal to two cents per container at the initial point of collection.*

*Subd. 3. [REFUND REPORT.] Recycling contractors, before the last day of each month, shall complete a form supplied by the agency specifying the total amount of nonrefillable beverage containers that were paid a refund value by them for the previous month, and shall forward proof of the amount.*

*Subd. 4. [REFUND REIMBURSEMENT.] The agency shall reimburse out of the land disposal abatement and recycling fund, by the fifteenth of each month, a recycling contractor completing and providing the form pursuant to this section, and shall pay the recycling contractor the equivalent of three cents per nonrefillable beverage container reported.*

**Sec. 5. [116F.13] [CONTRACTS.]**

*Any person may contract with the agency to become a recycling contractor pursuant to sections 1 to 10. In awarding a contract, preference shall be given by the agency to private contractors and contractors who propose to accept a full range of waste materials.*

*All contracts awarded by the agency shall conform with the requirements of section 16.07. At a minimum, the contracts shall:*

- (a) State the geographic area to be served;*
- (b) Ensure that empty nonrefillable beverage containers collected and reported for payment are recycled for reuse;*
- (c) State the specific other types of solid waste that the contractor shall accept for recycling; and*
- (d) Require any other conditions the agency deems appropriate before awarding a contract.*

**Sec. 6. [116F.14] [UNREFUNDED SURPLUS.]**

*After December 31, 1982, and each calendar year thereafter, the agency, after deducting necessary costs of administering sections 1 to 10, shall expend any surplus in the land disposal abatement and recycling fund. Priorities for expenditures of the surplus are:*

- (1) To encourage and assist in the development of nonrefillable beverage container waste markets for reusable or recyclable solid materials in those areas of the state where local waste markets do not exist;*
- (2) To promote and assist in the development of resource recovery systems for the recovery of materials or energy from nonrefillable beverage containers, or for the collection, transportation, separation, sorting, processing or storing of solid materials which aid in the recovery of materials or energy from nonrefillable beverage containers;*
- (3) To initiate and conduct public education programs for nonrefillable beverage container and other waste material recycling, and the reduction of solid waste generation; and*
- (4) To promote and establish annual cash awards to local units of government, public and private nonprofit groups, and charitable organizations for outstanding achievements in recycling nonrefillable beverage containers and waste materials. In*



*no case shall an annual cash award given by this section exceed \$1,000 to any one group.*

**Sec. 7. [116F.15] [LABOR IMPACT.]**

*The department of economic security shall conduct a study on employee dislocation to any person who suffers loss of employment directly related to, or caused by, the provisions of sections 2 to 10. An initial draft of study shall be completed by January 1, 1983 and forwarded to the appropriate policy committees of the house of representatives and senate. The study shall be completed by January 1, 1985 and sent to the governor and the appropriate policy committees of the house of representatives and senate.*

*If the results of the study show that employee dislocation is taking place pursuant to the provisions of sections 1 to 10, it is the intent of the legislature to permit expenditures of the unrefunded surplus pursuant to section 6 for employee reemployment assistance. The reemployment assistance shall include, but not be limited to, retraining and relocation allowances, employment assistance and educational training programs.*

**Sec. 8. [116F.16] [STUDY.]**

*The legislative commission on waste management shall direct a study conducted by the agency to recommend methods for using the surplus pursuant to section 6 to ensure equitable treatment of areas of the state where nonrefillable beverage container and other waste material recycling is not economically viable at the present time. The study shall include, but not be limited to, an analysis and recommendations on:*

*(a) Subsidizing regional collection, separation and transfer systems at varying rates until recycling becomes economically viable;*

*(b) Developing local waste markets and uses for recovered waste;*

*(c) Establishing categorical grants to assist litter control or waste collection and management programs of local units of government; and*

*(d) Ensuring that the surplus pursuant to section 6 diminishes each year by assisting in a greater percentage of nonrefillable beverage containers being recycled each year.*

*The study shall be completed by March 1, 1982 and forwarded to the legislative commission on waste management and the appropriate policy committees of the house of representatives and senate.*

## Sec. 9. [116F.17] [ANNUAL REPORT.]

*By December 31 of each year, the agency shall file an annual report to the governor and the legislature specifying the total amount of money collected by the commissioner pursuant to section 3 for the preceding calendar year, the total amount of money paid by the agency to recycling contractors during that year, and the total amount of the unrefunded surplus in the land disposal abatement and recycling fund and payments made from the surplus for the year.*

## Sec. 10. [116F.18] [PENALTIES.]

*Any person violating section 3 or 4 is guilty of a misdemeanor. Each day of violation is a separate offense.*

## Sec. 11. [REPEALER.]

*Minnesota Statutes 1980, Sections 116F.21 and 116F.22 are repealed.*

## Sec. 12. [EFFECTIVE DATE.]

*This act is effective January 1, 1982."*

Amend the title as follows:

Page 1, line 3, delete everything before the semicolon and insert "the state to contract for recycling"

Page 1, line 6, delete "county auditors" and insert "the pollution control agency"

Page 1, line 7, delete "appropriating money" and insert "establishing a dedicated fund in the state treasury"

Page 1, line 8, before the period insert "; repealing Minnesota Statutes 1980, Sections 116F.21 and 116F.22"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 875, A bill for an act relating to local government; permitting Murray county and the city of Slayton to make joint powers agreements for the administration of county ditches.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 889, A bill for an act relating to water well contractors; altering the exemption from license requirements for certain registered professional engineers; amending Minnesota Statutes 1980, Section 156A.03, Subdivision 3.

Reported the same back with the following amendments:

Page 1, line 16, after "*wells*" and before the period insert "*as defined in rules promulgated by the commissioner*"

Page 1, line 16, remove the underscoring from the period

Page 1, after line 20, insert

*"Any professional engineer engaged in the practice of constructing ground water quality sampling and monitoring wells as described in this subdivision shall register with the commissioner on forms provided by the commissioner."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 921, A bill for an act relating to motor vehicles; adjusting bond provisions for dealers; requiring bonds for motorized bicycle dealers; amending Minnesota Statutes 1980, Section 168.27, Subdivision 24.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 972, A bill for an act relating to financial institutions; increasing the percentage of capital and surplus a bank or trust company may invest in the stock of certain banks or

bank holding companies; amending Minnesota Statutes 1980, Section 48.61, Subdivision 3.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Eken from the Committee on Rules and Legislative Administration to which was referred:

House Concurrent Resolution No. 1, A house concurrent resolution expressing the appreciation of Minnesotans in this day of renewed patriotism to all Vietnam War veterans for their services to the people of the State of Minnesota; and encouraging the establishment of a memorial and local demonstrations to engender proper recognition of Vietnam veterans.

Reported the same back with the following amendments:

Page 2, delete lines 12 to 16

Page 2, lines 25 and 26, delete "the mayors of all cities in Minnesota, the county boards of all Minnesota counties" and insert "the Adjutant General of the Minnesota National Guard"

Page 2, line 28, after the comma insert "Military Order of the Purple Heart,"

Page 2, line 28, after the period insert "The adjutants of the veterans groups are requested to encourage local units of their organizations to contact local governments, patriotic organizations, and civic organizations, and encourage cooperation in finding appropriate ways of expressing appreciation to Vietnam veterans living in their areas."

Amend the title as follows:

Page 1, line 5, delete "the establishment of a"

Page 1, line 6, delete "memorial and"

With the recommendation that when so amended the resolution be adopted.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 72, 159, 193, 407, 411, 553, 606, 673, 697, 731, 732, 736, 875, 889, 921 and 972 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 354 and 11 were read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Weaver, Jacobs, Wigley, Clawson and Nelson, K., introduced:

H. F. No. 1254, A bill for an act relating to state government; establishing a Minnesota federal intervention board; authorizing the board to intervene before various bodies of the federal government; providing a staff for intervention proceedings; appropriating money; amending Minnesota Statutes 1980, Sections 216A.05, Subdivision 6; 216B.62, Subdivision 3; and 237.295, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 15; repealing Minnesota Statutes 1980, Section 45.17, Subdivision 7.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Minne; Nelson, K.; Elioff; Begich and Battaglia introduced:

H. F. No. 1255, A bill for an act relating to public utilities; prohibiting rate increases under bond by certain electric utilities with excess generating capacities; amending Minnesota Statutes 1980, Section 216B.16, Subdivision 3, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Johnson, D., and Carlson, D., introduced:

H. F. No. 1256, A bill for an act relating to agriculture; prohibiting the sale of certain female cattle; amending Minnesota Statutes 1980, Section 35.245, Subdivision 3.

The bill was read for the first time and referred to the Committee on Agriculture.

Haukoos, Ludeman, Kalis, Welker and Reding introduced:

H. F. No. 1257, A bill for an act relating to transportation; providing for the maintenance of the trunk highway system by certain counties pursuant to contract with the commissioner of transportation; defining terms; amending Minnesota Statutes 1980, Section 161.32, Subdivisions 1 and 2; proposing new law coded in Minnesota Statutes, Chapter 161; repealing Minnesota Statutes 1980, Section 161.32, Subdivision 4.

The bill was read for the first time and referred to the Committee on Transportation.

Clawson, Wenzel, Niehaus, Samuelson and Carlson, D., introduced:

H. F. No. 1258, A bill for an act relating to local government; authorizing counties, cities and towns to levy an assessment for services provided to state parks; proposing new law coded in Minnesota Statutes, Chapter 471.

The bill was read for the first time and referred to the Committee on Taxes.

Minne; Nelson, K.; Elioff; Begich and Battaglia introduced:

H. F. No. 1259, A bill for an act relating to public utilities; exclusion of excess generating capacity from an electric utilities rate base; amending Minnesota Statutes 1980, Section 216B.16, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Clawson, Munger, Weaver, Lehto and Wenzel introduced:

H. F. No. 1260, A bill for an act relating to natural resources; extending the permissible term of agricultural leases of state peat lands; amending Minnesota Statutes 1980, Section 92.50, Subdivision 1.

The bill was read for the first time and referred to the Committee on Agriculture.

Ainley introduced:

H. F. No. 1261, A bill for an act relating to courts; permitting all judicial districts except Hennepin county to set salaries of law clerks; clarifying employment status in every judicial district to be unclassified and without tenure; amending Minnesota Statutes 1980, Section 484.545, Subdivision 2, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Rice introduced:

H. F. No. 1262, A bill for an act relating to workers' compensation; permitting political subdivisions to provide additional benefits; amending Minnesota Statutes 1980, Section 176.021, Subdivision 5.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Nelson, B.; Sherwood; Dean; Forsythe and Weaver introduced:

H. F. No. 1263, A bill for an act relating to state government; clarifying fee adjustments and minimum deposits with the state treasurer; facilitating the general fund's receipt of amounts from canceled warrants; modifying provisions relative to the state's issuance of certificates of indebtedness; appropriating money for the payment of certificates, interest thereon and other expenses; authorizing a state property tax under certain conditions; amending Minnesota Statutes 1980, Sections 16A.128 and 16A.275; proposing new law coded in Minnesota Statutes, Chapter 16; repealing Minnesota Statutes 1980, Sections 16A.67; 16A.75 to 16A.754; 268.15, Subdivision 4; 352.04, Subdivision 10; 352B.061; and 354.61.

The bill was read for the first time and referred to the Committee on Taxes.

Haukoos, Reif, Blatz, Reding and Jennings introduced:

H. F. No. 1264, A bill for an act relating to public welfare; increasing the time period during which certain transfers of property by persons seeking medical assistance will result in their ineligibility for assistance; amending Minnesota Statutes 1980, Section 256B.17.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Valan, Haukoos and Stadum introduced:

H. F. No. 1265, A bill for an act relating to public employees; permitting public employers to require their employees to have a state residence; proposing new law coded in Minnesota Statutes, Chapter 179.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Minne; Murphy; Elioff; Peterson, D., and Osthoff introduced:

H. F. No. 1266, A bill for an act relating to counties; providing for publication of certain salary and expense information; amending Minnesota Statutes 1980, Section 375.17.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Wenzel, Schreiber, Battaglia, Rice and Peterson, B., introduced:

H. F. No. 1267, A bill for an act relating to snowmobiles; increasing registration fees and appropriating collections for recreational purposes; amending Minnesota Statutes 1980, Sections 84.82, Subdivision 3; and 84.83.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

McCarron introduced:

H. F. No. 1268, A bill for an act relating to counties; providing county licensing requirements for building contractors; proposing new law coded in Minnesota Statutes, Chapter 373.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Wynia and Jude introduced:

H. F. No. 1269, A bill for an act relating to energy; confidentiality of certain energy data; powers and duties of Minnesota energy agency; subdivision regulations; providing for certain inspections; extending biomass plan deadline; amending Minnesota Statutes 1980, Sections 116H.07; 116H.08; 116H.129, Subdivision 4; 116H.19, Subdivision 1; 462.358, Subdivision 2a; proposing new law coded in Minnesota Statutes, Chapter 15.

The bill was read for the first time and referred to the Committee on Energy.



Olsen and O'Connor introduced :

H. F. No. 1270, A bill for an act relating to courts; providing for the appointment of referees and judicial officers after July 31, 1981; amending Laws 1978, Chapter 750, Section 6.

The bill was read for the first time and referred to the Committee on Judiciary.

Olsen and O'Connor introduced :

H. F. No. 1271, A bill for an act relating to courts; maintaining existing referee positions; amending Minnesota Statutes 1980, Section 484.70, Subdivision 1; repealing Laws 1978, Chapter 750, Section 6.

The bill was read for the first time and referred to the Committee on Judiciary.

McDonald introduced :

H. F. No. 1272, A bill for an act relating to public welfare; defining homestead for purposes of receiving medical assistance and aid to families with dependent children; amending Minnesota Statutes 1980, Sections 256.73, Subdivision 2; and 256B.06, Subdivision 1.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Evans and Anderson, I., introduced :

H. F. No. 1273, A bill for an act relating to taxation; sales tax; changing the definition of "sale"; amending Minnesota Statutes 1980, Section 297A.01, Subdivision 3.

The bill was read for the first time and referred to the Committee on Taxes.

McCarron introduced :

H. F. No. 1274, A bill for an act relating to insurance; proscribing certain discriminatory practices relating to price quotations to agents and brokers; amending Minnesota Statutes 1980, Section 72A.20, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Peterson, B.; Jude; Wynia and Rothenberg introduced:

H. F. No. 1275, A bill for an act relating to courts; providing for continuation of juvenile and family court referees in the second and fourth judicial districts until the positions are vacated; providing for creation of juvenile and family court judgeships in the second and fourth judicial districts; providing for the duties and powers of family court referees in the second and fourth judicial districts; providing for continuation of probate court referee positions in the second and fourth judicial districts; providing for the continuation of certain other referee and judicial officer positions; amending Minnesota Statutes 1980, Sections 260.031, Subdivision 1, and by adding a subdivision; 484.64; 484.70, Subdivisions 1 and 3; 487.08, Subdivisions 2, 3 and 4; 525.10; Laws 1980, Chapter 580, Section 23; repealing Minnesota Statutes 1980, Section 484.65.

The bill was read for the first time and referred to the Committee on Judiciary.

Clawson, Rice, Norton, Weaver and Jennings introduced:

H. F. No. 1276, A bill for an act relating to occupations and professions; providing for oral examinations of electricians by the board of electricity; amending Minnesota Statutes 1980, Section 326.242, Subdivision 7.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Greenfield, Norton and Heinitz introduced:

H. F. No. 1277, A bill for an act relating to human rights; clarifying the meaning of reprisal; requiring an annual report to the legislature; permitting the filing of a charge of unfair discriminatory practice directly in district court; granting certain powers to the commissioner of human rights and eliminating the requirement that the commissioner provide a bond; increasing an award of punitive damages; permitting the recovery for certain damages; awarding attorneys' fees in certain cases; amending Minnesota Statutes 1980, Sections 363.03, Subdivision 7; 363.05, Subdivision 1; 363.06, Subdivisions 1, 3, and 4; 363.071, Subdivision 2; 363.14, Subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, Chapter 363; repealing Minnesota Statutes 1980, Section 363.04, Subdivision 3.

The bill was read for the first time and referred to the Committee on Judiciary.

Dahlvang, Begich, Rice and Simoneau introduced :

H. F. No. 1278, A bill for an act relating to public employment labor relations; clarifying the definition of "employer"; amending Minnesota Statutes 1980, Section 179.63, Subdivision 4.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Stadum, Nysether and Valan introduced :

H. F. No. 1279, A bill for an act relating to labor; extending cooling-off period; amending Minnesota Statutes 1980, Section 179.07.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Stadum, Valan, Nysether and Heinitz introduced :

H. F. No. 1280, A bill for an act relating to workers' compensation; revising the procedure for division of payroll; permitting the workers' compensation reinsurance association to incorporate; exempting the reinsurance association from taxation; providing for amendment to the reinsurance association plan of operation; making changes in rules, requirements and procedures affecting members of the reinsurance association; reenacting Laws 1980, Chapter 556, Sections 6, 7, 8, 9, 10, 11 and 13.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Rees, by request, introduced :

H. F. No. 1281, A bill for an act relating to retirement; basing the annuities of retired judges upon the current salaries for active judges; amending Minnesota Statutes 1980, Section 490.102, Subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Stadum, Stumpf and Nysether introduced :

H. F. No. 1282, A bill for an act relating to agriculture; authorizing gradual increases in assessments for potato research and promotion; amending Minnesota Statutes 1980, Section 30.469.

The bill was read for the first time and referred to the Committee on Agriculture.

Wynia, Hokanson, Jude, Forsythe and Vanasek introduced:

H. F. No. 1283, A bill for an act relating to limitation of actions; providing a five year statute of limitations for criminal sexual offenses; tolling the statute of limitations for victims of criminal sexual conduct; amending Minnesota Statutes 1980, Section 628.26.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Brandl, Hokanson, Berkelman, Onnen and Sviggum introduced:

H. F. No. 1284, A bill for an act relating to public welfare; requiring medical assistance recipients to enroll in a prepaid health care plan or co-pay for optional services; amending Minnesota Statutes 1980, Section 256B.02, Subdivision 8.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Clawson, Piepho, Wigley, Novak and Begich introduced:

H. F. No. 1285, A bill for an act relating to local government aids; changing the distribution formula; appropriating money; amending Minnesota Statutes 1980, Section 477A.03; proposing new law coded in Minnesota Statutes, Chapter 477A; repealing Minnesota Statutes 1980, Section 477A.01.

The bill was read for the first time and referred to the Committee on Taxes.

Jude introduced:

H. F. No. 1286, A bill for an act relating to courts; requiring notice to remove a judge to be made on the day set for trial before any other motions; amending Minnesota Statutes 1980, Sections 487.40, Subdivision 2; and 542.16, Subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

McCarron, Byrne, Drew, Wynia and Kelly introduced:

H. F. No. 1287, A bill for an act relating to corrections; authorizing Ramsey county to reorganize correctional services; amending Minnesota Statutes 1980, Section 401.02, Subdivision 3.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Long; Gustafson; Otis; Peterson, D., and McCarron introduced:

H. F. No. 1288, A bill for an act relating to intoxicating liquor; permitting holders of both on-sale wine and on-sale non-intoxicating malt beverages licenses to sell intoxicating malt beverages; amending Minnesota Statutes 1980, Section 340.11, Subdivision 20.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Weaver, Jacobs, McCarron, Clawson and Voss introduced:

H. F. No. 1289, A bill for an act relating to the city of East Bethel, Anoka County; changing the application of urban district in the Minnesota highway traffic regulation act.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Nysether, Voss, Stadum, Berkelman and Ellingson introduced:

H. F. No. 1290, A bill for an act relating to insurance; prohibiting the payment of motor vehicle damage claims by insurers unless notice is given to insureds; proposing new law coded in Minnesota Statutes, Chapter 65B.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Levi, Valento, Clawson and Gustafson introduced:

H. F. No. 1291, A bill for an act relating to crimes; specifying the crime of mail, telegraph and telephone harassment; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 609.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Hokanson and Swanson introduced:

H. F. No. 1292, A bill for an act relating to public welfare; providing the commissioner with authority to control expenditures in specified instances; modifying the payment responsibility for costs of care for mentally retarded persons in state institutions; changing resource limits for recipients of aid to families with dependent children; prorating the first month's grant; reducing the scope of services provided under the medical assistance program; limiting payments to vendors; eliminating certain income disregards; making free choice of vendor under general assistance medical care an option for counties; reducing the income disregard for general assistance; providing for the closing of two state hospitals over the next biennium; amending Minnesota Statutes 1980, Sections 245.0313; 256.73, Subdivision 2; 256.76, Subdivision 1; 256B.02, Subdivision 8; 256B.03; 256B.06, Subdivision 1; 256D.03, Subdivision 3; 256D.04; 256D.06, Subdivision 1, and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 256B.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Anderson, I., introduced:

H. F. No. 1293, A bill for an act relating to taxation; property; altering the taxation of certain lands owned by the United States and leased for a term of three or more years; amending Minnesota Statutes 1980, Section 273.19, Subdivision 1, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Anderson, G., introduced:

H. F. No. 1294, A bill for an act relating to the city of Granite Falls; authorizing the establishment of a community development program and providing powers for it.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Jude, McCarron, Minne, Kvam and Evans introduced:

H. F. No. 1295, A bill for an act relating to elections; providing for automatic recounts in certain judicial elections; amending Minnesota Statutes 1980, Sections 204A.51, Subdivisions 2 and 3; and 204A.53, Subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Peterson, D., and Clark, K., introduced:

H. F. No. 1296, A bill for an act relating to housing; authorizing a rental housing administrator to encumber premises when necessary and to use municipal funds when necessary with costs to be recovered by special assessment; amending Minnesota Statutes 1980, Section 566.29, Subdivision 4.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Battaglia, Minne, Begich and Elioff introduced:

H. F. No. 1297, A bill for an act relating to labor; prohibiting the use of certain evidence by employers; proposing new law coded in Minnesota Statutes, Chapter 181.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Begich and Battaglia introduced:

H. F. No. 1298, A bill for an act relating to taxation; railroad operating property; providing for additional property taxes to be paid in certain cases; proposing new law coded in Minnesota Statutes, Chapter 270.

The bill was read for the first time and referred to the Committee on Taxes.

Elioff, Begich and Battaglia introduced:

H. F. No. 1299, A bill for an act relating to Independent School District No. 706; permitting issuance of bonds for the construction, equipment, and furnishing of a physical education building and the levying of taxes for their payment.

The bill was read for the first time and referred to the Committee on Education.

Kaley and Heinitz introduced:

H. F. No. 1300, A bill for an act relating to taxation; income; providing that certain medical payments shall not be included in income in determining whether an individual is a dependent for purposes of the low income alternative tax or the personal credits; amending Minnesota Statutes 1980, Section 290.06, Subdivisions 3d, and 3f.

The bill was read for the first time and referred to the Committee on Taxes.

Greenfield introduced:

H. F. No. 1301, A bill for an act relating to consumer protection; providing for a definition of building materials which may contain urea formaldehyde; providing for exceptions; amending Minnesota Statutes 1980, Section 325F.18, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Clark, J., introduced:

H. F. No. 1302, A bill for an act relating to trade regulations; prescribing a penalty for the sale of imitation Indian-made goods without a brand; amending Minnesota Statutes 1980, Section 325F.46.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Vanasek, Lehto, Laidig and Greenfield introduced:

H. F. No. 1303, A bill for an act relating to corrections; authorizing parole of inmates by majority vote of the corrections board; amending Minnesota Statutes 1980, Section 243.05.

The bill was read for the first time and referred to the Committee on Criminal Justice.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 84, A bill for an act relating to the city of St. James; authorizing the issuance of revenue bonds for the acquisition and betterment of an airport facility.

H. F. No. 201, A bill for an act relating to fire control services; providing for reimbursement by railroads and the department of public safety; setting the time limit for claims; amending Minnesota Statutes 1980, Sections 161.465; and 219.761, Subdivision 1.

H. F. No. 330, A bill for an act relating to Independent School District No. 625; providing for times of election and terms of



office; amending Laws 1965, Chapter 705, Section 1, Subdivision 2, as amended.

H. F. No. 470, A bill for an act relating to the department of public safety; changing the name of the highway patrol to the state patrol; amending Minnesota Statutes 1980, Section 299D.-01, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 71, A bill for an act relating to elections; revising, reorganizing and recodifying major portions of the Minnesota election law; modernizing and improving language, organization and style; clarifying certain ambiguities; removing certain obsolete terms and provisions; restating guidelines for determining voter eligibility; providing for voter registration, absentee voting, the conduct of elections and the counting and canvassing of election returns; defining terms; providing penalties; making necessary technical amendments, corrections and other revisions; amending Minnesota Statutes 1980, Sections 10A.01, Subdivision 12; 40.05, Subdivision 3; 123.32, Subdivision 7; 200.-01; 200.02; 201.01; 201.021; 201.061; 201.071; 201.081; 201.091; 201.11; 201.12; 201.121; 201.13; 201.14; 201.15; 201.161; 201.-171; 201.18; 201.211; 201.221; 201.27; 201.275; 202A.11; 202A.-16, Subdivision 1; 205.01; 205.03; 205.11, Subdivision 4a; 205.13, Subdivision 1; 205.14, Subdivision 4; 205.15; 205.17, Subdivision 2; 205.20, Subdivisions 2 and 5; 206.026, Subdivision 5; 206.07, Subdivision 1; 206.185, Subdivisions 1 and 5; 206.20, Subdivision 2; 206.21, Subdivisions 1 and 2; 208.04, Subdivisions 1 and 2; 210A.07; 210A.26, Subdivision 4; 210A.28; 210A.34, Subdivision 4; 290.06, Subdivision 11; 290.21, Subdivision 3; 365.51; 365.52; 375.20; 382.28; and 487.03, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapters 200, 201, 205, and 210A; proposing new law coded as Minnesota Statutes, Chapters 203B, 204B, 204C, and 204D; repealing Minnesota Statutes 1980, Sections 201.231; 201.26; 201.33; 202A.21 to 202A.-721; and 210.22; and Chapters 203A, 204A, and 207.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 297, A bill for an act relating to the town of Great Scott; granting the town certain powers of a municipality.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 173, A bill for an act relating to human rights; providing that certain statutes be equally applicable to all persons regardless of sex, including statutes related to the health department, suits for seduction, garnishment actions, judicial pensions, and probate proceedings; providing for a penalty; amending Minnesota Statutes 1980, Sections 46.09, Subdivision 1; 144.06; 181.07; 242.47; 246.53; 256.85; 290.28, Subdivision 3; 490.102, Subdivisions 6 and 7; 510.06; 519.05; 525.05; 525.082; 540.07; 540.08; 540.09; 558.28; 576.08; 609.375; 629.55; and 631.09.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Piepho moved that the House concur in the Senate amendments to H. F. No. 173 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 173, A bill for an act relating to human rights; providing that certain statutes be equally applicable to all persons regardless of sex, including statutes related to the health department, suits for seduction, garnishment actions, judicial pensions, and probate proceedings; providing for penalties; amending Minnesota Statutes 1980, Sections 46.09, Subdivision 1; 144.06; 181.07; 242.47; 246.53; 256.85; 290.28, Subdivision 3; 490.102, Subdivisions 6 and 7; 510.06; 519.05; 525.05; 525.082; 540.07; 540.08; 540.09; 558.28; 576.08; 609.375; 629.55; and 631.09.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Anderson, R.	Brandl	Clark, K.	Drew
Ainley	Battaglia	Byrne	Clawson	Eken
Anderson, B.	Begich	Carlson, D.	Dahlvang	Ellingson
Anderson, G.	Berkelman	Carlson, L.	Dempsey	Erickson
Anderson, I.	Blatz	Clark, J.	Den Ouden	Esau

Evans	Johnson, C.	Metzen	Rees	Stowell
Ewald	Johnson, D.	Minne	Reif	Stumpf
Fjoslien	Jude	Munger	Rice	Sviggum
Forsythe	Kahn	Murphy	Rodriguez, C.	Swanson
Friedrich	Kaley	Nelson, K.	Rodriguez, F.	Tomlinson
Greenfield	Kalis	Niehaus	Rose	Valento
Gruenes	Kelly	Norton	Rothenberg	Vanasek
Gustafson	Knickerbocker	Novak	Samuelson	Vellenga
Halberg	Kostohryz	Nysether	Sarna	Voss
Hanson	Kvam	O'Connor	Schafer	Weaver
Harens	Laidig	Ogren	Schoenfeld	Welch
Hauge	Lehto	Olsen	Schreiber	Welker
Haukoos	Lemen	Onnen	Searles	Wenzel
Heap	Levi	Osthoff	Shea	Wieser
Heinitz	Long	Otis	Sherman	Wynia
Himle	Ludeman	Peterson, B.	Sherwood	Zubay
Hoberg	Marsh	Peterson, D.	Sieben, M.	Spkr. Sieben, H.
Hokanson	McCarron	Piepho	Simoneau	
Hokr	McDonald	Pogemiller	Skoglund	
Jacobs	McEachern	Redalen	Stadium	
Jennings	Mehrkens	Reding	Staten	

Those who voted in the negative were:

Nelsen, B.

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 269, A bill for an act relating to elections; allowing a candidate to transport parents of the candidate or the candidate's spouse to or from the polls; amending Minnesota Statutes 1980, Section 210A.13, Subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Simoneau moved that the House concur in the Senate amendments to H. F. No. 269 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 269, A bill for an act relating to elections; allowing a candidate to transport parents of the candidate or the candidate's spouse to or from the polls; amending Minnesota Statutes 1980, Section 210A.13, Subdivision 3.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	O'Connor	Sieben, M.
Ainley	Evans	Kelly	Ogren	Simoneau
Anderson, B.	Ewald	Knickerbocker	Olsen	Skoglund
Anderson, G.	Fjoslien	Kostohryz	Onnen	Stadum
Anderson, I.	Forsythe	Kvam	Osthoff	Staten
Anderson, R.	Friedrich	Laidig	Otis	Stowell
Battaglia	Greenfield	Lehto	Peterson, B.	Stumpf
Begich	Gruenes	Lemen	Peterson, D.	Sviggum
Berkelman	Gustafson	Levi	Piepho	Swanson
Blatz	Halberg	Long	Redalen	Tomlinson
Brandl	Hanson	Ludeman	Reding	Valento
Brinkman	Hauge	Marsh	Rees	Vanasek
Byrne	Haukoos	McCarron	Reif	Vellenga
Carlson, D.	Heap	McDonald	Rice	Voss
Carlson, L.	Heinitz	McEachern	Rodriguez, C.	Weaver
Clark, J.	Himle	Mehrkens	Rose	Welch
Clark, K.	Hoberg	Metzen	Rothenberg	Welker
Clawson	Hokanson	Minne	Samuelson	Wenzel
Dahlvang	Hokr	Munger	Sarna	Wieser
Dempsey	Jacobs	Murphy	Schafer	Wynia
Den Ouden	Jennings	Nelsen, B.	Schoenfeld	Zubay
Drew	Johnson, C.	Nelson, K.	Schreiber	Spkr. Sieben, H.
Eken	Johnson, D.	Niehaus	Searles	
Elioff	Jude	Norton	Shea	
Ellingson	Kahn	Novak	Sherman	
Erickson	Kaley	Nysether	Sherwood	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 40, A bill for an act relating to state lands; authorizing the conveyance of certain lands in St. Louis County.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Begich moved that the House concur in the Senate amendments to H. F. No. 40 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 40, A bill for an act relating to state lands; authorizing the conveyance of certain lands in St. Louis County.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 125 yeas and 0 nays as follows :

Those who voted in the affirmative were :

Aasness	Evans	Kaley	Nysether	Searles
Ainley	Ewald	Kalis	O'Connor	Sherman
Anderson, B.	Fjoslien	Kelly	Ogren	Sherwood
Anderson, G.	Forsythe	Knickerbocker	Olsen	Sieben, M.
Anderson, I.	Friedrich	Kostohryz	Onnen	Simoneau
Anderson, R.	Greenfield	Kvam	Osthoff	Skoglund
Battaglia	Gruenes	Laidig	Otis	Stadum
Begich	Gustafson	Lehto	Peterson, B.	Staten
Berkelman	Halberg	Lemen	Peterson, D.	Stowell
Blatz	Hanson	Levi	Piepho	Stumpf
Brandl	Harens	Long	Pogemiller	Sviggum
Brinkman	Hauge	Ludeman	Redalen	Swanson
Byrne	Haukoos	Marsh	Reding	Tomlinson
Carlson, D.	Heap	McCarron	Rees	Valento
Carlson, L.	Heinitz	McDonald	Reif	Vanasek
Clark, J.	Himle	McEachern	Rice	Vellenga
Clawson	Hoberg	Mehrkens	Rodriguez, C.	Voss
Dahlvang	Hokanson	Metzen	Rodriguez, F.	Weaver
Dempsey	Hokr	Minne	Rose	Welch
Den Ouden	Jacobs	Murphy	Rothenberg	Welker
Drew	Jennings	Nelsen, B.	Samuelson	Wenzel
Eken	Johnson, C.	Nelson, K.	Sarna	Wieser
Ellingson	Johnson, D.	Niehaus	Schafer	Wynia
Erickson	Jude	Norton	Schoenfeld	Zubay
Esau	Kahn	Novak	Schreiber	Spkr. Sieben, H.

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker :

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested :

H. F. No. 341, A bill for an act relating to the city of Edina ; providing for the purchasing and contracting authority of the city manager and council.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Forsythe moved that the House concur in the Senate amendments to H. F. No. 341 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 341, A bill for an act relating to the city of Edina; providing for the purchasing and contracting authority of the city manager and council.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kalis	O'Connor	Sherwood
Ainley	Ewald	Kelly	Ogren	Sieben, M.
Anderson, B.	Fjoslien	Knickerbocker	Olsen	Simoneau
Anderson, G.	Forsythe	Kostohryz	Onnen	Skoglund
Anderson, I.	Friedrich	Kvam	Osthoff	Stadum
Anderson, R.	Greenfield	Laidig	Otis	Staten
Battaglia	Gruenes	Lehto	Peterson, B.	Stowell
Begich	Gustafson	Lemen	Peterson, D.	Stumpf
Berkelman	Halberg	Levi	Piepho	Sviggum
Brandl	Hanson	Long	Pogemiller	Swanson
Brinkman	Harens	Ludeman	Redalen	Tomlinson
Byrne	Hauge	Marsh	Reding	Valento
Carlson, D.	Haukoos	McCarron	Rees	Vanasek
Carlson, L.	Heap	McDonald	Reif	Vellenga
Clark, J.	Heinitz	McEachern	Rodriguez, C.	Voss
Clark, K.	Himle	Mehrkens	Rodriguez, F.	Weaver
Clawson	Hoberg	Metzen	Rose	Welch
Dahlvang	Hokanson	Minne	Rothenberg	Welker
Dempsey	Hokr	Munger	Samuelson	Wenzel
Den Ouden	Jacobs	Murphy	Sarna	Wieser
Drew	Jennings	Nelsen, B.	Schafer	Wynia
Eken	Johnson, C.	Nelson, K.	Schoenfeld	Zubay
Elioff	Johnson, D.	Niehaus	Schreiber	Spkr. Sieben, H.
Ellingson	Jude	Norton	Searles	
Erickson	Kahn	Novak	Shea	
Esau	Kaley	Nysether	Sherman	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 247.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONFERENCE COMMITTEE REPORT ON S. F. NO. 247

A bill for an act relating to metropolitan government; providing for the maximum amount of the borrowing authorization of the metropolitan airports commission; requiring the installation of certain equipment; mandating a noise abatement plan; amending Minnesota Statutes 1980, Sections 473.608, Subdivision 20, and by adding a subdivision; and 473.667, Subdivision 2.

March 31, 1981

The Honorable Jack Davies  
President of the Senate

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

We, the undersigned conferees for S. F. No. 247, report that we have agreed upon the items in dispute and recommend as follows:

That the house recede from its amendments and S. F. 247 be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 473.667, Subdivision 2, is amended to read:

Subd. 2. [BORROWING AUTHORIZATION.] No additional bonds shall be issued under the provisions of section 473.665, over and above the amount outstanding April 1, 1974. Except for refunding bonds and certificates of indebtedness, the principal amount of bonds that may be issued under this section, over and above the amount of bonds of the commission outstanding (FEBRUARY 1, 1980) *January 15, 1981*, is limited to (\$75,000,000) *\$92,000,000* until and unless this limitation is increased by law. The pledge of revenues of the commission to its debt service fund in lieu of the taxes otherwise required by section 473.665 to be assessed and extended shall be and remain a first charge on all current revenues of the commission to the extent required annually to cancel such taxes.

Sec. 2. Minnesota Statutes 1980, Section 473.608, Subdivision 20, is amended to read:

Subd. 20. Subject to the final enactment of the Airport and Airways Development Act Amendments of 1975 the corporation shall install aircraft noise suppressing equipment at the ground run-up operation sites of the Minneapolis-St. Paul International Airport. All such aircraft noise suppressing equipment shall con-

form to specifications approved by the pollution control agency. (THE POLLUTION CONTROL AGENCY SHALL DETERMINE THE DEADLINE FOR DESIGN SELECTION AND INSTALLATION OF THE AIRCRAFT NOISE SUPPRESSING EQUIPMENT; PROVIDED) The deadline for design selection shall be no later than (DECEMBER 31, 1980) *March 1, 1983.*

Sec. 3. [473.612] [NOISE ABATEMENT PLAN.]

*By December 31, 1981 the commission shall submit to the legislature a noise abatement plan for the Minneapolis-St. Paul International Airport, containing annual objectives until December 31, 1987, for reduction of aircraft noise within the metropolitan area. The plan shall contain definite proposals for specific annual reductions in the maximum hourly noise levels, such as defined by Minnesota pollution control agency rules, 6 MCAR 4.2001 (15) and (16), based on the typically worst noise condition on an hourly basis received in populated residential areas. By December 31, 1982, and each year thereafter until December 31, 1987, the commission shall submit to the legislature a report detailing the reduction of aircraft noise in meeting the annual objectives outlined in the above noise abatement plan.*

Sec. 4. [EFFECTIVE DATE.]

*This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington and is effective the day after final enactment."*

Delete the title and insert:

"A bill for an act relating to metropolitan government; providing for the maximum amount of the borrowing authorization of the metropolitan airports commission; requiring actions to abate airport noise; amending Minnesota Statutes 1980, Sections 473.608, Subdivision 20; and 473.667, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 473."

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

Senate Conferees: CLARENCE M. PURFEERST, OTTO T. BANG, JR. and IRVING M. STERN.

House Conferees: GORDON O. VOSS, WESLEY J. SKOGLUND and WILLIAM SCHREIBER.

Voss moved that the report of the Conference Committee on S. F. No. 247 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.



S. F. No. 247, A bill for an act relating to metropolitan government; providing for the maximum amount of the borrowing authorization of the metropolitan airports commission; requiring the installation of certain equipment; mandating a noise abatement plan; amending Minnesota Statutes 1980, Sections 473.608, Subdivision 20, and by adding a subdivision; and 473.667, Subdivision 2.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	O'Connor	Sherman
Ainley	Evans	Kelly	Ogren	Sherwood
Anderson, B.	Ewald	Knickerbocker	Olsen	Sieben, M.
Anderson, G.	Fjoslien	Kostohryz	Onnen	Simoneau
Anderson, I.	Forsythe	Kvam	Osthoff	Skoglund
Anderson, R.	Friedrich	Laidig	Otis	Stadum
Battaglia	Greenfield	Lehto	Peterson, B.	Staten
Begich	Gruenes	Lemen	Peterson, D.	Stowell
Berkelman	Gustafson	Levi	Piepho	Stumpf
Blatz	Halberg	Long	Pogemiller	Sviggum
Brandl	Hanson	Ludeman	Redalen	Swanson
Brinkman	Hauge	Marsh	Reding	Tomlinson
Byrne	Haukoos	McCarron	Rees	Valento
Carlson, D.	Heap	McDonald	Reif	Vanasek
Carlson, L.	Heinitz	McEachern	Rice	Vellenga
Clark, J.	Himle	Mehrkens	Rodriguez, C.	Voss
Clark, K.	Hoberg	Metzen	Rodriguez, F.	Weaver
Clawson	Hokanson	Minne	Rose	Welch
Dahlvang	Hokr	Munger	Rothenberg	Welker
Dempsey	Jacobs	Murphy	Samuelson	Wenzel
Den Ouden	Jennings	Nelsen, B.	Sarna	Wieser
Drew	Johnson, C.	Nelson, K.	Schafer	Wynia
Eken	Johnson, D.	Niehaus	Schoenfeld	Zubay
Elioff	Jude	Norton	Schreiber	Spkr. Sieben, H.
Ellingson	Kahn	Novak	Searles	
Erickson	Kaley	Nysether	Shea	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 34, 249, 331, 347 and 400.

PATRICK E. FLAHAVEN, Secretary of the Senate

**Mr. Speaker:**

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 197, 208, 336 and 384.

PATRICK E. FLAHAVEN, Secretary of the Senate

**Mr. Speaker:**

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 182, 263, 275, 329, 375 and 416.

PATRICK E. FLAHAVEN, Secretary of the Senate

**Mr. Speaker:**

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 432 and 537.

PATRICK E. FLAHAVEN, Secretary of the Senate

**Mr. Speaker:**

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 387.

PATRICK E. FLAHAVEN, Secretary of the Senate

**Mr. Speaker:**

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 463, 611, 885, 917 and 918.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 34, A bill for an act relating to public welfare; allowing the commissioner of public welfare to grant a variance related to certain license holders whose licenses have been previous-

ly revoked; amending Minnesota Statutes 1980, Section 245.801, Subdivision 6.

The bill was read for the first time and referred to the Committee on Health and Welfare.

S. F. No. 249, A bill for an act relating to watershed districts; requiring published notice and a public hearing before district managers adopt a budget; amending Minnesota Statutes 1980, Section 112.611, Subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 331, A bill for an act relating to the military; expanding the authorized uses of the military land fund to include forest management on military lands and to provide an enlisted persons service center at Camp Ripley; amending Minnesota Statutes 1980, Section 190.25, Subdivision 3.

The bill was read for the first time.

Nelsen, B., moved that S. F. No. 331 and H. F. No. 372, now on the Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 347, A bill for an act relating to Hennepin county; providing for the administration of the county library system; repealing Laws 1957, Chapter 788, as amended; and Extra Session Laws 1967, Chapter 24, as amended.

The bill was read for the first time.

Carlson, L., moved that S. F. No. 347 and H. F. No. 734, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 400, A bill for an act relating to peace officers; changing the designation of part-time officers and reserve officers; removing the hours of work limitation for certain part-time peace officers; permitting reserve peace officers to carry firearms in emergencies; providing for two members to the peace officers standards and training board from among elected city officials; authorizing the board to provide for training for certain part-time peace officers; authorizing the board to obtain criminal history data; amending Minnesota Statutes 1980, Sections 214.10, Subdivision 7; 626.84; 626.841; 626.843, Subdivision 1; 626.845, Subdivision 1; 626.846, Subdivisions 1 and 2; 626.8461; 626.8462; 626.8463; 626.8464; 626.8465, Subdivisions 1 and 2; 626.851, Subdivision 1; and 626.852.

The bill was read for the first time and referred to the Committee on Criminal Justice.

S. F. No. 197, A bill for an act relating to highway traffic regulations; providing for the type and placement of reflectors on certain farm equipment; amending Minnesota Statutes 1980, Section 169.55, Subdivision 2.

The bill was read for the first time.

Lemen moved that S. F. No. 197 and H. F. No. 193, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 208, A bill for an act relating to air pollution; allowing cities and urban towns to adopt ordinances to permit and regulate open burning of leaves; amending Minnesota Statutes 1980, Section 116.07, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 336, A bill for an act relating to local government; making explicit the power of local government units to establish more than one recreation board; amending Minnesota Statutes 1980, Section 471.15.

The bill was read for the first time.

Lemen moved that S. F. No. 336 and H. F. No. 387, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 384, A bill for an act relating to local government; providing that charter commission documents be available to the public; amending Minnesota Statutes 1980, Sections 410.05, Subdivision 4; and 410.07.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 182, A bill for an act relating to probate; increasing the surviving spouse's share of certain personal property; amending Minnesota Statutes 1980, Section 525.15.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 263, A bill for an act relating to highway traffic regulations; requiring the use of child passenger restraint systems for certain children under the age of four years; prescrib-

ing penalties; amending Minnesota Statutes 1980, Section 169.685, Subdivision 4, and by adding a subdivision.

The bill was read for the first time.

Laidig moved that S. F. No. 263 and H. F. No. 72, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 275, A bill for an act relating to counties; permitting escalation clauses or negotiated price changes in county contracts; clarifying advertising requirements; amending Minnesota Statutes 1980, Section 375.21, Subdivision 1.

The bill was read for the first time.

Wenzel moved that S. F. No. 275 and H. F. No. 665, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 329, A bill for an act relating to probate; providing that certain mobile homes are homesteads; amending Minnesota Statutes 1980, Section 525.145.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 375, A bill for an act relating to Hennepin county; providing for the administration of health care and related services of the county; providing for the administration of the duties and the appointment of the county medical examiner; repealing Laws 1963, Chapter 738, as amended; and Laws 1963, Chapter 848, as amended.

The bill was read for the first time.

Clark, J., moved that S. F. No. 375 and H. F. No. 736, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 416, A bill for an act relating to labor and employment; status of certain tenured private college employees under compulsory retirement laws; amending Minnesota Statutes 1980, Section 181.811.

The bill was read for the first time.

Brandl moved that S. F. No. 416 and H. F. No. 466, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 432, A bill for an act relating to taxation; providing dates for settlement of mortgage registry and deed tax receipts; providing for payment of excise tax on special fuel by bulk purchasers; clarifying responsibilities and authority of commissioner of revenue in administering and auditing mineral taxes; providing for filing requirements for royalty reports; amending Minnesota Statutes 1980, Sections 287.12; 287.29, Subdivision 1; 296.12, Subdivisions 3, 4, and 5, and by adding a subdivision; 298.09, by adding a subdivision; 298.15; 299.03; 299.05; and 299.12; and repealing Minnesota Statutes 1980, Section 287.29, Subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 537, A bill for an act relating to highway traffic regulations; increasing the length of certain vehicles; establishing permit fees for certain oversize vehicles; directing the commissioner of transportation to conduct certain studies; clarifying the operation of certain combination vehicles; amending Minnesota Statutes 1980, Sections 169.81, Subdivision 3; 169.86, Subdivision 5, and by adding a subdivision; and 169.861.

The bill was read for the first time and referred to the Committee on Transportation.

S. F. No. 387, A bill for an act relating to agriculture; imposing certain requirements on milk houses for milk used for manufacturing; amending Minnesota Statutes 1980, Section 32.212.

The bill was read for the first time and referred to the Committee on Agriculture.

S. F. No. 463, A bill for an act relating to credit unions; permitting a change of titles of officers; amending Minnesota Statutes 1980, Sections 52.06, Subdivision 1; and 52.09, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

S. F. No. 611, A bill for an act relating to motor vehicles; requiring certain owners of motorcycles to furnish evidence of security under the Minnesota no-fault automobile insurance act; amending Minnesota Statutes 1980, Section 65B.68, Subdivision 2.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

S. F. No. 885, A bill for an act relating to regional railroad authorities; providing that cities of the first class may join in the organization of a regional railroad authority in conjunction

with one or more counties; amending Minnesota Statutes 1980, Sections 398A.02; 398A.03; 398A.04, Subdivisions 8 and 9; and 398A.06, Subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation.

S. F. No. 917, A bill for an act relating to the statutes; removing archaic language from certain laws related to animals; amending Minnesota Statutes 1980, Sections 346.20; 346.21; 346.215; 346.216; 346.22; 346.23; 346.24; 346.25; 346.26; 346.27; 346.28; 346.31; 346.32; 346.33; 346.34; and 347.23.

The bill was read for the first time.

Jude moved that S. F. No. 917 and H. F. No. 911, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 918, A bill for an act relating to Minnesota Statutes; making various clarifications and technical amendments relating to the style and form of Minnesota Statutes 1980, Chapter 56; amending Minnesota Statutes 1980, Sections 56.01; 56.02; 56.04; 56.05; 56.06; 56.07; 56.09; 56.10; 56.11; 56.12; 56.13; 56.14; 56.15, Subdivision 1; 56.16; 56.17; 56.18; 56.19; 56.20; 56.21; 56.22; 56.23; 56.24; 56.25; proposing new law coded in Minnesota Statutes, Chapter 56; repealing Minnesota Statutes 1980, Sections 56.15, Subdivision 2; and 56.26.

The bill was read for the first time and referred to the Committee on Judiciary.

### CONSENT CALENDAR

H. F. No. 147, A bill for an act relating to courts; authorizing the supreme court to adopt a uniform fee schedule for civil actions; proposing new law coded in Minnesota Statutes, Chapter 480.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Battaglia	Byrne	Dahlvang	Elioff
Ainley	Begich	Carlson, D.	Dean	Ellingson
Anderson, B.	Berkelman	Carlson, L.	Dempsey	Erickson
Anderson, G.	Blatz	Clark, J.	Den Ouden	Esau
Anderson, I.	Brandl	Clark, K.	Drew	Evans
Anderson, R.	Brinkman	Clawson	Eken	Ewald

Fjoslien	Jude	Minne	Rees	Stowell
Forsythe	Kahn	Murphy	Rice	Stumpf
Friedrich	Kaley	Nelsen, B.	Rodriguez, C.	Sviggum
Greenfield	Kalis	Nelson, K.	Rodriguez, F.	Swanson
Gruenes	Kelly	Niehaus	Rose	Tomlinson
Halberg	Knickerbocker	Norton	Rothenberg	Valento
Hanson	Kostohryz	Novak	Samuelson	Vanasek
Harens	Kvam	Nysether	Sarna	Vellenga
Hauge	Laidig	O'Connor	Schafer	Weaver
Haukoos	Lehto	Ogren	Schoenfeld	Welch
Heap	Lemen	Olsen	Schreiber	Welker
Heinitz	Levi	Onnen	Searles	Wenzel
Himle	Long	Osthoff	Shea	Wieser
Hoberg	Ludeman	Otis	Sherman	Wynia
Hokanson	Marsh	Peterson, B.	Sherwood	Zubay
Hokr	McCarron	Peterson, D.	Sieben, M.	Spkr. Sieben, H.
Jacobs	McDonald	Piepho	Simoneau	
Jennings	McEachern	Pogemiller	Skoglund	
Johnson, C.	Mehrkens	Redalen	Stadum	
Johnson, D.	Metzen	Reding	Staten	

The bill was passed and its title agreed to.

H. F. No. 743 was reported to the House.

Upon objection of ten members H. F. No. 743 was stricken from the Consent Calendar and returned to General Orders.

H. F. No. 876, A bill for an act relating to employment; authorizing the commissioner of economic security to make certain summer youth employment advances; amending Minnesota Statutes 1980, Section 268.34.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Dean	Hauge	Kvam	Novak
Ainley	Dempsey	Haukoos	Laidig	Nysether
Anderson, B.	Den Ouden	Heap	Lehto	O'Connor
Anderson, G.	Drew	Heinitz	Lemen	Ogren
Anderson, I.	Eken	Himle	Levi	Olsen
Anderson, R.	Elioff	Hoberg	Long	Onnen
Battaglia	Ellingson	Hokanson	Ludeman	Osthoff
Begich	Erickson	Hokr	Marsh	Otis
Berkelman	Esau	Jacobs	McCarron	Peterson, B.
Blatz	Evans	Jennings	McDonald	Peterson, D.
Brandl	Ewald	Johnson, C.	McEachern	Piepho
Brinkman	Fjoslien	Johnson, D.	Mehrkens	Pogemiller
Byrne	Forsythe	Jude	Metzen	Redalen
Carlson, D.	Friedrich	Kahn	Minne	Reding
Carlson, L.	Greenfield	Kaley	Murphy	Rees
Clark, J.	Gruenes	Kalis	Nelsen, B.	Reif
Clark, K.	Halberg	Kelly	Nelson, K.	Rice
Clawson	Hanson	Knickerbocker	Niehaus	Rodriguez, C.
Dahlvang	Harens	Kostohryz	Norton	Rodriguez, F.



Rose	Searles	Staten	Vanasek	Wieser
Rothenberg	Shea	Stowell	Vellenga	Wynia
Samuelson	Sherman	Stumpf	Voss	Zubay
Sarna	Sherwood	Sviggum	Weaver	Spkr. Sieben, H.
Schafer	Sieben, M.	Swanson	Welch	
Schoenfeld	Skoglund	Tomlinson	Welker	
Schreiber	Stadum	Valento	Wenzel	

The bill was passed and its title agreed to.

H. F. No. 918, A bill for an act relating to cooperatives; procedure for elections by members or shareholders of cooperative electric associations on public utilities commission regulation; amending Minnesota Statutes 1980, Section 216B.02, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 216B.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kaley	O'Connor	Sherman
Ainley	Esau	Kalis	Ogren	Sherwood
Anderson, B.	Evans	Kelly	Olsen	Sieben, M.
Anderson, G.	Ewald	Knickerbocker	Onnen	Simoneau
Anderson, I.	Fjoslien	Kostohryz	Osthoff	Skoglund
Anderson, F.	Forsythe	Kvam	Otis	Stadum
Battaglia	Greenfield	Laidig	Peterson, B.	Staten
Begich	Gruenes	Lehto	Peterson, D.	Stowell
Berkelman	Gustafson	Lemen	Piepho	Stumpf
Blatz	Halberg	Long	Pogemiller	Sviggum
Brandl	Hanson	Ludeman	Redalen	Swanson
Brinkman	Harens	Marsh	Reding	Tomlinson
Byrne	Hauge	McCarron	Rees	Valento
Carlson, D.	Haukoos	McDonald	Reif	Vanasek
Carlson, L.	Heap	McEachern	Rice	Vellenga
Clark, J.	Heinitz	Mehrkens	Rodriguez, C.	Weaver
Clark, K.	Himle	Metzen	Rodriguez, F.	Welch
Clawson	Hoberg	Minne	Rose	Welker
Dahlvang	Hokanson	Munger	Rothenberg	Wenzel
Dean	Hokr	Murphy	Samuelson	Wieser
Dempsey	Jacobs	Nelsen, B.	Sarna	Wynia
Den Ouden	Jennings	Nelson, K.	Schafer	Zubay
Drew	Johnson, C.	Niehaus	Schoenfeld	Spkr. Sieben, H.
Eken	Johnson, D.	Norton	Schreiber	
Elioff	Jude	Novak	Searles	
Ellingson	Kahn	Nysether	Shea	

The bill was passed and its title agreed to.

H. F. No. 1075, A bill for an act relating to social and charitable organizations; increasing the threshold dollar amount required for the use of a certified financial statement; determining what is properly included in cost of goods or services; amending Min-

nesota Statutes 1980, Sections 309.53, Subdivision 3; and 309.555, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Ainley	Evans	Kalis	O'Connor	Sherman
Anderson, B.	Ewald	Kelly	Ogren	Sherwood
Anderson, G.	Fjoslien	Knickerbocker	Olsen	Sieben, M.
Anderson, I.	Forsythe	Kostohryz	Onnen	Simoneau
Anderson, R.	Friedrich	Kvam	Osthoff	Skoglund
Battaglia	Greenfield	Laidig	Otis	Stadum
Begich	Gruenes	Lehto	Peterson, B.	Staten
Berkelman	Gustafson	Lemen	Peterson, D.	Stowell
Blatz	Halberg	Levi	Piepho	Stumpf
Brandl	Hanson	Long	Pogemiller	Svigum
Brinkman	Harens	Ludeman	Redalen	Swanson
Byrne	Hauge	Marsh	Reding	Tomlinson
Carlson, D.	Haukoos	McCarron	Rees	Valento
Carlson, L.	Heap	McDonald	Reif	Vanasek
Clark, J.	Heinitz	McEachern	Rice	Vellenga
Clark, K.	Hirle	Mehrkens	Rodriguez, C.	Voss
Clawson	Hoberg	Metzen	Rodriguez, F.	Weaver
Dahlvang	Hokanson	Minne	Rose	Welch
Dempsey	Hokr	Munger	Rothenberg	Welker
Den Ouden	Jacobs	Murphy	Samuelson	Wenzel
Drew	Jennings	Nelsen, B.	Sarna	Wieser
Eken	Johnson, C.	Nelson, K.	Schafer	Wynia
Elioff	Johnson, D.	Niehaus	Schoenfeld	Zubay
Ellingson	Jude	Norton	Schreiber	Spkr. Sieben, H.
Erickson	Kahn	Novak	Searles	
Esau	Kaley	Nysether	Shea	

The bill was passed and its title agreed to.

H. F. No. 1083, A bill for an act relating to charitable trusts; transferring responsibility of keeping certain records; amending Minnesota Statutes 1980, Sections 501.75; 501.76; 501.77; and 501.78, Subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, R.	Brandl	Clark, J.	Den Ouden
Ainley	Battaglia	Brinkman	Clark, K.	Drew
Anderson, B.	Begich	Byrne	Clawson	Eken
Anderson, G.	Berkelman	Carlson, D.	Dahlvang	Elioff
Anderson, I.	Blatz	Carlson, L.	Dempsey	Ellingson

Erickson	Johnson, C.	Metzen	Reding	Staten
Esau	Johnson, D.	Minne	Rees	Stowell
Evans	Jude	Munger	Reif	Stumpf
Fjoslien	Kahn	Murphy	Rice	Sviggum
Forsythe	Kaley	Nelsen, B.	Rodriguez, C.	Swanson
Greenfield	Kalis	Nelson, K.	Rodriguez, F.	Tomlinson
Gruenes	Kelly	Niehaus	Rose	Valento
Gustafson	Knickerbocker	Norton	Rothenberg	Vanasek
Halberg	Kostohryz	Novak	Samuelson	Vellenga
Hanson	Kvam	Nysether	Sarna	Voss
Harens	Laidig	O'Connor	Schafer	Weaver
Hauge	Lehto	Ogren	Schoenfeld	Welch
Haukoos	Lemen	Olsen	Schreiber	Welker
Heap	Levi	Onnen	Searles	Wenzel
Heinitz	Long	Osthoff	Shea	Wieser
Himle	Ludeman	Otis	Sherman	Wynia
Hoberg	Marsh	Peterson, B.	Sherwood	Zubay
Hokanson	McCarron	Peterson, D.	Sieben, M.	Spkr. Sieben, H.
Hokr	McDonald	Piepho	Simoneau	
Jacobs	McEachern	Pogemiller	Skoglund	
Jennings	Mehrkens	Redalen	Stadum	

The bill was passed and its title agreed to.

### CALENDAR

S. F. No. 52, A bill for an act relating to elections; fair campaign practices; providing a penalty for denial of access to certain dwellings; amending Minnesota Statutes 1980, Section 210A.43, Subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 75 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Drew	Kalis	O'Connor	Sieben, M.
Anderson, G.	Eken	Kelly	Ogren	Simoneau
Anderson, I.	Elioff	Kostohryz	Osthoff	Skoglund
Anderson, R.	Ellingson	Lehto	Otis	Staten
Battaglia	Greenfield	Long	Peterson, D.	Stumpf
Begich	Gustafson	Marsh	Pogemiller	Swanson
Berkelman	Hanson	McCarron	Reding	Tomlinson
Brandl	Harens	McEachern	Reif	Vanasek
Byrne	Hauge	Metzen	Rice	Vellenga
Carlson, L.	Hoberg	Minne	Rodriguez, C.	Voss
Clark, J.	Hokanson	Munger	Rodriguez, F.	Weaver
Clawson	Jacobs	Murphy	Samuelson	Welch
Dahlvang	Johnson, C.	Nelson, K.	Sarna	Wenzel
Dean	Jude	Norton	Schoenfeld	Wynia
Dempsey	Kahn	Novak	Sherman	Spkr. Sieben, H.

Those who voted in the negative were:

Aasness	Brinkman	Esau	Forsythe	Haukoos
Ainley	Den Ouden	Ewald	Gruenes	Heap
Blatz	Erickson	Fjoslien	Halberg	Heinitz

Himle	Laidig	Nysether	Schafer	Welker
Hokr	Lemen	Olsen	Schreiber	Wieser
Jennings	Ludeman	Onnen	Searles	Zubay
Johnson, D.	McDonald	Peterson, B.	Sherwood	
Kaley	Mehrkens	Piepho	Stadum	
Knickerbocker	Nelsen, B.	Redalen	Stowell	
Kvam	Niehaus	Rothenberg	Valento	

The bill was passed and its title agreed to.

H. F. No. 131, A bill for an act relating to crimes; authorizing the release of account information to law enforcement authorities investigating the issuance of worthless checks; authorizing the issuance of account information to payee or holders when a check has been dishonored; amending Minnesota Statutes 1980, Section 609.535, by adding subdivisions.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kelly	Ogren	Sieben, M.
Ainley	Evans	Knickerbocker	Olsen	Simoneau
Anderson, B.	Ewald	Kostohryz	Onnen	Skoglund
Anderson, G.	Fjoslien	Kvam	Osthoff	Stadum
Anderson, I.	Forsythe	Laidig	Otis	Staten
Anderson, R.	Friedrich	Lehto	Peterson, B.	Stowell
Battaglia	Greenfield	Lemen	Peterson, D.	Stumpf
Begich	Gruenes	Levi	Piepho	Stiggum
Berkelman	Gustafson	Long	Pogemiller	Swanson
Blatz	Halberg	Ludeman	Redalen	Tomlinson
Brandl	Hanson	Marsh	Reding	Valento
Brinkman	Harens	McCarron	Rees	Vanasek
Byrne	Haukoos	McDonald	Reif	Vellenga
Carlson, D.	Heap	McEachern	Rice	Voss
Carlson, L.	Heinitz	Mehrkens	Rodriguez, C.	Weaver
Clark, J.	Himle	Metzen	Rodriguez, F.	Welch
Clawson	Hoberg	Minne	Rose	Welker
Dahlvang	Hokanson	Munger	Rothenberg	Wenzel
Dean	Hokr	Murphy	Samuelson	Wieser
Dempsey	Jacobs	Nelsen, B.	Sarna	Wynia
Den Ouden	Johnson, C.	Nelson, K.	Schafer	Zubay
Drew	Johnson, D.	Niehaus	Schoenfeld	Sprk. Sieben, H.
Eken	Jude	Norton	Schreiber	
Elioff	Kahn	Novak	Searles	
Ellingson	Kaley	Nysether	Shea	
Erickson	Kalis	O'Connor	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 409, A bill for an act relating to agriculture; requiring department of agriculture approval and receipt of certain grain storage receipts; regulating the family farm security program; changing terms of members of the family farm advisory council; regulating denaturing of certain food; identify-

ing fur pelts; amending Minnesota Statutes 1980, Sections 17.35, Subdivision 7; 31.095; 41.52, Subdivisions 5, 8 and 9; 41.54, Subdivision 2; 41.56, Subdivisions 1, 2 and 4; 41.58, Subdivision 2; 232.06, Subdivision 1; 233.03; 234.02; 236.03; and 290.08, Subdivision 24; repealing Minnesota Statutes 1980, Section 29.091.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kahn	Nysether	Shea
Ainley	Esau	Kaley	O'Connor	Sherwood
Anderson, B.	Evans	Kalis	Ogren	Sieben, M.
Anderson, G.	Ewald	Kelly	Olsen	Simoneau
Anderson, I.	Fjoslien	Knickerbocker	Onnen	Skoglund
Anderson, R.	Forsythe	Kostohryz	Osthoff	Stadum
Battaglia	Friedrich	Kvam	Otis	Staten
Begich	Greenfield	Laidig	Peterson, B.	Stowell
Berkelman	Gruenes	Lehto	Peterson, D.	Stumpf
Blatz	Gustafson	Lemen	Piepho	Sviggum
Brandl	Halberg	Levi	Pogemiller	Swanson
Brinkman	Hanson	Ludeman	Redalen	Tomlinson
Byrne	Harens	Marsh	Reding	Valento
Carlson, D.	Hauge	McCarron	Rees	Vanasek
Carlson, L.	Haukoos	McDonald	Reif	Vellenga
Clark, J.	Heap	McEachern	Rice	Voss
Clark, K.	Heinitz	Mehrkens	Rodriguez, C.	Weaver
Clawson	Himle	Metzen	Rodriguez, F.	Welch
Dahlvang	Hoberg	Minne	Rose	Welker
Dean	Hokanson	Munger	Rothenberg	Wenzel
Dempsey	Hokr	Murphy	Samuelson	Wieser
Den Ouden	Jacobs	Nelsen, B.	Sarna	Wynia
Drew	Jennings	Nelson, K.	Schafer	Zubay
Eken	Johnson, C.	Niehaus	Schoenfeld	Spkr. Sieben, H.
Elioff	Johnson, D.	Norton	Schreiber	
Ellingson	Jude	Novak	Searles	

The bill was passed and its title agreed to.

H. F. No. 575, A bill for an act relating to intoxicating liquor; authorizing cities to permit on-sale of liquor at publicly owned sports or convention facilities by existing licensees; amending Minnesota Statutes 1980, Section 340.11, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Ainley	Anderson, B.	Anderson, G.	Anderson, I.	Anderson, R.
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Battaglia	Friedrich	Knickerbocker	Ogren	Shea
Begich	Greenfield	Kostohryz	Olsen	Sieben, M.
Berkelman	Gruenes	Kvam	Osthoff	Simoneau
Blatz	Gustafson	Laidig	Otis	Skoglund
Brandl	Halberg	Lehto	Peterson, B.	Stadum
Brinkman	Hanson	Levi	Peterson, D.	Staten
Byrne	Hauge	Long	Piepho	Stowell
Carlson, D.	Haukoos	Ludeman	Pogemiller	Stumpf
Carlson, L.	Heap	Marsh	Redalen	Sviggum
Clark, J.	Heinitz	McCarron	Reding	Tomlinson
Clark, K.	Himle	McDonald	Rees	Valento
Clawson	Hoberg	McEachern	Reif	Vanasek
Dahlvang	Hokanson	Mehrkens	Rice	Vellenga
Dean	Hokr	Metzen	Rodriguez, C.	Voss
Dempsey	Jacobs	Minne	Rodriguez, F.	Weaver
Drew	Jennings	Munger	Rose	Welch
Eken	Johnson, C.	Murphy	Rothenberg	Welker
Elioff	Johnson, D.	Nelson, K.	Samuelson	Wenzel
Ellingson	Jude	Niehaus	Sarna	Wynia
Evans	Kahn	Norton	Schafer	Zubay
Ewald	Kaley	Novak	Schoenfeld	Spkr. Sieben, H.
Fjoslien	Kalis	Nysether	Schreiber	
Forsythe	Kelly	O'Connor	Searles	

Those who voted in the negative were:

Aasness	Erickson	Harens	Onnen	Wieser
Den Ouden	Esau	Nelsen, B.	Swanson	

The bill was passed and its title agreed to.

H. F. No. 595, A bill for an act relating to the state building code, authorizing stricter fire prevention standards in certain municipalities; proposing new law coded in Minnesota Statutes, Chapter 16.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Aasness	Clawson	Hanson	Knickerbocker	Nelsen, B.
Ainley	Dahlvang	Harens	Kostohryz	Nelson, K.
Anderson, B.	Dempsey	Hauge	Kvam	Niehaus
Anderson, G.	Den Ouden	Haukoos	Laidig	Norton
Anderson, I.	Eken	Heap	Lehto	Novak
Anderson, R.	Elioff	Heinitz	Lemen	Nysether
Battaglia	Ellingson	Himle	Levi	O'Connor
Begich	Esau	Hoberg	Ludeman	Ogren
Berkelman	Evans	Hokanson	Marsh	Olsen
Blatz	Ewald	Hokr	McCarron	Onnen
Brandl	Fjoslien	Jacobs	McDonald	Osthoff
Brinkman	Forsythe	Johnson, C.	McEachern	Otis
Byrne	Friedrich	Johnson, D.	Mehrkens	Peterson, B.
Carlson, D.	Greenfield	Jude	Metzen	Peterson, D.
Carlson, L.	Gruenes	Kahn	Minne	Piepho
Clark, J.	Gustafson	Kaley	Munger	Redalen
Clark, K.	Halberg	Kalis	Murphy	Reding

Rees	Sarna	Sieben, M.	Swanson	Wenzel
Reif	Schafer	Simoneau	Tomlinson	Wieser
Rice	Schoenfeld	Skoglund	Valento	Wynia
Rodriguez, C.	Schreiber	Stadum	Vanasek	Zubay
Rodriguez, F.	Searles	Staten	Vellenga	Spkr. Sieben, H.
Rose	Shea	Stowell	Weaver	
Rothenberg	Sherman	Stumpf	Welch	
Samuelson	Sherwood	Sviggum	Welker	

Those who voted in the negative were :

Dean	Erickson	Jennings	Pogemiller	Voss
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The bill was passed and its title agreed to.

H. F. No. 604, A bill for an act relating to elections; changing eligibility requirements and compensation for election judges; authorizing time off from work for election judges; amending Minnesota Statutes 1980, Sections 204A.18; and 204A.23.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 2 nays as follows :

Those who voted in the affirmative were :

Aasness	Esau	Kalis	O'Connor	Sherman
Ainley	Evans	Kelly	Ogren	Sherwood
Anderson, B.	Ewald	Knickerbocker	Olsen	Sieben, M.
Anderson, G.	Fjoslien	Kostohryz	Onnen	Simoneau
Anderson, I.	Forsythe	Kvam	Osthoff	Skoglund
Anderson, R.	Friedrich	Laidig	Otis	Stadum
Battaglia	Greenfield	Lehto	Peterson, B.	Staten
Begich	Gruenes	Lemen	Peterson, D.	Stowell
Berkelman	Gustafson	Levi	Piepho	Stumpf
Blatz	Halberg	Long	Pogemiller	Sviggum
Brandl	Hanson	Ludeman	Redalen	Swanson
Brinkman	Harens	Marsh	Reding	Tomlinson
Byrne	Hauge	McCarron	Rees	Valento
Carlson, D.	Haukoos	McDonald	Reif	Vanasek
Carlson, L.	Heap	McEachern	Rice	Vellenga
Clark, J.	Heinitz	Mehrkens	Rodriguez, C.	Voss
Clark, K.	Himle	Metzen	Rodriguez, F.	Weaver
Clawson	Hoberg	Minne	Rose	Welch
Dahlvang	Hokanson	Munger	Rothenberg	Wenzel
Dean	Jacobs	Murphy	Samuelson	Wieser
Dempsey	Jennings	Nelsen, B.	Sarna	Wynia
Den Ouden	Johnson, C.	Nelson, K.	Schafer	Zubay
Eken	Johnson, D.	Niehaus	Schoenfeld	Spkr. Sieben, H.
Elioff	Jude	Norton	Schreiber	
Ellingson	Kahn	Novak	Searles	
Erickson	Kaley	Nysether	Shea	

Those who voted in the negative were :

Drew	Welker
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The bill was passed and its title agreed to.

H. F. No. 347, A bill for an act relating to the cities of St. Paul and Minneapolis; exempting a certain joint housing bonding program from the provisions of Minnesota Statutes, Section 462C.07, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 112 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kaley	O'Connor	Sherman
Anderson, B.	Evans	Kalis	Ogren	Sherwood
Anderson, G.	Ewald	Kelly	Olsen	Sieben, M.
Anderson, I.	Fjoslien	Knickerbocker	Osthoff	Simoneau
Anderson, R.	Forsythe	Kostohryz	Otis	Skoglund
Battaglia	Friedrich	Laidig	Peterson, B.	Staten
Begich	Greenfield	Lehto	Peterson, D.	Stowell
Berkelman	Gustafson	Lemen	Pogemiller	Stumpf
Blatz	Halberg	Levi	Redalen	Swanson
Brandl	Hanson	Long	Reding	Tomlinson
Brinkman	Harens	Marsh	Rees	Valento
Byrne	Haukoos	McCarron	Reif	Vanasek
Carlson, L.	Heap	McDonald	Rice	Vellenga
Clark, J.	Heinitz	McEachern	Rodriguez, C.	Voss
Clark, K.	Himle	Mehrkens	Rodriguez, F.	Weaver
Clawson	Hoberg	Metzen	Rose	Welch
Dahlvang	Hokanson	Minne	Samuelson	Wenzel
Dean	Hokr	Munger	Sarna	Wynia
Dempsey	Jacobs	Murphy	Schafer	Zubay
Drew	Jennings	Nelsen, B.	Schoenfeld	Spkr. Sieben, H.
Eken	Johnson, C.	Nelson, K.	Schreiber	
Elioff	Johnson, D.	Norton	Searles	
Ellingson	Jude	Novak	Shea	

Those who voted in the negative were:

Ainley	Hauge	Niehaus	Rothenberg	Welker
Den Ouden	Kahn	Nysether	Sviggum	Wieser
Esau	Kvam	Onnen		
Gruenes	Ludeman	Piepho		

The bill was passed and its title agreed to.

H. F. No. 353, A bill for an act relating to agriculture; protecting agricultural operations from nuisance suits under certain circumstances; proposing new law coded in Minnesota Statutes, Chapter 561.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 115 yeas and 11 nays as follows:



Those who voted in the affirmative were:

Aasness	Esau	Jude	Norton	Schafer
Anderson, B.	Evans	Kahn	Novak	Schoenfeld
Anderson, G.	Ewald	Kalis	Nysether	Searles
Anderson, I.	Fjoslien	Kelly	O'Connor	Shea
Battaglia	Forsythe	Knickerbocker	Ogren	Sherman
Begich	Greenfield	Kostohryz	Olsen	Simoneau
Berkelman	Gruenes	Kvam	Onnen	Stadum
Blatz	Gustafson	Laidig	Osthoff	Staten
Brandl	Halberg	Lehto	Otis	Stowell
Brinkman	Hanson	Lemen	Peterson, D.	Stumpf
Byrne	Harens	Levi	Piepho	Sviggum
Carlson, L.	Hauge	Long	Pogemiller	Swanson
Clark, J.	Haukoos	Ludeman	Redalen	Tomlinson
Clark, K.	Heap	McCarron	Reding	Valento
Clawson	Heinitz	McEachern	Rees	Vanasek
Dahlvang	Himle	Mehrkens	Reif	Vellenga
Dean	Hoberg	Metzen	Rice	Voss
Dempsey	Hokanson	Minne	Rodriguez, C.	Weaver
Den Ouden	Hokr	Munger	Rodriguez, F.	Welch
Drew	Jacobs	Murphy	Rose	Wenzel
Eken	Jennings	Nelsen, B.	Rothenberg	Wieser
Elioff	Johnson, C.	Nelson, K.	Samuelson	Wynia
Erickson	Johnson, D.	Niehaus	Sarna	Spkr. Sieben, H.

Those who voted in the negative were:

Ainley	Marsh	Sherwood	Skoglund	Zubay
Friedrich	McDonald	Sieben, M.	Welker	
Kaley	Schreiber			

The bill was passed and its title agreed to.

H. F. No. 519, A bill for an act relating to individual housing accounts; providing for the subtraction from federal adjusted gross income of certain contributions to and interest earned on individual housing accounts; repealing the deduction for individual housing account contributions and interest; clarifying various provisions relating to individual housing accounts; amending Minnesota Statutes 1980, Sections 48.159, Subdivision 2; 50.157, Subdivision 2; 51A.21, Subdivision 16a; 52.136; 290.01, Subdivision 20; 290.08, by adding a subdivision; and 290.17, Subdivision 2; repealing Minnesota Statutes 1980, Section 290.09, Subdivision 30.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, I.	Berkelman	Byrne	Clark, K.
Ainley	Anderson, R.	Blatz	Carlson, D.	Clawson
Anderson, B.	Battaglia	Brandl	Carlson, L.	Dahlvang
Anderson, G.	Begich	Brinkman	Clark, J.	Dean

Dempsey	Heinitz	Ludeman	Peterson, D.	Simoneau
Den Ouden	Himle	Marsh	Piepho	Skoglund
Drew	Hoberg	McCarron	Pogemiller	Stadum
Eken	Hokanson	McDonald	Redalen	Staten
Elioff	Hokr	McEachern	Reding	Stowell
Ellingson	Jacobs	Mehrkens	Rees	Stumpf
Erickson	Jennings	Metzen	Reif	Swiggum
Esau	Johnson, C.	Minne	Rice	Swanson
Evans	Johnson, D.	Munger	Rodriguez, C.	Tomlinson
Ewald	Jude	Murphy	Rodriguez, F.	Valento
Fjoslien	Kahn	Nelsen, B.	Rose	Vanasek
Forsythe	Kaley	Nelson, K.	Rothenberg	Vellenga
Friedrich	Kalis	Niehaus	Samuelson	Voss
Greenfield	Kelly	Norton	Sarna	Weaver
Gruenes	Knickerbocker	Novak	Schafer	Welch
Gustafson	Kostohryz	Nysether	Schoenfeld	Welker
Halberg	Kvam	O'Connor	Schreiber	Wenzel
Hanson	Laidig	Ogren	Searles	Wieser
Harens	Lehto	Olsen	Shea	Wynia
Hauge	Lemen	Onnen	Sherman	Zubay
Haukoos	Levi	Osthoff	Sherwood	Spkr. Sieben, H.
Heap	Long	Otis	Sieben, M.	

The bill was passed and its title agreed to.

H. F. No. 579, A bill for an act relating to financial institutions; allowing new mortgage instruments; modifying rate restrictions on certain loans; providing a maximum late charge on certain loans; amending Minnesota Statutes 1980, Section 47.20, Subdivisions 1, 2, 4, 4a, 6, 12 and by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 79 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Aasness	Ewald	Johnson, D.	Nelsen, B.	Schafer
Ainley	Fjoslien	Kaley	Niehaus	Schoenfeld
Anderson, B.	Forsythe	Kalis	Norton	Schreiber
Anderson, G.	Friedrich	Knickerbocker	Nysether	Searles
Anderson, R.	Gruenes	Kvam	Ogren	Sherman
Berkelman	Halberg	Laidig	Olsen	Sherwood
Blatz	Hauge	Lehto	Otis	stadum
Brinkman	Haukoos	Lemen	Peterson, B.	Swiggum
Dean	Heap	Levi	Piepho	Valan
Dempsey	Heinitz	Ludeman	Pogemiller	Valento
Den Ouden	Himle	Marsh	Redalen	Voss
Drew	Hoberg	McDonald	Reding	Weaver
Eken	Hokr	Mehrkens	Rees	Welker
Erickson	Jacobs	Metzen	Reif	Wenzel
Esau	Jennings	Munger	Rose	Zubay
Evans	Johnson, C.	Murphy	Rothenberg	

Those who voted in the negative were:

Anderson, I.	Brandl	Carlson, L.	Clawson	Ellingson
Battaglia	Byrne	Clark, J.	Dahlvang	Greenfield
Begich	Carlson, D.	Clark, K.	Elioff	Hanson

Harens	McCarron	Peterson, D.	Sieben, M.	Vanasek
Hokanson	McEachern	Rice	Simoneau	Vellenga
Jude	Minne	Rodriguez, C.	Skoglund	Welch
Kahn	Nelson, K.	Rodriguez, F.	Staten	Wieser
Kelly	Novak	Samuelson	Stowell	Wynia
Kostohryz	Onnen	Sarna	Stumpf	
Long	Osthoff	Shea	Swanson	

The bill was passed and its title agreed to.

H. F. No. 615, A bill for an act relating to corrections; providing for the transfer of convicted offenders under certain circumstances; proposing new law coded in Minnesota Statutes, Chapter 243.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kaley	O'Connor	Sherman
Ainley	Esau	Kalis	Ogren	Sherwood
Anderson, B.	Evans	Kelly	Olsen	Sieben, M.
Anderson, G.	Ewald	Knickerbocker	Onnen	Simoneau
Anderson, I.	Fjoslien	Kostohryz	Osthoff	Skoglund
Anderson, R.	Forsythe	Kvam	Otis	Stadum
Battaglia	Friedrich	Laidig	Peterson, B.	Staten
Begich	Greenfield	Lehto	Peterson, D.	Stowell
Berkelman	Gruenes	Lemen	Piepho	Stumpf
Blatz	Halberg	Levi	Pogemiller	Sviggum
Brandl	Hanson	Long	Redalen	Swanson
Brinkman	Harens	Ludeman	Reding	Valan
Byrne	Hauge	Marsh	Rees	Valento
Carlson, D.	Haukoos	McCarron	Reif	Vanasek
Carlson, L.	Heap	McDonald	Rice	Vellenga
Clark, J.	Heinitz	McEachern	Rodriguez, C.	Voss
Clark, K.	Himle	Mehrkens	Rodriguez, F.	Weaver
Clawson	Hoberg	Metzen	Rose	Welch
Dahlvang	Hokanson	Minne	Rothenberg	Welker
Dean	Hokr	Murphy	Samuelson	Wenzel
Denney	Jacobs	Nelsen, B.	Sarna	Wieser
Den Ouden	Jennings	Nelson, K.	Schafer	Wynia
Drew	Johnson, C.	Niehaus	Schoenfeld	Zubay
Eken	Johnson, D.	Norton	Schreiber	Spkr. Sieben, H.
Elioff	Jude	Novak	Searles	
Ellingson	Kahn	Nysether	Shea	

The bill was passed and its title agreed to.

H. F. No. 617, A resolution memorializing the President, Congress, and the United States Postal Service of Minnesota's opposition to the nine digit zip code.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Jude	Norton	Schafer
Ainley	Esau	Kaley	Novak	Schoenfeld
Anderson, G.	Evans	Kalis	Nysether	Searles
Anderson, I.	Ewald	Kelly	O'Connor	Sherman
Anderson, R.	Fjoslien	Knickerbocker	Ogren	Sherwood
Battaglia	Forsythe	Kostohryz	Olsen	Sieben, M.
Begich	Friedrich	Kvam	Onnen	Simoneau
Berkelman	Greenfield	Laidig	Osthoff	Skoglund
Blatz	Gruenes	Lehto	Otis	Stadum
Brinkman	Halberg	Lemen	Peterson, B.	Stowell
Byrne	Hanson	Levi	Peterson, D.	Stumpf
Carlson, D.	Harens	Long	Piepho	Sviggum
Carlson, L.	Hauge	Ludeman	Pogemiller	Swanson
Clark, J.	Haukoos	Marsh	Redalen	Valan
Clark, K.	Heap	McCarron	Reding	Valento
Clawson	Heinitz	McDonald	Rees	Vanasek
Dahlvang	Himle	McEachern	Reif	Vellenga
Dean	Hoberg	Mehrkens	Rice	Voss
Dempsey	Hokanson	Metzen	Rodriguez, C.	Weaver
Den Ouden	Hokr	Minne	Rodriguez, F.	Wenzel
Drew	Jacobs	Murphy	Rose	Wieser
Eken	Jennings	Nelsen, B.	Rothenberg	Zubay
Elioff	Johnson, C.	Nelson, K.	Samuelson	Spkr. Sieben, H.
Ellingson	Johnson, D.	Niehaus	Sarna	

Those who voted in the negative were:

Brandl	Schreiber	Staten	Welker	Wynia
Kahn	Shea			

The bill was passed and its title agreed to.

H. F. No. 624, A bill for an act relating to corrections; clarifying the transfer of correctional inmates to medical facilities; providing for tuberculosis testing for correctional employees; clarifying unclaimed property of correctional inmates, and diversified labor accounts; changing terminology of correctional facilities; harmonizing furlough provisions; prescribing the time for counties to submit estimates for reimbursement for probation services; prescribing a penalty; amending Minnesota Statutes 1980, Sections 241.07; 241.09; 241.14; 241.22; 241.64, Subdivisions 1 and 2; 242.20; 242.22; 242.43; 242.44; 242.45; 242.47; 242.48; 243.05; 243.20; 243.211; 243.465; 243.57; 243.58; 243.64; 244.07, Subdivision 1; 260.311, Subdivision 5; repealing Minnesota Statutes 1980, Sections 241.01, Subdivision 8; 241.15; 242.23; 242.24; 242.375; 242.52; 242.53; 243.06; 243.22; 243.25; 243.26; and 243.78.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Kahn	Nysether	Searles
Ainley	Erickson	Kaley	O'Connor	Sherman
Anderson, B.	Esau	Kalis	Ogren	Sherwood
Anderson, G.	Evans	Kelly	Olsen	Sieben, M.
Anderson, I.	Ewald	Knickerbocker	Onnen	Simoneau
Anderson, R.	Fjoslien	Kostohryz	Osthoff	Skoglund
Battaglia	Forsythe	Kvam	Otis	Stadum
Begich	Friedrich	Laidig	Peterson, B.	Staten
Berkelman	Greenfield	Lehto	Peterson, D.	Stowell
Blatz	Gruenes	Lemen	Piepho	Stumpf
Brandl	Gustafson	Levi	Pogemiller	Sviggun
Brinkman	Halberg	Long	Redalen	Swanson
Byrne	Hauge	Ludeman	Reding	Valan
Carlson, D.	Haukoos	Marsh	Rees	Valento
Carlson, L.	Heap	McDonald	Reif	Vanasek
Clark, J.	Heinitz	McEachern	Rice	Vellenga
Clark, K.	Himle	Mehrkena	Rodriguez, C.	Voss
Clawson	Hoberg	Metzen	Rodriguez, F.	Weaver
Dahlvang	Hokanson	Minne	Rose	Welch
Dean	Hokr	Murphy	Rothenberg	Welker
Dempsey	Jacobs	Nelsen, B.	Samuelson	Wenzel
Den Ouden	Jennings	Nelson, K.	Sarna	Wieser
Drew	Johnson, C.	Niehaus	Schafer	Wynia
Eken	Johnson, D.	Nerton	Schoenfeld	Zubay
Elioff	Jude	Novak	Schreiber	Spkr. Sieben, H.

The bill was passed and its title agreed to.

H. F. No. 634, A bill for an act relating to securities; providing for improved regulation of the sale of securities and the licensing of broker-dealers, agents, and investment advisers; making miscellaneous clarifications and revisions; amending Minnesota Statutes 1980, Sections 80A.04, Subdivision 4; 80A.05, Subdivision 1; 80A.07, Subdivision 1; 80A.12, Subdivision 3; 80A.14; 80A.15, Subdivisions 1 and 2; 80A.16; 80A.21, Subdivision 1; 80A.28, Subdivisions 1, 2, 3, 4 and 7, and by adding a subdivision; 80A.30, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Byrne	Ellingson	Hanson	Johnson, C.
Ainley	Carlson, D.	Erickson	Harens	Johnson, D.
Anderson, B.	Carlson, L.	Esau	Hauge	Jude
Anderson, G.	Clark, J.	Evans	Haukoos	Kahn
Anderson, I.	Clark, K.	Ewald	Heap	Kaley
Anderson, R.	Clawson	Fjoslien	Heinitz	Kalis
Battaglia	Dahlvang	Forsythe	Himle	Kelly
Begich	Dean	Friedrich	Hoberg	Knickerbocker
Berkelman	Dempsey	Greenfield	Hokanson	Kostohryz
Blatz	Den Ouden	Gruenes	Hokr	Kvam
Brandl	Drew	Gustafson	Jacobs	Laidig
Brinkman	Elioff	Halberg	Jennings	Lehto

Lemen	Nelson, K.	Redalen	Searles	Valento
Levi	Niehaus	Reding	Sherman	Vanasek
Long	Norton	Rees	Sherwood	Vellenga
Ludeman	Novak	Reif	Sieben, M.	Voss
Marsh	Nysether	Rice	Simoneau	Weaver
McCarron	O'Connor	Rodriguez, C.	Skoglund	Welch
McDonald	Olsen	Rodriguez, F.	Stadum	Welker
McEachern	Onnen	Rose	Staten	Wenzel
Mehrkens	Osthoff	Rothenberg	Stowell	Wieser
Metzen	Otis	Samuelson	Stumpf	Wynia
Minne	Peterson, B.	Sarna	Sviggum	Zubay
Munger	Peterson, D.	Schafer	Swanson	Spkr. Sieben, H.
Murphy	Piepho	Schoenfeld	Tomlinson	
Nelsen, B.	Pogemiller	Schreiber	Valan	

The bill was passed and its title agreed to.

H. F. No. 739, A bill for an act relating to local government; regulating the tax levy of the joint recreation and park board of the city of Hibbing and Independent School District 701; amending Laws 1971, Chapter 573, Section 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	O'Connor	Sherwood
Ainley	Evang	Kelly	Olsen	Sieben, M.
Anderson, B.	Ewald	Knickerbocker	Onnen	Simoneau
Anderson, G.	Fjoslien	Kostohryz	Osthoff	Skoglund
Anderson, I.	Forsythe	Kvam	Otis	Stadum
Anderson, R.	Friedrich	Laidig	Peterson, B.	Staten
Battaglia	Greenfield	Lehto	Peterson, D.	Stowell
Begich	Gruenes	Lemen	Piepho	Stumpf
Berkelman	Gustafson	Levi	Pogemiller	Sviggum
Blatz	Halberg	Long	Redalen	Swanson
Brandl	Hanson	Ludeman	Reding	Tomlinson
Brinkman	Harens	Marsh	Rees	Valan
Byrne	Hauge	McCarron	Reif	Valento
Carlson, D.	Haukoos	McDonald	Rice	Vanasek
Carlson, L.	Heap	McEachern	Rodriguez, C.	Vellenga
Clark, J.	Heinitz	Mehrkens	Rodriguez, F.	Voss
Clark, K.	Himle	Metzen	Rose	Weaver
Clawson	Hoberg	Minne	Rothenberg	Welch
Dahlvang	Hokanson	Munger	Samuelson	Welker
Dean	Hokr	Murphy	Sarna	Wenzel
Dempsey	Jacobs	Nelsen, B.	Schafer	Wieser
Den Ouden	Jennings	Nelson, K.	Schoenfeld	Wynia
Drew	Johnson, C.	Niehaus	Schreiber	Zubay
Elioff	Johnson, D.	Norton	Searles	Spkr. Sieben, H.
Ellingson	Jude	Novak	Shea	
Erickson	Kaley	Nysether	Sherman	

The bill was passed and its title agreed to.

## GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

## REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 386, 142 and 90 which it recommended to pass.

H. F. Nos. 170 and 63 which it recommended progress.

H. F. No. 502 which it recommended progress until Thursday, May 7, 1981.

H. F. No. 503 which it recommended be returned to its author.

S. F. No. 346 which it recommended progress retaining its place on General Orders.

H. F. No. 473 which it recommended to pass with the following amendments:

Offered by Hauge:

Page 2, line 31, following "*that*", insert "*except for reasonable wheeling charges,*"

Page 3, line 9, delete "*The impact of cogeneration and small power production*" and insert "*whether cogeneration and small power production has resulted in any major impacts on the utility system*"

Page 3, line 10, delete "*on utility system costs and reliability*"

Offered by Sviggum:

Page 1, line 25, delete "100" and insert "20"

Page 2, line 7, after "*energy*" insert "*less 40 percent*"

Page 2, line 14, delete "100" and insert "20"

Page 2, line 18, delete "100" and insert "20"

S. F. No. 354 which it recommended to pass with the following amendment offered by Brandl:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1980, Section 290.01, Subdivision 20, is amended to read:

Subd. 20. [GROSS INCOME.] Except as otherwise provided in this chapter, the term “gross income,” as applied to corporations includes every kind of compensation for labor or personal services of every kind from any private or public employment, office, position or services; income derived from the ownership or use of property; gains or profits derived from every kind of disposition of, or every kind of dealing in, property; income derived from the transaction of any trade or business; and income derived from any source; except that gross income shall not include “exempt function income” of a “homeowners association” as those terms are defined in Section 528 of the Internal Revenue Code of 1954, as amended through December 31, 1979.

The term “gross income” in its application to individuals, estates, and trusts shall mean the adjusted gross income as computed for federal income tax purposes as defined in the Internal Revenue Code of 1954, as amended through the date specified herein for the applicable taxable year, with the modifications specified in this section.

(i) The Internal Revenue Code of 1954, as amended through December 31, 1974, shall be in effect for the taxable years beginning after December 31, 1974.

(ii) The Internal Revenue Code of 1954, as amended through December 31, 1976, including the amendments made to section 280A (relating to licensed day care centers) in H.R. 3477 as it passed the Congress on May 16, 1977, shall be in effect for the taxable years beginning after December 31, 1976. The provisions of the Tax Reform Act of 1976, P.L. 94-455, which affect adjusted gross income shall become effective for purposes of this chapter at the same time they become effective for federal income tax purposes. Section 207 (relating to extension of period for nonrecognition of gain on sale or exchange of residence) and section 402 (relating to time for making contributions to pension plans of self employed people) of P.L. 94-12 shall be effective for taxable years beginning after December 31, 1974.

The provisions of section 4 of P.L. 95-458, and sections 131, 133, 134, 141, 152, 156, 157, and 405 of P.L. 95-600 (relating to pensions, individual retirement accounts, deferred compensation plans, and to the sale of a residence) shall be effective at the same time that these provisions became effective for federal income tax purposes.



(iii) The Internal Revenue Code of 1954, as amended through December 31, 1979, shall be in effect for taxable years beginning after December 31, 1979.

For taxable years beginning after December 31, 1980 and before January 1, 1983, the provisions of section 404 (relating to partial exclusions of dividends and interest received by individuals) of the Crude Oil Windfall Profit Tax Act of 1980, P.L. 96-223, shall apply.

References to the Internal Revenue Code of 1954 in clauses (a), (b) and (c) following shall mean the code in effect for the purpose of defining gross income for the applicable taxable year.

(a) Modifications increasing federal adjusted gross income. There shall be added to federal adjusted gross income:

(1) Interest income on obligations of any state other than Minnesota or a political subdivision of any other state exempt from federal income taxes under the Internal Revenue Code of 1954;

(2) Interest income on obligations of any authority, commission, or instrumentality of the United States, which the laws of the United States exempt from federal income tax, but not from state income taxes;

(3) Income taxes imposed by this state or any other taxing jurisdiction, to the extent deductible in determining federal adjusted gross income and not credited against federal income tax;

(4) Interest on indebtedness incurred or continued to purchase or carry securities the income from which is exempt from tax under this chapter, to the extent deductible in determining federal adjusted gross income;

(5) Amounts received as reimbursement for an expense of sickness or injury which was deducted in a prior taxable year to the extent that the deduction for the reimbursed expenditure resulted in a tax benefit;

(6) The amount of any federal income tax overpayment for any previous taxable year, received as refund or credited to another taxable year's income tax liability, proportionate to the percentage of federal income tax that was claimed as a deduction in determining Minnesota income tax for the previous taxable year.

The overpayment refund or credit, determined with respect to a husband and wife on a joint federal income tax return for a previous taxable year, shall be reported on joint or separate Minnesota income tax returns. In the case of separate Minnesota

returns, the overpayment shall be reported by each spouse proportionately according to the relative amounts of federal income tax claimed as a deduction on his or her separate Minnesota income tax return for such previous taxable year;

(7) In the case of a change of residence from Minnesota to another state or nation, the amount of moving expenses which exceed total reimbursements and which were therefore deducted in arriving at federal adjusted gross income;

(8) In the case of property disposed of on or after January 1, 1973, the amount of any increase in the taxpayer's federal tax liability under section 47 of the Internal Revenue Code of 1954 to the extent of the credit under section 38 of the Internal Revenue Code of 1954 that was previously allowed as a deduction either under section 290.01, subdivision 20 (b) (7) or under section 290.09, subdivision 24;

(9) Expenses and losses arising from a farm which are not allowable under section 290.09, subdivision 29;

(10) Expenses and depreciation attributable to substandard buildings disallowed by section 290.101;

(11) The amount by which the gain determined pursuant to section 41.59, subdivision 2 exceeds the amount of such gain included in federal adjusted gross income;

(12) To the extent deducted in computing the taxpayer's federal adjusted gross income for the taxable year, losses recognized upon a transfer of property to the spouse or former spouse of the taxpayer in exchange for the release of the spouse's marital rights;

(13) Interest income from qualified scholarship funding bonds as defined in section 103(e) of the Internal Revenue Code of 1954, if the nonprofit corporation is domiciled outside of Minnesota;

(14) Exempt-interest dividends, as defined in section 852 (b)(5)(A) of the Internal Revenue Code of 1954, not included in federal adjusted gross income pursuant to section 852(b)(5)(B) of the Internal Revenue Code of 1954, except for that portion of exempt-interest dividends derived from interest income on obligations of the state of Minnesota, any of its political or governmental subdivisions, any of its municipalities, or any of its governmental agencies or instrumentalities;

(15) The amount of any excluded gain recognized by a trust on the sale or exchange of property as defined in section 641(c) (1) of the Internal Revenue Code of 1954;

(16) An amount equal to one-sixth of any gain from the sale or other disposition of property deducted under sections 1202(a) and 1202(c)(1) of the Internal Revenue Code of 1954;

(17) To the extent not included in the taxpayer's federal adjusted gross income, the amount of any gain, from the sale or other disposition of property having a lower adjusted basis for Minnesota income tax purposes than for federal income tax purposes. This modification shall not exceed the difference in basis. If the gain is considered a long term capital gain for federal income tax purposes, the modification shall be limited to 50 percent of the portion of the gain. This modification is limited to property that qualified for the energy credit contained in section 290.06, subdivision 14, and to property acquired in exchange for the release of the taxpayer's marital rights contained in section 290.14, clause (9);

(18) The amount of any loss from a source outside of Minnesota which is not allowed under section 290.17 including any capital loss or net operating loss carryforwards or carrybacks resulting from the loss; and

(19) The amount of a distribution from an individual housing account which is to be included in gross income as required under clause (c) of section 290.09, subdivision 30.

(b) Modifications reducing federal adjusted gross income. There shall be subtracted from federal adjusted gross income:

(1) Interest income on obligations of any authority, commission or instrumentality of the United States to the extent includible in gross income for federal income tax purposes but exempt from state income tax under the laws of the United States;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis for Minnesota income tax purposes than for federal income tax purposes, that does not exceed such difference in basis; but if such gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to 50 per centum of the portion of the gain. This modification shall not be applicable if the difference in basis is due to disallowance of depreciation pursuant to section 290.101.

(3) Interest or dividend income on securities to the extent exempt from income tax under the laws of this state authorizing the issuance of the securities but includible in gross income for federal income tax purposes;

(4) Losses, not otherwise reducing federal adjusted gross income assignable to Minnesota, arising from events or transactions which are assignable to Minnesota under the provisions

of sections 290.17 to 290.20, including any capital loss or net operating loss carryforwards or carrybacks resulting from the losses;

(5) If included in federal adjusted gross income, the amount of any credit received, whether received as a refund or credit to another taxable year's income tax liability, pursuant to chapter 290A, and the amount of any overpayment of income tax to Minnesota, or any other state, for any previous taxable year, whether the amount is received as a refund or credited to another taxable year's income tax liability;

(6) To the extent included in federal adjusted gross income, or the amount reflected as the ordinary income portion of a lump sum distribution under section 402(e) of the Internal Revenue Code of 1954, notwithstanding any other law to the contrary, the amount received by any person (i) from the United States, its agencies or instrumentalities, the Federal Reserve Bank or from the state of Minnesota or any of its political or governmental subdivisions or from any other state or its political or governmental subdivisions, or a Minnesota volunteer firefighter's relief association, by way of payment as a pension, public employee retirement benefit, or any combination thereof, or (ii) as a retirement or survivor's benefit made from a plan qualifying under section 401, 403, 404, 405, 408, 409 or 409A of the Internal Revenue Code of 1954. The maximum amount of this subtraction shall be \$11,000 less the amount by which the individual's federal adjusted gross income, plus the ordinary income portion of a lump sum distribution as defined in section 402(e) of the Internal Revenue Code of 1954, exceeds \$17,000. In the case of a volunteer firefighter who receives an involuntary lump sum distribution of his pension or retirement benefits, the maximum amount of this subtraction shall be \$11,000; this subtraction shall not be reduced by the amount of the individual's federal adjusted gross income in excess of \$17,000;

(7) In the case of property acquired on or after January 1, 1973, the amount of any credit to the taxpayer's federal tax liability under section 38 of the Internal Revenue Code of 1954 but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(8) To the extent included in the taxpayer's federal adjusted gross income for the taxable year, gain recognized upon a transfer of property to the spouse or former spouse of the taxpayer in exchange for the release of the spouse's marital rights;

(9) The amount of any distribution from a qualified pension or profit sharing plan included in federal adjusted gross income in the year of receipt to the extent of any contribution not previously allowed as a deduction by reason of a change in federal law

which was not adopted by Minnesota law for a taxable year beginning in 1974 or later;

(10) Interest, including payment adjustment to the extent that it is applied to interest, earned by the seller of the property on a family farm security loan executed before January 1, 1982 that is guaranteed by the commissioner of agriculture as provided in sections 41.51 to 41.60;

(11) The first \$3,000 of compensation for personal services in the armed forces of the United States or the United Nations, and the next \$2,000 of compensation for personal services in the armed forces of the United States or the United Nations wholly performed outside the state of Minnesota. This modification does not apply to compensation defined in clause (b) (6);

(12) The amount of any income earned for personal services rendered outside of Minnesota prior to the date when the taxpayer became a resident of Minnesota. This modification does not apply to compensation defined in clause (b) (6);

(13) In the case of wages or salaries paid or incurred on or after January 1, 1977, the amount of any credit for employment of certain new employees under sections 44B and 51 to 53 of the Internal Revenue Code of 1954 which is claimed as a credit against the taxpayer's federal tax liability, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(14) In the case of work incentive program expenses paid or incurred on or after January 1, 1979, the amount of any credit for expenses of work incentive programs under sections 40, 50A and 50B of the Internal Revenue Code of 1954 which is claimed as a credit against the taxpayer's federal tax liability, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(15) Unemployment compensation to the extent includible in gross income for federal income tax purposes under section 85 of the Internal Revenue Code of 1954;

(16) To the extent included in federal adjusted gross income, severance pay that may be treated as a lump sum distribution under the provisions of section 290.032, subdivision 5;

(17) The amount of any income or gain which is not assignable to Minnesota under the provisions of section 290.17; and

(18) Minnesota exempt-interest dividends as provided by subdivision 27.

(c) Modifications affecting shareholders of electing small business corporations under section 1372 of the Internal Revenue Code of 1954, or section 290.972 of this chapter.

(1) Shareholders in a small business corporation, which has elected to be so taxed under the Internal Revenue Code of 1954, but has not made an election under section 290.972 of this chapter, shall deduct from federal adjusted gross income the amount of any imputed income from the corporation and shall add to federal adjusted gross income the amount of any loss claimed as a result of stock ownership. Also there shall be added to federal adjusted gross income the amount of any distributions in cash or property made by said corporation to its shareholders during the taxable year.

(2) In cases where the small business corporation has made an election under section 1372 of the Internal Revenue Code of 1954, but has not elected under section 290.972 of this chapter and the corporation is liquidated or the individual shareholder disposes of the stock and there is no capital loss reflected in federal adjusted gross income because of the fact that corporate losses have exhausted the shareholders basis for federal purposes, the shareholders shall be entitled, nevertheless, to a capital loss commensurate to their Minnesota basis for the stock.

(3) In cases where the election under section 1372 of the Internal Revenue Code of 1954 antedates the election under section 290.972 of this chapter and at the close of the taxable year immediately preceding the effective election under section 290.972 the corporation has a reserve of undistributed taxable income previously taxed to shareholders under the provisions of the Internal Revenue Code of 1954, in the event and to the extent that the reserve is distributed to shareholders the distribution shall be taxed as a dividend for purposes of this act.

Items of gross income includible within these definitions shall be deemed such regardless of the form in which received. Items of gross income shall be included in gross income of the taxable year in which received by a taxpayer unless properly to be accounted for as of a different taxable year under methods of accounting permitted by section 290.07, except that (1) amounts transferred from a reserve or other account, if in effect transfers to surplus, shall, to the extent that the amounts were accumulated through deductions from gross income or entered into the computation of taxable net income during any taxable year, be treated as gross income for the year in which the transfer occurs, but only to the extent that the amounts resulted in a reduction of the tax imposed by this act, and (2) amounts received as refunds on account of taxes deducted from gross income during any taxable year shall be treated as gross income for the year in which actually received, but only to the extent that such amounts resulted in a reduction of the tax imposed by this act.

(d) Modification in computing taxable income of the estate of a decedent. Amounts allowable under section 291.07, subdivision 1, clause (2) in computing Minnesota inheritance or estate tax liability shall not be allowed as a deduction *(or as an offset against the sales price of property in determining gain or loss)* in computing the taxable income of the estate or any person unless there is filed within the time and in the manner and form prescribed by the commissioner a statement that the amounts have not been allowed as a deduction under section 291.07 and a waiver of the right to have the amounts allowed at any time as deductions under section 291.07. The provisions of this paragraph shall not apply with respect to deductions allowed under section 290.077 (relating to income in respect of decedents). In the event that the election made for federal tax purposes under section 642(g) of the Internal Revenue Code of 1954 differs from the election made under this paragraph appropriate modification of the estate's federal taxable income shall be made to implement the election made under this paragraph in accordance with regulations prescribed by the commissioner.

Sec. 2. Minnesota Statutes 1980, Section 291.005, Subdivision 1, is amended to read:

Subdivision 1. Unless the context otherwise clearly requires, the following terms used in this chapter shall have the following meanings:

(1) "Federal gross estate" means the gross estate of a decedent as valued and otherwise determined for federal estate tax purposes by federal taxing authorities pursuant to the provisions of the Internal Revenue Code.

(2) "Minnesota gross estate" means the federal gross estate of a decedent after (a) excluding therefrom any property included therein which has its situs outside Minnesota and (b) including therein any property omitted from the federal gross estate which is includable therein, has its situs in Minnesota, and was not disclosed to federal taxing authorities. The Minnesota gross estate shall be valued pursuant to the provisions of section 291.215, subdivision 1.

(3) "Personal representative" means the executor, administrator or other person appointed by the court to administer and dispose of the property of the decedent. If there is no executor, administrator or other person appointed, qualified, and acting within this state, then any person in actual or constructive possession of any property having a situs in this state which is included in the federal gross estate of the decedent shall be deemed to be a personal representative to the extent of (SUCH) *the* property and the Minnesota estate tax due with respect to (SUCH) *the* property.

(4) "Resident decedent" means an individual whose domicile at the time of his death was in Minnesota.

(5) "Nonresident decedent" means an individual whose domicile at the time of his death was not in Minnesota.

(6) "Situs of property" means, with respect to real property, the state or country in which it is located; with respect to tangible personal property, the state or country in which it was normally kept or located at the time of the decedent's death; and with respect to intangible personal property, the state or country in which the decedent was domiciled at death.

(7) "Commissioner" means the commissioner of revenue or any person to whom (HE MAY HAVE) *the commissioner has* delegated (HIS) functions under this chapter.

(8) "Internal Revenue Code" means the United States Internal Revenue Code of 1954 as amended through December 31, (1978) 1980.

Sec. 3. Minnesota Statutes 1980, Section 291.03, Subdivision 1, is amended to read:

Subdivision 1. The tax (HEREBY) imposed shall be an amount equal to the greater of:

(1) A tax computed by applying to the Minnesota taxable estate the following prescribed rates:

7 percent on the first \$100,000,

8 percent on the next \$100,000 or part thereof,

9 percent on the next \$100,000 or part thereof,

10 percent on the next \$200,000 or part thereof,

11 percent on the next \$500,000 or part thereof,

12 percent on the excess over \$1,000,000, or

(2) A tax equal to the amount by which the maximum credit allowable under section 2011 of the Internal Revenue Code for state death taxes exceeds the aggregate amount of all estate, inheritance, legacy and succession taxes actually paid to other states of the United States in respect of any property subject to federal estate tax; provided that where the decedent is a nonresident the tax shall (NOT EXCEED THE SAME PROPORTION OF THE EXCESS AMOUNT) *be in the same proportion* of the maximum credit for state death taxes described herein as the Minnesota gross estate bears to the value of the federal gross estate.



Sec. 4. Minnesota Statutes 1980, Section 291.05, is amended to read:

291.05 [EXEMPTIONS.]

The following exemptions from the tax are hereby allowed:

(1) Any devise, bequest, gift, or transfer: (a) to or for the use of the United States of America or any state or any political subdivision thereof for public purposes exclusively; (b) to or for the use of any corporation, fund, foundation, trust, or association operated within this state for religious, charitable, scientific, literary, education or public cemetery purposes exclusively, including the encouragement of art and the prevention of cruelty to children or animals, no part of which devise, bequest, gift, or transfer inures to the profit of any private stockholder or individual or to a trustee or trustees exclusively for such purposes; (c) to an employee stock ownership trust as defined in section 290.01, subdivision 25, provided that, if the beneficiaries of a stock ownership trust include the transferor, his spouse, children, grandchildren, parents, siblings or their children, the amount of the exemption shall be reduced by the product of multiplying said amount by their percentage interest in the trust; (d) to a clergyman, in an amount not exceeding \$1,000, the proceeds of which are to be used for religious purposes or rites designated by the testator; and (e) to or for the use of any corporation, fund, foundation, trust, or association operated for religious, charitable, scientific, literary, education, or public cemetery purposes exclusively, including the encouragement of art, and the prevention of cruelty to children or animals, no part of which devise, bequest, gift, or transfer inures to the profit of any private stockholder or any individual, or to a trustee or trustees exclusively for such purposes, if, at the date of the decedent's death, the laws of the state under the laws of which the transferee was organized or existing, either (i) did not impose a death tax of any character, in respect of property transferred to a similar corporation, fund, foundation, trust, or association, organized or existing under the laws of this state, or (ii) contained a reciprocal provision under which transfers to a similar corporation, fund, foundation, trust, or association, organized or existing under the laws of another state were exempted from death taxes of every character if such other state allowed a similar exemption to a similar corporation, fund, foundation, trust, or association, organized under the laws of such state.

*If an interest passes or has passed from the decedent to or for the use of an organization, corporation, fund, foundation, trust or association as described above, and an interest, other than an interest which is extinguished upon the decedent's death, in the same property, passes or has passed from the decedent for a use not described above for less than an adequate and full consideration in money or moneys worth, no exemption is*

*allowed unless the interest was deductible pursuant to section 2055 of the Internal Revenue Code.*

(2) Proceeds of any insurance policy issued by the United States and generally known as war risk insurance, United States government life insurance or national service life insurance payable upon the death of any person dying on or after June 24, 1950, and proceeds of life insurance issued pursuant to Public Law 89-214 and generally known as servicemen's group life insurance payable upon the death of any person on or after September 1, 1965, shall be exempt.

(3) Proceeds of payments made by the United States government as compensation for the decedent's service as a member of the armed forces of the United States during a period while he was classified as missing in action prior to being declared dead, shall be exempt. The commissioner shall make refunds for inheritance taxes paid which are attributable to payments exempt pursuant to this clause upon the filing of a claim by each beneficiary of the estate for his portion of the inheritance tax paid. Claims for refund must be filed with the commissioner no later than July 1, 1982.

(4) Proceeds of payments from the United States railroad retirement fund; or from the United States as social security benefit or veterans burial benefit, shall be exempt.

Sec. 5. Minnesota Statutes 1980, Section 291.065, is amended to read:

**291.065 [EMPLOYEE RETIREMENT PLANS, EXEMPTION.]**

To the extent included in the federal gross estate, the value of an annuity or other payment shall be exempt from estate tax if received under (1) any plan, which at the time of the decedent's separation from employment, whether by death or otherwise, or at the time of termination of the plan if earlier, qualified under section 401, 403, 404, 405, 408 (OR), 409 or 409A of the Internal Revenue Code; (2) a benefit plan for employees of the United States, its agencies or instrumentalities, the Federal Reserve Bank, the state of Minnesota or any of its political or governmental subdivisions or any other state or its political or governmental subdivisions; or (3) for members of a Minnesota volunteer firefighters' relief association.

Sec. 6. Minnesota Statutes 1980, Section 291.07, Subdivision 1, is amended to read:

**291.07 [ADDITIONAL DEDUCTIONS.]**

Subdivision 1. In determining the tax imposed by section 291.01, the following *additional* deductions shall be allowed:

- (1) funeral expenses;
- (2) reasonable legal, accounting, fiduciary and administration expenses and fees with respect to both probate and nonprobate assets, including but not limited to expenses incurred during administration in converting real and personal property held by the estate into cash;
- (3) expenses of last illness unpaid at death;
- (4) valid claims against and debts of the decedent, unpaid at death, which have been properly paid;
- (5) Minnesota and federal income taxes on "income in respect of a decedent," as computed under subdivision 3;
- (6) the portion of the federal estate tax allocable to Minnesota, which shall equal the amount obtained by multiplying the federal estate tax due and payable to the United States Treasury by a fraction, the numerator of which shall equal the value of the Minnesota gross estate reduced by: (a) in the case of a resident decedent, the deductions and exemptions allowed by sections 291.05, 291.051, 291.065, 291.07, subdivision 1, clauses (1), (2), (3), (4), (5), (7) and (8); or (b) in the case of a nonresident decedent the deductions and exemptions allowed by sections 291.05, 291.051, 291.065, 291.08, clauses (1), (2), (4) and (5), and the denominator of which shall equal the value of the federal taxable estate as defined in section 2051 of the Internal Revenue Code; provided, however, in any case where any property is included in the Minnesota gross estate but incorrectly omitted from the federal gross estate or where any property that is included in both the Minnesota gross estate and the federal gross estate is valued at a higher or lower value in determining the Minnesota gross estate than in determining the federal gross estate, the federal taxable estate shall be recomputed for purposes of this provision and shall be based on a federal gross estate including the value of such omitted property and including or excluding the difference in value of such revalued property, and further provided that the federal estate tax deduction shall not exceed the federal estate tax due and payable to the United States Treasury;
- (7) real estate taxes due and payable prior to or in the year of the decedent's death with respect to real estate subject to taxation under this chapter and other taxes which have accrued and are a lien on property in the estate at the time of death;
- (8) liens and mortgages on property subject to taxation under this chapter which are not deductible as claims or debts of the decedent.

Sec. 7. Minnesota Statutes 1980, Section 291.08, is amended to read:

**291.08 [NONRESIDENT ESTATES; ALLOWANCE OF ADDITIONAL DEDUCTIONS (AND EXEMPTIONS).]**

Where a tax is due on the transfer of any property or interest therein owned by a nonresident, the following *additional* deductions (AND EXEMPTIONS) shall be allowed:

- (1) Funeral expenses to the extent incurred in Minnesota;
- (2) Reasonable legal, accounting, fiduciary and administration fees and expenses allocable to both probate and nonprobate property included in the Minnesota gross estate;
- (3) Federal estate taxes as computed in section 291.07;
- (4) Real estate taxes on Minnesota property which are due and payable prior to or in the year of the decedent's death;
- (5) Liens and mortgages on property included in the Minnesota gross estate.

Sec. 8. Minnesota Statutes 1980, Section 291.09, Subdivision 3a, is amended to read:

Subd. 3a. (1) The commissioner may challenge matters of valuation or taxability of any assets reported on the return, or any deductions claimed, or the computation of tax, only if within (90 DAYS OF RECEIPT OF THE RETURN) *180 days from the due date of the return or the receipt of the return* and all documents required to be filed with the return, *whichever is later*, the commissioner mails or delivers a written notice to the personal representative objecting to the return as filed and specifying the reasons for the objection.

(2) If the personal representative disagrees with the objection or does not wish to fully comply with the objection, he may request that the commissioner hold a hearing on the objection. Within 30 days of receipt of a request, the commissioner shall set a time and place for hearing. Unless otherwise agreed upon, the hearing date shall not be earlier than 30 days nor later than 60 days from the date of the notice setting the hearing. The notice of hearing shall set forth the rights available to the personal representative under chapter 15. Not later than 30 days after the commissioner receives the report and recommendation of the hearing examiner, or a written waiver of his hearing rights by the personal representative, the commissioner shall issue an order determining the tax. Any such determination made by the commissioner may be appealed to the tax court as provided in section 271.09.

(3) At any time together with or after the objection, the commissioner, on his own initiative, may set a time and place for a hearing in accordance with (2) above.

(4) In his objection, or at any time thereafter, the commissioner may assess any additional tax as the facts may warrant, subject to the right of the personal representative to demand a hearing under chapter 15. If the personal representative does not demand a hearing within 90 days of the date of the assessment, the tax so assessed shall be legally due and the commissioner may proceed to collect any unpaid tax after one year from the date of death. If the commissioner later finds the tax assessment to be erroneous, he may adjust the assessment prior to collection.

(5) The commissioner shall not be required to object to any subsequent original, amended or supplemental return in order to preserve his rights. The commissioner shall not be precluded from objecting to a subsequent original, amended or supplemental return even though an original return was accepted as filed. If the commissioner had accepted an original return showing no tax due and a subsequent original, amended or supplemental return discloses additional assets not disclosed on the original return, the commissioner may object to any matter of valuation, taxability, deduction or computation of tax on the original return within (90 DAYS) *180 days* of receipt of the subsequent original, amended or supplemental return.

(6) Subject to the provisions of section 291.11, the Minnesota estate tax liability shall be considered as finally determined on the date notification of acceptance is issued to the personal representative or, if no objection is filed, on the (91ST DAY AFTER THE RETURN) *day following 180 days from the due date of the return or the receipt of the return*, together with all other documents required to be filed with the return, (IS RECEIVED) *whichever is later*.

(7) Subject to the time limits imposed elsewhere in this chapter, the commissioner may refund an overpayment of tax, penalty or interest even though the personal representative has not made an application for refund.

Sec. 9. Minnesota Statutes 1980, Section 291.31, Subdivision 1, is amended to read:

Subdivision 1. The commissioner of revenue is hereby authorized and empowered to issue a citation to any person who he may believe or has reason to believe has any knowledge or information concerning any property which he believes or has reason to believe has been transferred by any person and as to which there is or may be a tax due to the state under the provisions of this chapter, and by such citation require such person to appear before him at a time and place to be designated in such citation and testify, under oath, as to any fact or information within his knowledge touching the quantity, value, and description of any such property and its ownership and the disposition thereof which may have been made by any person, and to produce

and submit to the inspection of the commissioner of revenue any books, records, accounts, or documents in the possession of or under the control of any person so cited. The commissioner of revenue shall also have power to inspect and examine the books, records, and accounts of any person, firm, or corporation, including the stock transfer books of any corporation, for the purpose of acquiring any information deemed necessary or desirable by him for the proper enforcement of this chapter and the collection of the full amount of the tax which may be due to the state hereunder. Any and all information acquired by the commissioner of revenue under and by virtue of the means and methods provided for by this section shall be deemed and held by him as confidential and shall not be disclosed by him except so far as the same may be necessary for the enforcement and collection of the (INHERITANCE) tax provided for by this chapter.

Refusal of any person to attend before the commissioner of revenue in obedience to any such citation, or to testify, or produce any books, accounts, records, or documents in his possession or under his control, and submit the same to inspection of the commissioner of revenue when so required, may, upon application of the commissioner of revenue, be punished by any district court in the same manner as if the proceedings were pending in such court.

Witnesses so cited before the commissioner of revenue, and any sheriff or other officer serving such citation, shall receive the same fees as are allowed in civil actions; to be paid by the commissioner of revenue out of the funds appropriated for the enforcement of this chapter.

Sec. 10. Minnesota Statutes 1980, Section 291.48, is amended to read:

#### 291.48 [PUBLICITY OF RETURNS; INFORMATION.]

It shall be unlawful for the commissioner or any other public official, employee or former employee to divulge or otherwise make known in any manner any particulars set forth or disclosed in any report or return required by this chapter or chapter 292 or information acquired while examining or auditing any taxpayer's liability for taxes thereunder, except in connection with a proceeding involving taxes due under this chapter or chapter 292 from the taxpayer making the return. The commissioner may furnish a copy of any return or report to any official of the United States or any state having duties to perform in respect to the assessment or collection of any inheritance, estate, or gift tax, if the taxpayer is required by the laws of the United States or of the other state to make a return therein. Prior to the release of any information to any official of the United States or any other state under the provisions of this section, the person to whom the information is to be released shall sign an agreement which provides that he will protect the confidentiality of the returns and information revealed to the

extent that it is protected under the laws of the state of Minnesota. The commissioner and all other public officials and employees shall keep and maintain the same secrecy with respect to any information furnished by any department, commission, or official of the United States or of any other state. Nothing herein contained shall be construed to prohibit the commissioner from publishing statistics so classified as not to disclose the identity of particular property, decedents, heirs, or personal representatives, returns or reports and the contents thereof. Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

The *report or return* of a decedent or donor shall, upon written request, be open to inspection by or disclosure to (1) the administrator, executor, or trustee of his estate, and (2) any heir at law, next of kin, or beneficiary under the will of the decedent, and any other person whose basis in property is determined in whole or part by values set forth in the return, or (3) a donee of the property, or (4) *a holder of an interest in the property*, but only if the commissioner finds that the heir, next of kin, beneficiary or other person or donee has a material interest which will be affected by information contained therein.

For purposes of this section the term public official shall not include judges, officials or employees of a court having jurisdiction of probate proceedings, *county recorders, county treasurers, and employees in their respective offices.*

Sec. 11. Minnesota Statutes 1980, Section 600.21, is amended to read:

**600.21 [COPIES OF RECORD OF DEATH; RECORDATION.]**

In all cases of joint tenancy in lands, and in all cases where any estate, title interest in, or lien upon, lands, has been or may be created, which estate, title interest, or lien was, or is, to continue only during the life of any person named or described in the instrument by which such estate, title, interest, or lien was created, a copy of the record of the death of any such joint tenant, or of the person upon whose life such estate, title, interest, or lien was, or is, limited, duly certified by any officer who is required by the law of the state or country in which such record is made, to keep a record of the death of persons occurring within the jurisdiction of such officer, may be recorded in the office of the county recorder of the county in which such lands are situated, and such certified copy or such record thereof in such office, or a duly certified copy of such last mentioned record, shall be prima facie evidence of the death of such person and the termination of such joint tenancy and of all such estate, title, interest, and lien as was, or is, limited upon the life of such person. When a certified copy of such death certificate is

attached to an affidavit of survivorship *which, for decedents dying prior to January 1, 1980, has been duly certified by the commissioner of revenue, or an affidavit of survivorship for exempt homestead property in compliance with the provisions of section 291.14, subdivision 2, clause (4), for decedents dying prior to January 1, 1980, the same shall, prior to recordation in the office of the county recorder or registrar of titles, be presented to the county auditor of the county wherein such estate, title, interest, or lien is situated and such county auditor shall note the transfer on his books and shall inscribe upon the instrument over his official signature the words "Transfer entered."* Until so presented and indication made thereon, said instrument shall not be entitled to record in the office of the county recorder or registrar of titles of said county.

Sec. 12. [EFFECTIVE DATE.]

*Section 1 is effective for taxable years beginning after December 31, 1980. Sections 2, 3, 4, and 8 are effective for the estates of decedents dying after December 31, 1980. Sections 5 and 11 are effective for estates of decedents dying after December 31, 1979. Sections 9 and 10 are effective the day following final enactment.'*

Further amend by deleting the title and inserting:

"A bill for an act relating to taxation; estate tax; clarifying certain deductions; updating references to internal revenue code; clarifying the method of computing credits; clarifying exemptions and exclusions; providing for a statute of limitations; eliminating obsolete references; providing disclosure of data to certain persons; clarifying recording procedures; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; 291.005, Subdivision 1; 291.03, Subdivision 1; 291.05; 291.065; 291.07, Subdivision 1; 291.08; 291.09, Subdivision 3a; 291.31, Subdivision 1; 291.48; and 600.21."

On the motion of Eken the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

The question was taken on the Redalen motion that H. F. No. 473, as amended, be re-referred to the Committee on Regulated Industries and the roll was called. There were 58 yeas and 68 nays as follows:



Those who voted in the affirmative were:

Aasness	Forsythe	Kvam	Onnen	Sherman
Ainley	Friedrich	Laidig	Peterson, B.	Sherwood
Anderson, R.	Halberg	Lemen	Piepho	Stadum
Blatz	Haukoos	Levi	Redalen	Stowell
Carlson, D.	Heap	Ludeman	Rees	Swiggum
Dempsey	Heinitz	Marsh	Reif	Valan
Den Ouden	Himle	McDonald	Rodriguez, C.	Valento
Drew	Hoberg	Mehrkens	Rose	Welker
Erickson	Jennings	Nelsen, B.	Rothenberg	Wieser
Esau	Johnson, D.	Niehaus	Schafer	Zubay
Evans	Kaley	Nysether	Schreiber	
Ewald	Knickerbocker	Olsen	Searles	

Those who voted in the negative were:

Anderson, B.	Eken	Kahn	O'Connor	Staten
Anderson, G.	Elioff	Kalis	Ogren	Stumpf
Battaglia	Ellingson	Kelly	Otis	Swanson
Begich	Fjoslien	Kostohryz	Peterson, D.	Tomlinson
Berkelman	Greenfield	Lehto	Pogemiller	Vanasek
Brandl	Gruenes	Long	Reding	Vellenga
Brinkman	Gustafson	McCarron	Rice	Voss
Byrne	Hanson	Metzen	Rodriguez, F.	Weaver
Carlson, L.	Harens	Minne	Sarna	Welch
Clark, J.	Hauge	Munger	Schoenfeld	Wenzel
Clark, K.	Hokanson	Murphy	Shea	Wynia
Clawson	Jacobs	Nelson, K.	Sieben, M.	Spkr. Sieben, H.
Dahlvang	Johnson, C.	Norton	Simoneau	
Dean	Jude	Novak	Skogliund	

The motion did not prevail.

The question was taken on the Stadum motion that H. F. No. 473, as amended, be re-referred to the Committee on Appropriations and the roll was called. There were 59 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Aasness	Ewald	Johnson, D.	Nysether	Searles
Ainley	Forsythe	Kaley	Olsen	Sherman
Anderson, G.	Friedrich	Knickerbocker	Onnen	Sherwood
Anderson, R.	Gruenes	Kvam	Osthoff	Stadum
Blatz	Halberg	Lemen	Peterson, B.	Swiggum
Carlson, D.	Haukoos	Levi	Piepho	Valan
Dean	Heap	Ludeman	Redalen	Valento
Dempsey	Heinitz	Marsh	Rees	Weaver
Den Ouden	Himle	McDonald	Reif	Welker
Drew	Hoberg	Mehrkens	Rose	Wieser
Esau	Hokr	Nelsen, B.	Rothenberg	Zubay
Evans	Jennings	Niehaus	Schafer	

Those who voted in the negative were:

Anderson, B.	Byrne	Dahlvang	Greenfield	Hokanson
Battaglia	Carlson, L.	Eken	Gustafson	Jacobs
Begich	Clark, J.	Elioff	Hanson	Johnson, C.
Berkelman	Clark, K.	Ellingson	Harens	Jude
Brandl	Clawson	Fjoslien	Hauge	Kahn

Kalis	Nelson, K.	Reding	Simoneau	Voss
Kelly	Norton	Rice	Skoglund	Welch
Kostohryz	Novak	Rodriguez, C.	Staten	Wenzel
Lehto	O'Connor	Rodriguez, F.	Stumpf	Wynia
Long	Ogren	Sarna	Swanson	Spkr. Sieben, H.
McCarron	Otis	Schoenfeld	Tomlinson	
Minne	Peterson, D.	Shea	Vanasek	
Murphy	Pogemiller	Sieben, M.	Vellenga	

The motion did not prevail.

Sviggum moved to amend H. F. No. 473, as amended, as follows:

Page 2, line 7, after the period, delete the balance of the line and insert, "*The retail utility will be the purchasing utility in the case of net input into the utility system*"

Page 2, delete lines 8 to 12

Page 2, line 13, delete "*additional costs incurred in making the purchase*"

The question was taken on the amendment and the roll was called. There were 62 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Aasness	Ewald	Kalis	Olsen	Sherwood
Ainley	Forsythe	Knickerbocker	Onnen	Stadum
Anderson, R.	Friedrich	Kvam	Peterson, B.	Stowell
Blatz	Gruenes	Laidig	Piepho	Sviggum
Brinkman	Halberg	Lemen	Redalen	Valan
Carlson, D.	Haukoos	Levi	Rees	Valento
Dean	Heap	Ludeman	Reif	Weaver
Dempsey	Hoberg	Marsh	Rose	Welker
Den Ouden	Hokr	McDonald	Rothenberg	Wieser
Drew	Jennings	Mehrkens	Schafer	Zubay
Erickson	Johnson, C.	Nelsen, B.	Schreiber	
Esau	Johnson, D.	Niehaus	Searles	
Evans	Kaley	Nysether	Sherman	

Those who voted in the negative were:

Anderson, B.	Eken	Kelly	Peterson, D.	Stumpf
Anderson, G.	Elioff	Kostohryz	Pogemiller	Swanson
Anderson, I.	Ellingson	Lehto	Reding	Tomlinson
Battaglia	Fjoslien	Long	Rice	Vanasek
Begich	Greenfield	Minne	Rodriguez, C.	Vellenga
Berkelman	Gustafson	Munger	Rodriguez, F.	Voss
Brandl	Hanson	Murphy	Sarna	Welch
Byrne	Harens	Nelson, K.	Schoenfeld	Wenzel
Carlson, L.	Hauge	Norton	Shea	Wynia
Clark, J.	Hokanson	Novak	Sieben, M.	Spkr. Sieben, H.
Clark, K.	Jacobs	O'Connor	Simoneau	
Clawson	Jude	Ogren	Skoglund	
Dahlvang	Kahn	Otis	Staten	

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

Sviggum moved to amend H. F. No. 473, as amended, as follows:

Page 1, line 25, delete "100" and insert "20"

Page 2, line 7, after "energy" and insert "less 40 percent"

Page 2, line 14, delete "100" and insert "20"

Page 2, line 18, delete "100" and insert "20"

The question was taken on the amendment and the roll was called. There were 67 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Aasness	Fjoslien	Kaley	Olsen	Sherman
Ainley	Forsythe	Kalis	Onnen	Sherwood
Anderson, R.	Friedrich	Knickerbocker	Osthoff	Stadum
Blatz	Gruenes	Kvam	Peterson, B.	Stowell
Brinkman	Halberg	Laidig	Piepho	Sviggum
Carlson, D.	Haukoos	Lemen	Redalen	Valan
Dean	Heap	Levi	Rees	Valento
Dempsey	Heinitz	Ludeman	Reif	Weaver
Den Ouden	Himle	Marsh	Rose	Welker
Drew	Hoberg	McDonald	Rothenberg	Wieser
Erickson	Hokr	Mehrkens	Schafer	Zubay
Esau	Jennings	Nelsen, B.	Schoenfeld	
Evans	Johnson, C.	Niehaus	Schreiber	
Ewald	Johnson, D.	Nysether	Searles	

Those who voted in the negative were:

Anderson, B.	Eken	Kostohryz	Ogren	Staten
Anderson, C.	Elioff	Lehto	Otis	Stumpf
Anderson, I.	Ellingson	Long	Peterson, D.	Swanson
Battaglia	Greenfield	McCarron	Pogemiller	Tomlinson
Begich	Gustafson	McEachern	Reding	Vanasek
Berkelman	Hanson	Metzen	Rice	Vellenga
Brandl	Harens	Minne	Rodriguez, F.	Voss
Byrne	Hauge	Munger	Samuelson	Welch
Carlson, L.	Hokanson	Murphy	Sarna	Wenzel
Clark, J.	Jacobs	Nelson, K.	Shea	Wynia
Clark, K.	Jude	Norton	Sieben, M.	Spkr. Sieben, H.
Clawson	Kahn	Novak	Simoneau	
Dahlvang	Kelly	O'Connor	Skoglund	

The motion prevailed and the amendment was adopted.

There being no objection the order of business reverted to Reports of Standing Committees.

## REPORTS OF STANDING COMMITTEES

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1086, A bill for an act relating to the environment; clarifying terms and duties in the waste management act; ex-

tending time limits for site selections and reports; providing that certain appropriations shall remain available until expended; amending Minnesota Statutes 1980, Sections 115A.03, Subdivisions 15 and 29; 115A.06, Subdivision 4, and by adding a subdivision; 115A.08, Subdivisions 4, 5 and 6; 115A.09; 115A.11, Subdivision 1; 115A.19; 115A.20; 115A.21, Subdivisions 1 and 2; 115A.22, Subdivisions 3 and 4; 115A.23; 115A.24; 115A.26; 115A.28, Subdivision 2; 115A.33; 115A.37, Subdivision 2; 115A.54, Subdivision 3; 116.07, Subdivisions 2 and 4; 116.41, Subdivision 2; 400.161; 473.149, Subdivisions 2c and 2e; 473.153, Subdivisions 1, 2 and 6; 473.803, Subdivision 1a; 473.811, Subdivision 5b; and 473.833, Subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1980, Section 115A.03, Subdivision 15, is amended to read:

Subd. 15. “Intrinsic suitability” of a land area or site means that, (BECAUSE OF) *based on existing data on the inherent and natural attributes, physical features, and location of the land area or site, there is no known reason why* the waste facility proposed to be located in the area or site (WOULD NOT BE LIKELY TO RESULT IN MATERIAL HARM TO THE PUBLIC HEALTH AND SAFETY AND NATURAL RESOURCES AND THAT THEREFORE THE PROPOSED FACILITY CAN) *cannot* reasonably be expected to qualify for permits in accordance with agency rules. *Agency certification of intrinsic suitability shall be based on data submitted to the agency by the proposing entity and data included by the hearing examiner in the record of any public hearing on recommended certification, and applied against criteria in agency rules and any additional criteria developed by the agency in effect at the time the proposing entity submits the site for certification.*

Sec. 2. Minnesota Statutes 1980, Section 115A.03, Subdivision 29, is amended to read:

Subd. 29. “Sewage sludge” means the solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment plant (FOR DISPOSAL AT A SEWAGE SLUDGE DISPOSAL FACILITY). Sewage sludge does not include incinerator residues and grit, scum, or screenings removed from other solids during treatment.

Sec. 3. Minnesota Statutes 1980, Section 115A.05, Subdivision 3, is amended to read:

Subd. 3. [TEMPORARY MEMBERS.] For the purposes of each project review conducted by the board under sections

115A.18 to 115A.30 and 115A.32 to 115A.39 and for the purpose of preparing and adopting the hazardous waste management plan under section 115A.11 and making decisions on the elements of the certification of need for disposal required under sections 115A.18 to 115A.30, six local representatives shall be added to the board as temporary voting members, as provided in sections 115A.22, subdivision 4, and 115A.34. The provisions of section (15.075) *15.0575, subdivisions 3 and 4* relating to compensation, removal, and vacancy shall apply to temporary members except that the rate of compensation shall be \$50 per day spent on board activities *and that appointments by the governor to fill vacancies shall not be subject to the advice and consent of the senate.*

Sec. 4. Minnesota Statutes 1980, Section 115A.06, Subdivision 4, is amended to read:

Subd. 4. [ACQUISITION OF SITES FOR HAZARDOUS WASTE FACILITIES.] The board may direct the commissioner of administration to acquire by purchase, lease, condemnation, gift, or grant, any right, title, and interest in and to real property, including positive and negative easements and water, air, and development rights, for sites and buffer areas surrounding sites for hazardous waste facilities approved by the board pursuant to sections 115A.18 to 115A.30 and 115A.32 to 115A.39, *and any temporary interest in any land subject to the development moratorium established by section 115A.21, subdivision 3.* Money for the acquisition of any real property and interest in real property pursuant to this subdivision shall come from the issuance of state waste management bonds in accordance with sections 115A.57 to 115A.59. The property shall be leased to the owner and operator of the hazardous waste facility located thereon at a rate sufficient to pay debt service on the bonds which provided funds used to acquire the property and to evaluate the eligibility of the property for inclusion in the inventory under section 115A.09 or candidacy under sections 115A.18 to 115A.30. Any local government unit and the commissioners of transportation, natural resources, and administration may convey or allow the use of any property for such sites and areas, subject to the rights of the holders of any bonds issued with respect thereto, with or without compensation and without an election or approval by any other government agency. Land owned by the state may be exchanged for land not owned by the state for the purpose of providing a site and buffer area for a commercial hazardous waste facility, in accordance with the provisions of section 94.341 to 94.347 and other law. The commissioner of administration may hold the property for the purposes for which it was acquired, and may lease, rent, or dispose of the property so far as not needed for such purposes, upon the terms and in the manner the commissioner deems advisable. The right to acquire lands and property rights by condemnation shall be exercised in accordance with chapter 117. The commissioner of administration may take possession of any property for which

condemnation proceedings have been commenced at any time after the issuance of a court order appointing commissioners for its condemnation. Where the property is acquired through eminent domain proceedings, the land owner's compensation shall be the fair market value of the property. Where the property is acquired by means other than through eminent domain proceedings, as by direct purchase or gift, the land owner's compensation shall be determined by the agreement of the parties involved. An award of compensation in a condemnation proceeding shall not be increased or decreased by reason of any increase or decrease in the value of the property caused by its designation in the inventory of (SITES AND BUFFER) *preferred* areas under section 115A.09 or as a candidate site under sections 115A.18 to 115A.30 or its selection as a site or buffer area.

Sec. 5. Minnesota Statutes 1980, Section 115A.06, is amended by adding a subdivision to read:

*Subd. 13. [PRIVATE AND NON-PUBLIC DATA.] Any data held by the board which consists of trade secret information as defined by section 15.1673, subdivision 1, clause (b), sales information, or any other information which, if public, would tend to adversely affect the competitive position of the subject of the data, shall be classified as private or non-public data as defined in section 15.162, subdivision 5a and 5c if the subject of the data has certified that the data qualifies as non-public or private data under this subdivision and the chairman of the waste management board approves the classification in writing. When data is classified private or non-public pursuant to this subdivision the board may:*

*(a) Use the data to compile and publish analyses or summaries and to carry out its statutory responsibilities in a manner which does not identify the subject of the data; or*

*(b) Disclose the data when it is obligated to disclose it to comply with federal law or regulation but only to the extent required by federal law or regulation. The subject of data classified as private or non-public pursuant to this subdivision may authorize the disclosure of some or all of that data by the board.*

Sec. 6. Minnesota Statutes 1980, Section 115A.08, Subdivision 4, is amended to read:

**Subd. 4. [REPORT ON HAZARDOUS WASTE MANAGEMENT; DRAFT MANAGEMENT PLAN AND CERTIFICATION OF NEED.]** By (JANUARY 1) *August 15, 1982*, the board through its chairperson shall report to the legislative commission on hazardous waste management. The report shall include at least:

**(a)** an evaluation of alternative disposal facilities, disposal facility technologies, and disposal facility design and operating

specifications and an explanation of the preliminary design and operating specifications for disposal facilities selected for consideration under section 115A.23;

(b) an evaluation of prospects, strategies, and methods for developing commercial hazardous waste disposal facilities of various types, sizes, and functions;

(c) an evaluation of all feasible and prudent alternatives to disposal, including waste reduction, separation, pretreatment, processing, and resource recovery, and the potential of the alternatives to reduce the need for and practice of disposal;

(d) an evaluation of feasible and prudent disposal abatement objectives, along with a description of hazardous waste management methods and technologies, private and government actions, facilities and services, development schedules, revenue-raising measures, and levels of public and private expenditure and effort necessary to the achievement of those objectives.

The report shall analyze the environmental, social, and economic effects of the alternatives and methods by which unavoidable adverse effects could be mitigated. The report shall include a draft hazardous waste management plan, based on the analysis in the report and proposed for adoption pursuant to section 115A.11, and a draft certificate or certificates of need proposed for issuance under section 115A.24.

Sec. 7. Minnesota Statutes 1980, Section 115A.08, Subdivision 5, is amended to read:

Subd. 5. [REPORT ON MITIGATION OF LOCAL EFFECTS OF HAZARDOUS WASTE FACILITIES.] By (JANUARY 1) *August 15, 1982*, the board through its chairperson shall report and make recommendations to the legislative commission on methods of mitigating and compensating for the local risks, costs, and other adverse effects of various types of hazardous waste facilities and on methods of financing mitigation and compensation measures. The methods of mitigating and compensating to be considered shall include but not be limited to the following: payment outside of levy limitations in lieu of taxes for all property taken off the tax rolls; preference in reviews of applications for federal funds conducted by the metropolitan council and regional development commissions; payment of all costs to service the facilities including the cost of roads, monitoring, inspection, enforcement, police and fire, and litter clean up costs; payment for buffer zone amenities and improvement; local control over buffer zone design; a guarantee against any and all liability that may occur.

Sec. 8. Minnesota Statutes 1980, Section 115A.08, Subdivision 6, is amended to read:

Subd. 6. [PREPARATION OF HAZARDOUS WASTE REPORTS; PROCEDURES; PUBLIC INVOLVEMENT.] By

January 1, 1981, the board through its chairperson shall submit a proposed scope of work and work program for the hazardous waste reports required by subdivisions 4 and 5 to the legislative commission for review. During the preparation of the proposed scope of work and work plan and the reports, the board and the chairperson on behalf of the board shall encourage public debate and discussion of the issues relating to the reports. The board and the chairperson on behalf of the board shall meet with local officials and sponsor at least one public meeting in areas of the state affected by the inventory of preferred processing facility (SITES) areas prepared pursuant to section 115A.09. The board and the chairperson on behalf of the board shall follow the procedures set out in section 115A.22, for consulting with citizens in areas affected by the selection of candidate sites for disposal facilities. To assist it in preparing the reports required by subdivisions 4 and 5, the board through its chairperson shall make grants to each local project review committee established for a candidate site for disposal identified under sections 115A.18 to 115A.30. The grants may be used by the committee to employ staff, pay administrative expenses, or contract with affected units of government or qualified consultants. The board and the chairperson on behalf of the board shall request recommendations from the private waste management industry, the board's advisory councils, affected regional development commissions, and the metropolitan council and shall consult with them on the board's intended disposition of the recommendations. The reports of the board shall summarize the comments received and the board's response to the comments.

Sec. 9. Minnesota Statutes 1980, Section 115A.09, is amended to read:

**115A.09 [DUTIES OF THE BOARD; INVENTORY OF PREFERRED (SITES) AREAS FOR HAZARDOUS WASTE PROCESSING FACILITIES.]**

Subdivision 1. [BOARD RESPONSIBILITY.] By (NOVEMBER) *January 1, (1981) 1982*, the board shall prepare an inventory of preferred (SITES) areas of up to ten square miles in size for commercial hazardous waste processing facilities. *No preferred area may extend into more than one statutory or home rule charter city or town, but the board may propose adjoining preferred areas in adjacent cities and towns.* The inventory shall include at least three (SITES) areas for each of the following categories of processing facilities: (a) a commercial chemical processing facility for hazardous waste, (b) a commercial incineration facility for hazardous waste, and (c) a commercial transfer and storage facility for hazardous waste.

Subd. 2. [EVALUATION OF (SITES) AREAS.] The board shall not be required to promulgate rules pursuant to chapter 15 to govern its evaluation and selection of (SITES) areas under this section. The board and the chairperson on



behalf of the board shall evaluate the (SITES) *areas* in consultation with the board's advisory councils, the affected counties and regions, generators of hazardous waste, and prospective facility developers. The evaluation shall consider at least the consistency of (SITES) *areas* with state and federal regulations, local land use and land use controls, the protection of agriculture and natural resources, existing and future development patterns, transportation and other services appropriate to the hazardous waste facilities, the quality of other potential (SITES) *areas*, and the location of hazardous waste generators. (NO SITE SHALL BE INCLUDED IN THE INVENTORY UNLESS THE AGENCY CERTIFIES ITS INTRINSIC SUITABILITY FOR THE USE INTENDED. NO LAND SHALL BE EXCLUDED FROM CONSIDERATION FOR INCLUSION IN THE INVENTORY EXCEPT LAND DETERMINED BY THE AGENCY TO BE INTRINSICALLY UNSUITABLE) *The agency shall prepare a report on the suitability of each proposed area for the use intended.*

Subd. 3. [PROCEDURES.] The board shall propose the inventory of (SITES) *areas* by (JUNE) *August 1, 1981*, by publication in the state register and newspapers of general circulation in the state and by mail to each regional development commission and local government unit containing a proposed (SITE) *area*. (ANY) *The publications and mailing should include notice of (PERSON OBJECTING TO THE AGENCY'S CERTIFICATION OR THE BOARD'S PROPOSAL OF A SITE FOR INCLUSION IN THE INVENTORY SHALL HAVE 30 DAYS IN WHICH TO REQUEST A HEARING. IF A HEARING IS REQUESTED, THE HEARING SHALL BE ORDERED BY THE CHAIRPERSON OF THE BOARD AND) hearings on the board's proposal. The hearings shall be conducted by the state office of administrative hearings in a manner determined by the hearing examiner to be consistent with the completion of the proceedings and the examiner's report in the time allowed by this section. At the hearing, any county, or any local government unit within the county, in which (A SITE) an area is proposed for inclusion in the inventory may propose an alternative (SITE) area or (SITES) areas within the county. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the board and additional information on the proposed area or alternative areas within the county which is relevant to the board's decision on the areas to be included in the inventory. The proceedings shall not be deemed a contested case or rule-making hearing. The hearing examiner may consolidate hearings. The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. When any (SITE) area in the inventory becomes unavailable as a hazardous waste facility site, the inventory shall be amended, in the manner of its original adoption, provided, however, that during the period when the inventory is being*

amended any other (SITE) *area* in the inventory may be reviewed and approved under sections 115A.32 to 115A.39. No action of the board shall be held invalid by reason of the board's failure to notify any of the entities listed in this subdivision.

Subd. 4. [GRANTS; TECHNICAL ASSISTANCE.] To assist counties participating in the inventory required by this section, the board through its chairperson may make grants to the counties to be used to employ staff, pay administrative expenses, or contract with qualified consultants. The board through its chairperson shall ensure the delivery to the counties of technical information and assistance by appropriate state agencies.

Sec. 10. Minnesota Statutes 1980, Section 115A.11, Subdivision 1, is amended to read:

Subdivision 1. [CONTENTS.] By (MAY 1) *December 15, 1982*, the board shall adopt a hazardous waste management plan. The plan shall include at least the following elements:

(a) an estimate of the types and volumes of hazardous waste which will be generated in the state through the year 2000;

(b) specific and quantifiable objectives for reducing to the greatest feasible and prudent extent the need for and practice of disposal, through waste reduction, pretreatment, processing, and resource recovery;

(c) a description of the minimum disposal capacity and capability needed to be developed within the state for use through the year 2000, based on the achievement of the objectives under clause (b).

The plan shall require the establishment of at least one commercial disposal facility in the state.

Sec. 11. Minnesota Statutes 1980, Section 115A.19, is amended to read:

115A.19 [PROCEDURE NOT EXCLUSIVE.]

*Except as provided in Minnesota Statutes 1980, Section 115A.21, Subdivision 1*, the procedure established by sections 115A.18 to 115A.30 for the permitting of hazardous waste disposal facilities shall not preclude the issuance of permits by the agency pursuant to section 116.07 for disposal facilities at sites not reviewed under sections 115A.18 to 115A.30.

Sec. 12. Minnesota Statutes 1980, Section 115A.20, is amended to read:

115A.20 [EVALUATION OF SITES.]

The board shall not be required to promulgate rules pursuant to chapter 15 to govern its evaluation and selection of sites for commercial disposal facilities under sections 115A.18 to 115A.30, *nor shall the agency be required to promulgate rules pursuant to chapter 15 on criteria and standards to govern its certification of intrinsic suitability of sites for commercial disposal facilities under sections 115A.18 to 115A.30.* In evaluating and selecting sites for disposal facilities, the board shall consider at least the following factors:

(a) economic feasibility, including proximity to concentrations of generators of the types of hazardous wastes likely to be proposed and permitted for disposal;

(b) intrinsic suitability of the sites;

(c) federal and state pollution control and environmental protection rules;

(d) the risk and effect for local residents, units of government, and the local public health, safety, and welfare, including such dangers as an accidental release of wastes during transportation to a facility or at a facility, water, air, and land pollution, and fire or explosion;

(e) the consistency of a facility with, and its effect on, existing and planned local land use and development; local laws, ordinances, and permits; and local public facilities and services;

(f) the adverse effects of a facility at the site on agriculture and natural resources and opportunities to mitigate or eliminate such adverse effects by stipulations, conditions, and requirements respecting the design and operation of a disposal facility at the proposed site.

No land shall be excluded from consideration except land determined by the agency to be intrinsically unsuitable for the use intended.

Sec. 13. Minnesota Statutes 1980, Section 115A.21, Subdivision 1, is amended to read:

Subdivision 1. [SELECTION.] By (AUGUST 1, 1981) *March 15, 1982*, the board shall select six locations in the state, no more than one site per county, as candidate sites for commercial disposal facilities for hazardous waste. No location shall be selected as a candidate site unless the agency certifies its intrinsic suitability for the use intended. The board shall consult with the agency and the private waste management industry in selecting candidate sites. Any sites proposed in applications for permits for disposal facilities being reviewed by the agency (ON AUGUST 1, 1981,) may be included by the board as can-

didate sites, provided the agency certifies the intrinsic suitability of the sites. *The agency shall suspend its review of any permit application being reviewed by the board for inclusion as a candidate site until the site is eliminated from consideration as a candidate site.*

Sec. 14. Minnesota Statutes 1980, Section 115A.21, Subdivision 2, is amended to read:

Subd. 2. [PROCEDURE.] As soon as practicable, the board through its chairperson shall publish a request soliciting proposals and permit applications for hazardous waste disposal facilities from potential developers and operators of such facilities. Notice of the request shall be published in the state register and newspapers of general circulation in the state and shall be transmitted to all regional development commissions, the metropolitan council, and all counties in the state. The board may select conceptual design and operating specifications for a variety of hazardous waste disposal facilities in sufficient detail and extent in the judgment of the board to assist the evaluation of sites and the selection of candidate sites. By November 1, 1980, the board through its chairperson shall notify each regional development commission, or the metropolitan council, and each local government unit within whose jurisdiction the board intends to search for candidate sites. The notification shall explain the selection of the jurisdiction as a search area; shall summarize any conceptual specifications and the evaluation factors, criteria, standards, and procedures the board intends to use in selecting candidate sites; and shall describe the relationship of the candidate site selection process to the other review procedures under sections 115A.18 to 115A.30 and the hazardous waste reports and plans required under sections 115A.04 to 115A.15. The notification shall request recommendations and suggestions from each such commission, the metropolitan council, and local government unit on the criteria, standards, and procedures the board should use in selecting candidate sites within the time allowed. The board through its chairperson shall make a written response to any recommendations, explaining its disposition of the recommendations. *The board shall provide to the agency data relating to the intrinsic suitability of the sites to be proposed as candidate sites as soon as available but no later than November 1, 1981.* By (MAY 1) November 15, 1981, the board shall propose at least six locations as candidate sites, *the director of the agency shall issue a notice indicating which of those sites the director recommends be certified as intrinsically suitable, and the board and the director shall publish notice of hearings on the board's proposal and the director's recommendations. Notice shall be published in the state register and newspapers of general circulation in the state and shall (NOTIFY) be sent by mail to all regional development commissions, or the metropolitan council, and to local government units containing a proposed candidate site. (ANY PERSON OBJECTING TO THE AGENCY'S CERTIFICATION OR THE*

BOARD'S PROPOSAL OF A SITE FOR CANDIDACY SHALL HAVE 30 DAYS IN WHICH TO REQUEST A HEARING. IF A HEARING IS REQUESTED, THE HEARING SHALL BE ORDERED BY THE CHAIRPERSON OF THE BOARD AND) *The hearings shall be conducted in a manner consistent with the completion of the proceedings and the hearing examiner's report to the agency and board in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the board and additional information on the proposed sites which is relevant to the board's decision on candidate sites and the agency's decision on intrinsic suitability. The proceedings shall not be deemed a contested case or rule-making hearing. The hearing examiner may consolidate hearings. The report of the hearing examiner shall contain finds of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final determination as to the intrinsic suitability of each proposed site and shall certify sites accordingly by March 1, 1982. No action of the board or agency shall be held invalid by reason of the board's or agency's failure to notify any of the entities listed in this subdivision.*

Sec. 15. Minnesota Statutes 1980, Section 115A.22, Subdivision 3, is amended to read:

Subd. 3. [MEMBERSHIP ON LOCAL COMMITTEES.] By (SEPTEMBER 1, 1981) *April 15, 1982*, the governor shall appoint the chairperson and members of each local project review committee, ensuring a balanced representation of all parties with a legitimate and direct interest in the outcome of the project review. The governor shall consult particularly with affected local units of government before selecting members. Members may be added to the local committee from time to time by the governor.

Sec. 16. Minnesota Statutes 1980, Section 115A.22, Subdivision 4, is amended to read:

Subd. 4. [APPOINTMENT OF TEMPORARY BOARD MEMBERS.] By (OCTOBER 1, 1981) *May 15, 1982*, each local committee shall select a temporary board member to be added to the board for the purposes of the reports, certifications, and review conducted under sections 115A.18 to 115A.30. *If a local committee fails to appoint a temporary board member within 45 days after the appointment of the committee the governor shall appoint a temporary board member to represent the committee on the board.* Temporary board members may be members of the local project review committee, and they shall be residents of the county where the candidate site is located. *Temporary board members shall serve for terms lasting until the board has taken final action pursuant to section 115A.28 and, in the case*

*of members representing the site or sites finally chosen for the facility, until the commencement of the operation of the facility at that site.*

Sec. 17. Minnesota Statutes 1980, Section 115A.23, is amended to read:

**115A.23 [DISPOSAL FACILITIES; PRELIMINARY DESIGN AND OPERATING SPECIFICATIONS.]**

By (JANUARY 1) *August 15*, 1982, the board shall select, for further study and consideration, design and operating specifications for a variety of disposal facilities for hazardous waste in sufficient detail and extent in the judgment of the agency to allow the agency to begin preparing an environmental impact statement on the alternative facilities at each of the candidate sites pursuant to section 115A.25. The preliminary design and operating specifications shall not be final and shall not preclude the consideration of other specifications nor foreclose the subsequent addition by the board of other disposal facility alternatives.

Sec. 18. Minnesota Statutes 1980, Section 115A.24, is amended to read:

**115A.24 [CERTIFICATION OF NEED.]**

By (MAY 1) *December 15*, 1982, on the basis of and consistent with its hazardous waste management plan adopted under section 115A.11, the board shall issue a certificate or certificates of need for disposal facilities for hazardous wastes in the state. The certificate or certificates shall indicate the types and volumes of waste for which disposal facilities are and will be needed through the year 2000 and the number, types, sizes, general design and operating specifications, and function or use of the disposal facilities needed in the state. The board shall certify need only to the extent that the board has determined that there are no feasible and prudent alternatives including waste reduction, separation, pretreatment, processing, and resource recovery which would minimize adverse impact upon natural resources, provided that the board shall require the establishment of at least one commercial disposal facility in the state. Economic considerations alone shall not justify certification nor the rejection of alternatives. Alternatives that are speculative and conjectural shall not be deemed to be feasible and prudent. The certificate or certificates shall not be subject to the provisions of chapter 15 but shall be the final determination required on the matters decided by the certificate or certificates and shall have the force and effect of law. The certificate or certificates shall not be amended for five years. The board and the permitting agencies, in reviewing and selecting sites, completing environmental impact statements, and issuing approvals and permits for waste

disposal facilities described in the certificate or certificates of need, shall not reconsider matters determined in the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of facilities consistent with the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of at least one commercial disposal facility for hazardous waste in the state.

Sec. 19. Minnesota Statutes 1980, Section 115A.26, is amended to read:

**115A.26 [AGENCIES; PERMIT CONDITIONS.]**

Within 60 days following (THE ACCEPTANCE) *determination of adequacy* of the final environmental impact statement, and after consulting with the board, facility developers, affected local government units, and the local project review committees, each permitting state agency shall issue a notice of intent to issue permits, indicating the terms, conditions, and requirements of agency approval for all permits needed at each candidate site for the establishment of the facilities described in the board's certification of need. The agency decisions shall be consistent with the establishment of facilities in accordance with the certification of need.

Sec. 20. Minnesota Statutes 1980, Section 115A.28, Subdivision 2, is amended to read:

Subd. 2. [BOARD'S DECISION PARAMOUNT.] The board's decision under subdivision 1 shall be final and shall supersede and preempt requirements of state agencies and political subdivisions (, EXCEPTING ONLY) *and the requirements of sections 473H.02 to 473H.17; except that the facility shall be subject to those terms, conditions, and requirements of permitting agencies embodied in the board's decision and (EXCEPT AS PROVIDED IN) any requirements imposed pursuant to subdivision 3.* The permitting agencies shall issue permits within 60 days following and in accordance with the board's final decision, and all permits shall conform to the terms, conditions, and requirements of the board's decision. No charter provision, ordinance, regulation, permit, or other requirement of any state agency or political subdivision shall prevent or restrict the establishment, operation, expansion, continuance, or closure of a facility in accordance with the final decision of the board and permits issued pursuant thereto.

Sec. 21. Minnesota Statutes 1980, Section 115A.33, is amended to read:

**115A.33 [ELIGIBILITY; REQUEST FOR REVIEW.]**

The following persons shall be eligible to request supplementary review by the board pursuant to sections 115A.32 to 115A.39: (a) a generator of sewage sludge within the state who has been issued permits by the agency for a facility to dispose of sewage sludge or solid waste resulting from sewage treatment; (b) a political subdivision which has been issued permits by the agency, or a political subdivision acting on behalf of a person who has been issued permits by the agency, for a solid waste facility which is no larger than 250 acres, not including any proposed buffer area, and located outside the metropolitan area; (c) a generator of hazardous waste within the state who has been issued permits by the agency for a hazardous waste facility to be owned and operated by the generator, on property owned by the generator, and to be used by the generator for managing the hazardous wastes produced by the generator only; (d) a person who has been issued permits by the agency for a commercial hazardous waste processing facility at a site included in the board's inventory of preferred sites for such facilities adopted pursuant to section 115A.09; (e) *a person who has been issued permits by the agency for a disposal facility for the nonhazardous sludge, ash, or other solid waste generated by a permitted hazardous waste processing facility operated by the person.* The metropolitan waste control commission shall not be eligible to request review under clause (a) for a sewage sludge disposal facility. The metropolitan waste control commission shall not be eligible to request review under clause (a) for a solid waste facility with a proposed permitted life of longer than four years. The board may require completion of a plan conforming to the requirements of section 115A.46, before granting review under clause (b). A request for supplementary review shall show that the required permits for the facility have been issued by the agency and that a political subdivision has refused to approve the establishment or operation of the facility.

Sec. 22. Minnesota Statutes 1980, Section 115A.34, is amended to read:

**115A.34 [APPOINTMENT OF TEMPORARY BOARD MEMBERS.]**

Within 45 days of the submission of a request determined by the board to satisfy the requirements for review under sections 115A.32 to 115A.39, temporary board members shall be added to the board for the purpose of the supplementary review. Three members shall be selected by the governing body of the city or town in which the chairperson of the waste management board determines the facility would be principally located, and three members shall be selected by the governing body of the county in which the chairperson of the waste management board determines the proposed facility would be principally located. If the proposed facility is located in unorganized territory, all six members shall be selected by the governing board of the county.



Temporary members shall be residents of the county in which the proposed facility would be located and shall be selected to represent broadly the local interests that would be directly affected by the proposed facility. At least one member appointed by the city or town shall live within one mile of the proposed facility, and at least one member appointed by the county shall be a resident of a city or town in which the proposed facility would be located. *If the appointing authority fails to appoint temporary board members in the period allowed, the governor shall appoint the temporary members to represent the local interests in accordance with this section.* Temporary board members shall serve for terms lasting until the board has taken final action on the facility.

Sec. 23. Minnesota Statutes 1980, Section 115A.37, Subdivision 2, is amended to read:

Subd. 2. [DECISION PARAMOUNT.] The decision of the board to approve a facility shall be final and shall supersede and preempt requirements of state agencies and political subdivisions (, EXCEPTING ONLY) *and the requirements of sections 473H.02 to 473H.17; except that the facility shall be subject to those terms, conditions, and requirements of permitting agencies embodied in the board's approval and (EXCEPT AS PROVIDED IN) any requirements imposed pursuant to subdivision 3.* The permitting agencies shall issue or amend the permits for the facility within 60 days following and in accordance with the final decision of the board, and all permits shall conform to the terms, conditions, and requirements of the board's decision. No charter provision, ordinance, regulation, permit, or other requirement of any state agency or political subdivision shall prevent or restrict the establishment, operation, expansion, continuance, or closure of the facility in accordance with the final decision of the board and permits issued pursuant thereto.

Sec. 24. Minnesota Statutes 1980, Section 115A.54, Subdivision 3, is amended to read:

Subd. 3. [OBLIGATIONS OF RECIPIENT.] No grant or loan for any project shall be disbursed until the governing body of the recipient has made an irrevocable undertaking, by resolution, to use all funds made available exclusively for the capital cost of the project and to pay any additional amount by which the cost of the project exceeds the estimate by appropriation to the construction fund of additional funds or proceeds of additional bonds of the recipient. The resolution shall also indicate that any subsequent withdrawal of allocated or additional funds of the recipient will impair the obligation of contract between the state of Minnesota, the recipient, and the bondholders. The resolution shall pledge payment to the debt service account of all revenues of the project to the extent that they exceed costs and shall also obligate the recipient to levy a tax sufficient to

make timely payments under the loan agreement, if a deficiency occurs in the amount of user charges, taxes, special assessments, or other moneys pledged for payment under the loan agreement. Each loan made to a recipient shall be secured by resolutions adopted by the board and the governing body of the recipient, obligating the recipient to repay the loan to the state treasurer in annual installments including both principal and interest. Installments shall be in an amount sufficient to pay the principal amount within the period required by the (AGENCY) board. The interest on the loan shall be calculated on the declining balance at a rate not less than the average annual interest rate on the state bonds of the issue from which proceeds of the loan were made. The resolution shall obligate the recipient to provide money for the repayment from user charges, taxes, special assessments or any other funds available to it.

Sec. 25. Minnesota Statutes 1980, Section 116.07, Subdivision 2, is amended to read:

Subd. 2. [ADOPTION OF STANDARDS.] The pollution control agency shall improve air quality by promoting, in the most practicable way possible, the use of energy sources and waste disposal methods which produce or emit the least air contaminants consistent with the agency's overall goal of reducing all forms of pollution. The agency shall also adopt standards of air quality, including maximum allowable standards of emission of air contaminants from motor vehicles, recognizing that due to variable factors, no single standard of purity of air is applicable to all areas of the state. In adopting standards the pollution control agency shall give due recognition to the fact that the quantity or characteristics of air contaminants or the duration of their presence in the atmosphere, which may cause air pollution in one area of the state, may cause less or not cause any air pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, prevailing wind directions and velocities, and the fact that a standard of air quality which may be proper as to an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such standards of air quality shall be premised upon scientific knowledge of causes as well as effects based on technically substantiated criteria and commonly accepted practices. No local government unit shall set standards of air quality which are more stringent than those set by the pollution control agency.

The pollution control agency shall promote solid waste disposal control by encouraging the updating of collection systems, elimination of open dumps, and improvements in incinerator practices. The agency shall also adopt standards for the control of the collection, transportation, storage, processing, and disposal of solid waste and (THE DISPOSAL OF) sewage sludge for the prevention and abatement of water, air and land pollution, recog-

nizing that due to variable factors, no single standard of control is applicable to all areas of the state. In adopting standards, the pollution control agency shall give due recognition to the fact that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, topography, soils and geology, climate, transportation, and land use. Such standards of control shall be premised on technical criteria and commonly accepted practices.

The pollution control agency shall also adopt standards describing the maximum levels of noise in terms of sound pressure level which may occur in the outdoor atmosphere, recognizing that due to variable factors no single standard of sound pressure is applicable to all areas of the state. Such standards shall give due consideration to such factors as the intensity of noises, the types of noises, the frequency with which noises recur, the time period for which noises continue, the times of day during which noises occur, and such other factors as could affect the extent to which noises may be injurious to human health or welfare, animal or plant life, or property, or could interfere unreasonably with the enjoyment of life or property. In adopting standards, the pollution control agency shall give due recognition to the fact that the quantity or characteristics of noise or the duration of its presence in the outdoor atmosphere, which may cause noise pollution in one area of the state, may cause less or not cause any noise pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, meteorological conditions and the fact that a standard which may be proper in an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such noise standards shall be premised upon scientific knowledge as well as effects based on technically substantiated criteria and commonly accepted practices. No local governing unit shall set standards describing the maximum levels of sound pressure which are more stringent than those set by the pollution control agency.

The pollution control agency shall adopt standards for the identification of hazardous waste and for the management, identification, labeling, classification, storage, collection, transportation, processing, and disposal of hazardous waste, recognizing that due to variable factors, a single standard of hazardous waste control may not be applicable to all areas of the state. In adopting standards, the pollution control agency shall recognize that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state. The agency shall consider existing physical conditions, topography, soils, and geology, climate, transportation and land use. Stan-

dards of hazardous waste control shall be premised on technical knowledge, and commonly accepted practices. No local government unit shall set standards of hazardous waste control which are in conflict or inconsistent with those set by the pollution control agency.

Sec. 26. Minnesota Statutes 1980, Section 116.07, Subdivision 4, is amended to read:

Subd. 4. [RULES AND STANDARDS.] Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind rules and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the prevention, abatement, or control of air pollution. Any such rule or standard may be of general application throughout the state, or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, rules or standards may relate to sources or emissions of air contamination or air pollution, to the quality or composition of such emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or to any other matter relevant to the prevention, abatement, or control of air pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend, and rescind rules and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the collection, transportation, storage, processing, and disposal of solid waste and the prevention, abatement, or control of water, air, and land pollution which may be related thereto, and the deposit in or on land of any other material that may tend to cause pollution. The agency shall adopt such rules and standards for (THE DISPOSAL OF) sewage sludge, addressing the intrinsic suitability of land, the volume and rate of application of sewage sludge of various degrees of intrinsic hazard, design of (DISPOSAL) facilities, and operation of (DISPOSAL) facilities and (DISPOSAL) sites. The agency shall promulgate temporary rules for sewage sludge (DISPOSAL) pursuant to section 15.0412, subdivision 5. Any such rule or standard may be of general application throughout the state or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, rules or standards may relate to collection, transportation, processing, disposal, equipment, location, procedures, methods, systems or techniques or to any other matter relevant to the prevention, abatement or control of water, air, and land pollution which may be advised through the control of collection, transportation, processing, and disposal of solid waste and (THE DISPOSAL OF) sewage sludge, and the deposit in or on land of any other material that may tend to cause pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind rules and standards having the force of law relating to any purpose within the provisions of Laws 1971, Chapter 727, for the prevention, abatement, or control of noise pollution. Any such rule or standard may be of general application throughout the state, or may be limited as to times, places, circumstances or conditions in order to make due allowances for variations therein. Without limitation, rules or standards may relate to sources or emissions of noise or noise pollution, to the quality or composition of noises in the natural environment, or to any other matter relevant to the prevention, abatement, or control of noise pollution.

As to any matters subject to this chapter, local units of government may set emission regulations with respect to stationary sources which are more stringent than those set by the pollution control agency.

Pursuant to chapter 15, the pollution control agency may adopt, amend, and rescind rules and standards having the force of law relating to any purpose within the provisions of this chapter for the management, identification, labeling, classification, storage, collection, treatment, transportation, processing, and disposal of hazardous waste and location of hazardous waste facilities. A rule or standard may be of general application throughout the state or may be limited as to time, places, circumstances, or conditions. The public utilities commission, in cooperation with the pollution control agency, shall set standards for the transportation of hazardous waste in accordance with chapter 221. In implementing its hazardous waste rules, the pollution control agency shall give high priority to providing planning and technical assistance to hazardous waste generators. The agency shall assist generators in investigating the availability and feasibility of both interim and long term hazardous waste management methods. The methods shall include waste reduction, waste separation, waste processing, resource recovery, and temporary storage.

The pollution control agency shall give highest priority in the consideration of permits to authorize disposal of diseased shade trees by open burning at designated sites to evidence concerning economic costs of transportation and disposal of diseased shade trees by alternative methods.

Sec. 27. Minnesota Statutes 1980, Section 116.41, Subdivision 2, is amended to read:

Subd. 2. [TRAINING AND CERTIFICATION PROGRAMS.] The agency shall develop standards of competence for persons operating and inspecting various classes of disposal facilities. The agency shall conduct training programs for persons op-

erating facilities for the disposal of waste and for inspectors of such facilities, and may charge such fees as are necessary to cover the actual costs of the training programs.

The agency shall require operators and inspectors of such facilities to obtain from the agency a certificate of competence. The agency shall conduct examinations to test the competence of applicants for certification, and shall require that certificates be renewed at reasonable intervals. The agency may charge such fees as are necessary to cover the actual costs of receiving and processing applications, conducting examinations, and issuing and renewing certificates. *Certificates shall not be required for a private individual for landspreading and associated interim and temporary storage of sewage sludge on property owned or farmed by that individual.*

Sec. 28. Minnesota Statutes 1980, Section 400.161, is amended to read:

#### 400.161 [HAZARDOUS WASTE REGULATIONS.]

The county may by ordinance establish and revise rules, regulations, and standards relating to (a) identification of hazardous waste, (b) the labeling and classification of hazardous waste, (c) the collection, transportation, processing, disposal, and storage of hazardous waste, (d) other matters as may be determined necessary for the public health, welfare and safety. The county may issue permits or licenses for hazardous waste generation and may require the generators be registered with a county office. The ordinance may require appropriate procedures for the payment by the generator of any costs incurred by the county in completing such procedures. If the generator fails to complete such procedures, the county may recover the costs of completion in a civil action in any court of competent jurisdiction or, in the discretion of the board, the costs may be certified to the county auditor as a special tax against the land as other taxes are collected. The ordinance may be enforced by injunction, action to compel performance, or other action in district court. (ANY ORDINANCE UNDER THIS SECTION SHALL EMBODY STANDARDS AND REQUIREMENTS ESTABLISHED BY RULE OF THE AGENCY.) *County hazardous waste ordinances shall embody and be consistent with agency hazardous waste rules. Counties shall submit adopted ordinances to the agency for review. In the event that agency rules are modified, each county shall modify its ordinances accordingly and shall submit the modification to the agency for review within 120 days. Issuing, denying, modifying, imposing conditions upon, or revoking permits (PURSUANT TO THE PROVISIONS OF THIS SECTION) or licenses and county hazardous waste regulations (PROMULGATED HEREUNDER) and ordinances shall be subject to review, denial, suspension, modification, and reversal by the pollution control agency. The pollution control agency shall after written notification have 15 days in the case of haz-*

*ardous waste permits and licenses and 30 days in the case of hazardous waste ordinances to review, deny, suspend, modify, or reverse the action of the county. After (15 DAYS) this period, the action of the county board shall be final subject to appeal to the district court as provided in section 115.05.*

Sec. 29. Minnesota Statutes 1980, Section 473.149, Subdivision 2b, is amended to read:

Subd. 2b. [INVENTORY OF SOLID WASTE DISPOSAL SITES.] By (OCTOBER 1, 1981) *February 1, 1982*, the council shall adopt by resolution an inventory of eligible solid waste disposal sites and buffer areas within the metropolitan area. The council's inventory shall be composed of the sites and buffer areas proposed by the counties and reviewed and approved by the council pursuant to section 473.803, subdivision 1a. If a county does not have an approved inventory, the council shall adopt the required inventory for the county, following investigations by the council and public hearings as the council deems appropriate. The council's inventory shall satisfy all requirements and standards described in section 473.803, subdivision 1a, for sites and buffer areas proposed by counties. For sites and buffer areas included in the council's inventory, the moratorium imposed under section 473.803, subdivision 1a, shall extend until October 1, 1983.

Sec. 30. Minnesota Statutes 1980, Section 473.149, Subdivision 2c, is amended to read:

Subd. 2c. [REPORT ON LOCAL EFFECTS OF SOLID WASTE DISPOSAL FACILITIES; REPORT TO LEGISLATURE.] By (JANUARY 1) *August 15, 1982*, the council shall report to the legislative commission on methods of mitigating and compensating for the local risks, costs, and other adverse effects of solid waste disposal facilities and on methods of financing mitigation and compensation measures. The methods of mitigating and compensating to be considered shall include but not be limited to the following: payment outside of levy limitations in lieu of taxes for all property taken off the tax rolls; preference for the city or town containing a facility in federal A-95 reviews conducted by the council; payment of all costs to service the facilities including the costs of roads, monitoring, inspection, enforcement, police and fire, and litter clean up costs; payment for buffer zone amenities and improvements; city or town control over buffer zone design; elimination of the tipping charge for solid waste collected in the city or town; a guarantee against any and all liability that may occur; payment for reclamation of closed sites to local design specifications.

Sec. 31. Minnesota Statutes 1980, Section 473.149, Subdivision 2e, is amended to read:

Subd. 2e. [SOLID WASTE DISPOSAL FACILITIES DEVELOPMENT SCHEDULE.] By January 1, 1983, after requesting and considering recommendations from the counties, cities, and towns, the council as part of its policy plan shall determine the number of sites to be acquired within each metropolitan county for solid waste disposal facilities in accordance with section 473.833. The council shall adopt a schedule for development of disposal facilities by each such county through the year 2000. The schedule shall be based upon the council's reduced estimate of the disposal capacity needed because of the council's land disposal abatement plan. The schedule may include procedures to be used by counties in selecting sites for acquisition pursuant to section 473.833. The schedule shall include standards and procedures for council certification of need pursuant to section 473.823. The schedule shall include a facility closure schedule and plans for post-closure management and disposition, for the use of property after acquisition and before facility development, and for the disposition of property and development rights, as defined in section 473.833, no longer needed for disposal facilities. *The schedule shall also include a facility closure schedule and plans for post-closure management of facilities in existence prior to January 1, 1983.*

Sec. 32. Minnesota Statutes 1980, Section 473.149, is amended by adding a subdivision to read:

*Subd. 4a. [RIGHT OF ACCESS.] Whenever the council deems it necessary to the evaluation of a disposal site or buffer area under this chapter, the council or any member, employee, or agent thereof, when authorized by it, may enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations, provided that the entrance and activity is undertaken after reasonable notice and during normal business hours and provided that compensation is made for any damage to the property caused by the entrance and activity.*

Sec. 33. Minnesota Statutes 1980, Section 473.153, Subdivision 1, is amended to read:

Subdivision 1. [FACILITIES REQUIRED.] Except as provided in subdivision 7 and section 115A.33, all sewage sludge disposal facilities and facilities for the disposal of solid waste generated by the metropolitan waste control commission shall be established and operated in accordance with this section and section 473.516. The council and the commission shall establish (AT LEAST ONE FACILITY FOR SEWAGE SLUDGE DISPOSAL AND AT LEAST ONE FACILITY FOR SOLID WASTE DISPOSAL) *the facilities needed for the disposal of sewage sludge and solid waste generated by the commission. The council and the commission shall establish at least one facility.*



Sec. 34. Minnesota Statutes 1980, Section 473.153, Subdivision 2, is amended to read:

Subd. 2. [CANDIDATE SITE SELECTION.] By (JULY) *November (1) 15, 1981*, the council shall select (THREE) *six* candidate sites for the disposal of the commission's sewage sludge and (THREE CANDIDATE SITES FOR THE DISPOSAL OF THE COMMISSION'S) solid waste, together with appropriate surrounding buffer areas. The council shall evaluate sites for candidacy on the basis of at least the following factors: local land use and land use controls, the protection of agriculture and natural resources, existing and future development patterns, transportation facilities, distance from the points of generation, and the intrinsic suitability of sites compared with other potential sites. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of the council, counties, or local units of government, no land shall be excluded from consideration for candidacy except land determined by the agency to be intrinsically unsuitable. No site shall be selected for candidacy unless the agency certifies its (APPARENT) intrinsic suitability for the use intended, based on preliminary environmental analysis and on-site surveys and investigations conducted by the (AGENCY) council. *The council shall provide to the agency data relating to the intrinsic suitability of the sites to be proposed as candidate sites as soon as available but no later than August 15, 1981. By September 1, 1981, the council shall propose at least six locations as candidate sites and the director of the agency shall issue a notice indicating which of those sites the director recommends be certified as intrinsically suitable. The director shall publish notice of a consolidated hearing on the director's recommendation. Notice shall be published in the state register and newspapers of general circulation in the metropolitan area and shall be sent by mail to local government units containing a proposed candidate site. The hearing shall be conducted in a manner consistent with the completion of the proceedings and the hearing examiner's report to the agency in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the council and additional information on the proposed sites which is relevant to the agency's decision on intrinsic suitability. The proceedings shall not be deemed a contested case or rule-making hearing. The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final determination as to the intrinsic suitability of each proposed site and shall certify them accordingly by November 1, 1981. The agency shall not be required to promulgate rules pursuant to chapter 15 on criteria and standards to govern its certification of intrinsic suitability under this section. No action of the agency shall be held invalid by reason of the agency's failure to notify any of the entities listed in this subdivision. In selecting candi-*

date sites, the council shall prefer land which is capable of being returned to its existing use or the use anticipated in a plan of a metropolitan agency, county, or local unit of government use after closure of a disposal facility.

Sec. 35. Minnesota Statutes 1980, Section 473.153, Subdivision 6, is amended to read:

Subd. 6. [COUNCIL SITE SELECTION.] Within 90 days following the agency's decision on permit conditions and terms, the council shall select at least one of the candidate sites for acquisition and development by the commission (AS A SEWAGE SLUDGE DISPOSAL FACILITY AND AT LEAST ONE OF THE CANDIDATE SITES FOR ACQUISITION AND DEVELOPMENT BY THE COMMISSION AS A SOLID WASTE DISPOSAL FACILITY). Before its selection the council shall consult with the advisory committee and affected counties, cities, and towns. *The requirements of sections 473H.02 to 473H.17 shall not apply to the selection and acquisition of the sites.*

Sec. 36. Minnesota Statutes 1980, Section 473.516, Subdivision 4, is amended to read:

Subd. 4. [TECHNICAL MONITORING; SEWAGE SLUDGE DISPOSAL.] Each sewage sludge disposal facility of the waste control commission, or site used for the disposal of sewage sludge of the commission, shall be required to have an agency permit issued pursuant to agency rules for permitting sewage sludge disposal facilities and sites. Each permit shall require a regular monitoring and testing program to be carried out by the waste control commission. A regular inspection program shall be conducted by the agency or a county under contract to the agency. The commission shall reimburse the agency quarterly for the cost of the program, and the amounts reimbursed are hereby appropriated to the agency for the purposes of the program. *The commission shall attempt to the greatest practical extent to provide the highest quality sludge when disposing of its sludge on private property as a soil conditioner or amendment. The commission shall provide recipients with information on the facility generating the sludge and the content of the sludge taken from its various treatment facilities.*

Sec. 37. Minnesota Statutes 1980, Section 473.801, is amended by adding a new subdivision to read:

*Subd. 4. Unless otherwise provided the definitions of terms defined in section 115A.03 shall apply to sections 473.801 to 473.823.*

Sec. 38. Minnesota Statutes 1980, Section 473.803, Subdivision 1a, is amended to read:

Subd. 1a. [PROPOSED INVENTORY OF DISPOSAL SITES.] By (JUNE) *September (1) 15, 1981*, each county shall adopt, by resolution of its governing body, an inventory of four proposed sites in the county suitable for mixed municipal solid waste disposal facilities and one proposed site in the county suitable for the disposal of demolition debris and shall submit the inventory to the council for approval or disapproval. The council shall evaluate and approve or disapprove each proposed site in accordance with the standards set out in this subdivision. Except as otherwise provided in this subdivision, each site shall satisfy the standards and criteria in federal and state regulations and the council's policy plan for solid waste management. In proposing and approving sites for the inventory, the counties and the council shall prefer land which is capable of being returned to its existing use or the use anticipated in a plan of a metropolitan agency, county, or local unit of government use after closure of a disposal facility. Each site shall contain no less than 80 acres and no more than 250 acres. Each proposed site shall be surrounded by a buffer area at least equal to the area of the site. No site shall be (PROPOSED BY THE COUNTY OR APPROVED) *adopted by a county or the council as part of an inventory unless the agency certifies its intrinsic suitability for the use intended, based on preliminary environmental analysis and on site surveys and investigations conducted by the county (OR AGENCY). Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of any state agency or political subdivision, no land shall be excluded from consideration for inclusion in the inventory except land determined by the agency to be intrinsically unsuitable. Each county shall provide to the agency data relating to the intrinsic suitability of the sites to be proposed for the inventory as soon as available but no later than June 15, 1981. By July 1, 1981 each county shall propose at least the number of sites required for the inventory, and the director of the agency shall issue a notice indicating which of those sites the director recommends be certified as intrinsically suitable. The director shall publish notice of a hearing in each county designed to gather additional information on each proposed site within the county. Notice shall be published in the state register and newspapers of general circulation in the metropolitan area and shall be sent by mail to the metropolitan council and local government units containing a proposed inventory site. A hearing shall be held in each metropolitan county and shall be conducted in a manner consistent with the completion of the proceedings and the hearing examiner's report to the agency in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the county and additional information on the proposed sites which is relevant to the agency's decision on intrinsic suitability. The proceedings shall not be deemed a contested case or rule-making hearing. The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final determination as to the intrinsic suitability*

*bility of each proposed site and shall certify them accordingly by October 1, 1981. The agency shall not be required to promulgate rules pursuant to chapter 15 on criteria and standards to governor its certification of intrinsic suitability under this section. No action of the agency shall be held invalid by reason of the agency's failure to notify any of the entities listed in this subdivision. The council shall evaluate each site with respect to local land use and land use controls, the protection of agriculture and natural resources, existing and future development patterns, transportation facilities and other services and facilities appropriate to land disposal facilities, the quality of other potential sites, and patterns of generation of solid waste. The council shall notify a county of any site proposed by the county which the council disapproves and shall allow the county 60 days to propose an alternative site. If the county fails to propose an alternative acceptable to the council in the time allowed, the council shall propose a site acceptable to it for inclusion in the inventory of sites in that county. If in the council's judgment a county does not contain the requisite number of satisfactory sites, the council may reduce the number of sites required of that county. A moratorium is hereby imposed on development within the area of each site and buffer area proposed by a county, pending the council's adoption of an inventory pursuant to section 473.149, subdivision 2b. For sites and buffer areas included in the council's inventory, the moratorium shall extend until October 1, 1983. No development shall be allowed to occur within the area of a site or buffer area during the period of the moratorium. No county, city, or town land use control shall permit such development, nor shall any county, city, or town sanction or approve any subdivision, permit, license, or other authorization which would allow such development to occur.*

Sec. 39. Minnesota Statutes 1980, Section 473.811, Subdivision 2, is amended to read:

Subd. 2. [COUNTY FINANCING OF FACILITIES.] Each metropolitan county may by resolution authorize the issuance of bonds to provide funds for the acquisition or betterment of solid waste facilities or property or property rights for a solid waste facility, or for refunding any outstanding bonds issued for any such purpose, and may pledge to the payment of the bonds and the interest thereon, its full faith, credit and taxing powers, or the proceeds of any designated tax levies, or the gross or net revenues or charges to be derived from any facility operated by or for the county, or any combination thereof. Taxes levied for the payment of the bonds and interest shall not reduce the amounts of other taxes which the county is authorized by law to levy. *The proceeds of the bonds may be used in part to establish a reserve as further security for the payment of the principal and interest of the bonds when due. Revenue bonds issued pursuant to this section may be sold at public or private sale upon such conditions as the county board shall determine, but*

*any bonds to which the full faith and credit and taxing powers of the county are pledged shall be sold in accordance with the provisions of chapter 475.* No election shall be required to authorize the issuance of the bonds. Except as otherwise provided, the bonds shall be issued and sold in accordance with the provisions of chapter 475.

Sec. 40. Minnesota Statutes 1980, Section 473.811, is amended by adding a new subdivision to read:

*Subd. 2A. [COUNTY SOLID WASTE INDUSTRIAL DEVELOPMENT REVENUE BONDS.] A metropolitan county shall also have authority to issue revenue bonds to finance solid waste and related facilities projects located inside or outside the boundaries of cities or towns described in Section 368.01 under and pursuant to the provisions of Chapter 474.*

Sec. 41. Minnesota Statutes 1980, Section 473.811, Subdivision 3, is amended to read:

**Subd. 3. [COUNTY OPERATION OF FACILITIES.]** Each metropolitan county may operate and maintain solid waste facilities, and for this purpose may employ all necessary personnel, may adopt regulations governing operation, and may establish and collect reasonable, non-discriminatory rates and charges for the use of the facilities by any local government unit or person, estimated to be sufficient, with any other moneys appropriated for the purpose, to pay all costs of acquisition, operation and maintenance. Each metropolitan county may use itself or sell all or any part of materials or energy recovered from solid waste to private interests or public agencies for consumption or reuse by them. Section 471.345 and Laws 1951, Chapter 556, as amended shall not apply to the sale of the materials or energy (PROVIDED THAT THE DEALINGS OF EACH COUNTY SHALL BE ON A COMPETITIVE BASIS SO AS NOT TO CREATE AN UNFAIR OR UNREASONABLE ADVANTAGE OR RESTRAINT OF TRADE ON THE PART OF THE COUNTY.)

Sec. 42. Minnesota Statutes 1980, Section 473.811, Subdivision 4, is amended to read:

**Subd. 4. [COUNTY CONTRACTS.]** Each metropolitan county may contract for the *acquisition or use of existing public or private solid waste facilities or any facilities deemed necessary or useful for resource recovery from solid waste* and may contract with any person for the operation (AND) or maintenance, or both, of any solid waste facility owned by the county. The contract shall provide for the operation (AND) or maintenance, or both, of the facility in accordance with any regulations, criteria, and standards of the agency, the metropolitan council and the county relating thereto. *Any contract for the operation or maintenance of a solid waste facility may provide for the sale of solid waste, materials, electric energy, steam or other product*

to the operator or for a fee payable to the operator, which may be a fixed fee, or a fee based on tonnage or a percentage of income or other measure, or any combination thereof. A metropolitan county shall have power to warrant to the operator of a solid waste facility or contract purchaser of any solid waste, materials, electric energy, steam or other product the quality, composition and available quantity of the solid waste, materials, electric energy, steam or other product to be sold or delivered.

Sec. 43. Minnesota Statutes 1980, Section 473.811, is amended by adding a new subdivision to read:

*Subd. 4b. [CONTRACTS; NEGOTIATION.] Notwithstanding any other law, a metropolitan county may contract for the acquisition, construction, improvement, maintenance or operation of solid waste facilities or property or property rights for solid waste facilities by any means available and in the manner determined by the county board, with or without advertisement for bids. A metropolitan county may select and employ a construction manager for construction and acquisition of solid waste facilities or property or property rights for solid waste facilities and negotiate and enter into a construction management agreement, which may but need not include a guaranteed maximum price. A construction manager shall give a bond to the county in accordance with Section 574.26 if a construction management agreement shall provide for a guaranteed maximum price, provided that the amount of any bond furnished by any contractor or subcontractor for performance of and payment of labor and materials under a contract or subcontract for solid waste facilities or property or property rights for solid waste facilities included in the guaranteed maximum price may be substituted to the extent of the bond amount for the bond of the construction manager. A construction management agreement for acquisition and construction of solid waste facilities or property or property rights for solid waste facilities may be combined with a contract for maintenance or operation, or both, of such facilities and negotiated with the same person.*

Sec. 44. Minnesota Statutes 1980, Section 473.811, Subdivision 5b, is amended to read:

*Subd. 5b. [ORDINANCES; HAZARDOUS WASTE MANAGEMENT.] Each metropolitan county shall by ordinance establish and revise rules, regulations, and standards relating to (a) the identification of hazardous waste, (b) the labeling and classification of hazardous waste, (c) the collection, storage, transportation, processing, and disposal of hazardous waste, and (d) other matters necessary for the public health, welfare and safety. The county shall require permits or licenses for the generation, collection, processing, and disposal of hazardous waste and shall require registration with a county office. County hazardous waste ordinances shall embody and be consistent with agency hazardous waste rules. Counties shall submit adopted ordinances to the agency for review. In the event that agency*

*rules are modified, each county shall modify its ordinances accordingly and shall submit the modification to the agency for review within 120 days. Issuing, denying, suspending, modifying, imposing conditions upon, or revoking hazardous waste permits or licenses, and county hazardous waste regulations and ordinances, shall be subject to review, denial, suspension, modification, and reversal by the agency. The agency shall after written notification have 15 days in the case of hazardous waste permits and licenses and 30 days in the case of hazardous waste ordinances to review, suspend, modify, or reverse the action of the county. After this period, the action of the county board shall be final subject to appeal to the district court in the manner provided in chapter 15.*

Sec. 45. Minnesota Statutes 1980, Section 473.811, Subdivision 8, is amended to read:

Subd. 8. [COUNTY SALE OR LEASE.] Each metropolitan county may sell or lease any facilities or property or property rights previously used or acquired to accomplish the purposes specified by sections 473.149, 473.151, and 473.801 to 473.823 and sections 473.827, 473.831, 473.833, and 473.834. Such property may be sold in the manner provided by section 458.196, *or may be sold in such other manner and on such terms and conditions as the county board shall determine.* Each metropolitan county may convey to or permit the use of any such property by a local government unit, with or without compensation, without submitting the matter to the voters of the county. No real property or property rights acquired pursuant to this section, may be disposed of in any manner unless and until the county shall have submitted to the agency and the metropolitan council for review and comment the terms on and the use for which the property will be disposed of. The agency and the council shall review and comment on the proposed disposition within 60 days after each has received the data relating thereto from the county.

Sec. 46. Minnesota Statutes 1980, Section 473.831, Subdivision 1, is amended to read:

Subdivision 1. [GENERAL OBLIGATION BONDS.] Following the adoption of the revisions to its policy plan required by section 473.149, subdivision 2e, the council may by resolution authorize the issuance of general obligation bonds of the council to provide funds for the acquisition of sites and surrounding buffer areas for development as solid waste disposal facilities pursuant to this section and section 473.833 and to provide funds for refunding obligations issued under this section. The bonds shall be sold, issued, and secured in the manner provided in chapter 475 for general obligation bonds, and the council shall have the same power and duties as a municipality and its governing body in issuing bonds under chapter 475, except as otherwise provided in this chapter. No election shall be required, and the net debt limitations in chapter 475 shall not apply. *The council shall have*

*the power to levy ad valorem taxes for debt service of the council's solid waste bonds upon all taxable property within the metropolitan area, without limitation of rate or amount and without affecting the amount or rate of taxes which may be levied by the council for other purposes or by any local government unit in the area. Each of the county auditors shall annually assess and extend upon the tax rolls in his county the portion of the taxes levied by the council in each year which is certified to him by the council. The principal amount of bonds issued pursuant to this section shall not exceed \$15,000,000.*

Sec. 47. Minnesota Statutes 1980, Section 473.833, Subdivision 2, is amended to read:

Subd. 2. [REQUIREMENT.] Each metropolitan county shall select and acquire sites and buffer areas for solid waste disposal facilities in accordance with this section and the council's policy plan and development schedule adopted pursuant to section 473.149, subdivision 2e. *The requirements of sections 473H.02 to 473H.17 shall not apply to the selection and acquisition of the sites.*

Sec. 48. Minnesota Statutes 1980, Section 473.834, Subdivision 2, is amended to read:

Subd. 2. [ALLOCATION OF DEBT SERVICE.] The annual debt service on the council's solid waste bonds, issued under section 473.831, shall be annually apportioned and certified by the council to each (CITY AND TOWN) county in the metropolitan area, in the proportion that the assessed value of all taxable property within (SUCH CITY OR TOWN) each county bears to the assessed value of the taxable property in all (SUCH CITIES AND TOWNS, AS LAST FINALLY EQUALIZED BEFORE OCTOBER 1 IN THE YEAR IN WHICH THE ALLOCATION IS MADE) the counties, except that the apportionment to each county shall first be adjusted to reflect exemptions from payment required by subdivision 1 and reductions in payment required by subdivision 3.

Sec. 49. [APPROPRIATIONS.]

*Subdivision 1. The appropriation of \$1,200,000 made available for certain purposes before June 30, 1981, by Laws 1980, Chapter 564, Article XII, Section 1, Subdivision 3, Clause (b), is available for expenditure for those purposes until expended.*

*Subd. 2. The appropriation made in Laws 1980, Chapter 564, Article XII, Section 1, Subdivision 4, Clause (b), is available until expended.*

*Subd. 3. The two positions in the unclassified service created in Laws 1980, Chapter 564, Article XII, Section 1, Subdivision 6, shall not cancel when the appropriation is expended. The con-*



*tinuation of the positions is dependent upon the availability of money in the general services revolving fund, resource recovery account established in section 115A.15, subdivision 6.*

**Sec. 50. [REPEALER.]**

*Minnesota Statutes 1980, Section 473.834, Subdivisions 4 and 5, are repealed.*

**Sec. 51. [EFFECTIVE DATE.]**

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

Amend the title as follows:

Page 1, line 2, after "terms" insert ", procedures, powers,"

Page 1, line 3, after "act" insert "and for counties and metropolitan waste management"

Page 1, line 7, after the semicolon insert "115A.05, Subdivision 3;"

Page 1, line 12, after "115A.33;" insert "115A.34;"

Page 1, line 15, before "2c" insert "2b,"

Page 1, line 15, after "2c" delete "and" and insert a comma

Page 1, line 15, after "2e" insert ", and by adding a subdivision"

Page 1, line 16, after "6;" insert "473.516, Subdivision 4; 473.801, by adding a subdivision;"

Page 1, line 16, before "5b" delete "Subdivision" and insert "Subdivisions 2, 3, 4,"

Page 1, line 16, after "5b" insert ", 8, and by adding subdivisions"

Page 1, line 17, delete "and" and insert "473.831, Subdivision 1;"

Page 1, line 17, before the period insert "; and 473.834, Subdivision 2; repealing Minnesota Statutes 1980, Section 473.834, Subdivisions 4 and 5"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Environment and Natural Resources.

The report was adopted.

#### MOTIONS AND RESOLUTIONS

Sieben, M., moved that the name of Rodriguez, C., be added as an author on H. F. No. 1114. The motion prevailed.

McEachern moved that the name of Metzen be stricken and the name of Heinitz be added as an author on H. F. No. 137. The motion prevailed.

Otis moved that the name of Staten be added as an author on H. F. No. 729. The motion prevailed.

Peterson, D., moved that the name of Pogemiller be added as an author on H. F. No. 1296. The motion prevailed.

Wynia moved that the name of Nelson, K., be added as an author on H. F. No. 1269. The motion prevailed.

Olsen moved that the name of Long be added as an author on H. F. No. 1270 and H. F. No. 1271. The motion prevailed.

Rothenberg moved that H. F. No. 456 be returned to its author. The motion prevailed.

Redalen moved that H. F. No. 796 be returned to its author. The motion prevailed.

House Concurrent Resolution No. 1 was reported to the House.

Sherman moved that House Concurrent Resolution No. 1 be continued until Thursday, April 9, 1981. The motion prevailed.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, April 9, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 continued until Thursday, April 9, 1981. The motion prevailed.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



STATE OF MINNESOTA

SEVENTY-SECOND SESSION - 1981

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THIRTY-FIRST DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 8, 1981

The Senate met on Wednesday, April 8, 1981, which was the Thirty-First Day of the Seventy-second Session of the Minnesota State Legislature. The House of Representatives did not meet on this date.

[The following text is extremely faint and largely illegible. It appears to be a list or a series of entries, possibly names and titles, but the characters are too light to transcribe accurately. It seems to follow a similar pattern to the header, with a name followed by a title or position.]

## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## THIRTY-SECOND DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 9, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Reverend Kenneth Siess, Lutheran Social Service, Minneapolis, Minnesota.

The roll was called and the following members were present:

Aasness	Esau	Kelly	Ogren	Sherwood
Ainley	Evans	Knickerbocker	Olsen	Sieben, M.
Anderson, B.	Ewald	Kostohryz	Onnen	Simoneau
Anderson, G.	Fjoslien	Kvam	Osthoff	Skoglund
Anderson, I.	Friedrich	Laidig	Otis	Stadum
Anderson, R.	Greenfield	Lehto	Peterson, B.	Staten
Battaglia	Gruenes	Lemen	Peterson, D.	Stowell
Begich	Gustafson	Levi	Piepho	Stumpf
Blatz	Halberg	Long	Pogemiller	Sviggum
Brandl	Harens	Ludeman	Redalen	Swanson
Brinkman	Hauge	Mann	Reding	Tomlinson
Byrne	Haukoos	Marsh	Rees	Valan
Carlson, D.	Heap	McCarron	Reif	Valento
Carlson, L.	Heinitz	McDonald	Rice	Vanasek
Clark, J.	Himle	McEachern	Rodriguez, C.	Vellenga
Clark, K.	Hoberg	Mehrkens	Rodriguez, F.	Voss
Clawson	Hokanson	Metzen	Rose	Weaver
Dahlvang	Hokr	Minne	Rothenberg	Welch
Dean	Jacobs	Munger	Samuelson	Welker
Dempsey	Jennings	Murphy	Sarna	Wenzel
Den Ouden	Johnson, C.	Nelsen, B.	Schafer	Wieser
Drew	Johnson, D.	Niehaus	Schoenfeld	Wynia
Eken	Jude	Norton	Schreiber	Zubay
Elioff	Kahn	Novak	Searles	Spkr. Sieben, H.
Ellingson	Kaley	Nysether	Shea	
Erickson	Kalis	O'Connor	Sherman	

A quorum was present.

Berkelman, Forsythe, Hanson, Luknic, Nelson, K., and Wigley were excused.

The Chief Clerk proceeded to read the Journals of the preceding days. Clawson moved that further reading of the Journals

be dispensed with and that the Journals be approved as corrected by the Chief Clerk. The motion prevailed.

#### REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 407, 411, 606, 731, 875, 921, 972, 72, 193, 673, 697, 732, 159, 736, 889, 553 and 473 and S. F. Nos. 34, 249, 331, 347, 400, 197, 208, 336, 384, 182, 263, 275, 329, 375, 416, 432, 537, 387, 463, 611, 885, 917, 918 and 354 have been placed in the members' files.

S. F. No. 197 and H. F. No. 193, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Lemen moved that S. F. No. 197 be substituted for H. F. No. 193 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 331 and H. F. No. 372, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Nelsen, B., moved that S. F. No. 331 be substituted for H. F. No. 372 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 416 and H. F. No. 466, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Brandl moved that S. F. No. 416 be substituted for H. F. No. 466 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 347 and H. F. No. 734, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Carlson, L., moved that S. F. No. 347 be substituted for H. F. No. 734 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 336 and H. F. No. 387, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Lemen moved that the rules be so far suspended that S. F. No. 336 be substituted for H. F. No. 387 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 275 and H. F. No. 665, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Wenzel moved that the rules be so far suspended that S. F. No. 275 be substituted for H. F. No. 665 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 263 and H. F. No. 72, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Laidig moved that the rules be so far suspended that S. F. No. 263 be substituted for H. F. No. 72 and that the House File be indefinitely postponed. The motion prevailed.

#### PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

April 6, 1981

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

The Honorable Jack Davies  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1981</i>	<i>Date Filed 1981</i>
8		16	April 3	April 6
30		17	April 3	April 6
	38	18	April 3	April 6



<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1981</i>	<i>Date Filed 1981</i>
	77	19	April 3	April 6
	183	20	April 3	April 6
	496	21	April 3	April 6

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

April 8, 1981

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

The Honorable Jack Davies  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1981</i>	<i>Date Filed 1981</i>
345		22	April 8	April 8

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

## REPORTS OF STANDING COMMITTEES

Sieben, M., from the Committee on Appropriations to which was referred:

H. F. No. 3, A bill for an act relating to community social services; defining groups of persons for whom counties are responsible; establishing certain funding levels; clarifying sec-

tions of the community social services act; amending Minnesota Statutes 1980, Sections 245.64; 245.66; 245.84, Subdivision 5; 252.21; 252.24, Subdivisions 1, 3 and 4; 254A.03, Subdivision 1; 254A.05, Subdivision 1; 254A.07, Subdivision 2; 254A.08, Subdivision 1; 256E.03, Subdivision 2; 256E.04, Subdivision 1; 256E.05, Subdivisions 2 and 3; 256E.06, Subdivisions 2, 4, and 5; 256E.07, Subdivision 2; 256E.08, Subdivisions 1 and 7; 256E.09, Subdivisions 1, 3, and by adding a subdivision; 256E.10; and 256E.12, Subdivision 3; repealing Minnesota Statutes 1980, Sections 245.67; 245.68; 245.72; 245.84, Subdivision 2; 245.87; 252.26; 252.27, Subdivisions 1, 2 and 3; 256E.06, Subdivision 11; 256E.07, Subdivision 1; 256E.08, Subdivision 9; and 261.27.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1980, Section 256E.03, Subdivision 2, is amended to read:

Subd. 2. “Community social services” means services included in the comprehensive annual services plan published by the commissioner of public welfare and social services (AUTHORIZED BY SECTIONS 245.61 TO 245.691, 245.83 TO 245.87, 252.21 TO 252.27, SUBDIVISION 1, 254A.07, 254A.08, 254A.12, 254A.14, 260.251, SUBDIVISION 1A, 261.27 AND 393.07, SUBDIVISION 1.) *provided or arranged for by county boards to fulfill the responsibilities prescribed in section 10 to the following groups of persons:*

(a) *Families with children under age 18, who are experiencing child dependency, neglect or abuse, and also pregnant adolescents, adolescent parents under the age of 18, and their children;*

(b) *Persons who are under the guardianship of the commissioner of public welfare as dependent and neglected wards;*

(c) *Adults who are in need of protection and vulnerable as defined in section 626.557;*

(d) *Persons age 60 and over who are experiencing difficulty living independently and are unable to provide for their own needs;*

(e) *Emotionally disturbed children and adolescents, chronically and acutely mentally ill persons who are unable to provide for their own needs or to independently engage in ordinary community activities;*

(f) *Mentally retarded persons as defined in section 252A.02, subdivision 2 who are unable to provide for their own needs or to independently engage in ordinary community activities;*

*(g) Drug dependent and intoxicated persons as defined in section 254A.02, subdivisions 5 and 7, and persons at risk of harm to self or others due to the ingestion of alcohol or other drugs; and*

*(h) Other groups of persons who, in the judgment of the county board, are in need of social services.*

Community social services do not include public assistance programs known as aid to families with dependent children, Minnesota supplemental aid, medical assistance, general assistance, general assistance medical care, or community health services authorized by sections 145.911 to 145.922.

Sec. 2. Minnesota Statutes 1980, Section 256E.04, Subdivision 1, is amended to read:

Subdivision 1. The commissioner shall prepare a biennial social services plan and present the plan to the governor and the legislature. The commissioner shall update the plan biennially. The plan shall include:

(a) A statement of methods used to ensure intergovernmental coordination of state and local planning and delivery of community social services;

(b) A coordination statement setting forth the relationship of the state social services plan to any other federal, state or locally financed human services programs, including but not limited to, programs for the aged, children, the developmentally disabled, the chemically dependent, and programs related to corrections, education, vocational rehabilitation, mental health, housing, health, and employment; *and,*

(c) A (STATEMENT OF THE RELATIONSHIP OF THE STATE SOCIAL SERVICES PLAN TO COMPREHENSIVE SOCIAL, ECONOMIC, PHYSICAL, AND ENVIRONMENTAL PLANS ADOPTED BY THE REGIONAL DEVELOPMENT COMMISSIONS AND THE METROPOLITAN COUNCIL, INCLUDING THE RATIONALE FOR ANY DIFFERENCES; AND)

((D) AN EVALUATION OF THE EFFECTIVENESS OF THE PRIOR TWO YEARS PERFORMANCE OF EACH PROGRAM IN RELATION TO IDENTIFIED PUBLIC SOCIAL PROBLEMS, STATING THE MEASURABLE GOALS, OBJECTIVES, METHODS, AND OUTCOME FOR THOSE YEARS, INCLUDING THE EXTENT TO WHICH THE NUMBERS OF PERSONS AND FAMILIES PROPOSED TO BE SERVED BY EACH CATEGORY OF SOCIAL SERVICE WERE ACTUALLY SERVED, THE DIRECT COST, AND THE ADMINISTRATIVE COST PER UNIT OF SOCIAL SER-

VICE FOR EACH CATEGORY) *summary and analysis of all county biennial community social services plans.*

The commissioner shall consult with the heads of human service related state departments and agencies in preparing the coordination statement required by this subdivision.

Sec. 3. Minnesota Statutes 1980, Section 256E.05, Subdivision 2, is amended to read:

Subd. 2. [PLAN APPROVAL.] Within (30) 45 days after submission of the community social services plan by the counties pursuant to section 256E.09, subdivision (5) 4, the commissioner shall certify whether the plan fulfills the purposes and requirements of *section 256E.09, state and federal law* and the rules of the state agency. If the commissioner certifies that the plan does not do so, he shall state the reasons therefore, and the county shall have 30 days to submit a plan amended to comply with the requirements of the commissioner. If the county fails to resubmit a plan amended as required by the commissioner, the commissioner shall notify the county of his intention to reduce the next quarterly payment by an amount equal to one-third of one percent of the county's annual entitlement for each 30 day period during which the county fails to amend the plan as required by the commissioner. The county board has the right to appeal the commissioner's decision pursuant to section 256E.06, subdivision 10.

Sec. 4. Minnesota Statutes 1980, Section 256E.05, Subdivision 3, is amended to read:

Subd. 3. [ADDITIONAL DUTIES.] The commissioner shall also:

(a) Provide necessary forms and instructions to the counties for plan format and information;

(b) Eliminate or revise *the portions of all applicable department rules (AS APPROPRIATE TO ACCOMMODATE SECTIONS 256E.01 to 256E.12) which mandate counties to provide specific community social services or programs, unless the law requires the commissioner to mandate a service or program; in addition to notice required pursuant to section 15.0411, the commissioner shall give to the chairman of each county board timely advance notice and fiscal impact in writing of any proposed new rule or changes in existing rule which will have the effect of increasing county costs for community social services;*

(c) Provide training and other support services to county boards to assist in needs assessment, planning, implementing, and monitoring social services programs in the counties;

(d) Design and implement a method of monitoring and evaluating the social services (PROGRAMS) delivered within the state, and assure compliance with applicable standards, guidelines, and the county and state social services plans;

(e) Annually publish a report on community social services which shall reflect the contents of the individual county reports. The report shall be submitted to the governor and the legislature with an evaluation of community social (SERVICE PROGRAMS) services and recommendations for changes needed to fully implement state social service policies; and

(f) Request waivers from federal programs as necessary to implement sections 256E.01 to 256E.12.

Sec. 5. Minnesota Statutes 1980, Section 256E.06, Subdivision 1, is amended to read:

Subdivision 1. [FORMULA.] The commissioner of public welfare shall distribute community social service aids to each county board in an amount determined according to the following formula:

(1) In calendar year (1980) 1982 and thereafter:

(a) (AN AMOUNT EQUAL TO \$65.50 TIMES) *One-third shall be distributed on the basis of the average unduplicated number of persons who receive AFDC, general assistance, and medical assistance per month in the calendar year (1979) two years prior to the year for which funds are being distributed as reported in the average monthly caseload reports required under sections 256.01, 256B.04 and 256D.04, and certified by the commissioner of public welfare; and*

(b) (PLUS AN AMOUNT EQUAL TO \$3.05 TIMES) *One-third shall be distributed on the basis of the number of persons residing in the county as determined by the most recent data of the state demographer;*

(c) (PLUS AN AMOUNT EQUAL TO \$26.75 TIMES) *One-third shall be distributed on the basis of the number of persons residing in the county who are 65 years old or older as determined by the most recent data of the state demographer.*

((2) IN CALENDAR YEAR 1981:)

((A) AN AMOUNT EQUAL TO \$69 TIMES THE AVERAGE UNDUPLICATED NUMBER OF PERSONS WHO RECEIVE AFDC, GENERAL ASSISTANCE, AND MEDICAL ASSISTANCE PER MONTH IN CALENDAR YEAR 1979 AS REPORTED IN THE AVERAGE MONTHLY CASELOAD REPORTS REQUIRED UNDER SECTIONS 256.01, 256B.04 AND

256D.04, AND CERTIFIED BY THE COMMISSIONER OF PUBLIC WELFARE;)

((B) PLUS AN AMOUNT EQUAL TO \$3.20 TIMES THE NUMBER OF PERSONS RESIDING IN THE COUNTY AS DETERMINED BY THE MOST RECENT DATA OF THE STATE DEMOGRAPHER;)

((C) PLUS AN AMOUNT EQUAL TO \$28.25 TIMES THE NUMBER OF PERSONS RESIDING IN THE COUNTY WHO ARE 65 YEARS OLD OR OLDER AS DETERMINED BY THE MOST RECENT DATA OF THE STATE DEMOGRAPHER.)

(IF THE LEGISLATURE APPROPRIATES FOR ANY BIENNIUM A GREATER OR LESSER AMOUNT THAN THE AMOUNT DETERMINED ACCORDING TO THIS FORMULA, THE AMOUNT DUE TO THE COUNTIES BASED ON THE FORMULA IN CLAUSES (A) TO (C) SHALL BE INCREASED OR DECREASED ACCORDINGLY. THE LOCAL EFFORT REQUIRED BY SUBDIVISIONS 4 AND 5 AND ANY REDUCTIONS REQUIRED BY SUBDIVISIONS 6 TO 9 OR SECTION 256E.05, SUBDIVISION 2 SHALL BE CALCULATED ON THE BASIS OF THE AMOUNTS ACTUALLY APPROPRIATED FROM YEAR TO YEAR.)

Sec. 6. Minnesota Statutes 1980, Section 256E.06, Subdivision 2, is amended to read:

Subd. 2. [MINIMUM FUNDING LEVEL; STATE AIDS.] No county shall receive less *in state aids* for community social services under subdivision 1 in calendar years (1980 AND 1981) 1982 and 1983 than 106 percent (AND 112 PERCENT RESPECTIVELY OF THE AMOUNT OF STATE MONEY IT RECEIVED IN CALENDAR YEAR 1978 FOR MONEYS EARNED IN CALENDAR YEAR 1978 AS AUTHORIZED BY LAWS 1977, CHAPTER 453, SECTION 2 AND AS AUTHORIZED BY THE 1979 REGULAR SESSION OF THE SEVENTY-FIRST LEGISLATURE FOR THE FOLLOWING ACTIVITIES: COMMUNITY MENTAL HEALTH CENTERS PURSUANT TO SECTIONS 245.61 TO 245.691 AND 254A.07, EXCEPT MONEY AUTHORIZED FOR PROGRAMS SERVING NATIVE AMERICANS PURSUANT TO SECTION 254A.031; DEVELOPMENTAL ACHIEVEMENT CENTERS PURSUANT TO SECTIONS 252.21 TO 252.261; DAY CARE SERVICES PURSUANT TO SECTIONS 245.83 TO 245.87, EXCEPT MONEY AUTHORIZED IN THE OFFICIAL WORKSHEETS OF THE SENATE AND HOUSE CONFEREES FOR MIGRANT LABOR DAY CARE; MONEY AUTHORIZED IN THE OFFICIAL WORKSHEETS OF THE SENATE AND HOUSE CONFEREES FOR DETOXIFICATION PROGRAMS PURSUANT TO SECTION 254A.08 AND FOR HALF-WAY HOUSES FOR CHEMICALLY DEPENDENT PERSONS; AND MONEY AUTHORIZED FOR AFFECTED EM-

PLOYEES PURSUANT TO SECTION 254A.12 AND FOR SERVICES TO YOUTH AND OTHER UNDERSERVED POPULATIONS PURSUANT TO SECTION 254A.14.)

(FOR PURPOSES OF THIS SUBDIVISION, 50 PERCENT OF THE COUNTY ADMINISTRATIVE COST REIMBURSEMENT AUTHORIZED BY LAWS 1977, CHAPTER 453, SECTION 2, WHICH WAS EARNED IN CALENDAR YEAR 1978 IS CONSIDERED COMMUNITY SOCIAL SERVICE MONEY.) *of the state money it received in the immediately preceding calendar year pursuant to section 256E.06. For purposes of 1982, the state money the county received in 1981 shall be the community social service grant plus the state money it received for state fiscal year 1981 as authorized by Laws 1979, Chapter 336, Section 2 for the following activities: cost of care for mentally retarded, epileptic or emotionally handicapped children pursuant to section 252.27, subdivision 1; community mental health pilot program pursuant to section 245.72 and community-based residential programs for mentally ill persons.*

The term state funds does not include any federal money received by the state or counties for financing these services.

No county shall receive more than 130 percent of the amount received in the immediately preceding year as specified in this subdivision. (FOR THE FIRST YEAR FOLLOWING JULY 1, 1979, NO COUNTY SHALL RECEIVE MORE THAN 130 PERCENT OF THE AMOUNT RECEIVED IN 1978.) *If the amount allocated to any county pursuant to subdivision 1 is greater than this amount, the excess shall be reallocated to all counties in direct proportion to their initial allocations.*

*If the amount allocated to any county pursuant to subdivision 1 and the preceding paragraph is less than the minimum funding level of that county, its allocation shall be raised to its minimum share through an equal percentage reduction applied to all other county allocations.*

Sec. 7. Minnesota Statutes 1980, Section 256E.06, Subdivision 4, is amended to read:

Subd. 4. [LOCAL EFFORT.] Each county shall quarterly certify to the commissioner of public welfare that the county has provided from its resources funding for community social services in an amount at least equal to its state aids pursuant to the formula in subdivision 1. *Funds for community social services provided to a county by a municipal levy may, for the purposes of this section, be counted as partial fulfillment of the local levy required.*

Sec. 8. Minnesota Statutes 1980, Section 256E.06, Subdivision 5, is amended to read:

Subd. 5. [COMMUNITY SOCIAL SERVICE LEVY.] (IN CALENDAR YEAR 1979 FOR TAXES PAYABLE 1980, EACH COUNTY BOARD SHALL LEVY UPON ALL TAXABLE PROPERTY IN THE COUNTY A TAX AT LEAST EQUAL TO THE AMOUNT DETERMINED IN SUBDIVISION 1 FOR COMMUNITY SOCIAL SERVICE PROGRAMS. IN CALENDAR YEAR 1980 FOR TAXES PAYABLE 1981) *In each calendar year, for taxes payable the following year, a county board shall levy upon all taxable property in the county a tax at least equal to the amount determined in subdivision 1. All money available to counties pursuant to this section may be used by counties to match federal money.*

Sec. 9. Minnesota Statutes 1980, Section 256E.07, Subdivision 2, is amended to read:

Subd. 2. [TITLE XX TRAINING FUNDS.] The commissioner shall make determined efforts to obtain the maximum amount of training money to which the state is entitled pursuant to title XX of the social security act. (IN ALLOCATING) *The department may retain up to 15 percent of the title XX training money for administration, providing training to county and department staff, and statewide training projects. The commissioner shall allocate training money received from the federal government pursuant to title XX of the social security act, (THE COMMISSIONER SHALL,) insofar as federal regulations allow, (GIVE PREFERENCE TO TRAINING OR RETRAINING COUNTY PERSONNEL IN THE ADMINISTRATION OF COMMUNITY SOCIAL SERVICES) to each county according to the following formula:*

(a) *50 percent on the basis of the formula for the allocation of title XX funds described in section 256E.07, subdivision 1, clauses (a) and (b);*

(b) *50 percent in accordance with the county's proportionate share of the total of all counties' federal earnings in federal fiscal year 1980.*

*Each county shall certify to the commissioner the amount of title XX training money, by category of allowable federal regulation, that it needs during the federal fiscal year. The certification shall demonstrate that the county has given priority to the training and retraining of personnel who administer services included in the comprehensive annual services program plan published by the commissioner.*

*If the total amount of money needed by a county is less than the money available, the commissioner shall reallocate the remainder using the same formula to those counties needing additional money. Any federal title XX training money unused after this reallocation shall be retained by the commissioner for statewide projects so that all available federal money is*



*used within the federal fiscal year. The final allocation at the end of the federal fiscal year shall be according to the same formula.*

*A county may authorize the department to use a portion of a county's allocation to pay for training activities specific to that county or to enter into specific contractual agreements on behalf of the county.*

Sec. 10. Minnesota Statutes 1980, Section 256E.08, Subdivision 1, is amended to read:

Subdivision 1. [RESPONSIBILITIES.] The county board of each county shall be responsible for administration, planning and funding of community social services (PROGRAMS). Each county board shall singly or in combination with other county boards as provided in section 256E.09 prepare a social services plan (FOR DEVELOPMENT AND COORDINATION OF COMMUNITY SOCIAL SERVICES PROGRAMS) and shall update the plan biennially. Upon final approval of the plan by the county board or boards, the plan shall be submitted to the commissioner. The county board shall distribute money available pursuant to sections 256E.06 and 256E.07 for community social services (PROGRAMS).

*The authority and responsibilities of county boards for social services for groups of persons identified in section 256E.03, subdivision 2, shall include contracting for or directly providing: (1) an assessment of the needs of each person applying for services which estimates the nature and extent of the problem to be addressed and identifies the means available to meet the person's needs for services; (2) protection for persons whose safety, health or well-being is at risk by providing services directed at the goal of attaining the highest level of independent functioning appropriate to the individual preferably without removing those persons from their homes; (3) a means of facilitating access of physically handicapped or impaired persons to services appropriate to their needs.*

Sec. 11. Minnesota Statutes 1980, Section 256E.08, Subdivision 7, is amended to read:

Subd. 7. [COUNTY OF FINANCIAL RESPONSIBILITY.] *Except for detoxification services, the county responsible for payment for community social services is the county in which the recipient of services resides at the time of application. The county of financial responsibility does not change as a result of referral or approval of referral for services to another county by the county of financial responsibility. Minors are considered as residing in the county in which their parents or guardians reside. When a minor reaches the age of 18, the county of financial responsibility is the county in which the minor resides. If a person continues in residential care or treatment after reach-*

ing the age of 18, the county which initiated the treatment is the county of financial responsibility. *When there is a dispute as to the county of financial responsibility, the county providing or arranging for services shall pay for them pending final determination of the county of settlement. When the county board providing the care or service is not the county of the minor's legal settlement, it has a claim for recovery of costs upon the county where the minor has settlement. The county of financial responsibility for detoxification services is the county where the client is when the need for services is identified.*

Sec. 12. Minnesota Statutes 1980, Section 256E.08, Subdivision 9, is amended to read:

Subd. 9. [REDUCTION IN SERVICES PROHIBITED.] In calendar years (1980) 1982 and (1981) 1983 the county board shall not reduce the funding provided in calendar year (1979) 1980 for the following (SERVICES) service: (CHILD CARE, MENTAL HEALTH, CHEMICAL DEPENDENCY, AND MENTAL RETARDATION SERVICES, INCLUDING DEVELOPMENTAL ACHIEVEMENT CENTERS) *cost of care for mentally retarded, epileptic or emotionally handicapped children.*

Sec. 13. Minnesota Statutes 1980, Section 256E.09, Subdivision 1, is amended to read:

Subdivision 1. [PLAN PROPOSAL.] Commencing in 1980, and every two years thereafter, the county board shall (, ON OR BEFORE MAY 1 OF THAT YEAR,) publish and make available upon request to all residents of the county a proposed biennial community social services plan.

Sec. 14. Minnesota Statutes 1980, Section 256E.09, Subdivision 3, is amended to read:

Subd. 3. [PLAN CONTENT.] The biennial community social services plan published by the county shall include:

(a) A statement of the goals of community social service programs in the county;

(b) Methods used pursuant to subdivision 2 to encourage participation of citizens and providers in the development of the plan and the allocation of money;

(c) Methods used to identify persons in need of service and the social problems to be addressed by the community social service programs, *including efforts the county proposes to make in providing for early intervention, prevention and education aimed at minimizing or eliminating the need for services for groups of persons identified in section 256E.03, subdivision 2;*

(d) *A statement describing how the county will fulfill its responsibilities in section 10 to the groups of persons described in section 256E.03, subdivision 2, and a description of each community social service proposed and identification of the agency or person proposed to provide the service. The plan shall specify how the county proposes to make the following services available for persons identified by the county as in need of services: daytime developmental achievement services, subacute detoxification services, residential services and nonresidential social support services as appropriate for the groups identified in section 256E.03, subdivision 2;*

(e) The amount of money proposed to be allocated to each service;

(f) An inventory of public and private resources *including associations of volunteers* which are available to the county for social services;

(g) Evidence that serious consideration was given to the purchase of services from private and public agencies; and

(h) Methods whereby community social service programs will be monitored and evaluated by the county.

Sec. 15. Minnesota Statutes 1980, Section 256E.09, is amended by adding a subdivision to read:

*Subd. 6. [PLAN AMENDMENT.] After providing opportunity for public comment, the county may amend its plan. After approval of the amendment by the county board, the county shall submit its amendment to the commissioner. He shall certify whether the amendment fulfills the purpose and requirements of law and the rules of the state agency.*

Sec. 16. Minnesota Statutes 1980, Section 256E.10, is amended to read:

#### 256E.10 [PROGRAM EVALUATION.]

*Subdivision 1. [COUNTY EVALUATION.] Beginning in calendar year 1981, each county shall submit to the commissioner a report on the effectiveness of the community social service programs in the county. The commissioner in collaboration with county boards shall prescribe standard methods to be used by the counties in making the report. The report shall be submitted no later than (JANUARY 15) *March 1* of each year and shall include:*

(a) The number and type of recipients of each service; and

(b) An evaluation on the basis of measurable program objectives and performance criteria for each county social service program.

*Subd. 2. [STATEWIDE EVALUATION.] At the end of the first year covered by the county biennial plan, the commissioner shall prepare a report on the counties' progress in carrying out their plan and make it available to interested parties.*

*At the end of each period covered by the counties' biennial community social services plan, the commissioner shall prepare an evaluation of the effectiveness of the prior two years performance of each program in relation to identified public social problems, stating the measurable goals, objectives, methods, and outcome for those years, including the extent to which the numbers of persons and families proposed to be served by each category of social service were actually served, the direct cost, and the administrative cost per unit of social service for each category.*

Sec. 17. Minnesota Statutes 1980, Section 256E.12, Subdivision 3, is amended to read:

Subd. 3. The commissioner shall allocate grants under this section to finance up to 90 percent of each county's costs for services for chronically mentally ill persons. The commissioner shall promulgate temporary rules to govern grant applications, approval of applications, allocation of grants, and maintenance of financial statements by grant recipients. The commissioner shall require collection of data and periodic reports as the commissioner deems necessary to demonstrate the effectiveness of the services in helping chronically mentally ill persons remain and function in their own communities. The commissioner shall report to the legislature no later than January 15, 1981 on the effectiveness of the experimental program and his recommendations regarding making this program an integral part of the social development programs administered by counties. The experimental program shall expire no later than June 30, (1981) 1983.

Sec. 18. Minnesota Statutes 1980, Section 245.64, is amended to read:

#### 245.64 [FUNDS ALLOCATED.]

In preparing the biennial plan prescribed in section (256E.05) 256E.09, the county board shall allocate available funds to the mental health programs in accordance with such approved plans and budgets. The county board may, from time to time during the year, review the budgets and expenditures of the various programs and if funds are not needed for a program to which they were allocated, it may, after reasonable notice and opportunity for hearing, withdraw such funds as are unencumbered and reallocate them to other programs. The county board may withdraw funds from any program which is not being administered in accordance with its approved plan and budget.

Sec. 19. Minnesota Statutes 1980, Section 245.66, is amended to read:

**245.66 [COMMUNITY MENTAL HEALTH CENTER BOARDS.]**

Every city, town, combination thereof or *nonprofit* corporation establishing a community mental health (SERVICES PROGRAM) *center under contract with a county board or human service board* shall, before it may come within the provisions of sections 245.61 to 245.69 and receive funds from the county board or human service board, establish a community mental health center board. (WHEN A COMBINATION OF SIX OR LESS POLITICAL SUBDIVISIONS ESTABLISH A PROGRAM, THE BOARD SHALL CONSIST OF AT LEAST NINE MEMBERS, BUT NOT MORE THAN TWELVE MEMBERS, AT THE OPTION OF THE SELECTION COMMITTEE. WHEN SEVEN OR MORE POLITICAL SUBDIVISIONS ESTABLISH A PROGRAM THE BOARD SHALL CONSIST OF AT LEAST NINE MEMBERS, BUT NOT MORE THAN FIFTEEN MEMBERS, AT THE OPTION OF THE SELECTING COMMITTEE. WHEN ANY CITY, COUNTY OR TOWN SINGLY ESTABLISHES A PROGRAM, THE BOARD SHALL BE APPOINTED BY THE CHIEF EXECUTIVE OFFICER OF THE CITY OR THE CHAIRMAN OF THE GOVERNING BODY OF THE COUNTY OR TOWN. WHEN THE COUNTY CONTRACTS WITH A NON PROFIT CORPORATION TO OPERATE THE PROGRAM, THE CORPORATION SHALL SELECT A COMMUNITY MENTAL HEALTH BOARD WHICH SHALL BE REPRESENTATIVE OF THE GROUPS HEREIN ENUMERATED, BUT THE NUMBER OF MEMBERS NEED NOT BE NINE. WHEN ANY COMBINATION OF THE POLITICAL SUBDIVISIONS HEREIN ENUMERATED ESTABLISHES A COMMUNITY MENTAL HEALTH SERVICES PROGRAM, THE CHIEF EXECUTIVE OFFICER OF EACH PARTICIPATING CITY AND THE CHAIRMAN OF THE GOVERNING BODY OF EACH PARTICIPATING COUNTY OR TOWN SHALL APPOINT TWO MEMBERS TO A SELECTING COMMITTEE, WHICH SHALL SELECT THE MEMBERS OF THE BOARD. MEMBERSHIP OF) The community mental health center boards (SHALL) may include (AT LEAST ONE) county commissioner (REPRESENTATIVE) representatives from each participating county and shall (ALSO) be representative of local health departments, medical societies, (COUNTY WELFARE BOARDS,) hospital boards, lay associations concerned with mental health, mental retardation and chemical dependency, labor, agriculture, business, civic and professional groups and the general public. Membership may include a representative from any county which purchases substantial services from the community mental health board. (NOTHING SHALL PREVENT A COUNTY OR COMMUNITY MENTAL HEALTH BOARD FROM PURCHASING SERVICES FROM AN AGENCY OUTSIDE THE BOUNDARIES OF THE MINNESOTA ECONOMIC DEVELOP-

MENT REGION) *Each community mental health center board shall be responsible for the governing of its center and shall be responsible for the performance of the center under any contracts entered into with a county board of commissioners or human services board. This governing shall include determination of the services to be provided by the community mental health center, establishment of the annual budget, appointment of the center director, and establishment of personnel standards and compensation for employees of the center.*

Sec. 20. Minnesota Statutes 1980, Section 245.84, Subdivision 2, is amended to read:

Subd. 2. Within the limit of appropriations available and subject to the allocation requirements of section 245.87 the commissioner shall establish (AN EXPERIMENTAL) a program to make grants to counties for the purpose of reducing according to a sliding fee schedule the costs of child care for eligible families. The commissioner shall promulgate (TEMPORARY) rules to govern the (EXPERIMENTAL) program in accordance with this subdivision. *No later than April 1 of each odd-numbered year, the commissioner shall notify all county boards of the procedures for applying for sliding fee program grants. No later than June 1 of each odd-numbered year, each county wishing to participate in the sliding fee program shall apply to the commissioner for a grant. No later than July 1 of that year, the commissioner shall allocate to all counties that apply and agree to comply with the provisions of sections 245.84 to 245.87 grants in the amounts determined by rule. The commissioner shall require collection of data and periodic reports as the commissioner deems necessary to demonstrate the effectiveness of the program in preventing and reducing dependence of participants on public assistance and in providing other benefits. The commissioner shall report to the legislature no later than January 15 (, 1981 ON THE EFFECTIVENESS OF THE EXPERIMENTAL PROGRAM AND MAKE RECOMMENDATIONS REGARDING MAKING THIS PROGRAM AN INTEGRAL PART OF THE CHILD CARE SERVICES ADMINISTERED BY THE COUNTIES. THE EXPERIMENTAL PROGRAM SHALL EXPIRE NO LATER THAN JUNE 30, 1981) of each odd-numbered year of the effectiveness of the program.*

In addition to payments from parents, contributions to the cost of the program shall be made by grantees as follows: 5 percent in the first grant year, 15 percent in the second and subsequent grant (YEAR) years.

*The county board shall establish the income range for eligibility of families (ELIGIBLE) for the sliding fee program, which shall be (THOSE HAVING) not less than the minimum nor more than the maximum income range, as follows: (a) the minimum income range includes families having income above the maximum allowable for Title XX fully subsidized child care*

but less than 70 percent of the state median income for a family of four adjusted for family size as that median appears in the then current Title XX comprehensive annual services program plan issued by the state department of public welfare; (AND) (b) *the maximum income range includes families having income above the maximum allowable for Title XX fully subsidized child care but less than 90 percent of the state median income for a family of four adjusted for family size as that median appears in the then current Title XX comprehensive annual services program plan issued by the state department of public welfare. Families having parents determined by the commissioner, according to criteria which the commissioner shall establish, to be unable to care for the child because of employment, school attendance or other circumstances are eligible for the sliding fee program.*

In setting the sliding fee schedule, the commissioner shall exclude from the amount of income (SPECIFIED IN CLAUSE (A) OF THE PRECEDING PARAGRAPH FOR DETERMINING) *used to determine eligibility under the income range established by the county board* an amount for federal and state income and social security taxes attributable to that (PORTION OF) *income level according to federal and state standardized tax tables. The total fee charged for child care to any family shall not exceed 75 percent of the income so determined to be above the maximum allowable for fully subsidized child care.*

In each case where the grantee charges a fee that is less than the fee set by the commissioner for the same service, the state's payment shall be limited to the difference between the fee set by the commissioner and the charge for care.

In cases where the provider of the child care service charges in excess of 125 percent of the median charge for like care arrangements in the geographic area defined by the commissioner for the purposes of ascertaining such median charge, the state's payment shall be limited to the difference between 125 percent of the median charge for like care arrangements in the geographic area and the parents' fee.

Sec. 21. Minnesota Statutes 1980, Section 245.84, Subdivision 5, is amended to read:

Subd. 5. The county shall biennially develop a plan for the distribution of funds for child care services as part of the community social services plan prescribed in section (256E.05) *256E.09*. All licensed child care programs shall be given written notice concerning the availability of funds and the application process.

Sec. 22. Minnesota Statutes 1980, Section 252.21, is amended to read:

**252.21. [COUNTY BOARDS (MAY MAKE) GRANTS FOR DEVELOPMENTAL ACHIEVEMENT (CENTERS FOR THE MENTALLY RETARDED AND CEREBRAL PALSIED) SERVICES.]**

In order to assist (IN THE ESTABLISHMENT OF DEVELOPMENTAL ACHIEVEMENT CENTERS FOR THE MENTALLY RETARDED AND CEREBRAL PALSIED) *county boards in carrying out responsibilities for the provision of daytime developmental achievement services for eligible persons*, the county board or boards are hereby authorized (AND DIRECTED) to make grants, within the limits of the money appropriated, (TO) *for developmental achievement (CENTERS FOR THE MENTALLY RETARDED AND CEREBRAL PALSIED) services.*

Sec. 23. Minnesota Statutes 1980, Section 252.24, Subdivision 1, is amended to read:

Subdivision 1. [SELECTION OF DEVELOPMENTAL ACHIEVEMENT CENTERS.] The county board shall (SELECT THOSE APPLICANTS FOR ASSISTANCE AND GRANT THEM ASSISTANCE, AS PROVIDED IN SUBDIVISION 3, WHOSE) *administer developmental achievement services and provide for transportation for persons who fulfill the eligibility requirements of section 252.23, clause (1) if provision for this transportation is not unreasonably burdensome to the county board and if a more efficient, reasonable, alternative means of transportation does not exist. The county board may contract for developmental achievement services and transportation from a center (LOCATION AND PROGRAM) which is licensed under the provisions of sections 245.781 to 245.813, 252.28, and 257.175, and in the board's opinion, best provides daytime (ACTIVITIES) developmental achievement services for mentally retarded and cerebral palsied persons within the appropriation made available for this purpose. Daytime developmental achievement services administered by the county board shall comply with standards established by the commissioner pursuant to subdivision 2.*

Sec. 24. Minnesota Statutes 1980, Section 252.24, Subdivision 3, is amended to read:

Subd. 3. [PAYMENT PROCEDURE.] The board at the beginning of each year, shall allocate available funds to developmental achievement (CENTER PROGRAMS) *services for disbursement during the year to those centers that have been selected to receive grants and whose plans and budgets have been approved. The board shall, from time to time during the fiscal year, review the budgets, expenditures and programs of the various centers and if it determines that any amount of funds are not needed for any particular center to which they were allocated, it may, after 30 days' notice, withdraw such funds as are*



unencumbered and reallocate them to other centers. It may withdraw all funds from any center upon 90 days' notice whose program is not being administered in accordance with its approved plan and budget.

Sec. 25. Minnesota Statutes 1980, Section 252.24, Subdivision 4, is amended to read:

Subd. 4. [FEES.] The *county* board (OF DIRECTORS OF A DEVELOPMENTAL ACHIEVEMENT CENTER) may, with the approval of the (COUNTY BOARD AND THE) commissioner, (CHARGE A REASONABLE ATTENDANCE FEE, BASED ON THE ABILITY OF THE MENTALLY RETARDED OR CEREBRAL PALSTED PERSON, HIS GUARDIAN OR FAMILY TO PAY SUCH A FEE) *establish a schedule of fees for daytime developmental achievement services as provided in section 256E.08, subdivision 6.* No mentally retarded or cerebral palsied person shall be denied (PARTICIPATION IN THE ACTIVITIES OF SUCH A CENTER) *daytime developmental achievement services* because of an inability to pay such a fee.

Sec. 26. Minnesota Statutes 1980, Section 252.27, Subdivision 1, is amended to read:

Subdivision 1. Whenever any child who is mentally retarded, epileptic or emotionally handicapped is in 24 hour care outside the home and outside the state institutions, in a facility licensed by the commissioner of public welfare, the cost of care shall be paid by the county of financial responsibility determined pursuant to section (256D.18) *256E.08, subdivision 7.* If the child's parents or guardians do not reside in this state, the cost shall be paid by the county in which the child is found. (THE COUNTY PAYING THE COSTS OF CARE AND TREATMENT SHALL, SUBJECT TO RULES PROMULGATED BY THE COMMISSIONER OF PUBLIC WELFARE, RECEIVE REIMBURSEMENT NOT EXCEEDING 70 PERCENT OF THE COSTS FROM FUNDS MADE AVAILABLE FOR THIS PURPOSE BY THE LEGISLATURE. REIMBURSEMENT SHALL CEASE WHEN THE MENTALLY RETARDED, EPILEPTIC OR EMOTIONALLY HANDICAPPED CHILD REACHES AGE 18. IF THE STATE APPROPRIATION FOR THIS PURPOSE IS INSUFFICIENT, REIMBURSEMENT SHALL BE PRORATED.) For the purposes of this section an "emotionally handicapped child" means any child having a psychiatric or other emotional disorder which substantially impairs his mental health and who requires 24 hour treatment or supervision.

Sec. 27. Minnesota Statutes 1980, Section 252.27, Subdivision 2, is amended to read:

Subd. 2. The commissioner of public welfare shall promulgate rules to determine the responsibility of the parents and the

child to contribute to the cost of care and treatment based upon ability to pay. Responsibility of the parents (AND OF THE CHILD) for the cost of care shall be up to a maximum of (\$125) *ten percent of the cost of care per month. Responsibility of the child for the cost of care shall be up to the maximum amount of the total income and resources attributed to the child except for the clothing and personal needs allowance as provided in section 256B.35, subdivision 1.* Reimbursement by the parents and child shall be made to the county making any payments for care and treatment. The (COMMISSIONER) *county board* may require payment of the full cost of caring for children whose parents or guardians do not reside in this state. The commissioner's determination shall be conclusive in any action to enforce payment of the cost of care. Any appeals from the commissioner's determination shall be made pursuant to section 256.045, subdivisions 2 and 3.

Sec. 28. Minnesota Statutes 1980, Section 254A.03, Subdivision 1, is amended to read:

Subdivision 1. There is hereby created an alcohol and other drug abuse section in the department of public welfare. This section shall be headed by a director who shall be in the unclassified service. The section shall:

(a) conduct and foster basic research relating to the cause, prevention and methods of diagnosis, treatment and rehabilitation of alcoholic and other drug dependent persons;

(b) coordinate all activities and programs of all the various state departments as they relate to alcohol and other drug dependency and abuse problems;

(c) develop and demonstrate new methods and techniques for the prevention, treatment and rehabilitation of alcohol and other drug abuse and dependency problems;

(d) gather and disseminate facts and information about alcoholism and other drug dependency and abuse to public and private agencies and the courts so requesting such information for guidance to and assistance in prevention, treatment and rehabilitation;

(e) inform and educate the general public on alcohol and other drug dependency and abuse problems;

(f) serve as the state authority concerning alcohol and other drug dependency and abuse;

(g) establish a state plan which shall set forth goals and priorities within a comprehensive alcohol and other drug dependency and abuse program for Minnesota. All governmental units

operating alcohol and other drug abuse or dependency programs or administering state or federal funds for such programs shall annually set their program goals and priorities (AND ALLOCATE FUNDS IN ACCORDANCE WITH THE COMPREHENSIVE STATE PLAN);

(h) make contracts with and grants to public and private agencies and organizations, both profit and nonprofit, and individuals (FOR THE PROVISION OF COMPREHENSIVE PROGRAM SERVICES) *using federal funds, and state funds as authorized to pay for costs of state administration, including evaluation, statewide programs and services, research and demonstration projects, and American Indian programs;*

(i) solicit and accept any gift of money or property for purposes of Laws 1973, Chapter 572, and any grant of money, services, or property from the federal government, the state, any political subdivision thereof, or any private source;

(j) with respect to alcohol and other drug abuse programs serving the American Indian community, establish guidelines for the employment of personnel with considerable practical experience in alcohol and other drug abuse problems, and understanding of social and cultural problems related to alcohol and other drug abuse, in the American Indian community.

Sec. 29. Minnesota Statutes 1980, Section 254A.05, Subdivision 1, is amended to read:

Subdivision 1. (a) The council shall assist in the formulation of policies and guidelines for the implementation of the commissioner's responsibilities in the area of alcohol and drug abuse.

(b) The council shall advise the commissioner and director on policies, goals, and the operation of the comprehensive state plan for alcohol and drug abuse program services in the state and other matters as directed by the commissioner and director, and shall encourage public understanding and support of the alcohol and drug abuse programs.

(c) The council shall make recommendations to the commissioner regarding grants (OF FEDERAL MONEY TO COUNTY BOARDS UNDER SECTION 254A.07) *and contracts using federal funds, and state funds as authorized under section 254A.03, subdivision 1, clause (h), and for American Indian chemical dependency programs authorized by section 254A.031.*

Sec. 30. Minnesota Statutes 1980, Section 254A.07, Subdivision 2, is amended to read:

Subd. 2. The county boards may make grants for comprehensive programs for prevention, care, and treatment of alcohol and other drug abuse as developed and defined by the state authority. Grants made for programs serving the American Indian community shall take into account the guidelines established in section 254A.03, subdivision 1, clause (j). Grants may be made for the cost of these comprehensive programs and services whether provided directly by county boards or by other public and private agencies and organizations, both profit and nonprofit, and individuals, pursuant to contract. Nothing herein shall prevent the state authority from entering into contracts with and making grants to other state agencies for the purpose of providing specific services and programs. *With the approval of the county board, the state authority may make grants or contracts for research or demonstration projects specific to needs within that county.*

Sec. 31. Minnesota Statutes 1980, Section 254A.08, Subdivision 1, is amended to read:

Subdivision 1. Every county board shall provide (A) detoxification (PROGRAM) *services* for drug dependent persons. The board may utilize existing treatment programs and other agencies to meet this responsibility.

Sec. 32. [REPEALERS.]

*Minnesota Statutes 1980, Sections 245.67; 245.68; 245.72; 252.26; 256E.06, Subdivision 11; 256E.08, Subdivision 9; and 261.27 are repealed.*

Sec. 33. [EFFECTIVE DATE.]

*This act is effective January 1, 1982 except that section 20 is effective the day following final enactment. In 1981, the commissioner shall send notice of the availability of sliding fee program grants as soon as possible following the effective date. For counties applying for grants in 1981 under section 20 that have not received grants under Laws 1979, Chapter 307, the application deadline is June 8; the counties shall apply as soon as possible after the effective date of sections 1 to 3 and the commissioner shall make grants in 1981 under section 1 no later than July."*

Delete the title and insert:

"A bill for an act relating to community social services; defining groups of persons for whom counties are responsible; establishing certain funding levels; clarifying sections of the community social services act; amending Minnesota Statutes 1980, Sections 245.64; 245.66; 245.84, Subdivisions 2 and 5; 252.21; 252.24, Subdivisions 1, 3 and 4; 252.27, Subdivisions 1

and 2; 254A.03, Subdivision 1; 254A.05, Subdivision 1; 254A.07, Subdivision 2; 254A.08, Subdivision 1; 256E.03, Subdivision 2; 256E.04, Subdivision 1; 256E.05, Subdivisions 2 and 3; 256E.06, Subdivisions 1, 2, 4, and 5; 256E.07, Subdivision 2; 256E.08, Subdivisions 1, 7 and 9; 256E.09, Subdivisions 1, 3, and by adding a subdivision; 256E.10; and 256E.12, Subdivision 3; repealing Minnesota Statutes 1980, Sections 245.67; 245.68; 245.72; 252.26; 256E.06, Subdivision 11; 256E.08, Subdivision 9; and 261.27."

With the recommendation that when so amended the bill pass.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 6, A bill for an act relating to commerce; prohibiting certain sales of gasoline for prices which are determined by certain factors other than actual gallonage received; proposing new law coded in Minnesota Statutes, Chapter 296.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 296.05, is amended by adding a subdivision to read:

*Subd. 7. [SALES OF CERTAIN PETROLEUM PRODUCTS ON GROSS VOLUME BASIS.] The sale of gasoline, number one and number two diesel oils and number one and number two fuel oils and kerosene from a supplier's terminal rack through retail on any other basis than gross volume is prohibited."*

Delete the title and insert:

"A bill for an act relating to commerce; prohibiting the sale of certain petroleum products on any basis other than gross volume; amending Minnesota Statutes 1980, Section 296.05, by adding a subdivision."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, M., from the Committee on Appropriations to which was referred:

H. F. No. 12, A bill for an act relating to public utilities; requiring commission approval of interim rate changes; amending Minnesota Statutes 1980, Sections 216B.16, Subdivision 3; and 237.075, Subdivision 3.

Reported the same back with the following amendments:

Page 2, line 1, delete "*clear*"

Page 2, line 2, delete "*and compelling*"

Page 4, line 2, delete "*clear and compelling*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 25, A bill for an act relating to courts; changing the compensation of Hennepin County conciliation court referees; amending Minnesota Statutes 1980, Section 488A.13, Subdivision 1.

Reported the same back with the following amendments:

Page 2, line 5, after "*commissioners.*" strike the balance of the line

Page 2, strike lines 6 and 7 and insert:

"Sec. 2. Minnesota Statutes 1980, Section 488A.08, Subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] Misdemeanor violation bureaus shall be established at Minneapolis, Bloomington, (ST. LOUIS PARK, WAYZATA, AND CRYSTAL AND AT SUCH ADDITIONAL PLACES AS A MAJORITY OF THE JUDGES OF THE COURT MAY ESTABLISH CONSISTENT WITH RULE 23 OF THE RULES OF CRIMINAL PROCEDURE) *and at such other northern and western suburban locations disbursed throughout the county as may be designated by a majority of the judges of the court.*"

Amend the title as follows:

Page 1, line 3, after the semicolon insert "providing for the establishment of misdemeanor violation bureaus for Hennepin County;"

Page 1, line 4, delete "Section" and insert "Sections 488A.08, Subdivision 1; and"

With the recommendation that when so amended the bill pass.

The report was adopted.

Eken from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 35, A resolution memorializing Congress to enact legislation relating to the early release of election returns.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 54, A bill for an act relating to meetings of public bodies; allowing public employers to determine negotiation strategy at a nonpublic meeting; amending Minnesota Statutes 1980, Section 471.705, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1980, Section 471.705, is amended by adding a subdivision to read:

*Subd. 1a. [EXCEPTION.] Subdivision 1 does not apply to a meeting held pursuant to the procedure in this subdivision. The governing body of a public employer shall by a majority vote in a public meeting decide to hold a closed meeting to consider strategy for a labor negotiation with its employees conducted pursuant to sections 179.61 to 179.76. The time of commencement and place of the closed meeting shall be announced at the public meeting. A written roll of members and all other persons present at the closed meeting shall be made available to the public after the closed meeting. The proceedings of a closed meeting to discuss negotiation strategies shall be tape recorded at the expense of the governing body and shall be preserved by it for two years after the contract is signed and shall be made available to the public after all labor contracts are signed by the governing body for the current budget period.*

*If an action is brought claiming that public business other than discussions of labor negotiation strategies or development, discussion, or review of labor negotiation proposals was transacted at a closed meeting held pursuant to this subdivision during the time when the tape is not available to the public, the court shall review the recording of the meeting in camera. If the*

*court determines that no violation of this section is found based on the recording in question, the action shall be dismissed and the recording shall be preserved in the records of the court, to be made available only to a reviewing court in the event of an appeal. If the court determines that a violation of this section is found based on the recording, the recording may be introduced at trial in its entirety subject to such protective orders as requested by either party and deemed appropriate by the court.*

*The prevailing party in an action which establishes that a violation of this section has occurred shall recover costs and reasonable attorney's fees as determined by the court.*

**Sec. 2. [EFFECTIVE DATE.]**

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

With the recommendation that when so amended the bill pass.

The report was adopted.

**Munger from the Committee on Environment and Natural Resources to which was referred:**

**H. F. No. 126, A bill for an act relating to waters; requiring posting and publication of notice of aeration operations by a municipality or political subdivision; establishing a presumption of due care; proposing new law coded in Minnesota Statutes, Chapter 378.**

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [378.22] [WATER AERATION SAFETY.]**

*Subdivision 1. [WARNING SIGNS.] Any permittee operating an aeration system on public waters within the state shall comply with the sign posting requirements of this section and applicable rules and orders of the commissioner of natural resources.*

*Subd. 2. [POSTING REQUIREMENTS.] 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, with at least two additional signs between the corner signs on any side exceeding 100 feet in length.*

*Subd. 3. [ACCESS POINTS.] Additional signs shall be posted by the permittee on the shoreline of public waters con-*



*taining an aeration system at each public or private access point. The signs shall comply with the applicable order of the commissioner of natural resources.*

*Subd. 4. [PUBLICATION OF NOTICE.] Advance public notice of the commencement of any aeration system, authorized by a permit from the commissioner of natural resources during periods of ice cover on public waters, shall be given by the permittee. Minimum notice shall consist of publication of the location and date of commencement of the system in a newspaper of general circulation in the area where the system is proposed to be operated at least two times between five and 20 days prior to commencement.*

*Subd. 5. [EVIDENCE.] In any action for negligence arising out of the conduct of aeration operations authorized by a permit from the commissioner of natural resources during periods of ice cover on public waters, evidence of compliance with the posting and publication requirements of this section and applicable rules, orders and permit provisions of the commissioner of natural resources shall be prima facie evidence of the exercise of due care by the permittee."*

Amend the title as follows :

Page 1, line 3, delete "municipality or" and insert "permittee of the commissioner of natural resources"

Page 1, line 4, delete "political subdivision"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred :

H. F. No. 137, A bill for an act relating to state government; creating an office for promotion of efficiency and productivity in state government; protecting state employees disclosing certain information; appropriating money; proposing new law coded in Minnesota Statutes, Chapters 15 and 43.

Reported the same back with the following amendments :

Delete everything after the enacting clause and insert :

"Section 1. [3.861] [LEGISLATIVE COMMISSION ON EFFICIENCY AND ECONOMY IN STATE GOVERNMENT.]

*Subdivision 1. [PURPOSE; CREATION.] The legislature recognizes that it has a continuing responsibility to ensure that state government services operate as efficiently and as economically as possible. The legislature further recognizes that the dedication, skill and talent of state employees have contributed to efficient government and that the legislature has a responsibility to encourage and promote these qualities. To help meet these responsibilities there is hereby created a legislative commission on efficiency and economy in government.*

*Subd. 2. [COMPOSITION.] The legislative commission on efficiency and economy in state government is composed of six members of the senate and six members of the house of representatives. The senate members shall include the leader of the majority caucus or his designee, the chairman of the finance committee or his designee, the chairman of the governmental operations committee or his designee, the chairman of the employment committee or his designee, and two members designated by the leader of the minority caucus. The house members shall include the speaker of the house or his designee, the chairman of the appropriations committee or his designee, the chairman of the governmental operations committee or his designee, the chairman of the labor-management committee or his designee, and two members designated by the leader of the minority caucus. The chairmanship of the commission shall alternate every second year between a member of the senate and a member of the house. The commission shall elect other officers as it may determine necessary. It shall meet at the call of the chairman. The members of the commission shall serve without compensation but shall be reimbursed for their reasonable expenses as members of the legislature. The commission may exercise the powers prescribed by section 3.153. The commission members shall be appointed within 30 days of the effective date of this section.*

*Subd. 3. [GENERAL DUTIES.] The commission shall:*

*(a) Make periodic reports to the legislature on ways to improve, streamline, merge or discontinue state services so that the best service may be provided to the public at the least cost;*

*(b) Monitor and report to the legislature on the implementation of recommendations made by the staff of the commission and by other groups to improve efficiency and productivity in state government;*

*(c) Research and analyze means of improving efficiency, productivity and economy in state government;*

*(d) Adopt rules consistent with this section relating to the scheduling and conduct of commission business and other organizational and procedural matters; and*

(e) *Perform other related functions as are delegated to it by the legislature.*

*Charges of abuse of authority, corruption or general malfeasance in state government brought to the commission shall be transmitted by the commission in writing to the legislative auditor.*

*Subd. 4. [STAFF.] The committee on rules and administration in the senate and the committee on rules and legislative administration in the house of representatives shall designate existing legislative staff to serve as staff for the commission. The secretary of the member appointed chairman shall serve as the secretary for the commission.*

**Sec. 2. [EFFECTIVE DATE.]**

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

**Sec. 3. [REPEALER.]**

*Section 1 is repealed effective June 30, 1985."*

Delete the title and insert:

"A bill for an act relating to the legislature; establishing a legislative commission on efficiency and economy in state government; proposing new law coded in Minnesota Statutes, Chapter 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 138, A bill for an act relating to courts; authorizing the judges of the sixth judicial district to set the salaries of court reporters.

Reported the same back with the following amendments:

Page 1, line 14, delete "*at an amount not exceeding \$28,500 per year*"

Page 2, after line 15, add a new section to read:

**"Sec. 2. [EFFECTIVE DATE.]**

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

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 192, A bill for an act relating to labor; regulating migrant labor; requiring employers and recruiters to provide employment statements to migrant workers; setting requirements for employment statements and for payment of wages to migrant workers; providing for private causes of action; proposing new law coded in Minnesota Statutes, Chapter 181.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [181.85] [DEFINITIONS.]

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

*Subd. 2. [AGRICULTURAL LABOR.] “Agricultural labor” means field labor associated with the cultivation and harvest of fruits and vegetables and work performed in processing fruits and vegetables for market.*

*Subd. 3. [MIGRANT WORKER.] “Migrant worker” means an individual at least 17 years of age who travels more than 100 miles to Minnesota from some other state to perform seasonal agricultural labor in Minnesota.*

*Subd. 4. [EMPLOYER.] “Employer” means a processor of fruits or vegetables that employs, either directly or indirectly through a recruiter, more than 30 migrant workers per day for more than seven days in any calendar year.*

*Subd. 5. [RECRUIT.] “Recruit” means to induce an individual, directly or indirectly through an agent or recruiter, to travel to Minnesota to perform agricultural labor by an offer of employment or of the possibility of employment.*

*Subd. 6. [RECRUITER.] “Recruiter” means an individual or person other than an employer that for a fee, either for itself or for another individual or person, solicits, hires, or furnishes migrant workers, excluding members of an individual recruiter's immediate family, for agricultural labor to be performed for an employer in this state. “Recruiter” does not include a public agency providing employment services.*

**Sec. 2. [181.86] [EMPLOYMENT STATEMENT.]**

*Subdivision 1. [TERMS.] An employer that recruits a migrant worker shall provide the migrant worker, at the time the worker is recruited, with a written employment statement which shall state clearly and plainly, in English and Spanish:*

*(1) The date on which and the place at which the statement was completed and provided to the migrant worker;*

*(2) The name and permanent address of the migrant worker, of the employer, and of the recruiter who recruited the migrant worker;*

*(3) The date on which the migrant worker is to arrive at the place of employment, the date on which employment is to begin, the approximate hours of employment, and the minimum period of employment;*

*(4) The crops and the operations on which the migrant worker will be employed;*

*(5) The wage rates to be paid;*

*(6) The payment terms, as provided in section 3;*

*(7) Any deduction to be made from wages; and*

*(8) Whether housing will be provided.*

*Subd. 2. [CONTRACT.] The employment statement is an enforceable contract between the migrant worker and the employer.*

**Sec. 3. [181.87] [PAYMENT TERMS.]**

*Subdivision 1. [ENTITLED TO PAYMENT.] Each migrant worker who is recruited by an employer is entitled to payment in accordance with this section.*

*Subd. 2. [BIWEEKLY PAY.] The employer shall pay wages due to the migrant worker at least every two weeks, except on termination, when the employer shall pay within three days.*

*Subd. 3. [GUARANTEED HOURS.] The employer shall guarantee to each recruited migrant worker a minimum of 70 hours pay for work in any two successive weeks and, should the pay for hours actually offered by the employer and worked by the migrant worker provide a sum of pay less than the minimum guarantee, the employer shall pay the migrant worker the difference within three days after the scheduled payday for the pay period involved. Payment for the guaranteed hours shall be at the hourly wage rate, if any, specified in the employment statement, or the federal minimum wage, whichever is higher. Any pay in addition to the hourly wage rate specified in the*

*employment statement shall be applied against the guarantee. This guarantee applies for the minimum period of employment specified in the employment statement beginning with the date on which employment is to begin as specified in the employment statement. The date on which employment is to begin may be changed by the employer by written, telephonic, or telegraphic notice to the migrant worker, at his last known address, no later than ten days prior to the previously stated beginning date. The migrant worker shall contact the recruiter to obtain the latest information regarding the date upon which employment is to begin no later than five days prior to the previously stated beginning date. This guarantee shall be reduced, when there is no work available for a period of seven or more consecutive days during any two week period subsequent to the commencement of work, by five hours pay for each such day, when the unavailability of work is caused by climatic conditions or an act of God, provided that the employer pays the migrant worker, on the normal pay day, the sum of \$5 for each such day.*

*Subd. 4. [WORKER FIRED OR QUILTS.] If the migrant worker quits or is fired for cause prior to the completion of the operation for which he was hired, the migrant worker is entitled to no further guarantee under subdivision 3 from that employer. If the migrant worker quits or is fired for cause before the completion of a two week pay period, he is entitled to no guarantee for that period.*

*Subd. 5. [HOUSING VACATED.] The employer may require the migrant worker to vacate the provided housing on final payment of all wages.*

*Subd. 6. [REFUSAL TO WORK; ILLNESS.] If on any day for which work is offered the migrant worker refuses or because of illness or disability is unable to perform work which is offered, the employer may reduce the guarantee available in the pay period by the number of hours of work actually offered by the employer that day.*

*Subd. 7. [STATEMENT ITEMIZING DEDUCTIONS FROM WAGES.] The employer shall provide a written statement at the time wages are paid clearly itemizing each deduction from wages.*

#### **Sec. 4. [181.88] [RECORD KEEPING.]**

*Every employer subject to the provisions of sections 1 to 6 shall maintain complete and accurate records of the names of, the daily hours worked by, the rate of pay for and the wages paid each pay period to every individual migrant worker recruited by that employer, and shall preserve the records for a period of at least three years.*

## Sec. 5. [181.89] [CIVIL ACTIONS.]

*Subdivision 1. [MAY BRING ACTION.] Any migrant worker claiming to be aggrieved by a violation of sections 2 to 4 may bring a civil action for damages and injunctive relief against his employer.*

*Subd. 2. [JUDGEMENT; DAMAGES.] If the court finds that any defendant has violated the provisions of sections 2 to 4, the court shall enter judgment for the actual damages incurred by the plaintiff or the appropriate penalty as provided by this subdivision, whichever is greater. The court may also award court costs and a reasonable attorney's fee. The penalties shall be as follows:*

*(1) Whenever the court finds that an employer has violated the record keeping requirements of section 4, \$50;*

*(2) Whenever the court finds that an employer has recruited a migrant worker without providing a written employment statement as provided in section 2, subdivision 1, \$250;*

*(3) Whenever the court finds that an employer has recruited a migrant worker after having provided a written employment statement, but finds that the employment statement fails to comply with the requirement of section 2, subdivision 1 or section 3, \$250;*

*(4) Whenever the court finds that an employer has failed to comply with the terms of an employment statement which he has provided to a migrant worker or has failed to comply with any payment term required by section 3, \$250;*

*(5) Whenever the court finds that an employer has failed to pay wages to a migrant worker within a time period set forth in section 4, subdivision 2 or 3, \$250; and*

*(6) Whenever penalties are awarded, they shall be awarded severally in favor of each migrant work plaintiff and against each defendant found liable.*

## Sec. 6. [181.90] [USE WAGNER-PEYSER SYSTEM.]

*An employer who uses the federal work clearance order system under the Wagner-Peyser Act of 1933, 48 Stat. 113, as amended, is deemed to recruit the migrant workers who are thereby induced to travel to Minnesota to perform agricultural labor. The provisions of sections 1 to 5 shall not be construed to prohibit the use of the work clearance order system by an employer who recruits migrant workers, but use of the federal work clearance order system by an employer shall not excuse the employer from compliance with sections 1 to 5.*

Sec. 7. [181.91.] [PRESERVATION OF EXISTING REMEDIES.]

*The remedies provided in sections 1 to 6 are not exclusive, but are in addition to remedies provided in other law.*

Sec. 8. [EFFECTIVE DATE.]

*This act is effective November 1, 1981."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 217, A bill for an act relating to state trails; authorizing the sale of certain lands acquired for the Luce Line Trail.

Reported the same back with the following amendments:

Page 1, line 21, delete "and"

Page 1, delete lines 22 and 23 and insert "*provided that no parcel shall include lands in more than one county.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 232, A bill for an act relating to crimes; prohibiting the possession, manufacture, or delivery of drug paraphernalia; prohibiting the delivery of drug paraphernalia to minors; prohibiting the advertisement of drug paraphernalia; providing for civil forfeiture of drug paraphernalia; prohibiting the sale of cigarette paper or the means for making cigarettes if there is knowledge or reason to believe that the items will be used in violation of the controlled substance law; prohibiting owners of real property to lease or otherwise permit the use of their property for the retail sale of drug paraphernalia; prescribing penalties; amending Minnesota Statutes 1980, Sections 152.01, by adding subdivisions; 152.19, Subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, Chapter 152.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:



"Section 1. Minnesota Statutes 1980, Section 152.01, is amended by adding a subdivision to read:

*Subd. 18. [DRUG PARAPHERNALIA.] "Drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use, in manufacturing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this act or the Uniform Controlled Substances Act. The term includes, but is not limited to:*

*(1) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances;*

*(2) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;*

*(3) Hypodermic syringes, needles, and other objects used, intended for use, and designed for use in parenterally injecting controlled substances into the human body; and*

*(4) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, which shall include but not be limited to the following:*

*(a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;*

*(b) Water pipes;*

*(c) Carburetion tubes and devices;*

*(d) Smoking and carburetion masks;*

*(e) Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, which has become too small or too short to be held in the hand;*

*(f) Miniature cocaine spoons, and cocaine vials;*

*(g) Chamber pipes;*

*(h) Carburetor pipes;*

*(i) Electric pipes;*

*(j) Air-driven pipes;*

- (k) Chillums;
- (l) Bonges; and
- (m) Ice pipes or chillers.

**Sec. 2. [152.091] [FACTORS TO BE CONSIDERED IN DETERMINING IF OBJECT IS DRUG PARAPHERNALIA.]**

*In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, the following:*

- (1) *Statements by an owner or by anyone in control of the object concerning its use;*
- (2) *Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;*
- (3) *The proximity of the object, in time and space, to a direct violation of this act;*
- (4) *The proximity of the object to any controlled substance;*
- (5) *The existence of any residue of a controlled substance on the object;*
- (6) *Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to any person whom he or she knows intends to use the object to facilitate a violation of this act. The innocence of an owner, or of anyone in control of the object, as to a direct violation of this act shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;*
- (7) *Instructions, oral or written, provided with the object concerning its use;*
- (8) *Descriptive materials accompanying the object which explain or depict its use;*
- (9) *National and local advertising concerning its use;*
- (10) *The manner in which the object is displayed for sale;*
- (11) *Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise;*
- (12) *The existence and scope of any legitimate use for the object in the community; and*

(13) *Expert testimony concerning its use.*

**Sec. 3. [152.092] [POSSESSION OF DRUG PARAPHERNALIA PROHIBITED.]**

*It shall be unlawful for any person to use, or to possess with intent to use, drug paraphernalia to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this act. Any violation of this section is a petty misdemeanor.*

**Sec. 4. [152.093] [MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA PROHIBITED.]**

*It shall be unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be used to manufacture, inject, ingest, inhale, or otherwise be used to introduce into the human body a controlled substance in violation of this act. Any violation of this section is a gross misdemeanor.*

**Sec. 5. [152.094] [DELIVERY OF DRUG PARAPHERNALIA TO A MINOR PROHIBITED.]**

*Any person 18 years of age or older who violates section 4 of this act by delivering drug paraphernalia to a person under 18 years of age who is at least three years his or her junior is guilty of a felony.*

**Sec. 6. [152.095] [ADVERTISEMENT OF DRUG PARAPHERNALIA PROHIBITED.]**

*It shall be unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. A violation of this section is a misdemeanor.*

**Sec. 7. Minnesota Statutes 1980, Section 152.19, Subdivision 1, is amended to read:**

**Subdivision 1.** The following are subject to forfeiture:

(1) All controlled substances which have been manufactured, distributed, dispensed or acquired in violation of this chapter;

(2) All raw materials, moneys, products and equipment of any kind which are used, or intended for use, in manufacturing,

compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter;

(3) All property which is used, or intended for use, as a primary container for property described in clauses (1) or (2);

(4) *All drug paraphernalia as defined by section 1;*

(5) All conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in clauses (1) or (2) having a retail value of \$100 or more, but:

(a) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter.

(b) No conveyance is subject to forfeiture under this section unless the owner thereof is privy to a violation of this chapter, or that the use of the conveyance in such violation otherwise occurred with his knowledge or consent.

(c) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party unless he had knowledge of or consented to the act or omission upon which the forfeiture is based.

(d) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter.

Sec. 8. Minnesota Statutes 1980, Section 152.19, Subdivision 3, is amended to read:

Subd. 3. In the event of a conviction for a gross misdemeanor or a misdemeanor, any conveyance seized pursuant to subdivision 1, clause ((4)) (5) of this section or any moneys seized pursuant to subdivision 1, clause (2) of this section, shall be returned to the person legally entitled thereto.

Sec. 9. [SEVERABILITY.]

*If any provision or any application of sections 1 to 8 is held invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end the provisions of sections 1 to 9 are severable.*

Sec. 10. [EFFECTIVE DATE.]

*Sections 1 to 9 are effective August 1, 1981 and apply to all crimes committed on or after that date.*

Amend the title as follows:

Page 1, line 2, delete "possession,"

Page 1, line 7, after the semicolon delete the balance of the line

Page 1, delete lines 8, 9, 10, 11, and 12

Page 1, line 13, delete everything before "prescribing"

Page 1, line 15, delete "subdivisions" and insert "a subdivision"

Page 1, line 15, delete "Subdivisions" and insert "Subdivision"

Page 1, line 16, delete "and 3"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Criminal Justice.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 263, A bill for an act relating to public employment; authorizing recognition of legal strike by non-members of bargaining unit; amending Minnesota Statutes 1980, Section 179.64, by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 279, A bill for an act relating to aircraft; broadening the insurance exemption for certain aircraft; amending Minnesota Statutes 1980, Section 360.59, Subdivision 10.

Reported the same back with the following amendments:

Page 1, line 15, strike "both"

Page 1, line 16, after "death" insert a semicolon and strike "and" and insert "not less than \$25,000"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Financial Institutions and Insurance.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 295, A bill for an act relating to retirement; providing post retirement annuity or benefit increases for certain retired or disabled public employees; appropriating funds; amending Laws 1979, Chapter 293, Section 10, Subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [POST RETIREMENT ADJUSTMENT; LUMP SUM PAYMENTS.]**

*Subdivision 1. [ENTITLEMENT.] Any person who is receiving a retirement annuity, a disability benefit or a surviving spouse's annuity or benefit from a retirement fund specified in subdivision 3, clauses (1) to (5) which was computed under the laws in effect prior to June 1, 1973, if the person is receiving an annuity or benefit from the retirement fund specified in subdivision 3, clause (4), or prior to July 1, 1973, if the person is receiving an annuity or benefit from a retirement fund specified in subdivision 3, clause (1), (2), (3) or (5), and any person who is receiving a "\$2 bill and annuity" annuity from the retirement fund specified in subdivision 3, clause (6), and any person who is receiving a retirement annuity, a disability or a surviving spouse's annuity or benefit from the retirement fund specified in subdivision 3, clause (5), which was computed under the metropolitan transit commission-transit operating division employees retirement fund plan document in effect on or prior to December 31, 1977, shall be entitled to receive a post retirement adjustment from the applicable retirement fund in the amount specified in subdivision 2.*

**Subd. 2. [AMOUNT OF POST RETIREMENT ADJUSTMENT; PAYMENT.]** *For any person receiving an annuity or benefit on November 30, 1981, or on November 30, 1982, and entitled to receive a post retirement adjustment pursuant to*

*subdivision 1, the post retirement adjustment shall be a lump sum payment in an amount equal to \$16 during 1981 and \$17 during 1982 for each full year of allowable service credited to the person by the respective retirement fund. The post retirement adjustment provided for in this section shall be payable for those persons receiving an annuity or benefit on November 30, 1981, on December 1, 1981, and for those persons receiving an annuity or benefit on November 30, 1982, on December 1, 1982. Nothing in this section shall authorize the payment of a post retirement adjustment to an estate. Notwithstanding Minnesota Statutes, Section 356.18, the post retirement adjustment provided for in this section shall be paid automatically unless the intended recipient files a written notice with the retirement fund requesting that the post retirement adjustment not be paid.*

*Subd. 3. [COVERED RETIREMENT FUNDS.] The post retirement adjustment provided for in this section shall apply to the following retirement funds:*

- (1) The public employees retirement fund;*
- (2) The public employees police and fire fund;*
- (3) The teachers retirement fund;*
- (4) The highway patrol retirement fund;*
- (5) The state employees retirement fund of the Minnesota state retirement system; and*
- (6) The Minneapolis municipal employees retirement fund.*

*Subd. 4. [TERMINAL AUDIT.] Each covered retirement fund as specified in subdivision 3 shall, as soon as is practical following the payment of the December 1, 1981, and December 1, 1982, post retirement adjustments, calculate the amount of any appropriation apportioned to it which is in excess of the amounts required to pay the post retirement adjustments provided for in this act. The calculations required by this paragraph shall be reported to and verified by the commissioner of finance and amounts equal to these reported excess appropriation amounts shall be returned to the general fund.*

*Subd. 5. [APPROPRIATION.] There is hereby appropriated during the 1982-83 biennium, the sum of \$ . . . . . for the purpose of funding the post retirement adjustments provided for in this section. The appropriation shall be apportioned to the retirement funds paying the post retirement adjustment as follows:*

	<i>FY 1982</i>	<i>FY 1983</i>
<i>public employees retirement fund</i> .....	\$ .....	\$ .....
<i>public employees police and fire fund</i> .....		
<i>teachers retirement fund</i> .....		
<i>highway patrol retirement fund</i> .....		
<i>state employees retirement fund</i> .....		
<i>Minneapolis municipal employees retirement fund</i> .....		

Sec. 2. [EFFECTIVE DATE.]

*Section 1 is effective July 1, 1981."*

Amend the title as follows:

Page 1, line 4, delete the second semi-colon

Page 1, delete line 5

Page 1, line 6, delete "Subdivision 3"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 308, A bill for an act relating to courts; Hennepin and Ramsey County district courts, juvenile divisions; authorizing appointment of district court judges to hear cases arising under the juvenile court act for terms up to six years; amending Minnesota Statutes 1980, Section 260.019, Subdivision 3.

Reported the same back with the following amendments:

Page 1, after line 16, insert a new section to read:

"Sec. 2. Minnesota Statutes 1980, Section 484.65, Subdivision 1, is amended to read:

Subdivision 1. In the fourth judicial district, a family court division of the district court is hereby created to be presided over



by a district court judge appointed by the chief judge of the judicial district to serve for a term not exceeding (TWO) *six* years. The judge appointed to this office shall be designated as the district court judge, family court division. No judge may be appointed to serve consecutive terms as the district court judge, family court division."

Page 1, line 19, after "court" insert "*and family court*"

Renumber the section

Amend the title as follows:

Page 1, line 3, delete ", juvenile divisions"

Page 1, line 6, after "years;" insert "lengthening the term of the presiding judge of Hennepin County family court division;"

Page 1, line 6, delete "Section" and insert "Sections"

Page 1, line 7, before the period insert " ; and 484.65, Subdivision 1"

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, M., from the Committee on Appropriations to which was referred:

H. F. No. 326, A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1980, Sections 62E.52, Subdivisions 2 and 3; 62E.53, Subdivisions 1 and 2; and 62E.531, Subdivision 2.

Reported the same back with the following amendments:

Page 3, line 20, delete "\$15,000,000" and insert "\$12,000,000"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 352, A bill for an act relating to crimes; establishing a bill of rights for victims and witnesses of crimes; establishing certain participatory, informational, notification and referral rights for victims and witnesses; affirming the right of victims to bring actions against offenders; establishing the right of a victim to request restitution; providing for implementation of victim and witness rights by law; providing penal sanctions and judicial mechanisms to deter intimidation of witnesses; facilitating the expeditious return of stolen property by provision of judicial and administrative procedures; establishing county coordinating committees on victim and witness assistance to coordinate victim and witness assistance planning; providing for employer intercession, secure court waiting areas and witness fees; requiring criminal justice agencies to inform victims of the progress of criminal prosecutions and to inform victims of financial assistance and social services; providing for minimal victim participation in the criminal process; establishing a crime victims compensation and service fund for payment of compensation awards and victim and witness services; providing penalties; amending Minnesota Statutes 1980, Sections 241.26, Subdivisions 5 and 6; 243.23, Subdivision 3; 363.03, by adding a subdivision; 571.55, by adding a subdivision; 609.115, Subdivision 1; and 631.425, Subdivision 5; proposing new law coded as Minnesota Statutes, Chapter 611A; repealing Minnesota Statutes 1980, Sections 299C.07; 357.24; and 609.498.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert the following:

"Section 1. [611A.01] [STATEMENT OF PURPOSE.]

*The legislature recognizes that victims of crime bear much of the social cost of crime and the responsibility for successful prosecution of criminal acts against society. The legislature also recognizes that the importance of the role played by victims and witnesses and the social cost to victims have not always received an appropriate response from society or the criminal justice system. This act is intended to provide practical enforceable, legal mechanisms for appropriate responses to victim and witness needs by discouraging intimidation of citizens who report crimes and testify as witnesses; strengthening the laws concerning restitution and civil liability for criminal acts; notifying victims of financial and social resources; and increasing victim input in the plea agreement and sentencing process.*

Sec. 2. [611A.02] [DEFINITIONS.]

*Subdivision 1. [GENERALLY.] For the purposes of this act, the terms defined in this section have the meanings given them in this section, except as otherwise expressly provided or indicated by the context.*

*Subd. 2. [CRIME.] "Crime" means conduct that is included within the definition of "crime" in Minnesota Statutes, Section 609.02, Subdivision 1, or would be included within that definition but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state. It also includes any act which would be a crime under Minnesota Statutes, Section 609.02, Subdivision 2, but for the fact that the act was alleged or found to have been committed by a juvenile.*

*Subd. 3. "Crime against the person" means any of the following crimes, whether alleged or proven to have been committed by an adult or juvenile: Murder in the first, second or third degree; manslaughter in the first or second degree; assault in the first, second or third degree; simple robbery; aggravated robbery; false imprisonment; criminal sexual conduct in the first, second, third or fourth degree; arson in the first degree; incest; kidnapping, or burglary as defined under Minnesota Statutes, Section 609.58, Subdivision 2, Clause (1)(b) and Clause (2). For the purposes of section 5 of this act, "crime against the person" also includes any act which would be a crime under Minnesota Statutes, Section 609.02, Subdivision 1 but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state. It also includes any act which would be a crime under Minnesota Statutes, Section 609.02, Subdivision 1, but for the fact the act was alleged or found to have been committed by a juvenile.*

*Subd. 4. "Disposition" means stay of imposition or execution of sentence, continuance of a criminal or juvenile matter for a specified time period pursuant to an agreement that the charge will be dismissed at the end of that period if the criminal defendant or juvenile complies with the conditions of the agreement, or court approval of the criminal defendant's or the juvenile's entry into a pre-trial diversion program, juvenile court dispositions authorized by Minnesota Statutes, Sections 260.181 to 260.193 or commitment of a convicted person to the state commissioner of corrections or pursuant to section 609.105, subdivision 3. For the purposes of section 7, "disposition" does not include any criminal or juvenile commitment to the commissioner of corrections or other imprisonment which is not a condition of probation.*

*Subd. 5. "Plea agreement" means an agreement between the person charged with a crime against the person and the county attorney, in which the person so charged agrees to plead guilty or admit to a juvenile court petition in exchange for a promise by the county attorney that the person will be charged in criminal court or petitioned in juvenile court on a lesser or different offense in exchange for pleading guilty, or that the person will receive a disposition beneficial to his interest.*

*Subd. 6. "Person charged with a crime against the person" means an adult charged by criminal complaint or indictment with, or a juvenile who is alleged by juvenile court petition to have committed, a crime against the person.*

*Subd. 7. "Victim" means a natural person who is the victim of a crime as defined by this section. If the victim has died as a result of a crime as defined by this section, "victim" includes the deceased's surviving spouse or next of kin; or for purposes of section 5, it includes the victim's surviving spouse, next of kin or legal representative of his estate.*

*Subd. 8. "Juvenile" means an individual under 18 years of age at the time he allegedly committed a crime.*

*Subd. 9. "Restitution" means money payment or any other form of compensation made by the offender to one or more victims of his crime.*

*Subd. 10. "Major property crime" means any offense described by Minnesota Statutes, Sections 609.52 or 609.53 where the value of the property taken is more than \$150; arson in the second degree; arson in the third degree, where the value of the property is more than \$300; burglary; and forgery, where the victim of the crime is a natural person.*

### Sec. 3. [611A.03] [VICTIM SERVICE NOTIFICATION.]

*The commissioner of corrections, in cooperation with the executive director of the crime victims reparations board shall develop a plan to provide victims with information concerning victim services in the geographic area where the crime occurred. This information shall include, but not be limited to, information about available victim crisis centers, and to victims of sexual assault, victim witness programs, elderly victims projects, victim assistance hotlines, incest abuse programs and domestic violence shelters and programs.*

*In developing the plan, the commissioner shall take into account the fact that some counties currently have such informational service systems and victim or witness services or programs. The commissioner shall also take precautions to ensure that the plan does not involve duplication of effort concerning these information services by the state or its political subdivisions.*

*This plan shall be presented to the appropriate standing committees of the legislature by February 1, 1982.*

*No cause of action of whatever kind arising out of a failure to give or receive the information required by this section shall accrue to any person against the state or any of its agencies or*

*local political subdivisions, or any police officer or other agent, servant or employee thereof.*

Sec. 4. Minnesota Statutes 1980, Section 609.498, is amended to read:

609.498 [TAMPERING WITH A WITNESS.]

Subdivision 1. [TAMPERING WITH A WITNESS IN THE FIRST DEGREE.] *Whoever does any of the following is guilty of tampering with a witness in the first degree and may be sentenced as provided in subdivision 2:*

(a) *intentionally prevents or dissuades or intentionally attempts to prevent or dissuade by means of force or threats of injury to person, family, or property, a person who is or may become a witness from attending or testifying at any trial, proceeding, or inquiry authorized by law (, IS GUILTY OF TAMPERING WITH A WITNESS IN THE FIRST DEGREE AND MAY BE SENTENCED); or*

(b) *intentionally threatens to cause injury to person, family or property in retaliation against a person who was summoned as a witness at any trial, proceeding or inquiry authorized by law, within a year following that trial, proceeding or inquiry; or*

(c) *intentionally prevents or dissuades or attempts to prevent or dissuade by means of force or threats of injury to person, or property, a person from providing information to law enforcement authorities concerning a crime; or*

(d) *intentionally threatens to cause injury to person, family or property in retaliation against a person who has provided information to law enforcement authorities concerning a crime within a year of that person so providing this information.*

Subd. 2. *Whoever violates subdivision 1 may be sentenced to imprisonment for not more than five years or to payment of a fine not to exceed \$5,000.*

Subd.(2) 3. [TAMPERING WITH A WITNESS IN THE SECOND DEGREE.] *Whoever does any of the following is guilty of tampering with a witness in the second degree and may be sentenced as provided in subdivision 4:*

(a) *intentionally prevents or dissuades or intentionally attempts to prevent or dissuade by means of any act described in section 609.27, subdivision 1, clauses (3), (4), or (5), a person who is or may become a witness from attending or testifying at any trial, proceeding, or inquiry authorized by law (, IS GUILTY OF TAMPERING WITH A WITNESS IN THE SECOND DEGREE AND); or*

*(b) intentionally engages in any act described in section 609.27, subdivision 1, clauses (3), (4), or (5) in retaliation against a person who was summoned as a witness at any trial, proceeding or inquiry authorized by law within a year of that trial, proceeding or inquiry; or*

*(c) intentionally prevents or dissuades or attempts to prevent or dissuade by means of any act described in section 609.27, subdivision 1, clauses (3), (4), or (5), a person from providing information to law enforcement authorities concerning a crime; or*

*(d) intentionally engages in any act described in section 609.27, subdivision 1, clauses (3), (4), or (5) in retaliation against a person who has provided information to law enforcement authorities concerning a crime within a year of that person so providing that information.*

*Subd. 4. Whoever violates subdivision 3 may be sentenced to imprisonment for not more than one year or to payment of a fine not to exceed \$1,000.*

#### Sec. 5. [611A.04] [CIVIL ACTIONS.]

*Subdivision 1. Victims have the right to bring against the offender all civil actions for legal and equitable relief authorized by the common laws of this state. Any victim of a crime against the person may bring an action for three times the amount of actual damages sustained by the plaintiff or \$500, whichever is greater, the costs of the suit and reasonable attorneys fees. The provisions of this subdivision shall not limit or prohibit the recovery of punitive damages by the victim in any case where punitive damages would otherwise be allowable by law.*

*Subd. 2. If the victim is deceased, or otherwise legally incompetent to commence or continue with the action described by subdivision 1, the victim's surviving spouse, next of kin or legal representative of his estate may commence or continue the action. Upon written petition by the surviving spouse or one of the next of kin, the court having jurisdiction of an action falling within the provisions of this section, shall appoint a suitable and competent person as trustee to commence or continue the action and obtain recovery of damages therein. The trustee, before commencing his duties shall file his consent and oath. Before the trustee shall receive any money, he shall file a bond as security therefore in such form and with such sureties as the court may require.*

Sec. 6. Minnesota Statutes 1980, Section 609.115, is amended to read:

Subdivision 1. When a defendant has been convicted of a misdemeanor or gross misdemeanor the court may and when the

defendant has been convicted of a felony the court shall, before sentence is imposed, cause a presentence investigation and written report to be made to the court concerning the defendant's individual characteristics, circumstances, needs, potentialities, criminal record and social history, the circumstances of the offense and the harm caused thereby to others and to the community; and the feasibility of restitution as provided in this section. If the court so directs, the report shall include an estimate of the prospects of the defendant's rehabilitation and recommendations as to the sentence which should be imposed. In misdemeanor cases the report may be oral.

*Subd. 2. If the crime of which the defendant is convicted in criminal court, or found admitted or proven true by juvenile court, is a crime against the person, the probation officer or other person conducting the presentence or predispositional report shall make reasonable and good faith efforts to contact the victim of that crime and to provide that victim with information. This information shall consist of: the charge or juvenile court petition to which the defendant has plead guilty or the juvenile respondent has admitted in court, or of any plea agreement between the prosecution and the defense counsel. The probation officer or other person making the report shall also inform the victim of a crime against the person of his right to personally appear and object, or object in writing to the court, prior to the time the court pronounces the sentence or the juvenile court disposition, to the proposed sentence or juvenile dispositional alternative, or terms of the proposed plea agreement. Failure of the probation officer to comply with this section does not and shall not be construed to give any rights or grounds for post conviction or post juvenile disposition relief to the defendant or juvenile court respondent. Failure of a probation officer to comply with this section or failure of a victim of a crime against the person to respond to a probation officer does not entitle a defendant to withdraw a plea of guilty.*

*Subd. 3. The presentence investigation report shall also include the following information relating to a victim or victims of a crime against the person:*

*(a) A summary of the economic loss, physical injury, psychological complications, and any other relevant readjustment problems generated by the criminal occurrence; and*

*(b) A concise statement of what disposition the victim deems appropriate for the defendant or juvenile court respondent, including reasons given, if any, by the victim in support of his opinion;*

*(c) An attachment to the report, consisting of the victim's written objections, if any, to the proposed disposition, or to a*

*plea agreement, if the victim provides the probation officer with this written material within a reasonable time prior to the disposition.*

*If there is more than one victim, the report shall include the information described in clauses (a), (b) and (c), with respect to all of the victims to the extent practical.*

**Subd. 4.** The investigation shall be made by a probation officer of the court, if there is one, otherwise by the commissioner of corrections.

Pending the presentence investigation and report, the court with the consent of the commissioner may commit the defendant to the custody of the commissioner of corrections who shall return the defendant to the court when the court so orders.

Presentence investigations shall be conducted and summary hearings held upon reports and upon the sentence to be imposed upon the defendant in accordance with this section, Minnesota Statutes, Section 244.10, upon its effective date, and Rule 27 of the rules of criminal procedure.

**Subd. (2) 5.** If the defendant has been convicted of a crime for which a mandatory sentence of life imprisonment is provided by law, the probation officer of the court, if there is one, otherwise the commissioner of corrections, shall forthwith make a post-sentence investigation and make a written report as provided by subdivision 1.

**Subd. (3) 6.** All law enforcement agencies shall make available to the probation officer or the commissioner of corrections the criminal record and other relevant information relating to the defendant which they may have, when requested for the purposes of subdivisions 1 and 2.

**Subd. (4) 7.** Any report made pursuant to subdivision 1 shall be, if written, provided to counsel for all parties before sentence. The written report shall not disclose confidential sources of information unless the court otherwise directs. On the request of the prosecuting attorney or the defendant's attorney a summary hearing in chambers shall be held on any matter brought in issue, but confidential sources of information shall not be disclosed unless the court otherwise directs. If the presentence report is given orally the defendant or his attorney shall be permitted to hear the report.

**Subd. (5) 8.** If the defendant is sentenced to the commissioner of corrections, a copy of any report made pursuant to this section and not made by the commissioner shall accompany the commitment.



Subd. (6) 9. Except as provided in subdivisions 4 and 5 or as otherwise directed by the court any report made pursuant to this section shall not be disclosed.

Subd. (7) 10. If imposition of sentence is stayed by reason of an appeal taken or to be taken, the presentence investigation provided for in this section shall not be made until such stay has expired or has otherwise been terminated.

Sec. 7. [611A.05] [RIGHTS TO REQUEST RESTITUTION.]

*A victim of a crime against the person or a major property crime has the right to request that monetary restitution to him or her be considered as part of the disposition of a criminal charge or juvenile delinquency proceeding against the offender.*

*(a) To implement this right, a probation officer or department of court services of the county in which criminal or juvenile proceedings are pending against the alleged offender, or the commissioner of corrections if there is no probation officer, or department of court services shall make reasonable and good faith efforts to notify the victim of a crime against the person or a major property crime that disposition of the criminal or juvenile delinquency case is contemplated and set a date for interview, which may be by phone, of the victim by a probation officer or the commissioner of corrections if there is no probation officer.*

*The date proposed shall be at least seven days after the date of the notice if the interview is to be in person. The victim shall be informed that the purpose of the interview is to gather information concerning the possibilities for monetary restitution from the offender, and that the offender will not be present during the interview. If the victim fails to appear for or otherwise respond to the interview, the criminal or juvenile proceedings against the offender may be concluded without consideration of restitution.*

*(b) Whenever a presentence investigation on a crime against the person or major property crime is conducted pursuant to section 609.115, the interview with the victim shall be part of the presentence investigation and information obtained during the interview shall be summarized and a recommendation on the feasibility of restitution made in the presentence report. In those cases where a presentence investigation is not conducted, the probation officer, department of court services, or commissioner shall make this summary and recommendation in a written report to the court. If the probation officer or other person making the report does not recommend monetary restitution, he or she shall state the reasons therefore in the report.*

(c) *The court shall order or deny restitution at the hearing at which disposition concerning a crime against the person or major property crime is made, and the court shall state on the record its reasons for its decision on restitution.*

(d) *If the court orders restitution, the court shall state in the order the specific amount of restitution to be paid and that the offender make restitution payments to the clerk of court of the county wherein the restitution is to be paid. The court shall retain jurisdiction to modify the restitution order as to the amount of time allowed for payment during the probationary period. Provided, however, that the court may not during the probationary period, increase the amount of restitution or accelerate the restitution payment schedule from the original order, during the probationary period.*

(e) *A decision for or against monetary restitution in any criminal or juvenile proceeding shall not be a bar to any civil action by the victim or by the state pursuant to section 299B.10 against the offender; provided, however, that the offender shall be given credit in any order for judgment in favor of a victim in a civil action for any restitution paid to the victim for the same injuries for which the judgment is awarded.*

(f) *To facilitate collection of judgments in favor of any victim from incarcerated persons, authority is granted to the commissioner of corrections in sections 241.26 and 243.23 to make rules concerning collection of these judgments from income earned by inmates during imprisonment, and section 631.425 authorizes a person or agency designated by the court to collect restitution payments from the earnings of employed persons committed to jail.*

(g) *When a court or jury in a civil action returns a verdict against a convicted offender, the victim may request the court to make a specific finding whether the behavioral incident upon which the civil verdict is based is the same incident for which the offender was convicted. If the court finds that the behavioral incident upon which the civil and criminal case were based are the same, the court shall so state in its written order for judgment. A certified copy of the order for judgment containing this finding shall, unless the judgment is vacated, constitute conclusive proof that the judgment is an award in favor of a victim of the offender's crime for purposes of section 241.26, subdivision 5, section 243.23, subdivision 3, and section 631.425, subdivision 5.*

(h) *No policy of insurance shall delay or deny benefits to its insured merely because the harm for which an insurance claim is made was caused by a criminal offense which was committed against the insured by another person. However, an insurer which has paid benefits to its insured for injury or*

*loss resulting from a crime may be subrogated to the insured's rights to recover damages or restitution from the criminal offender, to the extent of the benefits paid by the insurer.*

*(i) If a crime victim has applied for reparations pursuant to Minnesota Statutes, Sections 299B.01 to 299B.09, the crime victims reparations board shall not delay or diminish payment of reparations to the victim on the ground that restitution has been or may be ordered but has not yet been paid.*

Sec. 8. Minnesota Statutes 1980, Section 241.26, Subdivision 5, is amended to read:

Subd. 5. [EARNINGS; WORK RELEASE ACCOUNT.] The net earnings of each inmate participating in work release program provided by this section shall be collected by or forwarded to the commissioner of corrections under rules established by him and deposited by the commissioner in the state treasury and credited to the "work release account", which account is hereby established, to the account of such inmate. Such moneys shall be and remain under the control of the commissioner for the sole benefit of such inmate, subject to disbursement by the commissioner for the following purpose and in the following order:

(1) The cost of such inmate's keep as determined by the provision of subdivision 7, which moneys shall be deposited in the general fund of the state treasury if such inmate is housed in a state correctional institution, or shall be paid to the appropriate city or county treasurer if such inmate is housed in a city or county facility;

(2) Necessary travel expense to and from work and other incidental expenses of the inmate;

(3) Support of inmate's dependents, if any;

(4) *Court-ordered restitution and judgments in favor of victims of crimes committed by the inmate, if any;*

(5) After the above expenditures, the inmate shall have discretion to direct payment of the balance, if any, upon proper proof of personal legal debts;

((5)) (6) The balance, if any, shall be disbursed to the inmate as provided in section 243.24, subdivision 1.

All moneys in the "work release account" established by this subdivision are appropriated annually to the commissioner of corrections for the purposes of the work release program.

Sec. 9. Minnesota Statutes 1980, Section 241.26, Subdivision 6, is amended to read:

Subd. 6. [EXEMPTION FROM PROCESS.] Wages or salaries of work placement inmates shall not be subject to garnishment, attachment, or execution in the hands of either the employer or a state agent authorized to hold such funds, *except to the extent authorized by the commissioner of corrections by rule.*

Sec. 10. Minnesota Statutes 1980, Section 243.23, Subdivision 3, is amended to read:

Subd. 3. Notwithstanding sections 241.01, subdivision 8, 241.26, subdivision 5, and 243.24, subdivision 1, the commissioner shall promulgate rules for the disbursement of funds earned under subdivision 1 for the support of families and dependent relatives of the respective inmates, *for the payment of restitution and judgments in favor of victims of crimes committed by the respective inmates*, and for the discharge of any legal obligations arising out of litigation under this subdivision. An inmate of an adult correctional facility under the control of the commissioner is subject to actions for the enforcement of support obligations and reimbursement of any public assistance rendered the dependent family and relatives. The commissioner may conditionally release an inmate who is a party to an action under this subdivision and provide for his detention in a local detention facility convenient to the place of the hearing when he is not engaged in preparation and defense.

Sec. 11. Minnesota Statutes 1980, Section 571.55, is amended by adding a subdivision to read:

Subd. 4. *The limitations of subdivision 2 do not apply to the earnings of inmates of state correctional institutions. The commissioner of corrections shall make rules, in accordance with sections 241.26, subdivision 5; and 243.23, subdivision 3 providing for the amount, if any, of an inmate's earnings which may be exempt from garnishment.*

Sec. 12. Minnesota Statutes 1980, Section 631.425, Subdivision 5, is amended to read:

Subd. 5. [EARNINGS.] The earnings of the prisoner may be collected by the sheriff, probation department, welfare board or suitable person or agency designated by the court. From such earnings the person or agency designated to collect them may pay the cost of the prisoner's maintenance, both inside and outside the jail, but the charge for maintenance inside the jail shall not exceed the legal daily allowance for board allowed the sheriff for ordinary prisoners, and, to the extent directed by the court, pay the support of his dependents, if any, (AND) court costs

and fines, restitution, and judgments in favor of victims of the crime for which the prisoner is incarcerated, if any. Any balance shall be retained until his discharge when it shall be paid to him.

**Sec. 13. [INSTRUCTION TO REVISOR.]**

*In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall renumber each section specified in Column A with the number set forth in Column B.*

*In addition, the revisor of statutes shall make necessary cross-reference changes consistent with renumbering required by this section.*

*Column A*

*Column B*

**VICTIM PROGRAMS**

**Minnesota Statutes**

**PROGRAM TO AID VICTIMS OF**

**1980**

**SEXUAL ATTACK**

*Section 241.51*

*Section 611A.501*

*Section 241.52*

*Section 611A.502*

*Section 241.53*

*Section 611A.503*

**BATTERED WOMEN**

*Section 241.61*

*Section 611A.511*

*Section 241.62*

*Section 611A.512*

*Section 241.63*

*Section 611A.513*

*Section 241.64*

*Section 611A.514*

*Section 241.65*

*Section 611A.515*

*Section 241.66*

*Section 611A.516*

**VICTIM AGENCIES**

**CRIME VICTIM CRISIS CENTER**

*Section 241.55*

*Section 611A.801*

*Section 241.56*

*Section 611A.801*

*Section 241.57**Section 611A.803**Section 241.58**Section 611A.804***CRIME VICTIMS REPARATIONS BOARD***Section 299B.01**Section 611A.811**Section 299B.02**Section 611A.812**Section 299B.03**Section 611A.813**Section 299B.04**Section 611A.814**Section 299B.05**Section 611A.815**Section 299B.06**Section 611A.816**Section 299B.07**Section 611A.817**Section 299B.071**Section 611A.818**Section 299B.08**Section 611A.819**Section 299B.09**Section 611A.820**Section 299B.10**Section 611A.821**Section 299B.11**Section 611A.822**Section 299B.12**Section 611A.823**Section 299B.13**Section 611A.824**Section 299B.14**Section 611A.825**Section 299B.15**Section 611A.826**Section 299B.16**Section 611A.827**Section 299B.17**Section 611A.828***Sec. 14. [EFFECTIVE DATE.]**

*Sections 1 to 12 are effective August 1, 1981 and apply to all crimes committed on or after that date."*

Amend the title as follows:

Page 1, line 2, delete "establishing a bill of rights for"

Page 1, delete lines 3 and 4

Page 1, line 5, delete "referral rights for victims and witnesses;"

Page 1, line 11, delete "facilitating the"

Page 1, delete lines 12 to 16

Page 1, line 17, delete "court waiting areas and witness fees;"

Page 1, line 18, delete "the"

Page 1, delete line 19

Page, line 20, delete "victims of"

Page 1, line 22, delete "establishing a crime victims"

Page 1, delete lines 23 and 24

Page 1, line 27, delete "363.03, by adding a subdivision;"

Page 1, line 28, delete ", Subdivision"

Page 1, line 29, delete "1" and after the first semicolon insert "609.498;"

Page 1, line 30, delete "; repealing"

Page 1, delete line 31

Page 1, line 32, delete "609.498"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 365, A bill for an act relating to building code inspectors; authorizing the certification of inspectors to enforce the provisions of the building code related to access for handicapped persons; amending Minnesota Statutes 1980, Section 16.861, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 16.861, is amended by adding a subdivision to read:

*Subd. 7. [ACCESSIBILITY PROVISIONS.] Municipalities which have not adopted the state building code may enforce the building code requirements for handicapped persons by either:*

*(a) Entering into a joint powers agreement for enforcement with another municipality which has adopted the state building code; or*

*(b) Contracting for enforcement with an individual certified under subdivision 3 to enforce the state building code."*

Amend the title as follows:

Page 1, lines 2 and 3, delete "the certification of inspectors" and insert "certain municipalities to choose between two options"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 413, A bill for an act relating to handicapped persons; prohibiting persons serving as foreign language interpreters or interpreters for persons with hearing or speaking impairments from disclosing communications made to them during the course of civil, criminal or administrative proceedings; amending Minnesota Statutes 1980, Sections 546.44, by adding a subdivision; 595.02; 611.30; 611.31; and 611.33, by adding a subdivision.

Reported the same back with the following amendments:

Page 3, line 23, delete "*of the handicapped person*"

Page 3, lines 28 and 29, delete "*is unable to understand the proceedings in which he is required to participate*" and insert "*uses an interpreter in order to communicate*"

Page 4, line 27, delete "*when*"

Page 4, line 27, delete "*such*" and insert "*the*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.



Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 522, A bill for an act relating to family; clarifying circumstances in which parent with custody of child may move to another state; amending Minnesota Statutes 1980, Section 518.175, Subdivision 3.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 536, A bill for an act relating to retirement; city of St. Paul public housing agency; transferring retirement coverage for certain public employees; amending Laws 1977, Chapter 228, Section 3.

Reported the same back with the following amendments:

Page 2, line 36, after "by" insert "*and the amount of any employer and employer additional contributions to the public employees retirement association pursuant to Minnesota Statutes, Section 353.27, Subdivisions 3 and 3a, made on behalf of,*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 542, A bill for an act relating to employment; providing relief to employees who lose their jobs due to business closings, plant relocations, and reductions in operations; requiring advance notification to affected employees, employee organizations, municipalities, and the state of business closings, plant relocations, and reductions of operations; prescribing duties of certain departments, governmental bodies, and officers with respect to business closings, plant relocations, and reductions of operations; creating a community services council; providing for the creation of a community jobs assistance fund; providing penalties; proposing new law coded as Minnesota Statutes, Chapter 179A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [268A.01] [CITATION.]**

*This act shall be known and may be cited as the "Minnesota Community, Jobs and Business Preservation Act of 1981."*

**Sec. 2. [268A.02] [FINDINGS.]**

*The legislature of the state of Minnesota finds that problems related to the business climate and more specifically to plant closings, plant relocations and/or massive reductions in the number of employees at a plant facility often encompass the concerns and responsibilities of several state agencies as well as the local area affected. The legislature also finds that in view of the often devastating impact of these problems on particular communities in terms of economic, social and personal dislocation that the interaction of various agencies and local communities is vital to a successful solution of the problems. Further, coordination of the cooperative efforts of governmental, business and labor groups is essential to reaching solutions which are timely, equitable and in the best interests of the citizens of the local communities and the state. In order to provide a sound coordination of these efforts and to encourage cooperation among all affected parties, the legislature finds that comprehensive planning and study requires the establishment of a state community, business and job preservation board.*

**Sec. 3. [268A.03] [DEFINITIONS.]**

*Subdivision 1. [GENERALLY.] The words and phrases defined in this section have the meanings ascribed to them for the purposes of sections 1 through 12.*

*Subd. 2. [AFFECTED EMPLOYEE.] "Affected employee" means an employee whose employment is terminated or will be terminated as a result of a closing, a relocation, or a reduction in operations of an affected establishment.*

*Subd. 3. [AFFECTED EMPLOYEE ORGANIZATION.] "Affected employee organization" means a labor union, association, or other employee organization that represents employees of an affected establishment in collective bargaining.*

*Subd. 4. [AFFECTED ESTABLISHMENT.] "Affected establishment" means a facility that an employer has operated in the state for five or more years which has employed at least 100 employees for at least six months during the preceding year, some of whose employment will be terminated as part of a closing, relocation, or reduction in operations. "Affected establish-*

ment" does not mean a construction site or other temporary work site.

Subd. 5. [AFFECTED MUNICIPALITY.] "Affected municipality" means each city, village, or township in which an affected establishment is located or in which at least 20 percent of the affected employees of an affected establishment reside.

Subd. 6. [BOARD.] "Board" means the Minnesota community, business and job preservation board created pursuant to section 4.

Subd. 7. [CLOSING.] "Closing" means the permanent cessation of operations at a facility for any reason other than the employer's filing for bankruptcy pursuant to 11 U.S.C. 101, et seq.

Subd. 8. [LOCAL ACTION COMMITTEE.] "Committee" means a committee created pursuant to section 5.

Subd. 9. [COMMISSIONER.] "Commissioner" means the commissioner of the department of economic security.

Subd. 10. [EMPLOYER.] "Employer" means a person, partnership, corporation, or other legal entity that operates or owns more than 50 percent of a facility within this state, either directly or through a related corporation, for five or more years and operates at least one other such facility in the state. "Employer" does not include this state, a political subdivision of this state, or an organization that is exempt from taxation under section 501 of the internal revenue code.

Subd. 11. [OPERATING LOSS.] "Operating loss" means an employer's net aggregate operating loss over a period of at least one year. "Operating loss" does not mean a net aggregate operating loss if the loss results from an extraordinary allocation of costs or revenues between an employer and a related corporation.

Subd. 12. [RELATED CORPORATION.] "Related corporation" means a corporation that either owns more than 50 percent of an employer that operates an affected establishment, or is more than 50 percent owned by a corporation that also owns more than 50 percent of an employer that operates an affected establishment.

Subd. 13. [RELOCATION.] "Relocation" means the transfer or series of transfers of part of an employer's operation from an affected establishment to an existing establishment located at an unreasonable distance, as provided by rules promulgated by the board, from the affected establishment, and which

results in at least a ten percent reduction over a two year time period in the number of employees at the affected establishment. Relocation does not include a transfer from one establishment to another establishment in the same county.

**Subd. 14. [REDUCTION IN OPERATIONS.]** "Reduction in operations" means a permanent cessation of a portion of the operations of a facility so as to reduce the number of employees at that facility by at least 50 percent over a two year period.

**Subd. 15. [ACQUIRING EMPLOYER.]** "Acquiring employer" means an employer that acquires the facility of a previous employer. An acquiring employer shall not be considered to have operated the facility within the state during the period the previous employer operated the facility within the state, unless the intent of the acquisition is to avoid the requirements of this act.

**Sec. 4. [268A.04] [CREATION; MEMBERSHIP; CHAIRMAN; STAFF; EXECUTIVE DIRECTOR.]**

**Subdivision 1. [CREATION.]** A state board for the preservation of communities, businesses and jobs, designated as the Minnesota community, business and job preservation board, is created.

**Subd. 2. [MEMBERSHIP.]** The board shall consist of ten members, including as permanent members the commissioners of labor and industry, economic development and economic security and the director of the state planning agency. Two additional members shall be appointed by the governor, one of whom shall be a representative of business and one of labor. The representative of business shall be selected on the basis of extent of membership, its representation of both large and small employers, statewide representation of membership, a demonstrated interest in the problems and solutions of those problems related to the preservation of businesses and jobs in Minnesota, and its willingness and ability to participate in the cooperative and coordinating purposes of this section and of the board. The representative of labor shall be selected on the basis of extent of membership, statewide representation of membership, a demonstrated interest in the problems and solutions of those problems related to the preservation of businesses and jobs in Minnesota, the variety of trades represented by its membership, and its willingness and ability to participate in the cooperative and coordinating purposes of this section and of the board. Four members of the board shall be appointed by the governor to represent the finance, health, education and social services professions.

**Subd. 3. [CHAIRMAN.]** The permanent chairman of the Minnesota community business and jobs preservation board shall be the commissioner of economic security.

*Subd. 4. [STAFF.] The commissioner of economic security shall provide staff assistance to the board on a continuous basis. The board shall have the authority to request staff support from any other agency of state government as needed for the execution of its responsibilities. The commissioner may hire consultants as needed to achieve the objectives of sections 1 through 12.*

*Subd. 5. [EXECUTIVE DIRECTOR.] On the recommendation of the commissioner of economic security, the board shall appoint an executive director from among the existing employees of the department of economic security.*

*The executive director shall perform duties, on behalf of the board, as the board prescribes, including the supervising of the immediate day to day operations of the board and of the staff delegated to it by the commissioner.*

*Subd. 6. [COMPENSATION OF BOARD MEMBERS.] Compensation and expense reimbursement of members of the board shall be as provided in section 15.0575, subdivision 3.*

**Sec. 5. [268A.05] [POWERS AND DUTIES.]**

*Subdivision 1. [GENERAL.] The powers and duties of the Minnesota community business and job preservation board shall be as provided in this section and as otherwise provided by law or executive order. Actions of the board shall be taken only at an open meeting upon a majority vote of all the permanent members of the board, except as provided in subdivision 6.*

*Subd. 2. [OFFICERS.] The board shall elect the officers as it deems necessary for the conduct of its affairs other than the chairman.*

*Subd. 3. [BOARD.] The board shall administer this act with the assistance of the heads of other state departments, bureaus, commissions, boards, or agencies.*

*Subd. 4. [DUTIES.] The board shall also:*

*(a) Conduct or participate in studies or research projects and collect available information and data related to the problems arising from plant closings, plant relocations and reductions in plant operations, both nationally and within the state;*

*(b) Provide for an analysis of the information and data in conjunction with the impact analysis required under subdivision 4; and*

*(c) Serve as a central information resource for businesses, employee organizations and the public and shall make copies of*

*analyses reports available to the public at no cost for one copy and at the cost of duplication for more than one copy.*

*Subd. 5. [IMPACT ANALYSIS.] The board with the assistance of other departments, shall provide for an analysis of each economic impact statement submitted pursuant to section 6 and shall maintain current information concerning the types of state and federal assistance that is available to an affected municipality.*

*Subd. 6. [CONFIDENTIAL INQUIRIES.] The board may, in confidence, conduct an inquiry into any alleged future plant closing, plant relocation or reduction in plant operations based on information received by the board from a source other than the affected employer if notice from the affected employer as required by section 6 has not been received by the board.*

*Subd. 7. [LOCAL COORDINATION.] The board shall coordinate and make available to each local action committee appointed pursuant to subdivision 8 data and information on programs and services provided by the state and federal government.*

*Subd. 8. [LOCAL ACTION COMMITTEE.] Within 30 days after the notice required in section 6, or within a shorter period of time as determined by the board for an employer operating an affected establishment who provides less than a 270 day notice, the board shall appoint a local action committee in the municipality in which the affected establishment is located to plan for and attempt to relieve or minimize the effects of a closing, relocation, or reduction in operations. The committee shall be composed of one or more representatives of the employer operating the affected establishment and one or more representatives of the affected employees, and may include local representatives of the finance, health, education, and social service professions, as provided in section 4, who are residents of or are employed in the affected municipalities. A representative of the department of economic security and other appropriate persons may also be appointed to the committee.*

*At the direction of the board and with the board's cooperation and coordination, the local action committee shall have the duties as provided in subdivisions 9 and 10.*

*Subd. 9. [ACTION PLAN.] Within 90 days after the establishment of a local action committee and in conjunction with the committee, the board shall develop a plan of action designed to resolve the problems faced by the affected employees, the affected municipality and the employer.*

*Subd. 10. [PROGRAMS.] In order to maintain levels of employment in the affected municipality, or to relieve from the*

*effects of plant closings, relocations and reductions in force, the board may do one or more of the following:*

*(a) Provide direct financial assistance to affected employees;*

*(b) Provide a grant or loan to an affected municipality;*

*(c) Attempt to persuade or induce the employer to reduce the operations of the affected establishment rather than close or relocate;*

*(d) Offer assistance to the employer to promote operations;*

*(e) Evaluate the feasibility of a proposed employee owned corporation;*

*(f) Attempt to persuade or induce state and local officials to grant emergency tax relief to an affected municipality that faces substantial loss of tax receipts from a closing, relocation, or reduction in, operations;*

*(g) Apply for state and federal grants and matching funds; and*

*(h) Provide for other programs as may be appropriate.*

*The board, with the assistance of other state departments, shall provide programs to meet the following needs:*

*(a) Employee retraining;*

*(b) Employee relocation; and*

*(c) Employee ownership of a closing or relocating corporation if its feasibility is established.*

*Subd. 11. [STATE COOPERATION.] All state departments, upon request, shall cooperate with the board in the implementation and administration of this act.*

*Subd. 12. [RULES.] The board may adopt, amend or repeal rules pursuant to the administrative procedure act. Rules adopted by the board shall have the force and effect of law.*

*Subd. 13. [REPORT.] The board shall, in addition to the studies, projects and other duties enumerated in subdivision 4, study the feasibility, including the economic impact on employers, of requiring employers operating an affected establish-*

ment to pay a severance benefit to affected employees, and the appropriate amount, timing and employee qualification for receiving a severance benefit payments, if the board concludes that such benefits should be required by law.

A report shall be made by the board to the legislature no later than March 1, 1982, including any recommendations.

Sec. 6. [268A.06] [NOTICES.]

Subdivision 1. [PERIOD OF NOTICE.] Each employer operating an affected establishment shall notify in writing the board, each affected employee, each affected employee organization, and each affected municipality at least 270 days before the commencement of a closing, relocation, or reduction in operations of an affected establishment and prior to any public announcement of the closing, relocation, or reduction in operations. If the employer operating the affected establishment establishes to the satisfaction of the board that the closing, relocation, or reduction in operations was not foreseeable 270 days in advance by the employer, and that requiring the employer to remain open for the full period of notice would result in an operating loss to the employer attributable to the affected establishment, the board may approve a shorter period of notification, and the notification shall constitute compliance with this section.

Subd. 2. [ECONOMIC IMPACT STATEMENT.] Within 45 days after the notice required in subdivision 1, or within a shorter period of time as determined by the board for an employer who provides less than a 270 day notice, the employer operating an affected establishment shall provide an economic impact statement about the closing, relocation, or reduction in operations to the commissioner, each affected employee, each affected employee organization, and each affected municipality. The economic impact statement shall include the number of affected employees, the wages and other compensation paid during the preceding year to the affected employees, the amount of state and local taxes paid by the employer during the preceding year to each affected municipality, the anticipated financial impact of the closing, relocation, or reduction in operations upon each affected municipality and upon other businesses in each affected municipality, and other information that the board, by rule, requires.

The employer operating the affected establishment shall provide copies of the economic impact statement on request to members of the public at the cost of duplication of the statement.

Sec. 7. [268A.07] [COLLECTIVE BARGAINING RIGHTS.]

A provision of a collective bargaining agreement that requires greater protection for an affected employee or makes greater



*demands upon an employer operating an affected establishment than that which is provided by this act shall take precedence over the requirements of this act.*

**Sec. 8. [268A.08] [VIOLATIONS.]**

*Subdivision 1. [COMPLAINTS.] An employee who believes that his employer has violated this act may file a written complaint with the board. A complaint shall not be filed later than one year after termination of employment or one year after the employee is aware of the alleged violation, whichever is later.*

*Subd. 2. [NOTICE TO EMPLOYER.] Within 30 calendar days after a complaint is filed, the board shall inform the employer operating the affected establishment of the complaint and shall attempt to resolve the dispute informally between the employer and the employee.*

*Subd. 3. [ORDER.] The board shall issue an order within 60 days after the complaint is filed. The order shall include a determination of the merits of the complaint and shall cite the specific violation, if any, wages and fringe benefits due, if any, and specific penalties assessed. An order shall be sent to each party by registered mail.*

*Subd. 4. [REVIEW OF ORDER.] The employer operating the affected establishment, the employee who filed the complaint, or the board may file for a review of the board's order within 14 calendar days after the order is issued. If a request for a review is not filed within 14 calendar days, the order is final.*

*Subd. 5. [BOARD POWERS.] For the purpose of an investigation or proceeding under this section the board may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of records or other documents which the board considers relevant or material to the inquiry.*

*Subd. 6. [REVIEW HEARING.] If either party files for a review, the board shall hold a hearing on the order which shall be treated as a contested case under the administrative procedure act.*

**Sec. 9. [268A.09] [DISCRIMINATION PROHIBITED.]**

*Subdivision 1. [EMPLOYEE COMPLAINANTS.] An employer operating an affected establishment shall not discharge, discriminate, or in any manner penalize an employee because he has filed a complaint, instituted or caused to be instituted, or participated in an investigation or proceeding, or exercised any other right under this act.*

*Subd. 2. [DISCRIMINATION COMPLAINT.] An employee who believes that he has been discharged, discriminated against, or otherwise penalized by an employer operating an affected establishment in violation of this section may file a complaint with the board within 30 days of the occurrence of the violation.*

*Subd. 3. [BOARD INVESTIGATION.] Upon receipt of an employee complaint, or upon its own initiative, the board shall investigate the compliance of an employer operating an affected establishment with this act. The board has the powers given in section 8, subdivision 5, in connection with an investigation except an inquiry made pursuant to section 5. After completion of the investigation, if the board determines that this section was violated, it shall notify the attorney general who shall bring an action in district court against the employer. In the action, the district court may restrain the violation of this section and provide any other appropriate relief.*

*Subd. 4. [NOTICE TO COMPLAINANT.] Within 90 days after the receipt of a complaint filed under this section, the board shall notify the complainant of the determination under subdivision 3.*

#### Sec. 10. [268A.10] [VIOLATIONS; PENALTIES.]

*Subd. 2. [CIVIL FINE.] The board may assess an employer operating an affected establishment who violates the notice requirement of section 6, unless the board approves a shorter period of notification, a civil fine of not more than \$250 per day. The civil fine shall be deposited in the general fund.*

*The board may assess an employer operating an affected establishment who violates the time limitation, unless the board approves a shorter period of notification, or who provides an incomplete economic impact statement, which time limitation or economic impact statement is provided for in section 6, a civil fine of not more than \$250 per day. The civil fine shall be deposited in the general fund.*

#### Sec. 11. [268A.11] [PRIORITY OF CLAIMS.]

*A money claim against an employer operating an affected establishment, on behalf of an affected employee, pursuant to this act, shall have priority over all other claims against an employer except wage claims.*

#### Sec. 12. [268A.12] [SEVERABILITY OF PROVISIONS.]

*The provisions of sections 1 to 12 shall be severable, and if a provision or the application on a provision under any circum-*

*stances is held invalid or unconstitutional, the invalidity shall not affect any other provision of sections 1 to 12 or the application of a provision under different circumstances."*

Amend the title as follows:

Page 1, line 2, delete "relief" and insert "assistance"

Page 1, line 3, after "jobs" insert ", affected communities and businesses which may suffer"

Page 1, line 11, delete "a community" and insert "the Minnesota"

Page 1, delete line 12 and insert "community, business and job preservation board"

Page 1, line 13, delete "community jobs assistance fund"

Page 1, line 15, delete "179A" and insert "268A"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 544, A bill for an act relating to labor relations; making certain collective bargaining agreements binding and enforceable upon transferee employers; proposing new law coded in Minnesota Statutes, Chapter 179.

Reported the same back with the following amendments:

Page 1, line 17, after the comma insert "*as well as an employer's rights under the contract,*"

Page 1, line 17, delete "an" and insert "ownership of a"

Page 1, line 18, delete "employer sells a"

Page 1, line 18, after "business" insert "is transferred"

Page 2, line 3, after "employee" insert "and employer"

Page 2, line 12, after the period insert "*the contract shall be binding upon and enforceable against the labor organization under the same circumstances and for the same period.*"

Page 2, line 26, after "*corporation*" insert "*or to the labor organization in such circumstances*"

Page 2, line 33, after "*by*" insert "*and may enforce*"

Amend the title as follows:

Page 1, line 3, delete "upon" and insert "when ownership is transferred"

Page 1, line 4, delete "transferee employers"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 630, A bill for an act relating to open meetings; requiring availability of certain materials; prescribing penalties; amending Minnesota Statutes 1980, Section 471.705, Subdivision 2; and by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 11, after "*any*" insert "*printed*"

Page 1, line 14, delete "*governmental*" and insert "*governing*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 640, A bill for an act relating to commerce; establishing a statewide consumer outreach service in the section of consumer services; appropriating money; amending Minnesota Statutes 1980, Section 45.16, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 646, A bill for an act relating to courts; authorizing chief judges of judicial districts to serve more than two con-

secutive terms; amending Minnesota Statutes 1980, Section 484.69, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 647, A bill for an act relating to commerce; transferring the powers, duties, staff, and unexpended funds of the board of cosmetology examiners to the office of consumer services; establishing an advisory commission; authorizing licensing by occupation and operations; providing for enforcement; providing a complaint handling procedure; prescribing penalties; providing remedies; proposing new law coded as Minnesota Statutes, Chapter 155A; repealing Minnesota Statutes 1980, Sections 155.01 to 155.21.

Reported the same back with the following amendments.

Page 2, delete lines 24 to 27 and insert "*Salon*" does not include the home of a customer but the director may adopt health and sanitation rules governing practice in the homes of customers."

Page 2, line 30, delete "*and may consist of more than one*"

Page 2, line 31, delete "*physical location*" and after the period insert "*School*" does not include a place where the only teaching of cosmetology is done by a licensed cosmetologist as part of a community education program of less than ten hours duration, provided that the program does not permit practice on persons other than students in the program, and provided that the program is intended solely for the self-improvement of the students and not as preparation for professional practice."

Page 2, line 35, delete "*for compensation*"

Page 3, line 2, delete "COMMISSION" and insert "COUNCIL"

Page 3, lines 2 and 3, delete "*commission*" and insert "*council*"

Page 3, line 13, delete "*, subject to the provisions of law,*"

Page 3, line 22, after the period insert "*For purposes of this act, the director may adopt temporary rules, pursuant to Minnesota Statutes, Section 15.0412, Subdivision 5. These rules may be reissued as temporary rules until permanent rules are adopted or until December 31, 1982, whichever is earlier. These temporary rules may provide that for any renewal license issued by the director within one year after the effective date of this section, the term of renewal shall be either one, two, or three years. The fee for a one-year renewal license shall be one-third*

*of the fee for a three-year renewal license, and the fee for a two-year renewal shall be two-thirds of the three-year fee."*

Page 3, line 23, delete "COMMISSION" and insert "COUNCIL"

Page 3, line 25, delete "commission" and insert "council"

Page 3, line 30, after "manufacturers" insert "of cosmetology products"

Page 3, lines 31 and 34, delete "commission" and insert "council"

Page 4, line 1, delete "commission" and insert "council"

Page 4, line 4, after "duration" insert "by September 1, 1981"

Page 4, lines 6, 7, 10 and 13, delete "commission" and insert "council"

Page 4, line 15, delete "15.0575" and insert "15.059"

Page 4, line 22, delete "commission" and insert "council"

Page 4, line 23, after the period insert "*The rules shall require a demonstrated knowledge of procedures necessary to protect the health of the practitioner and the consumer of cosmetology services, including but not limited to chemical applications.*"

Page 5, line 16, delete "commission" and insert "council"

Page 5, line 28, after the period insert "*A salon shall not be located in a room used for residential purposes. If a salon is in the residence of a person practicing cosmetology, the rooms used for the practice of cosmetology shall be completely partitioned off from the living quarters.*"

Page 6, line 4, delete "commission" and insert "council"

Page 6, line 31, delete the period and after "rule" insert " ; and

(i) *A copy of all written material which the school uses to solicit prospective students, including but not limited to a tuition and fee schedule, and all catalogues, brochures and other recruitment advertisements. Each school shall annually, on a date determined by the director, file with the director any new or amended materials which it has distributed during the past year."*

Page 7, line 9, delete "by the student body"

Page 7, line 21, delete "and"

Page 7, line 26, after "manicurist" insert "; and"

(f) *evidence of professional liability insurance coverage in an amount by claim and total coverage as established by rule*"

Page 8, line 8, after "sign" insert "*prominently and conspicuously*"

Page 8, line 15, after "be" insert "*prominently and conspicuously*"

Page 8, line 36, before "rule" insert "*other statute or*"

Page 9, line 1, after "promulgated" insert "*or enforced*"

Page 9, line 12, delete "Where" and insert "If"

Page 9, line 13, delete "its" and insert "*the person's*"

Page 9, line 28, before "designee" insert "*director or*"

Page 10, delete line 24

Page 10, line 25, delete "*from the complaining party*" and insert "*the basis for the hearing must be stated in writing*"

Page 10, line 26, after "party" insert ", if any,"

Page 11, line 36, delete "*This section shall not be*"

Page 12, delete line 1

Page 12, line 14, after "both" insert "*, per violation*"

Page 13, line 22, delete "EMPLOYEES" and insert "POSITIONS"

Page 13, line 24, delete "*personnel*" and insert "*positions*"

Page 13, line 25, delete everything after the period

Page 13, line 26, delete "*classified service by the board of cosmetology*" and insert "*The incumbents of those positions in the classified service which the director determines are needed to carry out this act*"

Page 13, line 27, delete "*with agency length of service*"

Page 13, line 28, delete "*beginning on July 1, 1981*"

Page 13, line 31, after "*abolished.*" insert "*Nothing in this subdivision shall be construed as abrogating or modifying any rights now enjoyed by affected employees under the terms of an agreement between an exclusive representative of public employees and the state or one of its appointing authorities.*"

Page 13, after line 35 insert:

"Sec. 19. Minnesota Statutes 1980, Section 214.01, Subdivision 3, is amended to read:

Subd. 3. "Non-health related licensing board" means the board of teaching established pursuant to section 125.183, the board of barber examiners established pursuant to section 154.22, (THE BOARD OF COSMETOLOGY EXAMINERS ESTABLISHED PURSUANT TO SECTION 155.04,) the board of assessors established pursuant to section 270.41, the board of architecture, engineering, land surveying and landscape architecture established pursuant to section 326.04, the board of accountancy established pursuant to section 326.17, the board of electricity established pursuant to section 326.241, the private detective and protective agent licensing board established pursuant to section 326.33, the board of examiners in watchmaking established pursuant to section 326.541, the board of boxing established pursuant to section 341.01, the board of abstracters established pursuant to section 386.63, and the peace officer standards and training board established pursuant to section 626.841."

Renumber the sections

Amend the title as follows:

Page 1, line 9, after "*remedies;*" insert "*amending Minnesota Statutes 1980, Section 214.01, Subdivision 3;*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 668, A bill for an act memorializing the President and Congress to continue the price support level for milk and milk products.



Reported the same back with the following amendments:

Delete everything after the title and insert:

*Whereas*, the family farm system has proven to be the means of food production best able both to supply an ever expanding demand for food and at the same time to provide for the long term, wide-based social, economic, and environmental concerns of our state; and

*Whereas*, public policy, inflationary economy, and an unstable world situation combine to exert unbearable pressures on the family farm system; and

*Whereas*, providing incentives for unlimited production unfairly encourages large scale corporate farming operations at the expense of family farmers; and

*Whereas*, the benefits of a healthy family farm system are shared by all citizens; and

*Whereas*, corporate agriculture and agricultural conglomerates cannot be sensitive to the local needs of a richly diversified rural economy; *Now, Therefore,*

*Be It Resolved*, by the legislature of the State of Minnesota that Congress should enact legislation to establish price supports for dairy products at 80 percent of parity for up to 600,000 pounds of production per farm unit per year; that this level be adjusted semi-annually; and that there be limits set on the importation of dairy products and substitutes including casein; and

*Be It Further Resolved*, that target price supports for other farm commodities not be abandoned but be statutorily established at a level not to fall below 75 percent of parity and be limited so that no single farming operation receive annual target price support payments totaling more than \$20,000; and

*Be It Further Resolved*, that the farmer held reserve program be continued in its present form with the basic commodity loan rate set at the cost of production, and that these loans be limited to \$100,000 per year, the reserve level set at 110 percent of the loan rate, the release level set at 120 percent of the loan rate, and the call level at 140 percent of the loan rate except in cases where the exportation of a commodity has been restricted in which case the loan rate for that commodity would be set at 100 percent of parity; and

*Be It Further Resolved*, that the federal disaster insurance program be continued and that full coverage be available up to \$75,000 worth of damage, the amount of coverage there-

after to be reduced so that no coverage be available after \$150,000 worth of damage; and

*Be It Further Resolved*, that the Farmer's Home Administration's loan program give exclusive consideration to family farm operations, limit the size of loans to \$200,000, and require proof that private financing is not available for submitted loan proposals; and

*Be It Further Resolved*, that soil and water conservation efforts be accelerated; and

*Be It Further Resolved*, that the implementation and administration of all federal farm programs be primarily the responsibility of the local Agricultural Stabilization and Conservation Service offices, and that these offices be given the flexibility necessary to serve their districts adequately; and

*Be It Further Resolved*, that the Secretary of State of Minnesota be instructed to transmit copies of this resolution to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, to the Minnesota Senators and Representatives in Congress, and to the members of the U. S. Senate Agriculture Committee and the U. S. House Agriculture Committee."

Delete the title and insert:

"A resolution memorializing the President and Congress to implement a farm policy designed to protect the family farm system."

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 674, A bill for an act proposing an amendment to the Minnesota Constitution, Article XIV, Section 11; removing certain restrictions on highway bonds.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 687, A bill for an act relating to state employees; authorizing the deduction from salaries or wages of sums of moneys designated by them for certain combined charitable funds; amending Minnesota Statutes 1980, Section 15.375.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 15.375, Subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER OF FINANCE; DUTIES.] The commissioner of finance, upon the written request of a state officer or employee, may deduct each payroll period from the salary or wages of the officer or employee the amount specified (THEREIN) *in the written request for payment to (THE UNITED FUND) a registered combined charitable organization defined in section 2, which has been registered with the commissioner of securities and real estate for at least two years. (AND) The commissioner of finance shall issue his warrant (THEREFOR) in that amount to (THE UNITED FUND) that approved combined charitable organization.*

Sec. 2. [309.501] [REGISTERED COMBINED CHARITABLE ORGANIZATIONS.]

*Subdivision 1. [DEFINITIONS.] As used in this section, the following terms have the meanings given them.*

*"Registered combined charitable organization" means an organization (1) which is tax exempt under section 501(c)3 of the Internal Revenue Code of 1954, as amended through December 31, 1980 (hereinafter "Internal Revenue Code"), and to which contributions are deductible under section 170 of the Internal Revenue Code; (2) which secures funds for distribution to ten or more charitable agencies in a single, annual consolidated effort; (3) which is in compliance with the provisions of this chapter; and (4) which has been registered by the commissioner of securities and real estate in the department of commerce in accordance with this section.*

*"Charitable agency" means a governmental agency or an organization (1) which is tax exempt under section 501(c)3 of the Internal Revenue Code; (2) to which contributions are deductible under section 170 of the Internal Revenue Code; and (3) which is in compliance with the provisions of this chapter.*

*Subd. 2. [DESIGNATED CONTRIBUTIONS.] A registered combined charitable organization may offer a state officer or employee the option of designating in writing that the amount deducted in section 1 be designated to any charitable agency, whether or not the charitable agency receives funds from the single, annual consolidated effort. A registered charitable organization which offers this option shall provide a list of charitable agencies receiving funds and the amount each charitable agency receives in the annual report required pursuant to section 309.53.*

*Subd. 3. [REGISTRATION.] An organization may apply to the commissioner of securities and real estate in the department of commerce on forms provided by the commissioner as a registered combined charitable organization. An organization which applies to the commissioner shall provide the commissioner with all information the commissioner deems necessary to identify the charitable and tax exempt status of the organization and its compliance with the provisions of this chapter. The organization shall also provide the commissioner with a list of the charitable agencies that the organization secures funds for and all information the commissioner deems necessary to determine the charitable and tax exempt status of these agencies and their compliance with the provisions of chapter 309. Notwithstanding section 309.53, subdivision 1a, each charitable agency shall file the report required in section 309.53. The commissioner shall consult with the attorney general to determine if the combined charitable organization and its charitable agencies are in compliance with chapter 309. The commissioner shall approve or disapprove the application of an organization within 60 days. The decision of the commissioner shall be in writing and shall be based on the provisions of this section. No organization may apply to the commissioner more than once in a 12 month period. Registered combined charitable organizations shall file the report required in section 309.53. The commissioner shall notify the commissioner of finance in writing of his decision to register an organization under this section.*

### Sec. 3. [RULES.]

*The commissioner may promulgate rules to implement the provisions of sections 1 and 2. The rules shall not require the modification of any existing payroll deduction fund drive for state employees previously authorized by section 15.375, subdivision 1.*

### Sec. 4. [TRANSITION.]

*Notwithstanding any contrary provision of sections 1 to 4, a payroll deduction fund drive existing on the effective date of this act (a) may continue this fund drive until March 1, 1983; and (b) may continue to distribute funds received from 1983 payroll deductions.*

Sec. 5. [REPEALER.]

*Minnesota Statutes 1980, Section 15.375, Subdivision 1, is repealed.*

Sec. 6. [EFFECTIVE DATE.]

*The effective date of sections 1, 2, and 3 shall be March 1, 1982."*

Amend the title as follows:

Page 1, line 5, before the period insert " Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 309; repealing Minnesota Statutes 1980, Section 15.375, Subdivision 1"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 691, A bill for an act relating to courts; permitting the use of electronic recording equipment in certain court proceedings; amending Minnesota Statutes 1980, Sections 486.02; and 486.03; proposing new law coded in Minnesota Statutes, Chapter 484.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [484.72] [ELECTRONIC RECORDING OF COURT PROCEEDINGS.]

*Subdivision 1. [AUTHORIZATION.] Except as provided in subdivision 4 hereof, electronic recording equipment may be used to record court proceedings in lieu of a court reporter. However, at the request of any party to any proceedings, the court may, in its discretion, require a registered professional reporter, or a court reporter who meets minimum qualifications promulgated by the supreme court, to make a complete stenographic record of said proceedings.*

*Subd. 2. [APPOINTMENT OF OPERATOR, COSTS AND PAYMENT.] The court shall have the authority to appoint a person or persons to operate and monitor electronic recording equipment. Such person or persons may be paid on a salary basis, on a contract basis, or such other basis as the court deems appropriate.*

*Subd. 3. [SPECIFICATION FOR ELECTRONIC RECORDING EQUIPMENT; QUALIFICATIONS FOR OPERATOR.] For the purpose of this section the state court administrator shall promulgate specifications for acceptable electronic recording equipment used to record court proceedings and minimum qualifications for the persons who operate and monitor such equipment.*

*Subd. 4. [LIMITATIONS ON USE OF ELECTRONIC RECORDING EQUIPMENT.] A registered professional reporter, or a court reporter who meets minimum qualifications promulgated by the supreme court, shall make a complete stenographic record of the following court proceedings:*

- 1. Felony and gross misdemeanor offenses, except arraignments and first appearance in district court as specified in rule 8 of the rules of criminal procedure.*
- 2. District court jury trials.*
- 3. Contested district court trials and fact-finding hearings.*

Sec. 2. Minnesota Statutes 1980, Section 486.02, is amended to read:

**486.02 [STENOGRAPHIC RECORD.]**

(SUCH) *Except as provided in section 484.72, a registered professional reporter, or a court reporter who meets minimum qualifications promulgated by the supreme court, shall make a complete stenographic record of all testimony given and all proceedings had before the judge upon the trial of issues of fact, with or without a jury, or before any referee appointed by such judge. In so doing he shall take down all questions in the exact language thereof, and all answers thereto precisely as given by the witness or by the sworn interpreter. He shall also record, verbatim, all objections made, and the grounds thereof as stated by counsel, all rulings thereon, all exceptions taken, all motions, orders, and admissions made and the charge to the jury. When directed so to do by the judge, he shall make a like record of any other matter or proceeding, and shall read to such judge or referee any record made by him, or transcribe the same, without charge, for any purpose in furtherance of justice.*

Sec. 3. Minnesota Statutes 1980, Section 486.03, is amended to read:

**486.03 [FURNISH TRANSCRIPT; FILE RECORD.]**

*As soon as the trial is ended the reporter or operator of electronic recording equipment shall file his stenographic report,*

or tape recording, thereof with the clerk, or elsewhere, if the judge shall so direct; and, upon request of any person interested and payment or tender of his fees therefor, he shall furnish a transcript of such record in the words and figures represented by the characters used in making the same and for that purpose he may take and retain such record so long as may be necessary, when it shall be returned to the files.

Sec. 4. [EFFECTIVE DATE.]

*Section 1, subdivisions 3 and 4 are effective the day after final enactment. Section 1, subdivisions 1 and 2, and sections 2 and 3 are effective upon promulgation of the specifications and qualifications as provided in section 1, subdivision 3."*

Further amend the title by deleting it in its entirety and inserting:

"A bill for an act relating to court reporting; permitting the use of electronic recording equipment in certain district court proceedings; amending Minnesota Statutes 1980, Sections 486.02 and 486.03; and proposing new law coded in Minnesota Statutes, Chapter 484."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 700, A bill for an act relating to crimes; redefining criminal sexual conduct; amending Minnesota Statutes 1980, Sections 609.342; 609.343; and 609.345.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1980, Section 609.341, Subdivision 11, is amended to read:

Subd. 11. "Sexual contact" includes any of the following acts committed without the complainant's consent, if the acts can reasonably be construed as being for the purpose of satisfying the actor's sexual or aggressive impulses, except in those cases where consent is not a defense:

(i) The intentional touching by the actor of the complainant's intimate parts, or

(ii) The (COERCED) touching by the complainant of the actor's, the complainant's, or another's intimate parts *effected by coercion or the use of a position of authority, or*

(iii) The (COERCED) touching by another of the complainant's intimate parts *effected by coercion or the use of a position of authority, or*

(iv) In any of the cases above, of the clothing covering the immediate area of the intimate parts."

Page 4, line 23, delete "3" and insert "4"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "Sections" insert "609.341, Subdivision 11;"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 704, A bill for an act relating to motor vehicles; providing for the taxation and registration of certain collector's vehicles; including additional vehicles entitled to classic car license plates; increasing the tax thereon; amending Minnesota Statutes 1980, Section 168.10, Subdivision 1b.

Reported the same back with the following amendments:

Page 2, line 19, strike "1942" and insert "1948" and after "classic" strike the balance of the line

Page 2, strike line 20 to "1948"

Page 3, line 4, strike "1942" and insert "1948" and after "Series" insert "67,"

Page 3, line 9, after "CG" insert ", CH"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:



H. F. No. 715, A bill for an act relating to the state building code; authorizing municipalities under 5,000 to elect that the code not apply within their jurisdictions; proposing new law coded in Minnesota Statutes, Chapter 16.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [16.869] [STATE BUILDING CODE IN MUNICIPALITIES UNDER 5,000; LOCAL OPTION.]**

*Notwithstanding any other law to the contrary, the governing body of a municipality may provide that no portion of the state building code, except the building requirements for handicapped persons, shall apply within its jurisdiction if at the time the governing body acts:*

*(1) The population of the municipality is less than 5,000; and*

*(2) The municipality is located in a county that has provided, pursuant to section 16.868 that the state building code shall not apply in the county, outside home rule charter or statutory cities or towns that adopted the code prior to January 1, 1977.*

**Sec. 2. [EFFECTIVE DATE.]**

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

Amend the title as follows:

Page 1, line 2, after "authorizing" insert "certain"

With the recommendation that when so amended the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 756, A bill for an act relating to foods; directing the establishment of labeling and grading requirements for domestically grown wild rice by the commissioner of agriculture; providing a penalty; proposing new law coded in Minnesota Statutes, Chapter 30.

Reported the same back with the following amendments:

Page 1, line 10, delete "sold or"

Page 1, line 13, delete "*The commissioner shall also promulgate rules*"

Page 1, delete line 14

Page 1, line 15, delete "*wild rice and the display of grades.*"

Page 1, line 16, delete "*or a rule promulgated pursuant hereto*"

Amend the title as follows:

Page 1, line 3, delete "and grading"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 764, A bill for an act relating to local government; changing responsibilities for the administration of the Ramsey county court house and Saint Paul city hall building; amending Laws 1974, Chapter 435, Section 3.12; and repealing Laws 1980, Chapter 612, Section 5.

Reported the same back with the following amendments:

Page 2, line 15, delete the comma and insert "*and*"

Page 2, line 15, delete "*and improving*"

Page 2, line 16, delete "*September*" and insert "*April*"

Page 2, line 20, delete the comma after "*heating*" and insert "*and*"

Page 2, line 20, delete "*, and improving*"

Page 2, line 21, after the period insert "*Costs of improvements to exclusive space shall be borne by the occupant. Costs of improvements to nonexclusive space shall be shared and apportioned in the same manner as the annual rental payments.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 788, A bill for an act relating to courts; conciliation courts; authorizing actions to recover amounts lost due to worthless checks in the county of issuance and where the plaintiff resides; amending Minnesota Statutes 1980, Section 487.30, by adding a subdivision; 488A.12, Subdivision 3; and 488A.29, Subdivision 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 813, A bill for an act relating to public safety; providing for the issuance of driver's licenses and Minnesota identification cards; eliminating the requirement that the licenses and cards be plastic with embossed identification information; amending Minnesota Statutes 1980, Section 171.07, Subdivisions 1 and 3.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 847, A bill for an act relating to highway traffic regulations; providing for the designation and undesignation of routes to carry certain gross weights; amending Minnesota Statutes 1980, Section 169.832, Subdivision 11; repealing Minnesota Statutes 1980, Section 169.832, Subdivision 12.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 873, A bill for an act relating to transportation; regulating apportionment from the municipal state-aid street fund; providing for the inclusion of certain cities in the 1981 apportionment of municipal state-aid street funds.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 874, A bill for an act relating to child abuse; requiring reports of certain sexual and physical abuse of children; requiring reports to parents in certain cases; amending Minnesota Statutes 1980, Section 626.556, Subdivisions 1, 2, 3, 7 and 9.

Reported the same back with the following amendments:

Page 3, line 11, delete “, and” and insert “. *The police department or sheriff receiving the report from the welfare department shall immediately notify*”

Page 3, line 13, after “child” insert “*and if notification of the parent would not jeopardize apprehension of a suspect*”

Page 3, line 24, after “child” insert “*and if notification of the parent would not jeopardize the apprehension of a suspect*”

Page 3, after line 24, insert:

“Sec. 4. Minnesota Statutes 1980, Section 626.556, Subdivision 6, is amended to read:

Subd. 6. [FAILURE TO REPORT.] Any person required by this section to report suspected physical or sexual child abuse or neglect who (WILLFULLY) fails to do so shall be guilty of a misdemeanor.”

Page 4, line 4, after “child” insert “*and if notification of the parent would not jeopardize apprehension of a suspect*”

Page 4, line 8, after “sheriff” delete “, and” and insert “. *The police department or county sheriff shall immediately forward a copy of each written report received from the welfare department to*”

Page 4, line 9, after “child” insert “*and if notification of the parent would not jeopardize apprehension of a suspect*”

Page 4, line 21, after “abuse” delete “, and”

Page 4, delete lines 22 and 23

Page 4, line 24, delete “child”

Page 4, after line 26, insert *"Immediately after the police department or county sheriff receives a report from the medical examiner or coroner stating an opinion that a child has died as a result of neglect or physical or sexual abuse, the police department or sheriff shall determine whether the child's parent is suspected of abusing or neglecting the child and, if the parent is not a suspect, whether notification of the parent would jeopardize apprehension of a suspect. If it is determined that the parent is not a suspect and that notification of the parent would not jeopardize apprehension of a suspect, then the police department or sheriff shall promptly notify the child's parent of the medical examiner's or coroner's opinion."*

Renumber the sections

Amend the title as follows:

Page 1, line 6, after "3," insert "6,"

With the recommendation that when so amended the bill be re-referred to the Committee on Health and Welfare without further recommendation.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 900, A bill for an act relating to open space and recreation; providing for costs of acquisition and betterment of regional recreation open space lands by the metropolitan council and metropolitan area local governmental units; authorizing issuance of state bonds; appropriating money.

Reported the same back with the following amendments:

Page 1, line 14, delete "\$1,000" and insert "\$22,500,000"

Page 1, line 19, after "\$" insert "22,500,000"

Page 2, line 1, after "of" insert "regional"

Page 2, line 6, delete "\$1,000" and insert "\$400,000"

Page 2, after line 9, insert:

"Sec. 3. [SPEED SKATING RINK.]

*In connection with preparing the long-range system policy plan and development program for regional recreational open space under section 473.147 the council and the metropolitan*

*parks and open space commission shall examine the need for a speed skating rink in the metropolitan area. The council and the commission shall submit recommendations and findings regarding the speed skating rink to the legislature on or before January 15, 1982."*

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 904, A bill for an act relating to unemployment compensation; including retroactive wage awards within the definition of wages for unemployment compensation purposes; amending Minnesota Statutes 1980, Section 268.04, Subdivisions 25, 26, and 29.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 923, A bill for an act relating to education; tax levies; authorizing Independent School District No. 256 to adjust its 1981 levy for school maintenance purposes.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 936, A bill for an act relating to natural resources; raising limitations on values of state timber which may be sold at public auction or informal sale; providing for special auction sales and changing certain other provisions relating to the sale and removal of state timber; amending Minnesota Statutes 1980, Sections 90.031, Subdivision 4; 90.101, Subdivision 1; 90.151, Subdivisions 11 and 13; 90.173; 90.181, Subdivision 2; 90.191, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 90.

Reported the same back with the following amendments:

Page 1, lines 20 and 26, delete "\$35,000" and insert "\$25,000"

Page 2, line 8, delete "SPECIAL" and insert "INTERMEDIATE"

Page 2, line 14, after "sales" delete the remainder of the line

Page 2, line 15, delete "county in which" and insert "shall be at the forest office or other public facility most accessible to potential bidders or closest to where"

Page 2, lines 17 and 18, delete "15" and insert "30"

Page 2, line 19, delete "may" and insert "shall"

Page 2, line 27, after the semi-colon insert "(5) any tract not sold shall be available for a period of 90 days for purchase, by persons eligible under this section at the appraised value;"

Renumber the clauses

Page 2, line 36, delete "five" and insert "four"

Page 3, line 1, delete "five" and insert "four"

Page 3, line 2, after "effect" insert "or to a person having more than 35 employees"

Page 3, line 6, after "permit" insert "without interest, and an additional extension of one year with interest"

Page 3, lines 21 and 22, delete "2" and insert "3"

Page 4, line 18, after "certificate" insert "or a bank letter of credit"

Page 4, line 30, after "deposit" insert "and shall bear interest at the rate of not less than eight percent per annum if not returned within 30 days from the date of the default"

Page 5, line 29, delete "\$2,500" and insert "\$3,000"

Page 5, line 33, before the period insert "; except that (1) a partnership as defined in chapter 323, which may include spouses but which shall provide evidence that a partnership exists, may be holding two permits for each of not more than three partners who are actively engaged in the business of logging or who are the spouses of persons who are actively engaged in the business of logging with that partnership; and (2) a corporation, a ma-

*majority of whose shares and voting power are owned by natural persons or spouses or estates of persons related to each other within the fourth degree of kindred according to the rules of the civil law, may be holding two permits for each of not more than three shareholders who are actively engaged in the business of logging or who are the spouses of persons who are actively engaged in the business of logging with that corporation"*

Page 5, after line 33 insert:

**"Sec. 9. [EXTENSION OF CERTAIN TIMBER PERMITS.]**

*The commissioner of natural resources may extend for an additional period of not to exceed one year any timber permit issued pursuant to Minnesota Statutes, Section 90.191, which expires during 1981. This extension shall be in addition to any extension previously granted pursuant to section 90.191; shall be made without additional charge, and shall otherwise be subject to the requirements of section 90.191."*

Page 5, line 34, delete "9" and insert "10"

Page 5, line 35, after "1981" insert "*except that section 9 is effective the day following final enactment*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 945, A bill for an act relating to motor vehicles; providing for registration and regulating the display of plates and insignia; providing exemptions from registration and taxation for nonresident servicemen; specifying the time when the tax is due and payable; amending Minnesota Statutes 1980, Sections 168.04, Subdivision 1; 168.09, Subdivisions 1 and 3; and 168.31, Subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Eken from the Committee on Rules and Legislative Administration to which was referred:



H. F. No. 966, A resolution memorializing the President and Congress to maintain the present schedule for natural gas price decontrol.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 969, A bill for an act relating to metropolitan government; authorizing the metropolitan council to prepare guidelines relating to the amendment of comprehensive plans; amending Minnesota Statutes 1980, Section 473.864, Subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 473.864, Subdivision 2, is amended to read:

Subd. 2. Amendments to comprehensive plans of local governmental units and to capital improvement programs of school districts shall be (PREPARED,) submitted(,) and adopted in (THE SAME MANNER AS THE ORIGINAL PLANS AND PROGRAMS) *conformance with guidelines adopted by the metropolitan council pursuant to section 473.854.*

Sec. 2. [EFFECTIVE DATE.]

*This act is effective the day after final enactment in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."*

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 985, A bill for an act relating to liquor; registration of labels; amending Minnesota Statutes 1980, Section 340.621.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 991, A bill for an act relating to unemployment compensation; changing the time period for an appeal from a decision of the commissioner; amending Minnesota Statutes 1980, Section 268.10, Subdivision 8.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1007, A bill for an act relating to insurance; establishing standards applicable to accident or health insurance policies which purport to supplement medicare benefits; prescribing minimum levels of coverage; providing for certain disclosures; and prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 62A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [62A.30] [MEDICARE SUPPLEMENT BENEFITS; MINIMUM STANDARDS.]

*Subdivision 1. [POLICY REQUIREMENTS.] No individual or group policy, certificate, subscriber contract or other evidence of accident and health insurance issued or delivered in this state shall be sold or issued to an individual age 65 or older covered by medicare unless the following requirements are met:*

(a) *The policy must provide a minimum of the coverage set out in subdivision 2;*

(b) *The policy must cover pre-existing conditions during the first six months of coverage if the insured was not diagnosed or treated for a particular condition during the 90 days immediately preceding the effective date of coverage;*

(c) The policy must contain a provision that the plan will not be canceled or nonrenewed on the grounds of the deterioration of health of the insured; and

(d) An outline of coverage as provided in section 6 must be delivered at the time of application.

The requirements of sections 1 to 12 shall not apply to group policies of accident and health insurance issued to any of the following groups:

(1) A policy issued to an employer, or employers, or to the trustee of a fund established by an employer where only employees or retirees of the employer are eligible for coverage.

(2) A policy issued to a labor union, or similar employee organization.

(3) A policy issued to an association or to a trust or to the trustee or trustees of a fund established, created, or maintained for the benefit of members of one or more associations. The association or associations shall have at the outset a minimum of 100 persons; shall have been organized and maintained in good faith for purposes other than that of obtaining insurance; shall have a constitution and by-laws which provides that (i) the association or associations hold regular meetings not less than annually to further purposes of the members, (ii) except for credit unions, the association or associations collect dues or solicit contributions from members, and (iii) the members have voting privileges and representation on the governing board and committees.

Subd. 2. [GENERAL COVERAGE.] For a policy to meet the requirements of this section it must contain a designation specifying whether the policy is a medicare supplement 1+, 1, 2, or 3, a caption stating that the commissioner has established four categories of medicare supplement insurance and minimum standards for each, with medicare supplement 1+ being the most comprehensive and medicare supplement 3 being the least comprehensive, and minimum coverage prescribed for each category in sections 2 to 5.

Sec. 2. [62A.31] [MEDICARE SUPPLEMENT 1+; COVERAGE.]

Medicare supplement 1+ must have a level of coverage so that it will be certified as a qualified plan pursuant to Minnesota Statutes, Chapter 62E, and will provide:

(a) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare to at least

*50 percent of the deductible and co-payment required under Medicare for the first 60 days of any Medicare benefit period;*

*(b) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;*

*(c) Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;*

*(d) Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of 90 percent of all Medicare Part A eligible expenses for hospitalization not covered by Medicare subject to a lifetime maximum benefit of an additional 365 days;*

*(e) Coverage of 20 percent of the amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to at least 50 percent of the Medicare calendar year Part B deductible;*

*(f) 80 percent of charges for covered services described in Minnesota Statutes, Section 62E.06, Subdivision 1, which charges are not paid by Medicare; and*

*(g) Shall include a limitation of \$1,000 per person on total annual out-of-pocket expenses for the covered services. The coverage must be subject to a maximum lifetime benefit of not less than \$100,000.*

**Sec. 3. [62A.32] [MEDICARE SUPPLEMENT 1; COVERAGE.] Medicare Supplement 1 must have a level of coverage that, at a minimum, will provide:**

*(a) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare to at least 50 percent of the deductible and co-payment required under Medicare for the first 60 days of any Medicare benefit period;*

*(b) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;*

*(c) Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;*

*(d) Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of 90 percent of all Medicare Part A eligible expenses for hospitalization not*

*covered by Medicare subject to a lifetime maximum benefit of an additional \$65 days; and*

*(e) Coverage of 20 percent of the amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to the Medicare calendar year Part B deductible and a maximum benefit of at least \$5,000 per calendar year.*

**Sec. 4. [62A.33] [MEDICARE SUPPLEMENT 2; COVERAGE.]**

*Medicare Supplement 2 must have a level of coverage that, at a minimum, will provide:*

*(a) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;*

*(b) Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;*

*(c) Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of 90 percent of all Medicare Part A eligible expenses for hospitalization not covered by Medicare subject to lifetime maximum benefit of an additional \$65 days; and*

*(d) Coverage of 20 percent of the amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to the Medicare calendar year Part B deductible and a maximum benefit of at least \$5,000 per calendar year.*

**Sec. 5. [62A.34] [MEDICARE SUPPLEMENT 3; COVERAGE.]**

*Medicare Supplement 3 must have a level of coverage that, at a minimum, will provide:*

*(a) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;*

*(b) Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;*

*(c) Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of 90 percent of all Medicare Part A eligible expenses for hospitalization not*

covered by Medicare subject to a lifetime maximum benefit of an additional 365 days; and

(d) Coverage of 20 percent of the amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket deductible of \$200 of such expenses and to a maximum benefit of at least \$5,000 per calendar year.

**Sec. 6. [62A.35] [LOSS RATIO STANDARDS.]**

*Subdivision 1. Notwithstanding Minnesota Statutes, Section 62A.02, Subdivision 3, relating to loss ratios, Medicare supplement policies shall be expected to return to policyholders in the form of aggregate benefits under the policy, as estimated for the entire period for which rates are computed to provide coverage, on the basis of incurred claims experience and earned premiums for such period and in accordance with accepted actuarial principles and practices:*

(a) *At least 75 percent of the aggregate amount of premiums collected in the case of group policies; and*

(b) *At least 65 percent of the aggregate amount of premium collected in the case of individual policies.*

*Subd. 2. For purposes of this section, Medicare supplement policies issued as a result of solicitations of individuals through the mail or mass media advertising, including both print and broadcast advertising, shall be treated as individual policies.*

**Sec. 7. [62A.36] [SEALS AND EMBLEM PROHIBITED.]**

*Subdivision 1. No graphic seal or emblem shall be displayed on any policy or promotional literature which is a facsimile of the official seal of this state or any agency thereof or of the United States of America or any agency thereof.*

*Subd. 2. Any false statement or representation printed on the policy or on promotional literature that indicates the policy has a connection with, is certified by, or has the approval or endorsement of any agency of this state or of the United States of America shall be unlawful.*

**Sec. 8. [62A.37] [NOTICE OF FREE EXAMINATION.]**

*Medicare supplement policies or certificates, other than those issued pursuant to direct response solicitation, shall have a notice prominently printed on the first page of the policy or attached thereto stating in substance that the policyholder or certificate holder shall have the right to return the policy or certificate*

*within 30 days of its delivery and to have the premium refunded in full if, after examination of the policy or certificate, the insured person is not satisfied for any reason. Medicare supplement policies or certificates, issued pursuant to a direct response solicitation to persons eligible for Medicare by reason of age, shall have a notice prominently printed on the first page or attached thereto stating in substance that the policyholder or certificate holder shall have the right to return the policy or certificate within 30 days of its delivery and to have the premium refunded if, after examination, the insured person is not satisfied for any reason.*

**Sec. 9. [62A.38] [DISCLOSURE.]**

*No individual medicare supplement plan shall be delivered or issued in this state and no certificate shall be delivered pursuant to a group medicare supplement plan delivered or issued in this state unless an outline containing at least the following information is delivered to the applicant at the time the application is made:*

*(a) A description of the principal benefits and coverage provided in the policy;*

*(b) A statement of the exceptions, reductions, and limitations contained in the policy;*

*(c) A statement of the renewal provisions including any reservations by the insurer of a right to change premiums;*

*(d) A statement that the outline of coverage is a summary of the policy issued or applied for and that the policy should be consulted to determine governing contractual provisions; and*

*(e) A statement of the policy's loss ratio as follows: "This policy provides an anticipated loss ratio of . . . percent". This means that, on the average, policyholders may expect that \$ . . . of every \$100 in premium will be returned as benefits to policyholders over the life of the contract.*

**Sec. 10. [62A.39] [REPLACEMENT.]**

*No insurer or agent shall replace a medicare supplement plan with another medicare supplement plan of the same category unless there is a substantial difference in cost favorable to the policyholder, or the insured has previously demonstrated a dissatisfaction with the service they are presently receiving from their current insurer. An insurer or agent may only replace a medicare supplement plan with a less comprehensive plan if the prospective insured signs an acknowledgment that they understand that they will receive less benefits under the new policy than under the policy they presently have in force.*

**Sec. 11. [62A.40] [PENALTIES.]**

*Any insurer, general agent, agent, or other person who knowingly or willfully, either directly, or indirectly, makes or causes to be made or induces or seeks to induce the making of any false statement or representation of a material fact with respect to compliance of any policy with the standards and requirements set forth in this section; falsely assumes or pretends to be acting, or misrepresents in any way, including a violation of section 7, that he is acting, under the authority or in association with medicare, or any federal agency, for the purpose of selling or attempting to sell insurance, or in such pretended character demands, or obtains money, paper, documents, or anything of value; or knowingly sells a health insurance policy to an individual entitled to benefits under part A or part B of medicare with the knowledge that such policy substantially duplicates health benefits to which such individual is otherwise entitled under a requirement of state or federal law other than under medicare shall be guilty of a felony and subject to a civil penalty of not more than \$5,000 per violation, and the commissioner may revoke or suspend the license of any company, association, society, other insurer, or agent thereof.*

**Sec. 12. [62A.41] [RULEMAKING AUTHORITY.]**

*To carry out the purposes of this section, the commissioner may promulgate rules pursuant to Minnesota Statutes, Chapter 15. These rules may:*

*(a) Prescribe additional disclosure requirements for medicare supplement plans, designed to adequately inform the prospective insured of the need and extent of coverage offered;*

*(b) Prescribe uniform policy forms in order to give the insurance purchaser a reasonable opportunity to compare the cost of insuring with various insurers; and*

*(c) Establish other reasonable standards to further the purpose of this section.*

**Sec. 13. Minnesota Statutes 1980, Section 62E.02, Subdivision 5, is amended to read:**

**Subd. 5. "Qualified medicare supplement plan" means those health benefit plans which have been certified by the commissioner as providing the minimum benefits required by section 62E.07 (OR THE ACTUARIAL EQUIVALENT OF THOSE BENEFITS)."**

**Amend the title as follows:**

**Page 1, line 6, after "penalties;" insert "amending Minnesota Statutes 1980, Section 62E.02, Subdivision 5 and"**



With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred :

H. F. No. 1016, A bill for an act relating to education; permitting districts to purchase insurance coverage for the operation of leased buses in certain circumstances; amending Minnesota Statutes 1980, Section 123.39, Subdivisions 8 and 9 and by adding a subdivision.

Reported the same back with the following amendments :

Page 2, line 5, restore the stricken language and delete the new language

Page 2, line 10, after "may" insert "*purchase and*"

Page 2, line 14, delete "*by the insurer*"

Page 2, line 24, after "*for*" insert "*insurance*"

Page 2, line 24, delete "*under the insurance policy*"

Page 2, line 25, after the first "*lessee*" insert "*and to protect the board and the district, in any amount not exceeding the limits of coverage provided for the insurance obtained pursuant to subdivision 9 or section 466.06, against claims for injuries and damages arising out of the use and operation of a district-owned bus while it is leased or rented to the lessee pursuant to subdivision 8*"

Page 2, line 25, delete "*The liability coverage indemnifying the lessee may not*"

Page 2, delete line 26

Page 2, line 27, delete "*section 466.06.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred :

H. F. No. 1044, A bill for an act relating to attachment; prescribing the grounds when a writ of attachment may be issued for purposes of securing property or acquiring quasi in rem

jurisdiction over defendants; amending Minnesota Statutes 1980, Section 570.02.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 1065, A bill for an act relating to public utilities; extending an option as to rate regulation by the public utilities commission to certain small telephone companies; amending Minnesota Statutes 1980, Sections 237.01; 237.075, Subdivision 9; and 237.081, Subdivision 1a.

Reported the same back with the following amendments:

Page 2, line 25, after the period insert "*For purposes of this section, the term "member or stockholder" shall mean either the member or stockholder of record or the spouse of the member or stockholder unless the association has been notified otherwise in writing.*"

Page 3, line 6, after the period insert "*For purposes of this section, the term "customer" shall mean either the person in whose name the telephone service is registered or the spouse of the person unless the municipal utility has been notified otherwise in writing.*"

Page 3, line 25, after the period insert "*For purposes of this section the term "subscriber" shall mean either the person in whose name the telephone service is registered or the spouse of the person unless the independent telephone company has been notified otherwise in writing.*"

Page 3, line 32, after "*subscribers*" insert "*or spouses of subscribers*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 1088, A bill for an act relating to the secretary of state; requiring that government survey documents be maintained on microfilm; providing for filing certain documents with

the Minnesota historical society; amending Minnesota Statutes 1980, Section 5.03.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 1092, A bill for an act relating to charitable organizations; providing for registration and reporting requirements applicable to certain charitable organizations; amending Minnesota Statutes 1980, Sections 309.52, by adding subdivisions; 309.53, by adding subdivisions; 309.532, by adding a subdivision; and 309.534, by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1125, A bill for an act relating to economic development; providing for changes in the small business finance agency law to better provide assistance for small business; making technical changes; amending Minnesota Statutes 1980, Sections 362.50, Subdivisions 4, 5, 9 and 10; 362.52, Subdivisions 2 and 4; 362.53, Subdivisions 11, 12, 15 and 17; repealing Minnesota Statutes 1980, Section 362.50, Subdivisions 6 and 7.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1150, A bill for an act relating to workers' compensation; revising the method for members of the reinsurance association to select a retention limit; changing the indexing provisions for the retention limits of the reinsurance association; increasing the prefunded limit of the association; providing for the reinsurance association to return excess premiums or collect deficient premiums from association members; changing the limitations of the purchase of workers' compensation reinsurance from private entities; amending Minnesota Statutes 1980, Sections 79.34, Subdivisions 1 and 2; 79.35; and 79.36.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 1185, A bill for an act relating to highways; modifying restrictions on the loading of vehicles driven on the highways; amending Minnesota Statutes 1980, Section 169.81, Subdivision 5.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1278, A bill for an act relating to public employment labor relations; clarifying the definition of "employer"; amending Minnesota Statutes 1980, Section 179.63, Subdivision 4.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 3, 6, 12, 25, 35, 54, 126, 137, 138, 192, 217, 263, 308, 326, 365, 413, 522, 536, 544, 630, 646, 668, 687, 691, 700, 704, 715, 756, 764, 788, 847, 873, 904, 923, 936, 945, 966, 969, 991, 1007, 1016, 1044, 1065, 1088, 1092, 1125, 1150, 1185 and 1278 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 197, 331, 416, 347, 336, 275 and 263 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Sieben, M., for the Committee on Appropriations, introduced:

H. F. No. 1304, A bill for an act relating to state government; providing for deficiencies in and supplementing appropriations for the expenses of state government; appropriating money.

The bill was read for the first time and laid over one day.

Munger, for the Committee on Environment and Natural Resources, introduced:

H. F. No. 1305, A bill for an act relating to waters; establishing a category of waters and wetlands designated as "protected"; amending Minnesota Statutes 1980, Sections 105.37, Subdivisions 14, 15, 16, and by adding a subdivision; 105.38; 105.39, Subdivision 3; and 105.391, Subdivisions 1, 3, 10, and 12.

The bill was read for the first time and laid over one day.

Wynia, Rice, Samuelson and Hokanson introduced:

H. F. No. 1306, A bill for an act relating to insurance; prohibiting the exclusion of coverage on a dependent child solely because the child is an adopted child of the insured; proposing new law coded in Minnesota Statutes, Chapter 62A.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Clark, J.; Onnen and Novak introduced:

H. F. No. 1307, A bill for an act relating to public welfare; requiring licensure for adult day care facilities; amending Minnesota Statutes 1980, Sections 245.782, Subdivision 2; 245.791; 256B.02, Subdivisions 7 and 8.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Novak; Anderson, I.; Schreiber; Voss and Dempsey introduced:

H. F. No. 1308, A bill for an act relating to local government; defining state mandated services and standards; providing for a definition of state initiated mandates; providing for a listing and estimate of state mandated costs and a procedure for reimbursement of these costs; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 275.

The bill was read for the first time and referred to the Committee on Taxes.

Stadum, Rose and Sviggum introduced :

H. F. No. 1309, A bill for an act relating to workers' compensation; excluding certain van pooling operations from coverage; proposing new law coded in Minnesota Statutes, Chapter 176.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Hoberg introduced :

H. F. No. 1310, A bill for an act relating to the Moorhead-Clay County area redevelopment authority; providing for ownership, operation and financing of airports; amending Laws 1980, Chapter 461, by adding a section.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Hoberg and Valan introduced :

H. F. No. 1311, A bill for an act relating to public improvements; providing for a domiciliary veterans facility at Moorhead; providing for a bond issue; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Kostohryz introduced :

H. F. No. 1312, A bill for an act relating to employment; establishing a state employment and training program; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 268.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Harens, Kahn, Vanasek, Clawson and Byrne introduced :

H. F. No. 1313, A resolution memorializing the Congress and the President of the United States to continue the arms embargo and cease all economic aid to Guatemala.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Clawson introduced :

H. F. No. 1314, A bill for an act relating to state lands ; directing the conveyance of certain lands in Anoka County.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Novak, Piepho, Dahlvang and Carlson, D., introduced :

H. F. No. 1315, A bill for an act relating to taxation; providing income tax credits for the investment in property used in recycling and on the gross receipts from sales of recycled materials; exempting from the sales and use tax certain materials used in recycling; amending Minnesota Statutes 1980, Sections 290.06, by adding subdivisions; and 297A.25, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Novak introduced :

H. F. No. 1316, A bill for an act relating to public improvements; allowing deferment of special assessments in cases of hardship regardless of the age of the owner; amending Minnesota Statutes 1980, Section 435.193.

The bill was read for the first time and referred to the Committee on Taxes.

Novak introduced :

H. F. No. 1317, A bill for an act relating to the city of New Brighton; authorizing a project and the issuance of revenue bonds under Minnesota Statutes, Chapter 474.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Tomlinson introduced :

H. F. No. 1318, A bill for an act relating to taxation; authorizing governmental subdivisions to levy taxes for energy conservation measures; amending Minnesota Statutes 1980, Section 275.50, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Rice, Byrne, O'Connor and Begich introduced:

H. F. No. 1319, A bill for an act relating to public employment; creating a new bargaining unit for state employees; amending Minnesota Statutes 1980, Section 179.741, Subdivision 1, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Ainley introduced:

H. F. No. 1320, A bill for an act relating to economic development; regulating loans to Indians; amending Minnesota Statutes 1980, Section 362.40.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Otis; Sieben, H.; Eken; Sherwood and Knickerbocker introduced:

H. F. No. 1321, A resolution memorializing the Peace Corps in recognition of the outstanding achievements of Peace Corps volunteers from Minnesota on the occasion of the Peace Corps' 20th anniversary.

The bill was read for the first time.

#### SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Otis moved that the rule therein be suspended and an urgency be declared so that H. F. No. 1321 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Otis moved that the rules of the House be so far suspended that H. F. No. 1321 be given its second and third readings and be placed upon its final passage. The motion prevailed.

H. F. No. 1321 was read for the second time.

H. F. No. 1321, A resolution memorializing the Peace Corps in recognition of the outstanding achievements of Peace Corps volunteers from Minnesota on the occasion of the Peace Corps' 20th anniversary.

The bill was read for the third time and placed upon its final passage.



The question was taken on the passage of the bill and the roll was called. There were 116 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kelly	Ogren	Simoneau
Ainley	Ewald	Knickerbocker	Olsen	Skoglund
Anderson, B.	Fjoslien	Kostohryz	Osthoff	Staten
Anderson, G.	Greenfield	Kvam	Otis	Stowell
Anderson, I.	Gruenes	Laidig	Peterson, D.	Stumpf
Anderson, R.	Gustafson	Lehto	Pogemiller	Sviggum
Battaglia	Halberg	Lemen	Redalen	Tomlinson
Begich	Harens	Levi	Reding	Valan
Brandl	Hauge	Long	Rees	Valento
Brinkman	Haukoos	Ludeman	Reif	Vanasek
Byrne	Heap	Marsh	Rice	Vellenga
Carlson, D.	Heinitz	McCarron	Rodriguez, C.	Voss
Carlson, L.	Himle	McDonald	Rodriguez, F.	Weaver
Clark, K.	Hoberg	McEachern	Rothenberg	Welch
Clawson	Hokanson	Mehrkens	Samuelson	Welker
Dahlvang	Hokr	Minne	Sarna	Wenzel
Dean	Jacobs	Munger	Schafer	Wieser
Den Ouden	Jennings	Murphy	Schoenfeld	Wynia
Drew	Johnson, C.	Nelsen, B.	Schreiber	Zubay
Eken	Johnson, D.	Niehaus	Searles	Spkr. Sieben, H.
Elioff	Jude	Norton	Shea	
Ellingson	Kahn	Novak	Sherman	
Erickson	Kaley	Nysether	Sherwood	
Esau	Kalis	O'Connor	Sieben, M.	

The bill was passed and its title agreed to.

## INTRODUCTION OF BILLS, Continued

Berkelman introduced:

H. F. No. 1322, A bill for an act relating to insurance; providing for continued health and accident coverage for former spouses after dissolution of the marriage in certain circumstances; amending Minnesota Statutes 1980, Section 62A.21.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Valan; Dempsey; Mehrkens; Johnson, D., and Eken introduced:

H. F. No. 1323, A bill for an act relating to taxation; income; increasing the amount of non-farm income which can be used to offset farm expenses and losses; amending Minnesota Statutes 1980, Section 290.09, Subdivision 29.

The bill was read for the first time and referred to the Committee on Taxes.

Haukoos, Welker, Stadum, Ludeman and Jennings introduced:

H. F. No. 1324, A bill for an act relating to transportation; directing studies by the department of transportation relating to the taxation of motor vehicles and the collection of taxes on motor vehicles; appropriating money.

The bill was read for the first time and referred to the Committee on Transportation.

Lemen, Sviggum, Battaglia and Anderson, I., introduced:

H. F. No. 1325, A bill for an act relating to taxation; providing that owners or occupants of auxiliary forest lands and owners of forest lands under the tree growth tax law shall not be required to build or maintain partition fences; amending Minnesota Statutes 1980, Sections 88.49, by adding a subdivision; and 270.38, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Carlson, L.; Wieser; Welch; Clark, K., and Swanson introduced:

H. F. No. 1326, A bill for an act relating to health; prohibiting discrimination by health maintenance organizations against optometrists; amending Minnesota Statutes 1980, Section 62D.12, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Tomlinson, Levi and Kelly introduced:

H. F. No. 1327, A bill for an act relating to the Battle Creek watershed district; permitting deferral of special assessments in certain cases of hardship.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Marsh introduced:

H. F. No. 1328, A bill for an act relating to local government; permitting the city council to fix the compensation of the park board in statutory cities; amending Minnesota Statutes 1980, Section 412.501.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

McEachern; Anderson, I.; Voss and Nelsen, B., introduced:

H. F. No. 1329, A bill for an act relating to education; authorizing the sale of bonds for the maximum effort school loan fund; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 124.

The bill was read for the first time and referred to the Committee on Education.

Anderson, R.; Stowell; Fjoslien; Hoberg and Mehrkens introduced:

H. F. No. 1330, A bill for an act relating to education; allowing certain teachers to obtain a permanent teaching certificate.

The bill was read for the first time and referred to the Committee on Education.

O'Connor, McEachern, Metzen, Jacobs and Jude introduced:

H. F. No. 1331, A bill for an act relating to taxation; eliminating the required appeal to the county board of equalization prior to appeal to the small claims division of the tax court; allowing claims that property has been assessed unfairly in comparison with other property in the school district to be determined by the district court; amending Minnesota Statutes 1980, Sections 271.21, Subdivision 4, and 278.01, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Murphy introduced:

H. F. No. 1332, A bill for an act relating to taxation; creating a new property classification and providing a reduced assessment ratio for commercial and industrial property; amending Minnesota Statutes 1980, Section 273.13, Subdivision 9.

The bill was read for the first time and referred to the Committee on Taxes.

Anderson, R.; Aasness; Samuelson; Hokanson and Rice introduced:

H. F. No. 1333, A bill for an act establishing at the Fergus Falls State Hospital a domiciliary home for veterans; correcting obsolete provisions in the law relating to the location of state hospitals; authorizing issuance of state bonds; appropriating money; amending Minnesota Statutes 1980, Section 253.015; proposing new law coded in Minnesota Statutes, Chapter 198.

The bill was read for the first time and referred to the Committee on Appropriations.

Begich introduced:

H. F. No. 1334, A bill for an act relating to game and fish; authorizing a nine day season on deer of either sex; amending Minnesota Statutes 1980, Sections 100.27, Subdivision 2; and 100.28, Subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Sarna; Rodriguez, F.; Reding; Rice and Kaley introduced:

H. F. No. 1335, A bill for an act relating to retirement; providing annual benefit increases to pre-1973 retirees and surviving spouses of the highway patrolmen's retirement fund; appropriating funds; proposing new law coded in Minnesota Statutes, Chapter 352B.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sarna; Rodriguez, F.; Reding; Rice and Kaley introduced:

H. F. No. 1336, A bill for an act relating to retirement; highway patrol benefits and refunds; amending Minnesota Statutes 1980, Sections 352B.08, Subdivision 2; and 352B.11, Subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Hokanson and Wynia introduced:

H. F. No. 1337, A bill for an act relating to commerce; regulating social clubs and athletic clubs; prohibiting material changes to an ongoing membership contract unless agreed to by the club members; defining terms; providing a remedy; proposing new law coded in Minnesota Statutes, Chapter 325G.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Skoglund; Anderson, R.; Greenfield; Kostohryz and Novak introduced:

H. F. No. 1338, A resolution declaring Raoul Wallenberg to be an honorary citizen of the State of Minnesota and memorializing the Union of Soviet Socialist Republics to return him to his native country.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Novak introduced:

H. F. No. 1339, A bill for an act relating to taxation; delayed assessment of value added by restoration, preservation, and rehabilitation of historically designated buildings; proposing new law coded in Minnesota Statutes, Chapter 273.

The bill was read for the first time and referred to the Committee on Taxes.

Rothenberg, Heinitz and Searles introduced:

H. F. No. 1340, A bill for an act relating to taxation; income; providing a credit for home care of the elderly; amending Minnesota Statutes 1980, Section 290.06, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Clark, K.; Jude; Ellingson; Gustafson and Schafer introduced:

H. F. No. 1341, A bill for an act relating to county recorders; providing for the disposal of various obsolete records including state and federal liens; amending Minnesota Statutes 1980, Section 386.46.

The bill was read for the first time and referred to the Committee on Judiciary.

Metzen introduced:

H. F. No. 1342, A bill for an act relating to the city of South St. Paul; permitting the city to refund special assessments collected for the city's sewer separation project by the use of money in the general fund or the proceeds of bonds, and to cancel the remaining special assessments relating to the project.

The bill was read for the first time and referred to the Committee on Taxes.

Nysether introduced:

H. F. No. 1343, A bill for an act relating to taxation; real property; providing that certain transmission lines located in unorganized townships shall be listed and assessed where situated; amending Minnesota Statutes 1980, Sections 273.36; 273.37, Subdivision 2; and 273.42, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Carlson, L.; Heap; Johnson, C., and McEachern introduced:

H. F. No. 1344, A bill for an act relating to education; authorizing school boards to permit certain persons to enroll in classes and programs at a secondary school; providing for class fees in certain circumstances; prohibiting districts from counting certain persons enrolled in classes and programs for the purposes of state aid; authorizing districts to provide transportation; increasing the administration fee when senior citizens attend classes at higher education institutions; amending Minnesota Statutes 1980, Sections 123.35, by adding subdivisions; 123.39, by adding a subdivision; and 136A.81, Subdivision 1.

The bill was read for the first time and referred to the Committee on Education.

Tomlinson introduced:

H. F. No. 1345, A bill for an act relating to taxation; altering the penalty to be imposed upon assessment districts having large coefficients of dispersion; amending Minnesota Statutes 1980, Section 477A.04, Subdivisions 1, 2, and 3.

The bill was read for the first time and referred to the Committee on Taxes.

Lehto, Munger and Gustafson introduced :

H. F. No. 1346, A bill for an act relating to the city of Duluth; providing tax and bond financing for the transit authority; amending Laws 1969, Chapter 720, Section 11, Subdivision 1, as amended; and Section 13.

The bill was read for the first time and referred to the Committee on Taxes.

Lehto, Berkelman, Munger and Gustafson introduced :

H. F. No. 1347, A bill for an act relating to the city of Duluth; providing tax and bond financing for the transit authority; amending Laws 1969, Chapter 720, Section 11, Subdivision 1, as amended; and Section 13.

The bill was read for the first time and referred to the Committee on Taxes.

Mann introduced :

H. F. No. 1348, A bill for an act relating to state lands; directing reconveyance of certain lands in Jackson County; appropriating proceeds of the conveyance; removing the lands conveyed from public waters or wetlands classification.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Jude introduced :

H. F. No. 1349, A bill for an act relating to local government; regulating the appointment, procedures, duties and organization of charter commissions; amending Minnesota Statutes 1980, Sections 410.05; 410.06; 410.07; and 410.12, Subdivision 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Wenzel introduced :

H. F. No. 1350, A bill for an act relating to state departments and agencies; providing for uniform reimbursement of noon meals to employees traveling on state business; proposing new law coded in Minnesota Statutes, Chapter 43.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Wenzel introduced:

H. F. No. 1351, A resolution memorializing the President and the Congress of the United States of Minnesota's opposition to the proposed cuts in federal support for the school lunch program.

The bill was read for the first time and referred to the Committee on Agriculture.

Wenzel introduced:

H. F. No. 1352, A bill for an act relating to the city of Pierz; appropriating money for an emergency warning system.

The bill was read for the first time and referred to the Committee on Appropriations.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 214, A bill for an act relating to labor; regulating certain steam engine and boiler operators; exempting certain operators from testing requirements; amending Minnesota Statutes 1980, Section 183.411.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 1083, A bill for an act relating to charitable trusts; transferring responsibility of keeping certain records; amending Minnesota Statutes 1980, Sections 501.75; 501.76; 501.77; and 501.78, Subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:



S. F. No. 454.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 365.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 356, 718 and 825.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 475 and 692.

PATRICK E. FLAHAVER, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 454, A bill for an act relating to crimes; redefining criminal sexual conduct; amending Minnesota Statutes 1980, Sections 609.341, Subdivision 11; 609.342; 609.343; and 609.345.

The bill was read for the first time.

Clark, J., moved that S. F. No. 454 and H. F. No. 700, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 365, A bill for an act relating to state employees; authorizing the deduction from salaries or wages of sums of moneys designated by them for certain combined charitable funds; amending Minnesota Statutes 1980, Section 15.375, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 309; repealing Minnesota Statutes 1980, Section 15.375, Subdivision 1.

The bill was read for the first time.

Greenfield moved that S. F. No. 365 and H. F. No. 687, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 356, A bill for an act relating to taxation; authorizing certain taxing districts to provide property tax exemption or abatement for certain new business facilities; requiring an adjustment of the EARC valuation; adjusting the local government aid formula; requiring a report from the commissioner of revenue; requiring county approval and providing for a reverse referendum; amending Minnesota Statutes 1980, Sections 124.212; and 477A.01, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 273.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 718, A bill for an act relating to marriage; making the age of consent requirements for boys the same as for girls; amending Minnesota Statutes 1980, Section 517.02.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 825, A bill for an act relating to courts; abolishing the maintenance of certain court records; amending Minnesota Statutes 1980, Sections 485.07; 548.08; 548.15; 548.22; 548.24; and 572.22, Subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 475, A bill for an act relating to courts; permitting all judicial districts except Hennepin county to set salaries of law clerks; clarifying employment status in every judicial district to be unclassified and without tenure; amending Minnesota Statutes 1980, Section 484.545, Subdivision 2, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 692, A bill for an act relating to Ramsey County; stating positions in the unclassified county service; placing employees of the judicial district administrator's office in the unclassified service; amending Laws 1974, Chapter 435, Section 3.02, Subdivision 6, as amended.

The bill was read for the first time.

Kelly moved that S. F. No. 692 and H. F. No. 411, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

### CONSENT CALENDAR

H. F. No. 159 was reported to the House.

Murphy moved that H. F. No. 159 be continued on the Consent Calendar for one day. The motion prevailed.

H. F. No. 407, A bill for an act relating to insurance; modifying the definition of a covered claim for purposes of the state's insurance guaranty association act; amending Minnesota Statutes 1980, Section 60C.09, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 116 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kelly	Onnen	Simoneau
Ainley	Esau	Knickerbocker	Osthoff	Skoglund
Anderson, B.	Evans	Kostohryz	Otis	Staten
Anderson, G.	Ewald	Kvam	Peterson, D.	Stowell
Anderson, I.	Fjoslien	Laidig	Piepho	Stumpf
Battaglia	Greenfield	Lehto	Pogemiller	Sviggum
Begich	Gruenes	Lemen	Redalen	Swanson
Blatz	Halberg	Levi	Reding	Tomlinson
Brandl	Harens	Ludeman	Rees	Valan
Brinkman	Hauge	Marsh	Reif	Valento
Byrne	Haukoos	McCarron	Rice	Vanasek
Carlson, D.	Heap	McDonald	Rodriguez, C.	Vellenga
Carlson, L.	Heinitz	McEachern	Rodriguez, F.	Voss
Clark, J.	Himle	Mehrkens	Rothenberg	Weaver
Clark, K.	Hoberg	Minne	Samuelson	Welch
Clawson	Hokanson	Munger	Sarna	Wenzel
Dahlvang	Hokr	Murphy	Schafer	Wieser
Dean	Jennings	Nelsen, B.	Schoenfeld	Wynia
Dempsey	Johnson, C.	Niehaus	Schreiber	Zubay
Den Ouden	Johnson, D.	Norton	Searles	Spkr. Sieben, H.
Drew	Jude	Novak	Shea	
Eken	Kahn	O'Connor	Sherman	
Elioff	Kaley	Ogren	Sherwood	
Ellingson	Kalis	Olsen	Sieben, M.	

The bill was passed and its title agreed to.

H. F. No. 606, A bill for an act relating to highway traffic regulations; specifying minimum property damage accident report requirements; making the report available to state agencies; amending Minnesota Statutes 1980, Section 169.09, Subdivisions 7 and 13.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kaley	Ogren	Sieben, M.
Ainley	Esau	Kalis	Olsen	Simoneau
Anderson, B.	Evans	Kelly	Onnen	Skoglund
Anderson, G.	Ewald	Knickerbocker	Osthoff	Staten
Anderson, I.	Fjoslien	Kostohryz	Otis	Stowell
Anderson, R.	Friedrich	Kvam	Peterson, D.	Stumpf
Battaglia	Greenfield	Laidig	Piepho	Sviggum
Begich	Gruenes	Lehto	Pogemiller	Swanson
Blatz	Gustafson	Lemen	Redalen	Tomlinson
Brandl	Halberg	Levi	Reding	Valan
Brinkman	Harens	Long	Rees	Valento
Byrne	Hauge	Ludeman	Reif	Vanasek
Carlson, D.	Haukoos	Marsh	Rice	Vellenga
Carlson, L.	Heap	McCarron	Rodriguez, C.	Voss
Clark, J.	Heinitz	McDonald	Rodriguez, F.	Weaver
Clark, K.	Himle	Mehrkens	Rothenberg	Welch
Clawson	Hoberg	Minne	Samuelson	Wenzel
Dahlvang	Hokanson	Munger	Sarna	Wieser
Dean	Hokr	Murphy	Schafer	Wynia
Dempsey	Jacobs	Nelsen, B.	Schoenfeld	Zubay
Den Ouden	Jennings	Niehaus	Schreiber	Spkr. Sieben, H.
Drew	Johnson, C.	Norton	Searles	
Eken	Johnson, D.	Novak	Shea	
Elioff	Jude	Nysether	Sherman	
Ellingson	Kahn	O'Connor	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 731, A bill for an act relating to family; providing for solemnization of marriages by certain court officers; amending Minnesota Statutes 1980, Section 517.04.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, D.	Ellingson	Hauge	Jude
Ainley	Carlson, L.	Erickson	Haukoos	Kahn
Anderson, B.	Clark, J.	Esau	Heap	Kaley
Anderson, G.	Clark, K.	Evans	Heinitz	Kalis
Anderson, I.	Clawson	Ewald	Himle	Kelly
Anderson, R.	Dahlvang	Fjoslien	Hoberg	Knickerbocker
Battaglia	Dean	Friedrich	Hokanson	Kostohryz
Begich	Dempsey	Greenfield	Hokr	Kvam
Blatz	Den Ouden	Gruenes	Jacobs	Laidig
Brandl	Drew	Gustafson	Jennings	Lehto
Brinkman	Eken	Halberg	Johnson, C.	Lemen
Byrne	Elioff	Harens	Johnson, D.	Levi

Long	Norton	Reding	Searles	Valan
Ludeman	Nysether	Rees	Shea	Valento
Marsh	O'Connor	Reif	Sherman	Vanasek
McCarron	Ogren	Rice	Sherwood	Vellenga
McDonald	Olson	Rodriguez, C.	Sieben, M.	Voss
McEachern	Onnen	Rodriguez, F.	Simoneau	Weaver
Mehrkens	Osthoff	Rose	Skoglund	Welch
Metzen	Otis	Rothenberg	Staten	Welker
Minne	Peterson, B.	Samuelson	Stowell	Wenzel
Munger	Peterson, D.	Sarna	Stumpf	Wieser
Murphy	Piepho	Schafer	Sviggum	Zubay
Nelsen, B.	Pogemiller	Schoenfeld	Swanson	Spkr. Sieben, H.
Niehaus	Redalen	Schreiber	Tomlinson	

The bill was passed and its title agreed to.

H. F. No. 736, which had been referred to the Chief Clerk for comparison with S. F. No. 375, was reported to the House.

Upon objection of ten members H. F. No. 736 was stricken from the Consent Calendar and returned to General Orders.

H. F. No. 875, A bill for an act relating to local government; permitting Murray county and the city of Slayton to make joint powers agreements for the administration of county ditches.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kelly	Olson	Sieben, M.
Ainley	Evans	Knickerbocker	Onnen	Simoneau
Anderson, B.	Ewald	Kostohryz	Osthoff	Skoglund
Anderson, G.	Fjoslien	Kvam	Otis	Staten
Anderson, I.	Friedrich	Laidig	Peterson, B.	Stowell
Anderson, R.	Greenfield	Lehto	Peterson, D.	Stumpf
Battaglia	Gruenes	Lemen	Piepho	Sviggum
Begich	Gustafson	Levi	Pogemiller	Swanson
Blatz	Halberg	Long	Redalen	Tomlinson
Brandl	Harens	Ludeman	Reding	Valan
Brinkman	Hauge	Marsh	Rees	Valento
Byrne	Haukoos	McCarron	Reif	Vanasek
Carlson, D.	Heap	McDonald	Rice	Vellenga
Carlson, L.	Heinitz	McEachern	Rodriguez, C.	Voss
Clark, J.	Himle	Mehrkens	Rodriguez, F.	Weaver
Clark, K.	Hoberg	Metzen	Rose	Welch
Clawson	Hokanson	Minne	Rothenberg	Welker
Dahlvang	Hokr	Munger	Samuelson	Wenzel
Dean	Jacobs	Murphy	Sarna	Wieser
Dempsey	Jennings	Nelsen, B.	Schafer	Wynia
Den Ouden	Johnson, C.	Niehaus	Schoenfeld	Zubay
Drew	Johnson, D.	Norton	Schreiber	Spkr. Sieben, H.
Eken	Jude	Novak	Searles	
Elioff	Kahn	Nysether	Shea	
Ellingson	Kaley	O'Connor	Sherman	
Erickson	Kalis	Ogren	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 921, A bill for an act relating to motor vehicles; adjusting bond provisions for dealers; requiring bonds for motorized bicycle dealers; amending Minnesota Statutes 1980, Section 168.27, Subdivision 24.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kelly	Ogren	Sherman
Ainley	Evans	Knickerbocker	Olsen	Sherwood
Anderson, B.	Ewald	Kostohryz	Onnen	Sieben, M.
Anderson, G.	Fjoslien	Kvam	Osthoff	Simoneau
Anderson, I.	Friedrich	Laidig	Otis	Skoglund
Anderson, R.	Greenfield	Lehto	Peterson, B.	Staten
Battaglia	Gruenes	Lemen	Peterson, D.	Stowell
Begich	Gustafson	Levi	Piepho	Stumpf
Blatz	Halberg	Long	Pogemiller	Sviggum
Brandl	Harens	Ludeman	Redalen	Swanson
Brinkman	Hauge	Marsh	Reding	Tomlinson
Byrne	Haukoos	McCarron	Rees	Valan
Carlson, D.	Heap	McDonald	Reif	Valento
Carlson, L.	Heinitz	McEachern	Rice	Vanasek
Clark, J.	Himle	Mehrkens	Rodriguez, C.	Vellenga
Clark, K.	Hoberg	Metzen	Rodriguez, F.	Voss
Clawson	Hokr	Minne	Rose	Weaver
Dahlvang	Jacobs	Munger	Rothenberg	Welch
Dean	Jennings	Murphy	Samuelson	Welker
Dempsey	Johnson, C.	Nelsen, B.	Sarna	Wenzel
Drew	Johnson, D.	Niehaus	Schafer	Wieser
Eken	Jude	Norton	Schoenfeld	Wynia
Elioff	Kahn	Novak	Schreiber	Zubay
Ellingson	Kaley	Nysether	Searles	Spkr. Sieben, H.
Erickson	Kalis	O'Connor	Shea	

The bill was passed and its title agreed to.

H. F. No. 972, A bill for an act relating to financial institutions; increasing the percentage of capital and surplus a bank or trust company may invest in the stock of certain banks or bank holding companies; amending Minnesota Statutes 1980, Section 48.61, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	O'Connor	Shea
Ainley	Evans	Kelly	Ogren	Sherman
Anderson, B.	Ewald	Knickerbocker	Olsen	Sherwood
Anderson, G.	Fjoslien	Kostohryz	Onnen	Sieben, M.
Anderson, I.	Friedrich	Kvam	Osthoff	Simoneau
Anderson, R.	Greenfield	Laidig	Otis	Skoglund
Battaglia	Gruenes	Lehto	Peterson, B.	Staten
Begich	Gustafson	Lemen	Peterson, D.	Stowell
Blatz	Halberg	Levi	Piepho	Stumpf
Brandl	Harens	Long	Pogemiller	Sviggum
Brinkman	Hauge	Ludeman	Redalen	Swanson
Byrne	Haukoos	Marsh	Reding	Tomlinson
Carlson, D.	Heap	McCarron	Rees	Valan
Carlson, L.	Heinitz	McDonald	Reif	Valento
Clark, J.	Himle	McEachern	Rice	Vanasek
Clark, K.	Hoberg	Mehrkens	Rodriguez, C.	Vellenga
Clawson	Hokanson	Metzen	Rodriguez, F.	Voss
Dahlvang	Hokr	Minne	Rose	Weaver
Dean	Jacobs	Munger	Rothenberg	Welch
Dempsey	Jennings	Murphy	Samuelson	Welker
Den Ouden	Johnson, C.	Nelsen, B.	Sarna	Wenzel
Drew	Johnson, D.	Niehaus	Schafer	Wieser
Elioff	Jude	Norton	Schoenfeld	Wynia
Ellingson	Kahn	Novak	Schreiber	Zubay
Erickson	Kaley	Nysether	Searles	Spkr. Sieben, H.

The bill was passed and its title agreed to.

### CALENDAR

H. F. No. 473, A bill for an act relating to energy; establishing rates and conditions of service for cogenerators and small power producers; proposing new law coded in Minnesota Statutes, Chapter 216B.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 77 yeas and 43 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Jude	Otis	Staten
Anderson, B.	Elioff	Kahn	Peterson, D.	Stumpf
Anderson, G.	Ellingson	Kelly	Pogemiller	Sviggum
Anderson, R.	Evans	Knickerbocker	Reding	Swanson
Battaglia	Ewald	Kostohryz	Rees	Tomlinson
Begich	Fjoslien	Lemen	Rice	Valan
Blatz	Greenfield	Long	Rodriguez, C.	Vanasek
Brandl	Gruenes	McCarron	Rodriguez, F.	Vellenga
Byrne	Gustafson	Minne	Samuelson	Voss
Carlson, D.	Halberg	Munger	Schoenfeld	Welch
Carlson, L.	Harens	Murphy	Schreiber	Wenzel
Clark, J.	Hauge	Norton	Shea	Wieser
Clark, K.	Himle	Novak	Sherman	Wynia
Clawson	Hoberg	O'Connor	Sieben, M.	
Dahlvang	Hokanson	Ogren	Simoneau	
Dean	Hokr	Onnen	Skoglund	

Those who voted in the negative were:

Ainley	Heap	Levi	Nysether	Searles
Anderson, I.	Heinitz	Ludeman	Olsen	Stadum
Dempsey	Jacobs	Marsh	Peterson, B.	Stowell
Den Ouden	Jennings	McDonald	Piepho	Valento
Drew	Johnson, D.	McEachern	Redalen	Weaver
Erickson	Kaley	Mehrkens	Reif	Welker
Esau	Kalis	Metzen	Rose	Zubay
Friedrich	Kvam	Nelsen, B.	Rothenberg	
Haukoos	Laidig	Niehaus	Schafer	

The bill was passed and its title agreed to.

H. F. No. 386, A bill for an act relating to the city of St. Paul; authorizing issuance of general obligation bonds for capital improvements; fixing amounts; amending Laws 1971, Chapter 773, Section 1, as amended; and Laws 1978, Chapter 788, Section 5.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kalis	O'Connor	Sieben, M.
Ainley	Evans	Kelly	Ogren	Simoneau
Anderson, B.	Ewald	Knickerbocker	Olsen	Skoglund
Anderson, G.	Fjoslien	Kostohryz	Osthoff	Stadum
Anderson, I.	Friedrich	Kvam	Otis	Staten
Anderson, R.	Greenfield	Laidig	Peterson, B.	Stowell
Battaglia	Gruenes	Lehto	Peterson, D.	Stumpf
Begich	Gustafson	Lemen	Piepho	Swanson
Blatz	Halberg	Levi	Pogemiller	Tomlinson
Brandl	Harens	Long	Reding	Valan
Brinkman	Hauge	Mann	Rees	Valento
Byrne	Haukoos	Marsh	Reif	Vanasek
Carlson, L.	Heap	McCarron	Rice	Vellenga
Clark, J.	Heinitz	McEachern	Rodriguez, C.	Voss
Clark, K.	Himle	Mehrkens	Rodriguez, F.	Weaver
Clawson	Hoberg	Metzen	Rose	Welch
Dahlvang	Hokanson	Minne	Rothenberg	Wenzel
Dean	Jacobs	Munger	Samuelson	Wieser
Dempsey	Jennings	Murphy	Sarna	Wynia
Den Ouden	Johnson, C.	Nelsen, B.	Schafer	Zubay
Drew	Johnson, D.	Niehaus	Schoenfeld	Spkr. Sieben, H.
Eken	Jude	Norton	Searles	
Elioff	Kahn	Novak	Shea	
Ellingson	Kaley	Nysether	Sherman	

Those who voted in the negative were:

Carlson, D.	Onnen	Schreiber	Sherwood	Welker
Hokr	Redalen			

The bill was passed and its title agreed to.



S. F. No. 354, A bill for an act relating to taxation; modifying estate tax provisions; clarifying certain deductions; updating references to internal revenue code; clarifying the method of computing credits; clarifying exemptions and exclusions; providing for a statute of limitations; eliminating obsolete references; providing disclosure of data to certain persons; clarifying recording procedures; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; 291.005, Subdivision 1; 291.03, Subdivision 1; 291.05; 291.065; 291.07, Subdivision 1; 291.08; 291.09, Subdivision 3a; 291.31, Subdivision 1; 291.48; and 600.21.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kelly	Olsen	Sherwood
Ainley	Evans	Knickerbocker	Onnen	Sieben, M.
Anderson, B.	Ewald	Kostohryz	Osthoff	Simoneau
Anderson, G.	Fjoslien	Kvam	Otis	Skoglund
Anderson, I.	Friedrich	Laidig	Peterson, B.	Stadum
Anderson, R.	Greenfield	Lehto	Peterson, D.	Staten
Battaglia	Gruenes	Lemen	Piepho	Stowell
Blatz	Halberg	Levi	Pogemiller	Stumpf
Brandl	Harens	Long	Redalen	Swanson
Brinkman	Hauge	Mann	Reding	Tomlinson
Byrne	Haukoos	Marsh	Rees	Valan
Carlson, D.	Heap	McCarron	Reif	Valento
Carlson, L.	Heinitz	McEachern	Rice	Vanasek
Clark, J.	Himle	Mehrrens	Rodriguez, C.	Vellenga
Clark, K.	Hoberg	Metzen	Rodriguez, F.	Voss
Clawson	Hokanson	Minne	Rose	Weaver
Dahlvang	Hokr	Munger	Rothenberg	Welch
Dean	Jacobs	Murphy	Samuelson	Welker
Dempsey	Jennings	Nelsen, B.	Sarna	Wenzel
Den Ouden	Johnson, C.	Niehaus	Schafer	Wieser
Drew	Johnson, D.	Norton	Schoenfeld	Wynia
Eken	Jude	Novak	Schreiber	Zubay
Elioff	Kahn	Nysether	Searles	Spkr. Sieben, H.
Ellingson	Kaley	O'Connor	Shea	
Erickson	Kalis	Ogren	Sherman	

The bill was passed and its title agreed to.

H. F. No. 142 was reported to the House.

There being no objection H. F. No. 142 was continued on the Calendar for one day.

H. F. No. 90, A bill for an act relating to administrative rules; clarifying which rules have the force of law; amending Minnesota Statutes 1980, Section 15.0413, Subdivision 1, and by adding subdivisions.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kelly	O'Connor	Sherman
Ainley	Ewald	Knickerbocker	Ogren	Sherwood
Anderson, B.	Fjoslien	Kostohryz	Olsen	Sieben, M.
Anderson, G.	Friedrich	Kvam	Onnen	Simoneau
Anderson, I.	Greenfield	Laidig	Osthoff	Skoglund
Anderson, R.	Gruenes	Lehto	Otis	Staten
Battaglia	Halberg	Lemen	Peterson, B.	Stowell
Begich	Harens	Levi	Peterson, D.	Stumpf
Blatz	Hauge	Long	Piepho	Sviggum
Brandl	Haukoos	Ludeman.	Pogemiller	Swanson
Brinkman	Heap	Mann	Reding	Tomlinson
Byrne	Heinitz	Marsh	Reif	Valan
Carlson, L.	Himle	McCarron	Rice	Valento
Clark, J.	Hoberg	McDonald	Rodriguez, C.	Vanasek
Clark, K.	Hokanson	McEachern	Rodriguez, F.	Vellenga
Clawson	Hokr	Mehrkens	Rose	Voss
Dahlvang	Jacobs	Metzen	Rothenberg	Weaver
Dean	Jennings	Minne	Samuelson	Welch
Dempsey	Johnson, C.	Munger	Sarna	Welker
Drew	Johnson, D.	Murphy	Schafer	Wenzel
Eken	Jude	Nelsen, B.	Schoenfeld	Wieser
Elioff	Kahn	Niehaus	Schreiber	Wynia
Ellingson	Kaley	Norton	Searles	Zubay
Erickson	Kalis	Novak	Shea	Spkr. Sieben, H.

Those who voted in the negative were:

Den Ouden      Redalen      Rees

The bill was passed and its title agreed to.

Harens was excused at 4:45 p.m.

## GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 63, 272 and 562 which it recommended to pass.

H. F. Nos. 170 and 576 which it recommended progress.

S. F. No. 346 which it recommended progress retaining its place on General Orders.

S. F. No. 336 which it recommended to pass with the following amendment offered by Lemen:

Page 2, after line 1, insert:

“Sec. 2. [EFFECTIVE DATE.]

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

H. F. No. 396 which it recommended to pass with the following amendment offered by Jennings:

Page 1, line 10, delete “TO SURVIVING RELATIVES”

Page 1, delete lines 11 to 14 and insert:

*“Upon the death of any person who has honorably served six or more years in the Minnesota National Guard and upon request of the person designated to direct disposition of the remains, the Adjutant General shall furnish an American flag if a flag is not furnished by the United States government.”*

Amend the title as follows:

Page 1, lines 4 and 5, delete “to the closest surviving relative” and insert “upon request of the person disposing of the remains”

H. F. No. 486 which it recommended to pass with the following amendment:

Offered by Kahn:

Page 1, line 7, delete “indicate” and insert “allege”

Page 1, line 16, delete “costly”

Offered by McDonald:

Page 1, line 19, delete “removing American” and insert “avoiding direct”

Page 1, line 19, delete “advisors from” and insert “participation in”

Page 1, line 22, delete “cease” and insert “avoid”

Page 1, line 22, after "all" insert "direct"

Page 1, line 23, delete "and economic aid to" and insert "involvement in"

Page 1, line 23, delete "the"

Page 1, line 24, after "terrorism" insert "of both the right and the left"

Page 1, after line 24, insert:

"BE IT FURTHER RESOLVED that, in cooperation with our allies, we condemn the military involvement in El Salvador by outside Communist governments."

On the motion of Eken the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

Greenfield moved to amend H. F. No. 63, as follows:

Page 1, line 17, delete "*prevent the death of the mother*" and insert "*save the life of the pregnant woman*"

Page 2, line 7, delete "*prevent the death of the*" and insert "*save the life of the pregnant woman*"

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

Page 2, line 12, delete "*prevent the death of the mother*" and insert "*save the life of the pregnant woman*"

The question was taken on the amendment and the roll was called. There were 22 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Brandl	Kaley	Ogren	Rose	Vellenga
Carlson, L.	Long	Otis	Simoneau	Wynia
Clark, J.	Minne	Peterson, D.	Skoglund	
Clark, K.	Munger	Pogemiller	Staten	
Greenfield	Novak	Rodriguez, C.	Tomlinson	

Those who voted in the negative were:

Aasness	Anderson, B.	Anderson, I.	Begich	Byrne
Ainley	Anderson, G.	Battaglia	Brinkman	Carlson, D.

Dahlvang	Harens	Kvam	Onnen	Shea
Dean	Haukoos	Laidig	Osthoff	Sherman
Dempsey	Heap	Lemen	Peterson, B.	Sherwood
Den Ouden	Himle	Ludeman	Piepho	Stadum
Drew	Hoberg	Mann	Redalen	Stowell
Eken	Hokanson	Marsh	Reding	Sviggum
Elioff	Hokr	McDonald	Rees	Swanson
Ellingson	Jacobs	McEachern	Reif	Valento
Erickson	Jennings	Mehrkens	Rodriguez, F.	Vanasek
Esau	Johnson, D.	Metzen	Rothenberg	Weaver
Evans	Jude	Murphy	Sarna	Welch
Ewald	Kalis	Nelsen, B.	Schafer	Welker
Friedrich	Kelly	Niehaus	Schoenfeld	Wenzel
Gruenes	Knickerbocker	Nysether	Schreiber	Zubay
Halberg	Kostohryz	Olsen	Searles	Spkr. Sieben, H.

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

The question was taken on the motion to recommend passage of H. F. No. 63 and the roll was called. There were 105 yeas and 18 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Jude	Novak	Schreiber
Ainley	Evans	Kalis	Nysether	Searles
Anderson, B.	Ewald	Kelly	O'Connor	Shea
Anderson, G.	Fjoslien	Knickerbocker	Ogren	Sherman
Anderson, I.	Friedrich	Kostohryz	Olsen	Sherwood
Anderson, R.	Gruenes	Kvam	Onnen	Stadum
Battaglia	Gustafson	Laidig	Osthoff	Staten
Begich	Halberg	Lemen	Peterson, B.	Stowell
Blatz	Harens	Levi	Piepho	Stumpf
Brinkman	Hauge	Ludeman	Redalen	Sviggum
Byrne	Haukoos	Mann	Reding	Swanson
Carlson, D.	Heap	Marsh	Rees	Valento
Clawson	Heinitz	McCarron	Reif	Vanasek
Dean	Himle	McDonald	Rice	Vellenga
Dempsey	Hoberg	McEachern	Rodriguez, F.	Weaver
Den Ouden	Hokanson	Mehrkens	Rose	Welch
Drew	Hokr	Metzen	Rothenberg	Welker
Eken	Jacobs	Minne	Samuelson	Wenzel
Elioff	Jennings	Murphy	Sarna	Wieser
Ellingson	Johnson, C.	Nelsen, B.	Schafer	Zubay
Erickson	Johnson, D.	Niehaus	Schoenfeld	Spkr. Sieben, H.

Those who voted in the negative were:

Brandl	Greenfield	Munger	Pogemiller	Tomlinson
Carlson, L.	Kaley	Norton	Rodriguez, C.	Wynia
Clark, J.	Lehto	Otis	Simoneau	
Clark, K.	Long	Peterson, D.	Skoglund	

The motion prevailed.

McDonald and Rothenberg moved to amend H. F. No. 486, as amended, as follows:

Strike everything after the title and insert:

*“Whereas, the pursuit and defense of liberty, peace and human rights for all peoples has been the historic heritage of America; and,*

*Whereas, the citizens of the State of Minnesota are deeply concerned over the issue of peace and liberty for the people of our hemispheric neighbor in El Salvador; and,*

*Whereas, rebel terrorist forces trained and equipped by the Communist governments of Cuba and the Soviet Union have engaged in protracted guerrilla warfare against the government of El Salvador; and,*

*Whereas, the Christian Democratic government of Jose Napolean Duarte has adopted measures to help the poor through public works, land reforms, amnesty to opponents and has scheduled elections for 1982; and,*

*Whereas, acting Archbishop, Artura Rivera Damas, has publicly praised the government’s plans for reforms and urged Salvadorians to believe in the government’s good intentions; and,*

*Whereas, in opposition to the government’s reforms, other extremist terrorists organizations have been committing violence against the people and the government of El Salvador; and,*

*Whereas, citizens of Minnesota condemn terrorism of both the right and the left in the country of El Salvador, or any other country in the world; and,*

*Whereas, the citizens of Minnesota truly wish to avoid the United States military involvement in armed conflict in that country; now, therefore,*

*Be It Resolved* by the Legislature of the State of Minnesota that the President and the Congress are urged to avoid taking any action that would directly involve United States military personnel in a war in El Salvador.

*Be It Further Resolved* that, in cooperation with our friends and allies, we equally urge that appropriate action be taken to oppose the arms aid and military involvement in El Salvador by Communist governments, such as Cuba and the Soviet Union and the Palestine Liberation Organization.

*Be It Further Resolved* that the Secretary of State of the State of Minnesota is instructed to transmit copies of this memorial to the President of the United States, the Secretary of State of the United States, the President and Secretary of the United States Senate, the Speaker and the Chief Clerk of the United States House of Representatives, and to the Minnesota Senators and Representatives in Congress.”

Further, amend the title as follows:

Page 1, delete lines 3 and 4 in their entirety and insert: "United States to avoid direct involvement of the United States military personnel in a war in El Salvador and to take appropriate action to oppose military aid by Communist governments in El Salvador."

The question was taken on the Dean motion that H. F. No. 486, as amended, be re-referred to the Committee on General Legislation and Veterans Affairs and the roll was called. There were 63 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Johnson, D.	Nysether	Sherman
Ainley	Ewald	Kaley	Onnen	Sherwood
Anderson, G.	Fjoslien	Knickerbocker	Osthoff	Stadum
Anderson, R.	Friedrich	Kvam	Peterson, B.	Stowell
Blatz	Gruenes	Laidig	Piepho	Sviggum
Brinkman	Halberg	Lemen	Redalen	Valan
Carlson, D.	Haukoos	Levi	Rees	Valento
Dean	Heap	Ludeman	Reif	Weaver
Dempsey	Heinitz	Marsh	Rose	Welker
Den Ouden	Himle	McDonald	Rothenberg	Wieser
Drew	Hoberg	Mehrkens	Schafer	Zubay
Erickson	Hokr	Nelsen, B.	Schreiber	
Esau	Jennings	Niehaus	Searles	

Those who voted in the negative were:

Anderson, B.	Ellingson	Lehto	Olsen	Simoneau
Anderson, I.	Greenfield	Long	Otis	Skoglund
Battaglia	Gustafson	Mann	Peterson, D.	Staten
Begich	Harens	McCarron	Pogemiller	Stumpf
Brandl	Hauge	McEachern	Reding	Swanson
Byrne	Hokanson	Metzen	Rice	Tomlinson
Carlson, L.	Jacobs	Minne	Rodriguez, C.	Vanasek
Clark, J.	Johnson, C.	Munger	Rodriguez, F.	Voss
Clark, K.	Jude	Murphy	Samuelson	Welch
Clawson	Kahn	Norton	Sarna	Wenzel
Dahlvang	Kalis	Novak	Schoenfeld	Wynia
Eken	Kelly	O'Connor	Shea	Spkr. Sieben, H.
Elioff	Kostohryz	Ogren	Sieben, M.	

The motion did not prevail.

The question recurred on the McDonald and Rothenberg amendment and the roll was called. There were 60 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Aasness	Dempsey	Evans	Halberg	Hoberg
Ainley	Den Ouden	Ewald	Haukoos	Hokr
Anderson, R.	Drew	Fjoslien	Heap	Jennings
Blatz	Erickson	Friedrich	Heinitz	Johnson, D.
Carlson, D.	Esau	Gruenes	Himle	Kaley

Knickerbocker	McDonald	Peterson, B.	Schafer	Sviggum
Kvam	Mehrkens	Piepho	Schreiber	Valan
Laidig	Nelsen, B.	Redalen	Searles	Valento
Lemen	Niehaus	Rees	Sherman	Weaver
Levi	Nysether	Reif	Sherwood	Welker
Ludeman	Olsen	Rose	Stadum	Wieser
Marsh	Onnen	Rothenberg	Stowell	Zubay

Those who voted in the negative were:

Anderson, B.	Elioff	Kostohryz	Ogren	Skoglund
Anderson, G.	Ellingson	Lehto	Otis	Staten
Anderson, I.	Greenfield	Long	Peterson, D.	Stumpf
Battaglia	Gustafson	Mann	Pogemiller	Swanson
Brandl	Harens	McCarron	Rice	Tomlinson
Brinkman	Hauge	McEachern	Rodriguez, C.	Vanasek
Byrne	Hokanson	Metzen	Rodriguez, F.	Vellenga
Carlson, L.	Jacobs	Minne	Samuelson	Voss
Clark, J.	Johnson, C.	Munger	Sarna	Welch
Clark, K.	Jude	Murphy	Schoenfeld	Wenzel
Clawson	Kahn	Norton	Shea	Wynia
Dahlvang	Kalis	Novak	Sieben, M.	Spkr. Sieben, H.
Eken	Kelly	O'Connor	Simoneau	

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

McDonald moved to amend H. F. No. 486, as amended, as follows:

Page 1, line 19, delete "removing American" and insert "avoiding direct"

Page 1, line 19, delete "advisors from" and insert "participation in"

Page 1, line 22, delete "cease" and insert "avoid"

Page 1, line 22, after "all" insert "direct"

Page 1, line 23, delete "and economic aid to" and insert "involvement in"

Page 1, line 23, delete "the"

Page 1, line 24, after "terrorism" insert "of both the right and the left"

Page 1, after line 24, insert:

*"Be It Further Resolved that, in cooperation with our allies, we condemn the military involvement in El Salvador by outside Communist governments."*

Brandl moved to amend the McDonald amendment to H. F. No. 486, as amended, as follows:

Delete all of the McDonald amendment except for the language on line 8, which reads as follows:



"Page 1, line 23, delete "and economic" "

The question was taken on the amendment to the amendment and the roll was called. There were 53 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Mann	Pogemiller	Staten
Anderson, G.	Gustafson	McCarron	Reding	Stumpf
Battaglia	Hauge	Minne	Rice	Tomlinson
Brandl	Hokanson	Munger	Rodriguez, C.	Vanasek
Byrne	Jacobs	Murphy	Rodriguez, F.	Vellenga
Carlson, L.	Jude	Norton	Rose	Voss
Clark, J.	Kalis	Novak	Samuelson	Wenzel
Clark, K.	Kelly	O'Connor	Schoenfeld	Wynia
Clawson	Kostohryz	Ogren	Shea	Spkr. Sieben, H.
Eken	Lehto	Otis	Sieben, M.	
Elioff	Long	Peterson, D.	Skoglund	

Those who voted in the negative were:

Aasness	Ewald	Kaley	Olsen	Simoneau
Ainley	Fjoslien	Knickerbocker	Onnen	Stadum
Anderson, I.	Friedrich	Kvam	Peterson, B.	Stowell
Anderson, R.	Gruenes	Laidig	Piepho	Sviggum
Begich	Halberg	Lemen	Redalen	Valan
Blatz	Harens	Ludeman	Rees	Valento
Carlson, D.	Haukoos	Marsh	Reif	Weaver
Dahlvang	Heap	McDonald	Rothenberg	Welker
Dempsey	Heinitz	McEachern	Sarna	Wieser
Den Ouden	Himle	Mehrkens	Schafer	Zubay
Drew	Hoberg	Metzen	Schreiber	
Erickson	Jennings	Nelsen, B.	Searles	
Esau	Johnson, C.	Niehaus	Sherman	
Evans	Johnson, D.	Nysether	Sherwood	

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the McDonald amendment and the roll was called. There were 72 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Aasness	Friedrich	Kelly	Onnen	Sherwood
Ainley	Gruenes	Knickerbocker	Osthoff	Stadum
Anderson, R.	Halberg	Kvam	Peterson, B.	Stowell
Battaglia	Harens	Laidig	Piepho	Sviggum
Blatz	Haukoos	Lemen	Redalen	Swanson
Carlson, D.	Heap	Ludeman	Reding	Valan
Carlson, L.	Heinitz	Mann	Rees	Valento
Dempsey	Himle	Marsh	Reif	Weaver
Den Ouden	Hoberg	McDonald	Rose	Welker
Drew	Hokanson	McEachern	Rothenberg	Wenzel
Erickson	Hokr	Mehrkens	Schafer	Wieser
Esau	Jennings	Nelsen, B.	Schreiber	Zubay
Evans	Johnson, D.	Niehaus	Searles	
Ewald	Kaley	Nysether	Shea	
Fjoslien	Kalis	Sherman	Olsen	

Those who voted in the negative were:

Anderson, B.	Ellingson	McCarron	Rice	Tomlinson
Anderson, G.	Greenfield	Minne	Rodriguez, C.	Vanasek
Anderson, I.	Gustafson	Munger	Rodriguez, F.	Vellenga
Brandl	Hauge	Murphy	Samuelson	Voss
Byrne	Jacobs	Norton	Sarna	Welch
Clark, J.	Johnson, C.	Novak	Schoenfeld	Wynia
Clark, K.	Jude	O'Connor	Sieben, M.	Spkr. Sieben, H.
Clawson	Kahn	Ogren	Simoneau	
Dahlvang	Kostohryz	Otis	Skoglund	
Eken	Lehto	Peterson, D.	Staten	
Elioff	Long	Pogemiller	Stumpf	

The motion prevailed and the amendment was adopted.

Carlson, D., moved to amend H. F. No. 486, as amended, as follows:

Page 2, line 2, after "memorial" insert "accompanied by the journal entries showing the vote on the adoption of this memorial"

The question was taken on the amendment and the roll was called. There was 63 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Aasness	Fjoslien	Knickerbocker	Onnen	Sherwood
Ainley	Friedrich	Kvam	Peterson, B.	Stadum
Anderson, R.	Gruenes	Laidig	Piepho	Stowell
Blatz	Halberg	Lemen	Redalen	Sviggum
Carlson, D.	Haukoos	Levi	Rees	Swanson
Dean	Heap	Ludeman	Reif	Valan
Dempsey	Heinitz	Marsh	Rose	Valento
Den Ouden	Himle	McDonald	Rothenberg	Weaver
Drew	Hoberg	Mehrkens	Sarna	Welker
Erickson	Hokr	Nelsen, B.	Schafer	Wieser
Esau	Jennings	Niehaus	Schreiber	Zubay
Evans	Johnson, D.	Nysether	Searles	
Ewald	Kaley	Olsen	Sherman	

Those who voted in the negative were:

Anderson, B.	Eken	Kelly	Ogren	Skoglund
Anderson, G.	Elioff	Kostohryz	Osthoff	Staten
Anderson, I.	Ellingson	Lehto	Otis	Stumpf
Battaglia	Greenfield	Long	Peterson, D.	Tomlinson
Begich	Gustafson	Mann	Pogemiller	Vanasek
Brandl	Harens	McEachern	Rice	Vellenga
Brinkman	Hauge	Metzen	Rodriguez, C.	Voss
Byrne	Hokanson	Minne	Rodriguez, F.	Welch
Carlson, L.	Jacobs	Munger	Samuelson	Wenzel
Clark, J.	Johnson, C.	Murphy	Schoenfeld	Wynia
Clark, K.	Jude	Norton	Shea	Spkr. Sieben, H.
Clawson	Kahn	Novak	Sieben, M.	
Dahlvang	Kalis	O'Connor	Simoneau	

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

Kahn moved to amend H. F. No. 486, as amended by the McDonald amendment, as follows:

Line 3 of the McDonald amendment after "direct" insert "or indirect"

Line 7 of the McDonald amendment after "direct" insert "or indirect"

Line 16, delete "the" insert "any"

The question was taken on the amendment and the roll was called. There were 59 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Long	Otis	Skoglund
Anderson, I.	Greenfield	Mann	Peterson, D.	Staten
Battaglia	Gustafson	McCarron	Pogemiller	Stumpf
Brandl	Hauge	McEachern	Rice	Swanson
Byrne	Hokanson	Metzen	Rodriguez, C.	Tomlinson
Carlson, L.	Jacobs	Minne	Rodriguez, F.	Vanasek
Clark, J.	Johnson, C.	Munger	Samuelson	Vellenga
Clark, K.	Jude	Murphy	Sarna	Voss
Clawson	Kahn	Novak	Schoenfeld	Welch
Dahlvang	Kelly	O'Connor	Shea	Wynia
Eken	Kostohryz	Ogren	Sieben, M.	Spkr. Sieben, H.
Elioff	Lehto	Osthoff	Simoneau	

Those who voted in the negative were:

Aasness	Fjoslien	Kalis	Nysether	Sherman
Ainley	Friedrich	Knickerbocker	Olsen	Sherwood
Anderson, R.	Gruenes	Kvam	Onnen	Stadum
Begich	Halberg	Laidig	Peterson, B.	Stowell
Blatz	Haukoos	Lemen	Piepho	Sviggum
Carlson, D.	Heap	Levi	Redalen	Valan
Dempsey	Heinitz	Ludeman	Rees	Valento
Den Ouden	Himle	Marsh	Reif	Weaver
Drew	Hoberg	McDonald	Rose	Welker
Erickson	Hokr	Mehrkens	Rothenberg	Wenzel
Esau	Jennings	Nelsen, B.	Schafer	Wieser
Evans	Johnson, D.	Niehaus	Schreiber	Zubay
Ewald	Kaley	Norton	Searles	

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

The question was taken on the motion to recommend passage of H. F. No. 486, as amended, and the roll was called. There were 65 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Laidig	Ogren	Simoneau
Anderson, G.	Ellingson	Lehto	Osthoff	Skoglund
Anderson, I.	Greenfield	Long	Otis	Staten
Battaglia	Gustafson	Mann	Peterson, D.	Stumpf
Begich	Hokanson	McCarron	Pogemiller	Swanson
Brandl	Jacobs	McEachern	Rice	Tomlinson
Byrne	Johnson, C.	Metzen	Rodriguez, C.	Vanasek
Carlson, L.	Johnson, D.	Minne	Rodriguez, F.	Vellenga
Clark, J.	Jude	Munger	Samuelson	Voss
Clark, K.	Kahn	Murphy	Sarna	Welch
Clawson	Kalis	Norton	Schoenfeld	Wenzel
Dahlvang	Kelly	Novak	Shea	Wynia
Eken	Kostohryz	O'Connor	Sieben, M.	Spkr. Sieben, H.

Those who voted in the negative were:

Aasness	Friedrich	Kvam	Peterson, B.	Stadum
Ainley	Gruenes	Lemen	Piepho	Stowell
Anderson, R.	Halberg	Levi	Redalen	Svigrum
Blatz	Hauge	Ludeman	Rees	Valan
Carlson, D.	Haukoos	Marsh	Reif	Valento
Dempsey	Heap	McDonald	Rose	Weaver
Den Ouden	Heinitz	Mehrkens	Rothenberg	Welker
Drew	Himle	Nelsen, B.	Schafer	Wieser
Erickson	Hoberg	Niehaus	Schreiber	Zubay
Esau	Hokr	Nysether	Searles	
Evans	Jennings	Olsen	Sherman	
Fjoslien	Kaley	Onnen	Sherwood	

The motion prevailed.

There being no objection the order of business reverted to Reports of Standing Committees.

## REPORTS OF STANDING COMMITTEES

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 546, A bill for an act relating to insurance; providing for a program of continuing education; establishing a continuing insurance education advisory committee; authorizing the commissioner of insurance to promulgate rules to implement the program; proposing new law coded in Minnesota Statutes, Chapter 60A.

Reported the same back with the following amendments:

Page 1, line 13, delete "resident" and after "licensed" insert "by the state"

Page 1, line 24, delete "May 31, 1983" and insert "January 1, 1984"

Page 2, line 4, delete "or"

Page 2, line 6, delete the period and insert a semicolon

Page 2, after line 6, insert:

*"(4) Persons holding non-resident licenses issued by this state unless continuing education requirements are imposed on Minnesota resident license holders by the non-resident licensee's state of resident licensing; or*

*(5) Persons holding life and health licenses who, by February 28 of each year, certify to the commissioner in writing, that they shall sell only credit life and health insurance during that year and do in fact so limit their sale of insurance."*

Page 2, line 11, after "chairperson." insert "No more than eight members of the advisory committee shall be of the same sex."

Page 2, line 14, after "chairperson" insert "and shall be compensated according to section 15.059, subdivision 3"

Page 3, line 4, before "members" insert "non-public"

Page 3, line 10, delete "courses, programs" and insert "each course, program"

Page 3, line 11, delete "seminars" and insert "seminar"

Page 3, after line 25, insert "The commissioner shall work with the commissioner of education in developing new programs of instruction and coordinate offerings throughout the state school districts continuing and adult education systems and facilities."

Page 4, line 1, after the period insert "Credit hours over 20 earned in any one year may be carried forward for the following two years."

Page 4, line 5, after "(1)" insert "(a)"

Page 4, line 10, after the period insert "As of the day the licensed person properly files a request for waiver or extension, the license shall remain in effect until the commissioner notifies the licensed person of the commissioner's decision. The commissioner may approve a waiver or extension subject to any reasonable conditions. The person's license shall remain in effect during the period of compliance determined by the commissioner. If the licensed person fails to comply with any reasonable conditions imposed by the commissioner, the commissioner shall terminate the license. If the request for waiver or extension is denied by the commissioner, the licensed person shall have a reasonable time determined by the commissioner within which to satisfy the continuing education requirements involved in the

*request for waiver or extension. During the compliance period the commissioner shall place a restricted status on the person's license. If the continuing education requirements are satisfied within the compliance period, as evidenced by the filing of a compliance report, the commissioner shall remove the restricted status from the person's license. If the continuing education requirements are not satisfied within the compliance period, the commissioner shall terminate the person's license."*

Page 4, line 10, before "Upon" insert "(b)"

Page 4, delete lines 15 to 17 and insert:

*"(2) A licensed person who ceases actively soliciting and selling insurance due to disability or retirement may request a restricted status license in the manner prescribed by the commissioner. The commissioner may require a licensed person who requests a restricted status license to submit information substantiating the disability or retirement. A"*

Page 4, line 20, delete "had" and insert "has"

Page 4, line 20, delete "client-" and after "agent" insert "-client"

Page 4, line 20, delete the comma and insert a period

Page 4, delete line 21 and insert "A person holding a restricted status license shall not"

Page 4, line 22, after "business" insert "to other than previously developed clients"

Page 4, line 24, delete "A licensed"

Page 4, delete lines 25 to 28

Page 5, line 9, delete "fee" and insert "cashier's check or money order in the amount"

Page 5, line 16, delete "shall" and insert "may" and after "commissioner" insert ", at the commissioner's discretion,"

Page 5, line 36, after "employees" insert "of the commerce department"

Page 6, after line 17 insert:

"Sec. 2. Minnesota Statutes 1980, Section 62B.06, Subdivision 2, is amended to read:

Subd. 2. Each individual policy or group certificate of credit life insurance, or credit accident and health insurance shall, in addition to other requirements of law, set forth the name and home office address of the insurer, the name or names of the debtor or in the case of a certificate under a group policy, the identity by name or otherwise of the debtor, the rate or amount of payment, if any, by the debtor separately for credit life insurance and credit accident and health insurance, a description of the amount, term and coverage including any exceptions, limitations and restrictions, and shall state that the benefits shall be paid to the creditor to reduce or extinguish the unpaid indebtedness and, wherever the amount of insurance may exceed the unpaid indebtedness, that any such excess shall be payable to a beneficiary, other than the creditor, named by the debtor or to his estate (.), and shall also have printed thereon in not less than 10 point type, the following:

*"Minnesota Statutes 1980, Section 62B.11 provides:*

*When credit life insurance or credit accident and health insurance is required as additional security for any indebtedness, the debtor shall, upon request to the creditor, have the option of furnishing the required amount of insurance through existing policies of insurance owned or controlled by him or of procuring and furnishing the required coverage through any insurer authorized to transact an insurance business within this state.*

*This is the law. If you have questions about this law, contact the insurance division of the Minnesota department of commerce."*

No individual or group policy of credit accident and health insurance issued, amended, renewed, or delivered in this state on or after January 1, 1976 shall contain any provision offsetting, or in any other manner reducing any benefit under the, policy by the amount of, or in proportion to, any increase in disability benefits received or receivable under the federal Social Security Act, as amended subsequent to the date of commencement of such benefit.

Sec. 3. Minnesota Statutes 1980, Section 62B.06, Subdivision 3, is amended to read:

Subd. 3. The individual policy or group certificate of insurance and the disclosure provided in subdivision 6 shall be delivered to the insured debtor at the time the indebtedness is incurred except as hereinafter provided.

Sec. 4. Minnesota Statutes 1980, Section 62B.06, Subdivision 4, is amended to read:

Subd. 4. If the individual policy or group certificate of insurance is not delivered to the debtor at the time the indebtedness is incurred, a copy of the application for the policy or a notice

of proposed insurance, signed by the debtor and setting forth the name and home office address of the insurer, the name or names of the debtor, the premium or amount of payment by the debtor, if any, separately for credit life insurance and credit accident and health insurance, the amount, term, (AND) a brief description of the coverage provided, *in not less than 10 point type, the following:*

*"Minnesota Statutes 1980, Section 62B.11 provides:*

*When credit life insurance or credit accident and health insurance is required as additional security for any indebtedness, the debtor shall, upon request to the creditor, have the option of furnishing the required amount of insurance through existing policies of insurance owned or controlled by him or of procuring and furnishing the required coverage through any insurer authorized to transact an insurance business within this state.*

*This is the law. If you have questions about this law, contact the insurance division of the Minnesota department of commerce." Shall be delivered to the debtor at the time the indebtedness is incurred. The copy of the application for, or notice of proposed insurance, shall also refer exclusively to insurance coverage, and shall be separate and apart from the loan, sale or other credit statement of account, instrument or agreement, unless the information required by this subdivision is prominently set forth therein. Upon acceptance of the insurance by the insurer and within 30 days of the date on which the indebtedness is incurred, the insurer shall cause the individual policy or group certificate of insurance to be delivered to the debtor. The application or notice of proposed insurance shall state that upon acceptance by the insurer, the insurance shall become effective as provided in section 62B.05. If an application for a policy or a notice of proposed insurance is not delivered at the time the indebtedness is incurred as required by this subdivision, the creditor shall assume all of the liabilities under such insurance until an insurer accepts the risk.*

Sec. 5. Minnesota Statutes 1980, Section 62B.06, is amended by adding a subdivision to read:

*Subd. 6. A written disclosure of the actual loss ratio of a policy shall be provided pursuant to subdivisions 3 and 4. For the purposes of this subdivision, "actual loss ratio" means the actual loss ratio experienced by the insurer during the previous calendar year."*

Page 6, line 19, after "6" insert ", 10"

Page 6, line 20, after the period insert "Section 1,"

Page 6, line 20, after "7" delete the comma and insert "and"



Page 6, line 20, after "9" delete ", and 10"

Page 6, line 21, delete "1982" and insert "1983"

Page 6, line 21, after the period, insert "Section 1,"

Page 6, line 22, after the period insert "Sections 2, 3, and 4 are effective August 1, 1981."

Renumber the remaining section

Amend the title as follows:

Page 1, line 6, after the semicolon insert "requiring certain disclosures on credit insurance policies and applications; amending Minnesota Statutes 1980, Section 62B.06, Subdivisions 2, 3 and 4; and by adding a subdivision;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Rose was excused at 5:15 p.m.

## MOTIONS AND RESOLUTIONS

McCarron moved that the name of Samuelson be added as an author on H. F. No. 3. The motion prevailed.

Clawson moved that the name of Byrne be stricken and the name of Begich be added and shown as second author on H. F. No. 474. The motion prevailed.

Dempsey moved that the name of Brandl be added as an author on H. F. No. 522. The motion prevailed.

Stowell moved that his name be stricken as an author on H. F. No. 668. The motion prevailed.

Greenfield moved that the name of Rodriguez, F., be added as an author on H. F. No. 687. The motion prevailed.

Dempsey moved that his name be stricken as an author on H. F. No. 950. The motion prevailed.

Sarna moved that the name of Rodriguez, F., be stricken and the name of Pogemiller be added as an author on H. F. No. 976. The motion prevailed.

Otis moved that the name of Long be added as an author on H. F. No. 987. The motion prevailed.

Drew moved that his name be stricken as an author on H. F. No. 1247. The motion prevailed.

Evans moved that the names of Skoglund and Kvam be added as authors on H. F. No. 1273. The motion prevailed.

Wynia moved that the name of Hokanson be stricken and the names of Brandl and Rees be added as authors on H. F. No. 1306. The motion prevailed.

Novak moved that the name of Staten be added as an author on H. F. No. 1316. The motion prevailed.

McEachern moved that the name of Anderson, R., be added as an author on H. F. No. 1329. The motion prevailed.

Wenzel moved that the names of Otis, Gustafson, Staten and Anderson, R., be added as authors on H. F. No. 1351. The motion prevailed.

Kahn moved that H. F. No. 1218 be recalled from the Committee on Education and be re-referred to the Committee on Appropriations. The motion prevailed.

Clawson moved that H. F. No. 1260 be recalled from the Committee on Agriculture and be re-referred to the Committee on Environment and Natural Resources. The motion did not prevail.

Esau moved that H. F. No. 553, now on General Orders, be re-referred to the Committee on Appropriations.

Anderson, I., moved to amend the Esau motion to H. F. No. 553, as follows:

Delete "Appropriations" and insert "Taxes".

A roll call was requested and properly seconded.

The question was taken on the Anderson, I., amendment and the roll was called. There were 30 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Greenfield	McEachern	Ogren	Sarna
Battaglia	Gustafson	Metzen	Peterson, D.	Simoneau
Begich	Jacobs	Minne	Rice	Staten
Carlson, L.	Jude	Murphy	Rodriguez, C.	Vellenga
Dahlvang	Kelly	Novak	Rodriguez, F.	Wenzel
Elioff	Kostohryz	O'Connor	Samuelson	Spkr. Sieben, H.

Those who voted in the negative were:

Aasness	Esau	Kalis	Otis	Sieben, M.
Ainley	Fjoslien	Kvam	Peterson, B.	Skoglund
Anderson, B.	Friedrich	Laidig	Piepho	Stadum
Anderson, G.	Gruenes	Lemen	Pogemiller	Stowell
Anderson, R.	Halberg	Levi	Redalen	Sviggum
Brandl	Hauge	Ludeman	Reding	Swanson
Carlson, D.	Haukoos	Mann	Rees	Valan
Clark, J.	Heap	Marsh	Reif	Valento
Clawson	Heinitz	McDonald	Rothenberg	Vanasek
Dean	Himle	Mehrkens	Schafer	Voss
Dempsey	Hokr	Nelsen, B.	Schoenfeld	Weaver
Den Ouden	Jennings	Niehaus	Schreiber	Welker
Drew	Johnson, D.	Nysether	Searles	Wieser
Ellingson	Kahn	Olsen	Sherman	Wynia
Erickson	Kaley	Onnen	Sherwood	Zubay

The motion did not prevail.

The question recurred on the Esau motion that H. F. No. 553 be re-referred to the Committee on Appropriations. The motion prevailed.

Clawson moved that H. F. No. 122 be returned to its author. The motion prevailed.

Anderson, I., introduced:

House Resolution No. 13, A house resolution extending an invitation to the Governor to address a Joint Convention on April 13, 1981, relating to his revised budget message.

The resolution was referred to the Committee on Rules and Legislative Administration.

Munger, Battaglia, Dean, Sieben, H., and Norton introduced:

House Resolution No. 14, A house resolution proclaiming Minnesota Environmental Awareness Day.

The resolution was referred to the Committee on Environment and Natural Resources.

House Concurrent Resolution No. 1, as amended by the Committee on Rules and Legislative Administration on Monday, April 6, 1981, was reported to the House.

#### HOUSE CONCURRENT RESOLUTION NO. 1

A house concurrent resolution expressing the appreciation of Minnesotans in this day of renewed patriotism to all Vietnam War veterans for their services to the people of the State of Minnesota; and encouraging local demonstrations to engender proper recognition of Vietnam veterans.

*Whereas*, The United States of America was engaged in military activities in Vietnam from 1961 through 1975; and,

*Whereas*, men and women in our armed forces sacrificed their lives for the safety and peace of all citizens during those in-terminable years; and,

*Whereas*, in our great State of Minnesota alone over one thousand veterans died in service to their country in Vietnam; and,

*Whereas*, there are currently 192,000 Vietnam War veterans in Minnesota; and,

*Whereas*, many of these veterans returned from Vietnam with disabilities which make gainful employment and normal family life very difficult, especially given an unstable economic and political environment; and,

*Whereas*, it is clear that veterans of Vietnam have never been given the credit that is due them for their service to the United States and the hardships they endured; and,

*Whereas*, the people of the State of Minnesota want to thank all living veterans and to honor all deceased veterans of Vietnam for all the services they so nobly performed on behalf of their country; and,

*Whereas*, the people of Minnesota do not want to forget the agonies of war and the sacrifices it demands; *Now, Therefore*,

*Be It Resolved* by the House of Representatives of the State of Minnesota, the Senate concurring therein, that on behalf of all Minnesotans, our sincere appreciation is expressed to all Vietnam veterans, and especially to all the families of those who died in Vietnam, for their sacrifice on behalf of the people of the State of Minnesota.

*Be It Further Resolved* that the Chief Clerk of the House of Representatives is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and those of the Speaker of the House of Representatives, the President of the Senate, and the Secretary of the Senate, and to present it to the Governor for his approval. Upon his approval, it shall be filed with the Secretary of State. The Secretary of State is directed to prepare certified copies and forward them to the Commissioner of Veterans Affairs, the Adjutant General of the Minnesota National Guard, and to the Minnesota Adjutants of the American Legion, Disabled American Veterans, Military Order of the Purple Heart, and Veterans of Foreign Wars. The adjutants of the veterans groups are requested to encourage local units of their organizations to contact local governments, patriotic organizations, and civic organizations, and encourage co-

operation in finding appropriate ways of expressing appreciation to Vietnam veterans living in their areas. The legislature and governor call upon all local communities to hold special appreciation events for Vietnam veterans and to commemorate Vietnam dead on Veterans Day on November 11, 1981.

Sherman moved that House Concurrent Resolution No. 1 be now adopted.

Sherman moved to amend House Concurrent Resolution No. 1, the first engrossment, as follows:

Page 1, after line 12, insert:

*"Whereas, it is clear that veterans of Vietnam have never been given the credit that is due them for their service to the United States and the hardships they endured; and,*

*Whereas, the Congress of the United States has authorized the President to designate April 26, 1981, as a "National Day of Recognition for Veterans of the Vietnam Era"; and,"*

Page 1, delete lines 22 to 24

Page 2, after line 10, insert:

*"Be It Further Resolved that the legislature joins with the President and the Congress of the United States in asking all Minnesotans to observe April 26, 1981, with appropriate programs, ceremonies, and activities."*

Page 2, line 18, delete "certified" and delete "the"

Page 2, delete line 19

Page 2, line 20, delete everything after the first "Minnesota" and insert "veterans organizations"

Page 2, delete line 21

Page 2, line 22, delete everything before the period

Page 2, line 23, delete "groups" and insert "organizations"

Page 2, line 27, delete "The"

Page 2, delete lines 28 to 30

The motion prevailed and the amendment was adopted.

The question recurred on the motion that House Concurrent Resolution No. 1, as amended, be now adopted. The motion prevailed and House Concurrent Resolution No. 1, as amended, was adopted.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, April 13, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, April 13, 1981.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**

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## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## THIRTY-THIRD DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 13, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Dr. Richard Vogeley, Edgumbe Presbyterian Church, St. Paul, Minnesota.

The roll was called and the following members were present:

Aasness	Esau	Kalis	O'Connor	Sieben, M.
Ainley	Evans	Kelly	Ogren	Simoneau
Anderson, B.	Ewald	Knickerbocker	Olsen	Skoglund
Anderson, G.	Fjoslien	Kostohryz	Onnen	Stadum
Anderson, I.	Forsythe	Kvam	Osthoff	Staten
Anderson, R.	Friedrich	Laidig	Otis	Stowell
Battaglia	Greenfield	Lehto	Peterson, B.	Stumpf
Begich	Gruenes	Lemen	Peterson, D.	Sviggum
Berkelman	Gustafson	Levi	Piepho	Swanson
Blatz	Halberg	Long	Pogemiller	Tomlinson
Brandl	Hanson	Ludeman	Redalen	Valan
Brinkman	Harens	Mann	Reding	Valento
Byrne	Hauge	Marsh	Rees	Vanasek
Carlson, D.	Haukoos	McCarron	Reif	Vellenga
Carlson, L.	Heap	McDonald	Rice	Voss
Clark, J.	Heinitz	McEachern	Rodriguez, C.	Weaver
Clark, K.	Himle	Mehrkens	Rodriguez, F.	Welch
Clawson	Hoberg	Metzen	Rose	Welker
Dahlvang	Hokanson	Minne	Rothenberg	Wenzel
Dean	Hokr	Munger	Samuelson	Wieser
Dempsey	Jacobs	Murphy	Sarna	Wynia
Den Ouden	Jennings	Nelsen, B.	Schafer	Zubay
Drew	Johnson, C.	Nelson, K.	Schoenfeld	Sprk. Sieben, H.
Eken	Johnson, D.	Niehaus	Schreiber	
Elioff	Jude	Norton	Searles	
Ellingson	Kahn	Novak	Shea	
Erickson	Kaley	Nysether	Sherman	

A quorum was present.

Luknic, Sherwood and Wigley were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Vanasek moved that further reading of the Journal be



dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

#### REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 35, 263, 522, 646, 788, 847, 873, 904, 923, 945, 966, 991, 1044, 1088, 1092, 1125, 1150, 1185, 1278, 6, 138, 192, 217, 308, 365, 756, 764, 969, 1016, 1065, 668, 704, 936, 12, 25, 54, 137, 326, 413, 536, 691, 700, 715, 630, 126, 396, 544, 687, 1007, 3, 486, 1321, 1304 and 1305 and S. F. Nos. 356, 718, 825, 454, 365, 475, 692 and 336 have been placed in the members' files.

S. F. No. 365 and H. F. No. 687, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Greenfield moved that the rules be so far suspended that S. F. No. 365 be substituted for H. F. No. 687 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 454 and H. F. No. 700, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Clark, J., moved that the rules be so far suspended that S. F. No. 454 be substituted for H. F. No. 700 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 375 and H. F. No. 736, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Clark, J., moved that the rules be so far suspended that S. F. No. 375 be substituted for H. F. No. 736 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 917 and H. F. No. 911, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Jude moved that the rules be so far suspended that S. F. No. 917 be substituted for H. F. No. 911 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 692 and H. F. No. 411, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Kelly moved that S. F. No. 692 be substituted for H. F. No. 411 and that the House File be indefinitely postponed. The motion prevailed.

## PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

April 13, 1981

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

Dear Speaker Sieben:

I have the honor to inform you that I received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 45, relating to health; repealing a certain administrative rule of the department of health unconditionally prohibiting the use of locks on patient room doors in nursing homes;

H. F. No. 44, relating to health, repealing a certain administrative rule of the department of health unconditionally prohibiting double beds in nursing homes and boarding care homes; exempting out of state physicians from licensing regulations under certain conditions.

Sincerely,

ALBERT H. QUIE  
Governor

## REPORTS OF STANDING COMMITTEES

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 70, A bill for an act relating to education; requiring school boards to hold public hearings for all mill rate increases in the discretionary levy; amending Minnesota Statutes 1980, Section 275.125, Subdivision 7a.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE I

FOUNDATION AID PROGRAM

Section 1. Minnesota Statutes 1980, Section 121.904, Subdivision 7, is amended to read:

Subd. 7. Summer school (AIDS) *aid and the summer school levy for any summer school session* shall be recognized as revenues and recorded as receivables in proportion to the total number of summer school days in each fiscal year in which (A) *the summer school session occurs*; provided that nothing in this subdivision shall be construed to provide for a different rate of aid than that provided in section 124.20.

Sec. 2. Minnesota Statutes 1980, Section 124.01, Subdivision 2, is amended to read:

Subd. 2. [FORMULA ALLOWANCE.] "Foundation aid formula allowance" or "formula allowance" means the amount of revenue per pupil unit specified for use in the computation of foundation aid for a particular school year pursuant to section 124.212 and in the computation of permissible levies for use in that school year. (FOR FOUNDATION AID FOR THE 1979-1980 SCHOOL YEAR, THE FORMULA ALLOWANCE SHALL BE \$1,182. FOR 1979 PAYABLE 1980 LEVIES AND FOR FOUNDATION AID FOR THE 1980-1981 SCHOOL YEAR, THE FORMULA ALLOWANCE SHALL BE \$1,265. FOR 1980 PAYABLE 1981 LEVIES AND) For foundation aid for the 1981-1982 school year, the formula allowance shall be (\$1,354) \$1,338. For 1981 payable 1982 levies and for foundation aid for the 1982-1983 school year, the formula allowance shall be \$1,431.

Sec. 3. Minnesota Statutes 1980, Section 124.01, Subdivision 3, is amended to read:

Subd. 3. [BASIC MAINTENANCE MILL RATE.] "Basic maintenance mill rate" means the maximum permissible mill rate applicable to the adjusted assessed valuation of a district, specified for use in the computation of foundation aid for a particular school year pursuant to section 124.212 and of permissible levies for use in that school year pursuant to section 275.125, subdivision 2a, clause (1) or (2). (FOR 1970 PAYABLE 1980 LEVIES AND FOR FOUNDATION AID FOR THE 1980-1981 SCHOOL YEAR, THE BASIC MAINTENANCE MILL RATE SHALL BE .023.) For 1980 payable 1981 levies and for foundation aid for the 1981-1982 school year, the basic maintenance mill rate shall be .021. For 1981 payable 1982 levies

and for foundation aid for the 1982-1983 school year, the basic maintenance mill rate shall be .021.

Sec. 4. Minnesota Statutes 1980, Section 124.01, Subdivision 4, is amended to read:

Subd. 4. [EQUALIZING FACTOR.] "Equalizing factor" means the ratio, rounded to the nearest whole number, of the formula allowance for a particular school year to the basic maintenance mill rate for that school year. (FOR 1979 PAYABLE 1980 LEVIES AND FOR FOUNDATION AID FOR THE 1980-1981 SCHOOL YEAR, THE EQUALIZING FACTOR SHALL BE \$55,000. FOR 1980 PAYABLE 1981 LEVIES AND FOR FOUNDATION AID FOR THE 1981-1982 SCHOOL YEAR, THE EQUALIZING FACTOR SHALL BE \$64,476.)

Sec. 5. Minnesota Statutes 1980, Section 124.01, is amended by adding a subdivision to read:

Subd. 5. [DISCRETIONARY ALLOWANCE.] "Discretionary allowance" means the amount of revenue per pupil unit specified for use in the computation of the levy permitted in section 275.125, subdivision 7a, and in the computation of matching foundation aid. For foundation aid for the 1981-1982 school year, the discretionary allowance shall be \$64.48. For 1981 payable 1982 levies and for foundation aid for the 1982-1983 school year, the discretionary allowance shall be \$136.28.

Sec. 6. Minnesota Statutes 1980, Section 124.11, Subdivision 1, is amended to read:

Subdivision 1. [PAYMENT SCHEDULE THROUGH 1982.] Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program and except as provided in subdivision 5, for fiscal years through 1982, ten percent of the estimated elementary and secondary foundation aids shall be paid to districts in each of the months other than October from August through May based upon information available and the final distribution shall be made in October of the following school year.

Sec. 7. Minnesota Statutes 1980, Section 124.11, is amended by adding a subdivision to read:

Subd. 1a. [PAYMENT SCHEDULE.] Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program and except as provided in subdivision 5, starting in fiscal year 1983, based upon information available, ten percent of the estimated elementary and secondary foundation aids shall be paid to districts in each month from August through April, except October, and five percent shall be paid in May. The final distribution shall be made in October of the following fiscal year.

Sec. 8. Minnesota Statutes 1980, Section 124.17, Subdivision 2, is amended to read:

Subd. 2. Membership for pupils in grades kindergarten through twelve and for handicapped pre-kindergarten pupils shall mean the number of pupils on the current roll of the school, counted from the date of entry until withdrawal. The date of withdrawal shall mean the day the pupil permanently leaves the school or the date it is officially known that the pupil has left or has been legally excused (, PROVIDED THAT ANY). *However, a pupil, regardless of age, who has been absent from school for 15 consecutive school days during the regular school year or for three consecutive school days during summer school or inter-session classes of flexible school year programs without receiving instruction in the home or hospital shall be dropped from the roll and classified as withdrawn. Nothing in this section shall be construed as waiving the compulsory attendance provisions cited in section 120.10. Average daily membership shall equal the sum for all pupils of the number of days of the school year each pupil is enrolled in the district's schools divided by the number of days (SAID) the schools are in session.*

Sec. 9. Minnesota Statutes 1980, Section 124.17, Subdivision 2c, is amended to read:

Subd. 2c. Notwithstanding (THE PROVISIONS OF) subdivision 2, in (ANY CASE WHERE) *cases when school is in session but pupils are prevented from attending for more than 15 consecutive school days during the regular school year or three consecutive school days during summer school or inter-session classes of flexible school year programs, because of epidemic, calamity, weather, fuel shortage, or other justifiable cause, the state board, upon application, may allow the district to continue to count these pupils in average daily membership. A lawful employees' strike is not a justifiable cause for purposes of this subdivision.*

Sec. 10. Minnesota Statutes 1980, Section 124.17, is amended by adding a subdivision to read:

*Subd. 2d. [SUMMER SCHOOL.] In summer school or inter-session classes of flexible school year programs, membership for pupils shall mean the number of full-time equivalent pupils in the program. This number shall equal the sum for all pupils of the number of classroom hours in the programs for which each pupil is enrolled divided by 1050.*

Sec. 11. Minnesota Statutes 1980, Section 124.20, is amended to read:

124.20 [EDUCATION; STATE AID; SUMMER SCHOOL AND FLEXIBLE SCHOOL YEAR CLASSES.]

*Subdivision 1. [PROGRAMS.]* Foundation aid for (1) summer school classes which are not a part of the regular school term in hospitals, sanatoriums, and home instruction programs, (2) inter-session classes of flexible school year programs, (3) summer school classes in elementary and secondary schools, and (4) summer school instruction in teachers college laboratory schools or in the university laboratory school, shall be paid (AT A PROPORTIONATE RATE FOR FOUNDATION AIDS PAID FOR THE PRECEDING REGULAR SCHOOL YEAR; PROVIDED THAT NO DISTRICT SHALL RECEIVE AID FOR PROGRAMS UNDER THIS SECTION IN AN AMOUNT GREATER THAN ITS ACTUAL EXPENDITURES FOR THESE PROGRAMS; PROVIDED FURTHER, THAT FOR PURPOSES OF COMPUTING SUMMER SCHOOL FOUNDATION AID THROUGH 1980, A DISTRICT'S FOUNDATION AID FOR THE REGULAR SCHOOL YEAR SHALL BE REDUCED BY THE AMOUNT OF THE AGRICULTURAL TAX CREDIT INCLUDED IN THAT FOUNDATION AID; PROVIDED FURTHER, THAT FOR PURPOSES OF COMPUTING SUMMER SCHOOL FOUNDATION AID STARTING IN 1981, FOUNDATION AID FOR THE REGULAR SCHOOL YEAR SHALL BE REDUCED BY AMOUNTS OF FOUNDATION AID COMPUTED PURSUANT TO SECTION 124.212, SUBDIVISION 7C, CLAUSES (2), (3), (4) AND (5), AND SECTION 124.212, SUBDIVISION 7D, CLAUSES (2), (3), (4) AND (5), OR THEIR SUCCESSOR PROVISIONS) *under the provisions of this section.*

*Subd. 2. [DEFINITIONS.]* For the purposes of computing foundation aid for summer school and inter-session classes of flexible school year programs, the following phrases shall have the meanings given them.

(1) "Summer school pupil units" means full-time equivalent pupil units for summer school classes and inter-session classes of flexible school year programs computed under the provisions of section 124.17.

(2) "Summer school revenue allowance" means an amount equal to the product of the number of summer school pupil units in a district, times the foundation aid formula allowance as defined in section 124.01, subdivision 2, for the preceding regular school year.

(3) "Summer school aid" means aid for summer school and inter-session classes of flexible school year programs.

*Subd. 3. [SUMMER SCHOOL AID.]* Each year a district shall receive summer school aid equal to the difference between

(1) the product of

(a) the ratio of the district's actual levy to its permitted levy pursuant to section 19 of this article certified in the calendar year when the summer school program is offered; times

(b) *the district's summer school revenue allowance; and*

(2) *the levy certified by the district pursuant to section 19 of this article in the calendar year when the summer school program is offered.*

Sec. 12. Minnesota Statutes 1980, Section 124.212, Subdivision 1, is amended to read:

Subdivision 1. [INTRODUCTION.] The foundation aid program for school districts (FOR SCHOOL YEARS 1979-1980 AND 1980-1981) shall be governed by the terms and provisions of this section.

Sec. 13. Minnesota Statutes 1980, Section 124.212, Subdivision 5a, is amended to read:

Subd. 5a. [COUNTY APPORTIONMENT DEDUCTION.]

(1) (IN THE 1977-1978 SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER,) The amount of money apportioned to a school district for (THAT) *each school year* pursuant to section 124.10, subdivision 2 which exceeds the amount apportioned to that district pursuant to section 124.10, subdivision 2 for the 1976-1977 school year, shall be deducted from the foundation aid earned by that district for the same year.

(2) In addition to the deduction in clause (1), *five-sixths* of the (FOLLOWING AMOUNTS) *amount* apportioned pursuant to section 124.10, subdivision 2 shall be deducted from foundation aid for the (SCHOOL YEARS DESIGNATED:)

((A) IN THE 1977-1978 SCHOOL YEAR, ONE-SIXTH OF THE AMOUNT APPORTIONED, BUT NOT TO EXCEED ONE-SIXTH OF THE AMOUNT APPORTIONED FOR THE 1976-1977 SCHOOL YEAR;)

((B) IN THE 1978-1979 SCHOOL YEAR, ONE-THIRD OF THE AMOUNT APPORTIONED, BUT NOT TO EXCEED ONE-THIRD OF THE AMOUNT APPORTIONED FOR THE 1976-1977 SCHOOL YEAR;)

((C) IN THE 1979-1980 SCHOOL YEAR, ONE-HALF OF THE AMOUNT APPORTIONED, BUT NOT TO EXCEED ONE-HALF OF THE AMOUNT APPORTIONED FOR THE 1976-1977 SCHOOL YEAR;)

((D) IN THE 1980-1981 SCHOOL YEAR, TWO-THIRDS OF THE AMOUNT APPORTIONED, BUT NOT TO EXCEED TWO-THIRDS OF THE AMOUNT APPORTIONED FOR THE 1976-1977 SCHOOL YEAR; AND)

((E) IN THE) 1981-1982 school year, (FIVE-SIXTHS OF THE AMOUNT APPORTIONED), but *this deduction shall not* (TO) exceed five-sixths of the amount apportioned for the 1976-1977 school year.

(3) In the 1982-1983 school year and each school year thereafter, the entire amount of money apportioned to a school district for that year pursuant to section 124.10, subdivision 2, shall be deducted from the foundation aid earned by that district for the same year.

Sec. 14. Minnesota Statutes 1980, Section 124.212, Subdivision 7d, is amended to read:

Subd. (7D) *6d.* [FOUNDATION AID; 1981-1982.] For the 1981-1982 school year a district shall receive in foundation aid:

(1) [BASIC FOUNDATION AID.] (\$1,354) \$1,338 per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), less 21 mills times the 1979 adjusted assessed valuation of the district; plus

(2) [AGRICULTURAL TAX CREDIT.] The amount of the agricultural tax credit by which 1980 payable 1981 property taxes in the district are reduced pursuant to section (273.132) 124.213; plus

(3) [GRANDFATHER LEVY MATCHING AID.] An amount equal to the product obtained by multiplying the ratio of the district's actual levy to its permitted levy in 1980 payable 1981 pursuant to section 275.125, subdivision 6b, times the difference between

(a) the greater of

(i) the amount derived in *Minnesota Statutes 1980, Section 124.212, Subdivision 7c, Clause (3) (, PART) (a)*, or

(ii) the product obtained by multiplying the number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), in the district in 1980-1981, times the quotient obtained by dividing the amount derived in *Minnesota Statutes 1980, Section 124.212, Subdivision 7c, Clause (3) (, PART) (a)*, by the number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2) in the district in 1979-1980, and

(b) the product obtained by multiplying the amount derived in part (a) of this clause times the lesser of

(i) one or



(ii) the ratio of the district's 1979 adjusted assessed valuation per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5) in the district in 1980-1981, to the state average 1979 adjusted assessed valuation per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the state in 1980-1981; plus

(4) [REPLACEMENT LEVY MATCHING AID.] An amount equal to the ratio of the district's actual levy to its permitted levy in 1980 payable 1981 pursuant to section 275.125, subdivision 6c, times the difference between

(a) the product obtained by multiplying

(i) the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5) in the district in 1981-1982 times

(ii) 107 percent of the quotient obtained by dividing the amount derived in *Minnesota Statutes 1980, Section 124.212, Subdivision 7c, Clause (4) (, PART) (a)*, by the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5) in the district in 1980-1981, and

(b) the product obtained by multiplying the ratio of the amount derived in part (a) (ii) of this clause to \$64,476, times the district's 1979 adjusted assessed valuation; plus

(5) [DISCRETIONARY LEVY MATCHING AID.] An amount equal to *the ratio of the district's actual levy to its permitted levy in 1980 payable 1981 pursuant to section 275.125, subdivision 7a*, times the difference between:

(a) (THE PRODUCT OBTAINED BY MULTIPLYING THE MILL RATE LEVIED BY THE DISTRICT ON ITS ADJUSTED ASSESSED VALUATION IN 1980 PAYABLE 1981 PURSUANT TO SECTION 275.125, SUBDIVISION 7A, TIMES \$64,476,) ~~\$64.48~~ times the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the district in 1980-1981; and

(b) The product obtained by multiplying (THE MILL RATE LEVIED BY THE DISTRICT ON ITS ADJUSTED ASSESSED VALUATION IN 1980 PAYABLE 1981 PURSUANT TO SECTION 275.125, SUBDIVISION 7A,) *one mill* times the district's 1979 adjusted assessed valuation.

(6) [MINIMUM AID.] No district where the assessed valuation of agricultural land identified in section 273.13, subdivisions 4, 6 and 6a, comprises 60 percent or more of the assessed valuation of the district shall receive an amount of

foundation aid pursuant to clause (1) which is less than the following difference:

(a) \$800 times the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), less

(b) the sum of

(i) the amount of the agricultural tax credit by which 1980 payable 1981 property taxes in the district are reduced pursuant to section (273.132) ~~124.213~~, plus

(ii) the amount by which 1980 payable 1981 property taxes in the district are reduced pursuant to section 273.13, subdivisions 6, 7 and 14a, plus

(iii) the amount by which 1980 payable 1981 property taxes in the district are reduced pursuant to section 273.135, plus

(iv) the amount by which 1980 payable 1981 taxes in the district are reduced pursuant to section 273.138, subdivision 6.

Sec. 15. Minnesota Statutes 1980, Section 124.212, is amended by adding a subdivision to read:

*Subd. 7e. [FOUNDATION AID; 1982-1983.] For the 1982-1983 school year a district shall receive in foundation aid:*

*(1) [BASIC FOUNDATION AID.] \$1,431 per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), less 21 mills times the 1980 adjusted assessed valuation of the district; plus*

*(2) [AGRICULTURAL TAX CREDIT.] The amount of the agricultural tax credit by which 1981 payable 1982 property taxes in the district are reduced pursuant to section 124.213; plus*

*(3) [GRANDFATHER LEVY MATCHING AID.] An amount equal to the product obtained by multiplying the ratio of the district's actual levy to its permitted levy in 1981 payable 1982 pursuant to section 275.125, subdivision 6b, times the difference between*

*(a) the greater of*

*(i) the amount derived in Minnesota Statutes 1980, Section 275.125, Subdivision 6b, Clause (1)(b), or*

*(ii) the product obtained by multiplying the number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), in the district in 1981-1982 times the quotient obtained in*

*Minnesota Statutes 1980, Section 275.125, Subdivision 6b, Clause (2)(b)(i), and*

*(b) the product obtained by multiplying the amount derived in part (a) of this clause times the lesser of*

*(i) one or*

*(ii) the ratio of the district's 1980 adjusted assessed valuation per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5) in the district in 1981-1982, to the state average 1980 adjusted assessed valuation per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the state in 1981-1982; plus*

*(4) [REPLACEMENT LEVY MATCHING AID.] An amount equal to the ratio of the district's actual levy to its permitted levy in 1981 payable 1982 pursuant to section 275.125, subdivision 6c, times the difference between*

*(a) the product obtained by multiplying*

*(i) the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5) in the district in 1982-1983, times*

*(ii) 113 percent of the amount derived in Minnesota Statutes 1980, Section 275.125, Subdivision 6c, Clause (1)(a)(i)(A), and*

*(b) the product obtained by multiplying the ratio of the amount derived in (a)(ii) to \$68,143, times the district's 1980 adjusted assessed valuation; plus*

*(5) [DISCRETIONARY LEVY MATCHING AID.] An amount equal to the ratio of the district's actual levy to its permitted levy in 1981 payable 1982 pursuant to section 275.125, subdivision 7a, times the difference between*

*(a) \$136.28 times the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the district in 1981-1982; and*

*(b) the product obtained by multiplying two mills times the district's 1980 adjusted assessed valuation.*

*(6) [MINIMUM AID.] No district where the assessed valuation of agricultural land identified in section 273.13, subdivisions 4, 6 and 6a, comprises 60 percent or more of the assessed valuation of the district shall receive an amount of foundation aid pursuant to clause (1) which is less than the following difference:*

(a) \$800 times the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), less

(b) the sum of

(i) the amount of the agricultural tax credit by which 1981 payable 1982 property taxes in the district are reduced pursuant to section 124.213, plus

(ii) the amount by which 1981 payable 1982 property taxes in the district are reduced pursuant to section 273.13, subdivisions 6, 7 and 14a, plus

(iii) the amount by which 1981 payable 1982 property taxes in the district are reduced pursuant to section 273.135, plus

(iv) the amount by which 1981 payable 1982 taxes in the district are reduced pursuant to section 273.138, subdivision 6.

Sec. 16. Minnesota Statutes 1980, Section 124.212, Subdivision 8a, is amended to read:

Subd. 8a. (1) Notwithstanding any provisions of any other law to the contrary, the adjusted assessed valuation used in calculating foundation aid shall include only that property which is currently taxable in the district. (FOR DISTRICTS WHICH RECEIVED PAYMENTS UNDER SECTION 124.28 THE FOUNDATION AID SHALL BE REDUCED BY: THE PREVIOUS YEAR'S PAYMENT TO THE DISTRICT PURSUANT TO SAID SECTIONS TIMES THE RATIO OF THE MAXIMUM LEVY ALLOWED THE DISTRICT UNDER SECTION 275.125, SUBDIVISION 2A, TO THE TOTAL LEVY ALLOWED BY SECTION 275.125, BUT NOT TO EXCEED 50 PERCENT OF THE PREVIOUS YEAR'S PAYMENT.)

(2) For districts which received payments under sections 294.21 to 294.26; 298.23 to 298.28; 298.34 to 298.39; 298.391 to 298.396; 298.405; 298.51 to 298.67; 477A.15; any law imposing a tax upon severed mineral values, or under any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties; the foundation aid shall be reduced in the October adjustment payment by the difference between the dollar amount of the payments received pursuant to those sections in the fiscal year to which the October adjustment is attributable and the amount which was calculated, pursuant to section 275.125, subdivision 9, as a reduction of the levy attributable to the fiscal year to which the October adjustment is attributable. If the October adjustment of a district's foundation aid for a fiscal year is a negative amount because of this clause, the next fiscal year's foundation aid to that district shall be reduced by this negative amount in the following manner: there shall be withheld from each monthly scheduled foundation

aid payment due the district in such fiscal year, 15 percent of the total negative amount, until the total negative amount has been withheld. The amount reduced from foundation aid pursuant to this clause shall be recognized as revenue in the fiscal year to which the October adjustment payment is attributable.

Sec. 17. Minnesota Statutes 1980, Section 275.125, Subdivision 2a, is amended to read:

Subd. 2a. (1) In (1979) 1981, a school district may levy for all general and special school purposes, an amount equal to the amount raised by (23) 21 mills times the (1978) 1980 adjusted assessed valuation of the district.

(2) In 1980 a school district may levy for all general and special school purposes, an amount equal to the amount raised by 21 mills times the 1979 adjusted assessed valuation of the district.

(3) For any district levying less than 95 percent of the maximum levy allowable in clauses (1) and (2), the foundation aid to the district for the school year when the levy is recognized as revenue, calculated pursuant to section (124.212, SUBDIVISION 7C) 14, clauses (1) and (6) of *this article*; or section (124.212, SUBDIVISION 7D) 15, clauses (1) and (6) of *this article*; or their successor provisions, as applicable, shall be reduced to an amount equal to the ratio between the actual levy and the maximum levy allowable under clauses (1) and (2) times the foundation aid calculated pursuant to section (124.212, SUBDIVISION 7C) 14, clauses (1) and (6) of *this article*; or section (124.212, SUBDIVISION 7D) 15, clauses (1) and (6) of *this article*; or their successor provisions, as applicable, to which the district is otherwise entitled for that year. For purposes of computations pursuant to this clause, the maximum levy allowable and the actual levy under clauses (1) and (2) shall be increased by any reduction of this levy which is required by section 275.125, subdivision 9 or any other law.

(4) (a) The levy authorized by clauses (1) or (2) may be increased in any amount which is approved by the voters of the district at a referendum called for the purpose. Such a referendum may be called by the school board or shall be called by the school board upon written petition of qualified voters of the district. The referendum shall be held on a date set by the school board. Only one such election may be held to approve a levy increase which will commence in a specific school year. The question on the ballot shall state the maximum amount of the increased levy in mills, the amount that will be raised by that millage in the first year it is to be levied, and that the millage shall be used to finance school operations. The question may designate a specific number of years for which the referendum authorization shall apply. If approved, the amount pro-

vided by the approved millage applied to each year's taxable valuation shall be authorized for certification for the number of years approved, if applicable, or until revoked or reduced by the voters of the district at a subsequent referendum.

(b) A referendum on the question of revoking or reducing the increased levy amount authorized pursuant to clause (a) of this clause may be called by the school board and shall be called by the school board upon the written petition of qualified voters of the district. (THE AMOUNT) A levy approved by the voters of the district pursuant to clause (a) of this clause must be (LEVIED) made at least once before it is subject to a referendum on its revocation or reduction for subsequent years. Only one such revocation or reduction election may be held to revoke or reduce a levy for any specific year and for years thereafter.

(c) A petition authorized by clauses (a) or (b) of this clause shall be effective if signed by a number of qualified voters in excess of 15 percent, or ten percent if the school board election is held in conjunction with a general election, of the average number of voters at the two most recent district wide school elections. A referendum invoked by petition shall be held within three months of submission of the petition to the school board.

(d) Notwithstanding any law to the contrary, the approval of 50 percent plus one of those voting on the question is required to pass a referendum.

(e) Within 30 days after the district holds a referendum pursuant to this clause, the district shall notify the commissioner of education of the results of the referendum.

Sec. 18. Minnesota Statutes 1980, Section 275.125, Subdivision 2c, is amended to read:

Subd. 2c. (1) (BEGINNING IN 1979,) In any year when the amount of the maximum levy limitation under subdivision 2a, clause (1) or (2), for any district (WITH FEWER THAN 950 PUPIL UNITS UNDER SECTION 124.17, SUBDIVISION 1, CLAUSES (1) AND (2)), exceeds the product of the district's foundation aid formula allowance for the year in which the levy is recognized as revenue times the estimated number of pupil units for that district identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), for that school year, the levy limitation for that district under subdivision 2a, clause (1) or (2), shall be limited to the greater of the dollar amount of the levy the district certified in 1977 under Minnesota Statutes 1978, Section 275.125, subdivision 2a, clause (1), or the following difference but not to exceed the levy limitation under subdivision 2a, clause (1) or (2):

(a) the product of the district's foundation aid formula allowance under section 124.212 for the school year in which the levy is recognized as revenue, times the estimated number of pupil units for that district identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), for that school year, less

(b) the estimated amount of any payments which would reduce the district's foundation aid entitlement as provided in section 124.212, subdivision 5a in the school year in which the levy is recognized as revenue.

(2) A levy made by a district pursuant to this subdivision shall be construed to be the levy made by that district pursuant to subdivision 2a, clause (1) or (2), for purposes of statutory cross-reference.

Sec. 19. Minnesota Statutes 1980, Section 275.125, is amended by adding a subdivision to read:

*Subd. 2d. [SUMMER SCHOOL LEVY.] A district may levy for summer school programs an amount equal to the following product:*

*(1) The district's summer school revenue allowance as defined in section 124.20 for the calendar year when the levy is certified, times*

*(2) the ratio of*

*(a) the quotient derived by dividing the adjusted assessed valuation of the district in the second preceding year, by the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5) in the district in the preceding regular school year, to*

*(b) the equalizing factor for the preceding regular school year.*

Sec. 20. Minnesota Statutes 1980, Section 275.125, Subdivision 6b, is amended to read:

Subd. 6b. [GRANDFATHER LEVY.] ((1) IN 1979 ANY DISTRICT WHICH QUALIFIED IN 1978 FOR AN EXCESS LEVY UNDER MINNESOTA STATUTES 1978, SECTION 275.125, SUBDIVISION 6 OR 7, MAY LEVY AN AMOUNT EQUAL TO THE PRODUCT OBTAINED BY MULTIPLYING)

((A) THE LESSER OF)

((I) ONE OR)

((II) THE RATIO OF THE DISTRICT'S 1978 ADJUSTED ASSESSED VALUATION PER PUPIL UNIT IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4) AND (5), IN THE DISTRICT IN 1979-1980, TO THE STATE AVERAGE 1978 ADJUSTED ASSESSED VALUATION PER PUPIL UNIT IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4) AND (5), IN THE STATE IN 1979-1980, TIMES)

((B) THE PRODUCT OBTAINED BY MULTIPLYING

((I) THE AMOUNT PER PUPIL UNIT WHICH THE DISTRICT WAS PERMITTED TO LEVY IN 1978 UNDER MINNESOTA STATUTES 1978, SECTION 275.125, SUBDIVISIONS 6 AND 7, TIMES)

((II) THE NUMBER OF PUPIL UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (6), AND (7), IN THE DISTRICT IN 1979-1980.)

((2) IN 1980 AND) Each year (THEREAFTER), any district which qualified in 1979 for an excess levy under (CLAUSE (1)) *this subdivision*, shall be allowed to levy an amount equal to the product obtained by multiplying

((A) (1) the lesser of

((I) (a) one or

((II) (b) the ratio of the district's adjusted assessed valuation in the preceding year per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the school year when the levy is certified, to the state average adjusted assessed valuation in the preceding year per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4), and (5), in the school year when the levy is certified, times

((B) (2) the greater of

((I) (a) the amount derived in *Minnesota Statutes 1980, Section 275.125, Subdivision 6b*, clause (1) (, PART) (b), or

((II) (b) the product obtained by multiplying

(i) the number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2) in the district in the school year when the levy is certified, times

(ii) the quotient obtained (BY DIVIDING THE AMOUNT DERIVED IN CLAUSE (1), PART (B), BY THE NUMBER OF PUPIL UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1) AND (2), IN THE DISTRICT



IN 1979-1980) in *Minnesota Statutes 1980, Section 275.125, Subdivision 6b, Clause (2)(b)(ii)*.

*For purposes of computing levy limitations pursuant to this subdivision and the matching foundation aid pursuant to section 14, clause (3) and section 15, clause (3), of this article, or their successor provisions, the department shall use and shall not be required to subsequently adjust the state average adjusted assessed valuation per pupil unit determined as of the September 1 before the levy is certified.*

Sec. 21. Minnesota Statutes 1980, Section 275.125, Subdivision 6c, is amended to read:

Subd. 6c. [REPLACEMENT LEVY.] ((1) IN 1979 ANY DISTRICT MAY LEVY AN AMOUNT EQUAL TO THE LESSER OF)

((A) THE PRODUCT OBTAINED BY MULTIPLYING)

((1) THE RATIO OF)

((A) THE QUOTIENT OBTAINED BY DIVIDING THE SUM OF THE ADDITIONAL AMOUNTS OF AID THE DISTRICT WOULD RECEIVE IF PUPIL UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (6) AND (7) WERE USED IN ADDITION TO THE PUPIL UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4) AND (5), IN THE COMPUTATION PURSUANT TO SECTION 124.212, SUBDIVISION 7C, CLAUSE (1), AND IF SECTION 124.224 WERE EFFECTIVE IN THE 1980-1981 SCHOOL YEAR, BY THE NUMBER OF PUPIL UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4) AND (5), IN THE DISTRICT IN 1980-1981, TO)

((B) \$55,000 TIMES)

((II) THE DISTRICT'S 1978 ADJUSTED ASSESSED VALUATION, OR)

((B) THE ADDITIONAL AMOUNTS OF AID THE DISTRICT WOULD RECEIVE IF PUPIL UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (6) AND (7) WERE USED IN ADDITION TO THE PUPIL UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4) AND (5), IN THE COMPUTATION PURSUANT TO SECTION 124.212, SUBDIVISION 7C, CLAUSE (1), AND IF SECTION 124.224 WERE EFFECTIVE IN THE 1980-1981 SCHOOL YEAR.)

**((2))** In (1980) 1981 and each year thereafter, any district which qualified for a levy under (CLAUSE (1)) *this subdivision in 1979* may levy an amount equal to the lesser of

**((A)) (1)** the product obtained by multiplying

**((I)) (a)** the ratio of the foundation aid formula allowance for the school year to which the levy is attributable pursuant to section 121.904, subdivision 4, to \$1,265, times

**((II)) (b)** the ratio of the amount derived in *Minnesota Statutes 1980, Section 275.125, Subdivision 6c, Clause (1) (, PART) (a) (i) (A)*, to the equalizing factor for the school year to which the levy is attributable, times

**((III)) (c)** the district's adjusted assessed valuation for the preceding year, or

**((B)) (2)** the product obtained by multiplying

**((I)) (a)** the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5) in the district in the school year to which the levy is attributable pursuant to section 121.904, subdivision 4, times

**((II)) (b)** the ratio of the foundation aid formula allowance for the year to which the levy is attributable pursuant to section 121.904, subdivision 4, to \$1,265, times

**((III)) (c)** the amount derived in *Minnesota Statutes 1980, Section 275.125, Subdivision 6c, Clause (1) (, PART) (a) (i) (A)*.

Sec. 22. Minnesota Statutes 1980, Section 275.125, Subdivision 7a, is amended to read:

Subd. 7a. [DISCRETIONARY LEVY.] ((1) IN 1980 EACH DISTRICT WHICH LEVIES THE MAXIMUM PERMISSIBLE AMOUNT PURSUANT TO SUBDIVISION 2A, CLAUSE (1) OR (2) AND SUBDIVISION 6B, MAY LEVY AN ADDITIONAL AMOUNT WHICH SHALL NOT EXCEED THE LESSER OF (A) AN AMOUNT EQUAL TO ONE MILL TIMES THE DISTRICT'S 1979 ADJUSTED ASSESSED VALUATION OR (B) THE PRODUCT OBTAINED BY MULTIPLYING \$64.48 TIMES THE NUMBER OF PUPIL UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4), AND (5), IN THE DISTRICT IN THE 1980-1981 SCHOOL YEAR.)

**((2)) (1)** In 1981 and each year thereafter, (EACH) a district which levies the maximum permissible amount pursuant to subdivision 2a, clause (1) or (2) and subdivision 6b may levy

an additional amount which shall not exceed the lesser of (a) an amount equal to  $(1\frac{1}{2})$  two mills times the district's adjusted assessed valuation for the preceding year or (b) the product obtained by multiplying (I)  $1\frac{1}{2}$  TIMES (II) THE RATIO OF THE EQUALIZING FACTOR TO 1,000) the discretionary allowance times ((III)) the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4), and (5), in the district in the school year when the levy is certified.

*((3)) (2) The board is not required to hold a public hearing or conduct a referendum on the levy authorized by this subdivision in any year when the board proposes to levy not to exceed an amount equal to the preceding year's adjusted assessed valuation times the largest number of EARC mills previously levied by the district pursuant to this subdivision.*

*(3) (a) The provisions of clause (3) shall apply to the levy authorization in this subdivision in any year when the board either proposes to levy pursuant to this subdivision for the first time or proposes to increase the number of mills which it levies against its adjusted assessed valuation pursuant to this subdivision to a number of mills greater than the largest number of mills previously levied against its adjusted assessed valuation pursuant to this subdivision.*

*(b) By (THE JULY 1 BEFORE A DISTRICT CERTIFIES ANY LEVY PURSUANT TO THIS SUBDIVISION IN 1980, IN ANY EVEN-NUMBERED YEAR THEREAFTER, OR IN ANY ODD-NUMBERED YEAR THEREAFTER WHEN THE DISTRICT HAS NOT CERTIFIED A LEVY PURSUANT TO THIS SUBDIVISION IN THE PRECEDING YEAR) August 1 in any year when clause (3) applies, the board of the district shall hold a public hearing on the need for the proposed levy (PURSUANT TO THIS SUBDIVISION) or increase. At least three weeks published notice of the hearing in 10 point type or 5.0 agate type, (ON 12 POINT BODY,) with a larger headline, shall be given in the legal newspaper with the largest circulation in the district. The notice shall state the amount of the proposed levy or increase in dollars and auditor's mills, the estimated net unappropriated fund balance in the district's operating funds as of the June 30 before the levy or increase is certified, and the estimated net tax impact of the proposed levy on residential homesteads with market values of \$30,000 and \$50,000.*

*(c) At the hearing, the district shall present its proposed revenue and expenditure budgets for the next two school years and the estimated net unappropriated fund balances in all district funds as of the June 30 before the levy or increase is certified, and the board shall hear all parties requesting to give testimony for and against the proposed levy or increase. Upon receipt of a petition within 20 days after the hearing (OF THE GREATER OF (A) 50 VOTERS, OR (B) 15 PERCENT*

OF THE NUMBER OF VOTERS WHO VOTED IN THE DISTRICT AT THE MOST RECENT REGULAR SCHOOL BOARD ELECTION), the board shall call a referendum on (A REDUCTION OF) the proposed levy or increase. (THE PETITION SHALL STATE THE NUMBER OF MILLS ON THE DISTRICT'S ADJUSTED ASSESSED VALUATION BY WHICH IT PROPOSES TO REDUCE THE PROPOSED LEVY. NO PETITION OR REFERENDUM SHALL PROVIDE FOR A REDUCTION OF A PROPOSED LEVY PURSUANT TO THIS SUBDIVISION TO A RATE LESS THAN ONE-HALF MILL ON THE DISTRICT'S ADJUSTED ASSESSED VALUATION BELOW THE RATE LEVIED BY THE DISTRICT PURSUANT TO THIS SUBDIVISION IN THE PRECEDING YEAR.) *A petition shall be effective if signed by a number of qualified voters in the district equal to the greater of 50 voters or 15 percent of the number of voters who voted in the district at the most recent regular school board election.*

(d) The referendum shall be held on a date set by the school board, but no later than the (AUGUST 20) *September 20* before the levy is certified. (THE QUESTION ON THE BALLOT SHALL STATE THE MAXIMUM AMOUNT OF THE PROPOSED LEVY, THE AMOUNT OF THE PROPOSED REDUCTION OF THE LEVY AND THE AMOUNT OF THE LEVY IF THE REDUCTION IS APPROVED, IN MILLS ON THE DISTRICT'S ADJUSTED ASSESSED VALUATION AND IN DOLLARS IN THE FIRST YEAR OF THE PROPOSED LEVY.)

*The ballot shall state substantially the following, as appropriate:*

*The board of \_\_\_\_\_ School District No. \_\_\_\_\_ has proposed (a discretionary levy in a maximum amount of \_\_\_\_\_ EARC mills which would raise) (to increase a discretionary levy from \_\_\_\_\_ EARC mills to \_\_\_\_\_ EARC mills. This increase would provide an additional) \$ \_\_\_\_\_ in the first year levied.*

*Shall the (increase in the) discretionary levy proposed by the Board of \_\_\_\_\_ School District No. \_\_\_\_\_ be approved?*

Yes

No

(e) *The approval of 50 percent plus one of those voting on the question is required to pass the referendum.*

(f) *If a petition is not received or if the proposed levy or increase is approved at a referendum, the district may levy the amount provided by the number of mills proposed by the school board. If a proposed first time levy is not approved, the district may not levy pursuant to this subdivision in the year when the referendum is held and shall be required to comply with the*

*provisions of clause (3) before levying pursuant to this subdivision in a subsequent year. If a proposed increase is not approved, the district may levy an amount not to exceed the amount provided by the (MILLAGE PROPOSED BY THE SCHOOL BOARD, REDUCED BY ANY REDUCTION IN MILLAGE APPROVED AT A REFERENDUM PURSUANT TO THIS CLAUSE) largest number of EARC mills previously levied by the district pursuant to this subdivision, applied to the preceding year's adjusted assessed valuation (UNTIL THE NEXT EVEN-NUMBERED YEAR. THE DISTRICT IS NOT REQUIRED TO HOLD A PUBLIC HEARING OR CALL A REFERENDUM ON A LEVY PURSUANT TO THIS SUBDIVISION IN ANY ODD-NUMBERED YEAR WHICH SUCCEEDS A YEAR IN WHICH A LEVY IS CERTIFIED PURSUANT TO THIS SUBDIVISION).*

Sec. 23. Minnesota Statutes 1980, Section 275.125, Subdivision 7b, is amended to read:

Subd. 7b. (1) It is the intention of the legislature that the revenue provided by the discretionary levy authorized in subdivision 7a and by the corresponding portion of foundation aid provided in (SECTION 124.212, SUBDIVISIONS 7C) *section 14, clause (5) of this article, and (7D) section 15, clause (5) of this article, or their successor provisions* be used to improve instructional programs in grades kindergarten through 12 and not be used to increase a district's balance in all operating funds above \$165 per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5).

(2) In any district where the maximum permissible levy pursuant to subdivision 7a (IN 1981 OR) in any year (THEREAFTER) is determined according to clause ((2), PART) (1)(a), of that subdivision, and where the net unappropriated fund balance in all operating funds has increased between the second June 30 before the levy is certified and the June 30 before the levy is certified, the maximum permissible levy pursuant to subdivision 7a in that year shall be reduced by an amount equal to the product obtained by multiplying

(a) the ratio of

(i) the quotient obtained by dividing the amount of that increase in the balance in all operating funds by the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the district in the year when the levy is certified, to

(ii) the equalizing factor, times

(b) the district's adjusted assessed valuation for the preceding year.

(3) No levy reduction pursuant to (THIS) clause (2), however, shall exceed an amount equal to the product obtained by multiplying

(a) the ratio of

(i) the difference obtained by subtracting \$165 from the quotient obtained by dividing the total amount of the net unappropriated balance in all operating funds of the district as of the June 30 before the levy is certified, by the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the district in the year when the levy is certified, to

(ii) the equalizing factor, times

(b) the district's adjusted assessed valuation for the preceding year.

((3)) (4) In any district where the maximum permissible levy pursuant to subdivision 7a in 1981 or in any year thereafter is determined according to clause ((2), PART) (1) (b), of that subdivision, and where the net unappropriated balance in all operating funds has increased between the second June 30 before the levy is certified and the June 30 before the levy is certified, the maximum permissible levy pursuant to subdivision 7a in that year shall be reduced by the total amount of the increase in the balance in all operating funds. No levy reduction pursuant to this clause, however, shall exceed an amount equal to the difference obtained by subtracting

(a) the product obtained by multiplying \$165 times the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the district in the year when the levy is certified, from

(b) the total amount of the net unappropriated balance in all operating funds in the district as of the June 30 before the levy is certified.

Sec. 24. Minnesota Statutes 1980, Section 298.28, Subdivision 1, is amended to read:

Subdivision 1. The proceeds of the taxes collected under section 298.24, except the tax collected under section 298.24, subdivision 2, shall, upon certificate of the commissioner of revenue to the general fund of the state, be paid by the commissioner of revenue as follows:

(1) 2.5 cents per gross ton of merchantable iron ore concentrate, hereinafter referred to as "taxable ton", to the city or

town in which the lands from which taconite was mined or quarried were located or within which the concentrate was produced. If the mining, quarrying, and concentration, or different steps in either thereof are carried on in more than one taxing district, the commissioner shall apportion equitably the proceeds of the part of the tax going to cities and towns among such subdivisions upon the basis of attributing 40 percent of the proceeds of the tax to the operation of mining or quarrying the taconite, and the remainder to the concentrating plant and to the processes of concentration, and with respect to each thereof giving due consideration to the relative extent of such operations performed in each such taxing district. His order making such apportionment shall be subject to review by the tax court at the instance of any of the interested taxing districts, in the same manner as other orders of the commissioner.

(2) 12.5 cents per taxable ton, less any amount distributed under clause (8), to the taconite municipal aid account in the apportionment fund of the state treasury, to be distributed as provided in section 298.282.

(3) 29 cents per taxable ton *plus the increase provided in paragraph (c) to qualifying school districts* to be distributed as follows:

(a) Six cents per taxable ton to the school districts in which the lands from which taconite was mined or quarried were located or within which the concentrate was produced. The commissioner shall follow the apportionment formula prescribed in clause (1).

(b) 23 cents per taxable ton, less any amount distributed under part ((C)) (d), shall be distributed to a group of school districts comprised of those school districts wherein the taconite was mined or quarried or the concentrate produced or in which there is a qualifying municipality as defined by section 273.134 (. THE 23 CENTS, LESS ANY AMOUNT DISTRIBUTED UNDER PART (C), SHALL BE DISTRIBUTED) in direct proportion to school district tax levies as follows: each district shall receive that portion of the total distribution which its permitted levy for the prior year, computed pursuant to section 275.125, comprises of the sum of permitted levies for the prior year for all qualifying districts, computed pursuant to section 275.125. For purposes of distributions pursuant to this part, permitted levies for the prior year computed pursuant to section 275.125 shall not include the amount of any increased levy authorized by referendum pursuant to section 275.125, subdivision 2a, clause (4).

(c) *The amount determined by clause (3) (b) shall be increased in 1982 and subsequent years in the same proportion as the increase in the steel mill products index as provided in section 298.24, subdivision 1. The total amount of increase provided*

*shall be distributed on May 15 of each year commencing in 1982 among the school districts described in (3) (b) on the basis of the total number of pupil units as defined in section 124.17, subdivision 1, clauses (1) and (2), enrolled in each school district during the latest school year according to the following formula: to any qualifying school district which has heretofore held or which hereafter holds a referendum as provided in section 275-125, subdivision 2a, clause 4, for each mill increase approved at such referendum the district shall be entitled to receive \$75 per pupil unit less the product of one mill times the district's taxable valuation per pupil unit. The entitlement of \$75 per pupil unit shall be increased in any year in the same proportion as the increase that the district's taxable valuation is increased over the district's taxable valuation for the year 1980. If the total amount provided by the increase of clause (3) (b) is insufficient to make the payments herein required then the entitlement of \$75 per pupil unit shall be reduced proportionately so as not to exceed the funds available. Only the first two mills approved at any referendum shall be used to determine the district's entitlement per pupil unit pursuant to the above formula, regardless of the number of mills increase approved at the referendum. Any amounts received by a qualifying school district in any fiscal year pursuant to clause (3) (c) shall not be applied to reduce foundation aids which the district is entitled to receive pursuant to section 124.212 or the permissible levies of the district. Any amount remaining after the payments provided in this paragraph shall be paid to the commissioner of finance who shall deposit the same in the taconite environmental protection fund and the northeast Minnesota economic protection fund as provided in section 298.28, subdivision 1, clause 10.*

**((C)) (d)** There shall be distributed to any school district the amount which the school district was entitled to receive under section 298.32 in 1975.

**(4)** 19.5 cents per taxable ton to counties to be distributed as follows:

**(a)** 15.5 cents per taxable ton shall be distributed to the county in which the taconite is mined or quarried or in which the concentrate is produced, less any amount which is to be distributed pursuant to part (b). The commissioner shall follow the apportionment formula prescribed in clause (1).

**(b)** If an electric power plant owned by and providing the primary source of power for a taxpayer mining and concentrating taconite is located in a county other than the county in which the mining and the concentrating processes are conducted, one cent per taxable ton of the tax distributed to the counties pursuant to part (a) and imposed on and collected from such taxpayer shall be distributed by the commissioner of revenue to the county in which the power plant is located.



(c) Four cents per taxable ton shall be paid to the county from which the taconite was mined, quarried or concentrated to be deposited in the county road and bridge fund. If the mining, quarrying and concentrating, or separate steps in any of those processes are carried on in more than one county, the commissioner shall follow the apportionment formula prescribed in clause (1).

(5) (a) 25.75 cents per taxable ton, less any amount required to be distributed under part (b), to the taconite property tax relief account in the apportionment fund in the state treasury, to be distributed as provided in sections 273.134 to 273.136.

(b) If an electric power plant owned by and providing the primary source of power for a taxpayer mining and concentrating taconite is located in a county other than the county in which the mining and the concentrating processes are conducted, .75 cent per taxable ton of the tax imposed and collected from such taxpayer shall be distributed by the commissioner of revenue to the county and school district in which the power plant is located as follows: 25 percent to the county and 75 percent to the school district.

(6) One cent per taxable ton to the state for the cost of administering the tax imposed by section 298.24.

(7) Three cents per taxable ton shall be deposited in the state treasury to the credit of the iron range resources and rehabilitation board account in the special revenue fund for the purposes of section 298.22. The amount determined in this clause shall be increased in 1981 and subsequent years in the same proportion as the increase in the steel mill products index as provided in section 298.24, subdivision 1. The amount distributed pursuant to this clause shall be expended within or for the benefit of a tax relief area defined in section 273.134. No part of the fund provided in this clause may be used to provide loans for the operation of private business unless the loan is approved by the governor and the legislative advisory commission.

(8) .20 cent per taxable ton shall be paid in 1979 and each year thereafter, to the range association of municipalities and schools, for the purpose of providing an area wide approach to problems which demand coordinated and cooperative actions and which are common to those areas of northeast Minnesota affected by operations involved in mining iron ore and taconite and producing concentrate therefrom, and for the purpose of promoting the general welfare and economic development of the cities, towns and school districts within the iron range area of northeast Minnesota.

(9) the amounts determined under clauses (4)(a), (4)(c), and (5) shall be increased in 1979 and subsequent years in the

same proportion as the increase in the steel mill products index as provided in section 298.24, subdivision 1.

(10) the proceeds of the tax imposed by section 298.24 which remain after the distributions in clauses (1) to (9) and parts (a) and (b) of this clause have been made shall be divided between the taconite environmental protection fund created in section 298.223 and the northeast Minnesota economic protection fund created in section 298.292 as follows: In 1978, 1979, 1980, 1981, and 1982, two-thirds to the taconite environmental protection fund and one-third to the northeast Minnesota economic protection fund; in 1983 and thereafter, one-half to each fund. The proceeds shall be placed in the respective special accounts in the general fund.

(a) In 1978 and each year thereafter, there shall be distributed to each city, town, school district, and county the amount that they received under section 294.26 in calendar year 1977.

(b) In 1978 and each year thereafter, there shall be distributed to the iron range resources and rehabilitation board the amounts it received in 1977 under section 298.22.

On or before October 10 of each calendar year each producer of taconite or iron sulphides subject to taxation under section 298.24 (hereinafter called "taxpayer") shall file with the commissioner of revenue and with the county auditor of each county in which such taxpayer operates, and with the chief clerical officer of each school district, city or town which is entitled to participate in the distribution of the tax, an estimate of the amount of tax which would be payable by such taxpayer under said law for such calendar year; provided such estimate shall be in an amount not less than the amount due on the mining and production of concentrates up to September 30 of said year plus the amount becoming due because of probable production between September 30 and December 31 of said year, less any credit allowable as hereinafter provided. Such estimate shall list the taxing districts entitled to participate in the distribution of such tax, and the amount of the estimated tax which would be distributable to each such district in the next ensuing calendar year on the basis of the last percentage distribution certified by the commissioner of revenue. If there be no such prior certification, the taxpayer shall set forth its estimate of the proper distribution of such tax under the law, which estimate may be corrected by the commissioner if he deems it improper, notice of such correction being given by him to the taxpayer and the public officers receiving such estimate. The officers with whom such report is so filed shall use the amount so indicated as being distributable to each taxing district in computing the permissible tax levy of such county, city or school district in the year in which such estimate is made, and payable in the next ensuing calendar year, except that in 1978 and 1979 two cents per taxable ton, and in 1980 and thereafter, one cent per taxable ton of the amount distrib-

uted under clause (4)(c) shall not be deducted in calculating the permissible levy. Such taxpayer shall then pay, at the times payments are required to be made pursuant to section 298.27, as the amount of tax payable under section 298.24, the greater of (a) the amount shown by such estimate, or (b) the amount due under said section as finally determined by the commissioner of revenue pursuant to law. If, as a result of the payment of the amount of such estimate, the taxpayer has paid in any calendar year an amount of tax in excess of the amount due in such year under section 298.24, after application of credits for any excess payments made in previous years, all as determined by the commissioner of revenue, the taxpayer shall be given credit for such excess amount against any taxes which, under said section, may become due from the taxpayer in subsequent years. In any calendar year in which a general property tax levy subject to sections 275.125 or 275.50 to 275.59 has been made, if the taxes distributable to any such county, city or school district are greater than the amount estimated to be paid to any such county, city or school district in such year, the excess of such distribution shall be held in a special fund by the county, city or school district and shall not be expended until the succeeding calendar year, and shall be included in computing the permissible levies under sections 275.125 or 275.50 to 275.59, of such county, city or school district payable in such year. If the amounts distributable to any such county, city or school district, after final determination by the commission of revenue under this section are less than the amounts indicated by such estimates, such county, city or school district may issue certificates of indebtedness in the amount of the shortage, and may include in its next tax levy, in excess of the limitations of sections 275.125 or 275.50 to 275.59 an amount sufficient to pay such certificates of indebtedness and interest thereon, or, if no certificates were issued, an amount equal to such shortage.

There is hereby annually appropriated to such taxing districts as are stated herein, to the taconite property tax relief account and to the taconite municipal aid account in the apportionment fund in the state treasury, to the department of revenue, to the iron range resources and rehabilitation board, to the range association of municipalities and schools, to the taconite environmental protection fund, and to the northeast Minnesota economic protection fund, from any fund or account in the state treasury to which the money was credited, an amount sufficient to make the payment or transfer. The payment of the amount appropriated to such taxing districts shall be made by the commissioner of revenue on or before May 15 annually.

Sec. 25. [1981 DISCRETIONARY LEVY FUND BALANCE PENALTY.] *Notwithstanding Minnesota Statutes, Section 275.125, Subdivision 7b, the maximum permissible 1981 payable 1982 levy pursuant to Minnesota Statutes, Section 275.125, Subdivision 7a, shall not be reduced pursuant to Minnesota Statutes, Section 275.125, Subdivision 7b, in any district where the net unappropriated fund balance per pupil unit in all operat-*

*ing funds increased by an amount less than or equal to \$97 between June 30, 1980 and June 30, 1981. Moreover, for purposes of computing reductions of the 1981 payable 1982 levy pursuant to Minnesota Statutes, Section 275.125, Subdivision 7b, any increase in the net unappropriated fund balance in all operating funds shall be reduced by the product obtained by multiplying \$97 times the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the district in 1981-1982.*

Sec. 26. [LEVY ADJUSTMENTS.] *In 1981, the maximum levy limitation under Minnesota Statutes, Section 275.125, Subdivision 2a or 2c, as applicable, for any district where the 1980 basic maintenance levy limitation was determined under the provisions of Minnesota Statutes, Section 275.125, Subdivision 2b or 2c, shall be reduced by the difference between the amount of that 1980 levy limitation and the amount of the 1980 levy limitation pursuant to the applicable subdivision which would have been computed for the district using a formula allowance of \$1,338.*

Sec. 27. [REPEALER.] *Minnesota Statutes 1980, Sections 124.212, Subdivision 6c and 7c; and 275.125, Subdivision 2b, are repealed.*

Sec. 28. [DEFICIENCY APPROPRIATION; SUMMER SCHOOL.] *The sum of \$0 is appropriated from the general fund to the department of education for the fiscal year ending June 30, 1982, for the payment of a deficiency in funds available for state aid for summer school. This amount is for 1980 summer school programs and shall be added to the sum appropriated for fiscal year 1981 for summer school aid in Laws 1979, Chapter 334, Article I, Section 28, Subdivision 3.*

Sec. 29. [APPROPRIATION.]

*Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

*Subd. 2. [FOUNDATION AID.] For foundation aid there is appropriated:*

\$712,115,200 . . . . . 1982,

\$667,418,300 . . . . . 1983.

*The appropriation for 1982 includes \$61,051,200 for aid for fiscal year 1981 payable in fiscal year 1982, and \$651,064,000 for aid for fiscal year 1982 payable in fiscal year 1982.*

*The appropriation for 1983 includes \$66,016,500 for aid for fiscal year 1982 payable in fiscal year 1983, and \$601,401,800 for aid for fiscal year 1983 payable in fiscal year 1983.*

*Subd. 3. [SUMMER SCHOOL.] For state aid for summer school there is appropriated:*

*\$11,725,600 . . . . . 1982,*

*\$12,805,000 . . . . . 1983.*

*The appropriation for 1982 is for 1981 summer school programs.*

*The appropriation for 1983 is for 1982 summer school programs.*

*If the appropriation amounts for this purpose are insufficient, the aid shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriations in this subdivision for this purpose.*

*Subd. 4. [CANCELLATION.] Any unexpended balance remaining from the appropriations in this section for 1980 shall cancel and shall not be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated.*

### Sec. 30. [EFFECTIVE DATE.]

*Subd. 1. Sections 8, 9, 10, 11 and 22 of this article are effective the day following final enactment.*

*Subd. 2. Section 24 of this article is effective for taxes payable in 1982 for iron ore concentrate produced in any year beginning after December 31, 1981.*

## ARTICLE II

### TRANSPORTATION AID

**Section 1. Minnesota Statutes 1980, Section 123.39, Subdivision 1, is amended to read:**

**Subdivision 1. [GENERAL PROVISIONS.]** The board may provide for the free transportation of pupils to and from school, and to schools (,) in other districts for grades and departments not maintained in the district, including high school, at the expense of the district, when funds are available therefor and if agreeable to the district to which it is proposed to transport the pupils, for the whole or a part of the school year, as it may

deem advisable, and subject to its rules. Every driver shall possess all the qualifications required by the rules of the state board of education. In any (SPECIAL OR INDEPENDENT) school district, the board shall arrange for the attendance of all pupils living two miles or more from the school (,) through suitable provision for transportation or (FOR) through the boarding and rooming of (SUCH) the pupils (AS) who may be more economically and conveniently provided for by (SUCH) that means. When transportation is provided, scheduling of routes, location of bus stops, manner and method of transportation, control and discipline of school children and any other matter relating to transportation shall be within the sole discretion, control and management of the school board. The district (IS AUTHORIZED TO) may provide for the transportation of pupils or expend a reasonable amount for room and board of pupils whose attendance at school can more economically and conveniently be provided for by (SUCH) that means or who attend school in a building rented or leased by a district within the confines of an adjacent district.

Sec. 2. Minnesota Statutes 1980, Section 123.39, is amended by adding a subdivision to read:

*Subd. 14. The board may transport handicapped pupils as defined in section 120.03, subdivision 3, to a hospital or treatment center for the purposes of treatment and instruction when an approved instructional program, as determined by the standards of the state board, is provided at the facility.*

Sec. 3. Minnesota Statutes 1980, Section 124.223, is amended to read:

124.223 [TRANSPORTATION AID AUTHORIZATION.]

School transportation and related services for which state transportation aid is authorized are:

(1) [TO AND FROM SCHOOL; BETWEEN SCHOOLS.] Transportation or board of resident pupils who reside one mile or more from the public schools which they could attend, or transportation to, from, or between the schools they attend pursuant to a program approved by the commissioner of education, or who reside one mile or more from a private school actually attended, but only to the extent permitted by sections 123.76 to 123.79 with respect to private school pupils;

(2) [OUTSIDE DISTRICT.] Transportation to and from or board and lodging in another district, of resident pupils of a district without a secondary school; the pupils may attend a classified secondary school in another district and shall receive board and lodging in or transportation to and from a district having a classified secondary school at the expense of the district of the pupil's residence;

(3) [SECONDARY VOCATIONAL CENTERS.] Transportation to and from a state board approved secondary vocational center for secondary vocational classes for resident pupils of any of the districts who are members of or participating in programs at that center;

(4) [HANDICAPPED.] Transportation or board and lodging of a handicapped pupil when that pupil cannot be transported on a regular school bus, the conveying of handicapped pupils between home and school and within the school plant, necessary transportation of handicapped pupils *from home or from school (DURING THE SCHOOL DAY)* to other buildings, *including hospitals and treatment centers*, within or outside the district where services are provided, and necessary transportation for resident handicapped pupils required by section 120.17, subdivision 4a. Transportation of handicapped pupils between home and school shall not be subject to the requirement in clause (1) that the pupil reside at least one mile from school in order for the transportation to qualify for aid;

(5) [BOARD AND LODGING: NONRESIDENT HANDICAPPED.] When necessary, board and lodging for nonresident handicapped pupils in a district maintaining special classes;

(6) [SHARED TIME.] Transportation from one educational facility to another within the district for resident pupils enrolled on a shared time basis in educational programs approved by the commissioner of education, and necessary transportation required by section 120.17, subdivision 9 for resident handicapped pupils who are provided special instruction and services on a shared time basis;

(7) [FARIBAULT STATE SCHOOLS.] Transportation for residents to and from the Minnesota school for the deaf or the Minnesota braille and sight-saving school;

(8) [SUMMER SCHOOL.] Services described in clauses (1) to (7) and clauses (9) and (10) when provided in conjunction with a state board approved summer school program;

(9) [COOPERATIVE ACADEMIC AND VOCATIONAL.] Transportation to, from or between educational facilities located in any of two or more school districts jointly offering academic classes approved by the commissioner or secondary vocational classes not provided at a secondary vocational center which are approved by the commissioner for resident pupils of any of these districts; and

(10) [NONPUBLIC SUPPORT SERVICES.] Necessary transportation within district boundaries between a nonpublic school and a public school or a neutral site for nonpublic school pupils who are provided pupil support services pursuant to section 123.935.

Sec. 4. Minnesota Statutes 1980, Section 124.225, Subdivision 1, is amended to read:

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

(a) "FTE" means a transported full time equivalent pupil whose transportation is authorized for aid purposes by section 124.223.

(b) (BEGINNING WITH THE 1980-1981 SCHOOL YEAR,) "Region" means development region as defined in section 462.384, subdivision 5, except that for purposes of this section, development regions 1 and 2 are one region, development regions 4 and 5 are one region, development regions 6E and 6W are one region, and development regions 7E and 7W are one region.

(c) "Total authorized cost" or "total authorized expenditure" means the sum of:

(i) all expenditures for transportation for which aid is authorized in section 124.223, plus

(ii) an amount equal to one year's depreciation on the district's school bus fleet and mobile units computed on a straight line basis at the rate of 12-1/2 percent per year of the cost of the fleet, plus

(iii) an amount equal to one year's depreciation on district school buses reconditioned by the department of corrections computed on a straight line basis at the rate of 33-1/3 percent per year of the cost to the district of the reconditioning.

(d) "Total authorized predicted cost" means the total authorized cost predicted by a multiple regression formula determined by the department of education.

((E) FOR THE 1979-1980 SCHOOL YEAR, "REGULAR AND SUMMER SCHOOL AUTHORIZED FTE'S TRANSPORTED" MEANS FULL TIME EQUIVALENT PUPILS TRANSPORTED UNDER SECTION 124.223, CLAUSE (1), DURING THE REGULAR SCHOOL YEAR AND IN CONJUNCTION WITH A STATE BOARD APPROVED SUMMER SCHOOL PROGRAM.)

((F)) (e) "Transportation category" means a category of transportation service provided to pupils. Each category includes transportation provided during the regular school year and in conjunction with a state board approved summer school program. For purposes of this section, transportation categories are as follows:



(i) Regular transportation is transportation services provided under section 124.223, clauses (1) and (2), excluding transportation between schools under section 124.223, clause (1);

(ii) Secondary vocational center transportation is transportation services provided under section 124.223, clause (3);

(iii) Handicapped transportation is transportation services provided under section 124.223, clause (4), excluding board and lodging and excluding transportation to and from board and lodging facilities;

(iv) Board and lodging is services provided, in lieu of transportation, under section 124.223, clauses (4) and (5);

(v) Between schools transportation is transportation services between schools provided under section 124.223, clause (1);

(vi) Shared time regular transportation is transportation services provided under section 124.223, clause (6), excluding transportation provided for pupils attending shared time special education classes;

(vii) Shared time special education transportation is transportation services for pupils attending shared time special education classes provided under section 124.223, clause (6);

(viii) To and from board and lodging facility transportation is transportation services to and from board and lodging facilities provided under section 124.223, clauses (4) and (7);

(ix) Cooperative academic and vocational transportation is transportation services provided under section 124.223, clause (9);

(x) Nonpublic health, guidance and counseling transportation is transportation services provided under section 124.223, clause (10);

((G)) (f) "Pupil weighting factor" means the ratio of the actual regional average cost per FTE in a particular transportation category to the actual regional average cost per FTE in the regular transportation category.

((H)) (g) "Weighted FTE's" means the number of FTE's in each transportation category multiplied by the pupil weighting factor for that category.

((I)) (h) "Mobile unit" means a vehicle or trailer designed to provide facilities for educational programs and services, including diagnostic testing, guidance and counseling services and

health services. A mobile unit located off nonpublic school premises is a neutral site as defined in section 123.932, subdivision 9.

Sec. 5. Minnesota Statutes 1980, Section 124.225, Subdivision 1a, is amended to read:

Subd. 1a. [WEIGHTING FACTORS.] (FOR THE 1980-1981) *Each* school year (AND THEREAFTER), in computing transportation aid, the department of education shall establish the pupil weighting factors for each transportation category for each region using transportation cost data for the second prior school year. The department shall use the statewide pupil weighting factor for any transportation category for which a region had no experience during the second prior school year.

Sec. 6. Minnesota Statutes 1980, Section 124.225, Subdivision 2, is amended to read:

Subd. 2. [1981-1982 FORMULA.] For the (1979-1980) *1981-1982* school year, the state shall pay to each school district for all pupil transportation and related services for which the district is authorized by law to receive state aid an amount determined according to this section. A (LINEAR) *multiple regression formula* shall be determined *through stepwise multiple regression analysis* for each (PLANNING) region by the department of education, using the terms specified in subdivision (4) *4a*, to maximize the amount of variance accounted for between the total actual authorized cost per *weighted FTE* for the (1977-1978) *1979-1980* school year and the total authorized predicted cost per *weighted FTE* for the (1977-1978) *1979-1980* school year. The formula determined for each region shall be used to determine a total authorized predicted cost per FTE for the (1977-1978) *1979-1980* school year for each district in the region. The amount determined for each district shall be adjusted according to the provisions of subdivisions 5 and (7) *7a*.

Sec. 7. Minnesota Statutes 1980, Section 124.225, Subdivision 3, is amended to read:

Subd. 3. [1982-1983 FORMULA.] For the (1980-1981) *1982-1983* school year, the state shall pay to each school district for all pupil transportation and related services for which the district is authorized by law to receive state aid an amount determined according to this section. A multiple regression formula shall be determined through stepwise multiple regression analysis for each region by the department of education, using the terms specified in subdivision *4a*, to maximize the amount of variance accounted for between the total actual authorized cost per weighted FTE for the (1978-1979) *1980-1981* school year and the total authorized predicted cost per weighted FTE for the (1978-1979) *1980-1981* school year. The formula determined

for each region shall be used to determine a total authorized predicted cost per weighted FTE for the (1978-1979) 1980-1981 school year for each district in the region. The amount determined for each district shall be adjusted according to the provisions of subdivisions 6 and 7a.

Sec. 8. Minnesota Statutes 1980, Section 124.225, Subdivision 4a, is amended to read:

Subd. 4a. [FORMULA TERMS.] To predict the total authorized cost per weighted FTE for each district (BEGINNING IN THE 1980-1981 SCHOOL YEAR) pursuant to subdivisions 2 and 3, each regional multiple regression formula shall use the following terms and their squares for each district in the region:

- (1) The area of the district measured in square miles;
- (2) The district's average daily membership;
- (3) The total number of authorized FTE's transported by the district;
- (4) The total number of authorized FTE's transported by the district in the handicapped, shared time special education, and to and from board and lodging facility transportation categories as a percentage of the total number of authorized FTE's transported by the district;
- (5) The number of authorized FTE's transported by the district in the board and lodging transportation category as a percentage of the total number of authorized FTE's transported by the district;
- (6) The number of authorized FTE's transported by the district in the between schools transportation category as a percentage of the total number of authorized FTE's transported by the district;
- (7) The number of authorized FTE's transported by the district in the shared time regular transportation category as a percentage of the total number of authorized FTE's transported by the district;
- (8) The number of authorized FTE's transported by the district in the secondary vocational center transportation category as a percentage of the total number of authorized FTE's transported by the district;
- (9) The number of authorized FTE's per square mile transported by the district in the regular transportation category;

(10) The number of authorized FTE's per square mile transported by the district in the handicapped transportation category;

(11) The number of authorized FTE's transported by the district in the regular transportation category as a percentage of the district's average daily membership;

(12) An index of the district's shape computed by the department of education based on a comparison of the perimeter of the district to the perimeter of a circle with the same square mile area as the district;

(13) The percentage of the district's square mile area which is classified by the state planning agency as water-covered or marshland;

(14) The number of 40 acre parcels of land in the district which are contiguous to or intersected by unpaved roads, as a percentage of the number of 40 acre parcels of land in the district which are contiguous to or intersected by any roads, paved or unpaved. The number of 40 acre parcels of each type shall be obtained from the state planning agency;

(15) The percentage of the district's square mile area which is classified by the state planning agency as having a slope of land exceeding six percent;

(16) The number of authorized FTE's transported to non-public schools by the district in the regular transportation category as a percentage of the total number of authorized FTE's transported by the district in the regular transportation category.

Sec. 9. Minnesota Statutes 1980, Section 124.225, Subdivision 5, is amended to read:

Subd. 5. [1981-1982 INFLATION FACTOR.] The total authorized predicted cost per FTE determined for a district under subdivision 2 for (1977-1978) 1979-1980 shall be increased by 27 percent.

Sec. 10. Minnesota Statutes 1980, Section 124.225, Subdivision 6, is amended to read:

Subd. 6. [1982-1983 INFLATION FACTOR.] The total authorized predicted cost per weighted FTE determined for a district under subdivision 3 for (1978-1979) 1980-1981 shall be increased by (29) 24 percent.

Sec. 11. Minnesota Statutes 1980, Section 124.225, Subdivision 7a, is amended to read:

Subd. 7a. [SOFTENING FORMULA.] (1) Each district's adjusted total authorized predicted cost per weighted FTE determined for (THE 1980-1981) *each* school year (AND EACH YEAR THEREAFTER) according to subdivision 5 or 6, *as applicable*, shall be compared to the total actual expenditure per weighted FTE for authorized transportation for that district for that year to determine the district's aid entitlement per weighted FTE for that year.

(2) If the adjusted total authorized predicted cost per weighted FTE is greater than the district's actual authorized expenditure per weighted FTE, its aid entitlement per weighted FTE shall equal the adjusted predicted cost per weighted FTE minus 20 percent of the first \$10 of difference between the adjusted total authorized predicted cost per weighted FTE and the actual expenditure per weighted FTE; minus 40 percent of the next \$10; 60 percent of the next \$10; minus 75 percent of the difference which exceeds \$30.

(3) If the adjusted total authorized predicted cost per weighted FTE is less than the district's actual authorized expenditure per weighted FTE, its aid entitlement per weighted FTE shall equal the adjusted total authorized predicted cost per weighted FTE plus 20 percent of the first \$10 of difference between the adjusted predicted cost per weighted FTE and the actual expenditure per weighted FTE; plus 40 percent of the next \$10; plus 60 percent of the next \$10; plus 75 percent of the difference which exceeds \$30.

Sec. 12. Minnesota Statutes 1980, Section 124.225, Subdivision 8a, is amended to read:

Subd. 8a. [AID COMPUTATION.] A district's aid pursuant to this section for (THE 1980-1981 SCHOOL YEAR AND) *each school year* (THEREAFTER) shall equal the district's aid entitlement per weighted FTE determined according to subdivision 7a times the total number of authorized weighted FTE's transported in the district in that school year, minus the amount raised by one mill times the adjusted assessed valuation which is used to compute the transportation levy limitation for the levy attributable to that school year.

Sec. 13. Minnesota Statutes 1980, Section 124.225, Subdivision 8b, is amended to read:

Subd. 8b. [EXCESS HANDICAPPED AID.] (a) In addition to the amount authorized in subdivision 8a, for (THE 1980-1981) *each* school year, the state shall pay aid for the excess costs of providing transportation for handicapped students as provided in this subdivision to a district where:

(1) the average daily membership in that year is 2,500 or fewer pupils,

(2) the total actual authorized expenditures exceed the aid entitlement, and

(3) the actual authorized expenditure per weighted FTE in the handicapped and board and lodging categories exceeds 140 percent of the aid entitlement per weighted handicapped and board and lodging FTE.

(b) This aid shall equal 80 percent of the difference between:

(1) the *district's* actual authorized (EXPENDITURE PER WEIGHTED) *expenditures for transporting* handicapped and board and lodging (FTE) *FTE's* and

(2) 140 percent of the *district's* aid entitlement (PER WEIGHTED) *for transportation of* handicapped and board and lodging (FTE) *FTE's*.

(3) For purposes of the computation of aid pursuant to this subdivision, the amounts of the actual authorized expenditure and the aid entitlement shall exclude amounts attributable to depreciation. Aid pursuant to this subdivision shall not exceed the difference between the district's total actual authorized expenditures and its total aid entitlement.

Sec. 14. Minnesota Statutes 1980, Section 124.225, Subdivision 9, is amended to read:

Subd. 9. [DISTRICT REPORTS.] Each district shall report to the department before July 1 of each year an estimate for the next school year of the total number of FTE's transported by transportation category and an estimate of the district's total actual authorized transportation expenditure by transportation category. The district's aid shall be determined for purposes of the first three transportation aid payments for the school year using these estimates. (BEFORE AUGUST 15, 1980, EACH DISTRICT SHALL PROVIDE THE DEPARTMENT WITH THE INFORMATION FOR THE 1979-1980 SCHOOL YEAR WHICH THE DEPARTMENT DETERMINES IS NECESSARY TO COMPUTE THE DISTRICT'S ACTUAL AUTHORIZED EXPENDITURE PER FTE FOR PURPOSES OF THE COMPUTATION IN SUBDIVISION 7 AND THE DISTRICT'S ACTUAL TOTAL NUMBER OF FTE'S TRANSPORTED FOR PURPOSES OF THE AID COMPUTATION IN SUBDIVISION 8.) Before August 15 (, 1981, AND) each (AUGUST 15 THEREAFTER) *year*, each district shall provide the department with the information for the preceding school year which the department determines is necessary to compute the district's actual authorized expenditure per weighted FTE for purposes of the computation in subdivision 7a and the district's actual total number of weighted FTE's transported for purposes of the aid computation in sub-

division 8a. The district's final transportation aid payment for the school year shall be based on these computations.

Sec. 15. Minnesota Statutes 1980, Section 124.225, Subdivision 11, is amended to read:

Subd. 11. [PAYMENT SCHEDULE THROUGH 1982.] Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program, for fiscal years through 1982, the state shall pay to each school district 30 percent of its estimated school transportation aid entitlement for the fiscal year on or before each of the following dates: August 31, December 31, and March 31. The final aid distribution to each district shall be made on or before October 31 of the following fiscal year.

Sec. 16. Minnesota Statutes 1980, Section 124.225, is amended by adding a subdivision to read:

*Subd. 11a. [PAYMENT SCHEDULE.] Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program, starting in fiscal year 1983, the state shall pay each school district its estimated school transportation aid entitlement for the fiscal year according to the following schedule: 30 percent by August 31; 30 percent by December 31; and 25 percent by March 31. The final aid distribution to each district shall be made by October 31 of the following fiscal year.*

Sec. 17. [REPEALER.] *Minnesota Statutes 1980, Section 124.225, Subdivisions 4, 7 and 8, are repealed.*

#### Sec. 18. [DEFICIENCY APPROPRIATION.]

*The sum of \$0 is appropriated from the general fund to the department of education for the fiscal year ending June 30, 1982, for the payment of a deficiency in funds available for transportation aid for fiscal year 1980. This appropriation shall be added to the amounts appropriated for transportation aid for fiscal year 1980 in Laws 1979, Chapter 334, Article II, Section 15, Subdivision 2, and Laws 1980, Chapter 609, Article II, Section 10, Subdivision 2.*

#### Sec. 19. [APPROPRIATIONS.]

*Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

Subd. 2. [TRANSPORTATION AID.] *For transportation aid there is appropriated:*

\$128,062,000 . . . . . 1982,

\$129,263,000 . . . . . 1983.

*The appropriation for 1980 includes \$14,352,600 for aid for fiscal year 1981 payable in fiscal year 1982 and \$113,709,400 for aid for fiscal year 1982 payable in fiscal year 1982.*

*The appropriation for 1983 includes \$12,601,000 for aid for fiscal year 1982 payable in fiscal year 1983 and \$116,662,000 for aid for fiscal year 1983 payable in fiscal year 1983.*

*Subd. 3. [CANCELLATION.] Any unexpended balance remaining from the appropriation in this section for 1982 shall cancel and shall not be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated.*

### ARTICLE III

#### SPECIAL AND COMPENSATORY EDUCATION AID

Section 1. Minnesota Statutes 1980, Section 120.17, Subdivision 3, is amended to read:

Subd. 3. [RULES OF THE STATE BOARD.] The state board shall promulgate rules relative to qualifications of essential personnel, courses of study or training, methods of instruction and training, pupil eligibility, size of classes, rooms, equipment, supervision, parent consultation and any other rules and standards it deems necessary, for instruction of handicapped children. These rules shall provide standards and procedures appropriate for the implementation of and within the limitations of subdivisions 3a and 3b. (THESE RULES SHALL ALSO PROVIDE STANDARDS FOR THE DISCIPLINE, CONTROL, MANAGEMENT AND PROTECTION OF HANDICAPPED CHILDREN.)

Sec. 2. Minnesota Statutes 1980, Section 120.17, Subdivision 3b, is amended to read:

Subd. 3b. [PROCEDURES FOR DECISIONS.] Every district shall utilize at least the following procedures for decisions involving identification, assessment and educational placement of handicapped children:

(a) Parents and guardians shall receive prior written notice of: (1) any proposed formal educational assessment or proposed denial of a formal educational assessment of their child; (2) a proposed placement of their child in, transfer from or to or denial of placement in a special education program; or (3) the



proposed provision, addition, denial or removal of special education services for their child;

(b) The district shall not proceed with the initial formal assessment of a child, the initial placement of a child in a special education program or the initial provision of special education services for a child without the prior written consent of the child's parent or guardian; provided the refusal of a parent or guardian to provide this consent may be overridden by the decision in a hearing held pursuant to clause (d) at the district's initiative after at least one attempt to obtain this consent through a conciliation conference held pursuant to clause (c);

(c) Parents and guardians shall have an opportunity to meet with appropriate district staff in at least one conciliation conference if they object to any proposal of which they are notified pursuant to clause (a);

(d) Parents, guardians and the district shall have an opportunity to obtain an impartial due process hearing initiated and conducted in the school district where the child resides, if after at least one conciliation conference the parent or guardian continues to object to: (1) a proposed formal educational assessment or proposed denial of a formal educational assessment of their child; (2) the proposed placement of their child in, or transfer of their child to a special education program; (3) the proposed denial of placement of their child in a special education program or the transfer of their child from a special education program; (4) the proposed provision or addition of special education services for their child; or (5) the proposed denial or removal of special education services for their child. *At least five calendar days before the hearing, the objecting party shall provide the other party with a brief written statement of the objection and the reasons for the objection.*

The hearing shall take place before an impartial hearing officer mutually agreed to by the school board and the parent or guardian. If the school board and the parent or guardian are unable to agree on a hearing officer, the school board shall request the commissioner to appoint a hearing officer. The hearing officer shall not be a school board member or employee of the school district where the child resides or of the child's school district of residence, an employee of any other public agency involved in the education or care of the child, or any person with a personal or professional interest which would conflict with his objectivity at the hearing. A person who otherwise qualifies as a hearing officer is not an employee of the district solely because the person is paid by the district to serve as a hearing officer. If the hearing officer requests an independent educational assessment of a child, the cost of the assessment shall be at district expense. The proceedings shall be recorded and preserved, at the expense of the school district, pending ultimate disposition of the action.

(e) The decision of the hearing officer pursuant to clause (d) shall be rendered not more than 45 calendar days from the date of the receipt of the request for the hearing. A hearing officer may grant specific extensions of time beyond the 45 day period at the request of either party. The decision of the hearing officer shall be binding on all parties unless appealed to the commissioner by the parent, guardian, or the school board of the district where the child resides pursuant to clause (f).

The local decision shall:

- (1) be in writing;
  - (2) state the controlling facts upon which the decision is made in sufficient detail to apprise the parties and the commissioner of the basis and reason for the decision;
  - (3) state whether the special education program or special education services appropriate to the child's needs can be reasonably provided within the resources available to the responsible district or districts;
  - (4) state the amount and source of any additional district expenditure necessary to implement the decision; and
  - (5) be based on the standards set forth in subdivision 3a and the rules of the state board.
- (f) Any local decision issued pursuant to clauses (d) and (e) may be appealed to the commissioner within 15 calendar days of receipt of that written decision, by the parent, guardian, or the school board of the district where the child resides.

If the decision is appealed, a written transcript of the hearing shall be made by the school district and shall be accessible to the parties involved within five calendar days of the filing of the appeal. The commissioner shall issue a final decision based on an impartial review of the local decision and the entire record within 30 calendar days after the filing of the appeal. The commissioner shall seek additional evidence if necessary and may afford the parties an opportunity for written or oral argument; provided any hearing held to seek additional evidence shall be an impartial due process hearing but shall be deemed not to be a contested case hearing for purposes of chapter 15. The commissioner may grant specific extensions of time beyond the 30 day period at the request of any party.

The final decision shall:

- (1) be in writing;
- (2) include findings and conclusions; and

(3) be based upon the standards set forth in subdivision 3a and in the rules of the state board.

(g) The decision of the commissioner shall be final unless appealed by the parent or guardian or school board to the district court of the county in which the school district in whole or in part is located. The scope of judicial review shall be as provided in chapter 15.

(h) Pending the completion of proceedings pursuant to this subdivision, unless the district and the parent or guardian of the child agree otherwise, the child shall remain in his current educational placement and shall not be denied initial admission to school.

(i) The child's school district of residence, if different from the district where the child actually resides, shall receive notice of and may be a party to any hearings or appeals pursuant to this subdivision.

**((J) THIS SUBDIVISION SHALL EXPIRE ON JUNE 30, 1981. THE DEPARTMENT OF EDUCATION SHALL REPORT TO THE EDUCATION COMMITTEES OF THE LEGISLATURE ON OR BEFORE JANUARY 1, 1981, ON THE IMPACT OF THE AMENDMENTS MADE IN THIS SUBDIVISION BY LAWS 1979, CHAPTER 334 AND ON THE ADVISABILITY OF AMENDING THIS SUBDIVISION TO READ AS IT READS IN MINNESOTA STATUTES 1978.)**

Sec. 3 Minnesota Statutes 1980, Section 120.17, Subdivision 4, is amended to read:

Subd. 4. [SPECIAL (INSTRUCTIONS) *INSTRUCTION* FOR NON-RESIDENT CHILDREN.]

(a) When (A SCHOOL) *the district of residence* provides *special instruction and services outside the district (OF RESIDENCE, BOARD AND LODGING, AND ANY TUITION TO BE PAID, SHALL BE PAID BY THE DISTRICT OF RESIDENCE. TRANSPORTATION COSTS SHALL BE PAID BY THE DISTRICT PROVIDING THE TRANSPORTATION, AND THE STATE SHALL REIMBURSE THE DISTRICT WITHIN THE LIMITS PROVIDED BY LAW), it shall pay tuition to the district providing the instruction and services.* The tuition (RATE TO BE) charged (FOR ANY HANDICAPPED CHILD) shall be the actual cost of providing special instruction and services to the child including a proportionate amount for capital outlay and debt service (BUT NOT INCLUDING ANY AMOUNT FOR TRANSPORTATION), minus the amount of special aid for handicapped children received on behalf of that child. If the boards involved do not agree upon the tuition rate, either board may apply to the commissioner to fix the rate. The

commissioner shall then set a date for a hearing, giving each board at least ten days' notice (, AND). After the hearing the commissioner shall make his order fixing the tuition rate, which shall be binding on both school districts.

(b) *Transportation or board and lodging costs shall be paid by the child's district of residence. Foundation and transportation aid shall be paid to the district of residence.*

(c) For the purposes (HEREIN) of this section, any school district may enter into an agreement, upon (SUCH) terms and conditions (AS MAY BE) which are mutually agreed upon, to provide special instruction and services for handicapped children. In that event, one of the participating units may employ and contract with necessary qualified personnel to offer services in the several districts (, AND). Each participating unit shall reimburse the employing unit a proportionate amount of the actual cost of providing the special instruction and services, less the amount of state special education aid, which shall be claimed in full by the employing district.

Sec. 4. Minnesota Statutes 1980, Section 120.17, Subdivision 5a, is amended to read:

Subd. 5a. [SUMMER PROGRAMS.] (EVERY) A district may provide summer programs for handicapped children living within the district (, INCLUDING) and nonresident children temporarily placed in the district pursuant to subdivisions 6 or 7. Prior to March 31 or 30 days after the handicapped child is placed in the district, whichever is later, the providing district shall give notice to the district of residence of any nonresident children temporarily placed in the district pursuant to subdivisions 6 or 7, of its intention to provide these programs. Notwithstanding any contrary provisions in subdivisions 6 and 7, the school district providing the special instruction and services shall apply for (ALL STATE AID FOR THE SUMMER PROGRAM, INCLUDING) special (STATE) education aid (PURSUANT TO SECTION 124.32,) and foundation aid (AND TRANSPORTATION AID) for the summer program. For the purposes of computing foundation aid for these programs, all pupils enrolled in these programs shall be construed to be residents of the district providing the programs. The unreimbursed actual cost of providing the program for nonresident handicapped children may be billed to the district of the child's residence and shall be paid by the resident district. *Transportation or board and lodging costs shall be paid by the resident district and transportation aid shall be paid to the resident district.*

Sec. 5. Minnesota Statutes 1980, Section 120.17, Subdivision 6, is amended to read:

Subd. 6. [PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.] The responsibility for special instruction and services for a handicapped child temporarily placed in another district for care and treatment shall be determined in the following manner:

(a) The school district of residence of (SUCH A) *the* child shall be the district in which his parent resides, if living, or his guardian, or the district designated by the commissioner of education if neither parent nor guardian is living within the state.

(b) *If the child is temporarily placed for care and treatment in a day program located in another district and the child continues to live within the district of residence during the care and treatment, the district of residence is responsible for providing an appropriate educational program for the child. The district may provide the educational program at a school within the district of residence, at the child's residence, or in the district in which the day treatment center is located by paying tuition to that district.*

((B)) (c) *If the child is temporarily placed in a residential program for care and treatment, the district in which the child is placed is responsible for providing (THE INSTRUCTION SHALL MAINTAIN) an appropriate educational program for (SUCH A) the child and shall bill the district of the child's residence for the actual costs of providing the program, as outlined in subdivision 4, except that the board, lodging, and treatment costs incurred in behalf of a handicapped child placed outside of the school district of his residence by the commissioner of public welfare or the commissioner of corrections or their agents, for reasons other than for making provision for his special educational needs shall not become the responsibility of either the district providing the instruction or the district of the child's residence.*

((C)) (d) The district of residence shall pay tuition and other program costs, (NOT INCLUDING) *and* transportation costs (,) to the district providing the instruction and services. The district of residence may claim foundation *and* transportation aid (FOR THE CHILD) as provided by law. (SPECIAL TRANSPORTATION COSTS SHALL BE PAID BY THE DISTRICT PROVIDING THE TRANSPORTATION AND THE STATE SHALL REIMBURSE THE DISTRICT FOR SUCH COSTS WITHIN THE LIMITS PROVIDED BY LAW.)

Sec. 6. Minnesota Statutes 1980, Section 120.17, Subdivision 7, is amended to read:

Subd. 7. [PLACEMENT IN STATE INSTITUTION; RESPONSIBILITY.] Responsibility for special instruction and services for a handicapped child placed in a state institution

on a temporary basis shall be determined in the following manner:

(a) The legal residence of (SUCH) *the* child shall be the school district in which his parent resides, if living, or his guardian;

(b) When the educational needs of (SUCH) *the* child can be met through the institutional program, the costs for (SUCH) *this* instruction shall be paid by the department to which the institution is assigned;

(c) When it is determined that (SUCH) *the* child can benefit from public school enrollment, provision for (SUCH) *this* instruction shall be made in the following manner:

(1) Determination of eligibility for special instruction and services shall be made by the commissioner of education and the commissioner of the department responsible for the institution;

(2) The school district where the institution is located shall provide an appropriate educational program *and transportation services* for the child and shall make a tuition charge to the child's district of residence for the (ACTUAL COST OF PROVIDING THE PROGRAM) *unreimbursed costs of the educational program and for transportation costs. The district providing the educational program shall claim special education aid.*

(3) The district of (THE CHILD'S) residence shall pay (THE) tuition and other program costs including the (UNREIMBURSED) transportation costs and may claim foundation *and transportation aid (FOR THE CHILD. SPECIAL TRANSPORTATION SHALL BE PROVIDED BY THE DISTRICT PROVIDING THE EDUCATION PROGRAM AND THE STATE SHALL REIMBURSE SUCH DISTRICT WITHIN THE LIMITS PROVIDED BY LAW.)*

Sec. 7. Minnesota Statutes 1980, Section 120.17, is amended by adding a subdivision to read:

*Subd. 11. [TRANSPORTATION AID AGREEMENTS.] Notwithstanding the provisions of subdivisions 4, 5a, 6 and 7, when a district provides special instruction and services to a nonresident child, the district of residence and the providing district may enter into an agreement under which the providing district pays the cost of providing the child transportation in any of the particular transportation categories specified in section 124.225, subdivision 1, and claims transportation aid for those categories. In this case, the providing district may not obtain any payment from the district of residence for the categories covered by the agreement.*

Sec. 8. [120.172] [LEGISLATIVE COMMITMENT TO CONCILIATION.]

*Subdivision 1. [POLICY STATEMENT.] The legislature finds that conciliation conferences pursuant to section 120.17 serve better than formal hearings to promote communications between parents and school staff and to reach prompt, shared decisions about educational programs for handicapped children. Further, the legislature urges the U.S. department of education and the U.S. office of civil rights to acknowledge that the conciliation conference process violates no federal statute or regulation.*

*Subd. 2. [STATE PLAN.] The state board of education shall not adopt any provision in the state plan for special education which reduces the opportunities for parents and school districts to resolve their differences through conciliation.*

*Subd. 3. [REPORT.] The Minnesota commissioner of education shall report to the education committees of the legislature before January 1, 1983, on the effect of the procedures required in section 120.17, Subdivision 3a, and on any changes in federal statutes or regulations which would contribute to greater flexibility in the procedures for decisions about educational programs for handicapped children.*

Sec. 9. Minnesota Statutes 1980, Section 124.212, Subdivision 9a, is amended to read:

Subd. 9a. Shared time pupils are defined as those pupils who attend public school programs for part of the regular school day and who otherwise fulfill the requirements of section 120.10 by attendance at a (PRIVATE) *nonpublic* school.

(a) The average daily membership of a pupil enrolled on a shared time basis shall equal the ratio of the total minutes for which the pupil is enrolled and the minimum minutes required during the year for a regularly enrolled public school pupil.

(b) Foundation aid for shared time pupils shall equal the amount which would accrue if shared time pupil units, counted pursuant to section 124.17, subdivision 1, clauses (1) and (2), were added to the district's total pupil units used in determining its foundation aid. Foundation aid for shared time pupils shall be in addition to any other aid to which the district is otherwise entitled and shared time average daily membership shall not be used in the computation of pupil units under section 124.17, subdivision 1, for any purpose other than the computation of shared time foundation aid pursuant to this subdivision.

(c) Foundation aid for shared time pupils shall be paid to the district of the pupil's residence. If a pupil attends shared time classes in another district, the resident district shall pay to the district of attendance an amount of tuition equal to the ratio in clause (a) times the amount of tuition which would be charged and paid for a nonresident public school pupil in a similar circumstance. The district of residence shall not be obligated for tuition except by previous agreement.

(d) Notwithstanding the provisions of clause (c), the resident district of a shared time pupil attending shared time classes in another district may grant the district of attendance, upon its request, permission to claim the pupil as a resident for state aid purposes. In this case, state aid shall be paid to the district of attendance and, upon agreement, the district of attendance may bill the resident district for (ANY) unreimbursed education costs (, INCLUDING) *but not for unreimbursed transportation costs. The agreement may, however, provide for the resident district to pay the cost of providing the child transportation in any of the particular transportation categories specified in section 124.225, subdivision 1, and in this case, aid for those categories shall be paid to the district of residence rather than to the district of attendance.*

(e) Minutes of enrollment in a public school during which a nonpublic school pupil receives services pursuant to section 123.935 shall not be used in the computation of shared time foundation aid pursuant to this subdivision.

Sec. 10. Minnesota Statutes 1980, Section 124.32, Subdivision 1a is amended to read:

Subd. 1a. [FOUNDATION AID FORMULA ALLOWANCE.] For purposes of this section, (THE) "foundation aid formula allowance" (PER PUPIL UNIT) shall (BE \$1,182 FOR THE 1979-1980 SCHOOL YEAR, AND \$1,265 FOR THE 1980-1981 SCHOOL YEAR) *have the meaning attributed to it in section 124.01, subdivision 2.* For the purposes of computing foundation aid formula allowances pursuant to this section, each handicapped child shall be counted as prescribed in section 124.17, subdivision 1, clause (1) or (2).

Sec. 11. Minnesota Statutes 1980, Section 124.32, Subdivision 1b, is amended to read:

Subd. 1b. [CONTRACT SERVICES.] (1) For special instruction or training and services provided for any pupil pursuant to section 120.17, subdivision 2, clause (h), by contract with public, private or voluntary agencies other than Minnesota school districts, the state shall pay each district 60 percent of the difference between the amount of the contract and the foundation aid formula allowance of the district for that pupil or a pro rata portion of the foundation aid formula allowance



for pupils who receive services by contract on less than a full time basis.

(2) For special instruction or training and services provided for a pupil by such a contract as part of a summer school program, the state shall pay each district 60 percent of the difference between the amount of the contract and the foundation aid received by the district for that pupil pursuant to section 124.20, or a pro rata portion of that foundation aid for a pupil who receives services by such a contract on less than a full time summer school basis. (THIS CLAUSE SHALL BE EFFECTIVE FOR THE 1977 SUMMER SCHOOL AND THEREAFTER.)

Sec. 12. Minnesota Statutes 1980, Section 124.32, Subdivision 6, is amended to read:

Subd. 6. [FULL STATE PAYMENT.] The state shall pay each district the actual cost incurred in providing instruction and services for a handicapped child whose district of residence has been determined by section 120.17, subdivision 8a, and who is temporarily placed in a state institution or a licensed residential facility for care and treatment. This section does not apply for a child placed in a foster home or a foster group home.

Upon following (SUCH) *the* procedure (AS REQUESTED) *specified* by the commissioner of education, (A) *the* district (PROVIDING INSTRUCTION AND SERVICES FOR SUCH HANDICAPPED CHILD) may bill the state the actual cost incurred in providing (SAID) *the* services including transportation costs and a proportionate amount of capital outlay and debt service, minus the amount of the foundation aid formula allowance for the child and the special education aid, transportation aid, and any other aid earned in behalf of (SUCH) *the* child (, SUCH ACTION PURSUANT TO LIMITS). *The limit set forth in subdivision 4 shall apply to aid paid pursuant to this subdivision.*

*To the extent possible, the commissioner shall obtain reimbursement from another state for the cost of serving any child whose parent or guardian resides in that state. The commissioner may contract with the appropriate authorities of other states to effect reimbursement. All money received from other states shall be paid to the state treasury and placed in the general fund.*

Sec. 13. Minnesota Statutes 1980, Section 124.32, Subdivision 9, is amended to read:

Subd. 9. Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program, *for school years through 1981-1982*, the state shall pay to each school district 30 percent of its estimated special education aid for the school year on or before each of the following dates: September

30, December 31 and March 31. The final aid distribution to the district shall be made on or before October 31 of the following year.

Sec. 14. Minnesota Statutes 1980, Section 124.32 is amended by adding a subdivision to read:

*Subd. 9a. [PAYMENT SCHEDULE.] Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program, starting in school year 1982-1983, the state shall pay each school district its estimated special education aid for the school year according to the following schedule: 30 percent on or before August 31; 30 percent on or before December 31; and 25 percent on or before March 31. The final aid distribution to each district shall be made on or before October 31 of the following school year.*

Sec. 15. Minnesota Statutes 1980, Section 126.54, Subdivision 1 is amended to read:

*Subdivision 1. [GRANTS; PROCEDURES.] For fiscal (YEAR 1981) years 1982 and 1983, the state board of education shall make grants to no fewer than six school year pilot American Indian language and culture education programs. At least three pilot programs shall be in urban areas and at least three shall be on or near reservations. The board of a local district, a participating school or a group of boards may develop a proposal for grants in support of pilot American Indian language and culture education programs. Proposals may provide for contracts for the provision of program components by nonsectarian non-public, community, tribal or alternative schools. The state board shall prescribe the form and manner of application for grants, and no grant shall be made for a proposal not complying with the requirements of sections 126.45 to 126.55. The state board shall submit all proposals to the state advisory task force on American Indian language and culture education programs for its recommendations concerning approval, modification, or disapproval and the amounts of grants to approved programs.*

Sec. 16. [REPEALER.] *Minnesota Statutes 1980, Sections 120.17, Subdivision 3c; 126.268, Subdivision 1; and 126.52, Subdivision 12, are repealed.*

Sec. 17. [DEFICIENCY APPROPRIATION.] *The sum of \$0 is appropriated from the general fund to the department of education for the fiscal year ending June 30, 1982, for the payment of a deficiency in funds available for special education aid for fiscal year 1981. This appropriation shall be added to the amounts appropriated for special education aid for fiscal year 1981 in Laws 1979, Chapter 334, Article III, Section 21, Subdivision 3, Clause (a).*

Sec. 18. [APPROPRIATIONS.] *Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

*Subd. 2. [SPECIAL EDUCATION AID.] For special education aid, there is appropriated:*

\$92,860,900 . . . . . 1982,

\$95,468,400 . . . . . 1983.

*The appropriation for 1982 includes \$8,670,700 for aid for fiscal year 1981 payable in fiscal year 1982, and \$84,190,200 for aid for fiscal year 1982 payable in fiscal year 1982.*

*The appropriation for 1983 includes \$9,354,500 for aid for fiscal year 1982 payable in fiscal year 1983 and \$86,113,900 for aid for fiscal year 1983 payable in fiscal year 1983.*

*Subd. 3. [SUMMER SCHOOL SPECIAL EDUCATION AID.] For special education aid for summer school programs there is appropriated:*

\$5,116,000 . . . . . 1982,

\$5,805,100 . . . . . 1983.

*Subd. 4. [RESIDENTIAL FACILITIES AID.] For aid pursuant to section 124.32, subdivision 5, there is appropriated:*

\$ 896,000 . . . . . 1982,

\$1,033,900 . . . . . 1983.

*Subd. 5. [LIMITED ENGLISH PROFICIENT STUDENTS PROGRAM AID.] For aid to educational programs for limited English proficient students there is appropriated:*

\$2,818,000 . . . . . 1982,

\$4,053,300 . . . . . 1983.

*Subd. 6. [AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION PROGRAMS.] For grants to pilot American Indian language and culture education programs pursuant to section 126.54, subdivision 1, there is appropriated:*

\$525,000 . . . . . 1982,

\$525,000 . . . . . 1983.

*Subd. 7. [CANCELLATION.] Any unexpended balances remaining from the appropriations in this section for 1982 shall cancel and shall not be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated.*

*Subd. 8. [PRORATION.] If the appropriation amount in subdivisions 2, 3, 4, or 5 of this section attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes.*

**Sec. 19. [EFFECTIVE DATE.]**

*Sections 2, 4 and 8 of this article are effective the day following final enactment.*

**ARTICLE IV**

**COMMUNITY AND ADULT EDUCATION**

Section 1. Minnesota Statutes 1980, Section 124.26, Subdivision 3, is amended to read:

Subd. 3. The state department of education shall reimburse each G.E.D. testing center the sum of (\$10) ~~\$12~~ for each battery of G.E.D. tests or (\$2) ~~\$2.40~~ for each individual test administered by that center.

Sec. 2. Minnesota Statutes 1980, Section 124.26, Subdivision 4, is amended to read:

Subd. 4. [PAYMENT SCHEDULE THROUGH 1982.] *For fiscal years through 1982, the state shall pay to each school district 30 percent of its estimated adult education aid entitlement for the fiscal year on or before each of the following dates: August 31, December 31, and March 31. The final aid distribution (TO EACH DISTRICT) shall be made (ON OR BEFORE) by October 31 of the following fiscal year.*

Sec. 3. Minnesota Statutes 1980, Section 124.26, is amended by adding a subdivision to read:

Subd. 5. [PAYMENT SCHEDULE.] *Starting in fiscal year 1983, the state shall pay to each school district its estimated adult education aid entitlement according to the following schedule: 30 percent by August 31; 30 percent by December 31; and 25 percent by March 31. The final aid distribution shall be made by October 31 of the following fiscal year.*

Sec. 4. Minnesota Statutes 1980, Section 124.26, is amended by adding a subdivision to read:

*Subd. 6. [APPLICATIONS; PRORATION.] By August 1 of each fiscal year, the commissioner shall approve or disapprove all applications for funding for that year pursuant to subdivision 1 that were received by the preceding June 1, and shall notify the applicant districts of the decision. In any fiscal year when the total amount requested by districts for approved programs exceeds the amount appropriated, the commissioner shall, to the extent possible, fully fund the programs which were approved by August 1, and shall prorate any remaining funds among programs which were approved after August 1.*

Sec. 5. Minnesota Statutes 1980, Section 124.271, Subdivision 2, is amended to read:

**Subd. 2. (IN FISCAL YEAR 1981 AND) Each year (THEREAFTER,) the state shall pay the greater of 75 cents per capita or \$7,000 to each school district which is operating a community education program in compliance with the rules promulgated by the state board and which has levied at least the lesser of \$1 per capita or \$1 per capita reduced by any deduction to the community service levy made pursuant to section 275.125, subdivision 9, clause (2), for use in that year.**

Sec. 6. Minnesota Statutes 1980, Section 275.125, Subdivision 8, is amended to read:

**Subd. 8. (1) In 1981, a district which has established a community education advisory council pursuant to section 121.88, may levy an amount of money raised by the greater of ((A) \$2.50) (a) \$3.40 per capita, or ((B)) (b) 110 percent of the amount certified pursuant to this subdivision in 1976. In 1982 and each year thereafter, a district which has established a community education advisory council pursuant to section 121.88 may levy an amount of money raised by the greater of (a) \$4.25 per capita, or (b) 110 percent of the amount certified pursuant to this subdivision in 1976. These levies shall be used for community services including nonvocational adult programs, recreation and leisure time activity programs, and programs contemplated by sections 121.85 to 121.88. For purposes of computing the levy limitation pursuant to this subdivision, the amount certified pursuant to this subdivision in 1976 shall not reflect reductions pursuant to subdivision 9.**

**(2) A school district shall be authorized to make a levy pursuant to this subdivision only after it has filed a certificate of compliance with the commissioner of education. The certificate of compliance shall certify that the governing boards of the county, municipality and township in which the school district or any part thereof is located have been sent 15 working days written notice of a meeting and that a meeting has been held to**

discuss methods of increasing mutual cooperation between such bodies and the school board. The failure of a governing board of a county, municipality or township to attend the meeting shall not affect the authority of the school district to make a levy pursuant to this subdivision.

(3) The population of the district for purposes of this subdivision is the population determined as provided in section 275.14 or as certified by the department of education from the most recent federal census.

**Sec. 7. [REPEALER.]**

*Minnesota Statutes 1980, Section 124.271, Subdivision 1a is repealed.*

**Sec. 8. [DEFICIENCY APPROPRIATION; ADULT EDUCATION.]**

*The sum of \$0 is appropriated from the general fund to the department of education for the fiscal year ending June 30, 1982, for the payment of a deficiency in funds available for aid for adult education pursuant to section 124.26 in that year. This appropriation shall be added to the sum appropriated for fiscal year 1981 for adult education aid in Laws 1979, Chapter 334, Article IV, Section 6, Subdivision 2.*

**Sec. 9. [DEFICIENCY APPROPRIATION; COMMUNITY EDUCATION AID.]** *The sum of \$0 is appropriated from the general fund to the department of education for the fiscal year ending June 30, 1982, for the payment of a deficiency in funds available for aid for community education pursuant to section 124.271 in that year. This appropriation shall be added to the sum appropriated for fiscal year 1981 for community education aid in Laws 1979, Chapter 334, Article IV, Section 6, Subdivision 4.*

**Sec. 10. [APPROPRIATIONS.]**

*Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

**Subd. 2. [ADULT EDUCATION AID.]** *For adult education aid pursuant to section 124.26, there is appropriated:*

\$1,128,200 . . . . . 1982,

\$1,242,400 . . . . . 1983.

*The amount appropriated for fiscal year 1982 includes \$97,800 for aid for fiscal year 1981 payable in fiscal year 1982, and*

\$1,030,400 for aid for fiscal year 1982 payable in fiscal year 1982.

*The amount appropriated for fiscal year 1983 includes \$114,500 for aid for fiscal year 1982 payable in fiscal year 1983, and \$1,127,900 for fiscal year 1983 payable in fiscal year 1983.*

*Subd. 3. [G.E.D. REIMBURSEMENT AID.] For G.E.D. reimbursement aid pursuant to section 124.26, there is appropriated:*

\$88,400 . . . . . 1982,

\$96,000 . . . . . 1983.

*Subd. 4. [COMMUNITY EDUCATION AID.] For community education aid pursuant to section 124.271, there is appropriated:*

\$3,839,000 . . . . . 1982,

\$4,030,000 . . . . . 1983.

*Subd. 5. [CANCELLATION; PRORATION.] Any unexpended balance remaining from the appropriations in this section for 1982 shall cancel and shall not be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts, and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes.*

## ARTICLE V

### VOCATIONAL EDUCATION

Section 1. Minnesota Statutes 1980, Section 124.11, Subdivision 2a, is amended to read:

*Subd. 2a. [PAYMENT SCHEDULE.] (a) Through the 1981-1982 school year, ninety percent of the estimated post-secondary vocational instructional aid shall be paid to each district in 12 equal monthly payments on the 15th of each month. (BEGINNING IN JULY 1980) The estimated aid payments shall be paid on the basis of the department of education's estimates of the current year's average daily membership adjusted in September, December, March and June to reflect any increases or decreases in enrollment. (A) The final payment (OF THE REMAINDER OF THE POST-SECONDARY VOCATIONAL INSTRUCTIONAL AID FOR EACH FISCAL YEAR), adjusted*

to reflect the actual average daily membership, shall be made to each district in September of the following fiscal year. (THE SEPTEMBER 1980 PAYMENT SHALL BE ADJUSTED TO REFLECT ANY DEFICIT OR EXCESS IN POST-SECONDARY VOCATIONAL FOUNDATION AID RECEIVED BY A DISTRICT IN FISCAL YEAR 1980. THE SEPTEMBER 1981 FINAL PAYMENT AND THE SEPTEMBER FINAL PAYMENT IN EACH YEAR THEREAFTER SHALL BE ADJUSTED TO REFLECT THE ACTUAL AVERAGE DAILY MEMBERSHIP FOR THE PREVIOUS FISCAL YEAR. BEGINNING WITH THE 1980-1981 SCHOOL YEAR, 90 PERCENT OF THE ESTIMATED POST-SECONDARY VOCATIONAL INSTRUCTIONAL AID SHALL BE PAID ON THE BASIS OF THE DEPARTMENT OF EDUCATION'S ESTIMATES OF THE CURRENT YEAR'S AVERAGE DAILY MEMBERSHIP ADJUSTED IN SEPTEMBER, DECEMBER, MARCH AND JUNE TO REFLECT ANY INCREASES OR DECREASES IN ENROLLMENT.)

(b) *Beginning in the 1982-1983 school year, eighty-five percent of the estimated post-secondary vocational instructional aid shall be paid to each district in 12 equal monthly payments on the 15th of each month. The estimated aid payments shall be paid on the basis of the department of education's estimates of the current year's average daily membership adjusted in September, December, March and June to reflect any increases or decreases in enrollment. The final payment, adjusted to reflect the actual average daily membership, shall be made to each district in September of the following fiscal year.*

Sec. 2. Minnesota Statutes 1980, Section 124.11, Subdivision 2b, is amended to read:

Subd. 2b. Post-secondary vocational supply aid and support services aid shall be paid to districts in equal installments on or before August 1, November 1, February 1, and May 1 of each year. Eighty percent of post-secondary vocational (CAPITAL EXPENDITURE) *equipment aid and repair and betterment aid* shall be paid to districts on or before August 1 of each year. The remaining 20 percent of post-secondary vocational (CAPITAL EXPENDITURE) *equipment aid and repair and betterment aid* shall be paid to districts on or before May 1 of each year.

Sec. 3. Minnesota Statutes 1980, Section 124.11, Subdivision 2c, is amended to read:

Subd. 2c. Additional post-secondary vocational supply aid, support services aid (AND CAPITAL EXPENDITURE), *equipment aid, and repair and betterment aid* may be distributed on or before May 1 of each year if it is apportioned at a consolidated public hearing held before February 15 of that year pursuant to section 124.561, subdivision 3a.



Sec. 4. Minnesota Statutes 1980, Section 124.561, Subdivision 2a, is amended to read:

Subd. 2a. [BUDGETS; ALLOCATIONS.] Before (JANUARY 1, 1980 AND) January 1 of each year (THEREAFTER), each post-secondary vocational technical school shall submit to the state board for vocational education budgets for supplies, support services, (AND CAPITAL EXPENDITURES) *equipment, and repair and betterment* for the following fiscal year as prescribed in sections 124.5622, 124.5623, (AND) 124.5624, and section 20 of this article. The state board for vocational education shall authorize the allocations of post-secondary vocational supply aid, support services aid, (AND CAPITAL EXPENDITURE) *equipment aid, and repair and betterment aid* for each district prior to June 1 of each year after a consolidated public hearing held pursuant to subdivision 3a. No district shall increase its operating deficit for post-secondary vocational education during any fiscal year. The state board for vocational education shall promulgate rules which establish the criteria for allocations of post-secondary vocational supply aid, support services aid, (AND CAPITAL EXPENDITURE) *equipment aid, and repair and betterment aid*. (BY OCTOBER 15, 1979,) The commissioner, in cooperation with the department of finance, shall establish standards by which post-secondary vocational-technical schools shall submit separate financial requests for post-secondary vocational supply aid, support services aid, (AND CAPITAL EXPENDITURE) *equipment aid, and repair and betterment aid*.

Sec. 5. Minnesota Statutes 1980, Section 124.561 is amended by adding a subdivision to read:

Subd. 2b. [COMPONENT ACTIVITIES.] *For the purposes of post-secondary vocational aid allocations "component activities" shall include: regular instruction; related instruction; special needs instruction; research; instructional administration; media/library; pupil personnel services; health services; director's office; institutional services; fixed costs; work study; physical plant; and repair and betterment.*

Sec. 6. Minnesota Statutes 1980, Section 124.561, Subdivision 3a, is amended to read:

Subd. 3a. [HEARING.] The consolidated public hearing held by the state board pursuant to subdivision 2a shall take place with at least six board members present and shall continue until all interested persons, representatives, and organizations have had an opportunity to be heard. (IN 1980 AND) Each year (THEREAFTER) the state board shall authorize the allocations of post-secondary vocational supply aid, support services aid (AND CAPITAL EXPENDITURE), *equipment aid, and repair and betterment aid* for the following fiscal year

at this hearing. Notice of intention to hold the hearing shall be given at least 20 days prior to the date set for the hearing by United States mail to each district submitting a post-secondary vocational school budget, to other interested persons, representatives, and organizations who register their names with the commissioner of education for that purpose, and in the state register. The department of education shall make available at least one free copy of the proposed allocations of aids to the education committees of the legislature and to any person requesting it. Unless the commissioner determines that the use of an audio magnetic recording device is more appropriate, a court reporter shall keep a record at every hearing. A transcript of the hearing record shall be made available upon the request of any person, provided that the request is in writing and the cost of preparing the transcript is borne by the requesting person. After allowing written material to be submitted and added to the hearing record for five days after the public hearing ends, the commissioner of education shall proceed as promptly as possible to write a report containing the final proposed allocations of aids. This report shall contain findings and conclusions based on substantial evidence from the hearing record to support the final proposed allocations. The report shall be available to all affected school districts upon request for at least 15 days before the state board takes final action allocating aids. Any district which is adversely affected by the final proposed allocations of aids may demand and shall be given an opportunity to be heard in support of modification of the proposed allocations of aids at the meeting at which the state board takes final action allocating aids; provided, the state board may place reasonable restrictions on the length of time allowed for testimony.

Sec. 7. Minnesota Statutes 1980, Section 124.561, is amended by adding a subdivision to read:

*Subd. 5. [DISTRIBUTION OF FUNDS.] All moneys, whether state, federal, or from other sources, which may be made available to the department of education for carrying out the purposes of post-secondary vocational-technical education shall be apportioned by the state board for vocational education to the various school districts in accordance with law and shall be distributed by the state aids section of the state department of education. State board approval shall not be required for the adjustment of average daily membership, pursuant to section 124.11, subdivision 2a.*

Sec. 8. Minnesota Statutes 1980, Section 124.561, is amended by adding a subdivision to read:

*Subd. 6. [ACCOUNTING OF FUNDS.] Each district providing post-secondary vocational-technical education programs shall establish and maintain, in accordance with section 121.908, separate revenue, expenditure, asset and liability accounts related to these post-secondary vocational-technical education programs*

*within funds separate from all other district funds. All post-secondary vocational aids and all tuition authorized by section 124.565 shall be utilized solely for the purposes of post-secondary vocational-technical education programs.*

Sec. 9. Minnesota Statutes 1980, Section 124.5621, Subdivision 2, is amended to read:

Subd. 2. "Post-secondary vocational instructional aid" means state funds exclusive of post-secondary vocational (CAPITAL EXPENDITURE) *equipment aid, repair and betterment aid, supply aid, support services aid and debt service aid* paid by the state board for vocational education to local school districts for instructional programs. Post-secondary vocational instructional aid shall be utilized solely for the purposes of post-secondary vocational education and shall not be utilized for equipment or other capital expenditures.

Sec. 10. Minnesota Statutes 1980, Section 124.5621, Subdivision 5, is amended to read:

Subd. 5. [INSTRUCTIONAL PROGRAM.] "Instructional program" means a post-secondary vocational-technical occupational program as classified with a six-digit number by the (FEDERAL OFFICE) *United States department of education, excluding special needs programs and related instruction.*

Sec. 11. Minnesota Statutes 1980, Section 124.5621, Subdivision 6, is amended to read:

Subd. 6. [INSTRUCTIONAL PROGRAM COSTS.] "Instructional program cost" means the actual expenditures in the base year for an instructional program at an AVTI. These actual expenditures shall be computed as follows:

- (1) instructional salaries; plus
- (2) instructional employee fringe benefits, excluding teachers' retirement and teachers' social security; plus
- (3) expenditures for instructional staff travel for instructional and professional development purposes; plus
- (4) expenditures for purchased services for instructional purposes; plus
- (5) *instructional* expenditures for student activities; plus
- (6) other instructional expenditures detailed according to the uniform financial accounting and reporting system, not including any expenditures for supplies and equipment; minus

(7) other instructional revenues detailed according to the uniform financial accounting and reporting system, including student activity fees but not including any revenues from the sale of supplies and equipment.

These actual expenditures shall not include any expenditures or revenues which are included in the AVTI's budgets for post-secondary vocational supply aid, support services aid (OR CAPITAL EXPENDITURE), *equipment aid, or repair and betterment aid.*

Sec. 12. Minnesota Statutes 1980, Section 124.5621, Subdivision 12, is amended to read:

Subd. 12. [INSTRUCTIONAL AID FORMULA.] In (THE 1981 FISCAL YEAR AND) each fiscal year (THEREAFTER), each district which operates an AVTI shall receive post-secondary vocational instructional aid computed according to the following formula:

(a) The instructional program allowance for that AVTI in the base year, multiplied by

(b) The AVTI staff compensation weighting for that AVTI, multiplied by

(c) (117) 119 percent, multiplied by

(d) The student growth or decline factor for that AVTI.

Sec. 13. Minnesota Statutes 1980, Section 124.5622, Subdivision 3, is amended to read:

Subd. 3. [POST-SECONDARY VOCATIONAL SUPPLY AID.] "Post-secondary vocational supply aid" means state funds, exclusive of post-secondary vocational (CAPITAL EXPENDITURE) *equipment aid, repair and betterment aid, instructional aid, support services aid and debt service aid, apportioned by the state board for vocational education to local districts for the costs of (RENTS AND LEASES,)*

(a) supplies and materials, (AND)

(b) supplies for resale, and

(c) *rents and leases, excluding those of buildings for school purposes, computer systems hardware and related proprietary software, photocopy machines and telecommunications equipment, for all instructional programs and support services including related instruction and special needs programs. Post-secondary vocational supply aid shall be utilized solely for the*

purposes of post-secondary vocational education and shall not be utilized for equipment or other capital expenditures.

Sec. 14. Minnesota Statutes 1980, Section 124.5622, Subdivision 4, is amended to read:

Subd. 4. [BUDGETS; SUPPLY AID ALLOCATION.] Each AVTI shall submit a budget (BEFORE JANUARY 1, 1980 AND) before January 1 of each year (THEREAFTER) detailing estimated costs for the following fiscal year *in each applicable component activity of the AVTI's operations* for each of the following expenditure categories: rents and leases, supplies and materials, and supplies for resale, for all instructional programs and support services including related instruction and special needs programs. Each budget shall also include anticipated revenues from the sales of supplies and services. A budget submitted pursuant to this section shall not include any expenditures or revenues which are included in the computation of the AVTI's budgets for post-secondary vocational support services aid (OR CAPITAL EXPENDITURE), *equipment aid, or repair and betterment aid*. The department of education shall recommend an allocation of supply aid *in each component activity* for each of the expenditure categories and a total allocation of supply aid for each AVTI, after a review of each AVTI budget. The state board shall review the recommendations of the department for the distribution of supply aid, authorize an allocation of supply aid for each AVTI, and detail recommended levels of spending *in each component activity* for each expenditure category through the consolidated public hearing process prescribed in section 124.561, subdivision 3a. *In making these allocations, the state board shall take into account the estimated amount of tuition revenue of each AVTI for the following fiscal year.*

Sec. 15. Minnesota Statutes 1980, Section 124.5622, Subdivision 5, is amended to read:

Subd. 5. [REPORT.] Before (AUGUST 1, 1980, AND BEFORE) August 1 of each (SUBSEQUENT) year, the commissioner shall issue a report on the supply aid allocation to each AVTI. This report shall include recommended aid allocations *in each component activity* for each expenditure category and an explanation comparing the amount of the authorized aid allocation to the budget submitted for each AVTI. *The tuition revenue used by the state board in determining the supply aid allocations shall be included.* This report shall be transmitted to the education committees of the legislature and to the directors of the AVTI's.

Sec. 16. Minnesota Statutes 1980, Section 124.5623, Subdivision 3, is amended to read:

Subd. 3. "Post-secondary vocational support (SERVICE) *services aid*" means state and federal funds, exclusive of post-secondary vocational (CAPITAL EXPENDITURE) *equipment aid, repair and betterment aid, supply aid, instructional aid and debt service aid, apportioned by the state board for vocational education to local school districts for the costs of support services, including related instruction and special needs programs, enumerated in subdivision 4. Post-secondary vocational support services aid shall be utilized solely for the purposes of post-secondary vocational education and shall not be utilized for equipment or other capital expenditures.*

Sec. 17. Minnesota Statutes 1980, Section 124.5623, Subdivision 4, is amended to read:

Subd. 4. [BUDGETS; SUPPORT SERVICES ALLOCATION.] Each AVTI shall submit a budget before (JANUARY 1, 1980, AND BEFORE) January 1 of each year (THEREAFTER) detailing the estimated costs for the following fiscal year for all support services, including related instruction and special needs programs. These costs shall include: expenditures for support services personnel salaries, travel and fringe benefits, excluding teachers' retirement and teachers' social security; expenditures for other purchased services; and other support (SERVICE) *services* expenditures. Each budget shall also include all other anticipated support (SERVICE) *services* revenues. A budget submitted pursuant to this section shall not include any expenditures for or revenue from the sale of supplies and equipment. A budget submitted pursuant to this section shall not include any expenditures or revenues which are included in the computation of an AVTI's instructional program cost or in the AVTI's budgets for post-secondary vocational supply aid (OR CAPITAL EXPENDITURE), *equipment aid, or repair and betterment aid.* The department of education shall recommend an allocation of support services aid *in each applicable component activity of the AVTI's operations* for each of the expenditure categories and a total allocation of support services aid for each AVTI, after a review of each AVTI budget. The state board shall review the recommendations of the department, authorize an allocation of support services aid for each AVTI, and detail recommended levels of spending *in each component activity* for each expenditure category, through the consolidated public hearing process prescribed in section 124.561, subdivision 3a. No aid shall be allocated for any special vocational systemwide support service project or program, excluding regional special needs programs. The estimated amount of each AVTI's net positive unappropriated general fund balance, as of June 30 of the fiscal year during which allocations are made, which exceeds 15 percent of the AVTI's operating expenditures, as defined by the uniform financial accounting and reporting system, for the fiscal year during which allocations are made, shall be taken into account by the state board in making these allocations. *The state board shall also take into account any estimated amount of tuition revenue for the following fiscal year*

*which was not taken into account pursuant to section 14 of this article.*

Sec. 18. Minnesota Statutes 1980, Section 124.5623, Subdivision 5, is amended to read:

Subd. 5. [REPORT.] Before (AUGUST 1, 1980 AND BEFORE) August 1 of each (SUBSEQUENT) year, the commissioner shall issue a report on the support services aid allocation to each AVTI. This report shall include the recommended aid allocation *in each component activity* for each support services expenditure category and an explanation comparing the amount of the authorized aid allocation to the budget submitted for each AVTI. The fund balances *and tuition revenue* used by the state board in determining the support services aid allocations shall be included. This report shall be transmitted to the education committees of the legislature and to the directors of the AVTI's.

Sec. 19. Minnesota Statutes 1980, Section 124.5624, is amended to read:

124.5624 [POST-SECONDARY VOCATIONAL (CAPITAL EXPENDITURE) *EQUIPMENT AID.*]

Subdivision 1. For the purposes of this section, the words, terms and phrases defined in subdivisions 2 and 3 have the meanings ascribed to them.

Subd. 2. "AVTI" means a post-secondary area vocational-technical institute.

Subd. 3. "Post-secondary vocational (CAPITAL EXPENDITURE) *equipment aid*" means state funds, exclusive of post-secondary vocational instructional aid, supply aid, support services aid (AND), debt service aid, *and repair and betterment aid*, apportioned by the state board for vocational education to local school districts for the purpose of (IMPROVING OR REPAIRING SCHOOL SITES OR)

(a) equipping, re-equipping, *or* repairing (OR IMPROVING BUILDINGS AND) permanent attached fixtures,

(b) *renting or leasing buildings for school purposes, or*

(c) *paying leasing fees for computer systems hardware and related proprietary software, photocopy machines and telecommunications equipment,*

as necessary for the conduct of post-secondary vocational-technical training. Post-secondary vocational (CAPITAL EXPENDITURE) *equipment aid* shall be utilized solely for the purposes enumerated in this section.

Subd. 4. [BUDGETS; *EQUIPMENT AID ALLOCATION.*] Each AVTI shall submit a budget before (JANUARY 1, 1980, AND BEFORE) January 1 of each year (THEREAFTER) detailing estimated costs for the following fiscal year for equipment and *the other capital expenditures enumerated in subdivision 3*, for all instructional programs and support services, including special needs programs and related instruction. Each budget shall also include anticipated revenues from the sale of equipment and other capital goods. A budget submitted pursuant to this section shall not include any revenues or expenditures which are included in the computation of an AVTI's instructional program cost or in the AVTI's budgets for post-secondary vocational support services aid (OR), supply aid, or *repair and betterment aid*. The department of education shall recommend an allocation of (CAPITAL EXPENDITURE) *equipment aid in each applicable component activity of the AVTI's operations* for each of the expenditure categories and a total allocation of (CAPITAL EXPENDITURE) *equipment aid* for each AVTI, after a review of each AVTI budget. The state board shall review the recommendations of the department, authorize an allocation of (CAPITAL EXPENDITURE) *equipment aid* for each AVTI, and detail recommended levels of spending *in each component activity* for each expenditure category, through the consolidated public hearing process prescribed in section 124.561, subdivision 3a. The amount of each AVTI's estimated net positive unappropriated capital expenditure fund balance, as of June 30 of the fiscal year during which allocations are made, shall be taken into account by the state board in making these allocations.

Subd. 5. [APPROVAL.] All (CAPITAL) *equipment expenditures* for AVTI's in excess of \$4,000 shall receive prior approval by the commissioner. This approval shall be sought and given separately from the budget hearing and aid allocation process.

Subd. 6. [REPORT.] Before (AUGUST 1, 1980 AND BEFORE) August 1 of each (SUBSEQUENT) year, the commissioner shall issue a report on the (CAPITAL EXPENDITURE) *equipment aid* allocation to each AVTI. This report shall include recommended aid allocations *in each component activity* for each (CAPITAL EXPENDITURE) *equipment* category and an explanation comparing the amount of the authorized (CAPITAL EXPENDITURE) *equipment aid* allocation to the budget submitted for each AVTI. The fund balances used by the state board in determining the (CAPITAL EXPENDITURE) *equipment aid* allocation shall be included.

Before (AUGUST 1, 1980 AND BEFORE) August 1 of each (SUBSEQUENT) year the commissioner shall also report on the equipment inventory of each AVTI, including original cost, current value and estimated remaining useful life. *Each AVTI shall supply the information which the commissioner requires to prepare this report.*



These reports shall be transmitted to the education committees of the legislature and to the directors of the AVTI's.

**Sec. 20. [124.5627] [POST-SECONDARY VOCATIONAL REPAIR AND BETTERMENT AID.]**

*Subdivision 1. [DEFINITIONS.] For the purposes of this section, the words, terms and phrases defined in subdivisions 2 and 3 have the meanings ascribed to them.*

*Subd. 2. [AVTI.] "AVTI" means a post-secondary area vocational-technical institute.*

*Subd. 3. [REPAIR AND BETTERMENT AID.] "Post-secondary vocational repair and betterment aid" means state funds, exclusive of post-secondary vocational instructional aid, supply aid, support services aid, debt service aid, and equipment aid, apportioned by the state board for vocational education to local school districts for the purpose of reconstruction, improvement, remodeling and repair of the existing AVTI buildings and grounds, as necessary for the conduct of post-secondary vocational-technical training. Post-secondary vocational repair and betterment aid shall be utilized solely for the purposes enumerated in this section.*

*Subd. 4. [BUDGETS; AID ALLOCATION.] Each AVTI shall submit a budget before January 1 of each year detailing estimated costs for the following fiscal year for repair and betterment expenditures for all instructional programs and support services, including special needs programs and related instruction. A budget submitted pursuant to this section shall not include any revenues or expenditures which are included in the computation of an AVTI's instructional program cost or in the AVTI's budgets for post-secondary vocational support services aid, supply aid, or equipment aid. The department of education shall recommend an allocation of repair and betterment aid for each of the expenditure categories and a total allocation of repair and betterment aid for each AVTI, after a review of each AVTI budget. The state board shall review the recommendations of the department, authorize an allocation of repair and betterment aid for each AVTI, and detail recommended levels of spending for each expenditure category, through the consolidated public hearing process prescribed in section 124.561, subdivision 3a.*

*Subd. 5. [REPORT.] Before August 1 of each year, the commissioner shall issue a report on the repair and betterment aid allocation to each AVTI. This report shall include recommended aid allocations for each repair and betterment category and an explanation comparing the amount of the authorized repair and betterment aid allocation to the budget submitted for each AVTI. The fund balances used by the state board in*

*determining the repair and betterment aid allocation shall be included.*

*These reports shall be transmitted to the education committees of the legislature and to the directors of the AVTI's.*

Sec. 21. Minnesota Statutes 1980, Section 124.565, Subdivision 3, is amended to read:

Subd. 3. [TUITION.] Tuition at a post-secondary vocational-technical school for a Minnesota resident pupil shall be (\$128) *the amount per quarter set by the state board for vocational education for each quarter the pupil is enrolled; provided the tuition amount set by the state board shall not be less than \$128 per quarter. The state board for vocational education shall be exempt from the rulemaking requirements of chapter 15 when setting tuition.* A full refund shall be provided to a student who withdraws on or before the 15th day of the quarter. No refund shall be provided for withdrawal after the 15th day of the quarter.

Sec. 22. Minnesota Statutes 1980, Section 124.565, Subdivision 4, is amended to read:

Subd. 4. [NON-RESIDENT TUITION.] Unless covered by a higher education reciprocity agreement relating to nonresident tuition, entered into by the Minnesota higher education coordinating board and approved by the state board for vocational education, tuition at a post-secondary vocational-technical school for a pupil who is not a resident of Minnesota shall be (\$320) *the amount per quarter (FOR EACH QUARTER THE PUPIL IS ENROLLED) set by the state board for vocational education; provided the amount set by the state board shall not be less than \$320 per quarter. The state board for vocational education shall be exempt from the rulemaking requirements of chapter 15 when setting tuition.* A full refund shall be provided to a student who withdraws on or before the 15th day of the quarter. No refund shall be provided for withdrawal after the 15th day of the quarter.

Sec. 23. Minnesota Statutes 1980, Section 124.565, Subdivision 6, is amended to read:

Subd. 6. [LENGTH OF QUARTER.] For the purposes of the tuition charges established *by the state board pursuant to* (IN) this section, a quarter shall consist of 60 school days. The state board for vocational education shall adopt rules providing for proportionate tuition charges for quarters which are shorter or longer than 60 days, for part time and extended day enrollment, and for programs which begin or end during a quarter. The state board shall adopt rules providing for tuition charges based on approved program lengths for programs offered on an individualized basis.

Sec. 24. Minnesota Statutes 1980, Section 124.565, Subdivision 7, is amended to read:

Subd. 7. [VETERAN'S EXEMPTION.] A veteran who is a Minnesota resident shall be exempt from the tuition required by subdivision 3 until the veteran has completed the lesser of (a) (360) 440 post-secondary vocational-technical school days, or the equivalent as determined by the state board for vocational education, or (b) one post-secondary vocational-technical school program (WHICH THE VETERAN BEGAN AFTER JULY 1, 1980).

"Veteran" for the purpose of this subdivision means a person who (ENTERED) *served in the active military service* in any branch of the armed forces of the United States after July 1, 1961 and before July 1, 1978, was a Minnesota resident at the time of induction into the armed forces and for the six months immediately preceding induction, and has been separated or discharged from active military service under conditions other than dishonorable. (THIS SUBDIVISION SHALL NOT APPLY TO A VETERAN WHOSE TUITION IS PAID FOR BY ANY FEDERAL OR STATE AGENCY.)

Sec. 25. Minnesota Statutes 1980, Section 124.566, is amended to read:

124.566 [USE OF POST-SECONDARY VOCATIONAL AID APPROPRIATIONS.]

(NOTWITHSTANDING THE PROVISIONS OF SECTION 16A.57 OR ANY OTHER LAW TO THE CONTRARY, THE STATE BOARD FOR VOCATIONAL EDUCATION MAY EXPEND AMOUNTS APPROPRIATED BY THE LEGISLATURE FOR POST-SECONDARY VOCATIONAL CATEGORICAL AID TO PAY POST-SECONDARY VOCATIONAL FOUNDATION AID FOR THE 1979-1980 SCHOOL YEAR IF THE APPROPRIATION FOR POST-SECONDARY VOCATIONAL FOUNDATION AID IS INSUFFICIENT BECAUSE OF AN INCREASE IN AVERAGE DAILY MEMBERSHIP. BEGINNING WITH THE 1980-1981) *In each school year, the state board for vocational education may expend amounts appropriated by the legislature for post-secondary vocational support services aid to pay post-secondary vocational instructional aid if the appropriation for post-secondary vocational instructional aid is insufficient because of an increase in average daily membership. (BEGINNING IN THE 1980-1981 SCHOOL YEAR,)* The state board may expend amounts appropriated by the legislature for post-secondary vocational instructional aid *either to pay post-secondary vocational support services aid or to pay for programs authorized in section 124.5625 in any year when the state board determines that the appropriation for instructional aid is (EXCESSIVE) in excess of the amount re-*

quired to fully fund the instructional aid formula. On the date of any expenditure pursuant to this section, the state board shall report the expenditure to the appropriate committees of the legislature.

Sec. 26. Minnesota Statutes 1980, Section 124.572, is amended by adding a subdivision to read:

*Subd. 3a. In any fiscal year when funds requested for approved programs are more than the amount appropriated, the commissioner of education shall, to the extent possible, continue full funding for programs which are approved by July 1 for aid for even numbered years or by the preceding March 1 for aid for odd numbered years. The commissioner shall prorate any remaining funds among programs which are approved after these dates.*

Sec. 27. Minnesota Statutes 1980, Section 124.572, Subdivision 8, is amended to read:

Subd. 8. [PAYMENT SCHEDULE THROUGH 1982.] *Through the 1981-1982 school year, the state shall pay to each school district 30 percent of its estimated adult vocational education aid for the school year on or before the following dates: August 31, December 31 and March 31. The final aid distribution to the district shall be made on or before October 31 of the following school year. All adult vocational education aids shall be computed and distributed by the state aids, statistics, and research section of the state department of education.*

Sec. 28. Minnesota Statutes 1980, Section 124.572, is amended by adding a subdivision to read:

*Subd. 8a. [PAYMENT SCHEDULE.] Beginning in the 1982-1983 school year, the state shall pay to each school district its estimated adult vocational education aid in the following manner: 30 percent by August 31, 30 percent by December 31, and 25 percent by March 31. The final aid distribution shall be made by October 31 of the following school year. All adult vocational education aids shall be computed and distributed by the state aids section of the state department of education.*

Sec. 29. Minnesota Statutes 1980, Section 124.573, Subdivision 2, is amended to read:

Subd. 2. [SECONDARY VOCATIONAL AID.] (IN THE 1978-1979 SCHOOL YEAR AND THEREAFTER,) The state shall pay to any district or cooperative center 50 percent of the salaries paid to essential, licensed personnel in that school year for services rendered in that district's or center's secondary vocational education programs. In addition, the state shall pay 50 percent of the costs of necessary equipment for these programs, 50

percent of the costs of necessary travel between instructional sites by secondary vocational education teachers and 50 percent of the costs of necessary travel by secondary vocational education teachers accompanying students to and from vocational student organization meetings held within the state for educational purposes. The commissioner may withhold all or any portion of this aid for a secondary vocational education program which receives funds from any other source, and in no event shall a district or center receive a total amount of state aid pursuant to this section which, when added to funds from other sources, will provide the program an amount for salaries, equipment and travel which exceeds 100 percent of the amount of its expenditures for salaries, equipment and travel in the program.

Sec. 30. Minnesota Statutes 1980, Section 124.573, Subdivision 3a, is amended to read:

Subd. 3a. [AID FOR CONTRACTED SERVICES.] In addition to the provisions of subdivisions 2 and 3, a school district or cooperative center may contract with a public or private agency other than a Minnesota school district or cooperative center for the provision of secondary vocational education services. (IN THE 1978-1979 SCHOOL YEAR AND THEREAFTER.) The state shall pay each district or cooperative center 40 percent of the amount of a contract entered into pursuant to this subdivision. The state board shall promulgate rules relating to program approval procedures and criteria for these contracts and aid shall be paid only for contracts approved by the commissioner of education. For the purposes of subdivision 4, the district or cooperative center contracting for these services shall be construed to be providing the services. For the purposes of subdivision 5, aid for these contracts shall be distributed on the same basis as aids for salaries and travel.

Sec. 31. Minnesota Statutes 1980, Section 124.573, Subdivision 5, is amended to read:

Subd. 5. [PAYMENT SCHEDULE THROUGH 1982.] *Through the 1981-1982 school year*, the state shall pay to each school district and center 30 percent of its estimated secondary vocational education aid for salaries and travel for the school year on or before the following dates: August 31, December 31 and March 31. The state shall pay 90 percent of a district's estimated secondary vocational education aid for equipment for the school year on or before August 31. The final aid distribution to the district shall be made on or before October 31 of the following school year. All secondary vocational education aids shall be computed and distributed by the state aids, statistics, and research section of the state department of education.

Sec. 32. Minnesota Statutes 1980, Section 124.573, is amended by adding a subdivision to read:

*Subd. 5a. [PAYMENT SCHEDULE.] Beginning in the 1982-1983 school year, the state shall pay to each school district and center its estimated secondary vocational education aid in the following manner:*

*(a) For salaries and travel, 30 percent by August 31, 30 percent by December 31, 25 percent by March 31, and*

*(b) For equipment, 85 percent by August 31. The final aid distribution shall be made by October 31 of the following school year. All secondary vocational education aids shall be computed and distributed by the state aids section of the state department of education.*

**Sec. 33. Minnesota Statutes 1980, Section 124.574, Subdivision 2, is amended to read:**

**Subd. 2. [SALARY AID.] (IN THE 1979-1980) Each school year (AND THEREAFTER,) the state shall pay to any district or cooperative center 70 percent of the salaries paid to essential licensed personnel in that school year for services rendered in that district or center's secondary vocational education programs for handicapped children.**

**Sec. 34. Minnesota Statutes 1980, Section 124.574, Subdivision 4, is amended to read:**

**Subd. 4. [AID FOR CONTRACTED SERVICES.] In addition to the provisions of subdivisions 2 and 3, a school district may contract with a public or private agency other than a Minnesota school district or cooperative center for the provision of secondary vocational education programs for handicapped children. The formula for payment of aids for these contracts (IN THE 1978-1979 SCHOOL YEAR AND THEREAFTER) shall be that provided in section 124.32, subdivision 1b. The state board shall promulgate rules relating to approval procedures and criteria for these contracts and aid shall be paid only for contracts approved by the commissioner of education. For the purposes of subdivision 6, the district or cooperative center contracting for these services shall be construed to be providing these services. For the purposes of subdivision 8, aid for these contracts shall be distributed on the same basis as aids for salaries, supplies and travel.**

**Sec. 35. [LEGISLATIVE COORDINATING COMMISSION; SECONDARY VOCATIONAL EDUCATION STUDY.]**

*The legislative coordinating commission shall conduct a study of state financing of secondary vocational education. The commission may delegate responsibility and appropriations for the study to an existing staff office of the house of representatives or senate, a joint legislative committee or office, a state agency,*

*or contract with an independent office to perform the research study.*

**Sec. 36. [PURPOSE.]**

*The purpose of the study required in section 35 of this article shall be to assess the impact of providing categorical aid for secondary vocational education upon the curriculum offerings in secondary schools in Minnesota. The study shall address at least the following questions:*

*(a) What is the relative availability of vocational and general education courses in the secondary curriculum in various types of school districts?*

*(b) What past, present and future trends can be observed regarding the balance between general and vocational education courses in the secondary curriculum of various types of school districts?*

*(c) Have the availability of categorical aid for secondary vocational education and the existence of vocational cooperative centers unduly influenced the scope of curriculum offerings in various types of school districts?*

*(d) Have the availability of categorical aid for secondary vocational education and the existence of vocational cooperative centers had an undue impact on the industrial arts curriculum in various types of school districts?*

*(e) What past, present and future trends can be observed regarding travel time and transportation costs relating to secondary vocational education?*

**Sec. 37. [PLAN AND REPORTS.]**

*By October 1, 1981, the office, committee or agency which is delegated responsibility for conducting the study required in section 35 of this article shall prepare a research design and plan to implement the provisions of sections 35 to 38 of this article for review by the legislative coordinating commission and the education committees of the house of representatives and the senate. By June 1, 1982, the same office, committee or agency shall submit an interim report on the plan and its progress to the legislative coordinating commission and the education committees of the house of representatives and the senate. By January 1, 1983, a final report shall be submitted to the legislative coordinating commission and to the education committees of the house of representatives and the senate.*

**Sec. 38. [COOPERATION.]**

*The department of education and the school districts shall supply available data to and cooperate fully with the legislative office, committee, state agency, or independent office which is delegated responsibility for conducting the study required in section 35 of this article.*

**Sec. 39. [INSTRUCTIONS TO REVISOR OF STATUTES.]**

*In accordance with Minnesota Statutes 1980, Section 648.36, in the next edition of Minnesota Statutes, the revisor of statutes shall retitle the headnote of section 124.562 to read "[POST-SECONDARY VOCATIONAL MEMBERSHIP]."*

**Sec. 40. [REPEALER.]** *Minnesota Statutes 1980, Sections 124.561, Subdivision 4; 124.562, Subdivisions 3 and 4; 124.571; and 275.125, Subdivision 14 are repealed.*

**Sec. 41. [APPROPRIATION FOR STUDY.]**

*There is appropriated from the general fund to the legislative coordinating commission for expenditures pursuant to sections 35 to 38 of this article:*

\$25,000 . . . . . 1982

\$25,000 . . . . . 1983.

*Any unexpended funds remaining from the appropriations in this section for 1982 shall not cancel and shall be available until June 30, 1983.*

**Sec. 42. [DEFICIENCY APPROPRIATION; ADULT VOCATIONAL EDUCATION.]** *The sum of \$0 is appropriated from the general fund to the department of education for the fiscal year ending June 30, 1982, for the payment of a deficiency in funds available for adult vocational education aid for fiscal year 1981. This appropriation shall be added to the amounts appropriated for adult vocational education aid for fiscal year 1981 in Laws 1979, Chapter 334, Article V, Section 32, Subdivision 9.*

**Sec. 43. [APPROPRIATIONS.]**

*Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

*Subd. 2. [POST-SECONDARY VOCATIONAL INSTRUCTIONAL AID.] For post-secondary vocational instructional aid there is appropriated:*



\$53,900,000 . . . . . 1982,

\$55,363,800 . . . . . 1983.

*The appropriation for 1982 includes \$4,870,000 for aid for fiscal year 1981 payable in fiscal year 1982, and \$49,030,000 for aid for fiscal year 1982 payable in fiscal year 1982.*

*The appropriation for 1983 includes \$5,447,800 for aid for fiscal year 1982 payable in fiscal year 1983 and \$49,916,000 for aid for fiscal year 1983 payable in fiscal year 1983.*

**Subd. 3. [POST-SECONDARY VOCATIONAL SUPPLY AID.]** *For post-secondary vocational supply aid there is appropriated:*

\$10,600,000 . . . . . 1982,

\$12,300,000 . . . . . 1983.

**Subd. 4. [POST-SECONDARY VOCATIONAL SUPPORT SERVICES AID.]** *For post-secondary vocational support services aid there is appropriated:*

\$22,600,000 . . . . . 1982,

\$24,500,000 . . . . . 1983.

*The appropriation for 1982 is based on the assumption that the state will spend for this purpose an amount at least equal to \$6,870,000 in fiscal year 1982 of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended.*

*The appropriation for 1983 is based on the assumption that the state will spend for this purpose an amount at least equal to \$6,870,000 in fiscal year 1983 of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended.*

*The amount appropriated in this subdivision shall not be used for any special vocational systemwide support service program or project.*

**Subd. 5. [POST-SECONDARY VOCATIONAL EQUIPMENT AID.]** *For post-secondary vocational equipment aid there is appropriated:*

\$ 9,900,000 . . . . . 1982,

\$10,800,000 . . . . . 1983.

*This appropriation is based on the assumption that the state will spend for the purposes for which post-secondary vocational equipment aid is paid an amount equal to \$500,000 in each fiscal year of the 1982-1983 biennium of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended.*

**Subd. 6. [POST-SECONDARY VOCATIONAL REPAIR AND BETTERMENT AID.]** *For post-secondary vocational repair and betterment aid there is appropriated:*

\$1,400,000 . . . . . 1982,

\$1,400,000 . . . . . 1983.

**Subd. 7. [POST-SECONDARY VOCATIONAL DEBT SERVICE AID.]** *For post-secondary vocational debt service aid there is appropriated:*

\$7,731,000 . . . . . 1982,

\$7,600,100 . . . . . 1983.

**Subd. 8. [ADULT VOCATIONAL EDUCATION AID.]** *For adult vocational education aid there is appropriated:*

\$6,851,900 . . . . . 1982,

\$7,102,000 . . . . . 1983.

*The appropriation for 1982 includes \$707,600 for fiscal year 1981 payable in fiscal year 1982 of which not to exceed \$20,000 is for necessary travel. This amount also includes \$6,144,300 for fiscal year 1982 payable in fiscal year 1982 of which not to exceed \$198,000 is for necessary travel.*

*The appropriation for 1983 includes \$682,700 for aid for fiscal year 1982 payable in fiscal year 1983 of which not to exceed \$22,000 is for necessary travel. This amount also includes \$6,419,300 for aid for fiscal year 1983 payable in fiscal year 1983 of which not to exceed \$212,500 is for necessary travel.*

*None of the amounts appropriated in this subdivision shall be used for any special vocational systemwide support service program or project.*

**Subd. 9. [ENERGY MANAGEMENT FOR BUILDING OPERATORS.]** *For the establishment of adult vocational programs in energy management for building operators, there is appropriated:*

\$ 60,000 . . . . . 1982,

\$120,000 . . . . . 1983.

*This aid shall be paid in accordance with section 124.572. The department of education may apply for moneys from other sources to fund programs in energy management for building operators.*

*Subd. 10. [VETERAN FARMER COOPERATIVE TRAINING PROGRAMS.] For veteran farmer cooperative training programs there is appropriated:*

\$675,100 . . . . . 1982,

\$588,900 . . . . . 1983.

*Subd. 11. [SECONDARY VOCATIONAL EDUCATION AID.] For secondary vocational education aid pursuant to section 124.573 there is appropriated:*

\$24,167,300 . . . . . 1982,

\$24,094,500 . . . . . 1983.

*The appropriation for 1982 includes \$2,287,700 for fiscal year 1981 payable in fiscal year 1982 of which not to exceed \$181,625 is for equipment. This amount also includes \$21,879,600 for fiscal year 1982 payable in fiscal year 1982 of which not to exceed \$1,719,000 is for equipment.*

*The appropriation for 1983 includes \$2,431,000 for fiscal year 1982 payable in fiscal year 1983 of which not to exceed \$191,000 is for equipment. This amount also includes \$21,663,500 for fiscal year 1983 payable in fiscal year 1983 of which not to exceed \$1,689,000 is for equipment.*

*None of the amounts appropriated in this subdivision shall be used for any special vocational systemwide support service program or project.*

*Subd. 12. [AID FOR SECONDARY VOCATIONAL EDUCATION PROGRAMS FOR HANDICAPPED CHILDREN.] For secondary vocational programs for handicapped children pursuant to section 124.574, subdivision 2 there is appropriated:*

\$2,452,700 . . . . . 1982,

\$2,529,600 . . . . . 1983.

*The appropriation for 1982 includes \$226,900 for fiscal year 1981 payable in fiscal year 1982. This amount also includes*

*\$2,225,800 for fiscal year 1982 payable in fiscal year 1982. This appropriation is based on the assumption that the state will spend for this purpose an amount at least equal to \$300,000 in fiscal year 1982 of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended.*

*The appropriation for 1983 includes \$247,300 for fiscal year 1982 payable in fiscal year 1983. This amount also includes \$2,282,300 for fiscal year 1983 payable in fiscal year 1983. This appropriation is based on the assumption that the state will spend for this purpose an amount at least equal to \$300,000 in fiscal year 1983 of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended.*

*Subd. 13. [CANCELLATION; PRORATION.] Any unexpended balance remaining from the appropriations in this section for 1982 shall cancel and shall not be available for the second year of the biennium. If the appropriation amount attributable to either year for any purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts, and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes.*

#### Sec. 44. [EFFECTIVE DATES.]

*Subdivision 1. Sections 4, 5, 9, 11, 13, 14, 16, 17, 19 and 20 of this article shall be effective the day following final enactment.*

*Subd. 2. Repair and betterment aid pursuant to section 20 of this article shall be paid to AVTI's starting in fiscal year 1982.*

### ARTICLE VI

#### OTHER AIDS AND LEVIES

Section 1. Minnesota Statutes 1980, Section 3.9278, Subdivision 1, is amended to read:

Subdivision 1. As used in (LAWS 1979, CHAPTER 334, ARTICLE 7) sections 3.9276 to 3.9279, the terms defined in this section have the meanings given them.

Sec. 2. Minnesota Statutes 1980, Section 3.9279, Subdivision 10, is amended to read:

Subd. 10. [VOLUNTARY PARTICIPATION.] Participation by parents and children in early childhood and family education programs shall be voluntary and shall not preclude par-

participation in other state or local programs. *To the extent possible, each school district providing early childhood and family education programs shall seek participation in these programs of minority and economically disadvantaged persons in the same proportion as these groups are represented in the area served by the program. Upon request, the school districts shall report on the success of these efforts to the council on quality education. No school district shall discriminate in providing early childhood and family education programs on the basis of race, religion, sex or ethnic background, and no programs shall be used in whole or in part for religious worship or instruction.*

Sec. 3. Minnesota Statutes 1980, Section 3.9279, Subdivision 12, is amended to read:

Subd. 12. [NEGOTIATED GRANTS.] For the (1979-1980) 1981-1982 and (1980-1981) 1982-1983 school years the council on quality education may fund up to 36 early childhood and family education programs according to the negotiated grants procedure in sections 3.924 to 3.927.

Sec. 4. Minnesota Statutes 1980, Section 123.36, Subdivision 13, is amended to read:

Subd. 13. [PROCEEDS OF SALE OR EXCHANGE.] Proceeds of the sale or exchange of school buildings or real property of the school district shall be used as provided in this subdivision.

(1) In districts with outstanding bonds, the proceeds of the sale or exchange shall first be deposited in the debt retirement fund of the district in an amount sufficient to meet when due *that percentage of the principal and interest payments for (ALL) outstanding bonds which is ascribable to the payment of expenses necessary and incidental to the construction or purchase of the particular building or property which is sold.*

(2) *In districts with outstanding bonds, an amount of the proceeds of the sale or exchange sufficient to meet when due all principal and interest payments for outstanding bonds which are not governed by clause (1), may be deposited either in the debt retirement fund or in the capital expenditure fund of the district.*

(3) *Amounts deposited in the capital expenditure fund pursuant to clause (2) may be used only for the following:*

(a) *for energy saving improvements to school buildings or their energy-using systems;*

(b) *for capital expenditures for the purpose of reducing or eliminating barriers to or increasing access to school facilities by handicapped persons;*

(c) for capital expenditures to bring district facilities into compliance with the uniform fire code adopted pursuant to Chapter 299F; or

(d) to replace the building or property sold.

The amount of the proceeds used for the purposes specified in clauses (a), (b) and (c) shall be deducted from the levy limitation computed for the levy authorized in section 23 of this article in the first year after the deposit and from levy limitations computed for this levy in succeeding years until the entire amount is deducted.

(4) Any (REMAINING) proceeds of the sale or exchange remaining in (THESE) districts (OF THE SALE OR EXCHANGE) with outstanding bonds after the application of clauses (1) and (2) and all proceeds of the sale or exchange in districts without outstanding bonds shall be deposited in the capital expenditure fund of the district.

(2) NOTWITHSTANDING CLAUSE (1) A DISTRICT WITH OUTSTANDING BONDS WHICH SELLS A BUILDING OR PROPERTY IN ORDER TO PURCHASE A REPLACEMENT, MAY APPLY TO THE COMMISSIONER TO PLACE PROCEEDS OF THE SALE IN ITS CAPITAL EXPENDITURE FUND IN AN AMOUNT NECESSARY TO PURCHASE THE REPLACEMENT; PROVIDED THE DISTRICT PLACES AN AMOUNT IN ITS DEBT RETIREMENT FUND SUFFICIENT TO MEET WHEN DUE THE PRINCIPAL AND INTEREST PAYMENTS FOR ALL OUTSTANDING BONDS ON THE PARTICULAR BUILDING OR PROPERTY WHICH IS SOLD.)

(5) Notwithstanding clause (3), a district with outstanding bonds may deposit in its capital expenditure fund and use for any lawful capital expenditure without the reduction of any levy limitation the same percentage of the proceeds of the sale or exchange of a building or property as the percentage of the initial cost of purchasing or constructing the building or property which was paid using revenue from the capital expenditure fund.

(6) Every district which sells or exchanges a building or property shall report to the commissioner in the form and at the time he prescribes on the disposition of the proceeds of the sale or exchange.

Sec. 5. Minnesota Statutes 1980, Section 123.702, Subdivision 1, is amended to read:

Subdivision 1. [SCREENING PROGRAM.] Every school board (SHALL) may provide for a voluntary health and develop-

mental screening program for children once before entering kindergarten. This screening program (SHALL) *may* be established either by one board, by two or more boards acting in cooperation, by educational cooperative service units, by early childhood and family education programs, or by other existing programs. *In order to qualify for state payments for the screening program pursuant to section 123.705, the program shall comply with the requirements of sections 123.701 to 123.705.* No school board may make this screening examination a mandatory prerequisite to enroll a student.

*Subd. 1a. [COMPONENTS.]* The screening programs shall include at least the following components to the extent the school board determines they are financially feasible: developmental assessments, hearing and vision screening, (DENTAL ASSESSMENTS,) the review of health history and immunization status (, LABORATORY TESTS) and nutritional and physical assessments. *The school board may also provide additional components, including laboratory tests or dental assessments, in the screening program.* All screening components shall be consistent with the standards of the state commissioner of health for early and periodic screening programs. No child shall be required to submit to any component of this screening program to be eligible for any other component. No screening program shall provide laboratory tests, a health history or a physical examination to any child who has been provided with those laboratory tests or a health history or physical examination within the previous 12 months. The school district shall request the results of any laboratory test, health history or physical examination within the 12 months preceding a scheduled screening clinic.

Sec. 6. Minnesota Statutes 1980, Section 123.703, Subdivision 3, is amended to read:

*Subd. 3. [REPORT.]* The state board of education, in cooperation with the state commissioner of health, shall report to the legislature by February 1 (, 1980,) *of each year* on the results of the screening programs in accomplishing the purposes specified in section 123.701. The report shall include information on the rates of children's participation in screening programs, on districts' costs for implementing the various components of the screening program, and on any exemptions granted from screening requirements because of financial infeasibility.

Sec. 7. Minnesota Statutes 1980, Section 123.705, is amended to read:

123.705 [STATE AID.]

The department of education shall pay each school district for the cost of screening services provided pursuant to sections 123.701 to 123.705. The payment shall not exceed (\$25) \$28 per

child screened in fiscal year (1980) 1982 and (\$27) \$29 per child screened in fiscal year (1981) 1983. Any district may request and receive an advance payment equal to 50 percent of its estimated payment for screening eligible children.

Sec. 8. Minnesota Statutes 1980, Section 123.937, is amended to read:

123.937 [APPROPRIATION.]

There is appropriated annually to the department of education from the general fund of the state treasury the sum of (\$3,250,000) \$4,319,000 for the purposes of sections 123.931 to 123.937. If this amount is not sufficient to make the payments required pursuant to sections 123.931 to 123.937, the amount necessary to make these payments is appropriated from the general fund to the department of education. The amounts appropriated pursuant to this section for the year ending June 30, (1980) 1982 shall not cancel but shall be available for the second year of the biennium.

Sec. 9. Minnesota Statutes 1980, Section 124.245, Subdivision 1, is amended to read:

Subdivision 1. [BASIC COMPUTATION.] ((A) IN THE 1980-1981 SCHOOL YEAR, THE STATE SHALL PAY A SCHOOL DISTRICT THE DIFFERENCE BY WHICH AN AMOUNT EQUAL TO \$80 PER PUPIL UNIT IN THAT SCHOOL YEAR OR, IN DISTRICTS WHERE THE ACTUAL NUMBER OF PUPIL UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1) AND (2), HAS INCREASED FROM THE PRIOR YEAR, \$85 PER PUPIL UNIT IN THAT SCHOOL YEAR, EXCEEDS THE AMOUNT RAISED BY TEN MILLS TIMES THE ADJUSTED ASSESSED VALUATION OF THE TAXABLE PROPERTY IN THE DISTRICT FOR THE PRECEDING YEAR. IN ORDER TO QUALIFY FOR AID PURSUANT TO THIS SECTION IN THE 1980-1981 SCHOOL YEAR, A DISTRICT MUST HAVE LEVIED THE FULL TEN EARL MILLS FOR USE FOR CAPITAL EXPENDITURES IN THAT YEAR PURSUANT TO SECTION 275.125, SUBDIVISION 11A.)

((B)) In the 1981-1982 school year and each year thereafter, the state shall pay a school district the difference by which an amount equal to \$90 per pupil unit in that school year or, in districts where the actual number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), has increased from the prior year, \$95 per pupil unit in that school year, exceeds the amount raised by seven mills times the adjusted assessed valuation of the taxable property in the district for the preceding year. In order to qualify for aid pursuant to this (SECTION) subdivision in any school year, a district must



have levied the full seven EARC mills for use for capital expenditures in that year pursuant to section 275.125, subdivision 11a.

Sec. 10. Minnesota Statutes 1980, Section 124.245, is amended by adding a subdivision to read:

*Subd. 1a. [SPECIAL PURPOSE COMPUTATION.] In the 1982-1983 school year and each year thereafter, the state shall pay a school district the difference by which an amount equal to \$25 per pupil unit exceeds the amount raised by two mills times the adjusted assessed valuation of the taxable property in the district for the preceding year. In order to qualify for aid pursuant to this subdivision in any school year, a district must levy the maximum permissible amount pursuant to section 23 of this article for use in that year. Aid paid pursuant to this subdivision may be used only for the purposes for which the proceeds of the levy authorized in section 23 of this article may be used.*

Sec. 11. Minnesota Statutes 1980, Section 124.245, Subdivision 2, is amended to read:

**Subd. 2. [PUPIL UNITS.] As used in this section, (PUPIL UNITS SHALL INCLUDE ONLY THOSE UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4), (5), (6) AND (7). BEGINNING IN THE 1980-1981 SCHOOL YEAR,) pupil units shall include only those units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5) (; PROVIDED THAT NOTWITHSTANDING THE EXPIRATION OF MINNESOTA STATUTES, 1979 SUPPLEMENT, SECTION 124.17, SUBDIVISION 1, CLAUSES (6) AND (7), PUPIL UNITS IDENTIFIED IN THOSE CLAUSES SHALL ALSO BE INCLUDED FOR PURPOSES OF THE COMPUTATION OF CAPITAL EXPENDITURE AID FOR THE 1980-1981 SCHOOL YEAR).**

Sec. 12. [124.246.] [CHEMICAL USE PROGRAMS.]

*Subdivision 1. [ELIGIBILITY AND PURPOSE.] Each school board which has adopted a comprehensive policy and procedures to minimize chemical use problems among all pupils in the district, and which has submitted them to the department of education, shall be eligible for state aid for the following purposes:*

- (a) *inservice training for public and nonpublic school staff,*
- (b) *prevention programs, including curriculum materials,*
- (c) *community and parent awareness programs,*

- (d) *problem identification programs,*
- (e) *referral programs, and*
- (f) *aftercare support programs.*

*The programs shall be for pupils in public elementary, secondary and area vocational-technical schools and nonpublic elementary and secondary schools, and their parents, teachers and staff.*

*Subd. 2. [AID.] An eligible district shall receive \$1 for each pupil, in average daily membership, enrolled in a public elementary, secondary or area vocational-technical or nonpublic elementary or secondary school. Aid for nonpublic school pupils shall be paid to the district upon request by or on behalf of the pupils. No district shall receive less than \$1,000.*

*Subd. 3. [APPLICATIONS.] A district that is eligible for aid shall apply to the commissioner of education by October 1 of each school year on the form supplied by the commissioner.*

*Subd. 4. [ASSISTANCE TO DISTRICTS.] The department of education shall:*

*(a) continue to provide technical assistance to districts for maintenance and evaluation of prevention programs, for after-care support programs and for improved relationships with community agencies,*

*(b) continue inservice programs emphasizing identified needs of the districts, and*

*(c) collect information from districts about prevention, awareness, identification, referral, and aftercare support programs.*

*Sec. 13. Minnesota Statutes 1980, Section 124.247, Subdivision 3, is amended to read:*

*Subd. 3. [AID.] A district which establishes a program for gifted and talented students shall receive for the purpose of this program an amount equal to (\$30) \$16.25, in the 1981-1982 school year, and \$17.50 in the 1982-1983 school year, times the number of gifted and talented students in the district. No more than (2 1/2) 5 percent of the students enrolled in the district shall be counted as gifted and talented for the purpose of aid computations pursuant to this subdivision. No more than five percent of the moneys received by a district pursuant to this subdivision may be expended for the purpose of administration of the program for gifted and talented students.*

Sec. 14. Minnesota Statutes 1980, Section 124.247, Subdivision 5 is amended to read:

Subd. 5. [REPORT.] The department of education shall submit a report to the (1981) legislature *by February 1 of each year* evaluating the effectiveness of the education for the gifted and talented act.

Sec. 15. Minnesota Statutes 1980, Section 124.562 is amended by adding a subdivision to read:

Subd. 2a. [CHEMICAL USE PROGRAMS.] *If a pupil is absent from school for the purpose of participating in a chemical abuse treatment program licensed by the state of Minnesota, he may request the school to keep him on the roll in the educational program in which he is enrolled. Upon the pupil's request the school shall keep him on the roll for the educational program in which he is enrolled and that pupil shall be counted in average daily membership, pursuant to section 124.562, subdivision 2, during the period in which he is participating in a treatment program; provided he shall be counted for a period not to exceed 30 consecutive school days. When this pupil returns to school, the school may count additional hours for membership, not to exceed the number of hours for which he was counted while participating in the treatment program or the number of hours per day the pupil is enrolled times 30, whichever is less, if additional hours are needed for the pupil to complete the educational program.*

Sec. 16. Minnesota Statutes 1980, Section 124.646, Subdivision 1, is amended to read:

Subdivision 1. [AID COMPUTATION.] (a) For the (1979-1980) *1981-1982* school year, school districts *participating in the national school lunch program* shall be paid by the state in the amount of (4 9/10) *5.5* cents for each full paid student (TYPE "A") lunch served to students in the district. (b) For the (1980-1981) *1982-1983* school year, school districts *participating in the national school lunch program* shall be paid by the state in the amount of (5 3/10) *5.9* cents for each full paid student (TYPE "A") lunch served to students in the district.

Sec. 17. Minnesota Statutes 1980, Section 134.35, Subdivision 1, is amended to read:

Subdivision 1. [GRANT APPLICATION.] Any regional public library system which qualifies according to the provisions of section 134.34 may apply for an annual grant for regional library basic system support. The amount of each grant for (FISCAL YEAR 1980 AND) each fiscal year (THEREAFTER) shall be calculated as provided in this section.

Sec. 18. Minnesota Statutes 1980, Section 134.351, is amended by adding a subdivision to read:

*Subd. 5. [PROPERTY.] All property given, granted, conveyed, donated, devised or bequeathed to, or otherwise acquired by any multi-county multi-type library system board shall vest in, and be held in the name of, the multi-county multi-type library system board, and any conveyance, grant, donation, devise, bequest, or gift made to, or in the name of, any multi-county multi-type library system shall be deemed to have been made directly to the multi-county multi-type library system board.*

Sec. 19. Minnesota Statutes 1980, Section 134.351 is amended by adding a subdivision to read:

*Subd. 6. [RATIFICATION.] All property heretofore given, granted, conveyed, donated, devised, bequeathed to, or otherwise acquired by any multi-county multi-type library system board is hereby validated, ratified and confirmed as the property of the board.*

Sec. 20. Minnesota Statutes 1980, Section 134.351, Subdivision 5, is amended to read:

**Subd. (5) 7. [REPORTS.] Each multi-county, multi-type system receiving a grant pursuant to section 134.352 or 134.353 shall provide an annual progress report to the department of education. The department shall report before November 15 of each year to the legislature on all projects funded under sections 134.352 and 134.353.**

Sec. 21. Minnesota Statutes 1980, Section 134.36, is amended to read:

**134.36 [RULES.]**

**The state board of education shall promulgate rules as necessary for implementation of any provision of (LAWS 1978, CHAPTER 546) sections 134.30 to 134.353. (TEMPORARY RULES MAY BE ADOPTED TO IMPLEMENT LAWS 1978, CHAPTER 546 IN COMPLIANCE WITH THE PROVISIONS OF SECTION 15.0412, SUBDIVISION 5, EXCEPT THAT THESE RULES MAY BE EFFECTIVE FOR UP TO 300 DAYS.)**

Sec. 22. Minnesota Statutes 1980, Section 275.125, Subdivision 11a, is amended to read:

**Subd. 11a. [CAPITAL EXPENDITURE LEVY.] ((A) IN 1979, A SCHOOL DISTRICT MAY LEVY AN AMOUNT NOT TO EXCEED THE AMOUNT EQUAL TO \$80 PER PUPIL UNIT OR, IN DISTRICTS WHERE THE ACTUAL NUMBER**

OF PUPIL UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1) AND (2), HAS INCREASED FROM THE PRIOR YEAR, \$85 PER PUPIL UNIT. FOR PURPOSES OF COMPUTING ALLOWABLE LEVIES UNDER SECTION 275.125, PUPIL UNITS SHALL INCLUDE ONLY THOSE UNITS IDENTIFIED IN SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4), AND (5). NO LEVY UNDER THIS CLAUSE IN 1979 SHALL EXCEED TEN MILLS TIMES THE ADJUSTED ASSESSED VALUATION OF THE TAXABLE PROPERTY IN THE DISTRICT FOR THE PRECEDING YEAR, NOTWITHSTANDING THE PROVISIONS OF SECTIONS 272.64 AND 275.49.)

((B)) (a) (IN 1980 AND) Each year (THEREAFTER,) a school district may levy an amount not to exceed the amount equal to \$90 per pupil unit, or (,) \$95 per pupil unit in districts where the actual number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), has increased from the prior year (, \$95 PER PUPIL UNIT). In 1980 and each year thereafter, no levy under this clause shall exceed seven mills times the adjusted assessed valuation of the taxable property in the district for the preceding year (, NOTWITHSTANDING THE PROVISIONS OF SECTIONS 272.64 AND 275.49).

((C)) (b) The proceeds of the tax may be used only to acquire land, to equip and (REEQUIP) *re-equip* buildings and permanent attached fixtures, to pay leasing fees for computer systems hardware and related proprietary software, and to pay leasing fees for photocopy machines and telecommunications equipment. The proceeds of the tax may also be used for capital improvement and repair of school sites, buildings and permanent attached fixtures, energy assessments as required pursuant to section 116H.126, and for the payment of any special assessments levied against the property of the district authorized pursuant to section 435.19 or any other law or charter provision authorizing assessments against publicly owned property; provided that a district may not levy amounts to pay assessments for service charges, including but not limited to those described in section 429.101, whether levied pursuant to that section or pursuant to any other law or home rule provision. The proceeds of the tax may also be used for capital expenditures for the purpose of reducing or eliminating barriers to or increasing access to school facilities by handicapped individuals. The proceeds of the tax may also be used to make capital improvements to schoolhouses to be leased pursuant to section 123.36, subdivision 10.

((D)) (c) Subject to the commissioner's approval, the tax proceeds may also be used to rent or lease buildings for school purposes and to acquire or construct buildings. The state board shall promulgate rules establishing the criteria to be used by the commissioner in approving and disapproving district applications requesting the use of capital expenditure tax proceeds for

the renting or leasing of buildings for school purposes and the acquisition or construction of buildings. The approval criteria for purposes of building acquisition and construction shall include: the appropriateness of the proposal with respect to the district's long term needs; the availability of adequate existing facilities; and the economic feasibility of bonding because of the proposed building's size or cost.

((E)) (d) The board shall establish a fund in which the proceeds of this tax shall be accumulated until expended.

((F)) (e) The proceeds of the tax shall not be used for custodial or other maintenance services.

Sec. 23. Minnesota Statutes 1980, Section 275.125, is amended by adding a subdivision to read:

*Subd. 11b. [SPECIAL PURPOSE CAPITAL EXPENDITURE LEVY.] In 1981 and each year thereafter, in addition to the levy authorized in subdivision 11a, a school district may levy an amount not to exceed the amount equal to \$25 per pupil unit. No levy under this clause shall exceed two mills times the adjusted assessed valuation of the property in the district for the preceding year. The proceeds of the tax shall be placed in the district's capital expenditure fund and may be used only for the following:*

*(a) for energy saving improvements to school buildings or their energy-using systems;*

*(b) for capital expenditures for the purpose of reducing or eliminating barriers to or increasing access to school facilities by handicapped persons;*

*(c) for capital expenditures to bring district facilities into compliance with the uniform fire code adopted pursuant to Chapter 299F.*

Sec. 24. Minnesota Statutes 1980, Section 375.335 is amended by adding a subdivision to read:

*Subd. 4. [PROPERTY.] All property given, granted, conveyed, donated, devised or bequeathed to, or otherwise acquired by any regional library board or any regional public library system board however created shall vest in, and be held in the name of, the regional library board or regional public library system board, and any conveyance, grant, donation, devise, bequest, or gift made to, or in the name of, any regional library or public library system shall be deemed to have been made directly to the regional public library system board.*

Sec. 25. Minnesota Statutes 1980, Section 375.335 is amended by adding a subdivision to read:

*Subd. 5. [RATIFICATION.] All property heretofore given, granted, conveyed, donated, devised, bequeathed to, or otherwise acquired by any regional library board or any regional public library system board however created is hereby validated, ratified and confirmed as the property of the board.*

Sec. 26. Minnesota Statutes 1980, Section 375.335, Subdivision 4, is amended to read:

*Subd. (4) 6. [RATIFICATION.] Any multicounty regional library heretofore created, and the agreements creating them, are hereby validated, ratified, and confirmed and the benefits of subdivisions 1 to (4) 6 shall hereafter apply to (SAID) these libraries.*

Sec. 27. [GRANTS FOR COOPERATIVE AGREEMENTS BETWEEN SECONDARY SCHOOLS.] *For the 1981-1982 and 1982-1983 school year, the department of education may make grants to school districts for the study, evaluation and start-up costs involved in developing an agreement pursuant to any law which permits the discontinuance in a district of grades or a portion of grades and which affects any of grades 7 through 12.*

Sec. 28. [REPEALER.] *Minnesota Statutes 1980, Section 3.9279, Subdivision 13 is repealed.*

Sec. 29. [APPROPRIATION.]

*Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

*Subd. 2. [HEALTH AND DEVELOPMENTAL SCREENING PROGRAMS.] For health and developmental screening programs pursuant to sections 123.701 to 123.705, there is appropriated:*

*\$ 974,100 . . . . . 1982,*

*\$1,025,200 . . . . . 1983.*

*Subd. 3. [ABATEMENT AID.] For abatement aid pursuant to section 124.214, subdivision 2, there is appropriated:*

*\$2,751,000 . . . . . 1982,*

*\$2,988,000 . . . . . 1983.*

*Subd. 4. [EMERGENCY AID.] For emergency aid pursuant to section 124.24, there is appropriated:*

\$50,000 . . . . . 1982.

*Any unexpended balance remaining from the appropriation in this subdivision shall not cancel but shall be available for the second year of the biennium.*

*Subd. 5. [CAPITAL EXPENDITURE EQUALIZATION AID.] For capital expenditure equalization aid pursuant to section 124.245, subdivision 1, there is appropriated:*

\$700,000 . . . . . 1982,

\$500,000 . . . . . 1983.

*Any unexpended balance remaining from the appropriation in this subdivision for 1983 may be expended for special purpose capital expenditure equalization aid pursuant to section 10 of this article.*

*Subd. 6. [SPECIAL PURPOSE CAPITAL EXPENDITURE EQUALIZATION AID.] For special purpose capital expenditure equalization aid pursuant to section 10 of this article, there is appropriated:*

\$253,900 . . . . . 1983.

*Any unexpended balance remaining from the appropriation in this subdivision may be expended in 1983 for capital expenditure equalization aid pursuant to section 124.245, subdivision 1.*

*Subd. 7. [EDUCATIONAL COOPERATIVE SERVICE UNITS.] For educational cooperative service units, there is appropriated:*

\$1,104,500 . . . . . 1982,

\$1,199,500 . . . . . 1983.

*Funds from this appropriation shall be transmitted to ECSU boards of directors for general operations in the amount of \$100,409 per ECSU as defined in section 123.58 in fiscal year 1982 and \$109,045 per ECSU in fiscal year 1983; provided however that the ECSU whose boundaries coincide with the boundaries of development region 11 and the ECSU whose boundaries encompass development regions six and eight shall receive \$200,818 in fiscal year 1982 and \$218,090 in fiscal year 1983 for general operations.*



*Subd. 8. [SCHOOL LUNCH AID.] For school lunch aid pursuant to section 124.646 there is appropriated:*

\$3,838,200 . . . . . 1982,

\$4,085,500 . . . . . 1983.

*Any unexpended balance remaining from the appropriations in this subdivision may be expended, in addition to the amounts appropriated in subdivision 9 of this section, for food storage and transportation costs for U.S.D.A. donated commodities.*

*Subd. 9. [FOOD STORAGE AND TRANSPORTATION.] For food storage and transportation costs for U.S.D.A. donated commodities there is appropriated:*

\$765,300 . . . . . 1982,

\$880,100 . . . . . 1983.

*Subd. 10. [GIFTED AND TALENTED STUDENTS.] For programs for the gifted and talented pursuant to section 124.247, there is appropriated:*

\$588,300 . . . . . 1982,

\$639,600 . . . . . 1983.

*Subd. 11. [CHEMICAL USE PROGRAMS.] For aid for chemical dependency programs authorized pursuant to section 12 of this article there is appropriated:*

\$988,400 . . . . . 1982,

\$972,900 . . . . . 1983.

*Subd. 12. [GRANTS FOR COOPERATIVE AGREEMENTS BETWEEN SECONDARY SCHOOLS.] For grants for cooperative agreements between secondary schools pursuant to section 27 of this article there is appropriated:*

\$90,000 . . . . . 1982,

\$90,000 . . . . . 1983.

*Subd. 13. [COUNCIL ON QUALITY EDUCATION; VENTURE FUND GRANTS.] For the council on quality education venture fund grants pursuant to sections 3.925 and 3.926, there is appropriated:*

\$600,000 . . . . . 1982,

\$600,000 . . . . . 1983.

*Any unexpended balance remaining from the appropriations in this subdivision for 1982 shall not cancel and shall be available for the second year of the biennium.*

**Subd. 14. [EARLY CHILDHOOD AND FAMILY EDUCATION.]** *For early childhood and family education programs pursuant to section 3.9279, there is appropriated:*

\$1,767,000 . . . . . 1982,

\$1,767,000 . . . . . 1983.

*Any unexpended balance remaining from the appropriations in this subdivision for 1982 shall not cancel and shall be available for the second year of the biennium.*

**Subd. 15. [BASIC SUPPORT GRANTS.]** *For grants pursuant to sections 134.32 to 134.35 and 134.36 for the provision of library services, there is appropriated:*

\$3,943,200 . . . . . 1982,

\$4,282,300 . . . . . 1983.

**Subd. 16. [MULTI-COUNTY LIBRARY SYSTEMS.]** *For grants pursuant to sections 134.352 and 134.353 to multi-county, multi-type library systems, there is appropriated:*

\$182,500 . . . . . 1982,

\$182,500 . . . . . 1983.

**Subd. 17. [CANCELLATION AND PRORATION.]** *Except as provided in subdivisions 4, 8, 13 and 14, any unexpended balance remaining from the appropriations in this section for 1982 shall cancel and shall not be available for the second year of the biennium. Except as provided in subdivisions 5 and 6, none of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes.*

**Sec. 30. [EFFECTIVE DATE.]**

*Subdivision 1. Sections 4, 18, 19, 24 and 25 of this article shall be effective the day following final enactment.*

*Subd. 2. Section 4, clause (5) shall apply to the proceeds of the sale of any building after June 30, 1980, and any district affected by this provision which placed sale proceeds in its debt retirement fund may transfer the appropriate amount of the proceeds from the debt retirement fund to the capital expenditure fund.*

## ARTICLE VII

### MISCELLANEOUS PROVISIONS

Section 1. Minnesota Statutes 1980, Section 121.906, Subdivision 2, is amended to read:

Subd. 2. There shall be fiscal year-end recognition of expenditures and the related offsetting liabilities recorded in each fund in accordance with the uniform financial accounting and reporting standards for Minnesota school districts. *Encumbrances outstanding at the end of the fiscal year do not constitute expenditures or liabilities.*

Sec. 2. Minnesota Statutes 1980, Section 121.906, Subdivision 3, is amended to read:

Subd. 3. Purchase orders, itemized in detail, for other than inventory supply items, which are issued to outside vendors and based on firm prices shall be recorded as expenditures in the fiscal year (DESIGNATED AT THE TIME OF THE ISSUANCE OF THE ORDER) *in which the liability is incurred.*

Sec. 3. Minnesota Statutes 1980, Section 121.912, Subdivision 1, is amended to read:

Subdivision 1. No school district shall permanently transfer money from an operating fund to a nonoperating fund except as provided in this subdivision. Permanent transfers may be made from an operating fund to any other fund to correct for prior fiscal years' errors discovered after the books have been closed for that year. Permanent transfers may be made from the general fund to eliminate deficits in another fund when that other fund is being discontinued. When a district discontinues operation of a district-owned bus fleet *or of a substantial portion of the fleet*, permanent transfers may be made from the fund balance account entitled "pupil transportation fund appropriated for bus purchases" to the capital expenditure fund, with the approval of the commissioner; provided, the levy authorized pursuant to section 275.125, subdivision 11a, shall be reduced by an amount equal to the amount transferred. Permanent transfers may be made from the general fund to the capital expenditure fund of a post-secondary vocational-technical school in the amount and for the purposes authorized by the state board for vocational education in approving the school's budget pursuant

to section 124.561; provided, the state board shall not approve any permanent transfer for the purpose of an acquisition or betterment of lands or buildings or a capital improvement which requires the expenditure of an amount equal to or greater than \$50,000, which changes the perimeter walls of an existing facility, which adds more than 1,000 square feet to a post-secondary vocational facility, or which requires the issuance of school district bonds; provided further, the state board shall not approve the permanent transfer for any other purpose of any amount which exceeds \$150,000.

Sec. 4. Minnesota Statutes 1980, Section 122.22, Subdivision 3, is amended to read:

Subd. 3. A resolution adopted pursuant to subdivision 2(a) shall contain findings of necessary jurisdictional facts and shall set a date for hearing. *The hearing shall be not less than (TEN) 20 nor more than 60 days from the date of the resolution.*

Sec. 5. Minnesota Statutes 1980, Section 122.22, Subdivision 4, is amended to read:

Subd. 4. A petition executed pursuant to subdivision 2(b) shall be filed with the auditor (AND). *It shall contain the following:*

(a) A statement that petitioners desire proceedings instituted leading to dissolution of the district and other provisions made for the education of the inhabitants of the territory and that petitioners are eligible voters, as defined in section 123.32, subdivision 1a, of the district (.) ;

(b) An identification of the district (.) ; *and*

(c) The reasons supporting the petition which may include recommendations as to disposition of territory to be dissolved. The recommendations are advisory in nature only and are not binding on any petitioners or county board for any purpose.

((D)) The persons circulating the petition shall attach their affidavit swearing or affirming that the persons executing the petition are eligible voters, as defined in section 123.32, subdivision 1a, of the district and that they signed in the presence of one of the circulators.

((E)) The auditor shall present the petition to the county board at its next meeting. At that meeting, the county board shall determine a date for a hearing. *The hearing shall be not less than (TEN) 20 nor more than 60 days from the date of that meeting.*

Sec. 6. Minnesota Statutes 1980, Section 122.22, Subdivision 5, is amended to read:

Subd. 5. Certification executed pursuant to subdivision 2(c) shall be filed with the auditor (AND). *It shall contain the following:*

- (a) A copy of the resolution initiating the election (.) ;
- (b) A copy of the notice of election with an affidavit of publication or posting (.) ;
- (c) The question voted on (.) ;
- (d) The results of the election by number of votes cast for and number against the question (.) ; *and*
- (e) If an advisory ballot is taken on annexation, the question voted on and number of ballots cast for and against the proposal.

The auditor shall present the certification to the county board at its next meeting. At that meeting, the county board shall determine a date for a hearing. *The hearing shall be not less than (TEN) 20 nor more than 60 days from the date of that meeting.*

Sec. 7. Minnesota Statutes 1980, Section 122.22, is amended by adding a subdivision to read:

*Subd. 7a. Before the day of a hearing ordered pursuant to this section, each district adjoining the district proposed for dissolution shall provide the following information and resolution to the county auditor of the county containing the greatest land area of the district proposed for dissolution:*

- (a) *The outstanding bonded debt of the district;*
- (b) *The assessed valuation of the district;*
- (c) *The most most current school tax rates for the district, including any referendum, discretionary, or other optional levies being assessed currently and the expected duration of the levies;*
- (d) *A resolution passed by the school board of the district stating that if taxable property of the dissolved district is attached to it, one of the following requirements is imposed: (1) the taxable property of the dissolving district which is attached to its district shall not be liable for the bonded debt of the district which existed as of the time of the attachment; (2) the taxable property of the dissolving district which is attached to its district shall be liable for the payment of the bonded debt of the district which existed as of the time of the attachment in the proportion which the assessed valuation of that part of the dissolving district which is included in the newly enlarged district bears to the assessed valuation of the entire district as of*

*the time of attachment; or (3) the taxable property of the dissolving district which is attached to its district shall be liable for some specified portion of the amount that could be requested pursuant to subclause (2).*

*An apportionment pursuant to subclause (2) or (3) shall be made by the county auditor of the county containing the greatest land area of the district proposed for transfer.*

*An apportionment of bonded indebtedness pursuant to subclause (2) or (3) shall not relieve any property from any tax liability for payment of any bonded obligation, but taxable property in a district enlarged pursuant to this section becomes primarily liable for the payment of the bonded debt to the extent of the proportion stated.*

Sec. 8. Minnesota Statutes 1980, Section 122.22, Subdivision 8, is amended to read:

Subd. 8. Within 90 days of the date set for the original hearing or within 30 days of the termination of a consolidation proceeding which stays the order under subdivision 7, the county board may issue its order:

(a) Dismissing the proceedings (.) ; or

(b) (INTERLOCUTORY IN CHARACTER, PROPOSING) *Providing for the dissolution of the district and the annexation of the territory to adjoining districts, or the entire district as a unit may be attached to and become part of a district which maintains a secondary school located within the same high school area (, AND) if there is no intervening district maintaining a secondary school.*

((C)) If no order is issued within the limited time, the proceedings are dismissed.

*If an order is issued pursuant to clause (b) the order is a final order, unless an election on the order is required pursuant to subdivision 11.*

Sec. 9. Minnesota Statutes 1980, Section 122.22, Subdivision 9, is amended to read:

Subd. 9. An (INTERLOCUTORY) order issued under subdivision 8, clause (b), shall contain *the following*:

(a) A statement that the (DISSOLUTION OF THE) district is (PROPOSED.) *dissolved unless the results of an election held pursuant to subdivision 11 provide otherwise;*

(b) A description (,) by words or plat or both showing (PROPOSED) *the* disposition of territory in the district to be dissolved (.) ;

(c) The outstanding bonded debt of the district to be dissolved (.) ;

(d) *A statement requiring the fulfillment of the requirements imposed by each adjoining district to which territory in the dissolving district is to be attached regarding the assumption of its outstanding pre-existing bonded indebtedness by any territory from the dissolving district which is attached to it;*

(e) (A PROPOSED) An effective date (OF) for the order. The effective date shall be at least three months after the date of the order, and shall be July 1 of an odd-numbered year (.) ; *and*

((E)) (f) (SUCH) Other information (AS) the county board may desire to include.

The auditor shall within ten days from its issuance serve a copy of the (INTERLOCUTORY) order by mail upon the clerk of the district (PROPOSED FOR DISSOLUTION) *to be dissolved* and upon the clerk of each district to which (IT IS PROPOSED TO ATTACH ANY TERRITORY BY) the order *attaches any territory of the district to be dissolved* and upon the auditor of each other county in which all or any part of the district (PROPOSED FOR DISSOLUTION) *to be dissolved* or any district to which (IT IS PROPOSED TO ATTACH) *the order attaches* territory lies, and upon the commissioner.

Sec. 10. Minnesota Statutes 1980, Section 122.22, Subdivision 11, is amended to read:

Subd. 11. If the proceedings were instituted by petition, under subdivision 2(b), or by election, under subdivision 2(c) and an advisory recommendation was made in the petition or an advisory ballot taken at the election, as to annexation requested, and if the (INTERLOCUTORY) order makes a different provision for annexation than requested, then the (INTERLOCUTORY) order must be approved by a majority of those voting on the question at an election to be called in the district to be dissolved, under subdivision 13 (,) . The question voted on shall be:

“Shall the (INTERLOCUTORY) order of the county board of . . . . county, dated . . . . (PROPOSING) *providing for the dissolution of this school district be approved?*” Yes . . . . No . . . .

Sec. 11. Minnesota Statutes 1980, Section 122.22, Subdivision 13, is amended to read:

Subd. 13. If an election is required under subdivision 11 (OR 12), then (UPON) *before* the expiration of (THE) a 45 day

period (ALLOWED IN SUBDIVISION 10 OR UPON RECEIPT OF A DEMAND FOR ELECTION ON THE QUESTION OF DEBT ASSUMPTION FROM EACH DISTRICT TO WHICH IT IS PROPOSED TO ATTACH TERRITORY, WHICHEVER IS SOONER) *after the date of the order for dissolution and attachment*, the auditor shall (FORTHWITH) set a date and call the election by filing a written order therefor (,) and serving a copy thereof personally or by mail on the clerk of the district in which the election is to be held (, WHICH). *The date shall be not less than 15 nor more than 30 days after the date of the order, upon which date a special election shall be held in the district proposed for dissolution. The auditor shall cause notice of (SUCH) the election to be posted and published according to law. Upon receipt of (SUCH) the notice, the board shall conduct the election.*

Sec. 12. Minnesota Statutes 1980, Section 122.22, Subdivision 14, is amended to read:

Subd. 14. The results of (EACH) *the* election shall be certified by the board to the auditor. If a majority of all votes cast on (EACH) *the* question at the election approve the (INTERLOCUTORY) order (AND FAVOR THE ASSUMPTION OF THE DEBT), the (INTERLOCUTORY) order becomes final and effective as of the date specified in the order. Each person served with the (INTERLOCUTORY) order shall be so notified. *If a majority of all votes cast on the question disapprove the order, the proceedings are dismissed, and the order becomes void.*

Sec. 13. Minnesota Statutes 1980, Section 122.22, Subdivision 20, is amended to read:

Subd. 20. If the dissolved district is not divided by the order of dissolution and attachment, all of its current assets and liabilities, real and personal, and all its legally valid and enforceable claims and contract obligations shall pass to the district to which it is attached, except as provided in section 122.532. If the district to be dissolved is divided by the (INTERLOCUTORY) order of dissolution and attachment, the commissioner shall, within 30 days after the (INTERLOCUTORY) order is issued, issue (HIS) *an* order for the distribution of its current assets and liabilities, real and personal. If the commissioner's order provides for the transfer of an interest in real estate to a district, this order may also impose a dollar amount as a claim against that district in favor of other districts, and this claim shall be paid and enforced in the manner provided by law for the payment of judgments against a district. The obligations of districts to the teachers employed by the dissolved district shall be governed by the provisions of section 122.532.

Sec. 14. Minnesota Statutes 1980, Section 123.35, Subdivision 15, is amended to read:



Subd. 15. When payment of a claim cannot be deferred until the next board meeting without loss to the district of a discount privilege, or when payment of a claim cannot be deferred until the next board meeting because of contract terms, purchase order terms, or a vendor's standard terms which are part of the contract, the claim may be paid prior to board approval, providing that the board:

(a) Has delegated authority to the clerk or a designated business administrator to make a payment prior to board approval and

(b) Requires that payment made prior to board approval be acted upon at the next board meeting.

Payment prior to board approval shall not affect the right of the district or a taxpayer to challenge the validity of a claim.

Sec. 15. Minnesota Statutes 1980, Section 124.14, Subdivision 3, is amended to read:

Subd. 3. The commissioner shall (REQUIRE THAT THE MEMBERSHIP AND PUPIL UNIT COUNT OF A MINIMUM OF 25 SCHOOL DISTRICTS BE AUDITED EACH FISCAL YEAR. THE AUDITS SHALL BE CONDUCTED AT RANDOM THROUGHOUT THE STATE WITH NO PRIOR NOTICE TO ANY DISTRICT. AT THE TIME OF EACH AUDIT, THE AUDITORS SHALL ALSO EXAMINE THE APPROPRIATE FACTORS THAT RELATED TO THE DETERMINATION OF THE AUTHORIZED TRANSPORTATION COSTS AND AIDS FOR THAT DISTRICT. IN DISTRICTS WHERE A POST-SECONDARY VOCATIONAL-TECHNICAL SCHOOL IS LOCATED, THE AUDIT SHALL INCLUDE AN AUDIT OF THE MEMBERSHIP OF THAT SCHOOL. DISPARITIES BETWEEN MEMBERSHIP AND PUPIL UNIT COUNTS OR TRANSPORTATION DATA REPORTED BY THE SCHOOL DISTRICTS AND THOSE FOUND BY THE AUDITORS SHALL BE REPORTED TO THE COMMISSIONER WHO SHALL ORDER AN INCREASE OR REDUCTION OF FOUNDATION OR TRANSPORTATION AIDS ACCORDINGLY.) *establish procedures for conducting and shall conduct audits of school district records and files for the purpose of verifying school district pupil counts, levy limitations, and aid entitlements. The commissioner shall establish procedures for selecting and shall select districts to be audited. Disparities, if any, between pupil counts, levy limitations, or aid entitlements determined by audit of school district records and files and data reported by school districts in reports, claims and other documents shall be reviewed by the commissioner who shall order increases or decreases accordingly. Whenever possible, the commissioner shall audit at least 25 districts each year pursuant to this subdivision.*

Sec. 16. Minnesota Statutes 1980, Section 124.14, is amended by adding a subdivision to read:

*Subd. 3a. If the commissioner audits fewer than 25 school districts in a fiscal year pursuant to subdivision 3, the commissioner shall report the reasons for the number audited to the following legislative committees: house education, house appropriations, senate education, and senate finance.*

Sec. 17. Minnesota Statutes 1980, Section 124.14, Subdivision 4, is amended to read:

Subd. 4. A reduction of aid under this section may be appealed to the state board of education and its decision shall be final. Public schools shall at all times be open to the inspection of the state board, and the accounts and records of any district (ARE) shall be open to inspection by the state auditor, (OR) the state board, or the commissioner for the purpose of audits conducted under this section.

Sec. 18. Laws 1967, Chapter 822, Section 1, as amended by Laws 1969, Chapter 945, Section 1; and Laws 1971, Chapter 145, Section 1, is amended to read:

Section 1. [HENNEPIN AND WRIGHT COUNTY SCHOOL DISTRICTS; SPECIAL EDUCATION AND DRIVER TRAINING.] Two or more of the independent school districts numbered 270, 271, 272, 273, (274, 275,) 276, 277, 278, 279, 280, 281, 282, 283, 284, and 286, Hennepin county, 879, Hennepin and Wright counties, and 883, Wright county, whether or not contiguous, may enter into agreements to accomplish jointly and cooperatively the acquisition, betterment, construction, maintenance, and operation of area vocational-technical schools and the provision of facilities for and instruction in special education, and driving of motor vehicles. Each school district which becomes a party to such an agreement is hereinafter referred to as a "participating school district." The agreement may provide for the exercise of such powers by the school board of one of the school districts on behalf of and for the benefit of other school districts, or by a joint school board created as set forth in this act. If the powers are to be carried out by one of the school districts, it shall in doing so have the same powers and duties and be subject to the same limitations as are herein provided for joint school boards.

Sec. 19. [APPLICABILITY.] *On its effective date, section 18 applies to Independent School District No. 270, Hopkins, and to the Joint School District No. 287, Suburban Hennepin, formed pursuant to Laws 1967, Chapter 822, as amended.*

Sec. 20. [EXPERIMENTAL SCHOOL.] *Subdivision 1. [PURPOSE.] It is the intention of the legislature of the state*

*of Minnesota not to extend the experimental school at Pine Point. The experiment has been successful in demonstrating the need for community based American Indian education programs. However, due to the small number of students participating in the program, the school is unable to be fiscally solvent under the current foundation program.*

*Subd. 2. [PARK RAPIDS.] The boundaries of Independent School District 309, Park Rapids, shall return on July 1, 1981, to the boundaries that were in effect on July 1, 1970, and the care, management and control of the experimental school shall be resumed by the school board of Independent School District No. 309.*

*Subd. 3. [CONTINUATION OF SCHOOL.] The legislature strongly encourages either Independent School District No. 309 or the White Earth Reservation Business Committee to continue operation of a school at Pine Point.*

*Subd. 4. [ASSETS.] All parties having a legally valid and enforceable financial interest in the Pine Point Experimental School shall negotiate with the board of Independent School District 309 to distribute the assets of the Pine Point Experimental School. The department of education shall also participate in these negotiations.*

*Subd. 5. [APPROPRIATION.] The sum of \$50,000 is appropriated to the department of education for the purpose of settling the outstanding debts of the Pine Point Experimental School. This sum shall be expended in a manner specified in an agreement reached pursuant to subdivision 4 and with the approval of the governor after consultation with the legislative advisory commission in the manner specified in section 3.30. The governor shall not approve payment of any funds appropriated in this section until an agreement is reached pursuant to subdivision 4.*

#### **Sec. 21. [REPEALER.]**

*Minnesota Statutes 1980, Section 122.22, Subdivisions 10, 12, 15, and 16; and 123.40, Subdivision 5, are repealed.*

#### **Sec. 22. [EFFECTIVE DATE.]**

*Subdivision 1. Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of this article shall be effective the day following final enactment.*

*Subd. 2. Section 18 of this article is effective on the day of compliance with Minnesota Statutes, Section 645.021, Subdivision 3.*

**ARTICLE VIII**  
**TEACHER MOBILITY**

Section 1. Minnesota Statutes 1980, Section 125.60, Subdivision 2a, is amended to read:

Subd. 2a. Any school board which denies a request for an extended leave of absence pursuant to this section shall report this denial and the reasons therefor to the commissioner within 30 days. Prior to February 1 (, 1979 AND) each year (THERE-AFTER), the commissioner shall file a written report with the education committees of the legislature on any denials reported pursuant

Sec. 2. Minnesota Statutes 1980, Section 125.60, Subdivision 7, is amended to read:

Subd. 7. No school board shall grant an extended leave of absence pursuant to this section without applying for and receiving authorization from the commissioner of education. The commissioner of education shall establish deadlines and procedures for applications pursuant to this subdivision and shall approve or disapprove applications pursuant to this subdivision (WITHIN THE LIMITS OF THE APPROPRIATION FOR THE PURPOSES OF SECTIONS 354.094 AND 354A.091). *Each application shall state whether or not the teacher requesting the extended leave of absence pursuant to this section intends to pay the employee contribution and requests state payment of the employer contribution into the teacher's retirement fund pursuant to section 354.094 or 354A.091 in order to receive retirement service credit for years spent on leave. The commissioner shall approve no more than 300 applications for extended leaves beginning in the 1981-1982, 1982-1983 and 1983-1984 school years for teachers who intend to pay employee contributions and request state payment of employer contributions.*

*If more applications are received than can be approved within this limit, the commissioner may decide which applications to approve according to the order of receipt, a method ensuring participation by teachers from the maximum possible number of districts, random allotment or any combination of these methods.*

*The commissioner shall not approve any applications for extended leaves beginning in the 1984-1985 or any subsequent school year for teachers who intend to pay employee contributions and request state payment of employer contributions. There is no limit on the number of applications which may be approved for extended leaves for teachers who do not intend to pay employee contributions or who do not request state payment of employer contributions.*

Sec. 3. Minnesota Statutes 1980, Section 125.611, Subdivision 1, is amended to read:

Subdivision 1. For purposes of this section, "teacher" means a teacher as defined in section 125.03, subdivision 1, who:

(a) is employed in the public elementary, secondary or area vocational-technical schools in the state (, WHO) and

(b) either

(1) (i) has not less than 15 total years of full time teaching service in elementary, secondary and area vocational-technical schools, and

(ii) (WHO) has or will have attained the age of 55 years but less than 65 years as of the June 30 in the school year during which an application for an early retirement incentive is made , or

(2) has not less than 30 total years of full time teaching service in elementary, secondary and area-vocational-technical schools.

Sec. 4. Minnesota Statutes 1980, Section 125.611, Subdivision 3, is amended to read:

Subd. 3. A teacher meeting the requirements of subdivision 1 may apply to the school board of the employing district for a contract for termination of his services, withdrawal from active teaching service, and payment of an early retirement incentive. This application shall be submitted on or before (JUNE) February 1 of the school year at the end of which the teacher wishes to retire, and shall be submitted on the form established by the commissioner of education for this purpose.

Sec. 5. Minnesota Statutes 1980, Section 125.611, Subdivision 5 is amended to read:

Subd. 5. If the school board approves the teacher's application, the board shall apply to the commissioner of education for authorization to enter into a contract with the teacher for termination of his services and payment of an early retirement incentive. The school board's application shall be submitted on the form required by the commissioner and must be received by the commissioner by the (JULY) March 15 immediately following the school board's approval of the teacher's application. The commissioner of education shall establish procedures for applications pursuant to this subdivision and shall approve or disapprove applications pursuant to this subdivision (WITHIN THE LIMITS OF THE APPROPRIATION FOR THE PURPOSES

OF THIS SECTION). *The commissioner shall approve no more than 500 applications for early retirement incentives for teachers retiring at the end of each school year.*

*If more applications are received than can be approved within this limit, the commissioner may decide which applications to approve according to the order of receipt, a method ensuring participation by teachers from the maximum possible number of districts, random allotment or any combination of these methods.*

Applications pursuant to this subdivision shall include the annual salaries which would be paid to the teachers for whom the applications are made if they did not retire and any other information required by the commissioner of education.

Sec. 6. Minnesota Statutes 1980, Section 125.611, Subdivision 8, is amended to read:

Subd. 8. An eligible teacher (WHO IS OR WILL BE 55 YEARS OF AGE AS OF THE END OF THE SCHOOL YEAR DURING WHICH AN APPLICATION FOR AN EARLY RETIREMENT INCENTIVE IS MADE AND ACCEPTED) shall receive an early retirement incentive in the amount of \$10,000. This amount shall be reduced by \$500 for each year that a teacher is over the age of 55 years to a maximum age of 60 years and by an additional \$1,500 for each year that a teacher is over the age of 60 years. The age of the teacher shall be determined as of the June 30 in the school year during which the application for the early retirement incentive is made.

Sec. 7. Minnesota Statutes 1980, Section 125.611, Subdivision 9, is amended to read:

Subd. 9. Notwithstanding the provisions of subdivision 8, an eligible teacher (WHO WISHES TO RETIRE AT THE END OF THE 1979-1980, 1980-1981, OR 1981-1982 SCHOOL YEAR,) who is employed by a school district which is implementing a desegregation plan ordered by federal court or approved by the state board, and who is offered and accepts an early retirement incentive contract pursuant to subdivision 7, shall receive an early retirement incentive in the amount of \$15,000. This amount shall be reduced by \$750 for each year that a teacher is over the age of 55 years to a maximum age of 60 years and by an additional \$2,250 for each year that a teacher is over the age of 60 years. The age of the teacher shall be determined as of the June 30 in the school year during which the application for the early retirement incentive is made.

Sec. 8. Minnesota Statutes 1980, Section 125.611, Subdivision 10, is amended to read:

Subd. 10. The early retirement incentive shall be paid by the employing school district at the time and in the manner mutually agreed upon by a teacher and the board. The state shall (REIMBURSE THE DISTRICT FOR 50 PERCENT OF ANY AMOUNT OR AMOUNTS PAID OUT AS AN EARLY RETIREMENT INCENTIVE PURSUANT TO THIS SECTION) *pay the district 50 percent of the authorized early retirement incentive grant on or before the September 1 immediately following the commissioner's approval of the teacher's application. For those applications which were approved prior to September 15, 1980, the state shall pay the districts any remaining state obligation on those grants by September 1, 1981.* An early retirement incentive shall not be paid to any teacher who is discharged by a school district.

Sec. 9. Minnesota Statutes 354.094, Subdivision 1, is amended to read:

Subdivision 1. If a member is granted an extended leave of absence pursuant to section 125.60 or 136.88, *except as provided in section 10 of this article* he may receive allowable service credit toward annuities and other benefits under this chapter, for each year of his leave by paying into the fund employee contributions during the period of the leave which shall not exceed five years. *Except as provided in section 10 of this article,* the state shall pay employer contributions into the fund for each year for which a member who is on extended leave pays employee contributions into the fund. The employee and employer contributions shall be based upon the rates of contribution prescribed by section 354.42 for the salary received during the year immediately preceding the extended leave. Payments for the years for which a member is receiving service credit while on extended leave shall be made on or before June 30 of each fiscal year for which service credit is received.

Sec. 10. Minnesota Statutes 1980, Section 354.094, is amended by adding a subdivision to read:

*Subd. 1a. Notwithstanding subdivision 1, the following provisions apply to elementary, secondary and area vocational-technical school teachers whose applications for extended leaves are approved by the commissioner of education after September 15, 1980:*

(a) *Only a member whose application states the intention to pay employee contributions into the fund, requests state payment of employer contributions, and is approved by the commissioner within the limits of section 125.60, subdivision 7, qualifies for the payment of employee contributions and for state payment of employer contributions pursuant to subdivision 1;*

(b) *The state shall pay employer contributions for a member described in clause (a) for no more than the first three years of the leave;*

*(c) A member whose approved application states the intention to pay employee contributions into the fund but does not request state payment of employer contributions or who is in the fourth or fifth year of a leave affected by clause (b) may pay employee contributions and receive allowable service credit as provided in subdivision 1 if the member and his employing school board make the required employer contribution, in any proportion which they may agree upon, by the payment date specified in subdivision 1.*

Sec. 11. Minnesota Statutes 1980, Section 354.094, Subdivision 2, is amended to read:

Subd. 2. Notwithstanding section 354.49, subdivision 4, clause (3), a member on extended leave (WHO PAYS) whose employee and employer contributions are paid into the fund pursuant to subdivision 1 and section 10 of this article shall retain membership in the association for as long as (HE CONTINUES TO PAY EMPLOYEE) the contributions are paid, under the same terms and conditions as if he had continued to teach in the district, the community college system or the state university system.

Sec. 12. Minnesota Statutes 1980, Section 354.094, Subdivision 3, is amended to read:

Subd. 3. A member on extended leave of absence pursuant to section 125.60 or 136.88 who does not pay employee contributions or whose employer contribution is not paid into the fund in any year shall be deemed to cease to render teaching services beginning in that year for purposes of this chapter and may not pay employee or employer contributions into the fund in any subsequent year of the leave. Nonpayment of (EMPLOYEE) contributions into the fund shall not affect the rights or obligations of the member or his employer under section 125.60 or 136.88.

Sec. 13. Minnesota Statutes 1980, Section 354.66, Subdivision 9, is amended to read:

Subd. 9. A school district shall not assign a teacher to a part time teaching position qualifying for the continuation of contributions and accrual of service credit pursuant to this section without applying for and receiving the authorization of the commissioner of education. In cooperation with the boards of trustees of the appropriate retirement fund associations (AND WITHIN THE LIMITS OF THE AMOUNT APPROPRIATED FOR THE PURPOSE OF THIS SECTION), the commissioner of education shall approve or disapprove applications from school districts for authorization to assign teachers to part time teaching positions qualifying for the continuation of contributions and accrual for service credit pursuant to this section; *provided he shall not approve more than 55 total applications pursuant to this section and section 354A.094 for participation in the fund*



*in any fiscal year. If more applications are received than can be approved within this limit, the commissioner may decide which applications to approve according to the order of receipt, a method ensuring participation by teachers from the maximum possible number of districts, random allotment or any combination of these methods.* The state board for community colleges and the state university board may within the limits appropriated to them for purposes of this section assign a teacher to a part time teaching position qualifying for the continuation of contributions and accrual of service credit pursuant to this section without applying for and receiving the authorization of the commissioner of education.

Sec. 14. Minnesota Statutes 1980, Section 354A.091, Subdivision 1, is amended to read:

Subdivision 1. Notwithstanding any provision to the contrary of this chapter or the articles of incorporation or bylaws of an association relating to the salary figure to be used for the determination of contributions or the accrual of service credit, *except as provided in section 15 of this article* an elementary, secondary or area vocational-technical school teacher in the public schools of a city of the first class who is granted an extended leave of absence pursuant to section 125.60 shall be entitled to receive allowable service credit in the applicable association for each year of leave. To obtain the service credit, the teacher on extended leave shall make an employee contribution to the applicable association each year during the period of the leave. The extended leave period for which a teacher shall be entitled to receive allowable service credit pursuant to this section shall not exceed the leave duration maximum set forth in section 125.60, subdivision 2. If the teacher on extended leave makes the employee contribution pursuant to this section during a leave of absence year, *except as provided in section 15 of this article* the state shall make an employer contribution on behalf of the teacher to the applicable association for that year. The employee and employer contributions shall be in an amount equal to the employee and employer contribution rates in effect for other active members of the association covered by the same program applied to a salary figure equal to the teacher's actual covered salary for the plan year immediately preceding the leave. Payment of the employee contribution authorized pursuant to this section shall be made by the teacher on or before June 30 of the fiscal year for which service credit is to be obtained, and payment of the employer contribution shall be made by the state within 30 days of notification by the association of receipt of the required employee contribution. No allowable service with respect to a year of extended leave of absence shall be credited to a teacher until payment of the required employee and employer contributions has been received by the association.

Sec. 15. Minnesota Statutes 1980, Section 354A.091, is amended by adding a subdivision to read:

*Subd. 1a. Notwithstanding subdivision 1, the following provisions apply to elementary, secondary and area vocational-technical school teachers whose applications for extended leaves are approved by the commissioner of education after September 15, 1980:*

*(a) Only a member whose application states the intention to pay employee contributions to the applicable association, requests state payment of the employer contribution, and is approved by the commissioner within the limits of section 125.60, subdivision 7, qualifies for the payment of employee contributions and for state payment of employer contributions pursuant to subdivision 1;*

*(b) The state shall pay employer contributions for a member described in clause (a) for no more than the first three years of the leave;*

*(c) A member whose approved application states the intention to pay employee contributions to the applicable association but does not request state payment of employer contributions or who is in the fourth or fifth year of a leave affected by clause (b) may pay employee contributions and receive allowable service credit as provided in subdivision 1 if the member and his employing school board make the required employer contribution, in any proportion which they may agree upon, by the payment date specified in subdivision 1.*

Sec. 16. Minnesota Statutes 1980, Section 354A.091, Subdivision 2, is amended to read:

*Subd. 2. A teacher on extended leave pursuant to section 125.60 (WHO MAKES) whose employee and employer contributions are made to the applicable teachers retirement fund association pursuant to subdivision 1 and section 15 of this article shall retain membership in the association for each year during which the (TEACHER CONTINUES TO MAKE EMPLOYEE) contributions are made, under the same terms and conditions as if the teacher had continued to teach in the district.*

Sec. 17. Minnesota Statutes 1980, Section 354A.091, Subdivision 3, is amended to read:

*Subd. 3. A teacher on extended leave pursuant to section 125.60 who does not make employee contributions or whose employer contribution is not made to the applicable teachers retirement fund association in any year shall be deemed to have ceased to be an active member of the association and to have ceased to render teaching services beginning in that year for purposes of this chapter and the articles of incorporation and bylaws of the association, and may not pay employee or employer contributions into the fund in any subsequent year of the leave. Nonpayment of (EMPLOYEE) contributions into the fund shall*

not affect the rights or obligations of the teacher or his employing school district under section 125.60.

Sec. 18. Minnesota Statutes 1980, Section 354A.094, Subdivision 9, is amended to read:

Subd. 9. A district shall not assign a teacher to a part time teaching position qualifying for full membership in, accrual of service credit from and employee contributions to a teachers retirement fund association pursuant to this section without applying for and receiving the authorization of the commissioner of education. In cooperation with the boards of trustees of the appropriate retirement fund associations (AND WITHIN THE LIMITS OF THE AMOUNTS APPROPRIATED FOR THE PURPOSE OF THIS SECTION), the commissioner of education shall approve or disapprove the applications from districts for authorization to assign teachers to part time teaching positions qualifying for full membership in, accrual of service credit from and employee contributions to a teachers retirement fund association pursuant to this section; *provided he shall not approve more than 55 total applications pursuant to this section and section 354.66 for participation in the fund in any fiscal year. If more applications are received than can be approved within this limit, the commissioner may decide which applications to approve according to the order of receipt, a method ensuring participation by teachers from the maximum possible number of districts, random allotment, or any combination of these methods.*

Sec. 19. [APPROPRIATION.]

*Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

Subd. 2. [EXTENDED LEAVES OF ABSENCE.] *To meet the state's obligation prescribed in Minnesota Statutes 1980, Sections 354.094 and 354A.091, there is appropriated:*

\$1,025,200 . . . . . 1982,

\$1,574,300 . . . . . 1983.

Subd. 3. [PART-TIME TEACHING.] *To meet the state's obligation prescribed in Minnesota Statutes 1980, Sections 354.66 and 354A.094, there is appropriated:*

\$ 69,900 . . . . . 1982,

\$ 75,500 . . . . . 1983.

Subd. 4. [EARLY RETIREMENT INCENTIVES.] *To meet the state's obligation prescribed in Minnesota Statutes 1980, Section 125.611, there is appropriated:*

\$2,191,400 . . . . . 1982,

\$1,805,000 . . . . . 1983.

*Subd. 5. [NON-CANCELLATION; FUNDING RESTRICTION.] Any unexpended balance remaining from the appropriations in this section for fiscal year 1982 shall not cancel but shall be available for the second year of the biennium. Notwithstanding the provisions of Minnesota Statutes 1980, Sections 354.43 and 354A.12, the state's obligations prescribed in Minnesota Statutes 1980, Sections 354.094, 354.66, 354A.091, and 354A.094 shall not be financed out of standing appropriations for the state's obligations pursuant to Minnesota Statutes 1980, Chapter 354 or 354A.*

*Subd. 6. [TRANSFER AUTHORITY.] If any appropriation for any year in subdivision 2, 3 or 4 exceeds the amount needed to pay the state's obligation for that year under that subdivision, then the excess amount may be used to make payments for that year pursuant to another subdivision.*

*Sec. 20. [EFFECTIVE DATE.] Sections 1, 2, 3, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 of this article shall be effective the day following final enactment. Section 5 of this article shall be effective the day following final enactment except that the amendment changing the application deadline from July 15 to March 15 shall be effective August 1, 1981.*

**ARTICLE IX**

**MAXIMUM EFFORT SCHOOL AID**

**Section 1. Minnesota Statutes 1980, Section 124.38, Subdivision 7 is amended to read:**

**Subd. 7. "Maximum effort debt service levy" means the lesser of:**

**(1) A levy in a total dollar amount computed as (15) 16 mills on the adjusted assessed value; or**

**(2) A levy in whichever of the following amounts is applicable:**

**(a) In any school district which received a debt service or capital loan from the state before January 1, 1965, a levy in a total dollar amount computed as 4.10 mills on the market value in each year, unless the district applies or has applied for an additional loan subsequent to January 1, 1965, or issues or has issued bonds on the public market, other than bonds refunding state loans, subsequent to January 1, 1967;**

(b) In any school district granted a debt service or capital loan between January 1, 1965, and July 1, 1969, a levy in a total dollar amount computed as 5-1/2 mills on the market value in each year, until and unless the district receives an additional loan;

(c) In any school district granted a debt service or capital loan between July 1, 1969 and July 1, 1975, a levy in a total dollar amount computed as 6.3 mills on market value in each year until and unless the district has received an additional loan; or

(d) In any school district *granted a* (WHICH HAS AN OUTSTANDING) capital loan *between July 1, 1977 and the effective date of this section of this article*, a levy in a total dollar amount equal to the sum of the amount of the required debt service levy and an amount which when levied annually will in the opinion of the commissioner be sufficient to retire the remaining interest and principal on any outstanding loans from the state within 30 years of the original date when the capital loan was granted; provided, that the school board in any district affected by the provisions of clause (2) (d) may elect instead to determine the amount of its levy according to the provisions of clause (1); provided further that if a district's capital loan is not paid within 30 years because it elects to determine the amount of its levy according to the provisions of clause (2) (d), the liability of the district for the amount of the difference between the amount it levied under clause (2) (d) and the amount it would have levied under clause (1), and for interest on the amount of that difference, shall not be satisfied and discharged pursuant to section 124.43, subdivision 4; or

(e) *In any school district granted a debt service or capital loan between April 11, 1980, and the effective date of this section of this article, a levy in a total dollar amount computed as 15 mills on the adjusted assessed value, until and unless the district receives an additional loan.*

Sec. 2. Minnesota Statutes 1980, Section 124.39, Subdivision 5, is amended to read:

Subd. 5. All moneys deposited to the credit of the loan repayment account and not required for the payment of principal and interest and costs as prescribed in subdivision 4 shall be transferred to the credit of the debt service loan account on July 1 of each year, and (SUCH) *those* moneys are (HEREBY) annually appropriated (IN SUCH) *to that* account for the purposes prescribed by the maximum effort school aid law; except that the (COMMITTEE) *commissioner* may retain in the loan repayment account any amount which (IT) *the commissioner* estimates will not be needed for loans in the fiscal year commencing July 1. Moneys deposited to the credit of the loan repayment account and not required for (SUCH) *the* transfers or for the payment of principal and interest due on school loan bonds may be invest-

ed and reinvested in securities which are general obligations of the United States or the state of Minnesota. When all school loan bonds have been fully paid with interest accrued thereon, the balance remaining in (SAID) *the* account shall be transferred to the state bond fund.

Sec. 3. Minnesota Statutes 1980, Section 124.40, Subdivision 2, is amended to read:

Subd. 2. Any amounts remaining in the fund on July 1 of each year, including any unused portion of the appropriation made in subdivision 1, shall be available for use by the (COMMITTEE) *commissioner* in making further debt service loans and capital loans.

Sec. 4. Minnesota Statutes 1980, Section 124.41, is amended to read:

#### 124.41 [SCHOOL LOANS.]

Subdivision 1. The (MEMBERS OF THE EQUALIZATION AID REVIEW COMMITTEE DEFINED IN SECTION 124.212, SUBDIVISION 10,) *commissioner* shall receive and consider applications for and grant or deny loans under sections 124.36 to 124.47.

Subd. 2. [APPLICATION FORMS; RULES.] The (COMMITTEE) *commissioner*, with the assistance of the attorney general or an assistant designated by him, shall prepare forms of applications for debt service loans and capital loans and instruments evidencing (SUCH) *the* loans (, AND). *The state board* shall promulgate (REGULATIONS) *rules* to facilitate (ITS) *the commissioner's* operations in compliance with sections 124.36 to 124.47 (, AND SUCH REGULATIONS). *The rules* shall be subject to the procedure set forth in sections 15.0411 to 15.0422.

Subd. 3. The (COMMITTEE) *commissioner* may employ a clerk (, WHO MAY BE DESIGNATED ASSISTANT SECRETARY, TO) *to administer the maximum effort school aid law. The clerk shall serve at (ITS) the commissioner's pleasure and (TO) shall be in the unclassified service of the state (, AND). The commissioner may fix (HIS) the clerk's compensation, which shall be paid out of the (ADMINISTRATION) loan repayment account of the fund.*

Sec. 5. Minnesota Statutes 1980, Section 124.42, Subdivision 1, is amended to read:

Subdivision 1. [QUALIFICATION; APPLICATION; AWARD; INTEREST.] Any school district in which the required levy for debt service in any year will exceed its maximum

effort debt service levy by ten percent or by \$5,000, whichever is less, is qualified for a debt service loan hereunder in an amount not exceeding the amount applied for, and not exceeding one percent of the net debt of the district, and not exceeding the difference between the required and the maximum effort debt service levy in (SUCH) *that* year. Applications shall be filed with the (COMMITTEE) *commissioner* in each calendar year up to and including September 15. The (COMMITTEE) *commissioner* shall determine whether the applicant is entitled to (SUCH) a loan and the amount thereof, and on or before October 1 shall certify to each applicant district the amount granted and its due date. (A COPY OF EACH SUCH CERTIFICATE SHALL BE FILED WITH THE COMMISSIONER. UPON RECEIPT BY THE COMMISSIONER OF A COPY OF THE COMMITTEE'S CERTIFICATE THAT THE LOAN IS GRANTED.) The commissioner shall notify the county auditor of (OR) *each* county (AUDITORS) in which the district is located that the amount (SO) certified is available and appropriated for payment of principal and interest on its outstanding bonds, and (SUCH) *the* auditors shall reduce by that amount the taxes otherwise leviable as the district's debt service levy on the tax rolls for (SUCH) *that* year. Each debt service loan shall bear interest from its date at a rate (DETERMINED BY THE COMMISSIONER OF FINANCE ANNUALLY, AT THE MULTIPLE OF ONE-TENTH OF ONE PERCENT PER ANNUM NEXT HIGHER THAN THE) *equal to the average annual rate payable on Minnesota state school loan bonds (FROM TIME TO TIME OUTSTANDING,) most recently issued prior to the disbursement of the loan to the district, but in no event less than 3 1/2 percent per annum on the principal amount from time to time remaining unpaid, payable on December 15 of the year (NEXT) following that in which the loan is received and annual thereafter.*

Sec. 6. Minnesota Statutes 1980, Section 124.42, Subdivision 2, is amended to read:

Subd. 2. [NOTE.] Each debt service loan shall be evidenced by a note which shall be executed (IN) *on* behalf of the district by the signatures of its chairman or vice chairman and the school district clerk, shall be dated November 1 of the year in which executed, and shall state its principal amount, interest rate, and that it is payable at the commissioner's office. It shall have printed thereon, or the commissioner shall attach thereto, a grill for entry of the date and amount of each payment and allocations of each payment to accrued interest or principal, and a certificate to be executed by the county auditor of each county in which any portion of the school district is situated, prior to the delivery of the note, stating that (SUCH) *the* county auditor has entered the debt service loan evidenced thereby in his bond register. (SUCH) *The* notes shall be delivered to the (COMMITTEE) *commissioner* not later than November 15 of the year in which executed. The (SECRETARY) *commissioner* shall

cause a record to be made and preserved showing the obligor district and the date and principal amount of each note (, AND SHALL THEN DELIVER IT TO THE COMMISSIONER WHO SHALL MAKE SUITABLE RECORD THEREOF).

Sec. 7. Minnesota Statutes 1980, Section 124.43, Subdivision 1 is amended to read:

Subdivision 1. (a) To the extent moneys are from time to time available hereunder, the (COMMITTEE IS AUTHORIZED) *commissioner may*, after review and a *favorable* recommendation by the state board of education, (TO EFFECT) *make* capital loans to school districts. Proceeds of (SUCH) *the* loans shall be used only for sites for school buildings and for acquiring, bettering, furnishing, or equipping school buildings under contracts to be entered into within 12 months from and after the date on which each loan is granted. Applications with the accompanying data specified in subdivision 2 shall be filed between October 1 of any year and *the following* June 1 (NEXT FOLLOWING). (NO APPLICATION SHALL BE APPROVED UNLESS THE STATE BOARD OF EDUCATION CERTIFIES THAT THE LOAN IS)

(b) *Any board which intends to submit an application for a capital loan shall submit a proposal to the commissioner for review and comment pursuant to section 122.90, and the commissioner shall prepare a review and comment on the proposed facility, regardless of the amount of the capital expenditure required to construct the facility. The state board shall not make a favorable recommendation on an application for a capital loan for any facility unless:*

(1) *the facility receives a favorable review and comment pursuant to section 122.90; and*

(2) *the state board determines that*

(A) *the facilities are needed to replace facilities dangerous to the health and safety of pupils, or to provide for pupils for whom no adequate facilities exist; (THAT SUCH)*

(B) *the facilities could not be made available (BY CONSOLIDATING THE DISTRICT) through dissolution and attachment of the district to another district or through pairing, interdistrict cooperation, or consolidation with (AN ADJACENT) another district (WITHOUT SUBSTANTIALLY LOWERING THE FISCAL CAPACITY OF THAT DISTRICT OR SO INCREASING ITS AREA THAT IT WOULD NO LONGER BE VIABLE, AND THAT EXISTING INSTITUTIONS OR), or through the purchase or lease of facilities from existing institutions within the area (COULD NOT BE ACQUIRED OR LEASED TO PROVIDE THE NEEDED FACILITIES SAFE-*



LY AND AT A LOWER COST. THE STATE BOARD SHALL MAKE RECOMMENDATIONS TO THE COMMITTEE.);

(C) *the facilities are comparable in size and quality to facilities recently constructed in other districts of similar enrollment; and*

(D) *the district's need for the facilities is comparable to needs which comparable districts are meeting through local bond issues.*

*The state board may recommend that the loan be approved in a reduced amount in order to meet the foregoing criteria. If the state board recommends that a loan not be approved, the commissioner shall not approve the loan, and if the state board recommends that the loan be approved in a reduced amount, the commissioner shall not approve a loan larger than that recommended by the state board.*

(c) No loan shall be approved for any district exceeding an amount computed as follows:

(1) The amount voted by the district under subdivision 2;

(2) Plus the aggregate principal amount of general obligation bonds of the district outstanding on the date of approval, not exceeding the limitation on net debt of the district in section 475.53, subdivision 4, or (22.5) 24 percent of the adjusted assessed value, whichever is less;

(3) Less the maximum net debt permissible for the district on the date of approval, under the limitation in section 475.53, subdivision 4, or (22.5) 24 percent of the adjusted assessed value, whichever is less; and

(4) Less any amount by which the amount voted exceeds the total cost of the facilities for which the loan is granted, as estimated in accordance with subdivision 4, provided that the loan may be approved in an amount computed as provided in clauses (1) to (3), subject to subsequent reduction in accordance with this clause.

Sec. 8. Minnesota Statutes 1980, Section 124.43, Subdivision 2, is amended to read:

Subd. 2. [DISTRICT PROCEDURES.] The school board of any district desiring a loan shall adopt a resolution stating the amount proposed to be borrowed, the purpose for which the debt is to be incurred, and an estimate of the dates when the facilities for which the loan is requested will be contracted for and completed. The question of authorizing the borrowing of funds for the facilities shall be submitted to the voters of the district at

a regular or special election. The question submitted shall state the total amount to be borrowed from all sources. A majority of those voting on the question shall be sufficient to authorize the district to effect the state loan *application* and also to issue the bonds on public sale in accordance with chapter 475. Applications for loans shall be accompanied by (a) a copy of (SUCH) *the resolution*, (b) a certificate by the clerk showing the vote at the election, (c) a certificate by the clerk and treasurer showing the then outstanding indebtedness of the district, and (d) a certificate by the county auditor of each county in which a portion of the district lies showing the information in his official records which is required to be used in computing the debt limit of the district under section 475.53, subdivision 4. The clerk's and treasurer's certificate shall show, as to each outstanding bond issue, the amount originally issued, the purpose for which issued, the date of issue, the amount remaining unpaid as of the date of the resolution, and the interest rates and due dates and amounts of principal thereon. Applications shall be in (SUCH) *the form and accompanied by (SUCH) the additional data (AS) which the (COMMITTEE) commissioner and state board of education (SHALL) prescribe (, WHICH MAY INCLUDE A STATEMENT FROM THE STATE DEPARTMENT OF EDUCATION AS TO THE DISTRICT'S NEED OF THE PROPOSED SCHOOLHOUSES IN COMPARISON WITH NEEDS OF OTHER DISTRICTS).* When an application is received, the (COMMITTEE) *commissioner* shall obtain from the commissioner of revenue, and from the public utilities commission when required, the information in their official records which is required to be used in computing the debt limit of the district under section 475.53, subdivision 4.

Sec. 9. Minnesota Statutes 1980, Section 124.43, Subdivision 3, is amended to read:

Subd. 3. [AWARD OF LOANS.] The (COMMITTEE) *commissioner* shall examine and consider all applications for capital loans which have been recommended by the state board of education, and if any applicant district is found not qualified it shall be promptly notified thereof. On January 1 and July 1 of each year, the (COMMITTEE) *commissioner* shall make (ITS) a determination on all pending applications which have been on file with (IT) *the commissioner* more than one month. If an applicant is qualified in the opinion of the (COMMITTEE) *commissioner* and the aggregate of the amounts applied for does not exceed the amount available or which can be made available in the capital loan account, all loans so applied for shall be granted, subject to acceptance by the respective districts as specified below. If the aggregate exceeds the amount which is or can be made available, the (COMMITTEE) *commissioner* shall allot the available amount among the qualified applicant districts, or any of them, according to the (COMMITTEE'S) *commissioner's* judgment and discretion based upon their respective needs. The (COMMITTEE) *commissioner* shall promptly certify

to each qualified applicant district the amount, if any, of the capital loan granted to it, subject to adjustment under subdivision 1, clause (4).

Sec. 10. Minnesota Statutes 1980, Section 124.43, Subdivision 4, is amended to read:

Subd. 4. Each capital loan shall be evidenced by a contract between the school district and the state acting through the (COMMITTEE) *commissioner*. It shall obligate the state to pay to the district, out of the maximum effort school loan fund, an amount computed as provided in subdivision 1, upon receipt by the (COMMITTEE) *commissioner* of a certified resolution of the school board reciting that contracts for construction of the facilities for which the loan is granted have been awarded and that bonds of the district have been issued and sold in the amount necessary to pay all costs thereof in excess of the amount of the loan, and estimating (SUCH) *the* costs. It shall obligate the district to repay the loan out of the excesses of its maximum effort debt service levy over its required debt service levy, including interest at a rate (DETERMINED ANNUALLY BY THE COMMISSIONER OF FINANCE, AT THE MULTIPLE OF ONE-TENTH OF ONE PERCENT PER ANNUM NEXT HIGHER THAN) *equal to the average annual rate payable on Minnesota state school loan bonds most recently issued prior to the disbursement of the loan to the district*, but in no event less than 3 1/2 percent per annum on the principal amount from time to time unpaid. The district shall each year, as long as it is indebted to the state, levy for debt service (a) the amount of its maximum effort debt service levy or (b) the amount of its required debt service levy, whichever is greater, except as (SUCH) *the* required debt service levy may be reduced by a loan under section 124.42. Whenever the maximum effort debt service levy is greater, the district shall remit to the commissioner within ten days after its receipt of the last regular tax distribution in each year, that portion of the debt service tax collections, including penalties and interest, which exceeded the required debt service levy. The commissioner shall supervise the collection of outstanding accounts due the fund and may, by notice to the proper county auditor require the maximum levy to be made as required hereunder. Interest on capital loans shall be paid on December 15 of the year next following that in which the loan is granted and annually thereafter. On or before November 1 in each year the commissioner shall notify the county auditor of each county containing taxable property situated within the school district of the amount of the maximum effort debt service levy of the district for that year, and (SAID) *the* county auditor or auditors shall extend upon the tax rolls an ad valorem tax upon all taxable property within the district in the aggregate amount so certified. (IN THE EVENT THAT) *If any capital loan granted before the effective date of this section of this article is not paid within 30 years after it is granted from maximum effort debt service levies in excess of required debt*

service levies, the liability of the school district thereon shall be satisfied and discharged and interest thereon shall cease. After a district's capital loan has been outstanding for 20 years, the district shall not issue bonds on the public market except for the purpose of refunding (SUCH A) *the* loan.

Sec. 11. Minnesota Statutes 1980, Section 124.43, Subdivision 5, is amended to read:

Subd. 5. [PARTICIPATION BY COUNTY AUDITOR; RECORD OF CONTRACT; PAYMENT OF LOAN.] Before delivery of any capital loan contract, the school district shall file a copy thereof with the county auditor of each county in which any portion of the district is situated, and shall obtain from each (SUCH) county auditor and furnish to the (COMMITTEE) *commissioner* a certificate stating that (SUCH) *the* county auditor has entered the capital loan evidenced thereby in his bond register. As each executed contract is delivered to the (COMMITTEE) *commissioner*, (ITS SECRETARY) *the commissioner* shall cause a record thereof to be made and preserved showing the name and address of the district, the date of the contract, and the amount of the loan initially approved in accordance with subdivision 1. Upon receipt of the resolution required in subdivision 4, the commissioner shall issue a warrant on the capital loan account for the amount which may be disbursed in accordance with subdivision 1, payable on presentation to the state treasurer. On presentation the treasurer shall remit the amount to the district and enter the date and amount in his account with the district. Interest thereon shall accrue from (SUCH) *that* date.

Sec. 12. Minnesota Statutes 1980, Section 124.474, is amended to read:

124.474 [BOND ISSUE, MAXIMUM EFFORT SCHOOL LOANS; 1969.]

For the purpose of providing moneys to be loaned to school districts as agencies and political subdivisions of the state for the acquisition and betterment of public land and buildings and other public improvements of a capital nature, in the manner provided by the maximum effort school aid law, the commissioner of finance is directed to issue and sell school loan bonds of the state of Minnesota in the maximum amount of \$20,000,000, in addition to the bonds heretofore authorized for this purpose, which amount is appropriated to the maximum effort school loan fund and shall be expended under the direction of the (SCHOOL LOAN COMMITTEE) *commissioner of education* for the making of debt service loans and capital loans to school districts as provided in sections 124.36 to 124.47. These bonds shall be issued and sold and provision for the payment thereof shall be made in accordance with section 124.46, and an

amount sufficient to pay interest on the bonds to and including July 1 in the second year after the date of issue shall be credited from the bond proceeds to the school loan bond account in the state bond fund. Any expenses incidental to the sale, printing, execution, and delivery of the bonds, including, but without limitation, actual and necessary travel and subsistence expenses of state officers and employees for (SUCH) *those* purposes, shall be paid from the maximum effort school loan fund, and the amounts necessary therefor are appropriated from (SUCH FUND) *it*.

Sec. 13. Minnesota Statutes 1980, Section 124.476, is amended to read:

**124.476 [BOND ISSUE, MAXIMUM EFFORT SCHOOL LOANS; 1980.]**

For the purpose of providing moneys to be loaned to school districts as agencies and political subdivisions of the state for the acquisition and betterment of public land and buildings and other public improvements of a capital nature, in the manner provided by the maximum effort school aid law, the commissioner of finance is directed to issue and sell school loan bonds of the state of Minnesota in the maximum amount of \$20,000,000, in addition to the bonds heretofore authorized for this purpose, which amount is appropriated to the maximum effort school loan fund and shall be expended under the direction of the (EQUALIZATION AID REVIEW COMMITTEE) *commissioner of education* for the making of debt service loans and capital loans to school districts as provided in sections 124.36 to 124.47. These bonds shall be issued and sold and provision for their payment shall be made in accordance with section 124.46, and an amount sufficient to pay interest on the bonds to and including July 1 in the second year after the date of issue shall be credited from the bond proceeds to the school loan bond account in the state bond fund. Any expenses incidental to the sale, printing, execution, and delivery of the bonds, including, but without limitation, actual and necessary travel and subsistence expenses of state officers and employees for those purposes, shall be paid from the maximum effort school loan fund, and the amounts necessary for the expenses are appropriated from it.

Sec. 14. [APPROPRIATION; MAXIMUM EFFORT SCHOOL LOAN FUND.] *There is appropriated from the general fund to the maximum effort school loan fund the sum of \$5,104,000 for the fiscal year ending June 30, 1982 and \$4,196,200 for the fiscal year ending June 30, 1983. Any unexpended balance of this appropriation for fiscal year 1982 shall not cancel but shall be available for the second year of the biennium.*

*These appropriations shall be placed in the loan repayment account of the maximum effort school loan fund for the payment of principal and interest on school loan bonds, as provided*

*in section 124.46, to the extent that moneys in the fund are not sufficient to pay when due the full amount of principal and interest due on school loan bonds. The purpose of these appropriations is to ensure that sufficient moneys are available in the fund to prevent a statewide property tax levy as would otherwise be required pursuant to section 124.46, subdivision 3. Notwithstanding the provisions of section 124.39, subdivision 5, any amount of the appropriation made in this section which is not needed to pay when due the principal and interest due on school loan bonds shall not be transferred to the debt service loan account of the maximum effort school loan fund, but instead shall cancel and revert to the general fund.*

**Sec. 15. [EFFECTIVE DATE.]**

*Subdivision 1. Sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12 and 13 of this article are effective on the day following final enactment.*

*Subd. 2. Section 7 of this article shall be effective August 1, 1981, except that the transfer of authority from the committee to the commissioner shall be effective on the day following final enactment. The amendments in section 7, clause (c) shall not apply to a capital loan approved by the committee or the commissioner before August 1, 1981, regardless of when the capital loan contract is signed or the loan amount is paid to the district.*

Delete the title in its entirety and insert:

A bill for an act relating to education; providing for aids to education, aids to libraries, tax levies and the distribution of tax revenues; granting certain powers and duties to school districts, the state board of education and others; replacing AVTI capital expenditure aid with AVTI equipment aid and AVTI repair and betterment aid; requiring a legislative study of curriculum implications of secondary vocational education aid; providing a new aid and levy authorization for certain capital expenditures; changing the preschool screening program from mandatory to optional; limiting participation in teacher mobility programs; decreasing the state's obligations and changing eligibility standards for the maximum effort school aid program; appropriating money; amending Minnesota Statutes 1980, Sections 3.9278, Subdivision 1; 3.9279, Subdivisions 10 and 12; 120.17, Subdivisions 3, 3b, 4, 5a, 6, 7 and by adding a subdivision; 121.904, Subdivision 7; 121.906, Subdivisions 2 and 3; 121.912, Subdivision 1; 122.22, Subdivisions 3, 4, 5, 8, 9, 11, 13, 14, 20 and by adding a subdivision; 123.35, Subdivision 15; 123.36, Subdivision 13; 123.39, Subdivision 1 and by adding a subdivision; 123.702, Subdivision 1; 123.703, Subdivision 3; 123.705; 123.937; 124.01, Subdivisions 2, 3, 4 and by adding a subdivision; 124.11, Subdivisions 1, 2a, 2b, 2c and by adding

a subdivision; 124.14, Subdivisions 3, 4 and by adding a subdivision; 124.17, Subdivisions 2, 2c and by adding a subdivision; 124.20; 124.212, Subdivisions 1, 5a, 7d, 8a, 9a and by adding a subdivision; 124.223; 124.225, Subdivisions 1, 1a, 2, 3, 4a, 5, 6, 7a, 8a, 8b, 9, 11 and by adding a subdivision; 124.245, Subdivisions 1, 2 and by adding a subdivision; 124.247, Subdivisions 3 and 5; 124.26, Subdivisions 3, 4 and by adding subdivisions; 124.271, Subdivision 2; 124.32, Subdivisions 1a, 1b, 6, 9 and by adding a subdivision; 124.38, Subdivision 7; 124.39, Subdivision 5; 124.40, Subdivision 2; 124.41; 124.42, Subdivisions 1 and 2; 124.43, Subdivisions 1, 2, 3, 4 and 5; 124.474; 124.476; 124.561, Subdivisions 2a, 3a and by adding subdivisions; 124.562, by adding a subdivision; 124.5621, Subdivisions 2, 5, 6 and 12; 124.5622, Subdivisions 3, 4 and 5; 124.5623, Subdivisions 3, 4 and 5; 124.5624; 124.565, Subdivisions 3, 4, 6 and 7; 124.566; 124.572, Subdivision 8 and by adding subdivisions; 124.573, Subdivisions 2, 3a, 5 and by adding a subdivision; 124.574, Subdivisions 2 and 4; 124.646, Subdivision 1; 125.60, Subdivisions 2a and 7; 125.611, Subdivisions 1, 3, 5, 8, 9 and 10; 126.54, Subdivision 1; 134.35, Subdivision 1; 134.351, Subdivision 5 and by adding subdivisions; 134.36; 275.125, Subdivisions 2a, 2c, 6b, 6c, 7a, 7b, 8, 11a and by adding subdivisions; 298.28, Subdivision 1; 354.094, Subdivisions 1, 2, 3 and by adding a subdivision; 354.66, Subdivision 9; 354A.091, Subdivisions 1, 2, 3 and by adding a subdivision; 354A.094, Subdivision 9; 375.335, Subdivision 4 and by adding subdivisions; Laws 1967, Chapter 822, Section 1, as amended; proposing new law coded in Minnesota Statutes, Chapters 120; and 124; repealing Minnesota Statutes 1980, Sections 3.9279, Subdivision 13; 120.17, Subdivision 3c; 122.22, Subdivisions 10, 12, 15 and 16; 123.40, Subdivision 5; 124.212, Subdivisions 6c and 7c; 124.225, Subdivisions 4, 7 and 8; 124.271, Subdivision 1a; 124.561, Subdivision 4; 124.562, Subdivisions 3 and 4; 124.571; 126.268, Subdivision 1; 126.52, Subdivision 12; 275.125, Subdivisions 2b and 14.

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 112, A bill for an act relating to retirement; Duluth teachers retirement fund association; authorizing an increase in retirement allowances and benefits for certain teachers; establishing a new coordinated retirement program within the retirement fund association; amending Minnesota Statutes 1980, Sections 354A.011, Subdivision 11; 354A.092; 354A.093; 354A.12, Subdivisions 1 and 2; 354A.24; 354A.32; 354A.39; and 354A.41.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 155, A bill for an act relating to public welfare; providing for retention of certain receipts by state hospitals; amending Minnesota Statutes 1980, Section 246.57.

Reported the same back with the following amendments:

Page 1, after line 22, insert "*Receipts retained under this subdivision are appropriated to the commissioner to pay costs associated with providing the services.*"

Page 1, line 24, delete "*report biennially to the legislature*" and insert "*maintain records*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 234, A bill for an act relating to waters; maintaining existing classification of the water use designation of Okabena Creek in Jackson and Nobles Counties.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 253, A bill for an act relating to state lands and tax-forfeited land sales; changing the interest rate on unpaid sale balances; amending Minnesota Statutes 1980, Sections 92.06, Subdivision 1; 94.11; 282.01, Subdivision 4; 282.15; 282.222, Subdivision 4; 282.261; and 282.35, Subdivisions 2 and 3.

Reported the same back with the following amendments:

Page 1, line 20, delete "*monthly index of the federal national mortgage*"



Page 1, delete line 21

Page 1, line 22, delete "*subdivision 2 (10)*" and insert "*rate in effect at the time advertised for sale pursuant to section 47.20, subdivision 4*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 291, A bill for an act relating to intoxicating liquor; providing for a sharing with towns of county liquor license fees; amending Minnesota Statutes 1980, Section 340.11, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 340.11, Subdivision 10, is amended to read:

Subd. 10. [ON-SALE LICENSES; COUNTIES.] (1) On-sale licenses may be issued for the sale of intoxicating liquors by any county herein provided for.

(2) A county board may issue an "on-sale" license for the sale of intoxicating liquors within the unorganized or unincorporated area of the county, to a restaurant or to a club, with the approval of the commissioner of public safety. No license shall be issued or renewed under this clause after the application has been made therefor, until the county board shall have secured a written statement of the sheriff concerning the applicant. Such statement shall include a recital that to the best of his knowledge the applicant has not, within a period of five years prior to the date of such application, violated any law relating to the sale of non-intoxicating malt liquor or intoxicating liquors and that in his judgment the applicant will comply with the laws and regulations relating to the conduct of said business in the event said license is issued or renewed. Before issuing or renewing any license, the county board shall consider the statement of the sheriff, the character and reputation of the applicant, the nature of the business to be conducted, and the type of premises and propriety and location of said business.

All licenses issued pursuant to this clause shall be governed by the appropriate provisions of the intoxicating liquor act except as otherwise provided for herein. The license fee for an on-

sale license issued pursuant to this section or pursuant to any other law governing the issuance of a license by a county shall be fixed by the county board. The fee shall be in such an amount as is competitive with similar licensing fees in comparable areas where intoxicating liquor is sold at on-sale. *If the licensed premises to which any license issued pursuant to this section or any other law governing the issuance of a license by a county is located in a town, an additional license fee may be set by the town board in an amount not to exceed 20 percent of the county license fee. No premises located in a town may be licensed by the county board unless a resolution of the town board of supervisors indicating their support or opposition to the granting of the license is filed with the application for the license. Failure to adopt such a resolution within 60 days of the town board being notified by the county of the license application shall constitute consent to the license.*

No license may be issued by the county board of any county pursuant to this section to any person who directly or indirectly has been issued an intoxicating liquor license by the county board or by the governing body of any city located within the county. Nothing in this paragraph shall be construed to prohibit the re-issuance of any intoxicating liquor license already issued pursuant to law as of June 5, 1975.

Sec. 2. [EFFECTIVE DATE.]

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

Amend the title as follows:

Page 1, line 3, delete "sharing with towns of county"

Page 1, line 3, delete "fees" and insert "fee to be set by a town board in certain cases; requiring town board approval of certain county liquor licenses"

Page 1, lines 4 and 5, delete "by adding a subdivision" and insert "Subdivision 10"

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 298, A bill for an act relating to trade regulations; requiring service stations selling motor vehicle fuel at retail to be equipped with operational devices for inflating motor vehicle tires; proposing new law coded in Minnesota Statutes, Chapter 325E.

Reported the same back with the following amendments:

Page 1, line 9, delete "SERVICE STATIONS" and insert "GASOLINE RETAIL OUTLETS"

Page 1, line 10, before "Every" insert "Subdivision 1. [AIR COMPRESSOR EQUIPMENT REQUIRED.]"

Page 1, line 10, delete "service station" and insert "gasoline retail outlet"

Page 1, line 16, delete "service station" and insert "gasoline retail outlet"

Page 1, after line 17, insert:

*"Subd. 2. [ENFORCEMENT.] Whenever the city or county attorney has reasonable cause to believe that any person has violated the provisions of this section, he may institute a civil action for injunctive relief and for civil penalties as provided in subdivision 3.*

*Subd. 3. [VIOLATIONS; PENALTIES.] Any person found to have violated this section shall be enjoined from future violations, and shall be subject to a civil penalty of not more than \$50 for each day that the person remained in violation after the court entered its final judgment or order; provided, however, that no penalty shall be imposed upon any person who remedied the violation within seven business days after the date the court entered its final judgment or order.*

Sec. 2. [EFFECTIVE DATE.]

*Section 1 is effective July 1, 1982."*

Amend the title as follows:

Page 1, line 2, delete "service"

Page 1, line 3, delete "stations" and insert "retail gasoline outlets"

Page 1, line 5, after the semicolon insert "providing for injunctive relief; imposing a penalty;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 404, A bill for an act relating to health; requiring installation of telecommunication devices for the deaf in county sheriff's offices and public safety agencies; requiring the commissioner of health to make telecommunication devices available to county sheriff's offices; proposing new law coded in Minnesota Statutes, Chapter 145.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [256C.28] [TELEPHONE SERVICES FOR THE HEARING IMPAIRED.]**

*Subdivision 1. [TELECOMMUNICATIONS DEVICES REQUIRED.] Hearing impaired citizens are unable to utilize telephone services in a regular manner but they are able to communicate through the use of telecommunication devices. It is especially important that hearing impaired citizens be able to communicate with public safety agencies in emergency situations. The purpose of this section is to require that telecommunication devices be installed. "Telecommunication device" means a teletypewriter or other instrument for telecommunication in which speaking or hearing is not required for communication.*

*Subd. 2. [INSTALLATION OF DEVICES.] A telecommunication device for the hearing impaired shall be installed before January 1, 1982 in each public safety answering point of the 911 emergency telephone system, as defined in sections 403.01 to 403.12.*

*For counties and cities which are not part of the 911 system until after January 1, 1982, a telecommunication device shall be installed in (a) each county sheriff's office in each county seat and (b) one or more public safety agencies in each statutory or home rule charter city with a population in excess of 10,000 inhabitants."*

Delete the title and insert

**"A bill for an act relating to health; requiring the installation of telecommunications devices for the hearing impaired to aid emergency communication with public safety agencies; proposing new law coded in Minnesota Statutes, Chapter 256C."**

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 421, A bill for an act relating to labor; providing for increases in fees for certain steamfitters; amending Minnesota Statutes 1980, Section 326.50.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 427, A bill for an act relating to Carver county; providing for payment of expenses of the county commissioners.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 453, A bill for an act relating to housing; providing statutory warranties on home improvement work; establishing a cause of action for breach of warranty; providing remedies; amending Minnesota Statutes 1980, Sections 327A.01, Subdivisions 5, 8 and by adding subdivisions; 327A.02, by adding a subdivision; 327A.03; 327A.04, Subdivision 2; 327A.05; and 327A.07.

Reported the same back with the following amendments:

Page 2, line 10, before the period insert "*when the value of the home improvement is \$300 or more*"

Page 2, line 21, before the period insert "*and who holds himself or herself out to the public as having knowledge or skill peculiar to the business of home improvement*"

Page 2, delete lines 24 to 26 and insert:

*"Subd. 11. "Owner" means any person who owns a residential building on which home improvement work is performed, and includes any subsequent owner of the residential building."*

Page 3, line 4, delete "*and*"

Page 4, line 18, strike the period and insert a semicolon

Page 4, after line 18, insert:

*"(p) In the case of home improvement work, loss or damage due to defects in the existing structure and systems not caused by the home improvement."*

Page 5, after line 30, insert:

"Sec. 11. [327A.08] [LIMITATIONS.]

*Notwithstanding any other provision of this act:*

*(a) The terms of the home improvement warranties required by this act commence upon completion of the home improvement and such terms shall not be required to be renewed or extended if the home improvement contractor performs additional improvements required by warranty;*

*(b) The home improvement warranties required by this act shall not include products or materials installed which are already covered by implied or written warranty.*

*(c) The home improvement warranties required by this act are intended to be implied warranties imposing an affirmative obligation upon home improvement contractors, and this act does not require that written warranty instruments be created and conveyed to the owner."*

Renumber the remaining section

Amend the title as follows:

Page 1, line 8, before "327A.07" delete "and"

Page 1, line 8, before the period insert "; and proposing new law coded in Minnesota Statutes, Chapter 327A"

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 491, A bill for an act establishing the North Koochiching county waste water treatment board; prescribing its duties and powers; providing for the treatment and disposal of waste water in described areas.

Reported the same back with the following amendments:

Page 6, line 11, after the first "*chairman*" insert "*from among its members*"

Page 6, line 13, after "*present,*" insert "*and*"

Page 7, line 30, before "*All*" insert "*The executive director and*"

Page 9, line 18, after "*newspapers*" insert "*or other publications*"

Page 10, line 24, after "*better*" insert a comma

Page 11, line 22, after "*made*" insert "*and regulate the flows in the connections*"

Page 11, after line 22, insert:

"(c) *Regulate or prohibit illegal or unnecessary discharges of clear water not entering the system on the effective date of this act;*

(d) *Require any person or local government unit to take any action necessary to comply with any applicable federal and state laws, regulations or rules;*"

Page 11, line 23, delete "(c)" and insert "(e)"

Page 11, line 25, after "*it*" insert "*and to monitor the discharge*"

Page 11, line 26, delete "(d)" and insert "(f)"

Page 11, line 28, after "*harmful*" insert "*to the environment, or*"

Page 11, line 29, delete "(e)" and insert "(g)"

Page 12, delete line 3, and insert "*to regulations governing state or federal grants.*"

Page 13, line 9, after "*year*" insert "*, less any costs to be allocated to industries pursuant to subdivision 3,*"

Page 13, line 15, after "*each*" insert "*, less any industrial wastes for which costs have been allocated under subdivision 3,*"

Page 13, after line 25, insert:

*"Subd. 3. [ALLOCATION TO INDUSTRIES.] Pursuant to federal and state statutes, regulations and rules, the board shall define industrial wastes, impose requirements on industries, and determine the costs allocable to all industrial wastes and to each industry. An industry is any person commencing discharge of industrial wastes directly or indirectly to the district disposal system after the date of enactment of this section. No industry shall discharge industrial wastes directly or indirectly to the district disposal system except as authorized by a contract between such industry and the board. The contract shall require the industry to pay allocated costs, to comply with requirements imposed by the board, and to perform such other acts as the board determines necessary. The board shall charge to each industry its allocable portion of the costs enumerated in subdivision 1 according to the characteristics of its waste, and the providing of the capacity to treat said wastes.*

*Subd. 4. [NONPAYMENT BY INDUSTRY; REMEDIES.] If an industry fails to pay to the board the industry's allocated costs, as determined pursuant to subdivision 3 and the contract between the industry and the board, the board may utilize any remedy provided by law, and in addition may certify to the auditor of the county in which the industry is located the amount required for payment with interest at the maximum rate authorized at that time on assessments pursuant to Minnesota Statutes, Section 429.061, Subdivision 2. The auditor shall levy and extend the amount as a tax upon all taxable property owned by the industry located in the district, for the next calendar year, free from any limitation imposed by law or charter. The tax shall be collected in the same manner as other property taxes. The proceeds, when collected, shall be paid by the county treasurer to the board."*

Page 14, after line 17, insert:

*"Subd. 4. [TAX CONSIDERED SPECIAL LEVY.] Any ad valorem taxes levied under subdivision 3 by the governing body of a government unit to pay any sums charged to it by the board under this act shall be considered special levies within the meaning of Minnesota Statutes, Section 275.50, Subdivision 5."*

Page 14, line 18, delete "4" and insert "5"

Page 15, line 2, after "newspapers" insert "or other publications"

Page 15, line 20, delete the comma and insert "if"

Page 15, line 21, delete "which" and insert "the project"

Page 20, line 16, delete "12, subdivision 2" and insert "10, subdivision 4, or other provisions of this act"



Page 22, line 12, delete "*sections 10 and 12*" and insert "*section 10*"

Page 22, line 21, after the period insert "*The deposit is subject to the provisions of Minnesota Statutes, Section 118.005, Subdivision 2, and Section 118.01.*"

Page 22, line 25, delete everything after the period

Page 22, delete lines 26 to 29

Page 23, after line 26, insert:

*"Subd. 6. [AUTHORITY OF STATE AUDITOR.] The state auditor shall have the same powers and duties with respect to the board as the auditor has with respect to any city under Minnesota Statutes, Chapter 6."*

Page 25, line 3, delete ". It" and insert a semicolon

Page 25, line 5, before the period insert "*; and may provide at the request of any government unit other technical and administrative assistance the board deems appropriate for the government unit to carry out the powers and duties vested in it under this act or imposed on it by the board*"

Page 27, line 27, after the period insert "*With regard to a facility for which it assumes responsibility from a local government unit, the board shall also have all the powers and duties of the local government unit.*"

Page 28, delete lines 18 to 20 and insert "*assume either alone or jointly with the board all or any part of the responsibility of the local government unit described in subdivision 1, 2 or 3 and may exercise the powers granted any municipality by Minnesota Statutes, Chapters 117, 412, 429 or 475, or by Sections 115.46, 444.075 or 471.59, in order to perform all acts and things required for the purpose of exercising that responsibility,*"

Page 31, after line 10, insert:

*"Sec. 25. [EFFECTIVE DATE.]*

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

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 534, A bill for an act relating to the collection and dissemination of data; administration of the state archives and state and local government records; classifying data; providing a penalty; amending Minnesota Statutes 1980, Sections 15.17; 138.161; 138.17, Subdivisions 1, 6, 7, and by adding subdivisions; 138.19; 138.20; 138.21; proposing new law coded in Minnesota Statutes, Chapter 138; repealing Minnesota Statutes 1980, Sections 16.66 and 138.18.

Reported the same back with the following amendments:

Page 1, line 17, strike "and all officers and agencies of the"

Page 1, line 18, strike the first "and" and insert a comma and after "towns," insert "*school districts, municipal subdivisions or corporations, or other public authorities or political entities within the state, hereinafter "public officer",*"

Page 1, line 23, strike "and every"

Page 1, line 24, strike "county officer with the approval of the county board,"

Page 2, line 2, strike "or" and "county"

Page 2, line 3, strike "officer"

Page 2, line 12, delete "or"

Page 2, line 13, delete "county" and strike "officer with the approval of the county board,"

Page 2, line 25, delete "tapes and"

Page 2, line 27, strike "such"

Page 2, line 28, strike "thereof" and insert "of it"

Page 3, line 11, strike "ABOLITION OF" and after "ARCHIVES" strike "COMMISSION"

Page 3, lines 11 and 12, strike "TRANSFER OF DUTIES" and insert "ESTABLISHMENT"

Page 3, lines 13 to 16, strike the existing language and delete the new language

Page 3, line 17, reinstate "are"

Page 3, line 18, reinstate "hereby"

Page 3, line 18, before "shall" insert "established and"

Page 3, line 18, strike "transferred to" and insert "administered by"

Pages 5, 6 and 7, delete Section 4 and insert:

"Sec. 4. Minnesota Statutes 1980, Section 138.17, is amended by adding a subdivision to read:

*Subd. 1a. [TRANSFER PROCESS.] Government records shall be transferred to the state archives according to the following provisions:*

*(a) Employees of the archives shall have access to all records in state agencies and political subdivisions for the purposes of determining the historical or other permanent value of the records, regardless of the records' classification pursuant to sections 15.1611 to 15.1699, except that employees of the archives shall be liable to the penalties set forth for improper disclosure by them of private, confidential, non-public, or protected data they inspect for this purpose.*

*(b) After July 1, 1981, all records deemed to be of permanent value and authorized for transfer to the archives by the records disposition panel shall be transferred to the archives in accordance with section 3, notwithstanding the provisions of sections 15.1611 to 15.1699, and shall not retain their previous classifications as determined by sections 15.1611 to 15.1699.*

*(c) All records transferred to the archives prior to July 1, 1981, shall not retain their previous classifications, if any, as determined by sections 15.1611 to 15.1699.*

*(d) After July 1, 1981, the responsible authority of the state agency or political subdivision transferring records to the archives shall notify the archivist or his designee, with regard to the records transferred, of the previous classifications of the records pursuant to sections 15.1611 to 15.1699."*

Page 7, delete lines 9 to 31 and insert:

*"Subd. 1b. [ACCESS TO ARCHIVE RECORDS.] Access to records transferred to the state archives shall be provided in the interest of research and public use on a basis of equal access and governed by established archival standards. The society may withhold access to state archives from any person who willfully mutilates, damages, or defaces archival records, or wrongful-*

*ly removes them from state archives; provided that the society shall notify the person of the decision to withhold access, and the person may, within 30 days, appeal the decision to the executive council of the society."*

Page 10, line 16, delete "*Destruction of*"

Page 10, delete lines 17 to 21

Page 10, delete line 22 to the period

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 560, A bill for an act relating to courts; costs and disbursements; authorizing the awarding of attorney's fees in certain actions or proceedings; proposing new law coded in Minnesota Statutes, Chapter 549.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 549.21, is amended to read:

**549.21 [REIMBURSEMENT FOR CERTAIN COSTS IN CIVIL ACTIONS.]**

*Subdivision 1.* Upon motion of a party (**PREVAILING AS TO AN ISSUE**), the court in its discretion may award to that party costs, disbursements, reasonable attorney fees and witness fees (**RELATING TO THE ISSUE**) if the party or attorney against whom costs, disbursements, reasonable attorney and witness fees are charged acted in bad faith (**AS TO THAT ISSUE**); *brought a frivolous claim or defense; asserted an unfounded position solely for purposes of harassment or to delay the ordinary course of the proceedings; or committed a fraud upon the court.* To qualify for an award under this section, a party shall give timely notice of intent to claim an award (**WHICH NOTICE SHALL IN ANY EVENT BE GIVEN PRIOR TO THE RESOLUTION OF THE ISSUE**). An award under this section shall be without prejudice and as an alternative to any claim for sanctions that may be asserted under the rules of civil procedure. *Nothing herein shall authorize the award of costs, disbursements or fees against a party or attorney advancing a claim or defense unwarranted under existing law, if*

*it is supported by a good faith argument for an extension, modification, or reversal of the existing law.*

*Subd. 2. The parties by their attorneys in any civil action shall attach to and make a part of the pleading served on the opposite party or parties a signed acknowledgment stating that the parties acknowledge that costs, disbursements, reasonable attorney and witness fees may be awarded to the opposing party or parties pursuant to subdivision 1."*

Amend the title as follows:

Page 1, lines 4 and 5, delete "proposing new law coded in Minnesota Statutes, Chapter 549" and insert "amending Minnesota Statutes 1980, Section 549.21."

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 570, A bill for an act relating to pollution; authorizing water pollution control fund grants for certain wastewater treatment projects; authorizing issuance of Minnesota state water pollution control bonds; appropriating money; amending Minnesota Statutes 1980, Section 116.18, Subdivisions 1 and 4.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 583, A bill for an act relating to public use of private land; clarifying and altering landowners' liability in the recreational use of their land; amending Minnesota Statutes 1980, Sections 87.021, Subdivisions 2 and 3; 87.0221; 87.023; 87.025; and 87.03; repealing Minnesota Statutes 1980, Section 87.022.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 87.021, Subdivision 2, is amended to read:

Subd. 2. "Land" means *privately owned or leased* land, roads, water, watercourses, private ways and buildings, structures, and machinery or equipment when attached to the (REALTY) *land*.

Sec. 2. Minnesota Statutes 1980, Section 87.021, Subdivision 3, is amended to read:

Subd. 3. "Owner" means the possessor of a fee interest or a life estate, a tenant, lessee, occupant or person in control of the (PREMISES) *land*.

Sec. 3. Minnesota Statutes 1980, Section 87.021, Subdivision 4, is amended to read:

Subd. 4. "Recreational purpose" includes, but is not limited to, any of the following, or any combination thereof: hunting, trapping, fishing, swimming, boating, camping, picnicking, hiking, bicycling, horseback riding, *firewood gathering*, pleasure driving including snowmobiling and the operation of any motorized vehicle or conveyance upon a road or upon or across any land in any manner whatsoever, nature study, water skiing, winter sports, and viewing or enjoying historical, archaeological, scenic, or scientific sites.

Sec. 4. Minnesota Statutes 1980, Section 87.021, Subdivision 5, is amended to read:

Subd. 5. "Charge" means (THE) *any* admission price (OR FEE RECEIVED IN RETURN FOR INVITATION OR PERMISSION TO ENTER OR GO UPON) *asked or charged for services, entertainment, recreational use or other activity or the offering of products for sale to the recreational user by a commercial for profit enterprise directly related to the use of the land.*

Sec. 5. Minnesota Statutes 1980, Section 87.0221, is amended to read:

87.0221 [OWNER'S DUTY OF CARE OR DUTY TO GIVE WARNINGS.]

Except as specifically recognized by or provided in section 87.025, an owner (OF LAND) (a) owes no duty of care to render or maintain his land safe for entry or use by other persons (WITH A MOTORIZED RECREATIONAL VEHICLE) for recreational purposes, (b) owes no duty to warn those persons of any dangerous condition on the land, whether patent or latent, (c) owes no duty of care toward those persons except to refrain from willfully taking action to cause injury, and (d) owes no duty to curtail his use of his land during its use for recreational purposes.

Sec. 6. Minnesota Statutes 1980, Section 87.023, is amended to read:

**87.023 [(LANDOWNER'S) OWNER'S LIABILITY.]**

Except as (SPECIFICALLY RECOGNIZED BY OR) provided in section 87.025, an owner (OF LAND) who either directly or indirectly invites or permits without charge any person to use (SUCH PROPERTY) *his land* for recreational purposes does not thereby:

(a) Extend any assurance that the (PREMISES ARE) *land* is safe for any purpose;

(b) Confer upon such person the legal status of an invitee or licensee to whom a duty of care is owed;

(c) Assume responsibility for or incur liability for any injury to person or property caused by an act (OF) *or* omission of such persons.

Sec. 7. Minnesota Statutes 1980, Section 87.025, is amended to read:

**87.025 [(LANDOWNER'S) OWNER'S LIABILITY; NOT LIMITED.]**

(NOTHING) *Except as provided in this chapter nothing herein* limits in any way any liability which otherwise exists:

(a) For conduct which, at law, entitles a trespasser to maintain an action and obtain relief for the conduct complained of;

(b) For injury suffered in any case where the owner (OF LAND) charges the person or persons who enter or go on the land for the recreational use thereof, except that in the case of land leased to the state or a subdivision thereof, any consideration received from the state or subdivision thereof by the owner for such lease shall not be deemed a charge within the meaning of this section.

Sec. 8. Minnesota Statutes 1980, Section 87.03, is amended to read:

**87.03 [DEDICATION.]**

No dedication of any land in connection with any use by any person for a recreational purpose shall take effect in consequence of the exercise of such use for any length of time hereafter except as expressly permitted or provided by the owner (OR AS OTHERWISE EXPRESSLY PROVIDED BY SECTIONS 160.05 AND 160.06, OR OTHER LEGISLATIVE ACT).

## Sec. 9. [REPEALER.]

*Minnesota Statutes 1980, Section 87.022, is repealed."*

Amend the title as follows:

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

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 586, A bill for an act relating to crimes; specifying the crime of incest; prescribing penalties; amending Minnesota Statutes, 1980, Sections 518B.01, Subdivision 2; 609.35; and 626.556, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 609.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 595.02, is amended to read:

## 595.02 [COMPETENCY OF WITNESSES.]

Every person of sufficient understanding, including a party, may testify in any action or proceeding, civil or criminal, in court or before any person who has authority to receive evidence, except as follows:

(1) A husband cannot be examined for or against his wife without her consent, nor a wife for or against her husband without his consent, nor can either, during the marriage or afterwards, without the consent of the other, be examined as to any communication made by one to the other during the marriage. This exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other or against a child of either, nor to a criminal action or proceeding in which one is charged with homicide or an attempt to commit homicide and the date of the marriage of the defendant is subsequent to the date of the offense, nor to an action or proceeding for non-support, neglect, dependency, or termination of parental rights;

(2) An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him



or his advice given thereon in the course of professional duty; nor can any employee of such attorney be examined as to such communication or advice, without the client's consent;

(3) A clergyman or other minister of any religion shall not, without the consent of the party making the confession, be allowed to disclose a confession made to him in his professional character, in the course of discipline enjoined by the rules or practice of the religious body to which he belongs; nor shall a clergyman or other minister of any religion be examined as to any communication made to him by any person seeking religious or spiritual advice, aid, or comfort or his advice given thereon in the course of his professional character, without the consent of such person;

(4) A licensed physician or surgeon, dentist, or chiropractor shall not, without the consent of his patient, be allowed to disclose any information or any opinion based thereon which he acquired in attending the patient in a professional capacity, and which was necessary to enable him to act in that capacity; after the decease of such patient, in an action to recover insurance benefits, where the insurance has been in existence two years or more, the beneficiaries shall be deemed to be the personal representatives of such deceased person for the purpose of waiving the privilege hereinbefore created, and no oral or written waiver of the privilege hereinbefore created shall have any binding force or effect except that the same be made upon the trial or examination where the evidence is offered or received;

(5) A public officer shall not be allowed to disclose communications made to him in official confidence when the public interest would suffer by the disclosure;

(6) Persons of unsound mind; persons intoxicated at the time of their production for examination, and children under ten years of age, who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly, are not competent witnesses. *This exception does not apply to a child under ten years of age, in a criminal proceeding for intrafamilial sexual abuse as defined in section 4, subdivision 7, or in a criminal proceeding under sections 609.342 clause (a), 609.343 clause (a), 609.344 clause (a), or 609.345 clause (a), who is able to describe or relate in language appropriate for a child of that age the events or facts respecting which the child is examined;*

(7) A registered nurse, psychologist or consulting psychologist shall not, without the consent of his client, be allowed to disclose any information or opinion based thereon which he acquired in attending the client in a professional capacity, and which was necessary to enable him to act in that capacity.

Sec. 2. Minnesota Statutes 1980, Section 609.348, is amended to read:

609.348 [MEDICAL PURPOSES; EXCLUSION.]

Laws 1975, Chapter 374 and sections 4 to 8 shall not apply to sexual penetration or sexual contact when done for a bona fide medical purpose.

Sec. 3. Minnesota Statutes 1980, Section 609.35, is amended to read:

609.35 [COSTS OF MEDICAL EXAMINATION.]

No costs incurred by a county, city, or private hospital or other emergency medical facility or by a private physician for the examination of a complainant of criminal sexual conduct or *intrafamilial sexual abuse, as defined in section 4, subdivision 7*, when the examination is performed for the purpose of gathering evidence for possible prosecution, shall be charged directly or indirectly to the complainant. The reasonable costs of such examination shall be paid by the county in which the alleged offense was committed. Nothing in this section shall be construed to limit the duties, responsibilities, or liabilities of any insurer, whether public or private.

Sec. 4. [609.364] [DEFINITIONS.]

*Subdivision 1. [SCOPE.] For the purposes of sections 1 and 3 to 8, the terms in this section have the meanings given them.*

*Subd. 2. [ACTOR.] "Actor" means an adult accused of intrafamilial sexual abuse.*

*Subd. 3. [CHILD.] "Child" means a person under age 16.*

*Subd. 4. [COMPLAINANT.] "Complainant" means a child or minor alleging to have been subjected to intrafamilial sexual abuse, but need not be the person who signs the complaint.*

*Subd. 5. [INTIMATE PARTS.] "Intimate parts" includes the primary genital area, groin, inner thigh, buttocks, or breast of a human being.*

*Subd. 6. [FAMILIAL RELATIONSHIP.] "Familial relationship" means a situation in which the actor is:*

(a) *The complainant's parent, stepparent, or guardian;*

(b) *Nearer of kin to the complainant than first cousin, computed by rules of the civil law, whether of the half or the whole blood;*

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

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

*Subd. 7. [INTRAFAMILIAL SEXUAL ABUSE.] "Intra-familial sexual abuse" means sexual contact or sexual penetration, or both, of a child or minor when the actor has a familial relationship to the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.*

*Subd. 8. [MINOR.] "Minor" means a person under age 18 but over age 15.*

*Subd. 9. [SEXUAL CONTACT.] "Sexual contact" includes any of the following acts, if the acts can reasonably be construed as being for the purpose of satisfying the actor's sexual or aggressive impulses:*

(a) *The intentional touching by the actor of the complainant's intimate parts; or*

(b) *The touching by the complainant of the actor's, the complainant's, or another's intimate parts; or*

(c) *The touching by another of the complainant's intimate parts; or*

(d) *In any of the cases listed above, touching of the clothing covering the immediate area of the intimate parts.*

*Subd. 10. [SEXUAL PENETRATION.] "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion however slight into the genital or anal openings of the complainant's body of any part of the actor's body or any object used by the actor for this purpose. Emission of semen is not necessary.*

**Sec. 5. [609.3641] [INTRAFAMILIAL SEXUAL ABUSE IN THE FIRST DEGREE.]**

*A person is guilty of the felony of intrafamilial sexual abuse in the first degree if he has a familial relationship to and engages in sexual penetration with a child.*

*A person convicted of intrafamilial sexual abuse in the first degree may be sentenced to imprisonment for not more than 20 years.*

**Sec. 6. [609.3642] [INTRAFAMILIAL SEXUAL ABUSE IN THE SECOND DEGREE.]**

*A person is guilty of the felony of intrafamilial sexual abuse in the second degree if he has a familial relationship to and engages in sexual contact with a child.*

*A person convicted of intrafamilial sexual abuse in the second degree may be sentenced to imprisonment for not more than 15 years.*

**Sec. 7. [609.3643] [INTRAFAMILIAL SEXUAL ABUSE IN THE THIRD DEGREE.]**

*A person is guilty of the felony of intrafamilial sexual abuse in the third degree if he has a familial relationship to and engages in sexual penetration with a minor.*

*A person convicted of intrafamilial sexual abuse in the third degree may be sentenced to imprisonment for not more than ten years.*

**Sec. 8. [609.3644] [INTRAFAMILIAL SEXUAL ABUSE IN THE FOURTH DEGREE.]**

*A person is guilty of the felony of intrafamilial sexual abuse in the fourth degree if he has a familial relationship to and engages in sexual contact with a minor.*

*A person convicted of intrafamilial sexual abuse in the fourth degree may be sentenced to imprisonment for not more than five years.*

**Sec. 9. Minnesota Statutes 1980, Section 626.556, Subdivision 2, is amended to read:**

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

(a) "Sexual abuse" means the subjection by the child's parents, guardian, or person responsible for the child's care, to any act which constitutes a violation of sections 609.342, 609.343,

609.344, (OR) 609.345, or sections 4 to 8. Sexual abuse also includes any act which involves a minor which constitutes a violation of sections 609.321 to 609.324 or 617.246.

(b) "Neglect" means failure by a parent, guardian or other person responsible for a child's care to supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so or failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical or mental health when reasonably able to do so. Nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian or other person responsible for his care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child.

(c) "Physical abuse" means:

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

(ii) Any physical injury that cannot reasonably be explained by the history of injuries provided by a parent, guardian or other person responsible for the child's care.

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

Sec. 10. [EFFECTIVE DATE.]

*Sections 1 to 9 are effective the day following final enactment and apply to any act that occurs on or after that date."*

Also delete title and insert:

"A bill for an act relating to crimes; creating the crime of intrafamilial sexual abuse; amending Minnesota Statutes 1980, Sections 595.02; 609.348; 609.35; and 626.556, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 609."

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 599, A bill for an act relating to game and fish; increasing game and fish licenses and other fees; amending Minne-

sota Statutes 1980, Sections 98.46, Subdivisions 2, 2a, 3, 4, 5, 5a, 6, 7, 8, 9, 9a, 10, 11, 12, 14, 15, 16, 17, 18, and 19; 99.28, Subdivision 5; 100.35, Subdivisions 1 and 5; and 101.44.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 98.46, Subdivision 2, is amended to read:

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

- (1) To take small game, (\$5) \$7;
- (2) To take deer (OR BEAR, OR BOTH,) with firearms (DURING THE PERIOD IN WHICH THE LICENSEE MAY TAKE DEER), (\$10) \$13;
- (3) To take deer (OR BEAR, OR BOTH,) with bow and arrow (DURING THE PERIOD IN WHICH THE LICENSEE MAY TAKE DEER), (\$10) \$13;
- (4) To take fish by angling, (\$5) \$6.50;
- (5) Combination husband and wife, to take fish by angling, (\$8) \$10.50;
- (6) To take moose, (\$100) \$140 for an individual or for a party of not to exceed four persons;
- (7) To take bear only, (\$7.50) \$13;
- (8) To take turkeys, \$10, in addition to a small game license;
- (9) *To take raccoon, bobcat, coyote or fox with the aid of dogs, \$7.50, in addition to a small game license.*

Sec. 2. Minnesota Statutes 1980, Section 98.46, Subdivision 2a, is amended to read:

Subd. 2a. The commissioner of natural resources shall issue Minnesota sportsman licenses by March 1, 1978, The licenses shall be issued to residents only. The fee for licenses shall be (\$9) \$12 if the angling license is for one person and (\$12) \$16 if the angling license is a combination husband and wife license. These fees do not include the surcharge authorized pursuant to section 97.482 nor the state waterfowl stamp required by section 97.4841.

The license shall authorize the licensee to:

- (1) Take small game;
- (2) Take fish by angling.

(THE GAME AND FISH SUBCOMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE FISH AND WILDLIFE SUBCOMMITTEE OF THE SENATE SHALL STUDY THE FEASIBILITY OF OTHER COMBINATIONS FOR SPORTSMAN'S LICENSES PRIOR TO JANUARY 1, 1978.)

Sec. 3. Minnesota Statutes 1980, Section 98.46, is amended by adding a subdivision to read:

*Subd. 2b. The commissioner of natural resources, in commemoration of the fiftieth year of the department, shall issue Minnesota golden licenses by March 1, 1982. The license shall be issued to residents only. The fee for such licenses shall be \$100 and shall authorize the licensee to:*

- (1) Take small game;
- (2) Take fish by angling;
- (3) Spear fish from a dark house;
- (4) Trap fur bearing animals, except beaver;
- (5) Take deer with firearms;
- (6) Take deer with bow and arrows; and
- (7) Take bear.

*The fee does not include the surcharge authorized pursuant to section 97.482 nor the state waterfowl stamp required by section 97.4841.*

*The license shall be issued in distinctive format on durable, gold colored material.*

Sec. 4. Minnesota Statutes 1980, Section 98.46, Subdivision 3, is amended to read:

Subd. 3. Fees for the following licenses, to be issued to residents only, shall be:

- (1) To harvest wild rice, (\$4) \$10;

- (2) To buy and sell wild ginseng, \$5.

Sec. 5. Minnesota Statutes 1980, Section 98.46, Subdivision 4, is amended to read:

Subd. 4. Fees for the following licenses, to be issued to residents only, shall be:

(1) *To trap fur bearing animals, except beaver, for residents over the age of 13 and under the age of 18, \$3.50;*

((1)) (2) *To trap fur bearing animals, except beaver, for residents over the age of 18, (\$5) \$13;*

((2)) (3) *To buy or sell raw furs anywhere within the state including the privilege of selling to resident manufacturers or to unlicensed non-residents, representing unlicensed non-residents as a broker or agent, or conducting a fur auction wherein sales are made to unlicensed non-residents or resident manufacturers, (\$50) \$100, provided that any employee, partner or officer buying or selling at the established place of business only for (SUCH) the licensee may secure a supplemental license for (\$20) \$50;*

((3)) (4) *To trap beaver during an open season or by permit when doing damage, \$2.50;*

((4)) (5) *To guide bear hunters, \$50.*

Sec. 6. Minnesota Statutes 1980, Section 98.46, Subdivision 5, is amended to read:

Subd. 5. Fees for the following licenses, to be issued to residents only, shall be:

(1) *To spear fish from a dark house, (\$5) \$7.50;*

(2) *For any fish house or dark house used during the winter fishing season, \$3 for each fish house or dark house not rented or offered for hire, and (\$10) \$13 for each fish house or dark house rented or offered for hire. Each (SUCH) fish house or dark house shall have attached to the outside a metal tag at least two inches in diameter with a 3/16 inch hole in the center, which will be issued with a license. Each metal tag shall be stamped with a number to correspond with the fish house or dark house license and also shall be stamped with the year of issuance. The metal tag shall be attached to the fish house or dark house as designated by commissioner's order;*

(3) *To net whitefish, tullibees or herring from inland lakes or international waters, for domestic use only, for each net, \$3;*



- (4) To conduct a taxidermist business, *for three consecutive years*, (\$10) \$40;
- (5) To maintain fur and game farms, including deer, (\$10) \$15;
- (6) To take mussels or clams, \$25;
- (7) To take, transport, purchase and possess for sale unprocessed turtles and tortoises within the state, (\$25) \$50;
- (8) To prepare dressed game fish shipments for nonresidents as provided by section 97.45, subdivision 6, as amended, (\$10) \$13;
- (9) Minnow dealer, (\$50) \$70 plus \$10 for each vehicle;
- (10) Minnow dealer's helper, \$5 for each helper. Minnow dealer's helpers' licenses shall be issued to the minnow dealer and are transferable by the dealer at will to his own helpers;
- (11) Exporting minnow dealer, (\$200) \$250, plus \$10 for each vehicle.

Each vehicle license shall cover a specified vehicle. The serial number, license number, make, and model shall be specified on the license which must be conspicuously posted in the vehicle licensed.

Sec. 7. Minnesota Statutes 1980, Section 98.46, Subdivision 5a, is amended to read:

Subd. 5a. Fees for the following licenses, to be issued to nonresidents, shall be:

- (1) For an exporting minnow hauler, (\$400) \$525, plus \$10 for one vehicle license only.
- (2) Each vehicle license shall cover a specified vehicle. The serial number, license number, make and model shall be conspicuously posted in the vehicle licensed.

Sec. 8. Minnesota Statutes 1980, Section 98.46, Subdivision 6, is amended to read:

Subd. 6. Fees for the following licenses to net for commercial purposes in the boundary waters between Wisconsin and Minnesota from Taylors Falls to the junction of the Mississippi River and Lake St. Croix and from Lake St. Croix to the Iowa border, which, except in the case of helpers licenses, shall be issued to residents only, shall be:

- (1) For a seine not exceeding 500 feet, (\$20) \$25;
- (2) For a seine in excess of 500 feet, but not over 1,000 feet, (\$30) \$40;
- (3) For each 100 feet of seine in excess of 1,000 feet, (\$2) \$2.50;
- (4) For helper's license, \$5.

Sec. 9. Minnesota Statutes 1980, Section 98.46, Subdivision 7, is amended to to read:

Subd. 7. Fees for the following licenses to net for commercial purposes in the boundary waters between Wisconsin and Minnesota from Lake St. Croix to the Iowa border, which, except in the case of helpers licenses, shall be issued to residents only, shall be:

- (1) For each gill net not exceeding 500 feet in length, (\$10) \$13;
- (2) For each gill net exceeding 500 feet, but not over 1,000 feet, (\$20) \$25;
- (3) For each fyke net or hoop net, \$10;
- (4) For each bait or turtle net, (\$1) \$1.50;
- (5) For each set line, (\$10) \$13 for each identification tag to be attached to each set line;
- (6) For helper's license, \$5.

Sec. 10. Minnesota Statutes 1980, Section 98.46, Subdivision 8, is amended to read:

Subd. 8. Fees for the following licenses to take rough fish with set lines, or seines, in the Mississippi River from the St. Croix River junction to St. Anthony Falls, to be issued to residents only, shall be:

- (1) For a seine not exceeding 500 feet, (\$20) \$25; for a seine in excess of 500 feet, but not over 1,000 feet, (\$30) \$40; for each 100 feet of seine or fraction thereof in excess of 1,000 feet, \$2;
- (2) For each set line, (\$10) \$13;
- (3) For helper's license, \$5.

Sec. 11. Minnesota Statutes 1980, Section 98.46, Subdivision 9, is amended to read:

Subd. 9. A license to take rough fish with one set line, containing not more than ten hooks, in the Minnesota River from Mankato to its junction with the Mississippi River, and in the Mississippi River from St. Anthony Falls to the St. Croix junction, for domestic use, shall be issued to residents only, upon payment of the fee of (\$10) *\$13*.

Sec. 12. Minnesota Statutes 1980, Section 98.46, Subdivision 9a, is amended to read:

Subd. 9a. Licenses to net commercial fish in inland waters shall be issued annually and shall be valid for commercial fishing during the period from the day after Labor Day to the day preceding the opening of the season for the taking of walleye. License fees shall be (\$50) *\$70*, plus:

(a) (FIFTY) *75* cents for each hoop net pocket;

(b) (\$10) *\$15* for each 1,000 feet of seine. Provided that in the license application to the commissioner, each applicant shall list the number of feet of seine of each depth for which he wishes to be licensed; and

(c) \$5 for each helper's license.

Sec. 13. Minnesota Statutes 1980, Section 98.46, Subdivision 10, is amended to read:

Subd. 10. Fees for the following licenses to net fish in Lake of the Woods, to be issued to residents only, shall be:

(1) For each pound net or staked trap net, (\$35) *\$45*;

(2) For each fyke net with wings or lead not exceeding four feet in height, (\$5) *\$10*;

(3) For each fyke net with either wings or lead over four feet in height, an additional \$5 for each additional two feet or fraction thereof;

(4) For each 100 feet of gill net, (\$1.50) *\$2.50*;

(5) For each submerged trap net, \$15;

(6) For helper's license, (\$5) *\$15*;

(7) For each trawl, \$500.

Sec. 14. Minnesota Statutes 1980, Section 98.46, Subdivision 11, is amended to read:

Subd. 11. Fees for the following licenses to net fish in Rainy Lake, to be issued to residents only, shall be:

- (1) For each pound net, (\$35) \$45;
- (2) For each 100 feet of gill net, (\$1.50) \$2.50;
- (3) For helper's license, (\$5) \$15.

Sec. 15. Minnesota Statutes 1980, Section 98.46, Subdivision 12, is amended to read:

Subd. 12. (a) Fees for the following licenses to fish commercially in Lake Superior, to be issued to residents only, shall be:

(1) For not to exceed 1,000 feet (305 m) of gill net of mesh size not less than 2.25 inch (5.75 cm) nor more than 2.75 inch (7 cm) extension measure, (\$50) \$70 plus (\$1) \$2 for each additional 1,000 feet (305 m);

(2) For not to exceed 1,000 feet (305 m) of gill net of mesh size not less than 4.5 inch (11.5 cm) mesh extension measure, (\$50) \$70 plus (\$1) \$2 for each additional 1,000 feet (305 m);

(3) For a pound or trap net, (\$50) \$70 plus (\$1) \$2 for each additional pound or trap net;

(4) For a helper's license, \$5.

(b) A license to fish commercially in Lake Superior shall be issued only to a resident who, except as herein provided:

(1) Possesses 5,000 feet of gill net of mesh sizes permitted in section 102.28 or two pound nets;

(2) Landed fish in the previous year with a value of at least \$1,500, except for those state waters from Duluth to Silver Bay upon the discretion of the commissioner; and

(3) Engaged in commercial fishing for at least 50 days of the previous year.

An applicant for a license in 1978 must have met the requirements of subdivision 12, clause (b) during two of the previous three years.

An applicant shall be issued a license without meeting the requirements of subdivision 12, clause (b) if the applicant is 65 or more years of age and has held a license continuously since 1947. An applicant may be issued a license, at the discretion of the commissioner, if (HIS) failure to meet the requirements of subdivision 12, clause (b) resulted from illness or other mitigating circumstances, or (HE) *the applicant* has reached the age of 65 and has been licensed at least ten of the previous 15 years. Persons receiving licenses under the provisions for applicants 65 years of age or more must be in attendance at the setting and lifting of nets. The commissioner may issue multiple licenses to individuals who meet the requirements of subdivision 12, clause (b), and have held multiple licenses prior to 1978.

(c) A license may be issued to an applicant who has not fished commercially on Lake Superior before, if the applicant:

(1) Shows a bill of sale indicating the purchase of gear and facilities connected with an existing license; or

(2) Shows proof of inheritance of all the gear and facilities connected with an existing license; or

(3) Has served at least two years as a helper in a Minnesota Lake Superior licensed commercial fishing operation; and

(4) Has no record of conviction for violating chapters 97 to 102 in the preceding three years.

Sec. 16. Minnesota Statutes 1980, Section 98.46, Subdivision 14, is amended to read:

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

(1) To take small game and unprotected quadrupeds with firearms and bow and arrows, (\$25) \$35;

(2) To take deer (AND BEAR) during the period in which the licensee may take deer, and unprotected quadrupeds with firearms and bow and arrows, (\$60) \$75;

(3) To take deer (AND BEAR) during the period in which the licensee may take deer, and unprotected quadrupeds with a bow and arrows only, (\$25) \$35;

(4) To take bear, (\$25.25) \$75;

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

(6) To hunt raccoon, \$100, in addition to nonresident small game license.

Sec. 17. Minnesota Statutes 1980, Section 98.46, Subdivision 15, is amended to read:

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

(1) To take fish by angling, (\$10) \$15;

(2) A short term individual license to take fish by angling for (THREE) *seven* consecutive days, (\$5) \$10.50;

(3) A short term individual license to take fish by angling for one day, \$5;

(4) Combination husband and wife, to take fish by angling, (\$15) \$20;

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

Sec. 18. Minnesota Statutes 1980, Section 98.46, Subdivision 16, is amended to read:

Subd. 16. Fees for the following licenses, to be issued to non-residents, shall be:

To buy or sell raw furs, (\$400) \$500, except that a license shall not be required to buy from those licensed under subdivision 4, clause (2).

To guide bear hunters, \$400.

Sec. 19. Minnesota Statutes 1980, Section 98.46, Subdivision 17, is amended to read:

Subd. 17. Fees for the following licenses, to be issued to either residents or nonresidents, shall be:

(1) To deal in live or engage in the business of preserving minnows; minnow retailer, (\$5) \$10 plus \$10 for each vehicle used to transport minnows.

(2) To raise fish in a private hatchery, (\$25) \$50.

(3) To take under state supervision sucker eggs from public waters, for private fish hatchery purposes:

(a) To take not to exceed 100 quarts, (\$100) \$150;

(b) To take in excess of 100 quarts, (\$2) \$3 per quart for such excess.

Sec. 20. Minnesota Statutes 1980, Section 98.46, Subdivision 18, is amended to read:

Subd. 18. Fees for the following licenses, to be issued to either residents or nonresidents shall be:

(1) For a wild rice dealer's license to buy wild rice within the state for resale to anyone except consumers, or to sell wild rice imported from outside the state to anyone within the state except consumers, (\$50) \$70 if the amount of wild rice bought or sold by the licensee within the year covered by the license does not exceed 50,000 pounds, (\$200) \$250 if (SUCH) *the* amount exceeds 50,000 pounds. For the purposes hereof the weight of wild rice in its raw state shall govern. All raw rice purchased by a dealer shall be reported in accordance with clauses (2), (3), (4), and (5) of this subdivision.

(2) Every application for a license under this subdivision shall be made on oath in writing in (SUCH) *the* form (AS) the commissioner shall prescribe, stating the amount of wild rice, whether raw or processed, bought or sold by the applicant during the calendar year preceding the year for which the license is sought, the amount which the applicant estimates (HE) will (BUY) *be bought* or (SELL) *sold* under the license, and (SUCH) other pertinent information (AS) the commissioner may require. The license fee shall be paid in advance, based on (SUCH) *the* estimate, subject to adjustment as hereinafter provided; provided, that no license shall be issued for any year based on a lesser amount of wild rice than was bought or sold by the applicant during the preceding calendar year.

(3) Every licensee under this subdivision shall keep a correct and complete book record of all wild rice bought or sold (BY HIM) during the period covered by (HIS) *the* license, showing the date of each transaction, the names and addresses of all other parties thereto, and the amount of wild rice involved, whether raw or processed. Every (SUCH) record shall be open for inspection by the commissioner, the coordinator of wild rice, or any conservation officer or agent of the commissioner at all reasonable times. Every licensee shall transmit to the commissioner within ten days after the end of each calendar month during the period covered by the license a written report, in (SUCH) *the* form (AS) the commissioner shall prescribe, signed by the licensee, stating the total amount of wild rice bought or sold (BY

HIM) during (SUCH) *the* calendar month, whether raw or processed.

(4) No dealer licensee under this subdivision shall at any time buy or sell any wild rice for which a license is required hereunder in excess of the amount covered by (HIS) *the* license. In case a licensee shall desire to buy or sell any wild rice in excess of (SUCH) *the* amount, (HE) *the licensee* shall before doing so make application for a supplemental license covering the increased amount of wild rice involved, and (SUCH) *the* license shall be issued (TO HIM) upon payment of the prescribed fee therefor, less credit for the fees paid for the previous license or licenses issued (TO HIM HEREUNDER) for the same calendar year. Upon the issuance of (SUCH) *the* supplemental license, (SUCH) *the* previous license or licenses shall be surrendered to the commissioner.

(5) The wilful making of a false statement in any application for a license under this subdivision or in any report required hereunder, or the wilful making of a false entry in any record required hereunder, or any other violation of or failure to comply with any provision of this subdivision shall be a misdemeanor, punishable as provided by section 97.55, subdivision 1. Upon a second conviction within a period of three years of any person of any offense under this subdivision, any license hereunder then held by (HIM) *that person* shall immediately become null and void, and no such license shall be issued to (HIM) *that person* for one year after the date of (SUCH) *the* conviction.

Sec. 21. Minnesota Statutes 1980, Section 98.46, Subdivision 19, is amended to read:

Subd. 19. Fees for the following licenses, to be issued to either residents or nonresidents, shall be:

(1) To buy fish from licensed commercial fishermen on Lake Superior:

(a) For the purpose of selling to retailers, (\$25) \$50;

(b) For the purpose of retail selling only, (\$5) \$10.

(2) To buy fish from licensed commercial fishermen on Lake of the Woods, Namakan, Sand Point, or Rainy Lake:

(a) Wholesale fish buyer's license, \$100;

(b) Fish buyer's license to ship from one place to another on international waters only, \$10.

(3) To tan or dress raw furs, (\$10) \$15;



(4) Fish peddler's license, to peddle with the use of a motor vehicle, any fish lawfully salable within the state, (\$5) \$25. It shall be unlawful to misrepresent the species of any fish sold by any licensed fish peddler or (HIS) *peddler's* employee. Upon conviction of misrepresentation of the species of fish sold by any fish peddler licensed hereunder or (HIS) employee, (HIS) *the* license shall be revoked, and (SUCH) *the* licensee shall not be eligible to obtain a fish peddler's license for the period of one year after (SAID) revocation. Misrepresentation shall include the following acts in addition to any other acts constituting misrepresentation in fact: (1) The designation of any fish by any name other than its common name in Minnesota; (2) The designation of any fish by any other name than its common name in the locality where it was taken if it is not generally known by any common name in Minnesota.

Sec. 22. Minnesota Statutes 1980, Section 98.47, Subdivision 1, is amended to read:

Subdivision 1. Residents who have attained the age of 65 years may take fish by angling or spearing without a license. Residents under the age of 16 years may take fish (AND TRAP FUR BEARING ANIMALS EXCEPT BEAVER OR OTTER) without procuring a license. Residents under the age of 13 years may take small game without a license. Residents under the age of 16 years and over 12 may take small game provided they have in their possession while hunting a valid firearm safety certificate. Residents under 14 must be accompanied by a parent or guardian while hunting. No hunting license shall be issued to any resident under the age of 16, except that such residents who possess a valid certificate may purchase a big game hunting license. Nonresidents under the age of 16 years may take fish by angling without procuring a license, if their parent or legal guardian has obtained a nonresident fishing license. Fish so taken shall be included in the daily and possession limit of the parent or legal guardian. Any nonresident under the age of 16 years who is attending a camp adjacent to any public waters of the state conducted by a social, charitable, or welfare organization or institution, not for profit, may take fish by angling in such waters or other adjacent waters without procuring a license, provided the organization or institution conducting the camp shall have a certificate from the commissioner that the camp is qualified hereunder, describing the waters affected as determined by the commissioner, and each such nonresident shall carry with him at all times while taking or attempting to take fish by angling in such waters a certificate identifying him and describing the waters, in such form as the commissioner shall prescribe, signed and dated by the officer or agent of the organization or institution in charge of the camp within the current calendar year.

Sec. 23. Minnesota Statutes 1980, Section 98.50, Subdivision 5, is amended to read:

Subd. 5. Any resident desiring to sell the licenses referred to in subdivision 1 may either purchase for cash or obtain on consignment license blanks from a county auditor in groups of not less than five non-resident, and ten resident license blanks. In addition to the basic license fee, he shall collect a fee for issuing each license in the amount of (75 CENTS) \$1 for the license to take deer and for the sportsman license authorized in section 98.46, subdivision 2a, and (50) 75 cents for all other licenses. The state migratory waterfowl stamp required by section 97.4841 shall be considered to be a "license" within the meaning of this subdivision except when such stamp and a small game license are issued in the same transaction in which case the stamp shall be considered a part of the small game license and only one issuing fee shall be collected. In selling such licenses, he shall be deemed an agent of the county auditor and the commissioner, and he shall observe all rules and regulations promulgated by the commissioner for the accounting for and handling of such licenses.

The county auditor shall promptly deposit all moneys received from the sale of licenses with the county treasurer, and shall promptly transmit such reports as may be required by the commissioner, together with his warrant on the county treasurer for 100 percent of the surcharge imposed by section 97.482 plus 96 percent of the price to the licensee, exclusively of said surcharge and the issuing fee, for each license sold or consigned by him and subsequently sold to a licensee during the accounting period. The county auditor shall retain as his commission four percent of all license fees, excluding issuing fees for licenses consigned to sub-agents. In addition, for licenses sold for cash directly to the licensee, the auditor shall collect the same issuing fee as a sub-agent. Unsold license blanks in the hands of any agent shall be redeemed by the commissioner if presented for redemption within the time prescribed by the commissioner therefor. Any license blanks not presented for redemption within the period prescribed shall be conclusively presumed to have been sold, and the agent possessing the same or to whom they are charged shall be accountable therefor. The commissioner shall collect the same issuing fee as a subagent for licenses sold directly through a license distribution center operated by the department of natural resources. The issuing fees so collected by the commissioner shall be credited to the game and fish fund.

Sec. 24. Minnesota Statutes 1980, Section 99.28, Subdivision 5, is amended to read:

Subd. 5. The holder of any such license shall pay an annual license fee of (\$2.50) \$10 for any such farm upon which muskrats are taken on said owner's premises.

Sec. 25. Minnesota Statutes 1980, Section 100.273, Subdivision 7, is amended to read:

Subd. 7. In taking raccoon, *bobcat*, *coyote* or *fox* when treed or at bay on private land with the aid of dogs, a person while on foot may, without permission of the landowner, enter such private land to retrieve any dogs and then shall immediately leave the premises. During the season for taking big or small game, a hunter may on foot retrieve a wounded big or small game animal from agricultural land of another which is not posted pursuant to subdivision 6, without permission of the landowner, and shall then leave as soon as possible.

Sec. 26. Minnesota Statutes 1980, Section 100.35, Subdivision 1, is amended to read:

Subdivision 1. The fee for a shooting preserve license or permit shall be (\$50) \$75.

Sec. 27. Minnesota Statutes 1980, Section 100.35, Subdivision 5, is amended to read:

Subd. 5. All harvested game except ducks which are marked in accordance with regulations of the United States fish and wildlife service shall be tagged with a selfsealing tag to be issued by the department at a cost of (FIVE) 15 cents. The tags shall be so numbered or otherwise identified that each preserve using them can be identified and (SUCH) *the* tag shall be maintained on each bird shot until either consumed on the premises or if removed therefrom, until actually prepared for consumption.

Sec. 28. Minnesota Statutes 1980, Section 101.44, is amended to read:

101.44 [FROGS; SEASON, REGULATION, LICENSES.]

Except as otherwise permitted, frogs may not be taken or possessed during the months of April and the first 15 days of May. During the open season, frogs not exceeding six inches in length, measured from tip of nose to tip of hind toes, legs fully extended, may be possessed in any numbers, bought, sold, and transported for angling purposes only. Except as otherwise provided under commissioner's regulations, not to exceed 150 frogs over six inches in length may be possessed in or transported through the state, except by common carrier, and may be possessed in any quantity and sold during the open season. It shall be unlawful to use cloth screens or other similar contrivances in catching frogs. Provided, the taking of frogs may be prohibited in (SUCH) areas of the state and during (SUCH) periods as the commissioner may by order prescribe. Provided, further, that no person shall be permitted to take or possess frogs unless legally entitled to take fish within the state. The commissioner shall establish regulations dealing with the purchase, possession and transportation of frogs for purposes other than bait. The fee for this license shall be (\$50) \$70 for resident;

(\$150) \$200 for nonresidents. The commissioner may issue licenses to residents to take, possess, transport and sell frogs for purposes other than bait. The license fee shall be (\$2.50) \$10.

Sec. 29. [EFFECTIVE DATE.]

*This act is effective for the license year commencing March 1, 1982, and thereafter."*

Delete the title and insert:

"A bill for an act relating to game and fish; increasing game and fish licenses and other fees; amending Minnesota Statutes 1980, Sections 98.46, Subdivisions 2, 2a, 3, 4, 5, 5a, 6, 7, 8, 9, 9a, 10, 11, 12, 14, 15, 16, 17, 18, 19, and by adding a subdivision; 98.47, Subdivision 1; 98.50, Subdivision 5; 99.28, Subdivision 5; 100.273, Subdivision 7; 100.35, Subdivisions 1 and 5; and 101.44."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred:

H. F. No. 619, A bill for an act relating to intoxicating liquor; correcting the wording of the ballot question for a municipal liquor store referendum; amending Minnesota Statutes 1980, Section 340.353, Subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 621, A bill for an act relating to landlords and tenants; permitting certain actions in unlawful detainer to be done by nonattorneys; amending Minnesota Statutes 1980, Section 481.02, Subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 481.02, Subdivision 3, is amended to read:

Subd. 3. [(WHAT) PERMITTED ACTIONS.] The (FOREGOING) *provisions of this section* shall not prohibit:

(1) any one from drawing, without charge (FOR SO DOING), any document to which he, (OR) a person whose employee he is (OR), a firm whereof he is a member, or a corporation whose officer or employee he is, is a party, except another's will or testamentary disposition or instrument of trust serving purposes similar to those of a will; (AND SHALL NOT PROHIBIT)

(2) a person from drawing a will for another in an emergency wherein the imminence of death leaves insufficient time to have (THE SAME) *it* drawn and its execution supervised by a licensed attorney at law; (AND SHALL NOT PROHIBIT)

(3) any one, acting as broker for the parties or agent of one of the parties to a sale or trade or lease of property or to a loan, from drawing or assisting in drawing, with or without charge (THEREFOR), (SUCH) papers (AS MAY BE) incident to (SUCH) *the* sale, trade, lease, or loan; (AND SHALL NOT PROHIBIT)

(4) any insurance company from causing to be defended, or from offering to cause to be defended through lawyers of its selection, the insureds in policies issued or to be issued by it, in accordance with the terms of (SUCH) *the* policies; (AND SHALL NOT PROHIBIT ONE SUCH)

(5) a licensed attorney at law from acting for several common-carrier corporations or any of its subsidiaries pursuant to arrangement between (SAID) *the* corporations; (AND SHALL NOT PROHIBIT)

(6) any bona fide labor organization from giving legal advice to its members in matters arising out of their employment; (AND SHALL NOT PROHIBIT)

(7) any person from conferring or cooperating with a licensed attorney at law of another in preparing any legal document, if (SUCH) *the* attorney is not, directly or indirectly, in the employ of (SUCH) *the* person or of any person, firm, or corporation, represented by (SUCH) *the* person; (AND SHALL NOT PROHIBIT)

(8) any licensed attorney at law of Minnesota, who is an officer or employee of a corporation, from drawing, for or without compensation, any document to which the corporation is a party or wherein it is interested personally or in a representative capacity, except wills or testamentary dispositions or instruments of trust serving purposes similar to those of a will, but any charge made for the legal work connected with preparing

and drawing (SUCH) *the* document shall not exceed the amount paid to and received and retained by (SUCH) *the* attorney, and (SUCH) *the* attorney shall not, directly or indirectly, rebate the (SAME) *fee* to or divide the (SAME) *fee* with (SUCH) *the* corporations; (AND SHALL NOT PROHIBIT)

(9) any person or corporation from drawing, for or without a fee, farm or house leases, notes, mortgages, chattel mortgages, bills of sale, deeds, assignments, satisfactions or any other conveyances except testamentary dispositions and instruments of trust; (AND SHALL NOT PROHIBIT)

(10) a licensed attorney at law of Minnesota from rendering to a corporation legal services to itself at the expense of one or more of its bona fide principal stockholders by whom he is employed and by whom no compensation is, directly or indirectly, received for (SUCH) *the* services; (AND SHALL NOT PROHIBIT)

(11) any person or corporation engaged in the business of making collections from engaging or turning over to an attorney at law for the purpose of instituting and conducting suit or making proof of claim of a creditor in any case in which the attorney at law receives the entire compensation for (SUCH) *the* work; (AND SHALL NOT PROHIBIT)

(12) any regularly established farm journal or newspaper, devoted to general news, from publishing a department of legal questions and answers thereto, made by a licensed attorney at law, if no (SUCH) answer (BE) is accompanied or at any time preceded or followed by any charge for (SUCH ANSWER) *it*, any disclosure of any name of the maker of any answer, any recommendation of or reference to any one to furnish legal advice or services, or by any legal advice or service for (SUCH) *the* periodical or any one connected with it or suggested by it, directly or indirectly;

(13) *any authorized management agent of an owner of rental property used for residential purposes, whether the management agent is a natural person, corporation, partnership, limited partnership, or any other business entity, from commencing, maintaining, conducting, or defending in its own behalf any action in any court in this state to recover or retain possession of rental property used for residential purposes; and*

(14) *any person from commencing, maintaining conducting, or defending on behalf of the plaintiff or defendant any action commenced in any county or municipal court of this state pursuant to the provisions of sections 566.175 or 566.18 to 566.33 or from commencing, maintaining, conducting, or defending on behalf of the plaintiff or defendant any action commenced in any county or municipal court of this state for the recovery of rental*

*property used for residential purposes pursuant to the provisions of sections 566.02 or 566.03, subdivision 1, except that the provisions of this clause shall not authorize a person who is not a licensed attorney at law to conduct a jury trial or to appear before a district court or the supreme court pursuant to an appeal, and provided that, except for a nonprofit corporation, a person who is not a licensed attorney at law shall not charge or collect a separate fee for services rendered pursuant to this clause.*

Sec. 2. Minnesota Statutes 1980, Section 566.05, is amended to read:

566.05 [COMPLAINT AND SUMMONS.]

The person complaining shall file a complaint with a (JUSTICE OF THE PEACE) court, describing the premises of which possession is claimed, stating the facts which authorize the recovery, and praying for restitution thereof. The (JUSTICE) court shall thereupon issue a summons, commanding the person against whom (SUCH) the complaint is made to appear before (HIM) the court on a day and at a place stated in (SUCH) the summons (NAMED, WHICH). *The appearance shall not be less than (THREE) seven, nor more than (TEN) 14, days from the day of issuing the (SAME) summons.* A copy of the complaint shall be attached to the summons, which shall state that it is so attached, and that the original has been filed.

Sec. 3. Minnesota Statutes 1980, Section 566.06, is amended to read:

566.06 [SUMMONS; HOW SERVED.]

The summons shall be served at least (THREE) *seven* days before the return day thereof by delivering a copy to the person against whom it is issued or if (SUCH) the person (BE) is a corporation, a minor under 14 years of age or a person under guardianship, by delivering a copy as provided in the case of (A) service of a summons in a civil action in the district court (; BUT). In case (SUCH) the person cannot be found in the county, the summons may be served on him at least (SIX) *seven* days before (THE) *its* return day (THEREOF,) by leaving a copy (THEREOF) at his last usual place of abode with a member of his family, or a person of suitable age and discretion residing (AT SUCH PLACE) *there*, or if he had no place of abode, by leaving a copy (THEREOF) upon the premises described in the complaint with a person of suitable age and discretion occupying the same or any part thereof. The summons may be served by the sheriff or any constable of the county, by an agent or attorney of any named party to the action, or by any other person not named a party to the action. In case the defendant cannot be found in the county, of which the return of the sheriff or constable (,) shall be prima facie proof, and further that there

is no person actually occupying the premises described in the complaint, then upon the filing of an affidavit by the plaintiff, or his attorney, in the court in which the action is brought stating that he believes the defendant is not in this state, or cannot be found therein, and either that he has mailed a copy of the summons to the defendant at his last known address, or that (SUCH) *the* address is not known to him, service of the summons may be made upon (SUCH) *the* defendant by posting the summons in a conspicuous place on the premises for not less than one week and if upon the return day the defendant, or his attorney, does not appear in court in the action then the trial thereof shall proceed.

Sec. 4. Minnesota Statutes 1980, Section 566.09, is amended to read:

566.09 [JUDGMENT; FINE; EXECUTION.]

If (, UPON THE TRIAL,) the (JUSTICE) *court* or jury (FIND) *finds* for the plaintiff, the (JUSTICE) *court* shall immediately (THEREUPON) enter judgment that the plaintiff have restitution of the premises (,) and tax the costs for him. The (JUSTICE) *court* shall issue execution in favor of the plaintiff for (SUCH) *the* costs (,) and also immediately issue a writ of restitution. (NO STAY OF THE WRIT OF RESTITUTION MAY BE GRANTED EXCEPT UPON A SHOWING BY THE DEFENDANT THAT THE RESTITUTION WOULD WORK A SUBSTANTIAL HARDSHIP UPON THE DEFENDANT. UPON A PROPER SHOWING BY THE DEFENDANT OF SUBSTANTIAL HARDSHIP, THE JUSTICE MAY STAY THE WRIT OF RESTITUTION FOR A REASONABLE PERIOD NOT TO EXCEED SEVEN DAYS, EXCEPT THAT NO STAY OF THE WRIT OF RESTITUTION SHALL EXTEND LATER THAN THREE DAYS PRIOR TO THE DATE THE RENT IS NEXT DUE) *Upon a showing by the defendant that immediate restitution of the premises would work a substantial hardship upon him or his family, the court shall stay the writ of restitution for a reasonable period, not to exceed seven days.* If the (JUSTICE) *court* or jury (SHALL FIND) *finds* for the defendant, (HE) *the court* shall enter judgment for the defendant, tax the costs against the plaintiff, and issue execution therefor.

Sec. 5. [INSTRUCTIONS TO REVISOR.]

*The revisor of statutes shall change the term "justice" or "justice of the peace" to "court" or another appropriate term wherever it appears in chapter 566.*

Sec. 6. [EFFECTIVE DATE.]

*This act shall be effective the day following final enactment."*



Delete the title and insert:

"A bill for an act relating to landlords and tenants; permitting certain tenant remedies actions and certain actions in unlawful detainer to be done by nonattorneys; extending the time between service of the summons in unlawful detainer proceedings and the return day; providing for a stay of the writ of restitution in unlawful detainer proceedings in cases of hardship; changing obsolete terms in certain landlord and tenant statutes; amending Minnesota Statutes 1980, Sections 481.02, Subdivision 3; 566.05; 566.06; and 566.09."

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 636, A bill for an act relating to unemployment compensation; providing for work weeks to begin on Monday; requiring vacation pay not to be deducted from benefits; amending Minnesota Statutes 1980, Sections 268.04, Subdivision 27; 268.07, Subdivision 2.

Reported the same back with the following amendments:

Page 1, lines 9 to 13, delete section 1

Page 1, line 14, delete "Sec. 2." and insert "Section 1."

Page 2, line 34, after the period insert "*Holiday pay is not earnings and is not deductible from the weekly benefit amount.*"

Amend the title as follows:

Page 1, line 2, delete "providing for"

Page 1, line 3, delete "work weeks to begin on Monday;"

Page 1, line 3, delete "vacation" and insert "holiday"

Page 1, line 5, delete "Sections 268.04, Subdivision 27;" and insert "Section"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 659, A bill for an act relating to retirement; St. Paul teachers retirement fund association; removing an expiration date on authority to provide post retirement increases in certain instances; authorizing reduced early retirement in certain instances; amending Laws 1979, Chapter 109, Section 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 695, A bill for an act relating to commerce; regulating franchises; providing a penalty; amending Minnesota Statutes 1980, Sections 80C.01, Subdivisions 4, 13, and by adding subdivisions; 80C.03; 80C.09, by adding a subdivision; 80C.14; 80C.17, Subdivision 3, and by adding a subdivision; 80C.18, Subdivision 2; and 80C.19, Subdivision 1.

Reported the same back with the following amendments:

Page 1, line 25, strike the period and insert “; or”

Page 1, line 26, strike “ “Franchise” shall include”

Page 1, line 27, after “agreement” insert “, *either express or implied, whether oral or written, for a definite or indefinite period, between two or more persons,*”

Page 2, line 3, strike the period and insert “; or”

Page 2, line 4, delete “ “Franchise” shall include”

Page 2, line 6, after the first “*purchaser*” insert “, *other than the sale of sales demonstration equipment, materials or samples for a total price of \$500 or less to any one person,*”

Page 2, after line 24, insert:

“(e) *“Franchise” does not include any contract, lease or other agreement whereby the franchisee is required to pay less than \$100 on an annual basis, except those franchises identified in subdivision 4, paragraph (b), clause (2).”*

Page 2, delete section 2

Page 4, line 7, after "Minnesota" insert "who has not requested it"

Page 4, line 7, delete "and"

Page 4, delete lines 8 to 22 and insert:

*"(c) The franchisor deposits all franchisee fees in an escrow account until all obligations of the franchisor to the franchisee which are, pursuant to the terms of the franchise agreement, to be performed prior to the opening of the franchise, have been performed. The franchisor shall provide the franchisee with a purchase receipt for the franchise fees paid, a copy of the escrow agreement and the name, address and telephone number of the escrow agent. The escrow agent shall be a bank located in Minnesota. All such franchise fees shall be deposited in the escrow account within two business days after receipt; and*

*(d) The franchisor has filed with the commissioner, no later than ten business days prior to the date of the first sale, a written notice of its intention to offer or sell franchises pursuant to the exemptions set forth in this paragraph, which notice shall be accompanied by a fee of \$50, together with a copy of the disclosure document and standard franchise agreement of the franchisor, which documents are required to be supplied by the franchisor to the franchisee pursuant to rules of the federal trade commission."*

Page 4, line 23, delete "(7)" and insert "(6)"

Page 4, line 24, delete "(8)" and insert "(7)"

Page 4, delete lines 29 to 31 and insert:

*"(8) The offer or sale of a franchise to a resident of a foreign state, territory, or country who is neither domiciled in this state nor actually present in this state, if the franchise business is not to be operated wholly or partly in this state, and if the sale of this franchise is not in violation of any law of the foreign state, territory, or country concerned."*

Page 4, delete section 6

Page 5, line 8, after the period, insert "For the purpose of rules defining the words "unfair and inequitable" the commissioner may specifically recognize classifications of franchises including but not limited to the classifications of motor vehicle fuel franchises, motor vehicle franchises, hardware franchises and franchises which require that the franchisee make an initial, unfinanced investment in excess of \$200,000."

Page 5, line 15, after "agreements" insert "*other than those classifications of franchises specifically recognized by the commissioner pursuant to subdivision 1 of this section,*"

Page 6, delete section 8

Page 7, line 4, delete "11" and insert "8"

Renumber the sections

Amend the title as follows:

Page 1, line 4, delete "Subdivisions 4, 13," and insert "Subdivision 4,"

Page 1, line 5, delete "80C.09, by adding a subdivision;"

Page 1, line 6, delete "Subdivision 3, and"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 696, A bill for an act relating to the city of East Grand Forks; permitting the city to acquire and develop certain land for industrial purposes.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred:

H. F. No. 707, A bill for an act relating to Independent School District No. 281, Robbinsdale; providing an alley system for at large election of school board members.

Reported the same back with the following amendments:

Page 2, delete lines 12 and 13 and insert:

*"Section 1 applies to Independent School District No. 281 upon approval by a majority of the voters of the district, voting on the question at an election."*

Page 2, delete lines 15 to 17 and insert:

*"Section 1 is effective on the day of compliance with Minnesota Statutes, Section 645.021, Subdivision 3."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 751, A bill for an act relating to creation of a budget stabilization bookkeeping account; providing for transfers into and out of the account; providing for the maintenance and administration of the account; relating the operation of the account to the budget process of this state; prescribing the powers and duties of certain state officers; amending Minnesota Statutes 1980, Sections 16A.11, by adding a subdivision; 16A.15, Subdivision 1; and proposing new law coded in Minnesota Statutes, Chapter 16A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [16A.1531] [DEFINITIONS.]

*Subdivision 1. [TERMS DEFINED.] When used in sections 1 to 5 the following terms shall have the meanings given them.*

*Subd. 2. [APPROVED APPROPRIATIONS.] "Approved appropriations" means those funds appropriated from the general fund in a bill passed by the legislature and approved by the governor.*

*Subd. 3. [GENERAL FUND REVENUE.] "General fund revenue" means all sums deposited during a fiscal year in the fund defined by Minnesota Statutes, Section 16A.54.*

*Subd. 4. [REVENUE DEFICIENCY.] "Revenue deficiency" means a fiscal year in which estimated general fund revenue is less than approved appropriations. However, there is no revenue deficiency to the extent that approved appropriations were in excess of estimated general fund revenue at the time the appropriations were approved by the governor.*

*Subd. 5. [STABILIZATION AMOUNT.] "Stabilization amount" means the unrestricted final general fund balance at the end of a fiscal year excluding the first \$25 million.*

**Sec. 2. [16A.1532] [BUDGET STABILIZATION RESERVE ACCOUNT CREATED.]**

*A budget stabilization reserve account is created in the general fund of the treasury. Its purpose is to provide revenue during a revenue deficiency. It may not be used for a purpose other than an approved appropriation, for supplying funds for an emergency, or for an unforeseen need. It is administered by the commissioner of finance.*

**Sec. 3. [16A.1533] [FUNDING OF ACCOUNT.]**

*Subdivision 1. [TRANSFER.] The commissioner of finance shall annually transfer the stabilization amount from the unrestricted general fund balance to the budget stabilization reserve account to be used for the purposes stated in section 2 and subject to the limitations in sections 1 to 5 effective the date the state closes its accounts for a fiscal year.*

*Subd. 2. [LIMITATIONS ON TRANSFER.] The stabilization amount shall not exceed the amount necessary to raise the budget stabilization reserve account to a balance no greater than four percent of the approved appropriations for the current biennium.*

**Sec. 4. [16A.1534] [USE OF ACCOUNT.]**

*The commissioner of finance shall determine whether, pursuant to section 16A.15, there will be a revenue deficiency. The commissioner may then, upon approval of the governor, transfer from the budget stabilization reserve account to the unreserved general fund balance the amount necessary either to reduce or eliminate it. The governor shall promptly notify the chairman of the senate finance committee and the house of representatives appropriations committee of any transfer of funds from the budget stabilization reserve account to the unreserved general fund balance.*

**Sec. 5. [16A.1535] [MANAGEMENT OF FUNDS APPROPRIATED.]**

*Amounts transferred as provided by section 3, subdivision 1, shall be accounted for in the budget stabilization reserve account. Funds in the budget stabilization reserve account may be combined by the commissioner of finance with other funds in the general fund for purposes of cash management.*

**Sec. 6. Minnesota Statutes 1980, Section 16A.11, is amended by adding a subdivision to read:**

*Subd. 3a. [BUDGETING FOR STABILIZATION ACCOUNT.] In addition to the budget message and detailed budget estimates, the governor shall provide a report of budget stabilization reserve account activity during the biennium, the*

*current condition of the budget stabilization reserve account, and an estimate of the condition of the account at the end of the next fiscal biennium.*

Sec. 7. Minnesota Statutes 1980, Section 16A.15, Subdivision 1, is amended to read:

Subdivision 1. [REDUCTION.] In case the commissioner of finance shall discover at any time that the probable receipts from taxes or other sources for any appropriation, fund, or item will be less than was anticipated, and that consequently the amount available for the remainder of the term of the appropriation or for any allotment period will be less than the amount estimated or allotted therefor, he shall, with the approval of the governor, and after notice to the agency concerned, *either*:

(a) *transfer from the budget stabilization reserve account established in section 2, to the unreserved general fund balance the amount necessary to balance revenue and expenditures;*

(b) *reduce the amount allotted or to be allotted so as to prevent a deficit; or*

(c) *make any combination of transfers and reductions as provided by clauses (a) and (b).*

In like manner he shall request reduction of the amount allotted or to be allotted to any agency by the amount of any saving which can be effected upon previous spending plans through a reduction in prices or other cause.

Sec. 8. [EFFECTIVE DATE.]

*Sections 1 to 7 are effective August 1, 1981."*

Delete the title and insert:

"A bill for an act relating to creation of a budget stabilization reserve account; providing for transfers into and out of the account; providing for the maintenance and administration of the account; relating to the operation of the account to the budget process of this state; prescribing the powers and duties of certain state officers; amending Minnesota Statutes 1980, Sections 16A.11, by adding a subdivision; 16A.15, Subdivision 1; and proposing new law coded in Minnesota Statutes, Chapter 16A."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 763, A bill for an act relating to taxation; imposing certain requirements and restrictions on the use of tax increment financing; amending Minnesota Statutes 1980, Sections 273.73, Subdivision 10; 273.74, Subdivisions 1, 2, 3, and 4, and by adding a subdivision; 273.75, Subdivisions 4 and 6, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapter 273; repealing Minnesota Statutes 1980, Section 273.76, Subdivision 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 273.73, Subdivision 10, is amended to read:

Subd. 10. [REDEVELOPMENT DISTRICT.] (a) "Redevelopment district" means a type of tax increment financing district consisting of a project, or portions of a project, within which the authority finds by resolution that one of the following conditions, reasonably distributed throughout the district, exists:

(1) The land is predominantly occupied by buildings, streets, utilities or other improvements and more than 50 percent of the buildings, not including outbuildings, are structurally substandard to a degree requiring substantial renovation or clearance;

or

(2) The land is predominantly occupied by buildings, streets, utilities or other improvements and 20 percent of the buildings are structurally substandard and an additional 30 percent of the buildings are found to require substantial renovation or clearance in order to remove such existing conditions as: inadequate street layout, incompatible uses or land use relationships, overcrowding of buildings on the land, excessive dwelling unit density, obsolete buildings not suitable for improvement or conversion, or other identified hazards to the health, safety and general well being of the community; or

(3) The land is not predominantly occupied by buildings, streets, utilities or other improvements, but *due to unusual terrain, subterranean or soil deficiencies* at least 80 percent of the total acreage of (SUCH) *the* land has a fair market value upon inclusion in the redevelopment district which, when added to the estimated cost of preparing the land for (USE, INCLUDING UTILITIES) *development, excluding costs directly related to roads within the scope of section 160.01 and local improvements as described in sections 429.021, subdivision 1, clauses 1 to 7,*



11, and 12; and 430.01, if any, exceeds its anticipated fair market value after completion of said preparation; or

(4) The property consists of underutilized air rights existing over a public street, highway or right-of-way; or

(5) *The property consists of vacant, unused, underused, inappropriately used or infrequently used railyards, rail storage facilities or excessive or vacated railroad rights-of-way.*

(b) For purposes of this subdivision, "structurally substandard" shall mean containing defects in structural elements or a combination of deficiencies in essential utilities and facilities, light and ventilation, fire protection including adequate egress, layout and condition of interior partitions, or similar factors, which defects or deficiencies are of sufficient total significance to justify substantial renovation or clearance. "Predominantly occupied" shall mean at least 50 percent of the parcels comprising at least 50 percent of the acreage.

Sec. 2. Minnesota Statutes 1980, Section 273.74, Subdivision 1, is amended to read:

Subdivision 1. [TAX INCREMENT FINANCING PLAN.]  
A tax increment financing plan shall contain:

(a) A statement of objectives of an authority for the improvement of a district (. THE PLAN SHALL CONTAIN);

(b) A statement as to the development program for the district, including the property within the district, if any, which the authority intends to acquire (. IT SHALL ALSO CONTAIN);

(c) *A list of any development activities which the plan proposes to take place within the district, for which contracts have been entered into at the time of the preparation of the plan, including the names of the parties to the contract, the activity governed by the contract, the cost stated in the contract, and the expected date of completion of that activity;*

(d) *Identification or description of the type of any other specific development reasonably expected to take place within the district, and the date when the development is likely to occur;*

(e) Estimates of the following:

(1) Cost of the district, including administration expenses;

(2) Amount of bonded indebtedness to be incurred;

(3) Sources of revenue to finance or otherwise pay public costs;

(4) The most recent assessed value of taxable real property within the district;

(5) The estimated captured assessed value of the district at completion; and

(6) The duration of the district's existence (. THE PLAN SHALL ALSO CONTAIN); and

(f) A statement of the authority's estimate of the impact of tax increment financing on the assessed values of all taxing jurisdictions in which the district is located in whole or in part.

Sec. 3. Minnesota Statutes 1980, Section 273.74, Subdivision 2, is amended to read:

Subd. 2. [CONSULTATIONS; COMMENT AND FILING.] Before formation of a tax increment financing district, the authority shall provide an opportunity to the members of the county boards of commissioners of any county in which any portion of the proposed district is located and the members of the school board of any school district in which any portion of the proposed district is located to meet with the authority. The authority shall present to the members of the county boards of commissioners and the school boards its estimate of the fiscal and economic implications of the proposed tax increment financing district. The members of the county boards of commissioners and the school boards may present their comments at the public hearing on the tax increment financing plan required by subdivision 3. *An authority shall not request certification of a tax increment financing district pursuant to section 273.76, subdivision 1, until the county board of commissioners has presented to the authority its written comments on the plan or until 30 days have passed from the date of the initial transmittal to the county of the authority's estimate regarding the fiscal and economic implication of the district, whichever happens first.* Upon adoption of the tax increment financing plan, the authority shall file the same with the state planning agency.

Sec. 4. Minnesota Statutes 1980, Section 273.74, Subdivision 3, is amended to read:

Subd. 3. [MUNICIPALITY APPROVAL.] No county auditor shall certify the original assessed value of a tax increment financing district until the tax increment financing plan proposed for that district has been approved by the municipality in which the district is located. If an authority which proposes to establish a tax increment financing district and the municipality are not the same, the authority shall apply to the municipality in which the district is proposed to be located and shall

obtain the approval of its tax increment financing plan by the municipality before the authority may use tax increment financing. The municipality shall approve the tax increment financing plan only after a public hearing thereon after published notice in a newspaper of general circulation in the municipality at least once not less than ten days nor more than 30 days prior to the date of the hearing. This hearing may be held before or after the approval or creation of the project or it may be held in conjunction with a hearing to approve the project. Before or at the time of approval of the tax increment financing plan, the municipality shall make the following findings, *and shall set forth in writing the bases or reasons for each determination*:

(a) That the proposed tax increment financing district is a redevelopment district, a housing district or an economic development district (AND THE SPECIFIC BASES FOR SUCH DETERMINATION).

(b) That the proposed development or redevelopment, in the opinion of the municipality, would not occur solely through private investment within the reasonably foreseeable future and therefore the use of tax increment financing is deemed necessary.

(c) That the tax increment financing plan conforms to the general plan for the development or redevelopment of the municipality as a whole.

(d) That the tax increment financing plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the development or redevelopment of the district by private enterprise.

(e) That the municipality elects the method of tax increment computation set forth in section 273.76, subdivision 3, clause (b), if applicable.

When the municipality and the authority are not the same, the municipality shall approve or disapprove the tax increment financing plan within 60 days of submission by the authority, or the plan shall be deemed approved. When the municipality and the authority are not the same, the municipality may not amend or modify a tax increment financing plan except as proposed by the authority pursuant to subdivision 4. Once approved, the determination of the authority to undertake the project through the use of tax increment financing and the resolution of the governing body shall be conclusive of the findings therein and of the public need for such financing.

Sec. 5. Minnesota Statutes 1980, Section 273.74, Subdivision 4, is amended to read:

Subd. 4. [MODIFICATION OF PLAN.] A tax increment financing plan may be modified by an authority, provided that any reduction or enlargement of geographic area (,); increase in amount of bonded indebtedness to be incurred, *including a deter-*

mination to capitalize interest on the debt; increase in the portion of the captured assessed value to be retained by the authority (,); increase in total estimated tax increment expenditures or designation of additional property to be acquired by the authority shall be approved upon the notice and after the discussion, public hearing, and findings required for approval of the original plan.

The geographic area of a tax increment financing district may be reduced, but shall not be enlarged after five years following the date of certification of the original assessed value by the county auditor or five years from August 1, 1979, for tax increment financing districts authorized prior to August 1, 1979, except that development districts created pursuant to chapter 472A prior to August 1, 1979, may be reduced but shall not be enlarged after five years following the date of designation of such district.

Sec. 6. Minnesota Statutes 1980, Section 273.77, is amended to read:

**273.77 [TAX INCREMENT BONDING.]**

Any other law, general or special, notwithstanding, after August 1, 1979 no bonds, payment for which tax increment is pledged, shall be issued in connection with any project for which tax increment financing has been undertaken other than as is authorized hereby and the proceeds therefrom shall be used only in accordance with section 273.75, subdivision 4 as if said proceeds were tax increment, except that a tax increment financing plan need not be adopted for any project for which tax increment financing has been undertaken prior to August 1, 1979, pursuant to statutes not requiring a tax increment financing plan. Such bonds shall not be included for purposes of computing the net debt of any municipality.

(a) A municipality may issue general obligation bonds to finance any expenditure by the municipality or an authority the jurisdiction of which is wholly or partially within that municipality, pursuant to section 273.75, subdivision 4 in the same manner and subject only to the same conditions as those provided in chapter 475 for bonds financing improvement costs reimbursable from special assessments. *A municipality may also issue general obligation temporary bonds in the same manner and subject only to the same conditions as those provided for temporary improvement bonds in section 429.091, subdivision 3, except that the general obligation temporary bonds may be payable from the proceeds of definitive bonds issued pursuant to clauses (b) and (c) of this section, as well as definitive general obligation bonds pursuant to this clause thereby required to be issued to the extent that the general obligation temporary bonds cannot be paid as otherwise provided in section 429.091, subdivision 3.* Any pledge of tax increment, assessments or other revenues for the payment of the principal of and interest on general obligation bonds issued under this subdivision, except when the authority

and the municipality are the same, shall be made by written agreement by and between the authority and the municipality and filed with the county auditor. When the authority and the municipality are the same, the municipality may by covenant pledge tax increment, assessments or other revenues for the payment of the principal of and interest on general obligation bonds issued under this subdivision and thereupon shall file the resolution containing such covenant with the county auditor. When tax increment, assessments and other revenues are pledged, the estimated collections of said tax increment, assessments and any other revenues so pledged may be deducted from the taxes otherwise required to be levied before the issuance of the bonds under section 475.61, subdivision 1, or the collections thereof may be certified annually to reduce or cancel the initial tax levies in accordance with section 475.61, subdivision 1 or 3.

(b) When the authority and the municipality are not the same, an authority may, by resolution, authorize, issue and sell its general obligation bonds to finance any expenditure which that authority is authorized to make by section 273.75, subdivision 4. Said bonds of the authority shall be authorized by its resolution, shall mature as determined by resolution of the authority in accordance with Laws 1979, Chapter 322, and may be issued in one or more series and shall bear such date or dates, bear interest at such rate or rates, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in medium of payment at such place or places, and be subject to such terms of redemption, with or without premium, as such resolution, its trust indenture or mortgage may provide. The bonds may be sold at public or private sale at the price or prices as the authority by resolution shall determine, and any provision of any law to the contrary notwithstanding, the bonds shall be fully negotiable. In any suit, actions, or proceedings involving the validity of enforceability of any bonds of the authority or the security therefor, any bond reciting in substance that it has been issued by the authority to aid in financing a district shall be conclusively deemed to have been issued for such purpose, and the district shall be conclusively deemed to have been planned, located, and carried out in accordance with the purposes and provisions of Laws 1979, Chapter 322. Neither the authority, nor any director, commissioner, council member, board member, officer, employee or agent of the authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds of the authority, and such bonds shall so state on their face, shall not be a debt of any municipality, the state or any political subdivision thereof, and neither the municipality nor the state or any political subdivision thereof shall be liable thereon, nor in any event shall such bonds be payable out of any funds or properties other than those of the authority and any tax increment and revenues of a tax increment financing district pledged therefor.

(c) Notwithstanding any other law general or special, an authority may, by resolution, authorize, issue and sell revenue bonds payable solely from all or a portion of revenues, including but not limited to tax increment revenues and assessments, derived from a tax increment financing district located wholly or partially within the municipality to finance any expenditure which the authority is authorized to make by section 273.75, subdivision 4. The bonds shall mature as determined by resolution of the authority in accordance with Laws 1979, Chapter 322 and may be issued in one or more series and shall bear such date or dates, bear interest at such rate or rates, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in medium of payment at such place or places, and be subject to such terms of redemption, with or without premium, as such resolution, its trust indenture or mortgage may provide. The bonds may be sold at public or private sale at the price or prices as the authority by resolution shall determine, and any provision of any law to the contrary notwithstanding, shall be fully negotiable. In any suit, action, or proceedings involving the validity or enforceability of any bonds of the authority or the security therefor, any bond reciting in substance that it has been issued by the authority to aid in financing a district shall be conclusively deemed to have been issued for such purpose, and the district shall be conclusively deemed to have been planned, located, and carried out in accordance with the purposes and provisions of Laws 1979, Chapter 322. Neither the authority, nor any director, commissioner, council member, board member, officer, employee or agent of the authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds may be further secured by a pledge and mortgage of all or any portion of the district in aid of which the bonds are issued and such covenants as the authority shall deem by such resolution to be necessary and proper to secure payment of the bonds. The bonds, and the bonds shall so state on their face, shall not be payable from nor charged upon any funds other than the revenues and property pledged or mortgaged to the payment thereof, nor shall the issuing authority be subject to any liability thereon or have the powers to obligate itself to pay or pay the bonds from funds other than the revenues and properties pledged and mortgaged and no holder or holders of the bonds shall ever have the right to compel any exercise of any taxing power of the issuing authority or any other public body, other than as is permitted or required under Laws 1979, Chapter 322 and pledged therefor hereunder, to pay the principal of or interest on any such bonds, nor to enforce payment thereof against any property of the authority or other public body other than that expressly pledged or mortgaged for the payment thereof.

Sec. 7. [EFFECTIVE DATE.]

*Sections 1 to 6 are effective with respect to a district for which certification is requested after January 1, 1982."*

Further amend the title as follows:

Page 1, line 6, delete everything after "and 4" and insert  
"; and 273.77"

Page 1, delete lines 7 to 9

Page 1, line 10, delete everything except the period

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 770, A bill for an act relating to children; requiring stepparents to support their unadopted stepchildren; proposing new law coded in Minnesota Statutes, Chapter 257.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 774, A bill for an act relating to children; providing for reports of dependency, neglect, and abuse of children; allowing for courts to compel testimony under certain circumstances; amending Minnesota Statutes 1980, Sections 254A.09; and 626.-556, Subdivisions 7, 8, 10, and 11.

Reported the same back with the following amendments:

Page 1, line 24, delete "*dependent*,"

Page 2, line 6, delete "*dependency*,"

Pages 2 and 3, delete sections 2, 3 and 4

Page 4, lines 29 to 36, reinstate the stricken language

Page 4, line 34, delete "*ten*"

Page 5, lines 1 to 7, reinstate the stricken language

Renumber the sections

Delete the title and insert:

"A bill for an act relating to children; providing for confidentiality of records of reports of neglect, and abuse of children; allowing for sharing of records under certain circumstances; amending Minnesota Statutes 1980, Sections 254A.09; and 626.556, Subdivision 11."

With the recommendation that when so amended the bill pass.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred:

H. F. No. 780, A bill for an act relating to elections; providing a penalty for broadcasting certain false information; amending Minnesota Statutes 1980, Section 210A.04, Subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 210A.04, is amended to read:

Subdivision 1. Every person who (WRITES, PRINTS, POSTS, OR DISTRIBUTES, OR CAUSES TO BE WRITTEN, PRINTED, POSTED, OR DISTRIBUTED, EXCEPT BY BROADCASTING, ANY CIRCULAR, POSTER, OR OTHER WRITTEN OR PRINTED MATTER CONTAINING FALSE INFORMATION) *intentionally participates in the preparation or dissemination of paid political advertising or campaign material with respect to the personal or political character or acts of any candidate, which is known by that person to be false and which is designed or tends to elect, injure or defeat any candidate for nomination or election to a public office, (SHALL BE) is guilty of a gross misdemeanor.*

Subd. 2. Subdivision 1 (SHALL) *does not apply to a printer or manufacturer of campaign material whose sole act is the printing or manufacturing of campaign material and delivery to the person who orders it, and who does not know (SUCH) the printed matter is false; nor does it apply to a broadcaster for a radio or television broadcast station or cable system whose sole act is the dissemination of the false information as advertising paid for in the regular course of business, and who does not know the information is false.*"

Delete the title and insert:



"A bill for an act relating to elections; providing a penalty for preparing or disseminating certain false information; exempting certain broadcasters; amending Minnesota Statutes 1980, Section 210A.04."

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 826, A bill for an act relating to health; proposing a population-based, statewide cancer and birth defects surveillance system; establishing an advisory task force; designing a system and pilot test; appropriating money.

Reported the same back with the following amendments:

Page 2, delete lines 9 to 16

Renumber the sections

Amend the title as follows:

Page 1, line 4, delete "establishing an advisory task force;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 834, A bill for an act relating to the cities of Minneapolis and St. Paul; authorizing the implementation of energy conservation programs; authorizing the financing of residential energy conservation programs; authorizing the issuance of qualified mortgage bonds.

Reported the same back with the following amendments:

Page 1, line 12, after "that" insert "implementing"

Page 1, line 13, after "conservation" insert "measures"

Page 1, line 15, delete "this" and insert "energy conservation"

Page 2, line 3, delete "such" and insert "the"

Page 2, lines 12 and 17, delete "utilization" and insert "use"

Page 2, line 18, delete "such" and insert "a"

Page 3, lines 7 and 11, delete "this act" and insert "sections 1 to 5"

Page 3, line 19, delete "this" and insert "sections 1 to 5"

Page 3, line 20, delete "act"

Page 3, line 23, delete "Chapter" and insert "Chapter 462C or"

Page 4, line 7, delete "equal to the"

Page 4, line 8, delete "greater of (1)" and insert "not to exceed"

Page 4, line 8, after "\$16,000,000" delete the balance of the line

Page 4, delete lines 9 to 13

Page 4, line 14, delete "preceding three years"

Page 4, after line 15, insert:

*"Nothing contained within this subdivision shall authorize the issuance of qualified mortgage bonds for a program which would otherwise be subject to Minnesota Statutes, Chapter 462C, without compliance with that chapter."*

Page 4, line 21, delete "equal to the" and insert "not to exceed \$8,500,000."

Page 4, delete lines 22 to 27

Page 4, after line 29, insert:

*"Nothing contained within this subdivision shall authorize the issuance of qualified mortgage bonds for a program which would otherwise be subject to Minnesota Statutes, Chapter 462C, without compliance with that chapter."*

## Sec. 7. [REPORT.]

*By January 1, 1982, the cities of St. Paul and Minneapolis shall report to the appropriate committees of the legislature on the implementation of the program created in sections 1 to 5. The report shall include but is not limited to information on the*

*amount of bonds issued and the number and types of dwelling units served, whether single family, multifamily of four units or less, or multifamily of more than four units."*

Renumber the sections

Amend the title as follows:

Page 1, line 6, before the period, insert "; requiring a report to the legislature"

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 849, A bill for an act relating to health; prohibiting the possession of skunks; setting a penalty; proposing new law coded in Minnesota Statutes, Chapter 145.

Reported the same back with the following amendments:

Page 1, line 11, after "any" insert "live"

Page 1, line 11, after "skunk" insert "or raccoon"

Page 1, line 14, after "any" insert "live"

Page 1, line 14, after "skunks" insert "or raccoons"

Page 1, lines 16 and 18, after "skunk" insert "or raccoon"

Page 1, after line 22, insert:

"Sec. 2. [EFFECTIVE DATE.]

*The provisions of section 1, subdivision 1, shall be effective August 1, 1981 except that an individual may possess any live skunks until December 31, 1981."*

Amend the title as follows:

Page 1, line 2, after "of" insert "live"

Page 1, line 3, after "skunks" insert "or raccoons"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 850, A bill for an act relating to local and metropolitan government; regulating transportation planning and zoning; allowing official maps to show state trunk highway corridors; permitting loans by the metropolitan council for the purpose of purchasing certain highway rights-of-way under certain conditions; authorizing a tax levy in the metropolitan area; amending Minnesota Statutes 1980, Sections 394.22, Subdivision 12; 462.352, Subdivision 10; and 473.167.

Reported the same back with the following amendments:

Page 1, line 20, delete "*corridors*" and insert "*rights of way*"

Page 2, line 8, delete "*corridors*" and insert "*rights of way*"

Page 3, line 6, delete "*corridor*"

Page 3, line 15, after "*conversion*" insert "*or the granting of approvals which would allow the conversion*"

Page 3, line 20, after the period insert: "*A private property owner may elect to receive the purchase price either in a lump sum or in not more than four annual installments without interest on the deferred installments. If the purchase agreement provides for installment payments, the council shall make the loan in installments corresponding to those in the purchase agreement.*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred:

H. F. No. 855, A bill for an act relating to education; changing the time period for filing an application to be placed on the ballot for board elections; amending Minnesota Statutes 1980, Section 123.32, Subdivision 4.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 862, A bill for an act relating to Otter Tail county; authorizing the county board to grant certain powers for a district created under Minnesota Statutes, Chapter 116A.

Reported the same back with the following amendments:

Page 1, line 22, delete "*Ottertail*" and insert "*Otter Tail*"

Page 1, line 23, after "*Long Lake*" insert "*and their connecting waterways*"

Page 2, line 3, delete "*a septic tank*" and insert "*an on site wastewater disposal system*"

Page 2, line 3, after "*inspect,*" insert "*construct,*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 883, A bill for an act relating to metropolitan government; changing procedures for financial assistance to the metropolitan transit commission; establishing a program to assist demonstrations of alternative methods of providing public transit service for certain communities; providing for alternative uses of metropolitan transit tax levies; amending Minnesota Statutes 1980, Sections 174.24, Subdivision 3; 473.411, Subdivision 1; and 473.446; proposing new law coded in Minnesota Statutes, Chapter 174; repealing Minnesota Statutes 1980, Section 174.28.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 174.24, Subdivision 3, is amended to read:

Subd. 3. [FINANCIAL ASSISTANCE.] Payment of financial assistance shall be by contract between the commissioner and an eligible recipient. The commissioner shall determine the operating deficit of any public transit system receiving or applying for assistance in accordance with generally accepted accounting principles, provided that any financial assistance received from any agency of the federal government for the operation of a public transit system shall be treated as revenue for the purposes of determining the operating deficit. To be eligible for financial assistance an applicant or recipient shall provide

to the commissioner all financial records and other information and shall permit any inspection reasonably necessary to determine the amount of assistance which may be paid to the applicant or recipient. Where more than one county or municipality contributes assistance to the operation of a public transit system the commissioner shall identify one as lead agency for the purpose of receiving moneys under this section. The commissioner may adopt rules establishing performance standards for public transit systems for use in determining the amount of assistance which may be paid to an eligible recipient. Except as otherwise provided in this subdivision, payments shall not exceed two-thirds of the operating deficit of a public transit system. The commissioner shall adopt rules establishing uniform performance standards for private operators of regular route transit systems in the transit taxing district as defined in section 473.446, subdivision 2. Payments to those private operators shall be based on the uniform performance standards and shall not exceed 100 percent of the operating deficit. (PAYMENTS TO THE METROPOLITAN TRANSIT COMMISSION SHALL BE BASED UPON A PERFORMANCE FUNDING SYSTEM AS PROVIDED IN SECTION 174.28.)

Sec. 2. Minnesota Statutes 1980, Section 174.24, is amended by adding a subdivision to read:

*Subd. 3a. [TRANSIT COMMISSION.] The commissioner shall provide financial assistance by contract to the metropolitan transit commission from appropriations provided for that purpose.*

Sec. 3. [174.265] [METROPOLITAN TRANSIT SERVICE DEMONSTRATION PROGRAM.]

*Subdivision 1. [DEFINITIONS.] For the purposes of this section, the terms defined in this subdivision have the meanings given them, unless the context requires otherwise.*

(a) "Available local transit funds" means an amount equal to 90 percent of the tax proceeds which would accrue to the metropolitan transit commission from a tax levied in the applicant community or communities in accordance with section 473.446, subdivision 1, clauses (a) to (c).

(b) "Off-peak hours" has the meaning given it in section 473.408, subdivision 1.

*Subd. 2. [ESTABLISHMENT OF PROGRAM.] A metropolitan transit service demonstration program is established to provide financial assistance for projects designed to test the efficiency and effectiveness of alternative methods of providing public transit service for communities that are within the metropolitan transit taxing district but are not adequately served by existing regular route transit.*

*Subd. 3. [ELIGIBILITY.] The commissioner may provide assistance under the program to any statutory or home rule charter city or town, or group of such cities or towns, which: (a) is located within the metropolitan transit taxing district, as defined in section 473.446, subdivision 2; (b) is not served by the metropolitan transit commission or is served only with bus routes which end or begin within the city or town, or group of cities or towns; and (c) has fewer than four scheduled runs of bus service provided by the commission during off-peak hours. Eligible cities or towns may apply on behalf of any operator of public transit with whom they propose to contract for service.*

*Subd. 4. [ASSISTANCE FOR REPLACEMENT SERVICE.] An application for financial assistance for replacement services shall: describe the existing service provided to the applicant by the metropolitan transit commission, including the estimated number of passengers carried and the routes, schedules, and fares; describe the transit service proposed for funding under the demonstration program, including the anticipated number of passengers and the routes, schedules, and fares; and indicate the total amount of available local transit funds, the portion of the available local transit funds proposed to be used to subsidize replacement services, and the amount of state assistance requested for the replacement services. Financial assistance shall not be granted under this subdivision unless the commissioner determines that the service proposed for funding is intended and designed to replace and substitute for that provided by the metropolitan transit commission at the time of application and that the average subsidy per passenger for the replacement service will not exceed the average subsidy per passenger during the six months preceding the application on the commission's routes which serve the applicant communities. If the applicant communities are not served by the commission at the time of the application, the average subsidy per passenger for the replacement service shall not exceed the average subsidy per passenger during the six months preceding the application on all routes of the commission extending into zone four. After the first year of replacement service, the maximum subsidy shall be escalated at a rate equal to the rate of inflation in the revised consumer price index for all urban consumers in the Minneapolis-St. Paul metropolitan area. The amount of financial assistance provided for replacement service under this subdivision shall not exceed the sum of: (a) the portion of the available local transit funds which the applicant proposes to use to subsidize the service, and (b) an amount of state assistance bearing an identical proportional relationship to the amount under (a) as the total amount of state assistance available to the metropolitan transit commission under section 2 bears to the total amount of taxes collected by the commission under section 473.446, subdivision 1, clauses (a) to (c). The commissioner shall transfer the amounts provided to the recipient from the assistance available to the metropolitan transit commission pursuant to section 174.24, subdivision 3.*

*Subd. 5. [ASSISTANCE FOR ADDITIONAL SERVICE.] Any city or town or group of cities or towns receiving financial assistance under subdivision 4 may also receive assistance pursuant to section 174.24, subdivision 3, or section 174.25. In addition to the information required of applicants for assistance under those sections, an application shall describe the portion of the available local transit funds which are not obligated to subsidize replacement service, under the assistance contract entered into pursuant to subdivision 4, and which the applicant proposes to use to subsidize additional services. An applicant which has exhausted its available local transit funds may use any other local subsidy funds to complete the required local share. If the commissioner grants financial assistance pursuant to this subdivision, the commissioner shall transfer the portion of the available local transit funds which the applicant proposes to use to subsidize the additional service from the assistance available to the metropolitan transit commission pursuant to section 174.24, subdivision 3.*

Sec. 4. Minnesota Statutes 1980, Section 174.31, is amended to read:

**174.31 [(SPECIAL DEMONSTRATION PROJECT;) COORDINATION OF SPECIAL TRANSPORTATION SERVICE IN THE METROPOLITAN AREA.]**

Subdivision 1. [ESTABLISHMENT; OBJECTIVES.] A (SPECIAL DEMONSTRATION) project for coordination of special transportation service in the metropolitan area as defined in section 473.121, subdivision 2, shall be established and implemented by the commissioner with the following objectives:

(a) To provide greater access to transportation for the elderly, handicapped and others with special transportation needs in the metropolitan area and particularly to fill all unmet needs for that transportation in the transit taxing district as defined in section 473.446, subdivision 2; (AND)

(b) To develop an integrated system of special transportation service providing transportation tailored to meet special individual needs in the most cost-efficient manner (USING EXISTING PUBLIC AND PRIVATE PROVIDERS OF SERVICE); and

(c) To use existing public and private providers of service wherever possible, to supplement rather than replace existing service, and to increase the productivity of all special transportation vehicles available in the area.

For the purpose of this section "project" means the (DEMONSTRATION) project established under this subdivision.



Subd. 2. [FINANCING; IMPLEMENTATION; MANAGEMENT AND ADVISORY GROUPS.] The project shall be operated pursuant to the rules governing and funded with money available under the paratransit grant program. The commissioner shall not operate the project but shall contract for services necessary for its operation. All transportation service provided through the project shall be provided under a contract between the commissioner and the provider which specifies the service to be provided and the rates for providing it. The commissioner shall establish a committee to set management policies for the project. The management policy committee shall include the commissioner or his designee, representatives of persons contracting to provide services for the project, a representative of the metropolitan council, a representative of the metropolitan transit commission and at least two representatives of the task force established to advise the committee. The meetings of the management policy committee shall be public and minutes of all meetings shall be taken, preserved and made available for public inspection. The commissioner shall establish an advisory task force of individuals representing the elderly, handicapped and other users of service provided by the project to advise the management policy committee.

Subd. 3. [DUTIES OF COMMISSIONER.] In implementing the project the commissioner shall:

(a) Encourage participation in the project by public and private providers of special transportation service currently receiving capital or operating assistance from a public agency;

(b) Contract with public and private providers that have demonstrated their ability to effectively provide service at a reasonable cost;

(c) Encourage individuals using service provided through the project to use the type of service most appropriate to their particular needs;

(d) Insure that all persons providing service through the project receive equitable treatment in the allocation of the ridership;

(e) Encourage shared rides to the greatest extent practicable;

(f) Insure that a full range of service is made available through the project to all parts of the metropolitan transit taxing district;

(g) Encourage public agencies that provide transportation to eligible individuals as a component of human services and educational programs to coordinate with the project and to allow

reimbursement for services provided through the project at rates that reflect the public cost of providing those services.

Subd. 4. [COORDINATION REQUIRED.] The commissioner shall not grant any financial assistance under section 174.24 or 174.25 to any recipient that proposes to use any part of the grant to provide special transportation service in the metropolitan area unless the program is coordinated with the project in the manner determined by the commissioner. (A RECIPIENT OF A GRANT MADE BEFORE JUNE 8, 1979 SHALL COORDINATE ITS PROGRAM WITH THE PROJECT AS FAR AS PRACTICABLE BUT SHALL NOT BE DENIED ANY ADDITIONAL GRANT FOR WHICH IT IS OTHERWISE QUALIFIED SOLELY BECAUSE IT IS NOT COORDINATED WITH THE PROJECT.)

Subd. 5. [(COMPLIANCE WITH) OPERATING AND SERVICE STANDARDS.] A vehicle providing special transportation service which is subject to the operating standards adopted pursuant to section 174.30 shall not be allowed to provide service through the project after January 1, 1981, unless a current certificate of compliance has been issued to the vehicle. *A person operating or assisting the operation of a vehicle may leave the vehicle to enter premises in order to help a passenger who does not require emergency ambulance service. Operators and assistants shall provide the help necessary for door-through-door service, including help in entering and leaving the vehicle and help through the exterior entrance and over any exterior steps at either departure or destination buildings, provided that both the steps and the wheelchair are in good repair. If an operator or assistant refuses help because of the condition of the steps or the wheelchair, the operator of the service shall send letters to the commissioner of transportation and the person denied service describing the corrective measures necessary to qualify for service.*

Subd. 6. [EVALUATION AND REPORTS.] The commissioner shall evaluate the project and submit a report to the legislature in January, 1981, including the following information:

(a) All amounts of money spent or obligated for the project by the commissioner and the persons receiving those amounts;

(b) The types of service provided, number of individuals served and areas covered;

(c) A comparison of the cost of providing different types of service;

(d) A review of the achievements or failures of the project, problems encountered in implementation and conclusions and recommendations concerning future action.

The commissioner shall submit a preliminary report to the legislature in January, 1980, covering the above information to the extent it is available at that time.

Subd. 7. [EXPIRATION OF PROJECT.] The project shall expire June 30, 1981, and the commissioner shall not enter a contract or make any grant the proceeds of which may be expended for the purpose of implementing or continuing the project beyond June 30, 1981.

Sec. 5. Minnesota Statutes 1980, Section 473.408, Subdivision 6, is amended to read:

Subd. 6. [MONTHLY PASSES.] The commission (SHALL) *may* offer monthly passes for regular route bus service for sale to the general public. (THE PASSES SHALL BE OFFERED AT A DISCOUNT AT LEAST AS GREAT AS THE DISCOUNT PROVIDED ON PASSES SOLD BY THE COMMISSION IN JANUARY, 1979.)

Sec. 6. Minnesota Statutes 1980, Section 473.408, Subdivision 7, is amended to read:

Subd 7. [EMPLOYEE PLAN.] The commission (SHALL) *may* offer monthly passes for regular route bus service for sale to employers at a special discount subject to the provisions of this subdivision. An employer (IS) *may be* eligible to purchase passes at a special discount if the employer agrees to establish a payroll deduction plan as a means for its employees to purchase the passes at a price at or below the amount charged by the commission. The special discount on passes sold pursuant to this subdivision shall be (TWO DOLLARS ON A SINGLE ZONE PASS AND A PROPORTIONATE AMOUNT ON OTHER PASSES. THE SPECIAL DISCOUNT IS IN ADDITION TO THE DISCOUNT PROVIDED ON PASSES SOLD TO THE GENERAL PUBLIC) *determined by the commission.*

Sec. 7. Minnesota Statutes 1980, Section 473.411, Subdivision 1, is amended to read:

Subdivision 1. [DEVELOPMENT PROGRAM.] The commission shall prepare and submit in the manner provided in and satisfying the requirements of section 473.161, a (TRANSPORTATION) development program, providing for the implementation of the policy plan adopted by the council. In preparing the program, the commission shall consult with counties and municipalities in the metropolitan area, the state transportation department and the state planning agency, and for that purpose may create such advisory committees as may be necessary.

(SUCH) *The* program shall provide for coordination of routes and operations of all publicly and privately owned (TRANS-

PORTATION) *transit and paratransit* facilities within the transit area to the end that combined efficient and rapid (TRANSPORTATION) *transit and paratransit* may be provided for the use of the public in the entire area. The commission may designate a segment of the system planned as a pilot or demonstration (TRANSPORTATION) *transit or paratransit* project using, without limitation, new technology including airborne systems, or traditional systems of evolved or modern form. The (TRANSPORTATION) development program shall include the general alignment and profile, approximate points of access, facility classification, approximate cost, relation to other existing and planned (TRANSPORTATION) *transit and paratransit* routes and facilities, and a statement of the expected general effect on present and future use of the property within the corridor. The program shall be accompanied with a statement of need for the proposed construction or improvement, a description of alternate routes which were considered, and an explanation of the advantages and disadvantages in the selection of any route considered. The (TRANSPORTATION) *transit and paratransit* development program shall also contain a description of the type of right-of-way or routes required; the type of transit service to be provided in each portion of the system; designation of transit mode; and appropriate general operating criteria. The program shall also contain an operational improvement program which shall at least describe performance objectives and standards which the commission proposes to achieve in satisfying policies, purposes, and goals established by the legislature and the council; identify performance indicators by which to monitor and assess progress in achieving the objectives and standards; and establish a route deficit limit as provided in section 174.28, subdivision 5. The program may include such other information as the council or the commission deems necessary.

Sec. 8. Minnesota Statutes 1980, Section 473.446, is amended to read:

#### 473.446 [TRANSIT TAX LEVIES.]

Subdivision 1. [(AMOUNT) TAXATION WITHIN TRANSIT TAXING DISTRICT.] For the purposes of sections 473.-401 to 473.451 and the metropolitan transit system, *except as otherwise provided in this subdivision* the metropolitan transit commission shall levy each year upon all taxable property within the metropolitan transit taxing district, defined (HEREIN) *in subdivision 2*, a transit tax consisting of:

(a) An amount equal to 1.72 mills times the assessed value of all such property, the proceeds of which shall be used for payment of the expenses of operating (REGULAR ROUTE BUS) *transit and paratransit* service;

(b) An additional amount, if any, as the commission determines to be necessary to provide for the full and timely payment of its certificates of indebtedness and other obligations outstanding on July 1, 1977, to which property taxes under this section have been pledged; and

(c) An additional amount necessary to provide full and timely payment of certificates of indebtedness, bonds, or other obligations issued pursuant to section 473.436 for purposes of acquisition and betterment of property and other improvements of a capital nature and to which the commission has specifically pledged tax levies under this clause.

*In any statutory or home rule charter city or town in the metropolitan transit taxing district which is receiving financial assistance under section 2, the commission shall levy a tax equal to ten percent of the sum of levies provided for in clauses (a) to (c), plus a levy sufficient to yield the amounts of available local transit funds transferred pursuant to section 2 from the state assistance available to the commission, less any amount paid to the commission by the city or town under a contract for service entered into pursuant to subdivision 2 of this section.*

Subd. 1a. [TAXATION WITHIN TRANSIT AREA.] For the purposes of sections 473.401 to 473.451, and the metropolitan transit system, the metropolitan transit commission shall levy upon all taxable property within the metropolitan transit area but outside of the metropolitan transit taxing district, defined (HEREIN) in subdivision 2, a transit tax, which shall be equal to ten percent of the sum of the levies provided in subdivision 1, clauses (a) to (c). *The proceeds of this tax shall be used only for paratransit services or ride sharing programs designed to serve persons located within the transit area but outside of the transit taxing district.*

Subd. 2. [TRANSIT TAXING DISTRICT.] The metropolitan transit taxing district is hereby designated as that portion of the metropolitan transit area lying within the following named cities, towns, or unorganized territory within the counties indicated:

(a) Anoka county. Anoka, Blaine, Centerville, Columbia Heights, Coon Rapids, Fridley, Circle Pines, Hilltop, Lexington, Lino Lakes, Spring Lake Park;

(b) Carver county. Chanhassen, the city of Chaska, Victoria;

(c) Dakota county. Apple Valley, Burnsville, Eagan, Inver Grove Heights, Lillydale, Mendota, Mendota Heights, Rosemount, South St. Paul, Sunfish Lake, West St. Paul;

(d) Ramsey county. All of the territory within Ramsey county;

(e) Hennepin county. Bloomington, Brooklyn Center, Brooklyn Park, Champlin, Chanhassen, Crystal, Deephaven, Eden Prairie, Edina, Excelsior, Golden Valley, Greenwood, Hopkins, Long Lake, Maple Grove, Medicine Lake, Minneapolis, Minnetonka, Minnetonka Beach, Mound, New Hope, Orono, Osseo, Plymouth, Richfield, Robbinsdale, St. Anthony, St. Louis Park, Shorewood, Spring Park, Tonka Bay, Wayzata, Woodland, the unorganized territory of Hennepin county;

(f) Scott county. Prior Lake, Savage, Shakopee;

(g) Washington county. Baytown, the city of Stillwater, White Bear Lake, Bayport, Birchwood, Cottage Grove, Dellwood, Lake Elmo, Landfall, Mahtomedi, Newport, Oakdale, Oak Park Heights, Pine Springs, St. Paul Park, Willernie, Woodbury.

The commission in its sole discretion may provide transit service by contract beyond the boundaries of the metropolitan transit taxing district *or to cities and towns within the taxing district which are receiving financial assistance under section 2*, upon petition therefor by an interested city, township or political subdivision within the metropolitan transit area. The commission may establish such terms and conditions as it deems necessary and advisable for providing the transit service, including such combination of fares and direct payments by the petitioner as will compensate the commission for the full capital and operating cost of the service and the related administrative activities of the commission. The amount of the levy made by any municipality to pay for the service shall be disregarded when calculation of levies subject to limitations is made, *provided that cities and towns receiving financial assistance under section 2 shall not make a special levy under this subdivision without having first exhausted the available local transit funds as defined in section 2*. The commission shall not be obligated to extend service beyond the boundaries of the taxing district, *or to cities and towns within the taxing district which are receiving financial assistance under section 2*, under any law or contract unless or until payment therefor is received.

Subd. 2a. [PROTECTION OF RIGHTS OF HOLDERS OF OUTSTANDING INDEBTEDNESS.] The provisions of (SUBDIVISION) *subdivisions 1 and 2* or any other law changing the boundaries of the metropolitan transit taxing district *or reducing the levy otherwise required to be levied within the district* shall not be deemed to impair the rights of holders of outstanding indebtedness of the commission to require the levy of property taxes, if necessary to provide for any deficiency in accordance with the conditions of such indebtedness, on all property within the limits of the metropolitan transit taxing district as such limits were in effect at the date of issuance of such indebtedness.

Subd. 3. [CERTIFICATION AND COLLECTION.] On or before October 10 in each year the commission shall certify the total amount of the tax levied pursuant to subdivision 1 to the auditor of each metropolitan county. Each county auditor shall then assess and extend upon the tax rolls in his county that proportion of the tax which the assessed value of taxable property in his county bears to the assessed value of all taxable property in the metropolitan area. Each county treasurer shall collect and make settlement of such taxes with the treasurer of the commission. The levy of transit taxes pursuant to this section shall not affect the amount or rate of taxes which may be levied by any county or municipality or by the commission for other purposes authorized by law and shall be in addition to any other property tax authorized by law.

Sec. 9. [APPROPRIATIONS.]

*Subdivision 1. [PUBLIC TRANSIT.] The sum of \$78,490,000 is appropriated from the general fund to the commissioner of transportation. Of this amount, \$39,245,000 shall be available for expenditure the first year and \$39,245,000 for expenditure the second year of the biennium. Any unencumbered balance remaining in the first year shall not cancel but be available for the second year of the biennium. The appropriations shall be available for the purposes indicated in this subdivision.*

(a) *\$21,250,000 each year is for the metropolitan transit commission established under chapter 473. Effective July 1, 1981, the commission shall eliminate zone charges.*

(b) *Up to \$4,200,000 each year is for social fare reimbursements under section 174.24, subdivision 4.*

(c) *Up to \$1,035,000 each year is for private operators within the Twin Cities metropolitan area.*

(d) *Up to \$4,200,000 each year is for public transit systems outside the Twin Cities metropolitan area.*

(e) *Up to \$3,700,000 each year is for paratransit grants statewide. Expenditures for the "metro mobility" project operated pursuant to section 174.31 shall not be eligible for grants from this appropriation.*

(f) *Up to \$4,700,000 each year is for the metro mobility project operated under section 174.31. No more than \$2,500,000 of this appropriation shall be available each year for "project mobility" operated by the metropolitan transit commission.*

(g) *Up to \$150,000 each year is for public transit capital grants under section 174.245.*

(h) Up to \$10,000 each year is for an evaluation of transit systems receiving financial and technical assistance under sections 174.24 and 174.25, and for assistance to the legislature in evaluating alternative methods of allocating state subsidy funds. The evaluation studies shall be designed and carried out in consultation with members and staffs of the local and urban affairs committee of the house of representatives and the transportation committee of the senate. The study shall be completed by December 1, 1982.

Subd. 2. [RIDE SHARING.] The sums of \$1,000,000 the first year and \$930,000 the second year are appropriated to the commissioner of transportation from the trunk highway fund for the ride sharing program established by section 174.257. The program shall be administered so as to ensure the maximum use of available federal money.

Subd. 3. [PARK AND RIDE.] The sum of \$200,000 each year is appropriated to the commissioner of transportation from the trunk highway fund for the park and ride program established by section 174.256.

#### Sec. 10. [REPEALER.]

Minnesota Statutes 1980, Sections 174.28; and 174.31, Subdivisions 6 and 7 are repealed.

#### Sec. 11. [APPLICATION.]

Sections 5 to 8 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Delete the title and insert:

"A bill for an act relating to public transit; providing for financial assistance for local transit services; providing for the coordination and financing of metropolitan transit; establishing a metropolitan transit service demonstration program; providing for alternative uses of metropolitan transit tax levies; appropriating money; amending Minnesota Statutes 1980, Sections 174.24, Subdivision 3, and by adding a subdivision; 173.31; 473.408, Subdivisions 6 and 7; 473.411, Subdivision 1; 473.446; proposing new law coded in Minnesota Statutes, Chapter 174; repealing Minnesota Statutes 1980, Sections 174.28; and 174.31, Subdivisions 6 and 7."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:



H. F. No. 906, A bill for an act relating to resolution of disputes; authorizing establishment of dispute resolution mechanisms; appropriating money; proposing new law coded as Minnesota Statutes, Chapter 494.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [494.01] [DEFINITIONS.]

*For purposes of sections 1 to 5 the following terms have the meanings given them.*

(a) *The term "committee" means the judicial planning committee.*

(b) *The terms "dispute resolution mechanism" or "dispute resolution program" mean:*

(1) *a forum other than a court which provides for arbitration, mediation, conciliation, voluntary agreement between disputing parties, or a similar procedure;*

(2) *a governmental agency, mechanism, or program other than a court with the objective of resolving minor disputes.*

(c) *The term "grant recipient" means any local government, local government agency, or non-profit organization which receives a grant under section 2.*

(d) *The term "local" means of or pertaining to any political subdivision of this state.*

(e) *The term "mediator" means a person not a party to the dispute who attempts to assist the parties to resolve their dispute.*

Sec. 2. [494.02.] [JUDICIAL PLANNING COMMITTEE AUTHORIZED TO MAKE GRANTS.]

*Subdivision 1. [GRANTS.] The judicial planning committee is hereby authorized to study alternative forms of dispute resolution mechanisms and to make grants to dispute resolution programs. For the purposes of performing the committee functions pursuant to sections 1 to 4 only, the director of the bureau of mediation services or his designee shall be a member of the judicial planning committee. The committee shall also receive an annual report and accounting from each grant recipient for each fiscal year that the grant recipient receives state moneys pursuant to this section for the operation of a dispute resolution mechanism.*

**Sec. 3. [494.03.] [APPLICATIONS; CONTENTS; CRITERIA FOR GRANTS.]**

*Subdivision 1. [APPLICATIONS.] Local governments, local government agencies, and non-profit organizations may apply for grants pursuant to this section. The application shall be addressed to the judicial planning committee, and shall contain a proposed plan demonstrating the manner in which the financial assistance will be used to establish a new dispute resolution mechanism which satisfies the criteria specified in subdivision 2.*

*Subd. 2. [CRITERIA FOR GRANT AWARDS.] The committee has discretion to award grants, within the limits of section 4, for dispute resolution mechanism proposals which are receiving or have assurance that they will receive private or local government funding and to mechanisms which utilize the services of volunteer mediators, except proposed dispute resolution mechanisms which would have as their exclusive or primary purpose the resolution of intra-professional disputes or disputes between merchants or other businesses.*

**Sec. 4. [494.04.] [LIMITS ON USE OF STATE GRANT MONEYS.]**

*Subdivision 1. [LIMITS ON USE OF GRANT.] Financial assistance available under section 2 may be used only for the following purposes:*

*(a) compensation of personnel engaged in the administration, mediation, conciliation, or settlement of minor disputes, including personnel whose function is to assist in the preparation and resolution of claims;*

*(b) recruiting, organizing, training, and educating personnel described in clause (a);*

*(c) leasing of buildings, rooms, and other facilities and equipment needed to improve the settlement of minor disputes; and*

*(d) other necessary expenditures directly related to the operation of dispute resolution mechanisms.*

*Subd. 2. [ATTORNEY FEES PROHIBITED.] Financial assistance available under this section shall not be used for the compensation of attorneys for the representation of disputants or claimants or for otherwise providing assistance in any adversary capacity.*

*Subd. 3. [PROFIT PROHIBITED.] No program or mechanism for dispute resolution shall make any profit during any year for which it receives a grant under section 2.*

*Subd. 4. [RECIPIENTS MUST KEEP RECORDS.] Each grant recipient shall keep such records as the committee shall require, including records which fully disclose the amount and disposition by such grant recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, the amount of that portion of the project or undertaking supplied by other sources, and such other records as will assist in effective financial and performance audits.*

*The committee or its authorized representative shall have access for purposes of audit and examination to any relevant books, documents, papers, and records of grant recipients for three years following the close of the last fiscal year for which a grant was received pursuant to section 2. The legislative auditor may conduct periodic post-award audits at those times as may be requested by the judicial planning committee and approved by the legislative audit commission.*

**Sec. 5. [494.05] [SUPREME COURT; RULE-MAKING AUTHORITY.]**

*The supreme court may make rules of procedure for dispute resolution mechanisms if the supreme court determines that rules are necessary. If the court makes rules for this purpose, they shall be written in a simple, non-technical manner so that persons without legal education may easily follow and administer the rules.*

**Sec. 6. [APPROPRIATIONS.]**

*For purposes of sections 1 to 5 there is appropriated to the state court administrator the sum of \$50,000 for fiscal year 1982 and \$50,000 for fiscal year 1983.*

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

*Sections 1 to 6 are effective July 1, 1981."*

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 928, A bill for an act relating to the city of Isanti; authorizing the city to issue general obligation bonds for the acquisition and betterment of a municipal building.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Anderson, I., from the Committee on Taxes to which was referred:

H. F. No. 932, A bill for an act relating to taxation; income; property tax refund; making technical corrections; deleting obsolete provisions; amending Minnesota Statutes 1980, Sections 290.01, Subdivisions 3, 19, 20, 21, 22, 23, 25, 26, and 27; 290.011; 290.032, Subdivision 2; 290.06, Subdivisions 1, 2c, 3e, 3f, and 11; 290.07, Subdivision 3; 290.071, Subdivisions 2 and 3; 290.075; 290.077, Subdivisions 1 and 2; 290.079, Subdivision 6; 290.081; 290.085; 290.09, Subdivisions 1, 2, 4, 5, 6, 7, 10, 15, 18, 21, and 29; 290.10; 290.101, Subdivision 9; 290.12, Subdivisions 1, 2, and 4; 290.13, Subdivision 5; 290.131, Subdivision 3; 290.132, Subdivision 1; 290.133, Subdivision 2; 290.134, Subdivision 1; 290.135, Subdivision 1; 290.14; 290.16, Subdivisions 1, 3, 7, 8, 9, 12, and 13; 290.17, Subdivision 2; 290.18, Subdivisions 1 and 2; 290.21, Subdivisions 1, 3, 3a, 4, and 7; 290.23, Subdivisions 2, 3, 5, 9, 10, and 15; 290.25, Subdivisions 2, 3, and 4; 290.26, Subdivisions 1, 2a, and 3; 290.28, Subdivision 1; 290.281, Subdivision 2; 290.31, Subdivisions 2, 3, 4, 6, 9, 10, 11, 21, and by adding a subdivision; 290.32; 290.34, Subdivision 3; 290.35; 290.39, Subdivision 1; 290.42; 290.45, Subdivision 3; 290.46; 290.48, Subdivision 2; 290.49, Subdivisions 1 and 4; 290.50, Subdivisions 1, 3, and 5; 290.53, Subdivisions 1 and 4; 290.56, Subdivisions 2, 3, and 4; 290.92, Subdivisions 1, 5, 6, 16, and 19; 290.93, Subdivisions 5 and 6; 290.932, Subdivisions 1 and 4; 290A.03, Subdivisions 3 and 13; 290A.04, Subdivisions 2 and 2c; 290A.06; and 290A.07, Subdivision 2; repealing Minnesota Statutes 1980, Sections 290.076; 290.131, Subdivisions 4, 5, 6, and 7; 290.133, Subdivision 3; 290.134, Subdivisions 2, 3, and 4; 290.135, Subdivisions 2, 3, and 4; 290.23, Subdivisions 11, 12, 13, and 14; 290.24; 290.26, Subdivisions 4 and 7; 290.60; 290.65, Subdivision 17; 290.931, Subdivision 4; 290.932, Subdivision 3; 290.933, Subdivision 3; and 290.934, Subdivision 6.

Reported the same back with the following amendments:

Page 2, line 13, delete "*estates, and*"

Page 2, line 14, delete "*trusts,*"

Page 2, line 36, strike "*section*" and insert "*subdivision*"

Page 2, line 36, after the period insert "*For estates and trusts the adjusted gross income shall be their federal taxable income as defined in the Internal Revenue Code of 1954, as amended through the date specified herein for the applicable taxable year,*

*with the modifications specified in this subdivision and with the modification that the federal deduction for personal exemptions for trusts and estates shall not be allowed."*

Page 6, line 31, after "interest" insert ", taxes"

Page 11, line 13, after "((1))" insert "(d)" and reinstate "amounts"

Page 11, reinstate lines 14 to 19

Page 11, line 20, reinstate the stricken language to "this" and insert "chapter" and reinstate "and" and "amounts"

Page 11, reinstate lines 21 to 24

Page 11, line 25, reinstate "this" and insert "chapter"

Page 11, line 25, reinstate the stricken period

Page 11, line 26, strike "(d)" and insert "(e)"

Page 30, after line 31 insert:

"Sec. 24. Minnesota Statutes 1980, Section 290.08, Subdivision 8, is amended to read:

Subd. 8. [INTEREST FROM UNITED STATES OR STATE OF MINNESOTA.] Interest upon obligations of the United States, its possessions, its agencies, or its instrumentalities, so far as immune from state taxation under federal law; and interest upon obligations of the state of Minnesota, any of its political or governmental subdivisions, any of its municipalities, or any of its governmental agencies or instrumentalities. This subdivision shall not apply to corporations taxable under sections 290.02 or 290.361 or to individuals, estates, or trusts."

Page 52, line 18, strike "(E)" and insert "(C)"

Page 53, after line 19, insert:

"Sec. 38. Minnesota Statutes 1980, Section 290.095, Subdivision 2, is amended to read:

Subd. 2. [DEFINED AND LIMITED.] (a) The term "net operating loss" as used in this section shall mean the excess of the deductions of the kind provided for in section 290.09, permitted to be taken in computing a taxpayer's taxable net income, as that term is defined in section 290.01, subdivision 22, over the gross income used in computing such taxable net income, with the modifications specified in subdivision 4. The deductions provided in section 290.21 cannot be used in the determination of a new operating loss.

(b) The term "net operating loss deduction" as used in this section means the aggregate of the net operating loss carrybacks and carryovers to the taxable year, computed in accordance with subdivision 3."

Page 57, line 31, strike "GIFT, DEVISE, BEQUEST, ETC" and insert "GIFTS"

Page 61, after line 25, insert:

"Sec. 45. Minnesota Statutes 1980, Section 290.131, Subdivision 1, is amended to read:

Subdivision 1. [DISTRIBUTIONS OF PROPERTY.] (a) Except as otherwise provided in this chapter, a distribution of property (as defined in section 290.133, subdivision 2, clause (a)) made by a corporation to a shareholder with respect to its stock shall be treated in the manner provided in clause (c).

(b) Amount distributed:

(1) For purposes of this subdivision, the amount of any distribution shall be:

(A) If the shareholder is not a corporation, the amount of money received, plus the fair market value of the other property received.

(B) If the shareholder is a corporation, the amount of money received, plus whichever of the following is the lesser:

(i) the fair market value of the other property received; or

(ii) the adjusted basis (in the hands of the distributing corporation immediately before the distribution) of the other property received, increased in the amount of gain to the distributing corporation which is recognized under clause (b) or (c) of section (290.132, SUBDIVISION 1) 311 of the Internal Revenue Code of 1954, as amended through December 31, 1980.

(2) The amount of any distribution determined under paragraph (1) shall be reduced (but not below zero) by:

(A) the amount of any liability of the corporation assumed by the shareholder in connection with the distribution, and

(B) the amount of any liability to which the property received by the shareholder is subject immediately before, and immediately after, the distribution.

(3) For purposes of this subdivision, fair market value shall be determined as of the date of the distribution.

(c) In the case of a distribution to which clause (a) applies:

(1) That portion of the distribution which is a dividend (as defined in section 290.133, subdivision 1) shall be included in gross income.

(2) That portion of the distribution which is not a dividend shall be applied against and reduce the adjusted basis of the stock.

(3) Amount in excess of basis.

(A) Except as provided in subparagraph (B), that portion of the distribution which is not a dividend, to the extent that it exceeds the adjusted basis of the stock, shall be treated as gain from the sale or exchange of property.

(B) That portion of the distribution which is not a dividend, to the extent that it exceeds the adjusted basis of the stock and to the extent that is out of increase in value accrued before January 1, 1933, shall be exempt from tax.

(d) The basis of property received in a distribution to which clause (a) applies shall be:

(1) If the shareholder is not a corporation, the fair market value of such property.

(2) If the shareholder is a corporation, whichever of the following is the lesser:

(A) the fair market value of such property; or

(B) the adjusted basis (in the hands of the distributing corporation immediately before the distribution) of such property, increased in the amount of gain to the distributing corporation which is recognized under clause (b) or (c) of section (290.132, SUBDIVISION 1) 311 of the *Internal Revenue Code of 1954, as amended through December 31, 1980.*"

Page 83, line 11, strike "290.28" and insert "290.25"

Page 86, line 1, after "290.10" insert "(8)."

Page 86, line 36, delete "estates, and trusts,"

Page 92, after line 13, insert:

"Sec. 67. Minnesota Statutes 1980, Section 290.22, is amended to read:

## 290.22 [ESTATES AND TRUSTS, IMPOSITION OF TAX.]

The taxes imposed by this chapter upon individuals shall apply to the income of estates or of any kind of property held in trust, including:

(1) Income accumulated in trust for the benefit of unborn or unascertained person or persons with contingent interests, and income accumulated or held for future distribution under the terms of the will or trust;

(2) Income which is to be distributed currently by the fiduciary to the beneficiaries, and income collected by a guardian of an infant which is to be held or distributed as the court may direct;

(3) Income received by estates of deceased persons during the period of administration or settlement of the estate; and,

(4) Income which, in the discretion of the fiduciary, may be either distributed to the beneficiaries or accumulated.

(THE TAX SHALL BE COMPUTED UPON THE NET INCOME OF THE ESTATE OR TRUST AND PAID BY THE FIDUCIARY, EXCEPT AS PROVIDED IN SECTION 290.27, RELATING TO REVOCABLE TRUSTS, AND SECTION 290.28, RELATING TO INCOME FOR BENEFIT OF THE GRANTOR.)"

Pages 92 and 93, delete section 64

Page 94, line 17, strike "290.28" and insert "290.25"

Page 94, line 18; after "means" insert "*the same as that term is defined in section 643(a) of the Internal Revenue Code of 1954, as amended through December 31, 1980*"

Page 94, line 18, strike ", with respect to any"

Page 94, strike line 19

Page 94, line 20, strike "computed"

Page 94, line 20, strike "modifications" and insert "*modification.*"

Page 94, strike lines 21 to 36

Page 95, strike lines 1 to 5

Page 95, line 6, strike "(d)"



Page 95, line 7, strike "290.08, subdivisions 7 and 8" and insert "290.01, subdivision 20, clause (b), subparagraph (1)"

Page 95, line 13, strike "subdivision 2," insert "section 642(c) of the Internal Revenue Code of 1954, as amended through December 31, 1980,"

Page 95, line 13, strike "specified in"

Page 95, line 14, strike "subparagraph (d)"

Page 95, line 16, strike "subdivision 2" and insert "that section of the Internal Revenue Code"

Page 95, line 17, strike "that subparagraph" and insert "the modification"

Page 95, line 23, strike "For purposes of this section and section 290.22"

Page 95, line 24, after "income," insert "and the term 'beneficiary' have the same meaning as those terms are defined in section 643(b) and (c) of the Internal Revenue Code of 1954, as amended through December 31, 1980."

Page 95, line 24, strike "when not preceded by the words 'taxable net,'"

Page 95, strike lines 25 to 34

Page 96, line 3, strike "(1) Subject to paragraph 2, there shall be"

Page 96, lines 4 to 36, strike the old language and delete the new language

Page 97, lines 1 to 23, strike the old language and delete the new language and insert "The provisions of sections 652, 662, 663 and 664(b) of the Internal Revenue Code of 1954, as amended through December 31, 1980, shall apply to inclusion of amounts in gross income of beneficiaries."

Pages 97 and 98, delete section 68

Page 99, after line 7, insert:

"Sec. 72. Minnesota Statutes 1980, Section 290.25, Subdivision 1, is amended to read:

Subdivision 1. (TRUST INCOME, DEDUCTIONS, AND CREDITS ATTRIBUTABLE TO GRANTORS AND OTHERS

AS SUBSTANTIAL OWNERS.] WHERE IT IS SPECIFIED IN THIS SECTION AND SECTIONS 290.27 AND 290.28 THAT THE GRANTOR OR ANOTHER PERSON SHALL BE TREATED AS THE OWNER OF ANY PORTION OF A TRUST, THERE SHALL THEN BE INCLUDED IN COMPUTING THE TAXABLE NET INCOME AND CREDITS OF THE GRANTOR OR THE OTHER PERSON THOSE ITEMS OF INCOME, DEDUCTIONS, AND CREDITS AGAINST TAX OF THE TRUST WHICH ARE ATTRIBUTABLE TO THAT PORTION OF THE TRUST TO THE EXTENT THAT SUCH ITEMS WOULD BE TAKEN INTO ACCOUNT UNDER THIS CHAPTER IN COMPUTING TAXABLE NET INCOME OR CREDITS AGAINST THE TAX OF AN INDIVIDUAL. ANY REMAINING PORTION OF THE TRUST SHALL BE SUBJECT TO SECTION 290.23. NO ITEMS OF A TRUST SHALL BE INCLUDED IN COMPUTING THE TAXABLE NET INCOME AND CREDITS OF THE GRANTOR OR OF ANY OTHER PERSON SOLELY ON THE GROUNDS OF HIS DOMINION AND CONTROL OVER THE TRUST UNDER SECTION 290.01, SUBDIVISION 20 (RELATING TO DEFINITION OF GROSS INCOME) OR ANY OTHER PROVISION OF THIS CHAPTER, EXCEPT AS SPECIFIED IN THIS SECTION AND SECTIONS 290.27 AND 290.28.)

*The provisions of sections 671 to 679, 681 and 682 of the Internal Revenue Code of 1954, as amended through December 31, 1980, shall apply to grantors and others treated as substantial owners and other provisions concerning estates and trusts."*

Pages 99 to 104, delete sections 70 to 72

Pages 105 and 106, delete section 76

Page 126, line 26, after "return" insert "*within 90 days*"

Page 126, line 27, delete "and does report such change or files a"

Page 126, line 28, delete "copy of such amended return"

Page 126, line 28, delete "*within 90 days*"

Page 126, line 28, delete ", as required by"

Page 126, line 29, delete "subdivision 2"

Pages 127 to 130, delete section 105

Page 132, line 13, reinstate "claims" delete "*is allowed*" and insert "*and which are allowable*"

Page 143, line 20, after "sections" insert "124.213," and strike "273.132" and after "(AND)" delete ";

Page 146, line 33, after "290.076;" insert "290.08, subdivisions 7 and 13;"

Page 146, line 36, after "Subdivisions" insert "1, 2, 6, 7, 8, 10,"

Page 146, line 36, after "290.24;" insert "290.25, Subdivisions 2, 3, 4, 5;"

Page 147, line 1, after "7;" insert "290.27; 290.28;"

Page 147, line 5, delete "113 and 121" and insert "111 and 119"

Page 147, line 6, delete "114 to 117 and 119" and insert "112 to 115 and 117"

Page 147, line 9, delete "118" and insert "116"

Renumber the sections

Amend the title as follows:

Page 1, line 9, after "6;" insert "290.08, Subdivision 8;"

Page 1, line 11, after "29;" insert "290.095, Subdivision 2;"

Page 1, line 13, delete "Subdivision 3" and insert "Subdivisions 1 and 3"

Page 1, line 18, after "7;" insert "290.22;"

Page 1, line 19, delete "2," and delete "10,"

Page 1, line 20, delete "Subdivision 2, 3, and 4" and insert "Subdivision 1"

Page 1, line 21, delete "290.28, Subdivision 1;"

Page 1, line 28, delete "1,"

Page 1, line 33, after "290.076;" insert "290.08, Subdivisions 7 and 13;"

Page 1, line 36, after "Subdivisions" insert "1, 2, 6, 7, 8, 10,"

Page 1, line 36, after "290.24;" insert "290.05, Subdivisions 2, 3, 4, and 5;"

Page 1, line 37, after "7;" insert "290.27; 290.28;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 937, A bill for an act relating to the city of Duluth; authorizing the city to continue to issue the number of liquor licenses it was authorized to issue in the year 1980.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 960, A bill for an act relating to local government; permitting certain cities to post certain accounts; amending Minnesota Statutes 1980, Sections 412.191, Subdivision 3; and 471.698, Subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 970, A bill for an act relating to marriage; making the age of consent requirements for boys the same as for girls; amending Minnesota Statutes 1980, Section 517.02.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 976, A bill for an act relating to retirement; Minneapolis teachers retirement fund association; authorizing the establishment of a lump sum post retirement adjustment program; authorizing service credit for parental leaves.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 978, A bill for an act relating to local improvements; regulating the issuance of temporary improvement bonds; amending Minnesota Statutes 1980, Section 429.091, Subdivision 3, and by adding subdivisions.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 979, A bill for an act relating to health; encouraging philanthropic support of hospitals; providing that funds derived from specified types of gifts or grants shall not be deducted from the operating costs of a hospital; proposing new law coded in Minnesota Statutes, Chapter 144.

Reported the same back with the following amendments:

Page 1, line 16, after "For" insert "the"

Page 1, delete lines 17 to 20

Page 1, line 21, delete "operating costs of hospitals" and insert "*determining reasonable revenue necessary for the delivery of services furnished by hospitals, and for the purposes of third party cost payors in determining reasonable costs of services furnished by hospitals, the following unrestricted grants, gifts and income from endowments from non-governmental sources shall be excluded*"

Page 2, line 2, after "board;" insert "and"

Page 2, delete lines 3 to 5

Page 2, line 6, delete "(d)" and insert "(c)"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 990, A resolution memorializing the President and Congress to adopt legislation requiring a health hazard notice be required on all bottles of alcoholic beverage.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 997, A bill for an act relating to drivers licenses; providing for the filing of photographic negatives; restricting the use of the negatives; amending Minnesota Statutes 1980, Section 171.07, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, after line 20, insert:

“Sec. 2. [EFFECTIVE DATE.]

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

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 1015, A bill for an act relating to education; modifying the provisions governing teachers placed on unrequested leave of absence in experimental paired districts; providing for the combination of teachers into one unit in cooperating and paired districts; amending Minnesota Statutes 1980, Sections 122.85, Subdivision 4; and 179.63, Subdivision 17.

Reported the same back with the following amendments:

Page 2, delete section 2

Amend the title as follows:

Page 1, line 4, delete “providing”

Page 1, delete line 5

Page 1, line 6, delete "cooperating and paired districts;"

Page 1, line 7, delete "; and" and insert a period

Page 1, delete line 8

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred:

H. F. No. 1021, A bill for an act relating to elections; changing certain requirements for voting by absent and disabled voters; amending Minnesota Statutes 1980, Sections 207.02; and 207.03, Subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred:

H. F. No. 1045, A bill for an act relating to sheriffs; repealing the law prohibiting persons elected to the office of sheriff from holding public office; amending Minnesota Statutes 1980, Section 387.13.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1980, Section 375.09, is amended to read:

375.09 [MAY NOT HOLD OTHER OFFICE; NO INTEREST IN CONTRACT; VIOLATION; MALFEASANCE.]

No county commissioner shall be appointed or elected by the board of which he is a member to any office or position of trust or emolument *nor employed by the county in which he is a commissioner*, and no commissioner shall receive any money or other valuable thing as a condition of voting or inducement to vote for

any contract or other thing under consideration by the board, or become a party to, or directly or indirectly interested in, any contract made by the board; and every appointment or election made and every contract or payment voted for or made contrary to the provisions of this section shall be void. Any violation of the provisions of this section shall be a malfeasance in office."

Page 1, line 17, reinstate "; nor shall any sheriff" and "be eligible to any"

Page 1, line 17, after "to" insert "hold"

Page 1, line 18, reinstate "other" and "civil office,"

Page 1, line 18, after "office," insert "*for which compensation is paid*"

Renumber the remaining section

Delete the title and insert:

"A bill for an act relating to local government; removing a prohibition on public office holding for deputy sheriffs; prohibiting deputy sheriffs from serving as county commissioner; amending Minnesota Statutes 1980, Sections 375.09; and 387.13."

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1051, A bill for an act relating to health; changing the claim limitations on cost of removing nuisances; authorizing the commissioner of health to issue orders concerning well water quality; clarifying the commissioner's authority over water wells and exploratory boring to include repairs and abandonment; changing the penalties for violations; amending Minnesota Statutes 1980, Sections 145.22; 156A.02, Subdivisions 1, 2, and 3; 156A.03, Subdivisions 1 and 2; 156A.05; 156A.07, Subdivisions 1 and 4; and 156A.08.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:



H. F. No. 1070, A bill for an act relating to health; exempting students in schools of dental assisting from the requirement of a dental license; amending Minnesota Statutes 1980, Section 150A.05, Subdivision 2.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1080, A bill for an act relating to children; authorizing counties to establish multidisciplinary child protection teams; proposing new law coded in Minnesota Statutes, Chapter 626.

Reported the same back with the following amendments:

Page 1, delete lines 10 and 11

Renumber the subdivisions

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1095, A bill for an act relating to handicapped persons; providing that certain social services be available to recipients of attendant care; proposing new law coded in Minnesota Statutes, Chapter 256C.

Reported the same back with the following amendments:

Page 1, line 11, after "*services*" insert "*as needed*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1120, A bill for an act relating to public safety; authorizing the sale to and use by engineers of fireworks; amending Minnesota Statutes 1980, Section 624.21.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred:

H. F. No. 1156, A bill for an act relating to the city of Crystal; providing for the designation of polling places in a certain precinct.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1160, A bill for an act relating to commerce; removing the auctioneer's exception to the definition of "real estate broker"; exempting certain real estate brokers and salespersons from the licensing requirements for mobile home manufacturers and dealers; amending Minnesota Statutes 1980, Sections 82.18; and 327.55, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, after line 31, insert:

"Sec. 2. Minnesota Statutes 1980, Section 82.34, Subdivision 7, is amended to read:

Subd. 7. When any aggrieved person obtains a final judgment in any court of competent jurisdiction against any person licensed under this chapter, on grounds of fraudulent, deceptive or dishonest practices, or conversion of trust funds arising directly out of any transaction when the judgment debtor was licensed and performed acts for which a license is required under this chapter, *or performed acts permitted by section 3*, and which cause of action occurred on or after July 1, 1973, the aggrieved person may, upon the judgment becoming final, and upon termination of all proceedings, including reviews and appeals, file a verified application in the court in which the judgment was entered for an order directing payment out of the recovery portion of the fund of the amount of actual and direct out of pocket loss in such transaction, but excluding interest on the loss and on any judgment obtained as a result of such loss, up to the sum of \$20,000 of the amount unpaid upon the judgment, provided that nothing in this chapter shall be construed to obligate the fund for more than \$20,000 per transaction, subject to the limita-

tions set forth in subdivisions 12 and 14, regardless of the number of persons aggrieved or parcels of real estate involved in such transaction. A copy of the verified application shall be served upon the commissioner and upon the judgment debtor, and a certificate or affidavit of such service filed with the court."

Renumber the remaining section

Page 2, line 36, delete "*are exempt*" and insert "*shall not be required to obtain a license or a bond as required by this section, but shall comply with all other provisions of sections 327.55 to 327.56. Any real estate broker or salesperson who violates a provision of sections 327.551 to 327.554 in selling or offering for sale a used mobile home shall be deemed to have violated a provision of chapter 82.*"

Page 3, delete line 1

Amend the title as follows:

Page 1, line 6, before "amending" insert "setting a penalty;"

Page 1, line 7, after the semicolon insert "82.34, Subdivision 7;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1178, A bill for an act relating to the board of medical examiners; allowing temporary suspension of physicians' licenses without a hearing under certain conditions; amending Minnesota Statutes 1980, Section 147.021, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 1182, A bill for an act relating to veterans; changing the method of appointment of the administrator of its Minnesota veterans home; amending Minnesota Statutes 1980, Section 198.06.

Reported the same back with the following amendments:

Page 1, line 14, delete "The"

Page 1, lines 15 to 17, delete the new language

Page 1, line 18, delete "heard." and insert "*The administrator's term of service may be terminated by the commissioner upon service by certified mail of written notice setting forth the grounds for the termination. The termination shall be effective immediately upon receipt of the written notice. The administrator may submit to the commissioner, within 30 days after receipt of the written termination notice, a written request for hearing before a state hearing examiner to determine the adequacy of the stated grounds for the termination. The hearing shall be held within 30 days of receipt of the administrator's request and shall be conducted in accordance with Minnesota Statutes, Chapter 15, except that neither the administrator nor the commissioner shall have a right to judicial review of the hearing examiner's decision. If the hearing examiner finds that insufficient grounds exist for the termination, the administrator shall be ordered reinstated with full salary and benefits from the date of termination to the date of reinstatement.*"

Page 1, line 21, after the period insert:

*"The commissioner, whenever he deems it practicable, shall appoint an administrator that is a veteran as defined under section 197.447."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1190, A bill for an act relating to counties; providing that the compensation of members of the St. Louis county board of commissioners be set pursuant to general law; amending Minnesota Statutes 1980, Section 375.055, Subdivision 1; repealing Laws 1965, Chapter 843.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 1200, A bill for an act relating to courts; extending application of the provision of law providing for payment of travel expenses for certain district court judges; amending Laws 1980, Chapter 614, Section 162.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1211, A bill for an act relating to public welfare; providing medical assistance payments for attendant care on an equivalent basis with other providers; appropriating money; amending Minnesota Statutes 1980, Section 256B.02, Subdivision 8.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred:

H. F. No. 1221, A bill for an act relating to elections; providing for special elections to fill vacancies in statutory city offices; amending Minnesota Statutes 1980, Sections 205.10; 205.17, by adding a subdivision; and 412.02, Subdivision 2, and by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 1225, A bill for an act relating to education; allowing area vocational-technical institutes to grant degrees under certain conditions; proposing new law coded in Minnesota Statutes, Chapter 121.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [121.218] [VOCATIONAL-TECHNICAL INSTITUTES; AWARDING DEGREES.]

*The state board for vocational education shall approve, disapprove, or modify a plan for awarding degrees at an area vocational-technical institute. The board shall approve a plan only*

*when a degree is required by a licensing authority and is offered in cooperation with a collegiate institution. If cooperation with a collegiate institution is not practicable the plan of an area vocational-technical institute to offer a degree shall be presented to the higher education coordinating board for review and recommendation pursuant to Minnesota Statutes, Section 136A.04, Subdivision 1, Clause (d).*

**Sec. 2. [EXCEPTION.]**

*Associate degrees offered by the area vocational-technical institutes prior to January 1, 1981, shall not be subject to the provisions of section 1.*

**Sec. 3. [EFFECTIVE DATE.]**

*Sections 1 and 2 are effective the day following final enactment."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 1231, A bill for an act relating to state lands; directing conveyance of certain lands in Washington County.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1237, A bill for an act relating to the city of Blaine; permitting all council members to serve on the housing and redevelopment authority.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1242, A bill for an act relating to public employment; altering the definition of supervisors in public sector col-

lective bargaining; amending Minnesota Statutes 1980, Section 179.63, Subdivision 9a; repealing Minnesota Statutes 1980, Section 179.63, Subdivision 9.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 179.63, Subdivision 9, is amended to read:

Subd. 9. "Supervisory employee", when the reference is to other than essential employees as defined in subdivision 11, means any person having authority in the interests of the employer to hire, transfer, suspend, promote, discharge, assign, reward or discipline other employees or responsibly to direct them or adjust their grievances on behalf of the employer (, OR TO EFFECTIVELY RECOMMEND ANY OF THE AFORESAID ACTIONS), if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature but requires the use of independent judgment. Any determination of "supervisory employee" may be appealed to the public employment relations board.

Sec. 2. Minnesota Statutes 1980, Section 179.71, Subdivision 3, is amended to read:

Subd. 3. The director shall determine appropriate units, except where appropriate units are defined by section 179.741. In determining the appropriate unit he shall take into consideration, along with other relevant factors, the principles and the coverage of uniform comprehensive position classification and compensation plans of the employees, involvement of professions and skilled crafts and other occupational classifications, relevant administrative and supervisory levels of authority, geographical location, and the recommendation of the parties, and shall place particular importance upon the history and extent of organization and the desires of the petitioning employee representatives.

In addition, with regard to the inclusion or exclusion of supervisory employees, the director must find that an employee may perform (OR EFFECTIVELY RECOMMEND) a majority of those functions referred to in section 179.63, subdivision 9 or 9a, before an employee may be excluded as supervisory. However, in every case the administrative head, and his assistant, of a municipality; municipal utility, police or fire department shall be considered a supervisory employee.

He shall not designate an appropriate unit which includes employees subject to section 179.63, subdivision 11, with employees not included in section 179.63, subdivision 11.

## Sec. 3. [EFFECTIVE DATE.]

*Sections 1 and 2 are effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to public employment labor relations; modifying the definition of non-essential supervisory employees; amending Minnesota Statutes 1980, Sections 179.63, Subdivision 9; and 179.71, Subdivision 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred:

H. F. No. 1247, A bill for an act relating to elections; fixing the majority necessary to approve an amendment to a home rule charter; amending Minnesota Statutes 1980, Section 410.12, Subdivision 4.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Nelson K., from the Committee on Energy to which was referred:

H. F. No. 1269, A bill for an act relating to energy; confidentiality of certain energy data; powers and duties of Minnesota energy agency; subdivision regulations; providing for certain inspections; extending biomass plan deadline; amending Minnesota Statutes 1980, Sections 116H.07; 116H.08; 116H.129, Subdivision 4; 116H.19, Subdivision 1; 462.358, Subdivision 2a; proposing new law coded in Minnesota Statutes, Chapter 15.

Reported the same back with the following amendments:

Pages 1 to 3, delete section 2

Page 3, after line 32, insert:

*"(f) Provide on-site technical assistance to units of local government in order to enhance local capabilities for dealing with energy problems;"*

Page 3, line 33, delete "(f)" and insert "(g)"



Page 3, line 33, after "state" insert a comma

Page 3, line 34, after "guidelines," insert "except for the crisis fuel assistance and low income weatherization programs administered by the department of economic security,"

Page 3, line 34, delete "such" and insert "the"

Page 4, delete section 4

Page 4, line 14, strike "shall" and insert "may"

Page 4, line 15, strike ", to"

Page 4, line 16, strike the existing language and delete the new language

Page 4, line 17, delete "1982"

Page 5, line 26, delete "6" and insert "4"

Renumber the sections

Amend the title as follows:

Page 1, line 2, after "energy;" insert "providing for the"

Page 1, line 3, delete "powers and" and insert "changing the"

Page 1, line 4, delete "providing for certain"

Page 1, line 5, delete "inspections;"

Page 1, line 5, after "biomass" insert "center"

Page 1, line 6, delete "116H.07;"

Page 1, line 7, delete "116H.129, Subdivision 4;"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 1276, A bill for an act relating to occupations and professions; providing for oral examinations of electricians by

the board of electricity; amending Minnesota Statutes 1980, Section 326.242, Subdivision 7.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1292, A bill for an act relating to public welfare; providing the commissioner with authority to control expenditures in specified instances; modifying the payment responsibility for costs of care for mentally retarded persons in state institutions; changing resource limits for recipients of aid to families with dependent children; prorating the first month's grant; reducing the scope of services provided under the medical assistance program; limiting payments to vendors; eliminating certain income disregards; making free choice of vendor under general assistance medical care an option for counties; reducing the income disregard for general assistance; providing for the closing of two state hospitals over the next biennium; amending Minnesota Statutes 1980, Sections 245.0313; 256.73, Subdivision 2; 256.76, Subdivision 1; 256B.02, Subdivision 8; 256B.03; 256B.06, Subdivision 1; 256D.03, Subdivision 3; 256D.04; 256D.06, Subdivision 1, and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 256B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [COMMISSIONER'S AUTHORITY TO CONTROL EXPENDITURES.]

*Subdivision 1. [CIRCUMSTANCES.] To ensure that expenditures for programs under his control do not exceed amounts authorized in the biennial budget for fiscal years 1982 and 1983 and to permit adjustments if the commissioner of finance reduces funds allotted to the department of public welfare pursuant to Minnesota Statutes, Section 16A.15, the commissioner of public welfare, notwithstanding the provisions of Minnesota Statutes, Section 16A.57 or any other law to the contrary, after review by the legislative advisory committee may make the following adjustments, which must be made in the following order of priority.*

*Subd. 2. [PRIORITIES.] Whenever funds for a given program or activity are insufficient, the commissioner of public welfare may transfer from one program to another and from one activity to another, funds which have been appropriated by*

*the legislature to the department of public welfare. Funds must first be transferred from any program or activity which has a surplus, and no more than ten percent of the total amount appropriated in a biennium for a given program or activity may be transferred out of that program or activity.*

*Subd. 3. [ADJUSTMENT IN COUNTY SHARE.] Further, the commissioner of public welfare may adjust the state share of the costs of services provided pursuant to sections 256.72 through 256.873 and pursuant to chapters 256B and 256D. In no case may the percentage change in state share be more than ten percent.*

*Subd. 4. [ELIGIBILITY LIMITS.] If, despite action taken pursuant to subdivisions 2 and 3, funds for any given program or activity continue to be insufficient, the commissioner of public welfare may first adjust payment levels and then adjust eligibility limits, but only with respect to programs or activities for which funds continue to be insufficient.*

*Subd. 5. [PRO RATA CHANGE.] If, despite action taken pursuant to subdivisions 2, 3 and 4, funds continue to be insufficient, the commissioner of public welfare may make a single pro rata adjustment to affect all programs and activities.*

*Subd. 6. [PROCEDURE.] Adjustments made pursuant to subdivisions 3, 4 and 5 are exempt from the rulemaking provisions of the administrative procedure act.*

**Sec. 2. Minnesota Statutes 1980, Section 245.0313, is amended to read:**

**245.0313 [AID TO THE DISABLED; MENTALLY RETARDED.]**

*Notwithstanding any provision of law to the contrary, the cost of care not met by federal funds for any mentally retarded patient eligible for the medical assistance program or the supplemental security income for the aged, blind and disabled program in institutions under the control of the commissioner of public welfare shall be paid (FOR FROM STATE FUNDS) by the state and county in the same proportion as provided in section 256B.19 for division of costs.*

**Sec. 3. Minnesota Statutes 1980, Section 254A.03, is amended by adding a subdivision to read:**

*Subd. 3. The commissioner of public welfare shall establish, by rule, criteria to be used in determining the appropriate level of chemical dependency care, whether outpatient, inpatient or short-term treatment programs, for each recipient of public as-*

*sistance seeking treatment for alcohol or other drug dependency and abuse problems. The criteria shall address, at least, the family relationship, past treatment history, medical or physical problems, arrest record, and employment situation.*

Sec. 4. Minnesota Statutes 1980, Section 256.73, Subdivision 2, is amended to read:

Subd. 2. [ALLOWANCE BARRED BY OWNERSHIP OF PROPERTY.] Except as provided in clause (3), the ownership by father, mother, child, children, or any combination thereof, of property as follows shall be a bar to any allowance under sections 256.72 to 256.87:

(1) Real property other than the homestead, except as described in clause (3); or

(2) Personal property of a reasonable market value in excess of (\$600) \$400 for a one child recipient or (\$1,000) \$600 for more than one child recipient, exclusive of personal property used as the home, one automobile, insurance carried by a parent which does not exceed a cash surrender value of \$500, clothing and necessary household furniture and equipment, the earnings of a dependent child which are placed in a savings account to be used for a future purpose approved by the county agency in accordance with the rules of the commissioner of public welfare, and such property that produces a net income applicable to the family's needs.

(3) Real estate not used as a home which produces net income applicable to the family's needs or which the family is making a continuing effort to sell at a fair and reasonable price shall not be a bar to an allowance under sections 256.72 to 256.87. Net income shall be the residue after payment from gross income of taxes, insurance, maintenance, and interest on encumbrances, if any, on the property, provided that in computing net income the gross income shall not be charged with any expenses toward betterment of the property as improvements or by payment on the principal of a mortgage; provided, that the net income thus derived shall be applied on the family budget.

Sec. 5. Minnesota Statutes 1980, Section 256.74, Subdivision 1, is amended to read:

Subdivision 1. [AMOUNT.] The amount of assistance which shall be granted to or on behalf of any dependent child and mother or other needy eligible relative caring for (SUCH) the dependent child shall be determined by the county agency with due regard to the resources and necessary expenditures of the family and the conditions existing in each case and in accordance with the rules (AND REGULATIONS) made by the state agency and shall be sufficient, when added to all other

income and support available to the child, to provide (SUCH) the child with a reasonable subsistence compatible with decency and health. *Resources shall include mortgage, rent, utility, and child care payments made on behalf of an AFDC applicant or recipient family, by a private individual not included in the grant.* In making its determination the county agency shall exclude the following from family income:

(1) All of the earned income of each dependent child receiving aid to families with dependent children who is a full-time student or part-time student, and not a full-time employee, attending a school, college, or university, or a course of vocational or technical training designed to fit him for gainful employment;

(2) All educational grants and loans awarded pursuant to a federal law when public assistance was considered in making the award and the award was made on the basis of financial need; and that part of any other educational grant or loan which is used for educational purposes, such as tuition, fees, equipment, transportation and child care expenses necessary for school attendance; and

(3) The first \$30 plus one-third of the remainder of the combined monthly earnings of any dependent child not included under clause (1), and any adult who is a recipient of aid for families with dependent children. With respect to any month, the county welfare agency shall not disregard under clause (2) any earned income of any person who has:

(a) Reduced his earned income without good cause within 30 days preceding any month in which an assistance payment is made; or

(b) Refused without good cause to accept an offer of suitable employment.

Persons who are already employed and who apply for assistance shall have their needs computed with full account taken of their earned and other income. If earned and other income of the family is less than need, as determined on the basis of public assistance standards, the county agency shall determine the amount of the grant by applying the disregard of income provisions. The county agency shall not disregard earned income for persons in a family if the total monthly earned and other income exceeds their needs, unless for any one of the four preceding months their needs were met in whole or in part by a grant payment. If an individual without good cause leaves employment or reduces his earnings and applies for assistance so that he might later return to employment with advantages of income disregard, he shall not have the benefit of the disregard of income provisions.

Sec. 6. Minnesota Statutes 1980, Section 256.76, Subdivision 1, is amended to read:

Subdivision 1. Upon the completion of such investigation the county agency shall decide whether the child is eligible for assistance under the provisions of sections 256.72 to 256.87, determine the amount of such assistance, and the date on which such assistance shall begin. *The first month's grant shall be based upon that portion of the month from the date of application, or from the date that the applicant meets all eligibility factors, whichever occurs later, provided that on the date that assistance is first requested, the local agency shall inquire and determine whether the person requesting assistance is in immediate need of food, shelter, clothing, or other emergency assistance. If an emergency need is found to exist, the applicant shall be granted assistance pursuant to section 256.871 within a reasonable period of time.* It shall make a grant of assistance which shall be binding upon the county and be complied with by the county until such grant is modified or vacated. The county agency shall notify the applicant of its decision in writing. Such assistance shall be paid monthly to the applicant or to the vendor of medical care upon order of the county agency from funds appropriated to the county agency for this purpose. The county agency shall, upon the granting of assistance under these sections, file an order on the form to be approved by the state agency with the auditor of the county and thereafter warrants shall be drawn and payments made only in accordance with this order to or for recipients of this assistance or in accordance with any subsequent order.

Sec. 7. Minnesota Statutes 1980, Section 256B.02, Subdivision 8, is amended to read:

Subd. 8. "Medical assistance" or "medical care" means payment of part or all of the cost of the following care and services for eligible individuals whose income and resources are insufficient to meet all of such cost:

(1) Inpatient hospital services *except that:*

(a) *reimbursement for hospital emergency room services will be limited to six visits per year per recipient; and*

(b) *week-end hospital admissions during the period that begins at noon on Friday and ends at noon on Sunday shall be limited to emergency admissions when a physician certifies that loss of life or limb function is threatened or in cases of pregnancy; and*

(c) *recipient days spent in a hospital awaiting nursing home placement shall be reimbursed at the average metropolitan per diem rate for all skilled nursing home facilities, rather than at the usual hospital per diem rate, and in conformance with the Social Security Act.*

(2) Skilled nursing home services and services of intermediate care facilities. Payment shall be made for reserved-bed days for an eligible individual in a nursing home or facility as follows:

- (a) up to nine days per year for hospital leave;
  - (b) up to 18 days per year for therapeutic leave;
  - (c) up to seven days per year for camp leave.
- (3) Physicians' services.
- (4) Outpatient hospital or clinic services.
- (5) Home health care services.
- (6) Private duty nursing services.

(7) (PHYSICAL THERAPY AND RELATED SERVICES) no payments shall be made pursuant to this chapter directly to physical therapists, occupational therapists, speech pathologists and audiologists. Restorative therapy and specialized maintenance therapy which must be provided by physical therapists, occupational therapists, speech pathologists and audiologists in a nursing home, boarding care home or supervised living facility shall be included in the per diem rate of the facility. Specialized maintenance therapy which must be provided by a therapist shall not include ambulation, passive range of motion, transfer and activities of daily living, and teaching and follow-up which are considered nursing care services. The per diem rate shall be increased beyond the ten percent annual growth of payment rate limitation in order to encourage nursing homes, boarding care homes and supervised living facilities to contract with or hire a physical therapist, occupational therapist, speech pathologist or audiologist to provide restorative therapy to residents. Payments to medicare-certified rehabilitation agencies shall be limited to payments for physician services and restorative therapy provided by physical therapists, occupational therapists, speech pathologists and audiologists.

(8) Dental services, excluding cast metal restorations.

(9) Laboratory and x-ray services and the commissioner shall encourage preadmission diagnostic testing to be performed in a physician's office in order to reduce hospital utilization.

(10) The following if prescribed by a licensed practitioner: drugs, eyeglasses, dentures, and prosthetic devices. Payments for prescribed drugs shall be limited as follows: (a) One prescription fee per maintenance drug per month; (b) Three prescription fees per month per recipient; (c) no adjustments

which result in changes of a value of less than \$2.01. "Drug formulary" means the list of drugs approved by the commissioner upon the advice of the drug formulary committee that are reimbursable under the state medical assistance program. The formulary shall not include: (a) Drugs lacking FDA approval for safety and efficacy; (b) Over-the-counter drugs, except for antacids, acetaminophen, family planning products, aspirin, insulin, prenatal vitamins, and vitamins for children under age 7; (c) Nutritional products; (d) Anorectics; and (e) Drugs for which medical value has not been established. The drug formulary committee shall review all drugs and advise the commissioner as to their inclusion or exclusion from the drug formulary. The formulary committee shall be comprised of one representative each of: the university of Minnesota's school of dentistry, school of medicine and college of pharmacy; the Minnesota medical association; the Minnesota state pharmaceutical association; the Minnesota society of hospital pharmacists; the department of health, and the department of public welfare. The commissioner or his agent shall serve as secretary to the committee.

(11) Diagnostic, screening, and preventive services.

(12) Health care pre-payment plan premiums and insurance premiums if paid directly to a vendor and supplementary medical insurance benefits under Title XVIII of the Social Security Act.

*By July 1, 1982 medical assistance recipients of a categorical aid residing in a county where two or more prepaid health care plans or health maintenance organizations offer services shall enroll in one of the plans, or a co-payment, to be established by rule, shall be required for utilization of any optional services as described in regulations implementing Title XIX of the Social Security Act which is authorized by chapter 256B, except intermediate care facility services. The prepaid plans shall provide necessary utilization information to the commissioner. The services expected to be offered by prepaid plans shall be as provided in section 62D.02.*

(13) Abortion services, but only if one of the following conditions is met:

(a) The abortion is a medical necessity. "Medical necessity" means (1) the signed written statement of two physicians indicating the abortion is medically necessary to prevent the death of the mother, and (2) the patient has given her consent to the abortion in writing unless the patient is physically or legally incapable of providing informed consent to the procedure, in which case consent will be given as otherwise provided by law;

(b) The pregnancy is the result of criminal sexual conduct as defined in section 609.342, clauses (c), (d), (e)(i), and (f), and the incident is reported within 48 hours after the incident



occurs to a valid law enforcement agency for investigation, unless the victim is physically unable to report the criminal sexual conduct, in which case the report shall be made within 48 hours after the victim becomes physically able to report the criminal sexual conduct; or

(c) The pregnancy is the result of incest, but only if the incident and relative are reported to a valid law enforcement agency for investigation prior to the abortion.

(14) Transportation costs incurred solely for obtaining emergency medical care or transportation costs incurred by non-ambulatory persons in obtaining emergency or non-emergency medical care when paid directly to an ambulance company, common carrier, or other recognized providers of transportation services. For the purpose of this clause, a person who is incapable of transport by taxicab or bus shall be considered to be non-ambulatory.

(15) To the extent authorized by rule of the state agency, costs of bus or taxicab transportation incurred by any ambulatory eligible person for obtaining non-emergency medical care.

(16) *Reimbursement for the costs of the treatment of alcoholism, chemical dependency or drug addiction shall be limited to 21 days or 100 hours of non-residential care in each 12 month period when prior authorization is received and when treatment is rendered in:*

(a) *a licensed hospital;*

(b) *a residential treatment program licensed by the state of Minnesota pursuant to diagnosis or recommendation by a physician; or*

(c) *a nonresidential treatment program approved or licensed by the state of Minnesota.*

(17) Any other medical or remedial care licensed and recognized under state law *unless otherwise prohibited by law.*

Sec. 8. Minnesota Statutes 1980, Section 256B.03, is amended to read:

#### 256B.03 [PAYMENTS TO VENDORS.]

*Subdivision 1. [GENERAL LIMIT.] All payments for medical assistance hereunder must be made to the vendor. The amount of \$\_\_\_\_\_ is appropriated to the department of public welfare for the biennium ending June 30, 1983, for medical assistance and general assistance medical care. All payments*

*for vendors of medical care shall be limited to the 60th percentile of usual and customary fees based upon billings during calendar year 1978 for physician services, dental care, vision care, podiatric services, chiropractic care, mental health centers, psychologists, public health clinics, and independent laboratory and x-ray services. If the appropriation is inadequate to meet all billings, the commissioner shall prorate the payments among all eligible vendors in proportion to their share of the total available appropriation. Limits established pursuant to this section shall not be subject to the provisions of section 15.0412.*

*If the commissioner refuses to pay all or a part of the charge for a health service, the unpaid portion of the charge shall be deemed to be an unconscionable fee, against the public policy of this state, and unenforceable in any action brought for the recovery of moneys owed.*

*Subd. 2. [LIMIT ON ANNUAL INCREASES.] For the biennium ending June 30, 1983, annual growth of payment rates for any provider of health care services shall not exceed ten percent. The period for measuring growth shall be the state fiscal year.*

**Sec. 9. [256B.031] [LIMIT ON ANNUAL INCREASE TO LONG-TERM CARE PROVIDERS.]**

*The commissioner shall establish the rates of reimbursement for nursing homes and intermediate care facilities based upon the state fiscal year and may modify reporting requirements as necessary.*

*The commissioner shall have the authority to review and adjust the rates of all nursing homes and intermediate care facilities which were in operation under the same owner during the fiscal year ending June 30, 1981 so that the rate of reimbursement to a nursing home or intermediate care facility for care of medical assistance recipients during the state fiscal year 1982 shall not be more than ten percent greater than the average rate established for the facility for the same level of care to medical assistance recipients during the state fiscal year 1981. The rate of reimbursement in the state fiscal year 1983 shall not be more than ten percent greater than the average rate established for the facility during the state fiscal year 1982. The average rate for each facility shall be the sum of the rates established for the facility each month of the state fiscal year divided by 12.*

*A facility operating less than a year prior to June 30, 1981 or a facility which changed owners during the state fiscal year 1981 shall remain at the June 30, 1981 rate for care of medical assistance recipients until a cost report is submitted and actual costs are audited by the department during the state fiscal year 1982. The rate of reimbursement for the months remaining in the*

*state fiscal year 1982 shall not be more than ten percent greater than the audited historic cost per diem for the first year of operation.*

*The interim rate for the care of medical assistance recipients established for a facility starting operation or changing owners during the state fiscal year 1982 shall not be more than ten percent greater than the average rate established for similar facilities which started operation or were sold during the state fiscal year 1981. Similar facilities are facilities of comparable size, level of care and geographic location.*

*Notwithstanding the provisions of section 256B.45, subdivision 1, the commissioner shall not conduct a public hearing to adjust the percentages to be used in determining the investment allowance for nursing homes or intermediate care facilities.*

Sec. 10. Minnesota Statutes 1980, Section 256B.06, Subdivision 1, is amended to read:

Subdivision 1. Medical assistance may be paid for any person:

(1) Who is eligible for or receiving public assistance under the aid to families with dependent children program; or

(2) Who is eligible for or receiving supplemental security income for the aged, blind and disabled; or

(3) Who except for the amount of income or resources would qualify for supplemental security income for the aged, blind and disabled, or aid to families with dependent children and is in need of medical assistance; or

(4) Who is under 21 years of age and in need of medical care that neither he nor his relatives responsible under sections 256B.-01 to 256B.26 are financially able to provide; or

(5) Who is residing in a hospital for treatment of mental disease or tuberculosis and is 65 years of age or older and without means sufficient to pay the per capita hospital charge; and

(6) Who resides in Minnesota, or, if absent from the state, is deemed to be a resident of Minnesota in accordance with the regulations of the state agency; and

(7) Who alone, or together with his spouse, does not own real property other than the homestead. Real estate not used as a home may not be retained unless it produces net income applicable to the family's needs or the family is making a continuing effort to sell it at a fair and reasonable price; and

(8) Who (, IF SINGLE,) *individually* does not (HAVE) *own* more than \$2,000 in cash or liquid assets, (PLUS \$150 FOR EACH ADDITIONAL LEGAL DEPENDENT OR, IF MARRIED, WHOSE CASH OR LIQUID ASSETS DO NOT EXCEED \$10,000,) or \$5,000 for two family members (husband and wife, parent and child, or two siblings), plus \$200 for each additional legal dependent, except that the value of the homestead, defined as one house and the adjoining land upon which it is situated, limited to one lot in a platted or laid out city or town or the smallest practicable parcel allowed under applicable zoning regulations in unplatted land, and one (AUTOMOBILE) motor vehicle shall be disregarded; and

(9) Who has or anticipates receiving an annual income not in excess of \$2,600 for a single person, or \$3,250 for two family members ((MAN) husband and wife, parent and child, or two siblings), plus \$625 for each additional legal dependent, or who has income in excess of these maxima and in the month of application, or during the three months prior to the month of application, incurs expenses for medical care that total more than one-half of the annual excess income in accordance with the regulations of the state agency. In computing income to determine eligibility of persons who are not residents of long term care facilities, the commissioner shall disregard increases in income of social security or supplementary security income recipients due solely to increases required by sections 215(i) and 1617 of the social security act, and shall disregard income of disabled persons that is also disregarded in determining eligibility for supplemental aid under section 256D.37, subdivision 1. In excess income cases, eligibility shall be limited to a period of six months beginning with the first of the month in which these medical obligations are first incurred; and

(10) Who has continuing monthly expenses for medical care that are more than the amount of his excess income, computed on a monthly basis, in which case eligibility may be established before the total income obligation referred to in the preceding paragraph is incurred, and medical assistance payments may be made to cover the monthly unmet medical need. In licensed nursing home and state hospital cases, income over and above that required for justified needs, determined pursuant to a schedule of contributions established by the commissioner of public welfare, is to be applied to the cost of institutional care. The commissioner of public welfare may establish a schedule of contributions to be made by the spouse of a nursing home resident to the cost of care and shall seek a waiver from federal regulations which establish the amount required to be contributed by either spouse when one spouse is a nursing home resident; and

(11) Who has applied or agrees to apply all proceeds received or receivable by him or his spouse from automobile accident coverage and private health care coverage to the costs of medical care for himself, his spouse, and children. The state

agency may require from any applicant or recipient of medical assistance the assignment of any rights accruing under private health care coverage. Any rights or amounts so assigned shall be applied against the cost of medical care paid for under this chapter. Any assignment shall not be effective as to benefits paid or provided under automobile accident coverage and private health care coverage prior to receipt of the assignment by the person or organization providing the benefits.

Sec. 11. Minnesota Statutes 1980, Section 256B.17, is amended to read:

**256B.17 [TRANSFERS OF PROPERTY.]**

(ANY PERSON WHO HAS TRANSFERRED ANY REAL OR PERSONAL PROPERTY WITHIN THREE YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR MEDICAL ASSISTANCE HEREUNDER OR WHO TRANSFERS ANY SUCH PROPERTY WHILE RECEIVING MEDICAL ASSISTANCE HEREUNDER WITHOUT RECEIVING A REASONABLE CONSIDERATION THEREFOR SHALL BE PRESUMED TO HAVE DONE SO IN ORDER TO BECOME OR REMAIN ELIGIBLE FOR MEDICAL ASSISTANCE HEREUNDER OR TO HAVE DEPRIVED HIMSELF OR HIS SPOUSE OF A RESOURCE THAT MIGHT OTHERWISE HAVE BEEN USED TO MEET HIS OR THEIR CURRENT NEEDS. SUCH PERSON SHALL HAVE THE BURDEN OF OVERCOMING SUCH PRESUMPTION TO THE SATISFACTION OF THE COUNTY AGENCY.)

*Subdivision 1. [TRANSFERS FOR LESS THAN MARKET VALUE.] In determining the resources of an individual and an eligible spouse, there shall be included any resource or interest therein which was given away or sold for less than fair market value within the 24 months preceding application for medical assistance or during the period of eligibility.*

*Subd. 2. [PRESUMPTION OF PURPOSE.] Any transaction described in subdivision 1 shall be presumed to have been for the purpose of establishing eligibility for benefits or assistance under this chapter unless the individual or eligible spouse furnishes convincing evidence to establish that the transaction was exclusively for another purpose.*

*Subd. 3. [RESOURCE VALUE.] For purposes of subdivision 1, the value of the resource or interest shall be the fair market value at the time it was sold or given away, less the amount of compensation received.*

*Subd. 4. [PERIOD OF INELIGIBILITY.] In any case where the uncompensated value of transferred resources exceeds \$12,000, the commissioner shall require a period of ineligibility*

*which exceeds 24 months, provided that the period of ineligibility bears a reasonable relationship to the excess uncompensated value of the transferred asset.*

*Subd. 5. The provisions of this section shall be effective with respect to applications for benefits made the day after final enactment.*

Sec. 12. Minnesota Statutes 1980, Section 256D.02, Subdivision 4a, is amended to read:

Subd. 4a. "General assistance medical care" means payment of all or part of the cost of medical care and services approved by the commissioner pursuant to section 256D.03, subdivision 3, for individuals whose income and resources are insufficient to meet the cost of care. *The categories of care for which payment shall be made in accordance with this chapter are inpatient hospital care, outpatient hospital care, prescription drugs, physician's services, medical transportation, and dental care.*

Sec. 13. Minnesota Statutes 1980, Section 256D.02, Subdivision 13, is amended to read:

Subd. 13. "(SUITABLE) Employment" means an (APPROPRIATE) income producing job including, but not limited to, all public subsidized jobs (PROCURED THROUGH THE WORK EQUITY PROGRAM.)

Sec. 14. Minnesota Statutes 1980, Section 256D.02, is amended by adding a subdivision to read:

*Subd. 15. "Verification" means confirmation by the local agency of the applicant's name, current address, income and resources.*

Sec. 15. Minnesota Statutes 1980, Section 256D.03, Subdivision 2, is amended to read:

Subd. 2. (AFTER DECEMBER 31, 1979, AND BEFORE JANUARY 1, 1981,) State aid shall be paid to local agencies for (60) 65 percent (AND, AFTER DECEMBER 31, 1980, FOR 75 PERCENT) of all general assistance grants up to the standards of section 256D.01, subdivision 1, and according to procedures established by the commissioner. Any local agency may, from its own resources, make payments of general assistance at a standard higher than that established by the commissioner without reference to the standards of section 256D.01, Subdivision 1.

Sec. 16. Minnesota Statutes 1980, Section 256D.03, Subdivision 3, is amended to read:

Subd. 3. State aid shall be paid to local agencies or counties for (90) 75 percent of the cost of general assistance medical care paid by the local agency or county pursuant to section 256D.02, subdivision 4a on behalf of persons eligible according to standards established by the commissioner of public welfare in accordance with the rates established by rule of the commissioner. Persons eligible for benefits under sections 256D.01 to 256D.21 shall be eligible for general assistance medical care (AND HAVE FREE CHOICE IN THE SELECTION OF A VENDOR OF THE MEDICAL CARE). *At the option of the county board, reimbursement for services under this subdivision may be limited to designated medical care providers. In designating providers, counties shall consider alternatives designed to promote cost efficiency in the delivery of quality health care services.* Any local agency or county may, from its own resources, make payments for medical care for persons not otherwise eligible for the care pursuant to standards established by the commissioner.

The commissioner of public welfare shall promulgate rules to establish administrative and fiscal procedures for payment of the state share of the medical costs incurred by the counties under section 256D.02, subdivision 4a. The rules may include:

(a) procedures by which state liability for the costs of medical care incurred pursuant to section 256D.02, subdivision 4a may be deducted from county liability to the state under any other public assistance program authorized by law;

(b) procedures for processing claims of counties for reimbursement by the state for expenditures for medical care made by the counties pursuant to section 256D.02, subdivision 4a;

(c) procedures by which the local agencies may contract with the commissioner of public welfare for state administration of general assistance medical care payments;

(d) standards of eligibility, utilization of services and payment levels (WHICH SHALL CONFORM TO THOSE OF MEDICAL ASSISTANCE PURSUANT TO CHAPTER 256B); and

(e) general criteria and procedures for the identification and prompt investigation of suspected fraud, theft, abuse, presentation of false or duplicate claims, presentation of claims for services not medically necessary, or false statements or representations of material facts by a vendor of general assistance medical care, and for the imposition of sanctions against such vendor of medical care. The rules relating to sanctions shall be consistent with the provisions of section 256B.064, subdivisions 1a to 2.

Sec. 17. Minnesota Statutes 1980, Section 256D.04, is amended to read:

**256D.04 [DUTIES OF THE COMMISSIONER.]**

In addition to any other duties imposed by law, the commissioner shall:

(1) Supervise the administration of general assistance and general assistance medical care by local agencies as provided in sections 256D.01 to 256D.21;

(2) Promulgate uniform rules consistent with law for carrying out and enforcing the provisions of sections 256D.01 to 256D.21 to the end that general assistance may be administered as uniformly as possible throughout the state; rules shall be furnished immediately to all local agencies and other interested persons; in promulgating rules, the provisions of sections 15.041 to 15.052, shall apply;

(3) Allocate moneys appropriated for general assistance and general assistance medical care to local agencies as provided in section 256D.03, subdivisions 2 and 3;

(4) Accept and supervise the disbursement of any funds that may be provided by the federal government or from other sources for use in this state for general assistance and general assistance medical care;

(5) Cooperate with other agencies including any agency of the United States or of another state in all matters concerning the powers and duties of the commissioner under sections 256D.01 to 256D.21;

(6) Cooperate to the fullest extent with other public agencies empowered by law to provide vocational training, rehabilitation, or similar services;

(7) Gather and study current information and report at least annually to the governor and legislature on the nature and need for general assistance and general assistance medical care, the amounts expended under the supervision of each local agency, and the activities of each local agency and publish such reports for the information of the public (;

((8) REPORT AT LEAST ANNUALLY TO THE GOVERNOR AND LEGISLATURE THE COST OF LIVING IN THE VARIOUS COUNTIES AND METROPOLITAN AREAS AS RELATED TO THE STANDARDS OF ASSISTANCE AND THE AMOUNTS EXPENDED FOR ASSISTANCE, AND MAKE THIS INFORMATION AVAILABLE TO THE PUBLIC; AND)



(9) ISSUE EMERGENCY RULES NECESSARY TO IMPLEMENT THE WORK EQUITY PROGRAM AND PROMULGATE ALL RULES PURSUANT TO CHAPTER 15 NECESSARY TO CARRY OUT THE PROGRAM SO THAT ITS DEMONSTRATIONAL PROJECT MAY BE ADMINISTERED UNIFORMLY THROUGHOUT PARTICIPATING COUNTIES. RULES SHALL BE FURNISHED IMMEDIATELY TO ALL LOCAL AGENCIES AND OTHER INTERESTED PERSONS).

Sec. 18. Minnesota Statutes 1980, Section 256D.05, is amended by adding a subdivision to read:

*Subd. 2a. [TIME LIMITATION.] No recipient may receive general assistance benefits for more than three months per calendar year. Exceptions to these limitations can be made by the local agency.*

Sec. 19. Minnesota Statutes 1980, Section 256D.06, is amended by adding a subdivision to read:

*Subd. 4. When a general assistance grant is used to pay a negotiated rate for a recipient living in a licensed or certified facility, the rate payable hereunder to that facility shall be no greater than that paid by an individual not receiving general assistance.*

Sec. 20. Minnesota Statutes 1980, Section 256D.06, is amended by adding a subdivision to read:

*Subd. 5. [INTERIM ASSISTANCE.] Any applicant, otherwise eligible for general assistance and possibly eligible for maintenance benefits from any other source shall be obligated to (a) make application for those benefits within 30 days of the general assistance application; and (b) execute an interim assistance authorization agreement on a form as directed by the commissioner. If found eligible for benefits from other sources, and a payment received from another source relates to the period during which general assistance was also being received, the recipient shall be required to reimburse the local agency for the interim assistance paid. Reimbursement shall not exceed the amount of general assistance paid during the time period to which the other maintenance benefits apply and shall not exceed the state standard or locally adjusted standard, applicable to that time period, whichever is higher.*

Sec. 21. Minnesota Statutes 1980, Section 256D.11, Subdivision 1, is amended to read:

Subdivision 1. Every person who is (A) *an applicant for or recipient of general assistance, not employed, and not described in subdivision 1a, shall be required, unless exempt by subdivision 6, to register for employment services with the commissioner*

of economic security and the local agency. *In addition to registration, the recipient must be actively seeking employment, be participating in all related employment services, and accept any (SUITABLE) employment that is offered him.*

Sec. 22. Minnesota Statutes 1980, Section 256D.11, Subdivision 4, is amended to read:

Subd. 4. The commissioner or a local agency may contract with the federal government, or with any department, agency, subdivision or instrumentality of the state, or with any nonprofit organization approved by the commissioner of public welfare for work, training and vocational counseling services for participants on such terms and conditions as may be agreed upon, with or without consideration paid to the local agency. (IN A COUNTY WHERE THE WORK EQUITY PROGRAM IS IN OPERATION, THE COMMISSIONER SHALL HAVE THE SOLE AUTHORITY TO CONTRACT WITH THE FEDERAL GOVERNMENT AND WITH ANY OTHER STATE DEPARTMENT, AND NO CONSIDERATION SHALL BE PAID TO THE LOCAL AGENCY, EXCEPT FOR CONSIDERATION ATTRIBUTABLE TO ADDITIONAL ADMINISTRATION EXPENSES. THE CONTRACT AGREED UPON BY THE COMMISSIONER SHALL PROVIDE FOR THE NECESSARY METHODS OF FUNDING WORK EQUITY PROGRAM JOBS, WHICH METHODS MAY INCLUDE A TRANSFER OF STATE AND LOCAL AGENCY GENERAL ASSISTANCE GRANT MONEYS DIRECTLY TO THE GOVERNOR'S MANPOWER OFFICE. THE CONTRACT MAY PROVIDE THAT AN INTENDED RECIPIENT MAY RECEIVE A PAY CHECK EQUAL TO OR GREATER THAN HIS DESIGNATED AMOUNT OF ASSISTANCE INSTEAD OF RECEIVING HIS GRANT.)

Sec. 23. Minnesota Statutes 1980, Section 256D.11, Subdivision 8, is amended to read:

Subd. 8. (1) Any nonexempt person who refuses to accept suitable employment, vocational counseling or training when offered him or is not actively seeking employment or participating in all related employment services required by this section, shall lose his eligibility for general assistance for the period in which his refusal continues and, if a member of a family receiving general assistance, that portion of the grant attributable to said person shall not be paid during that period unless they agree to comply. Any person who is found to be ineligible for aid under this subdivision on three or more occasions will be considered presumptively ineligible for future general assistance grants.

The commissioner may further provide by rule that vendor payments may be made with respect to any family in which a person who is obligated to accept suitable employment and training has refused to do so.

(2) The provisions of section 256D.10 providing for notice and opportunity to be heard prior to a decision to reduce, suspend or terminate benefits shall be applicable to determinations made under clause (1).

Sec. 24. Minnesota Statutes 1980, Section 256D.11, Subdivision 9, is amended to read:

Subd. 9. The commissioner and the local agencies shall establish procedures to insure that any recipient of general assistance desiring to improve his ability to support himself and his family shall be promptly referred to the department of economic security or any other agency, public or private, operating a work training, work experience, vocational rehabilitation or other similar program. The commissioner of economic security shall assure that at least the same level of services and agency efforts are available to general assistance recipients as are available to unemployment compensation recipients who register for work pursuant to section 268.08, subdivision 1, clause (1).

*Informational meetings on the general assistance work program shall be provided for nonexempt recipients of aid within three working days of the day that eligibility is established. Individual interviews with employment counselors shall be provided within two weeks of the informational meeting.*

Sec. 25. [STATE HOSPITAL CLOSINGS.]

*Subdivision 1. [FIRST HOSPITAL.] The commissioner of public welfare shall, after appropriate planning, consultation, public hearing, and advice from the legislature, effect the closing of one of the state hospitals under his control by June 30, 1982.*

*Subd. 2. [TRANSFER OF PATIENTS.] Prior to that date the commissioner shall arrange for the transfer of all affected patients committed pursuant to Minnesota Statutes, Section 253A.07 who are still in need of institutional care and treatment to other state hospitals. The commissioner shall undertake those transfers pursuant to the authority vested in him by Minnesota Statutes, Section 253A.14.*

*All patients who had been admitted to the state hospital on a voluntary basis pursuant to Minnesota Statutes, Section 253A.03, who would still be resident on June 30, 1982, may elect to discontinue hospital care or treatment pursuant to the provisions of that section, or may be admitted as voluntary patients to another operating state hospital.*

*In the transfer of patients, the commissioner shall consider the individualized patient plan required by Minnesota Statutes, Section 253A.17, Subdivision 9 and the recommendations of the re-*

*view board appointed pursuant to Minnesota Statutes, Section 253A.16.*

*Subd. 3. [RECORDS.] The records of patients who are transferred or seek admission to another state hospital shall be forwarded to the appropriate state hospital. All other patient records shall be stored by the commissioner consistent with Minnesota Statutes, Section 246.13 and existing rules and policies of the department of public welfare regarding the maintenance of hospital patient records.*

*Subd. 4. [BUILDINGS.] The commissioner of public welfare shall certify to the commissioner of administration pursuant to the provisions of Minnesota Statutes, Section 94.09, Subdivision 2 that the state hospital campus is no longer needed for the department of public welfare.*

*Subd. 5. [EMPLOYEES.] The commissioner of personnel shall monitor the orderly reassignment of affected employees of the state hospital pursuant to authority invested in him pursuant to Minnesota Statutes, Section 246.60.*

*Subd. 6. [SECOND HOSPITAL.] By June 30, 1983, the commissioner of public welfare shall, in accord with the procedures of this section, effectuate the closing of a second state hospital under his control.*

#### Sec. 26. [INSTRUCTION TO REVISOR.]

*In the appropriate editions of Minnesota Statutes, the revisor shall delete all references to any hospital closed pursuant to section 24. The revisor may also make any necessary editorial changes to effectuate the deletions consistent with proper grammar and style."*

Delete the title and insert:

"A bill for an act relating to public welfare; providing the commissioner with authority to control expenditures in specified instances; modifying the payment responsibility for costs of care for mentally retarded persons in state institutions; changing resource limits for recipients of aid to families with dependent children and expanding the definition of resource; prorating the first month's grant; reducing the scope of services provided under the medical assistance program; limiting payments to vendors and reducing resource limits; limiting the transfer of assets under medical assistance; limiting the services for which state reimbursement is available under general assistance medical care, reducing state aid, and making free choice of vendor an option with counties; time limiting general assistance grants and providing for interim assistance repayments; adjusting work program requirements under general assistance; providing for

the closing of two state hospitals over the next biennium; amending Minnesota Statutes 1980, Sections 245.0313; 254A.03, by adding a subdivision; 256.73, Subdivision 2; 256.74, Subdivision 1; 256.76, Subdivision 1; 256B.02, Subdivision 8; 256B.03; 256B.06, Subdivision 1; 256B.17; 256D.02, Subdivisions 4a, 13, and by adding a subdivision; 256D.03, Subdivisions 2 and 3; 256D.04; 256D.05, by adding a subdivision; 256D.06, by adding subdivisions; 256D.11, Subdivisions 1, 4, 8 and 9; proposing new law coded in Minnesota Statutes, Chapter 256B."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred:

H. F. No. 1295, A bill for an act relating to elections; providing for automatic recounts in certain judicial elections; amending Minnesota Statutes 1980, Sections 204A.51, Subdivisions 2 and 3; and 204A.53, Subdivisions 2 and 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1301, A bill for an act relating to consumer protection; providing for a definition of building materials which may contain urea formaldehyde; providing for exceptions; amending Minnesota Statutes 1980, Section 325F.18, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, delete lines 14 to 16 and insert "*but*"

Page 1, line 18, delete "*not installed as part of the*"

Page 1, line 19, delete "*construction of a mobile home*"

Page 1, delete line 21

Page 1, line 22, delete "*present are phenalic;*"

Page 1, line 23, delete "*(3)*" and insert "*(2)*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 1329, A bill for an act relating to education; authorizing the sale of bonds for the maximum effort school loan fund; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 124.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Eken from the Committee on Rules and Legislative Administration to which was referred:

House Resolution No. 10, A house resolution expressing the anguish of the people of Minnesota at the continuing news of the disappearance and murder of more than twenty children in Atlanta, Georgia, and extending condolences to the citizens of Atlanta and to the parents, relatives and friends of the children.

Reported the same back with the following amendments:

Page 1, line 10, delete "twenty" and insert "twenty-two"

Amend the title as follows:

Page 1, line 4, delete "twenty" and insert "twenty-two"

With the recommendation that when so amended the resolution be adopted.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 616, A bill for an act relating to commerce; requiring that consumer contracts be written in clear and coherent language; providing remedies; proposing new law coded in Minnesota Statutes, Chapter 325G.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [325G.29] [CITATION.]**

*Sections 1 to 7 may be cited as the "plain language contract act."*

**Sec. 2. [325G.30] [DEFINITIONS.]**

*Subdivision 1. [TERMS.] As used in sections 2 to 7, the terms defined in this section shall have the meanings given them.*

*Subd. 2. [CONSUMER.] "Consumer" means any individual who, primarily for personal, family or household purposes, leases, contracts for, or otherwise gives consideration for any interest in any goods, services or personal property, including money, or who rents or leases residential premises for personal, family or household use.*

*Subd. 3. [CONSUMER CONTRACT.] "Consumer contract" means any written contract to which an individual is a party as a consumer and where the amount involved, excluding interest or finance charges, is less than \$50,000.*

**Sec. 3. [325G.31] [PLAIN LANGUAGE REQUIRED.]**

*Except as provided in section 4, every consumer contract shall be written in a clear and coherent manner using words with common and everyday meanings and shall be appropriately divided and captioned by its various sections.*

**Sec. 4. [325G.32] [EXCEPTIONS.]**

*Subdivision 1. [OTHER STATUTES OR REGULATIONS.] Section 3 shall not apply to any consumer contract for which federal or state statute, rule or regulation prescribe standards of readability applicable to the entire contract. Section 3 shall not apply to particular words, phrases, provisions or forms of agreement whose use is specifically required, recommended or endorsed by state or federal statute, rule or regulation.*

*Subd. 2. [CUSTOMARILY USED TECHNICAL TERMS.] A consumer contract may include technical terms to describe, define or explain the goods, services, property or premises which are the subject of the contract, if the terms are customarily used by consumers in connection with the goods, services, property or premises.*

*Subd. 3. [USE OF U.C.C. TERMS.] Any term specifically defined in Minnesota Statutes, Chapter 336 shall retain its specified definition in a consumer contract only if that definition is set forth in that contract in a clear and coherent manner using words with common and everyday meanings.*

**Sec. 5. [325G.33] [REMEDIES.]**

*Subdivision 1. [ENFORCEMENT AUTHORITY.] Any violation of section 3 shall be deemed a violation of a law referred to in section 8.31, subdivision 1.*

*Subd. 2. [ADDITIONAL REMEDIES.] In addition to the remedies provided in section 8.31, if a court reviewing a consumer contract whose obligations have not been fully performed finds that:*

*(1) a material provision of the contract violates section 3;*

*(2) the violation caused the consumer to be substantially confused about any of the rights, obligations or remedies of the contract; and*

*(3) the violation has caused or is likely to cause financial detriment to the consumer, the court may reform or limit the application of the provision so as to avoid an unfair result. If the court so reforms or limits the application of a provision of a consumer contract, the court shall also make such orders as may be necessary to avoid conferring any unjust enrichment on the consumer.*

**Sec. 6. [325G.34] [LIMITS ON REMEDIES.]**

*Subdivision 1. [PENALTIES.] In any proceeding in which the attorney general claims civil penalties from a party for a violation of section 3, it shall be an affirmative defense to that claim that the party had made a good faith and reasonable effort to comply with section 3.*

*Subd. 2. [CLASS ACTION ATTORNEY'S FEES.] In any class action or series of class actions which arise from the use by a particular individual of a particular consumer contract found to violate section 3, the amount of attorney's fees assessed against that individual and in favor of the consumer class or classes shall not exceed \$10,000.*

*Subd. 3. [LIMITS ON CONSUMER ACTIONS.] Violation of section 3 shall not constitute a defense to a breach of contract action or to an action for unlawful detainer. A consumer may recover damages for a violation of section 3 only if the violation relates to a material provision of a consumer contract and caused the consumer to be substantially confused about any of the rights, obligations or remedies of the contract.*

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

*Sections 1 to 6 shall take effect on January 18, 1983. Sections 1 to 6 shall not affect any consumer contract executed before*



*the effective date. A previously existing consumer contract renewed after January 17, 1983, shall be subject to sections 1 to 6. For the purposes of this section, periodic tenancies shall be deemed to renew at the commencement of each rental period."*

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1304, 1305, 155, 234, 253, 291, 298, 421, 427, 453, 491, 534, 560, 583, 586, 619, 621, 636, 659, 695, 696, 707, 763, 774, 780, 834, 849, 855, 862, 928, 932, 937, 960, 970, 976, 978, 979, 997, 1015, 1021, 1045, 1051, 1070, 1080, 1120, 1156, 1160, 1178, 1182, 1190, 1200, 1221, 1225, 1231, 1237, 1242, 1247, 1269, 1276, 1295, 1301 and 616 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 692, 365, 454, 375 and 917 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Reif and Drew introduced:

H. F. No. 1353, A bill for an act relating to Ramsey county; modifying procedures for the publication of a board journal; amending Laws 1974, Chapter 435, Section 2.05, as amended.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Peterson, D.; Anderson, I.; Skoglund and Brandl introduced:

H. F. No. 1354, A bill for an act relating to taxation; real property; allowing property used by certain disabled veterans to qualify for 3cc classification; amending Minnesota Statutes 1980, Section 273.13, Subdivision 7.

The bill was read for the first time and referred to the Committee on Taxes.

Peterson, D. introduced:

H. F. No. 1355, A bill for an act relating to elections; authorizing changing of certain precinct boundaries; amending Minnesota Statutes 1980, Section 204A.06, Subdivision 1.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Piepho, Welker, Zubay, Heap and Carlson, D., introduced:

H. F. No. 1356, A resolution memorializing the President and Congress of the United States to express the legislature's support of President Reagan's Economic Recovery Plan.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Elioff, Minne and Lemen introduced:

H. F. No. 1357, A bill for an act relating to the Mountain Iron joint recreation board; regulating its tax levy.

The bill was read for the first time and referred to the Committee on Taxes.

Welch and Clawson introduced:

H. F. No. 1358, A bill for an act relating to retirement; authorizing the purchase of prior service credit by a certain member of the Minnesota state retirement system.

The bill was read for the first time and referred to the Committee on Governmental Operations.

McDonald introduced:

H. F. No. 1359, A bill for an act relating to local government; fixing dollar limitations for bidding procedures; amending Minnesota Statutes 1980, Sections 160.17, Subdivision 2; 365.37; 375.21, Subdivision 1; 412.311; 429.041, Subdivisions 1 and 2 and 471.345, Subdivisions 3 and 4.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Valan introduced:

H. F. No. 1360, A bill for an act relating to the town of Oak Port in Clay county; authorizing the town to exercise certain powers.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Stumpf and Simoneau introduced:

H. F. No. 1361, A bill for an act relating to education; providing for the preparation of a report by the legislative commission on employee relations analyzing current insurance programs available to teachers and other public school employees in Minnesota; amending Minnesota Statutes 1980, Section 3.855, Subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Munger; Begich; Battaglia; Peterson, B., and Skoglund introduced:

H. F. No. 1362, A bill for an act relating to the environment; requiring notice of intent to develop uranium; creating an advisory committee; requiring adoption of a state policy; appropriating money; imposing a penalty; proposing new law coded in Minnesota Statutes, Chapter 116C.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Jude, Ellingson, Dempsey, Schreiber and Welch introduced:

H. F. No. 1363, A bill for an act relating to courts; authorizing electronic media and still photography coverage in the appellate and trial courts; requiring the supreme court to promulgate standards of conduct and technology governing electronic media and still photographic coverage of judicial proceedings; proposing new law coded in Minnesota Statutes, Chapters 480 and 631.

The bill was read for the first time and referred to the Committee on Judiciary.

Niehaus; Johnson, C.; Gruenes; Otis and Esau introduced:

H. F. No. 1364, A bill for an act relating to education; requiring transportation costs for a handicapped child to be paid by the district of residence; authorizing the district of residence to claim transportation aid; amending Minnesota Statutes 1980, Section 120.17, Subdivisions 4, 6 and 7.

The bill was read for the first time and referred to the Committee on Education.

Pogemiller introduced:

H. F. No. 1365, A bill for an act relating to cities; authorizing city rehabilitation loan programs for small and medium sized commercial buildings; and providing for the issuance of revenue bonds to finance the programs; proposing new law coded in Minnesota Statutes, Chapter 459.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Jude, Ellingson, Sarna, Schreiber and Evans introduced:

H. F. No. 1366, A bill for an act relating to liens for improvements made to real property; prescribing notice requirements to owners by subcontractors; defining owner; amending Minnesota Statutes 1980, Section 514.011, Subdivisions 2 and 5.

The bill was read for the first time and referred to the Committee on Judiciary.

Jude, Evans, Dempsey, Voss and Anderson, B., introduced:

H. F. No. 1367, A bill for an act relating to the attorney general; providing that the attorney general shall render bond counsel services to state agencies and political subdivisions; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 8.

The bill was read for the first time and referred to the Committee on Judiciary.

Long, Otis, Schreiber and Searles introduced :

H. F. No. 1368, A bill for an act relating to taxation; increasing the maximum homestead credit amount; decreasing the homestead credit percentage; amending Minnesota Statutes 1980, Section 273.13, Subdivisions 6, 7 and 14a.

The bill was read for the first time and referred to the Committee on Taxes.

Piepho; Zubay; Johnson, C., and Kalis introduced :

H. F. No. 1369, A bill for an act relating to public welfare; changing a definition regarding determination of the county of financial responsibility for purposes of the general assistance program; amending Minnesota Statutes 1980, Section 256D.13, Subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Voss, for the Committee on Local and Urban Affairs, introduced :

H. F. No. 1370, A bill for an act relating to local government aids; clarifying and updating statutory language relating to the distribution formula; creating a legislative study commission; appropriating money; amending Minnesota Statutes 1980, Section 477A.03; proposing new law coded in Minnesota Statutes, Chapter 477A; repealing Minnesota Statutes 1980, Section 477A.01.

The bill was read for the first time and referred to the Committee on Taxes.

Rodriguez, C.; Ogren and Sarna introduced :

H. F. No. 1371, A bill for an act relating to commerce; protecting consumers; prohibiting certain price increases of items already displayed for sale; providing a penalty; proposing new law coded in Minnesota Statutes, Chapter 325F.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Vanasek and Welker introduced:

H. F. No. 1372, A bill for an act relating to education; exempting students who participate on a high school swimming team from certain state high school league rules; proposing new law coded in Minnesota Statutes, Chapter 129.

The bill was read for the first time and referred to the Committee on Education.

Simoneau introduced:

H. F. No. 1373, A bill for an act relating to metropolitan government; providing for review by the metropolitan council of the entire budget of the metropolitan waste control commission; amending Minnesota Statutes 1980, Section 473.163, Subdivision 2.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Anderson, G.; Wynia; Sherwood; Kalis and Carlson, D., introduced:

H. F. No. 1374, A bill for an act relating to criminal justice; imposing a tax on alcoholic beverages sold for resale by the drink; providing for the distribution of the proceeds to local units of government to meet the costs of enforcement of laws relating to driving offenses involving alcohol or drugs; requiring payment of certain costs by persons receiving treatment for alcoholism; providing penalties; appropriating money; proposing new law coded in Minnesota Statutes, Chapters 169 and 340.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Battaglia introduced:

H. F. No. 1375, A bill for an act relating to local government; Lake County, Independent School District No. 381, and the town of Beaver Bay; providing for the valuation and assessment for property taxes of certain unique mining property.

The bill was read for the first time and referred to the Committee on Taxes.

## HOUSE ADVISORIES

The following House Advisories were introduced:

Anderson, R.; Evans; Aasness; Fjoslien and Valan introduced:

H. A. No. 20, A proposal to study water levels and recreational and other potentials of Otter Tail river.

The advisory was referred to the Committee on Environment and Natural Resources.

Clawson; Clark, J.; Skoglund; Blatz and Aasness introduced:

H. A. No. 21, A proposal to examine the adequacy of accessibility standards in housing for the handicapped.

The advisory was referred to the Committee on Health and Welfare.

Clawson, Kostohryz, Sarna, McEachern and Metzen introduced:

H. A. No. 22, A proposal to amend the House Permanent Rules to establish a Committee on Foreign Relations.

The advisory was referred to the Committee on Rules and Legislative Administration.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 117, A bill for an act relating to general assistance; removing the presumption of eligibility from general assistance; providing that applications be permitted no later than four days after assistance is requested; requiring that determinations be made with respect to the need for emergency general assistance; providing that eligibility determination for general assistance be made no later than 30 days following application; providing that the first general assistance grant be computed for eligible

applicants from the time when assistance is requested; requiring vendor payments of grants until eligibility determinations are complete; amending Minnesota Statutes 1980, Sections 256D.07 and 256D.09, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Hokanson moved that the House concur in the Senate amendments to H. F. No. 117 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 117, A bill for an act relating to general assistance; removing the presumption of eligibility from general assistance; providing that applications be permitted no later than four days after assistance is requested; requiring that determinations be made with respect to the need for emergency general assistance; providing that eligibility determinations for general assistance be made no later than 30 days following application; providing that the first general assistance grant be computed for eligible applicants from the time when assistance is requested; requiring vendor payments of grants until eligibility determinations are complete; amending Minnesota Statutes 1980, Sections 256D.07 and 256D.09, Subdivision 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Ewald	Kelly	Ogren	Simoneau
Ainley	Fjoslien	Knickerbocker	Olsen	Skoglund
Anderson, B.	Forsythe	Kvam	Onnen	Stadum
Anderson, G.	Friedrich	Laidig	Osthoff	Staten
Anderson, I.	Greenfield	Lehto	Otis	Stowell
Battaglia	Gruenes	Lemen	Peterson, D.	Stumpf
Begich	Gustafson	Levi	Piepho	Sviggum
Berkelman	Halberg	Long	Pogemiller	Swanson
Blatz	Hanson	Ludeman	Redalen	Valan
Brandl	Harens	Mann	Reding	Valento
Brinkman	Hauge	Marsh	Rees	Vanasek
Carlson, D.	Haukoos	McCarron	Reif	Vellenga
Carlson, L.	Heap	McDonald	Rodriguez, C.	Voss
Clark, J.	Heinitz	McEachern	Rodriguez, F.	Weaver
Clawson	Himle	Metzen	Rose	Welch
Dahlvang	Hoberg	Minne	Rothenberg	Welker
Dempsey	Hokanson	Munger	Samuelson	Wenzel
Den Ouden	Jacobs	Murphy	Sarna	Wieser
Drew	Jennings	Nelsen, B.	Schafer	Wynia
Eken	Johnson, C.	Nelson, K.	Schoenfeld	Zubay
Elioff	Johnson, D.	Niehaus	Schreiber	Spkr. Sieben, H.
Ellingson	Jude	Norton	Searles	
Erickson	Kahn	Novak	Shea	
Esau	Kaley	Nysether	Sherman	
Evans	Kalis	O'Connor	Sieben, M.	



The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 291.

PATRICK E. FLAHAVER, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 291, A bill for an act relating to counties; repealing the law prohibiting persons holding the office of deputy sheriff from holding public office; prohibiting county commissioners from being employed by their counties; providing a penalty; amending Minnesota Statutes 1980, Sections 375.09; and 387.13.

The bill was read for the first time.

Schoenfeld moved that S. F. No. 291 and H. F. No. 1045, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

### CONSENT CALENDAR

S. F. No. 275 was reported to the House.

Wenzel moved to amend S. F. No. 275, as follows:

Page 1, line 16, strike "some" and insert "*a qualified legal*"

Page 2, line 2, delete "A" and insert "*An advertised*"

The motion prevailed and the amendment was adopted.

S. F. No. 275, A bill for an act relating to counties; permitting escalation clauses or negotiated price changes in county contracts; clarifying advertising requirements; amending Minnesota Statutes 1980, Section 375.21, Subdivision 1.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness      Ainley      Anderson, B.      Anderson, G.      Anderson, I.

Anderson, R.	Forsythe	Knickerbocker	O'Connor	Sieben, M.
Battaglia	Friedrich	Kostohryz	Ogren	Simoneau
Begich	Greenfield	Kvam	Olsen	Skoglund
Berkelman	Gruenes	Laidig	Onnen	Stadum
Blatz	Gustafson	Lehto	Osthoff	Staten
Brandl	Halberg	Lemen	Otis	Stowell
Brinkman	Hanson	Levi	Peterson, D.	Stumpf
Byrne	Harens	Long	Piepho	Swiggum
Carlson, D.	Hauge	Ludeman	Pogemiller	Swanson
Carlson, L.	Haukoos	Mann	Redalen	Valan
Clark, J.	Heap	Marsh	Reding	Valento
Clark, K.	Heinitz	McCarron	Rees	Vanasek
Clawson	Himle	McDonald	Reif	Vellenga
Dahlvang	Hoberg	McEachern	Rice	Voss
Dempsey	Hokanson	Mehrkens	Rodriguez, C.	Weaver
Den Ouden	Hokr	Metzen	Rodriguez, F.	Welch
Drew	Jacobs	Minne	Rose	Welker
Eken	Jennings	Munger	Rothenberg	Wenzel
Elioff	Johnson, C.	Murphy	Samuelson	Wieser
Ellingson	Johnson, D.	Nelsen, B.	Sarna	Wynia
Erickson	Jude	Nelson, K.	Schafer	Zubay
Esau	Kahn	Niehaus	Schreiber	Spkr. Sieben, H.
Evang	Kaley	Norton	Searles	
Ewald	Kalis	Novak	Shea	
Fjoslien	Kelly	Nysether	Sherman	

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

S. F. No. 347, A bill for an act relating to Hennepin county; providing for the administration of the county library system; repealing Laws 1957, Chapter 788, as amended; and Extra Session Laws 1967, Chapter 24, as amended.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Heinitz	Long	Onnen
Ainley	Drew	Himle	Ludeman	Osthoff
Anderson, B.	Eken	Hoberg	Mann	Otis
Anderson, G.	Elioff	Hokanson	Marsh	Peterson, B.
Anderson, I.	Ellingson	Hokr	McCarron	Peterson, D.
Anderson, R.	Erickson	Jacobs	McDonald	Piepho
Battaglia	Esau	Jennings	McEachern	Pogemiller
Begich	Evans	Johnson, C.	Mehrkens	Redalen
Berkelman	Ewald	Johnson, D.	Metzen	Reding
Blatz	Fjoslien	Jude	Minne	Rees
Brandl	Forsythe	Kahn	Munger	Reif
Brinkman	Friedrich	Kaley	Murphy	Rice
Byrne	Greenfield	Kalis	Nelsen, B.	Rodriguez, C.
Carlson, D.	Gruenes	Kelly	Nelson, K.	Rodriguez, F.
Carlson, L.	Gustafson	Knickerbocker	Niehaus	Rose
Clark, J.	Halberg	Kostohryz	Norton	Rothenberg
Clark, K.	Hanson	Kvam	Novak	Samuelson
Clawson	Harens	Laidig	Nysether	Sarna
Dahlvang	Hauge	Lehto	O'Connor	Schafer
Dean	Haukoos	Lemen	Ogren	Schoenfeld
Dempsey	Heap	Levi	Olsen	Schreiber

Searles	Skoglund	Sviggum	Vellenga	Wenzel
Shea	Stadum	Swanson	Voss	Wieser
Sherman	Staten	Valan	Weaver	Wynia
Sieben, M.	Stowell	Valento	Welch	Zubay
Simoneau	Stumpf	Vanasek	Welker	Spkr. Sieben, H.

The bill was passed and its title agreed to.

H. F. No. 159 was reported to the House.

Dempsey moved to amend H. F. No. 159, as follows:

Delete everything after the enacting clause and insert:

“Section 1. [489.06] [ABOLISHMENT OF OFFICE OF COURT COMMISSIONER.]

*The county board of commissioners of a county may by resolution abolish the office of court commissioner in that county. The office shall be abolished effective upon the expiration of the present incumbent's term of office.”*

Delete the title and insert:

“A bill for an act relating to courts; authorizing counties to abolish the office of court commissioner; proposing new law coded in Minnesota Statutes, Chapter 489.”

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 58 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Aasness	Fjoslien	Johnson, D.	Nelsen, B.	Schreiber
Ainley	Forsythe	Jude	Niehaus	Searles
Anderson, R.	Friedrich	Kaley	Nysether	Sherman
Blatz	Gruenes	Knickerbocker	Olsen	Stadum
Carlson, D.	Halberg	Kvam	Onnen	Stowell
Dempsey	Haukoos	Laidig	Piepho	Sviggum
Den Ouden	Heap	Lemen	Redalen	Valan
Drew	Heinitz	Levi	Rees	Valento
Erickson	Himle	Ludeman	Reif	Weaver
Esau	Hoberg	Marsh	Rose	Welker
Evans	Hokr	McDonald	Rothenberg	
Ewald	Jennings	Mehrkens	Schafer	

Those who voted in the negative were:

Anderson, B.	Brandl	Clawson	Gustafson	Johnson, C.
Anderson, G.	Brinkman	Dahlvang	Hanson	Kahn
Anderson, I.	Byrne	Elken	Harens	Kalis
Battaglia	Carlson, L.	Elioff	Hauge	Kelly
Begich	Clark, J.	Ellingson	Hokanson	Kostohryz
Berkelman	Clark, K.	Greenfield	Jacobs	Lehto

Long	Nelson, K.	Pogemiller	Simoneau	Wenzel
Mann	Norton	Reding	Skoglund	Wieser
McCarron	Novak	Rice	Staten	Wynia
McEachern	O'Connor	Rodriguez, C.	Stumpf	Zubay
Metzen	Ogren	Rodriguez, F.	Swanson	Spkr. Sieben, H.
Minne	Osthoff	Samuelson	Vanasek	
Munger	Otis	Schoenfeld	Vellenga	
Murphy	Peterson, D.	Sieben, M.	Voss	

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

H. F. No. 159, A bill for an act relating to court commissioners; abolishing the office of court commissioner; amending Minnesota Statutes 1980, Section 489.01.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kahn	Niehaus	Searles
Ainley	Evans	Kaley	Norton	Shea
Anderson, B.	Ewald	Kalis	Novak	Sherman
Anderson, G.	Fjoslien	Kelly	Nysether	Sieben, M.
Anderson, I.	Forsythe	Knickerbocker	O'Connor	Simoneau
Anderson, R.	Friedrich	Kostohryz	Ogren	Skoglund
Battaglia	Greenfield	Kvam	Olsen	Stadum
Begich	Gruenes	Laidig	Osthoff	Staten
Berkelman	Gustafson	Lehto	Otis	Stowell
Blatz	Halberg	Lemen	Peterson, B.	Stumpf
Brandl	Hanson	Levi	Peterson, D.	Sviggum
Brinkman	Harens	Long	Piepho	Swanson
Byrne	Hauge	Ludeman	Pogemiller	Valan
Carlson, D.	Haukoos	Mann	Redalen	Valento
Carlson, L.	Heap	Marsh	Reding	Vanasek
Clark, J.	Heinitz	McCarron	Rees	Vellenga
Clark, K.	Himle	McDonald	Rodriguez, C.	Voss
Clawson	Hoberg	McEachern	Rodriguez, F.	Weaver
Dahlvang	Hokanson	Mehrkens	Rose	Welch
Dean	Hokr	Metzen	Rothenberg	Welker
Dempsey	Jacobs	Minne	Samuelson	Wenzel
Drew	Jennings	Munger	Sarna	Wieser
Eken	Johnson, C.	Murphy	Schafer	Wynia
Elioff	Johnson, D.	Nelsen, B.	Schoenfeld	Zubay
Ellingson	Jude	Nelson, K.	Schreiber	Spkr. Sieben, H.

The bill was passed and its title agreed to.

H. F. No. 6, A bill for an act relating to commerce; prohibiting the sale of certain petroleum products on any basis other than gross volume; amending Minnesota Statutes 1980, Section 296.05, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kahn	Norton	Searles
Ainley	Esau	Kaley	Novak	Shea
Anderson, B.	Evans	Kalis	Nysether	Sherman
Anderson, G.	Ewald	Kelly	O'Connor	Sieben, M.
Anderson, I.	Fjoslien	Knickerbocker	Ogren	Simoneau
Anderson, R.	Forsythe	Kostohryz	Olsen	Skoglund
Battaglia	Friedrich	Kvam	Onnen	Stadum
Begich	Greenfield	Laidig	Osthoff	Staten
Berkelman	Gruenes	Lehto	Otis	Stowell
Blatz	Gustafson	Lemen	Peterson, B.	Stumpf
Brandl	Halberg	Levi	Peterson, D.	Swiggum
Brinkman	Hanson	Long	Piepho	Swanson
Byrne	Harens	Ludeman	Pogemiller	Valan
Carlson, D.	Hauge	Mann	Redalen	Valento
Carlson, L.	Haukoos	Marsh	Reding	Vanasek
Clark, J.	Heap	McCarron	Rees	Vellenga
Clark, K.	Heintz	McDonald	Reif	Weaver
Clawson	Himle	McEachern	Rodriguez, C.	Welch
Dahlvang	Hoberg	Mehrkens	Rodriguez, F.	Welker
Dean	Hokanson	Metzen	Rose	Wenzel
Dempsey	Hokr	Minne	Rothenberg	Wieser
Den Ouden	Jacobs	Munger	Samuelson	Wynia
Drew	Jennings	Murphy	Sarna	Zubay
Eken	Johnson, C.	Nelsen, B.	Schafer	Spkr. Sieben, H.
Elioff	Johnson, D.	Nelson, K.	Schoenfeld	
Ellingson	Jude	Niehaus	Schreiber	

Those who voted in the negative were:

Voss

The bill was passed and its title agreed to.

H. F. No. 138, A bill for an act relating to courts; authorizing the judges of the sixth judicial district to set the salaries of court reporters.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Brandl	Dempsey	Ewald	Harens
Ainley	Brinkman	Den Ouden	Fjoslien	Hauge
Anderson, B.	Byrne	Drew	Forsythe	Haukoos
Anderson, I.	Carlson, D.	Eken	Friedrich	Heap
Anderson, R.	Carlson, L.	Elioff	Greenfield	Heintz
Battaglia	Clark, J.	Ellingson	Gruenes	Himle
Begich	Clark, K.	Erickson	Gustafson	Hoberg
Berkelman	Dahlvang	Esau	Halberg	Hokanson
Blatz	Dean	Evans	Hanson	Hokr

Jacobs	Ludeman	O'Connor	Rothenberg	Swanson
Jennings	Mann	Ogren	Samuelson	Valan
Johnson, C.	Marsh	Olsen	Sarna	Valento
Johnson, D.	McCarron	Onnen	Schafer	Vellenga
Jude	McDonald	Osthoff	Schoenfeld	Voss
Kahn	McEachern	Otis	Schreiber	Weaver
Kaley	Mehrkens	Peterson, B.	Searles	Welch
Kalis	Metzen	Peterson, D.	Shea	Welker
Kelly	Minne	Piepho	Sherman	Wenzel
Knickerbocker	Munger	Pogemiller	Sieben, M.	Wieser
Kostohryz	Murphy	Redalen	Simoneau	Wynia
Kvam	Nelsen, B.	Reding	Skoglund	Zubay
Laidig	Nelson, K.	Rees	Stadum	Spkr. Sieben, H.
Lehto	Niehaus	Reif	Staten	
Lemen	Norton	Rodriguez, C.	Stowell	
Levi	Novak	Rodriguez, F.	Stumpf	
Long	Nysether	Rose	Sviggum	

The bill was passed and its title agreed to.

H. F. No. 365, A bill for an act relating to building code inspectors; authorizing certain municipalities to choose between two options to enforce the provisions of the building code related to access for handicapped persons; amending Minnesota Statutes 1980, Section 16.861, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kahn	Norton	Searles
Ainley	Esau	Kaley	Novak	Sherman
Anderson, B.	Evans	Kalis	Nysether	Sieben, M.
Anderson, G.	Ewald	Kelly	O'Connor	Simoneau
Anderson, I.	Fjoslien	Knickerbocker	Ogren	Skoglund
Anderson, R.	Forsythe	Kostohryz	Olsen	Stadum
Battaglia	Friedrich	Kvam	Onnen	Staten
Begich	Greenfield	Laidig	Osthoff	Stowell
Berkelman	Gruenes	Lehto	Otis	Stumpf
Blatz	Gustafson	Lemen	Peterson, B.	Sviggum
Brandl	Halberg	Levi	Peterson, D.	Swanson
Brinkman	Hanson	Long	Piepho	Valan
Byrne	Harens	Ludeman	Pogemiller	Valento
Carlson, D.	Hauge	Mann	Redalen	Vanasek
Carlson, L.	Haukoos	Marsh	Reding	Vellenga
Clark, J.	Heap	McCarron	Rees	Voss
Clark, K.	Heinitz	McDonald	Reif	Weaver
Clawson	Himle	McEachern	Rodriguez, C.	Welch
Dahlvang	Hoberg	Mehrkens	Rodriguez, F.	Welker
Dean	Hokanson	Metzen	Rose	Wenzel
Dempsey	Hokr	Minne	Rothenberg	Wieser
Den Ouden	Jacobs	Munger	Samuelson	Wynia
Drew	Jennings	Murphy	Sarna	Zubay
Eken	Johnson, C.	Nelsen, B.	Schafer	Spkr. Sieben, H.
Ehoff	Johnson, D.	Nelson, K.	Schoenfeld	
Ellingson	Jude	Niehaus	Schreiber	

The bill was passed and its title agreed to.

H. F. No. 413, A bill for an act relating to handicapped persons; prohibiting persons serving as foreign language interpreters or interpreters for persons with hearing or speaking impairments from disclosing communications made to them during the course of civil, criminal or administrative proceedings; amending Minnesota Statutes 1980, Sections 546.44, by adding a subdivision; 595.02; 611.30; 611.31; and 611.33, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kaley	Novak	Searles
Ainley	Evans	Kalis	Nysether	Shea
Anderson, B.	Ewald	Kelly	O'Connor	Sherman
Anderson, G.	Fjoslien	Knickerbocker	Ogren	Sieben, M.
Anderson, I.	Forsythe	Kostohryz	Olsen	Skoglund
Anderson, R.	Friedrich	Kvam	Onnen	Stadum
Battaglia	Greenfield	Laidig	Osthoff	Staten
Begich	Gruenes	Lehto	Otis	Stowell
Berkelman	Gustafson	Lemen	Peterson, B.	Stumpf
Blatz	Halberg	Levi	Peterson, D.	Sviggum
Brandl	Hanson	Long	Piepho	Swanson
Brinkman	Harens	Ludeman	Pogemiller	Valan
Byrne	Hauge	Mann	Redalen	Valento
Carlson, D.	Haukoos	Marsh	Reding	Vanasek
Carlson, L.	Heap	McCarron	Rees	Vellenga
Clark, J.	Heinitz	McDonald	Reif	Voss
Clark, K.	Himle	McEachern	Rice	Weaver
Clawson	Hoberg	Mehrkens	Rodriguez, C.	Welch
Dahlvang	Hokanson	Metzen	Rodriguez, F.	Welker
Dean	Hokr	Minne	Rose	Wenzel
Dempsey	Jacobs	Munger	Rothenberg	Wieser
Den Ouden	Jennings	Murphy	Samuelson	Wynia
Drew	Johnson, C.	Nelsen, B.	Sarna	Zubay
Elioff	Johnson, D.	Nelson, K.	Schafer	Spkr. Sieben, H.
Ellingson	Jude	Niehaus	Schoenfeld	
Erickson	Kahn	Norton	Schreiber	

The bill was passed and its title agreed to.

H. F. No. 522, A bill for an act relating to family; clarifying circumstances in which parent with custody of child may move to another state; amending Minnesota Statutes 1980, Section 518.175, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kahn	Novak	Searles
Ainley	Esau	Kaley	Nysether	Shea
Anderson, B.	Evans	Kalis	O'Connor	Sherman
Anderson, G.	Ewald	Kelly	Ogren	Sieben, M.
Anderson, I.	Fjoslien	Knickerbocker	Olsen	Simoneau
Anderson, R.	Forsythe	Kostohryz	Onnen	Skoglund
Battaglia	Friedrich	Kvam	Osthoff	Stadum
Begich	Greenfield	Laidig	Otis	Staten
Berkelman	Gruenes	Lehto	Peterson, B.	Stowell
Blatz	Gustafson	Lemen	Peterson, D.	Stumpf
Brandl	Halberg	Levi	Piepho	Sviggum
Brinkman	Hanson	Long	Pogemiller	Swanson
Byrne	Harens	Ludeman	Redalen	Tomlinson
Carlson, D.	Hauge	Mann	Reding	Valan
Carlson, L.	Haukoos	Marsh	Rees	Valento
Clark, J.	Heap	McDonald	Reif	Vanasek
Clark, K.	Heinitz	McEachern	Rice	Vellenga
Clawson	Himle	Mehrkens	Rodriguez, C.	Voss
Dahlvang	Hoberg	Metzen	Rodriguez, F.	Weaver
Dean	Hokanson	Minne	Rose	Welch
Dempsey	Hokr	Munger	Rothenberg	Welker
Den Ouden	Jacobs	Murphy	Samuelson	Wenzel
Drew	Jennings	Nelsen, B.	Sarna	Wieser
Eken	Johnson, C.	Nelson, K.	Schafer	Wynia
Elioff	Johnson, D.	Niehaus	Schoenfeld	Zubay
Ellingson	Jude	Norton	Schreiber	Spkr. Sieben, H.

The bill was passed and its title agreed to.

H. F. No. 536, A bill for an act relating to retirement; city of St. Paul public housing agency; transferring retirement coverage for certain public employees; amending Laws 1977, Chapter 228, Section 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Clawson	Gruenes	Kahn	McEachern
Ainley	Dahlvang	Gustafson	Kaley	Mehrkens
Anderson, B.	Dean	Halberg	Kalis	Metzen
Anderson, G.	Dempsey	Hanson	Kelly	Minne
Anderson, I.	Den Ouden	Hauge	Knickerbocker	Munger
Anderson, R.	Drew	Haukoos	Kostohryz	Murphy
Battaglia	Eken	Heap	Kvam	Nelsen, B.
Begich	Elioff	Heinitz	Laidig	Nelson, K.
Berkelman	Ellingson	Himle	Lehto	Niehaus
Blatz	Erickson	Hoberg	Lemen	Norton
Brandl	Esau	Hokanson	Levi	Novak
Brinkman	Evans	Hokr	Long	Nysether
Byrne	Ewald	Jacobs	Ludeman	O'Connor
Carlson, D.	Fjoslien	Jennings	Mann	Ogren
Carlson, L.	Forsythe	Johnson, C.	Marsh	Olsen
Clark, J.	Friedrich	Johnson, D.	McCarron	Onnen
Clark, K.	Greenfield	Jude	McDonald	Osthoff



Otis	Rice	Schreiber	Stowell	Voss
Peterson, B.	Rodriguez, C.	Searles	Stumpf	Weaver
Peterson, D.	Rodriguez, F.	Shea	Sviggun	Welch
Piepho	Rose	Sherman	Swanson	Welker
Pogemiller	Rothenberg	Sieben, M.	Tomlinson	Wenzel
Redalen	Samuelson	Simoneau	Valan	Wieser
Reding	Sarna	Skoglund	Valento	Wynia
Rees	Schafer	Stadum	Vanasek	Zubay
Reif	Schoenfeld	Staten	Vellenga	Spkr. Sieben, H.

The bill was passed and its title agreed to.

H. F. No. 630, A bill for an act relating to open meetings; requiring availability of certain materials; prescribing penalties; amending Minnesota Statutes 1980, Section 471.705, Subdivision 2; and by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kaley	Novak	Searles
Ainley	Evans	Kalis	Nysether	Shea
Anderson, B.	Ewald	Kelly	O'Connor	Sherman
Anderson, G.	Fjoslien	Knickerbocker	Ogren	Sieben, M.
Anderson, I.	Forsythe	Kostohryz	Olsen	Simoneau
Anderson, R.	Friedrich	Kvam	Onnen	Skoglund
Battaglia	Greenfield	Laidig	Osthoff	Stadum
Begich	Gruenes	Lehto	Otis	Staten
Berkelman	Gustafson	Lemen	Peterson, B.	Stowell
Blatz	Halberg	Levi	Peterson, D.	Stumpf
Brandl	Hanson	Long	Piepho	Sviggun
Brinkman	Harens	Ludeman	Pogemiller	Swanson
Byrne	Hauge	Mann	Redalen	Tomlinson
Carlson, D.	Haukoos	Marsh	Reding	Valan
Carlson, L.	Heap	McCarron	Rees	Valento
Clark, J.	Heinitz	McDonald	Reif	Vanasek
Clark, K.	Himle	McEachern	Rice	Vellenga
Clawson	Hoberg	Mehrrens	Rodriguez, C.	Voss
Dahlvang	Hokanson	Metzen	Rodriguez, F.	Weaver
Dean	Hokr	Minne	Rose	Welch
Dempsey	Jacobs	Munger	Rothenberg	Welker
Drew	Jennings	Murphy	Samuelson	Wenzel
Eken	Johnson, C.	Nelsen, B.	Sarna	Wieser
Elioff	Johnson, D.	Nelson, K.	Schafer	Wynia
Ellingson	Jude	Niehaus	Schoenfeld	Zubay
Erickson	Kahn	Norton	Schreiber	Spkr. Sieben, H.

Those who voted in the negative were:

Den Ouden

The bill was passed and its title agreed to.

H. F. No. 646, A bill for an act relating to courts; authorizing chief judges of judicial districts to serve more than two consecutive terms; amending Minnesota Statutes 1980, Section 484.-69, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kelly	O'Connor	Shea
Ainley	Ewald	Knickerbocker	Ogren	Sherman
Anderson, B.	Fjoslien	Kostohryz	Olsen	Sieben, M.
Anderson, G.	Forsythe	Kvam	Onnen	Simoneau
Anderson, I.	Friedrich	Laidig	Osthoff	Skoglund
Anderson, R.	Greenfield	Lehto	Otis	Stadum
Battaglia	Gruenes	Lemen	Peterson, B.	Staten
Begich	Gustafson	Levi	Peterson, D.	Stowell
Berkelman	Halberg	Long	Piepho	Stumpf
Blatz	Harens	Ludeman	Pogemiller	Sviggum
Brinkman	Hauge	Mann	Redalen	Swanson
Carlson, D.	Haukoos	Marsh	Reding	Tomlinson
Carlson, L.	Heap	McCarron	Rees	Valan
Clark, J.	Heinitz	McDonald	Reif	Valento
Clark, K.	Himle	McEachern	Rice	Vanasek
Clawson	Hoberg	Mehrkens	Rodriguez, C.	Vellenga
Dahlvang	Hokanson	Metzen	Rodriguez, F.	Weaver
Dean	Hokr	Minne	Rose	Welch
Dempsey	Jacobs	Munger	Rothenberg	Welker
Drew	Jennings	Murphy	Samuelson	Wenzel
Eken	Johnson, C.	Nelsen, B.	Sarna	Wieser
Elioff	Johnson, D.	Niehaus	Schafer	Wynia
Ellingson	Jude	Norton	Schoenfeld	Zubay
Erickson	Kaley	Novak	Schreiber	Spkr. Sieben, H.
Esau	Kalis	Nysether	Searles	

Those who voted in the negative were:

Byrne	Hanson	Kahn	Nelson, K.	Voss
Den Ouden				

The bill was passed and its title agreed to.

H. F. No. 704, A bill for an act relating to motor vehicles; providing for the taxation and registration of certain collector's vehicles; including additional vehicles entitled to classic car license plates; increasing the tax thereon; amending Minnesota Statutes 1980, Section 168.10, Subdivision 1b.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kaley	Novak	Searles
Ainley	Esau	Kalis	Nysether	Shea
Anderson, B.	Evans	Kelly	O'Connor	Sherman
Anderson, G.	Ewald	Knickerbocker	Ogren	Sieben, M.
Anderson, I.	Forsythe	Kostohryz	Olsen	Simoneau
Anderson, R.	Friedrich	Kvam	Onnen	Skoglund
Battaglia	Greenfield	Laidig	Osthoff	Stadum
Begich	Gruenes	Lehto	Otis	Staten
Berkelman	Gustafson	Lemen	Peterson, B.	Stowell
Blatz	Halberg	Levi	Peterson, D.	Stumpf
Brandt	Hanson	Long	Piepho	Sviggum
Brinkman	Harens	Ludeman	Pogemiller	Swanson
Byrne	Hauge	Mann	Redalen	Tomlinson
Carlson, D.	Haukoos	Marsh	Reding	Valan
Carlson, L.	Heap	McCarron	Rees	Valento
Clark, J.	Heinitz	McDonald	Reif	Vanasek
Clark, K.	Himle	McEachern	Rice	Vellenga
Clawson	Hoberg	Mehrkens	Rodriguez, C.	Voss
Dahlvang	Hokanson	Metzen	Rodriguez, F.	Weaver
Dean	Hokr	Minne	Rose	Welch
Dempsey	Jacobs	Munger	Rothenberg	Welker
Den Ouden	Jennings	Murphy	Samuelson	Wenzel
Drew	Johnson, C.	Nelsen, B.	Sarna	Wynia
Eken	Johnson, D.	Nelson, K.	Schafer	Zubay
Elioff	Jude	Niehaus	Schoenfeld	Spkr. Sieben, H.
Ellingson	Kahn	Norton	Schreiber	

Those who voted in the negative were:

Fjoslien      Wieser

The bill was passed and its title agreed to.

H. F. No. 847, A bill for an act relating to highway traffic regulations; providing for the designation and undesignation of routes to carry certain gross weights; amending Minnesota Statutes 1980, Section 169.832, Subdivision 11; repealing Minnesota Statutes 1980, Section 169.832, Subdivision 12.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Brinkman	Drew	Greenfield	Hokanson
Ainley	Byrne	Eken	Gruenes	Hokr
Anderson, B.	Carlson, D.	Elioff	Gustafson	Jacobs
Anderson, G.	Carlson, L.	Ellingson	Halberg	Jennings
Anderson, I.	Clark, J.	Erickson	Hanson	Johnson, C.
Anderson, R.	Clark, K.	Esau	Harens	Johnson, D.
Battaglia	Clawson	Evans	Hauge	Jude
Begich	Dahlvang	Ewald	Haukoos	Kahn
Berkelman	Dean	Fjoslien	Heinitz	Kaley
Blatz	Dempsey	Forsythe	Himle	Kalis
Brandt	Den Ouden	Friedrich	Hoberg	Kelly

Knickerbocker	Minne	Peterson, B.	Schafer	Tomlinson
Kostohryz	Munger	Peterson, D.	Schoenfeld	Valan
Kvam	Murphy	Piepho	Schreiber	Valento
Laidig	Nelsen, B.	Pogemiller	Searles	Vanasek
Lemen	Nelson, K.	Redalen	Shea	Vellenga
Levi	Niehaus	Reding	Sherman	Voss
Long	Norton	Rees	Sieben, M.	Weaver
Ludeman	Novak	Reif	Simoneau	Welch
Mann	Nysether	Rice	Skoglund	Welker
Marsh	O'Connor	Rodriguez, C.	Stadum	Wenzel
McCarron	Ogren	Rodriguez, F.	Staten	Wieser
McDonald	Olsen	Rose	Stowell	Wynia
McEachern	Onnen	Rothenberg	Stumpf	Zubay
Mehrkens	Osthoff	Samuelson	Sviggum	Spkr. Sieben, H.
Metzen	Otis	Sarna	Swanson	

Those who voted in the negative were:

Lehto

The bill was passed and its title agreed to.

H. F. No. 969, A bill for an act relating to metropolitan government; authorizing the metropolitan council to prepare guidelines relating to the amendment of comprehensive plans; amending Minnesota Statutes 1980, Section 473.864, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kahn	Norton	Searles
Ainley	Esau	Kaley	Novak	Shea
Anderson, B.	Evans	Kalis	Nysether	Sherman
Anderson, G.	Ewald	Kelly	O'Connor	Sieben, M.
Anderson, I.	Fjoslien	Knickerbocker	Ogren	Simoneau
Anderson, R.	Forsythe	Kostohryz	Olsen	Skoglund
Battaglia	Friedrich	Kvam	Onnen	Stadum
Begich	Greenfield	Laidig	Otis	Staten
Berkelman	Gruenes	Lehto	Peterson, B.	Stowell
Blatz	Gustafson	Lemen	Peterson, D.	Stumpf
Brandl	Halberg	Levi	Piepho	Sviggum
Brinkman	Hanson	Long	Pogemiller	Swanson
Byrne	Harens	Ludeman	Redalen	Tomlinson
Carlson, D.	Hauge	Mann	Reding	Valento
Carlson, L.	Haukoos	Marsh	Rees	Vanasek
Clark, J.	Heap	McCarron	Reif	Vellenga
Clark, K.	Heinitz	McDonald	Rice	Voss
Clawson	Himle	McEachern	Rodriguez, C.	Weaver
Dahlvang	Hoberg	Mehrkens	Rodriguez, F.	Welch
Dean	Hokanson	Metzen	Rose	Welker
Dempsey	Hokr	Minne	Rothenberg	Wenzel
Den Ouden	Jacobs	Munger	Samuelson	Wieser
Drew	Jennings	Murphy	Sarna	Wynia
Eken	Johnson, C.	Nelsen, B.	Schafer	Zubay
Elioff	Johnson, D.	Nelson, K.	Schoenfeld	Spkr. Sieben, H.
Ellingson	Jude	Niehaus	Schreiber	

The bill was passed and its title agreed to.

H. F. No. 1088, A bill for an act relating to the secretary of state; requiring that government survey documents be maintained on microfilm; providing for filing certain documents with the Minnesota historical society; amending Minnesota Statutes 1980, Section 5.03.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	O'Connor	Sieben, M.
Ainley	Evans	Kelly	Ogren	Simoneau
Anderson, B.	Ewald	Knickerbocker	Olsen	Skoglund
Anderson, G.	Fjoslien	Kostohryz	Onnen	Stadum
Anderson, I.	Forsythe	Kvam	Osthoff	Staten
Anderson, R.	Friedrich	Laidig	Otis	Stowell
Battaglia	Greenfield	Lehto	Peterson, B.	Stumpf
Begich	Gruenes	Lemen	Peterson, D.	Swiggum
Berkelman	Gustafson	Levi	Piepho	Swanson
Blatz	Halberg	Long	Pogemiller	Tomlinson
Brandl	Hanson	Ludeman	Redalen	Valan
Brinkman	Harens	Mann	Reding	Valento
Byrne	Hauge	Marsh	Rees	Vanasek
Carlson, D.	Haukoos	McCarron	Reif	Vellenga
Carlson, L.	Heap	McDonald	Rice	Voss
Clark, J.	Heinitz	McEachern	Rodriguez, C.	Weaver
Clark, K.	Himle	Mehrkens	Rodriguez, F.	Welch
Clawson	Hoberg	Metzen	Rose	Welker
Dahlvang	Hokanson	Minne	Rothenberg	Wenzel
Dean	Hokr	Munger	Samuelson	Wieser
Dempsey	Jacobs	Murphy	Sarna	Wynia
Den Ouden	Jennings	Nelsen, B.	Schafer	Zubay
Drew	Johnson, C.	Nelson, K.	Schoenfeld	Spkr. Sieben, H.
Eken	Johnson, D.	Niehaus	Schreiber	
Elioff	Jude	Norton	Searles	
Ellingson	Kahn	Novak	Shea	
Erickson	Kaley	Nysether	Sherman	

The bill was passed and its title agreed to.

## CALENDAR

S. F. No. 331, A bill for an act relating to the military; expanding the authorized uses of the military land fund to include forest management on military lands and to provide an enlisted persons' service center at Camp Ripley; amending Minnesota Statutes 1980, Section 190.25, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kaley	Nysether	Shea
Ainley	Evans	Kalis	O'Connor	Sherman
Anderson, B.	Ewald	Kelly	Ogren	Sieben, M.
Anderson, G.	Fjoslien	Knickerbocker	Olsen	Simoneau
Anderson, I.	Forsyth	Kostohryz	Onnen	Skoglund
Anderson, R.	Friedrich	Kvam	Osthoff	Stadum
Battaglia	Greenfield	Laidig	Otis	Staten
Begich	Gruenes	Lehto	Peterson, B.	Stowell
Berkelman	Gustafson	Lemen	Peterson, D.	Stumpf
Blatz	Halberg	Levi	Piepho	Sviggun
Brandl	Hanson	Long	Pogemiller	Swanson
Byrne	Harens	Ludeman	Redalen	Tomlinson
Carlson, D.	Hauge	Mann	Reding	Valan
Carlson, L.	Haukoos	Marsh	Rees	Valento
Clark, J.	Heap	McCarron	Reif	Vanasek
Clark, K.	Heintz	McDonald	Rice	Vellenga
Clawson	Himle	Mehrkens	Rodriguez, C.	Voss
Dahlvang	Hoberg	Metzen	Rodriguez, F.	Weaver
Dean	Hokanson	Minne	Rose	Welch
Dempsey	Hokr	Munger	Rothenberg	Welker
Den Ouden	Jacobs	Murphy	Samuelson	Wenzel
Drew	Jennings	Nelsen, B.	Sarna	Wieser
Eken	Johnson, C.	Nelson, K.	Schafer	Wynia
Elioff	Johnson, D.	Niehaus	Schoenfeld	Zubay
Ellingson	Jude	Norton	Schreiber	Sprk. Steben, H.
Erickson	Kahn	Novak	Searles	

Those who voted in the negative were:

Brinkman

The bill was passed and its title agreed to.

H. F. No. 142, A bill for an act relating to taxation; real property; extending 3 classification to certain property used for recreational purposes; amending Minnesota Statutes 1980, Section 273.13, Subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Berkelman	Clawson	Ellingson	Greenfield
Ainley	Brandl	Dahlvang	Erickson	Gruenes
Anderson, B.	Brinkman	Dean	Esau	Gustafson
Anderson, G.	Byrne	Dempsey	Evans	Hanson
Anderson, I.	Carlson, D.	Den Ouden	Ewald	Harens
Anderson, R.	Carlson, L.	Drew	Fjoslien	Hauge
Battaglia	Clark, J.	Eken	Forsythe	Haukoos
Begich	Clark, K.	Elioff	Friedrich	Heap

Heinitz	Lehto	Norton	Rodriguez, C.	Stumpf
Himle	Lemen	Novak	Rodriguez, F.	Sviggum
Hoberg	Levi	Nysether	Rose	Swanson
Hokanson	Long	O'Connor	Rothenberg	Tomlinson
Hokr	Ludeman	Ogren	Samuelson	Valan
Jacobs	Mann	Olsen	Sarna	Valento
Jennings	Marsh	Onnen	Schafer	Vanasek
Johnson, C.	McCarron	Osthoff	Schoenfeld	Vellenga
Johnson, D.	McDonald	Otis	Schreiber	Voss
Jude	McEachern	Peterson, B.	Searles	Weaver
Kahn	Mehrkens	Peterson, D.	Shea	Welch
Kaley	Metzen	Piepho	Sherman	Welker
Kalis	Minne	Pogemiller	Sieben, M.	Wenzel
Kelly	Munger	Redalen	Simoneau	Wieser
Knickerbocker	Murphy	Reding	Skoglund	Wynia
Kostohryz	Nelsen, B.	Rees	Stadium	Zubay
Kvam	Nelson, K.	Reif	Staten	Spkr. Sieben, H.
Laidig	Niehaus	Rice	Stowell	

The bill was passed and its title agreed to.

H. F. No. 63, A bill for an act relating to health maintenance organizations; eliminating any requirements that health maintenance organizations provide elective, induced abortions; amending Minnesota Statutes 1980, Sections 62D.02, Subdivision 7; 62D.20; and 62D.22, Subdivision 5.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 111 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	Nysether	Sherman
Ainley	Evans	Kelly	O'Connor	Sieben, M.
Anderson, B.	Ewald	Knickerbocker	Ogren	Stadium
Anderson, G.	Fjoslien	Kostohryz	Olsen	Stowell
Anderson, I.	Forsythe	Kvam	Onnen	Stumpf
Anderson, R.	Friedrich	Laidig	Osthoff	Sviggum
Battaglia	Gruenes	Lemen	Peterson, B.	Swanson
Begich	Gustafson	Levi	Piepho	Valan
Berkelman	Halberg	Long	Redalen	Valento
Blatz	Hanson	Ludeman	Reding	Vanasek
Brinkman	Harens	Mann	Rees	Vellenga
Byrne	Hauge	Marsh	Reif	Voss
Carlson, D.	Haukoos	McCarron	Rice	Weaver
Carlson, L.	Heap	McDonald	Rodriguez, F.	Welch
Clawson	Himle	McEachern	Rose	Welker
Dahlvang	Hoberg	Mehrkens	Rothenberg	Wenzel
Dempsey	Hokanson	Metzen	Samuelson	Wieser
Den Ouden	Hokr	Minne	Sarna	Zubay
Drew	Jacobs	Munger	Schafer	Spkr. Sieben, H.
Eken	Jennings	Murphy	Schoenfeld	
Eloff	Johnson, C.	Nelsen, B.	Schreiber	
Ellingson	Johnson, D.	Niehaus	Searles	
Erickson	Jude	Novak	Shea	

Those who voted in the negative were:

Brandl	Kahn	Otis	Simoneau	Wynia
Clark, J.	Kaley	Peterson, D.	Skoglund	
Clark, K.	Lehto	Pogemiller	Staten	
Greenfield	Nelson, K.	Rodriguez, C.	Tomlinson	

The bill was passed and its title agreed to.

H. F. No. 272, A bill for an act relating to administrative rules; clarifying certain powers and duties of the legislative commission to review administrative rules; amending Minnesota Statutes 1980, Section 3.965, Subdivision 3, and by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kaley	Novak	Searles
Ainley	Evans	Kalis	Nysether	Shea
Anderson, B.	Ewald	Kelly	O'Connor	Sherman
Anderson, G.	Fjoslien	Knickerbocker	Ogren	Sieben, M.
Anderson, I.	Forsythe	Kostohryz	Olsen	Simoneau
Anderson, R.	Friedrich	Kvam	Onnen	Skoglund
Battaglia	Greenfield	Laidig	Osthoff	Stadum
Begich	Gruenes	Lehto	Otis	Staten
Berkelman	Gustafson	Lemen	Peterson, B.	Stowell
Blatz	Halberg	Levi	Peterson, D.	Stumpf
Brandl	Hanson	Long	Piepho	Svigum
Brinkman	Harens	Ludeman	Pogemiller	Swanson
Byrne	Hauge	Mann	Redalen	Tomlinson
Carlson, D.	Haukoos	Marsh	Reding	Valan
Carlson, L.	Heap	McCarron	Rees	Valento
Clark, J.	Heinitz	McDonald	Reif	Vanasek
Clark, K.	Himle	McEachern	Rice	Vellenga
Clawson	Hoberg	Mehrkens	Rodriguez, C.	Voss
Dahlvang	Hokanson	Metzen	Rodriguez, F.	Weaver
Dean	Hokr	Minne	Rose	Welch
Dempsey	Jacobs	Munger	Rothenberg	Welker
Den Ouden	Jennings	Murphy	Samuelson	Wenzel
Drew	Johnson, C.	Nelsen, B.	Sarna	Wieser
Eken	Johnson, D.	Nelson, K.	Schafer	Wynia
Ellingson	Jude	Niehaus	Schoenfeld	Zubay
Erickson	Kahn	Norton	Schreiber	Spkr. Sieben, H.

The bill was passed and its title agreed to.

S. F. No. 336, A bill for an act relating to local government; making explicit the power of local government units to establish more than one recreation board; amending Minnesota Statutes 1980, Section 471.15.



The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	O'Connor	Sieben, M.
Ainley	Evans	Kelly	Ogren	Simoneau
Anderson, B.	Ewald	Knickerbocker	Olsen	Skoglund
Anderson, G.	Fjoslien	Kostohryz	Onnen	Stadum
Anderson, I.	Forsythe	Kvam	Osthoff	Staten
Anderson, R.	Friedrich	Laidig	Otis	Stowell
Battaglia	Greenfield	Lehto	Peterson, B.	Stumpf
Begich	Grunes	Lemen	Peterson, D.	Sviggum
Berkelman	Gustafson	Levi	Piepho	Swanson
Blatz	Halberg	Long	Pogemiller	Tomlinson
Brandl	Hanson	Ludeman	Redalen	Valan
Brinkman	Harens	Mann	Reding	Valento
Byrne	Hauge	Marsh	Rees	Vanasek
Carlson, D.	Haukoos	McCarron	Reif	Vellenga
Carlson, L.	Heap	McDonald	Rice	Voss
Clark, J.	Heinitz	McEachern	Rodriguez, C.	Weaver
Clark, K.	Himle	Mehrkens	Rodriguez, F.	Welch
Clawson	Hoberg	Metzen	Rose	Welker
Dahlvang	Hokanson	Minne	Rothenberg	Wenzel
Dean	Hokr	Munger	Samuelson	Wieser
Dempsey	Jacobs	Murphy	Sarna	Wynia
Den Ouden	Jennings	Nelsen, B.	Schafer	Zubay
Drew	Johnson, C.	Nelson, K.	Schoenfeld	Spkr. Sieben, H.
Eken	Johnson, D.	Niehaus	Schreiber	
Elioff	Jude	Norton	Searles	
Ellingson	Kahn	Novak	Shea	
Erickson	Kaley	Nysether	Sherman	

The bill was passed and its title agreed to.

H. F. No. 396, A bill for an act relating to the military; requiring the adjutant general to furnish an American flag upon request of the person disposing of the remains of a deceased person who served six years or more in the Minnesota national guard; proposing new law coded in Minnesota Statutes, Chapter 192.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, R.	Brandl	Clark, J.	Dempsey
Ainley	Battaglia	Brinkman	Clark, K.	Den Ouden
Anderson, B.	Begich	Byrne	Clawson	Drew
Anderson, G.	Berkelman	Carlson, D.	Dahlvang	Eken
Anderson, I.	Blatz	Carlson, L.	Dean	Elioff

Ellingson	Jacobs	McEachern	Redalen	Stowell
Erickson	Jennings	Mehrkens	Reding	Stumpf
Esau	Johnson, C.	Metzen	Rees	Sviggum
Evans	Johnson, D.	Minne	Reif	Swanson
Ewald	Jude	Munger	Rice	Tomlinson
Fjoslien	Kahn	Murphy	Rodriguez, C.	Valan
Forsythe	Kaley	Nelsen, B.	Rodriguez, F.	Valento
Friedrich	Kalis	Nelson, K.	Rose	Vanasek
Greenfield	Kelly	Niehaus	Rothenberg	Vellenga
Gruenes	Knickerbocker	Norton	Samuelson	Voss
Gustafson	Kostohryz	Novak	Sarna	Weaver
Halberg	Kvam	Nysether	Schafer	Welch
Hanson	Laidig	O'Connor	Schoenfeld	Welker
Harens	Lehto	Ogren	Schreiber	Wenzel
Hauge	Lemen	Olsen	Searles	Wieser
Haukoos	Levi	Onnen	Shea	Wynia
Heap	Long	Osthoff	Sherman	Zubay
Heinitz	Ludeman	Otis	Sieben, M.	Spkr. Sieben, H.
Himle	Mann	Peterson, B.	Simoneau	
Hoberg	Marsh	Peterson, D.	Skoglund	
Hokanson	McCarron	Piepho	Stadum	
Hokr	McDonald	Pogemiller	Staten	

The bill was passed and its title agreed to.

H. F. No. 486 was reported to the House and given its third reading.

McDonald moved to amend H. F. No. 486, as follows:

In the title, Page 1, line 3, after "to" delete "cease all" and insert "avoid direct"

Page 1, line 3, after "military" delete "and economic aid" and insert "involvement"

Page 1, line 4, delete "to" and insert "in"

The motion prevailed and the amendment was adopted.

McDonald moved that H. F. No. 486, as amended, be postponed until Monday, April 27, 1981.

A roll call was requested and properly seconded.

The question was taken on the McDonald motion and the roll was called. There were 59 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Friedrich	Johnson, D.	McDonald
Ainley	Drew	Gruenes	Kaley	Mehrkens
Anderson, R.	Erickson	Halberg	Knickerbocker	Nelsen, B.
Begich	Esau	Heap	Kvam	Niehaus
Blatz	Evans	Heinitz	Laidig	Nysether
Carlson, D.	Ewald	Himle	Lemen	Olsen
Dean	Fjoslien	Hoberg	Ludeman	Onnen
Dempsey	Forsythe	Hokr	Marsh	Peterson, B.

Piepho	Rose	Searles	Sviggum	Welker
Redalen	Rothenberg	Sherman	Valan	Wieser
Rees	Schafer	Stadum	Valento	Zubay
Reif	Schreiber	Stowell	Weaver	

Those who voted in the negative were:

Anderson, B.	Elioff	Kostohryz	Ogren	Skoglund
Anderson, G.	Ellingson	Lehto	Osthoff	Staten
Anderson, I.	Greenfield	Long	Otis	Stumpf
Battaglia	Gustafson	Mann	Peterson, D.	Swanson
Berkelman	Hanson	McCarron	Pogemiller	Tomlinson
Brandl	Harens	McEachern	Reding	Vanasek
Brinkman	Hauge	Metzen	Rice	Vellenga
Byrne	Hokanson	Minne	Rodriguez, C.	Voss
Carlson, L.	Jacobs	Munger	Rodriguez, F.	Welch
Clark, J.	Johnson, C.	Murphy	Sarna	Wenzel
Clark, K.	Jude	Nelson, K.	Schoenfeld	Wynia
Clawson	Kahn	Norton	Shea	Spkr. Sieben, H.
Dahlvang	Kalis	Novak	Sieben, M.	
Eken	Kelly	O'Connor	Simoneau	

The motion did not prevail.

#### CALL OF THE HOUSE

On the motion of Anderson, I., and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Aasness	Ewald	Kelly	Ogren	Sieben, M.
Ainley	Fjoslien	Knickerbocker	Olsen	Simoneau
Anderson, B.	Forsythe	Kostohryz	Onnen	Skoglund
Anderson, G.	Friedrich	Laidig	Osthoff	Stadum
Anderson, I.	Greenfield	Lehto	Otis	Staten
Battaglia	Gruenes	Lemen	Peterson, B.	Stowell
Begich	Gustafson	Levi	Peterson, D.	Stumpf
Berkelman	Halberg	Long	Piepho	Sviggum
Blatz	Hanson	Ludeman	Pogemiller	Tomlinson
Brandl	Harens	Mann	Redalen	Valan
Brinkman	Hauge	Marsh	Reding	Valento
Carlson, D.	Haukoos	McCarron	Rees	Vanasek
Carlson, L.	Heap	McDonald	Reif	Vellenga
Clark, J.	Heintz	McEachern	Rice	Voss
Clark, K.	Himle	Mehrkens	Rodriguez, C.	Weaver
Clawson	Hoberg	Metzen	Rodriguez, F.	Welch
Dahlvang	Hokanson	Minne	Rose	Welker
Dempsey	Hokr	Munger	Rothenberg	Wenzel
Den Ouden	Jacobs	Murphy	Samuelson	Wieser
Drew	Jennings	Nelsen, B.	Sarna	Wynia
Eken	Johnson, C.	Nelson, K.	Schafer	Zubay
Elioff	Johnson, D.	Niehaus	Schoenfeld	Spkr. Sieben, H.
Ellingson	Jude	Norton	Schreiber	
Erickson	Kahn	Novak	Searles	
Esau	Kaley	Nysether	Shea	
Evans	Kalis	O'Connor	Sherman	

Anderson, I., moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

H. F. No. 486, A resolution memorializing the Congress and the President of the United States to avoid direct military involvement in El Salvador.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

Carlson, D., moved that those not voting be excused from voting. The motion did not prevail.

Carlson, D., moved that those not voting be excused from voting. The motion did not prevail.

Pursuant to rule 2.5 the Speaker submitted to the House the question, "Shall the member, for the reasons stated, be excused from voting?"

Welker stated his reasons for declining to vote. The House did not excuse him from voting.

#### POINT OF ORDER

Halberg raised a point of order pursuant to rule 2.5. The Speaker ruled the point of order not well taken.

#### SUSPENSION OF RULES

Halberg moved that the rules be suspended for the purpose of allowing the Speaker to proceed to another member who has declined to vote. The motion did not prevail.

The Speaker directed the Chief Clerk to call in alphabetical order the names of members not voting and requested they state their reasons for declining to vote.

Aasness; Ainley; Anderson, R.; Blatz; Carlson, D.; Dean; Den Ouden; Drew; Esau and Fjoslien stated their reasons for declining to vote. The House did not excuse them from voting.

Forsythe stated her reasons for declining to vote. The House excused her from voting.

Friedrich stated his reasons for declining to vote. The House did not excuse him from voting.

Halberg stated his reasons for declining to vote.

A roll call was requested and properly seconded.

The question was taken and the roll was called. There were 58 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Aasness	Ewald	Johnson, D.	Olsen	Sherman
Ainley	Fjoslien	Kaley	Onnen	Stadum
Anderson, R.	Forsythe	Knickerbocker	Peterson, B.	Stowell
Blatz	Friedrich	Kvam	Piepho	Sviggum
Carlson, D.	Gruenes	Laidig	Redalen	Valan
Dean	Haukoos	Levi	Rees	Valento
Dempsey	Heap	Ludeman	Reif	Weaver
Den Ouden	Heinitz	Marsh	Rose	Welker
Drew	Himle	Mehrkens	Rothenberg	Wieser
Erickson	Hoberg	Nelsen, B.	Schafer	Zubay
Esau	Hokr	Niehaus	Schreiber	
Evans	Jennings	Nysether	Searles	

Those who voted in the negative were:

Anderson, B.	Eken	Kelly	Osthoff	Skoglund
Anderson, G.	Elioff	Kostohryz	Otis	Staten
Anderson, I.	Ellingson	Lehto	Peterson, D.	Stumpf
Battaglia	Greenfield	Long	Pogemiller	Swanson
Begich	Gustafson	Mann	Reding	Tomlinson
Berkelman	Hanson	McCarron	Rice	Vanasek
Brandl	Harens	Minne	Rodriguez, C.	Vellenga
Brinkman	Hauge	Munger	Rodriguez, F.	Voss
Byrne	Hokanson	Murphy	Samuelson	Welch
Carlson, L.	Jacobs	Nelson, K.	Sarna	Wenzel
Clark, J.	Johnson, C.	Norton	Schoenfeld	Wynia
Clark, K.	Jude	Novak	Shea	Spkr. Sieben, H.
Clawson	Kahn	O'Connor	Sieben, M.	
Dahlvang	Kalis	Ogren	Simoneau	

The House did not excuse him from voting.

Laidig moved that the Call of the House be dispensed with. The motion did not prevail.

Heap stated his reasons for declining to vote.

A roll call was requested and properly seconded.

The question was taken and the roll was called. There were 57 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Himle	McDonald	Rees
Ainley	Evans	Hoberg	Mehrkens	Reif
Anderson, R.	Ewald	Hokr	Nelsen, B.	Rose
Blatz	Fjoslien	Jennings	Niehaus	Rothenberg
Carlson, D.	Forsythe	Johnson, D.	Nysether	Schafer
Dean	Friedrich	Kaley	Olsen	Schreiber
Dempsey	Gruenes	Knickerbocker	Onnen	Searles
Den Ouden	Halberg	Kvam	Peterson, B.	Sherman
Drew	Haukoos	Ludeman	Piepho	Stadum
Erickson	Heinitz	Marsh	Redalen	Stowell

Sviggum  
ValanValento  
Weaver

Welker

Wieser

Zubay

Those who voted in the negative were:

Anderson, B.	Eken	Kelly	Ogren	Simoneau
Anderson, G.	Elioff	Kostohryz	Osthoff	Skoglund
Anderson, I.	Ellingson	Lehto	Otis	Staten
Battaglia	Greenfield	Long	Peterson, D.	Stumpf
Begich	Gustafson	Mann	Pogemiller	Swanson
Berkelman	Hanson	McCarron	Reding	Tomlinson
Brandl	Harens	McEachern	Rice	Vanasek
Brinkman	Hauge	Minne	Rodriguez, C.	Vellenga
Byrne	Hokanson	Munger	Rodriguez, F.	Voss
Carlson, L.	Jacobs	Murphy	Samuelson	Welch
Clark, J.	Johnson, C.	Nelson, K.	Sarna	Wenzel
Clark, K.	Jude	Norton	Schoenfeld	Wynia
Clawson	Kahn	Novak	Shea	Spkr. Sieben, H.
Dahlvang	Kalis	O'Connor	Sieben, M.	

The House did not excuse him from voting.

Peterson, B., moved that those not voting be excused from voting. The motion did not prevail.

#### POINT OF ORDER

Peterson, B., raised a point of order pursuant to Section 197 of "Mason's Manual of Legislative Procedure." The Speaker ruled the point of order not well taken.

Himle, Hoberg, Hokr, Jennings, Kaley and Knickerbocker stated their reasons for declining to vote. The House did not excuse them from voting.

Kvam stated his reasons for declining to vote.

A roll call was requested and properly seconded.

The question was taken and the roll was called. There were 49 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Jennings	Nysether	Schreiber
Ainley	Ewald	Johnson, D.	Olsen	Searles
Blatz	Fjoslien	Kvam	Onnen	Sherman
Carlson, D.	Forsythe	Laidig	Peterson, B.	Stowell
Dean	Gruenes	Levi	Piepho	Sviggum
Dempsey	Haukoos	Ludeman	Redalen	Valan
Den Ouden	Heinitz	Marsh	Rees	Valento
Drew	Himle	McDonald	Reif	Wieser
Erickson	Hoberg	Mehrkens	Rose	Zubay
Esau	Hokr	Nelsen, B.	Rothenberg	

Those who voted in the negative were:

Anderson, B.	Elioff	Lehto	Peterson, D.	Stumpf
Anderson, G.	Ellingson	Long	Pogemiller	Swanson
Anderson, I.	Greenfield	Mann	Reding	Tomlinson
Battaglia	Gustafson	McEachern	Rice	Vanasek
Begich	Hanson	Minne	Rodriguez, C.	Vellenga
Brandl	Harens	Munger	Rodriguez, F.	Voss
Brinkman	Hauge	Murphy	Samuelson	Welch
Byrne	Hokanson	Nelson, K.	Sarna	Wenzel
Carlson, L.	Jacobs	Norton	Schoenfeld	Wynia
Clark, J.	Johnson, C.	Novak	Shea	Spkr. Sieben, H.
Clark, K.	Jude	O'Connor	Sieben, M.	
Clawson	Kahn	Ogren	Simoneau	
Dahlvang	Kalis	Osthoff	Skoglund	
Eken	Kelly	Otis	Staten	

The House did not excuse him from voting.

Lemen, Ludeman and Mehrkens stated their reasons for declining to vote. The House did not excuse them from voting.

Niehaus stated his reasons for declining to vote. The House excused him from voting.

Nelsen, B., moved that those not voting be excused from voting. The motion did not prevail.

Nysether; Olsen; Peterson, B.; Piepho; Schafer; Searles; Sherman; Stadum; Stowell; Sviggum and Valan stated their reasons for declining to vote. The House did not excuse them from voting.

Valento stated his reasons for declining to vote. The House excused him from voting.

Wieser and Zubay stated their reasons for declining to vote. The House did not excuse them from voting.

Eken moved that the roll be closed and pursuant to rule 4.3 that those not voting and not previously excused be censured for violation of rule 2.5 of the House of Representatives and Article IV, Section 7, of the Constitution of the State of Minnesota.

Carlson, D., requested a division of the question.

The question was taken on the first part of the Eken motion relating to the closing of the roll and the first part of the motion prevailed.

The roll was closed on the passage of the bill, as amended. There were 70 yeas and 43 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eken	Kelly	O'Connor	Sieben, M.
Anderson, G.	Elioff	Kostohryz	Ogren	Simoneau
Anderson, I.	Ellingson	Lehto	Osthoff	Skoglund
Battaglia	Greenfield	Long	Otis	Staten
Begich	Gustafson	Mann	Peterson, D.	Stumpf
Berkelman	Hanson	McCarron	Pogemiller	Swanson
Brandl	Harens	McEachern	Reding	Tomlinson
Brinkman	Hauge	Metzen	Rice	Vanasek
Byrne	Hokanson	Minne	Rodriguez, C.	Vellenga
Carlson, L.	Jacobs	Munger	Rodriguez, F.	Voss
Clark, J.	Johnson, C.	Murphy	Samuelson	Welch
Clark, K.	Jude	Nelson, K.	Sarna	Wenzel
Clawson	Kahn	Norton	Schoenfeld	Wynia
Dahlvang	Kalis	Novak	Shea	Spkr. Sieben, H.

Those who voted in the negative were:

Aasness	Fjoslien	Knickerbocker	Onnen	Sherman
Anderson, R.	Gruenes	Laidig	Peterson, B.	Stadum
Blatz	Halberg	Lemen	Redalen	Stowell
Carlson, D.	Haukoos	Levi	Rees	Swiggum
Dempsey	Heinitz	Marsh	Reif	Valan
Erickson	Himle	McDonald	Rose	Weaver
Esau	Hoberg	Mehrkens	Rothenberg	Wieser
Evans	Hokr	Nelsen, B.	Schreiber	
Ewald	Johnson, D.	Olsen	Searles	

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

The second part of the Eken motion relating to censure was reported to the House.

#### POINTS OF ORDER

Halberg raised a point of order pursuant to rule 1.3 that the second part of the Eken motion was not in order. The Speaker ruled the point of order not well taken.

Peterson, B., raised a point of order pursuant to rule 4.3. The Speaker ruled the point of order not well taken.

Peterson, B., raised a point of order pursuant to rule 3.6. The Speaker ruled the point of order not well taken.

Rice raised a point of order pursuant to rule 2.5 that those not voting on the bill and not previously excused shall not vote on the question. The Speaker ruled the point of order well taken.

Halberg moved that the second part of the Eken motion be referred to the Committee on Rules and Legislative Administration. The motion prevailed.

Metzen was excused at 4:00 p.m. Erickson was excused at 6:00 p.m.



H. F. No. 562, A bill for an act relating to agriculture; regulating fertilizers and soil and plant amendments; providing a penalty; amending Minnesota Statutes 1980, Sections 17.711; 17.713; 17.714; 17.716, by adding subdivisions; 17.717, Subdivisions 4, 5 and by adding a subdivision; 17.718, Subdivision 1; 17.719; 17.72; 17.721; 17.722; 17.723; 17.725; 17.726; 17.727; 17.728, Subdivision 1; 17.729; repealing Minnesota Statutes 1980, Section 17.717, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kaley	Novak	Schreiber
Ainley	Evans	Kalis	Nysether	Shea
Anderson, B.	Ewald	Kelly	O'Connor	Sherman
Anderson, G.	Fjoslien	Knickerbocker	Ogren	Sieben, M.
Anderson, I.	Forsythe	Kostohryz	Olsen	Simoneau
Anderson, R.	Friedrich	Kvam	Onnen	Skoglund
Battaglia	Greenfield	Laidig	Osthoff	Stadum
Begich	Gruenes	Lehto	Otis	Staten
Berkelman	Gustafson	Lemen	Peterson, B.	Stowell
Blatz	Halberg	Levi	Peterson, D.	Stumpf
Brandl	Hanson	Long	Piepho	Sviggum
Brinkman	Harens	Ludeman	Pogemiller	Swanson
Byrne	Hauge	Mann	Redalen	Tomlinson
Carlson, D.	Haukoos	Marsh	Reding	Valan
Carlson, L.	Heap	McCarron	Rees	Valento
Clark, J.	Himle	McDonald	Reif	Vanasek
Clark, K.	Hoberg	McEachern	Rice	Vellenga
Clawson	Hokanson	Mehrkens	Rodriguez, C.	Weaver
Dahlvang	Hokr	Minne	Rodriguez, F.	Welch
Dempsey	Jacobs	Munger	Rose	Welker
Den Ouden	Jennings	Murphy	Rothenberg	Wenzel
Drew	Johnson, C.	Nelsen, B.	Samuelson	Wieser
Eken	Johnson, D.	Nelson, K.	Sarna	Wynia
Elioff	Jude	Niehaus	Schafer	Zubay
Ellingson	Kahn	Norton	Schoenfeld	Spkr. Sieben, H.

The bill was passed and its title agreed to.

Rodriguez, F., was excused at 6:50 p.m. Otis was excused at 6:55 p.m. Ewald was excused at 7:00 p.m. Tomlinson was excused at 7:10 p.m. Sviggum was excused at 7:15 p.m. Kvam and Dempsey were excused at 7:45 p.m.

#### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

## REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 623, 678 and 775 which it recommended to pass.

H. F. Nos. 182, 188, 206, 449, 569, 588, 590, 632, 714, 729 and 743 which it recommended progress.

H. F. No. 170 which it recommended progress retaining its place on General Orders.

H. F. No. 18 which it recommended progress until Monday, April 27, 1981 retaining its place on General Orders.

H. F. No. 576 which it recommended progress until Monday, April 20, 1981.

S. F. Nos. 917, 416 and 11 which it recommended to pass.

S. F. No. 346 which it recommended progress until Monday, April 20, 1981 retaining its place on General Orders.

H. F. No. 332 which it recommended to pass with the following amendment:

Offered by Dempsey:

Page 1, after line 15, insert:

“Section 1. [80C.145.] [MOTOR FUEL FRANCHISES; RIGHT OF SURVIVORSHIP.]

*Subdivision 1. [REQUIRED PROVISIONS.] No motor fuel franchisor shall initially execute or renew a franchise agreement in the state after July 1, 1981 unless it contains the provisions of subdivisions 3 to 9.*

*Subd. 2. [DEFINITION; DESIGNATED FAMILY MEMBER.] For purposes of this section, “designated family member” means the spouse, child, grandchild, parent, brother, or sister of the motor fuel franchisee who, in the case of the motor fuel franchisee’s death, is entitled to inherit the franchisee’s interest in the motor fuel franchise under the terms of the franchisee’s will or under the law of intestate succession of this state or who, in the case of an incapacitated franchisee, has been appointed by a court as the legal representative of the franchisee’s property.*

*Subd. 3. [AUTHORIZATION.] Any designated family member of a deceased or incapacitated owner of a motor fuel franchise may succeed to the ownership of the existing franchise: (a) if the designated family member gives the motor fuel franchisor written notice of the intention to succeed to the motor fuel franchise within 60 days of the motor fuel franchisee's death or incapacity; (b) if the designated family member agrees to be bound by all terms and conditions of the existing franchise; and (c) unless there exists good cause for the refusal to honor the succession on the part of the motor fuel franchisor.*

*Subd. 4. [PERSONAL AND FINANCIAL DATA.] At the time of serving notice under subdivision 3, the designated family member shall provide upon the request of the motor fuel franchisor, personal and financial data that is reasonably necessary to determine whether the succession should be honored.*

*Subd. 5. [NOTICE OF TERMINATION OR REFUSAL TO HONOR SUCCESSION.] If a motor fuel franchisor believes in good faith that good cause exists for refusing to honor succession of the franchise by a designated family member of a deceased or incapacitated motor fuel franchisee, the franchisor may within 90 days after receipt of the personal and financial data requested under subdivision 4, serve notice upon the designated family member of its refusal to honor succession and of its intent to terminate the existing motor fuel franchise with the designated family member no sooner than 90 days from the date the notice is served.*

*Subd. 6. [CONTENTS OF NOTICE.] The notice must state the specific grounds for the refusal to honor the succession and the termination of the existing franchise with the designated family member.*

*Subd. 7. [EFFECT OF NOTICE NOT TIMELY SERVED.] If notice of refusal and termination is not timely served upon the designated family member, the existing motor fuel franchise shall continue in effect subject to termination only as otherwise permitted by law.*

*Subd. 8. [BURDEN OF PROOF.] In determining whether good cause for the refusal to honor the succession exists, the motor fuel franchisor has the burden of proving that the successor is a person who is not of good moral character or does not meet the franchisor's existing, reasonable standards.*

*Subd. 9. [SUCCESSION AGREEMENTS.] Notwithstanding the foregoing, in the event the motor fuel franchisee and the motor fuel franchisor have duly executed an agreement concerning the succession rights prior to the franchisee's death or incapacitation, the agreement shall be observed, even if the agreement designates an individual other than the surviving spouse or heirs of the franchisee.*

*Subd. 10. [ENFORCEMENT.] The attorney general or any aggrieved party may institute a civil action in the district court for an injunction prohibiting a violation of this section. It is no defense to the action that the state or the aggrieved party has adequate remedies at law."*

Page 2, line 1, delete "1 to 17" and insert "2 to 18"

Page 2, line 4, delete "1 to 17" and insert "2 to 18"

Page 2, line 7, delete "1 to 17" and insert "2 to 18"

Page 3, line 9, after "*which*" insert "*grants to the dealer the right to market motor vehicles and which*"

Page 5, line 8, delete "1 to 17" and insert "2 to 18"

Page 5, line 25, delete "8" and insert "9"

Page 5, line 26, delete "3" and insert "4"

Page 6, line 9, delete "1 to 17" and insert "2 to 18"

Page 7, line 22, delete "(1)" and insert "(a)"

Page 7, line 25, delete "(a)" and insert "(1)"

Page 7, line 29, delete "(b)" and insert "(2)"

Page 7, line 34, delete "(c)" and insert "(3)"

Page 7, line 36, delete "(d)" and insert "(4)"

Page 8, line 3, delete "(2)" and insert "(b)"

Page 9, line 1, delete "*clause*" and insert "*paragraph*"

Page 9, line 20, delete "6" and insert "7"

Page 9, line 24, delete "*clause*" and insert "*paragraph*"

Page 10, line 11, delete "13" and insert "14"

Page 10, line 11, delete "*clause*" and insert "*paragraph*"

Page 10, line 15, delete "1" and insert "2"

Page 10, line 16, delete "17" and insert "18"

Page 11, line 9, delete "*4, 12 and 13*" and insert "*5, 13 and 14*"

Page 12, line 7, delete "*if*"

Page 12, line 7, after "*(a)*" insert "*if*"

Page 12, line 11, after "*(b)*" insert "*if the designated family member*"

Page 13, line 6, delete "*1*" and insert "*2*"

Page 13, line 7, delete "*17*" and insert "*18*"

Page 14, line 15, delete "*1 to 17*" and insert "*2 to 18*"

Page 14, line 24, delete "*13, clause*" and insert "*14, paragraph*"

Page 15, line 18, delete "*1 to 17*" and insert "*2 to 18*"

Page 17, line 23, delete "*1*" and insert "*2*"

Page 17, line 24, delete "*17*" and insert "*18*"

Page 19, line 27, delete "*1 to 17*" and insert "*2 to 18*"

Page 19, line 30, delete "*4, 11, or 12*" and insert "*5, 13, or 14*"

Page 19, line 33, delete "*1 to 17*" and insert "*2 to 18*"

Page 20, line 9, delete "*1 to 17*" and insert "*2 to 18*"

Page 20, line 12, delete "*1 to 17*" and insert "*2 to 18*"

Page 21, delete lines 13 to 25

Renumber the sections in sequence

Offered by Lehto:

Page 13, line 12, delete "*or*" and insert "*and*"

On the motion of Eken the report of the Committee of the Whole was adopted.

#### MOTIONS AND RESOLUTIONS

Wenzel moved that the name of Ogren be added as an author on H. F. No. 668. The motion prevailed.

Rothenberg moved that the name of Rees be added as an author on H. F. No. 1340. The motion prevailed.

Rees moved that the names of Carlson, L.; Ellingson and Hokr be added as authors on H. F. No. 664. The motion prevailed.

Rodriguez, C., moved that the name of Staten be added as an author on H. F. No. 1371. The motion prevailed.

Pogemiller moved that the name of Staten be added as an author on H. F. No. 1365. The motion prevailed.

Simoneau moved that the name of Anderson, B., be added as an author on H. F. No. 682. The motion prevailed.

Long moved that the name of Staten be added as an author on H. F. No. 1368. The motion prevailed.

Anderson, G., moved that the name of Jude be added as an author on H. F. No. 1244. The motion prevailed.

Reding moved that the names of Pogemiller and Lehto be added as authors on H. F. No. 1125. The motion prevailed.

Rodriguez, C., moved that the name of Jude be added as an author on H. F. No. 1060. The motion prevailed.

Jude moved that S. F. No. 718 be recalled from the Committee on Judiciary and together with H. F. No. 970, now on the Technical Consent Calendar be referred to the Chief Clerk for comparison. The motion prevailed.

Samuelson moved that H. F. No. 155, now on the Technical Consent Calendar, be re-referred to the Committee on Appropriations. The motion prevailed.

Dahlvang moved that H. F. No. 1278, now on General Orders, be re-referred to the Committee on Labor-Management Relations. The motion prevailed.

House Resolution No. 10, as amended by the Committee on Rules and Legislative Administration, was reported to the House.

#### HOUSE RESOLUTION NO. 10

A house resolution expressing the anguish of the people of Minnesota at the continuing news of the disappearance and murder of more than twenty-two children in Atlanta, Georgia, and extending condolences to the citizens of Atlanta and to the parents, relatives and friends of the children.

*Whereas*, the news for the past months has continued to carry stories of the continuing disappearance and then murder of more than twenty-two Atlanta children; and,

*Whereas*, despite long and diligent work by the Atlanta police, state law enforcement agencies, and Atlanta citizens, solving the crimes has proved frustratingly elusive; and,

*Whereas*, the anguish of Atlanta children with the continued threat of personal harm seemingly without hope of resolution can be easily understood; and,

*Whereas*, the outrage of successive murders should not have to be endured by any group of citizens but particularly not by the people of one of Americas's great cities; and

*Whereas*, it is important that the citizens of Atlanta should know that they are not bearing the burden alone; and,

*Whereas*, it is especially necessary to extend to the families and friends of the deceased children the condolences of the people of the State of Minnesota at their terrible loss; *Now, Therefore*,

*Be It Resolved* by the House of Representatives of the State of Minnesota that, on behalf of all people of the State of Minnesota, that its sympathy and condolences are given to all Atlanta citizens, but especially to the families and friends of the deceased children. We join with them in the earnest hope that a resolution of this terrible series of acts will soon be found.

*Be It Further Resolved* that the Chief Clerk of the House of Representatives is directed to enroll a copy of this resolution, to be authenticated by his signature and that of the Speaker, and present it to the Mayor of Atlanta.

Staten moved to amend House Resolution No. 10, as amended by the Committee on Rules and Legislative Administration, as follows:

Page 1, line 19, delete "Americas's" and insert "America's"

Page 2, line 10, delete "present" and insert "send"

The motion prevailed and the amendment was adopted.

Staten moved that House Resolution No. 10, as amended, be now adopted. The motion prevailed and House Resolution No. 10, as amended, was adopted.

Eken introduced:

House Concurrent Resolution No. 3, A house concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

The resolution was referred to the Committee on Rules and Legislative Administration.

**ADJOURNMENT**

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Tuesday, April 14, 1981.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**





## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## THIRTY-FOURTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, APRIL 14, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Pastor Robert Moritz, Hadley Trinity Lutheran Church, Hadley, Minnesota.

The roll was called and the following members were present:

Aasness	Esau	Kaley	Novak	Shea
Ainley	Evans	Kalis	Nysether	Sherman
Anderson, B.	Ewald	Kelly	O'Connor	Sieben, M.
Anderson, G.	Fjoslien	Knickerbocker	Ogren	Simoneau
Anderson, I.	Forsythe	Kostohryz	Olsen	Skoglund
Anderson, R.	Friedrich	Kvam	Onnen	Stadum
Battaglia	Greenfield	Laidig	Osthoff	Staten
Begich	Gruenes	Lehto	Otis	Stowell
Berkelman	Gustafson	Lemen	Peterson, B.	Stumpf
Blatz	Halberg	Levi	Peterson, D.	Sviggum
Brandl	Hanson	Long	Piepho	Swanson
Brinkman	Harens	Ludeman	Pogemiller	Tomlinson
Byrne	Hauge	Mann	Redalen	Valan
Carlson, D.	Haukoos	Marsh	Reding	Valento
Carlson, L.	Heap	McCarron	Rees	Vanasek
Clark, J.	Heinitz	McDonald	Reif	Vellenga
Clark, K.	Himle	McEachern	Rice	Voss
Clawson	Hoberg	Mehrkens	Rodriguez, C.	Weaver
Dahlvang	Hokanson	Metzen	Rodriguez, F.	Welch
Dean	Hokr	Minne	Rose	Welker
Dempsey	Jacobs	Munger	Rothenberg	Wenzel
Den Ouden	Jennings	Murphy	Samuelson	Wieser
Drew	Johnson, C.	Nelsen, B.	Sarna	Wynia
Eken	Johnson, D.	Neelson, K.	Schafer	Zubay
Elioff	Jude	Niehaus	Schoenfeld	Spkr. Sieben, H.
Ellingson	Kahn	Norton	Schreiber	

A quorum was present.

Erickson, Luknic, Searles, Sherwood and Wigley were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Schreiber moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 234, 421, 427, 619, 659, 696, 855, 928, 937, 960, 970, 976, 978, 1021, 1051, 1070, 1120, 1156, 1178, 1190, 1200, 1221, 1231, 1237, 1247, 1276, 1295, 291, 298, 534, 560, 616, 707, 774, 834, 849, 1045, 1182, 1301, 695, 763, 862, 1080, 1242, 453, 486, 583, 586, 621, 780, 997, 1015, 1269, 253, 636, 1225, 1160, 979, 332, 491 and 932 and S. F. No. 291 have been placed in the members' files.

## PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

April 13, 1981

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

The Honorable Jack Davies  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1981</i>	<i>Date Filed 1981</i>
	44	23	April 13	April 13
	45	24	April 13	April 13
171		25	April 13	April 13

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

## REPORTS OF STANDING COMMITTEES

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 439, A bill for an act relating to retirement; Minneapolis municipal employees retirement fund; authorizing the repayment of a refund by certain individuals.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 43.60, Subdivision 3, is amended to read:

Subd. 3. Employees in shared positions shall be eligible for the following benefits and subject to the following obligations:

(1) Membership in the Minnesota state retirement system, the teachers retirement association, or the highway patrol retirement fund, whichever is appropriate, except that, *notwithstanding any provision of sections 352.01, subdivisions 11 and 16, 352B.01, subdivision 3, 354.05, subdivisions 13 and 25, or 354.091, employees (WHO ARE MEMBERS OF THE MINNESOTA STATE RETIREMENT SYSTEM OR THE HIGHWAY PATROL RETIREMENT FUND) shall have allowable service for (PURPOSES OF SECTION 352.01, SUBDIVISIONS 11 AND 16,) the purpose of meeting the minimum service requirements for eligibility to a retirement annuity or other retirement benefit credited in full, but shall have benefit accrual service for the purpose of computing a retirement annuity or other retirement benefit credited on a fractional basis either weekly or annually based upon the relationship that the number of hours of service bears to either 40 hours per week or 2,080 hours per year, with any salary paid for the fractional service credited on the basis of the rate of salary applicable for a full-time week or a full-time year;*

(2) Vacation and sick leave accrual at the rate of the appropriate shared-time percent of the entitlement of comparable full-time employees;

(3) Employee dental, medical and hospital benefits coverage shall be available of the same type and coverage afforded to comparable full-time employees. Employees in shared positions who elect such coverage shall pay, by payroll deduction, the difference between the actual cost to the employer and the appropriate shared-time percent of the actual cost. The remaining percent shall be paid by the employer. Employee life insurance coverage shall be available to employees in shared positions on the same terms as for comparable full-time employees;

(4) Dependent life insurance coverage shall be available to employees in shared positions on the same terms as for comparable full-time employees. Dependent medical, hospital and dental benefits coverage shall be available to employees in shared

positions of the same type and coverage afforded to comparable full-time employees, except that the employer shall contribute the appropriate shared-time percent of the dollar amount contributed for comparable full-time employees electing the same program, the remainder to be paid by payroll deduction by the employee electing such coverage;

(5) Employees in shared positions shall be entitled to the appropriate shared-time percent of the holiday pay to which comparable full-time employees are entitled for holidays observed by the full-time employees whenever the employee in a shared position would otherwise be scheduled to work on that day. The employee may be allowed to reschedule working hours to avoid any loss in pay due to the prorating of holiday pay. When an employee in a shared position is not scheduled to work on an observed holiday the next scheduled working day shall be treated as the holiday;

(6) Employees in shared positions shall accrue seniority time in every relevant category at the same rate accorded to comparable full-time employees. No full-time employee accepting a shared position shall suffer any loss of or gap in seniority time in the relevant categories applicable to the full-time employment; and

(7) Any other benefits of employment for employees in shared positions shall be prorated at a rate of the appropriate shared-time percent of those available to comparable full-time employees, whenever the benefits are divisible. Contributions by the employer toward the benefits, if any, shall be equal to the appropriate share time percent of the full-time benefits. When not divisible, the cost of the full-time benefits normally allocable to the employer shall be allocated, the appropriate shared-time percent to the employee in a shared position, by payroll deduction, and the remaining percent to the employer.

**Sec. 2. [43.621] [CREDIT FOR PRIOR PART-TIME SERVICE.]**

*Any person who was employed in a shared position in the Minnesota demonstration job-sharing program pursuant to Laws 1980, Chapter 572 prior to the effective date of this act shall have service credit for that service in the applicable retirement fund recalculated in accordance with the provisions of section 1.*

**Sec. 3. Minnesota Statutes 1980, Section 69.011, Subdivision 1, is amended to read:**

**Subdivision 1. [DEFINITIONS.]** Unless the language or context clearly indicates that a different meaning is intended, the following words and terms shall for the purposes of this chapter and chapter 424 have the meanings ascribed to them:

(a) "Commissioner" means the commissioner or director of insurance.

(b) "Municipality" means any city of any class, and organized town.

(c) "Minnesota Firetown Premium Report" means a blank form containing space for reporting by insurers of fire, lighting, sprinkler leakage and extended coverage premiums less return premiums and dividends received upon risks located or to be performed in this state.

(d) "Firetown" means any municipality having a qualified fire department or a qualified incorporated fire department having a retirement plan.

((E) "AVERAGE STATE AID" MEANS THE SUM OF THE AMOUNT OF AID APPORTIONED FOR FIREFIGHTER'S PENSIONS OR SERVICES THE PREVIOUS TWO YEARS PLUS THE AMOUNT OF AID COMPUTED FOR APPORTIONMENT BY THE ASSESSED PROPERTY VALUATION AND POPULATION BASIS FOR THE CURRENT YEAR DIVIDED BY THREE.)

((F)) (e) "Assessed Property Valuation" means latest available assessed value of all property in a taxing jurisdiction, whether such property is subject to taxation, or exempt from ad valorem taxation for any reason, appearing on abstracts filed with the commissioner of revenue or equalized by the state board of equalization.

((G)) (f) "Minnesota Aid to Police Premium Report" means a blank form containing space for reporting by each fire and casualty insurer of all premiums less return premiums and dividends received upon direct business received by it in this state, or by its agents for it, in cash or otherwise, during the preceding calendar year, with reference to insurance written for insuring against the perils contained in auto liability-bodily injury, auto liability-property damage, and auto physical damage as reported on lines 19, 20, and 21 of page 14 of the fire and casualty insurance companies annual financial statement which each insurer is required to file with the commissioner in accordance with the governing laws or regulations.

((H)) (g) "Police officer" means any person:

(1) Whose primary source of income derived from wages is from direct employment by a municipality or county as a law enforcement officer on a full time basis of not less than 30 hours per week;

(2) Who has been employed for a minimum of six (CONSECUTIVE) months prior to December 31 preceding the date

of the current year's certification pursuant to subdivision 2, clause (b);

(3) Who is sworn to enforce the general criminal laws of the state and local ordinances;

(4) Who is authorized to arrest with a warrant;

(5) Who is a member of a local police relief association or the public employees police and fire fund;

(6) Who, if employed in a municipality with a population of more than 1,000 inhabitants according to the most recent federal census, is (CERTIFIED) *licensed* or meets the requirements for (CERTIFICATION) *licensure* by the Minnesota (POLICE) *peace officers standards and training board*; and

(7) Who meets the selection standards of the Minnesota (POLICE) *peace officers standards and training board*.

((1)) (h) "Full time equivalent number of (POLICE) *peace officers providing contract service*" means the integral or fractional number of (POLICE) *peace officers* which would be necessary to provide the contract service if all were employed on a full time basis as defined by the employing unit in the municipality receiving the contract service.

Sec. 4. Minnesota Statutes 1980, Section 69.011, Subdivision 2, is amended to read:

Subd. 2. [CLERK TO FILE CERTIFICATE.] (a) On or before March 1 annually the clerk of each municipality having a duly organized fire department as provided in subdivision 4, clause (1) or the secretary of nonprofit fire fighting corporations having a relief and retirement plan or incorporated fire-fighter's relief association shall certify that fact and the fire personnel and equipment of the fire department as of the preceding December 31 to the commissioner on a form prescribed by him together with the other facts the commissioner may require. The certification shall be made to the commissioner in duplicate. Each copy of the certificate shall be duly executed and deemed an original. The commissioner shall forward one copy to the auditor of the county wherein the fire department is located and retain one copy.

(b) On or before March 1 annually the clerk of each municipality having a duly organized police department and having a duly incorporated relief association shall certify that fact to the county auditor of the county where the police department is located and to the commissioner on a form prescribed by him together with the other facts the commissioner or auditor may require.

On or before March 1 annually, the clerk of each municipality and the auditor of each county employing one or more police officers as defined in subdivision 1, clause (h), shall certify the number of such police officers to the commissioner on forms prescribed by him. *Credit for officers employed less than a full year shall be apportioned. Each full month of employment of a qualifying officer during the calendar year shall entitle the employing municipality or county to credit for one-twelfth of the payment for employment of a police officer for the entire year.* For purposes of sections 69.011 to 69.051, employment of a police officer shall commence when the police officer is entered on the payroll of the respective municipal police department or county sheriff's department. No police officer shall be included in the certification of the number of police officers by more than one municipality or county *for the same month.*

Sec. 5. Minnesota Statutes 1980, Section 69.021, Subdivision 1, is amended to read:

Subdivision 1. [MINNESOTA FIRETOWN PREMIUM REPORT AND MINNESOTA AID TO POLICE PREMIUM REPORT.] The commissioner of insurance shall, at the time he mails annual statement and tax forms, send blank copies of the Minnesota Firetown Premium Report and when applicable the Minnesota Aid to Police Premium Report to each insurer, including township and farmers mutual insurance companies licensed to write insurance as described in section 69.011, subdivision 1, (CLAUSE) *clauses* (c) and (CLAUSE (G)) (f) in this state. These reports shall contain space for the insurers name, address, gross premiums less return premiums, dividends, net premiums, certification and other facts the commissioner may require.

Sec. 6. Minnesota Statutes 1980, Section 69.021, Subdivision 2, is amended to read:

Subd. 2. [REPORT OF PREMIUMS.] Each insurer, including township and farmers mutual insurers where applicable, shall return to the commissioner with its annual financial statement the reports described in subdivision 1 certified by its secretary and president or chief financial officer. The Minnesota Firetown Premium Report shall contain a true and accurate statement of the total premium for all gross direct fire, lightning, and sprinkler leakage insurance of all domestic mutual insurers and the total premiums for all gross direct fire, lightning, sprinkler leakage and extended coverage insurance of all other insurers, less return premiums and dividends received by them on that business written or done during the preceding calendar year upon property located within the state or brought into the state for temporary use. The fire and extended coverage portion of multi-peril and multiple peril package premiums and all other combination premiums shall be determined by applying percentages determined by the commissioner or by rating bu-



reaus recognized by the commissioner. The Minnesota Aid to Police Premium Report shall contain a true and accurate statement of the total premiums, less return premiums and dividends received, on all direct business received by such insurer in this state, or by its agents for it, in cash or otherwise, during the preceding calendar year, with reference to insurance written for perils described in section 69.011, subdivision 1, clause ((G)) (f).

Sec. 7. Minnesota Statutes 1980, Section 69.021, Subdivision 6, is amended to read:

Subd. 6. [CALCULATION OF APPORTIONMENT OF AID TO COUNTIES.] With respect to firefighters, one-half of the state aid available shall be distributed to the counties in proportion to their population as shown by the last official statewide federal census. The remaining one-half of the state aid available shall be distributed to the counties in proportion to their assessed property valuation, excluding mineral values.

In the case of incorporated or municipal fire departments furnishing fire protection to cities, towns or townships in other counties as evidenced by valid fire service contracts filed with the commissioner of insurance and county auditor the distribution to the respective counties shall be adjusted proportionately to take into consideration the crossover fire protection service. (THE AMOUNT OF FIREFIGHTER'S STATE AID APPORTIONED TO EACH COUNTY SHALL NOT BE LESS THAN 100 PERCENT NOR MORE THAN 150 PERCENT OF THE AVERAGE STATE AID CALCULATED FOR APPORTIONMENT TO THE COUNTY. PROVIDED THAT IF THE AMOUNT OF AID SO CALCULATED IS EITHER GREATER OR LESS THAN THE AMOUNT OF AID AVAILABLE AS CALCULATED IN SUBDIVISION 5 EACH COUNTY'S PROPORTIONATE SHARE OF THE STATE AID SHALL BE REDUCED OR INCREASED ON A PERCENTAGE BASIS SO THAT THE AMOUNT OF AID APPORTIONED SHALL NOT EXCEED THE AMOUNT OF TAX COLLECTED. OTHER) Necessary adjustments shall be made to subsequent apportionments. (NO COUNTY SHALL RECEIVE LESS THAN PROVIDED FOR UNDER THIS SUBDIVISION.)

The state aid available in respect to police officers shall not exceed the amount of tax collected and shall be distributed to the counties in proportion to the total number of active police officers, as defined in section 69.011, subdivision 1, clause ((H)) (g), in each county who are employed either by municipalities maintaining police departments or by the county. Any necessary adjustments shall be made to subsequent apportionments.

Sec. 8. Minnesota Statutes 1980, Section 69.021, Subdivision 7, is amended to read:

Subd. 7. [APPORTIONMENT OF AID TO MUNICIPALITIES AND FIREFIGHTER'S RELIEF ASSOCIATIONS BY COUNTY AUDITOR.] (1) The county auditor shall apportion the state aid received by him relative to the premiums reported on the Minnesota Firetown Premium Reports filed pursuant to this chapter to each municipality and/or firefighter's relief association certified to him by the commissioner in the same manner that state aid is apportioned to the counties, one-half in proportion to the population and one-half in proportion to the assessed property valuation of the fire towns in the county for which aid is proportioned. (THE COUNTY AUDITOR SHALL APPORTION THE AMOUNT OF AID TO EACH MUNICIPALITY AND/OR FIREFIGHTER'S RELIEF ASSOCIATION IN AN AMOUNT NOT LESS THAN 100 PERCENT NOR MORE THAN 150 PERCENT OF THE AVERAGE STATE AID CALCULATED FOR APPORTIONMENT TO THE MUNICIPALITY AND/OR FIREFIGHTER'S RELIEF ASSOCIATION. PROVIDED THAT IF THE AMOUNT OF AID SO CALCULATED IS EITHER GREATER OR LESS THAN THE AMOUNT OF AID AVAILABLE AS CALCULATED IN SUBDIVISION 5 EACH MUNICIPALITY'S AND/OR FIREFIGHTER'S RELIEF ASSOCIATION'S PROPORTIONATE SHARE OF THE STATE AID SHALL BE REDUCED OR INCREASED ON A PERCENTAGE BASIS SO THAT THE AMOUNT OF AID APPORTIONED SHALL NOT EXCEED THE AMOUNT OF TAX COLLECTED. NO MUNICIPALITY OR FIREFIGHTER'S RELIEF ASSOCIATION SHALL RECEIVE LESS THAN PROVIDED FOR UNDER THIS SUBDIVISION.) *Necessary adjustments shall be made to subsequent apportionments.*

In the case of municipalities or independent fire departments qualifying for the aid the county auditor shall calculate the state aid for the municipality or relief association on the basis of the population and the property valuation of the area furnished fire protection service by the fire department as evidenced by duly executed and valid fire service agreements filed with him. If one or more fire departments are furnishing contracted fire service to a city, town or township only the population and valuation of the area served by each fire department shall be considered in calculating the state aid and the fire departments furnishing service shall enter into an agreement apportioning among themselves the percent of the population and the assessed property valuation of each service area. Agreement shall be in writing and filed with the commissioner in duplicate. The commissioner shall forward one copy of the agreement to the county auditor of the county wherein the fire department is located and retain one copy.

In the case of cities of the first and second class the state aid calculated shall be paid directly to the treasurer of the relief association. In the case of all other municipalities and independent fire department relief associations or retirement plans

the aid shall be paid to the treasurer of the municipality where the fire department is located and the treasurer of the municipality shall within 30 days transmit the aid to the relief association if the relief association has filed a financial report with the treasurer of the municipality and has met all other statutory provisions pertaining to the aid apportionment.

The county auditor and commissioner are hereby empowered to make rules and regulations to permit the administration of the provisions of this section.

(2) The county auditor shall apportion the state police aid received by him to each municipality and to the county in the following manner:

(a) For all municipalities maintaining police departments and the county, the state aid shall be distributed by the county auditor in proportion to the total number of police officers, as (DEFINED IN) *determined pursuant to section 69.011, subdivision 1, clause ((H)) (g), and subdivision 2, clause (b), employed by each municipality and by the county for 12 calendar months and the proportional or fractional number who were employed less than 12 months;*

(b) For each municipality which contracts with the county for police service, a proportionate amount of the state aid distributed to the county based on the full time equivalent number of police officers providing contract service shall be credited against the municipality's contract obligation;

(c) For each municipality which contracts with another municipality for police service, a proportionate amount of the state aid distributed to the municipality providing contract service based on the full time equivalent number of police officers providing contract service on a full time equivalent basis shall be credited against the contract obligation of the municipality receiving contract service;

(d) No municipality entitled to receive police state aid shall be apportioned less police state aid for any year under Laws 1976, Chapter 315, than the amount which was apportioned to it for calendar year 1975 based on premiums reported to the commissioner for calendar year 1974; provided, the amount of police state aid to other municipalities within the county and to the county shall be adjusted in proportion to the total number of police officers in the municipalities and the county, so that the amount of police state aid apportioned shall not exceed the amount of police state aid available for apportionment.

The county auditor and commissioner are hereby empowered to make rules and regulations to permit the administration of the provisions of this section.

Sec. 9. Minnesota Statutes 1980, Section 69.031, Subdivision 5, is amended to read:

Subd. 5. [DEPOSIT OF STATE AID.] (1) The municipal treasurer, when the state aid and tax is received by him, shall within 30 days after receipt pay over the portion of it attributed to premiums reported on the Minnesota Firetown Premium Report to the treasurer of the duly incorporated firefighter's relief association if there is one organized and the association has filed a financial report with the municipality; but if there is no relief association organized, or if any association dissolve, be removed, or has heretofore dissolved, or has been removed as trustees of state aid, then the treasurer of the municipality shall keep the money in the municipal treasury as provided for in (SECTIONS 424.30 AND 424.31) *section 424A.08* and shall be disbursed only for the purposes and in the manner set forth in those sections.

(2) The municipal treasurer, upon receipt of the state aid and tax attributed to insurance premiums reported on the Minnesota Aid to Police Premium Report, shall disburse the state aid in the following manner.

(a) For a municipality in which a local police relief association exists and all police officers are members of the association, the total state aid shall be transmitted to the treasurer of the relief association within 30 days of the date of receipt, and the treasurer of the relief association shall immediately deposit the total state aid in the special fund of the relief association;

(b) For a municipality in which police retirement coverage is provided by the public employees police and fire fund and all police officers are members of the fund, the total state aid shall be applied toward the municipality's employer contribution to the public employees police and fire fund pursuant to section 353.65, subdivision 3, and any state aid in excess of the amount required to meet the employer's contribution pursuant to section 353.65, subdivision 3, shall also be contributed to the public employees police and fire fund and credited in the manner to be specified by the board of trustees of the public employees retirement association;

(c) For a municipality in which both a police relief association exists and police retirement coverage is provided in part by the public employees police and fire fund, the municipality may elect at its option to transmit the total state aid to the treasurer of the relief association as provided in this subdivision, to use the total state aid to apply toward the municipality's employer contribution to the public employees police and fire fund subject to all the provisions set forth in clause (b), or to allot the total state aid proportionately to be transmitted to the police relief association as provided in this subdivision and to apply toward the municipality's employer contribution to the public employees

police and fire fund subject to the provisions of clause (b) on the basis of the respective number of active full time police officers, as defined in section 69.011, subdivision 1, clause ((H)) (g).

(3) The county treasurer, upon receipt of the police state aid for the county, shall apply the total state aid toward the county's employer contribution to the public employees police and fire fund pursuant to section 353.65, subdivision 3, and any state aid in excess of the amount required to meet the employer's contribution pursuant to section 353.65, subdivision 3, shall also be contributed to the public employees police and fire fund and credited in the manner to be specified by the board of trustees of the public employees retirement association.

Sec. 10. Minnesota Statutes 1980, Section 352.113, Subdivision 3, is amended to read:

Subd. 3. [COMPUTATION OF BENEFITS.] The total and permanent disability benefit shall be computed in the manner provided in section 352.115. The disability benefit shall be the normal annuity without reduction for each month the employee is under age 65 at the time of becoming disabled. (THE OPTIONAL ANNUITIES PROVIDED FOR IN SECTION 352.116 DO NOT APPLY TO THIS SECTION. EMPLOYEES COVERED BY THE SYSTEM WHOSE TOTAL AND PERMANENT DISABILITY SHALL HAVE BEEN ESTABLISHED PRIOR TO JULY 1, 1961, AND APPROVED BY THE TRUSTEES, SHALL CONTINUE TO RECEIVE THE DISABILITY BENEFITS PROVIDED BY THE LAW THEN IN EFFECT SO LONG AS THE TOTAL AND PERMANENT DISABILITY CONTINUES.) *A disabled employee may elect to receive the normal disability benefit or an optional annuity as provided in section 352.116, subdivision 3. The election of an optional annuity shall be made prior to the commencement of payment of the disability benefit and shall be effective 30 days after receipt of the election or the date on which the disability begins to accrue as provided in subdivision 2, whichever occurs later. Upon becoming effective, the optional annuity shall begin to accrue on the same date as provided for the disability benefit.*

Sec. 11. Minnesota Statutes 1980, Section 352.113, Subdivision 12, is amended to read:

Subd. 12. [RETIREMENT STATUS AT AGE 65.] The disability benefit paid to (AN) *a disabled employee hereunder shall terminate when (HE) the employee reaches age 65. If (HE) the disabled employee is still totally and permanently disabled (. AT THAT TIME HE) when the employee reaches age 65, the employee shall be deemed to be a retired employee and, if the employee had elected an optional annuity pursuant to subdivision 3, shall receive an annuity in accordance with the terms of the optional annuity previously elected, or, if the employee had not elected an optional annuity pursuant to subdivision 3,*

may then elect to receive *either* a normal retirement annuity equal in amount to the disability benefit paid (TO HIM) before (HE) *the employee* reached age 65 or an optional annuity as provided in section 352.116, subdivision 3. Election of an optional annuity (MUST) shall be made (WITHIN 60 DAYS) prior to reaching age 65 (AND,). If an optional annuity is elected, the election shall be effective on the date on which the employee attains the age of 65 years and the optional (AMOUNT) annuity shall begin to accrue the first of the month following the month in which the employee attains age 65.

Sec. 12. Minnesota Statutes 1980, Section 352.95, is amended by adding a subdivision to read:

*Subd. 1a. [OPTIONAL ANNUITY ELECTION.] A disabled correctional employee may elect the normal disability benefit or an optional annuity as provided in section 352.116, subdivision 3. The election of an optional annuity shall be made prior to commencement of payment of the disability benefit and shall be effective 30 days after receipt of the election or the date on which the disability benefit begins to accrue as provided in subdivision 3, whichever occurs later. Upon becoming effective, the optional annuity shall begin to accrue on the same date as provided for the disability benefit.*

Sec. 13. Minnesota Statutes 1980, Section 352.95, Subdivision 5, is amended to read:

*Subd. 5. [RETIREMENT STATUS AT AGE 65.] The disability benefit paid to (AN) a disabled correctional employee hereunder shall terminate when the employee reaches age 62. (AT THAT TIME HE OR SHE) If the disabled correctional employee is still disabled when the employee reaches age 62, the employee shall be deemed to be a retired employee and, if the employee had elected an optional annuity pursuant to subdivision 1a, shall receive an annuity in accordance with the terms of the optional annuity previously elected, or, if the employee had not elected an optional annuity pursuant to subdivision 1a, may then either elect to receive a normal retirement annuity computed in the manner provided in section 352.115 or elect to receive an optional annuity as provided in section 352.116, subdivision 3, based on the same length of service as used in the calculation of the disability benefit. Election of an optional annuity shall be made prior to attaining the age of 62 years. The reduction for retirement prior to age 65 as provided in section 352.116, subdivision 1, shall not be applicable. The savings clause provision of section 352.93, subdivision 3, shall be applicable. If an optional annuity is elected, the optional annuity shall begin to accrue on the first of the month following the month in which the employee attains the age of 62 years.*

Sec. 14. Minnesota Statutes 1980, Section 352B.10, is amended to read:

## 352B.10 [DISABILITY BENEFITS.]

(1) Any member less than 55 years of age, who shall become disabled and physically unfit to perform his duties as a direct result of an injury, sickness, or other disability incurred in or arising out of any act of duty, which shall render the member physically or mentally unable to perform his or her duties, shall receive disability benefits during the period of such disability. The benefits shall be paid in monthly installments equal to that portion of the average monthly salary of the member multiplied (a) by 50 percent and, (b) by an additional two percent for each year and pro rata for completed months of service in excess of 20 years.

(2) If a member is injured under circumstances which entitle him to receive benefits under the workers' compensation law, he shall receive the same benefits as provided in clause (1), less the amount paid to him in weekly benefits under the workers' compensation law.

(3) Any member who after not less than five years of service, before reaching the age of 55, terminates employment because of sickness or injury occurring while not on duty and not engaged in state work entitling the member to membership and the termination is necessary because the member is unable to perform his or her duties shall be entitled to receive a disability benefit. The benefit shall be in the same amount and computed in the same manner as if the member were 55 years of age at the date of disability and the annuity were paid pursuant to section 352B.08. Should disability under this clause occur after five but in less than ten years service, the disability benefit shall be computed as though the member had ten years service.

(4) No member shall receive any disability benefit payment when the member has unused annual leave or sick leave or under any other circumstances, when during the period of disability there has been no impairment of salary. Should such member or former member resume a gainful occupation and his or her earnings are less than the salary received at the date of disability or the salary currently paid for similar positions, the disability benefit shall be continued in an amount which when added to earnings does not exceed the salary received at the date of disability or the salary currently paid for similar positions, whichever is higher, provided the disability benefit in such case does not exceed the disability benefit originally allowed.

(5) No disability benefit payment shall be made except upon adequate proof furnished to the director of the existence of such disability, and during the time when any such benefits are being paid, the director shall have the right, at reasonable times, to require the disabled former member to submit proof of the continuance of the disability claimed.

(6) *A disabled member not eligible for survivorship coverage pursuant to section 352B.11, subdivision 2, may elect the normal disability benefit or an optional annuity as provided in section 352B.08, subdivision 2. The election of an optional annuity shall be made prior to commencement of payment of the disability benefit and shall be effective 30 days after receipt of this election or the date on which the disability benefit begins to accrue, whichever occurs later. Upon becoming effective, the optional annuity shall begin to accrue on the same date as provided for the disability benefit.*

Sec. 15. Minnesota Statutes 1980, Section 352B.105, is amended to read:

352B.105 [TERMINATION OF DISABILITY BENEFITS.]

All disability benefits payable under section 352B.10 shall terminate when the beneficiary becomes 55 years of age. (THEREAFTER, RETIREMENT BENEFITS SHALL BE PAID TO THE BENEFICIARY IN THE SAME AMOUNT AS THE DISABILITY BENEFITS WHICH HE WAS PREVIOUSLY RECEIVING, EXCEPT THAT HE MAY ELECT WHEN HE ATTAINS 55 YEARS OF AGE TO RECEIVE RETIREMENT BENEFITS IN ACCORDANCE WITH ANY OPTION THEN AVAILABLE TO OTHER MEMBERS RETIRING AT THE TIME.) *If the beneficiary is still disabled when the beneficiary attains the age of 55 years, the beneficiary shall be deemed to be a retired member and, if the beneficiary had elected an optional annuity pursuant to section 352B.10, clause (6), shall receive an annuity in accordance with the terms of the optional annuity previously elected, or, if the beneficiary had not elected an optional annuity pursuant to section 352B.10, clause (6), may then elect to receive either a normal retirement annuity computed pursuant to section 352B.08, subdivision 1, or an optional annuity as provided in section 352B.08, subdivision 2. Election of an optional annuity shall be made prior to attaining the age of 55 years. If an optional annuity is elected, the optional annuity shall begin to accrue the first of the month following the month in which the beneficiary attains the age of 55 years.*

Sec. 16. Minnesota Statutes 1980, Section 353.01, Subdivision 2a, is amended to read:

Subd. 2a. [INCLUDED EMPLOYEES.] The following persons are included in the meaning of "public employee":

(a) Elected or appointed officers and employees of elected officers.

(b) District court reporters.



(c) Officers and employees of the public employees retirement association.

(d) Employees of the League of Minnesota Cities.

(e) Officers and employees of public hospitals, owned or operated by or an integral part of, any governmental subdivision or governmental subdivisions.

(f) Employees of a school district who receive separate salaries for driving their own buses.

(g) Employees of the Association of Minnesota Counties.

(h) Employees of the Metropolitan Inter-County Council.

(i) Employees of the Minnesota Municipal Utilities Association.

(j) Elected or appointed officers and employees of the city of Minneapolis, or any of the boards, departments or commissions operated as a department of the city of Minneapolis or independently if financed in whole or in part by funds of the city of Minneapolis, if the officer's assumption of the position or the employee's employment initially commences on or after July 1, 1979.

(k) Employees of the metropolitan airports commission if employment initially commences on or after July 1, 1979.

(l) Employees of the Minneapolis municipal employees retirement fund, if employment initially commences on or after July 1, 1979.

(m) Employees of special school district number 1 who are not members of the Minneapolis teachers retirement fund association if employment initially commences on or after July 1, 1979.

*(n) Employees of the Range Association of Municipalities and Schools.*

*(o) Employees of the soil and water conservation districts.*

Sec. 17. Minnesota Statutes 1980, Section 353.01, Subdivision 2b, is amended to read:

Subd. 2b. [EXCLUDED EMPLOYEES.] The following persons are excluded from the meaning of "public employee":

(a) Persons employed for professional services where such service is incidental to regular professional duties.

(b) Election officers.

(c) Independent contractors and their employees.

(d) Patient and inmate help in governmental subdivision charitable, penal and correctional institutions.

(e) Members of boards, commissions, bands and others who serve the governmental subdivision intermittently.

(f) Employees who hold positions of an essentially temporary or seasonal character, provided such employment does not continue for a period in excess of 120 working days in any calendar year. Immediately following the expiration of such 120 working days if such employees continue in public service and earn in excess of (\$250) \$325 in any one calendar month, the department heads must then report all such employees for membership and must cause employee contributions to be made on behalf of such employees in accordance with section 353.27, subdivision 4, and they shall remain members until termination of public service.

(g) Part-time employees other than firefighters who receive monthly compensation not exceeding (\$250) \$325, and part-time employees other than firefighters and elected officials whose annual compensation is stipulated in advance to be not more than (\$3,000) \$3,900 per year, except that members shall continue their membership until termination of public service.

(h) Persons who first occupy an elected office after March 1, 1978, the compensation for which does not exceed (\$250) \$325 per month.

(i) Emergency employees who are employed by reason of work caused by fire, flood, storm or similar disaster.

(j) Employees who by virtue of their employment are required to contribute to any other pension, relief or retirement fund established for the benefit of officers and employees of a governmental subdivision, except as an act of the legislature has specifically enabled participation by employees of a designated governmental subdivision in a plan supplemental to the public employees retirement association; provided that this clause shall not prevent a person from contributing to the public employees retirement association and also belonging to or contributing to another public pension fund for other service occurring during the same period of time.

(k) Police matrons employed in a police department of any city who are transferred to the jurisdiction of a joint city and county detention and corrections authority.

(l) Chaplains and nuns who have taken a vow of poverty as members of a religious order.

(m) Full-time students who are enrolled and are regularly attending classes at an accredited school, college or university; provided, no person employed full-time by a governmental subdivision shall be exempt under this paragraph.

(n) Resident physicians, medical interns and pharmacist interns who are serving in public hospitals.

(o) Appointed or elected officers, paid entirely on a fee basis, and who were not members on June 30, 1971.

(p) Nothing in Laws 1973, Chapter 753 shall be interpreted to impair or revoke any option exercised under Laws 1963, Chapter 793.

(q) Persons employed in subsidized on-the-job training, work experience or public service employment as enrollees under the federal comprehensive employment and training act from and after March 30, 1978, unless the person has as of the later of March 30, 1978 or the date of employment sufficient service credit in the retirement fund to meet the minimum vesting requirements for a deferred retirement annuity, or the employer agrees in writing on forms prescribed by the executive director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal comprehensive training and employment act, or the person agrees in writing on forms prescribed by the executive director to make the required employer contributions in addition to the required employee contribution.

(r) Town, city or county assessors elected or appointed pursuant to chapter 273 who do not receive compensation in excess of (\$250) \$325 per month from any one employing governmental subdivision or who are employed pursuant to an employment contract which sets forth the total compensation to be paid and the length of service, not to exceed three months in duration, required for the performance of the contract and which was entered into in advance of the commencement of employment.

(s) Volunteer firefighters as defined in subdivision 34.

(t) A person holding a part time adult supplementary vocational-technical school license who renders part time teaching

service in a vocational-technical school if (1) the service is incidental to the person's regular nonteaching occupation; and (2) the applicable vocational-technical school stipulates annually in advance that the part time teaching service will not exceed 300 hours in a fiscal year; and (3) the part time teaching service actually does not exceed 300 hours in a fiscal year.

(u) A person exempt from licensure pursuant to section 125.031.

Sec. 18. Minnesota Statutes 1980, Section 353.01, Subdivision 6, is amended to read:

Subd. 6. [GOVERNMENTAL SUBDIVISION.] "Governmental subdivision" means a county, city, town, school district within this state, or a department or unit of state government, or any public body whose revenues are derived from taxation, fees, assessments or from other sources, but does not mean any municipal housing and redevelopment authority organized under the provisions of sections 462.415 to 462.711; or any port authority organized pursuant to chapter 458; (OR ANY SOIL CONSERVATION DISTRICT ORGANIZED PURSUANT TO CHAPTER 40;) or any hospital district organized or reorganized prior to July 1, 1975 pursuant to legislation enacted by the 1959 legislature.

Sec. 19. [353.024] [RETIREMENT; PUBLIC EMPLOYEES RETIREMENT ASSOCIATION; EMPLOYEES OF SUBURBAN PUBLIC HEALTH NURSING SERVICE, INCORPORATED.]

*From and after June 1, 1981, employees of the Suburban Public Health Nursing Service, Incorporated, shall become members of the public employees retirement association unless specifically exempt under section 353.01, subdivision 2b, and the Suburban Public Health Nursing Service, Incorporated, shall be deemed to be a governmental subdivision for the purpose of this chapter.*

*Retirement coverage by the public employees retirement association shall be provided by the appropriate retirement program as follows:*

(a) *an employee who was a basic member of the public employees retirement association prior to December 2, 1977, and who chose to be excluded from federal old age, survivors, disability and health insurance coverage during an authorized referendum for the period from December 2, 1977, to June 1, 1981, shall be deemed to be a basic member and shall be entitled to coverage by the basic retirement program; and*

(b) *an employee who was either a basic member or a coordinated member prior to December 2, 1977, and who chose to be included in federal old age, survivors, disability and health insurance coverage during an authorized referendum for the period December 2, 1977, to June 1, 1981, or an employee who was a coordinated member prior to December 2, 1977, and who chose to be excluded from federal old age, survivors, disability and health insurance coverage during an authorized referendum for the period from December 2, 1977, to June 1, 1981, shall be deemed to be a coordinated member and shall be entitled to coverage by the coordinated retirement coverage.*

**Sec. 20. [353.025] [RETIREMENT; PUBLIC EMPLOYEES RETIREMENT ASSOCIATION; RANGE ASSOCIATION OF MUNICIPALITIES AND SCHOOLS.]**

*From and after January 1, 1982, employees of the Range Association of Municipalities and Schools hereinafter referred to as the association, shall become coordinated members of the public employees retirement association unless specifically exempt under section 353.01, subdivision 2b, and the association shall be deemed to be a governmental subdivision for the purposes of this chapter.*

Sec. 21. Minnesota Statutes 1980, Section 353.33, is amended by adding a subdivision to read:

*Subd. 3a. [OPTIONAL ANNUITY ELECTION.] A disabled member may elect to receive the normal disability benefit or an optional annuity as provided in section 353.30, subdivision 3. The election of an optional annuity shall be made prior to the commencement of payment of the disability benefit and shall be effective 30 days after receipt of the election or the date on which the disability benefit begins to accrue as provided in subdivision 2, whichever occurs later. Upon becoming effective, the optional annuity shall begin to accrue on the same date as provided for the disability benefit.*

Sec. 22. Minnesota Statutes 1980, Section 353.33, Subdivision 11, is amended to read:

**Subd. 11. [RETIREMENT STATUS AT AGE 65.]** No person shall be entitled to receive disability benefits and a retirement annuity at the same time. The disability benefits paid to a person hereunder shall terminate when (HE) *the person* reaches age 65 (.). If (HE) *the person* is still totally and permanently disabled (. AT THAT TIME HE) *when the person attains the age of 65 years, the person* shall be deemed to be on retirement status and, if *the person had elected an optional annuity pursuant to subdivision 3a, shall receive an annuity in accordance with the terms of the optional annuity previously elected, or, if the person had not elected an optional annuity pursuant to subdi-*

*vision 3a, may at (HIS) the option (BE PAID) of the person either elect to receive either a normal retirement annuity as provided in section 353.29 or normal retirement annuity equal to the disability benefit paid (TO HIM) before (HE) the person reached age 65, whichever amount is greater, or elect to receive an optional annuity as provided in section 353.30, subdivision 3. Any disabled person who becomes age 65 (AFTER JUNE 30, 1973,) shall have (HIS) the annuity computed in accordance with the law in effect upon attainment of age 65. (A PERSON WHO ELECTS AN ANNUITY UNDER SECTION 353.29 MAY, PRIOR TO AGE 65, SELECT AN OPTIONAL ANNUITY PURSUANT TO SECTION 353.30, SUBDIVISION 3.) Election of an optional annuity shall be made prior to the person attaining the age of 65 years. If an optional annuity is elected, the election shall be effective on the date on which the person attains the age of 65 years and the optional annuity shall begin to accrue on the first day of the month next following the month in which the person attains the age of 65 years.*

Sec. 23. Minnesota Statutes 1980, Section 353.656, is amended by adding a subdivision to read:

*Subd. 1a. [OPTIONAL ANNUITY ELECTION.] A disabled member of the police and fire fund may elect to receive the normal disability benefit or an optional annuity as provided in section 353.30, subdivision 3. The election of an optional annuity shall be made prior to commencement of payment of the disability benefit and shall be effective 30 days after receipt of the election or the date on which the disability benefit begins to accrue, whichever occurs later. Upon becoming effective, the optional annuity shall begin to accrue on the same date as provided for the disability benefit.*

Sec. 24. Minnesota Statutes 1980, Section 353.656, Subdivision 6, is amended to read:

*Subd. 6. [RETIREMENT STATUS AT AGE 55.] All disability benefits payable under this section shall terminate when the disabled firefighter or police officer becomes 55 years of age. (THEREAFTER, RETIREMENT BENEFITS SHALL BE PAID TO THE DISABLED FIREFIGHTER OR POLICE OFFICER IN THE SAME AMOUNT AS THE DISABILITY BENEFITS WHICH HE WAS PREVIOUSLY RECEIVING.) If the person is still disabled when the person attains the age of 55 years, the person shall be deemed to be a retired member and, if the person had elected an optional annuity pursuant to subdivision 1a, shall receive an annuity in accordance with the terms of the optional annuity previously elected, or, if the person had not elected an optional annuity pursuant to subdivision 1a, may then elect to receive either a normal retirement annuity computed pursuant to section 353.651, or an optional annuity as provided in section 353.30, subdivision 3. Any disabled person who becomes age 55 (AFTER JUNE 30, 1973,) shall have (HIS)*

*the annuity computed in accordance with the law in effect upon attainment of age 55. (PRIOR TO REACHING AGE 55, A DISABLED PERSON MAY SELECT AN OPTIONAL ANNUITY PURSUANT TO SECTION 353.30, SUBDIVISION 3.) Election of an optional annuity shall be made prior to the person attaining the age of 55 years. If an optional annuity is elected, the election shall be effective on the date on which the person attains the age of 55 years and the optional annuity shall begin to accrue on the first day of the month next following the month in which the person attains the age of 55 years.*

Sec. 25. Minnesota Statutes 1980, Section 354.48, is amended by adding a subdivision to read:

*Subd. 3a. [OPTIONAL ANNUITY ELECTION.] A disabled member may elect to receive the normal disability benefit or an optional annuity as provided in section 354.45, subdivision 1. The election of an optional annuity shall be made prior to commencement of payment of the disability benefit and shall be effective 30 days after receipt of the election or the date on which the disability benefit begins to accrue, whichever occurs later. Upon becoming effective, the optional annuity shall begin to accrue on the same date as provided for the disability benefit.*

Sec. 26. Minnesota Statutes 1980, Section 354.48, Subdivision 10, is amended to read:

*Subd. 10. [RETIREMENT STATUS AT AGE 65.] No person shall be entitled to receive both disability benefits and a retirement annuity provided by this chapter. The disability benefit paid to a person hereunder shall terminate when (HE) the person reaches age 65. If (HE) the person is still totally and permanently disabled (. AT THAT TIME HE) when the person attains the age of 65 years, the person shall be deemed to be on retirement status and (HE), if the person had elected an optional annuity pursuant to subdivision 3a, shall receive an annuity in accordance with the terms of the optional annuity previously elected, or, if the person had not elected an optional annuity pursuant to subdivision 3a, may at (HIS) the option (BE PAID) of the person elect to receive either a straight life retirement annuity (AS PROVIDED IN) computed pursuant to section 354.44 or a straight life retirement annuity equal to the disability benefit paid (TO HIM) before (HE) the person reached age 65, whichever amount is greater, or elect to receive an optional annuity as provided in section 354.45, subdivision 1. (HE MAY INSTEAD OF TAKING THE STRAIGHT LIFE ANNUITY PROVIDED HEREIN, HOWEVER, SELECT AN OPTIONAL RETIREMENT ANNUITY AS PROVIDED IN SECTION 354.45. ANY DISABILITY BENEFIT RECIPIENT WHO IS AGE 65 AFTER JUNE 30, 1973 SHALL HAVE HIS RETIREMENT ANNUITY COMPUTED IN ACCORDANCE WITH MINNESOTA STATUTES 1974, SECTION 354.44, SUBDIVISION 6 OR 7, IF SUCH ANNUITY IS LARGER*

THAN THE ANNUITY OTHERWISE PAYABLE. ANY INCREASE IN RETIREMENT ANNUITIES SHALL BEGIN TO ACCRUE JULY 1, 1975) *Election of an optional annuity shall be made prior to the person attaining the age of 65 years. If an optional annuity is elected, the election shall be effective on the date on which the person attains the age of 65 years and the optional annuity shall begin to accrue on the first day of the month next following the month in which the person attains the age of 65 years.*

Sec. 27. Minnesota Statutes 1980, Section 354A.36, is amended by adding a subdivision to read:

*Subd. 3a. [OPTIONAL ANNUITY ELECTION.] A disabled coordinated member may elect to receive the normal disability benefit or an optional annuity as provided in section 354A.32. The election of an optional annuity shall be made prior to commencement of payment of the disability benefit and shall be effective 30 days after receipt of the election or the date on which the disability benefit begins to accrue, whichever occurs later. Upon becoming effective, the optional annuity shall begin to accrue on the same date as provided for the disability benefit.*

Sec. 28. Minnesota Statutes 1980, Section 354A.36, Subdivision 10, is amended to read:

*Subd. 10. [RETIREMENT STATUS UPON ATTAINING AGE 65.] No person shall be entitled to receive both a disability benefit under this section and a retirement annuity under section 354A.31. If a disability benefit recipient remains totally and permanently disabled upon attaining age 65, the disability benefit shall terminate and the former disability benefit recipient shall be deemed to be on retirement status. If the former disability benefit recipient had elected an optional annuity pursuant to subdivision 3a, the recipient shall receive an annuity in accordance with the terms of the optional annuity previously elected, or if the recipient had not elected an optional annuity pursuant to subdivision 3a, the recipient shall be entitled either to receive a retirement annuity in an amount equal to the greater of either a single life retirement annuity calculated pursuant to section 354A.31 or the disability benefit paid to the recipient immediately prior to the recipient's attaining age 65 (THE FORMER DISABILITY BENEFIT RECIPIENT SHALL BE ENTITLED TO) or elect either a single life retirement annuity as provided in this section or an actuarial equivalent optional form retirement annuity as provided in section 354A.32. Election of an optional annuity shall be made prior to the person attaining the age of 65 years. If an optional annuity is elected, the election shall be effective on the date on which the person attains the age of 65 years and the optional annuity shall begin to accrue on the first day of the month next following the month in which the person attains the age of 65 years.*



**Sec. 29. [356.371] [APPLICATION FOR RETIREMENT ANNUITY; PROCEDURE FOR ELECTING ANNUITY FORM.]**

*Subdivision 1. [DEFINITIONS.] As used in this section, the following terms shall have the meanings given.*

(1) *“Annuity form” means the payment procedure and duration of a retirement annuity available to a member of a public pension fund, based on the period over which a retirement annuity is payable, determined by the number of persons to whom the retirement annuity is payable, and the amount of the retirement annuity which is payable to each person.*

(2) *“Joint and survivor optional annuity” means an optional annuity form which provides a retirement annuity to a retired member and the spouse of the member on a joint basis during the lifetime of the retired member and all or a portion of the original retirement annuity amount to the surviving spouse in the event of the death of the retired member.*

(3) *“Optional annuity form” means an annuity form which is elected by a member and is not provided automatically as the standard annuity form of the public pension fund.*

(4) *“Public pension fund” means a public pension plan as defined pursuant to Minnesota Statutes, Section 356.60, Subdivision 1, Clause (a).*

(5) *“Retirement annuity” means a retirement annuity, retirement allowance or service pension.*

**Subd. 2. [PROVISION OF INFORMATION ON ANNUITY FORMS.]** *Every public pension fund which provides for an annuity form other than a single life retirement annuity as an option which can be elected by the active or retiring member shall provide as a part of, or accompanying the annuity application form, a written statement summarizing the optional annuity forms which are available, a general indication of the consequences of selecting one annuity form over another, a calculation of the actuarial reduction in the amount of the retirement annuity which would be required for each optional annuity form and the procedure to be followed to obtain more information from the public pension fund concerning optional annuity forms.*

**Subd. 3. [REQUIREMENT OF NOTICE TO MEMBER'S SPOUSE.]** *If a public pension fund provides optional annuity forms which include a joint and survivor optional annuity form potentially applicable to the surviving spouse of a member, the public pension fund shall send a copy of the written statement required by subdivision 2 to the spouse of the member prior to the member's election of an optional annuity.*

*Following the election of an annuity form by the member, a copy of the completed annuity application shall be sent by certified mail to the spouse of the retiring member.*

**Sec. 30. [422A.221] [AUTHORIZATION FOR REPAYMENT OF REFUND IN CERTAIN INSTANCES.]**

*Subdivision 1. [ENTITLEMENT.] Any person who was a member of the Minneapolis municipal employees retirement fund by virtue of the person's employment and was required to receive a refund of accumulated member contributions and interest pursuant to Minnesota Statutes 1957, Section 422.09 shall be entitled to repay to the Minneapolis municipal employees retirement fund any amounts refunded and, when otherwise qualified, to receive a retirement annuity from the fund calculated under the applicable law in effect upon the termination of covered service.*

*Subd. 2. [CALCULATION OF REPAYMENT.] The refund repayment shall be an amount equal to the amount previously refunded plus interest from the date of the refund until the date of the repayment at the rate of six percent per annum, compounded annually. No service credit shall be credited prior to the receipt of the amount refunded plus interest thereon.*

**Sec. 31. Laws 1945, Chapter 74, Section 2, as amended by Laws 1949, Chapter 164, Section 1; Laws 1953, Chapter 235, Section 1; Laws 1959, Chapter 211, Section 1; Laws 1961, Chapter 290, Section 1; and Laws 1971, Chapter 810, Section 1, is amended to read:**

**Sec. 2. [CHISHOLM, CITY OF; POLICE RELIEF ASSOCIATION, PENSIONS.]**

The members of the municipal police department of Chisholm are hereby authorized to become incorporated pursuant to the provisions of General Statutes 1923, Chapter 58, and the laws amendatory thereto, and adopt a constitution and bylaws as a relief association, and provide for and permit and allow such police relief association, so incorporated, and organized, to pay out of and from any funds it may have received from any source a service, disability or dependency pension in such amounts and in such manner as its articles of incorporation and bylaws shall designate, subject to the provisions of Laws 1945, Chapter 74, as amended.

When a member has reached the age of (55) 50 years or more and served as a member of such municipal police department for a period of 20 years or more, or has been disabled physically or mentally because of any injury received or suffered after at least one year of service as a member of the police department, so as to render necessary his retirement from active police service and cause a total and permanent disability, such retire-

ment member shall be paid each month a pension equal to one-half of his average monthly (BASE) total pay during the last six months of his service with said police department. No pension authorized by this act shall be paid to any person after he removes his residence from the United States, or to any person who shall have been convicted of a felony for which he shall have been adjudged to be imprisoned, or who is an habitual drunkard, or to any person receiving a pension or sick relief from any other public relief association.

When any member retires from said service who either is not entitled to, or does not care to accept a pension, he may withdraw all moneys deducted from his salary, minus any moneys that have been paid out of such fund for his benefit for hospitalization or doctors' services, or in insurance premiums therefore. In that event, neither he nor his dependents shall be entitled to further benefits under Laws 1945, Chapter 74, as amended. Alternatively, a member of the association who completes 20 years of service but has not attained (55) 50 years of age may retire without forfeiting his right to a retirement pension. Upon application he shall be placed upon the preferred pension roll of the association. After he has attained the age of (55) 50 years the association shall, upon application, commence payment of his pension from the date upon which it approves his application.

These monthly payments may be increased by adding thereto an amount not exceeding \$5 per month for each year of active duty over 20 years of service before retirement not to exceed five years for purposes of pension computation. No such pension shall be paid to any person while he remains a member of the police department and no person receiving such pension shall be entitled to any other relief from the association.

Sec. 32. Laws 1945, Chapter 74, Section 3, is amended to read:

Sec. 3. [(WIDOWS AND CHILDREN MAY RECEIVE PENSION) SURVIVORS' BENEFITS.]

*Subdivision 1. [DEFINITIONS.] For the purposes of Laws 1945, Chapter 74, as amended, the terms defined in this section have the meanings given them.*

(1) "Surviving spouse" means a person who became the member's legally married spouse during or prior to the time the member was on the payroll of any such police department as a police officer, and remained such continuously after their marriage until the member's death, without having been granted a marriage dissolution or legal separation, and who, in case the deceased member was a service or deferred pensioner, was legally married to the member before the member's retirement from

*the police department; and who, in any case, was residing with the member at the time of the member's death. No temporary absence for purposes of business, health or pleasure shall constitute a change of residence for purposes of this clause.*

(2) *"Surviving child" means any child born the issue of the lawful wedlock of a service, disability or deferred pensioner or of a deceased active member, who is under the age of 18 or who is a full-time student under the age of 22.*

*Subd. 2. [ELIGIBILITY.] Pensions may be paid to any (WIDOW) surviving spouse or surviving child (UNDER SIXTEEN YEARS OF AGE) of (SUCH) a pensioned and retired member of the police department, or (TO ANY WIDOW OR CHILD UNDER SIXTEEN YEARS OF AGE) of any member who dies while in the service of the police department of (ANY SUCH) this city.*

Sec. 33. Laws 1945, Chapter 74, Section 4, as amended by Laws 1953, Chapter 235, Section 2; and Laws 1971, Chapter 810, Section 3, is amended to read:

Sec. 4. [SURVIVORS' PENSIONS, (TO WHOM) AMOUNTS PAYABLE.]

(PENSION MAY BE PAID BY SUCH POLICE RELIEF ASSOCIATION TO ANY WIDOW OR CHILD UNDER 19 YEARS OF AGE OF ANY SUCH PENSIONED AND RETIRED MEMBER OF THE POLICE DEPARTMENT AND TO ANY WIDOW OR CHILD UNDER 19 YEARS OF AGE OF ANY MEMBER WHO DIES WHILE IN THE SERVICE OF THE POLICE DEPARTMENT OF SUCH CITY, AND SUCH WIDOW OR CHILD SHALL RECEIVE SUCH SUMS AS MAY BE PROVIDED FOR IN THE BYLAWS OF SUCH POLICE RELIEF ASSOCIATION. IN THE EVENT ANY SUCH WIDOW REMARRIES, SHE SHALL RECEIVE NO FURTHER BENEFITS UNDER THIS LAW.)

*A surviving spouse shall receive a monthly benefit equal to 25 percent of the member's average monthly total pay during the last six months of allowable service preceding death. If a surviving spouse remarries, the pension shall cease and terminate as of the date of the remarriage.*

*Each surviving child shall receive a monthly benefit equal to \$125 per month.*

*If both the member and the member's spouse are deceased, a monthly benefit equal to 25 percent of the member's average monthly total pay during the last six months of allowable service preceding death shall be paid to the surviving child or children.*

*The benefit shall be divided equally if there is more than one surviving child.*

This fund shall not be used for any other purpose than the payment of service, disability or dependency pensions, as herein provided, and for the relief of a sick, injured and disabled policeman. The word "member" as used in this act includes policewomen, police matrons and assistant police matrons.

Sec. 34. Laws 1955, Chapter 151, Section 7, as amended by Laws 1963, Chapter 271, Section 4, Laws 1965, Chapter 465, Section 1, and Laws 1969, Chapter 442, Section 2, is amended to read:

**Sec. 7. [ST. PAUL POLICE RELIEF ASSOCIATION; AUTHORIZED INVESTMENTS.]**

In addition to the rate allowed to be expended for cost of government by the charter of the city or state statute, the city shall levy a tax on all taxable property within the city of Saint Paul at a mill rate which is the greater of (a) or (b) but not greater than (c) where

(a) is the benefits to be paid from the plan in the ensuing calendar year (all other income will be added to the assets as a net increase in such assets) and

(b) is the "adjusted normal cost" for the ensuing calendar year less all other income other than investment income during the ensuing calendar year where the term "adjusted normal cost" is defined as the normal cost figure indicated in the most recent actuarial report required by law increased or decreased by the same ratio as participating (covered) payroll has increased or decreased since the date of the most recent actuarial report required by law, plus interest on the actual deficit as shown by the most recent actuarial valuation at the rate of three percent per annum, and

(c) is an amount not greater than four mills in the year 1969 and an additional one mill each year thereafter unless a greater amount is required by the police and firemen's relief associations guidelines act of 1969. The results of (a), (b) and (c) above will be adjusted so as to reflect any differences between estimates for prior calendar years and actual circumstances during such prior calendar years.

The tax so levied under the provisions of this section shall be levied in the same manner as the city levies other taxes, and the proceeds of this tax shall be paid into the St. Paul policemen's pension fund. The tax levy authorized by this section shall not be considered a part of the tax levy under any limitation in the

charter of the city or state statute, but shall be in addition to any existing charter or statutory tax levy limitation.

(SAID RELIEF ASSOCIATION MAY DEPOSIT ALL FUNDS AVAILABLE FOR INVESTMENT WITH ANY BANK OR SAVINGS AND LOAN ASSOCIATION IN SAINT PAUL IN THE FORM OF TIME DEPOSITS OR WITH THE STATE BOARD OF INVESTMENT FOR THE PURCHASE OF SHARES OF PARTICIPATION IN THE SUPPLEMENTAL RETIREMENT FUND OR ANY SIMILAR FUND CREATED BY THE LEGISLATURE FOR POLICE PENSION INVESTMENT PURPOSES. AT THE DETERMINATION OF THE BOARD OF TRUSTEES OF THE ASSOCIATION, UP TO 20 PERCENT OF THE FUNDS DEPOSITED WITH THE STATE BOARD OF INVESTMENT MAY BE INVESTED IN THE GROWTH SHARE ACCOUNT, WITH THE REMAINDER TO BE INVESTED IN THE INCOME SHARE ACCOUNT. SUCH SHARES SHALL BE CREDITED TO THE ACCOUNT OF AND OWNED BY THE SAINT PAUL POLICE RETIREMENT ASSOCIATION AND NOT TO THE ACCOUNT OF ANY INDIVIDUAL EMPLOYEE.) *The investment of the funds of the relief association shall be governed pursuant to Minnesota Statutes, Section 69.77, Subdivision 2, Clause (7).*

Sec. 35. Laws 1955, Chapter 375, Section 12, as amended by Laws 1957, Chapter 256, Section 1, Laws 1967, Chapter 708, Section 1 and Laws 1969, Chapter 443, Section 1, is amended to read:

Sec. 12. [ST. PAUL, CITY OF; (FIREMEN'S) *FIRE-FIGHTERS'* RELIEF ASSOCIATION; TAX LEVY.]

The city council or other governing body of such city wherein such a relief association is located shall, each year, at the time the tax levies for the support of the city are made, and in addition thereto levy a tax on all taxable property within the city of Saint Paul in an amount which is the greater of (a) or (b) but not greater than (c) where

(a) is the benefits to be paid from the plan in the ensuing calendar year (all other income will be added to the assets as a net increase in such assets), and

(b) is the "Adjusted Normal Cost" for the ensuing calendar year less all other income other than investment income during the ensuing calendar year where the term "Adjusted Normal Cost" is defined as the Normal Cost figure indicated in the most recent actuarial report required by law increased or decreased by the same ratio as participating (covered) payroll has increased or decreased since the date of the most recent actuarial report required by law, plus interest on the actual deficit as

shown by the most recent actuarial valuation at the rate of three percent per annum, and

(c) is an amount not greater than four and one half mills in the year 1969 and an additional one mill each year thereafter unless a greater amount is required by the Police and Firemen's Relief Associations Guidelines Act of 1969. The results of (a), (b) and (c) above will be adjusted so as to reflect any differences between estimates for prior calendar years and actual circumstances during such prior calendar years.

The tax so levied under the provisions of this section shall be levied in the same manner as the city levies other taxes, and the proceeds of this tax shall be paid into the St. Paul Fire Department Relief Association's pension fund. The tax levy authorized by this section shall not be considered a part of the tax levy under any limitation in the charter of the city or state statute, but shall be in addition to any existing charter or statutory tax levy limitation.

The tax so levied shall be transmitted with other tax levies to the auditor of the county in which such city is situated, and by said county shall be collected and payment thereof enforced when and in like manner as state and county taxes are paid.

(SAID RELIEF ASSOCIATION MAY DEPOSIT ALL FUNDS AVAILABLE FOR INVESTMENT WITH ANY BANK OR SAVINGS AND LOAN ASSOCIATION IN SAINT PAUL IN THE FORM OF TIME DEPOSITS OR WITH THE STATE BOARD OF INVESTMENT FOR THE PURCHASE OF SHARES OF PARTICIPATION IN THE SUPPLEMENTAL RETIREMENT FUND OR ANY SIMILAR FUND CREATED BY THE LEGISLATURE FOR FIRE AND POLICE PENSION INVESTMENT PURPOSES. AT THE DETERMINATION OF THE BOARD OF TRUSTEES OF THE ASSOCIATION, UP TO 20 PERCENT OF THE FUNDS DEPOSITED WITH THE STATE BOARD OF INVESTMENT MAY BE INVESTED IN THE GROWTH SHARE ACCOUNT, WITH THE REMAINDER TO BE INVESTED IN THE INCOME SHARE ACCOUNT. SUCH SHARES SHALL BE CREDITED TO THE ACCOUNT OF AND OWNED BY THE SAINT PAUL FIRE DEPARTMENT RELIEF ASSOCIATION AND NOT TO THE ACCOUNT OF ANY INDIVIDUAL EMPLOYEE.) *The investment of the funds of the relief association shall be governed pursuant to Minnesota Statutes, Section 69.77, Subdivision 2, Clause (7).*

Sec. 36. Laws 1961, Chapter 631, Section 1, as amended by Laws 1971, Chapter 809, Section 1, is amended to read:

Sec. 1. [CHISHOLM, CITY OF; FIREMEN'S RELIEF ASSOCIATION.]

In the city of Chisholm, which has a fire department relief association organized under the laws of this state and authorized to pay pensions under Mason's Minnesota Statutes of 1927, Sections 1919, 1920, and 3723 to 3728, or any amendments thereof, such association may pay retirement pensions in excess of the amounts so authorized, but not in excess of the following total amounts:

When a member has reached the age of (55) 50 years or more and has served as a member of such municipal fire department for a period of 20 years or more, or has been disabled physically or mentally because of any injury received or suffered after at least one year of service as a member of the fire department so as to render necessary his retirement from active fire service and cause a total and permanent disability, (SUCH RETIREMENT) *the* member shall be paid each month a pension equal to one half of his average monthly (BASE) *total* pay during the last six months of his service with said fire department. The monthly payment may be increased by adding thereto an amount not exceeding \$5 per month for each year of active duty over 20 years of service before retiring not to exceed five years for purposes of pension computation. No such pension shall be paid to any person while he remains a member of the fire department. The amounts of the retirement pensions hereby authorized shall not apply to members who have retired prior to the enactment hereof, except as may be hereinafter provided.

**Sec. 37. [CHISHOLM FIREFIGHTERS' RELIEF ASSOCIATION; SURVIVORS' BENEFITS.]**

*Subdivision 1. [DEFINITIONS.] For the purposes of Laws 1961, Chapter 631, as amended, the terms defined in this section have the meanings given them.*

(1) *"Surviving spouse" means a person who became the member's legally married spouse during or prior to the time the member was on the payroll of any such fire department as a firefighter, and remained such continuously after their marriage until the member's death, without having been granted a marriage dissolution or legal separation, and who, in case the deceased member was a service or deferred pensioner, was legally married to the member prior to the member's retirement from the fire department; and who, in any case, was residing with the member at the time of the member's death. No temporary absence for purposes of business, health or pleasure shall constitute a change of residence for purposes of this clause.*

(2) *"Surviving child" means any child born the issue of the lawful wedlock of a service, disability or deferred pensioner, or of a deceased active member, who is under the age of 18 or who is a full-time student under the age of 22.*



*Subd. 2. [ELIGIBILITY.] Notwithstanding any law to the contrary, pensions may be paid to any surviving spouse or surviving child of a pensioned and retired member of the fire department or of any member who dies while in the service of the fire department of this city.*

*Subd. 3. [AMOUNTS PAYABLE.] A surviving spouse shall receive a monthly benefit equal to 25 percent of the member's average monthly total pay during the last six months of allowable service preceding death. If a surviving spouse remarries, the pension shall cease and terminate as of the date of the remarriage.*

*Each surviving child shall receive a monthly benefit equal to \$125 per month.*

*If both the member and the member's spouse are deceased, a monthly benefit equal to 25 percent of the member's average monthly total pay during the last six months of allowable service preceding death shall be paid to the surviving child or children. The benefit shall be divided equally if there is more than one surviving child.*

**Sec. 38.** Laws 1974, Chapter 435, Section 3.03, is amended to read:

**Sec. 3.03 [RETIREMENT.] (NOTWITHSTANDING THE PROVISIONS OF THE VETERANS PREFERENCE ACT OR OTHER STATUTES OF THE STATE OF MINNESOTA TO THE CONTRARY,)** Each employee of the county of Ramsey, except (EACH) an elected official, who is (65) 70 years of age, (MUST) shall retire from (HIS) employment by Ramsey county on the first day of the month after the month in which (HE) the employee becomes (65) 70.

**Sec. 39.** Laws 1977, Chapter 61, Section 6, is amended to read:

**Sec. 6. [FINANCIAL REQUIREMENTS OF THE TRUST FUND.]**

*Commencing January 1, 1978, the city of Eveleth shall provide by annual levy an amount sufficient to pay the greater of either (a) an amount which when added to the investment income of the trust fund is sufficient to pay the benefits provided under the trust fund for the succeeding year as certified by the board of trustees of the fund; or (b) an amount equal to the level annual dollar amount sufficient to amortize the unfunded accrued liability of the trust fund by December 31, 1991, as determined in accordance with Minnesota Statutes, Sections 69.77, 356.215 and 356.216 in the latest actuarial valuation.*

The annual levy under this section shall not be included in any limitation as to rate or amount set by charter and shall be a special levy for purposes of Minnesota Statutes, Section 275.50, Subdivision 5. All revenues generated by the levy required under this section shall be transferred to the trust fund.

**Sec. 40. [EVELETH POLICE AND FIREFIGHTERS.]**

*Notwithstanding any general or special law to the contrary, retirement benefits payable to retired police officers and firefighters by the Eveleth police and fire trust fund may be increased by \$40 per month. Survivor benefits payable to a surviving spouse or surviving dependent child may be increased by \$20 per month. Increases may be made retroactive to January 1, 1981.*

Sec. 41. Laws 1978, Chapter 689, Section 5, is amended to read:

**Sec. 5. [FINANCIAL REQUIREMENTS OF THE TRUST FUND.]**

Commencing January 1, 1979, the city of Thief River Falls shall provide by annual levy an amount sufficient to pay the greater of either:

(a) the aggregate amount of service pensions, disability benefits, and survivorship benefits projected by the board of trustees of the trust fund established pursuant to section 4 for the following calendar year less the amount of assets in the trust fund as reported in the last audited financial report of the association prepared pursuant to Minnesota Statutes, Section 69.051, or

(b) an amount equal to the level annual dollar amount sufficient to amortize the unfunded accrued liability of the trust fund by December 31, 1996, as determined in accordance with Minnesota Statutes, Sections 69.77, 356.215 and 356.216 in the latest actuarial valuation. All revenues generated by any levy required under this section shall be transferred to the trust fund.

**Sec. 42. [THIEF RIVER FALLS POLICE; SURVIVOR BENEFITS.]**

*Subdivision 1. [BENEFITS.] Notwithstanding Minnesota Statutes, Section 423.58, when a service pensioner, disability pensioner, deferred pensioner, or an active member of the Thief River Falls police relief association dies, leaving a surviving spouse, one or more surviving children, or both, the surviving spouse and child or children shall be entitled to a pension or pensions as follows:*

(1) *To the surviving spouse a pension in an amount not to exceed \$250 per month payable for life; provided, however, that if the surviving spouse shall remarry, the pension shall terminate as of the date of remarriage.*

(2) *To the child or children, until the child reaches the age of 18 years, a monthly benefit in an amount not to exceed \$125 per month. Payments for the benefit of any qualified dependent child under the age of 18 years shall be made to the surviving parent or if none, to the legal guardian of the child. The maximum monthly benefit for any one family shall not exceed \$750. If the member shall die under circumstances which entitle his surviving spouse and dependent children to receive benefits under the workers' compensation law, the amounts so received by them shall not be deducted from the benefits payable under this section.*

*Subd. 2. [DEFINITIONS.] (a) "Surviving spouse" means a person who became the member's legally married spouse while or prior to the time he was on the payroll of the police department as a police officer, and remained such continuously after their marriage until his death, and who, in case the deceased member was a service or deferred pensioner, was legally married to the member before his retirement from the police department; and who, in any case, was residing with him at the time of his death. No temporary absence for purposes of business, health or pleasure, shall constitute a change of residence for the purposes of this section.*

*(b) "Surviving child" means any child born the issue of the lawful wedlock of a service, disability or deferred pensioner, or of a deceased active member.*

#### Sec. 43. [BUHL POLICE SURVIVOR BENEFITS.]

*Notwithstanding any provision of any general or special law to the contrary, the Buhl police relief association may provide in its bylaws or articles of incorporation for the payment of survivor benefits to the surviving spouse of a deceased member, or the surviving dependent children equally if there be no surviving spouse, in an amount equal to 50 percent of the pension the deceased member was receiving on the date of death. The service pension is to be based on one-half of the total pay of the previous 12 month period. Payment shall continue until the surviving spouse remarries or until the dependent children reach the age of 18 years, or 22 years if a full-time student. In the event of the death of a member prior to retirement, dependent children shall receive survivor benefits in the amount of \$125 per month per child, payable until age 18 or age 22 if a full-time student.*

#### Sec. 44. [ELECTION OF RETIREMENT COVERAGE.]

*Subdivision 1. [ELECTION.] Any person who was an employee of the Suburban Public Health Nursing Service, Incorporated, on or after December 2, 1977, who was excluded from membership in the public employees retirement association shall be entitled to receive allowable service credit in the public employees retirement association in the applicable retirement program for any service as an employee of the Suburban Public Health Nursing Service, Incorporated, during the period from December 2, 1977, to June 1, 1981, if:*

*(a) the employee had deposited an amount equal to the applicable employee contribution rate specified in Minnesota Statutes, Section 353.27, Subdivision 2; applied to the salary rates which the employee actually earned during the period in a retirement contribution escrow account established by the Suburban Public Health Nursing Service, Incorporated;*

*(b) the Suburban Public Health Nursing Service, Incorporated, had deposited an amount equal to the applicable employer and employer additional contribution rate specified in Minnesota Statutes, Section 353.27, Subdivisions 3 and 3a, applied to the salary rates which the employee actually earned during the period in the retirement contribution escrow account;*

*(c) the accumulated moneys of the retirement contribution escrow account, including any investment income earned, is transferred on or before the effective date of this act; and*

*(d) proof of service is established by documentation from the Suburban Public Health Nursing Service, Incorporated, to the executive director of the public employees retirement association in whatever form and to whatever extent required by the executive director.*

*Allowable service credit shall only be granted based on amounts deposited in the retirement contribution escrow account representing contributions for actual service rendered. Purchase of allowable service credit shall be limited to service attributable to the moneys representing contributions transferred from the escrow account to the public employees retirement association. In the event that the moneys representing contributions transferred to the retirement association are not equal to the amount of contributions which should have been made for the service certified, service credit shall be granted in the proportion that the actual moneys representing contributions bear to the contributions that should have been contributed for the amount of service certified.*

*For any person, the service credit granted pursuant to this section shall be allowable service for the purposes of Minnesota Statutes, Chapter 353.*

*Any person covered by this act who is currently receiving an annuity from the public employees retirement association for service other than service credit granted pursuant to this subdivision shall have their annuity recomputed to include the service credit granted pursuant to this section. The recomputed annuity shall be paid commencing the first day of the month following the effective date of the act.*

**Subd. 2. [REPAYMENT OF REFUND.]** *Notwithstanding any minimum service period of Minnesota Statutes 1980, Section 353.35, upon resuming active membership in the public employees retirement association, any person employed by the Suburban Public Health Nursing Service, Incorporated, shall be entitled to repay any refund amounts received pursuant to Minnesota Statutes, Section 353.34, Subdivisions 1 and 2, plus interest at six percent per annum, compounded annually.*

**Sec. 45. [TEMPORARY PROVISION.]**

*Any person whose disability benefit is authorized and in effect pursuant to Minnesota Statutes, Sections 352.113, 352.95, 352B-10, 353.33, 353.656, 354.48, or 354A.36 on the day of final enactment of this act may, on or before December 31, 1981, elect an actuarially equivalent optional annuity pursuant to the provisions of this act. The optional annuity shall be calculated based on the ages of all persons involved as of the date on which the optional annuity begins to accrue. The optional annuity shall begin to accrue on the first day of the month occurring two months after the month in which the optional annuity is elected.*

**Sec. 46. [REPEALER.]**

*Minnesota Statutes 1980, Section 353.022, is repealed.*

**Sec. 47. [EFFECTIVE DATE.]**

*Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 30, and 45 are effective on the day following final enactment. Section 16 with respect to the addition of clause (n) shall be effective on January 1, 1982 and with respect to the addition of clause (o) shall be effective on July 1, 1981. Section 17 shall be effective on the day following final enactment, except that for any person subject to the provisions of this section who, on or prior to July 1, 1980, had established an individual retirement account pursuant to section 408 of the federal internal revenue code of 1954 as amended through December 31, 1980, this section is effective retroactively to the first day of the payroll period including January 1, 1980. Sections 18, 29, and 46 are effective on July 1, 1981. Sections 19 and 44 are effective on June 1, 1981. Section 20 is effective on January 1, 1982. Sections 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, and 43 are effective upon compliance with Minnesota Statutes, Section 645.021."*

Amend the title by deleting it in its entirety and inserting :

"A bill for an act relating to retirement; various retirement funds; crediting service for vesting and benefit accrual purposes in the Minnesota demonstration job-sharing program; removing certain transitional provisions governing the fire state aid program; providing police state aid for municipalities which employ police officers with less than a full year of service; allowing disability benefit recipients to elect actuarially equivalent joint and survivor optional annuities; providing retirement coverage in the public employees retirement association for employees of the Range Association of Municipalities and Schools, the soil and water conservation districts and the Suburban Public Health Nursing Service, Incorporated; increasing the minimum salary requirement for inclusion in membership in the public employees retirement association; requiring various public pension plans to provide information on annuity forms to retiring members and notification to spouse of annuity form elected; authorizing certain former members of the Minneapolis municipal employees retirement fund to repay refund amounts under certain conditions; authorizing benefit increases for the Chisholm police relief association, the Chisholm firefighters relief association, the Eveleth police and firefighters retirement trust fund, the Thief River Falls police retirement trust fund, and the Buhl police relief association; specifying the investment authority of the St. Paul police relief association and the St. Paul firefighters relief association; amending Minnesota Statutes 1980, Sections 43.60, Subdivision 3; 69.011, Subdivisions 1 and 2; 69.021, Subdivisions 1, 2, 6 and 7; 69.031, Subdivision 5; 352.113, Subdivisions 3 and 12; 352.95, Subdivision 5 and by adding a subdivision; 352B.10; 352B.105; 353.01, Subdivisions 2a, 2b and 6; 353.33, Subdivision 11 and by adding a subdivision; 353.656, Subdivision 6 and by adding a subdivision; 354.48, Subdivision 10 and by adding a subdivision; 354A.36, Subdivision 10 and by adding a subdivision; Laws 1945, Chapter 74, Sections 2, as amended, 3 and 4, as amended; 1955, Chapters 151, Section 7, as amended; and 375, Section 12, as amended; 1961, Chapter 631, Section 1, as amended; 1974, Chapter 435, Section 3.03; 1977, Chapter 61, Section 6; and 1978, Chapter 689, Section 5; proposing new law coded in Minnesota Statutes, Chapters 43; 353; 356; and 422A; repealing Minnesota Statutes 1980, Section 353.022."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred :

H. F. No. 517, A bill for an act relating to elections; authorizing the validation of absentee ballots by judges of absentee bal-

lot precincts; amending Minnesota Statutes 1980, Sections 207-11, Subdivisions 1 and 5; and 207.30, Subdivision 3.

Reported the same back with the following amendments:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1980, Section 207.09, Subdivision 2, is amended to read:

Subd. 2. [DELIVERY BY AUDITOR AND TOWN AND CITY CLERKS.] On the day before election day the county auditor shall deliver to the town and city clerks within his county the applications theretofore received and endorsed by him. The town and city clerks shall in turn deliver those endorsed applications together with the applications filed with their respective offices to the respective judges of the several precincts or to the absentee ballot precinct if it has been authorized to examine and receive or reject absentee ballots."

Renumber the sections

Page 2, after line 21, insert:

*"If the election board of an absentee ballot precinct is authorized to receive, examine, and validate absentee ballots, the county auditor or city clerk shall remove from the duplicate registration files the cards of all persons who apply for absentee ballots at the election and deliver them to the election board of the absentee ballot precinct along with the applications for absentee ballots. When a duplicate registration card has been removed from the file for this purpose, it shall be replaced with a notification to the election judges that the voter's card has been removed. The notification form shall direct the election judges to contact the election board of the absentee ballot precinct if that voter presents himself at the polling place for the purpose of casting his vote in person. If contacted by the judges in the precinct, the election board of the absentee ballot precinct shall examine the voter's duplicate registration card to determine if he has cast an absentee ballot. They shall notify the precinct election judges of their findings and, if the absentee ballot has not yet been cast, the voter shall be allowed to cast his vote in person. The election board of the absentee ballot precinct shall then make a notation on the duplicate registration card that the voter has voted, and no absentee ballot shall be counted for him."*

Renumber the sections

Amend the title as follows:

Page 1, line 4, after "Sections" insert "207.09, Subdivision 2,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 546, A bill for an act relating to insurance; providing for a program of continuing education; establishing a continuing insurance education advisory committee; authorizing the commissioner of insurance to promulgate rules to implement the program; requiring certain disclosures on credit insurance policies and application; amending Minnesota Statutes 1980, Section 62B.06, Subdivisions 2, 3 and 4; and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 60A.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 549, A bill for an act relating to energy; creating the Minnesota energy financing commission; establishing a program of loans and financial assistance for small businesses and municipalities; authorizing the issuance of bonds; appropriating money; proposing new law coded in Minnesota Statutes 1980, Chapter 116H; repealing Minnesota Statutes 1980, Section 3.351.

Reported the same back with the following amendments:

Page 1, line 12, delete "COMMISSION" and insert "BOARD"

Page 1, line 14, delete "*commission*" and insert "*board*"

Page 2, line 7, delete "*Commission*" and insert "*Board*"

Page 2, lines 8 and 11, delete "*commission*" and insert "*board*"

Page 3, line 13, delete the first "*the*" and insert "*hydroelectric or hydromechanical projects having a maximum rated output of ten megawatts or less and*"

Page 3, line 21, delete "*or*"

Page 3, line 22, after the comma insert "*counties, town,*"



Page 3, line 25, delete "COMMISSION" and insert "BOARD"

Page 3, line 26, delete "*commission*" and insert "*board*"

Page 3, line 28, delete "*cities, towns, counties and*"

Page 3, line 34, delete "*commission*" and insert "*board*"

Page 4, delete lines 3 to 7

Page 4, lines 16, 17, 21, 22, 29 and 34, delete "*commission*" and insert "*board*"

Page 5, lines 2, 3, 5, 8, 12, and 14, delete "*commission*" and insert "*board*"

Page 5, line 24, delete "COMMISSION" and insert "BOARD"

Page 5, line 24, delete "*commission*" and insert "*board*"

Page 5, line 27, delete "*commissioners*" and insert "*board members*"

Page 5, line 30, delete "*and*"

Page 5, line 31, after "*official*" insert " ; *and*

(d) *One officer or employee of a venture capital firm*"

Page 5, line 32, after "*The*" insert "*chairperson of the energy committee of the house of representatives, the chairperson of the energy and housing committee of the senate, the*"

Page 5, line 34, after "*ex officio*" delete "*members of*" and insert "*, non-voting advisors to*"

Page 5, line 34, delete "*commission*" and insert "*board*"

Page 5, line 35, delete "*The commissioners shall serve three*" and insert "*The appointment, terms, compensation, and removal of members shall be as prescribed in section 15.0575.*"

Page 5, delete line 36

Page 6, delete lines 1 to 4

Page 6, lines 5, 7, 9, 11, and 12, delete "*commission*" and insert "*board*"

Page 6, after line 17, insert

*"Subd. 16. [LIABILITY.] A member of the board shall be indemnified and held harmless by the state for any reasonable costs or expenses incurred as a result of any actual or threatened litigation or administrative proceeding arising out of the performance of the member's duties, except an action brought by the state or an agency thereof arising from the failure of a board member to perform duties in good faith."*

Page 6, line 19, delete "commission" and insert "board"

Page 6, line 21, after "renewable energy" insert "system"

Page 6, line 24, delete "commission" and insert "board"

Page 6, line 28, delete "commission's" and insert "board's"

Page 7, line 2, delete "commission's" and insert "board's"

Page 7, lines 12, 13, 20, 25 and 33, delete "commission" and insert "board"

Page 8, lines 21 and 28, delete "commission" and insert "board"

Page 8, after line 31, insert

*"Subd. 7. [LOANS; BOARD MEMBERS INELIGIBLE.] No loan shall be made by the board to any small business which is owned wholly or in part by a member of the board, or in which a board member has a direct financial interest."*

Page 8, line 32, delete "7" and insert "8"

Page 8, line 34, delete "commission" and insert "board"

Page 9, lines 5 and 25, delete "commission" and insert "board"

Page 10, line 30, delete "commission's" and insert "board's"

Page 10, line 34, delete "\$1,000" and insert "\$ . . . . ."

Pages 11, lines 5 and 14, delete "commission" and insert "board"

Page 12, line 16, delete "commission" and insert "board"

Page 12, line 22, delete "commission's" and insert "board's"

Page 12, lines 24, 27 and 28, delete "commission" and insert "board"

Page 12, line 34, delete "commission's" and insert "board's"

Page 12, line 35, delete "commission" and insert "board"

Page 13, lines 1, 4 and 8, delete "commission" and insert "board"

Page 13, after line 11, insert:

"Sec. 7. [EXPIRATION OF BONDING AUTHORITY.]

*The board shall not issue any bond, note or other obligation after July 1, 1986."*

Re-number the section

Amend the title as follows:

Page 1, line 3, delete "commission" and insert "board"

Page 1, line 7, after "Statutes" delete "1980"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 552, A bill for an act relating to commerce; prohibiting fraud in the use of recreational camping areas; providing a penalty; amending Minnesota Statutes 1980, Sections 327.07; and 327.14, Subdivision 8.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 662, A bill for an act relating to education; imposing duties on certain test agencies; providing a penalty for failure to perform the duties; proposing new law coded in Minnesota Statutes, Chapter 136A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [136A.89] [DEFINITIONS.]

*Subdivision 1. [TERMS.] As used in sections 2 to 6, the terms defined in this section have the meanings given them.*

*Subd. 2. [BOARD.] “Board” means the Minnesota higher education coordinating board.*

*Subd. 3. [POST-SECONDARY EDUCATIONAL INSTITUTION.] “Post-secondary educational institution” means any institution providing a course of study beyond the secondary school level which uses standardized tests as a factor in its admissions process.*

*Subd. 4. [STANDARDIZED TEST; TEST.] “Standardized test” or “test” means any test that is used or required in the selection process for admission to a post-secondary educational institution or program at the institution, and for which the test subject pays a fee. It does not include a federal, state, or local civil service test; a test designed and used solely for nonadmission placement or credit-by-examination; a test or portion of a test designed to evaluate manual skills or other physical abilities; or a test developed and administered by an educational institution for its own internal admission purposes only.*

*Subd. 5. [TEST AGENCY.] “Test agency” means any person, organization, association, corporation, or partnership which develops, sponsors, or administers a standardized test.*

*Subd. 6. [SPONSORING TEST AGENCY.] “Sponsoring test agency” means a test agency which (a) develops or contracts for the development of a standardized test and (b) causes the standardized test to be identified to the public under its name, a trade name, trademark, or other identifying symbol owned by it.*

*Subd. 7. [TEST PREPARATION COURSE.] “Test preparation course” means any curriculum, course of study, plan of instruction, or method of preparation given for a fee which is specifically designed or constructed to prepare a test subject for, or to improve a test subject’s score on, a standardized test.*

*Subd. 8. [TEST PROGRAM.] “Test program” means every administration of a test of the same name during a testing year.*

*Subd. 9. [TEST SCORE.] “Test score” means the value given to the test subject’s performance on a test by the test agency, whether the value is reported in numerical, percentile, or any other form.*

*Subd. 10. [TEST SCORE RECIPIENT.] "Test score recipient" means any person, organization, association, corporation, post-secondary educational institution, or governmental agency or subdivision to which the test subject requests a test agency to report the test subject's score.*

*Subd. 11. [TEST SUBJECT.] "Test subject" means an individual to whom a test is administered.*

*Subd. 12. [TESTING YEAR.] "Testing year" means the 12 calendar months which the test agency chooses as its operational cycle for purposes of sections 2 to 6.*

*Subd. 13. [TEST FORM.] "Test form" means the set of questions that make up a particular version of a standardized test.*

**Sec. 2. [136A.90] [REPORTS TO TEST SUBJECTS AND THE BOARD.]**

*Subdivision 1. [REPORTS TO BOARD.] Within 30 days after the results of a standardized test are released to a test subject or test score recipient, the test agency which releases the results shall file or cause to be filed in the office of the board each of the following:*

*(a) A copy of the test questions used in determining a test subject's raw score;*

*(b) The corresponding acceptable answers to those questions; and*

*(c) All rules for transferring raw scores into the scores reported to a test subject and post-secondary educational institution, together with an explanation of the rules.*

*Subd. 2. [REPORT TO TEST SUBJECT.] A test agency shall provide to any person who registers for a test the option of submitting with the registration form, a request for the following information:*

*(a) A copy of the test questions used in determining the subject's raw score;*

*(b) A copy of the answer sheet to the test and of the test subject's answer sheet with questions counting toward the subject's raw score so marked;*

*(c) A statement of the test subject's raw score used to calculate the score sent to the test subject; and*

(d) All rules for transferring raw scores into the scores reported to a test subject and post-secondary educational institution, together with an explanation of the rules.

A test agency shall send the information specified in clauses (a) to (d) to any test subject who requested the information when registering. A test agency shall also send the specified information to a test subject who submits a request within 90 days after the release of the test score to the test subject.

The test agency may charge a fee for sending the information requested pursuant to this subdivision. The fee may not exceed the direct incremental cost to the test agency of providing the information.

**Subd. 3. [LIMITED APPLICATION.]** (a) Notwithstanding subdivisions 1 and 2, a test agency may withhold from disclosure any test forms administered in Minnesota in any given test program to not more than five percent of the anticipated test subjects annually or to not more than 50 test subjects annually, whichever is greater. However, the test agency shall file, (1) a copy of the test questions used in determining a test subject's raw score, and (2) the corresponding acceptable answers to those questions, in the office of the board within three years after the administration in Minnesota of the test.

(b) Notwithstanding subdivisions 1 and 2 or clause (a) of this subdivision, if a test agency has administered a standardized test to less than 500 test subjects in Minnesota annually, the test agency shall file in the office of the board the information in subdivision 1, clauses (a), (b) and (c) at least once every three years.

(c) Notwithstanding subdivisions 1 and 2, a test agency may withhold from disclosure not more than one-half of the test forms used at regularly scheduled test administration dates administered during a testing year.

(d) Notwithstanding clauses (a), (b) or (c) of this subdivision the number of times a test program shall be administered with disclosure of test questions and answers shall be no less than the number of times that test program was administered with disclosure of test questions and answers to test subjects during the test agency's testing year commencing in 1980.

**Subd. 4. [EXCEPTIONS.]** This section shall not apply to the Medical College Admissions Test, the Graduate Records Exam Advance Test, the College Board Achievement Tests, or to a standardized test which is determined by the board to have substantial use in psychological testing.

*Subd. 5. [PUBLIC RECORDS.] Documents submitted to the board pursuant to this section shall be public records pursuant to Minnesota Statutes, Section 15.1621.*

**Sec. 3. [136A.91] [NOTICE TO TEST SUBJECTS.]**

*Subdivision 1. [INFORMATION TO TEST SUBJECT AT REGISTRATION.] A test agency which provides a registration form to a potential test subject shall provide to the potential test subject in clear and simple language along with the registration form for a test, the following information:*

*(a) An explanation of the test;*

*(b) The purposes for which the test was constructed and is intended to be used;*

*(c) The subject areas included on the test and the knowledge and skills which the test purports to measure;*

*(d) Information for interpreting test results, including the test score scale, the standard error of measurement for the test, and a list of available correlations between test scores and each of the following: (1) grades, (2) first year grade point average, (3) grade point average earned during a completed course of study, (4) the successful completion of a course of study leading to a degree, (5) completion of test preparation courses, and (6) parental income;*

*(e) How the test scores will be reported, including the following: whether the raw test scores will be altered in any way before being reported to the test subject and whether and how the test agency will use the test score, in raw or transformed form, by itself or together with any other information about the test subject, to predict the subject's future academic performance for a post-secondary education institution;*

*(f) A complete description of any promises or covenants the test agency makes to the test subject about the accuracy of test scoring, timely forwarding of information including score reporting, policies for notifying test subjects regarding inaccuracies in scoring or score reporting, and privacy of information relating to the test subject and the test subject's score;*

*(g) Whether or not a test score is the property of the test subject, how long it will be retained by the test agency, and policies regarding storage, disposal and future use of test score data;*

*(h) The time period within which the test subject's test score will be determined and mailed to the test subject and the time*

*period within which the score will be mailed to test score recipients designated by the test subject;*

*(i) A description of special services to accommodate handicapped test subjects;*

*(j) Notice of the information which is available to the test subject under section 2, subdivision 2, and the procedure for appeal or review of a test score by a test agency;*

*(k) Information about the availability of past tests; and*

*(l) The dates upon which tests will be administered with disclosure of test questions and answers.*

**Subd. 2. [INFORMATION TO INSTITUTION.]** *The test agency required to provide the information specified in subdivision 1 to the potential test subject shall provide the same information to an institution which is a test score recipient. The test agency shall provide the information with respect to any test before or coincident with the first reporting of a test score for that test to a recipient institution. The institution is encouraged to provide interpretive processing by qualified personnel.*

**Subd. 3. [NOTICE OF SCORE DELAY.]** *The test agency which reports a test score to the test subject and test score recipient shall immediately notify the test subject and the institutions designated as test score recipients by the test subject if the test subject's score is delayed ten calendar days beyond the time period stated under subdivision 1, clause (h).*

**Sec. 4. [136A.92] [COSTS OF COMPLIANCE.]**

*Any costs incurred by a test agency to comply with sections 2 to 5 in excess of the costs of providing the information pursuant to section 2, subdivision 2, may be added to the regular test fees charged to test subjects. Additional fees may not exceed the direct costs incurred by the agency in complying with sections 2 to 5.*

**Sec. 5. [136A.93] [RULES.]**

*The board shall promulgate rules to implement the provisions of sections 2 to 6. The failure of the board to promulgate rules shall not prevent the provisions of sections 1 to 6 from taking effect.*

**Sec. 6. [136A.94] [VIOLATIONS.]**

*A test agency which violates provisions of sections 2 to 5 shall be liable for a civil penalty of not more than \$500 for each viola-*



*tion. If the board determines that a test agency has not substantially complied with the provisions of sections 2 to 5 with regard to a test, the board may prohibit the testing agency from administering that test until the test agency has substantially complied with the requirements of sections 2 to 5 for the test.*

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

*This act is effective on July 1, 1981 but its provisions shall not apply to a testing agency until the testing agency commences its testing year beginning in 1982."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 681, A bill for an act relating to retirement; reducing a certain deduction from amounts available to pay post-retirement adjustments; appropriating funds; amending Minnesota Statutes 1980, Section 11A.18, Subdivision 9.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 705, A bill for an act relating to the city of Northome; authorizing the establishment of detached banking facilities.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

**"Section 1. [BIG FALLS, TOWN OF: DETACHED BANKING FACILITY; AUTHORIZATION.]**

*With the prior approval of the commissioner of banks, any bank doing business within 35 miles of the town of Big Falls in Koochiching County may establish and maintain not more than one detached facility. Any bank desiring to establish a detached facility shall follow the approval procedure prescribed in Minnesota Statutes, Section 47.54. The establishment of a detached facility in the town of Big Falls shall be subject to the provisions of Minnesota Statutes, Sections 47.51 to 47.57 except insofar as inconsistent with this section.*

## Sec. 2. [LOCAL APPROVAL.]

*This act takes effect when approved by the town board of the town of Big Falls and upon compliance with Minnesota Statutes, Section 645.021."*

Amend the title as follows:

Page 1, line 2, delete "Northome" and insert "Big Falls"

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 745, A bill for an act relating to transportation; classifying the engineers' estimates for all state transportation construction projects as non-public data; adding a new route to the trunk highway system in substitution of an existing route; authorizing the commissioner of transportation to convey or otherwise dispose of certain lands no longer needed for trunk highway purposes; authorizing the temporary transfer of money from certain public funds under certain conditions to certain agency accounts and providing for repayment; increasing the dollar limits for certain contracts and agreements negotiated by the commissioner; defining motor carrier and exempt carrier; transferring the licensing and regulatory provisions for building movers to the transportation regulation board; increasing the dollar limit for development of landing strips; providing fees for hot air ballons and certain non-resident aircraft; amending Minnesota Statutes 1980, Sections 161.16, Subdivision 4; 161.32, Subdivision 2; 161.36, Subdivision 5; 161.46, Subdivision 3; 221.011, Subdivisions 15 and 22; 221.031, Subdivision 2; 221.261; 221.81; 360.305, Subdivision 4; and 360.55, by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapters 15 and 161.

Reported the same back with the following amendments:

Page 1, line 33, delete "*preliminary*" and insert "*completion of final*"

Page 7, after line 32, insert:

"Sec. 10. Minnesota Statutes 1980, Section 221.221, is amended to read:

221.221 [ENFORCEMENT POWERS.]

Transportation representatives *and hazardous material specialists* of the department for the purpose of enforcing the provisions of this chapter and the rules of the commissioner and board issued pursuant to this chapter, but for no other purpose, shall have all the powers conferred by law upon police officers. The powers shall include the authority to conduct inspections at designated highway weigh stations or under other appropriate circumstances within the state for the purpose of viewing log books, licenses, health certificates and other documents or equipment required to be maintained within commercial motor vehicles operating in Minnesota pursuant to applicable state motor vehicle carrier laws and rules."

Page 9, after line 22, insert :

"Sec. 13. Minnesota Statutes 1980, Section 360.037, Subdivision 3, is amended to read:

Subd. 3. [USE OF REVENUES.] The revenues obtained from the ownership, control, and operation of any such airport or other air navigation facility shall be used, first, to finance the maintenance and operating expenses thereof and, second, to make payments of interest on and current principal requirements of any outstanding bonds or certificates issued for the acquisition or improvement thereof, and to make payment of interest on any mortgage heretofore made. Revenues in excess of the foregoing requirements (MAY) *shall* be applied to finance the extension or improvement of the airport or other air navigation facilities."

Page 11, line 23, delete "\$15" and insert "\$25"

Page 11, line 34, delete "\$15" and insert "\$25"

Page 12, line 1, delete "12" and insert "14"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 14, after "carrier;" insert "granting enforcement powers to hazardous material specialists;"

Page 1, line 16, after "board;" insert "requiring excess revenue from an airport to be applied to the improvement of the airport or other air navigation facility;"

Page 1, line 22, after "2;" insert "221.221;"

Page 1, line 23, after "221.81;" insert "360.037, Subdivision 3;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred :

H. F. No. 757, A bill for an act relating to financial institutions; authorizing establishment of detached facilities resulting from mergers and consolidations; amending Minnesota Statutes 1980, Sections 49.34; 49.36; and 49.45.

Reported the same back with the following amendments :

Page 2, line 8, delete "*providing*" and insert "*provided*"

Page 2, line 8, after "*the*" delete "*location and number of*"

Page 2, line 9, delete "*facilities*" and insert "*facility*"

Page 2, line 9, after "*bank*" insert "*which results from such acquisition*"

Page 2, line 9, delete "*conform*" and insert "*conforms*"

Page 2, line 17, after "*facility*" delete "*pursuant*"

Page 2, line 18, delete "*to*" and insert "*in order to prevent the probable failure of a bank as provided in*"

Page 2, line 20, delete "*proposed*" and insert "*resulting*"

Page 2, line 20, delete "*is to*" and insert "*will*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred :

H. F. No. 838, A bill for an act relating to transportation; including within the specific information signing program commercial establishments that provide resort recreational or related services to the recreational traveler; amending Minnesota Statutes 1980, Sections 160.292, Subdivisions 2 and 9, and 160.293, Subdivisions 1 and 3.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred :

H. F. No. 859, A bill for an act relating to commerce; providing for examinations of financial institutions; providing for the proportioning of annual assessments; providing uniform retention periods for records; clarifying the definition of financial

institution; clarifying the distance drive-in or walk-up facilities may be located from a detached facility under certain circumstances; clarifying the notice and approval procedures and judicial review procedures for detached facilities; providing that voting equity in a bank's holding company satisfies the stock requirement of a director; providing additional time for submitting certain bank reports and authorizing acceptance of certain substitute reports; clarifying certain withdrawal provisions applicable to savings associations; requiring credit unions to obtain a commitment for insurance of accounts prior to approval of its application for organization; expanding the exemption from the licensing requirement for sales finance companies to include certain other financial institutions; providing for a compliance examination of sales finance companies once every two years instead of annually; removing certain obsolete provisions; amending Minnesota Statutes 1980, Sections 46.04, Subdivision 1; 46.131, Subdivision 4; 46.21; 47.015, Subdivision 1; 47.52; 47.54; 48.06; 48.48; 51A.33; 52.01; 168.67; and 168.705; repealing Minnesota Statutes 1980, Sections 46.131, Subdivision 6; and 47.17.

Reported the same back with the following amendments:

Page 4, after line 6, insert:

"Sec. 3. Minnesota Statutes 1980, Section 46.131, Subdivision 9, is amended to read:

Subd. 9. These assessments or fees shall be paid by the institution examined within 20 days after a statement of the amount (THEREOF SHALL HAVE) *has* been (RENDERED) *submitted* to the institution examined by the commissioner of banks and, if not so paid, shall bear interest at the *discount* rate (OF SIX PERCENT PER ANNUM; PROVIDED, THAT IN NO CASE SHALL THIS PENALTY BE LESS THAN \$5. SUCH) *charged member banks for borrowing from the Federal Reserve Bank. The* penalty shall be payable to the commissioner on (HIS MAKING A) request (FOR PAYMENT)."

Page 5, line 34, strike "if the commissioner"

Page 5, lines 35 and 36, strike the old language and delete the new language

Page 6, line 1, strike "addition of a drive-in or walk-up facility"

Page 9, after line 12, insert:

"Sec. 9. Minnesota Statutes 1980, Section 48.34, is amended to read:

48.34 [BRANCH BANKS PROHIBITED.]

No bank or trust company organized under the laws of this state shall maintain a branch bank or receive deposits or pay checks within this state, except at its own banking house, and *except as authorized by sections 47.51 to 47.57 and sections 47.61 to 47.74*. The commissioner shall take possession of and liquidate the business and affairs of any state bank or trust company violating the provisions of this section, in the manner prescribed by law for the liquidation of insolvent state banks and trust companies."

Page 10, after line 11, insert:

"Sec. 11. Minnesota Statutes 1980, Section 48.51, is amended to read:

**48.51 [DEMAND DEPOSITS DEFINED.]**

For the purpose of sections 48.50 and 48.51, all deposits are payable on demand except:

(1) Those deposits which are evidenced by a negotiable or non-negotiable instrument which provides on its face that the amount of the deposit is payable:

(a) on a certain date, specified in the instrument, not less than (30) 14 days after the date of the deposit; or (b) at the expiration of a specified period not less than (30) 14 days after the date of the instrument; or (c) upon written notice to be given not less than (30) 14 days before the date of repayment.

(2) Those deposits which may not be withdrawn within (30) 14 days of the making thereof.

(3) Those deposits which may not be withdrawn within (30) 14 days of the giving of notice of an intended withdrawal."

Page 11, line 31, strike "such" and insert "the"

Page 13, line 24, strike "his" and insert "a"

Page 16, after line 11, insert:

"Sec. 16. Minnesota Statutes 1980, Section 300.025, is amended to read:

**300.025 [ORGANIZATION, CERTIFICATE.]**

Any three or more persons may form a corporation for any of the purposes specified in section 47.12 by complying with the conditions hereinafter prescribed; provided, no corporation shall be formed under this section which might be formed under the

Minnesota business corporation act. They shall subscribe and acknowledge a certificate specifying:

(1) The name, the general nature of its business, and the principal place of transacting the same. (SUCH) *The* name shall distinguish it from all other corporations, domestic or foreign, authorized to do business in this state, and shall contain the word "company," "corporation," "bank," "association," or "incorporated". (IN THE CASE OF A STATE BANK THE NAME SHALL CONTAIN THE WORDS "STATE BANK.")

(2) The period of its duration, if limited.

(3) The names and places of residence of the incorporators.

(4) In what board its management shall be vested, the date of the annual meeting at which it shall be elected, and the names and addresses of those composing the board until the first election, a majority of whom shall always be residents of this state.

(5) The amount of capital stock, if any, how the same is to be paid in, the number of shares into which it is to be divided, and the par value of each share; and, if there is to be more than one class, a description and the terms of issue of each, and the method of voting thereon.

(6) The highest amount of indebtedness or liability to which the corporation shall at any time be subject.

It may contain any other lawful provision defining and regulating the powers and business of the corporation, its officers, directors, trustees, members, and stockholders provided that corporations subject to provisions of section 48.27 may show their highest amount of indebtedness to be 30 times the amount of its capital and actual surplus."

Page 16, line 17, delete "13" and insert "17"

Renumber the sections accordingly

Amend the title as follows:

Page 1, line 4, after the semicolon insert "providing a penalty for failure to pay certain fees and assessments;"

Page 1, line 15, after the semicolon insert "modifying the definition of "demand deposits";"

Page 1, line 24, after the semicolon insert "removing the requirement that a state bank's name contain the words "state bank";"

Page 1, line 26, delete "Subdivision 4" and insert "Subdivisions 4 and 9"

Page 1, line 27, after "48.06;" insert "48.34;"

Page 1, line 27, after "48.48;" insert "48.51;"

Page 1, line 28, delete "and" and after "168.705;" insert "and 300.025;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 922, A bill for an act relating to financial institutions; providing for uniform administration of liquidity reserve requirements among deposit institutions; amending Minnesota Statutes 1980, Sections 46.04, Subdivision 1; 50.175; and 52.17; proposing new law coded in Minnesota Statutes, Chapters 48; and 51A; and repealing Minnesota Statutes 1980, Sections 48.22; and 51A.36.

Reported the same back with the following amendments:

Page 4, line 3, after "for" insert "any"

Page 4, line 4, delete "banks" and insert "bank" and delete "companies" and insert "company"

Page 4, line 5, after "reports" insert "relating to the bank or trust company that are"

Page 4, line 8, after the period insert "Reserves for an individual state bank or trust company as prescribed by the commissioner pursuant to this section shall be enforced in accordance with sections 46.24 and 46.30 to 46.33."

Page 5, line 19, after "for" insert "any" and delete "banks" and insert "bank"

Page 5, line 20, after "reports" insert "relating to the savings bank that are"

Page 5, line 24, after the period insert "Reserves for an individual savings bank as prescribed by the commissioner pursuant to this section shall be enforced in accordance with sections 46.24 and 46.30 to 46.33."



Page 5, line 30, delete "an" and insert "any"

Page 5, line 32, after "reports" insert "relating to the association that are"

Page 5, line 35, after the period insert "Reserves for an individual association as prescribed by the commissioner pursuant to this section shall be enforced in accordance with sections 46.24 and 46.30 to 46.33."

Page 6, line 31, after the period insert "The commissioner may waive the requirements in clauses (a) (2) and (b) (2) based on applications by credit unions demonstrating need and considering levels of total reserves and other factors bearing on the credit union's safety and soundness. The commissioner may also require special reserves to protect the interests of members either by rule or by an individual credit union in any special case."

Page 7, line 20, delete "an" and insert "any"

Page 7, line 22, after "reports" insert "relating to the credit union that are"

Page 7, line 24, delete "an association" and insert "a credit union"

Page 7, line 25, after the period insert "Reserves for an individual credit union as prescribed by the commissioner pursuant to this section shall be enforced in accordance with sections 46.24 and 46.30 to 46.33."

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 986, A bill for an act relating to financial institutions; savings associations; increasing the loan term of direct reduction loans; providing for the organization, operation, conversion, merger, reorganization, consolidation, and dissolution of mutual and capital stock associations; authorizing the establishment of savings and loan holding companies; granting the commissioner certain supervisory powers; providing certain examination and reporting requirements; authorizing the issuance and sale of capital certificates; authorizing the payment of dividends on capital stock; authorizing the issuance of certain accounts to married persons or minors as sole owners thereof; allowing certain foreign associations to do business in the state;

prescribing duties; providing examinations and supervision; defining terms; prescribing penalties; amending Minnesota Statutes 1980, Sections 51A.02, Subdivisions 2 and 4, and by adding subdivisions; 51A.03; 51A.04; 51A.07; 51A.08; 51A.09; 51A.10; 51A.11; 51A.12; 51A.13; 51A.15, Subdivision 7; 51A.19, Subdivision 1, and by adding subdivisions; 51A.20; 51A.21, Subdivision 5, and by adding subdivisions; 51A.22; 51A.43; 51A.44; 51A.45; 51A.50; 51A.52; 51A.53; proposing new law coded in Minnesota Statutes, Chapter 51A; repealing Minnesota Statutes 1980, Sections 51A.06; and 51A.49.

Reported the same back with the following amendments:

Page 14, line 11, delete "COMPENSATION OF DIRECTORS" and insert "DIRECTORS' FEES"

Page 14, line 12, delete "compensation" and insert "fees"

Page 14, line 13, delete "compensation" and insert "fees"

Page 16, line 24, after the period delete the remaining language

Page 16, delete lines 25 to 27

Page 18, line 4, after the period strike the remaining language

Page 18, lines 5 and 6, strike the old language, delete the new and insert "*Any hearing required by this section shall be conducted by the commerce commission in accordance with the provisions of the administrative procedures act, sections 15.0411 to 15.052, governing contested cases, including the provisions of the act relating to judicial review of agency decisions.*"

Page 20, line 24, after "CAPITAL REQUIRED" delete the remaining language

Page 20, line 25, delete "SIZES"

Page 20, line 30, delete "paragraph b" and insert "subdivision 2"

Page 21, line 5, delete ", labor, or services actually performed," and insert "or authorized securities"

Page 21, line 9, after "be" delete the remaining language

Page 21, delete lines 10 to 14

Page 21, line 15, delete "the latest available federal census." and insert "not less than \$500,000, provided the commisioner

*may, in his discretion, require a larger amount to be paid in. No portion of the capital stock shall be withdrawn by any person or in any way, either in dividends or otherwise, except as provided by law. No dividend on capital stock shall be made except as provided in section 51A.21, subdivision 21."*

Page 21, line 18, delete "CAPITAL" and insert "PAID-IN" and after the word "SURPLUS" insert "AND EXPENSE FUND"

Page 21, delete lines 19 to 25, and insert "addition to the required capital stock the incorporators shall pay an additional amount as the commissioner shall determine which shall constitute minimum paid-in surplus. This paid-in surplus shall in no event be less than 25 percent of the amount of required capital stock. Furthermore, there shall be established an expense fund in an amount determined by the commissioner to be adequate to meet the expense of organizing the association and its operating expenses until the time its net income is sufficient."

Page 21, line 27, delete "board" and insert "commerce commission" and delete "petition" and insert "application"

Page 25, line 13, after the period insert "In addition to any notice of annual or special meeting required by this act and"

Page 26, line 6, after "shall" delete the remaining language

Page 26, delete line 7, and insert "receive without payment nontransferable rights for a period of at least 20 days to purchase a proportionate share of voting capital stock"

Page 26, line 10, after "others," insert "provided the offering shall be sold in a public offering through an underwriter or if directly by the converting association in a direct community marketing program as provided for in the plan for conversion approved by the commissioner or other responsible authority,"

Page 27, delete lines 9 to 12

Page 27, line 13, delete "(h)" and insert "(g)"

Page 27, line 15, delete "(i)" and insert "(h)" and after "other" insert "provisions, requirements or"

Page 27, line 16, delete "required by" and insert "acceptable to"

Page 29, line 20, delete "TO BANKING DIVISION"

Page 29, line 22, after "therefrom" delete the remaining language

Page 29, delete line 23, and insert "*and the proceedings shall be conducted pursuant to the provisions of the administrative procedure act relating to judicial review of agency decisions, sections 15.0424 to 15.0426, and the scope of judicial review in the proceedings shall be as provided therein.*"

Page 30, line 16, after "therefrom" strike the remaining language

Page 30, line 17, strike everything before the period and insert "*and the proceedings shall be conducted pursuant to the provisions of the administrative procedure act relating to judicial review of agency decisions, sections 15.0424 to 15.0426, and the scope of judicial review in the proceedings shall be as provided therein*"

Page 30, line 18, to page 37, line 18, delete section 11

Page 44, line 13, delete "120" and insert "30"

Page 44, line 25, reinstate the old language, and delete the new language

Page 44, line 31, after "DIRECTORS" insert "*OF MUTUAL ASSOCIATIONS*"

Page 45, after line 19, insert:

"*Subd. 2a. [QUALIFICATIONS REQUIRED OF DIRECTORS OF STOCK ASSOCIATIONS.] In order to qualify as a director of a capital stock association each director shall own and hold shares of voting capital stock of the association unencumbered with a par or stated value of not less than \$500, provided that, if the total assets of the association exceed \$5,000,000, a director must own and hold shares of not less than \$1,000. Except with the written consent of the commissioner, no person shall be eligible for election or shall serve as director or officer of an association who has been adjudicated a bankrupt or convicted of a criminal offense involving dishonesty or a breach of trust. A director shall automatically cease to be a director when he is adjudicated a bankrupt or is convicted of a criminal offense as herein provided or when the par or stated value of the shares of voting capital stock of the association held by him aggregates less than the minimum required to be eligible for election as a director.*"

Page 47, delete lines 12 to 19, and insert:

"*Subd. 11. [MAINTENANCE OF STOCKHOLDER RECORDS; REPORT TO COMMISSIONER.] Every capital stock association shall at all times keep an accurate verified list of all its stockholders with the amount of stock held by each, the type*

*of stock, voting status, the dates of all issuances and transfers, and names of transferees, and shall annually file a copy of the list as it appears on the date of the annual stockholders meeting with the commissioner. A capital stock association has the power to employ the services of a transfer agent to maintain stockholder records and perform stock transfer services. Whenever a change occurs in the outstanding voting stock of any capital stock association which will result in control or in a change in the control of the association it shall promptly report the facts to the commissioner of banks. As used in this subdivision the term "control" means the power to directly or indirectly direct or cause the direction of the management or policies of the association. A change in ownership of capital stock which would result in direct or indirect ownership by a stockholder or an affiliated group of stockholders of less than 25 percent of the outstanding capital stock shall not be considered a change of control. If there is any doubt as to whether a change in the outstanding voting stock is sufficient to result in control thereof or to effect a change in control thereof, the doubt shall be resolved in favor of reporting the facts to the commissioner."*

Page 48, line 9, before "Every" insert "Subdivision 1. [MUTUAL ASSOCIATIONS.]"

Page 49, after line 9, insert:

*"Subd. 2. [CAPITAL STOCK ASSOCIATIONS.] At the end of each dividend period, after deducting all necessary expenses and losses, all of the remaining net profits for the period shall be set aside as a surplus fund provided the surplus fund of the association is not equal to at least 25 percent of outstanding capital stock. If the surplus fund is equal to or exceeds 25 percent of outstanding capital stock, ten percent of the remaining net profits for the period shall be set aside as a surplus fund until it equals 50 percent of the capital stock. The directors may then declare a dividend of so much of the remainder as they may deem expedient, subject to the commissioner's approval."*

Page 51, line 5, before "The" insert "Subdivision 1. [OPERATION OF SAVINGS LIABILITY.]" and strike "is not limited, but"

Page 51, after line 33, insert:

*"Subd. 2. [AMOUNT OF SAVINGS LIABILITY.] The savings liability of a mutual association is not limited. The savings liability of a stock association shall not exceed a sum which is 30 times the amount of its capital stock and its actual surplus. For purposes of this subdivision capital certificates outstanding pursuant to section 51A.21, subdivision 20, may be included in the definition of capital stock."*

Page 52, line 24, to page 60, line 31, delete sections 30 to 33

Page 62, line 1, after "51A.06" insert ", Subdivisions 1 and 2"

Page 62, line 4, delete "37" and insert "32"

Renumber the sections

Amend the title as follows:

Page 1, line 7, delete the language after the semicolon

Page 1, line 8, delete everything before "granting"

Page 1, line 15, delete everything after the semicolon

Page 1, delete line 16

Page 1, line 17, delete everything before "defining"

Page 1, line 24, delete everything after the second semicolon

Page 1, line 27, after "51A.06" insert "Subdivisions 1 and 2"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 1005, A bill for an act relating to the housing finance agency; authorizing temporary rulemaking to define certain terms; providing for a revolving account; permitting certain loans; appropriating money; amending Minnesota Statutes 1980, Sections 462A.03, Subdivision 10; 462A.04, Subdivision 8; 462A.05, Subdivision 17, and by adding subdivisions; 462A.20, Subdivision 3; 462A.21, Subdivision 8, and by adding a subdivision; and 462A.22, Subdivision 9; repealing Minnesota Statutes 1980, Section 462A.21, Subdivision 11.

Reported the same back with the following amendments:

Page 3, line 19, after the period, insert:

*"No loan under this subdivision shall be denied solely on the basis of the inability of the applicant to make periodic loan payments."*

Page 3, line 29, strike "the"

Page 3, strike lines 30 and 31

Page 3, line 32, strike "terms inconsistent with section 47.20"

Page 3, line 34, delete ", subdivision 6" and insert "conventional loans owned by the agency on the effective date of this subdivision 17 or thereafter made or purchased may contain provisions which limit, condition, or prohibit assumption of the loans"

Page 4, after line 14, insert:

"Sec. 6. Minnesota Statutes 1980, Section 462A.07, is amended by adding a subdivision to read:

*Subd. 16. It may establish cooperative relationships with municipal housing and redevelopment authorities and municipalities to develop priorities for the use of agency resources and assistance within municipalities, and to consider municipal housing plans and programs in the process of setting the priorities."*

Page 5, line 9, after "Statutes" insert "1980"

Page 5, after line 29, insert:

"Sec. 11. Minnesota Statutes 1980, Section 462C.03, is amended by adding a subdivision to read:

*Subd. 10. Notwithstanding any provision of this chapter to the contrary, not more than two percent of the aggregate dollar amount of all loans made or purchased within any calendar year under all of a city's housing programs shall be made or purchased without regard to the income limitations of section 462C.03, subdivision 2, and the occupancy limitations of section 462C.05, subdivisions 2 and 4.*

Sec. 12. [462C.09] [ALLOCATION OF QUALIFIED MORTGAGE BONDS.]

*The applicable limit for the Minnesota housing finance agency, pursuant to section 103A (g) of the Internal Revenue Code of 1954 as amended through December 31, 1980, for any calendar year commencing with calendar year 1981, shall be 100 percent of the state ceiling for that year, reduced only by any amounts of bonds which have been or may be allocated by law to specified cities.*

*By July 1 of each year, any city which has received by law an allocation of the state ceiling shall certify to the agency the amount of bonds subject to the state ceiling which the city intends to issue during the calendar year. If the amount certified is less than the amount allocated by law to the city, the applicable limit for the agency shall be increased by the difference between the amount allocated by law to the city, and the amount certified by the city, to the agency.*

## Sec. 13. [APPLICABILITY.]

*The provisions of section 11 shall not apply to any programs which were approved or are considered approved pursuant to section 462C.04, subdivision 2, by the Minnesota housing finance agency on or before the day of final enactment."*

Page 6, after line 15, insert:

## "Sec. 16. [EFFECTIVE DATE.]

*Sections 1 to 14 are effective the day after final enactment."*

Renumber the sections

Amend the title as follows:

Page 1, delete lines 2 to 3 and insert "relating to housing; authorizing the housing finance agency to use temporary rule-making to define certain terms;"

Page 1, line 5, after "loans;" insert "limiting the dollar amount of certain loans; providing for the allocation of mortgage subsidy bonds;"

Page 1, line 8, before "462A.20" insert "462A.07, by adding a subdivision;"

Page 1, line 10, delete "and"

Page 1, line 10, after the semicolon insert "462C.03, by adding a subdivision; and proposing new law coded in Minnesota Statutes, Chapter 462C;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 1013, A bill for an act relating to the operation of state government; authorizing the state board of investment to employ investment management firms to invest certain funds on its behalf; appropriating money; amending Minnesota Statutes 1980, Section 11A.04.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.



The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 1024, A bill for an act relating to education; adding a representative from the Minnesota association of private post-secondary schools to the higher education advisory council; amending Minnesota Statutes 1980, Section 136A.02, Subdivision 6.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 1030, A bill for an act relating to motor vehicles; defining motorized bicycles; regulating the operation thereof; providing for the licensure of operators; amending Minnesota Statutes 1980, Sections 168.011, Subdivision 27; 169.01, Subdivision 4a; 169.223; 171.01, Subdivision 20; and 171.02, Subdivision 3.

Reported the same back with the following amendments:

Page 1, line 12, after "bicycle" delete ","

Page 1, line 13, delete "*commonly termed a "moped"*,"

Page 1, line 20, delete "*moped*" and insert "*motorized bicycle*"

Page 1, line 25, after "bicycle" delete ","

Page 1, line 26, delete "*commonly termed a "moped"*,"

Page 2, line 7, delete "*moped*" and insert "*motorized bicycle*"

Page 2, line 26, after "*160.263*" insert "*, but motorized bicycles may be parked in areas designated for parking bicycles*"

Page 3, line 3, delete "*, commonly termed a "moped"*,"

Page 3, line 11, delete "*moped*" and insert "*motorized bicycle*"

Pages 3 and 4, delete section 5

Page 4, after line 2, insert:

“Sec. 5. [INFORMATION.]

*The department of public safety shall develop educational and enforcement programs to provide information to law enforcement agencies and members of the public regarding motorized bicycle safety and to prevent the illegal operation of motorized bicycles.*

Sec. 6. [APPROPRIATION.]

*There is appropriated to the department of public safety from the general fund in the state treasury the sum of \$ . . . . . to carry out the purposes of this act.”*

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1034, A bill for an act relating to employment; prohibiting certain cities from establishing residency requirements as a condition of employment; proposing new law coded in Minnesota Statutes, Chapter 415.

Reported the same back with the following amendments:

Page 1, line 11, after “city” insert “or county”

Page 1, line 13, in both instances, after “city” insert “or county”

Amend the title as follows:

Page 1, line 2, after “cities” insert “or counties”

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1048, A bill for an act relating to insurance; removing insurance solicitors from insurance licensing provisions; prescribing certain fees; providing for licensing of certain legal entities as agents; providing for the licensing of other insurance agents; providing for examinations; providing exceptions to the licensing requirements; authorizing temporary licenses; provid-

ing for appointment of agents by insurers; prohibiting certain persons from obtaining an agent's license; providing for the revocation or suspension of licenses upon specified conditions; providing for the surrender, loss, or destruction of licenses; prescribing certain powers of the commissioner; authorizing the sale of contracts on a variable basis without licensure in certain circumstances; authorizing the commissioner to promulgate rules; prescribing penalties; amending Minnesota Statutes 1980, Sections 60A.02, Subdivision 7; 60A.14, Subdivision 1; 60A.17, Subdivisions 1, 3, 5, 6, 10, 12, and 13, and by adding subdivisions; repealing Minnesota Statutes 1980, Sections 60A.02, Subdivision 8; and 60A.17, Subdivisions 2, 2a, 2b, 4, 5a, 6a, 7, and 9.

Reported the same back with the following amendments:

Page 3, line 23, delete "by an" and insert ", a domestic"

Page 3, line 24, reinstate the stricken language before the semicolon

Page 3, line 24, after "\$5" insert "annually"

Page 3, line 24, after "\$3" insert "annually"

Page 3, line 26, delete the comma

Page 3, line 27, delete "\$15"

Page 5, line 17, delete "licensed" and insert "qualified"

Page 5, line 19, before the period insert "*and been appointed by an insurer which has submitted a written requisition for a license for that agent as of August 1, 1981*"

Page 5, line 20, delete "licensed" and insert "qualified"

Page 5, line 23, before the period insert "*and been appointed by any insurer which has submitted a written requisition for a license for that agent as of August 1, 1981*"

Page 7, after line 6, insert:

*"(d) The examination shall be given only after the applicant has completed a program of studies in a school, which shall include a school conducted by an admitted insurer, a correspondence course given by an admitted insurer, or other course of study. The course of study shall consist of the equivalent of 45 hours study for each line for which a license application is made. If the applicant has been previously licensed for the particular line of insurance in the state of Minnesota, the requirement of a program of studies or a study course shall be waived. A certifi-*

*ation of compliance by an admitted insurer shall accompany the agent's license application. This program of studies in a school or a study course shall not apply to farm property perils and farm liability applicants, or to agents writing such other lines of insurance as the commissioner may exempt from examination by directive;"*

Page 7, line 7, delete "(d)" and insert "(e)"

Page 7, line 11, delete "both" and delete "and the appointing insurer"

Page 7, line 13, delete "(e)" and insert "(f)"

Page 7, line 16, delete "(f)" and insert "(g)"

Page 9, line 8, delete "business"

Page 10, line 4, delete "who acts" and insert ", without license or other qualification, may act"

Page 10, line 5, after "insurance" insert "for that insurer; provided that"

Page 10, line 5, delete "participates" and insert "must participate"

Page 10, line 6, delete "the" and insert "any such"

Page 14, line 35, delete "until voluntarily terminated" and add "for one year unless sooner terminated voluntarily"

Page 14, line 36, delete "until"

Page 15, line 1, after "terminated" insert "during the appointment year"

Page 15, lines 13, 18 and 22, delete "information,"

Page 16, after line 28, insert:

"Sec. 13. Minnesota Statutes 1980, Section 60A.17, is amended by adding a subdivision to read:

*Subd. 6b. [FEES FOR SERVICES.] No person shall charge a fee for any services rendered in connection with the solicitation, negotiation or servicing of any insurance contract unless:*

(1) prior to rendering the services, a written statement is provided disclosing:

- (a) *the services for which fees are charged;*
- (b) *the amount of the fees;*
- (c) *that the fees are charged in addition to premiums; and*
- (d) *that premiums include a commission;*
- (2) *all fees charged are reasonable in relation to the services rendered."*

Renumber the remaining sections accordingly

Page 16, line 31, delete "6b" and insert "6c"

Page 17, line 28, delete "or"

Page 17, line 30, before the period insert "; or

(12) *That the licensee has violated subdivision 6b"*

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 1052, A bill for an act relating to state lands; providing for the conveyance of certain land to the city of Fergus Falls.

Reported the same back with the following amendments:

Page 1, line 10, after "Minnesota," insert "*for the purposes of student housing,*"

Page 1, line 12, delete "*Mesabi*" and insert "*Fergus Falls*"

Page 1, line 12, after the period insert "*The tract shall not exceed three acres. The deed shall provide that the tract shall revert to the state when it is no longer used for student housing.*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 1078, A bill for an act relating to transportation; providing for the repair of impassable town roads; establishing a dollar limit per mile for work performed by a county on impassable town roads; amending Minnesota Statutes 1980, Section 163.16, Subdivision 3.

Reported the same back with the following amendments:

Page 1, line 19, strike "30" and insert "120"

Page 1, line 25, delete "\$30,000" and insert "\$25,000"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1089, A bill for an act relating to the city of St. Cloud; authorizing the improvement and operation of the city-owned Mississippi River dam to provide for generation and transmission of hydroelectric power, and the issuance of revenue bonds to finance the project.

Reported the same back with the following amendments:

Page 1, lines 13 and 16, delete "*and transmission*"

Amend the title as follows:

Page 1, line 4, delete "and"

Page 1, line 5, delete "transmission"

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1199, A bill for an act relating to insurance; providing for the examination of certain insurers; requiring certain reports and providing certain alternatives to examinations; authorizing the commissioner to promulgate rules; broadening the commissioner's power to revoke or suspend certificates of authority; expanding certain insurers' investment authority; allowing the commissioner to regulate an insurer's ratio of qualified assets to required liabilities; broadening the coverage of the financial statement requirement; providing for annual audits;

providing standards for the investment of assets of insurance companies; allowing the use of certain depositories and systems; providing certain limitations on the acquisition of specified investments and holdings; providing for miscellaneous changes and clarifications; amending Minnesota Statutes 1980, Sections 60A.031, Subdivisions 1, 3, 4, 5, and by adding subdivisions; 60A.05; 60A.11, by adding subdivisions; 60A.13, Subdivisions 1 and 6, and by adding subdivisions; 61A.28, Subdivisions 2, 3, and 6; 61A.282; 61A.29, Subdivision 2; 61A.30; 61A.31, Subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, Chapters 60A and 61A; repealing Minnesota Statutes 1980, Sections 60A.031, Subdivision 2; and 60A.11, Subdivisions 2 to 8.

Reported the same back with the following amendments:

Page 27, line 16, strike the comma

Page 27, line 32, strike "if the real estate is used for"

Page 27, line 33, strike "commercial purposes"

Page 28, line 23, strike "if" and delete "the"

Page 28, line 24, strike "real estate is to be used for commercial purposes"

Page 29, line 13, delete "dispersed" and insert "disbursed"

Page 31, line 32, delete "20" and insert "25"

Page 31, line 33, delete "25" and insert "20"

Page 32, line 13, delete "granted by an issuer"

Page 32, line 14, strike "of"

Page 32, line 17, delete "the issuer"

Page 33, delete lines 6 to 8

Page 33, line 9, delete "the Dominion of Canada,"

Page 33, line 9, after "indebtedness" strike the comma and insert "(1) secured by letters of credit issued by a national bank, state bank or trust company which is a member of the Federal Reserve system or by a bank organized under the laws of the Dominion of Canada; (2) traded on a National Securities Exchange, or (3)"

Page 33, line 13, after "thereof," delete "or"

Page 33, line 14, delete "*traded on a National Securities Exchange,*"

Page 34, line 6, after "a" insert "*governmental entity or*"

Page 34, line 12, after "*the company.*" insert "*In addition to the authority granted by clause (d) of this subdivision, to the extent and on such terms and conditions as the commissioner determines to be consistent with the purposes of this chapter,*"

Page 34, line 14, after "*options*" insert a period and delete the balance of the line

Page 34, delete lines 15 and 16

Page 35, line 36, after "(a)" insert "*or held in the name of the company*"

Page 36, line 18, before "*value*" insert "*market*"

Page 36, line 19, after "*time*" insert "*, excluding securities held in a separate account established pursuant to section 61A.-14, subdivision 1,*"

Page 39, line 35, after "*cost*" insert "*to the company*"

Page 40, line 13, restore the stricken language before "*real*" and after "*or*"

Page 40, lines 14 to 20, restore the stricken language

Page 40, line 21, restore "*or 40 years, whichever is less, and (3)*"

Page 40, line 29, restore the stricken language after "*(5)*"

Page 40, lines 30 and 31, restore the stricken language

Page 40, line 32, delete "*(b)*" and insert "*(c)*"

Page 41, line 2, strike "*(c)*" and insert "*(d)*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 1253, A bill for an act relating to the department of economic security; authorizing financial assistance to com-



munity action agencies; defining terms; providing a formula for the distribution of funds; proposing new law coded as Minnesota Statutes, Chapter 268A.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 439, 517, 552, 662, 681, 705, 745, 757, 838, 859, 922, 986, 1024, 1034, 1048, 1052, 1078, 1089 and 1199 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Wenzel introduced:

H. F. No. 1376, A bill for an act relating to appropriations; appropriating funds to the public utilities commission for a report on natural gas rate averaging; directing the averaging of rates in a certain geographic area.

The bill was read for the first time and referred to the Committee on Appropriations.

Ellingson, Skoglund and Wynia introduced:

H. F. No. 1377, A bill for an act relating to the environment; providing approval authority for critical areas only to the legislature; providing plan and regulation approval authority to the state planning agency; permanently designating the Mississippi River Corridor Critical Area; amending Minnesota Statutes 1980, Sections 116G.03, by adding a subdivision; 116G.04; 116G.-06; 116G.07; 116G.08; 116G.09, Subdivisions 1, 3, and 4; 116G.-10; 116G.12, Subdivision 4; and 116G.14; proposing new law coded in Minnesota Statutes, Chapter 116G; repealing Minnesota Statutes 1980, Section 116G.09, Subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Halberg and Dempsey introduced:

H. F. No. 1378, A bill for an act relating to costs and attorney fees; providing for recovery of costs and attorney fees by prevailing parties in civil actions against the state and administrative contested cases; proposing new law coded in Minnesota Statutes, Chapters 3 and 15.

The bill was read for the first time and referred to the Committee on Judiciary.

Brinkman, Ewald, Searles and Berkelman introduced:

H. F. No. 1379, A bill for an act relating to financial institutions; providing a usury exemption on open end credit extended in the use of bank credit cards; detailing certain notice requirements; regulating the charges for certain types of insurance issued in connection with the extension of such credit; amending Minnesota Statutes 1980, Section 48.185, Subdivisions 3 and 4, and by adding a subdivision; repealing Minnesota Statutes 1980, Section 48.185, Subdivision 4a.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Sarna, Munger, McEachern, Osthoff and Aasness introduced:

H. F. No. 1380, A bill for an act relating to natural resources; providing for an adult hunter education program; appropriating money.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Tomlinson, Novak, Hanson, Schreiber and Dempsey introduced:

H. F. No. 1381, A bill for an act relating to taxation; property tax assessment; providing penalties and bonuses for certain property assessment performance; amending Minnesota Statutes 1980, Section 275.51, Subdivision 3d; proposing new law coded in Minnesota Statutes, Chapter 477A; repealing Minnesota Statutes 1980, Section 477A.04.

The bill was read for the first time and referred to the Committee on Taxes.

Lehto introduced:

H. F. No. 1382, A bill for an act relating to the city of Duluth; providing for the size of the housing and redevelopment authority.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Anderson, I., introduced:

H. F. No. 1383, A bill for an act relating to education; establishing grants for alternative educational delivery systems in small rural school districts; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

McEachern and Welch introduced:

H. F. No. 1384, A bill for an act relating to waters; authorizing conveyance of the state's interest in certain lands in Sherburne county.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Rodriguez, F., introduced:

H. F. No. 1385, A bill for an act relating to retirement; teachers' occupational disability benefits; amending Minnesota Statutes 1980, Section 354.05, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 354.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sarna; Anderson, I.; Osthoff; Carlson, D., and Begich introduced:

H. F. No. 1386, A bill for an act relating to public employment; providing for transfer of accrued vacation or compensatory time under certain conditions; amending Minnesota Statutes 1980, Section 16A.17, Subdivision 7.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Minne introduced:

H. F. No. 1387, A bill for an act relating to the city of Hibbing; providing for the election and terms of city officers.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Ainley; Nelsen, B.; Kvam; Nysether and Dempsey introduced:

H. F. No. 1388, A bill for an act relating to taxation; real property; providing a reduced assessment ratio for industrial and commercial property; amending Minnesota Statutes 1980, Section 273.13, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

#### HOUSE ADVISORIES

The following House Advisory was introduced:

Clawson and Byrne introduced:

H. A. No. 23, A proposal to re-examine the proposed dissolution of the state's procurement standards and engineering function.

The advisory was referred to the Committee on Governmental Operations.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 339, A bill for an act relating to towns; providing for the opening of cartways under certain circumstances; providing a method for determining whether to open or maintain certain town roads; amending Minnesota Statutes 1980, Sections 164.08, Subdivision 2; and 365.10.

PATRICK E. FLAHAVEN, Secretary of the Senate

Berkelman moved that the House refuse to concur in the Senate amendments to H. F. No. 339, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

### CONSENT CALENDAR

S. F. No. 692, A bill for an act relating to Ramsey County; stating positions in the unclassified county services; placing employees of the judicial district administrator's office in the unclassified service; amending Laws 1974, Chapter 435, Section 3.02, Subdivision 6, as amended.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Kahn	Niehaus	Schreiber
Ainley	Esau	Kaley	Norton	Shea
Anderson, B.	Evans	Kalis	Novak	Sherman
Anderson, G.	Ewald	Kelly	Nysether	Sieben, M.
Anderson, I.	Fjoslien	Knickerbocker	Ogren	Simoneau
Anderson, R.	Forsythe	Kostohryz	Olsen	Skoglund
Battaglia	Friedrich	Laidig	Onnen	Stadum
Begich	Greenfield	Lehto	Osthoff	Staten
Berkelman	Gruenes	Lemen	Otis	Stumpf
Blatz	Gustafson	Levi	Peterson, B.	Sviggum
Brandl	Halberg	Long	Peterson, D.	Swanson
Brinkman	Hanson	Ludeman	Piepho	Valan
Carlson, D.	Haukoos	Mann	Redalen	Valento
Carlson, L.	Heap	Marsh	Reding	Vanasek
Clark, J.	Heinitz	McCarron	Rees	Vellenga
Clark, K.	Himle	McDonald	Reif	Voss
Clawson	Hoberg	McEachern	Rodriguez, C.	Weaver
Dahlvang	Hokanson	Mehrrens	Rodriguez, F.	Welch
Dean	Hokr	Metzen	Rose	Welker
Dempsey	Jacobs	Minne	Rothenberg	Wenzel
Den Ouden	Jennings	Munger	Samuelson	Wieser
Drew	Johnson, C.	Murphy	Sarna	Wynia
Eken	Johnson, D.	Nelsen, B.	Schafer	Zubay
Elioff	Jude	Nelson, K.	Schoenfeld	Spkr. Sieben, H.

The bill was passed and its title agreed to.

S. F. No. 454, A bill for an act relating to crimes; redefining criminal sexual conduct; amending Minnesota Statutes 1980, Sections 609.341, Subdivision 11; 609.342; 609.343; and 609.345.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kahn	Novak	Sherman
Ainley	Evans	Kaley	Nysether	Sieben, M.
Anderson, B.	Ewald	Kalis	Ogren	Simoneau
Anderson, G.	Fjoslien	Kelly	Olsen	Skoglund
Anderson, I.	Forsythe	Knickerbocker	Onnen	Stadum
Anderson, R.	Friedrich	Kostohryz	Osthoff	Staten
Battaglia	Greenfield	Laidig	Otis	Stumpf
Begich	Gruenes	Lehto	Peterson, B.	Sviggum
Berkelman	Gustafson	Lemen	Peterson, D.	Swanson
Blatz	Halberg	Levi	Piepho	Tomlinson
Brandl	Hanson	Ludeman	Redalen	Valan
Brinkman	Harens	Mann	Reding	Valento
Carlson, D.	Hauge	Marsh	Rees	Vanasek
Carlson, L.	Haukoos	McCarron	Reif	Vellenga
Clark, J.	Heap	McDonald	Rice	Voss
Clark, K.	Heintz	McEachern	Rodriguez, C.	Weaver
Clawson	Himle	Mehrrens	Rodriguez, F.	Weich
Dahlvang	Hoberg	Metzen	Rose	Welker
Dean	Hokanson	Minne	Rothenberg	Wenzel
Dempsey	Hokr	Munger	Samuelson	Wieser
Den Ouden	Jacobs	Murphy	Sarna	Wynia
Drew	Jennings	Nelsen, B.	Schafer	Zubay
Eken	Johnson, C.	Nelson, K.	Schoenfeld	Sprk. Sieben, H.
Elioff	Johnson, D.	Niehaus	Schreiber	
Ellingson	Jude	Norton	Shea	

The bill was passed and its title agreed to.

### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Sieben, M., requested immediate consideration of H. F. Nos. 1304, 326 and 3.

H. F. No. 1304, A bill for an act relating to state government; providing for deficiencies in and supplementing appropriations for the expenses of state government; appropriating money.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Blatz	Dahlvang	Evans	Hanson
Ainley	Brandl	Dean	Ewald	Hauge
Anderson, B.	Brinkman	Dempsey	Fjoslien	Haukoos
Anderson, G.	Byrne	Den Ouden	Forsythe	Heap
Anderson, I.	Carlson, D.	Drew	Friedrich	Heintz
Anderson, R.	Carlson, L.	Eken	Greenfield	Himle
Battaglia	Clark, J.	Elioff	Gruenes	Hoberg
Begich	Clark, K.	Ellingson	Gustafson	Hokanson
Berkelman	Clawson	Esau	Halberg	Hokr

Jacobs	Ludeman	Ogren	Rothenberg	Tomlinson
Jennings	Marsh	Olsen	Samuelson	Valan
Johnson, C.	McCarron	Onnen	Sarna	Valento
Johnson, D.	McDonald	Osthoff	Schafer	Vanasek
Jude	McEachern	Otis	Schoenfeld	Vellenga
Kahn	Mehrkens	Peterson, B.	Schreiber	Voss
Kaley	Metzen	Peterson, D.	Shea	Weaver
Kalis	Minne	Piepho	Sherman	Welch
Kelly	Munger	Pogemiller	Sieben, M.	Welker
Knickerbocker	Murphy	Redalen	Simoneau	Wenzel
Kostohryz	Nelsen, B.	Reding	Skoglund	Wieser
Kvam	Nelson, K.	Rees	Stadum	Wynia
Laidig	Niehaus	Reif	Staten	Zubay
Lehto	Norton	Rice	Stowell	Spkr. Sieben, H.
Lemen	Novak	Rodriguez, C.	Stumpf	
Levi	Nysether	Rodriguez, F.	Sviggum	
Long	O'Connor	Rose	Swanson	

The bill was passed and its title agreed to.

H. F. No. 326, A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1980, Sections 62E.52, Subdivisions 2 and 3; 62E.53, Subdivisions 1 and 2; and 62E.531, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kaley	Novak	Shea
Ainley	Ewald	Kalis	Nysether	Sherman
Anderson, B.	Fjoslien	Kelly	O'Connor	Sieben, M.
Anderson, G.	Forsythe	Knickerbocker	Ogren	Simoneau
Anderson, I.	Friedrich	Kostohryz	Olsen	Skoglund
Anderson, R.	Greenfield	Kvam	Onnen	Stadum
Battaglia	Gruenes	Laidig	Osthoff	Staten
Begich	Gustafson	Lehto	Otis	Stowell
Berkelman	Halberg	Lemen	Peterson, D.	Stumpf
Blatz	Hanson	Levi	Piepho	Sviggum
Brandl	Harens	Long	Pogemiller	Swanson
Brinkman	Hauge	Mann	Redalen	Tomlinson
Byrne	Haukoos	Marsh	Reding	Valan
Carlson, D.	Heap	McCarron	Rees	Valento
Carlson, L.	Heinitz	McDonald	Reif	Vanasek
Clark, J.	Himle	McEachern	Rice	Vellenga
Clark, K.	Hoberg	Mehrkens	Rodriguez, C.	Voss
Clawson	Hokanson	Metzen	Rodriguez, F.	Weaver
Dahlvang	Hokr	Minne	Rose	Welch
Dempsey	Jacobs	Munger	Rothenberg	Welker
Drew	Jennings	Murphy	Samuelson	Wenzel
Eken	Johnson, C.	Nelsen, B.	Sarna	Wieser
Elioff	Johnson, D.	Nelson, K.	Schafer	Wynia
Ellingson	Jude	Niehaus	Schoenfeld	Zubay
Esau	Kahn	Norton	Schreiber	Spkr. Sieben, H.

Those who voted in the negative were:

Den Ouden      Ludeman

The bill was passed and its title agreed to.

H. F. No. 3 was reported to the House.

McCarron moved to amend H. F. No. 3, the second engrossment, as follows:

Page 23, line 14, delete "256E.08, subdivision 9;"

Amend the title as follows:

Page 1, line 18, delete "256E.08, Subdivision 9;"

The motion prevailed and the amendment was adopted.

H. F. No. 3, A bill for an act relating to community social services; defining groups of persons for whom counties are responsible; establishing certain funding levels; clarifying sections of the community social services act; amending Minnesota Statutes 1980, Sections 245.64; 245.66; 245.84, Subdivisions 2 and 5; 252.21; 252.24, Subdivisions 1, 3 and 4; 252.27, Subdivisions 1 and 2; 254A.03, Subdivision 1; 254A.05, Subdivision 1; 254A.07, Subdivision 2; 254A.08, Subdivision 1; 256E.03, Subdivision 2; 256E.04, Subdivision 1; 256E.05, Subdivisions 2 and 3; 256E.06, Subdivisions 1, 2, 4, and 5; 256E.07, Subdivision 2; 256E.08, Subdivisions 1, 7 and 9; 256E.09, Subdivisions 1, 3, and by adding a subdivision; 256E.10; and 256E.12, Subdivision 3; repealing Minnesota Statutes 1980, Sections 245.67; 245.68; 245.72; 252.26; 256E.06, Subdivision 11; and 261.27.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Byrne	Elioff	Hanson	Jude
Ainley	Carlson, D.	Ellingson	Harens	Kahn
Anderson, B.	Carlson, L.	Esau	Hauge	Kaley
Anderson, G.	Clark, J.	Evans	Haukoos	Kalis
Anderson, I.	Clark, K.	Ewald	Heap	Kelly
Anderson, R.	Clawson	Fjoslien	Himle	Knickerbocker
Battaglia	Dahlvang	Forsythe	Hoberg	Kostohryz
Begich	Dean	Friedrich	Hokr	Kvam
Berkelman	Dempsey	Greenfield	Jacobs	Laidig
Blatz	Den Ouden	Gruenes	Jennings	Lehto
Brandl	Drew	Gustafson	Johnson, C.	Lemen
Brinkman	Eken	Halberg	Johnson, D.	Levi



Long	Niehaus	Redalen	Sherman	Vellenga
Ludeman	Norton	Reding	Sieben, M.	Voss
Mann	Novak	Rees	Simoneau	Weaver
Marsh	Nysether	Rice	Skoglund	Welch
McCarron	O'Connor	Rodriguez, C.	Stadum	Welker
McDonald	Ogren	Rodriguez, F.	Staten	Wenzel
McEachern	Olsen	Rose	Stowell	Wieser
Mehrkens	Onnen	Rothenberg	Stumpf	Wynia
Metzen	Osthoff	Samuelson	Sviggum	Zubay
Minne	Otis	Sarna	Swanson	Spkr. Sieben, H.
Munger	Peterson, B.	Schafer	Tomlinson	
Murphy	Peterson, D.	Schoenfeld	Valan	
Nelsen, B.	Piepho	Schreiber	Valento	
Nelson, K.	Pogemiller	Shea	Vanasek	

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

### CALENDAR

H. F. No. 623, A bill for an act relating to commerce; providing for an alternative method of meeting the organizational membership requirement for the conducting of bingo occasions, operation of gambling devices, and conducting of raffles by organizations; amending Minnesota Statutes 1980, Sections 349.14; and 349.26, Subdivision 9.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Aasness	Ewald	Kvam	Olsen	Skoglund
Ainley	Fjoslien	Lehto	Onnen	Stadum
Anderson, B.	Forsythe	Lemen	Osthoff	Staten
Anderson, G.	Friedrich	Levi	Otis	Stowell
Anderson, I.	Greenfield	Long	Peterson, B.	Stumpf
Anderson, R.	Gruenes	Ludeman	Peterson, D.	Sviggum
Battaglia	Gustafson	Mann	Piepho	Swanson
Begich	Halberg	Marsh	Pogemiller	Tomlinson
Berkelman	Hauge	McCarron	Redalen	Valan
Blatz	Haukoos	McDonald	Reding	Valento
Brandl	Himle	McEachern	Rees	Vanasek
Brinkman	Hoberg	Mehrkens	Reif	Vellenga
Byrne	Hokanson	Metzen	Rodriguez, C.	Voss
Carlson, L.	Hokr	Minne	Rodriguez, F.	Weaver
Clark, J.	Jacobs	Munger	Rose	Welch
Clawson	Jennings	Murphy	Rothenberg	Welker
Dahlvang	Johnson, C.	Nelsen, B.	Samuelson	Wenzel
Dean	Johnson, D.	Nelson, K.	Sarna	Wieser
Dempsey	Jude	Niehaus	Schafer	Wynia
Drew	Kahn	Norton	Schreiber	Zubay
Eken	Kalis	Novak	Shea	Spkr. Sieben, H.
Elioff	Kelly	Nysether	Sherman	
Ellingson	Knickerbocker	O'Connor	Sieben, M.	
Evans	Kostohryz	Ogren	Simoneau	

Those who voted in the negative were:

Den Ouden	Heap	Laidig	Rice	Schoenfeld
Hanson				

The bill was passed and its title agreed to.

S. F. No. 917, A bill for an act relating to the statutes; removing archaic language from certain laws related to animals; amending Minnesota Statutes 1980, Sections 346.20; 346.21; 346.215; 346.216; 346.22; 346.23; 346.24; 346.25; 346.26; 346.27; 346.28; 346.31; 346.32; 346.33; 346.34; and 347.23.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kelly	O'Connor	Sieben, M.
Ainley	Evans	Knickerbocker	Ogren	Simoneau
Anderson, B.	Ewald	Kostohryz	Olsen	Skoglund
Anderson, G.	Fjoslien	Kvam	Onnen	Stadum
Anderson, I.	Forsythe	Laidig	Osthoff	Staten
Anderson, R.	Friedrich	Lehto	Otis	Stowell
Battaglia	Greenfield	Lemen	Peterson, B.	Stumpf
Begich	Gruenes	Levi	Peterson, D.	Svigum
Berkelman	Gustafson	Long	Piepho	Swanson
Blatz	Halberg	Ludeman	Pogemiller	Tomlinson
Brandl	Hanson	Mann	Redalen	Valan
Brinkman	Hauge	Marsh	Reding	Valento
Byrne	Haukoos	McCarron	Rees	Vanasek
Carlson, D.	Heap	McDonald	Reif	Vellenga
Carlson, L.	Himle	McEachern	Rice	Voss
Clark, J.	Hoberg	Mehrken	Rodriguez, C.	Weaver
Clark, K.	Hokanson	Metzen	Rodriguez, F.	Welch
Clawson	Hokr	Minne	Rose	Welker
Dahlvang	Jacobs	Munger	Rothenberg	Wenzel
Dean	Jennings	Murphy	Samuelson	Wieser
Dempsey	Johnson, C.	Nelsen, B.	Sarna	Wynia
Den Ouden	Johnson, D.	Nelson, K.	Schafer	Zubay
Drew	Jude	Niehaus	Schoenfeld	Spkr. Sieben, H.
Eken	Kahn	Norton	Schreiber	
Elioff	Kaley	Novak	Shea	
Ellingson	Kalis	Nysether	Sherman	

The bill was passed and its title agreed to.

H. F. No. 332, A bill for an act relating to franchises; providing for regulation of motor vehicle franchises; prohibiting certain practices by motor vehicle manufacturers; removing motor vehicle franchises from the general statutory provisions regarding franchises; requiring motor fuel franchises to extend to and bind the successors of both parties; prescribing penalties; providing remedies; amending Minnesota Statutes 1980, Section 80C.01, Subdivision 4; proposing new law coded as Minnesota Statutes, Chapters 80C and 80E; repealing Min-

nesota Statutes 1980, Sections 168.27, Subdivision 21; and 325D.17 to 325D.29.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 114 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Kelly	O'Connor	Shea
Ainley	Evans	Knickerbocker	Ogren	Sherman
Anderson, B.	Ewald	Kostohryz	Olsen	Sieben, M.
Anderson, G.	Fjoslien	Kvam	Onnen	Simoneau
Anderson, I.	Forsythe	Laidig	Osthoff	Skoglund
Battaglia	Friedrich	Lehto	Otis	Stadum
Begich	Greenfield	Lemen	Peterson, D.	Staten
Berkelman	Gruenes	Levi	Piepho	Stowell
Blatz	Gustafson	Mann	Pogemiller	Stumpf
Brandl	Halberg	Marsh	Redalen	Swanson
Brinkman	Hanson	McCarron	Reding	Tomlinson
Byrne	Hauge	McEachern	Rees	Valan
Carlson, D.	Haukoos	Mehrkens	Reif	Valento
Carlson, L.	Himle	Metzen	Rice	Vanasek
Clark, J.	Hoberg	Minne	Rodriguez, C.	Vellenga
Clark, K.	Hokanson	Munger	Rodriguez, F.	Voss
Clawson	Jacobs	Murphy	Rose	Weaver
Dahlvang	Jennings	Nelsen, B.	Rothenberg	Welch
Dean	Johnson, C.	Nelson, K.	Samuelson	Wenzel
Dempsey	Johnson, D.	Niehaus	Sarna	Wynia
Drew	Jude	Norton	Schafer	Zubay
Eken	Kaley	Novak	Schoenfeld	Spkr. Sieben, H.
Elioff	Kalis	Nysether	Schreiber	

Those who voted in the negative were:

Den Ouden	McDonald	Sviggum	Welker	Wieser
Ludeman				

The bill was passed and its title agreed to.

S. F. No. 416, A bill for an act relating to labor and employment; status of certain tenured private college employees under compulsory retirement laws; amending Minnesota Statutes 1980, Section 181.811.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 115 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Ainley	Anderson, G.	Anderson, R.	Begich	Blatz
Anderson, B.	Anderson, I.	Battaglia	Berkelman	Brandl

Brinkman	Hanson	Lehto	Olsen	Shea
Byrne	Harens	Lemen	Onnen	Sherman
Carlson, D.	Hauge	Levi	Osthoff	Sieben, M.
Carlson, L.	Haukoos	Long	Otis	Simoneau
Clark, J.	Heap	Mann	Peterson, B.	Skoglund
Clark, K.	Himle	McCarron	Peterson, D.	Staten
Clawson	Hoberg	McDonald	Pogemiller	Stowell
Dahlvang	Hokanson	McEachern	Redalen	Stumpf
Dean	Hokr	Mehrkens	Reding	Swiggum
Drew	Jacobs	Metzen	Rees	Swanson
Eken	Jennings	Minne	Reif	Tomlinson
Elioff	Johnson, C.	Munger	Rice	Valan
Ellingson	Johnson, D.	Murphy	Rodriguez, C.	Vellenga
Evans	Jude	Nelsen, B.	Rodriguez, F.	Voss
Ewald	Kahn	Nelson, K.	Rose	Weaver
Fjoslien	Kaley	Niehaus	Rothenberg	Welch
Friedrich	Kalis	Norton	Samuelson	Wenzel
Greenfield	Kelly	Novak	Sarna	Wieser
Gruenes	Knickerbocker	Nysether	Schafer	Wynia
Gustafson	Kostohryz	O'Connor	Schoenfeld	Zubay
Halberg	Laidig	Ogren	Schreiber	Spkr. Sieben, H.

Those who voted in the negative were:

Aasness	Esau	Ludeman	Piepho	Vanasek
Dempsey	Kvam	Marsh	Stadum	Welker
Den Ouden				

The bill was passed and its title agreed to.

S. F. No. 11, A bill for an act relating to liens; increasing the amount of an employee's lien for wages; amending Minnesota Statutes 1980, Section 514.59.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Dean	Hauge	Laidig	Norton
Ainley	Dempsey	Haukoos	Lehto	Novak
Anderson, B.	Den Ouden	Heap	Lemen	Nysether
Anderson, G.	Drew	Himle	Levi	O'Connor
Anderson, I.	Eken	Hoberg	Long	Ogren
Anderson, R.	Elioff	Hokanson	Ludeman	Olsen
Battaglia	Ellingson	Hokr	Mann	Onnen
Begich	Esau	Jacobs	Marsh	Osthoff
Berkelman	Evans	Jennings	McCarron	Otis
Blatz	Ewald	Johnson, C.	McDonald	Peterson, B.
Brandl	Fjoslien	Johnson, D.	McEachern	Peterson, D.
Brinkman	Forsythe	Jude	Mehrkens	Piepho
Byrne	Friedrich	Kahn	Metzen	Pogemiller
Carlson, D.	Greenfield	Kaley	Minne	Redalen
Carlson, L.	Gruenes	Kalis	Munger	Reding
Clark, J.	Gustafson	Kelly	Murphy	Rees
Clark, K.	Halberg	Knickerbocker	Nelsen, B.	Reif
Clawson	Hanson	Kostohryz	Nelson, K.	Rice
Dahlvang	Harens	Kvam	Niehaus	Rodriguez, C.

Rodriguez, F.	Schreiber	Staten	Valento	Wenzel
Rose	Shea	Stowell	Vanasek	Wieser
Rothenberg	Sherman	Stumpf	Vellenga	Wynia
Samuelson	Sieben, M.	Sviggum	Voss	Zubay
Sarna	Simoneau	Swanson	Weaver	Spkr. Sieben, H.
Schafer	Skoglund	Tomlinson	Welch	
Schoenfeld	Stadum	Valan	Welker	

The bill was passed and its title agreed to.

H. F. No. 678, A bill for an act relating to elections; changing certain election procedures, requirements and time limits; amending Minnesota Statutes 1980, Sections 201.071, Subdivision 1; 202A.26, Subdivision 1; 203A.22, Subdivision 4; 203A.31, Subdivisions 1 and 3; 203A.32; 204A.04, Subdivision 1; 204A.13, Subdivision 1; 204A.17, Subdivision 1; 204A.53, Subdivision 2; 204A.54, Subdivision 1; 205.03, Subdivisions 1 and 3; 207.03, Subdivision 1; 207.04, Subdivision 1; and 207.20, Subdivision 1; repealing Minnesota Statutes 1980, Sections 201.091, Subdivision 5; and 202A.54.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kelly	O'Connor	Sieben, M.
Ainley	Evans	Knickerbocker	Ogren	Simoneau
Anderson, B.	Ewald	Kostohryz	Olsen	Skoglund
Anderson, G.	Fjoslien	Kvam	Onnen	Stadum
Anderson, I.	Forsythe	Laidig	Osthoff	Staten
Anderson, R.	Friedrich	Lehto	Otis	Stowell
Battaglia	Greenfield	Lemen	Peterson, B.	Stumpf
Begich	Gruenes	Levi	Peterson, D.	Sviggum
Berkelman	Gustafson	Long	Piepho	Swanson
Blatz	Halberg	Ludeman	Pogemiller	Tomlinson
Brandl	Hanson	Mann	Redalen	Valan
Brinkman	Hauge	Marsh	Reding	Valento
Byrne	Haukoos	McCarron	Rees	Vanasek
Carlson, D.	Heap	McDonald	Reif	Vellenga
Carlson, L.	Himle	McEachern	Rice	Voss
Clark, J.	Hoberg	Mehrkens	Rodriguez, C.	Weaver
Clark, K.	Hokanson	Metzen	Rodriguez, F.	Welch
Clawson	Hokr	Minne	Rose	Welker
Dahlvang	Jacobs	Munger	Rothenberg	Wenzel
Dean	Jennings	Murphy	Samuelson	Wieser
Dempsey	Johnson, C.	Nelsen, B.	Sarna	Wynia
Den Ouden	Johnson, D.	Nelson, K.	Schafer	Zubay
Drew	Jude	Niehaus	Schoenfeld	Spkr. Sieben, H.
Eken	Kahn	Norton	Schreiber	
Elioff	Kaley	Novak	Shea	
Ellingson	Kalis	Nysether	Sherman	

The bill was passed and its title agreed to.

H. F. No. 775, A bill for an act relating to public utilities; removing municipal utilities from public utilities commission jurisdiction and granting an option in regard thereto; amending Minnesota Statutes 1980, Section 216B.11; proposing new law coded in Minnesota Statutes, Chapter 216B; repealing Minnesota Statutes 1980, Sections 216B.10, Subdivision 6; 216B.12, Subdivision 2; and 216B.13, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Kalis	O'Connor	Sherman
Ainley	Esau	Kelly	Ogren	Sieben, M.
Anderson, B.	Evans	Knickerbocker	Olsen	Simoneau
Anderson, G.	Ewald	Kostohryz	Onnen	Skoglund
Anderson, I.	Fjoslien	Kvam	Osthoff	Stadum
Anderson, R.	Forsythe	Laidig	Otis	Staten
Battaglia	Friedrich	Lehto	Peterson, B.	Stowell
Begich	Greenfield	Lemen	Peterson, D.	Stumpf
Berkelman	Gruenes	Long	Piepho	Svigum
Blatz	Gustafson	Ludeman	Pogemiller	Swanson
Brandl	Halberg	Mann	Redalen	Tomlinson
Brinkman	Harens	Marsh	Reding	Valan
Byrne	Hauge	McCarron	Rees	Valento
Carlson, D.	Haukoos	McDonald	Reif	Vanasek
Carlson, L.	Heap	McEachern	Rice	Vellenga
Clark, J.	Himle	Mehrkens	Rodriguez, C.	Weaver
Clark, K.	Hoberg	Metzen	Rodriguez, F.	Welch
Clawson	Hokanson	Minne	Rose	Welker
Dahlvang	Hokr	Munger	Rothenberg	Wenzel
Dean	Jacobs	Murphy	Samuelson	Wieser
Dempsey	Jennings	Nelsen, B.	Sarna	Wynia
Den Ouden	Johnson, C.	Niehaus	Schafer	Zubay
Drew	Johnson, D.	Norton	Schoenfeld	Spkr. Sieben, H.
Eken	Jude	Novak	Schreiber	
Elioff	Kaley	Nysether	Shea	

Those who voted in the negative were:

Hanson	Kahn	Voss
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The bill was passed and its title agreed to.

Sarna was excused at 3:45 p.m. until 7:00 p.m.

## GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

## REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 206, 588, 817, 893 and 912 which it recommended to pass.

H. F. Nos. 188, 590, 632, 714, 729 and 1040 which it recommended progress.

H. F. No. 170 which it recommended progress retaining its place on General Orders.

S. F. No. 197 which it recommended to pass.

S. F. No. 263 which it recommended progress.

H. F. No. 182 which it recommended to pass with the following amendments:

Offered by Berkelman:

Page 2, line 9, delete everything after the period

Page 2, delete lines 10 to 14

Page 2, line 15, delete "*all other cases,*"

Offered by Wynia:

Page 19, after line 7, insert:

**"THE CREDIT LIFE INSURANCE AND CREDIT DISABILITY INSURANCE AVAILABLE THROUGH THIS LENDER HAD AN ACTUAL LOSS RATIO DURING THE LAST CALENDAR YEAR OF \_\_\_\_\_ PERCENT. THIS MEANS THAT, ON THE AVERAGE, \$\_\_\_\_\_ OF EVERY \$100 IN PREMIUMS PAID TO THE INSURANCE COMPANY WERE RETURNED AS BENEFITS TO POLICY-HOLDERS DURING THAT YEAR."**

H. F. No. 449 which it recommended to pass with the following amendment offered by Zubay:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 486.05, Subdivision 1, is amended to read:

Subdivision 1. (THE JUDGE BY AN ORDER FILED WITH THE COUNTY AUDITORS ON OR BEFORE THE SECOND MONDAY IN JUNE SHALL ANNUALLY FIX AND ESTABLISH THE SALARY OF THE COURT REPORTER AT AN AMOUNT NOT EXCEEDING \$22,500 PER YEAR, AND, IN SUCH ORDER, EACH JUDGE, EXCEPT THOSE JUDGES IN THE SECOND AND FOURTH JUDICIAL DISTRICTS, SHALL APPORTION THE SALARIES OF THE REPORTERS IN THEIR RESPECTIVE DISTRICTS AMONG THE SEVERAL COUNTIES, AND) *In all judicial districts a salary range for court reporters shall be established annually by the judicial district administrator with the approval of a majority of judges of the district. The salary for each court reporter shall be set within that range annually by the district administrator after consultation with the chief judge. Nothing herein shall change the manner by which court reporters are paid, the proportions among the various counties of a judicial district by which the funds are allocated or any statutory provisions related to court reporter compensation other than the manner of setting salary.* Each county shall be required by (SUCH) order to pay a specified amount thereof in monthly installments, which shall be such proportion of the whole salary as the population in each county bears to the total population in the district as set forth in the most recent federal census. It is provided, however, that in the event a judge is temporarily transferred to hold court in some county other than in his judicial district then, and in that event, the said county shall pay that part of the monthly salary of the judge's reporter as that part of the month worked by said reporter in said county. Each reporter shall have and maintain his residence in the district in which he is appointed. The reporter, in addition to his salary, shall be paid such sums as he shall accrue as necessary mileage, traveling, and hotel expenses while absent from the city in which he resides in the discharge of his official duties, such expenses to be paid by the county for which the same were incurred upon presentation of a verified itemized statement thereof approved by the judge; and the auditor of such county, upon presentation of such approved statement, shall issue his warrant in payment thereof.

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

Sec. 2. Minnesota Statutes 1980, Section 487.11, Subdivision 2, is amended to read:

Subd. 2. [TRANSCRIPTION OF COURT PROCEEDINGS.] Electronic recording equipment may be used for the purposes of Laws 1971, Chapter 951 to record court proceedings in lieu of a court reporter. However, at the request of any



party to any proceedings the court may in its discretion require the proceedings to be recorded by a competent court reporter who shall perform such additional duties as the court directs. (THE CHIEF JUDGE OF THE COUNTY COURT, BY ORDER FILED WITH THE COUNTY BOARD OR BOARDS SHALL FIX THE SALARY OF A REPORTER APPOINTED IN AN AMOUNT NOT TO EXCEED THE SALARY OF DISTRICT COURT REPORTERS AS PROVIDED BY SECTIONS 486.05 AND 486.06) *The salary of a reporter shall be set in accordance with the procedure provided by sections 486.05 and 486.06.*"

Further delete the title and insert:

"A bill for an act relating to courts; providing that court reporters' salaries shall be set by the district court administrator after consultation with the chief judge; amending Minnesota Statutes 1980, Sections 486.05, Subdivision 1; and 487.11, Subdivision 2."

H. F. No. 569 which it recommended to pass with the following amendment offered by Peterson, D.:

Page 2, after line 30, insert:

"*Subd. 5. [LIMITATIONS.] With respect to each program established by the authority to provide financial assistance or financing with respect to real property other than rental assistance programs, an employee or commissioner may receive such financial assistance or financing not more than once.*"

Renumber the subdivision

H. F. No. 743 which it recommended to pass with the following amendment offered by Nelson, K.:

Page 1, line 8, before "Any" insert "*Subdivision 1.*"

Page 1, after line 12, add a subdivision to read:

"*Subd. 2. [FUEL PAYMENT PLANS.] Fuel suppliers that offer their retail customers a payment plan which results in a monthly payment equal to the monthly average of an estimated or actual yearly bill shall make that payment plan available to any residential customer.*"

The Committee of the Whole was in recess between the hours of 4:10 p.m. and 7:00 p.m.

On the motion of Eken the report of the Committee of the Whole was adopted.

## ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

Berkelman offered an amendment to H. F. No. 182.

Voss requested a division of the amendment.

The first portion of the Berkelman amendment reads as follows:

Page 2, line 9, delete everything after the period

Page 2, delete lines 10 to 14

Page 2, line 15, delete "all other cases,"

The first portion of the Berkelman amendment prevailed and the amendment was adopted.

The second portion of the Berkelman amendment reads as follows:

Page 2, line 28, delete "loan fee,"

Page 15, line 9, delete the period and insert a semicolon

Page 15, after line 9, insert:

*"(c) An investigation charge of \$1 for each \$50, or fraction thereof, loaned, for expenses, including any examination or investigation of the character and circumstances of the borrower, co-maker or security, and drawing and taking the acknowledgment of necessary papers, filing fees, or other expenses incurred in making the loan; provided, that no charge shall be made on that portion of a loan in excess of \$2,000 and no charge shall be collected unless a loan is made. The full amount of the investigation charge authorized by this section shall be fully earned at the time a loan is made without regard to the expenses incurred and shall not be deemed interest; provided, however, if a loan for which an investigation charge was made is renewed within 12 months from the date of the loan, then 1/12 of the investigation charge shall be deemed earned for each month or portion thereof from the date of the loan to the date of renewal, and the balance thereof shall be refunded to the borrower. A loan shall be deemed to be renewed at the time the loan is paid in full if any part of the payment is made out of the proceeds of another loan from the same or an affiliated lender."*

The question was taken on the second portion of the Berkelman amendment and the roll was called. There were 49 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Ainley	Fjoslien	Johnson, C.	Nysether	Stadum
Berkelman	Forsythe	Kaley	Olsen	Stumpf
Blatz	Friedrich	Knickerbocker	Onnen	Swanson
Carlson, D.	Gruenes	Kvam	Piepho	Valan
Dahlvang	Haukoos	Laidig	Redalen	Valento
Dean	Heap	Ludeman	Rees	Welker
Dempsey	Heinitz	Marsh	Reif	Wieser
Drew	Himle	Mehrkens	Rodriguez, F.	Zubay
Esau	Hoberg	Metzen	Rothenberg	Spkr. Sieben, H.
Ewald	Hokr	Nelsen, B.	Schreiber	

Those who voted in the negative were:

Aasness	Elioff	Kalis	O'Connor	Simoneau
Anderson, B.	Ellingson	Kelly	Ogren	Skoglund
Anderson, G.	Evans	Kostohryz	Osthoff	Staten
Anderson, I.	Greenfield	Lehto	Otis	Stowell
Anderson, R.	Gustafson	Lemen	Peterson, B.	Sviggum
Battaglia	Halberg	Mann	Peterson, D.	Tomlinson
Begich	Hanson	McCarron	Pogemiller	Vanasek
Brandl	Harens	McEachern	Reding	Vellenga
Brinkman	Hauge	Minne	Rice	Voss
Carlson, L.	Hokanson	Murphy	Rodriguez, C.	Welch
Clark, J.	Jacobs	Nelson, K.	Rose	Wenzel
Clark, K.	Johnson, D.	Niehaus	Schoenfeld	Wynia
Clawson	Jude	Norton	Shea	
Den Ouden	Kahn	Novak	Sieben, M.	

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

Halberg and Hoberg moved to amend H. F. No. 182, the first engrossment, as amended, as follows:

Page 10, lines 21 to 28, delete the underscored language and reinstate the stricken language

Page 14, line 31, delete "*except for the following additional charges*"

Page 14, line 31, before "*which*" insert "*lawful fees and taxes paid to any public officer to record, file or release the security*"

Page 14, line 32, delete the colon and insert a period

Page 14, delete lines 33 to 36

Page 15, delete lines 1 to 9

Page 20, line 8, delete "*real or*"

Amend the title as follows:

Page 1, line 13, delete everything after the semi-colon

Page 1, line 14, delete everything before "restating"

The question was taken on the amendment and the roll was called. There were 50 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Kvam	Otis	Stowell
Anderson, I.	Gustafson	Laidig	Peterson, D.	Valento
Battaglia	Halberg	Lehto	Pogemiller	Vanasek
Begich	Haukoos	McCarron	Rice	Vellenga
Brandl	Hoberg	McEachern	Rodriguez, C.	Voss
Clark, K.	Johnson, D.	Minne	Schoenfeld	Weaver
Elioff	Jude	Niehaus	Shea	Welch
Ellingson	Kahn	Ogren	Simoneau	Wenzel
Evans	Kelly	Olsen	Skoglund	Wieser
Fjoslien	Kostohryz	Osthoff	Staten	Wynia

Those who voted in the negative were:

Aasness	Drew	Jennings	Novak	Schreiber
Ainley	Esau	Kaley	Nysether	Sherman
Anderson, R.	Ewald	Knickerbocker	O'Connor	Sieben, M.
Berkelman	Forsythe	Lemen	Onnen	Stadum
Blatz	Friedrich	Ludeman	Peterson, B.	Stumpf
Brinkman	Gruenes	Mann	Piepho	Sviggum
Carlson, D.	Hanson	Marsh	Redalen	Swanson
Carlson, L.	Harens	McDonald	Reding	Tomlinson
Clark, J.	Hauge	Mehrkens	Rees	Valan
Clawson	Heap	Metzen	Reif	Welker
Dahlvang	Heinitz	Murphy	Rodriguez, F.	Zubay
Dean	Himle	Nelsen, B.	Rose	Spkr. Sieben, H.
Dempsey	Hokr	Nelson, K.	Rothenberg	
Den Ouden	Jacobs	Norton	Samuelson	

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

Wynia moved to amend H. F. No. 182, the first engrossment, as amended, as follows:

Page 19, after line 7, insert:

**"THE CREDIT LIFE INSURANCE AND CREDIT DISABILITY INSURANCE AVAILABLE THROUGH THIS LENDER HAD AN ACTUAL LOSS RATIO DURING THE LAST CALENDAR YEAR OF \_\_\_\_\_ PERCENT. THIS MEANS THAT, ON THE AVERAGE, \$\_\_\_\_\_ OF EVERY \$100 IN PREMIUMS PAID TO THE INSURANCE COMPANY WERE RETURNED AS BENEFITS TO POLICY-HOLDERS DURING THAT YEAR."**

The question was taken on the amendment and the roll was called. There were 59 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dean	Kahn	Novak	Staten
Anderson, G.	Elioff	Kelly	Ogren	Swanson
Anderson, I.	Ellingson	Kostohryz	Osthoff	Tomlinson
Battaglia	Greenfield	Lehto	Otis	Vanasek
Begich	Hanson	Long	Peterson, D.	Vellenga
Brandl	Hauge	McDonald	Pogemiller	Voss
Carlson, D.	Haukoos	Minne	Rees	Weaver
Carlson, L.	Hokanson	Munger	Rice	Welch
Clark, J.	Hokr	Murphy	Rodriguez, C.	Wenzel
Clark, K.	Jacobs	Nelson, K.	Sieben, M.	Wynia
Clawson	Jennings	Niehaus	Simoneau	Spkr. Sieben, H.
Dahlvang	Jude	Norton	Skoglund	

Those who voted in the negative were:

Aasness	Forsythe	Knickerbocker	Olsen	Sherman
Ainley	Friedrich	Kvam	Onnen	Stadum
Berkelman	Gruenes	Laidig	Peterson, B.	Stowell
Blatz	Halberg	Lemen	Piepho	Sviggum
Brinkman	Harens	Levi	Redalen	Valan
Byrne	Heap	Ludeman	Reding	Valento
Dempsey	Heinitz	Mann	Reif	Welker
Den Ouden	Himle	Marsh	Rodriguez, F.	Wieser
Drew	Hoberg	Mehrkens	Rothenberg	Zubay
Esau	Johnson, C.	Metzen	Schafer	
Evans	Johnson, D.	Nelsen, B.	Schreiber	
Ewald	Kaley	Nysether	Shea	

The motion prevailed and the amendment was adopted.

Berkelman moved to amend H. F. No. 206, as follows:

Page 1, line 8, after the period, insert "Minnesota Statutes 1980, Section 179.64, Subdivision 1a, is amended to read:

Subd. 1a. Except as otherwise provided by section 179.691, teachers employed by a local school district, other than principals and assistant principals, may strike only under the following circumstances:

(1)(a) The collective bargaining agreement between their exclusive representative and their employer has expired or, if there is no agreement, impasse under section 179.691 has occurred; and

(b) The exclusive representative and the employer have participated in mediation over a period of at least 60 days, 30 days of which have occurred after the expiration date of the collective bargaining agreement, provided that the mediation period established by section 179.691 shall govern negotiations pursuant to that section. For the purposes of this sub-clause the mediation

period commences on the day following receipt by the director of a request for mediation; and

(c) Written notification of intent to strike was served on the employer and the director by the exclusive representative on or after the expiration date of the collective bargaining agreement or, if there is no agreement, on or after the date impasse under section 179.691 has occurred and at least ten days prior to the commencement of the strike, provided that if more than 30 days have expired after service of a notification of intent to strike, no strike may commence until ten days after service of a new written notification; and

(d) A request for binding arbitration has been rejected pursuant to section 179.69; or

(2) 45 days after impasse pursuant to section 179.69, subdivisions 3 (, 3A) and 3b, or section 179.691, neither party has requested arbitration; or

(3) The employer violates section 179.68, subdivision 2, clause (9).

Written notification of intent to strike under clauses (2) and (3) shall be served on the employer and the director by the exclusive representative at least ten days prior to the commencement of the strike, provided that if more than 30 days have expired after service of a notification of intent to strike, no strike may commence until ten days after service of a new written notification, and further provided that notice of intent to strike under clause (2) shall be given no earlier than the last day of the period provided in clause (2).

Sec. 2. Minnesota Statutes 1980, Section 179.691, is amended to read:

**179.691 [NEW EXCLUSIVE REPRESENTATIVE OF TEACHERS.]**

If a new or different exclusive representative of teachers employed by a local school district is certified by the director at any time other than the period between 120 days before the termination date of a contract and the termination date of the contract, or if on July 1 of any odd-numbered year a representation proceeding involving the employer and the employer's teachers is before the director, the provisions of (LAWS 1980, CHAPTER 617, SECTION 22, CLAUSE (1)) *section 179.64, subdivision 1a*, shall apply. In those cases, however, the employer and the exclusive representative of the teachers shall execute a written contract or memorandum of contract as provided in section 179.70 no later than 60 days after a certification by the director of a new or different exclusive representative or the resolution

by the director of a representation proceeding. Either party may petition the director of mediation services for assistance in reaching an agreement, as provided in section 179.69, subdivision 1. If the employer and the exclusive representative of the teachers fail to execute a contract by 60 days after the certification of a new or different exclusive representative or the resolution by the director of a representation proceeding, they shall be conclusively presumed to be at an impasse after having participated in mediation sessions called pursuant to section 179.69 over a period of no less than 60 days.

Sec. 3. Minnesota Statutes 1980, Section 179.692, is amended to read:

**179.692 [NEW EXCLUSIVE REPRESENTATIVE; NON-TEACHERS.]**

If a new or different exclusive representative of employees other than teachers employed by a local school district is certified by the director, or if on the expiration date of an existing contract a representation proceeding is before the director, the provisions of (LAWS 1980, CHAPTER 617, SECTION 22, CLAUSE (1)) *section 179.64, subdivision 1*, shall apply. In those cases, however, the employer and the exclusive representative of the employees shall execute a written contract or memorandum of contract as provided in section 179.70 no later than 45 days after a certification by the director of a new or different exclusive representative or the resolution by the director of a representation proceeding. Either party may petition the director of mediation services for assistance in reaching an agreement, as provided in section 179.69, subdivision 1. If the employer and the exclusive representative fail to execute a contract by 45 days after the certification of a new or different exclusive representative or the resolution by the director of a representation proceeding, they shall be conclusively presumed to be at an impasse after having participated for a period of no less than 45 days in mediation sessions called pursuant to section 179.69.

Sec. 4.”

Page 4, line 7, delete “2” and insert “5”

Page 4, line 8, delete “is” and insert “*through 4 are*”

Further, amend the title as follows:

Page 1, line 2, after the semi-colon insert “clarifying impasse procedures when a school employee exclusive representative changes;”

Page 1, line 5, delete “Section” and insert “Sections 179.64, Subdivision 1a; 179.691; 179.692; and”

The question was taken on the amendment and the roll was called. There were 18 yeas and 91 nays as follows:

Those who voted in the affirmative were:

Clark, J.	Hanson	Lehto	Reding	Voss
Clark, K.	Hauge	Munger	Rose	Wynia
Elioff	Kahn	Murphy	Stumpf	
Greenfield	Kelly	Otis	Vanasek	

Those who voted in the negative were:

Aasness	Ewald	Kaley	Nysether	Skoglund
Ainley	Fjoslien	Kalis	O'Connor	Stadium
Anderson, G.	Forsythe	Knickerbocker	Ogren	Stowell
Anderson, I.	Friedrich	Kvam	Olson	Sviggum
Anderson, R.	Gruenes	Laidig	Onnen	Tomlinson
Battaglia	Halberg	Lemen	Osthoff	Valan
Begich	Harens	Levi	Peterson, D.	Valento
Blatz	Haukoos	Long	Piepho	Vellenga
Brinkman	Heap	Ludeman	Pogemiller	Weaver
Carlson, D.	Heinitz	Mann	Redalen	Welch
Carlson, L.	Himle	Marsh	Rees	Welker
Clawson	Hoberg	McCarron	Reif	Wenzel
Dahlvang	Hokanson	McDonald	Rice	Wieser
Dempsey	Hokr	McEachern	Rodriguez, C.	Zubay
Den Ouden	Jacobs	Mehrkens	Rodriguez, F.	Spkr. Sieben, H.
Drew	Jennings	Metzen	Rothenberg	
Ellingson	Johnson, C.	Minne	Schafer	
Esau	Johnson, D.	Nelsen, B.	Schoenfeld	
Evans	Jude	Niehaus	Sherman	

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

The question was taken on the motion to recommend passage of H. F. No. 206 and the roll was called. There were 64 yeas and 53 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Eken	Jude	Murphy	Schoenfeld
Anderson, I.	Elioff	Kahn	Nelson, K.	Shea
Battaglia	Evans	Kalis	O'Connor	Staten
Begich	Greenfield	Kelly	Ogren	Stowell
Berkelman	Gruenes	Kostohryz	Otis	Stumpf
Byrne	Gustafson	Lehto	Peterson, D.	Sviggum
Carlson, D.	Hanson	Levi	Pogemiller	Vanasek
Carlson, L.	Harens	Long	Reif	Vellenga
Clark, J.	Hauge	Marsh	Rice	Voss
Clark, K.	Hoberg	McEachern	Rodriguez, C.	Weaver
Clawson	Hokanson	Metzen	Rodriguez, F.	Wenzel
Dean	Jacobs	Minne	Rose	Spkr. Sieben, H.
Drew	Johnson, D.	Munger	Samuelson	

Those who voted in the negative were:

Aasness	Anderson, R.	Dempsey	Fjoslien	Haukoos
Ainley	Brinkman	Den Ouden	Forsythe	Heap
Anderson, B.	Dahlvang	Esau	Friedrich	Heinitz



Himle	Mann	Olsen	Rothenberg	Valento
Hokr	McCarron	Onnen	Schafer	Weich
Jennings	McDonald	Osthoff	Sherman	Welker
Kaley	Mehrkens	Peterson, B.	Simoneau	Wieser
Kvam	Nelsen, B.	Piepho	Skoglund	Wynia
Laidig	Niehaus	Redalen	Stadum	Zubay
Lemen	Norton	Reding	Tomlinson	
Ludeman	Nysether	Rees	Valan	

The motion prevailed.

Zubay moved to amend H. F. No. 449 as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1980, Section 486.05, Subdivision 1, is amended to read:

Subdivision 1. (THE JUDGE BY AN ORDER FILED WITH THE COUNTY AUDITORS ON OR BEFORE THE SECOND MONDAY IN JUNE SHALL ANNUALLY FIX AND ESTABLISH THE SALARY OF THE COURT REPORTER AT AN AMOUNT NOT EXCEEDING \$22,500 PER YEAR, AND, IN SUCH ORDER, EACH JUDGE, EXCEPT THOSE JUDGES IN THE SECOND AND FOURTH JUDICIAL DISTRICTS, SHALL APPORTION THE SALARIES OF THE REPORTERS IN THEIR RESPECTIVE DISTRICTS AMONG THE SEVERAL COUNTIES, AND) *In all judicial districts a salary range for court reporters shall be established annually by the judicial district administrator with the approval of a majority of judges of the district. The salary for each court reporter shall be set within that range annually by the district administrator after consultation with the chief judge. Nothing herein shall change the manner by which court reporters are paid, the proportions among the various counties of a judicial district by which the funds are allocated or any statutory provisions related to court reporter compensation other than the manner of setting salary.* Each county shall be required by (SUCH) order to pay a specified amount thereof in monthly installments, which shall be such proportion of the whole salary as the population in each county bears to the total population in the district as set forth in the most recent federal census. It is provided, however, that in the event a judge is temporarily transferred to hold court in some county other than in his judicial district then, and in that event, the said county shall pay that part of the monthly salary of the judge's reporter as that part of the month worked by said reporter in said county. Each reporter shall have and maintain his residence in the district in which he is appointed. The reporter, in addition to his salary, shall be paid such sums as he shall accrue as necessary mileage, traveling, and hotel expenses while absent from the city in which he resides in the discharge of his official duties, such expenses to be paid by the county for which the same were incurred upon presentation of a verified itemized statement thereof approved by the judge; and the auditor of such county, upon presentation

of such approved statement, shall issue his warrant in payment thereof.

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

Sec. 2. Minnesota Statutes 1980, Section 487.11, Subdivision 2, is amended to read:

Subd. 2. [TRANSCRIPTION OF COURT PROCEEDINGS.] Electronic recording equipment may be used for the purposes of Laws 1971, Chapter 951 to record court proceedings in lieu of a court reporter. However, at the request of any party to any proceedings the court may in its discretion require the proceedings to be recorded by a competent court reporter who shall perform such additional duties as the court directs. (THE CHIEF JUDGE OF THE COUNTY COURT, BY ORDER FILED WITH THE COUNTY BOARD OR BOARDS SHALL FIX THE SALARY OF A REPORTER APPOINTED IN AN AMOUNT NOT TO EXCEED THE SALARY OF DISTRICT COURT REPORTERS AS PROVIDED BY SECTIONS 486.05 AND 486.06) *The salary of a reporter shall be set in accordance with the procedure provided by sections 486.05 and 486.06.*"

Further delete the title and insert:

"A bill for an act relating to courts; providing that court reporters' salaries shall be set by the district court administrator after consultation with the chief judge; amending Minnesota Statutes 1980, Sections 486.05, Subdivision 1; and 487.11, Subdivision 2."

The question was taken on the amendment and the roll was called. There were 61 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Aasness	Gruenes	Kvam	Osthoff	Swanson
Ainley	Hanson	Laidig	Redalen	Valan
Blatz	Haukoos	Lemen	Reding	Valento
Brandl	Heap	Levi	Rees	Voss
Brinkman	Heinitz	Ludeman	Reif	Weaver
Carlson, D.	Himle	Marsh	Rose	Welch
Den Ouden	Hokr	McDonald	Rothenberg	Welker
Drew	Jennings	Nelsen, B.	Schafer	Wenzel
Evans	Johnson, D.	Niehaus	Shea	Zubay
Ewald	Kahn	Norton	Simoneau	
Fjoslien	Kaley	Nysether	Stadum	
Forsythe	Kalis	Olsen	Stowell	
Friedrich	Knickerbocker	Onnen	Sviggum	

Those who voted in the negative were:

Anderson, B.	Elioff	Kelly	O'Connor	Sieben, M.
Anderson, G.	Ellingson	Kostohryz	Ogren	Skoglund
Anderson, I.	Esau	Lehto	Otis	Staten
Battaglia	Greenfield	Long	Peterson, B.	Tomlinson
Begich	Gustafson	Mann	Peterson, D.	Vanasek
Berkelman	Halberg	McCarron	Piepho	Vellenga
Byrne	Harens	McEachern	Pogemiller	Wieser
Carlson, L.	Hauge	Mehrkens	Rice	Wynia
Clark, K.	Hoberg	Metzen	Rodriguez, C.	Spkr. Sieben, H.
Clawson	Hokanson	Minne	Rodriguez, F.	
Dahlvang	Jacobs	Munger	Samuelson	
Dempsey	Johnson, C.	Murphy	Schoenfeld	
Eken	Jude	Novak	Sherman	

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

Mehrkens moved that the vote whereby the Zubay amendment to H. F. No. 449 was not adopted be now reconsidered.

The question was taken on the Mehrkens motion for reconsideration and the roll was called. There were 70 yeas and 52 nays as follows:

Those who voted in the affirmative were:

Aasness	Fjoslien	Johnson, D.	Niehaus	Sherman
Ainley	Forsythe	Kahn	Norton	Simoneau
Anderson, R.	Friedrich	Kaley	Nysether	Stadum
Blatz	Gruenes	Knickerbocker	Olsen	Stowell
Brandl	Halberg	Kvam	Onnen	Swiggum
Brinkman	Hanson	Laidig	Osthoff	Swanson
Carlson, D.	Haukoos	Lemen	Redalen	Valan
Clark, J.	Heap	Levi	Reding	Valento
Dean	Heinitz	Ludeman	Rees	Voss
Den Ouden	Himle	Marsh	Reif	Weaver
Drew	Hoberg	McDonald	Rose	Welker
Esau	Hokanson	Mehrkens	Rothenberg	Wenzel
Evans	Hokr	Nelsen, B.	Schafer	Wieser
Ewald	Jennings	Nelson, K.	Shea	Zubay

Those who voted in the negative were:

Anderson, B.	Eken	Kelly	O'Connor	Sieben, M.
Anderson, G.	Elioff	Kostohryz	Ogren	Skoglund
Anderson, I.	Ellingson	Lehto	Otis	Staten
Battaglia	Greenfield	Long	Peterson, B.	Tomlinson
Berkelman	Gustafson	Mann	Peterson, D.	Vanasek
Byrne	Harens	McEachern	Piepho	Vellenga
Carlson, L.	Hauge	Metzen	Pogemiller	Wynia
Clark, K.	Jacobs	Minne	Rice	Spkr. Sieben, H.
Clawson	Johnson, C.	Munger	Rodriguez, C.	
Dahlvang	Jude	Murphy	Rodriguez, F.	
Dempsey	Kalis	Novak	Schoenfeld	

The motion prevailed.

The Zubay amendment was reported to the House.

Zubay moved to amend H. F. No. 449, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 486.05, Subdivision 1, is amended to read:

Subdivision 1. (THE JUDGE BY AN ORDER FILED WITH THE COUNTY AUDITORS ON OR BEFORE THE SECOND MONDAY IN JUNE SHALL ANNUALLY FIX AND ESTABLISH THE SALARY OF THE COURT REPORTER AT AN AMOUNT NOT EXCEEDING \$22,500 PER YEAR, AND, IN SUCH ORDER, EACH JUDGE, EXCEPT THOSE JUDGES IN THE SECOND AND FOURTH JUDICIAL DISTRICTS, SHALL APPORTION THE SALARIES OF THE REPORTERS IN THEIR RESPECTIVE DISTRICTS AMONG THE SEVERAL COUNTIES, AND) *In all judicial districts a salary range for court reporters shall be established annually by the judicial district administrator with the approval of a majority of judges of the district. The salary for each court reporter shall be set within that range annually by the district administrator after consultation with the chief judge. Nothing herein shall change the manner by which court reporters are paid, the proportions among the various counties of a judicial district by which the funds are allocated or any statutory provisions related to court reporter compensation other than the manner of setting salary.* Each county shall be required by (SUCH) order to pay a specified amount thereof in monthly installments, which shall be such proportion of the whole salary as the population in each county bears to the total population in the district as set forth in the most recent federal census. It is provided, however, that in the event a judge is temporarily transferred to hold court in some county other than in his judicial district then, and in that event, the said county shall pay that part of the monthly salary of the judge's reporter as that part of the month worked by said reporter in said county. Each reporter shall have and maintain his residence in the district in which he is appointed. The reporter, in addition to his salary, shall be paid such sums as he shall accrue as necessary mileage, traveling, and hotel expenses while absent from the city in which he resides in the discharge of his official duties, such expenses to be paid by the county for which the same were incurred upon presentation of a verified itemized statement thereof approved by the judge; and the auditor of such county, upon presentation of such approved statement, shall issue his warrant in payment thereof.

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

Sec. 2. Minnesota Statutes 1980, Section 487.11, Subdivision 2, is amended to read:

Subd. 2. [TRANSCRIPTION OF COURT PROCEEDINGS.] Electronic recording equipment may be used for the purposes of Laws 1971, Chapter 951 to record court proceedings in lieu of a court reporter. However, at the request of any party to any proceedings the court may in its discretion require the proceedings to be recorded by a competent court reporter who shall perform such additional duties as the court directs. (THE CHIEF JUDGE OF THE COUNTY COURT, BY ORDER FILED WITH THE COUNTY BOARD OR BOARDS SHALL FIX THE SALARY OF A REPORTER APPOINTED IN AN AMOUNT NOT TO EXCEED THE SALARY OF DISTRICT COURT REPORTERS AS PROVIDED BY SECTIONS 486.05 AND 486.06) *The salary of a reporter shall be set in accordance with the procedure provided by sections 486.05 and 486.06."*

Further delete the title and insert:

"A bill for an act relating to courts; providing that court reporters' salaries shall be set by the district court administrator after consultation with the chief judge; amending Minnesota Statutes 1980, Sections 486.05, Subdivision 1; and 487.11, Subdivision 2."

The question was taken on the amendment and the roll was called. There were 66 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Aasness	Forsythe	Knickerbocker	Olsen	Sviggum
Ainley	Friedrich	Kvam	Onnen	Swanson
Anderson, R.	Grøenes	Laidig	Osthoff	Valan
Blatz	Hanson	Lemen	Peterson, D.	Valento
Brandl	Haukoos	Levi	Redalen	Voss
Brinkman	Heap	Ludeman	Reding	Weaver
Carlson, D.	Heinitz	Marsh	Rees	Welch
Clark, J.	Himle	McDonald	Reif	Welker
Dean	Hokr	Mehrkens	Rose	Wenzel
Den Ouden	Jennings	Nelsen, B.	Schafer	Zubay
Drew	Johnson, D.	Nelson, K.	Shea	
Evans	Kahn	Niehaus	Simoneau	
Ewald	Kaley	Norton	Stadum	
Fjoslien	Kalis	Nysether	Stowell	

Those who voted in the negative were:

Anderson, B.	Elioff	Kelly	Ogren	Sieben, M.
Anderson, G.	Ellingson	Kostohryz	Otis	Skoglund
Anderson, I.	Esau	Lehto	Peterson, B.	Staten
Battaglia	Greenfield	Long	Piepho	Stumpf
Begich	Gustafson	Mann	Pogemiller	Tomlinson
Berkelman	Halberg	McCarron	Rice	Vanasek
Byrne	Harens	McEachern	Rodriguez, C.	Vellenga
Carlson, L.	Hauge	Metzen	Rodriguez, F.	Wieser
Clark, K.	Hoberg	Minne	Rothenberg	Wynia
Clawson	Hokanson	Munger	Samuelson	Spkr. Sieben, H.
Dahlvang	Jacobs	Murphy	Sarna	
Dempsey	Johnson, C.	Novak	Schoenfeld	
Eken	Jude	O'Connor	Sherman	

The motion prevailed and the amendment was adopted.

The question was taken on the motion to recommend passage of H. F. No. 449, as amended, and the roll was called. There were 103 yeas and 24 nays as follows:

Those who voted in the affirmative were:

Aasness	Forsythe	Kaley	Nysether	Shea
Ainley	Friedrich	Kalis	O'Connor	Sherman
Anderson, R.	Gruenes	Knickerbocker	Ogren	Sieben, M.
Battaglia	Gustafson	Kvam	Olsen	Simoneau
Begich	Halberg	Laidig	Onnen	Skoglund
Berkelman	Hanson	Lehto	Otis	Stadum
Blatz	Harens	Lemen	Peterson, B.	Stowell
Brandl	Hauge	Levi	Peterson, D.	Stumpf
Byrne	Haukoos	Long	Piepho	Sviggum
Carlson, D.	Heap	Ludeman	Pogemiller	Tomlinson
Carlson, L.	Heimitz	Marsh	Redalen	Valan
Clark, J.	Himle	McDonald	Reding	Valento
Clawson	Hoberg	Mehrkens	Rees	Vellenga
Dean	Hokanson	Metzen	Reif	Voss
Dempsey	Hokr	Minne	Rice	Weaver
Drew	Jacobs	Munger	Rodriguez, C.	Welker
Elioff	Jennings	Murphy	Rodriguez, F.	Wenzel
Ellingson	Johnson, C.	Nelsen, B.	Rose	Zubay
Evans	Johnson, D.	Nelson, K.	Rothenberg	Spkr. Sieben, H.
Ewald	Jude	Niehaus	Schafer	
Fjoslien	Kahn	Norton	Schoenfeld	

Those who voted in the negative were:

Anderson, B.	Dahlvang	Kelly	Novak	Swanson
Anderson, G.	Den Ouden	Kostohryz	Osthoff	Vanasek
Anderson, I.	Eken	Mann	Samuelson	Wieser
Brinkman	Esau	McCarron	Sarna	Wynia
Clark, K.	Greenfield	McEachern	Staten	

The motion prevailed.

Rothenberg moved to amend H. F. No. 729, as follows:

Page 2, lines 16 to 33, delete section 3

Page 3, line 9, delete "5" insert "4"

Renumber the sections accordingly

Amend the title as follows:

Page 1, line 5, delete "216B.165,"

Page 1, line 6, delete "Subdivision 1;"

The question was taken on the amendment and the roll was called. There were 56 yeas and 55 nays as follows:

Those who voted in the affirmative were:

Aasness	Forsythe	Kaley	Olsen	Stadum
Ainley	Friedrich	Knickerbocker	Onnen	Stowell
Anderson, R.	Gruenes	Kvam	Peterson, B.	Sviggum
Blatz	Halberg	Laidig	Peterson, D.	Swanson
Carlson, D.	Haukoos	Lemen	Piepho	Valan
Dean	Heap	Ludeman	Redalen	Valento
Dempsey	Heinitz	Marsh	Rees	Weaver
Den Ouden	Himle	McDonald	Reif	Zubay
Drew	Hoberg	Mehrkens	Rose	
Elioff	Hokr	Nelsen, B.	Rothenberg	
Esau	Jennings	Niehaus	Schafer	
Ewald	Johnson, D.	Nysether	Sherman	

Thoes who voted in the negative were:

Anderson, G.	Ellingson	Kelly	Ogren	Sieben, M.
Anderson, I.	Greenfield	Kostohryz	Osthoff	Simoneau
Battaglia	Gustafson	Long	Otis	Skoglund
Begich	Hanson	Mann	Pogemiller	Staten
Berkelman	Harens	McCarron	Reding	Stumpf
Brandl	Hauge	Minne	Rice	Tomlinson
Carlson, L.	Hokanson	Munger	Rodriguez, C.	Vanasek
Clark, K.	Jacobs	Murphy	Rodriguez, F.	Voss
Clawson	Johnson, C.	Nelson, K.	Samuelson	Wenzel
Dahlvang	Jude	Norton	Schoenfeld	Wynia
Eken	Kahn	Novak	Shea	Spkr. Sieben, H.

The motion prevailed and the amendment was adopted.

Nelson, K., moved to amend H. F. No. 743, as follows:

Page 1, line 8, before "Any" insert "Subdivision 1."

Page 1, after line 12, add a subdivision to read:

"Subd. 2. [FUEL PAYMENT PLANS.] Fuel suppliers that offer their retail customers a payment plan which results in a monthly payment equal to the monthly average of an estimated or actual yearly bill shall make that payment plan available to any residential customer."

Ainley moved to amend the Nelson, K., amendment to H. F. No. 743, as follows:

Page 1, line 8, after "to any residential customer" insert ", except those receiving emergency fuel assistance"

The question was taken on the Ainley amendment to the Nelson, K., amendment and the roll was called. There were 34 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Aasness	Ainley	Anderson, R.	Dempsey	Den Ouden
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Esau	Heap	Marsh	Peterson, B.	Stowell
Evans	Heinitz	McDonald	Piepho	Sviggum
Ewald	Hoberg	Nelsen, B.	Rees	Valento
Forsythe	Kaley	Niehaus	Rothenberg	Welker
Friedrich	Knickerbocker	Nysether	Sherman	Zubay
Halberg	Ludeman	Olsen	Stadum	

Those who voted in the negative were:

Anderson, I.	Elioff	Kelly	O'Connor	Sieben, M.
Battaglia	Ellingson	Kostohryz	Ogren	Simoneau
Begich	Fjoslien	Laidig	Onnen	Skoglund
Berkelman	Greenfield	Lehto	Osthoff	Staten
Blatz	Gruenes	Lemen	Otis	Stumpf
Brandl	Hanson	Long	Peterson, D.	Swanson
Byrne	Harens	Mann	Pogemiller	Tomlinson
Carlson, D.	Hauge	McCarron	Redalen	Vanasek
Carlson, L.	Haukoos	McEachern	Reding	Vellenga
Clark, J.	Himle	Metzen	Reif	Voss
Clark, K.	Hokanson	Minne	Rodriguez, C.	Weaver
Clawson	Hokr	Munger	Rodriguez, F.	Wenzel
Dahlvang	Jacobs	Murphy	Rose	Wieser
Dean	Johnson, C.	Nelson, K.	Samuelson	Wynia
Drew	Jude	Norton	Sarna	Spkr. Sieben, H.
Eken	Kahn	Novak	Schoenfeld	

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the Nelson, K., amendment and the roll was called. There were 70 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Kelly	O'Connor	Shea
Anderson, I.	Ellingson	Kostohryz	Ogren	Sieben, M.
Battaglia	Greenfield	Lehto	Osthoff	Simoneau
Begich	Gustafson	Long	Otis	Skoglund
Berkelman	Hanson	Mann	Peterson, D.	Staten
Brandl	Harens	McCarron	Pogemiller	Stumpf
Brinkman	Hauge	McEachern	Reding	Swanson
Byrne	Hokanson	Metzen	Reif	Vanasek
Carlson, L.	Hokr	Minne	Rice	Vellenga
Clark, J.	Jacobs	Munger	Rodriguez, C.	Voss
Clark, K.	Johnson, C.	Murphy	Rodriguez, F.	Welch
Clawson	Jude	Nelson, K.	Samuelson	Wenzel
Dahlvang	Kahn	Norton	Sarna	Wynia
Eken	Kalis	Novak	Schoenfeld	Spkr. Sieben, H.

Those who voted in the negative were:

Aasness	Ewald	Kaley	Olsen	Sviggum
Ainley	Fjoslien	Kvam	Onnen	Tomlinson
Anderson, G.	Forsythe	Laidig	Peterson, B.	Valan
Anderson, R.	Friedrich	Lemen	Piepho	Valento
Blatz	Gruenes	Levi	Redalen	Weaver
Carlson, D.	Haukoos	Ludeman	Rees	Welker
Dean	Heap	Marsh	Rothenberg	Wieser
Dempsey	Heinitz	McDonald	Schafer	Zubay
Den Ouden	Himle	Mehrkens	Schreiber	
Drew	Hoberg	Nelsen, B.	Sherman	
Esau	Jennings	Niehaus	Stadum	
Evans	Johnson, D.	Nysether	Stowell	



The motion prevailed and the Nelson, K., amendment was adopted.

The question was taken on the motion to recommend passage of H. F. No. 743, as amended, and the roll was called. There were 67 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eken	Lehto	Osthoff	Skoglund
Anderson, I.	Elioff	Levi	Otis	Staten
Battaglia	Ellingson	Long	Peterson, D.	Stumpf
Begich	Greenfield	McCarron	Pogemiller	Tomlinson
Berkelman	Gustafson	McEachern	Reding	Vanasek
Blatz	Hanson	Metzen	Rice	Vellenga
Brandl	Harens	Minne	Rodriguez, C.	Voss
Brinkman	Hokanson	Munger	Rodriguez, F.	Welch
Byrne	Jacobs	Murphy	Samuelson	Wenzel
Carlson, L.	Johnson, C.	Nelson, K.	Sarna	Wynia
Clark, J.	Jude	Norton	Schoenfeld	Spkr. Sieben, H.
Clark, K.	Kahn	Novak	Shea	
Clawson	Kelly	O'Connor	Sieben, M.	
Dahlvang	Kostohryz	Ogren	Simoneau	

Those who voted in the negative were:

Aasness	Forsythe	Johnson, D.	Nelsen, B.	Schafer
Ainley	Friedrich	Kaley	Niehaus	Schreiber
Anderson, G.	Gruenes	Kalis	Nysether	Sherman
Anderson, R.	Halberg	Knickerbocker	Olsen	Stadum
Carlson, D.	Hauge	Kvam	Onnen	Stowell
Dean	Haukoos	Laidig	Peterson, B.	Sviggum
Dempsey	Heap	Lemen	Piepho	Valan
Den Ouden	Heinitz	Ludeman	Redalen	Valento
Drew	Himle	Mann	Rees	Weaver
Esau	Hoberg	Marsh	Reif	Welker
Ewald	Hokr	McDonald	Rose	Wieser
Fjoslien	Jennings	Mehrkens	Rothenberg	Zubay

The motion prevailed.

Peterson, D., moved that the vote whereby the Rothenberg amendment to H. F. No. 729 was adopted be now reconsidered.

The question was taken on the Peterson, D., motion for reconsideration and the roll was called. There were 68 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Clark, K.	Harens	Kostohryz	Munger
Battaglia	Clawson	Hauge	Lehto	Murphy
Begich	Dahlvang	Hokanson	Levi	Nelson, K.
Berkelman	Eken	Jacobs	Long	Norton
Brandl	Elioff	Johnson, C.	Mann	Novak
Brinkman	Ellingson	Jude	McCarron	O'Connor
Byrne	Greenfield	Kahn	McEachern	Ogren
Carlson, L.	Gustafson	Kalis	Metzen	Osthoff
Clark, J.	Hanson	Kelly	Minne	Otis

Peterson, D.	Rodriguez, F.	Sieben, M.	Tomlinson	Wenzel
Pogemiller	Samuelson	Simoneau	Vanasek	Wynia
Reding	Sarna	Skoglund	Vellenga	Spkr. Sieben, H.
Rice	Schoenfeld	Staten	Voss	
Rodriguez, C.	Shea	Stumpf	Welch	

Those who voted in the negative were:

Aasness	Ewald	Johnson, D.	Nysether	Sherman
Ainley	Forsythe	Kaley	Olsen	Stadum
Anderson, G.	Friedrich	Knickerbocker	Onnen	Stowell
Anderson, R.	Gruenes	Kvam	Peterson, B.	Sviggum
Blatz	Halberg	Laidig	Piepho	Swanson
Carlson, D.	Haukoos	Lemen	Redalen	Valan
Dean	Heap	Ludeman	Rees	Valento
Dempsey	Heinitz	Marsh	Reif	Weaver
Den Ouden	Himle	McDonald	Rose	Welker
Drew	Hoberg	Mehrkens	Rothenberg	Zubay
Esau	Hokr	Nelsen, B.	Schafer	
Evans	Jennings	Niehaus	Schreiber	

The motion prevailed.

The Rothenberg amendment was reported to the House.

Rothenberg moved to amend H. F. No. 729, as follows:

Page 2, lines 16 to 33, delete section 3

Page 3, line 9, delete "5" insert "4"

Reenumerate the sections accordingly

Amend the title as follows:

Page 1, line 5, delete "216B.165,"

Page 1, line 6, delete "Subdivision 1;"

The question was taken on the amendment and the roll was called. There were 59 yeas and 67 nays as follow:

Those who voted in the affirmative were:

Aasness	Ewald	Jennings	Niehaus	Schafer
Ainley	Fjosien	Kaley	Nysether	Sherman
Anderson, R.	Forsythe	Knickerbocker	O'Connor	Stadum
Begich	Friedrich	Kvam	Olsen	Stowell
Blatz	Gruenes	Laidig	Onnen	Sviggum
Carlson, D.	Halberg	Lemen	Peterson, B.	Valan
Dean	Haukoos	Levi	Piepho	Valento
Dempsey	Heap	Ludeman	Redalen	Weaver
Den Ouden	Heinitz	Marsh	Rees	Welker
Drew	Himle	McDonald	Reif	Wieser
Esau	Hoberg	Mehrkens	Rose	Zubay
Evans	Hokr	Nelsen, B.	Rothenberg	

Those who voted in the negative were:

Anderson, I.	Greenfield	Lehto	Otis	Skoglund
Battaglia	Gustafson	Long	Peterson, D.	Staten
Berkelman	Hanson	Mann	Pogemiller	Stumpf
Brandl	Harens	McCarron	Reding	Tomlinson
Brinkman	Hauge	McEachern	Rice	Vanasek
Byrne	Hokanson	Metzen	Rodriguez, C.	Vellenga
Carlson, L.	Jacobs	Minne	Rodriguez, F.	Voss
Clark, J.	Johnson, C.	Munger	Samuelson	Weich
Clark, K.	Johnson, D.	Murphy	Sarna	Wenzel
Clawson	Jude	Nelson, K.	Schoenfeld	Wynia
Dahlvang	Kahn	Norton	Schreiber	Spkr. Sieben, H.
Eken	Kalis	Novak	Shea	
Elioff	Kelly	Ogren	Sieben, M.	
Ellingson	Kostohryz	Osthoff	Simoneau	

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

Peterson, B., moved to amend H. F. No. 729, as follows:

Page 2, line 23, delete "\$10" and insert "one-half of the cost"

The question was taken on the amendment and the roll was called. There were 57 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Aasness	Forsythe	Knickerbocker	Olsen	Stadum
Ainley	Friedrich	Kvam	Onnen	Stowell
Blatz	Gruenes	Laidig	Peterson, B.	Sviggum
Carlson, D.	Halberg	Lemen	Piepho	Valan
Dean	Haukoos	Levi	Redalen	Valento
Dempsey	Heap	Ludeman	Rees	Weaver
Den Ouden	Heinitz	Marsh	Reif	Welker
Drew	Himle	McDonald	Rose	Wieser
Esau	Hoberg	Mehrkens	Rothenberg	Zubay
Evans	Hokr	Nelsen, B.	Schafer	
Ewald	Jennings	Niehaus	Schreiber	
Fjoslien	Kaley	Nysether	Sherman	

Those who voted in the negative were:

Anderson, B.	Elioff	Kostohryz	Ogren	Simoneau
Anderson, G.	Ellingson	Lehto	Osthoff	Skoglund
Anderson, I.	Greenfield	Long	Otis	Staten
Battaglia	Gustafson	Mann	Peterson, D.	Stumpf
Begich	Hanson	McCarron	Pogemiller	Tomlinson
Berkelman	Harens	McEachern	Reding	Vanasek
Brandl	Hauge	Metzen	Rice	Vellenga
Byrne	Jacobs	Minne	Rodriguez, C.	Voss
Carlson, L.	Johnson, C.	Munger	Rodriguez, F.	Weich
Clark, J.	Johnson, D.	Murphy	Samuelson	Wenzel
Clark, K.	Jude	Nelson, K.	Sarna	Wynia
Clawson	Kahn	Norton	Schoenfeld	Spkr. Sieben, H.
Dahlvang	Kalis	Novak	Shea	
Eken	Kelly	O'Connor	Sieben, M.	

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

The question was taken on the motion to recommend passage of H. F. No. 729 and the roll was called. There were 63 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Kostohryz	Otis	Skoglund
Anderson, I.	Ellingson	Lehto	Peterson, D.	Staten
Berkelman	Greenfield	Long	Pogemiller	Stumpf
Blatz	Gustafson	McEachern	Reding	Tomlinson
Brandl	Hanson	Metzen	Rice	Vanasek
Byrne	Harens	Munger	Rodriguez, C.	Vellenga
Carlson, L.	Hauge	Murphy	Rodriguez, F.	Voss
Clark, J.	Hokanson	Nelson, K.	Sarna	Welch
Clark, K.	Jacobs	Norton	Schoenfeld	Wenzel
Clawson	Johnson, C.	Novak	Schreiber	Wynia
Dahlvang	Jude	O'Connor	Shea	Spkr. Sieben, H.
Dean	Kahn	Ogren	Sieben, M.	
Eken	Kelly	Osthoff	Simoneau	

Those who voted in the negative were:

Aasness	Fjoslien	Kaley	Nelsen, B.	<b>Schafer</b>
Ainley	Forsythe	Kalis	Niehaus	Sherman
Anderson, G.	Friedrich	Knickerbocker	Nysether	Stadum
Anderson, R.	Gruenes	Kvam	Olsen	Stowell
Battaglia	Halberg	Laidig	Onnen	Sviggum
Begich	Haukoos	Lemen	Peterson, B.	Swanson
Carlson, D.	Heap	Levi	Piepho	Valan
Dempsey	Heinitz	Ludeman	Redalen	Valento
Den Ouden	Himle	Mann	Rees	Weaver
Drew	Hoberg	Marsh	Reif	Welker
Esau	Hokr	McDonald	Rose	Wieser
Evans	Jennings	Mehrkens	Rothenberg	Zubay
Ewald	Johnson, D.	Minne	Samuelson	

The motion did not prevail.

Kahn moved to amend H. F. No. 817, as follows:

Page 2, line 16, after "limited" insert "provided that teams or events are provided for each sex to the extent necessary to accommodate the demonstrated interest of each sex to participate in wrestling"

The question was taken on the amendment and the roll was called. There were 33 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Byrne	Gustafson	Laidig	Murphy	Osthoff
Clark, J.	Hokanson	Lehto	Nelson, K.	Otis
Clark, K.	Kahn	Long	Norton	Peterson, D.
Ellingson	Kaley	Minne	Novak	Rees
Greenfield	Kelly	Munger	Ogren	Rodriguez, C.

Rodriguez, F. Sieben, M.	Simoneau Staten	Tomlinson Vellenga	Wynia	Spkr. Sieben, H.
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Those who voted in the negative were:

Aasness	Drew	Hoberg	Nelsen, B.	Sherman
Ainley	Eken	Hokr	Niehaus	Skoglund
Anderson, B.	Elihoff	Jacobs	O'Connor	Stowell
Anderson, G.	Esau	Jennings	Olsen	Sviggum
Anderson, R.	Evans	Johnson, C.	Onnen	Swanson
Battaglia	Ewald	Johnson, D.	Peterson, B.	Valan
Begich	Fjoslien	Jude	Piepho	Valento
Berkelman	Forsythe	Kalis	Redalen	Vanasek
Blatz	Friedrich	Knickerbocker	Reding	Voss
Brandl	Gruenes	Kostohryz	Reif	Weaver
Brinkman	Halberg	Kvam	Rose	Welch
Carlson, D.	Hanson	Lemen	Rothenberg	Welker
Carlson, L.	Harens	Ludeman	Samuelson	Wenzel
Clawson	Hauge	Mann	Sarna	Wieser
Dahlvang	Haukoos	Marsh	Schafer	
Dean	Heap	McCarron	Schoenfeld	
Dempsey	Heinitz	McDonald	Schreiber	
Den Ouden	Himle	Mehrkens	Shea	

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

The question was taken on the motion to recommend passage of H. F. No. 1040 and the roll was called. There were 41 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Ewald	Metzen	Pogemiller	Sieben, M.
Anderson, R.	Greenfield	Minne	Reding	Simoneau
Brandl	Heap	Murphy	Rees	Tomlinson
Brinkman	Kahn	Norton	Reif	Wynia
Clark, J.	Knickerbocker	Novak	Rodriguez, F.	Zubay
Clark, K.	Kostohryz	O'Connor	Rose	
Dahlvang	Long	Otis	Samuelson	
Dempsey	McCarron	Peterson, B.	Sarna	
Evans	McEachern	Peterson, D.	Sherman	

Those who voted in the negative were:

Aasness	Ellingson	Jacobs	Mehrkens	Staten
Ainley	Esau	Jennings	Munger	Stowell
Anderson, B.	Fjoslien	Johnson, C.	Niehaus	Stumpf
Anderson, G.	Friedrich	Johnson, D.	Nysether	Sviggum
Battaglia	Gruenes	Jude	Ogren	Swanson
Begich	Gustafson	Kaley	Onnen	Valan
Berkelman	Halberg	Kalis	Osthoff	Valento
Byrne	Hanson	Kelly	Piepho	Vanasek
Carlson, D.	Harens	Kvam	Redalen	Vellenga
Carlson, L.	Hauge	Laidig	Rodriguez, C.	Voss
Clawson	Haukoos	Lehto	Rothenberg	Weaver
Dean	Heinitz	Lemen	Schafer	Welker
Den Ouden	Himle	Ludeman	Schoenfeld	Wenzel
Drew	Hoberg	Mann	Schreiber	Wieser
Eken	Hokanson	Marsh	Skoglund	Spkr. Sieben, H.
Elihoff	Hokr	McDonald	Stadum	

The motion did not prevail.

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 339:

Berkelman, Minne, and Begich.

The Speaker announced the appointment of the following members of the House to act as an honor guard for the funeral of Dwight Sherwood, father of Representative Glen Sherwood:

Nelsen, B.; Aasness; Ainley; Sieben, H.; Eken, and Reding.

#### MOTIONS AND RESOLUTIONS

Clark, J., moved that the name of Clark, K., be added as an author on H. F. No. 1302. The motion prevailed.

Vanasek moved that H. F. No. 1372 be returned to its author. The motion prevailed.

Aasness introduced:

House Resolution No. 15, A house resolution relating to the city of Fergus Falls; extending congratulations upon being selected an All-America City.

The resolution was referred to the Committee on Rules and Legislative Administration.

Eken introduced:

House Concurrent Resolution No. 4, A house concurrent resolution relating to adjournment of the House of Representatives for more than three days.

#### SUSPENSION OF RULES

Eken moved that the Rules be so far suspended that House Concurrent Resolution No. 4 be now considered and be placed upon its adoption. The motion prevailed.

#### HOUSE CONCURRENT RESOLUTION NO. 4

A house concurrent resolution relating to adjournment of the House of Representatives for more than three days.

*Be It Resolved* by the House of Representatives, the Senate concurring:

(1) Upon its adjournment on April 15, 1981, the House of Representatives may set its next day of meeting for 2:00 p.m. on April 20, 1981.

(2) Pursuant to the Minnesota Constitution, Article IV, Section 12, the Senate consents to the adjournment of the House of Representatives for more than three days.

Eken moved that House Concurrent Resolution No. 4 be now adopted. The motion prevailed and House Concurrent Resolution No. 4 was adopted.

#### ADJOURNMENT

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Wednesday, April 15, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## THIRTY-FIFTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 15, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Dr. Oscar A. Anderson, President Emeritus, Augsburg College, Minneapolis, Minnesota.

The roll was called and the following members were present:

Aasness	Erickson	Kahn	Norton	Shea
Ainley	Esau	Kaley	Novak	Sherman
Anderson, B.	Evans	Kalis	Nysether	Sieben, M.
Anderson, G.	Ewald	Kelly	O'Connor	Simoneau
Anderson, I.	Fjoslien	Knickerbocker	Ogren	Skoglund
Anderson, R.	Forsythe	Kostohryz	Olsen	Stadum
Battaglia	Friedrich	Kvam	Onnen	Stowell
Begich	Greenfield	Laidig	Otis	Stumpf
Berkelman	Gruenes	Lehto	Peterson, B.	Sviggum
Blatz	Gustafson	Lemen	Peterson, D.	Swanson
Brandl	Halberg	Levi	Piepho	Tomlinson
Brinkman	Hanson	Long	Pogemiller	Valan
Byrne	Harens	Ludeman	Redalen	Valento
Carlson, D.	Hauge	Mann	Reding	Vanasek
Carlson, L.	Haukoos	Marsh	Rees	Vellenga
Clark, J.	Heap	McCarron	Reif	Voss
Clark, K.	Heinitz	McDonald	Rice	Weaver
Clawson	Himle	McEachern	Rodriguez, C.	Welch
Dahlvang	Hoberg	Mehrkens	Rodriguez, F.	Welker
Dean	Hokanson	Metzen	Rose	Wenzel
Dempsey	Hokr	Minne	Rothenberg	Wieser
Den Ouden	Jacobs	Munger	Samuelson	Wynia
Drew	Jennings	Murphy	Sarna	Zubay
Eken	Johnson, C.	Nelsen, B.	Schafer	Spkr. Sieben, H.
Elioff	Johnson, D.	Nelson, K.	Schoenfeld	
Ellingson	Jude	Niehaus	Schreiber	

A quorum was present.

Luknic, Searles, Sherwood, Staten and Wigley were excused.

Osthoff was excused until 3:20 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. McDonald moved that further reading of the Journal



be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

#### REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 552, 681, 838, 1024, 705, 859, 922, 1034, 1048, 1052, 1089, 517, 3, 745, 757, 1078, 1199, 439, 449, 662, 182, 569, 743 and 986 have been placed in the members' files.

S. F. No. 718 and H. F. No. 970, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Jude moved that S. F. No. 718 be substituted for H. F. No. 970 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 291 and H. F. No. 1045, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Schoenfeld moved that the rules be so far suspended that S. F. No. 291 be substituted for H. F. No. 1045 and that the House File be indefinitely postponed. The motion prevailed.

#### PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

April 14, 1981

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

Dear Speaker Sieben:

I have the honor to inform you that I received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 341, relating to the city of Edina; providing for the purchasing and contracting authority of the city manager and council.

H. F. No. 470, relating to the department of public safety; changing the name of the highway patrol to the state patrol;

H. F. No. 40, relating to state lands; authorizing the conveyance of certain lands in St. Louis County.

H. F. No. 71, relating to elections; revising, reorganizing and recodifying major portions of the Minnesota election law; modernizing and improving language, organization and style; clarifying certain ambiguities; removing certain obsolete terms and provisions; restating guidelines for determining voter eligibility; providing for voter registration, absentee voting, the conduct of elections and the counting and canvassing of election returns; defining terms; providing penalties; making necessary technical amendments, corrections and other revisions;

H. F. No. 330, relating to Independent School District No. 625; providing for times of election and terms of office;

H. F. No. 269, relating to elections; allowing a candidate to transport parents of the candidate or the candidate's spouse to or from the polls;

H. F. No. 297, relating to the town of Great Scott; granting the town certain powers of municipality.

H. F. No. 173, relating to human rights; providing that certain statutes be equally applicable to all persons regardless of sex, including statutes related to the health department, suits for seduction, garnishment actions, judicial pensions, and probate proceedings; providing for penalties;

H. F. No. 84, relating to the city of St. James; authorizing the issuance of revenue bonds for the acquisition and betterment of an airport facility.

H. F. No. 201, relating to fire control services; providing for reimbursement by railroads and the department of public safety; setting the time limit for claims;

Sincerely,

ALBERT H. QUIE  
Governor

#### REPORTS OF STANDING COMMITTEES

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 61, A bill for an act relating to crimes; prohibiting the furnishing of tobacco related devices to minors; prohibiting

minors from using tobacco related devices; prescribing penalties; amending Minnesota Statutes 1980, Section 609.685.

Reported the same back with the following amendments :

Page 1, line 19, after "uses" insert "*or possesses*"

Amend the title as follows :

Page 1, line 4, after "using" insert "*or possessing*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, M., from the Committee on Appropriations to which was referred :

H. F. No. 70, A bill for an act relating to education; providing for aids to education, aids to libraries, tax levies and the distribution of tax revenues; granting certain powers and duties to school districts, the state board of education and others; replacing AVTI capital expenditure aid with AVTI equipment aid and AVTI repair and betterment aid; requiring a legislative study of curriculum implications of secondary vocational education aid; providing a new aid and levy authorization for certain capital expenditures; changing the preschool screening program from mandatory to optional; limiting participation in teacher mobility programs; decreasing the state's obligations and changing eligibility standards for the maximum effort school aid program; appropriating money; amending Minnesota Statutes 1980, Sections 3.9278, Subdivision 1; 3.9279, Subdivisions 10 and 12; 120.17, Subdivisions 3, 3b, 4, 5a, 6, 7 and by adding a subdivision; 121.904, Subdivision 7; 121.906, Subdivisions 2 and 3; 121.912, Subdivision 1; 122.22, Subdivisions 3, 4, 5, 8, 9, 11, 13, 14, 20 and by adding a subdivision; 123.35, Subdivision 15; 123.36, Subdivision 13; 123.39, Subdivision 1 and by adding a subdivision; 123.702, Subdivision 1; 123.703, Subdivision 3; 123.705; 123.937; 124.01, Subdivisions 2, 3, 4 and by adding a subdivision; 124.11, Subdivisions 1, 2a, 2b, 2c and by adding a subdivision; 124.14, Subdivisions 3, 4 and by adding a subdivision; 124.17, Subdivisions 2, 2c and by adding a subdivision; 124.20; 124.212, Subdivisions 1, 5a, 7d, 8a, 9a and by adding a subdivision; 124.223; 124.225, Subdivisions 1, 1a, 2, 3, 4a, 5, 6, 7a, 8a, 8b, 9, 11 and by adding a subdivision; 124.245, Subdivisions 1, 2 and by adding a subdivision; 124.247, Subdivisions 3 and 5; 124.26, Subdivisions 3, 4 and by adding subdivisions; 124.271, Subdivision 2; 124.32, Subdivisions 1a, 1b, 6, 9 and by adding a subdivision; 124.38, Subdivision 7; 124.39, Subdivision 5; 124.40, Subdivision 2; 124.41; 124.42, Subdivisions 1 and 2; 124.43, Subdivisions 1, 2, 3, 4 and 5; 124.474; 124.476; 124.561, Subdivisions 2a, 3a and by adding

subdivisions; 124.562, by adding a subdivision; 124.5621, Subdivisions 2, 5, 6 and 12; 124.5622, Subdivisions 3, 4 and 5; 124.5623, Subdivisions 3, 4 and 5; 124.5624; 124.565, Subdivisions 3, 4, 6 and 7; 124.566; 124.572, Subdivision 8 and by adding subdivisions; 124.573, Subdivisions 2, 3a, 5 and by adding a subdivision; 124.574, Subdivisions 2 and 4; 124.646, Subdivision 1; 125.60, Subdivisions 2a and 7; 125.611, Subdivisions 1, 3, 5, 8, 9 and 10; 126.54, Subdivision 1; 134.35, Subdivision 1; 134.351, Subdivision 5 and by adding subdivisions; 134.36; 275.125, Subdivisions 2a, 2c, 6b, 6c, 7a, 7b, 8, 11a and by adding subdivisions; 298.28, Subdivision 1; 354.094, Subdivisions 1, 2, 3 and by adding a subdivision; 354.66, Subdivision 9; 354A.091, Subdivisions 1, 2, 3 and by adding a subdivision; 354A.094, Subdivision 9; 375.335, Subdivision 4 and by adding subdivisions; Laws 1967, Chapter 822, Section 1, as amended; proposing new law coded in Minnesota Statutes, Chapters 120; and 124; repealing Minnesota Statutes 1980, Sections 3.9279, Subdivision 13; 120.17, Subdivision 3c; 122.22, Subdivisions 10, 12, 15 and 16; 123.40, Subdivision 5; 124.212, Subdivisions 6c and 7c; 124.225, Subdivisions 4, 7 and 8; 124.271, Subdivision 1a; 124.561, Subdivision 4; 124.562, Subdivisions 3 and 4; 124.571; 126.268, Subdivision 1; 126.52, Subdivision 12; 275.125, Subdivisions 2b and 14.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 108, A bill for an act relating to highway traffic regulations; increasing the driver license revocation period for second and subsequent convictions of driving under the influence of alcohol or controlled substances; amending Minnesota Statutes 1980, Section 169.121, Subdivision 4.

Reported the same back with the following amendments:

Page 1, line 17, after "(90 DAYS)" delete "one year" and insert "six months and no limited license shall be issued the first three months of the revocation"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 247, A bill for an act relating to retirement; authorizing the purchase of prior service credit by certain court reporters.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [FUTURE PENSION COVERAGE FOR CERTAIN WEST ST. PAUL POLICE OFFICERS; REFUND OF CERTAIN MEMBER CONTRIBUTIONS.]**

*Subdivision 1. [COVERAGE FOR FUTURE SERVICE.] Notwithstanding any provision of law to the contrary, any West St. Paul police officer who was employed as a police officer by the city of West St. Paul on February 4, 1980, who became a member of the West St. Paul police relief association on August 4, 1980, and who was previously employed as a police officer by the city of Lilydale, shall be entitled, on or before January 1, 1982, to elect to have retirement coverage for all service as a police officer rendered subsequent to the date of the election be provided by the public employees police and fire fund governed pursuant to Minnesota Statutes, Chapter 353, and not be provided by the West St. Paul police relief association governed pursuant to Minnesota Statutes, Sections 69.77 and 423.37 to 423.392 and Laws 1967, Chapter 751. The election shall be made in writing and shall be filed with the clerk for the city of West St. Paul, who shall promptly notify the executive director of the public employees retirement association of the election of the change in retirement coverage.*

*Subd. 2. [REFUND OF MEMBER CONTRIBUTIONS.] If the election of a change in retirement coverage is made, any person to whom subdivision 1 applies shall be entitled, upon written application filed with the secretary of the West St. Paul police relief association, to a refund of all accumulated member contributions to the credit of the person, without interest, from the special fund of the West St. Paul police relief association.*

**Sec. 2. [PURCHASE OF PRIOR SERVICE CREDIT BY CERTAIN PERSONS.]**

*Subdivision 1. [ELIGIBILITY.] Notwithstanding any provision of law to the contrary, the following persons shall be entitled to purchase prior service credit from the appropriate retirement fund for service for which the person has not previously received service credit from that fund:*

*(a) from the Minnesota state retirement system, any person who was employed by the Minnesota department of veteran affairs from October 3, 1949, to January 15, 1951, and from August, 1973, until November 3, 1973, and who is currently employed by the occupational safety and health division of the department of labor and industry, for the period from October 3, 1949, to January 15, 1951;*

(b) from the public employees retirement association, any person who was employed by the city of Minneapolis as a municipal court reporter from January 1, 1943, until April 30, 1945, and from May 1, 1946, until August 31, 1949, who was granted a leave of absence to enter military service from April 30, 1945, until April 30, 1946, and who, subsequent to becoming an employee of the county of Hennepin, purchased prior service in the public employees retirement association for the non-military service rendered as an employee of the city of Minneapolis for the one year of service credit representing the year of previously uncredited military service;

(c) from the public employees retirement association, a retired member of the public employees retirement association who served as a Mille Lacs county commissioner and who was born on June 18, 1915, for his actual period of service between January 1, 1957, and December 31, 1959;

(d) from the public employees police and fire fund, the person who was a firefighter in the city of St. Paul and who is currently employed by the city of Brainerd in the position of fire chief, for that period of service spent as an employee of the city of St. Paul and member of the St. Paul firefighters' relief association;

(e) from the teachers retirement association, any person currently employed as a professor by the University of Minnesota at the Duluth campus, who was born on July 5, 1919, who was previously a member of the teachers retirement association, and who, on June 23, 1961, completed an agreement to pay for the purchase of prior service arrears amounts to the teachers retirement association, for that period of time covered by the arrears agreement;

(f) from the public employees police and fire fund, any West St. Paul police officer who was employed as a police officer by the city of West St. Paul on February 4, 1980, who became a member of the West St. Paul police relief association on August 4, 1980, and who was previously employed as a police officer by the city of Lilydale, for all service as a police officer rendered subsequent to the date of the election be provided by the public employees police and fire fund governed pursuant to Minnesota Statutes, Chapter 353, and not be provided by the West St. Paul police relief association governed pursuant to Minnesota Statutes, Sections 69.77 and 423.37 to 423.392 and Laws 1967, Chapter 751;

(g) from the Minnesota state retirement system, any person who is a member of the Minnesota state retirement system, who was employed by the military department at Camp Ripley commencing April 1, 1950, and ending February 15, 1951, and who was engaged in active military service commencing February 15,

1951, and ending February 21, 1953, for the period from April 1, 1950, to February 21, 1953; and

(h) from the Minnesota state retirement system, any person with prior intermittent service as a legislative employee who either is a current permanent employee of the legislature or who is an employee in the classified or unclassified service of the state for the period of prior intermittent legislative service.

Subd. 2. [PAYMENT.] For the persons entitled to purchase prior service pursuant to subdivision 1, clauses (a), (b), (c), (d), (e), (f), and (g), there shall be paid to the applicable retirement fund an amount equal to the present value, on the date of payment, of the amount of the additional service pension or retirement annuity which would be obtained by virtue of the purchase of the additional service credit, using the interest rate specified in Minnesota Statutes, Section 356.215, Subdivision 4, Clause (4), and the applicable mortality table adopted for the appropriate retirement fund or association and assuming continuous service until, and retirement at, the normal retirement age for the appropriate retirement fund or association and a future salary history which includes annual salary increases at the salary increase rate specified in Minnesota Statutes, Section 356.215, Subdivision 4, Clause (4). Payment shall be made in one lump sum, unless the executive director of the appropriate retirement fund or association agrees to accept payment in installments over a period of not to exceed three years from the date of the agreement, with interest at a rate deemed appropriate by the executive director. The period of allowable service shall be credited to the account of the person only after receipt of full payment by the executive director. Payment shall be made by the person entitled to purchase prior service, except that the current or former employer of the person may, at its discretion, pay all or any portion of the payment amount which exceeds an amount equal to the employee contribution rates in effect for the retirement fund during the period or periods of prior service applied to the actual salary rates in effect during the period or periods of prior service, plus interest at the rate of six percent per annum compounded annually from the date on which the contributions would otherwise have been made to the date on which the payment is made.

For persons entitled to purchase prior service pursuant to subdivision 1, clause (h), the purchase may be made by paying to the Minnesota state retirement system an amount equal to the current employee contribution rates in effect for the Minnesota state retirement system applied to the current salary rate multiplied by the days and months of prior intermittent legislative service. Proof of employment by the legislature and the duration thereof shall be established by certification of the committee on rules and legislative administration of the house of representatives. Certification to the director of the Minnesota

state retirement system shall include the exact periods of employment for which the employee is entitled to obtain service credit. The service credit shall be computed and granted based on the relationship that the intermittent service bears to full employment. The payments permitted herein in the case of a person who is or was a senate employee shall be matched by the senate and in the case of a person who is or was a house employee shall be matched by the house of representatives. Any necessary sums are hereby appropriated from the respective legislative expense funds and transferred to the Minnesota state retirement system. If the employee at the time of payment is a participant in the unclassified program, the payment by the employee and employer shall be used to purchase shares in the Minnesota supplemental fund. Authority to make a lump sum payment or to make an agreement to make installment payments shall expire on July 1, 1982.

*Subd. 3. [RECALCULATION OF ANNUITY.] After payment is received by the public employees retirement association from the person entitled to purchase prior service pursuant to subdivision 1, clause (c), the public employees retirement association shall recompute the retirement annuity to include the additional service credit. The recomputed benefit shall accrue on the first day of the month following the receipt of payment and the crediting of the additional service credit shall be payable as soon as is practicable thereafter.*

**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 retirement; authorizing certain persons to purchase prior service credit; authorizing certain persons to change retirement coverage for future services."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 251, A bill for an act relating to retirement; making various changes in the laws governing the operation of the public employees retirement association; amending Minnesota Statutes 1980, Section 353.01, Subdivision 19; 353.03, Subdivisions 1, 2, and 5; 353.15; 353.27, Subdivision 4; 353.28, Subdivision 5; 353.29, Subdivision 8; 353.31, Subdivision 1; 353.32, Subdivision 9; 353.33, Subdivisions 4, 5, and 6; 353.46, Subdi-



vision 1; 353.64, Subdivisions 1 and 6; 353.656, Subdivision 2; and 353.657, Subdivision 3; repealing Minnesota Statutes 1980, Sections 353.017, Subdivision 5; 353.272; and 353.37, Subdivision 1a.

Reported the same back with the following amendments:

Page 2, line 32, strike "nominee may withdraw his" and after "name" insert "*may be withdrawn*" and after "nomination" insert "*by the nominee*"

Page 4, after line 16 insert:

"Sec. 4. Minnesota Statutes 1980, Section 353.03, Subdivision 3a, is amended to read:

Subd. 3a. [DUTIES AND POWERS OF THE EXECUTIVE DIRECTOR.] The management of the association is vested in the executive director who shall be the executive and administrative head of the association. He shall act as adviser to the board on all matters pertaining to the association. He shall also act as the secretary of the board. It is the duty of the executive director and he has the power to:

- (1) Attend all meetings of the board;
- (2) Prepare and recommend to the board rules and regulations for the purpose of carrying out the provisions of this chapter;
- (3) Establish and maintain an adequate system of records and accounts following recognized accounting principles and controls;
- (4) Designate an assistant director with the approval of the board, and appoint such employees, both permanent and temporary, as are necessary to carry out the provisions of said chapter, and with the approval of the board fix their compensation;
- (5) Organize the work of the association as he deems necessary to fulfill the functions of the association, and define the duties of its employees and delegate to them any of his powers or duties, subject to his control and under such conditions as he may prescribe;
- (6) With the approval of the board, contract for actuarial services, professional management services, and consulting services as may be necessary and fix the compensation therefor. Such contracts shall not be subject to the competitive bidding procedure prescribed by chapter 16. (PROFESSIONAL MANAGEMENT SERVICES MAY NOT BE CONTRACTED FOR

MORE OFTEN THAN ONCE IN EVERY SIX YEARS.) Copies of all professional management survey reports shall be sent directly to the legislature and the legislative auditor at the same time reports are furnished the board. Only management firms experienced in conducting management surveys of federal, state or local public retirement systems shall be qualified to contract with the director hereunder;

(7) With the approval of the board provide inservice training for all employees of the association;

(8) Make refunds of accumulated contributions to former members and to the designated beneficiary, surviving spouse, legal representative or next of kin of deceased members or deceased former members, all as provided in this chapter;

(9) Determine the amount of the annuities and disability benefits of members covered by the association and authorize payment thereof beginning as of the dates such annuities and benefits begin to accrue, all in accordance with the provisions of said chapter;

(10) Pay annuities, refundments, survivor benefits, salaries and all necessary operating expenses of the association;

(11) Prepare and submit to the board and the legislature an annual report covering the operation of the association, as required by chapter 356;

(12) With the approval of the board, perform such other duties as may be required for the administration of the association and the other provisions of this chapter and for the transaction of its business."

Page 4, delete section 4

Page 4, line 29, strike "AND TAXATION"

Page 6, line 30, delete "*annually*" and insert "*periodically at times specified by the board of trustees*"

Page 6, line 36, strike "he" and insert "*the person*"

Page 7, line 7, strike "his"

Page 7, line 8, strike "his" and insert "*the*"

Page 7, line 9, after "children" insert "*of the member*"

Page 7, line 32, strike "his or her" and insert "*the*" and after "remarriage" insert "*of the spouse*"

Page 8, line 19, delete "he" and insert "the amount" and delete "hold or use such amount as trustee" and insert "be held or used in trust"

Page 9, lines 17 and 19, strike "him" and insert "the person"

Page 9, line 25, after "benefits" insert "shall be"

Page 10, delete section 14

Page 10, line 27, strike "he" and insert "the person"

Page 10, line 28, strike "his" and strike "said" and insert "the"

Page 11, line 21, strike "his" and insert "that"

Page 12, line 12, strike "him" and insert "the member"

Page 12, line 13, strike "he" and insert "the member"

Page 12, line 14, strike "less" and insert "with disability benefits paid reimbursed and future benefits reduced by"

Page 12, line 15, strike "him" and insert "the member"

Page 12, line 31, delete "he" and insert "the amount" and delete "hold or use such amount as trustee" and insert "be held or used in trust"

Page 13, line 2, delete "and" and after "1a" insert "; and 353.46, Subdivision 1"

Renumber the sections

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections"

Page 1, line 6, delete "5" and insert "3a"

Page 1, line 9, delete "353.46, Subdivision 1;"

Page 1, line 13, delete "and" and after "1a" insert "; and 353.46, Subdivision 1"

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 284, A bill for an act relating to health; prescribing procedures for notification of parents, guardians, and conservators prior to performing abortions on certain persons; providing a penalty; amending Minnesota Statutes 1980, Section 144.343.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 144.343, is amended to read:

144.343 [PREGNANCY, VENEREAL DISEASE AND ALCOHOL OR DRUG ABUSE.]

*Subdivision 1. [MINOR'S CONSENT VALID.] Notwithstanding the provisions of section 15.162, subdivision 4, any minor may give effective consent for medical, mental and other health services to determine the presence of or to treat pregnancy and conditions associated therewith, venereal disease, alcohol and other drug abuse, and the consent of no other person is required.*

*Subd. 2. [NOTIFICATION CONCERNING ABORTION.] No abortion operation shall be performed upon an unemancipated minor or upon a woman for whom a guardian or conservator has been appointed pursuant to sections 525.54 to 525.551 because of a finding of incompetency, until at least 48 hours after written notice of the pending operation has been delivered in the manner specified in subdivisions 2 to 4:*

*(a) If the pregnant woman is unmarried and is living with her parent, the notice shall be addressed to the parent and either be delivered personally to her parent or be delivered to the parent's usual place of abode and left with a person of suitable age and discretion residing therein other than the pregnant woman.*

*(b) In lieu of the delivery required by clause (a), notice may be made by certified mail receipted for by the persons specified for delivery in clause (a).*

*Subd. 3. [PARENT; DEFINITION.] For purposes of this section, "parent" means both parents of the pregnant woman if they are both living, one parent of the pregnant woman if only one is living or if the second one cannot be located through reasonably diligent effort, or the guardian or conservator if the pregnant woman has one.*

*Subd. 4. [LIMITATIONS.] No notice shall be required under this section if:*

*(a) The attending physician certifies in the pregnant woman's medical record that the abortion is necessary to prevent the woman's death and there is insufficient time to provide the required notice;*

*(b) The abortion is authorized in writing by the person or persons who are entitled to notice; or*

*(c) The pregnant minor woman declares that she is a victim of sexual abuse, neglect, or physical abuse as defined in section 626.556. Notice of that declaration shall be made to the proper authorities as provided in section 626.556, subdivision 3.*

*Subd. 5. [PENALTY.] Performance of an abortion in violation of this section shall be a misdemeanor and shall be grounds for a civil action by a person wrongfully denied notification. A person shall not be held liable under this section if the person establishes by written evidence that the person relied upon evidence sufficient to convince a careful and prudent person that the representations of the pregnant woman regarding information necessary to comply with this section are bona fide and true, or if the person has attempted with reasonable diligence to deliver notice, but has been unable to do so."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 390, A bill for an act relating to retirement; providing for an increase in the amount of employer contributions to the teachers retirement association and to the teachers retirement fund associations in cities of the first class; amending Minnesota Statutes 1980, Sections 354.42, Subdivision 5; and 354A.-12, Subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 354.42, Subdivision 5, is amended to read:

*Subd. 5. [EMPLOYER ADDITIONAL CONTRIBUTION.] An additional employer contribution shall be made in the manner provided in section 354.43 in an amount (OF 3.05 PERCENT) equal to the following percentage of the salary of each member for the purpose of paying the interest on or amor-*

tizing the (DEFICIT IN) *unfunded accrued liability* of the fund (. THIS CONTRIBUTION SHALL BE MADE IN THE MANNER PROVIDED IN SECTION 354.43.):

<i>from July 1, 1980 through June 30, 1981</i>	<i>3.05 percent</i>
<i>from July 1, 1981 through June 30, 1982</i>	<i>3.50 percent</i>
<i>from July 1, 1982 through June 30, 1983</i>	<i>3.95 percent</i>
<i>from July 1, 1983 through June 30, 1984</i>	<i>4.40 percent</i>
<i>from July 1, 1984 through June 30, 1985</i>	<i>4.85 percent</i>
<i>from July 1, 1985 through June 30, 1986</i>	<i>5.30 percent</i>
<i>from July 1, 1986 through June 30, 1987</i>	<i>5.75 percent</i>
<i>from July 1, 1987 through June 30, 1988</i>	<i>6.20 percent</i>
<i>from July 1, 1988 through June 30, 1989</i>	<i>6.65 percent</i>
<i>from July 1, 1989 through June 30, 1990</i>	<i>7.10 percent</i>
<i>from July 1, 1990 through June 30, 1991</i>	<i>7.55 percent</i>
<i>from July 1, 1991 and thereafter</i>	<i>7.76 percent</i>

Sec. 2. Minnesota Statutes 1980, Section 354A.12, Subdivision 2, is amended to read:

Subd. 2. [EMPLOYER CONTRIBUTIONS.] Notwithstanding any law to the contrary, levies for teachers retirement fund associations in cities of the first class, including levies for any employer social security taxes for teachers covered by the Duluth teachers retirement fund association or the Minneapolis teachers retirement fund association or the St. Paul teachers retirement fund association, are disallowed and the state shall assume the total employer obligation.

The state shall make the following employer contributions to teachers retirement fund associations:

(a) For any coordinated member of a teachers retirement fund association in a city of the first class, the state shall pay the employer social security taxes in accordance with section 355.46, subdivision 3, clause (b);

(b) For any coordinated member of one of the following teachers retirement fund associations in a city of the first class, the state shall make a contribution to the respective retirement

fund association in an amount equal to the designated percentage of the salary of the coordinated member as provided below:

**Duluth teachers retirement**

**fund association**

<i>from July 1, 1980 through June 30, 1981</i>	<b>5.79 percent</b>
<i>from July 1, 1981 through June 30, 1982</i>	<b>5.86 percent</b>
<i>from July 1, 1982 through June 30, 1983</i>	<b>5.93 percent</b>
<i>from July 1, 1983 through June 30, 1984</i>	<b>6.00 percent</b>
<i>from July 1, 1984 through June 30, 1985</i>	<b>6.07 percent</b>
<i>from July 1, 1985 through June 30, 1986</i>	<b>6.14 percent</b>
<i>from July 1, 1986 through June 30, 1987</i>	<b>6.21 percent</b>
<i>from July 1, 1987 through June 30, 1988</i>	<b>6.28 percent</b>
<i>from July 1, 1988 through June 30, 1989</i>	<b>6.35 percent</b>
<i>from July 1, 1989 through June 30, 1990</i>	<b>6.42 percent</b>
<i>from July 1, 1990 through June 30, 1991</i>	<b>6.49 percent</b>
<i>from July 1, 1991 and thereafter</i>	<b>6.55 percent</b>

**Minneapolis teachers retirement**

<b>fund association</b>	<b>4.50 percent</b>
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**St. Paul teachers retirement**

**fund association**

<i>from July 1, 1980 through June 30, 1981</i>	<b>4.50 percent</b>
<i>from July 1, 1981 through June 30, 1982</i>	<b>4.542 percent</b>
<i>from July 1, 1982 through June 30, 1983</i>	<b>4.584 percent</b>
<i>from July 1, 1983 through June 30, 1984</i>	<b>4.626 percent</b>
<i>from July 1, 1984 through June 30, 1985</i>	<b>4.668 percent</b>
<i>from July 1, 1985 through June 30, 1986</i>	<b>4.700 percent</b>

<i>from July 1, 1986 through June 30, 1987</i>	<i>4.742 percent</i>
<i>from July 1, 1987 through June 30, 1988</i>	<i>4.784 percent</i>
<i>from July 1, 1988 through June 30, 1989</i>	<i>4.826 percent</i>
<i>from July 1, 1989 through June 30, 1990</i>	<i>4.868 percent</i>
<i>from July 1, 1990 through June 30, 1991</i>	<i>4.900 percent</i>
<i>from July 1, 1991 and thereafter</i>	<i>4.9428 percent</i>

(c) For any basic member of one of the following teachers retirement fund associations in a city of the first class, the state shall make a contribution to the respective retirement fund in an amount equal to the designated percentage of the salary of the basic member as provided below:

**Minneapolis teachers retirement  
fund association**

<i>from July 1, 1980 through June 30, 1981</i>	<i>13.35 percent</i>
<i>from July 1, 1981 through June 30, 1982</i>	<i>14.67 percent</i>
<i>from July 1, 1982 through June 30, 1983</i>	<i>15.99 percent</i>
<i>from July 1, 1983 through June 30, 1984</i>	<i>17.31 percent</i>
<i>from July 1, 1984 through June 30, 1985</i>	<i>18.63 percent</i>
<i>from July 1, 1985 through June 30, 1986</i>	<i>19.95 percent</i>
<i>from July 1, 1986 through June 30, 1987</i>	<i>21.27 percent</i>
<i>from July 1, 1987 through June 30, 1988</i>	<i>22.59 percent</i>
<i>from July 1, 1988 through June 30, 1989</i>	<i>23.91 percent</i>
<i>from July 1, 1989 through June 30, 1990</i>	<i>25.23 percent</i>
<i>from July 1, 1990 through June 30, 1991</i>	<i>26.55 percent</i>
<i>from July 1, 1991 and thereafter</i>	<i>27.25 percent</i>

**St. Paul teachers retirement  
fund association**

<i>from July 1, 1980 through June 30, 1981</i>	<i>12.63 percent</i>
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<i>from July 1, 1981 through June 30, 1982</i>	<i>13.40 percent</i>
<i>from July 1, 1982 through June 30, 1983</i>	<i>14.17 percent</i>
<i>from July 1, 1983 through June 30, 1984</i>	<i>14.94 percent</i>
<i>from July 1, 1984 through June 30, 1985</i>	<i>15.71 percent</i>
<i>from July 1, 1985 through June 30, 1986</i>	<i>16.48 percent</i>
<i>from July 1, 1986 through June 30, 1987</i>	<i>17.25 percent</i>
<i>from July 1, 1987 through June 30, 1988</i>	<i>18.02 percent</i>
<i>from July 1, 1988 through June 30, 1989</i>	<i>18.79 percent</i>
<i>from July 1, 1989 through June 30, 1990</i>	<i>19.58 percent</i>
<i>from July 1, 1990 through June 30, 1991</i>	<i>20.33 percent</i>
<i>from July 1, 1991 and thereafter</i>	<i>20.77 percent</i>

The state employer contributions shall be remitted directly to each teachers retirement fund association each month in accordance with the procedures described in section 354.43, subdivisions 1 and 5.

Once each month the executive secretary of each teachers retirement fund association shall determine the amount of money necessary and presently needed to meet the state obligation as provided in this subdivision by applying the percentage of payroll figure to the estimated payroll amounts for the current month and shall certify the amount to the commissioner of finance. The moneys required to meet the amounts certified by each executive secretary of a teachers retirement fund association shall be remitted directly to the applicable teachers retirement fund association from the general fund each month. If subsequent actual experience deviates from the anticipated experience upon which the amount certified was determined, the allocation to the first class city teachers retirement fund association involved next following the discovery of the deviation shall be adjusted. If the state makes an excess employer contribution to a teachers retirement fund association as the result of a false or wrongful certification, the state shall be entitled to recover the excess employer contribution by any appropriate means, including recovery from future state allocations, state aid or other funds payable to the school district in which the association is located. If an employee of that school district is responsible for the false or wrongful certification, any excess employer contribution recovered by the state shall be the obligation of the school district.

*From the employer contribution received from the state, the teachers retirement fund association shall subtract and shall pay to the state teachers retirement association an amount equal to the applicable percentage of payroll employer contribution rate applied to that portion of estimated payroll amounts which are paid from sources other than normal school operating funds as certified to the commissioner of finance pursuant to subdivision 3.*

Sec. 3. [EFFECTIVE DATE.]

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

Amend the title as follows:

Page 1, line 2, delete "an increase" and insert "periodic increases"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 478, A bill for an act relating to the city of Robbinsdale; providing that certain tax increment backed bond issues shall be exempt from net debt limits.

Reported the same back with the following amendments:

Page 1, line 10, delete "there shall be excluded from" and insert "the deductions in"

Page 1, line 12, after "Subdivision 4," insert "shall include"

Page 1, delete lines 17 to 20 and insert:

*"This act is effective upon the day of compliance with Minnesota Statutes, Section 645.021, Subdivision 3."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 484, A bill for an act relating to commerce; regulating continuing care facilities; delaying effective date of regulation.

Reported the same back with the following amendments :

Delete everything after the enacting clause and insert :

“Section 1. Minnesota Statutes 1980, Section 80D.01, is amended to read :

80D.01 [SHORT TITLE.]

Sections 80D.01 to 80D.16 may be cited as the Continuing Care Facility (REGISTRATION) *Disclosure and Rehabilitation Act*.

Sec. 2. Minnesota Statutes 1980, Section 80D.02, Subdivision 2, is amended to read :

Subd. 2. “Continuing care” means the furnishing to an individual, other than an individual related by blood or marriage to the person furnishing the care, of board (AND), lodging (TOGETHER WITH), and nursing service, medical service or other health related service, regardless of whether or not the lodging and service are provided at the same location, pursuant to a written agreement effective for the life of the individual or for a period in excess of one year (BUT DOES NOT INCLUDE CARE FURNISHED IN A NURSING HOME LICENSED PURSUANT TO CHAPTER 144A), *which is conditioned upon the payment of an entrance fee in excess of \$100 and the payment of regular periodic charges for the care provided.*

Sec. 3. Minnesota Statutes 1980, Section 80D.02, is amended by adding a subdivision to read :

*Subd. 2a. “Life care” means “continuing care” as defined in subdivision 2.*

Sec. 4. Minnesota Statutes 1980, Section 80D.03, Subdivision 1, is amended to read :

Subdivision 1. A provider shall not enter into a contract that requires or permits the payment of an entrance fee in consideration for a promise to provide continuing care in the facility, if the facility is or will be located in this state, or if the provider or a person acting on the provider’s behalf solicits the contract within this state and the person to be provided with continuing care under the contract resides within this state at the time of the solicitation, unless (THE FACILITY IS REGISTERED UNDER THIS SECTION) *the provider has filed in the office of the county recorder of the county in which the facility is or will be located, a current disclosure statement which meets the requirements of section 80D.04, a verified statement of the escrow agent to the effect that the escrow required*

*by section 80D.05 or 80D.06 has been established, and a filing fee in the amount of \$100 has been paid.*

Sec. 5. Minnesota Statutes 1980, Section 80D.04, is amended to read:

**80D.04 [DISCLOSURE STATEMENT.]**

Subdivision 1. [GENERALLY.] Before the execution of a contract to provide continuing care, or before the transfer of any money or other property to a provider by or on behalf of a prospective resident, whichever occurs first, the provider shall deliver a disclosure statement to the person with whom the contract is to be entered into or, the person's legal representative, the text of which shall contain, to the extent not clearly and completely set forth in the contract for continuing care attached as an exhibit thereto, at least the following information:

(a) The name and business address of the provider and a statement of whether the provider is a partnership, corporation, or other type of legal entity;

(b) The names of the officers, directors, trustees, or managing or general partners of the provider, *and any person having a ten percent or greater equity or beneficial interest in the provider, and a description of the person's interest in or occupation with the provider;*

(c) (A DESCRIPTION OF THE BUSINESS EXPERIENCE OF) *With respect to the provider, any person named pursuant to clause (b) and (OF) the proposed manager of the facility if the facility will be managed on a day to day basis by (AN ORGANIZATION) a person other than the provider (,):*

(1) *A description of the person's business experience, if any, in the operation or management of similar facilities;*

(2) *The name and address of any professional service, firm, association, trust, partnership or corporation in which the person has, or which has in the person, a ten percent or greater interest and which will or may provide goods, leases, or services to the facility of a value of \$500 or more within any year, including a description of the goods, leases, or services and the probable or anticipated cost thereof to the facility or provider or a statement that the cost cannot presently be estimated; and*

(3) *A description of any matter in which the person has been convicted of a felony or pleaded nolo contendere to a felony charge, or been held liable or enjoined in a civil action by final judgment if the felony or civil action involved fraud, embezzlement, fraudulent conversion or misappropriation of property; or is subject to a currently effective injunctive or restrictive*

*order of a court of record, or within the past five years has had any state or federal license or permit suspended or revoked as a result of an action brought by a governmental agency or department, arising out of or relating to business activity or health care, including without limitation actions affecting a license to operate a foster care facility, nursing home, retirement home, home for the aged, or facility subject to this section or a similar act in another state;*

(d) A statement as to whether or not the provider is, or is affiliated with, a religious, charitable or other nonprofit organization; the extent of the affiliation, if any; the extent to which the affiliate organization is responsible for the financial and contract obligations of the provider; and the provision of the federal internal revenue code under which the provider or affiliate is exempt from the payment of income tax, *if any*;

(e) The location and description of the physical property of the facility, existing or proposed; and to the extent proposed, the estimated completion date or dates, whether or not construction has begun and the contingencies subject to which construction may be deferred;

(f) The goods and services provided or proposed to be provided under contracts for continuing care at the facility, including the extent to which medical care is furnished. The disclosure statement shall clearly state which goods and services are included in basic contracts for continuing care and which goods and services are made available at or by the facility at extra charge and whether they are provided by an affiliate;

(g) A description of all fees required of residents, including the entrance fee and periodic charges, if any. The description shall include:

(1) A statement of the fees that will be charged if the resident marries while at the facility, and a statement of the terms concerning the entry of a spouse to the facility and the consequences if the spouse does not meet the requirement for entry;

(2) The circumstances under which the resident will be permitted to remain in the facility in the event of possible financial difficulties of the resident;

(3) The terms and conditions under which a contract for continuing care at the facility may be canceled by the provider or by the resident; and the conditions (, IF ANY,) under which all or any portion of the entrance fee will be refunded in the event of cancellation of the contract by the provider or by the resident or in the event of the death of the resident prior to or following occupancy of a living unit;

(4) The conditions under which a living unit occupied by a resident may be made available by the facility to a different or new resident other than on the death of the original resident; and

(5) The manner by which the provider may adjust periodic charges or other recurring fees and the limitations on these adjustments, if any. If the facility is already in operation, or if the provider or manager operates one or more similar facilities within this state, there shall be included tables showing the frequency and average dollar amount of each increase in periodic rates at each facility for the previous five years or for whatever period that the provider or manager has operated the facility if this period is less than five years;

(h) The health and financial conditions required for an individual to be accepted as a resident and to continue as a resident once accepted, including the effect of any change in the health or financial condition of a person between the date of entering a contract for continuing care and the date of initial occupancy of a living unit by that person;

(i) The provisions that have been made or will be made (, IF ANY,) to provide reserve funding or security to enable the provider to fully perform its obligations under contracts to provide continuing care at the facility, including the establishment of escrow accounts, trusts or reserve funds, together with the manner in which the funds will be invested and the names and experience of persons who will make the investment decisions;

(j) Financial statements of the provider which shall be prepared in accordance with generally accepted accounting principles and audited by an independent certified public accountant who shall express an opinion thereon and shall include a balance sheet as of the end of the most recent fiscal year and income statements for the three most recent fiscal years of the provider or for whatever period the provider has operated the facility if this period is less than three years. If the provider's fiscal year ended more than 90 days prior to the date the application is filed, interim financial statements as of a date not more than 90 days prior to the filing shall be included, but need not be certified;

(k) If operation of the facility has not yet commenced, a statement of the anticipated source and application of the funds used or to be used in the purchase or construction of the facility, including:

(1) An estimate of the cost of purchasing or constructing and equipping the facility including such related costs as financing expense, legal expense, land costs, occupancy development costs, and all other similar costs that the provider expects to

incur or become obligated for prior to the commencement of operations;

(2) A description of any mortgage loan or other long term financing intended to be used for the financing of the facility, including the anticipated terms and costs of the financing;

(3) An estimate of the total entrance fees to be received from residents at or prior to commencement of operation of the facility; and

(4) An estimate of the funds, if any, that are anticipated to be necessary to fund start-up losses and provide reserve funds to assure full performance of the obligations of the provider under contracts for the provision of continuing care;

(1) Pro forma annual income statements for the facility for a period of not less than five fiscal years, including:

(1) A beginning cash balance consistent with the certified income statement required by clause (j) or, if operation of the facility has not commenced, consistent with the statement of anticipated source and application of funds required by clause (k);

(2) Anticipated earnings on cash reserves, if any;

(3) Estimates of net receipts from entrance fees, other than entrance fees included in the statement of source and application of funds required by clause (k), less estimated entrance fee refunds, if any. A description of the actuarial basis and method of calculation for the projection of entrance fee receipts shall be included;

(4) An estimate of gifts or bequests to be relied on to meet operating expenses and the basis therefor;

(5) A projection of estimated income from fees and charges other than entrance fees, showing individual rates presently anticipated to be charged and including a description of the criteria used for calculating the estimated occupancy rate of the facility and the effect on the income of the facility of government subsidies for health care services to be provided pursuant to the contracts for continuing care;

(6) A projection of estimated operating expenses of the facility, including a description of the assumptions used in calculating the expenses, and separate allowances, if any, for the replacement of equipment and furnishings and anticipated major structural repairs or additions; and

(7) An estimate of annual payments of principal and interest required by any mortgage loan or other long term financing; and

(m) Other material information concerning the facility or the provider that is required by the commissioner or that the provider wishes to include.

Subd. 2. [COVER PAGE DISCLOSURES.] The cover page of the disclosure statement shall state, in a prominent location and in boldface type, the date of the disclosure statement (AND THAT REGISTRATION OF THE FACILITY DOES NOT CONSTITUTE APPROVAL, RECOMMENDATION OR ENDORSEMENT OF THE FACILITY BY THE COMMISSIONER, NOR DOES THE REGISTRATION EVIDENCE THE ACCURACY OR COMPLETENESS OF THE INFORMATION SET OUT IN THE DISCLOSURE STATEMENT) , *the last date through which that disclosure statement may be delivered if not earlier revised, and that delivery of the disclosure statement to a contracting party before the execution of a contract for the provision of continuing care is required by sections 80D.01 to 80D.16 but that the disclosure statement has not been reviewed or approved by any government agency or representative to insure accuracy or completeness of the information set out.*

Subd. 3. [CONTRACT FORMS.] A copy of the standard form or forms of contract for continuing care used by the provider shall be attached as an exhibit to each disclosure statement. Each contract shall provide that:

(a) The party contracting with the provider may for any reason rescind the contract within ten days following the later of the execution of the contract or the receipt of the disclosure statement, in which event any money or property transferred to the provider shall be returned in full. The resident to whom the contract pertains is not required to move into the facility before the expiration of the ten day period; and

(b) If a resident dies before occupying a living unit in the facility, or if on account of illness, injury or incapacity would be precluded from occupying a living unit in the facility under the terms of the contract for continuing care, the contract is automatically canceled and the resident or legal representative of the resident shall receive a refund of all money or property transferred to the provider, less (a) those costs specifically incurred by the provider or facility at the request of the resident and described in the contract or an addendum thereto signed by the resident; and (b) a reasonable service charge, if set out in the contract, not to exceed the greater of \$350 or two percent of the entrance fee.



Subd. 4. [PLAIN LANGUAGE.] (WITH THE PRIOR APPROVAL OF THE COMMISSIONER, IN LIEU OF THE DISCLOSURE STATEMENT REQUIRED BY THIS SECTION A PROVIDER MAY DELIVER A DISCLOSURE STATEMENT OR SIMILAR DOCUMENT CONTAINING SUBSTANTIALLY THE INFORMATION REQUIRED BY THIS SECTION AND PREPARED IN COMPLIANCE WITH LAWS OF ANOTHER STATE OR OF THE UNITED STATES;)

(SUBD. 5. (A)) The disclosure statement required by this section shall be (IN A FORM APPROVED BY THE COMMISSIONER.)

((B) THE STATEMENT SHALL BE) written in language easily readable and understandable by a person of average intelligence and education.

(IN DETERMINING WHETHER A STATEMENT IS READABLE, THE COMMISSIONER SHALL CONSIDER AT LEAST THE FOLLOWING FACTORS:)

((1) THE SIMPLICITY OF THE SENTENCE STRUCTURE AND THE SHORTNESS OF THE SENTENCES USED;)

((2) THE EXTENT TO WHICH COMMONLY USED AND UNDERSTOOD WORDS ARE EMPLOYED;)

((3) THE EXTENT TO WHICH LEGAL TERMS ARE AVOIDED;)

((4) THE EXTENT TO WHICH REFERENCES TO OTHER SECTIONS OR PROVISIONS OF THE STATEMENT ARE MINIMIZED;)

((5) THE EXTENT TO WHICH DEFINITIONAL PROVISIONS ARE INCORPORATED IN THE TEXT OF THE STATEMENT; AND)

((6) ANY ADDITIONAL FACTORS RELEVANT TO THE READABILITY OR UNDERSTANDABILITY OF THE STATEMENT THAT THE COMMISSIONER PRESCRIBES BY RULE.)

((C) THE STATEMENT SHALL DISCLOSE THE NAMES OF ANY AFFILIATES WHO MAY PROVIDE GOODS OR SERVICES.)

*Subd. 5. [ACKNOWLEDGMENT.] The last page of the disclosure statement shall consist of a detachable "acknowledgment of receipt" which shall be signed and dated by the pro-*

*spective resident and a copy of which shall be kept on file in the office of the provider for four years from the date of the acknowledgment.*

Sec. 6. Minnesota Statutes 1980, Section 80D.05, is amended to read:

**80D.05 [ENTRANCE FEE ESCROW.]**

**Subdivision 1. [ESCROW ACCOUNT; RELEASE OF FEES.]** (AS A CONDITION OF REGISTRATION UNDER SECTION 80D.03, THE COMMISSIONER SHALL REQUIRE THAT) *Prior to soliciting or entering into any contract for the provision of continuing care, the provider shall establish (AN ESCROW ACCOUNT) with a bank (,) or trust company (OR OTHER) having its principal place of business in this state, as an escrow agent (APPROVED BY THE COMMISSIONER, AND THAT ANY), an entrance (FEES RECEIVED BY THE PROVIDER) fee escrow pursuant to which the provider shall deposit with the escrow agent, within 72 hours of receipt by the provider, each entrance fee or portion of an entrance fee received by the provider from or on behalf of a resident prior to the date the resident is permitted to occupy a living unit in the facility (BE PLACED IN THE ESCROW ACCOUNT), subject to release as follows:*

(a) *If the entrance fee applies to a living unit that has been previously occupied in the facility, the entrance fee shall be released to the provider at the time the living unit becomes available for occupancy by the new resident, or shall be returned to the resident or the resident's personal representative under the conditions described in section 80D.04, subdivision 3, if the escrow agent has received written demand for return of the entrance fee prior to the release thereof to the provider;*

(b) *If the entrance fee applies to a living unit which has not previously been occupied by any resident, the entrance fee shall be returned to the resident or the resident's legal representative under the conditions described in section 80D.04, subdivision 3, (OR) if the escrow agent receives written demand for return of the entrance fee prior to release thereof to the provider, or the entrance fee shall be released to the provider at the time (THE COMMISSIONER IS SATISFIED THAT) all of the following conditions have been met:*

(1) *The facility has 65 percent of its units reserved as determined by signed written agreements and minimum deposits received; or if the written agreement requires a minimum deposit of more than one-third of the entrance fee, then the facility may have 50 percent of the units reserved and 50 percent of the facility must be completely constructed; and*

(2) The sum of entrance fees received or receivable by the provider pursuant to binding contracts for continuing care, plus the anticipated proceeds of any first mortgage loan or other long-term financing commitment, plus funds from other sources in the actual possession of the provider, equals or exceeds the sum of 90 percent of the aggregate cost of constructing or purchasing, equipping and furnishing the facility plus 90 percent of the funds estimated in the statement of anticipated source and application of funds submitted by the provider as part of its permit application, to be necessary to fund start-up losses of the facility plus 90 percent of the amount of the reserve fund escrow, if any, required to be maintained by the provider pursuant to section 80D.06; and

(3) A commitment has been received by the provider for any permanent mortgage loan or other long term financing described in the statement of anticipated source and application of funds (SUBMITTED BY THE PROVIDER AS PART OF ITS REGISTRATION APPLICATION) *included in the current disclosure statement on file pursuant to section 80D.03*, and any conditions of the commitment prior to disbursement of funds thereunder, other than completion of the construction or closing of the purchase of the facility, have been substantially satisfied; and

(4) If construction of the facility has not been substantially completed, all governmental permits or approvals necessary prior to the commencement of construction have been obtained; and a maximum price contract has been entered into between the provider and a general contractor responsible for construction of the facility; a bond covering the faithful performance of the construction contract by the general contractor and the payment of all obligations arising thereunder has been issued by an insurer authorized to do business in this state with the provider as obligee; a loan agreement has been entered into by the provider for an interim construction loan in an amount which, when combined with the amount of entrance fees then held in escrow under the provisions of this section plus the amount of funds from other sources then in the actual possession of the provider, will equal or exceed the estimated cost of constructing, equipping and furnishing the facility; not less than ten percent of the amount of the construction loan has been disbursed by the lender for physical construction or site preparation work completed; and orders at firm prices have been placed by the provider for not less than 50 percent in value, including installation charges if applicable, of items necessary for equipping and furnishing the facility in accordance with the description set forth in the disclosure statement required by section 80D.04; or

If construction or purchase of the facility has been substantially completed, an occupancy permit covering the living unit has been issued by the local government having authority to issue these permits.

Subd. 2. [LIMITATION.] The aggregate amount of entrance fees which may be released to the provider pursuant to subdivision 1, clause (b) prior to the date on which any reserve fund escrow under section 80D.06 is established shall not exceed the aggregate amount of entrance fees then received or receivable by the provider pursuant to binding contracts for continuing care less the amount of the entrance fees received or receivable which will be required to be initially maintained in the reserve fund escrow;

Subd. 3. [FEE RETURNED AFTER 36 MONTHS.] If (THE FUNDS IN AN ESCROW ACCOUNT) *an entrance fee* to which subdivision 1, clause (b) applies (ARE) is not released pursuant thereto within a period of 36 months *from receipt of the entrance fee by the provider or within a greater time that has been specified by the provider (WITH THE CONSENT OF THE COMMISSIONER, OR ANY EXTENSIONS THEREOF APPROVED BY THE COMMISSIONER IN WRITING) in the disclosure statement delivered, pursuant to section 80D.04, to the person with whom the contract for continuing care to which the entrance fee pertains was made,* then the (FUNDS) *fee* shall be returned by the escrow agent to the persons who had paid them to the provider.

Subd. 4. [NONREFUNDABLE APPLICATION FEES.] Nothing in this section requires the escrow of any nonrefundable application fee that does not exceed two percent of the entrance fee and is clearly designated as such in the contract for continuing care.

Subd. 5. [ACCRUED INTEREST.] (IN LIEU OF ANY ESCROW WHICH IS REQUIRED BY THE COMMISSIONER UNDER THIS SECTION, A PROVIDER MAY POST A BOND ISSUED BY AN INSURER AUTHORIZED TO DO BUSINESS IN THIS STATE. THE BOND SHALL BE FILED WITH THE COMMISSIONER WITH THE STATE AS OBLIGEE, CONDITIONED FOR THE PROMPT PAYMENT TO PERSONS WHO ARE ENTITLED TO A REFUND OF ENTRANCE FEES FROM THE PROVIDER.)

(SUBD. 6.) Interest accrued on entrance fees or deposits held in escrow is the property of the provider *only if the funds are ultimately released to the provider.*

Subd. 6. [RESIDENT COPY OF ESCROW AGREEMENT.] *The provider shall provide each prospective resident who has signed a contract for continuing care with a copy of the escrow agreement referred to in subdivision 1, which agreement shall set forth the name, address, and telephone number of the escrow agent.*

Sec. 7. Minnesota Statutes 1980, Section 80D.06, is amended to read:

## 80D.06 [RESERVE FUND ESCROW.]

Subdivision 1. [ESCROW ACCOUNT; RELEASE OF FUNDS.] (AS A CONDITION OF INITIAL OR CONTINUING REGISTRATION UNDER SECTION 80D.03) *At the time a facility is first occupied by any resident and thereafter, (THE COMMISSIONER SHALL REQUIRE) the provider (TO) shall establish (AT THE TIME THE FACILITY IS FIRST OCCUPIED BY ANY RESIDENT AND THEREAFTER, TO) and maintain on a current basis, in escrow with a bank (,) or trust company (OR OTHER ESCROW AGENT APPROVED BY THE COMMISSIONER) having its principal place of business in this state, as an escrow agent, a portion of all entrance fees received by the provider in an aggregate amount of up to the total of all principal and interest payments due during the next 12 months on account of any first mortgage loan or other long term financing of the facility. The funds in the escrow account may be invested with the earnings thereon payable to the provider. If the provider requests and sets forth its reasons in writing, the escrow agent shall release up to 1/12 of the original principal balance of the escrow account. A release of funds shall not be made more than once during any calendar month, and then only after the escrow agent has given written notice of the release and the reasons therefor to the (COMMISSIONER) office of the attorney general and to any association of residents that has requested it at least ten days prior to the release.*

(THE PROVIDER SHALL NOTIFY THE COMMISSIONER TEN DAYS PRIOR TO ANY WITHDRAWAL FROM THE RESERVE FUND AND THE REASONS THEREFOR.) Any person or affiliate of any person that controls any reserve fund comprised in part or totally of funds removed from the provider's resources, is liable for the debts of the provider up to the amount of the provider's contribution to the fund plus any prorated interest the fund may earn.

Subd. 2. [FACILITIES ESTABLISHED PRIOR TO 1975.] In those instances where a provider has been offering continuing care in a facility since prior to January 1, 1975, the following shall apply. The provider shall establish a reserve escrow fund and shall contribute to it (A PORTION) *15 percent of each new entrance fee (IN A PERCENTAGE TO BE DETERMINED BY THE COMMISSIONER) received by the provider after December 31, 1981.* The funds thereby received shall be permitted to accumulate until there is in the reserve fund an amount equal to the total of all principal and interest payments due during the next 12 months on account of any first mortgage loan or other long term financing obligation of the facility. (THE COMMISSIONER MAY BY RULE OR ORDER REQUIRE OF ANY FACILITY SUBJECT TO THE LOWER ESCROW REQUIREMENTS OF SUBDIVISION 2, THE POSTING OF A SURETY BOND IN AN AMOUNT SUFFI-

CIENT TO PROTECT THE TOTAL OF ALL PRINCIPAL AND INTEREST PAYMENTS DUE DURING THE NEXT 12 MONTHS ON ACCOUNT OF ANY FIRST MORTGAGE LOAN OR OTHER LONG TERM FINANCING OBLIGATION OF THE FACILITY. A COPY OF THE BOND IS TO BE FILED WITH THE COMMISSIONER.)

Sec. 8. Minnesota Statutes 1980, Section 80D.08, is amended to read:

80D.08 [LIEN ON BEHALF OF RESIDENTS.]

(THE PROVIDER SHALL NOTIFY THE COMMISSIONER AT THE TIME THE FACILITY IS READY FOR OCCUPANCY. UPON RECEIVING THIS NOTIFICATION THE COMMISSIONER SHALL FILE) *Effective at the time a facility is first occupied by any resident, there shall exist a lien on the real and personal property of the provider or facility to secure the obligations of the provider pursuant to existing and future contracts for continuing care. A lien (FILED) under this section is effective for a period of ten years (FOLLOWING THE FILING AND MAY BE EXTENDED BY THE COMMISSIONER UPON A FINDING THAT THE EXTENSION IS ADVISABLE FOR THE PROTECTION OF RESIDENTS OF THE FACILITY).* The lien may be foreclosed on *application of the attorney general* upon the liquidation of the facility or the insolvency or bankruptcy of the provider, and in that event the proceeds shall be used in full or partial satisfaction of obligations of the provider pursuant to contracts for continuing care then in effect. The lien provided for in this section is subordinate to the lien of any first mortgage on the real property of the facility and may be subordinated with the written consent of the (COMMISSIONER) *attorney general* to the claims of other persons if the (COMMISSIONER) *attorney general* determines the subordination to be advisable for the efficient operation of the facility.

Sec. 9. Minnesota Statutes 1980, Section 80D.09, is amended to read:

80D.09 [(ANNUAL REPORT) *REVISED DISCLOSURE.*]

(THE REGISTRATION OF A FACILITY UNDER SECTION 80D.03 REMAINS EFFECTIVE UNTIL WITHDRAWN BY THE PROVIDER OR REVOKED OR SUSPENDED BY THE COMMISSIONER UNDER SECTION 80D.12.) Annually within 120 days following the end of the provider's fiscal year, (UNLESS THE TIME IS EXTENDED WITH THE WRITTEN CONSENT OF THE COMMISSIONER,) the provider shall file with the (COMMISSIONER AN ANNUAL REPORT THAT INCLUDES) *county recorder of the county in which the facility is or will be located* a revised disclosure statement

setting forth, as of the end of the fiscal year, information meeting the requirements of section 80D.04, and pay a \$100 filing fee. The (ANNUAL REPORT) revised disclosure statement shall (BE ACCOMPANIED BY) include a narrative describing any material differences between (a) the pro forma income statements filed in response to section 80D.04, subdivision 1, clause (1) as a part of the disclosure statement filed most immediately (PRECEDING REGISTRATION APPLICATION OR ANNUAL REPORT) subsequent to the start of the provider's most recently completed fiscal year and (b) the actual results of operations during the fiscal year together with the revised pro forma income statements being filed as a part of the (CURRENT ANNUAL REPORT) revised disclosure statement. A provider may (AMEND), upon payment of a \$100 filing fee, revise its disclosure statement on file with the (COMMISSIONER) county recorder at any other time if, in the opinion of the provider, (AN AMENDMENT) revision is necessary to prevent the disclosure statement from containing a material misstatement of fact or omitting to state a material fact required to be stated therein. Only the most recently filed disclosure statement with respect to a facility, and in any event only a disclosure statement dated within 120 days prior to the date as of which the determination is made, shall be deemed current for purposes of sections 80D.01 to 80D.16 or be delivered pursuant to section 80D.04. In addition, the provider shall make the revised disclosure statement available for inspection by residents during regular business hours.

Sec. 10. Minnesota Statutes 1980, Section 80D.11, is amended to read:

#### 80D.11 [REHABILITATION OR LIQUIDATION.]

Subdivision 1. [APPOINTMENT OF TRUSTEES.] If (THE COMMISSIONER DETERMINES, AFTER NOTICE AND AN OPPORTUNITY FOR THE PROVIDER TO BE HEARD, THAT) (a) a portion of a reserve fund escrow required under section 80D.06 has been or is proposed to be released, or (b) the attorney general determines upon complaint and investigation that a provider has been or will be unable, in a manner as may endanger the ability of the provider to fully perform its obligations pursuant to contracts for continuing care or to meet the pro forma income or cash flow projections previously filed by the provider, or (c) a provider is bankrupt or insolvent or (IN IMMINENT DANGER OF BECOMING BANKRUPT OR INSOLVENT) has filed for protection from creditors under any federal or state bankruptcy or insolvency law, then the (COMMISSIONER MAY) attorney general may apply to a district court of this state, or to the federal bankruptcy court which may have previously taken jurisdiction over the provider or facility for an order directing the (COMMISSIONER, OR AUTHORIZING THE COMMISSIONER TO APPOINT) appointment of a trustee (,) to rehabilitate or liquidate a facility.

Subd. 2. [REHABILITATION.] An order to rehabilitate a facility shall direct the (COMMISSIONER OR) trustee to take possession of the property of the provider and to conduct the business thereof, including the employment of such managers or agents as the (COMMISSIONER OR) trustee may deem necessary, and to take steps as the court may direct toward removal of the causes and conditions which have made rehabilitation necessary.

Subd. 3. [TERMINATION OF REHABILITATION; RETURN OF FACILITY TO PROVIDER.] If the court finds, upon petition of the (COMMISSIONER,) trustee or the provider, or on its own motion, that the objectives of an order to rehabilitate a provider have been accomplished and that the facility can be returned to the provider's management without further jeopardy to the residents of the facility, creditors, owners of the facility, or to the public, the court may, upon a full report and accounting of the conduct of the facility's affairs during the rehabilitation and of the facility's current financial condition, terminate the rehabilitation and by order return the facility and its assets and affairs to the provider's management.

Subd. 4. [LIQUIDATION.] If, at any time, the (COMMISSIONER) *trustee or attorney general* determines that further efforts to rehabilitate the provider would be useless, it may apply to the court for an order of liquidation.

Subd. 5. [REHABILITATION ATTEMPT NOT NECESSARY PRIOR TO LIQUIDATION.] An order to liquidate a facility may be issued upon application of the (COMMISSIONER) *attorney general* whether or not there has been issued a prior order to rehabilitate the facility. The order shall (ACT AS A REVOCATION OF THE REGISTRATION OF THE FACILITY UNDER SECTION 80D.03, AND SHALL ORDER THE COMMISSIONER OR) *appoint* a trustee to marshal and liquidate all of the provider's assets located within this state. *Effective upon the entry of an order to liquidate a facility, no additional contracts for the provision of continuing care at that facility shall be made by any person.*

Subd. 6. [CONSIDERATION OF WELFARE OF RESIDENTS.] In (APPLYING) *connection with an application* for an order to rehabilitate or liquidate a facility, (THE COMMISSIONER) *a court* shall give due consideration to the manner in which the welfare of persons who have previously contracted with the provider for continuing care may be best served. In furtherance of this objective, the proceeds of any lien (OBTAINED BY THE COMMISSIONER) pursuant to section 80D.08 may be used in full or partial payment of entrance fees, on behalf of residents of a facility being liquidated, to other facilities (REGISTERED UNDER SECTION 80D.03) *then in compliance with the provisions of sections 80D.01 to 80D.16.*



Subd. 7. [POSTING OF BOND IN LIEU OF REHABILITATION.] An order for rehabilitation under this section shall be refused or vacated if the provider posts a *surety* bond issued by an insurer authorized to do business in this state. The *surety* bond shall be filed with the (COMMISSIONER) *attorney general*, with the state as obligee, conditioned for the prompt payment to persons who are entitled to a refund of entrance fees from the provider or for the prompt payment of other damages, in the event the provider is unable to fulfill its contracts to provide continuing care at the facility. The *surety* bond shall be in an amount determined by the court to be equal to the reserve funding which would otherwise be needed to fulfill the obligations.

Sec. 11. Minnesota Statutes 1980, Section 80D.13, Subdivision 1, is amended to read:

Subdivision 1. Any person who, as or on behalf of a provider, enters into a contract for continuing care at a facility (THAT IS NOT REGISTERED UNDER SECTION 80D.03, OR ENTERS INTO A CONTRACT FOR CONTINUING CARE AT A FACILITY) without having first delivered a disclosure statement meeting the requirements of section 80D.04 to the person contracting for the continuing care, or enters into a contract for continuing care at a facility with a person who has relied on a disclosure statement that omits to state a material fact required to be stated therein or necessary in order to make the statements made therein, in light of the circumstances under which they are made, not misleading, is liable to the person contracting for the continuing care for damages and repayment of all fees paid to the provider, facility or person violating sections 80D.01 to 80D.12, less the reasonable value of care and lodging provided to the resident by or on whose behalf the contract for continuing care was entered into prior to discovery of the violation, misstatement or omission or the time the violation, misstatement or omission should reasonably have been discovered, together with interest thereon at the legal rate for judgments, and court costs and reasonable attorney fees.

Sec. 12. Minnesota Statutes 1980, Section 80D.14, Subdivision 1, is amended to read:

Subdivision 1. [INVESTIGATION OF VIOLATIONS.] The (COMMISSIONER) *attorney general* may make public or private investigations within or outside of this state as necessary to determine whether any person has violated or is about to violate any provision of sections 80D.03 to 80D.16 (OR ANY RULE HEREUNDER) or to verify statements contained in (THE APPLICATION FOR REGISTRATION, OR THE) *any* disclosure statement, or to aid in the enforcement of sections 80.D03 to 80D.16 (OR IN THE PRESCRIBING OF RULES AND FORMS HEREUNDER), and may publish information concern-

ing any violation of sections 80D.03 to 80D.16 (OR ANY RULE HEREUNDER).

Sec. 13. Minnesota Statutes 1980, Section 80D.14, Subdivision 2, is amended to read:

Subd. 2. [STATEMENTS.] For the purpose of any investigation or proceeding under sections 80D.03 to 80D.16, the (COMMISSIONER) *attorney general* may require or permit any person to file a statement in writing, under oath or otherwise as the (COMMISSIONER) *attorney general* determines, as to any of the facts and circumstances concerning the matter to be investigated.

Sec. 14. Minnesota Statute 1980, Section 80D.15, is amended to read:

80D.15 [CEASE AND DESIST ORDERS, INJUNCTIONS.]

Whenever it appears to the (COMMISSIONER) *attorney general* that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of sections 80D.03 to 80D.16 (OR ANY RULE HEREUNDER), the (COMMISSIONER) *attorney general* may (;)

((A) ISSUE AN ORDER DIRECTED AT ANY PERSON REQUIRING THE PERSON TO CEASE AND DESIST FROM ENGAGING IN THE ACT OR PRACTICE; OR)

((B)) bring an action in any court that has appropriate jurisdiction to enjoin the acts or practices and to enforce compliance with sections 80D.03 to 80D.16 (OR ANY RULE HEREUNDER). Upon a proper showing a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The (COMMISSIONER) *attorney general* is not required to post a bond.

Sec. 15. Minnesota Statutes 1980, Section 80D.16, is amended to read:

80D.16 [CRIMINAL PENALTIES.]

Any person who willfully and knowingly violates any provision of sections 80D.03 to 80D.16 (, OR ANY RULE HEREUNDER,) shall upon conviction be fined not more than \$10,000 or imprisoned not more than one year, or both.

(THE COMMISSIONER MAY REFER EVIDENCE CONCERNING VIOLATIONS OF SECTIONS 80D.03 TO 80D.16 OR OF ANY RULE HEREUNDER TO THE ATTORNEY GENERAL OR THE PROPER COUNTY ATTORNEY WHO

**MAY, WITH OR WITHOUT THE REFERENCE, INSTITUTE THE APPROPRIATE CRIMINAL PROCEEDINGS.)**

Nothing in sections 80D.03 to 80D.16 limits the power of the state to punish any person for any conduct which constitutes a crime under any other statute.

Sec. 16. Minnesota Statutes 1980, Section 82.18, is amended to read:

**82.18 [EXCEPTIONS.]**

Unless a person is licensed or otherwise required to be licensed under this chapter, the term real estate broker does not include:

(a) A licensed practicing attorney acting solely as an incident to the practice of law, provided, however, that the attorney complies in all respects with the trust account provisions of this chapter;

(b) A receiver, trustee, administrator, guardian, executor, or other person appointed by or acting under the judgment or order of any court;

(c) Any person owning and operating a cemetery and selling lots therein solely for use as burial plots;

(d) Any custodian, janitor, or employee of the owner or manager of a residential building who leases residential units in such building;

(e) Any bank, trust company, savings and loan association, public utility, or any land mortgage or farm loan association organized under the laws of this state or the United States, when engaged in the transaction of business within the scope of its corporate powers as provided by law;

(f) Public officers while performing their official duties;

(g) Employees of persons enumerated in clauses (b), (e) and (f), when engaged in the specific performance of their duties;

(h) Any person who acts as an auctioneer bonded in conformity with section 330.02, when he is engaged in the specific performance of his duties as an auctioneer;

(i) Any person who acquires such real estate for the purpose of engaging in and does engage in, or who is engaged in the business of constructing residential, commercial or industrial

buildings for the purpose of resale, provided that no more than 25 such transactions occur in any 12 month period and that the person complies with section 82.24;

(j) Any person who offers to sell or sells an interest or estate in real estate which is a security registered pursuant to chapter 80A, when acting solely as an incident to the sale of such securities;

(k) Any person who offers to sell or sells a business opportunity which is a franchise registered pursuant to chapter 80C, when acting solely to sell the franchise;

(l) Any person who contracts with or solicits on behalf of a provider a contract with a resident or prospective resident to provide continuing care in a facility (THAT IS REGISTERED), pursuant to the continuing care facility (REGISTRATION) disclosure and rehabilitation act, chapter 80D, when acting solely as incident to the contract.

#### Sec. 17. [REPEALER.]

*Minnesota Statutes 1980, Sections 80D.02, Subdivision 3; 80D.03, Subdivisions 3 and 4; 80D.10; 80D.12; 80D.14, Subdivision 3; 80D.17; and 80D.18, are repealed.*

#### Sec. 18. [EFFECTIVE DATE.]

*Sections 1 to 17 are effective October 1, 1981."*

Delete the title and insert:

"A bill for an act relating to commerce; clarifying the definition of "continuing care"; providing for implementation of the continuing care facilities disclosure and rehabilitation act in a self-executing manner; amending Minnesota Statutes 1980, Sections 80D.01; 80D.02, Subdivision 2, and by adding a subdivision; 80D.03, Subdivision 1; 80D.04; 80D.05; 80D.06; 80D.08; 80D.09; 80D.11; 80D.13, Subdivision 1; 80D.14, Subdivisions 1 and 2; 80D.15; 80D.16; and 82.18; repealing Minnesota Statutes 1980, Sections 80D.02, Subdivision 3; 80D.03, Subdivisions 3 and 4; 80D.10; 80D.12; 80D.14, Subdivision 3; 80D.17; and 80D.18."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 565, A bill for an act relating to eminent domain; providing for certain procedures relating to condemnation actions and other acquisition of property; establishing rates of interest for certain payments related to acquisition of property; amending Minnesota Statutes 1980, Sections 117.041; 117.042; 117.055; 117.075; 117.085; 117.125; 117.155; 117.175, Subdivision 1; 117.195; 117.231; 117.232; 117.51; 117.52; and proposing new law coded in Minnesota Statutes, Chapter 117.

Reported the same back with the following amendments:

Page 2, line 1, delete everything after "*activities*" and insert a semicolon

Page 2, delete line 2

Page 3, line 2, delete "*, and for substantial*"

Page 3, line 3, delete "*interference with its possession or use,*"

Page 3, line 19, delete "*, and for substantial interference with*"

Page 3, line 20, delete "*possession or use of,*"

Page 3, delete lines 31 to 36 and insert:

"(b) *caused physical damage to the property; or*

(c) *violated the terms of a court order made under this section.*"

Page 5, line 6, after the period, insert "*When required by other law or*"

Page 8, line 12, before "A" insert:

"*The information required by clauses (c), (d), and (e) need not be included as part of the notice if the information has previously been provided to the owner.*"

Page 8, line 13, after the period insert "*To the extent practical, this notice shall be written in clear and easily understandable language.*"

If any such owner (BE) is not a resident of the state, or his place of residence (BE) is unknown to the petitioner, upon the filing of an affidavit of the petitioner, his agent or attorney, stating that he believes that (SUCH) *the* owner is not a resident of the state, and that he has mailed a copy of the notice to him at his place of residence, or that after diligent inquiry his place of

residence cannot be ascertained by the affiant, then service may be made upon (SUCH) *the* owner by three weeks' published notice. If the state (BE) *is* an owner, the notice shall be served upon the attorney general. Any owner not served as (HEREIN) provided shall not be bound by (SUCH) *the* proceeding unless he voluntarily appears (THEREIN. ANY OWNER SHALL BE FURNISHED A RIGHT OF WAY MAP OR PLAT OF ALL THAT PART OF HIS LAND TO BE TAKEN UPON WRITTEN DEMAND, PROVIDED THAT THE PETITIONER SHALL HAVE TEN DAYS FROM THE RECEIPT OF THE DEMAND WITHIN WHICH TO FURNISH THE SAME.) Any plans or profiles which the petitioner has shall be made available to the owner for inspection."

Page 10, line 7, reinstate the stricken language

Page 10, line 8, reinstate "total of" and delete "*actually*" and insert "\$400"

Page 10, line 27, reinstate the stricken language

Page 10, line 28, reinstate "deposited shall" reinstate "draw interest" and after "deposit" insert "*pursuant to section 15*"

Page 10, line 28, reinstate the stricken period

Page 11, lines 20 to 22, reinstate the stricken language

Page 11, line 22, after "deposit," insert "*but shall draw interest pursuant to section 15.*"

Page 12, line 18, delete "*Subdivision 1. [INTEREST ON DEPOSITS.]*"

Page 12, line 21, after "account" insert "*in a depository institution insured by an agency of the federal government*"

Page 12, line 22, after the period, insert "*The clerk of court shall attempt to maximize the interest earned for the ultimate recipient on the amount deposited, while preserving the necessary degree of liquidity of the funds.*"

Page 12, delete lines 25 to 35

Page 13, lines 2 to 6, reinstate the stricken language

Page 13, line 6, before "If" insert "*Except as provided in other law, the rate of interest shall be that established pursuant to section 549.09, subdivision 1.*"

Page 13, lines 31 to 33, reinstate the stricken language and delete the new language

Page 14, lines 5 to 7, reinstate the stricken language and delete the new language

Page 14, line 13, after "for" insert "*reasonable*"

Page 14, line 14, reinstate ", not to exceed a total of" and delete "*reasonably*"

Page 14, line 15, delete "*incurred*" and insert "\$400"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 567, A bill for an act relating to retirement; teachers retirement association and teacher retirement fund associations in cities of the first class; allowing certain types of survivor coverage be provided to a designated beneficiary instead of a surviving spouse requiring public pension funds to provide information concerning optional annuity forms with retirement application form; requiring the signature of the spouse of a member on the retirement application form in certain instances; amending Minnesota Statutes 1980, Sections 354.46, Subdivisions 1 and 2; 354.47, Subdivision 1; and 354A.35, Subdivisions 1 and 2; and proposing new law coded in Minnesota Statutes, Chapter 356.

Reported the same back with the following amendments:

Page 3, line 7, reinstate the stricken language

Page 3, line 8, delete the new language

Page 3, line 13, delete "*member contributions*" and insert "*deductions*"

Page 4, line 4, delete "*while in active service*" and delete "*and*" and insert "*which*"

Page 4, line 5, delete "*designate a beneficiary to whom the benefit*" and after "*payable*" insert "*to the surviving spouse*"

Page 4, line 6, delete "*member*" and insert "*person*"

Page 4, line 7, after the first "*the*" delete the balance of the line

Page 4, line 8, delete the comma

Page 4, line 9, after "*subdivision 1*" insert "*, if applicable,*"

Page 4, line 12, after "(3)" delete "the designated beneficiary" and insert "whichever is applicable, the surviving spouse"

Page 4, line 21, delete "if the designated" and insert a period

Page 4, delete lines 22 to 25 and insert:

"Sec. 3. Minnesota Statutes 1980, Section 354.46, is amended by adding a subdivision to read:

*Subd. 5. [PAYMENT TO DESIGNATED BENEFICIARY.] Any member and the spouse of the member may make a joint specification in writing on a form prescribed by the executive director that the benefits provided in section 354.46, subdivision 2, or subdivision 1, shall be paid only to a designated beneficiary. The joint specification shall be irrevocable for the life of the spouse of the member or for the duration of the marriage of the spouse who made the joint specification and the member. For purposes of this subdivision, a designated beneficiary may only be either a former spouse or a child, either natural or adopted, of the member."*

Page 4, line 35, strike "beneficiary" and delete "designated by the member" and insert "surviving spouse"

Page 5, line 9, strike "beneficiary" and delete "designated by the" and insert "surviving spouse"

Page 5, line 10, delete "member"

Pages 5 and 6, delete sections 4 and 5 and insert:

"Sec. 5. Minnesota Statutes 1980, Section 354A.35, is amended by adding a subdivision to read:

*Subd. 5. [PAYMENT TO DESIGNATED BENEFICIARY.] Any coordinated member and the spouse of the coordinated member may make a joint specification in writing on a form prescribed by the executive secretary that the benefits provided in section 354A.35, subdivisions 1 or 2, shall be paid only to a designated beneficiary. The joint specification shall be irrevocable for the life of the spouse of the member or for the duration of the marriage of the spouse who made the joint specification and the member. For purposes of this subdivision, a designated beneficiary may only be either a former spouse or a child, either natural or adopted, of the member."*

Page 7, line 33, after "act" insert "and the spouse of the person" and delete "designating a" and insert "making a joint specification in writing on a form prescribed by the executive director or executive secretary, whichever is applicable, that the benefits provided in sections 354.46, subdivision 2, 354.47, sub-



*division 1, or 354A.35, subdivisions 1 or 2, whichever is applicable, shall be paid only to a designated beneficiary. The joint specification shall be irrevocable for the life of the spouse of the member or for the duration of the marriage of the spouse who made the joint specification and the member. For purposes of this section a designated beneficiary may only be either a former spouse or a child, either natural or adopted, of the member."*

Page 7, delete lines 34 to 36

Page 8, delete lines 1 and 2

Page 8, line 3, delete "*class, whichever is applicable*"

Renumber the sections

Amend the title as follows:

Page 1, line 6, after "spouse" insert a semicolon

Page 1, line 12, after "2" insert ", and by adding a subdivision"

Page 1, line 13, delete "Subdivisions 1 and 2" and insert "by adding a subdivision"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 643, A bill for an act relating to Goodhue county; permitting an additional tax for county fairs.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [GOODHUE COUNTY FAIR LEVY.]

*The levy limit of Goodhue county prescribed by Minnesota Statutes, Sections 275.50 to 275.56 shall be increased for taxes levied in 1981 payable 1982 by an amount authorized by the county board not to exceed 1/12 of one mill to cover expenses of public fairs in the county as authorized by Minnesota Statutes, Section 38.28. For taxes levied in 1982 payable 1983 and subsequent years, the amount authorized pursuant to this act for taxes levied in 1981 payable 1982 shall be a permanent adjustment to the levy limit base and allowed to increase in the manner prescribed by Minnesota Statutes, Section 275.52.*

Sec. 2. [EFFECTIVE DATE.]

*This act is effective the day after compliance by the Goodhue county board with Minnesota Statutes, Section 645.021, Subdivision 3."*

Amend the title as follows:

Page 1, line 2, delete "permitting an additional"

Page 1, delete line 3 and insert "authorizing an increase in the levy limit to allow a levy for county fairs."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 664, A bill for an act relating to counties; providing correct references to certain civil service procedures; amending Minnesota Statutes 1980, Sections 375.58, Subdivision 3; and 375.62.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1980, Section 238.08, Subdivision 5, is amended to read:

Subd. 5. Municipalities may by ordinance or resolution create a joint cable communications commission under section 471.59, to which each member municipality may delegate authority vested in the municipality by statute or charter to prepare, adopt, grant, administer, and enforce a cable communications franchise, and establish rates thereunder. The adoption, granting, administration and enforcement of a cable communications franchise, and the establishment of rates thereunder by a joint cable communications commission, pursuant to this subdivision is deemed to comply with procedural requirements of a statute or charter for the adoption, granting, administration and enforcement of a franchise, and establishment of rates. *A member of the commission may, by ordinance adopted in the manner provided by section 412.191, subdivision 4, adopt by reference the joint cable communication franchise in the manner provided by section 471.62.* The members and governing body of the joint commission shall consist of two representatives appointed by each municipality, at least one of whom shall be a member of the council of that municipality and the other a qualified voter residing within that municipality."

Page 2, line 13, delete "*management's*" and insert "*management's*"

Page 2, after line 17, insert:

"Sec. 3. [EFFECTIVE DATE.]

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

Renumber the sections

Amend the title as follows:

Page 1, line 2, delete "counties;" and insert "local government; providing for adoption of certain joint cable franchises;"

Page 1, line 4, after "Sections" insert "238.08, Subdivision 5;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 708, A bill for an act relating to public improvements; permitting deferral of special assessments in instances of hardship; amending Minnesota Statutes 1980, Section 435.193.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 435.193, is amended to read:

435.193 [SENIOR CITIZENS HARDSHIP SPECIAL ASSESSMENT DEFERRAL.]

Notwithstanding the provisions of any law to the contrary, any county, *statutory or home rule charter city*, or town, making a special assessment may, at its discretion, defer the payment of that assessment for any homestead property owned by a person 65 years of age or older *or retired by virtue of a permanent and total disability* for whom it would be a hardship to make the payments. Any county, *statutory or home rule charter city*, or town electing to defer special assessments shall adopt an ordinance or resolution establishing standards and guidelines for determining the existence of a hardship *and for determining the existence of a disability*, but nothing herein shall be construed to prohibit the determination of hardship on the basis of exceptional and unusual circumstances not covered by the standards and guidelines where the determination is made in a nondiscriminatory manner and does not give the applicant an unreasonable preference or advantage over other applicants."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 725, A bill for an act relating to state government; authorizing a new account in the Minnesota supplemental investment fund; modifying the post-retirement adjustment; authoriz-

ing the state board of investment to invest in commingled funds and limited partnerships; amending Minnesota Statutes 1980, Sections 11A.17; 11A.18, Subdivision 9; and 11A.24, Subdivisions 3, 4, 5, and by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 22, reinstate the stricken language

Page 4, after line 30, insert:

*"Subd. 11a. [DEFERRED YIELD ADJUSTMENT ACCOUNT FOR THE BOND ACCOUNT OF THE SUPPLEMENTAL INVESTMENT FUND.] There is hereby established a deferred yield adjustment account which shall be increased by the sale or disposition of any debt securities at less than book value and shall be decreased by the sale disposition of debt securities at more than book value. At the end of each fiscal year, a portion of the balance of this account shall be offset against the investment income for that year. The annual portion of the balance to be offset shall be proportional to the reciprocal of the period over which the established rate was set, unless the amounts are offset by gains on the future sales of securities. In any fiscal year in which the gains on the sales of debt securities exceed the discounts realized on the sales of such securities, the excess shall be used to reduce the balance of the account."*

Page 5, line 1, strike "assumed" and insert "established"

Page 6, line 20, after "clause (1)(b)" insert *"The required reserves shall be determined assuming that all annuitants and benefit recipients eligible to receive the post retirement adjustment will be alive on the January 1 in question"*

Page 6, line 27, delete "25 percent of"

Page 6, line 30, strike "75 percent will" and insert "amount shall"

Page 6, line 34, strike the period and insert a semicolon

Page 9, line 21, strike "three" and insert "five"

Page 9, line 36, after "capital" insert "investment business"

Page 9, line 36, after "through" delete "investment" and insert "participation"

Page 10, line 2, after "estate" insert "ownership interests or loans secured by mortgages or deeds of trust"

Page 10, line 8, after "partnerships" insert *"private placements"*

Page 10, line 15, delete "participants" and insert "unrelated owners of the investment"

Page 10, line 16, delete "in each investment vehicle"

Page 10, line 21, delete the language after the period and insert "*The state board shall not engage in any activity as a limited partner which creates general liability.*"

Page 10, delete line 22

Page 10, after line 22, insert:

"Sec. 7. Minnesota Statutes 1980, Section 69.77, Subdivision 2, is amended to read:

Subd. 2. Subdivision 1 does not apply to an association enumerated in subdivision 1a under the following circumstances:

(1) Each member of the association pays into the retirement funds of the association during his term of covered employment from and after January 1, 1981, a contribution for retirement and survivorship benefits of not less than eight percent of the maximum rate of salary from which retirement and survivorship credits and amounts of benefits are determined, and that the contributions of a member are deducted from his salary by his governmental employer, transmitted to the association, and deposited to the credit of the proper fund thereof, provided that to avoid undue increase in the amount of employee contributions in any one year, any increase in the amount of contributions required by this section may be spread over several years, but the increase in rate of contribution in each year commencing in 1981 shall not be less than one percent until the appropriate levels of required employee contributions have been reached. This paragraph shall not apply to members who are volunteer firefighters, provided that the local governing body shall have given their approval to the exemption following consideration of the most recent actuarial survey.

(2) The officers of the association determine on or before the date established by the municipality, which shall not be later than September 1 and shall not be earlier than August 1, of each year the financial requirements and minimum obligation of the association for the following calendar year in accordance with the following requirements:

The financial requirements shall be based on the most recent actuarial survey prepared in accordance with sections 356.215, subdivision 4 and 356.216.

The total of the amounts calculated pursuant to clauses (a) and (b) shall constitute the financial requirements of the relief association for the following year.

(a) The normal level cost expressed as a percent of covered payroll determined from the actuarial survey shall be applied to the estimated covered payroll of the membership for the following year to determine the dollar amount of normal cost for said following year.

(b) To the dollar amount of normal cost thus determined shall be added an amount equal to the level annual dollar amount

sufficient to amortize the unfunded accrued liability by December 31, 2010, as determined from the actuarial survey of the fund.

Except as otherwise provided in this paragraph, the minimum obligation of the governmental subdivision shall be the financial requirements of the association less the estimated amount of member contributions herein provided from covered salary anticipated for the following calendar year and less one year's estimated receipts expected from the applicable state aid program established pursuant to sections 69.011 to 69.051, and from the local police and salaried firefighters' relief association amortization aid program established pursuant to section 423A.02. The minimum obligation may, by vote of the governing body of the governmental subdivision, be reduced to the amount levied in the preceding year for purposes of the association, plus the following percentage of the difference between that levy and the amount of the minimum obligation determined without benefit of this sentence: for the levy made in 1971, ten percent; in 1972, 20 percent; in 1973, 30 percent; in 1974, 40 percent; in 1975, 50 percent; in 1976, 60 percent; in 1977, 70 percent; in 1978, 80 percent; and in 1979, 90 percent. Commencing with the levy made in 1980, there shall be no reduction in the minimum obligation pursuant to this paragraph.

(3) The foregoing determination of the obligation of a governmental subdivision shall be submitted to its governing body on or before the date established by the municipality which shall not be earlier than August 1 and shall not be later than September 1 of each year so that it may ascertain if it has been prepared in accordance with law.

(4) The governmental subdivision shall provide and pay as promptly as funds are available to the association at least the amount of the minimum obligation each year. Any portion of this amount not paid to the association at the end of any calendar year shall be increased at the rate of six percent per annum until so paid. On September 1 of any year the unpaid amount subject to interest shall be added to the obligation of the governmental subdivision.

(5) The governmental subdivision shall provide in its annual budget at least its minimum obligation and may levy taxes for the payment thereof without limitation as to rate or amount and irrespective of limitations imposed by other provisions of law upon the rate or amount of taxation when the balance of any fund of the association has attained a specified level; the levy of such taxes shall not cause the amount of other taxes levied or to be levied by the governmental subdivision, which are subject to any such limitation, to be reduced in any amount whatsoever. If the governmental subdivision does not include the full amount of the minimum obligation in its levy for any year, the officers of the association shall certify that amount to the county auditor, who shall spread a levy in the amount of the obligation.

(6) Moneys paid by the governmental subdivision to the association in excess of the minimum amount so required shall be applied to the reduction in the unfunded liabilities of the association.

(7) The funds of the association shall be invested in securities which are proper investments pursuant to section 11A.24, except that up to \$10,000 may be invested in the stock of any one corporation in any account of such small size that the three percent stock limitation specified in section 11A.24, subdivision 5 would necessitate a lesser investment. Securities held by the association before July 1, 1971, which do not meet the requirements of this paragraph may be retained after that date if they were proper investments for the association on April 28, 1969. The governing board of the association may select and appoint investment agencies to act for and in its behalf or may certify funds for investment by the state board under the provisions of section 11A.17, provided that there be no limit to the amount which may be invested in the income share account, *in the bond account* or in the fixed-return account, and that up to 20 percent of that portion of the assets of the association invested in the Minnesota supplemental (RETIREMENT) investment fund may be invested in the growth share account.

(8) The association shall procure an actuarial survey showing the condition of its fund pursuant to section 356.216 as of December 31, 1978, and shall procure an actuarial survey every two years thereafter. The association shall also procure a quadrennial experience study pursuant to section 356.216 as of December 31, 1978, and shall procure a quadrennial experience study every four years thereafter. A copy of the actuarial survey and the quadrennial experience study shall be filed with the director of the legislative reference library, the governing body of the municipality in which the association is organized, the executive secretary of the legislative commission on pensions and retirement, and the commissioner of insurance, not later than June 1 of the following year.

Sec. 8. Minnesota Statutes 1980, Section 69.775, is amended to read:

69.775 [INVESTMENTS.]

The special fund assets of the relief associations governed by sections 69.771 to 69.776 shall be invested in securities which are proper investments pursuant to section 11A.24, except that up to five percent of the special fund assets, or a minimum of \$10,000, may be invested in the stock of any one corporation. Securities held by the associations before January 1, 1972, which do not meet the requirements of this section may be retained after that date if they were proper investments for the association on May 14, 1971. The governing board of the association may select and appoint investment agencies to act for and in its behalf or may certify funds for investment by the state board under the provisions of section 11A.17, provided that there be

no limit to the amount which may be invested in the income share account, *in the bond account* or in the fixed-return account, and that up to 20 percent of that portion of the assets of the association invested in the Minnesota supplemental (RETIREMENT) investment fund may be invested in the growth share account.

Sec. 9. [APPROPRIATION.]

*There is annually appropriated to the state board, from the assets of the funds for which the state board invests pursuant to section 6, clause (a), sums sufficient to pay the costs for the management of these funds by private management firms.*

Sec. 10. [INSTRUCTIONS TO REVISOR.]

*Whenever it appears in Minnesota Statutes, Chapters 3A; 11A; 13; 69; 352; 354; 355; 356; 442A or 490; the revisor shall replace the terms "Minnesota supplemental retirement investment fund" or "supplemental retirement investment fund" if referring to the fund established pursuant to Minnesota Statutes, Section 11A.17, with the terms "Minnesota supplemental investment fund" or "supplemental investment fund" respectively.*

Sec. 11. [EFFECTIVE DATE.]

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

Further, amend the title as follows:

Page 1, line 6, before "amending" insert "appropriating money;"

Page 1, line 8, delete the first "and"

Page 1, line 9, before the period, insert "; 69.77, Subdivision 2; and 69.775"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 749, A bill for an act relating to real property; providing a fee for issuing noncertified copies of instruments or parts of instruments on file in the office of the registrar of titles; amending Minnesota Statutes 1980, Section 508.82.

Reported the same back with the following amendments:

Page 2, line 12, delete "50 cents" and insert "an amount as determined by the county board"

Page 2, line 14, delete "50 cents" and insert "a like amount"



With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 779, A bill for an act relating to retirement; contributions and benefits of judges and survivors under the uniform retirement and survivors' annuities law; amending Minnesota Statutes 1980, Section 490.124, Subdivisions 9 and 12.

Reported the same back with the following amendments:

Page 2, line 22, after "1981" insert "*and shall apply retroactively to any person living on the effective date of this act who ceased to be a judge prior to retirement and who has not received a refund pursuant to section 490.124, subdivision 12*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 802, A bill for an act relating to health; providing for home health services through the community health services act; changing certain funding formulas; appropriating money; amending Minnesota Statutes 1980, Sections 144A.51, by adding a subdivision; 144A.52, Subdivision 3; 144A.53; 144A.54, Subdivision 1; 145.913, by adding a subdivision; 145.914, Subdivision 2; 145.915, by adding a subdivision; 145.918, by adding a subdivision; 145.919; 145.921; and 145.95, Subdivision 5.

Reported the same back with the following amendments:

Page 6, line 21, after "shall" insert "*after consulting with the department of public welfare, other public agencies, private agencies, associations, providers, and other interested persons, promulgate rules pursuant to chapter 15 to*"

Page 6, line 33, after the period, delete to the end of the line

Page 6, line 34, delete "*promulgate the model home health ordinance as a rule.*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 848, A bill for an act relating to the city of Duluth; authorizing the establishment of a home energy conservation program as part of its municipal utility system and the issuance of municipal revenue bonds or notes for that purpose.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [PROGRAM AND PURPOSE.]

*The city of Duluth may establish a home energy conservation program as part of the service furnished and made available by its municipal utility system. All provisions for the operation and financing of the program shall be made by and pursuant to resolutions adopted by the city council, subject to approval or veto by the mayor. The purpose of this authorization is to provide means for the city to aid all residents of the city, but particularly families of low and moderate income, to maintain their essential home energy requirements at affordable cost, and to reduce progressively, as fast as economically possible, the peak demands for energy needed to maintain the livability of all homes within the city, and thereby tend to assure the continuance of essential public, industrial, and commercial activities as well, under the severest conditions of weather, supply shortages, and transmission failures. The extension of utility services and expenditures of public funds authorized herein are determined to be necessary governmental functions, particularly under present conditions of uncertain and limited oil supplies, high cost of oil and gas, and difficulty and delay in the increase of energy supplies from all sources due to environmental problems. The powers granted herein are supplemental, and the procedures authorized for exercising them are alternative, to those provided in any other law or the city charter.*

Sec. 2. [SURVEY AND CONTRACTS WITH HOME-OWNERS.]

*The city may survey homes to identify those where significant energy waste exists and can be reduced by energy conservation projects including but not limited to insulation, weather-stripping, temperature controls, storm windows and doors, furnace modifications, or conversion to cheaper or more plentiful energy sources, at a capital cost recoverable within a ten year period from energy cost savings. It may contract with the owners of such homes to cause work and materials to be furnished for such projects by the means authorized in section 3 and subject to reimbursement in the ways contemplated in section 4. The program shall be limited to homes containing not more than four dwelling units, one occupied as a principal residence by an owner not engaged in the trade or business of rental*

*real estate. Nothing herein, however, shall preclude the city from constructing or financing similar improvements to other property, in any manner otherwise authorized by law or the city charter.*

### Sec. 3. [CONTRACTS FOR WORK AND MATERIALS.]

*Subdivision 1. The city may negotiate and contract with building trade unions, union members, or contractors, subject to the requirements of Minnesota Statutes, Section 471.345, to perform work or furnish materials or both, for one or more projects, in accordance with schedules coordinated and approved by the city, providing labor at union rates with optimum use of apprentices and trainees under supervision by union members, and with or without public advertisement for bids.*

*Subd. 2. A homeowner, subject to the approval of the city, may negotiate and contract with building trade unions, union members, or contractors to perform work or furnish materials or both, for one or more projects, in accordance with schedules coordinated and approved by the city.*

*Subd. 3. The city may contract with a homeowner for labor or materials, or both, provided that in such cases the city may inspect the work performed and shall not pay the homeowner for his labor.*

*Subd. 4. The city may provide all or part of the materials needed for the program during any period, by contracting with suppliers on a lump sum or unit price basis pursuant to the provisions of Minnesota Statutes, Section 471.345.*

### Sec. 4. [REIMBURSEMENT.]

*Subdivision 1. [CASH PAYMENTS.] The city may contract with each homeowner for payment of the cost in cash upon completion of the project, with payment secured by deposit in advance of an amount equal to at least 90 percent of the contract price, or by a written commitment by a bank or other approved financial institution to loan the full amount of the contract price to the homeowner.*

*Subd. 2. [INSTALLMENT PAYMENTS.] Alternatively, the city may accept payment by a promissory note in a principal amount equal to the contract price, repayable in equal periodic installments, including both principal and interest on the declining principal balance, payable on the due dates of bills for utility service furnished by the city and made available to the home from the completion date until the principal and interest are fully paid, and matching as closely as possible the estimated reduction in current home energy cost resulting from the project; with*

*such provisions as may be agreed, permitting or restricting prepayment. The installments shall be added to and deemed a part of the charges for municipal utility service to the premises, but shall be deposited when received in a special fund or funds separate from other utility or municipal funds and used only for the payment and security of revenue bonds or notes issued by the city to finance the cost of projects to be paid as provided in this subdivision.*

**Subd. 3. [LIEN FOR UNPAID INSTALLMENTS.]** *The payment of note installments may be enforced in the same manner as other utility charges. The installments are a first and prior lien on the property improved as provided in Minnesota Statutes, Section 514.67, and if not paid when due shall be entered upon the tax rolls and collected with and as a part of the taxes on the property, with the same interest and penalties.*

**Sec. 5. [FINANCING.]**

**Subdivision 1. [REVENUE BONDS OR NOTES.]** *The city may from time to time issue its revenue bonds or notes in the amounts deemed necessary to provide sufficient funds to finance projects for which promissory notes are given pursuant to section 4, subdivision 2, to fund or refund the principal of or interest or redemption premiums on such revenue bonds or notes, whether or not due, to establish or increase reserves to secure the payment of principal and interest, and to pay all other costs and expenses incident to the completion of the projects and the issuance of the revenue bonds or notes.*

**Subd. 2. [OTHER FUNDS.]** *In lieu of or in addition to the issuance of revenue bonds or notes to finance such projects, the city may use municipal utility revenues or any other funds appropriated by it or granted to it, if available under the terms of outstanding municipal utility bonds and of such grants. Subject to the provisions of applicable grants or bond instruments, it may combine these funds with the proceeds of revenue bonds or notes and may pledge and appropriate such funds and the income therefrom, and the repayments of promissory notes given for projects financed thereby, for the security of the revenue bonds or notes.*

**Subd. 3. [CONDITIONS OF BONDS OR NOTES.]** *Revenue bonds or notes may be issued by resolution of the city council, or under a trust indenture or other security agreement approved by resolution, which may establish the covenants made for their security and may provide for their issuance in one or more series, bearing a date or dates, maturing at a time or times, bearing interest at a rate or rates, either fixed or variable, in denominations and form, either coupon or registered, with such provisions for execution, conversion, registration, and exchange, having relative priorities, payable at a place or places within or*

*outside the state, subject to terms of redemption before maturity with or without premium, and containing any other terms, as provided by the council. They may be sold at public or private sale at the price and in the manner that the council shall determine, and shall not be restricted by the provisions of any other law limiting the amounts, price, maturities, interest rates, or other terms of city obligations, but no holder may enforce payment of the principal or interest from taxes, except as provided in section 4, subdivision 3, or from city funds other than utility revenues, and the revenue bonds or notes shall not be included in the net debt of the city as defined in Minnesota Statutes, Chapter 475. Temporary revenue bonds or notes may be issued pending preparation of and may be exchanged for definitive revenue bonds or notes. Any revenue bonds or notes may be issued and delivered notwithstanding that one or more of the officers executing them shall have ceased to hold office at the time of actual delivery.*

**Subd. 4. [TERMS OF AGREEMENT WITH HOLDERS.]**

*The resolution, trust indenture, or other security agreement under which any revenue bonds or notes are issued shall constitute a contract with the holders and may contain covenants, among others, prescribing:*

*(1) The pledge of and the grant of a security interest in (a) the proceeds of revenue bonds and notes, (b) all or any part of the revenues derived from repayments of promissory notes given to the city with respect to home energy conservation projects, subject to any existing agreements with the holders of outstanding revenue bonds or notes, (c) all funds and accounts established by the resolution, trust indenture, or other security agreement for the security of the revenue bonds or notes, and (d) the income from the investment of such funds and accounts;*

*(2) The creation, regulation, and disposition of reserves or sinking funds for the security of the revenue bonds or notes;*

*(3) The establishment and maintenance of and the use of revenues from charges for service furnished and made available by any or all of the municipal utilities, sufficient at all times to pay the current expenses of operation and maintenance thereof, to pay debt service for and perform covenants securing other obligations payable from municipal utility revenues, and also to restore any deficiency in any reserve established for the security of revenue bonds or notes issued hereunder;*

*(4) The custody, collection, securing, investment, and payment of the revenues pledged hereunder;*

*(5) The terms upon which additional or refunding revenue bonds or notes may be issued and secured, and any limitations upon such issuance;*

(6) *The procedure by which the terms of any contract with or for the benefit of the holders of revenue bonds or notes may be amended or abrogated, the amount of revenue bonds or notes the holders of which must consent thereto, and the manner in which consent may be given;*

(7) *The definition of the acts or omissions to act which shall constitute events of default, and the rights and remedies of the holders upon the occurrence of such events, including, if so determined, the right to accelerate the due date of the revenue bonds or notes or the right to appoint a receiver or receivers of the property or revenues subject to the lien of the resolution, trust indenture, or other security agreement;*

(8) *The vesting in a trustee or trustees, within or outside the state, of such properties, rights, powers, and duties in trust as the city may determine, and the limiting of such rights, powers, and duties; and*

(9) *The performance of any and all conditions established by federal laws and regulations for the exemption of the interest on the revenue bonds or notes from federal income taxation; provided that no revenue bond or note, nor any provision for the security thereof, shall be deemed invalid or unenforceable for the reason that (a) the conditions for such tax exemption do not exist at the time of issuance, or (b) the interest is subsequently determined by a court or administrative agency of competent jurisdiction to be or to have been subject to federal income taxation.*

## **Sec. 6. [EFFECT OF OTHER STATE AND FEDERAL LEGISLATION.]**

*Subdivision 1. [LAW OR CHARTER NOT TO LIMIT PROJECTS.] Projects initiated and financed pursuant to this act shall not be limited or otherwise affected by the provisions of Minnesota Statutes, Chapter 462C or any other state law or charter provision.*

*Subd. 2. [STATUS AND PROCEEDS OF BONDS AND NOTES.] The revenue bonds and notes authorized herein are not considered to be mortgage subsidy bonds within the meaning of section 103A of the Internal Revenue Code of 1954, as amended, which provides that the interest on such bonds is subject to federal income taxation; because they are authorized for the purpose of financing improvements needed for the welfare of the city as a whole, to avoid hardship which would result from the failure of utility service within the city. The proceeds are not to be used for owner-financing of home improvements generally, but for financing the city's undertaking of improvements which, though situated on private premises, are needed to protect all the citizens, in a manner which is intended to pay the cost without thereby raising materially the level of current home*

*energy costs of either the owners of the premises or other utility customers.*

*Subd. 3. [GENERAL POWERS.] Notwithstanding the provisions of subdivision 2, the city is authorized to do all things determined on the advice of counsel to be necessary or desirable to assure that any issue of revenue bonds or notes hereunder, if subject to section 103A of the Internal Revenue Code of 1954, as amended, will be a qualified mortgage bond issue as described therein, the interest on which will be and remain exempt from federal income taxation. Until and unless it is determined by a clarifying amendment of section 103A of the Internal Revenue Code of 1954, as amended, or by rulings or regulations of the internal revenue service or a decision of a court of competent jurisdiction, that such issues are not mortgage subsidy bonds, the applicable limit established pursuant to section 103A of the Internal Revenue Code of 1954, as amended, upon the amount of qualified mortgage bonds which the city may issue in any calendar year, shall be \$3,000,000.*

**Sec. 7. [COLLATERAL FOR PUBLIC DEPOSITS.]**

*Revenue bonds and notes issued pursuant to sections 1 to 7 may be pledged as collateral for the security of deposits of public funds under the provisions of Minnesota Statutes, Chapter 118.*

**Sec. 8. [REPORT.]**

*By January 1, 1982, the city of Duluth shall report to the appropriate committees of the legislature on the implementation of the program created in sections 1 to 7. The report shall include but is not limited to information on the amount of bonds issued, average size of loans, types of energy conservation measures financed, number of households served, and an analysis of the effectiveness of the program.*

**Sec. 9. [EFFECTIVE DATE.]**

*This act is effective upon compliance with Minnesota Statutes, Section 645.021, Subdivision 3."*

Delete the title and insert:

**"A bill for an act relating to the city of Duluth; authorizing the establishment of a home energy conservation program as part of its municipal utility system and the issuance of municipal revenue bonds or notes for that purpose; requiring a report to the legislature."**

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 874, A bill for an act relating to child abuse; requiring reports of certain sexual and physical abuse of children; requiring reports to parents in certain cases; amending Minnesota Statutes 1980, Section 626.556, Subdivisions 1, 2, 3, 6, 7 and 9.

Reported the same back with the following amendments:

Page 1, after line 8, insert:

“Section 1. Minnesota Statutes 1980, Section 245.783, Subdivision 3, is amended to read:

Subd. 3. Before issuing a license or renewing a license, the commissioner shall conduct a study of the applicant and the agency or the day care or residential facility. *The bureau of criminal apprehension, a county attorney, a county sheriff, and a chief of a local police department with the informed consent of the subject of the data shall assist in this study by providing to the commissioner, the director of any local agency responsible for licensing, or their representatives all criminal conviction data available from local, state, and national criminal history record repositories, including the criminal justice data communications network, pertaining to the following individuals connected with the application for or renewal of a license: applicants, operators, all persons living in the household, all staff of any day care or residential facility and all staff of agencies placing children for care.* If the commissioner is satisfied that the provisions of Laws 1976, Chapter 243 and the applicable rules and regulations promulgated by him are substantially met, a license shall be issued. If the results of the study indicate that all of the applicable laws, rules and regulations cannot be met immediately, but can and will be met within one year or less, and the deviations do not threaten the health, rights, or safety of persons to be served, a provisional license (SHALL) *may* be issued for a period not to exceed one year from the date of issuance.

The commissioner may request advice from persons using the facility, agency, or service, operators of a similar facility, agency, or service, and relevant professionals as part of the evaluation of an applicant.”

Page 1, delete section 1

Amend the title as follows:

Page 1, line 2, delete “child abuse” and insert “public welfare; providing access to criminal conviction data of certain applicants for licenses”



Page 1, line 5, delete "Section" and insert "Sections 245.783, Subdivision 3; and"

Page 1, line 6, delete "1,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 887, A bill for an act relating to municipal land use planning; permitting municipal fees for administrative actions relating to official controls; amending Minnesota Statutes 1980, Section 462.353, by adding a subdivision; repealing Minnesota Statutes 1980, Section 462.358, Subdivision 4.

Reported the same back with the following amendments:

Page 1, line 13, delete "*to review,*"

Page 1, line 14, delete "*investigate and administer*" and insert "*in reviewing, investigating, and administering an application for an amendment to*"

Page 1, line 15, before the period insert "*or an application for a permit or other approval required under an official control established pursuant to those sections*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 892, A bill for an act relating to state government; improving the state's personnel management and labor relations functions; proposing new law coded as Minnesota Statutes, Chapter 43A; repealing Minnesota Statutes, Chapter 43.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [43A.01] [POLICIES.]

*Subdivision 1. [GENERAL.] It is the policy of the state to maintain an efficient and effective merit based personnel management system to meet the management needs of the state*

*and the social, economic and program needs of the people of the state. The system shall provide means to recruit, select and develop an effective, productive and responsive work force representative of the labor market according to the demands of society, equity and law, and shall include policies and procedures for employee hiring and advancement, training and career development, job classification, salary administration, employee benefits, discipline, discharge, retirement and other related activities as appropriate, taking into consideration formal and informal labor relations arrangements.*

**Subd. 2. [PRECEDENCE OF MERIT PRINCIPLES AND NONDISCRIMINATION.]** *It is the policy of this state to provide for equal employment opportunity consistent with chapter 363 by ensuring that all personnel actions be based on the ability to perform the duties and responsibilities assigned to the position without regard to age, race, creed or religion, color, disability, sex, national origin, marital status, status with regard to public assistance, or political affiliation. It is the policy of this state to take affirmative action to eliminate the underutilization of qualified members of protected groups in the civil service, where such action is not in conflict with other provisions of this chapter or chapter 179, in order to correct imbalances and eliminate the present effects of past discrimination.*

*No contract executed pursuant to chapter 179 shall modify, waive or abridge sections 1, 7 to 13, 15, and 17 to 21, except to the extent expressly permitted in those sections.*

**Sec. 2. [43A.02] [DEFINITIONS.]**

**Subdivision 1. [INTERPRETATION.]** *Unless the language or context indicates that a different meaning is intended, the following terms, for the purposes of this act, have the meanings given them in this section.*

**Subd. 2. [AGENCY.]** *“Agency” means a department, commission, board, institution, or other employing entity of the civil service, in which all positions are under the same appointing authority.*

**Subd. 3. [ALLOCATION.]** *“Allocation” means the assignment of an individual position to an appropriate class on the basis of the kind, difficulty, or responsibility of the work performed in the position.*

**Subd. 4. [APPLICANT.]** *“Applicant” means a person who has completed a state application for employment and has submitted it to the department of employee relations or other appointing authority who has been delegated authority to recruit and examine individuals for state jobs.*

**Subd. 5. [APPOINTING AUTHORITY.]** "Appointing authority" means a person or group of persons empowered by the constitution, statute, or executive order to employ persons in or to make appointments to positions in the civil service.

**Subd. 6. [APPOINTMENT.]** "Appointment" means the act of filling a vacancy by placement of a person in a civil service position through selection from an eligible list or a noncompetitive or qualifying process including transfer, demotion or reinstatement.

**Subd. 7. [CANDIDATE.]** "Candidate" means an applicant whose application for employment has been accepted into the examination process for a class.

**Subd. 8. [CERTIFICATION.]** "Certification" means the referral of names from an eligible list to an appointing authority to fill vacant positions in the classified service.

**Subd. 9. [CHANGE IN ALLOCATION.]** "Change in allocation" means reclassification resulting from abrupt, management-imposed changes in the duties and responsibilities of a position.

**Subd. 10. [CIVIL SERVICE.]** "Civil service" means all employees in the legislative, judicial and executive branches of state government and all positions in the classified and unclassified services as provided in sections 7 and 8.

**Subd. 11. [CLASS.]** "Class" means one or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with clarity to designate each position allocated to the class and that the same general qualifications are needed for performance of the duties of the class, that the same tests of fitness may be used to recruit employees, and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.

**Subd. 12. [CLASSIFIED SERVICE.]** "Classified service" means all positions now existing or hereafter created in the civil service and not specifically designated unclassified pursuant to section 8.

**Subd. 13. [COMMISSIONER.]** "Commissioner" means the commissioner of employee relations.

**Subd. 14. [COMMISSIONER'S PLAN.]** "Commissioner's plan" means the plan required by section 3.855 regarding total compensation and terms and conditions of employment, including grievance administration, for employees of the executive branch who are not otherwise provided for in this act or other law.

*Subd. 15. [COMPETITIVE OPEN.] "Competitive open" means eligibility to compete in an examination for state employment is extended to all interested persons.*

*Subd. 16. [COMPETITIVE PROMOTIONAL.] "Competitive promotional" means eligibility to compete in an examination for state employment is limited to persons currently occupying, or on leave or layoff from, civil service positions.*

*Subd. 17. [DECLASSIFIED POSITION.] "Declassified position" means a position which is removed from the classified service and placed in the unclassified service.*

*Subd. 18. [DEPARTMENT.] "Department" means the department of employee relations.*

*Subd. 19. [ELIGIBLE.] "Eligible" means a person whose name is on an eligible list.*

*Subd. 20. [ELIGIBLE LIST.] "Eligible list" means a list of candidates qualified under provisions of this act for employment in a specific class.*

*Subd. 21. [EMPLOYEE.] "Employee" means any person currently occupying, or on leave from, a civil service position.*

*Subd. 22. [EXECUTIVE BRANCH.] "Executive branch" means heads of all agencies of state government, elective or appointive, established by statute or constitution and all employees of those agency heads who have within their particular field of responsibility statewide jurisdiction and who are not within the legislative or judicial branches of government. The executive branch also includes employees of the iron range resources and rehabilitation board. The executive branch does not include agencies with jurisdiction in specifically defined geographical areas, such as regions, counties, cities, towns, municipalities, or school districts, the University of Minnesota, the public employees retirement association, the Minnesota state retirement system, the teachers retirement association, the Minnesota historical society, and all of their employees, and any other entity which is incorporated, even though it receives state funds.*

*Subd. 23. [INTERMITTENT EMPLOYEE.] "Intermittent employee" means an employee who works an irregular and uncertain schedule which alternately begins, ceases and begins again as the needs of the agency require.*

*Subd. 24. [INTERN.] "Intern" means an individual who, for a work experience, is receiving academic credit from or is fulfilling an academic requirement of, an accredited educational institution.*

Subd. 25. [JUDICIAL BRANCH.] *“Judicial branch” means all justices of the supreme court, all employees of the supreme court, including commissions, boards and committees established by the supreme court, the board of law examiners, the law library, the office of the public defender, and all judges of all courts of law and other agencies placed in the judicial branch by law.*

Subd. 26. [LAYOFF LIST.] *“Layoff list” means an eligible list by class of former permanent or probationary employees who have been terminated from positions in the class because of a shortage of funds or curtailment of service or for any other reason beyond their control not reflecting discredit on the employee.*

Subd. 27. [LEGISLATIVE BRANCH.] *“Legislative branch” means all legislators and all employees of the legislature, legislative committees or commissions.*

Subd. 28. [MANAGERIAL.] *“Managerial” means those positions designated by the commissioner or statute as being accountable for determining, securing, and allocating human, financial, and other resources needed to accomplish objectives. Positions in this category also are accountable for determining overall objectives, priorities, and policies within a program area. Higher level positions in this category handle significant and involved relationships with governmental leadership. Incumbents of these positions have the authority to exercise discretionary powers on a regular basis.*

Subd. 29. [OFFICER.] *For purposes of chapter 15A the term “officer” may be used interchangeably with the term “employee” within the executive branch.*

Subd. 30. [PERMANENT STATUS.] *“Permanent status” means the state or condition achieved by a tenured laborer or by an employee in the classified service who has successfully completed an initial probationary period or a probationary period required following reinstatement or reemployment, or whose probationary period is waived through specific statutory direction.*

Subd. 31. [POSITION.] *“Position” means a group of duties and responsibilities assigned or delegated by competent authority, requiring the full-time or less than full-time employment of one person.*

Subd. 32. [PROBATIONARY PERIOD.] *“Probationary period”, part of the examination process, means a working period following unlimited appointment to a position in the classified service, during which the employee is required to demonstrate ability to perform the duties and fulfill the responsibilities of the position.*

**Subd. 33. [PROTECTED GROUPS.]** *“Protected groups” means females; handicapped persons; members of the following minorities: Black, Hispanic, Asian or Pacific Islander, American Indian or Alaskan native; and, until 1989, veterans who served in the military service of this country during the period from August 5, 1964 to May 7, 1975, and separated under honorable conditions from any branch of the armed forces of the United States after having served on active duty for 181 consecutive days or because of disability incurred while serving on active duty and who are permanent residents of the state of Minnesota.*

**Subd. 34. [QUALIFYING APPOINTMENT.]** *“Qualifying appointment” means the selection, from other than an eligible list, of a candidate who has demonstrated through an examination process that the candidate meets minimum job related requirements.*

**Subd. 35. [REALLOCATION.]** *“Reallocation” means reclassification resulting from significant changes over a period of time in the duties and responsibilities of a position.*

**Subd. 36. [RECLASSIFICATION.]** *“Reclassification” means changing the allocation of a position to a higher, lower or equivalent class.*

**Subd. 37. [REEMPLOYMENT LIST.]** *“Reemployment list” means an eligible list by class of current or former permanent or probationary employees laid off, demoted in lieu of layoff, or separated in good standing from the class, and whose written applications for consideration for reemployment in the class have been approved by the commissioner.*

**Subd. 38. [TOTAL COMPENSATION.]** *“Total compensation” means salaries, cash payments and employee benefits including paid time off, group insurance benefits, and other direct and indirect items of compensation with the exception of retirement plans.*

**Subd. 39. [UNCLASSIFIED SERVICE.]** *“Unclassified service” means all positions designated not being classified pursuant to section 8.*

**Subd. 40. [UNLIMITED APPOINTMENT.]** *“Unlimited appointment” means an appointment for which there is no specified maximum duration.*

**Sec. 3. [48A.03.] [DEPARTMENT OF EMPLOYEE RELATIONS.]**

**Subdivision 1. [CREATION.]** *The department of employee relations is created under the control and direction of the commissioner.*

*Subd. 2. [COMMISSIONER.] The commissioner shall be appointed by the governor under the provisions of section 15.06. The commissioner shall be knowledgeable in executive personnel management and shall have background in labor relations.*

*Subd. 3. [ORGANIZATION.] The department shall be organized into two bureaus which shall be designated the personnel bureau and the labor relations bureau. Each bureau shall be responsible for administering the duties and functions assigned to it by law. When the duties of the bureaus are not mandated by law, the commissioner may establish and revise the assignments of either bureau. Each bureau shall be under the direction of a deputy commissioner.*

*Subd. 4. [DEPUTY COMMISSIONERS.] The deputy commissioners of the personnel and labor relations bureaus shall be in the unclassified service and shall be appointed by and serve at the pleasure of the commissioner.*

*Subd. 5. [CONFIDENTIAL SECRETARY.] The commissioner may appoint a confidential secretary, who shall serve at the pleasure of the commissioner in the unclassified service.*

**Sec. 4. [43A.04] [GENERAL POWERS AND RESPONSIBILITIES OF COMMISSIONER.]**

*Subdivision 1. [STATEWIDE LEADERSHIP.] The commissioner shall be the chief personnel and labor relations manager of the civil service in the executive branch.*

*(a) Whenever any power or responsibility is given to the commissioner by any provision of this act, unless otherwise expressly provided, the power or authority shall apply to all employees of agencies in the executive branch and to employees in classified positions in the office of the legislative auditor, the Minnesota state retirement system and the teacher's retirement association.*

*(b) The commissioner shall operate an information system from which personnel data, as defined in section 15.1692, concerning employees and applicants for positions in the classified service can be retrieved.*

*The commissioner shall have access to all public and private personnel data kept by appointing authorities which will aid in the discharge of the commissioner's duties.*

*(c) The commissioner may consider and investigate any matters concerned with the administration of provisions of this act and may order any remedial actions consistent with law.*

*Subd. 2. [EXECUTIVE DIRECTION.] The commissioner shall direct all departmental services, appoint employees and may enter into contracts to carry out the provisions of this act.*

*Subd. 3. [RULES.] The commissioner shall promulgate rules pursuant to the administrative procedure act to implement the provisions of this act which directly affect the rights of or processes available to the general public. The rules shall have the force and effect of law and shall include but are not limited to:*

*(a) The processes for determining the extent of competition for filling vacancies, for recruiting applicants, for conducting competitive open examinations, for ranking candidates and maintaining competitive open eligible lists, and for certification and appointment of eligibles from competitive open eligible lists;*

*(b) The process for effecting noncompetitive and qualifying appointments;*

*(c) The process for temporary designation of positions in the unclassified service and for effecting appointments to the unclassified service;*

*(d) A statewide affirmative action program to include requirements for agency affirmative action plans, statewide policies and procedures, reporting requirements, accountability and responsibility of employees in the executive branch, and overall objectives of the program;*

*(e) Conditions under which moving and other expenses may be authorized and paid prior to appointment to persons who have accepted state employment;*

*(f) Establishment of procedures and rates of reimbursement governing payment of travel expenses for members of boards and commissions and other persons providing services to the state; and*

*(g) Procedures for administration of the code of ethics for employees of the executive branch.*

*Subd. 4. [ADMINISTRATIVE PROCEDURES.] The commissioner shall develop administrative procedures to effect provisions of this act which do not directly affect the rights of or processes available to the general public. The administrative procedures shall not be subject to the rulemaking provisions of the administrative procedure act. They shall be reproduced and made available for comment to agencies, employees, and appropriate exclusive representatives certified pursuant to sections 179.61 to 179.76, for at least 15 days prior to implementation and shall include but are not limited to:*



(a) *Maintenance and administration of a plan of classification for all positions in the classified service and for comparisons of unclassified positions with positions in the classified service;*

(b) *Procedures for administration of collective bargaining agreements and plans established pursuant to section 18 concerning total compensation and the terms and conditions of employment for employees;*

(c) *Procedures for effecting all personnel actions internal to the state service such as conduct of competitive promotional examinations, ranking and certification of employees for promotion, noncompetitive and qualifying appointments of employees and leaves of absence; and*

(d) *Maintenance and administration of employee performance appraisal, training and other programs.*

**Subd. 5. [PRECEDENCE OF COLLECTIVE BARGAINING PROVISIONS.]** *A provision of an agreement entered into by the commissioner pursuant to section 179.74, subdivision 5, shall supersede the provisions of any rule or administrative procedure or portion thereof which is inconsistent with the agreement unless the provision is found to violate existing law.*

**Subd. 6. [PAYMENT FOR GRIEVANCE SETTLEMENTS.]** *Notwithstanding any other law to the contrary, the commissioner may authorize an appointing authority to pay an employee for hours not worked, pursuant to the resolution of a grievance through a formal grievance procedure established by a collective bargaining agreement or one of the plans established pursuant to section 18.*

**Sec. 5. [43A.05] [POWERS AND RESPONSIBILITIES THROUGH THE PERSONNEL BUREAU.]**

**Subdivision 1. [GENERAL.]** *The commissioner through the personnel bureau shall perform the duties assigned in this act. The deputy for the personnel bureau shall perform any duties delegated by the commissioner.*

*The commissioner's authority and responsibility shall include but not be limited to maintenance of a classification plan, assignment of all positions in the classified service to job classes, maintenance and approval of total compensation plans for all positions in the executive branch pursuant to the provisions of section 18 and other provisions of law; preparation of examinations, rating of candidates for employment and preparation of eligible lists; maintenance of employee performance appraisal, training and affirmative action programs; and maintenance and publication of logical career paths in the classified civil service.*

*Subd. 2. [REQUESTS FOR NONSTATE FUNDS.] The commissioner shall have the authority to review and comment upon all requests for other than state appropriated funds by any agency for personnel and labor relations purposes before any funding request is made to a federal, local or private agency.*

*Subd. 3. [COMMISSIONER'S PLAN.] The commissioner shall periodically develop and establish pursuant to this act a commissioner's plan. The commissioner shall submit the plan, before becoming effective, to the legislative commission on employee relations for approval.*

*Subd. 4. [TIME OFF IN EMERGENCIES.] The commissioner shall authorize appointing authorities to pay for time off in emergencies. An appointing authority, after consultation with the commissioner of public safety, may excuse employees from duty with full pay in the event of a natural or manmade emergency, if continued operation would involve a threat to the health or safety of individuals. Absence with pay shall not exceed 16 working hours at any one time unless the commissioner authorizes a longer duration.*

**Sec. 6. [43A.06] [POWERS AND RESPONSIBILITIES THROUGH THE LABOR RELATIONS BUREAU.]**

*Subdivision 1. [GENERAL.] The commissioner, through the labor relations bureau, shall perform the duties assigned to the commissioner by section 3.855, sections 179.61 to 179.76 and this section.*

*The deputy commissioner for the labor relations bureau shall be the state labor negotiator for purposes of negotiating and administering agreements with exclusive representatives of employees and shall perform any other duties delegated by the commissioner.*

*Subd. 2. [HEARINGS.] The commissioner shall represent the state at hearings conducted by the director of the bureau of mediation services and the public employment relations board.*

*Subd. 3. [COLLECTIVE BARGAINING.] The commissioner through the labor relations bureau shall represent the state in all collective bargaining between the state and exclusive representatives, and shall represent the state in mediation and arbitration of collective bargaining disputes.*

*Subd. 4. [REPORTS.] The commissioner shall report to the legislative commission on employee relations pursuant to section 3.855.*

*Subd. 5. [INTERPRETATION OF COLLECTIVE BARGAINING AGREEMENTS.] The commissioner shall be re-*

sponsible for management interpretation of all collective bargaining agreements between the state and exclusive representatives and provide management personnel with training in the interpretation and application of these collective bargaining agreements.

*Subd. 6. [GRIEVANCES; ARBITRATION.] The commissioner shall oversee the administration of all written grievances arising under collective bargaining agreements between the state and an exclusive representative and shall represent the state at all grievance arbitrations.*

*Subd. 7. [GRIEVANCE SETTLEMENT.] The commissioner shall have final authority to decide if a grievance shall be submitted to arbitration or if it shall be settled without arbitration.*

*Subd. 8. [UNFAIR LABOR PRACTICE CHARGES.] The commissioner shall direct investigations and shall have authority to decide whether agencies in the executive branch shall settle unfair labor practice charges filed against the employer, appointing authorities or their agents pursuant to chapter 179.*

**Sec. 7. [43A.07] [CLASSIFIED SERVICE.]**

*Subdivision 1. [CLASSIFICATION PLAN.] The commissioner shall maintain, revise and administer a classification plan.*

*Subd. 2. [JOB CLASSES AND TITLES.] An appointing authority shall notify the commissioner when a new position is to be established in the classified service. The commissioner shall allocate the position to an appropriate class in the classification plan or if the position cannot be allocated to an existing class, establish a new class. The commissioner shall assign an appropriate salary rate or range to the class. If the class is in a bargaining unit under the provisions of section 179.741, and there is an applicable provision in the collective bargaining agreement the commissioner shall establish the salary rate or range pursuant to the agreement.*

*The commissioner may independently conduct classification studies or, upon request of an appointing authority or a permanent employee, shall investigate the duties of a classified position. The commissioner may reclassify the position, change the title of the position or establish a new class. The commissioner shall assign an appropriate salary rate or range to the class. If the class is in a collective bargaining unit under the provisions of section 179.741, and there is an applicable provision in the collective bargaining agreement, the commissioner shall establish the salary rate or range pursuant to the agreement.*

**Subd. 3. [PROTESTED ALLOCATION OR RECLASSIFICATION.]** *An appointing authority who is affected by a position allocation or reclassification or an employee who is affected by a position reclassification may protest the allocation or reclassification in writing to the commissioner. The commissioner shall review the allocation or reclassification and may change the allocation or reclassification decision. This procedure shall not be subject to contested case provisions of the administrative procedure act.*

**Subd. 4. [EFFECT OF RECLASSIFICATION.]** *Except as provided in section 17, subdivision 5, the incumbent of a position which has been reclassified shall continue in the position only if the employee is eligible for and is appointed to the position of the new class in accordance with the provisions of this chapter and the rules, administrative procedures or a collective bargaining agreement entered into under sections 179.61 to 179.76 governing reallocation or change in allocation of positions, promotion, transfer, and demotion. If the incumbent is ineligible to continue in the position and is not transferred, promoted or demoted, the layoff provisions of this chapter and plans pursuant to section 18 or a collective bargaining agreement entered into under sections 179.61 to 179.76 shall apply. Personnel changes required by the reclassification of positions shall be completed within a reasonable period of time, as prescribed by the commissioner, following the reclassification notice to an appointing authority. Any employee with permanent or probationary status whose position is reallocated shall be considered eligible to compete in any examination held to fill the reallocation position, as provided in the rules or administrative procedures.*

**Subd. 5. [LEAVES TO ACCEPT UNCLASSIFIED APPOINTMENTS.]** *An employee who is granted a leave of absence from a position in the classified service to accept a position in the unclassified service shall retain an inactive classified service status. Upon his request, during the unclassified appointment or within sixty days of the end of the unclassified appointment, the employee shall be reappointed in the agency from which the employee was granted the leave, to a classified position comparable to that which he held immediately prior to being appointed to the unclassified position.*

**Subd. 6. [RIGHTS OF INCUMBENTS OF DECLASSIFIED POSITIONS.]** *Except for just cause, an employee with permanent status shall not be removed from a position which is declassified for a period of one year following the declassification. An appointing authority may remove an incumbent of a declassified position after one year with 30 days prior notice. At any time after the declassification, and prior to the end of the thirty-day notice period, if he so requests, the employee shall be appointed within the same agency to a classified position comparable to the position that was declassified or, if a comparable position*

is unavailable, to a position in that agency comparable to that which he held immediately prior to being appointed to the declassified position.

Sec. 8. [43A.08] [UNCLASSIFIED SERVICE.]

*Subdivision 1. [UNCLASSIFIED POSITIONS.] Unclassified positions are held by employees who are:*

- (a) *Chosen by election or appointed to fill an elective office;*
- (b) *Heads of agencies required by law to be appointed by the governor or other elective officers, and the executive or administrative heads of departments, bureaus, divisions and institutions specifically established by law in the unclassified service;*
- (c) *The confidential secretary to each of the elective officers of this state and, for the secretary of state, state auditor, and state treasurer, an additional deputy, clerk, or employee;*
- (d) *Intermittent help employed by the commissioner of public safety to assist in the issuance of vehicle licenses;*
- (e) *Employees in the offices of the governor and of the lieutenant governor, and one confidential employee for the governor in the office of the adjutant general;*
- (f) *Employees of the legislature and of legislative committees or commissions; provided that employees of the legislative audit commission, except for the legislative auditor, his deputies, and his confidential secretary, shall be employees in the classified service;*
- (g) *Presidents, vice presidents, deans, other managers and professionals in academic and academic support programs, administrative or service faculty, teachers, research assistants and student employees eligible under terms of the federal economic opportunity act work study program in the state universities and community colleges. This paragraph shall not be construed to include the custodial, clerical or maintenance employees, or any professional or managerial employee performing duties in connection with the business administration of these institutions.*
- (h) *Officers and enlisted persons in the national guard;*
- (i) *Attorneys, legal assistants, examiners, and three confidential employees appointed by the attorney general or employed with his authorization;*

(j) Judges and all employees of the judicial branch, referees, receivers, jurors, and notaries public, except referees and adjusters employed by the department of labor and industry;

(k) Members of the state highway patrol; provided that selection and appointment of highway patrol troopers shall be made in accordance with applicable laws governing the classified service;

(l) Seasonal help employed by the department of revenue;

(m) Employees of the department of administration permanently assigned to the ceremonial house;

(n) Chaplains employed by the state;

(o) Examination monitors and intermittent training instructors employed by the departments of employee relations and commerce;

(p) Student workers; and

(q) Employees unclassified pursuant to other statutory authority.

Subd. 2. [ADDITIONAL UNCLASSIFIED POSITIONS.] Notwithstanding any other law to the contrary, the commissioner, upon request of the governor, may establish permanent unclassified positions, or unclassify previously classified positions, provided that:

(a) The positions involve only deputy or assistant heads of agencies, or director level positions which are not specifically established by law, and who are appointed by and report directly to a head of an agency who is required by law to be appointed by the governor, or by a board appointed by the governor.

(b) The positions established are limited in number to six in the departments of administration, corrections, economic security, finance, transportation, natural resources, public safety, public welfare, and revenue; to five in the departments of commerce, education, health, labor and industry, employee relations and the housing finance agency; to four in the departments of agriculture, and economic development; to three in the department of public service, the planning agency, and the pollution control agency; and to two in the departments of human rights, veterans affairs, and the crime control planning board; and to one for a confidential secretary of any head of an agency listed in this paragraph. Agencies not enumerated in this paragraph shall not be authorized to establish additional unclassified positions under the provisions of this subdivision.

(c) *Funds are available.*

*Subd. 3. [UNCLASSIFIED TITLES; SALARY RATES AND RANGES; INVESTIGATIONS.] Except for those positions listed in section 18, subdivision 4, when a new position is to be established in the unclassified service, the commissioner shall compare the position to a class in the classified service if a comparable class exists or if not, establish a salary rate or range and official title for the position.*

*The commissioner shall independently or upon request of an appointing authority or employee investigate the duties of a position unclassified under provisions of subdivision 2 or rule. If the commissioner determines the position is incorrectly placed in the unclassified service, the commissioner shall place the position in the classified service. If the commissioner determines the position is improperly compared or assigned to an inappropriate salary range, the commissioner shall recompare the position, change the title or establish a new title or reassign the position to a different salary rate or range.*

*If a new title is established for the position or if the position is reassigned to a different salary rate or range and the position will be covered by a bargaining unit under the provisions of section 179.741, and if there is an applicable provision in a collective bargaining agreement, the commissioner shall establish the salary rate or range pursuant to the collective bargaining agreement.*

**Sec. 9. [43.09] [RECRUITMENT.]**

*The commissioner in cooperation with appointing authorities of all state agencies shall maintain an active recruiting program publicly conducted and designed to attract sufficient numbers of well qualified people to meet the needs of the civil service, and to enhance the image and public esteem of state service employment. Special emphasis shall be given to recruitment of protected group members to assist state agencies in meeting affirmative action goals to achieve a balanced work force.*

**Sec. 10. [43A.10] [EXAMINATIONS; ELIGIBILITY TO COMPETE.]**

*Subdivision 1. [GENERAL.] Entrance to the classified service shall be through successful competition in an examination and certification and appointment from an eligible list except as provided in section 15 or other law.*

*Subd. 2. [EXAMINATION CRITERIA.] All examinations for positions in the classified service shall be job related and designed to fairly assess ability to perform the duties of the class for which the examination is given.*

**Subd. 3. [FACILITIES FURNISHED EXAMINERS.]** *The authorities having control of public buildings in political subdivisions of the state and school districts, upon written request of the commissioner, shall furnish without charge convenient facilities for the administration of examinations. Upon such request, it shall be the duty of state and local authorities and employees, as it is consistent with their other duties, to aid in carrying out the provisions of this section.*

**Subd. 4. [CANDIDATES, ELIGIBLES; EXPENSES.]** *The commissioner or an appointing authority may pay travel expenses incurred by candidates or eligibles invited for oral examinations or employment interviews in the manner and amounts authorized by the commissioner.*

**Subd. 5. [ELIGIBILITY FOR COMPETITIVE OPEN EXAMINATIONS.]** *Competitive open examinations shall, upon public notice, be open to all applicants who meet reasonable job related requirements fixed by the commissioner.*

**Subd. 6. [ELIGIBILITY FOR COMPETITIVE PROMOTIONAL EXAMINATIONS.]** *Competitive promotional examinations shall be open only to employees of the civil service, the Minnesota state retirement system and the teacher's retirement association. The commissioner may require that competition be extended to all employees as defined above or may limit competition to employees of one or more agencies or organizational units thereof or to employees meeting specified employment conditions.*

**Subd. 7. [EXAMINATION ACCOMMODATIONS.]** *Upon request, the commissioner shall provide examination accommodations to a candidate with a handicap that does not prevent performance of the duties of the class. The accommodations shall provide an opportunity to fairly examine the ability of the candidate to perform the duties of the class notwithstanding the handicap but shall preserve, to the extent feasible, the validity of the examination process and equitable comparison of examination scores with competitors without handicaps.*

**Subd. 8. [ELIGIBILITY FOR QUALIFIED HANDICAPPED EXAMINATIONS.]** *The commissioner shall establish examination procedures for candidates whose handicaps are of such a severe nature that the candidates are unable to demonstrate their abilities in competitive examination processes. The examination procedures shall consist of up to 700 hours on-the-job trial work experience which will be in lieu of a competitive examination and for which the employee will be paid or unpaid at the employee's option. This work experience shall be limited to candidates who are mentally retarded, have severe hearing or visual impairments, are confined to wheelchairs, or have other impairments that comprise serious employment handicaps and who have been referred for employment to a specific suitable*



*vacancy by a vocational rehabilitation, veterans administration, or services for the blind counselor. Implementation of provisions of this subdivision shall not be deemed a violation of other provisions of this act or chapter 363.*

**Sec. 11. [43A.11] [VETERAN'S PREFERENCE.]**

*Subdivision 1. [CREATION.] Recognizing that training and experience in the military services of the government and loyalty and sacrifice for the government are qualifications of merit which cannot be readily assessed by examination, a veteran's preference shall be available pursuant to this section to United States citizens who entered the military service of this country prior to December 31, 1976 and separated under honorable conditions (a) after having served on active duty for 181 consecutive days or (b) by reason of disability incurred while serving on active duty.*

*Subd. 2. [RESTRICTIONS.] Veteran's preference credit under this section may not be used by any veteran who is currently receiving or is eligible to receive a monthly veteran's pension based exclusively on length of military service.*

*Subd. 3. [NONDISABLED VETERAN'S CREDIT.] There shall be added to the competitive open examination score of a nondisabled veteran, if he so elects, a credit of five points provided that the veteran obtained a passing score on the examination without the addition of the credit points.*

*Subd. 4. [DISABLED VETERAN'S CREDIT.] There shall be added to the competitive open examination score of a disabled veteran, if he so elects, a credit of ten points provided that the veteran obtained a passing score on the examination without the addition of the credit points. There shall be added to the competitive promotional examination score of a disabled veteran, if he so elects, a credit of five points provided that (a) the veteran obtained a passing score on the examination without the addition of the credit points and (b) the veteran is applying for his first promotion after securing public employment.*

*Subd. 5. [DISABLED VETERAN; DEFINITIONS.] For the purpose of the preference to be used in securing appointment from a competitive open examination, "disabled veteran" means a person who has a compensable service connected disability as adjudicated by the United States Veterans Administration, or by the retirement board of one of the several branches of the armed forces, which disability is existing at the time preference is claimed. For purposes of the preference to be used in securing appointment from a competitive promotional examination, "disabled veteran" means a person who, at the time of election to use his promotional preference, is entitled to disability compensation under laws administered by the veterans administra-*

tion for a permanent service connected disability rated at 50 percent or more.

**Subd. 6. [PREFERENCE FOR SPOUSES.]** A preference available pursuant to this section may be used by the surviving spouse of a deceased veteran and by the spouse of a disabled veteran who because of the disability is unable to qualify.

**Subd. 7. [RANKING OF VETERANS.]** An eligible with a score augmented by veteran's preference shall be entered on an eligible list ahead of a nonveteran with the same score.

**Subd. 8. [NOTIFICATION.]** A governmental agency when notifying eligibles that they have passed examinations shall show the final examination scores and the preference credits and shall notify eligibles that they may elect to use veteran's preference to augment passing scores.

**Subd. 9. [REJECTION; EXPLANATION.]** If the appointing authority rejects a certified eligible who has received veteran's preference, the appointing authority shall notify the eligible in writing of the reasons for the rejection.

## Sec. 12. [43A.12] [RANKING OF ELIGIBLES.]

**Subdivision 1. [GENERAL.]** The commissioner shall prepare eligible lists as provided in this section.

**Subd. 2. [LAYOFF LISTS.]** On layoff lists former employees of the class shall be ranked as provided in collective bargaining agreements, the plans established pursuant to section 18, rules, or procedures implemented pursuant to section 4, subdivision 4.

**Subd. 3. [REEMPLOYMENT LISTS.]** On reemployment lists former employees of the class with satisfactory prior service ratings shall be ranked as provided in collective bargaining agreements, the plans established pursuant to section 18, rules, or procedures implemented pursuant to section 4, subdivision 4.

**Subd. 4. [COMPETITIVE LISTS.]** On competitive open and competitive promotional lists eligibles shall be ranked according to their ratings in examinations and the veteran's preference provisions of section 11.

**Subd. 5. [QUALIFIED HANDICAPPED LISTS.]** On qualified handicapped lists eligibles shall be ranked in alphabetical order.

*Subd. 6. [TERM OF ELIGIBILITY.] The term of eligibility of eligibles on lists shall be determined by the commissioner but shall not be less than six months.*

**Sec. 13. [43A.13] [CERTIFICATION OF ELIGIBLES.]**

*Subdivision 1. [GENERAL.] Upon request of an appointing authority the commissioner shall certify eligibles from an eligible list determined appropriate by the commissioner, or as provided in collective bargaining agreements, rules or section 4, subdivision 4. The commissioner shall certify qualified available eligibles as provided in this section. Where the vacancy to be filled is in a position covered by a collective bargaining agreement, the list of certified eligibles shall be made available upon request to the exclusive representative as defined in sections 179.61 to 179.76.*

*Subd. 2. [LAYOFF.] If an agency has a layoff list for the class and employment conditions of the vacancy to be filled, the commissioner shall certify eligibles as provided in collective bargaining agreements, plans established pursuant to section 18, rules, or procedures implemented pursuant to section 4, subdivision 4.*

*Subd. 3. [REEMPLOYMENT.] For positions to be filled by reemployment of a former employee, the commissioner may certify any eligible on the reemployment list for the class or approve direct reinstatement of a former classified employee within three years of separation.*

*Subd. 4. [COMPETITIVE OPEN.] For positions to be filled by competitive open examination, the commissioner shall certify the first 10 eligibles on the list plus those eligibles having the same score as the tenth eligible certified.*

*Subd. 5. [COMPETITIVE PROMOTIONAL.] For positions to be filled by competitive promotional examination, the commissioner shall certify the first three eligibles on the list plus those eligibles having an examination rating within three points of the eligible with the highest examination rating and any additional eligible having the same score as the last eligible certified.*

*Subd. 6. [QUALIFIED HANDICAPPED.] For a position to be filled by qualified handicapped examination, the commissioner shall certify only the one eligible who has successfully completed the examination processes provided in section 10, Subdivision 8 for the position.*

*Subd. 7. [EXPANDED CERTIFICATION.] When the commissioner determines that a disparity as defined in rules exists between an agency's work force and its affirmative action plan approved in accordance with section 19, the commissioner*

shall ensure to the extent possible that eligibles who are members of the protected groups for which the disparity exists are certified for appointment. When fewer than three eligibles of all protected groups for which a disparity has been determined to exist would be certified under subdivisions 4 and 5, the commissioner shall certify as many additional eligibles from all of the protected groups for which disparities have been determined to exist as are necessary to bring the number of such protected group eligibles certified to an aggregate total of three. Implementation of this subdivision shall not be deemed a violation of other provisions of this act or chapter 363.

**Subd. 8. [REFUSAL TO CERTIFY.]** The commissioner may refuse to certify an eligible who (a) is found to lack any of the requirements established for the examination for which the eligible has applied, (b) has been dismissed from the public service for delinquency or misconduct, (c) has been dismissed from the same or a similar classification within the civil service for unsatisfactory job performance, (d) has, directly or indirectly, given or promised to give anything of value to any person in connection with the eligible's examination, appointment, or proposed appointment, or (e) has made a false statement of any material fact or practiced or attempted to practice any deception or fraud in the application, or examination or in securing eligibility or appointment.

When the commissioner refuses to certify an eligible, the commissioner shall, upon request of the eligible refused, furnish the eligible a statement of the reasons for the refusal. Upon receipt of relevant information, the commissioner shall reconsider the refusal and may certify the eligible.

#### **Sec. 14. [43A.14] [APPOINTMENTS.]**

All appointments to the classified service shall be based upon merit and ability to perform the duties of the position and the needs of the employing agency, including the need to achieve and maintain a representative work force. For employees in a bargaining unit as defined in section 179.741 appointments shall be subject to applicable provisions of collective bargaining agreements.

#### **Sec. 15. [43A.15] [NONCOMPETITIVE AND QUALIFYING APPOINTMENTS.]**

**Subdivision 1. [GENERAL.]** Positions in the classified service may be filled other than by appointment from eligible lists only as provided in this section or other law, provided that appointments made pursuant to subdivisions 5, 6, 9, 10, 11, and 12 shall be subject to applicable provisions of collective bargaining agreements.

*Subd. 2. [EMERGENCY APPOINTMENTS.] An appointing authority may make an emergency appointment for up to 30 working days. No person shall be employed in any one agency on an emergency basis for more than 30 working days in any 12 month period.*

*Subd. 3. [TEMPORARY APPOINTMENTS.] The commissioner may authorize an appointing authority to make a temporary appointment of up to six months. The commissioner may, in the best interest of the state, grant an extension of a temporary appointment or approve a temporary appointment to fill a vacancy created by an approved leave of absence to a maximum period of one year. When practicable, the commissioner may certify any qualified eligible from an eligible list for the temporary appointment, but may authorize the appointment of any person deemed qualified by the appointing authority.*

*No person shall be employed on a temporary basis in any one agency for more than 12 months in any 24 month period.*

*Subd. 4. [PROVISIONAL APPOINTMENTS.] The commissioner may authorize an appointing authority to make a provisional appointment if there is an urgent reason for filling a vacancy and no person on an incomplete certification is suitable or available for appointment.*

*No person shall be provisionally appointed unless the person has passed an appropriate qualifying examination or is qualified in all respects except for completion of a licensure or certification requirement. To the extent possible, the commissioner shall ensure that provisional appointments are kept to a minimum.*

*No person shall be employed on a provisional basis for more than six months unless the commissioner grants an extension to a maximum of 12 months in the best interest of the state. No extension may be granted beyond 12 months except for persons provisionally appointed to physician positions or other positions requiring licensure or certification where there is a lack of eligibles.*

*At the request of an appointing authority, the commissioner may authorize the probationary appointment of a provisional appointee who has performed satisfactorily for at least 60 days.*

*Subd. 5. [NONCOMPETITIVE PROMOTIONS.] The commissioner may authorize an appointing authority to promote the incumbent with permanent or probationary status to a reallocated classified position.*

*Subd. 6. [APPOINTMENTS THROUGH TRANSFER OR DEMOTION.] The commissioner may authorize the transfer or demotion of an employee in the classified service within an*

agency or between agencies. An authorized transfer may result in the movement of an employee between different positions in the same class or between positions in different classes provided that the compensation for the classes is similar.

The commissioner may enter into arrangements with public personnel agencies in other jurisdictions for the purpose of effecting transfers or voluntary demotions of employees between jurisdictions.

**Subd. 7. [APPOINTMENTS FOR UNCLASSIFIED INCUMBENTS OF NEWLY CLASSIFIED POSITIONS.]** The commissioner may authorize the probationary appointment of an incumbent who has passed a qualifying examination and who has served at least one year in an unclassified position which has been placed in the classified service by proper authority.

**Subd. 8. [EXCEPTIONAL APPOINTMENTS.]** Where a position requires exceptional qualifications of a scientific, professional or expert character and competition is impracticable, the commissioner may, at the request of an appointing authority, authorize the probationary appointment of a designated person possessing the required exceptional qualifications.

**Subd. 9. [LABOR SERVICE APPOINTMENTS.]** The commissioner shall designate classes involving unskilled labor as comprising a labor service and shall authorize appointing authorities to make appointments to such classes without prior approval.

**Subd. 10. [ROUTINE SERVICE APPOINTMENTS.]** The commissioner may authorize the administration of a qualifying selection process where the position to be filled is of a routine, service nature involving unskilled tasks, the performance of which cannot be directly related to qualifications beyond a minimum competency level. Appointing authorities may consider any candidate found so qualified for probationary appointment to such a position.

**Subd. 11. [APPOINTMENTS TO POSITIONS IN SHORTAGE OCCUPATIONS.]** The commissioner may designate classifications for which qualified applicants are in critically short supply and may develop recruitment, qualifying examination and referral processes as will provide agencies opportunity to make prompt appointments.

**Subd. 12. [WORK-TRAINING APPOINTMENTS.]** The commissioner may authorize the probationary appointment of persons who successfully complete on-the-job state training programs which have been approved by the commissioner.

**Sec. 16. [43A.16.] [PROBATIONARY PERIODS.]**

*Subdivision 1. [GENERAL.] All unlimited appointments to positions in the classified service except as provided in this subdivision shall be for a probationary period the duration of which shall be determined through collective bargaining agreements or plans established pursuant to section 18 but which shall not be less than 30 days of full-time equivalent service nor more than two years of full-time equivalent service. An appointing authority may require a probationary period for transfers, re-employments, reinstatements, voluntary demotions, and appointments from layoff lists of former employees of a different appointing authority. For employees in a bargaining unit as defined in 179.741 the requirement of such a probationary period shall be subject to applicable provisions of collective bargaining agreements.*

*Subd. 2. [TERMINATION DURING PROBATIONARY PERIOD.] There is no presumption of continued employment during a probationary period. Terminations or demotions may be made at any time during the probationary period subject to the provisions of this section and collective bargaining agreements or plans established pursuant to section 18.*

*If during the probationary period an employee with permanent status is dismissed for inability to perform the duties of the new position or for other cause not related to misconduct or delinquency, the employee shall be restored to a position in the employee's former class and agency.*

**Sec. 17. [43A.17] [SALARY LIMITS, RATES, RANGES AND EXCEPTIONS.]**

*Subdivision 1. [SALARY LIMITS.] As used in this section, "salary" means hourly, monthly, or annual rate of pay including any lump-sum payments and cost-of-living adjustment increases but excluding payments due to overtime worked, shift or equipment differentials, work out of class as required by collective bargaining agreements or plans established pursuant to section 18, and back pay on reallocation or other payments related to the hours or conditions under which work is performed rather than to the salary range or rate to which a class is assigned.*

*The salary, as established in section 15A.081, of the head of a state agency in the executive branch is the upper limit of compensation in the agency. The salary of the commissioner of labor and industry is the upper limit of compensation of employees in the bureau of mediation services. The commissioner may grant exemptions from these upper limits as provided in subdivisions 3 and 4.*

**Subd. 2. [GENERAL COMPENSATION.]** *For classes or positions covered under the provisions of section 18, subdivision 1, the commissioner shall negotiate compensation. For classes or positions covered under the provisions of section 18, subdivisions 2 and 3, the commissioner shall establish compensation. Employees covered under section 18 shall receive salary at the appropriate single rate or within the limits of the salary range to which their class is assigned or their position compared except for any lump sum payments including cost of living lump sum payments. The commissioner may grant further exemptions from this subdivision as provided in subdivisions 3, 5, 6, and 7.*

**Subd. 3. [UNUSUAL EMPLOYMENT SITUATIONS.]** *Upon the request of the appointing authority, and when the commissioner determines that changes in employment situations create difficulties in attracting or retaining employees, the commissioner may approve an unusual employment situation increase to advance an employee within the compensation plan. Such action will be consistent with applicable provisions of collective bargaining agreements or plans pursuant to section 18. The commissioner shall review each proposal giving due consideration to salary rates paid to other employees in the same class and agency and may approve any request which in the commissioner's judgment is in the best interest of the state. If the commissioner determines that the position requires special expertise necessitating a higher salary to attract or retain qualified persons, the commissioner may grant an exemption not to exceed 120 percent of the base salary of the head of the agency.*

**Subd. 4. [MEDICAL SPECIALISTS.]** *The commissioner may without regard to subdivision 1 establish special salary rates and plans of compensation designed to attract and retain exceptionally qualified doctors of medicine. In establishing salary rates and eligibility for nomination for payment at special rates, the commissioner shall consider the standards of eligibility established by national medical specialty boards where appropriate. The incumbents assigned to these special ranges shall be excluded from the collective bargaining process.*

**Subd. 5. [SALARY ON DEMOTION; SPECIAL CASES.]** *The commissioner may, upon request of an appointing authority, approve payment of an employee with permanent status at a salary rate above the maximum of the class to which the employee is demoted. The commissioner shall take such action as required by collective bargaining agreements or plans pursuant to section 18. If the action is justified by the employee's long or outstanding service, exceptional or technical qualifications, age, health, or substantial changes in work assignment beyond the control of the employee, the commissioner may approve a rate up to and including the employee's salary immediately prior to demotion. Thereafter, so long as the employee remains in the same position, the employee shall not be eligible to receive any increase in salary until the employee's salary is within the range*



*of the class to which the employee's position is allocated unless such increases are specifically provided in collective bargaining agreements or plans pursuant to section 18.*

*Subd. 6. [SALARY ON TRANSFER.] The commissioner may authorize an employee transferring between two classes established as equivalent for purposes of transfer to retain a rate of compensation above the maximum of the range of the class to which the employee is transferring. The commissioner shall take such action as required by a collective bargaining agreement or plans pursuant to section 18. Thereafter, so long as the employee remains in the same class, the employee shall receive an increase in salary only as provided pursuant to applicable collective bargaining agreements or plans pursuant to section 18, until his salary is within the range of the class to which his position is allocated.*

*Subd. 7. [INJURED ON DUTY PAY.] Notwithstanding section 176.021, subdivision 5, the commissioner may provide for injured on duty pay through collective bargaining agreements or plans pursuant to section 18.*

**Sec. 18. [43A.18] [TOTAL COMPENSATION; COLLECTIVE BARGAINING AGREEMENTS; PLANS.]**

*Subdivision 1. [COLLECTIVE BARGAINING AGREEMENTS.] Except as provided in section 1 and to the extent they are covered by a collective bargaining agreement, the compensation, terms and conditions of employment for all employees represented by an exclusive representative certified pursuant to chapter 179 shall be governed solely by the collective bargaining agreement executed by the parties and approved by the legislature.*

*Subd. 2. [COMMISSIONER'S PLAN.] Except as provided in section 1 of this act, the compensation, terms and conditions of employment for all classified and unclassified employees who are not covered by a collective bargaining agreement and not otherwise provided for in this act or other law shall be governed solely by the commissioner's plan. The legislative commission on employee relations shall review the plan and submit it to the legislature along with any recommendations it deems appropriate. The plan need not be adopted in accordance with the rulemaking provisions of chapter 15.*

*The plan shall not take effect until approved by the legislature, provided that the legislative commission may give interim approval to effect the plan and subsequently submit it to the entire legislature for ratification in the same manner as provided for negotiated agreements and arbitration awards under section 179.74, subdivision 5. If the legislature modifies or rejects the plan or adjourns without action during the following*

*legislative session, any total compensation increases which were provided pursuant to interim approval by the commission and not ratified by the legislature shall not be affected but shall cease to be provided.*

*Subd. 3. [MANAGERIAL PLAN.] The commissioner shall identify individual positions or groups of positions in the classified and unclassified service, except those listed in subdivision 4, in the executive branch as being managerial.*

*(a) The commissioner shall establish appropriate plans for training and development, mobility, total compensation and terms and conditions of employment for employees of those positions identified as being managerial and whose salaries and benefits are not otherwise provided for in law or other plans established under this act. The plans shall include a career executive service to provide a system for identifying, developing and recognizing key individuals who occupy managerial positions in the classified service.*

*(b) Incumbents of managerial positions as identified under this subdivision shall be excluded from any bargaining units under the provisions of chapter 179.*

*(c) The management compensation plan shall provide methods and levels of compensation for managers that will be generally comparable to those applicable to managers in other public and private employment. Provisions of the plan shall ensure that compensation within assigned salary ranges is related to level of performance.*

*The commissioner shall develop a total compensation plan for individuals appointed to the career executive service. Salaries established under this plan shall be limited to 120 percent of the maximum of the salary range for the employee's job classification in the classified service. The total compensation established under the provisions of this clause may be extended to unclassified managers and the employee benefits established under the provisions of this clause may be extended to those heads of agencies whose salaries are established in section 15A.081, subdivision 1.*

*(d) No rights or tenure shall attach to a career executive service assignment. An incumbent in the career executive service may be removed from the career executive service by the appointing authority, provided the action is made without regard to sex, race, religion, color, creed, marital status, age, national origin, disability, status with regard to public assistance or political affiliation. An employee removed from the career executive service shall receive compensation at the level formerly received plus any increases the employee would have received*

had the employee not been appointed to the career executive service.

*An employee who is in the career executive service on the effective date of this section and whose position, as a result of this act, is no longer eligible for inclusion in the career executive service is nonetheless eligible to remain a member of the career executive service in accordance with the provisions of this section so long as the employee remains in that position.*

**Subd. 4. [PLANS NOT ESTABLISHED BUT APPROVED BY COMMISSIONER.]** *Notwithstanding any other law to the contrary, total compensation for employees listed in this subdivision shall be set by appointing authorities subject to the following limitations:*

*(a) Total compensation paid pursuant to this subdivision and that paid pursuant to section 6.582, shall be within the limits of compensation plans which shall have been approved by the commissioner before becoming effective;*

*(b) Total compensation for unclassified employees in the office of the governor shall be determined by the governor;*

*(c) Total compensation for unclassified employees in the office of the attorney general shall be determined by the attorney general;*

*(d) Total compensation for unclassified employees of the state board of investment shall be determined by the state board of investment;*

*(e) Total compensation for unclassified positions pursuant to section 8, subdivision 1, clause (g) and in the higher education coordinating board shall be determined by the state university board, the state board for community colleges, and the higher education coordinating board, respectively; and*

*(f) Total compensation for classified hearing examiners in the office of administrative hearings shall be determined by the chief hearing examiner.*

**Subd. 5. [GOVERNOR TO SET CERTAIN SALARIES.]** *The governor shall, on or before January 31 of each odd numbered year, submit to the legislative commission on employee relations recommendations for salaries for the positions listed in sections 15A.081 and 15A.083. The governor may also propose additions or deletions of positions from those listed.*

*(a) Before submitting the recommendations, the governor shall consult with the commissioner of administration, the com-*

*missioner of finance, and the commissioner of employee relations concerning the recommendations. Before submitting recommendations for an employee in the office of a constitutional officer, the governor shall consult with the constitutional officer concerning the recommendations and shall give due consideration to the advice of the officer;*

*(b) Except for positions for which salary ranges have been established, the recommendations shall contain a specific salary for each position listed in sections 15A.081 and 15A.083. The governor shall determine only a fixed salary for the positions of the constitutional officers, the judges of the workers' compensation court of appeals and the commissioner of public service;*

*(c) In making recommendations, the governor shall consider only those criteria established in subdivision 7 and shall not take into account performance of individual incumbents. The governor shall establish an objective system for quantifying knowledge, abilities, duties, responsibilities and accountabilities and in determining recommendations rate each position by this system; and*

*(d) The initial salary of a head of an agency hereafter established whose salary is not specifically prescribed by law shall be fixed by the governor, after consultation with the commissioner, whose recommendation shall be advisory only, in an amount comparable to the salary of an agency head having similar duties and responsibilities.*

**Subd. 6. [MEMBERS OF MINNESOTA NATIONAL GUARD.]** *Members of the Minnesota national guard shall receive the pay and allowances prescribed by the armed forces of the United States for similar rank and time in service.*

**Subd. 7. [COMPENSATION RELATIONSHIPS OF POSITIONS.]** *In establishing, recommending and approving total compensation for any position within the plans covered in subdivisions 2, 3 and 4, the commissioner shall assure that:*

*(a) Compensation for positions in the classified and the unclassified service compare reasonably to one another;*

*(b) Compensation for state positions bears reasonable relationship to compensation for similar positions outside state service;*

*(c) Compensation for management positions bears reasonable relationship to compensation of represented employees managed;*

(d) *Compensation for positions within the classified service bears reasonable relationships among related job classes and among various levels within the same occupation; and*

(e) *Compensations bear reasonable relationships to one another within the meaning of this subdivision if compensation for positions which require comparable knowledge, abilities, duties, responsibilities and accountabilities is comparable and if compensation for positions which require differing knowledge, abilities, duties, responsibilities and accountabilities is proportional to the knowledge, abilities, duties and responsibilities required.*

**Sec. 19. [43A.19] [AFFIRMATIVE ACTION.]**

*Subdivision 1. [STATEWIDE AFFIRMATIVE ACTION PROGRAM.] To assure that positions in the executive branch of the civil service are equally accessible to all qualified persons, and to eliminate the underutilization of qualified members of protected groups, the commissioner shall adopt and periodically revise, if necessary, a statewide affirmative action program. The statewide affirmative action program shall consist of at least the following:*

(a) *Objectives, goals and policies;*

(b) *Procedures, standards and assumptions to be used by agencies in the preparation of agency affirmative action plans, including methods by which goals and timetables shall be established; and*

(c) *Requirements for the periodic submission of affirmative action progress reports from heads of agencies.*

*The commissioner shall designate a state director of equal employment opportunity to serve in the unclassified service who may be delegated the preparation, revision, implementation and administration of the program.*

*Subd. 2. [AGENCY AFFIRMATIVE ACTION PLANS.] The head of each agency in the executive branch shall prepare and implement an agency affirmative action plan consistent with this section and rules promulgated pursuant to section 4, subdivision 3. No agency affirmative action plan may be implemented without the commissioner's approval.*

*Subd. 3. [EXEMPTIONS.] Implementation of the provisions of this section shall not be deemed a violation of other provisions of this act or chapter 363.*

**Sec. 20. [43A.20] [PERFORMANCE APPRAISAL AND PAY.]**

*The commissioner shall design and maintain a performance appraisal system under which each employee in the civil service in the executive branch shall be evaluated and counseled on work performance at least once a year. Individual pay increases for all employees not represented by an exclusive representative certified pursuant to chapter 179 shall be based on the evaluation and other factors the commissioner includes in the plans developed pursuant to section 18. Collective bargaining agreements entered into pursuant to chapter 179 may, and are encouraged to, provide for pay increases based on employee work performance.*

**Sec. 21 [43A.21] [TRAINING PROGRAMS.]**

*Subdivision 1. [AUTHORITY; PURPOSE.] The commissioner shall develop and interpret policy and administer and, to the extent possible, conduct programs in training and development for employees to promote individual, group and agency efficiency and effectiveness.*

*Subd. 2. [RESPONSIBILITIES.] The commissioner is responsible for developing and coordinating consistent training policy which shall be binding on all state agencies. The policies shall include conditions under which employees may receive or be assigned to training; internships and work-training programs; minimum and maximum training standards for employee participation and agency reporting requirements. Career development training is a permissive subject of collective bargaining. Each appointing authority in the executive branch, including the Minnesota state retirement system and the teachers retirement association, is primarily responsible for planning, budgeting, conducting and evaluating training programs.*

*Subd. 3. [PROGRAMS.] The commissioner shall design and implement a management development program for the state service. The program shall include but not be limited to mandatory training and development requirements for managers and supervisors. No management or supervisory training shall be conducted by any agency without specific approval of the commissioner. No person shall acquire permanent status in a management or supervisory position in the classified service until training and development requirements have been met.*

*Subd. 4. [FUNDS.] For purposes of training and development, the commissioner is authorized to apply for and accept funds from any source including reimbursement charges from agencies for reasonable program costs. Funds received shall be deposited in the general fund of the state treasury and shall be appropriated annually to the department for the purposes for which they are received.*

**Sec. 22. [43A.22] [BENEFITS; INTENT.]**

*It is the intent of the state to provide eligible employees and other eligible persons with life insurance and hospital, medical, and dental benefits coverage through provider organizations, hereafter referred to as "carriers", authorized to do business in the state.*

**Sec. 23. [43A.23] [CONTRACTING AUTHORITY.]**

*Subdivision 1. [GENERAL.] The commissioner is authorized to request bids from carriers or to negotiate with carriers and to enter into contracts with carriers which in the judgment of the commissioner are best qualified to underwrite and service the benefit plans. The commissioner shall consider the cost of the plans, conversion options relating to the contracts, service capabilities, character, financial position, and reputation of the carriers and any other factors which the commissioner deems appropriate. Each benefit contract shall be for a uniform term of at least one year, but may be made automatically renewable from term to term in the absence of notice of termination by either party. The commissioner shall, to the extent feasible, make hospital and medical benefits available from at least one carrier licensed to do business pursuant to each of chapters 62A, 62C and 62D. The commissioner need not provide health maintenance organization services to an employee who resides in an area which is not served by a licensed health maintenance organization. The commissioner may refuse to allow a health maintenance organization to continue as a carrier if it was selected by less than 200 employees in the preceding benefit year. The commissioner may elect not to offer all three types of carriers if there are no bids or no acceptable bids by that type of carrier or if the offering of additional carriers would result in substantial additional administrative costs. Any carrier licensed pursuant to chapter 62A shall be exempt from the tax imposed by section 60A.15 on premiums paid to it by the state.*

*Subd. 2. [CONTRACT TO CONTAIN STATEMENT OF BENEFITS.] Each contract under sections 22 to 30 shall contain a detailed statement of benefits offered and shall include any maximums, limitations, exclusions, and other definitions of benefits the commissioner deems necessary or desirable. Each hospital and medical benefits contract shall provide benefits at least equal to those required by section 62E.06, subdivision 2.*

**Sec. 24. [43A.24] [ELIGIBILITY FOR STATE PAID INSURANCE AND BENEFITS.]**

*Subdivision 1. [GENERAL.] Employees, including persons on layoff from a civil service position, shall be eligible for state paid life insurance and hospital, medical and dental benefits as provided in collective bargaining agreements or plans established pursuant to section 18.*

*Subd. 2. [OTHER ELIGIBLE PERSONS.] The following persons are eligible for state paid life insurance and hospital, medical and dental benefits as determined in applicable collective bargaining agreements or by the commissioner or by the Board of Regents for employees of the University of Minnesota not covered by collective bargaining agreements.*

*(a) A member of the state legislature, provided that changes in benefits resulting in increased costs to the state shall not be effective until expiration of the term of the members of the existing house of representatives. An eligible member of the state legislature may decline to be enrolled for state paid coverages by filing a written waiver with the commissioner, provided that the waiver shall not prohibit the member from enrolling himself or his dependents for optional coverages, without cost to the state, as provided for in section 26. A member of the state legislature who returns from a leave of absence to a position he previously occupied in the civil service shall be eligible to receive the life insurance and hospital, medical and dental benefits to which his position is entitled;*

*(b) A permanent employee of the legislature or a permanent employee of a permanent study or interim committee or commission or a state employee on leave of absence to work for the legislature, during a regular or special legislative session, provided that his name appears on the state payroll or the legislative payroll for at least one working day each payroll period;*

*(c) A judge of the supreme court or an officer or employee of a court; a judge of the district court, a judge of county court, a judge of county municipal court, a judge of probate court; a district administrator; and an employee of the office of the district administrator of the fifth or the eighth judicial districts;*

*(d) A salaried employee of the public employees retirement association;*

*(e) A full-time military or civilian officer or employee in the unclassified service of the department of military affairs whose salary is paid from state funds;*

*(f) A salaried employee of the Minnesota historical society, whether paid from state funds or otherwise, who is not a member of the governing board; and*

*(g) An employee of the regents of the University of Minnesota.*

**Sec. 25. [43A.25] [IN ELIGIBILITY FOR STATE PAID INSURANCE AND BENEFITS.]**

*Except as provided in section 27, subdivision 2, the following persons are excluded from the provisions of sections 22 to 30:*



*emergency employees of the state and interns of the state and unless specifically included in collective bargaining agreements or plans established pursuant to section 18, student workers of the state, temporary employees of the state and intermittent employees of the state.*

Sec. 26. [43A.26] [OPTIONAL COVERAGES.]

*The commissioner may make available to eligible persons and their dependents certain optional coverages provided by carriers selected by the commissioner. Eligible employees may elect to purchase optional coverages at their own expense.*

Sec. 27. [43A.27] [ELIGIBILITY FOR INDIVIDUAL PAID INSURANCE AND BENEFITS.]

*Subdivision 1. [GENERAL.] Notwithstanding any other provisions of this act, the persons listed in subdivisions 2 and 3, and their dependents, may elect to enroll at their own expense in the appropriate life insurance, hospital, medical and dental benefits, and optional coverages at the time, in the manner, and under conditions of eligibility the commissioner prescribes and otherwise approves. The commissioner may also provide for payroll deductions to be made in the same manner and under the same conditions as provided in section 30, subdivision 2 authorizing payroll deductions for an eligible employee and his dependents.*

*Subd. 2. [ELECTIVE ELIGIBILITY.] The following persons, if not otherwise covered by section 24, may elect coverage for themselves or their dependents at their own expense:*

*(a) A state employee, including persons on layoff from a civil service position as provided in collective bargaining agreements or a plan established pursuant to section 18;*

*(b) An employee of the board of regents of the University of Minnesota, including persons on layoff, as provided in collective bargaining agreements or by the Board of Regents;*

*(c) An officer or employee of the state agricultural society, state horticultural society, Sibley house association, Minnesota humanities commission, Minnesota international center, Minnesota academy of science, science museum of Minnesota, Minnesota safety council, or Minnesota humane society;*

*(d) A civilian employee of the adjutant general who is paid from federal funds and who is not eligible for benefits from any federal civilian employee group life insurance or health benefits program; and*

*(e) An officer or employee of the state capital credit union or the highway credit union.*

*Subd. 3. [RETIRED EMPLOYEES.] A retired employee may elect to purchase coverage for himself or his dependents at his own expense. A retired employee of the state who receives an annuity under a state retirement program may elect to retain coverages to which he was entitled at the time of his retirement and any additional coverages made available through collective bargaining agreements or plans established pursuant to section 18 to employees in positions equivalent to that from which he retired. Coverages shall be coordinated with relevant health insurance benefits provided through the federally sponsored medicare program. Appointing authorities shall provide notice to employees no later than the effective date of their retirement of the right to exercise the option provided in this subdivision. The retired employee must notify the commissioner or his designee within 30 days after the effective date of his retirement of his intention to exercise this option.*

*Subd. 4. [RETIRED JUDGES; FORMER LEGISLATORS.] A retired judge or a former legislator may elect to purchase coverage for themselves or their dependents at their own expense as provided below:*

*(a) A retired judge of the state supreme court or district court may elect to purchase coverage provided persons listed in section 24, subdivision 2, clause (c), provided that the retired judge exercises this option with 30 days of the effective date of retirement; or*

*(b) A former member of the legislature may elect to purchase coverage provided persons listed in section 24, subdivision 2, clause (a).*

**Sec. 28. [43A.28] [ENROLLMENT.]**

*The time, manner, and conditions and terms of eligibility for enrollment of persons eligible for state paid or individual paid life insurance, hospital, medical and dental benefits, and optional coverages authorized shall be determined and prescribed by the commissioner according to collective bargaining agreements and plans established pursuant to section 18.*

**Sec. 29. [43A.29] [CONTRIBUTIONS BY STATE.]**

*The total contribution by the state for eligible state employees and for dependents of eligible state employees shall be prescribed by collective bargaining agreements or plans established pursuant to section 18.*

**Sec. 30. [43A.30] [PAYMENT OF PREMIUMS.]**

*Subdivision 1. [PAYMENTS FROM AGENCY REVENUES.] Each agency shall pay the amounts due for state*

*paid life insurance and hospital, medical and dental benefits coverage authorized for eligible employees pursuant to this act.*

*Each agency shall pay the amounts from accounts and funds from which the agency receives its revenues, including appropriations from the general fund and from any other fund, now or hereafter existing for the payment of salaries and in the same proportion as it pays therefrom the amounts of salaries. In order to enable the commissioner of finance to maintain proper records covering the appropriations pursuant to this section, the commissioner of finance may require certifications in connection with payments as the commissioner of finance deems necessary from the Minnesota historical society, the University of Minnesota, or any agency whose employees receive benefits pursuant to this act. The accounts and funds from which agencies receive appropriations under the terms of this section are a source of revenue for the purposes of any other law or statutory enactment.*

*Subd. 2. [PAYROLL DEDUCTION.] If an eligible person who is on any payroll of the state enrolls himself or his dependents for any of the optional coverages made available by the commissioner pursuant to section 26 the commissioner of finance, upon the person's written order, shall deduct from the salary or wages of the person those amounts required from time to time to maintain the optional coverages in force, and issue his warrant therefor to the appropriate carrier. Legislators may elect not to pay their premiums via payroll deduction.*

*Subd. 3. [GENERAL APPROPRIATION.] If for any reason there are insufficient funds in the state treasury to provide funds to expend under the appropriations made by subdivision 1 from any account or fund in the state treasury, the necessary additional funds therefor are appropriated from the general fund in the state treasury.*

**Sec. 31. [43A.31.] [ADMINISTRATION.]**

*Subdivision 1. [GENERAL.] The commissioner shall maintain records, prepare reports, and perform all functions necessary to carry out the intent of sections 22 to 30. Upon request of the commissioner, the commissioner of finance shall perform necessary accounting and disbursement functions.*

*Subd. 2. [COMMISSIONER REPORTS.] The commissioner shall transmit a report each biennium to the legislative commission on employee relations concerning the operation of sections 22 to 30.*

*Subd. 3. [AGENCY REPORTS AND RECORDS.] Each agency shall keep the records, make the certifications, and furnish the commissioner or carriers with the information and*

reports necessary to enable the commissioner or carriers to carry out their functions under sections 22 to 30.

*Subd. 4. [INSURANCE ADVISORY COUNCIL.] The commissioner shall appoint and serve as chairman of an insurance advisory council consisting of 11 members. Two members shall be selected from names submitted by exclusive representatives of state employees. One member shall be selected from names submitted by exclusive representatives of employees of the University of Minnesota. One member shall be selected from names submitted by organizations representing retired state employees. One member shall be selected from names submitted by the regents of the University of Minnesota. The commissioners of administration, insurance, health and finance, and the deputy commissioner for labor relations or their designees, shall serve as the other members. Except as provided in this section, the provisions of section 15.059 shall apply to the members of the council. The council shall advise the commissioner in the selection of carriers. Evidence of discussions, recommendations or decisions by the council shall not be submitted to any court or arbitrator in any matter involving state or University of Minnesota employees.*

**Sec. 32. [43A.32] [POLITICAL ACTIVITIES.]**

*Subdivision 1. [PROHIBITION.] No employee shall, directly or indirectly, during hours of employment solicit or receive funds for political purposes, or use official authority or influence to compel an employee in the classified service to apply for membership in or become a member of any political organization, to pay or promise to pay any assessment, subscription, or contribution or to take part in any political activity.*

*Subd. 2. [LEAVES OF ABSENCE FOR ELECTED PUBLIC OFFICIALS, CANDIDATES.] Except as herein provided any officer or employee in the classified service shall:*

*(a) Take leave of absence upon assuming an elected federal or state public office, including elected state legislative office;*

*(b) Take leave of absence upon assuming any elected public office other than enumerated in clause (a), if, in the opinion of the commissioner, the holding of the office conflicts with his regular state employment;*

*(c) Upon his request, be granted leave of absence upon becoming a candidate, or during the course of his candidacy, for any elected public office; and*

*(d) Take leave of absence upon becoming a candidate, or during the course of candidacy, for any elected public office*

*if, in the opinion of the commissioner, the candidacy conflicts with his regular state employment.*

*All requests for opinions of the commissioner and all opinions from the commissioner under the provisions of clauses (b) and (d) shall be in writing and shall be delivered by certified mail.*

*The commissioner shall issue an opinion under the provisions of clauses (b) and (d) within seven calendar days of receipt of the request.*

Sec. 33. [43A.33] [GRIEVANCES.]

*Subdivision 1. [DISCHARGE, SUSPENSION, DEMOTION FOR CAUSE, SALARY DECREASE.] No permanent employee in the classified service shall be discharged, suspended without pay, or reduced in pay or position, except for just cause.*

*Subd. 2. [JUST CAUSE.] For purposes of this section, just cause includes, but is not limited to, consistent failure to perform assigned duties, substandard performance, insubordination, and serious violation of written policies and procedures, provided the policies and procedures are applied in a uniform, nondiscriminatory manner.*

*Subd. 3. [PROCEDURES.] Procedures for discipline and discharge of employees covered by collective bargaining agreements shall be governed by the agreements. Procedures for employees not covered by a collective bargaining agreement shall be governed by this subdivision.*

*(a) For discharge, suspension for more than 30 days, or reduction in pay or position, no later than the effective date of such action, a permanent employee not covered by a collective bargaining agreement shall be given written notice by the appointing authority. The written notice shall include a statement of the nature of the disciplinary action, the specific reasons for the action, the effective date of the action and a statement informing the employee that he may reply within five days in writing or, upon request, in person, to the appointing authority or his designee. The notice shall also include a statement that the employee may appeal the action to the office of administrative hearings within 30 days of the effective date of the disciplinary action. A copy of the notice and the employee's reply, if any, shall be filed with the commissioner no later than ten calendar days following the effective date of the disciplinary action. The commissioner shall have final authority to decide whether the appointing authority shall settle the dispute prior to the hearing provided under subdivision 4.*

*(b) For suspensions of permanent employees for 30 days or less grievance procedures shall be provided in plans established pursuant to section 18.*

(c) For discharge, suspension or reduction in pay or position of employees serving an initial probationary period, grievance procedures shall be provided in plan established pursuant to section 18.

**Subd. 4. [APPEALS; PUBLIC HEARINGS, FINDINGS.]**  
Any permanent employee who is discharged, suspended without pay or reduced in pay or position may appeal to the chief hearing examiner of the office of administrative hearings within 30 days after the effective date of the discharge, suspension or reduction in pay or position. Any permanent employee who is covered by a collective bargaining agreement may elect to appeal to the chief hearing examiner within 30 days after the effective date of the discharge, suspension or reduction in pay or position if the collective bargaining agreement provides that option. In no event may an employee use both the procedure under this section and the grievance procedure available pursuant to sections 179.61 to 179.76. Within ten days of receipt of the employee's written notice of appeal, the chief hearing examiner shall assign a hearing examiner to hear the appeal.

The hearing shall be conducted pursuant to the contested case provisions of chapter 15 and the procedural rules adopted by the chief hearing examiner. Prior to the hearing, both parties may stipulate on mutually agreed matters relevant to the disciplinary action. The issues and facts on which agreement has not been reached will be decided during the hearing at which technical rules of evidence shall not apply. If the hearing examiner finds, based on the hearing record, that the action appealed was not taken by the appointing authority for just cause, the employee shall be reinstated to his position, or an equal position in another division within the same agency, without loss of pay. If the hearing examiner finds that there exists sufficient grounds for institution of the appointing authority's action but the hearing record establishes extenuating circumstances, he may in his discretion reinstate the employee, with full, partial, or no pay, or may modify the appointing authority's action. The hearing examiner's order shall be the final decision, but it may be appealed according to the provisions of section 15.0424. Settlement of the entire dispute by mutual agreement is encouraged at any stage of the proceedings. Any settlement agreement shall be final and binding when signed by all parties and submitted to the chief hearing examiner of the office of administrative hearings. Except as provided in collective bargaining agreements the appointing authority shall bear the costs of the hearing examiner for hearings provided for in this section.

**Sec. 34. [43A.34] [RETIREMENT.]**

**Subdivision 1. [AGE.]** Employees in the executive branch who are subject to the provisions of the Minnesota state retirement system or the teacher's retirement association must retire from employment by the state upon reaching the age of 70 except as provided in other law.

*Subd. 2. [PHYSICIANS EXEMPTED.] Notwithstanding any provision to the contrary, a physician in the civil service may upon reaching the maximum retirement age specified in subdivision 1, continue to be employed subject to annual certification by his appointing authority to the commissioner that the employee is physically and mentally competent to fulfill the duties of his position.*

*Subd. 3. [CORRECTIONAL PERSONNEL EXEMPTED.] Notwithstanding the provisions of subdivision 1, any employee of the state of Minnesota in a covered classification as defined in section 352.91, who is a member of the special retirement program for correctional personnel established pursuant to sections 352.90 to 352.95, may elect or be required to retire from employment in the covered correctional position upon reaching the age of 55 years.*

*A correctional employee occupying a position covered by provisions of section 352.91, desiring employment beyond the conditional mandatory retirement age shall, at least 30 days prior to the date of reaching the conditional mandatory retirement age of 55 years, and annually thereafter, request in writing to his appointing authority that he be authorized to continue in employment in the covered position. Upon receiving the request, the appointing authority shall have a medical examination made of the employee. If the results of the medical examination establish the mental and physical ability of the employee to continue the duties of his employment, he shall be continued in his employment for the following year. If the determination of the appointing authority based upon the results of the physical examination is adverse, the disposition of the matter shall be decided by the commissioner of corrections or, for employees of the Minnesota security hospital, the commissioner of public welfare. Based on the information provided, the decision of the applicable commissioner shall be made in writing and shall be final.*

*Subd. 4. [CONSERVATION AND CRIME BUREAU OFFICERS EXEMPTED.] Notwithstanding any provisions of chapter 352B or any other law to the contrary, conservation officers and crime bureau officers who were first employed on or after July 1, 1973 and are members of the highway patrolmen's retirement association by reason of their employment, shall not continue employment after attaining the age of 60 years, except for a fractional portion of one year that will enable the employee to complete his next full year of allowable service. Notwithstanding any provisions of chapter 352B or any other law to the contrary, conservation officers and crime bureau officers who were first employed and are members of the highway patrolmen's retirement association by reason of their employment before July 1, 1973, shall be governed by the same mandatory retirement rules applied to other employees who are covered by the Minnesota state retirement system.*

**Sec. 35. [43A.35] [DEATH BENEFIT FOR RETIRED EMPLOYEES.]**

*Employees who retire from the civil service on or after July 1, 1977, and before July 1, 1981, shall be entitled to a \$500 cash death benefit payable to a beneficiary designated by the employee, if, at the time of the employee's death, the employee is entitled to an annuity under a state retirement program. A \$500 cash death benefit shall also be payable to the designated beneficiary of an employee who becomes totally and permanently disabled after July 1, 1979, and before July 1, 1981, and who at the time of death is receiving a state disability benefit and is eligible for a deferred annuity under a state retirement program.*

*Employees who retire from the civil service on or after July 1, 1981 shall be entitled to a cash death benefit payable to a beneficiary designated by the employee if provided in collective bargaining agreements or plans pursuant to section 18 in effect at the time of the employee's retirement.*

**Sec. 36. [43A.36] [RELATIONSHIPS WITH OTHER AGENCIES AND JURISDICTIONS.]**

*Subdivision 1. [COOPERATION; STATE AGENCIES.] The commissioner may delegate administrative functions associated with the duties of the commissioner to appointing authorities who have the capability to perform such functions when the commissioner determines that it is in the best interests of the state civil service. The commissioner shall consult with agencies and agencies shall cooperate as appropriate in implementation of this act.*

*The commissioner, in conjunction with appointing authorities, shall analyze and assess current and future human resource requirements of the civil service and coordinate personnel actions throughout the civil service to meet the requirements. The commissioner shall permit appointing authorities to use eligible lists in making appointments to positions in the unclassified service and shall provide recruiting assistance.*

*The head of each agency in the executive branch shall designate an agency personnel officer. The agency personnel officer shall be accountable to the agency head for all personnel functions prescribed by laws, rules, collective bargaining agreements, the commissioner and the agency head. Except when otherwise prescribed by the agency head in a specific instance, the personnel officer shall be assumed to be the authority accountable to the agency head over any other officer or employee in the agency for personnel functions.*

*The head of each agency in the executive branch shall designate an affirmative action officer who shall have primary responsibility for the administration of the agency's affirmative*



*action plan. The officer shall report directly to the head of the agency on affirmative action matters.*

*Subd. 2. [SERVICES AVAILABLE TO POLITICAL SUBDIVISIONS.] The services and facilities of the department and its staff may be made available upon request to political subdivisions of the state. Enforcement and administration of other provisions of this act shall take precedence over the provision of the services and facilities. Political subdivisions shall reimburse the state for the reasonable cost of services and facilities.*

*Subd. 3. [SERVICES EXCHANGED WITH OTHER JURISDICTIONS.] The commissioner may enter into arrangements with personnel agencies in other jurisdictions to exchange services. The commissioner may also join or subscribe to any association or service having as its purpose the interchange of information relating to the practices of personnel administration and labor relations. The commissioner is authorized as an agent of the state of Minnesota to enter into contracts, compacts or cooperative agreements involving matters of personnel and labor relations with other governments within the United States.*

**Sec. 37. [43A.37] [PAYROLLS.]**

*Subdivision 1. [CERTIFICATION.] Neither the commissioner of finance nor any other fiscal officer of this state shall draw, sign, or issue, or authorize the drawing, signing, or issuing of any warrant on the treasurer or other disbursing officer of the state, nor shall the treasurer or other disbursing officer of the state pay any salary or compensation to any person in the civil service, unless a payroll register for the salary or compensation containing the name of every person to be paid shall bear the certificate of the commissioner that the persons named in the payroll register have been appointed, as required by law, rules, or administrative procedures and that the salary or compensation is within the compensation plan fixed pursuant to law. The appointing authority shall certify that all employees named in the payroll register are performing service as required by law. This provision shall not apply to positions defined in section 8, subdivision 1, clauses (f), (g), (h) and (j). Employees to whom this subdivision does not apply may be paid on the state's payroll system and the appointing authority or fiscal officer submitting their payroll register shall be responsible for the accuracy and legality of the payments.*

*Salary or compensation claims presented against existing appropriations, which have been deemed in violation of the provisions of this subdivision, may be certified for payment if, upon investigation, the commissioner determines the personal services for which payment is claimed actually have been rendered in good faith without collusion and without intent to defraud.*

*Subd. 2. [SALARIES PAID CONTRARY TO PROVISIONS RECOVERED FROM APPOINTING OFFICER.] Any sum intentionally paid contrary to the provisions of this section may be recovered from any officer making the appointments in contravention of the provisions of law or the rules, or from any officer signing or countersigning or authorizing the signing or countersigning of any warrant for the payment of the sum, or from the sureties on the official bond of any officer, in an action maintained by the commissioner in the district court of any county within the state. All moneys recovered in any action brought under this section when collected shall be paid into the state treasury.*

*Subd. 3. [ACTION AGAINST APPOINTING OFFICERS; NOT REIMBURSED FOR SUMS PAID.] Any person appointed contrary to the provisions of this chapter and the rules, whose payroll or account is refused certification, shall have an action against the employee employing or appointing or attempting to appoint the person for the amount due by reason of the employment or purported employment and the costs of the action. No employee, during the time of official service, or thereafter, shall be reimbursed by the state for any sum recovered in any court action under subdivision 2.*

**Sec. 38. [43A.38] [CODE OF ETHICS FOR OFFICERS AND EMPLOYEES IN THE EXECUTIVE BRANCH.]**

*Subdivision 1. [PURPOSE.] Employees in the executive branch shall have equal opportunity with all citizens to develop private, economic, and social interests; however, it is necessary to distinguish between those minor and inconsequential conflicts which are unavoidable in a free society and those conflicts which are substantial and material and conflict with the employee's responsibility to the public. This section shall not be interpreted to apply to any activity which is protected by 179.61 to 179.76, collective bargaining agreements and practices thereunder nor to prevent a current or former employee from accepting employment with a labor or employee organization representing employees.*

*Subd. 2. [DEFINITIONS.] For the purpose of this section the following definitions shall apply:*

(a) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages either in non-profit or profit making activities.

(b) "Confidential information" means any information obtained under government authority which has not become part of the body of public information and which, if released prematurely or in non-summary form, may provide unfair economic

advantage or adversely affect the competitive position of an individual or a business.

(c) "Private interest" means any interest, including but not limited to a financial interest, which pertains to a person or business whereby the person or business would gain a benefit, privilege, exemption or advantage from the action of a state agency or employee that is not available to the general public.

**Subd. 3. [ACCEPTANCE OF GIFTS; FAVORS.]** Employees in the executive branch in the course of or in relation to their official duties shall not directly or indirectly receive or agree to receive any payment of expense, compensation, gift, reward, gratuity, favor, service or promise of future employment or other future benefit from any source, except the state for any activity related to the duties of the employee unless otherwise provided by law. However, the acceptance of any of the following shall not be a violation of this subdivision:

(a) Advertising gifts of nominal value having wide distribution.

(b) Plaques or similar mementos recognizing individual services in a field of specialty or to a charitable cause.

(c) Payment of reimbursement expenses for travel or meals, not to exceed actual expenses incurred, which are not reimbursed by the state and which have been approved in advance by the appointing authority as part of the work assignment.

(d) Honoraria or expenses paid for papers, talks, demonstrations or appearances made by employees on their own time for which they are not compensated by the state.

**Subd. 4. [USE OF CONFIDENTIAL INFORMATION.]** An employee in the executive branch shall not use confidential information to further the employee's private interest, and shall not accept outside employment or involvement in a business or activity that will require the employee to disclose or use confidential information.

**Subd. 5. [USE OF STATE PROPERTY.]** An employee shall not use or allow the use of state time, supplies or state owned or leased property and equipment for the employee's private interests or any other use not in the interest of the state, except as provided by law.

**Subd. 6. [CONFLICTS OF INTEREST.]** The following actions by an employee in the executive branch shall be deemed a conflict of interest and subject to procedures regarding resolution of the conflicts, section 39 or disciplinary action as appropriate:

(a) Use or attempted use of the employee's official position to secure benefits, privileges, exemptions or advantages for the employee or the employee's immediate family or an organization with which the employee is associated which are different from those available to the general public;

(b) acceptance of other employment or contractual relationship that will affect the employee's independence of judgment in the exercise of official duties; or

(c) actions as an agent or attorney in any action or matter pending before the employing agency except in the proper discharge of official duties or on the employee's behalf.

**Subd. 7. [DETERMINATION OF CONFLICTS OF INTEREST.]** When an employee believes the potential for a conflict of interest exists, it is the employee's duty to avoid the situation. A conflict of interest shall be deemed to exist when a review of the situation by the employee, the appointing authority or the commissioner determines any one of the following conditions to be present:

(a) the use for private gain or advantage of state time, facilities, equipment or supplies or badge, uniform, prestige or influence of state office or employment;

(b) receipt or acceptance by the employee of any money or other thing of value from anyone other than the state for the performance of an act which the employee would be required or expected to perform in the regular course or hours of state employment or as part of the duties as an employee;

(c) employment by a business which is subject to the direct or indirect control, inspection, review, audit or enforcement by the employee;

(d) the performance of an act in other than the employee's official capacity which may later be subject directly or indirectly to the control, inspection, review, audit or enforcement by the employee. If the employee, appointing authority or commissioner determine that a conflict of interest exists, the employee shall, if possible, assign the matter to another employee who does not have a conflict of interest. If it is not possible to assign the matter to an employee who does not have a conflict of interest, interested persons shall be notified of the conflict and the employee may proceed with the assignment.

**Subd. 8. [PRECEDENCE OF CHAPTER 10A.]** Where specific provisions of chapter 10A apply to employees and would conflict with this section, the provisions of chapter 10A shall apply.

## Sec. 39. [43A.39] [COMPLIANCE WITH LAW.]

*Subdivision 1. [PROHIBITED ACTS; PENALTIES.] All employees shall comply with and aid in all proper ways the enforcement of the provisions of this act. No employee or any other person shall intentionally:*

*(a) Make any false oral or written statement, mark, rating or report concerning any application, examination, certification or appointment made under provisions of this act or in any manner commit or attempt to commit any fraud preventing the impartial execution of this act;*

*(b) Directly or indirectly, give, render, pay, offer, solicit, or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in obtaining, a position in the civil service;*

*(c) Defeat, deceive or obstruct any person in rights to examination, eligibility, certification or appointment under this act, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to appointment, advancement or retention in the classified service;*

*(d) Violate the provisions of sections 37 or 38; or*

*(e) If in the classified service, engage in activities prohibited by section 32.*

*Subd. 2. [NONCOMPLIANCE.] Any employee who intentionally fails to comply with the provisions of this act shall be subject to disciplinary action and action pursuant to chapter 609. An appointing authority shall report in writing to the legislative auditor when there is probable cause to believe that a substantial violation has occurred. Any person convicted of a misdemeanor based on violations of this act shall be ineligible for appointment in the civil service for three years following conviction.*

*Subd. 3. [VIOLATIONS; POSITION VACATED.] Intentional violation of section 37 may be cause for disciplinary action and conviction of an employee in the classified service under section 32 of this act shall render the position vacant.*

## Sec. 40. [43A.40] [JOB SHARING; TEMPORARY.]

*The purpose of sections 40 to 46 is to increase career opportunities in the Minnesota state service through job sharing.*

## Sec. 41. [43A.41] [DEFINITIONS.]

*Subdivision 1. [INTERPRETATION.] For the purposes of sections 40 to 46 the following terms shall have the meanings given them in this section.*

*Subd. 2. [AGENCY.] "Agency" means a department, agency, commission, board, institution, or other entity in the executive branch in which all positions are under the same appointing authority.*

*Subd. 3. [COORDINATOR.] "Coordinator" means the coordinator of the Minnesota demonstration job sharing program.*

*Subd. 4. [SHARED POSITION.] "Shared position" means a classified position which has been converted from a full-time position into part-time positions of equivalent class for purposes of sections 40 to 46.*

*Subd. 5. [PROGRAM.] "Program" means the Minnesota demonstration job sharing program.*

*Subd. 6. [APPROPRIATE SHARED TIME PERCENT.] "Appropriate shared time percent" means the percent of full-time hours allocated to a particular shared time position.*

**Sec. 42. [43A.42] [POSITIONS AFFECTED.]**

*A total of 50 full-time positions within agencies of state government shall be selected for inclusion within the program. These positions shall be selected within as few separate agencies as possible, and in no case shall positions be selected in more than ten agencies. No fewer than 15 of these positions shall be either professional, supervisory or managerial positions. In no instance shall a person in a shared time position work less than 40 percent time. No position shall be selected if it is contained in a unit which is represented by an exclusive representative which has a collective bargaining agreement covering the unit unless the exclusive representative agrees to the selection. All shared time positions shall be equivalent in classification to the full-time position from which they are converted.*

**Sec. 43. [43A.43] [PROGRAM MANAGEMENT.]**

*Subdivision 1. [COORDINATOR.] The commissioner shall designate from among the employees of the department a coordinator of the program.*

*Subd. 2. [DUTIES AND POWERS.] The coordinator shall have the following powers and duties to:*

*(a) Select, in cooperation with the affected agencies and the commissioner, the agencies and the positions within the agencies to be included in the program;*

(b) *Design and implement, in cooperation with the affected agencies and the commissioner, an evaluation plan for the program, in accordance with accepted research criteria, to ascertain the effect of job sharing on employee satisfaction, productivity, absenteeism, administrative and supervisory time demands, and increased costs both direct and indirect, as well as any other relevant impact on employer or employee;*

(c) *Coordinate the conversion of full-time to shared positions in the affected agencies and to assist in the design of the shared positions, with attention to employee and employer needs and to the potential for replicability of the program experience in other agencies throughout state government. All shared positions shall be equivalent in classification to the full-time position from which they are converted;*

(d) *Assist the affected agencies and the commissioner in recruitment, selection and hiring for the affected positions;*

(e) *Assist both supervisors and employees in the affected agencies in the transition to shared positions under the program and to recommend to the commissioner any modifications in rules, executive authority or statutes deemed desirable to effectuate the purposes of sections 40 to 46;*

(f) *Monitor the positions selected pursuant to section 41, in cooperation with the affected agencies and the commissioner, throughout the term of the program; and*

(g) *Assist the commissioner in reporting to the governor and the legislature on January 1, 1981 and January 1, 1982. The commissioner's report shall provide an evaluation of the experience of the program, with attention to the items listed in clause (b) in addition to any other relevant information, and shall offer recommendations concerning the further increase of shared positions in the state service.*

Sec. 44. [43A.44] [TOTAL COMPENSATION.]

*Subdivision 1. [SALARIES; CLASS.] A position selected by the coordinator pursuant to section 43 shall be divided into shared positions to be paid at the rate of the appropriate shared time percent of the otherwise appropriate salary. The classification of a shared position shall be the same as that applicable to the full-time position from which it is converted.*

*Subd. 2. [BENEFITS.] Employees in shared positions shall be eligible for the following benefits and subject to the following obligations:*

(a) *Membership in the Minnesota state retirement system, the teachers retirement association or the highway patrol retire-*

ment fund, whichever is appropriate. This provision shall be retroactive to July 1, 1980;

(b) Vacation and sick leave accrual at the rate of the appropriate shared time percent of the entitlement of comparable full-time employees;

(c) Employee dental, medical and hospital benefits coverage shall be available of the same type and coverage afforded to comparable full-time employees. Employees in shared positions who elect such coverage shall pay, by payroll deduction, the difference between the actual cost to the employer and the appropriate shared time percent of the actual cost. The remaining percent shall be paid by the employer. Employee life insurance coverage shall be available to employees in shared positions on the same terms as for comparable full-time employees;

(d) Dependent life insurance coverage shall be available to employees in shared positions on the same terms as for comparable full-time employees. Dependent medical, hospital and dental benefits coverage shall be available to employees in shared positions of the same type and coverage afforded to comparable full-time employees, except that the employer shall contribute the appropriate shared time percent of the dollar amount contributed for comparable full-time employees electing the same program, the remainder to be paid by payroll deduction by the employee electing such coverage;

(e) Employees in shared positions shall be entitled to the appropriate shared time percent of the holiday pay to which comparable full-time employees are entitled for holidays observed by the full-time employees whenever the employee in a shared position would otherwise be scheduled to work on that day. The employee may be allowed to reschedule working hours to avoid any loss in pay due to the prorating of holiday pay. When an employee in a shared position is not scheduled to work on an observed holiday, the next scheduled working day shall be treated as the holiday;

(f) Employees in shared positions shall accrue seniority time in every relevant category at the same rate accorded to comparable full-time employees. No full-time employee accepting a shared position shall suffer any loss of or gap in seniority time in the relevant categories applicable to the full-time employment; and

(g) Any other benefits of employment for employees in shared positions shall be prorated at a rate of the appropriate shared time percent of those available to comparable full-time employees, whenever the benefits are divisible. Contributions by the employer toward the benefits, if any, shall be equal to the appropriate shared time percent of the full-time benefits. When not divisible, the cost of the full-time benefits normally allocable



*to the employer shall be allocated, the appropriate shared time percent to the employee in a shared position, by payroll deduction, and the remaining percent to the employer.*

**Sec. 45. [43A.45] [ACCEPTANCE OF SHARED POSITIONS.]**

*No employee holding a full-time or three-quarter time position on July 1, 1980 shall be required to accept a shared position pursuant to sections 40 to 46.*

**Sec. 46. [43A.46] [CONFLICTING LAWS.]**

*Sections 40 to 46 shall be given effect notwithstanding any law or rule to the contrary. Sections 40 to 46 shall not affect, except as expressly provided therein, any existing labor agreement or personnel rule.*

**Sec. 47. [210A.081] [POLITICAL ACTIVITIES PROHIBITED BY EMPLOYEES OF POLITICAL SUBDIVISIONS.]**

*No officer, agent, clerk, or employee of any political subdivision shall, directly or indirectly, during his hours of employment solicit or receive funds or at any time use his authority or official influence to compel any officer or employee in the classified service to apply for membership in or become a member of any organization, or to pay or promise to pay any assessment, subscription, or contribution, or to take part in any political activity. Any person who violates any provision of this section shall be guilty of a misdemeanor, and shall be punished accordingly, and if any officer or employee in the classified service is found guilty of violating any provision of this section, he is automatically separated from the service.*

**Sec. 48. [TRANSITIONAL PROVISIONS.]**

*All rights, privileges, liabilities and obligations possessed or created under chapter 43, shall be continued if they are consistent and compatible with the provisions of this act.*

**Sec. 49. [REVISOR'S INSTRUCTION.]**

*In the next and subsequent editions of Minnesota Statutes, the revisor of statutes is instructed to remove any remaining references to chapter 43 or sections thereof and replace them with appropriate references to chapter 43A or sections thereof.*

**Sec. 50. [REPEALER.]**

*Minnesota Statutes, Chapter 43 is repealed. Section 2, subdivision 22; section 4, subdivisions 1 and 4; section 8; section 13;*

*section 15; section 17, subdivisions 2 and 3; section 18, subdivisions 3 and 4; section 33; and section 38 are repealed effective June 30, 1982; sections 40 to 46 are repealed effective June 30, 1982.*

Sec. 51. [EFFECTIVE DATE.]

*This act is effective July 1, 1981."*

Further, amend the title as follows:

Page 1, line 5, after the semicolon, insert "proposing new law coded in Minnesota Statutes, Chapter 210A;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 924, A bill for an act relating to crimes; authorizing state funding for the Minnesota automated fingerprint identification network; appropriating money; amending Minnesota Statutes 1980, Sections 299C.46; and 299C.48.

Reported the same back with the following amendments:

Page 3, line 7, after "\$" insert "904,000"

Page 3, line 12, after "\$" insert "\$13,000"

Page 3, line 15, after "These" insert "operating"

Page 3, line 19, after the period insert "Included in this appropriation is \$55,000 for site preparation necessary for the installation of this equipment."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 933, A bill for an act relating to commerce; regulating the manufacture, importation, distribution, sale, leasing and alteration of manufactured homes; conforming state regu-

latory practices and the state manufactured home building code to federal law; providing for enforcement of the code; prohibiting certain practices; providing civil and criminal penalties; amending Minnesota Statutes 1980, Sections 327.31; 327.32; 327.33; and 327.34; proposing new law coded in Minnesota Statutes, Chapter 327.

Reported the same back with the following amendments:

Page 1, line 21, strike "includes" and insert "*means*"

Page 3, line 12, reinstate "any"

Page 3, line 13, delete "*any structural system*" and insert "*foundation system or other structural method*"

Page 3, line 17, strike "device"

Page 3, line 17, delete "*or combination of devices*"

Page 3, line 17, strike "connected to a"

Page 3, line 18, delete "*manufactured*" and strike "home and designed"

Page 3, line 18, insert "*method used*" before "for"

Page 3, line 19, after "to" insert "*a foundation system or*"

Page 3, line 25, before the period insert "*, except manufactured homes installed on a foundation system*"

Page 3, line 27, after "commissioner" insert "*to a manufactured home installer*"

Page 4, line 21, after "a" insert "*factory built*"

Page 4, after line 24, insert:

"Subd. 20. [FOUNDATION SYSTEM.] "*Foundation system*" means a permanent foundation constructed in conformance with the state building code."

Page 5, line 26, strike "may" and insert "*shall*"

Page 6, line 13, before "standards" insert "*installation*"

Page 7, line 36, delete "*the*" and insert "*states*"

Page 8, line 1, delete "*states*"

Page 11, line 28, after "or" delete "any" and insert "a"

Page 12, line 22, before "ACCESS" insert "REASONABLE"

Page 12, line 24, after "access" insert "at any reasonable time"

Page 12, line 26, after "permit" insert "reasonable"

Page 12, line 26, after "inspection" insert "at any reasonable time"

Page 12, line 27, after "or" insert "reasonable"

Page 13, line 18, delete "additions" and insert "editions"

Page 13, line 20, after "appears" insert "except in section 327.36"

Page 13, after line 20, insert a section to read:

"Sec. 7. [327.36] [APPLICATION TO LOCAL OFFICIAL CONTROLS.]

*For purposes of local land use controls adopted before the effective date of this act pursuant to chapters 462, 394, and 366 or special law, mobile homes shall be defined to include the term "manufactured homes" as used in sections 327.31 to 327.36."*

Page 13, delete lines 21 to 23

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 968, A bill for an act relating to peace officers; creating the Minnesota law enforcement training account; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 626.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [626.86] [MINNESOTA LAW ENFORCEMENT TRAINING ACCOUNT.]

*Subdivision 1. [CREATION OF ACCOUNT.] The Minnesota law enforcement training account is created as a separate account in the general fund of the state treasury.*

*Subd. 2. [PURPOSES.] All penalty assessments collected pursuant to section 3 for violations of Minnesota Statutes, Chapters 168 to 173 or an equivalent local traffic ordinance and forwarded to the state treasurer shall be deposited in the Minnesota law enforcement training account. All money in the state treasury credited to the Minnesota law enforcement training account is annually appropriated to the Minnesota board of peace officer standards and training for the purpose of providing law enforcement financial assistance to local units of government. Financial assistance shall be available for board approved skill courses and in-service training under Minnesota Statutes, Chapters 214 and 626.*

*Subd. 3. [DISBURSEMENTS.] Disbursements from the account shall be made by the state treasurer upon order of the commissioner of finance at the times and in the amounts determined by the board of peace officer standards and training.*

*Subd. 4. [ALLOCATION OF DISBURSEMENTS.] Disbursements of funds pursuant to subdivision 3 shall be made according to the following method for the purposes of subdivision 2:*

*(a) Ten percent shall be provided for reimbursement to board approved skills courses in proportion to the number of students successfully completing the boards skills licensing examination.*

*(b) To each local unit of government an amount in proportion to the number of licensed peace officers and constables employed, at a rate to be determined by the board. The disbursed amount shall be used exclusively for reimbursement of the cost of in-service training required under chapters 214 and 626.*

**Sec. 2. [626.861] [CRIME VICTIMS ASSISTANCE ACCOUNT.]**

*Subdivision 1. [CREATION OF ACCOUNT.] The crime victims assistance account is created as a separate account in the general fund of the state treasury.*

*Subd. 2. [APPROPRIATION; PURPOSE.] All penalty assessments collected pursuant to section 3 for petty misdemeanors or for violations of the criminal laws of this state, except for penalty assessments imposed for violations of Minnesota Statutes, Chapters 168 to 173 or equivalent local traffic ordinances and forwarded to the state treasurer shall be deposited in the crime victims assistance account. All money in the state trea-*

*sury credited to the crime victims assistance account is annually appropriated to the crime victims reparations board for the purposes authorized by sections 299B.01 to 299B.17.*

*Subd. 3. [DISBURSEMENTS.] Disbursements from the crime victims assistance account shall be made by the state treasurer upon order of the commissioner of finance at the times and in the amounts determined by the crime victims reparations board.*

**Sec. 3. [626.862] [LEVY AND COLLECTION OF PENALTY ASSESSMENTS.]**

*Subdivision 1. [LEVY OF ASSESSMENT.] On and after the effective date of sections 1, 2, and 3, there is levied a penalty assessment of ten percent on each fine imposed and collected by the courts of this state for petty misdemeanors or for criminal or traffic offenses, other than a fine or forfeiture for a violation of a local ordinance or other law relating to the parking of a vehicle. In cases where the defendant is convicted but a fine is not imposed, or execution of the fine is stayed, the court shall impose a penalty assessment of not less than \$5 nor more than \$10 when the conviction is for a misdemeanor or petty misdemeanor, and shall impose a penalty assessment of not less than \$10 but not more than \$50 when the conviction is for a gross misdemeanor or felony. Where multiple offenses are involved, the penalty assessment shall be assessed separately on each offense for which the defendant is sentenced. If imposition or execution of sentence is stayed for all of the multiple offenses, the penalty assessment shall be based upon the most serious offense of which the defendant was convicted. Where the court suspends a portion of a fine, the suspended portion shall not be counted in determining the amount of the penalty assessment unless the offender is ordered to pay the suspended portion of the fine. Suspension of an entire fine shall be treated as a stay of execution for purposes of computing the amount of the penalty assessment.*

*Subd. 2. [PAYMENT GUIDELINES.] The sentencing court may, upon a showing of indigency or undue hardship upon the convicted person or his immediate family, authorize payment of the penalty assessment in installments. If the convicted person is sentenced and committed to imprisonment, the chief executive officer of the institution in which the person is confined may collect the assessment from any earnings the inmate shall accrue for work performed in the institution or while on conditional release therefrom under the provisions of Minnesota Statutes, Sections 241.26 or 631.425 and forward same to the clerk of the court in which he was sentenced, for transmittal to the state treasurer in the manner provided in section 3, subdivision 3.*

*The court may decline to impose a penalty assessment or may forgive payment of a penalty assessment previously imposed, in cases where undue hardship cannot otherwise be avoided.*

*Subd. 3. [COLLECTION BY COURT.] After a determination by the court of the amount of the fine or penalty assessment due, the clerk of court shall collect the appropriate penalty assessment and transmit it to the county treasurer separately but with the same frequency as fines are transmitted. Amounts collected under this subdivision shall then be transmitted to the state treasurer for deposit in the Minnesota law enforcement training account or in the victim assistance account, whichever account is designated by the transmitting court, in the same manner as fines collected for the state by a county.*

Sec. 4. Minnesota Statutes 1980, Section 171.16, Subdivision 3, is amended to read:

*Subd. 3. [SUSPENSION FOR FAILURE TO PAY FINE.] When any court reports to the commissioner that a person: (1) has been convicted of violating a law of this state or an ordinance of a political subdivision which regulates the operation or parking of motor vehicles, (2) has been sentenced to the payment of a fine (ONLY) or had a penalty assessment levied against him or her, or sentenced to a fine upon which a penalty assessment was levied, and (3) has refused or failed to comply with that sentence or to pay the penalty assessment, notwithstanding the fact that the court has determined that the person has the ability to pay the fine or penalty assessment, the commissioner shall suspend the driver's license of such person for 30 days for a refusal or failure to pay or until notified by the court that the fine or penalty assessment, or both if a fine and penalty assessment were not paid, has been paid.*

Sec. 5. Minnesota Statutes 1980, Section 299B.06, is amended to read:

#### 299B.06 [POWERS AND DUTIES OF THE BOARD.]

Subdivision 1. [DUTIES.] In addition to carrying out any duties specified elsewhere in sections 299B.01 to 299B.16 or in other law, the board shall:

- (a) provide all claimants with an opportunity for hearing pursuant to chapter 15;
- (b) establish and maintain a principal office and other necessary offices and appoint employees and agents as necessary and fix their duties;
- (c) promulgate within 90 days following the effective date of Laws 1974, Chapter 463 rules to implement sections 299B.01 to 299B.16, including rules governing the method of practice and procedure before the board, prescribing the manner in which applications for reparations shall be made, and providing for discovery proceedings;

(d) publicize widely the availability of reparations and the method of making claims; (AND)

(e) prepare and transmit annually to the governor and the legislature a report of its activities including the name of each claimant, a brief description of the facts in each case, the amount of reparation awarded, and a statistical summary of claims and awards made and denied; *and*

*(f) prepare and transmit annually to the governor and the legislature a report of its activities with respect to allocation of moneys appropriated to it from the crime victims assistance account, including the name and address of each recipient of money from that account, the amount awarded, and the purpose of the award.*

Subd. 2. [POWERS.] In addition to exercising any powers specified elsewhere in sections 299B.01 to 299B.16 or other law, the board upon its own motion or the motion of a claimant or the attorney general may:

(a) issue subpoenas for the appearance of witnesses and the production of books, records, and other documents;

(b) administer oaths and affirmations and cause to be taken affidavits and depositions within and without this state;

(c) take notice of judicially cognizable facts and general, technical, and scientific facts within their specialized knowledge;

(d) order a mental or physical examination of a victim or an autopsy of a deceased victim provided that notice is given to the person to be examined and that the claimant and the attorney general receive copies of any resulting report;

(e) suspend or postpone the proceedings on a claim if a criminal prosecution arising out of the incident which is the basis of the claim has been commenced or is imminent;

(f) request from prosecuting attorneys and law enforcement officers investigations and data to enable the board to perform its duties under sections 299B.01 to 299B.16;

(g) grant emergency reparations pending the final determination of a claim if it is one with respect to which an award will probably be made and undue hardship will result to the claimant if immediate payment is not made; (AND)

(h) reconsider any decision granting or denying reparations or determining their amount; *and*



*(i) make, receive, manage, control, and disburse all moneys in the crime victims assistance account established in section 2.*

Sec. 6. Minnesota Statutes 1980, Section 588.01, Subdivision 3, is amended to read:

Subd. 3. [CONSTRUCTIVE.] Constructive contempts are those not committed in the immediate presence of the court, and of which it has no personal knowledge, and may arise from any of the following acts or omissions:

(1) Misbehavior in office, or other wilful neglect or violation of duty, by an attorney, clerk, sheriff, coroner, or other person appointed or elected to perform a judicial or ministerial service;

(2) Deceit or abuse of the process or proceedings of the court by a party to an action or special proceeding;

(3) Disobedience of any lawful judgment, order, or process of the court;

(4) Assuming to be an attorney or other officer of the court, and acting as such without authority;

(5) Rescuing any person or property in the custody of an officer by virtue of an order or process of such court;

(6) Unlawfully detaining a witness or party to an action while going to, remaining at, or returning from the court where the action is to be tried;

(7) Any other unlawful interference with the process or proceedings of a court;

(8) Disobedience of a subpoena duly served, or refusing to be sworn or to answer as a witness;

(9) When summoned as a juror in a court, neglecting to attend or serve as such, improperly conversing with a party to an action to be tried at such court or with any person relative to the merits of such action, or receiving a communication from a party or other person in reference thereto, and failing to immediately disclose the same to the court;

(10) Disobedience, by an inferior tribunal, magistrate, or officer, of the lawful judgment, order, or process of a superior court, proceeding in an action or special proceeding in any court contrary to law after the same has been removed from its jurisdiction, or disobedience of any lawful order or process of a judicial officer;

(11) *Failure or refusal to pay a penalty assessment levied pursuant to section 3.*

Sec. 7. [EFFECTIVE DATE.]

*Sections 1 to 6 are effective July 1, 1981. Section 1 applies to all violations of Minnesota Statutes, Chapters 168 to 173 or equivalent local traffic ordinances except parking violations committed on or after that date; section 2 applies to all non-traffic petty misdemeanors and criminal offenses committed on or after that date; and section 3 applies to all petty misdemeanors, criminal offenses, and violations of Minnesota Statutes, Chapters 168 to 173 or equivalent local traffic ordinances except parking violations committed on or after that date."*

Delete title and insert:

"A bill for an act relating to penalties for crimes; creating the Minnesota law enforcement training account and the crime victim assistance account; appropriating money; amending Minnesota Statutes 1980, Sections 171.16, Subdivision 3; 299B.06; 588.01, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 626."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 996, A bill for an act relating to retirement; making various administrative changes in the teachers retirement law; authorizing a medical advisor; payment of shortages in member deductions; amending Minnesota Statutes 1980, Sections 354.091; 354.092; 354.44, Subdivisions 4 and 8; 354.48, Subdivisions 2, 4, and by adding a subdivision; 354.51, Subdivision 5; 354.52, Subdivision 4; and 354.62, Subdivisions 4 and 5.

Reported the same back with the following amendments:

Page 1, after line 11, insert:

"Section 1. Minnesota Statutes 1980, Section 354.06, Subdivision 2, is amended to read:

Subd. 2. The board shall annually elect one of its members as president. It shall elect an executive director, and fix his salary and the salary of the assistant executive director in the unclassified service. The executive director shall serve during the pleasure of the board and be the executive officer of the

board, with such duties as the board shall prescribe. The board shall employ all other clerks and employees necessary to properly administer the fund. The cost and expense of administering the provisions of this chapter shall be paid by the fund. The executive director shall be appointed by the board on the basis of fitness, experience in the retirement field and leadership ability. The executive director shall have had at least five years of experience on the administrative staff of a major retirement system.

Sec. 2. Minnesota Statutes 1980, Section 354.06, Subdivision 2a, is amended to read:

Subd. 2a. The management of the association is vested in the executive director who shall be the executive and administrative head of the association. He shall act as advisor to the board on all matters pertaining to the association. He shall also act as the secretary of the board. It is the duty of the executive director and he has the power to:

- (1) Attend all meetings of the board;
- (2) Prepare and recommend to the board rules for the purpose of carrying out the provisions of this chapter;
- (3) Establish and maintain an adequate system of records and accounts following recognized accounting principles and controls;
- (4) Designate an assistant *executive* director in the *unclassified service* and two assistant *executive* directors in the *classified service* with the approval of the board, and appoint such employees, both permanent and temporary, as are necessary to carry out the provisions of said chapter;
- (5) Organize the work of the association as he deems necessary to fulfill the functions of the association, and define the duties of its employees and delegate to them any of his powers or duties, subject to his control and under such conditions as he may prescribe;
- (6) With the approval of the board, contract for actuarial services, professional management services, and consulting services as may be necessary and fix the compensation therefor. Such contracts shall not be subject to the competitive bidding procedure prescribed by chapter 16. Professional management services may not be contracted for more often than once in every six years. Copies of all professional management survey reports shall be sent directly to the legislature and the legislative auditor at the same time reports are furnished the board. Only management firms experienced in conducting management surveys of federal, state or local public retirement systems shall be qualified to contract with the director hereunder;

(7) With the approval of the board provide inservice training for all employees of the association;

(8) Make refunds of accumulated contributions to former members and to the designated beneficiary, surviving spouse, legal representative or next of kin of deceased members or deceased former members, all as provided in this chapter;

(9) Determine the amount of the annuities and disability benefits of members covered by the association and authorize payment thereof beginning as of the dates such annuities and benefits begin to accrue, all in accordance with the provisions of said chapter;

(10) Pay annuities, refundments, survivor benefits, salaries and all necessary operating expenses of the association;

(11) Prepare and submit to the board and the legislature an annual report covering the operation of the association, as required by chapter 356;

(12) Certify funds available for investment to the state board of investment;

(13) With the advice and approval of the board request the state board of investment to sell securities when he determines that funds are needed for the purposes of the association;

(14) Prepare and submit biennial and annual budgets to the board and with the approval of the board submit such budgets to the department of administration; and

(15) With the approval of the board, perform such other duties as may be required for the administration of the association and the other provisions of this chapter and for the transaction of its business."

Page 2, line 2, delete "*under*" and insert "*pursuant to*"

Page 2, line 13, strike "*must*" and insert "*shall*"

Page 2, line 19, strike "*must*" and insert "*shall*"

Page 2, line 24, strike "*his*" and insert "*the*"

Page 2, line 25, after "*credit*" insert "*of the member*"

Page 2, after line 29, insert:

"Sec. 3. Minnesota Statutes 1980, Section 354.41, is amended by adding a subdivision to read:

*Subd. 9. Any member who has been granted a leave of absence to serve as an elected officer of a professional teachers organization shall be entitled to acquire allowable service credit for the period of leave. To acquire the allowable service credit, the member shall make any required employee contributions currently during the period of the leave, which shall be based upon the contract salary for which the member would have been eligible if the member had not been granted the leave of absence and shall be consistent with the contract in force for the year occurring immediately prior to the commencement of the leave of absence. Any shortage which occurs in the amount of required employee contributions for any year may be paid directly to the fund with interest at the rate of six percent per annum compounded annually on or prior to the last day of the fiscal year next following the occurrence of the shortage."*

Page 2, line 34, strike "he" and insert "*the member*"

Page 4, line 1, after "date" insert "*on which*"

Page 4, line 6, strike "said" and insert "*the*"

Page 4, line 22, strike "such" and insert "*any*"

Page 4, line 24, strike "him" and insert "*the member*"

Page 4, line 27, strike "him" and insert "*the member*"

Page 4, line 32, delete "he" and insert "*the commissioner*"

Page 4, line 36, delete "*such*" and insert "*those*"

Page 5, line 4, delete "*said*"

Page 5, line 5, delete "*his*"

Page 5, line 6, delete "*to him*"

Page 5, line 34, after the period, insert "*If the shortage payment is not paid by the employing unit within 60 days of notification, the executive director shall certify the amount of the shortage payment to the applicable county auditor, who shall spread a levy in the amount of the shortage payment over the taxable property of the taxing district of the employing unit if the employing unit is supported by property taxes, or to the commissioner of finance, who shall deduct the amount from any state aid or appropriation amount applicable to the employing unit if the employing unit is not supported by property taxes.*"

Page 6, line 6, strike "such" and insert "*the*"

Page 6, line 16, strike "him" and insert "*the state treasurer*"

Page 6, line 18, strike "upon him"

Page 7, line 13, strike the first "such" and insert "*the*" and strike "such date" and insert "*the end of the previous fiscal year*"

Page 7, line 27, strike "said" and insert "*the*"

Page 7, line 31, strike "will" and insert "*shall*"

Page 7, line 34, strike the first "such" and insert "*the*" and strike "such date" and insert "*the end of the previous fiscal year*"

Page 7, line 35, strike "his" and insert "*the*"

Page 8, line 11, strike "such" and insert "*the*"

Page 8, line 12, strike "such date" and insert "*the end of the previous fiscal year*"

Page 8, line 21, strike "he" and insert "*the member*"

Page 8, line 24, strike "will" and insert "*shall*"

Page 8, line 30, strike "will" and insert "*shall*"

Page 8, line 33, strike "shall"

Page 8, line 35, strike "his" and insert "*the*" and after "accumulation" insert "*of the member*"

Page 9, line 5, strike "Such" and insert "*The*"

Page 9, line 6, strike "board of trustees" and insert "*executive secretary*"

Page 9, after line 6, insert:

"Sec. 12. [EFFECTIVE DATE.]

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

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after "Sections" insert "354.06, Subdivisions 2 and 2a;"

Page 1, line 6, after "354.092;" insert "354.41, by adding a subdivision;"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 1059, A bill for an act relating to crimes; providing for the type of proof of the fact of killing in murder and manslaughter cases; amending Minnesota Statutes 1980, Section 634.051.

Reported the same back with the following amendments:

Page 1, line 13, strike ", the former by direct"

Page 1, lines 13 and 14, delete "*or circumstantial evidence*"

Page 1, line 14, strike ", and the latter"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1071, A bill for an act relating to municipalities; discontinuance of unprofitable municipal liquor stores; restricting expenditure of public funds for liquor store operation; publication of operating statement; amending Minnesota Statutes 1980, Section 340.353, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapters 426 and 471.

Reported the same back with the following amendments:

Page 1, line 15, delete "*for each*" and insert "*in any two*"

Page 1, delete line 16 and insert "*has shown that no contribution to other municipal funds has been made from the net income*"

Page 1, line 17, delete "*than 25 percent over a period*" and insert "*of the operation in any two*"

Page 1, line 21, after the period insert "*Two weeks notice, written in clear and easily understandable language, of the hearing shall be printed in the city's official newspaper.*"

Page 2, delete lines 3 to 8

Renumber the section

Page 2, line 13, delete "in a newspaper published in the"

Page 2, line 14, delete "city or if there is no newspaper in the city then"

Page 2, line 15, after the period insert "*The statement shall be headlined, in a type size no smaller than 18 point, "Analysis of . . . . . (city) municipal liquor store operations for . . . . . (year)" and shall be written in clear and easily understandable language. It shall contain the following information: total sales, cost of sales, gross profit, profit as percent of sales, operating expenses, operating income, contributions to and/or from other funds, capital outlay, interest paid and debt retired. The form and style of the statement shall be prescribed by the state auditor.*"

Amend the title as follows:

Page 1, lines 3, 4, and 5 delete "restricting expenditure of public funds for liquor store operation;"

Page 1, line 8, delete "Chapters 426 and" and insert "Chapter"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 1072, A bill for an act relating to human rights; clarifying the meaning of reprisal; permitting the filing of a charge of unfair discriminatory practice directly in district court; authorizing injunctions for acts of reprisal; increasing the award of punitive damages; permitting the recovery of damages for mental anguish and suffering; amending Minnesota Statutes 1980, Sections 363.03, Subdivision 7; 363.06, Subdivisions 1, 3 and 4; 363.071, Subdivision 2; and 363.14, Subdivision 1.

Reported the same back with the following amendments:

Pages 1 and 2, delete section 1

Renumber the sections

Amend the title as follows:

Page 1, lines 2 and 3, delete "clarifying the meaning of reprisal;"



Page 1, line 9, delete "363.03, Subdivision 7;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1086, A bill for an act relating to the environment; clarifying terms and duties in the waste management act; extending time limits for site selections and reports; providing that certain appropriations shall remain available until expended; amending Minnesota Statutes 1980, Sections 115A.03, Subdivisions 15 and 29; 115A.06, Subdivision 4, and by adding a subdivision; 115A.08, Subdivisions 4, 5 and 6; 115A.09; 115A.11, Subdivision 1; 115A.19; 115A.20; 115A.21, Subdivisions 1 and 2; 115A.22, Subdivisions 3 and 4; 115A.23; 115A.24; 115A.26; 115A.28, Subdivision 2; 115A.33; 115A.37, Subdivision 2; 115A.54, Subdivision 3; 116.07, Subdivisions 2 and 4; 116.41, Subdivision 2; 400.161; 473.149, Subdivisions 2c and 2e; 473.153, Subdivisions 1, 2 and 6; 473.803, Subdivision 1a; 473.811, Subdivision 5b; and 473.833, Subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 115A.03, Subdivision 15, is amended to read:

Subd. 15. "Intrinsic suitability" of a land area or site means that, (BECAUSE OF) *based on existing data on the inherent and natural attributes, physical features, and location of the land area or site, there is no known reason why the waste facility proposed to be located in the area or site (WOULD NOT BE LIKELY TO RESULT IN MATERIAL HARM TO THE PUBLIC HEALTH AND SAFETY AND NATURAL RESOURCES AND THAT THEREFORE THE PROPOSED FACILITY CAN) cannot reasonably be expected to qualify for permits in accordance with agency rules. Agency certification of intrinsic suitability shall be based on data submitted to the agency by the proposing entity and data included by the hearing examiner in the record of any public hearing on recommended certification, and applied against criteria in agency rules and any additional criteria developed by the agency in effect at the time the proposing entity submits the site for certification.*

Sec. 2. Minnesota Statutes 1980, Section 115A.03, Subdivision 29, is amended to read:

Subd. 29. "Sewage sludge" means the solids and associated liquids in municipal wastewater which are encountered and con-

centrated by a municipal wastewater treatment plant (FOR DISPOSAL AT A SEWAGE SLUDGE DISPOSAL FACILITY). Sewage sludge does not include incinerator residues and grit, scum, or screenings removed from other solids during treatment.

Sec. 3. Minnesota Statutes 1980, Section 115A.05, Subdivision 3, is amended to read:

Subd. 3. [TEMPORARY MEMBERS.] For the the purposes of each project review conducted by the board under sections 115A.18 to 115A.30 and 115A.32 to 115A.39 and for the purpose of preparing and adopting the hazardous waste management plan under section 115A.11 and making decisions on the elements of the certification of need for disposal required under sections 115A.18 to 115A.30, six local representatives shall be added to the board as temporary voting members, as provided in sections 115A.22, subdivision 4, and 115A.34. The provisions of section (15.075) *15.075, subdivisions 3 and 4* relating to compensation, removal, and vacancy shall apply to temporary members except that the rate of compensation shall be \$50 per day spent on board activities *and that appointments by the governor to fill vacancies shall take effect in the same manner as the original appointment.*

Sec. 4. Minnesota Statutes 1980, Section 115A.06, Subdivision 4, is amended to read:

Subd. 4. [ACQUISITION OF SITES FOR HAZARDOUS WASTE FACILITIES.] The board may direct the commissioner of administration to acquire by purchase, lease, condemnation, gift, or grant, any right, title, and interest in and to real property, including positive and negative easements and water, air, and development rights, for sites and buffer areas surrounding sites for hazardous waste facilities approved by the board pursuant to sections 115A.18 to 115A.30 and 115A.32 to 115A.39, *and any temporary interest in any land subject to the development moratorium established by section 115A.21, subdivision 3.* Money for the acquisition of any real property and interest in real property pursuant to this subdivision shall come from the issuance of state waste management bonds in accordance with sections 115A.57 to 115A.59. The property shall be leased to the owner and operator of the hazardous waste facility located thereon at a rate sufficient to pay debt service on the bonds which provided funds used to acquire the property and to evaluate the eligibility of the property for inclusion in the inventory under section 115A.09 or candidacy under sections 115A.18 to 115A.30. Any local government unit and the commissioners of transportation, natural resources, and administration may convey or allow the use of any property for such sites and areas, subject to the rights of the holders of any bonds issued with respect thereto, with or without compensation and without an election or approval by any other government agency. Land owned by the state may be exchanged for land not owned by the state for the pur-

pose of providing a site and buffer area for a commercial hazardous waste facility, in accordance with the provisions of section 94.341 to 94.347 and other law. The commissioner of administration may hold the property for the purposes for which it was acquired, and may lease, rent, or dispose of the property so far as not needed for such purposes, upon the terms and in the manner the commissioner deems advisable. The right to acquire lands and property rights by condemnation shall be exercised in accordance with chapter 117. The commissioner of administration may take possession of any property for which condemnation proceedings have been commenced at any time after the issuance of a court order appointing commissioners for its condemnation. Where the property is acquired through eminent domain proceedings, the land owner's compensation shall be the fair market value of the property. Where the property is acquired by means other than through eminent domain proceedings, as by direct purchase or gift, the land owner's compensation shall be determined by the agreement of the parties involved. An award of compensation in a condemnation proceeding shall not be increased or decreased by reason of any increase or decrease in the value of the property caused by its designation in the inventory of (SITES AND BUFFER) preferred areas under section 115A.09 or as a candidate site under section 115A.18 to 115A.30 or its selection as a site or buffer area.

Sec. 5. Minnesota Statutes 1980, Section 115A.06, is amended by adding a subdivision to read:

*Subd. 13. [PRIVATE AND NON-PUBLIC DATA.] Any data held by the board which consists of trade secret information as defined by section 15.1673, subdivision 1, clause (b), sales information, or any other information which, if public, would tend to adversely affect the competitive position of the subject of the data, shall be classified as private or non-public data as defined in section 15.162, subdivisions 5a and 5c if the subject of the data has certified that the data qualifies as non-public or private data under this subdivision and the chairman of the waste management board approves the classification in writing. When data is classified private or non-public pursuant to this subdivision the board may:*

*(a) Use the data to compile and publish analyses or summaries and to carry out its statutory responsibilities in a manner which does not identify the subject of the data; or*

*(b) Disclose the data when it is obligated to disclose it to comply with federal law or regulation but only to the extent required by the federal law or regulation.*

*The subject of data classified as private or non-public pursuant to this subdivision may authorize the disclosure of some or all of that data by the board.*

Sec. 6. Minnesota Statutes 1980, Section 115A.08, Subdivision 4, is amended to read:

Subd. 4. [REPORT ON HAZARDOUS WASTE MANAGEMENT; DRAFT MANAGEMENT PLAN AND CERTIFICATION OF NEED.] By (JANUARY 1) *August 15, 1982*, the board through its chairperson shall report to the legislative commission on hazardous waste management. The report shall include at least:

(a) an evaluation of alternative disposal facilities, disposal facility technologies, and disposal facility design and operating specifications and an explanation of the preliminary design and operating specifications for disposal facilities selected for consideration under section 115A.23;

(b) an evaluation of prospects, strategies, and methods for developing commercial hazardous waste disposal facilities of various types, sizes, and functions;

(c) an evaluation of all feasible and prudent alternatives to disposal, including waste reduction, separation, pretreatment, processing, and resource recovery, and the potential of the alternatives to reduce the need for and practice of disposal;

(d) an evaluation of feasible and prudent disposal abatement objectives, along with a description of hazardous waste management methods and technologies, private and government actions, facilities and services, development schedules, revenue-raising measures, and levels of public and private expenditure and effort necessary to the achievement of those objectives.

The report shall analyze the environmental, social, and economic effects of the alternatives and methods by which unavoidable adverse effects could be mitigated. The report shall include a draft hazardous waste management plan, based on the analysis in the report and proposed for adoption pursuant to section 115A.11, and a draft certificate or certificates of need proposed for issuance under section 115A.24.

Sec. 7. Minnesota Statutes 1980, Section 115A.08, Subdivision 5, is amended to read:

Subd. 5. [REPORT ON MITIGATION OF LOCAL EFFECTS OF HAZARDOUS WASTE FACILITIES.] By (JANUARY 1) *August 15, 1982*, the board through its chairperson shall report and make recommendations to the legislative commission on methods of mitigating and compensating for the local risks, costs, and other adverse effects of various types of hazardous waste facilities and on methods of financing mitigation and compensation measures. The methods of mitigating and compensating to be considered shall include but not be limited

to the following: payment outside of levy limitations in lieu of taxes for all property taken off the tax rolls; preference in reviews of applications for federal funds conducted by the metropolitan council and regional development commissions; payment of all costs to service the facilities including the cost of roads, monitoring, inspection, enforcement, police and fire, and litter clean up costs; payment for buffer zone amenities and improvement; local control over buffer zone design; a guarantee against any and all liability that may occur.

Sec. 8. Minnesota Statutes 1980, Section 115A.08, Subdivision 6, is amended to read:

Subd. 6. [PREPARATION OF HAZARDOUS WASTE REPORTS; PROCEDURES; PUBLIC INVOLVEMENT.] By January 1, 1981 the board through its chairperson shall submit a proposed scope of work and work program for the hazardous waste reports required by subdivisions 4 and 5 to the legislative commission for review. During the preparation of the proposed scope of work and work plan and the reports, the board and the chairperson on behalf of the board shall encourage public debate and discussion of the issues relating to the reports. The board and the chairperson on behalf of the board shall meet with local officials and sponsor at least one public meeting in areas of the state affected by the inventory of preferred processing facility (SITES) areas prepared pursuant to section 115A.09. The board and the chairperson on behalf of the board shall follow the procedures set out in section 115A.22, for consulting with citizens in areas affected by the selection of candidate sites for disposal facilities. To assist it in preparing the reports required by subdivisions 4 and 5, the board through its chairperson shall make grants to each local project review committee established for a candidate site for disposal identified under sections 115A.18 to 115A.30. The grants may be used by the committee to employ staff, pay administrative expenses, or contract with affected units of government or qualified consultants. The board and the chairperson on behalf of the board shall request recommendations from the private waste management industry, the board's advisory councils, affected regional development commissions, and the metropolitan council and shall consult with them on the board's intended disposition of the recommendations. The reports of the board shall summarize the comments received and the board's response to the comments.

Sec. 9. Minnesota Statutes 1980, Section 115A.09, is amended to read:

115A.09 [DUTIES OF THE BOARD; INVENTORY OF PREFERRED (SITES) AREAS FOR HAZARDOUS WASTE PROCESSING FACILITIES.]

Subdivision 1. [BOARD RESPONSIBILITY.] By (NOVEMBER) *January 1, (1981) 1982*, the board shall prepare an inventory of preferred (SITES) *areas of up to ten square miles in size* for commercial hazardous waste processing facilities. *No preferred area may extend into more than one statutory or home rule charter city or town, but the board may propose adjoining preferred areas in adjacent cities and towns.* The inventory shall include at least three (SITES) *areas* for each of the following categories of processing facilities: (a) a commercial chemical processing facility for hazardous waste, (b) a commercial incineration facility for hazardous waste, and (c) a commercial transfer and storage facility for hazardous waste.

Subd. 2. [EVALUATION OF (SITES) AREAS.] The board shall not be required to promulgate rules pursuant to chapter 15 to govern its evaluation and selection of (SITES) *areas* under this section. The board and the chairperson on behalf of the board shall evaluate the (SITES) *areas* in consultation with the board's advisory councils, the affected counties and regions, generators of hazardous waste, and prospective facility developers. The evaluation shall consider at least the consistency of (SITES) *areas* with state and federal regulations, local land use and land use controls, the protection of agriculture and natural resources, existing and future development patterns, transportation and other services appropriate to the hazardous waste facilities, the quality of other potential (SITES) *areas*, and the location of hazardous waste generators. (NO SITE SHALL BE INCLUDED IN THE INVENTORY UNLESS THE AGENCY CERTIFIES ITS INTRINSIC SUITABILITY FOR THE USE INTENDED. NO LAND SHALL BE EXCLUDED FROM CONSIDERATION FOR INCLUSION IN THE INVENTORY EXCEPT LAND DETERMINED BY THE AGENCY TO BE INTRINSICALLY UNSUITABLE) *The agency shall prepare a report on the suitability of each proposed area for the use intended.*

Subd. 3. [PROCEDURES.] The board shall propose the inventory of (SITES) *areas* by (JUNE) *August 1, 1981* by publication in the state register and newspapers of general circulation in the state and by mail to each regional development commission, *metropolitan council*, and local government unit containing a proposed (SITE) *area*. (ANY) *The publications and mailing shall include notice of (PERSON OBJECTING TO THE AGENCY'S CERTIFICATION OR THE BOARD'S PROPOSAL OF A SITE FOR INCLUSION IN THE INVENTORY SHALL HAVE 30 DAYS IN WHICH TO REQUEST A HEARING. IF A HEARING IS REQUESTED, THE HEARING SHALL BE ORDERED BY THE CHAIRPERSON OF THE BOARD AND) hearings on the board's proposal. The hearings shall be conducted by the state office of administrative hearings in a manner determined by the hearing examiner to be consistent with the completion of the proceedings and the examiner's report in the time allowed by this section. At the hearing, any*

(COUNTY) local government unit in which (A SITE) an area is proposed for inclusion in the inventory may propose an alternative (SITE) area or (SITES) areas within (THE COUNTY) its jurisdiction. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the board and additional information on the proposed area or alternative areas which is relevant to the board's decision on the areas to be included in the inventory. The contested case procedures of chapter 15 shall not apply to this hearing. The hearing examiner may consolidate hearings. The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. When any (SITE) area in the inventory becomes unavailable as a hazardous waste facility site, the inventory shall be amended, in the manner of its original adoption, provided, however, that during the period when the inventory is being amended any other (SITE) area in the inventory may be reviewed and approved under sections 115A.32 to 115A.39. No action of the board shall be held invalid by reason of the board's failure to notify any of the entities listed in this subdivision.

Subd. 4. [GRANTS; TECHNICAL ASSISTANCE.] To assist counties participating in the inventory required by this section, the board through its chairperson may make grants to the counties to be used to employ staff, pay administrative expenses, or contract with qualified consultants. The board through its chairperson shall ensure the delivery to the counties of technical information and assistance by appropriate state agencies.

Sec. 10. Minnesota Statutes 1980, Section 115A.11, Subdivision 1, is amended to read:

Subdivision 1. [CONTENTS.] By (MAY 1) December 15, 1982, the board shall adopt a hazardous waste management plan. The plan shall include at least the following elements:

(a) an estimate of the types and volumes of hazardous waste which will be generated in the state through the year 2000;

(b) specific and quantifiable objectives for reducing to the greatest feasible and prudent extent the need for and practice of disposal, through waste reduction, pretreatment, processing, and resource recovery;

(c) a description of the minimum disposal capacity and capability needed to be developed within the state for use through the year 2000, based on the achievement of the objectives under clause (b).

The plan shall require the establishment of at least one commercial disposal facility in the state.

Sec. 11. Minnesota Statutes 1980, Section 115A.19, is amended to read:

**115A.19 [PROCEDURE NOT EXCLUSIVE.]**

*Except as provided in Minnesota Statutes 1980, Section 115A.21, Subdivision 1, the procedure established by sections 115A.18 to 115A.30 for the permitting of hazardous waste disposal facilities shall not preclude the issuance of permits by the agency pursuant to section 116.07 for disposal facilities at sites not reviewed under sections 115A.18 to 115A.30.*

Sec. 12. Minnesota Statutes 1980, Section 115A.20, is amended to read:

**115A.20 [EVALUATION OF SITES.]**

The board shall not be required to promulgate rules pursuant to chapter 15 to govern its evaluation and selection of sites for commercial disposal facilities under sections 115A.18 to 115A.30, nor shall the agency be required to promulgate rules pursuant to chapter 15 on criteria and standards to govern its certification of intrinsic suitability of sites for commercial disposal facilities under sections 115A.18 to 115A.30. In evaluating and selecting sites for disposal facilities, the board shall consider at least the following factors:

(a) economic feasibility, including proximity to concentrations of generators of the types of hazardous wastes likely to be proposed and permitted for disposal;

(b) intrinsic suitability of the sites;

(c) federal and state pollution control and environmental protection rules;

(d) the risk and effect for local residents, units of government, and the local public health, safety, and welfare, including such dangers as an accidental release of wastes during transportation to a facility or at a facility, water, air, and land pollution, and fire or explosion;

(e) the consistency of a facility with, and its effect on, existing and planned local land use and development; local laws, ordinances, and permits; and local public facilities and services;

(f) the adverse effects of a facility at the site on agriculture and natural resources and opportunities to mitigate or eliminate such adverse effects by stipulations, conditions, and require-



ments respecting the design and operation of a disposal facility at the proposed site.

No land shall be excluded from consideration except land determined by the agency to be intrinsically unsuitable for the use intended.

Sec. 13. Minnesota Statutes 1980, Section 115A.21, Subdivision 1, is amended to read:

Subdivision 1. [SELECTION.] By (AUGUST 1, 1981) *March 15, 1982*, the board shall select six locations in the state, no more than one site per county, as candidate sites for commercial disposal facilities for hazardous waste. No location shall be selected as a candidate site unless the agency certifies its intrinsic suitability for the use intended. The board shall consult with the agency and the private waste management industry in selecting candidate sites. Any sites proposed in applications for permits for disposal facilities being reviewed by the agency (ON AUGUST 1, 1981,) may be included by the board as candidate sites, provided the agency certifies the intrinsic suitability of the sites. *The agency shall suspend its review of any permit application being reviewed by the board for inclusion as a candidate site until the site is eliminated from consideration as a candidate site.*

Sec. 14. Minnesota Statutes 1980, Section 115A.21, Subdivision 2, is amended to read:

Subd. 2. [PROCEDURE.] As soon as practicable, the board through its chairperson shall publish a request soliciting proposals and permit applications for hazardous waste disposal facilities from potential developers and operators of such facilities. Notice of the request shall be published in the state register and newspapers of general circulation in the state and shall be transmitted to all regional development commissions, the metropolitan council, and all counties in the state. The board may select conceptual design and operating specifications for a variety of hazardous waste disposal facilities in sufficient detail and extent in the judgment of the board to assist the evaluation of sites and the selection of candidate sites. By November 1, 1980, the board through its chairperson shall notify each regional development commission, or the metropolitan council, and each local government unit within whose jurisdiction the board intends to search for candidate sites. The notification shall explain the selection of the jurisdiction as a search area; shall summarize any conceptual specifications and the evaluation factors, criteria, standards, and procedures the board intends to use in selecting candidate sites; and shall describe the relationship of the candidate site selection process to the other review procedures under sections 115A.18 to 115A.30 and the hazardous waste reports and plans required under sections 115A.04 to 115A.15. The notification shall request recommendations and

suggestions from each such commission, the metropolitan council, and local government unit on the criteria, standards, and procedures the board should use in selecting candidate sites within the time allowed. The board through its chairperson shall make a written response to any recommendations, explaining its disposition of the recommendations. *The board shall provide to the agency data relating to the intrinsic suitability of the sites to be proposed as candidate sites as soon as available but no later than November 1, 1981.* By (MAY 1) November 15, 1981, the board shall propose at least six locations as candidate sites, *the director of the agency shall issue a notice indicating which of those sites the director recommends be certified as intrinsically suitable, and the board through its chairperson and the director shall publish notice of hearings on the board's proposal and the director's recommendations. Notice shall be published in the state register and newspapers of general circulation in the state and shall (NOTIFY) be sent by mail to all regional development commissions, or the metropolitan council, and to local government units containing a proposed candidate site. (ANY PERSON OBJECTING TO THE AGENCY'S CERTIFICATION OR THE BOARD'S PROPOSAL OF A SITE FOR CANDIDACY SHALL HAVE 30 DAYS IN WHICH TO REQUEST A HEARING. IF A HEARING IS REQUESTED, THE HEARING SHALL BE ORDERED BY THE CHAIRPERSON OF THE BOARD AND) The hearings shall be conducted by the state office of administrative hearings in a manner consistent with the completion of the proceedings and the hearing examiner's report to the agency and board in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the board and additional information on the proposed sites which is relevant to the board's decision on candidate sites and the agency's decision on intrinsic suitability. The contested case procedures of chapter 15 shall not apply to this hearing. The hearing examiner may consolidate hearings. The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final determination as to the intrinsic suitability of each proposed site and shall certify sites accordingly by March 1, 1982. No action of the board or agency shall be held invalid by reason of the board's or agency's failure to notify any of the entities listed in this subdivision.*

Sec. 15. Minnesota Statutes 1980, Section 115A.22, Subdivision 3, is amended to read:

Subd. 3. [MEMBERSHIP ON LOCAL COMMITTEES.] By (SEPTEMBER 1, 1981) April 15, 1982, the governor shall appoint the chairperson and members of each local project review committee, ensuring a balanced representation of all parties with a legitimate and direct interest in the outcome of the project review. The governor shall consult particularly with affected

local units of government before selecting members. Members may be added to the local committee from time to time by the governor.

Sec. 16. Minnesota Statutes 1980, Section 115A.22, Subdivision 4, is amended to read:

Subd. 4. [APPOINTMENT OF TEMPORARY BOARD MEMBERS.] By (OCTOBER 1, 1981) *May 15, 1982*, each local committee shall select a temporary board member to be added to the board for the purposes of the reports, certifications, and review conducted under sections 115A.18 to 115A.30. *If a local committee fails to appoint a temporary board member within 45 days after the appointment of the committee the governor shall appoint a temporary board member to represent the committee on the board.* Temporary board members may be members of the local project review committee, and they shall be residents of the county where the candidate site is located. *Temporary board members shall serve for terms lasting until the board has taken final action pursuant to section 115A.28 and, in the case of members representing the site or sites finally chosen for the facility, until the commencement of the operation of the facility at that site.*

Sec. 17. Minnesota Statutes 1980, Section 115A.23, is amended to read:

**115A.23 [DISPOSAL FACILITIES; PRELIMINARY DESIGN AND OPERATING SPECIFICATIONS.]**

By (JANUARY 1) *August 15, 1982*, the board shall select, for further study and consideration, design and operating specifications for a variety of disposal facilities for hazardous waste in sufficient detail and extent in the judgment of the agency to allow the agency to begin preparing an environmental impact statement on the alternative facilities at each of the candidate sites pursuant to section 115A.25. The preliminary design and operating specifications shall not be final and shall not preclude the consideration of other specifications nor foreclose the subsequent addition by the board of other disposal facility alternatives.

Sec. 18. Minnesota Statutes 1980, Section 115A.24, is amended to read:

**115A.24 [CERTIFICATION OF NEED.]**

By (MAY 1) *December 15, 1982*, on the basis of and consistent with its hazardous waste management plan adopted under section 115A.11, the board shall issue a certificate or certificates of need for disposal facilities for hazardous wastes in the state. The certificate or certificates shall indicate the types and volumes of waste for which disposal facilities are and will be

needed through the year 2000 and the number, types, sizes, general design and operating specifications, and function or use of the disposal facilities needed in the state. The board shall certify need only to the extent that the board has determined that there are no feasible and prudent alternatives including waste reduction, separation, pretreatment, processing, and resource recovery which would minimize adverse impact upon natural resources, provided that the board shall require the establishment of at least one commercial disposal facility in the state. Economic considerations alone shall not justify certification nor the rejection of alternatives. Alternatives that are speculative and conjectural shall not be deemed to be feasible and prudent. The certificate or certificates shall not be subject to the provisions of chapter 15 but shall be the final determination required on the matters decided by the certificate or certificates and shall have the force and effect of law. The certificate or certificates shall not be amended for five years. The board and the permitting agencies, in reviewing and selecting sites, completing environmental impact statements, and issuing approvals and permits for waste disposal facilities described in the certificate or certificates of need, shall not reconsider matters determined in the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of facilities consistent with the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of at least one commercial disposal facility for hazardous waste in the state.

Sec. 19. Minnesota Statutes 1980, Section 115A.26, is amended to read:

115A.26 [AGENCIES; PERMIT CONDITIONS.]

Within 60 days following (THE ACCEPTANCE) *determination of adequacy* of the final environmental impact statement, and after consulting with the board, facility developers, affected local government units, and the local project review committees, each permitting state agency shall issue a notice of intent to issue permits, indicating the terms, conditions, and requirements of agency approval for all permits needed at each candidate site for the establishment of the facilities described in the board's certification of need. The agency decisions shall be consistent with the establishment of facilities in accordance with the certification of need.

Sec. 20. Minnesota Statutes 1980, Section 115A.28, Subdivision 2, is amended to read:

Subd. 2. [BOARD'S DECISION PARAMOUNT.] The board's decision under subdivision 1 shall be final and shall supersede and preempt requirements of state agencies and political subdivisions (, EXCEPTING ONLY) *and the requirements of sections 473H.02 to 473H.17; except that a facility*

*established pursuant to the decision shall be subject to those terms, conditions, and requirements of permitting agencies embodied in the board's decision and (EXCEPT AS PROVIDED IN) any requirements imposed pursuant to subdivision 3. The permitting agencies shall issue permits within 60 days following and in accordance with the board's final decision, and all permits shall conform to the terms, conditions, and requirements of the board's decision. No charter provision, ordinance, regulation, permit, or other requirement of any state agency or political subdivision shall prevent or restrict the establishment, operation, expansion, continuance, or closure of a facility in accordance with the final decision of the board and permits issued pursuant thereto.*

Sec. 21. Minnesota Statutes 1980, Section 115A.33, is amended to read:

**115A.33 [ELIGIBILITY; REQUEST FOR REVIEW.]**

The following persons shall be eligible to request supplementary review by the board pursuant to sections 115A.32 to 115A.39:

- (a) a generator of sewage sludge within the state who has been issued permits by the agency for a facility to dispose of sewage sludge or solid waste resulting from sewage treatment;
- (b) a political subdivision which has been issued permits by the agency, or a political subdivision acting on behalf of a person who has been issued permits by the agency, for a solid waste facility which is no larger than 250 acres, not including any proposed buffer area, and located outside the metropolitan area;
- (c) a generator of hazardous waste within the state who has been issued permits by the agency for a hazardous waste facility to be owned and operated by the generator, on property owned by the generator, and to be used by the generator for managing the hazardous wastes produced by the generator only;
- (d) a person who has been issued permits by the agency for a commercial hazardous waste processing facility at a site included in the board's inventory of preferred sites for such facilities adopted pursuant to section 115A.09;
- (e) a person who has been issued permits by the agency for a disposal facility for the nonhazardous sludge, ash, or other solid waste generated by a permitted hazardous waste processing facility operated by the person.

The metropolitan waste control commission shall not be eligible to request review under clause (a) for a sewage sludge disposal facility. The metropolitan waste control commission shall not be eligible to request review under clause (a) for a solid waste facility with a proposed permitted life of longer than four years. The board may require completion of a plan conforming to the requirements of section 115A.46, before granting review under clause (b). A request for supplementary review shall show that the required permits for the facility have been issued by the agency and that a political subdivision has refused to approve the establishment or operation of the facility.

Sec. 22. Minnesota Statutes 1980, Section 115A.34, is amended to read:

**115A.34 [APPOINTMENT OF TEMPORARY BOARD MEMBERS.]**

Within 45 days of the submission of a request determined by the board to satisfy the requirements for review under sections 115A.32 to 115A.39, temporary board members shall be added to the board for the purpose of the supplementary review. Three members shall be selected by the governing body of the city or town in which the chairperson of the waste management board determines the facility would be principally located, and three members shall be selected by the governing body of the county in which the chairperson of the waste management board determines the proposed facility would be principally located. If the proposed facility is located in unorganized territory, all six members shall be selected by the governing board of the county. Temporary members shall be residents of the county in which the proposed facility would be located and shall be selected to represent broadly the local interests that would be directly affected by the proposed facility. At least one member appointed by the city or town shall live within one mile of the proposed facility, and at least one member appointed by the county shall be a resident of a city or town in which the proposed facility would be located. *If the appointing authority fails to appoint temporary board members in the period allowed, the governor shall appoint the temporary members to represent the local interests in accordance with this section.* Temporary board members shall serve for terms lasting until the board has taken final action on the facility.

Sec. 23. Minnesota Statutes 1980, Section 115A.37, Subdivision 2, is amended to read:

Subd. 2. [DECISION PARAMOUNT.] The decision of the board to approve a facility shall be final and shall supersede and preempt requirements of state agencies and political subdivisions (, EXCEPTING ONLY) *and the requirements of sections 473H.02 to 473H.17; except that the facility shall be subject* to those terms, conditions, and requirements of permitting agencies embodied in the board's approval and (EXCEPT AS PROVIDED IN) *any requirements imposed pursuant to* subdivision 3. The permitting agencies shall issue or amend the permits for the facility within 60 days following and in accordance with the final decision of the board, and all permits shall conform to the terms, conditions, and requirements of the board's decision. No charter provision, ordinance, regulation, permit, or other requirement of any state agency or political subdivision shall prevent or restrict the establishment, operation, expansion, continuance, or closure of the facility in accordance with the final decision of the board and permits issued pursuant thereto.

Sec. 24. Minnesota Statutes 1980, Section 115A.54, Subdivision 3, is amended to read:

Subd. 3. [OBLIGATIONS OF RECIPIENT.] No grant or loan for any project shall be disbursed until the governing body of the recipient has made an irrevocable undertaking, by resolution, to use all funds made available exclusively for the capital cost of the project and to pay any additional amount by which the cost of the project exceeds the estimate by appropriation to the construction fund of additional funds or proceeds of additional bonds of the recipient. The resolution shall also indicate that any subsequent withdrawal of allocated or additional funds of the recipient will impair the obligation of contract between the state of Minnesota, the recipient, and the bondholders. The resolution shall pledge payment to the debt service account of all revenues of the project to the extent that they exceed costs and shall also obligate the recipient to levy a tax sufficient to make timely payments under the loan agreement, if a deficiency occurs in the amount of user charges, taxes, special assessments, or other moneys pledged for payment under the loan agreement. Each loan made to a recipient shall be secured by resolutions adopted by the board and the governing body of the recipient, obligating the recipient to repay the loan to the state treasurer in annual installments including both principal and interest. Installments shall be in an amount sufficient to pay the principal amount within the period required by the (AGENCY) board. The interest on the loan shall be calculated on the declining balance at a rate not less than the average annual interest rate on the state bonds of the issue from which proceeds of the loan were made. The resolution shall obligate the recipient to provide money for the repayment from user charges, taxes, special assessments or any other funds available to it.

Sec. 25. Minnesota Statutes 1980, Section 116.07, Subdivision 2, is amended to read:

Subd. 2. [ADOPTION OF STANDARDS.] The pollution control agency shall improve air quality by promoting, in the most practicable way possible, the use of energy sources and waste disposal methods which produce or emit the least air contaminants consistent with the agency's overall goal of reducing all forms of pollution. The agency shall also adopt standards of air quality, including maximum allowable standards of emission of air contaminants from motor vehicles, recognizing that due to variable factors, no single standard of purity of air is applicable to all areas of the state. In adopting standards the pollution control agency shall give due recognition to the fact that the quantity or characteristics of air contaminants or the duration of their presence in the atmosphere, which may cause air pollution in one area of the state, may cause less or not cause any air pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it

may deem proper, as existing physical conditions, zoning classifications, topography, prevailing wind directions and velocities, and the fact that a standard of air quality which may be proper as to an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such standards of air quality shall be premised upon scientific knowledge of causes as well as effects based on technically substantiated criteria and commonly accepted practices. No local government unit shall set standards of air quality which are more stringent than those set by the pollution control agency.

The pollution control agency shall promote solid waste disposal control by encouraging the updating of collection systems, elimination of open dumps, and improvements in incinerator practices. The agency shall also adopt standards for the control of the collection, transportation, storage, processing, and disposal of solid waste and (THE DISPOSAL OF) sewage sludge for the prevention and abatement of water, air and land pollution, recognizing that due to variable factors, no single standard of control is applicable to all areas of the state. In adopting standards, the pollution control agency shall give due recognition to the fact that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, topography, soils and geology, climate, transportation, and land use. Such standards of control shall be premised on technical criteria and commonly accepted practices.

The pollution control agency shall also adopt standards describing the maximum levels of noise in terms of sound pressure level which may occur in the outdoor atmosphere, recognizing that due to variable factors no single standard of sound pressure is applicable to all areas of the state. Such standards shall give due consideration to such factors as the intensity of noises, the types of noises, the frequency with which noises recur, the time period for which noises continue, the times of day during which noises occur, and such other factors as could affect the extent to which noises may be injurious to human health or welfare, animal or plant life, or property, or could interfere unreasonably with the enjoyment of life or property. In adopting standards, the pollution control agency shall give due recognition to the fact that the quantity or characteristics of noise or the duration of its presence in the outdoor atmosphere, which may cause noise pollution in one area of the state, may cause less or not cause any noise pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, meteorological conditions and the fact that a standard which may be proper in an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such noise standards shall



be premised upon scientific knowledge as well as effects based on technically substantiated criteria and commonly accepted practices. No local governing unit shall set standards describing the maximum levels of sound pressure which are more stringent than those set by the pollution control agency.

The pollution control agency shall adopt standards for the identification of hazardous waste and for the management, identification, labeling, classification, storage, collection, transportation, processing, and disposal of hazardous waste, recognizing that due to variable factors, a single standard of hazardous waste control may not be applicable to all areas of the state. In adopting standards, the pollution control agency shall recognize that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state. The agency shall consider existing physical conditions, topography, soils, and geology, climate, transportation and land use. Standards of hazardous waste control shall be premised on technical knowledge, and commonly accepted practices. No local government unit shall set standards of hazardous waste control which are in conflict or inconsistent with those set by the pollution control agency.

Sec. 26. Minnesota Statutes 1980, Section 116.07, Subdivision 4, is amended to read:

Subd. 4. [RULES AND STANDARDS.] Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind rules and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the prevention, abatement, or control of air pollution. Any such rule or standard may be of general application throughout the state, or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, rules or standards may relate to sources or emissions of air contamination or air pollution, to the quality or composition of such emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or to any other matter relevant to the prevention, abatement, or control of air pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend, and rescind rules and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the collection, transportation, storage, processing, and disposal of solid waste and the prevention, abatement, or control of water, air, and land pollution which may be related thereto, and the deposit in or on land of any other material that may tend to cause pollution. The agency shall adopt such rules and standards for (THE DISPOSAL OF)

sewage sludge, addressing the intrinsic suitability of land, the volume and rate of application of sewage sludge of various degrees of intrinsic hazard, design of (DISPOSAL) facilities, and operation of (DISPOSAL) facilities and (DISPOSAL) sites. The agency shall promulgate temporary rules for sewage sludge (DISPOSAL) pursuant to section 15.0412, subdivision 5. Any such rule or standard may be of general application throughout the state or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, rules or standards may relate to collection, transportation, processing, disposal, equipment, location, procedures, methods, systems or techniques or to any other matter relevant to the prevention, abatement or control of water, air, and land pollution which may be advised through the control of collection, transportation, processing, and disposal of solid waste and (THE DISPOSAL OF) sewage sludge, and the deposit in or on land of any other material that may tend to cause pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind rules and standards having the force of law relating to any purpose within the provisions of Laws 1971, Chapter 727, for the prevention, abatement, or control of noise pollution. Any such rule or standard may be of general application throughout the state, or may be limited as to times, places, circumstances or conditions in order to make due allowances for variations therein. Without limitation, rules or standards may relate to sources or emissions of noise or noise pollution, to the quality or composition of noises in the natural environment, or to any other matter relevant to the prevention, abatement, or control of noise pollution.

As to any matters subject to this chapter, local units of government may set emission regulations with respect to stationary sources which are more stringent than those set by the pollution control agency.

Pursuant to chapter 15, the pollution control agency may adopt, amend, and rescind rules and standards having the force of law relating to any purpose within the provisions of this chapter for the management, identification, labeling, classification, storage, collection, treatment, transportation, processing, and disposal of hazardous waste and location of hazardous waste facilities. A rule or standard may be of general application throughout the state or may be limited as to time, places, circumstances, or conditions. The public utilities commission, in cooperation with the pollution control agency, shall set standards for the transportation of hazardous waste in accordance with chapter 221. In implementing its hazardous waste rules, the pollution control agency shall give high priority to providing planning and technical assistance to hazardous waste gen-

erators. The agency shall assist generators in investigating the availability and feasibility of both interim and long term hazardous waste management methods. The methods shall include waste reduction, waste separation, waste processing, resource recovery, and temporary storage.

The pollution control agency shall give highest priority in the consideration of permits to authorize disposal of diseased shade trees by open burning at designated sites to evidence concerning economic costs of transportation and disposal of diseased shade trees by alternative methods.

Sec. 27. Minnesota Statutes 1980, Section 116.41, Subdivision 2, is amended to read:

Subd. 2. [TRAINING AND CERTIFICATION PROGRAMS.] The agency shall develop standards of competence for persons operating and inspecting various classes of disposal facilities. The agency shall conduct training programs for persons operating facilities for the disposal of waste and for inspectors of such facilities, and may charge such fees as are necessary to cover the actual costs of the training programs.

The agency shall require operators and inspectors of such facilities to obtain from the agency a certificate of competence. The agency shall conduct examinations to test the competence of applicants for certification, and shall require that certificates be renewed at reasonable intervals. The agency may charge such fees as are necessary to cover the actual costs of receiving and processing applications, conducting examinations, and issuing and renewing certificates. *Certificates shall not be required for a private individual for landspreading and associated interim and temporary storage of sewage sludge on property owned or farmed by that individual.*

Sec. 28. Minnesota Statutes 1980, Section 400.161, is amended to read:

#### 400.161 [HAZARDOUS WASTE REGULATIONS.]

The county may by ordinance establish and revise rules, regulations, and standards relating to (a) identification of hazardous waste, (b) the labeling and classification of hazardous waste, (c) the collection, transportation, processing, disposal, and storage of hazardous waste, (d) other matters as may be determined necessary for the public health, welfare and safety. The county may issue permits or licenses for hazardous waste generation and may require the generators be registered with a county office. The ordinance may require appropriate procedures for the payment by the generator of any costs incurred by the county in completing such procedures. If the generator fails to complete such procedures, the county may recover the costs of completion in a civil action in any court of competent

jurisdiction or, in the discretion of the board, the costs may be certified to the county auditor as a special tax against the land as other taxes are collected. The ordinance may be enforced by injunction, action to compel performance, or other action in district court. (ANY ORDINANCE UNDER THIS SECTION SHALL EMBODY STANDARDS AND REQUIREMENTS ESTABLISHED BY RULE OF THE AGENCY.) *County hazardous waste ordinances shall embody and be consistent with agency hazardous waste rules. Counties shall submit adopted ordinances to the agency for review. In the event that agency rules are modified, each county shall modify its ordinances accordingly and shall submit the modification to the agency for review within 120 days. Issuing, denying, modifying, imposing conditions upon, or revoking permits (PURSUANT TO THE PROVISIONS OF THIS SECTION) or licenses and county hazardous waste regulations (PROMULGATED HEREUNDER) and ordinances shall be subject to review, denial, suspension, modification, and reversal by the pollution control agency. The pollution control agency shall after written notification have 15 days in the case of hazardous waste permits and licenses and 30 days in the case of hazardous waste ordinances to review, deny, suspend, modify, or reverse the action of the county. After (15 DAYS) this period, the action of the county board shall be final subject to appeal to the district court as provided in section 115.05.*

Sec. 29. Minnesota Statutes 1980, Section 473.149, Subdivision 2b, is amended to read:

Subd. 2b. [INVENTORY OF SOLID WASTE DISPOSAL SITES.] By (OCTOBER 1, 1981) *February 1, 1982*, the council shall adopt by resolution an inventory of eligible solid waste disposal sites and buffer areas within the metropolitan area. The council's inventory shall be composed of the sites and buffer areas proposed by the counties and reviewed and approved by the council pursuant to section 473.803, subdivision 1a. If a county does not have an approved inventory, the council shall adopt the required inventory for the county, following investigations by the council and public hearings as the council deems appropriate. The council's inventory shall satisfy all requirements and standards described in section 473.803, subdivision 1a, for sites and buffer areas proposed by counties. For sites and buffer areas included in the council's inventory, the moratorium imposed under section 473.803, subdivision 1a, shall extend until October 1, 1983.

Sec. 30. Minnesota Statutes 1980, Section 473.149, Subdivision 2c, is amended to read:

Subd. 2c. [REPORT ON LOCAL EFFECTS OF SOLID WASTE DISPOSAL FACILITIES; REPORT TO LEGISLATURE.] By (JANUARY 1) *August 15, 1982*, the council shall report to the legislative commission on methods of mitigating

and compensating for the local risks, costs, and other adverse effects of solid waste disposal facilities and on methods of financing mitigation and compensation measures. The methods of mitigating and compensating to be considered shall include but not be limited to the following: payment outside of levy limitations in lieu of taxes for all property taken off the tax rolls; preference for the city or town containing a facility in federal A-95 reviews conducted by the council; payment of all costs to service the facilities including the costs of roads, monitoring, inspection, enforcement, police and fire, and litter clean up costs; payment for buffer zone amenities and improvements; city or town control over buffer zone design; elimination of the tipping charge for solid waste collected in the city or town; a guarantee against any and all liability that may occur; payment for reclamation of closed sites to local design specifications.

Sec. 31. Minnesota Statutes 1980, Section 473.149, Subdivision 2e, is amended to read:

Subd. 2e. [SOLID WASTE DISPOSAL FACILITIES DEVELOPMENT SCHEDULE.] By January 1, 1983, after requesting and considering recommendations from the counties, cities, and towns, the council as part of its policy plan shall determine the number of sites to be acquired within each metropolitan county for solid waste disposal facilities in accordance with section 473.833. The council shall adopt a schedule for development of disposal facilities by each such county through the year 2000. The schedule shall be based upon the council's reduced estimate of the disposal capacity needed because of the council's land disposal abatement plan. The schedule may include procedures to be used by counties in selecting sites for acquisition pursuant to section 473.833. The schedule shall include standards and procedures for council certification of need pursuant to section 473.823. The schedule shall include a facility closure schedule and plans for post-closure management and disposition, for the use of property after acquisition and before facility development, and for the disposition of property and development rights, as defined in section 473.833, no longer needed for disposal facilities. *The schedule shall also include a closure schedule and plans for post-closure management for facilities in existence prior to January 1, 1983.*

Sec. 32. Minnesota Statutes 1980, Section 473.149, is amended by adding a subdivision to read:

Subd. 4a. [RIGHT OF ACCESS.] *Whenever the council deems it necessary to the evaluation of a disposal site or buffer area under chapter 473, the council or any member, employee, or agent thereof, when authorized by it, may enter upon any public or private property for the purpose of obtaining information or conducting surveys or investigations if the entrance and activity are undertaken after reasonable notice and during nor-*

*mal business hours. The council shall compensate for any damage to the property caused by the entrance and activity.*

Sec. 33. Minnesota Statutes 1980, Section 473.153, Subdivision 1, is amended to read:

Subdivision 1. [FACILITIES REQUIRED.] Except as provided in subdivision 7 and section 115A.33, all sewage sludge disposal facilities and facilities for the disposal of solid waste generated by the metropolitan waste control commission shall be established and operated in accordance with this section and section 473.516. The council and the commission shall establish (AT LEAST ONE FACILITY FOR SEWAGE SLUDGE DISPOSAL AND AT LEAST ONE FACILITY FOR SOLID WASTE DISPOSAL) *the facilities needed for the disposal of sewage sludge and solid waste generated by the commission. The council and the commission shall establish at least one facility.*

Sec. 34. Minnesota Statutes 1980, Section 473.153, Subdivision 2, is amended to read:

Subd. 2. [CANDIDATE SITE SELECTION.] By (JULY) *November (1) 15, 1981*, the council shall select (THREE) *six* candidate sites for the disposal of the commission's sewage sludge and (THREE CANDIDATE SITES FOR THE DISPOSAL OF THE COMMISSION'S) solid waste, together with appropriate surrounding buffer areas. The council shall evaluate sites for candidacy on the basis of at least the following factors: local land use and land use controls, the protection of agriculture and natural resources, existing and future development patterns, transportation facilities, distance from the points of generation, and the intrinsic suitability of sites compared with other potential sites. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of the council, counties, or local units of government, no land shall be excluded from consideration for candidacy except land determined by the agency to be intrinsically unsuitable. No site shall be selected for candidacy unless the agency certifies its (APPARENT) intrinsic suitability for the use intended, based on preliminary environmental analysis and on-site surveys and investigations conducted by the (AGENCY) *council. The council shall provide to the agency data relating to the intrinsic suitability of the sites to be proposed as candidate sites as soon as available but no later than August 15, 1981. By September 1, 1981, the council shall propose at least six locations as candidate sites and the director of the agency shall issue a notice indicating which of those sites the director recommends be certified as intrinsically suitable. The director shall publish notice of a consolidated hearing on the recommendation. Notice shall be published in the state register and newspapers of general circulation in the metropolitan area and shall be sent by mail to local government units containing a proposed candidate site. The hearing shall be conducted by the state office of administrative hearings in a manner consistent*

*with the completion of the proceedings and the hearing examiner's report to the agency in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the council and additional information on the proposed sites which is relevant to the agency's decision on intrinsic suitability. The contested case procedures of chapter 15 shall not apply to this hearing. The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final determination as to the intrinsic suitability of each proposed site and shall certify them accordingly by November 1, 1981. The agency shall not be required to promulgate rules pursuant to chapter 15 on criteria and standards to govern its certification of intrinsic suitability under this section. No action of the agency shall be held invalid by reason of the agency's failure to notify any of the entities listed in this subdivision. In selecting candidate sites, the council shall prefer land which is capable of being returned to its existing use or the use anticipated in a plan of a metropolitan agency, county, or local unit of government use after closure of a disposal facility.*

Sec. 35. Minnesota Statutes 1980, Section 473.153, Subdivision 6, is amended to read:

Subd. 6. [COUNCIL SITE SELECTION.] Within 90 days following the agency's decision on permit conditions and terms, the council shall select at least one of the candidate sites for acquisition and development by the commission (AS A SEWAGE SLUDGE DISPOSAL FACILITY AND AT LEAST ONE OF THE CANDIDATE SITES FOR ACQUISITION AND DEVELOPMENT BY THE COMMISSION AS A SOLID WASTE DISPOSAL FACILITY.) Before its selection the council shall consult with the advisory committee and affected counties, cities, and towns. *The requirements of sections 473H.02 to 473H.17 shall not apply to the selection and acquisition of the sites.*

Sec. 36. Minnesota Statutes 1980, Section 473.516, Subdivision 4, is amended to read:

Subd. 4. [TECHNICAL MONITORING; SEWAGE SLUDGE DISPOSAL.] Each sewage sludge disposal facility of the waste control commission, or site used for the disposal of sewage sludge of the commission, shall be required to have an agency permit issued pursuant to agency rules for permitting sewage sludge disposal facilities and sites. Each permit shall require a regular monitoring and testing program to be carried out by the waste control commission. A regular inspection program shall be conducted by the agency or a county under contract to the agency. The commission shall reimburse the agency quarterly for the cost of the program, and the amounts reimbursed are hereby appropriated to the agency for the purposes

of the program. *The commission shall attempt to the greatest practical extent to provide a sludge quality that permits desired nutrient loadings and minimizes elements not essential for plant growth when sludge is disposed of on private property as a soil conditioner or amendment. The commission shall provide recipients with information on the facility generating the sludge and the content of the sludge taken from its various treatment facilities.*

Sec. 37. Minnesota Statutes 1980, Section 473.801, is amended by adding a subdivision to read:

*Subd. 4. Unless otherwise provided the definitions of terms defined in section 115A.03 shall apply to sections 473.801 to 473.823.*

Sec. 38. Minnesota Statutes 1980, Section 473.803, Subdivision 1a, is amended to read:

Subd. 1a. [PROPOSED INVENTORY OF DISPOSAL SITES.] By (JUNE) *October (1) 15, 1981*, each county shall adopt, by resolution of its governing body, an inventory of four proposed sites in the county suitable for mixed municipal solid waste disposal facilities and one proposed site in the county suitable for the disposal of demolition debris and shall submit the inventory to the council for approval or disapproval. The council shall evaluate and approve or disapprove each proposed site in accordance with the standards set out in this subdivision. Except as otherwise provided in this subdivision, each site shall satisfy the standards and criteria in federal and state regulations and the council's policy plan for solid waste management. In proposing and approving sites for the inventory, the counties and the council shall prefer land which is capable of being returned to its existing use or the use anticipated in a plan of a metropolitan agency, county, or local unit of government use after closure of a disposal facility. Each site shall contain no less than 80 acres and no more than 250 acres. Each proposed site shall be surrounded by a buffer area at least equal to the area of the site. No site shall be (PROPOSED BY THE COUNTY OR APPROVED) *adopted by a county or the council as part of an inventory unless the agency certifies its intrinsic suitability for the use intended, based on preliminary environmental analysis and on site surveys and investigations conducted by the county (OR AGENCY). Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of any state agency or political subdivision, no land shall be excluded from consideration for inclusion in the inventory except land determined by the agency to be intrinsically unsuitable. Each county shall provide to the agency data relating to the intrinsic suitability of the sites to be proposed for the inventory as soon as available but no later than June 15, 1981. By July 1, 1981 each county shall propose at least the number of sites re-*



quired for the inventory, and the director of the agency shall issue a notice indicating which of those sites the director recommends be certified as intrinsically suitable. Notice of hearings on the director's recommendation shall be published in the state register and newspapers of general circulation in the metropolitan area and shall be sent by mail to the metropolitan council and local government units containing a proposed inventory site. A hearing shall be held in each metropolitan county and shall be conducted by the state office of administrative hearings in a manner consistent with the completion of the proceedings and the hearing examiner's report to the agency in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the county and additional information on the proposed sites which is relevant to the agency's decision on intrinsic suitability. The contested case procedures of chapter 15 shall not apply to this hearing. The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final determination as to the intrinsic suitability of each proposed site and shall certify them accordingly by October 1, 1981. The agency shall not be required to promulgate rules pursuant to chapter 15 on criteria and standards to govern its certification of intrinsic suitability under this section. No action of the agency shall be held invalid by reason of the agency's failure to notify any of the entities listed in this subdivision. The council shall evaluate each site with respect to local land use and land use controls, the protection of agriculture and natural resources, existing and future development patterns, transportation facilities and other services and facilities appropriate to land disposal facilities, the quality of other potential sites, and patterns of generation of solid waste. The council shall notify a county of any site proposed by the county which the council disapproves and shall allow the county 60 days to propose an alternative site. If the county fails to propose an alternative acceptable to the council in the time allowed, the council shall propose a site acceptable to it for inclusion in the inventory of sites in that county. If in the council's judgment a county does not contain the requisite number of satisfactory sites, the council may reduce the number of sites required of that county. A moratorium is hereby imposed on development within the area of each site and buffer area proposed by a county, pending the council's adoption of an inventory pursuant to section 473.149, subdivision 2b. For sites and buffer areas included in the council's inventory, the moratorium shall extend until October 1, 1983. No development shall be allowed to occur within the area of a site or buffer area during the period of the moratorium. No county, city, or town land use control shall permit such development, nor shall any county, city, or town sanction or approve any subdivision, permit, license, or other authorization which would allow such development to occur.

Sec. 39. Minnesota Statutes 1980, Section 473.811, Subdivision 2, is amended to read:

Subd. 2. [COUNTY FINANCING OF FACILITIES.] Each metropolitan county may by resolution authorize the issuance of bonds to provide funds for the acquisition or betterment of solid waste facilities or property or property rights for a solid waste facility, or for refunding any outstanding bonds issued for any such purpose, and may pledge to the payment of the bonds and the interest thereon, its full faith, credit and taxing powers, or the proceeds of any designated tax levies, or the gross or net revenues or charges to be derived from any facility operated by or for the county, or any combination thereof. Taxes levied for the payment of the bonds and interest shall not reduce the amounts of other taxes which the county is authorized by law to levy. *The proceeds of the bonds may be used in part to establish a reserve as further security for the payment of the principal and interest of the bonds when due. Revenue bonds issued pursuant to this section may be sold at public or private sale upon such conditions as the county board shall determine, but any bonds to which the full faith and credit and taxing powers of the county are pledged shall be sold in accordance with the provisions of chapter 475.* No election shall be required to authorize the issuance of the bonds. Except as otherwise provided, the bonds shall be issued and sold in accordance with the provisions of chapter 475.

Sec. 40. Minnesota Statutes 1980, Section 473.811, is amended by adding a subdivision to read:

Subd. 2a. [COUNTY SOLID WASTE INDUSTRIAL DEVELOPMENT REVENUE BONDS.] *A metropolitan county may issue revenue bonds to finance solid waste and related facilities projects located inside or outside the boundaries of cities or towns described in section 368.01 under and pursuant to the provisions of chapter 474.*

Sec. 41. Minnesota Statutes 1980, Section 473.811, Subdivision 3, is amended to read:

Subd. 3. [COUNTY OPERATION OF FACILITIES.] Each metropolitan county may operate and maintain solid waste facilities, and for this purpose may employ all necessary personnel, may adopt regulations governing operation, and may establish and collect reasonable, non-discriminatory rates and charges for the use of the facilities by any local government unit or person, estimated to be sufficient, with any other moneys appropriated for the purpose, to pay all costs of acquisition, operation and maintenance. Each metropolitan county may use itself or sell all or any part of materials or energy recovered from solid waste to private interests or public agencies for consumption or reuse by them. Section 471.345 and Laws 1951,

Chapter 556, as amended shall not apply to the sale of the materials or energy (PROVIDED THAT THE DEALINGS OF EACH COUNTY SHALL BE ON A COMPETITIVE BASIS SO AS NOT TO CREATE AN UNFAIR OR UNREASONABLE ADVANTAGE OR RESTRAINT OF TRADE ON THE PART OF THE COUNTY).

Sec. 42. Minnesota Statutes 1980, Section 473.811, Subdivision 4, is amended to read:

Subd. 4. [COUNTY CONTRACTS.] Each metropolitan county may contract for the *acquisition or use of existing public or private solid waste facilities or any facilities deemed necessary or useful for resource recovery from solid waste* and may contract with any person for the operation (AND) or maintenance, or both, of any solid waste facility owned by the county. The contract shall provide for the operation (AND) or maintenance, or both, of the facility in accordance with any regulations, criteria, and standards of the agency, the metropolitan council and the county relating thereto. *Any contract for the operation or maintenance of a solid waste facility may provide for the sale of solid waste, materials, electric energy, steam or other product to the operator or for a fee payable to the operator, which may be a fixed fee, or a fee based on tonnage or a percentage of income or other measure, or any combination thereof. A metropolitan county may warrant to the operator of a solid waste facility or contract purchaser of any solid waste, materials, electric energy, steam or other product the quality, composition and available quantity of the solid waste, materials, electric energy, steam or other product to be sold or delivered.*

Sec. 43. Minnesota Statutes 1980, Section 473.811, is amended by adding a subdivision to read:

Subd. 4b. [CONTRACTS; NEGOTIATION.] *Notwithstanding any other law, a metropolitan county may contract for the acquisition, construction, improvement, maintenance or operation of solid waste facilities or property or property rights for solid waste facilities by any means available and in the manner determined by the county board, with or without advertisement for bids. A metropolitan county may select and employ a construction manager for construction and acquisition of solid waste facilities or property or property rights for solid waste facilities and negotiate and enter into a construction management agreement, which may but need not include a guaranteed maximum price. A construction manager shall give a bond to the county in accordance with section 574.26 if a construction management agreement provides for a guaranteed maximum price, provided that the amount of any bond furnished by any contractor or subcontractor for performance of and payment of labor and materials under a contract or subcontract for solid waste facilities or property or property rights for solid waste facilities included in the guaranteed maximum price may be substituted*

*to the extent of the bond amount for the bond of the construction manager. A construction management agreement for acquisition and construction of solid waste facilities or property or property rights for solid waste facilities may be combined with a contract for maintenance or operation, or both, of the facilities and negotiated with the same person.*

Sec. 44. Minnesota Statutes 1980, Section 473.811, Subdivision 5b, is amended to read:

Subd. 5b. [ORDINANCES; HAZARDOUS WASTE MANAGEMENT.] Each metropolitan county shall by ordinance establish and revise rules, regulations, and standards relating to (a) the identification of hazardous waste, (b) the labeling and classification of hazardous waste, (c) the collection, storage, transportation, processing, and disposal of hazardous waste, and (d) other matters necessary for the public health, welfare and safety. The county shall require permits or licenses for the generation, collection, processing, and disposal of hazardous waste and shall require registration with a county office. *County hazardous waste ordinances shall embody and be consistent with agency hazardous waste rules. Counties shall submit adopted ordinances to the agency for review. In the event that agency rules are modified, each county shall modify its ordinances accordingly and shall submit the modification to the agency for review within 120 days.* Issuing, denying, suspending, modifying, imposing conditions upon, or revoking hazardous waste permits or licenses, and county hazardous waste regulations and ordinances, shall be subject to review, denial, suspension, modification, and reversal by the agency. The agency shall after written notification have 15 days *in the case of hazardous waste permits and licenses and 30 days in the case of hazardous waste ordinances* to review, suspend, modify, or reverse the action of the county. After this period, the action of the county board shall be final subject to appeal to the district court in the manner provided in Chapter 15.

Sec. 45. Minnesota Statutes 1980, Section 473.811, Subdivision 8, is amended to read:

Subd. 8. [COUNTY SALE OR LEASE.] Each metropolitan county may sell or lease any facilities or property or property rights previously used or acquired to accomplish the purposes specified by sections 473.149, 473.151, and 473.801 to 473.823 and sections 473.827, 473.831, 473.833, and 473.834. Such property may be sold in the manner provided by section 458.196, *or may be sold in such other manner and on such terms and conditions as the county board shall determine.* Each metropolitan county may convey to or permit the use of any such property by a local government unit, with or without compensation, without submitting the matter to the voters of the county. No real property or property rights acquired pursuant to this section, may be disposed of in any manner unless and until the county

shall have submitted to the agency and the metropolitan council for review and comment the terms on and the use for which the property will be disposed of. The agency and the council shall review and comment on the proposed disposition within 60 days after each has received the data relating thereto from the county.

Sec. 46. Minnesota Statutes 1980, Section 473.831, Subdivision 1, is amended to read:

Subdivision 1. [GENERAL OBLIGATION BONDS.] (FOLLOWING THE ADOPTION OF THE REVISIONS TO ITS POLICY PLAN REQUIRED BY SECTION 473.149, SUBDIVISION 2C,) The council may by resolution authorize the issuance of general obligation bonds of the council to provide funds for the acquisition of sites and surrounding buffer areas for development as solid waste disposal facilities pursuant to this section and section 473.833 and to provide funds for refunding obligations issued under this section. The bonds shall be sold, issued, and secured in the manner provided in Chapter 475 for general obligation bonds, and the council shall have the same power and duties as a municipality and its governing body in issuing bonds under chapter 475, except as otherwise provided in this chapter. No election shall be required, and the net debt limitations in chapter 475 shall not apply. *The council shall have the power to levy ad valorem taxes for debt service of the council's solid waste bonds upon all taxable property within the metropolitan area, without limitation of rate or amount and without affecting the amount or rate of taxes which may be levied by the council for other purposes or by any local government unit in the area. Each of the county auditors shall annually assess and extend upon the tax rolls in his county the portion of the taxes levied by the council in each year which is certified to him by the council.* The principal amount of bonds issued pursuant to this section shall not exceed \$15,000,000.

Sec. 47. Minnesota Statutes 1980, Section 473.833, Subdivision 2, is amended to read:

Subd. 2. [REQUIREMENT.] Each metropolitan county shall select and acquire sites and buffer areas for solid waste disposal facilities in accordance with this section and the council's policy plan and development schedule adopted pursuant to section 473.149, subdivision 2e. *The requirements of sections 473H.02 to 473H.17 shall not apply to the selection and acquisition of the sites.*

Sec. 48. Minnesota Statutes 1980, Section 473.833, is amended by adding a subdivision to read:

Subd. 2a. [ENVIRONMENTAL ANALYSIS.] *By January 1, 1983, each metropolitan county shall complete an analysis comparing the environmental effects of solid waste disposal fa-*

*cilities at the sites in the county which are included in the metropolitan inventory of solid waste disposal sites adopted by the metropolitan council pursuant to section 473.149, subdivision 2b. The analysis shall be in detail sufficient, in the judgment of the county board, to inform adequately the county site selection authority established under subdivision 3 of the environmental effects of facilities at sites within the county and to assure that facilities at the sites can reasonably be expected to qualify for permits in accordance with the rules of the agency.*

Sec. 49. Minnesota Statutes 1980, Section 473.834, Subdivision 2, is amended to read:

Subd. 2. [ALLOCATION OF DEBT SERVICE.] The annual debt service on the council's solid waste bonds, issued under section 473.831, shall be annually apportioned and certified by the council to each (CITY AND TOWN) county in the metropolitan area, in the proportion that the assessed value of all taxable property within (SUCH CITY OR TOWN) each county bears to the assessed value of the taxable property in all (SUCH CITIES AND TOWNS, AS LAST FINALLY EQUALIZED BEFORE OCTOBER 1 IN THE YEAR IN WHICH THE ALLOCATION IS MADE) the counties, except that the apportionment to each county shall first be adjusted to reflect exemptions from payment required by subdivision 1 and reductions in payment required by subdivision 3.

Sec. 50. [APPROPRIATIONS.]

Subdivision 1. The appropriation of \$1,200,000 made available for certain purposes before June 30, 1981, by Laws 1980, Chapter 564, Article XII, Section 1, Subdivision 3, Clause (b), is available for expenditure for those purposes until expended.

Subd. 2. The appropriation made in Laws 1980, Chapter 564, Article XII, Section 1, Subdivision 4, Clause (b), is available until expended.

Subd. 3. The two positions in the unclassified service created in Laws 1980, Chapter 564, Article XII, Section 1, Subdivision 6, shall not cancel when the appropriation is expended. The continuation of the positions is dependent upon the availability of money in the general services revolving fund, resource recovery account established in section 115A.15, subdivision 6.

Sec. 51. [REPEALER.]

Minnesota Statutes 1980, Section 473.834, Subdivisions 4 and 5, are repealed.

Sec. 52. [EFFECTIVE DATE; APPLICATION.]

*This act is effective the day following final enactment. Sections 29 to 50 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."*

Delete the title and insert:

"A bill for an act relating to the environment; clarifying terms, procedures, powers, and duties in the waste management act and for counties and metropolitan waste management; extending time limits for site selections and reports; providing that certain appropriations shall remain available until expended; amending Minnesota Statutes 1980, Sections 115A.03, Subdivisions 15 and 29; 115A.05, Subdivision 3; 115A.06, Subdivision 4, and by adding a subdivision; 115A.08, Subdivisions 4, 5 and 6; 115A.09; 115A.11, Subdivision 1; 115A.19; 115A.20; 115A.21, Subdivisions 1 and 2; 115A.22, Subdivisions 3 and 4; 115A.23; 115A.24; 115A.26; 115A.28, Subdivision 2; 115A.33; 115A.34; 115A.37, Subdivision 2; 115A.54, Subdivision 3; 116.07, Subdivisions 2 and 4; 116.41, Subdivision 2; 400.161; 473.149, Subdivisions 2b, 2c, 2e, and by adding a subdivision; 473.153, Subdivisions 1, 2 and 6; 473.516, Subdivision 4; 473.801, by adding a subdivision; 473.803, Subdivision 1a; 473.811, Subdivisions 2, 3, 4, 5b, 8, and by adding subdivisions; 473.831, Subdivision 1; 473.833, Subdivision 2, and by adding a subdivision; and 473.834, Subdivision 2; repealing Minnesota Statutes 1980, Section 473.834, Subdivisions 4 and 5."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1142, A bill for an act relating to the city of Echo; authorizing the issuance of bonds for the acquisition and betterment of a city hall, community center, and municipal meeting room.

Reported the same back with the following amendments:

Page 1, line 11, delete "*city hall,*"

Page 1, line 12, delete "*, and municipal meeting room*" and insert "*as authorized by the electors of the city at the election held on March 4, 1980*"

Page 1, line 14, delete "*no election shall be required*"

Page 1, delete line 15

Pages 1 and 2, delete section 2

Renumber the section

Amend the title as follows:

Page 1, line 3, delete "city"

Page 1, line 4, delete "hall," and ", and municipal meeting room"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1166, A bill for an act relating to metropolitan government; providing for membership on the metropolitan sports facilities commission; amending Minnesota Statutes 1980, Section 473.553, Subdivisions 2 and 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 473.553, is amended to read:

473.553 [COMMISSION; MEMBERSHIP; ADMINISTRATION.]

Subdivision 1. [GENERAL.] The metropolitan sports facilities commission is established and shall be organized, structured, and administered as provided in this section and section 473.141, subdivisions 6 to 11, 13, and 14.

Subd. 2. [MEMBERSHIP.] The commission shall consist of (SIX) *eight* members (,) appointed (BY THE GOVERNOR DURING THE PERIOD BEFORE SUBSTANTIAL COMPLETION OF CONSTRUCTION OF SPORTS FACILITIES PURSUANT TO SECTIONS 473.551 TO 473.595 AND THEREAFTER) as (HEREINAFTER) provided *in this subdivision*, plus a chairman appointed as provided in subdivision 3. *Six members shall be appointed by the governor. Initial appointments of these members shall be made within 30 days of May 17, 1977. One member shall be appointed by the governor from each of the following combinations of metropolitan commission precincts defined in section 473.141, subdivision 2: A and B; C and G; D and E; F and H. Two members shall be appointed by the governor from outside the metropolitan area. (UPON SUBSTANTIAL COMPLETION OF CONSTRUCTION OF THE SPORTS FACILITY, VACANCIES OCCURRING ON THE COMMIS-*



SION, WHETHER AT THE COMPLETION OF OR PRIOR TO THE COMPLETION OF A MEMBER'S TERM, SHALL BE FILLED BY THE CITY COUNCIL OF THE CITY IN WHICH THE STADIUM IS LOCATED) *Commencing on April 1, 1982, two members shall be appointed by the city council of the city in which the stadium is located.*

Subd. 3. [CHAIRMAN.] The chairman shall be appointed by the governor as the (SEVENTH) *ninth* voting member and shall meet all of the qualifications of a member, except the chairman need only reside outside the metropolitan area. The chairman shall preside at all meetings of the commission, if present, and shall perform all other duties and functions assigned to him by the commission or by law. The commission may appoint from among its members a vice-chairman to act for the chairman during his temporary absence or disability.

Subd. 4. [QUALIFICATIONS.] Each member (APPOINTED PRIOR TO SUBSTANTIAL COMPLETION OF CONSTRUCTION OF A SPORTS FACILITY CONSTRUCTED PURSUANT TO SECTIONS 473.551 TO 473.595) shall be a resident of the precincts or area of the state for which he is appointed (. A MEMBER APPOINTED AT ANY TIME) and shall not during his term of office hold the office of metropolitan council member or be a member of another metropolitan commission or hold any judicial office or office of state government. *Only one of the members appointed by the city may be an elected public official.* Each member shall qualify by taking and subscribing the oath of office prescribed by the Minnesota Constitution, Article V, Section 6. The oath, duly certified by the official administering it, shall be filed with the chairman of the metropolitan council.

Subd. 5. [TERMS.] The terms of the members representing precincts A and B and C and G and the term of one of the members from outside the metropolitan area shall end the first Monday in January, 1981. The terms of the (OTHER) members representing precincts D and E and F and H, the term of the other member from outside the metropolitan area, and the term of the chairman shall end the first Monday in January, 1983. *The terms of the members appointed by the city council shall end the first Monday in January, 1985.* After the initial term provided for in this subdivision, the term of each member and the chairman shall be four years. The terms shall continue until a successor is appointed and qualified. Members and the chairman may be removed in the manner specified in chapter 351.

## Sec. 2. [APPLICATION.]

*This act is effective in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington."*

Amend the title as follows:

Page 1, line 5, delete “, Subdivisions 2 and 4”

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 1223, A bill for an act relating to retirement; providing for an exemption from membership therein for city managers; proposing new law coded in Minnesota Statutes, Chapter 353.

Reported the same back with the following amendments:

Page 1, line 20, delete “, *by written*”

Page 1, delete line 21

Page 1, line 22, delete “*with the board,*”

Page 1, line 23, after “*association.*” insert “*The election of exclusion shall be made within 30 days following the commencement of employment or within 30 days following the effective date of this act, whichever occurs later, in writing on a form prescribed by the executive director and shall be approved by a resolution of the governing body of the city. The election of exclusion shall not be effective until it is filed with the executive director.*”

Page 1, line 25, delete “*board*” and insert “*executive director*”

Page 1, line 25, after “*specified.*” insert “*The election to be excluded from membership shall include a provision agreeing that the person will not at any time in the future seek any authorization to purchase service credit for any period of excluded service and shall be irrevocable.*”

Page 2, line 1, delete “*When*” and insert “*If*”

Page 2, line 2, after “*election*” insert “*of exclusion*” and after “*made*” insert “, and if the city manager and the governing body of the city agree in writing that the additional compensation is to be deferred and shall be contributed on behalf of the city manager to a deferred compensation program which meets the requirements of section 457 of the federal Internal Revenue Code of 1954, as amended through December 31, 1980,”

Page 2, line 7, after "*association*" delete the balance of the line and insert a period

Page 2, delete lines 8 to 10

Page 2, line 13, after "*or*" insert "*, if otherwise qualified,*"

Page 2, line 18, delete "*city manager is*" and insert "*election shall be*"

Page 2, line 19, after "*have*" insert "*been*" and delete "*the election*"

Page 2, after line 20, insert:

"Sec. 2. Minnesota Statutes 1980, Section 290.01, Subdivision 20, is amended to read:

Subd. 20. [GROSS INCOME.] Except as otherwise provided in this chapter, the term "gross income," as applied to corporations includes every kind of compensation for labor or personal services of every kind from any private or public employment, office, position or services; income derived from the ownership or use of property; gains or profits derived from every kind of disposition of, or every kind of dealing in, property; income derived from the transaction of any trade or business; and income derived from any source; except that gross income shall not include "exempt function income" of a "home-owners association" as those terms are defined in Section 528 of the Internal Revenue Code of 1954, as amended through December 31, 1979.

The term "gross income" in its application to individuals, estates, and trusts shall mean the adjusted gross income as computed for federal income tax purposes as defined in the Internal Revenue Code of 1954, as amended through the date specified herein for the applicable taxable year, with the modifications specified in this section.

(i) The Internal Revenue Code of 1954, as amended through December 31, 1974, shall be in effect for the taxable years beginning after December 31, 1974.

(ii) The Internal Revenue Code of 1954, as amended through December 31, 1976, including the amendments made to section 280A (relating to licensed day care centers) in H.R. 3477 as it passed the Congress on May 16, 1977, shall be in effect for the taxable years beginning after December 31, 1976. The provisions of the Tax Reform Act of 1976, P.L. 94-455, which affect adjusted gross income shall become effective for purposes of this chapter at the same time they become effective for federal

income tax purposes. Section 207 (relating to extension of period for nonrecognition of gain on sale or exchange of residence) and section 402 (relating to time for making contributions to pension plans of self employed people) of P.L. 94-12 shall be effective for taxable years beginning after December 31, 1974.

The provisions of section 4 of P.L. 95-458, and sections 131, 133, 134, 141, 152, 156, 157, and 405 of P.L. 95-600 (relating to pensions, individual retirement accounts, deferred compensation plans, and to the sale of a residence) shall be effective at the same time that these provisions became effective for federal income tax purposes.

(iii) The Internal Revenue Code of 1954, as amended through December 31, 1979, shall be in effect for taxable years beginning after December 31, 1979.

For taxable years beginning after December 31, 1980 and before January 1, 1983, the provisions of section 404 (relating to partial exclusions of dividends and interest received by individuals) of the Crude Oil Windfall Profit Tax Act of 1980, P.L. 96-223, shall apply.

References to the Internal Revenue Code of 1954 in clauses (a), (b) and (c) following shall mean the code in effect for the purpose of defining gross income for the applicable taxable year.

(a) Modifications increasing federal adjusted gross income. There shall be added to federal adjusted gross income:

(1) Interest income on obligations of any state other than Minnesota or a political subdivision of any other state exempt from federal income taxes under the Internal Revenue Code of 1954;

(2) Interest income on obligations of any authority, commission, or instrumentality of the United States, which the laws of the United States exempt from federal income tax, but not from state income taxes;

(3) Income taxes imposed by this state or any other taxing jurisdiction, to the extent deductible in determining federal adjusted gross income and not credited against federal income tax;

(4) Interest on indebtedness incurred or continued to purchase or carry securities the income from which is exempt from tax under this chapter, to the extent deductible in determining federal adjusted gross income;

(5) Amounts received as reimbursement for an expense of sickness or injury which was deducted in a prior taxable year to the extent that the deduction for the reimbursed expenditure resulted in a tax benefit;

(6) The amount of any federal income tax overpayment for any previous taxable year, received as refund or credited to another taxable year's income tax liability, proportionate to the percentage of federal income tax that was claimed as a deduction in determining Minnesota income tax for the previous taxable year.

The overpayment refund or credit, determined with respect to a husband and wife on a joint federal income tax return for a previous taxable year, shall be reported on joint or separate Minnesota income tax returns. In the case of separate Minnesota returns, the overpayment shall be reported by each spouse proportionately according to the relative amounts of federal income tax claimed as a deduction on his or her separate Minnesota income tax return for such previous taxable year;

(7) In the case of a change of residence from Minnesota to another state or nation, the amount of moving expenses which exceed total reimbursements and which were therefore deducted in arriving at federal adjusted gross income;

(8) In the case of property disposed of on or after January 1, 1973, the amount of any increase in the taxpayer's federal tax liability under section 47 of the Internal Revenue Code of 1954 to the extent of the credit under section 38 of the Internal Revenue Code of 1954 that was previously allowed as a deduction either under section 290.01, subdivision 20 (b) (7) or under section 290.09, subdivision 24;

(9) Expenses and losses arising from a farm which are not allowable under section 290.09, subdivision 29;

(10) Expenses and depreciation attributable to substandard buildings disallowed by section 290.101;

(11) The amount by which the gain determined pursuant to section 41.59, subdivision 2 exceeds the amount of such gain included in federal adjusted gross income;

(12) To the extent deducted in computing the taxpayer's federal adjusted gross income for the taxable year, losses recognized upon a transfer of property to the spouse or former spouse of the taxpayer in exchange for the release of the spouse's marital rights;

(13) Interest income from qualified scholarship funding bonds as defined in section 103(e) of the Internal Revenue Code

of 1954, if the nonprofit corporation is domiciled outside of Minnesota;

(14) Exempt-interest dividends, as defined in section 852(b)(5)(A) of the Internal Revenue Code of 1954, not included in federal adjusted gross income pursuant to section 852(b)(5)(B) of the Internal Revenue Code of 1954, except for that portion of exempt-interest dividends derived from interest income on obligations of the state of Minnesota, any of its political or governmental subdivisions, any of its municipalities, or any of its governmental agencies or instrumentalities;

(15) The amount of any excluded gain recognized by a trust on the sale or exchange of property as defined in section 641(c)(1) of the Internal Revenue Code of 1954;

(16) An amount equal to one-sixth of any gain from the sale or other disposition of property deducted under sections 1202(a) and 1202(c)(1) of the Internal Revenue Code of 1954;

(17) To the extent not included in the taxpayer's federal adjusted gross income, the amount of any gain, from the sale or other disposition of property having a lower adjusted basis for Minnesota income tax purposes than for federal income tax purposes. This modification shall not exceed the difference in basis. If the gain is considered a long term capital gain for federal income tax purposes, the modification shall be limited to 50 percent of the portion of the gain. This modification is limited to property that qualified for the energy credit contained in section 290.06, subdivision 14, and to property acquired in exchange for the release of the taxpayer's marital rights contained in section 290.14, clause (9);

(18) The amount of any loss from a source outside of Minnesota which is not allowed under section 290.17 including any capital loss or net operating loss carryforwards or carrybacks resulting from the loss; (AND)

(19) The amount of a distribution from an individual housing account which is to be included in gross income as required under clause (c) of section 290.09, subdivision 30 (.); and

*(20) To the extent excluded from federal adjusted gross income, in the case of a city manager or city administrator who elects to be excluded from the public employees retirement association and who makes contributions to a deferred compensation program pursuant to section 1, the amount of contributions made by the city manager or administrator which is equal to the amount which would have been the city manager's or administrator's employee contribution pursuant to section 353.27, subdivision 2, if he were a member of the public employees retirement association.*

(b) Modifications reducing federal adjusted gross income. There shall be subtracted from federal adjusted gross income:

(1) Interest income on obligations of any authority, commission or instrumentality of the United States to the extent includible in gross income for federal income tax purposes but exempt from state income tax under the laws of the United States;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis for Minnesota income tax purposes than for federal income tax purposes, that does not exceed such difference in basis; but if such gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to 50 per centum of the portion of the gain. This modification shall not be applicable if the difference in basis is due to disallowance of depreciation pursuant to section 290.101.

(3) Interest or dividend income on securities to the extent exempt from income tax under the laws of this state authorizing the issuance of the securities but includible in gross income for federal income tax purposes;

(4) Losses, not otherwise reducing federal adjusted gross income assignable to Minnesota, arising from events or transactions which are assignable to Minnesota under the provisions of sections 290.17 to 290.20, including any capital loss or net operating loss carryforwards or carrybacks resulting from the losses;

(5) If included in federal adjusted gross income, the amount of any credit received, whether received as a refund or credit to another taxable year's income tax liability, pursuant to chapter 290A, and the amount of any overpayment of income tax to Minnesota, or any other state, for any previous taxable year, whether the amount is received as a refund or credited to another taxable year's income tax liability;

(6) To the extent included in federal adjusted gross income, or the amount reflected as the ordinary income portion of a lump sum distribution under section 402(e) of the Internal Revenue Code of 1954, notwithstanding any other law to the contrary, the amount received by any person (i) from the United States, its agencies or instrumentalities, the Federal Reserve Bank or from the state of Minnesota or any of its political or governmental subdivisions or from any other state or its political or governmental subdivisions, or a Minnesota volunteer firefighter's relief association, by way of payment as a pension, public employee retirement benefit, or any combination thereof, or (ii) as a retirement or survivor's benefit made from a plan qualifying under section 401, 403, 404, 405, 408, 409 or 409A

of the Internal Revenue Code of 1954. The maximum amount of this subtraction shall be \$11,000 less the amount by which the individual's federal adjusted gross income, plus the ordinary income portion of a lump sum distribution as defined in section 402(e) of the Internal Revenue Code of 1954, exceeds \$17,000. In the case of a volunteer firefighter who receives an involuntary lump sum distribution of his pension or retirement benefits, the maximum amount of this subtraction shall be \$11,000; this subtraction shall not be reduced by the amount of the individual's federal adjusted gross income in excess of \$17,000;

(7) In the case of property acquired on or after January 1, 1973, the amount of any credit to the taxpayer's federal tax liability under section 38 of the Internal Revenue Code of 1954 but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(8) To the extent included in the taxpayer's federal adjusted gross income for the taxable year, gain recognized upon a transfer of property to the spouse or former spouse of the taxpayer in exchange for the release of the spouse's marital rights;

(9) The amount of any distribution from a qualified pension or profit sharing plan included in federal adjusted gross income in the year of receipt to the extent of any contribution not previously allowed as a deduction by reason of a change in federal law which was not adopted by Minnesota law for a taxable year beginning in 1974 or later;

(10) Interest, including payment adjustment to the extent that it is applied to interest, earned by the seller of the property on a family farm security loan executed before January 1, 1982 that is guaranteed by the commissioner of agriculture as provided in sections 41.51 to 41.60;

(11) The first \$3,000 of compensation for personal services in the armed forces of the United States or the United Nations, and the next \$2,000 of compensation for personal services in the armed forces of the United States or the United Nations wholly performed outside the state of Minnesota. This modification does not apply to compensation defined in clause (b) (6);

(12) The amount of any income earned for personal services rendered outside of Minnesota prior to the date when the taxpayer became a resident of Minnesota. This modification does not apply to compensation defined in clause (b) (6);

(13) In the case of wages or salaries paid or incurred on or after January 1, 1977, the amount of any credit for employment of certain new employees under sections 44B and 51 to 53 of the Internal Revenue Code of 1954 which is claimed as a



credit against the taxpayer's federal tax liability, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(14) In the case of work incentive program expenses paid or incurred on or after January 1, 1979, the amount of any credit for expenses of work incentive programs under sections 40, 50A and 50B of the Internal Revenue Code of 1954 which is claimed as a credit against the taxpayer's federal tax liability, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(15) Unemployment compensation to the extent includible in gross income for federal income tax purposes under section 85 of the Internal Revenue Code of 1954;

(16) To the extent included in federal adjusted gross income, severance pay that may be treated as a lump sum distribution under the provisions of section 290.032, subdivision 5;

(17) The amount of any income or gain which is not assignable to Minnesota under the provisions of section 290.17; and

(18) Minnesota exempt-interest dividends as provided by subdivision 27.

(c) Modifications affecting shareholders of electing small business corporations under section 1372 of the Internal Revenue Code of 1954, or section 290.972 of this chapter.

(1) Shareholders in a small business corporation, which has elected to be so taxed under the Internal Revenue Code of 1954, but has not made an election under section 290.972 of this chapter, shall deduct from federal adjusted gross income the amount of any imputed income from the corporation and shall add to federal adjusted gross income the amount of any loss claimed as a result of stock ownership. Also there shall be added to federal adjusted gross income the amount of any distributions in cash or property made by said corporation to its shareholders during the taxable year.

(2) In cases where the small business corporation has made an election under section 1372 of the Internal Revenue Code of 1954, but has not elected under section 290.972 of this chapter and the corporation is liquidated or the individual shareholder disposes of the stock and there is no capital loss reflected in federal adjusted gross income because of the fact that corporate losses have exhausted the shareholders basis for federal purposes, the shareholders shall be entitled, nevertheless, to a capital loss commensurate to their Minnesota basis for the stock.

(3) In cases where the election under section 1372 of the Internal Revenue Code of 1954 antedates the election under section 290.972 of this chapter and at the close of the taxable year immediately preceding the effective election under section 290.972 the corporation has a reserve of undistributed taxable income previously taxed to shareholders under the provisions of the Internal Revenue Code of 1954, in the event and to the extent that the reserve is distributed to shareholders the distribution shall be taxed as a dividend for purposes of this act.

Items of gross income includible within these definitions shall be deemed such regardless of the form in which received. Items of gross income shall be included in gross income of the taxable year in which received by a taxpayer unless properly to be accounted for as of a different taxable year under methods of accounting permitted by section 290.07, except that (1) amounts transferred from a reserve or other account, if in effect transfers to surplus, shall, to the extent that the amounts were accumulated through deductions from gross income or entered into the computation of taxable net income during any taxable year, be treated as gross income for the year in which the transfer occurs, but only to the extent that the amounts resulted in a reduction of the tax imposed by this act, and (2) amounts received as refunds on account of taxes deducted from gross income during any taxable year shall be treated as gross income for the year in which actually received, but only to the extent that such amounts resulted in a reduction of the tax imposed by this act.

(d) Modification in computing taxable income of the estate of a decedent. Amounts allowable under section 291.07, subdivision 1, clause (2) in computing Minnesota inheritance or estate tax liability shall not be allowed as a deduction in computing the taxable income of the estate unless there is filed within the time and in the manner and form prescribed by the commissioner a statement that the amounts have not been allowed as a deduction under section 291.07 and a waiver of the right to have the amounts allowed at any time as deductions under section 291.07. The provisions of this paragraph shall not apply with respect to deductions allowed under section 290.077 (relating to income in respect of decedents). In the event that the election made for federal tax purposes under section 642(g) of the Internal Revenue Code of 1954 differs from the election made under this paragraph appropriate modification of the estate's federal taxable income shall be made to implement the election made under this paragraph in accordance with regulations prescribed by the commissioner."

Renumber the remaining section.

Amend the title as follows:

Page 1, line 3, after "managers;" insert "modifying the income taxation of deferred compensation contributions by certain

city managers; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20;”

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1294, A bill for an act relating to the city of Granite Falls; authorizing the establishment of a community development program and providing powers for it.

Reported the same back with the following amendments:

Page 6, after line 14, insert:

“Sec. 4. [EFFECTIVE DATE.]

*This act is effective the day after compliance by the governing body of the city of Granite Falls with the provisions of Minnesota Statutes, Section 645.021, Subdivision 3.”*

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

S. F. No. 400, A bill for an act relating to peace officers; changing the designation of part-time officers and reserve officers; removing the hours of work limitation for certain part-time peace officers; permitting reserve peace officers to carry firearms in emergencies; providing for two members to the peace officers standards and training board from among elected city officials; authorizing the board to provide for training for certain part-time peace officers; authorizing the board to obtain criminal history data; amending Minnesota Statutes 1980, Sections 214.10, Subdivision 7; 626.84; 626.841; 626.843, Subdivision 1; 626.845, Subdivision 1; 626.846, Subdivisions 1 and 2; 626.8461; 626.8462; 626.8463; 626.8464; 626.8465, Subdivisions 1 and 2; 626.851, Subdivision 1; and 626.852.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 626.84, is amended to read:

626.84 [DEFINITIONS AND SCOPE.]

Subdivision 1. [DEFINITIONS.] For the purposes of sections 626.84 to 626.855, the following terms shall have the meanings given them:

(a) "Board" means the Minnesota board of peace officer standards and training;

(b) "Director" means the executive director of the board;

(c) "Peace officer" means an employee of a political subdivision or state law enforcement agency who is licensed by the board, charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota highway patrol and state conservation officers.

(d) "Constable" shall have the meaning assigned to it in section 367.40.

(e) "Deputy constable" shall have the meaning assigned to it in section 367.40.

(f) "Part-time peace officer" means an individual licensed by the board whose services are utilized by law enforcement agencies no more than an average of 20 hours per week, not including time spent on call when no call to active duty is received, calculated on an annual basis, who has either full powers of arrest or authorization to carry a firearm while on active duty. The term shall apply even though the individual receives no compensation for time spent on active duty, and shall apply irrespective of the title conferred upon the individual by any law enforcement agency. *The limitation on the average number of hours in which the services of a part-time peace officer may be utilized shall not apply to a part-time peace officer who has formally notified the board pursuant to rules adopted by the board of his intention to pursue the specialized training for part-time peace officers who desire to become peace officers pursuant to sections 626.843, subdivision 1, clause (g) and 626.845, subdivision 1, clause (g).*

(g) "Reserve peace officer" means an individual whose services are utilized by a law enforcement agency for purposes including, but not limited to, providing supplementary assistance at special events, traffic or crowd control, or administrative or clerical assistance; provided that the individual's duties do not include enforcement of the general criminal laws of the state unless accompanied by a licensed peace officer; further provided that the individual does not have full powers of arrest or authorization to carry a firearm on duty. The term shall apply even

though the individual receives no compensation and irrespective of the number of hours worked by, or the title conferred upon, the individual by any law enforcement agency.

Subd. 2. [SCOPE.] Notwithstanding sections 12.03, subdivision 4, 12.25, or any other law to the contrary *except an emergency appointment pursuant to section 626.8465, subdivision 3*, no individual employed or acting as an agent of any political subdivision shall be authorized to carry a firearm when on duty unless the individual has been licensed pursuant to sections 626.84 to 626.855. Nothing herein shall be construed as requiring licensure of a security guard as that term is defined in section 626.88, subdivision 1, clause (c).

Sec. 2. Minnesota Statutes 1980, Section 626.841, is amended to read:

626.841 [BOARD; MEMBERS.]

The board of peace officer standards and training shall be composed of the following 11 members:

(a) Two members to be appointed by the governor from among the county sheriffs in Minnesota;

(b) Four members to be appointed by the governor from among peace officers in Minnesota municipalities, at least two of whom shall be chiefs of police;

(c) The superintendent of the Minnesota bureau of criminal apprehension or his designee;

(d) Two members appointed by the governor experienced in law enforcement at a local, state or federal level who are not currently employed as peace officers;

(e) Two members to be appointed by the governor from among the (GENERAL PUBLIC) *elected city officials in statutory or home rule charter cities of under 5,000 population outside the metropolitan area, as defined in section 473.121, subdivision 2.*

A chairman shall be appointed by the governor from among the members. In making appointments the governor shall strive to achieve representation from among the geographic areas of the state.

Sec. 3. Minnesota Statutes 1980, Section 626.843, Subdivision 1, is amended to read:

Subdivision 1. The board shall adopt rules with respect to:

(a) The certification of peace officer training schools, programs, or courses including training schools for the Minnesota highway patrol. Such schools, programs and courses shall include those administered by the state, county, school district, municipality, or joint or contractual combinations thereof, and shall include preparatory instruction in law enforcement and minimum basic training courses;

(b) Minimum courses of study, attendance requirements, and equipment and facilities to be required at each certified peace officers training school located within the state;

(c) Minimum qualifications for instructors at certified peace officer training schools located within this state;

(d) Minimum standards of physical, mental and educational fitness which shall govern the recruitment and licensing of peace officers within the state, by any state, county, municipality, or joint or contractual combination thereof, including members of the Minnesota highway patrol;

(e) Minimum standards of conduct which would affect the performance of the individual in his duties as a peace officer;

These standards shall be established and published on or before July 1, 1979.

(f) Minimum basic training which peace officers appointed to temporary or probationary terms shall complete before being eligible for permanent appointment, and the time within which such basic training must be completed following any such appointment to a temporary or probationary term;

(g) Minimum (BASIC) *specialized* training which *part-time* peace officers (NOT APPOINTED FOR TEMPORARY OR PROBATIONARY TERMS BUT APPOINTED ON OTHER THAN A PERMANENT BASIS) shall complete in order to be eligible for continued employment as a *part-time peace officer* or permanent employment as a *peace officer*, and the time within which (SUCH) *the* (BASIC) *specialized* training must be completed (FOLLOWING SUCH APPOINTMENT ON A NONPERMANENT BASIS);

(h) Content of minimum basic training courses required of graduates of certified law enforcement training schools or programs. Such courses shall not duplicate the content of certified academic or general background courses completed by a student but shall concentrate on practical skills deemed essential for a peace officer. Successful completion of such a course shall be deemed satisfaction of the minimum basic training requirement (PROVIDED THE STUDENT OBTAINS EMPLOY-

**MENT AS A PEACE OFFICER WITHIN ONE YEAR OF COMPLETION);**

(i) Grading, reporting, attendance and other records, and certificates of attendance or accomplishment; (AND)

*(j) The procedures to be followed by a part-time peace officer for notifying the board of his intention to pursue the specialized training for part-time peace officers who desire to become peace officers pursuant to sections 626.843, subdivision 1, clause (g) and 626.845, subdivision 1, clause (g); and*

((J)) *(k) Such other matters as may be necessary consistent with sections 626.84 to 626.855. Rules promulgated by the attorney general with respect to these matters may be continued in force by resolution of the board if the board finds the rules to be consistent with sections 626.84 to 626.855.*

Sec. 4. Minnesota Statutes 1980, Section 626.845, Subdivision 1, is amended to read:

Subdivision 1. The board shall have the following powers and duties:

(a) To certify peace officers' training schools or programs administered by state, county and municipalities located within this state in whole or in part no later than 90 days after receipt of an application for certification. The reasons for noncertification of any school or program or part thereof shall be transmitted to the school within 90 days and shall contain a detailed explanation of the reasons for which the school or program was disapproved and an explanation of what supporting material or other requirements are necessary for the board to reconsider. Disapproval of a school or program shall not preclude the reapplication for certification of the school or program;

(b) To issue certificates to schools, and to revoke such certification when necessary to maintain the objectives and purposes of sections 626.841 to 626.855;

(c) To certify, as qualified, instructors at peace officer training schools, and to issue appropriate certificates to such instructors;

(d) To license peace officers who have satisfactorily completed certified basic training programs, and passed examinations as required by the board;

(e) To cause studies and surveys to be made relating to the establishment, operation, and approval of state, county, and municipal peace officer training schools;

(f) To consult and cooperate with state, county, and municipal peace officer training schools for the development of in-service training programs for peace officers;

(g) To consult and cooperate with universities and colleges for the development of specialized courses of instruction and study in the state for peace officers *and part-time peace officers* in police science and police administration;

(h) To consult and cooperate with other departments and agencies of the state and federal government concerned with peace officer standards and training;

(i) To perform such other acts as may be necessary and appropriate to carry out the powers and duties as set forth in the provisions of sections 626.841 to 626.855;

(j) To coordinate the provision, on a regional basis, of skills oriented basic training courses to graduates of certified law enforcement training schools or programs;

*(k) To obtain criminal conviction data for persons seeking a license to be issued or possessing a license issued by the board. The board shall have authority to obtain criminal conviction data to the full extent that any other law enforcement agency, as that term is defined by state or federal law, has to obtain the data.*

Sec. 5. Minnesota Statutes 1980, Section 626.846, Subdivision 1, is amended to read:

Subdivision 1. Notwithstanding any general or local law or charter to the contrary, any peace officer or part-time *peace officer* employed or elected on or after July 1, 1979, by any state, county, municipality or joint or contractual combination thereof of the state of Minnesota shall not be eligible for permanent appointment without being licensed by the board pursuant to sections 626.84 to 626.855.

Sec. 6. Minnesota Statutes 1980, Section 626.846, Subdivision 2, is amended to read:

Subd. 2. Every peace officer or part-time *peace officer* who shall be appointed by any state, county, municipality or joint or contractual combination thereof of the state of Minnesota on a temporary basis or for a probationary term, shall forfeit his position unless he has been licensed by the board pursuant to sections 626.841 to 626.855. Any other peace officer or part-time *peace officer* employed or elected by any state, county, municipality or joint or contractual combination thereof, may attend peace officer training courses and be licensed by the board pursuant to sections 626.84 to 626.855.



Sec. 7. Minnesota Statutes 1980, Section 626.8461, is amended to read:

**626.8461 [PART-TIME PEACE OFFICERS; POLICY.]**

The legislature finds and declares that it is necessary to establish minimum training requirements for part-time *peace* officers in certain specified areas to maximize protection of the rights and safety of the public and to minimize liability on the part of Minnesota counties and municipalities. The legislature further finds that part-time *peace* officers are most effectively utilized as a supplement to regular, fully trained and licensed, peace officers and does not encourage the use of part-time *peace* officers when needs for service would otherwise justify the use of (FULL-TIME) *peace* officers.

Sec. 8. Minnesota Statutes 1980, Section 626.8462, is amended to read:

**626.8462 [COMPETENCY REQUIREMENTS.]**

Part-time *peace* officer licensing examinations shall be designed to insure competency in the following areas reasonably achievable in courses within a total hourly maximum of 54 hours:

- (a) Law of arrest, including probable cause;
- (b) Law of search and seizure;
- (c) Confessions and interrogations, oral and written;
- (d) Law and rules of evidence;
- (e) Minnesota criminal code;
- (f) Juvenile law;
- (g) General principles of criminal investigations;
- (h) Crime scene search and investigation;
- (i) Preservation and collection of crime scene evidence;
- (j) Traffic enforcement, including accident investigation.

Upon request, the board shall provide to any sheriff or chief of police lesson plans and instructional materials reasonably necessary to conduct classes in the required areas of study. Nothing herein shall be construed to prohibit a requirement for more comprehensive training imposed by a local law enforcement agency.

Sec. 9. Minnesota Statutes 1980, Section 626.8463, is amended to read:

**626.8463 [PART-TIME PEACE OFFICERS.]**

Any individual appointed or employed as a part-time *peace* officer to a position which was filled by a part-time officer between January 1, 1978 and May 31, 1979 owing to the death, termination, or failure of the incumbent to comply with the requirements of this section shall provide proof to the board that:

(a) Within six months of his appointment he has satisfied the selection standards of the board then in effect. The board shall grant a reasonable extension of time to show satisfaction of selection standards to any law enforcement agency that demonstrates that satisfaction of selection standards within six months would impose financial hardship;

(b) Within 12 months of his appointment he has successfully completed a board certified course, or a professionally recognized program, in first aid, and, if authorized to carry a firearm on duty, firearms training, including legal limitations on the justifiable use of deadly force;

(c) Within 24 months of his appointment he has successfully passed a board part-time *peace* officer licensing examination.

A law enforcement agency may designate personnel as part-time *peace* officer replacements who shall be subject to the training requirements of this section notwithstanding the fact that the personnel are appointed to positions which were not filled by part-time officers between January 1, 1978 and May 31, 1979. Provided that the number of personnel so designated shall not exceed a number equal to two or ten percent of the positions filled by part-time officers between January 1, 1978 and May 31, 1979, rounded to the next highest whole number, whichever is greater.

Sec. 10. Minnesota Statutes 1980, Section 626.8464, is amended to read:

**626.8464 [NEW PART-TIME PEACE OFFICER POSITIONS.]**

Except as otherwise provided in section 626.8463, any individual appointed or employed as a part-time *peace* officer to a position which was not filled by a part-time officer between January 1, 1978 and May 31, 1979 shall meet the training and licensing requirements of the board then in effect for full-time peace officers.

Sec. 11. Minnesota Statutes 1980, Section 626.8465, Subdivision 1, is amended to read:

Subdivision 1. [SUPERVISION OF POWERS AND DUTIES.] No law enforcement agency shall utilize the services of a part-time *peace* officer unless the part-time *peace* officer exercises his powers and duties under the supervision, directly or indirectly of a licensed peace officer designated by the chief law enforcement officer. Supervision also may be via radio communications. With the consent of the county sheriff, the designated supervising officer may be a member of the county sheriff's department.

Sec. 12. Minnesota Statutes 1980, Section 626.8465, Subdivision 2, is amended to read:

Subd. 2. [PART-TIME PEACE OFFICER LICENSE, RESTRICTION.] Any individual licensed by the board as a part-time *peace* officer shall be eligible for appointment or employment anywhere in the state as a part-time *peace* officer but not as a peace officer unless he meets board training and licensing requirements then in effect for peace officers.

Sec. 13. Minnesota Statutes 1980, Section 626.851, Subdivision 1, is amended to read:

Subdivision 1. Any peace officer or part-time *peace* officer employed or elected by any county or municipality of the state of Minnesota shall be eligible to attend training courses as herein provided in accordance with the rules of the board.

Sec. 14. Minnesota Statutes 1980, Section 626.852, is amended to read:

626.852 [TUITION; SALARY AND EXPENSES.]

No tuition shall be charged any peace officer or part-time *peace* officer for attending any training school herein provided for, and each officer when assigned to (ATTEND THE POLICE SCHOOL) *the bureau of criminal apprehension continuing education courses pursuant to rules of the board* shall receive his regular salary and shall be reimbursed by the governing body of the governmental unit or combination of governmental units from which elected or by which employed for his cost of meals, travel, and lodgings while in attendance at the (POLICE SCHOOL) *bureau of criminal apprehension courses*, not to exceed similar allowance for state employees.

Sec. 15. Minnesota Statutes 1980, Section 214.10, Subdivision 7, is amended to read:

Subd. 7. [PEACE OFFICERS STANDARDS AND TRAINING BOARD; DEFINITIONS.] For purposes of subdivisions

4 to 6 the term "appropriate law enforcement agency" means the agency (EMPLOYING THE PEACE OFFICER WHO IS A PARTY TO THE COMPLAINT. IN THE EVENT ALL OF THE PEACE OFFICERS EMPLOYED BY THE AGENCY ARE PARTIES TO THE COMPLAINT, THE BOARD SHALL DESIGNATE THE APPROPRIATE LAW ENFORCEMENT AGENCY) *designated by the subcommittee of the board.*

Sec. 16. Minnesota Statutes 1980, Section 626.88, is amended by adding a subdivision to read:

*Subd. 3. [EXCEPTION.] Security guards employed by the capitol complex security division of the department of public safety are not required to comply with subdivision 2 until April 1, 1983, at which time they shall be subject to the same uniform color restrictions as other security guards."*

Amend the title as follows:

Page 1, line 6, after "two" insert "additional"

Page 1, line 7, delete "to" and insert "on"

Page 1, line 8, delete "from among elected city officials"

Page 1, line 16, delete "and"

Page 1, line 16, after "626.852" insert "; and 626.88, by adding a subdivision"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 61, 70, 108, 247, 251, 284, 478, 484, 565, 567, 664, 708, 725, 749, 779, 848, 874, 887, 892, 933, 996, 1059, 1071, 1072, 1142, 1166, 1223 and 1294 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 718 and 291 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Laidig introduced:

H. F. No. 1389, A bill for an act relating to forestry; cutting, removal and transportation of decorative trees; amending Minnesota Statutes 1980, Sections 88.642; and 88.648; repealing Minnesota Statutes 1980, Sections 88.643; 88.644; 88.646; and 88.649.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Carlson, L.; Nelson, K.; Tomlinson; Evans and Swanson introduced:

H. F. No. 1390, A bill for an act relating to special assessments; permitting special assessments for certain residential energy conservation improvements; amending Minnesota Statutes 1980, Section 429.011, by adding a subdivision; and 429.021, Subdivision 1.

The bill was read for the first time and referred to the Committee on Energy.

Jude and Rice introduced:

H. F. No. 1391, A bill for an act relating to real property; providing for the effect of payment of taxes on a claim of title by adverse possession; amending Minnesota Statutes 1980, Section 541.02.

The bill was read for the first time and referred to the Committee on Judiciary.

Ellingson introduced:

H. F. No. 1392, A bill for an act relating to creditor's remedies; providing for an increase in the amount of household goods exemption; amending Minnesota Statutes 1980, Section 550.37, Subdivision 4.

The bill was read for the first time and referred to the Committee on Judiciary.

Ellingson introduced:

H. F. No. 1393, A bill for an act relating to statutes; defining terms; amending Minnesota Statutes 1980, Section 645.44.

The bill was read for the first time and referred to the Committee on Judiciary.

Battaglia, Begich and Elioff introduced:

H. F. No. 1394, A bill for an act relating to financial institutions; redefining "contract for deed" to include sales of residential units situated upon real property subject to a lease held by the seller; amending Minnesota Statutes 1980, Section 47.20, Subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Vanasek introduced:

H. F. No. 1395, A bill for an act relating to local government; exempting the fire protection district levy of the towns of Erin, Forest, Webster and Wheatland in Rice County from the levy limitation.

The bill was read for the first time and referred to the Committee on Taxes.

Ellingson introduced:

H. F. No. 1396, A bill for an act relating to the revisor of statutes; changing the method of determining the selling price of publications; abolishing the Minnesota Statutes Revolving Fund; broadening the limitation on prior appropriations to the revisor for the unpublished laws project; appropriating money; amending Minnesota Statutes 1980, Section 648.39; and repealing Minnesota Statutes 1980, Sections 648.45; and 648.46.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Wynia; Peterson, D.; Wenzel; Clawson and Anderson, R., introduced:

H. F. No. 1397, A bill for an act relating to elections; requiring candidates for county offices to report certain costs of election contests; amending Minnesota Statutes 1980, Section 210A.26, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Reding introduced:

H. F. No. 1398, A bill for an act relating to game and fish; enlarging the definition of fur bearing animals and regulating the taking and possession thereof; amending Minnesota Statutes 1980, Sections 97.40, Subdivisions 7 and 9; 97.45, Subdivision 13; 97.482, Subdivision 1; 97.55, Subdivision 9; 98.45, Subdivision 7; 98.46, Subdivisions 2a, 4, 14, and 21; 98.47, Subdivisions 1, 6, and 10; 98.48, Subdivision 5; 98.50, Subdivision 1; 98.51, Subdivisions 1 and 3; 99.27, Subdivision 1; 100.273, Subdivisions 2 and 7; 100.29, Subdivision 11; and 100.30.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Eken; Sieben, H.; Norton; Heinitz and Laidig introduced:

H. F. No. 1399, A bill for an act relating to governmental operations; establishing a commission to forecast state government revenue; transferring the power to forecast revenue from the department of finance; appropriating money; amending Minnesota Statutes 1980, Sections 16A.04, Subdivision 1; 16A.06; and 16A.11, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Rees, Samuelson, Lehto, Forsythe and Vanasek introduced:

H. F. No. 1400, A bill for an act relating to public improvements; providing for a new women's correctional facility; providing for a bond issue; appropriating money.

The bill was read for the first time and referred to the Committee on Appropriations.

Minne and Peterson, D., introduced:

H. F. No. 1401, A bill for an act relating to elections; clarifying certain sanctions imposed for violation of fair campaign practices act; providing a good faith exception; amending Minnesota Statutes 1980, Section 210A.39.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

Haukoos; Levi; Jennings; Rodriquez, C., and Murphy introduced:

H. F. No. 1402, A bill for an act relating to state government; requiring a method to be used to update mailing lists for certain state publications; amending Minnesota Statutes 1980, Section 15.18.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Wynia, Brandl, Novak, Levi and Peterson, D., introduced:

H. F. No. 1403, A bill for an act relating to crimes; establishing minimum terms of imprisonment for certain burglary offenses; prescribing penalties; amending Minnesota Statutes 1980, Section 609.58, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Clawson and Onnen introduced:

H. F. No. 1404, A bill for an act relating to nursing homes; requiring new procedures for determining nursing home rates; amending Minnesota Statutes 1980, Sections 256B.41; 256B.47; and 256B.48; proposing new law coded in Minnesota Statutes, Chapter 256B; repealing Minnesota Statutes 1980, Sections 256B.42; 256B.43; 256B.44; 256B.45; and 256B.46.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Hanson introduced:

H. F. No. 1405, A bill for an act relating to real property; providing that certain contracts and purchase agreements for the conveyance of homestead property are voidable within a specified time; proposing new law coded in Minnesota Statutes, Chapter 507.

The bill was read for the first time and referred to the Committee on Judiciary.



Sarna introduced:

H. F. No. 1406, A bill for an act relating to intoxicating liquor; authorizing the use of wine catalogs by off-sale dealers; amending Minnesota Statutes 1980, Section 340.15, Subdivision 1.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Sarna introduced:

H. F. No. 1407, A bill for an act relating to intoxicating liquor; authorizing off-sale licensees to dispense samples of wine, liqueurs and cordials; amending Minnesota Statutes 1980, Section 340.11, Subdivision 15.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Clawson, Jude, Dempsey, Vellenga and Wieser introduced:

H. F. No. 1408, A bill for an act relating to crimes; immunity from prosecution; changing the current transactional immunity to conform with federal use immunity; amending Minnesota Statutes 1980, Section 609.09, Subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

#### HOUSE ADVISORIES

The following House Advisory was introduced:

Hanson; Sieben, M.; Reif and Swanson introduced:

H. A. No. 24, A proposal to study social costs of motorcycle accidents and methods of equitable distribution of costs.

The advisory was referred to the Committee on Health and Welfare.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 483, A bill for an act relating to Ramsey county, providing for the administration of the soldiers' rest; amending Laws 1974, Chapter 435, Section 1.0212.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 471, A bill for an act relating to agriculture; consolidating certain promotional fund accounts; regulating deposit of certain funds; appropriating money; amending Minnesota Statutes 1980, Section 17.59, Subdivisions 3, 4 and by adding a subdivision; 21A.09, Subdivision 1; 29.17; 30.469; 30.47; 32B.07; and 32B.12.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Welch moved that the House concur in the Senate amendments to H. F. No. 471 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 471, A bill for an act relating to agriculture; consolidating certain promotional fund accounts; regulating deposit of certain funds; appropriating money; amending Minnesota Statutes 1980, Sections 17.59, Subdivisions 3, 4 and by adding a subdivision; 21A.09, Subdivision 1; 29.17; 30.469; 30.47; 32B.07; and 32B.12.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Byrne	Elioff	Gustafson	Hokr
Ainley	Carlson, D.	Ellingson	Halberg	Jacobs
Anderson, B.	Carlson, L.	Erickson	Hanson	Johnson, C.
Anderson, G.	Clark, J.	Esau	Harens	Johnson, D.
Anderson, I.	Clark, K.	Evans	Hauge	Jude
Anderson, R.	Clawson	Ewald	Haukoos	Kahn
Battaglia	Dahlvang	Fjoslien	Heap	Kaley
Begich	Dempsey	Forsythe	Heinitz	Kalis
Berkelman	Den Ouden	Friedrich	Himle	Kelly
Brandl	Drew	Greenfield	Hoberg	Knickerbocker
Brinkman	Eken	Gruenes	Hokanson	Kostohryz

Kvam	Minne	Piepho	Schreiber	Vellenga
Laidig	Murphy	Pogemiller	Sherman	Voss
Lehto	Nelsen, B.	Redalen	Sieben, M.	Weaver
Lemen	Nelson, K.	Reding	Simoneau	Welch
Levi	Niehaus	Rees	Skoglund	Welker
Long	Norton	Rice	Stadum	Wenzel
Ludeman	Novak	Rodriguez, C.	Stowell	Wieser
Mann	Nysether	Rodriguez, F.	Stumpf	Wynia
Marsh	O'Connor	Rose	Sviggum	Zubay
McCarron	Ogren	Rothenberg	Swanson	Spkr. Sieben, H.
McDonald	Olsen	Samuelson	Tomlinson	
McEachern	Onnen	Sarna	Valan	
Mehrkens	Otis	Schafer	Valento	
Metzen	Peterson, B.	Schoenfeld	Vanasek	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the adoption by the Senate of the following House Concurrent Resolution, herewith returned:

House Concurrent Resolution No. 2, A Concurrent Resolution relating to joint rules; adopting permanent joint rules of the Senate and House of Representatives.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the adoption by the Senate of the following House Concurrent Resolution, herewith returned:

House Concurrent Resolution No. 4, A Concurrent Resolution relating to adjournment of the House of Representatives for more than three days.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 31, 155, 330 and 560.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 393 and 430.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted :

S. F. Nos. 72, 89 and 250.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted :

S. F. Nos. 489, 520 and 522.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted :

S. F. Nos. 196, 462 and 408.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted :

S. F. Nos. 168, 849 and 973.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted :

S. F. Nos. 333, 436 and 759.

PATRICK E. FLAHAVEN, Secretary of the Senate

**Mr. Speaker:**

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 874 and 903.

PATRICK E. FLAHAVER, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 31, A bill for an act relating to transportation; restricting the powers of the commissioner of transportation with respect to a certain trunk highway within the city of St. Paul; proposing new law coded in Minnesota Statutes, Chapter 161.

The bill was read for the first time and referred to the Committee on Transportation.

S. F. No. 155, A bill for an act relating to public welfare; providing for retention of certain receipts by state hospitals; amending Minnesota Statutes 1980, Section 246.57.

The bill was read for the first time and referred to the Committee on Appropriations.

S. F. No. 330, A bill for an act relating to the Riley-Purgatory Creek Watershed District; authorizing certain tax levies.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 560, A bill for an act relating to employment; prohibiting certain cities from establishing residency requirements as a condition of employment; proposing new law coded in Minnesota Statutes, Chapter 415.

The bill was read for the first time.

Voss moved that S. F. No. 560 and H. F. No. 1034, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 393, A bill for an act relating to taxation; providing that property owned by certain senior citizens' groups be exempt from taxation; amending Minnesota Statutes 1980, Section 272.02, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 430, A bill for an act relating to taxation; clarifying which parties are to be served with notices of appeal; restricting native prairie designation; changing requirements for filing certain abstracts and statements of exemption; changing certain fees to be charged by county auditors and treasurers; changing method of computing native prairie and wetland credits and attached machinery aids; requiring notice of wetland designation; clarifying assessment of property of cooperative associations; authorizing estimation of values and mill rates; providing certain dates for delivery and return of tax lists; providing interest rates on delinquent taxes; repealing publisher's bonds; changing certain definitions for the property tax refund and modifying payment to part-year homeowners; providing additional authority for county boards to reduce values; providing county valuation of certain airport property; amending Minnesota Statutes 1980, Sections 270.11, Subdivision 2; 271.10, Subdivision 2; 272.02, Subdivision 1; 272.025, Subdivision 3; 272.46; 272.47; 273.115, Subdivision 1, and by adding a subdivision; 273.116, Subdivision 1; 273.138, Subdivision 2; 273.40; 275.08; 276.01; 277.15; 279.02; 279.03; 279.14; 290A.03, Subdivision 13; 375.192, Subdivision 2; 473.626; repealing Minnesota Statutes 1980, Section 279.11.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 72, A bill for an act relating to elections; providing a penalty for broadcasting certain false information; exempting certain broadcasters and publishers; amending Minnesota Statutes 1980, Section 210A.04.

The bill was read for the first time.

Minne moved that S. F. No. 72 and H. F. No. 780, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 89, A bill for an act relating to elections; clarifying certain sanctions imposed for violation of fair campaign practices act; providing a good faith exception; amending Minnesota Statutes 1980, Section 210A.39.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

S. F. No. 250, A bill for an act relating to economic development; raising certain matching grant limitations; changing the composition of a community development corporation board; amending Minnesota Statutes 1980, Sections 362.12, Subdivision 4; and 362.41, Subdivision 6.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

S. F. No. 489, A bill for an act relating to crimes; immunity from prosecution; changing the current transactional immunity to conform with federal use immunity; amending Minnesota Statutes 1980, Section 609.09, Subdivision 1.

The bill was read for the first time and referred to the Committee on Criminal Justice.

S. F. No. 520, A bill for an act relating to elections; allowing cities and counties to elect to use data processing systems in lieu of duplicate registration cards; requiring the secretary of state to prescribe alternate forms for duplicate registration files; changing voter verification requirements for cities and counties which elect to use data processing systems; amending Minnesota Statutes 1980, Sections 201.071, Subdivision 4, and by adding subdivisions; 201.221, Subdivision 4; and 204A.29, by adding a subdivision.

The bill was read for the first time.

Peterson, D., moved that S. F. No. 520 and H. F. No. 714, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 522, A bill for an act relating to peace officers; prescribing colors for uniforms; amending Minnesota Statutes 1980, Section 626.88.

The bill was read for the first time and referred to the Committee on Criminal Justice.

S. F. No. 196, A bill for an act relating to Carver county; providing for payment of expenses of the county commissioners.

The bill was read for the first time.

McDonald moved that S.F. No. 196 and H. F. No. 427, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 462, A bill for an act relating to labor; providing for increases in fees for certain steamfitters; prohibiting certain time credit when applying for license; amending Minnesota Statutes 1980, Sections 326.48, Subdivision 1; and 326.50.

The bill was read for the first time.

Rice moved that S. F. No. 462 and H. F. No. 421, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 408, A bill for an act relating to public welfare; providing for a statewide program of subsidies for families of mentally retarded children; amending Minnesota Statutes 1980, Section 252.27, Subdivision 4.

The bill was read for the first time and referred to the Committee on Appropriations.

S. F. No. 168, A bill for an act relating to intoxicating liquor; providing for a liquor license fee to be set by a town board in certain cases; requiring town board approval of certain county liquor licenses; amending Minnesota Statutes 1980, Section 340.11, Subdivision 10.

The bill was read for the first time.

McDonald moved that S. F. No. 168 and H. F. No. 291, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 849, A bill for an act relating to education; adding a representative from the Minnesota association of private post-secondary schools to the higher education advisory council; amending Minnesota Statutes 1980, Section 136A.02, Subdivision 6.

The bill was read for the first time.

McEachern moved that S. F. No. 849 and H. F. No. 1024, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 978, A bill for an act relating to local government; permitting the city council to fix the compensation of the park board in statutory cities; amending Minnesota Statutes 1980, Section 412.501.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 333, A bill for an act relating to public employees; regulating bargaining between instructional unit employees and the University of Minnesota; amending Minnesota Statutes 1980, Section 179.741, Subdivision 3.

The bill was read for the first time.

Berkelman moved that S. F. No. 333 and H. F. No. 206, now on the Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.



S. F. No. 436, A bill for an act relating to children; providing for review of foster care status of certain children; amending Minnesota Statutes 1980, Sections 257.071, Subdivisions 2, 3 and 4; 260.015, Subdivision 7; 260.111, Subdivision 2; and 260.131, by adding a subdivision; proposing new law to be coded in Minnesota Statutes, Chapter 260.

The bill was read for the first time and referred to the Committee on Health and Welfare.

S. F. No. 759, A bill for an act relating to transportation; establishing a rail bank account; providing for the deposit of money in the rail bank account and specifying the purposes for which it may be expended; limiting the means by which the commissioner may acquire certain abandoned railroad right-of-way; appropriating money; amending Minnesota Statutes 1980, Sections 222.49; 222.50, Subdivision 7; 222.63, Subdivision 2, and by adding a subdivision; and Laws 1980, Chapter 610, Section 1.

The bill was read for the first time and referred to the Committee on Transportation.

S. F. No. 874, A bill for an act relating to energy; requiring the provision of energy audits for certain rental housing; expanding certain utility investment programs; amending Minnesota Statutes 1980, Sections 116H.17, by adding a subdivision; 216B.165, Subdivisions 1 and 2; and 216B.241, by adding a subdivision.

The bill was read for the first time.

Otis moved that S. F. No. 874 and H. F. No. 729, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 903, A bill for an act relating to the city of Minneapolis; providing for amendment of certain special revenue obligations; amending Laws 1975, Chapter 188, Section 3, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Mann was excused at 2:20 p.m.

### CONSENT CALENDAR

H. F. No. 616 was reported to the House.

Upon objection of ten members H. F. No. 616 was stricken from the Consent Calendar and returned to General Orders.

H. F. No. 659 was reported to the House.

Norton moved to amend H. F. No. 659 as follows:

Page 3, line 17, after "1978," delete "may be amended"

The motion prevailed and the amendment was adopted.

H. F. No. 659, A bill for an act relating to retirement; St. Paul teachers retirement fund association; removing an expiration date on authority to provide post retirement increases in certain instances; authorizing reduced early retirement in certain instances; amending Laws 1979, Chapter 109, Section 1.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Jude	Norton	Sherman
Anderson, B.	Esau	Kaley	Novak	Sieben, M.
Anderson, G.	Evans	Kalis	Nysether	Simoneau
Anderson, I.	Ewald	Kelly	O'Connor	Skoglund
Anderson, R.	Fjoslien	Knickerbocker	Ogren	Stowell
Battaglia	Forsythe	Kostohryz	Olsen	Stumpf
Begich	Friedrich	Kvam	Onnen	Swiggum
Berkelman	Greenfield	Laidig	Otis	Swanson
Blatz	Gruenes	Lehto	Peterson, D.	Tomlinson
Brandl	Gustafson	Lemen	Piepho	Valan
Brinkman	Halberg	Levi	Pogemiller	Valento
Byrne	Hanson	Long	Redalen	Vanasek
Carlson, D.	Harens	Ludeman	Reding	Vellenga
Carlson, L.	Hauge	Marsh	Rees	Voss
Clark, J.	Haukoos	McCarron	Reif	Weaver
Clark, K.	Heap	McDonald	Rice	Welch
Clawson	Heinitz	McEachern	Rodriguez, C.	Welker
Dahlvang	Himle	Mehrkens	Rodriguez, F.	Wenzel
Dean	Hoberg	Metzen	Rose	Wieser
Dempsey	Hokanson	Minne	Rothenberg	Wynia
Den Ouden	Hokr	Munger	Samuelson	Zubay
Drew	Jacobs	Murphy	Sarna	Spkr. Sieben, H.
Eken	Jennings	Nelsen, B.	Schafer	
Elioff	Johnson, C.	Nelson, K.	Schoenfeld	
Ellingson	Johnson, D.	Niehaus	Schreiber	

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

H. F. No. 696, A bill for an act relating to the city of East Grand Forks; permitting the city to acquire and develop certain land for industrial purposes.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Jude	Niehaus	Schoenfeld
Ainley	Esau	Kahn	Norton	Schreiber
Anderson, B.	Evans	Kaley	Novak	Sherman
Anderson, G.	Ewald	Kalis	Nysether	Sieben, M.
Anderson, I.	Fjoslien	Kelly	O'Connor	Simoneau
Anderson, R.	Forsythe	Knickerbocker	Ogren	Skoglund
Battaglia	Friedrich	Kostohryz	Olsen	Stadium
Begich	Greenfield	Kvam	Onnen	Stowell
Blatz	Gruenes	Laidig	Otis	Stumpf
Brandl	Gustafson	Lehto	Peterson, B.	Sviggum
Brinkman	Halberg	Lemen	Peterson, D.	Swanson
Byrne	Hanson	Levi	Piepho	Tomlinson
Carlson, D.	Harens	Long	Pogemiller	Valan
Carlson, L.	Hauge	Ludeman	Redalen	Valento
Clark, J.	Haukoos	Marsh	Reding	Vanasek
Clark, K.	Heap	McCarron	Rees	Vellenga
Clawson	Heinitz	McDonald	Reif	Voss
Dahlvang	Himle	McEachern	Rice	Weaver
Dean	Hoberg	Mehrkens	Rodriguez, C.	Welch
Dempsey	Hokanson	Metzen	Rodriguez, F.	Welker
Den Ouden	Hokr	Minne	Rose	Wenzel
Drew	Jacobs	Munger	Rothenberg	Wieser
Eken	Jennings	Murphy	Samuelson	Wynia
Elioff	Johnson, C.	Nelsen, B.	Sarna	Zubay
Ellingson	Johnson, D.	Nelson, K.	Schafer	Spkr. Sieben, H.

The bill was passed and its title agreed to.

H. F. No. 928, A bill for an act relating to the city of Isanti; authorizing the city to issue general obligation bonds for the acquisition and betterment of a municipal building.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Clark, J.	Fjoslien	Hokanson	Lehto
Ainley	Clark, K.	Forsythe	Hokr	Lemen
Anderson, B.	Clawson	Friedrich	Jacobs	Levi
Anderson, G.	Dahlvang	Greenfield	Jennings	Long
Anderson, I.	Dean	Gruenes	Johnson, C.	Ludeman
Anderson, R.	Dempsey	Gustafson	Johnson, D.	Marsh
Battaglia	Den Ouden	Halberg	Jude	McCarron
Begich	Drew	Hanson	Kahn	McDonald
Berkelman	Eken	Harens	Kaley	McEachern
Blatz	Elioff	Hauge	Kalis	Mehrkens
Brandl	Ellingson	Haukoos	Kelly	Metzen
Brinkman	Erickson	Heap	Knickerbocker	Minne
Byrne	Esau	Heinitz	Kostohryz	Munger
Carlson, D.	Evans	Himle	Kvam	Murphy
Carlson, L.	Ewald	Hoberg	Laidig	Nelsen, B.

Nelson, K.	Peterson, B.	Rodriguez, F.	Simoneau	Vanasek
Niehaus	Peterson, D.	Rose	Skoglund	Vellenga
Norton	Piepho	Rothenberg	Stadum	Voss
Novak	Pogemiller	Samuelson	Stowell	Weaver
Nysether	Redalen	Sarna	Stumpf	Welch
O'Connor	Reding	Schafer	Sviggum	Wenzel
Ogren	Rees	Schoenfeld	Swanson	Wieser
Olsen	Reif	Schreiber	Tomlinson	Wynia
Onnen	Rice	Sherman	Valan	Zubay
Otis	Rodriguez, C.	Sieben, M.	Valento	Spkr. Sieben, H.

The bill was passed and its title agreed to.

H. F. No. 937, A bill for an act relating to the city of Duluth; authorizing the city to continue to issue the number of liquor licenses it was authorized to issue in the year 1980.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 116 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Ainley	Evans	Kaley	O'Connor	Simoneau
Anderson, B.	Ewald	Kalis	Ogren	Skoglund
Anderson, G.	Fjoslien	Knickerbocker	Olsen	Stadum
Anderson, I.	Forsythe	Kostohryz	Onnen	Stowell
Anderson, R.	Friedrich	Laidig	Otis	Stumpf
Battaglia	Greenfield	Lehto	Peterson, B.	Sviggum
Begich	Gruenes	Levi	Peterson, D.	Swanson
Berkelman	Gustafson	Long	Piepho	Tomlinson
Blatz	Halberg	Ludeman	Pogemiller	Valan
Brandl	Hanson	Marsh	Redalen	Valento
Brinkman	Harens	McCarron	Reding	Vanasek
Byrne	Hauge	McDonald	Rees	Vellenga
Carlson, D.	Haukoos	McEachern	Reif	Voss
Carlson, L.	Heap	Mehrkens	Rice	Weaver
Clark, J.	Heinitz	Metzen	Rodriguez, C.	Welch
Clark, K.	Himle	Minne	Rodriguez, F.	Wenzel
Clawson	Hoberg	Munger	Rothenberg	Wieser
Dahlvang	Hokanson	Murphy	Samuelson	Wynia
Dean	Jacobs	Nelsen, B.	Sarna	Zubay
Dempsey	Jennings	Nelson, K.	Schoenfeld	Spkr. Sieben, H.
Drew	Johnson, C.	Niehaus	Schreiber	
Eken	Johnson, D.	Norton	Shea	
Elioff	Jude	Novak	Sherman	
Ellingson	Kahn	Nysether	Sieben, M.	

Those who voted in the negative were:

Aasneas	Erickson	Kvam	Rose	Welker
Den Ouden	Kelly	Lemen	Schafer	

The bill was passed and its title agreed to.

H. F. No. 976, A bill for an act relating to retirement; Minneapolis teachers retirement fund association; authorizing the

establishment of a lump sum post retirement adjustment program; authorizing service credit for parental leaves.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Johnson, D.	Norton	Sieben, M.
Ainley	Erickson	Jude	Novak	Simoneau
Anderson, B.	Esau	Kaley	Nysether	Skoglund
Anderson, G.	Evans	Kalis	O'Connor	Stadum
Anderson, I.	Ewald	Kelly	Ogren	Stowell
Anderson, R.	Fjoslien	Knickerbocker	Olsen	Stumpf
Battaglia	Forsythe	Kostohryz	Onnen	Sviggum
Begich	Friedrich	Kvam	Otis	Swanson
Berkelman	Greenfield	Laidig	Peterson, D.	Tomlinson
Blatz	Gruenes	Lehto	Piepho	Valan
Brandl	Gustafson	Lemen	Pogemiller	Valento
Brinkman	Halberg	Levi	Redalen	Vanasek
Byrne	Hanson	Long	Reding	Vellenga
Carlson, D.	Harens	Ludeman	Rees	Voss
Carlson, L.	Hauge	Marsh	Reif	Weaver
Clark, J.	Haukoos	McCarron	Rice	Welch
Clark, K.	Heap	McDonald	Rodriguez, C.	Welker
Clawson	Heinitz	McEachern	Rodriguez, F.	Wenzel
Dahlvang	Himle	Mehrkens	Rothenberg	Wieser
Dean	Hoberg	Metzen	Samuelson	Wynia
Dempsey	Hokanson	Munger	Sarna	Zubay
Den Ouden	Hokr	Murphy	Schafer	Spkr. Sieben, H.
Drew	Jacobs	Nelsen, B.	Schoenfeld	
Eken	Jennings	Nelson, K.	Schreiber	
Elioff	Johnson, C.	Niehaus	Sherman	

The bill was passed and its title agreed to.

H. F. No. 979, A bill for an act relating to health; encouraging philanthropic support of hospitals; providing that funds derived from specified types of gifts or grants shall not be deducted from the operating costs of a hospital; proposing new law coded in Minnesota Statutes, Chapter 144.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, R.	Brandl	Clark, J.	Dempsey
Ainley	Battaglia	Brinkman	Clark, K.	Den Ouden
Anderson, B.	Begich	Byrne	Clawson	Drew
Anderson, G.	Berkelman	Carlson, D.	Dahlvang	Eken
Anderson, I.	Blatz	Carlson, L.	Dean	Elioff

Ellingson	Hokr	McDonald	Pogemiller	Stowell
Erickson	Jacobs	McEachern	Redalen	Stumpf
Esau	Jennings	Mehrkens	Reding	Sviggum
Evans	Johnson, C.	Metzen	Rees	Swanson
Ewald	Johnson, D.	Minne	Reif	Tomlinson
Fjoslien	Jude	Munger	Rice	Valan
Forsythe	Kahn	Murphy	Rodriguez, C.	Valento
Friedrich	Kaley	Nelsen, B.	Rodriguez, F.	Vanasek
Greenfield	Kalis	Nelson, K.	Rose	Vellenga
Gruenes	Kelly	Niehaus	Rothenberg	Voss
Gustafson	Knickerbocker	Norton	Samuelson	Weaver
Halberg	Kostohryz	Novak	Sarna	Welch
Hanson	Kvam	Nysether	Schafer	Welker
Harens	Laidig	O'Connor	Schoenfeld	Wenzel
Hauge	Lehto	Ogren	Schreiber	Wieser
Haukoos	Lemen	Olsen	Shea	Wynia
Heap	Levi	Onnen	Sherman	Zubay
Heinitz	Long	Otis	Sieben, M.	Spkr. Sieben, H.
Himle	Ludeman	Peterson, B.	Simoneau	
Hoberg	Marsh	Peterson, D.	Skoglund	
Hokanson	McCarron	Piepho	Stadum	

The bill was passed and its title agreed to.

H. F. No. 997, A bill for an act relating to drivers licenses; providing for the filing of photographic negatives; restricting the use of the negatives; amending Minnesota Statutes 1980, Section 171.07, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kaley	Nysether	Sieben, M.
Ainley	Esau	Kalis	O'Connor	Simoneau
Anderson, B.	Evans	Kelly	Ogren	Skoglund
Anderson, G.	Ewald	Knickerbocker	Olsen	Stadum
Anderson, I.	Fjoslien	Kostohryz	Onnen	Stowell
Anderson, R.	Forsythe	Kvam	Otis	Stumpf
Battaglia	Friedrich	Laidig	Peterson, B.	Sviggum
Begich	Greenfield	Lehto	Peterson, D.	Swanson
Berkelman	Gruenes	Lemen	Piepho	Tomlinson
Blatz	Halberg	Levi	Pogemiller	Valan
Brandl	Hanson	Long	Redalen	Valento
Brinkman	Harens	Ludeman	Reding	Vanasek
Byrne	Hauge	Marsh	Rees	Vellenga
Carlson, D.	Haukoos	McCarron	Reif	Voss
Carlson, L.	Heap	McDonald	Rice	Weaver
Clark, J.	Heinitz	McEachern	Rodriguez, C.	Welch
Clark, K.	Himle	Mehrkens	Rodriguez, F.	Welker
Clawson	Hoberg	Metzen	Rose	Wenzel
Dahlvang	Hokanson	Minne	Rothenberg	Wieser
Dean	Hokr	Munger	Samuelson	Wynia
Dempsey	Jacobs	Murphy	Sarna	Zubay
Den Ouden	Jennings	Nelsen, B.	Schafer	Spkr. Sieben, H.
Drew	Johnson, C.	Nelson, K.	Schoenfeld	
Eken	Johnson, D.	Niehaus	Schreiber	
Elihoff	Jude	Norton	Shea	
Ellingson	Kahn	Novak	Sherman	

The bill was passed and its title agreed to.

H. F. No. 1015, A bill for an act relating to education; modifying the provisions governing teachers placed on unrequested leave of absence in experimental paired districts; amending Minnesota Statutes 1980, Section 122.85, Subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	O'Connor	Sieben, M.
Anderson, B.	Evans	Kelly	Ogren	Simoneau
Anderson, G.	Ewald	Knickerbocker	Olsen	Skoglund
Anderson, I.	Fjoslien	Kostohryz	Onnen	Stadium
Anderson, R.	Forsythe	Kvam	Otis	Stowell
Battaglia	Friedrich	Laidig	Peterson, B.	Stumpf
Begich	Greenfield	Lehto	Peterson, D.	Sviggum
Berkelman	Gruenes	Lemen	Piepho	Swanson
Blatz	Halberg	Levi	Pogemiller	Tomlinson
Brandl	Hanson	Long	Redalen	Valan
Brinkman	Harens	Marsh	Reding	Valento
Byrne	Hauge	McCarron	Rees	Vanasek
Carlson, D.	Haukoos	McDonald	Reif	Vellenga
Carlson, L.	Heap	McEachern	Rice	Voss
Clark, J.	Heinitz	Mehrkens	Rodriguez, C.	Weaver
Clark, K.	Himle	Metzen	Rodriguez, F.	Welch
Clawson	Hoberg	Minne	Rose	Wenzel
Dahlvang	Hokanson	Munger	Rothenberg	Wieser
Dean	Hokr	Murphy	Samuelson	Wynia
Dempsey	Jacobs	Nelsen, B.	Sarna	Zubay
Drew	Johnson, C.	Nelson, K.	Schafer	Spkr. Sieben, H.
Eken	Johnson, D.	Niehaus	Schoenfeld	
Elioff	Jude	Norton	Schreiber	
Ellingson	Kahn	Novak	Shea	
Erickson	Kaley	Nysether	Sherman	

Those who voted in the negative were:

Ainley	Jennings	Ludeman	Welker
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The bill was passed and its title agreed to.

H. F. No. 1070, A bill for an act relating to health; exempting students in schools of dental assisting from the requirement of a dental license; amending Minnesota Statutes 1980, Section 150A.05, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kaley	Nysether	Sieben, M.
Ainley	Esau	Kalis	O'Connor	Simoneau
Anderson, B.	Evans	Kelly	Ogren	Skoglund
Anderson, G.	Ewald	Knickerbocker	Olsen	Stadum
Anderson, I.	Fjoslien	Kostohryz	Onnen	Stowell
Anderson, R.	Forsythe	Kvam	Otis	Stumpf
Battaglia	Friedrich	Laidig	Peterson, B.	Sviggunn
Begich	Greenfield	Lehto	Peterson, D.	Swanson
Berkelman	Gruenes	Lemen	Piepho	Tomlinson
Blatz	Halberg	Levi	Pogemiller	Valan
Brandl	Hanson	Long	Redalen	Valento
Brinkman	Harens	Ludeman	Reding	Vanasek
Byrne	Hauge	Marsh	Rees	Vellenga
Carlson, D.	Haukoos	McCarron	Reif	Voss
Carlson, L.	Heap	McDonald	Rice	Weaver
Clark, J.	Heinitz	McEachern	Rodriguez, C.	Welch
Clark, K.	Himle	Mehrkens	Rodriguez, F.	Welker
Clawson	Hoberg	Metzen	Rose	Wenzel
Dahlvang	Hokanson	Minne	Rothenberg	Wieser
Dean	Hokr	Munger	Samuelson	Wynia
Dempsey	Jacobs	Murphy	Sarna	Zubay
Den Ouden	Jennings	Nelsen, B.	Schafer	Spkr.Sieben,H.
Drew	Johnson, C.	Nelson, K.	Schoenfeld	
Eken	Johnson, D.	Niehaus	Schreiber	
Elioff	Jude	Norton	Shea	
Ellingson	Kahn	Novak	Sherman	

The bill was passed and its title agreed to.

H. F. No. 1080, A bill for an act relating to children; authorizing counties to establish multidisciplinary child protection teams; proposing new law coded in Minnesota Statutes, Chapter 626.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Dempsey	Haukoos	Laidig	Novak
Anderson, B.	Den Ouden	Heap	Lehto	Nysether
Anderson, G.	Drew	Heinitz	Lemen	O'Connor
Anderson, I.	Eken	Himle	Levi	Ogren
Anderson, R.	Elioff	Hoberg	Long	Olsen
Battaglia	Ellingson	Hokanson	Ludeman	Onnen
Begich	Erickson	Hokr	Marsh	Otis
Berkelman	Esau	Jacobs	McCarron	Peterson, B.
Blatz	Evans	Jennings	McDonald	Peterson, D.
Brandl	Ewald	Johnson, C.	McEachern	Piepho
Brinkman	Fjoslien	Johnson, D.	Mehrkens	Pogemiller
Byrne	Forsythe	Jude	Metzen	Redalen
Carlson, D.	Friedrich	Kahn	Minne	Reding
Carlson, L.	Greenfield	Kaley	Munger	Rees
Clark, J.	Gruenes	Kalis	Murphy	Reif
Clark, K.	Halberg	Kelly	Nelsen, B.	Rice
Clawson	Hanson	Knickerbocker	Nelson, K.	Rodriguez, C.
Dahlvang	Harens	Kostohryz	Niehaus	Rodriguez, F.
Dean	Hauge	Kvam	Norton	Rose



Rothenberg	Shea	Stowell	Valento	Welker
Samuelson	Sherman	Stumpf	Vanasek	Wenzel
Sarna	Sieben, M.	Sviggum	Vellenga	Wieser
Schafer	Simoneau	Swanson	Voss	Wynia
Schoenfeld	Skoglund	Tomlinson	Weaver	Zubay
Schreiber	Stadum	Valan	Welch	Spkr. Sieben, H.

The bill was passed and its title agreed to.

H. F. No. 1120, A bill for an act relating to public safety; authorizing the sale to and use by engineers of fireworks; amending Minnesota Statutes 1980, Section 624.21.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Jude	Niehaus	Schreiber
Ainley	Erickson	Kahn	Norton	Sherman
Anderson, B.	Esau	Kaley	Novak	Sieben, M.
Anderson, G.	Evans	Kalis	Nysether	Simoneau
Anderson, I.	Ewald	Kelly	O'Connor	Skoglund
Anderson, R.	Fjoslien	Knickerbocker	Ogren	Stadum
Battaglia	Forsythe	Kostohryz	Olsen	Stowell
Begich	Friedrich	Kvam	Onnen	Stumpf
Berkelman	Greenfield	Laidig	Otis	Sviggum
Blatz	Gruenes	Lehto	Peterson, B.	Swanson
Brand]	Halberg	Lemen	Peterson, D.	Tomlinson
Brinkman	Hanson	Levi	Piepho	Valan
Byrne	Harens	Long	Pogemiller	Valento
Carlson, D.	Hauge	Ludeman	Redalen	Vanasek
Carlson, L.	Haukoos	Marsh	Reding	Vellenga
Clark, J.	Heap	McCarron	Rees	Voss
Clark, K.	Heinitz	McDonald	Rice	Weaver
Clawson	Himle	McEachern	Rodriguez, C.	Welch
Dahlvang	Hoberg	Mehrkens	Rodriguez, F.	Welker
Dean	Hokanson	Metzen	Rose	Wenzel
Dempsey	Hokr	Minne	Rothenberg	Wieser
Den Ouden	Jacobs	Munger	Samuelson	Wynia
Drew	Jennings	Murphy	Sarna	Zubay
Eken	Johnson, C.	Nelsen, B.	Schafer	Spkr. Sieben, H.
Elioff	Johnson, D.	Nelson, K.	Schoenfeld	

The bill was passed and its title agreed to.

H. F. No. 1178, A bill for an act relating to the board of medical examiners; allowing temporary suspension of physicians' licenses without a hearing under certain conditions; amending Minnesota Statutes 1980, Section 147.021, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kahn	Norton	Schreiber
Ainley	Esau	Kaley	Novak	Sherman
Anderson, B.	Evans	Kalis	Nysether	Sieben, M.
Anderson, I.	Ewald	Kelly	O'Connor	Simoneau
Anderson, R.	Fjoslien	Knickerbocker	Ogren	Skoglund
Battaglia	Forsythe	Kostohryz	Olsen	Stadum
Begich	Friedrich	Kvam	Onnen	Stowell
Berkelman	Greenfield	Laidig	Otis	Stumpf
Blatz	Gruenes	Lehto	Peterson, B.	Sviggum
Brandl	Halberg	Lemen	Peterson, D.	Swanson
Brinkman	Hanson	Levi	Piepho	Tomlinson
Byrne	Harens	Long	Pogemiller	Valan
Carlson, D.	Hauge	Ludeman	Redalen	Valento
Carlson, L.	Haukoos	Marsh	Reding	Vanasek
Clark, J.	Heap	McCarron	Rees	Vellenga
Clark, K.	Heinitz	McDonald	Reif	Voss
Clawson	Himle	McEachern	Rice	Weaver
Dahlvang	Hoberg	Mehrkens	Rodriguez, C.	Welch
Dean	Hokanson	Metzen	Rodriguez, F.	Welker
Dempsey	Hokr	Minne	Rose	Wenzel
Den Ouden	Jacobs	Munger	Rothenberg	Wieser
Drew	Jennings	Murphy	Samuelson	Wynia
Eken	Johnson, C.	Nelsen, B.	Sarna	Zubay
Elioff	Johnson, D.	Nelson, K.	Schafer	Spkr. Sieben, H.
Ellingson	Jude	Niehaus	Schoenfeld	

The bill was passed and its title agreed to.

H. F. No. 1231, A bill for an act relating to state lands; directing conveyance of certain lands in Washington County.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Clark, K.	Friedrich	Johnson, C.	Marsh
Ainley	Clawson	Greenfield	Johnson, D.	McCarron
Anderson, B.	Dahlvang	Gruenes	Jude	McDonald
Anderson, G.	Dean	Gustafson	Kahn	McEachern
Anderson, I.	Dempsey	Halberg	Kaley	Mehrkens
Anderson, R.	Den Ouden	Hanson	Kalis	Metzen
Battaglia	Drew	Harens	Kelly	Minne
Begich	Eken	Hauge	Knickerbocker	Munger
Berkelman	Elioff	Haukoos	Kostohryz	Murphy
Blatz	Ellingson	Heap	Kvam	Nelsen, B.
Brandl	Erickson	Heinitz	Laidig	Nelson, K.
Brinkman	Esau	Hoberg	Lehto	Niehaus
Byrne	Evans	Hokanson	Lemen	Norton
Carlson, D.	Ewald	Hokr	Levi	Novak
Carlson, L.	Fjoslien	Jacobs	Long	Nysether
Clark, J.	Forsythe	Jennings	Ludeman	O'Connor

Ogren	Reding	Sarna	Stowell	Voss
Olsen	Rees	Schafer	Stumpf	Weaver
Onnen	Reif	Schoenfeld	Sviggum	Welch
Otis	Rice	Schreiber	Swanson	Welker
Peterson, B.	Rodriguez, C.	Sherman	Tomlinson	Wenzel
Peterson, D.	Rodriguez, F.	Sieben, M.	Valan	Wieser
Piepho	Rose	Simoneau	Valento	Wynia
Pogemiller	Rothenberg	Skoglund	Vanasek	Zubay
Redalen	Samuelson	Stadum	Vellenga	Spkr. Sieben, H.

The bill was passed and its title agreed to.

H. F. No. 1237, A bill for an act relating to the city of Blaine; permitting all council members to serve on the housing and redevelopment authority.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Jude	Norton	Schreiber
Ainley	Erickson	Kahn	Novak	Sherman
Anderson, B.	Esau	Kaley	Nysether	Sieben, M.
Anderson, G.	Evans	Kalis	O'Connor	Simoneau
Anderson, I.	Ewald	Kelly	Ogren	Skoglund
Anderson, R.	Fjoslien	Knickerbocker	Olsen	Stadum
Battaglia	Forsythe	Kostohryz	Onnen	Stowell
Begich	Greenfield	Kvam	Otis	Stumpf
Berkelman	Gruenes	Laidig	Peterson, B.	Sviggum
Blatz	Gustafson	Lehto	Peterson, D.	Swanson
Brandl	Halberg	Lemen	Piepho	Tomlinson
Brinkman	Hanson	Levi	Pogemiller	Valan
Byrne	Harens	Long	Redalen	Valento
Carlson, D.	Hauge	Ludeman	Reding	Vanasek
Carlson, L.	Haukoos	Marsh	Rees	Vellenga
Clark, J.	Heap	McCarron	Reif	Voss
Clark, K.	Heinitz	McDonald	Rice	Weaver
Clawson	Himle	Mehrkens	Rodriguez, C.	Welch
Dahlvang	Hoberg	Metzen	Rodriguez, F.	Welker
Dean	Hokanson	Minne	Rose	Wenzel
Dempsey	Hokr	Munger	Rothenberg	Wieser
Den Ouden	Jacobs	Murphy	Samuelson	Wynia
Drew	Jennings	Nelsen, B.	Sarna	Zubay
Eken	Johnson, C.	Nelson, K.	Schafer	Spkr. Sieben, H.
Elioff	Johnson, D.	Niehaus	Schoenfeld	

Those who voted in the negative were:

Friedrich      McEachern

The bill was passed and its title agreed to.

H. F. No. 1269, A bill for an act relating to energy; providing for the confidentiality of certain energy data; changing the duties of Minnesota energy agency; subdivision regulations;

extending biomass center plan deadline; amending Minnesota Statutes 1980, Sections 116H.08; 116H.19, Subdivision 1; 462.-358, Subdivision 2a; proposing new law coded in Minnesota Statutes, Chapter 15.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kaley	Novak	Sherman
Ainley	Ewald	Kalis	Nysether	Sieben, M.
Anderson, B.	Fjoslien	Kelly	O'Connor	Simoneau
Anderson, G.	Forsythe	Knickerbocker	Olsen	Skoglund
Anderson, I.	Friedrich	Kostohryz	Onnen	Stadum
Anderson, R.	Greenfield	Kvam	Otis	Stowell
Battaglia	Gruenes	Laidig	Peterson, B.	Stumpf
Begich	Gustafson	Lehto	Peterson, D.	Sviggum
Berkelman	Halberg	Lemen	Piepho	Swanson
Blatz	Hanson	Levi	Pogemiller	Tomlinson
Brandl	Harens	Long	Redalen	Valan
Brinkman	Hauge	Ludeman	Reding	Valento
Byrne	Haukoos	Marsh	Rees	Vanasek
Carlson, D.	Heap	McCarron	Reif	Vellenga
Carlson, L.	Heinitz	McDonald	Rice	Voss
Clark, J.	Himle	McEachern	Rodriguez, C.	Weaver
Clawson	Hoberg	Mehrkens	Rodriguez, F.	Welch
Dahlvang	Hokanson	Metzen	Rose	Wenzel
Dempsey	Hokr	Minne	Rothenberg	Wieser
Drew	Jacobs	Munger	Samuelson	Wynia
Eken	Jennings	Murphy	Sarna	Zubay
Elioff	Johnson, C.	Nelsen, B.	Schafer	Spkr. Sieben, H.
Ellingson	Johnson, D.	Nelson, K.	Schoenfeld	
Erickson	Jude	Niehaus	Schreiber	
Esau	Kahn	Norton	Shea	

Those who voted in the negative were:

Clark, K.	Dean	Den Ouden	Ogren	Welker
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The bill was passed and its title agreed to.

### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Sieben, M., requested immediate consideration of H. F. No. 12.

### CALL OF THE HOUSE

On the motion of Otis and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Aasness	Ellingson	Johnson, D.	Niehaus	Schreiber
Ainley	Erickson	Jude	Norton	Shea
Anderson, B.	Esau	Kahn	Novak	Sherman
Anderson, G.	Evans	Kaley	Nysether	Sieben, M.
Anderson, I.	Ewald	Kalis	O'Connor	Simoneau
Anderson, R.	Fjoslien	Kelly	Ogren	Skoglund
Battaglia	Forsythe	Knickerbocker	Olsen	Stadum
Begich	Friedrich	Kostohryz	Onnen	Stowell
Berkelman	Greenfield	Kvam	Otis	Stumpf
Blatz	Gruenes	Laidig	Peterson, B.	Sviggum
Brandl	Gustafson	Lehto	Peterson, D.	Swanson
Brinkman	Halberg	Lemen	Piepho	Tomlinson
Byrne	Hanson	Levi	Pogemiller	Valan
Carlson, D.	Harens	Ludeman	Reding	Valento
Carlson, L.	Hauge	Marsh	Rees	Vanasek
Clark, J.	Haukoos	McCarron	Reif	Vellenga
Clark, K.	Heap	McDonald	Rice	Voss
Clawson	Heinitz	McEachern	Rodriguez, C.	Weaver
Dahlvang	Himle	Mehrkens	Rodriguez, F.	Welch
Dean	Hoberg	Metzen	Rose	Welker
Dempsey	Hokanson	Minne	Rothenberg	Wenzel
Den Ouden	Hokr	Munger	Samuelson	Wieser
Drew	Jacobs	Murphy	Sarna	Wynia
Eken	Jennings	Nelsen, B.	Schafer	Zubay
Elioff	Johnson, C.	Nelson, K.	Schoenfeld	Spkr. Sieben, H.

Eken moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

H. F. No. 12 was reported to the house.

Rodriguez, C., moved to amend H. F. No. 12, the second engrossment, as follows:

Page 2, line 2, after the period insert "*In determining the need for interim rates, the commission may consider factors relating to the anticipated costs of the utility during the nine month period beginning three months after the filing for increased rates.*"

Page 2, line 16, after "only" insert ": (1)"

Page 2, line 22, change the period to a comma and insert "*and (2) an allowance for probable increases in interest and operating costs during the period beginning three months after the filing for a rate increase and ending on the anticipated date of the "final determination" as defined in subdivision 2.*"

Page 4, after line 2, insert "*In determining the need for interim rates, the commission may consider factors relating to the anticipated costs of the telephone company during the nine month period beginning three months after the filing for increased rates.*"

Page 4, line 15, after "only" insert ": (1)"

Page 4, line 21, change the period to a comma and insert "*and (2) an allowance for probable increases in interest and operating costs during the period beginning three months after the filing for a rate increase and ending on the anticipated date of the "final determination" as defined in subdivision 2.*"

The motion prevailed and the amendment was adopted.

Novak moved to amend H. F. No. 12, as amended, the second engrossment, as follows:

Page 5, line 19, delete "*the day following final enactment*" and insert "*January 1, 1982*"

The motion prevailed and the amendment was adopted.

Shea moved to amend H. F. No. 12, as amended, the second engrossment, as follows:

Page 3, line 12, delete "*one year*" and insert "*six months*"

Page 3, line 15, delete "*one*" and insert "*six month*"

Page 3, line 16, delete "*year*"

Page 5, line 11, delete "*one year*" and insert "*six months*"

Page 5, line 14, delete "*one*" and insert "*six month*"

Page 5, line 15, delete "*year*"

The motion prevailed and the amendment was adopted.

H. F. No. 12, A bill for an act relating to public utilities; requiring commission approval of interim rate changes; amending Minnesota Statutes 1980, Sections 216B.16, Subdivision 3; and 237.075, Subdivision 3.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 69 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Byrne	Den Ouden	Gustafson	Johnson, C.
Anderson, I.	Carlson, L.	Eken	Hanson	Jude
Battaglia	Clark, J.	Elioff	Harens	Kahn
Begich	Clark, K.	Ellingson	Hauge	Kelly
Berkelman	Clawson	Fjoslien	Hokanson	Kostohryz
Brandl	Dahlvang	Greenfield	Jacobs	Lehto

Long	Novak	Reding	Schoenfeld	Vanasek
McCarron	O'Connor	Rice	Shea	Vellenga
Metzen	Ogren	Rodriguez, C.	Sieben, M.	Voss
Minne	Onnen	Rodriguez, F.	Simoneau	Welch
Munger	Osthoff	Rose	Skoglund	Wenzel
Murphy	Otis	Rothenberg	Stumpf	Wynia
Nelson, K.	Peterson, D.	Samuelson	Swanson	Spkr. Sieben, H.
Norton	Pogemiller	Sarna	Tomlinson	

Those who voted in the negative were:

Aasness	Ewald	Johnson, D.	Nelsen, B.	Stadum
Ainley	Forsythe	Kaley	Niehaus	Stowell
Anderson, R.	Friedrich	Knickerbocker	Nysether	Sviggum
Blatz	Gruenes	Kvam	Olsen	Valan
Brinkman	Halberg	Laidig	Peterson, B.	Valento
Carlson, D.	Haukoos	Lemen	Piepho	Weaver
Dean	Heap	Levi	Redalen	Welker
Dempsey	Heinitz	Ludeman	Rees	Wieser
Drew	Himle	Marsh	Reif	Zubay
Erickson	Hoberg	McDonald	Schafer	
Esau	Hokr	McEachern	Schreiber	
Evans	Jennings	Mehrkens	Sherman	

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

## CALENDAR

H. F. No. 182, A bill for an act relating to commerce; revising the small loan act; increasing the loan amount which determines the necessity of obtaining a license; increasing the amount of liquid assets which must be maintained by a licensee; allowing certain purchasers of accounts to obtain a license; providing for the regulation of closings of licensees on holidays and weekends; providing for examinations at the commissioner's discretion; allowing the use of certain mechanical or electronic data processing methods to be used as books of account; allowing alternative compliance on certain rates of charge statements; allowing certain loans to be secured by real estate; restating maximum rates and charges; regulating licensee provisions concerning certain insurance in connection with loans made; allowing industrial loan and thrifts to make secured or unsecured loans on the terms, rates, and conditions permitted licensees; providing remedies; defining terms; providing for miscellaneous clarifications and revisions; amending Minnesota Statutes 1980, Sections 53.04, by adding a subdivision; 56.01; 56.02; 56.04; 56.07; 56.09; 56.10; 56.11; 56.12; 56.14; 56.15, Subdivision 1; 56.16; 56.17; 56.18; 56.19; 56.26; 334.02; 334.03; and proposing new law coded in Minnesota Statutes, Chapter 56; repealing Minnesota Statutes 1980, Sections 53.04, Subdivisions 3, 4, 6, and 7; 53.051; 56.06; 56.13; 56.15, Subdivision 2; and 56.20.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 72 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Himle	Mehrkens	Stadum
Ainley	Erickson	Hokanson	Metzen	Stowell
Anderson, B.	Esau	Jacobs	Munger	Swiggum
Anderson, R.	Evans	Jennings	Niehaus	Swanson
Battaglia	Ewald	Johnson, C.	Norton	Tomlinson
Begich	Forsythe	Johnson, D.	Novak	Valan
Berkelman	Friedrich	Kaley	Nysether	Voss
Blatz	Gruenes	Knickerbocker	Olsen	Weaver
Brinkman	Halberg	Kvam	Redalen	Welker
Byrne	Hanson	Laidig	Rees	Wenzel
Carlson, D.	Harens	Lemen	Rose	Zubay
Carlson, L.	Hauge	Levi	Rothenberg	Spkr. Sieben, H.
Dahlvang	Haukoos	Ludeman	Schafer	
Dean	Heap	Marsh	Sherman	
Den Ouden	Heinitz	McEachern	Sieben, M.	

Those who voted in the negative were:

Anderson, G.	Greenfield	Murphy	Rice	Stumpf
Anderson, I.	Gustafson	Nelson, K.	Rodriguez, C.	Vanasek
Brandl	Jude	O'Connor	Rodriguez, F.	Vellenga
Clark, J.	Kahn	Ogren	Samuelson	Welch
Clark, K.	Kelly	Onnen	Sarna	Wieser
Eken	Kostohryz	Osthoff	Schoenfeld	Wynia
Elioff	Long	Otis	Shea	
Ellingson	McCarron	Peterson, D.	Simoneau	
Fjoslien	Minne	Reding	Skogliund	

The bill was passed and its title agreed to.

#### CALL OF THE HOUSE LIFTED

Simoneau moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

#### CALENDAR, Continued

H. F. No. 449, A bill for an act relating to courts; providing that court reporter salaries shall be set by the district court administrator after consultation with the chief judge; amending Minnesota Statutes 1980, Sections 486.05, Subdivision 1; and 487.11, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 110 yeas and 13 nays as follows:

Those who voted in the affirmative were:

Aasness	Brandl	Dean	Evans	Harens
Ainley	Brinkman	Dempsey	Ewald	Hauge
Anderson, B.	Byrne	Den Ouden	Fjoslien	Haukoos
Anderson, I.	Carlson, L.	Drew	Friedrich	Heap
Anderson, R.	Clark, J.	Eken	Gruenes	Heinitz
Begich	Clark, K.	Elioff	Gustafson	Himle
Berkelman	Clawson	Ellingson	Halberg	Hoberg
Blatz	Dahlvang	Esau	Hanson	Jacobs



Jennings	Long	Novak	Rodriguez, F.	Stowell
Johnson, C.	Ludeman	Nysether	Rose	Stumpf
Johnson, D.	Marsh	O'Connor	Rothenberg	Sviggum
Jude	McDonald	Ogren	Samuelson	Tomlinson
Kahn	McEachern	Olsen	Sarna	Valan
Kaley	Mehrkens	Onnen	Schafer	Vanasek
Kalis	Metzen	Otis	Schoenfeld	Vellenga
Knickerbocker	Minne	Peterson, D.	Schreiber	Voss
Kostohryz	Munger	Piepho	Shea	Weaver
Kvam	Murphy	Reding	Sherman	Welker
Laidig	Nelsen, B.	Rees	Sieben, M.	Wenzel
Lehto	Nelson, K.	Reif	Simoneau	Wieser
Lemen	Niehaus	Rice	Skoglund	Zubay
Levi	Norton	Rodriguez, C.	Stadum	Spkr. Sieben, H.

Those who voted in the negative were:

Anderson, G.	Forsythe	McCarron	Redalen	Wynia
Carlson, D.	Greenfield	Osthoff	Swanson	
Erickson	Kelly	Pogemiller	Welch	

The bill was passed and its title agreed to.

H. F. No. 569, A bill for an act relating to housing; providing new standards and procedures for disclosing conflicts of interest for commissioners and employees of housing and redevelopment authorities; establishing penalties; proposing new law coded in Minnesota Statutes, Chapter 462; repealing Minnesota Statutes 1980, Section 462.431.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Hokanson	McDonald	Redalen
Ainley	Eken	Hokr	McEachern	Reding
Anderson, B.	Elioff	Jacobs	Mehrkens	Rees
Anderson, G.	Ellingson	Jennings	Metzen	Reif
Anderson, I.	Erickson	Johnson, C.	Minne	Rice
Anderson, R.	Esau	Johnson, D.	Munger	Rodriguez, C.
Battaglia	Evans	Jude	Murphy	Rodriguez, F.
Begich	Ewald	Kahn	Nelson, K.	Rose
Berkelman	Fjoslien	Kaley	Niehaus	Rothenberg
Blatz	Forsythe	Kalis	Norton	Samuelson
Brandl	Friedrich	Kelly	Novak	Schoenfeld
Brinkman	Greenfield	Knickerbocker	Nysether	Schreiber
Byrne	Gruenes	Kostohryz	O'Connor	Shea
Carlson, D.	Gustafson	Kvam	Ogren	Sherman
Carlson, L.	Halberg	Laidig	Olsen	Sieben, M.
Clark, J.	Hanson	Lehto	Onnen	Simoneau
Clark, K.	Harens	Lemen	Osthoff	Skoglund
Clawson	Hauge	Levi	Otis	Stadum
Dahlvang	Haukoos	Long	Peterson, B.	Stumpf
Dean	Heap	Ludeman	Peterson, D.	Sviggum
Dempsey	Heinitz	Marsh	Piepho	Swanson
Den Ouden	Himle	McCarron	Pogemiller	Tomlinson

Valento  
Vanasek  
Vellenga

Voss  
Weaver  
Welch

Welker  
Wenzel  
Wieser

Wynia  
Zubay

Spkr. Sieben, H.

The bill was passed and its title agreed to.

H. F. No. 588 was reported to the House and given its third reading.

UNANIMOUS CONSENT

Anderson, B., requested unanimous consent to offer an amendment. The request was granted.

Anderson, B., moved to amend H. F. No. 588, the first engrossment, as follows:

Page 2, line 1, delete everything after the period and insert

*"If credit is extended pursuant to an overdraft checking plan on the day on which an increase in the periodic rate of finance charge is made effective pursuant to this section, the rate in effect prior to the increase shall be the maximum lawful rate chargeable on the amount of credit so extended until that credit is fully repaid according to the terms of the plan."*

Page 2, delete lines 2 and 3

The motion prevailed and the amendment was adopted.

H. F. No. 588, A bill for an act relating to financial institutions; providing for maximum interest rates on overdraft checking loans; amending Minnesota Statutes 1980, Section 48.185, Subdivision 3.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 59 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Heinitz	Mehrkens	Schafer
Ainley	Esau	Himle	Nelsen, B.	Sherman
Anderson, B.	Evans	Hoberg	Niehaus	Stadum
Anderson, R.	Ewald	Jennings	Nysether	Sviggum
Berkelman	Fjoslien	Johnson, C.	Olsen	Valan
Blatz	Forsythe	Johnson, D.	Onnen	Valento
Brandl	Friedrich	Kaley	Otis	Welch
Brinkman	Gruenes	Kalis	Peterson, B.	Welker
Dean	Halberg	Knickerbocker	Piepho	Wenzel
Dempsey	Hauge	Kvam	Rees	Wieser
Den Ouden	Haukoos	Ludeman	Rodriguez, F.	Zubay
Eken	Heap	McDonald	Rothenberg	

Those who voted in the negative were:

Anderson, G.	Ellingson	Lehto	Osthoff	Simoneau
Anderson, I.	Greenfield	Lemen	Peterson, D.	Skoglund
Battaglia	Gustafson	Long	Reding	Stumpf
Begich	Hanson	McCarron	Reif	Swanson
Byrne	Harens	McEachern	Rice	Tomlinson
Carlson, D.	Hokanson	Minne	Rodriguez, C.	Vanasek
Carlson, L.	Hokr	Munger	Rose	Vellenga
Clark, J.	Jacobs	Murphy	Samuelson	Voss
Clark, K.	Jude	Nelson, K.	Sarna	Weaver
Clawson	Kahn	Norton	Schoenfeld	Wynia
Dahlvang	Kelly	Novak	Schreiber	Spkr. Sieben, H.
Drew	Kostohryz	O'Connor	Shea	
Elioff	Laidig	Ogren	Sieben, M.	

The bill was not passed, as amended.

Murphy was excused at 4:20 p.m.

H. F. No. 743, A bill for an act relating to energy; requiring the provision of fuel payment locations; proposing new law coded in Minnesota Statutes, Chapter 116H.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 57 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eken	Kahn	Osthoff	Skoglund
Anderson, I.	Elioff	Kelly	Otis	Stumpf
Battaglia	Ellingson	Lehto	Peterson, D.	Tomlinson
Begich	Greenfield	Long	Pogemiller	Vanasek
Berkelman	Gustafson	McCarron	Rice	Vellenga
Brandl	Hanson	Metzen	Rodriguez, C.	Voss
Byrne	Harens	Minne	Rodriguez, F.	Wenzel
Carlson, L.	Hauge	Munger	Samuelson	Wynia
Clark, J.	Hokanson	Nelson, K.	Sarna	Spkr. Sieben, H.
Clawson	Jacobs	Norton	Shea	
Dahlvang	Johnson, C.	Novak	Sieben, M.	
Drew	Jude	Ogren	Simoneau	

Those who voted in the negative were:

Aasness	Erickson	Heap	Laidig	Onnen
Ainley	Esau	Heintz	Lemen	Peterson, B.
Anderson, G.	Evans	Himle	Levi	Piepho
Anderson, R.	Ewald	Hoberg	Ludeman	Redalen
Blatz	Fjoslien	Hokr	Marsh	Rees
Brinkman	Forsythe	Jennings	McDonald	Reif
Carlson, D.	Friedrich	Johnson, D.	Mehrkens	Rose
Dean	Gruenes	Kaley	Nelsen, B.	Rothenberg
Dempsey	Halberg	Kalis	Niehaus	Schafer
Den Ouden	Haukoos	Knickerbocker	Nysether	

Schoenfeld	Stadum	Swanson	Weaver	Wieser
Schreiber	Stowell	Valan	Welch	Zubay
Sherman	Sviggum	Valento	Welker	

The bill was not passed.

#### MOTION FOR RECONSIDERATION

Onnen moved that the vote whereby H. F. No. 12, as amended, was passed under rule 1.10 be now reconsidered.

A roll call was requested and properly seconded.

#### CALL OF THE HOUSE

On the motion of Onnen and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Aasness	Erickson	Kahn	Nysether	Sherman
Ainley	Esau	Kaley	O'Connor	Sieben, M.
Anderson, B.	Evans	Kalis	Ogren	Simoneau
Anderson, G.	Ewald	Kelly	Olsen	Skoglund
Anderson, I.	Fjoslien	Knickerbocker	Onnen	Stadum
Anderson, R.	Forsythe	Kostohryz	Osthoff	Stowell
Battaglia	Friedrich	Kvam	Otis	Stumpf
Begich	Greenfield	Laidig	Peterson, B.	Sviggum
Berkelman	Gruenes	Lehto	Peterson, D.	Swanson
Blatz	Gustafson	Lemen	Piepho	Tomlinson
Brandl	Halberg	Levi	Pogemiller	Valan
Brinkman	Hanson	Long	Redalen	Valento
Byrne	Harens	Ludeman	Reding	Vanasek
Carlson, D.	Hauge	Marsh	Rees	Vellenga
Carlson, L.	Haukoos	McCarron	Reif	Voss
Clark, J.	Heap	McDonald	Rice	Weaver
Clark, K.	Heintz	McEachern	Rodriguez, C.	Welch
Clawson	Himle	Mehrkens	Rodriguez, F.	Welker
Dahlvang	Hoberg	Metzen	Rose	Wenzel
Dean	Hokanson	Minne	Rothenberg	Wieser
Dempsey	Hokr	Munger	Samuelson	Wynia
Den Ouden	Jacobs	Nelsen, B.	Sarna	Zubay
Drew	Jennings	Nelson, K.	Schafer	Spkr. Sieben, H.
Eken	Johnson, C.	Niehaus	Schoenfeld	
Elioff	Johnson, D.	Norton	Schreiber	
Ellingson	Jude	Novak	Shea	

The question recurred on the Onnen motion for reconsideration of H. F. No. 12, as amended, and the roll was called. There were 61 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Heap	Laidig	Olsen
Ainley	Esau	Heintz	Lemen	Onnen
Anderson, B.	Evans	Himle	Levi	Peterson, B.
Anderson, R.	Ewald	Hoberg	Ludeman	Piepho
Blatz	Fjoslien	Hokr	Marsh	Redalen
Carlson, D.	Forsythe	Jennings	McDonald	Rees
Dean	Friedrich	Johnson, D.	Mehrkens	Reif
Dempsey	Gruenes	Kaley	Nelsen, B.	Rose
Den Ouden	Halberg	Knickerbocker	Niehaus	Rothenberg
Drew	Haukoos	Kvam	Nysether	Schafer

Schreiber	Stowell	Valento	Wieser	Zubay
Sherman	Sviggum	Weaver		
Stadum	Valan	Welker		

Those who voted in the negative were:

Anderson, G.	Elioff	Kostohryz	Otis	Stumpf
Anderson, I.	Ellingson	Lehto	Peterson, D.	Swanson
Battaglia	Greenfield	Long	Pogemiller	Tomlinson
Begich	Gustafson	McCarron	Reding	Vanasek
Berkelman	Hanson	McEachern	Rice	Vellenga
Brandl	Harens	Metzen	Rodriguez, C.	Voss
Brinkman	Hauge	Minne	Rodriguez, F.	Welch
Byrne	Hokanson	Munger	Samuelson	Wenzel
Carlson, L.	Jacobs	Nelson, K.	Sarna	Wynia
Clark, J.	Johnson, C.	Norton	Schoenfeld	Sprk. Sieben, H.
Clark, K.	Jude	Novak	Shea	
Clawson	Kahn	O'Connor	Sieben, M.	
Dahlvang	Kalis	Ogren	Simoneau	
Eken	Kelly	Osthoff	Skoglund	

The motion did not prevail.

#### CALL OF THE HOUSE LIFTED

Schreiber moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

#### CALENDAR, Continued

H. F. No. 817, A bill for an act relating to education; permitting the operation of single sex wrestling teams; amending Minnesota Statutes 1980, Section 126.21, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 112 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Aasness	Dean	Harens	Knickerbocker	Niehaus
Ainley	Dempsey	Hauge	Kostohryz	Novak
Anderson, B.	Den Ouden	Haukoos	Kvam	Nysether
Anderson, G.	Drew	Heap	Laidig	O'Connor
Anderson, I.	Eken	Heinitz	Lemen	Ogren
Anderson, R.	Elioff	Himle	Levi	Olsen
Battaglia	Ellingson	Hoberg	Ludeman	Onnen
Begich	Erickson	Hokanson	Marsh	Otis
Berkelman	Esau	Hokr	McCarron	Peterson, B.
Blatz	Evans	Jacobs	McDonald	Piepho
Brandl	Ewald	Jennings	McEachern	Redalen
Brinkman	Fjoslied	Johnson, C.	Mehrkens	Reding
Carlson, D.	Friedrich	Johnson, D.	Metzen	Rees
Carlson, L.	Gruenes	Jude	Minne	Reif
Clawson	Halberg	Kalis	Munger	Rice
Dahlvang	Hanson	Kelly	Nelsen, B.	Rodriguez, C.

Rodriguez, F.	Schreiber	Stowell	Vanasek	Wieser
Rose	Shea	Stumpf	Vellenga	Wynia
Rothenberg	Sherman	Sviggum	Voss	Zubay
Samuelson	Sieben, M.	Swanson	Weaver	Spkr. Sieben, H.
Sarna	Simoneau	Tomlinson	Welch	
Schafer	Skoglund	Valan	Welker	
Schoenfeld	Stadum	Valento	Wenzel	

Those who voted in the negative were:

Byrne	Gustafson	Lehto	Osthoff	Pogemiller
Clark, J.	Kahn	Long	Peterson, D.	
Greenfield	Kaley	Norton		

The bill was passed and its title agreed to.

H. F. No. 893, A bill for an act relating to transportation; authorizing the purchase of the closed combination railroad and highway bridge connecting St. Paul Park in Washington County and Inver Grove Heights in Dakota County, and authorizing its operation as a toll bridge by a private business entity; providing for the regulation of the operation and maintenance of the bridge and the establishment of maximum toll charges by the counties of Washington and Dakota.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Jude	Norton	Schreiber
Ainley	Esau	Kahn	Novak	Shea
Anderson, B.	Evans	Kaley	Nysether	Sherman
Anderson, I.	Ewald	Kalis	O'Connor	Sieben, M.
Anderson, R.	Fjoslien	Kelly	Ogren	Simoneau
Battaglia	Friedrich	Knickerbocker	Olsen	Skoglund
Begich	Greenfield	Kostohryz	Onnen	Stadum
Berkelman	Gruenes	Kvam	Ottis	Stowell
Blatz	Gustafson	Laidig	Peterson, B.	Stumpf
Brandl	Halberg	Lehto	Peterson, D.	Sviggum
Brinkman	Hanson	Lemen	Piepho	Swanson
Byrne	Harens	Levi	Pogemiller	Tomlinson
Carlson, L.	Hauge	Long	Redalen	Valan
Clark, J.	Haukoos	Ludeman	Reding	Valento
Clark, K.	Heap	Marsh	Rees	Vellenga
Clawson	Heinritz	McDonald	Reif	Weaver
Dahlvang	Himle	McEachern	Rodriguez, C.	Welch
Dean	Hoberg	Mehrkens	Rodriguez, F.	Welker
Dempsey	Hokanson	Metzen	Rose	Wenzel
Den Ouden	Hokr	Minne	Rothenberg	Wieser
Drew	Jacobs	Munger	Samuelson	Wynia
Eken	Jennings	Nelsen, B.	Sarna	Zubay
Elioff	Johnson, C.	Nelson, K.	Schafer	Spkr. Sieben, H.
Ellingson	Johnson, D.	Niehaus	Schoenfeld	

Those who voted in the negative were:

Anderson, G.    Osthoff                      Rice                      Vanasek                      Voss

The bill was passed and its title agreed to.

H. F. No. 912, A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted and obsolete references and text; eliminating redundant, conflicting and superseded provisions; reenacting certain laws; amending Minnesota Statutes 1980, Sections 10.30; 12.03, Subdivision 9; 12.25, Subdivision 1; 15.0412, Subdivision 4d; 15.1611, Subdivisions 1 and 2; 15.1621, Subdivision 2; 15.163, Subdivision 6; 15.166, Subdivisions 1, 2 and 4; 15.1671; 15.50, Subdivision 1; 15.61, Subdivision 2; 16.172; 16.822, Subdivisions 3 and 6; 17.72; 17B.23; 27.01, Subdivision 1; 31.58; 32A.04, Subdivision 1; 35.067; 40.05, Subdivision 4; 40.071; 43.12, Subdivision 19; 43.126, Subdivisions 1 and 2; 43.24, Subdivision 2; 43.323, Subdivision 3; 47.203; 48.88, Subdivision 2; 50.14, Subdivision 5, as reenacted; 55.15; 60A.23, Subdivision 8; 62A.152, Subdivision 2; 62D.22, Subdivision 6; 62D.28, Subdivisions 2 and 3; 65B.05; 65B.06, Subdivision 2; 65B.71, Subdivision 2; 69.031, Subdivision 5; 69.29; 72A.20, Subdivision 15; 72C.11; 79.34, Subdivision 1; 84.55; 84A.52; 84B.05; 90.195; 92.36; 93.45, Subdivision 2; 111.09, Subdivision 2; 111.11; 111.31; 111.36; 111.78; 112.43, Subdivision 2; 115.34, Subdivision 1; 116.02, Subdivision 3; 116.06, Subdivision 1; 116.10; 122.532, Subdivision 3; 144.125; 144.653, Subdivision 1; 144.801, Subdivision 8; 144.92; 144A.01, Subdivision 2; 144A.10, Subdivision 3; 145.838, Subdivision 3; 148.88; 151.26, Subdivision 1; 161.38, Subdivision 6; 162.08, Subdivision 3; 173.12; 173.13, Subdivision 2; 173.20; 173.21; 174.256, Subdivision 5; 179.68, Subdivision 2; 179.69, Subdivision 3a; 179.691; 179.692; 182.661, Subdivision 1; 183.52; 183.56; 183.57, Subdivision 2; 183.59; 197.13; 197.48; 197.603, Subdivision 2; 218.031, Subdivision 1; 218.041, Subdivisions 2, 7 and 8; 219.39; 219.40; 219.741; 237.30; 239.05, Subdivision 1; 239.09; 241.021, Subdivision 2; 241.045, Subdivision 6; 241.27, Subdivision 2; 241.62, Subdivision 5; 243.87; 245.05; 245.06; 245.07; 245.781; 245.782, Subdivisions 1, 11 and 12; 245.783, Subdivisions 1, 2 and 3; 245.791; 245.801, Subdivision 5; 245.802, Subdivision 2; 245.803, Subdivisions 1, 2 and 3; 245.812, Subdivisions 2, 5 and 6; 250.05, Subdivisions 2 and 4; 256.25; 256.263, Subdivision 1; 256.483, Subdivision 1; 256B.15; 256E.03, Subdivision 2; 256E.06, Subdivision 2; 257.64, Subdivision 1; 260.241, Subdivision 4; 273.13, Subdivision 6; 275.50, Subdivisions 2 and 5; 282.281; 290.05, Subdivision 1; 290.14; 290.35; 290.53, Subdivision 4; 290.92, Subdivision 5; 290A.01; 290A.02; 290A.03, Subdivisions 1, 3, 8, 11 and 12; 290A.08; 290A.09; 290A.11, Subdivision 1; 290A.13; 290A.15; 290A.16; 290A.17; 290A.20; 290A.22; 294.25; 295.34, Subdivision 1; 297.03, Subdivision 3; 298.223; 298.244, Subdivision 2; 299F.19, Subdivision 6; 299H.22, Subdivision 2; 308.07, Subdivision 10; 325F.34; 326.02, Subdivisions 1, 2, 3, 4a and 5; 326.03, Subdivision 5; 326.08, Sub-

division 1; 326.11, Subdivision 1; 326.12, Subdivision 3; 326.13; 340.54, Subdivisions 1 and 2; 349.11; 352.22, Subdivision 3; 352B.075, Subdivision 1; 353.661, Subdivision 2; 353.71, Subdivision 1; 354.44, Subdivision 1a; 354A.21; 360.037, Subdivision 2; 368.86; 412.251; 414.0325, Subdivisions 1 and 5; 418.-20; 423.075, Subdivision 2; 427.09; 447.34, Subdivision 1; 447.35; 447.45, Subdivision 1; 465.72; 471.371, Subdivision 3; 471.616, Subdivision 1; 471.617; 471.74, Subdivision 2; 473.438, Subdivision 3; 473F.02, Subdivision 17; 474.03; 480.059, Subdivision 7; 485.14; 508.37, by adding a subdivision; 518.155; 518.66; 595.021; 595.022; 611.07, Subdivision 3; 611.12, Subdivision 7; 626.556, Subdivision 11; 626A.12, Subdivision 5; 628.56; 629.404, Subdivision 1; Laws 1980, Chapter 614, Section 163; reenacting Minnesota Statutes 1980, Section 50.14, Subdivision 5; reenacting and validating Laws 1980, Chapter 528; repealing Minnesota Statutes 1980, Chapters 2A and 3B; Sections 115.15; 115.16; 218.041, Subdivision 3; 273.061, Subdivision 11; 282.11; 325F.33; 325F.49; 325F.50; 473F.08, Subdivision 11; 475.53, Subdivision 2; 508.37, Subdivision 1; Laws 1979, Chapters 40, Sections 6 and 9; 303, Article 2, Section 7, and Article 10, Section 7; and 334, Article 3, Section 15; Laws 1980, Chapters 437, Section 4; 460, Sections 5, 18, 19 and 27; 487, Section 14; 509, Section 127; 528, Section 4; 534, Sections 27, 31, 39, 47, 53 and 54; 579, Section 3; and 600, Section 8

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kaley	Nysether	Shea
Ainley	Esau	Kalis	O'Connor	Sherman
Anderson, B.	Evans	Kelly	Ogren	Sieben, M.
Anderson, G.	Ewald	Knickerbocker	Olsen	Simoneau
Anderson, I.	Fjoslien	Kostohryz	Onnen	Skoglund
Anderson, R.	Forsythe	Kvam	Osthoff	Stowell
Battaglia	Friedrich	Laidig	Otis	Stumpf
Begich	Greenfield	Lehto	Peterson, B.	Sviggum
Berkelman	Gruenes	Lemen	Peterson, D.	Swanson
Blatz	Halberg	Levi	Piepho	Tomlinson
Brandl	Hanson	Long	Pogemiller	Valan
Brinkman	Hauge	Ludeman	Redalen	Valento
Byrne	Haukoos	Marsh	Reding	Vanasek
Carlson, D.	Heap	McCarron	Rees	Vellenga
Carlson, L.	Heinitz	McDonald	Reif	Voss
Clark, J.	Himle	McEachern	Rice	Weaver
Clawson	Hoberg	Mehrkens	Rodriguez, C.	Welch
Dahlvang	Hokanson	Metzen	Rodriguez, F.	Welker
Dean	Hokr	Minne	Rose	Wenzel
Dempsey	Jacobs	Munger	Rothenberg	Wieser
Den Ouden	Jennings	Nelsen, B.	Samuelson	Wynia
Drew	Johnson, C.	Nelson, K.	Sarna	Zubay
Eken	Johnson, D.	Niehaus	Schafer	Spkr. Sieben, H.
Elioff	Jude	Norton	Schoenfeld	
Ellingson	Kahn	Novak	Schreiber	



The bill was passed and its title agreed to.

S. F. No. 197, A bill for an act relating to highway traffic regulations; providing for the type and placement of reflectors on certain farm equipment; amending Minnesota Statutes 1980, Section 169.55, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Kahn	Novak	Schreiber
Ainley	Erickson	Kaley	Nysether	Shea
Anderson, B.	Esau	Kalis	O'Connor	Sherman
Anderson, G.	Evans	Kelly	Ogren	Sieben, M.
Anderson, I.	Ewald	Knickerbocker	Olsen	Simoneau
Anderson, R.	Fjoslien	Kostohryz	Onnen	Skoglund
Battaglia	Forsythe	Kvam	Osthoff	Stadum
Begich	Friedrich	Laidig	Otis	Stowell
Berkelman	Greenfield	Lehto	Peterson, B.	Stumpf
Blatz	Gruenes	Lemen	Peterson, D.	Sviggum
Brandl	Halberg	Levi	Piepho	Swanson
Brinkman	Hanson	Long	Pogemiller	Tomlinson
Byrne	Hauge	Ludeman	Redalen	Valan
Carlson, D.	Haukoos	Marsh	Reding	Valento
Carlson, L.	Heap	McCarron	Rees	Vanasek
Clark, J.	Heinitz	McDonald	Reif	Vellenga
Clark, K.	Himle	McEachern	Rice	Voss
Clawson	Hoberg	Mehrkens	Rodriguez, C.	Weaver
Dahlvang	Hokanson	Metzen	Rodriguez, F.	Welch
Dean	Hokr	Minne	Rose	Welker
Dempsey	Jacobs	Munger	Rothenberg	Wenzel
Den Ouden	Jennings	Nelsen, B.	Samuelson	Wieser
Drew	Johnson, C.	Nelson, K.	Sarna	Wynia
Eken	Johnson, D.	Niehaus	Schafer	Zubay
Elioff	Jude	Norton	Schoenfeld	Spkr. Sieben, H.

The bill was passed and its title agreed to.

Hoberg was excused at 5:00 p.m.

#### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

## REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. No. 632 which it recommended to pass.

H. F. No. 170 which it recommended progress retaining its place on General Orders.

H. F. No. 188 which it recommended progress retaining its place on General Orders.

H. F. No. 1040 which it recommended progress until Thursday, April 30, 1981.

S. F. No. 263 which it recommended to pass.

H. F. No. 590 which it recommended to pass with the following amendment offered by Anderson, B., and Erickson:

Page 1, line 15, delete "ten" and insert "15"

On the motion of Eken the report of the Committee of the Whole was adopted.

## MOTIONS AND RESOLUTIONS

Carlson, L., moved that H. F. No. 1390 be recalled from the Committee on Energy and be re-referred to the Committee on Taxes. The motion prevailed.

Olsen moved that her name be stricken as an author on H. F. No. 1155. The motion prevailed.

## POINT OF ORDER

Anderson, I., raised a point of order pursuant to rule 5.9 that H. F. No. 763, now on General Orders, be re-referred to the Committee on Taxes. The Speaker ruled the point of order well taken and that H. F. No. 763 be re-referred to the Committee on Taxes.

## ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, April 20, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, April 20, 1981.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**

STATE OF MINNESOTA

SEVENTY-SECOND SESSION - 1981

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THIRTY-SIXTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 16, 1981

The Senate met on Thursday, April 16, 1981, which was the Thirty-sixth Legislative Day of the Seventy-second Session of the Minnesota State Legislature. The House of Representatives did not meet on this date.



## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## THIRTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 20, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Reverend Laurits C. Nielsen, First United Methodist Church, Windom, Minnesota.

The roll was called and the following members were present:

Aasness	Erickson	Kaley	Novak	Shea
Ainley	Esau	Kalis	Nysether	Sherman
Anderson, B.	Evans	Kelly	O'Connor	Sherwood
Anderson, G.	Ewald	Knickerbocker	Ogren	Sieben, M.
Anderson, I.	Fjoslien	Kostohryz	Olsen	Simoneau
Anderson, R.	Forsythe	Kvam	Onnen	Skoglund
Battaglia	Friedrich	Laidig	Osthoff	Stadum
Begich	Greenfield	Lehto	Otis	Staten
Berkelman	Gruenes	Lemen	Peterson, B.	Stowell
Blatz	Gustafson	Levi	Peterson, D.	Stumpf
Brandl	Halberg	Long	Piepho	Sviggum
Brinkman	Hanson	Ludeman	Pogemiller	Swanson
Byrne	Harens	Mann	Redalen	Tomlinson
Carlson, D.	Hauge	Marsh	Reding	Valan
Carlson, L.	Haukoos	McCarron	Rees	Valento
Clark, J.	Heap	McDonald	Reif	Vanasek
Clark, K.	Heinitz	McEachern	Rice	Vellenga
Clawson	Himle	Mehrkens	Rodriguez, C.	Voss
Dahlvang	Hoberg	Metzen	Rodriguez, F.	Weaver
Dean	Hokanson	Minne	Rose	Welch
Dempsey	Hokr	Munger	Rothenberg	Welker
Den Ouden	Jacobs	Murphy	Samuelson	Wenzel
Drew	Jennings	Nelsen, B.	Sarna	Wieser
Eken	Johnson, C.	Nelson, K.	Schafer	Wynia
Elioff	Johnson, D.	Niehaus	Schoenfeld	Zubay
Ellingson	Jude	Norton	Schreiber	Sprk. Sieben, H.

A quorum was present.

Kahn, Luknic, Searles and Wigley were excused.

The Chief Clerk proceeded to read the Journals of the preceding days. Peterson, B., moved that further reading of the Journals be dispensed with and that the Journals be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 70, 108, 590, 725, 749, 1142, 1166, 659, 708, 887, 1294, 779, 848, 996, 1059, 1071, 1072, 12, 247, 892, 664, 874, 61, 251, 284, 478, 484, 565, 567, 933, 1223, and S. F. Nos. 31, 155, 330, 560, 393, 430, 168, 849, 973, 196, 462, 408, 333, 436, 759, 489, 520, 522, 874, 903, 72, 89 and 250 have been placed in the members' files.

S. F. No. 849 and H. F. No. 1024, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

McEachern moved that S. F. No. 849 be substituted for H. F. No. 1024 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 196 and H. F. No. 427, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

McDonald moved that S. F. No. 196 be substituted for H. F. No. 427 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 333 and H. F. No. 206, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Berkelman moved that the rules be so far suspended that S. F. No. 333 be substituted for H. F. No. 206 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 168 and H. F. No. 291, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

McDonald moved that the rules be so far suspended that S. F. No. 168 be substituted for H. F. No. 291 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 520 and H. F. No. 714, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Peterson, D., moved that the rules be so far suspended that S. F. No. 520 be substituted for H. F. No. 714 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 560 and H. F. No. 1034, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Voss moved that the rules be so far suspended that S. F. No. 560 be substituted for H. F. No. 1034 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 874 and H. F. No. 729, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Otis moved that the rules be so far suspended that S. F. No. 874 be substituted for H. F. No. 729 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 462 and H. F. No. 421, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Rice moved that the rules be so far suspended that S. F. No. 462 be substituted for H. F. No. 421 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 72 and H. F. No. 780, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Minne moved that the rules be so far suspended that S. F. No. 72 be substituted for H. F. No. 780 and that the House File be indefinitely postponed. The motion prevailed.

## PETITIONS AND COMMUNICATIONS

The following communications were received:



STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

April 15, 1981

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

The Honorable Jack Davies  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1981</i>	<i>Date Filed 1981</i>
153		26	April 14	April 15
247		27	April 14	April 15
	40	28	April 14	April 15
	71	29	April 14	April 15
	84	30	April 14	April 15
173		31	April 14	April 15
201		32	April 14	April 15
269		33	April 14	April 15
297		34	April 14	April 15
330		35	April 14	April 15
341		36	April 14	April 15
470		37	April 14	April 15

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

37th Day]

MONDAY, APRIL 20, 1981

1763

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

April 16, 1981

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

Dear Speaker Sieben :

I have the honor to inform you that I received, approved, signed and deposited in the Office of the Secretary of State the following House Files :

H. F. No. 1083, relating to charitable trusts; transferring responsibility of keeping certain records;

H. F. No. 214, relating to labor; regulating certain steam engine and boiler operators; exempting certain operators from testing requirements;

Sincerely,

ALBERT H. QUIE  
Governor

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

April 17, 1981

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

The Honorable Jack Davies  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1981</i>	<i>Date Filed 1981</i>
	214	38	April 16	April 17
	1083	39	April 16	April 17

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

## REPORTS OF STANDING COMMITTEES

Anderson, I., from the Committee on Taxes to which was referred:

H. F. No. 161, A bill for an act relating to the city of Cloquet; permitting the city to contract, pay, and tax for certain public transportation services.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Anderson, I., from the Committee on Taxes to which was referred:

H. F. No. 252, A bill for an act relating to taxation; allowing urban towns to increase their tax levy limit base by eight percent per year; amending Minnesota Statutes 1980, Section 275.52, Subdivision 2.

Reported the same back with the following amendments:

Page 1, line 21, delete "*the day following final enactment*" and insert "*for taxes levied in 1981 and thereafter, payable in 1982 and thereafter*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 463, A bill for an act relating to transportation; including within the specific information signing program commercial establishments that provide resort recreational or related services to the recreational traveler; amending Minnesota Statutes 1980, Sections 160.292, Subdivisions 2 and 9, and 160.293, Subdivisions 1 and 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [160.298] [SPECIFIC SIGN STUDY.]

*Subdivision 1. [INFORMATIONAL SERVICE TO THE TRAVELING PUBLIC.] The department of transportation and the department of economic development shall recommend ways to inform travelers of the location of businesses which serve the traveling public. The recommendations shall address the following:*

- (a) definition of businesses which serve the traveling public;*
- (b) information needs of travelers;*
- (c) methods of providing information to travelers.*

*Subd. 2. [METHODS OF PROVIDING INFORMATION.] In preparing recommendations, the departments shall consider the following methods of providing information to travelers:*

- (a) state map distribution;*
- (b) local maps;*
- (c) directional signs;*
- (d) sign bays;*
- (e) establishment of a logo sign program;*
- (f) coordination of state and local directional sign programs.*

*Subd. 3. [RECOMMENDATIONS.] Specific recommendations for legislative action shall be submitted to the standing committees on transportation of both houses of the legislature by February 1, 1982, and shall state the cost and the time required for implementing each recommendation and whether agency rulemaking might be necessary.*

*Subd. 4. [LEAD AGENCY.] The department of economic development shall be the lead agency in compiling and submitting the recommendation. The commissioners of transportation and economic development or their designees shall prepare the recommendations."*

Delete the title and insert:

"A bill for an act relating to transportation; including within the specific information signing program commercial establishments that provide resort recreational or related services to the

traveling public; proposing new law coded in Minnesota Statutes, Chapter 160."

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 746, A bill for an act relating to occupational and professional licensing; removing the consecutive term restriction from the board of nursing; removing delinquent and non-practicing statutes; providing for nursing permits; repealing outdated statutes; amending Minnesota Statutes 1980, Sections 148.181, Subdivision 2; 148.231, Subdivisions 1, 4, 5, and 6; 148.271; 148.294 and 148.295; repealing Minnesota Statutes 1980, Section 148.231, Subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 148.181, Subdivision 2, is amended to read:

Subd. 2. On expiration of the term of a member who is a registered nurse, the governor may appoint a registered nurse from a list of members submitted by professional nursing groups. Likewise on expiration of the term of a member who is a licensed practical nurse, the governor may appoint a licensed practical nurse from a list of members submitted by licensed practical nursing groups. (SUCH) *These* lists should contain names of persons in number at least twice the number of places to be filled. Vacancies occurring on the board, when the member is a registered nurse or a licensed practical nurse, may be filled for the unexpired terms by appointments to be made by the governor from nominations submitted by nursing groups in the manner aforesaid. (NO BOARD MEMBER SHALL BE APPOINTED TO CONSECUTIVE TERMS.) Members shall hold office until a successor is appointed and qualified.

Sec. 2. Minnesota Statutes 1980, Section 148.211, Subdivision 1, is amended to read:

Subdivision 1. An applicant for a license to practice as a registered nurse shall apply to the board for license by examination on forms prescribed by the board and pay a fee in an amount determined by rule. An applicant applying for re-examination shall pay a fee in an amount determined by rule. In no case shall fees be refunded.

Before being scheduled for examination the applicant shall provide written evidence verified by oath that he (a) is of good moral character, (b) is in good mental health, (c) meets secondary education requirements as determined by the board and other preliminary qualification requirements the board may prescribe by rule, and (d) either has completed a course of study in a professional nursing program approved by the board or is enrolled in the final term of study in such program. *The board shall annually publish and distribute to secondary school counselors the requirements for licensure for practice in Minnesota.*

The applicant shall be required to pass a written examination in the subjects the board may determine. Each written examination may be supplemented by an oral or practical examination. An applicant failing to pass any portion of the examination shall be deemed to have failed the examination and may apply for re-examination in the subjects or sections failed.

Refusal to supply information necessary to determine the qualifications of an applicant may result in denial of the application.

Upon submission by the applicant of an affidavit of graduation from an approved nursing program as well as proof that the applicant has passed the examination, paid the required fees and met all other requirements stated in this subdivision, the board shall issue a license to the applicant.

Sec. 3. Minnesota Statutes 1980, Section 148.231, Subdivision 1, is amended to read:

Subdivision 1. [REGISTRATION.] (EXCEPT FOR A PERSON WHOSE NAME IS ON THE NON-PRACTICING LIST AS PROVIDED IN THIS SECTION,) Every person licensed to practice professional nursing must also maintain with the board, a current registration for practice as a registered nurse which must be renewed at regular intervals stipulated by the board by rule. Upon adoption by the board of rules (AND REGULATIONS) establishing procedures and minimum requirements for successful completion of specified continuing education as hereinafter provided, no certificate of registration shall be issued by the board to a nurse until he or she has submitted satisfactory evidence of compliance with the procedures and minimum requirements established by the board.

The fee for periodic registration for practice as a registered nurse shall be determined by the board by rule. A penalty fee shall be added for any application received after the (EXPIRATION) *required* date as specified by the board by rule. Upon receipt of the application and the required fees, the board shall verify the application and the evidence of completion of continuing education requirements in effect, and thereupon issue to

(SUCH) *the* applicant a certificate of registration for the next renewal period.

Sec. 4. Minnesota Statutes 1980, Section 148.231, Subdivision 4, is amended to read:

Subd. 4. [FAILURE TO REGISTER.] Any person licensed under the provisions of sections 148.171 to 148.285 who fails to re-register within the period hereinbefore provided (, SHALL BE DEEMED DELINQUENT AND) shall not be entitled to practice nursing in this state as a registered nurse (, UNTIL AN APPLICATION FOR RENEWAL REGISTRATION HAS BEEN FILED WITH THE BOARD ACCOMPANIED BY SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE PROCEDURES AND MINIMUM REQUIREMENTS CURRENTLY ESTABLISHED BY THE BOARD FOR CONTINUING EDUCATION AND BY A REGISTRATION FEE FOR EACH CALENDAR YEAR DURING WHICH SAID APPLICANT HAS FAILED TO REGISTER, UP TO A MAXIMUM STIPULATED BY THE BOARD BY RULE, AND A CERTIFICATE OF RE-REGISTRATION ISSUED TO SUCH PERSON).

Sec. 5. Minnesota Statutes 1980, Section 148.231, Subdivision 5, is amended to read:

Subd. 5. [(NON-PRACTICING LIST;) RE-REGISTRATION.] (A PERSON LICENSED UNDER THE PROVISIONS OF SECTIONS 148.171 TO 148.285 WHO DESIRES TO RETIRE FROM PRACTICE TEMPORARILY, SHALL SEND A WRITTEN NOTICE TO THE BOARD. UPON THE RECEIPT OF SUCH NOTICE, THE BOARD SHALL PLACE THE NAME OF SUCH PERSON ON THE NON-PRACTICING LIST. WHILE SO REMAINING ON THIS LIST, THE PERSON SHALL NOT BE SUBJECT TO THE PAYMENT OF ANY FEES, AND SHALL NOT PRACTICE NURSING IN THIS STATE.) When (SUCH) *a* person desires to resume practice he or she shall make application for re-registration, and submit satisfactory evidence of compliance with the procedures and minimum requirements established by the board for continuing education, and pay the registration fee for the current period to the board. Thereupon, the registration certificate shall be issued to such applicant, and such person shall immediately be placed on the practicing list as a registered nurse.

Sec. 6. Minnesota Statutes 1980, Section 148.231, Subdivision 6, is amended to read:

Subd. 6. [FEE FOR LICENSE VERIFICATION.] A person licensed under the provisions of sections 148.171 to 148.285 who requests the board to verify (SUCH) *a* Minnesota license to another jurisdiction *or to an agency, facility, school or institution* shall pay a fee to the board for each verification.

Sec. 7. Minnesota Statutes 1980, Section 148.251, is amended by adding a subdivision to read:

*Subd. 4. Associate degree nursing programs approved or seeking to be approved by the board shall provide for advanced standing for licensed practical nurses in recognition of their nursing education and experience. The board shall adopt rules by July 1, 1982 to implement this section.*

Sec. 8. Minnesota Statutes 1980, Section 148.271, is amended to read:

148.271 [ALLOWABLE UNLICENSED PRACTICES.]

The provisions of sections 148.171 to 148.285 shall not prohibit:

- (1) The furnishing of nursing assistance in an emergency.
- (2) The practice of nursing by any legally qualified nurse of another state who is employed by the United States government or any bureau, division or agency thereof while in the discharge of his or her official duties.
- (3) Under the direct supervision of a registered nurse, the practice of nursing by a graduate of a school of professional nursing approved by the board between the date of graduation and the date of notification to (SUCH) *the* graduate of the board action upon his or her application for licensure hereunder, provided that (SUCH) *the* graduate will take the first examination for licensure hereunder following graduation given by the board and will be issued a permit by the board to engage in supervised practice of professional nursing while awaiting notification of the results of such examination. The board is authorized to issue permits to such graduates which shall permit the practice of professional nursing under direct supervision from the date of graduation until the date that the board shall notify (SUCH) *the* graduates of the results of their applications for registration conditioned upon (SUCH) *the* graduates making prompt application for registration and taking the first examination given by the board which they are eligible to take following graduation. (SUCH) *These* permits shall not be renewable.
- (4) The practice of any profession or occupation licensed by the state, other than professional nursing, by any person duly licensed to practice (SUCH) *the* profession or occupation, or the performance by (SUCH) a person of any acts properly coming within the scope of (SUCH A) *the* profession, occupation or license.
- (5) The performance of any act in the nursing care of the sick by a nurse's aide under the direction of a registered nurse.



(6) The practice of nursing by a person licensed as a professional nurse in another jurisdiction and qualified for licensure in the state of Minnesota pursuant to a temporary permit issued by the board of nursing which permit shall be issued by the board pursuant to (SUCH) rules (AND REGULATIONS) as it may promulgate, for the period between the submission of a proper application for licensure by (SUCH) *the* person and the date of action upon (SUCH) *the* application by the board.

(7) The care of the sick, injured or infirm in a private home by any person who does not assume or represent to be a registered or professional nurse.

(8) Care of the sick with or without compensation when done in a nursing home covered by the provisions of section 144A.09, subdivision 1.

*(9) The practice of nursing by a graduate of an approved professional nursing program in another jurisdiction provided the graduate has applied for licensure in the state of Minnesota by interstate endorsement and has written the first examination for licensure following graduation. Practice under this clause is allowable only under a temporary permit issued by the board which shall be issued pursuant to rules as the board may promulgate, and which shall be valid only for the period between submission of a proper application and completion of the examination by the person and the date of action upon the application by the board. The examination must be the same examination required of applicants for licensure by examination in Minnesota. The permit shall authorize the practice of nursing only under the direct supervision of a licensed professional nurse. The permit shall not be renewable.*

Sec. 9. Minnesota Statutes 1980, Section 148.291, Subdivision 1, is amended to read:

Subdivision 1. [QUALIFICATIONS.] An applicant for a license to practice nursing as a licensed practical nurse shall apply to the board for examination on forms provided by the board and pay a fee in an amount determined by rule. An applicant applying for re-examination shall pay a fee in an amount determined by rule. In no case shall fees be refunded.

Before being scheduled for examination the applicant shall provide written evidence, verified by oath that he (a) is of good moral character, (b) is in good mental health, (c) meets secondary education requirements as determined by the board and any other preliminary qualification requirements the board may prescribe by rule, and (d) either has completed an approved course for the training of licensed practical nurses or is enrolled in the final term of study in such program. *The board shall annually publish and distribute to secondary counselors the requirements for licensure for practice in Minnesota.*

Refusal to supply information necessary to determine the qualifications of an applicant may result in denial of the application.

Upon submission by the applicant of an affidavit of graduation from an approved nursing program as well as proof that the applicant has passed the examination, paid the required fees and met all other requirements stated in this subdivision, the board shall issue a license to such applicant.

Sec. 10. Minnesota Statutes 1980, Section 148.294, is amended to read:

148.294 [REGISTRATION; FEE FOR LICENSE VERIFICATION.]

Subdivision 1. [(ANNUAL) CURRENT REGISTRATION.] (EVERY LICENSED PRACTICAL NURSE SHALL REGISTER ANNUALLY WITH THE BOARD FOR EACH CALENDAR YEAR AND PAY A FEE ON OR BEFORE DECEMBER 31 OF THE IMMEDIATELY PRECEDING YEAR, THEREUPON, THE BOARD SHALL ISSUE A CERTIFICATE OF RENEWAL REGISTRATION. A PENALTY FEE SHALL BE ADDED FOR RENEWAL REGISTRATION APPLICATIONS POSTMARKED AFTER DECEMBER 31 OF THE IMMEDIATELY PRECEDING YEAR.) *Every person licensed to practice practical nursing must also maintain with the board a current registration for practice as a licensed practical nurse which must be renewed at regular intervals stipulated by the board by rule.*

*The fee for periodic registration for practice as a licensed practical nurse shall be determined by the board by rule. A penalty fee shall be added for any application received after the required date as specified by the board by rule. Upon receipt of the application and the required fees, the board shall verify the application and thereupon issue to the applicant a certificate of registration for the next renewal period.*

Subd. 2. [FAILURE TO RE-REGISTER.] (A) Any person licensed under the provisions of (SECTION) sections 148.291 to 148.299 who fails to re-register within the period hereinbefore provided (SHALL BE DEEMED DELINQUENT AND) shall not be entitled to practice nursing in this state as a licensed practical nurse (, UNTIL AN APPLICATION FOR RENEWAL REGISTRATION HAS BEEN FILED WITH THE BOARD ACCOMPANIED BY A REGISTRATION FEE FOR EACH CALENDAR YEAR DURING WHICH SAID APPLICANT HAS BEEN DELINQUENT, UP TO A MAXIMUM STIPULATED BY THE BOARD BY RULE, AND A CERTIFICATE OF RE-REGISTRATION ISSUED TO SUCH PERSON.

Subd. 3. [(NOTICE OF TEMPORARY RETIREMENT) *RE-REGISTRATION.*] (A PERSON LICENSED UNDER THE PROVISIONS OF SECTION 148.291 WHO DESIRES TO RETIRE FROM PRACTICE TEMPORARILY, SHALL SEND A WRITTEN NOTICE TO THE BOARD. UPON THE RECEIPT OF SUCH NOTICE THE BOARD SHALL PLACE THE NAME OF SUCH PERSON ON THE NON-PRACTICING LIST. WHILE SO REMAINING ON THIS LIST, THE PERSON SHALL NOT BE SUBJECT TO THE PAYMENT OF ANY FEES, AND SHALL NOT PRACTICE NURSING IN THIS STATE.) When (SUCH) *a* person desires to resume practice he or she shall make application for re-registration and pay the (ANNUAL) registration fee for the current (YEAR) *period* to the board, and the registration certificate shall be issued to (SUCH) *the* applicant, and (SUCH) *the* person shall immediately be placed on the practicing list as a licensed practical nurse.

Subd. 4. [FEE FOR LICENSE VERIFICATION.] A person licensed under the provisions of sections 148.29 to (148.297) *148.299* who requests the board to verify (SUCH) *a* Minnesota license to another jurisdiction *or to an agency, facility, school or institution* shall pay a fee (OF \$5) to the board for each verification.

Sec. 11. Minnesota Statutes 1980, Section 148.295, is amended to read:

148.295 [ALLOWABLE UNLICENSED PRACTICES.]

The provisions of sections 148.29 to 148.297 shall not prohibit:

(1) The practice of practical nursing by any legally qualified licensed practical nurse of another state who is employed by the United States government or any bureau, division or agency thereof while in the discharge of his or her official duties;

(2) Under the direct supervision of a registered nurse, the practice of practical nursing by a graduate of a school of practical nursing approved by the board between the date of graduation and the date of notification to the graduate of the board action upon his *or her* application for licensure hereunder, provided that the graduate will take the first licensure examination following graduation and will be issued a permit by the board to engage in supervised practice. The permits shall not be renewable (.);

(3) *The practice of practical nursing by a graduate of an approved practical nursing program in another jurisdiction provided the graduate has applied for licensure in the state of Minnesota by interstate endorsement and has written the first examination for licensure following graduation. Practice under this clause is allowable only under a temporary permit issued by the board which shall be issued pursuant to rules as the*

board may promulgate, and which shall be valid only for the period between submission of a proper application and completion of the examination by the person and the date of action upon the application by the board. The examination must be the same examination required of applicants for licensure by examination in Minnesota. The permit shall authorize the practice of nursing only under the direct supervision of a licensed professional nurse. The permit shall not be renewable; or

(4) The practice of practical nursing by a person licensed as a licensed practical nurse in another jurisdiction and qualified for licensure in the state of Minnesota. Practice under this clause is allowable only under a temporary permit issued by the board which shall be issued by the board pursuant to rules as the board may promulgate, and which shall be valid only for the period between the submission of a proper application for licensure by the person and the date of action upon the application by the board.

Sec. 12. [REPEALER.]

*Minnesota Statutes 1980, Section 148.231, Subdivision 2, is repealed.*

Sec. 13. [EFFECTIVE DATE.]

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

Delete the title and insert:

"A bill for an act relating to occupational and professional licensing; removing the consecutive term restriction from the board of nursing; requiring distribution of licensure requirements to secondary school counselors; removing delinquent and non-practicing statutes; providing for nursing permits; repealing outdated statutes; providing for advanced standing for licensed practical nurses; amending Minnesota Statutes 1980, Sections 148.181, Subdivision 2; 148.211, Subdivision 1; 148.231, Subdivisions 1, 4, 5, and 6; 148.251, by adding a subdivision; 148.271; 148.291, Subdivision 1; 148.294 and 148.295; repealing Minnesota Statutes 1980, Section 148.231, Subdivision 2."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, M., from the Committee on Appropriations to which was referred:

H. F. No. 748, A bill for an act relating to recycling of solid waste; authorizing the state to contract for recycling; requiring payment of a refund on nonrefillable beverage containers; imposing duties on the commissioner of revenue and the pollution control agency; imposing penalties; establishing a dedicated

fund in the state treasury; proposing new law coded in Minnesota Statutes, Chapter 116F; repealing Minnesota Statutes 1980, Sections 116F.21 and 116F.22.

Reported the same back with the following amendments:

Page 2, after line 4, insert:

*"Subd. 8. [NEWSPRINT.] "Newsprint" means any daily or weekly newspaper."*

Renumber the subdivisions

Page 2, line 29, after the period insert *"No retail store in the state shall be required to accept an empty nonrefillable beverage container from any person or pay a refund value pursuant to this act."*

*The price of a newspaper sold or offered for sale in this state shall include a refund value of two cents per pound plus a recycling allowance of one cent per pound."*

Page 2, after line 34, insert

*"A publisher selling newsprint in the state shall add three cents per pound to the price of each newspaper sold or offered for sale in the state."*

Page 2, line 36, after "distributor" insert "and publisher"

Page 3, line 3, after "dealers" insert ", distributors and residents"

Page 3, line 5, after "container" insert "and pound of newsprint"

Page 3, line 6, after "dealers" insert ", distributors and residents"

Page 3, line 7, after "[FUND.]" insert "Prior to July 1, 1983,"

Page 3, line 10, delete the period and insert a comma

Page 3, line 10, before "All" insert "and"

Page 3, line 14, after the period insert *"Beginning July 1, 1983, all moneys collected pursuant to this section including an unencumbered balance in the "land disposal abatement and recycling fund" shall be deposited in the general fund and moneys necessary for the purposes of this act shall be from biennial appropriations. The complement of the pollution control agency is in-*

created by four positions in fiscal year 1982, and by an additional three positions in fiscal year 1983.

*Subd. 4. The provisions of chapter 297A relating to limitations on filing and auditing reports or returns, penalties for late payment or late filing, extensions for time to file and pay, and the audit authority of the commissioner, are applicable to the reports or returns required to be filed with the commissioner pursuant to this act. The provisions of section 297A.48 are not applicable and the data required to be submitted to the commissioner shall be public data."*

Page 3, lines 18, 20 and 23, after "containers" insert "and newsprint"

Page 3, line 25, after "container" insert "or per pound of newsprint"

Page 3, line 29, after "containers" insert "or pounds of newsprint"

Page 3, line 36, after "container" insert "or per pound of newsprint"

Page 4, after line 22, insert:

*"(1) For employee reemployment assistance, the reemployment assistance shall include, but not be limited to, retraining and relocation allowances, employment assistance and educational training programs;"*

Renumber the clauses

Page 4, line 24, after "container" insert "or newsprint"

Page 4, lines 29 and 32, after "containers" insert "or newsprint"

Page 4, line 34, after "container" insert ", newsprint"

Page 5, line 3, after "containers" insert ", newsprint"

Page 5, line 19, after "section 6" insert a period and delete the balance of the line

Page 5, delete lines 20 to 23 and insert:

*"A taxpayer who is a dislocated worker may claim a credit against any individual income tax due the state for the taxable year for the cost of vocational or educational training or retrain-*

*ing and for any moving expenses due to relocation in order to obtain employment not paid by the employer or covered by the provisions of this act.*

*The credit shall be equal to 100 percent of the cost of the vocational or educational training or retraining and for any moving expenses due to relocation in order to obtain employment but shall not exceed \$5,000.*

*If the amount of the credit provided exceeds the taxpayers liability for the taxable year, the excess may be carried forward to future taxable years until the actual or maximum allowable credit has been allowed.*

*“Dislocated worker” means any individual who is involved in the production or distribution of any container or beverage covered by the provisions of this act and who suffers a loss of employment due to the permanent closing, or temporary closing due to converting or retooling, of a place of employment or a part of a place of employment which is directly related to or caused by the passage of this act.”*

Page 5, line 28, after “container” insert “, newsprint”

Page 6, line 6, after “containers” insert “and newsprint”

Page 6, line 7, delete “March” and insert “October”

Page 6, after line 19, insert:

“Sec. 10. [RULES.]

*The agency shall adopt rules necessary to carry out its responsibilities under this act.”*

Page 6, line 27, after “1982” insert “, and expires January 1, 1984”

Renumber the sections

Amend the title as follows:

Page 1, line 4, after “containers” insert “and newsprint”

With the recommendation that when so amended the bill pass.

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 886, A bill for an act relating to mobile homes; regulating lot rentals; specifying conditions on which a lessor may recover possession of land upon which a mobile home is located; amending Minnesota Statutes 1980, Section 327.44.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1980, Section 327.44, is amended to read:

**327.44 [TERMINATION FOR CAUSE.]**

A lessor may recover possession of land upon which an occupied mobile home is situated only if:

(a) The tenant fails to comply with a local ordinance or state law or regulation relating to mobile homes within the time the ordinance, law or regulation provides or, if no time is provided, within a reasonable time after the tenant has received written notice of noncompliance;

(b) The tenant fails to comply with the terms and conditions of the lease or rental agreement within 30 days after the tenant has received written notice of the alleged noncompliance except the 30 day notice shall not apply to nonpayment of rent;

(c) The owner voluntarily ceases to operate as a park all or the part of the mobile home park occupied by the tenant, and the tenant has received six months written notice of the planned cessation of operation;

(d) The tenant conducts himself upon the mobile home park premises in a manner which substantially annoys or endangers the health or safety of other tenants or causes substantial damage to the mobile home park premises and has received 30 days written notice to vacate, except the park owner may require the tenant to vacate immediately if the tenant violates this clause a second or subsequent time after receipt of the notice;

(e) The mobile home park owner intends to make improvements to the mobile home park premises which necessitate removal of the tenant's mobile home from the park and the tenant has received 90 days' written notice; (OR)

(f) A lease of a term of at least one year expires and the lessor seeks to recover possession (WITHIN 15 DAYS AFTER EXPIRATION) *as provided in section 2;*

(g) The lessor seeking to recover possession on grounds of nonpayment of rent or utilities gives ten days written notice to



the tenant, and to any party holding a security interest in the mobile home known to the lessor, to pay the amounts then owing and cure the default. If neither the tenant nor the secured party cures within ten days from receipt of notice, the lessor may commence legal proceedings to recover possession; or

*(h) The tenant has repeatedly violated provisions of the lease or provisions of a local ordinance or state law or rule relating to mobile homes, and the lessor has given the tenant written notice of the violations and has given the tenant a written warning that any future violation will be treated as cause for eviction as provided in this paragraph, and within six months of receiving the warning the tenant violates any material provision of the lease or any provision of a local ordinance or state law or rule relating to mobile homes.*

## Sec. 2. [327.441] [RECOVERY OF POSSESSION.]

*Subdivision 1. [NOTICE.] To recover possession of a mobile home lot as allowed in section 327.44, clause (f), a lessor must give the tenant written notice at least 60 days before the expiration of the lease. The notice shall state the date that the lease will expire and shall explain the tenant's rights as provided in this section to sell the home within the park. If the park gives the tenant the notice required by this section, the tenant must stop residing on the lot when the lease expires. If the tenant continues to reside on the lot after the expiration of the lease, the lessor may bring an action for possession.*

*Subd. 2. [SALE AFTER NOTICE.] After receiving the notice required by subdivision 1, the tenant may sell his mobile home within the park until the lease expires; provided, that the lessor may reserve the right to approve any buyer as a tenant. Approval shall not be unreasonably withheld.*

*Subd. 3. [EXPIRATION OF LEASE PRIOR TO SALE.] If when the lease expires and the tenant has not yet sold his home, the tenant may keep the home installed on the lot for an additional 60 days solely for the purpose of selling the home within the park if: (a) at least 30 days prior to the expiration of the lease the tenant gives the lessor written notice that the home will remain in the park for the purpose of sale; (b) the tenant does not reside in the home or on the lot; (c) the tenant obeys all reasonable park rules and regulations relating to lot and home maintenance; and (d) the tenant pays rent and any applicable utility charges on time. The lessor may reserve the right to approve any buyer as a tenant. Approval shall not be unreasonably withheld. If the tenant fails to perform as required by this subdivision, the park may immediately bring an action for possession. If 61 days after the expiration of the lease the home has neither been removed from the lot nor sold to a buyer whom the lessor has approved as a tenant, the lessor may bring an action for possession.*

Sec. 3. Minnesota Statutes 1980, Section 327.553, Subdivision 1, is amended to read:

Subdivision 1. [DISCLOSURE REQUIRED.] Prior to the consummation of the sale of any mobile home other than a new mobile home, each dealer shall disclose to all parties to the transaction all charges, payments, commissions and other fees paid or payable in connection with the transaction. *The dealer shall also disclose to all parties the age of the mobile home and the policy, if any, of the mobile home park where the mobile home is located, with regard to the sale of a mobile home within the park after a mobile home is more than 15 years old.* This subdivision shall not require any dealer to disclose any consideration received for having acted as an insurance agent, as defined in section 60A.02, subdivision 7, in connection with the transaction, nor shall this subdivision require any dealer to disclose any consideration received in return for the dealer having agreed to any contingent liability in connection with the financing of the sale.

Sec. 4. [EFFECTIVE DATE: APPLICATION.]

*This act is effective the day following final enactment, and its provisions are expressly made applicable to leases of a term of at least one year commenced, renewed, or extended prior to the effective date. The provisions of this act shall apply to any lease of a term of less than one year initiated, renewed, or extended after the effective date."*

Amend the title as follows:

Page 1, line 2, delete everything after the first semicolon

Page 1, line 5, after "located;" insert "providing for the recovery of possession of land by the lessor upon expiration of the lease term;"

Page 1, line 6, after "327.44" insert "; proposing new law coded in Minnesota Statutes, Chapter 327"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 942, A bill for an act relating to welfare; clarifying certain provisions for determination of cost of care at state hospitals; directing the commissioner of public welfare to promulgate rules; changing the responsibility of relatives under certain circumstances; altering the method of charging for

outpatient care; giving claims against estates of deceased patients or responsible relatives preferred status; amending Minnesota Statutes 1980, Sections 246.50, Subdivision 5; 246.51; 246.53; and 487.39, Subdivision 1.

Reported the same back with the following amendments:

Page 2, line 36, delete "*by relatives*" and insert "*for patients whose parents, parent, spouse, guardian or conservator*"

Page 3, line 1, delete "*who*"

Page 3, line 3, delete "*relatives*" and insert "*the parent, spouse, conservator or guardian*"

Page 3, lines 12 to 14, reinstate the stricken language

Page 3, line 13, after "*relatives*" insert "*, guardians or conservators*"

Page 3, line 17, after "*relative*" insert "*, guardian or conservator*"

Page 3, line 18, after the period insert "*For any year in which a new payment schedule is established pursuant to this subdivision, payment increases shall be no greater than the cumulative percentage increase, in the years since publication of the previous schedule, in the revised consumer price index for all urban consumers for the Minneapolis-St. Paul metropolitan area prepared by the United States department of labor with 1967 as a base year.*"

Page 3, delete lines 33 to 36

Page 4, delete lines 1 and 2

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

Page 4, line 4, insert a period after "*claim*"

Page 4, line 4, delete "*and*"

Page 4, delete lines 5 to 7 and insert "*This estate claim shall be classified as a priority, pursuant to section 524.3-805, below expenses of the last illness and above debts and taxes with preference under other laws of this state.*"

Page 4, lines 8 to 15, delete the new language and the head-note and strike the old language

Page 4, line 16, delete "*5*" and insert "*3*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 1046, A bill for an act relating to corrections; providing for sheriffs expenses incurred in conveying convicts to correctional facilities; amending Minnesota Statutes 1980, Section 243.17, Subdivision 1.

Reported the same back with the following amendments:

Page 1, line 11, strike "Minnesota" and insert "*state adult*"

Page 1, line 12, strike everything following "correctional"

Page 1, line 13, strike "facility-St. Cloud" and insert "*facilities*"

Page 1, line 17, strike "the Minnesota" and insert "*state adult*"

Page 1, strike line 18

Page 1, line 19, strike "Cloud" and insert "*facilities*"

Page 2, line 1, strike "Minnesota" and insert "*state adult*"

Page 2, lines 1 and 2, strike "facility-Stillwater or the Minnesota correctional facility-St. Cloud" and insert "*facilities*"

Page 2, line 4, strike "Minnesota" and insert "*state adult*"

Page 2, line 5, after the first "correctional" strike the balance of the line

Page 2, line 6, strike "facility-St. Cloud" and insert "*facilities*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 1130, A bill for an act relating to corrections; providing programs for women offenders; establishing an advisory

board on women offenders in corrections; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 241.

Reported the same back with the following amendments:

Page 2, delete lines 6 to 13

Page 2, line 18, after the period insert "*Counties may agree to cooperate in preparing a joint plan and may submit and administer their plan jointly.*"

Page 2, line 19, delete "BOARD" and insert "TASK FORCE"

Page 2, lines 21, 23 and 28, delete "board" and insert "task force"

Pages 2 and 3, delete section 3 and insert:

"Sec. 3. [241.72] [PROGRAM FUNDING.]

*Subdivision 1. [GRANTS IN AID.] To assist those counties who have existing programs for the woman offender, and to encourage counties to develop and implement such programs, the commissioner of corrections, from funds appropriated for the purposes of this act, shall make grants in aid not to exceed 40 percent of the costs of such programs in those counties electing to participate in the program provided by this act.*

*Subd. 2. [COUNTY PARTICIPATION; PLANS.] To qualify for the grants in aid provided by this act those counties with existing programs and those counties who desire to participate must, by resolution of the county board, request that they be allowed to participate and submit a plan in accordance with the provisions of section 1, subdivision 4 and the rules of the commissioner.*

*Subd. 3. [MULTI-COUNTY PROGRAMS; LOCAL MATCHING FUNDS.] Where several counties combine to operate one or more of the programs provided by this act, the 60 percent local matching funds shall be borne proportionately by the participating counties on the basis of need or use as determined by the rules of the commissioner."*

Page 3, line 22, delete "and"

Page 3, line 23, after "act" insert "; and

*(g) Provide by rule a method of determining the amount of contribution to be made by each county where two or more counties combine to provide the programs provided by this act"*

Amend the title as follows:

Page 1, line 3, delete "board" and insert "task force"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 1139, A bill for an act relating to courts; providing for certain reorganization of the court system in the state; providing that Hennepin and Ramsey municipal courts shall also be probate courts; abolishing the office of referee; providing for continuance of certain referee positions for a limited time; providing for continuance of certain judicial officer positions for a limited time; abolishing the office of court commissioner; providing for continuance of the Ramsey county court commissioner position for a limited time; amending Minnesota Statutes 1980, Sections 2.722, Subdivision 1, and by adding a subdivision; 260.021, Subdivision 4; 260.031, Subdivision 1, and by adding a subdivision; 484.70, Subdivision 1, and by adding subdivisions; 487.08, Subdivisions 2, 3, and by adding a subdivision; 488A.01, Subdivisions 1, 8, and by adding subdivisions; 488A.18, Subdivisions 1, 9, and by adding subdivisions; 489.01; 525.10; repealing Minnesota Statutes 1980, Sections 260.019; 484.64; 484.65; 484.67; 484.70, Subdivisions 2, 3, 4 and 5; 487.08, Subdivision 4; 487.09; 488A.01, Subdivision 7; 488A.18, Subdivision 8; 489.05; and 525.04.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 2.722, Subdivision 1, is amended to read:

Subdivision 1. [DESCRIPTION.] Effective July 1, 1959, the state is divided into ten judicial districts composed of the following named counties, respectively, in each of which districts two or more judges shall be chosen as hereinafter specified:

(1) Goodhue, Dakota, Carver, LeSueur, McLeod, Scott, and Sibley; five judges; and four permanent chambers shall be maintained in Red Wing, Hastings, Shakopee, and Glencoe and one other shall be maintained at the place designated by the chief judge of the district;

(2) Ramsey; (12) 13 judges;

(3) Wabasha, Winona, Houston, Rice, Olmsted, Dodge, Steele, Waseca, Freeborn, Mower, and Fillmore; six judges; and

permanent chambers shall be maintained in Faribault, Albert Lea, Austin, Rochester, and Winona;

(4) Hennepin; (19) 25 judges;

(5) Blue Earth, Watonwan, Lyon, Redwood, Brown, Nicollet, Lincoln, Cottonwood, Murray, Nobles, Pipestone, Rock, Faribault, Martin, and Jackson; five judges; and permanent chambers shall be maintained in Marshall, Windom, Fairmont, New Ulm, and Mankato;

(6) Carlton, St. Louis, Lake, and Cook; six judges;

(7) Benton, Douglas, Mille Lacs, Morrison, Otter Tail, Stearns, Todd, Clay, Becker, and Wadena; four judges; and permanent chambers shall be maintained in Moorhead, Fergus Falls, Little Falls, and St. Cloud;

(8) Chippewa, Kandiyohi, Lac qui Parle, Meeker, Renville, Swift, Yellow Medicine, Big Stone, Grant, Pope, Stevens, Traverse, and Wilkin; three judges; and permanent chambers shall be maintained in Morris, Montevideo, and Willmar;

(9) Norman, Polk, Marshall, Kittson, Red Lake, Roseau, Mahnomen, Pennington, Aitkin, Itasca, Crow Wing, Hubbard, Beltrami, Lake of the Woods, Clearwater, Cass and Koochiching; six judges; and permanent chambers shall be maintained in Crookston, Thief River Falls, Bemidji, Brainerd, Grand Rapids, and International Falls;

(10) Anoka, Isanti, Wright, Sherburne, Kanabec, Pine, Chisago, and Washington; (SIX) 11 judges; and permanent chambers shall be maintained in Anoka, Stillwater, and (SUCH) other places (AS MAY BE) designated by the chief judge of the district.

Sec. 2. Minnesota Statutes 1980, Section 2.722, is amended by adding a subdivision to read:

*Subd. 3. [HENNEPIN AND RAMSEY PROBATE JUDGES; COURTS.] The probate judges of Ramsey and Hennepin probate courts in office on August 1, 1981 shall be district court judges of the second and fourth judicial districts, respectively, and shall continue in office for the balance of the term for which they were elected and shall be eligible for reelection. The offices of probate court of Hennepin and Ramsey counties, and all of their jurisdiction, records, powers, duties, functions, and personnel, are hereby transferred to the district courts of the second and fourth judicial districts respectively and made divisions of them. The chief judge of the fourth judicial district shall at all times assign at least two judges to the probate court duties.*

Sec. 3. Minnesota Statutes 1980, Section 260.031, Subdivision 1, is amended to read:

Subdivision 1. *The (JUDGE OF THE JUVENILE COURT MAY APPOINT ONE OR MORE SUITABLE PERSONS TO ACT AS REFEREES) office of referee is abolished. No vacancy in the office of referee shall be filled, nor new office created. Persons holding the office of referee on January 1, 1981, in the second and in the fourth judicial districts may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of their appointment. All referees are subject to the administrative authority and assignment power of the chief judge of the district as provided in section 484.69, subdivision 3, and are not limited to assignment to juvenile court. (THESE) Referees shall be qualified for their duties by their previous training and experience and (SHALL) hold office at the pleasure of the judge. The compensation of a referee shall be fixed by the judge (AND), approved by the county board and (SHALL BE) payable from the general revenue funds of the county not otherwise appropriated.*

Sec. 4. Minnesota Statutes 1980, Section 484.70, Subdivision 1, is amended to read:

Subdivision 1. *The office of referee is abolished. No vacancy in the office of referee, including family, juvenile, probate, and special term referees, shall be filled, nor new office created. Persons holding the office of referee (FULL TIME) on (JUNE 30, 1977) January 1, 1981, in the second (,) and fourth (AND SIXTH) judicial districts may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of their appointment. All referees are subject to the administrative authority and assignment power of the chief judge of the district as provided in section 484.69, subdivision 3, and are not limited to assignment to family (OR), probate, juvenile or special term court.*

Sec. 5. Minnesota Statutes 1980, Section 484.70, is amended by adding a subdivision to read:

*Subd. 6. No referee may hear a contested trial, hearing, motion or petition if a party or attorney for a party objects in writing to the assignment of a referee to hear the matter. The court shall by rule, specify the time within which an objection must be filed.*

Sec. 6. Minnesota Statutes 1980, Section 484.70, is amended by adding a subdivision to read:

*Subd. 7. The duties and powers of referees shall be as follows:*

(a) *Hear and report all matters assigned by the chief judge.*



(b) *Recommend findings of fact, conclusions of law, temporary and interim orders, and final orders for judgment.*

(c) *All recommended orders and findings of a referee shall be subject to confirmation by a judge. Review of any recommended order or finding of a referee by a judge may be by notice served and filed within ten days of effective notice of the recommended order or finding. The notice of review shall specify the grounds for review and the specific provisions of the recommended findings or orders disputed, and the court, upon receipt of a notice of review, shall set a time and place for a review hearing.*

(d) *Upon the conclusion of the hearing in each case, the referee shall transmit to a judge the court file together with recommended findings and orders in writing. The recommended findings and orders of a referee become the findings and orders of the court when confirmed by a judge. The order of the court shall be proof of such confirmation, and also of the fact that the matter was duly referred to the referees.*

Sec. 7. Minnesota Statutes 1980, Section 487.03, is amended by adding a subdivision to read:

**Subd. 6. [JUDGE POSITIONS; CREATION; ABOLITION.]** *Notwithstanding the provisions of sections 2.722 and 487.01:*

(a) *Upon the occurrence of one vacancy in the office of county court judge in the county court district comprised of Lincoln, Lyon, and Redwood counties, that vacant judgeship is abolished.*

*Upon the occurrence of one vacancy in the office of county court judge in the county court district comprised of Pipestone, Murray, Rock, and Nobles counties, that vacant judgeship is abolished.*

*Upon the occurrence of one vacancy in the office of county court judge in the county court district comprised of Jackson, Martin, and Faribault counties, that vacant judgeship is abolished.*

*Upon the occurrence of one vacancy in the office of county court judge in the county court district comprised of Nicollet, Brown, Cottonwood, and Watonwan counties, that vacant judgeship is abolished.*

*Upon the occurrence of the first two vacancies in the office of county court judge in the county court district comprised of Wilkin, Traverse, Grant, Stevens, Pope, and Big Stone counties, those vacant judgeships are abolished.*

*Upon the occurrence of the first two vacancies in the office of county court judge in the county court district comprised of Lac Qui Parle, Yellow Medicine, Chippewa, and Renville counties, those vacant judgeships are abolished.*

*Upon the occurrence of one vacancy in the office of county court judge in the counties of Crow Wing, Waseca, and Mower, each vacant judgeship is abolished.*

*(b) Upon the occurrence of a vacancy in the office of county court judge in Hubbard county, the vacant judgeship is abolished and a new office of county court judge is created in Itasca county. The governor shall appoint a qualified person to fill the office until a successor is elected and qualified. The successor shall be elected for a six year term at the next general election occurring more than one year after the appointment; and*

*(c) Upon the occurrence of the first vacancy in the office of county court judge in each of the counties of Carver and Scott, the vacant judgeship is abolished. When each judgeship is abolished under this clause, an additional office of judge of district court is created in the first judicial district. The governor shall appoint a qualified person to fill each office until a successor is elected and qualified. The successor shall be elected for a six year term at the next general election occurring more than one year after the appointment.*

*(d) A vacancy for the purpose of this section occurs when a judge dies, resigns, or chooses not to run at the end of his term.*

Sec. 8. Minnesota Statutes 1980, Section 487.08, Subdivision 2, is amended to read:

Subd. 2. Persons holding the office of judicial officer full time or part time on January 1, (1978) 1981, in St. Louis county (AND FULL TIME ON JANUARY 1, 1978), (IN) Steele county and Carlton county may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of their appointment. (ONE FULL TIME JUDICIAL OFFICER MAY BE APPOINTED IN CARLTON COUNTY.)

Sec. 9. Minnesota Statutes 1980, Section 487.08, Subdivision 3, is amended to read:

Subd. 3. The persons holding the office of judicial officer in Nobles and Rock, Brown, Nicollet, Morrison, Goodhue (,) and Wabasha, Scott, and Polk counties on January 1, 1978, may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of their appointments.

Sec. 10. Minnesota Statutes 1980, Section 487.15, is amended to read:

## 487.15 [CIVIL JURISDICTION.]

The county court may hear, try, and determine actions at law in which the amount in controversy does not exceed (THE SUM OF \$5,000) \$15,000, exclusive of interest and costs, except for causes involving title to real estate.

Sec. 11. Minnesota Statutes 1980, Section 487.16, is amended to read:

## 487.16 [MINOR CIVIL AND CRIMINAL JURISDICTION.]

The county court shall also have jurisdiction in all civil and criminal cases residing, on the effective date of Laws 1971, Chapter 951 and Laws 1973, Chapter 679, in municipal courts other than municipal courts in Hennepin and Ramsey counties (, EXCEPT THAT NOTWITHSTANDING ANY LAW TO THE CONTRARY, NO COUNTY COURT SHALL HAVE GROSS MISDEMEANOR JURISDICTION). *The county court shall have gross misdemeanor jurisdiction.*

Sec. 12. Minnesota Statutes 1980, Section 487.18, is amended to read:

## 487.18 [CRIMINAL JURISDICTION.]

(a) The county court has jurisdiction to hear, try and determine any charge of violation of

((1)) a criminal law of this state constituting a misdemeanor or gross misdemeanor committed within the county court district (;) and of

((2)) any ordinance, charter provision, rule or regulation of any subdivision of government in the county court district.

(b) The county court has jurisdiction to conduct preliminary hearings and to exercise all judicial powers incident to preliminary hearing proceedings on the charge of violation of any criminal law committed within the county court district.

(c) The county court has jurisdiction to hear, try and determine any matter constituting a petty misdemeanor.

Sec. 13. Minnesota Statutes 1980, Section 488A.01, Subdivision 4, is amended to read:

Subd. 4. [CIVIL JURISDICTION.] Excepting causes involving title to real estate, the court has jurisdiction to hear, try and determine civil actions at law in which the amount in controversy does not exceed (THE SUM OF \$6,000) \$15,000, exclusive of interest and costs.

Sec. 14. Minnesota Statutes 1980, Section 488A.01, Subdivision 6, is amended to read:

Subd. 6. [CRIMINAL JURISDICTION.] ((A)). The court has jurisdiction to hear, try and determine any charge of violation of:

(1) A criminal law of this state constituting a misdemeanor or *gross misdemeanor* committed within the county of Hennepin including all of the city of St. Anthony.

(2) Any ordinance, charter provision, rule or regulation of any subdivision of government in the county of Hennepin, including all of the city of St. Anthony or

(3) Any ordinance, charter provision, rule or regulation of the Minneapolis-St. Paul Metropolitan Airports Commission.

((B) THE COURT HAS JURISDICTION TO CONDUCT PRELIMINARY HEARINGS AND TO EXERCISE ALL JUDICIAL POWERS INCIDENT TO PRELIMINARY HEARING PROCEEDINGS, ON ANY CHARGE OF VIOLATION OF ANY CRIMINAL LAW OF THIS STATE COMMITTED WITHIN THE COUNTY OF HENNEPIN.)

Sec. 15. Minnesota Statutes 1980, Section 488A.01, Subdivision 8, is amended to read:

Subd. 8. [TERRITORIAL JURISDICTION.] (THE SUMMONS IN CIVIL AND FORCIBLE ENTRY AND UNLAWFUL DETAINER ACTIONS MAY BE SERVED ONLY WITHIN THE COUNTY OF HENNEPIN EXCEPT THAT SUCH SUMMONS MAY BE SERVED IN RAMSEY COUNTY ON STATE OFFICIALS FOR NON-RESIDENT INDIVIDUALS AND CORPORATIONS UNDER STATUTES PROVIDING FOR SUCH SERVICE. GARNISHMENT SUMMONS, SUBPOENAS AND) All (OTHER) civil and criminal process and orders may be served and enforced anywhere within the state of Minnesota.

Sec. 16. Minnesota Statutes 1980, Section 488A.18, Subdivision 4, is amended to read:

Subd. 4. [CIVIL JURISDICTION.] (a) Excepting cases involving title to real estate, the court has jurisdiction to hear, try and determine civil actions at law in which the amount in controversy does not exceed (THE SUM OF \$6,000) \$15,000, exclusive of interest and costs. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) The court also has jurisdiction, within the limitations provided in this subdivision, to hear, try and determine civil actions commenced by a plaintiff, resident of Ramsey county, where the action arose out of alleged negligent operation of a motor vehicle in Ramsey county, notwithstanding that the defendant or defendants are not residents of the county. Notwithstanding any law or rule of civil procedure to the contrary, the summons in (ANY SUCH) *the* action may be served anywhere within the state of Minnesota.

(c) Notwithstanding the provisions of clause (a) or any rule of court to the contrary, the municipal court of Ramsey county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Ramsey county, and the summons in the action may be served anywhere within the state of Minnesota.

Sec. 17. Minnesota Statutes 1980, Section 488A.18, Subdivision 7, is amended to read:

Subd. 7. [CRIMINAL JURISDICTION.] ((A)) The court has jurisdiction to hear, try and determine any charge of violation within Ramsey county of:

(1) A criminal law of this state constituting a misdemeanor or *gross misdemeanor* and any offense of this state which constitutes a petty misdemeanor,

(2) Any ordinance, charter provision, rule or regulation of any subdivision of government in the county of Ramsey, or

(3) Any ordinance, charter provision, rule or regulation of the Minneapolis-Saint Paul Metropolitan Airports Commission,

(4) Any ordinance, rule or regulation of the regents of the University of Minnesota.

((B) THE COURT HAS JURISDICTION TO CONDUCT PRELIMINARY HEARINGS AND TO EXERCISE ALL JUDICIAL POWERS INCIDENT TO PRELIMINARY HEARING PROCEEDINGS, ON ANY CHARGE OF VIOLATION OF ANY CRIMINAL LAW OF THIS STATE COMMITTED WITHIN RAMSEY COUNTY.)

((C) JURISDICTION UNDER CLAUSES (1) AND (2) OF PARAGRAPH (A) OF THIS SUBDIVISION IS EXCLUSIVE FOR ANY VIOLATION COMMITTED WITHIN THE COUNTY OF RAMSEY; JURISDICTION UNDER PARAGRAPH (B) OF THIS SUBDIVISION IS EXCLUSIVE FOR ANY VIOLATION COMMITTED INSIDE THE CITY OF

SAINT PAUL OR INSIDE THAT PART OF THE VILLAGE OF SAINT ANTHONY LYING INSIDE RAMSEY COUNTY.)

Sec. 18. Minnesota Statutes 1980, Section 488A.18, Subdivision 9, is amended to read:

Subd. 9. [TERRITORIAL JURISDICTION.] (THE SUMMONS IN CIVIL AND FORCIBLE ENTRY AND UNLAWFUL DETAINER ACTIONS MAY BE SERVED ONLY WITHIN THE COUNTY OF RAMSEY. GARNISHMENT SUMMONS, SUBPOENAS AND) All (OTHER) civil and criminal process and orders may be served and enforced anywhere within the state of Minnesota.

Sec. 19. Minnesota Statutes 1980, Section 488A.18, Subdivision 13, is amended to read:

Subd. 13. [TRIAL OF CRIMINAL ACTIONS.] All charges of misdemeanors, *gross misdemeanors*, petty misdemeanors and ordinance violations shall be tried in the municipality where the alleged violation occurred (; HOWEVER,). If there is no court located in (SUCH) *the* municipality, then the trial of (SUCH) *the* charges shall take place at the nearest place of holding court. In addition to (SUCH) *any* daytime arraignments as the court may establish, traffic and criminal arraignments shall be held at least once each week in the evening after 7:00 p.m. if so requested by the governing body of a city in which a court is situated as provided by Laws 1973, Chapter 708 by a resolution filed with the administrator of court.

Sec. 20. Minnesota Statutes 1980, Section 488A.27, Subdivision 11, is amended to read:

Subd. 11. [PROSECUTING ATTORNEYS.] Except where the county attorney is specifically designated by law as the prosecutor for the particular violation charged, the attorney of the municipality in which the violation is alleged to have occurred shall have charge of the prosecution of all violations of statutes, *including gross misdemeanor violations*, ordinances, charter provisions, rules or regulations triable in this court and shall prepare complaints for (SAID) *the* violations.

Sec. 21. Minnesota Statutes 1980, Section 525.10, is amended to read:

525.10 [REFEREE; APPOINTMENT; BOND; OFFICE ABOLISHED.]

*Subdivision 1. [OFFICE ABOLISHED.] The office of referee is abolished. No vacancy in the office of referee shall be filled, nor new office created.*

*Subd. 2. [INCUMBENTS.] Persons holding the office of referee on January 1, 1981, in the second and in the fourth judicial districts may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of their appointment. All referees are subject to the administrative authority and assignment power of the chief judge of the district as provided in section 484.69, subdivision 3, and are not limited to assignment to probate court. All referees are subject to the provisions of section 484.70.*

*Subd. 3. [REFEREES.] (THE JUDGES OF THE PROBATE COURT IN HENNEPIN AND RAMSEY COUNTIES MAY APPOINT ONE OR MORE REFEREES) Each referee in probate (WHO) court shall be (A RESIDENT OF SUCH COUNTY AND) an attorney at law duly admitted in this state. (HE SHALL HOLD OFFICE DURING THE PLEASURE OF THE JUDGE APPOINTING HIM. SUCH) The appointment shall be in writing and filed in (SUCH) the court. (BEFORE ENTERING UPON THE DUTIES OF HIS OFFICE, HE SHALL EXECUTE A BOND TO THE STATE IN THE AMOUNT OF \$1,000 APPROVED BY THE COUNTY BOARD AND CONDITIONED UPON THE FAITHFUL DISCHARGE OF HIS DUTIES. SUCH BOND WITH THE OATH OF THE APPOINTEE SHALL BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER. THE PREMIUMS ON SUCH BOND AND THE EXPENSES OF SUCH RECORDING AND FILING SHALL BE PAID BY THE COUNTY. AN ACTION MAY BE MAINTAINED ON SUCH BOND BY ANY PERSON AGGRIEVED BY THE VIOLATION OF THE CONDITIONS THEREOF.) The referee has the power to take acknowledgments and administer oaths.*

**Sec. 22. [REPEALER.]**

*Subdivision 1. Minnesota Statutes 1980, Sections 484.67; 484.70, Subdivisions 2, 3, 4 and 5; 487.08, Subdivision 4; 487.09; 489.05; and 525.04, are repealed.*

*Subd. 2. Laws 1978, Chapter 750, Section 6, is repealed.*

**Sec. 23. [APPROPRIATION.]**

*The sum of \$ . . . . . is appropriated for the salaries and fringe benefits of the additional judges appointed pursuant to section 1.*

**Sec. 24. [EFFECTIVE DATE.]**

*Sections 7 and 22, subdivision 2, of this act are effective upon final enactment. Sections 11, 12, 14, 17, 19, and 20 are effective*

*January 1, 1982. Section 22, subdivision 1, and the remaining sections are effective August 1, 1981."*

Delete the title and insert:

"A bill for an act relating to courts; providing for certain re-organization in the court system in the state; providing that the second and fourth judicial district courts shall also be probate courts; abolishing certain county court judgeships; creating certain judicial positions; raising the jurisdictional limit in county and county municipal court; providing the county and county municipal court with gross misdemeanor jurisdiction; abolishing the office of referee; providing for continuance of certain referee positions for a limited time; providing for continuance of certain judicial officer positions for a limited time; appropriating money; amending Minnesota Statutes 1980, Sections 2.722, Subdivision 1, and by adding a subdivision; 260.031, Subdivision 1; 484.70, Subdivision 1, and by adding subdivisions; 487.03, by adding a subdivision; 487.08, Subdivisions 2 and 3; 487.15; 487.16; 487.18; 488A.01, Subdivisions 4, 6 and 8; 488A.18, Subdivisions 4, 7, 9 and 13; 488A.27, Subdivision 11; 525.10; repealing Minnesota Statutes 1980, Sections 487.67; 484.70, Subdivisions 2, 3, 4 and 5; 487.08, Subdivision 4; 487.09; 489.05; 525.04; and Laws 1978, Chapter 750, Section 6."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 1158, A bill for an act relating to retirement; clarifying certain ambiguous provisions; correcting certain oversights, inconsistencies, unintended results and erroneous provisions; eliminating certain redundant, obsolete or conflicting provisions; amending Minnesota Statutes 1980, Sections 3.85, Subdivision 3; 3A.01, Subdivisions 2 and 7; 3A.02, Subdivision 1; 3A.04, Subdivisions 1, 1a, 2 and 4; 3A.05; 3A.09; 3A.11, Subdivisions 1 and 2; 3A.12, Subdivision 1; 11A.17, Subdivision 11; 11A.23, Subdivision 2; 15A.083, Subdivision 3; 16A.19; 69.011, Subdivision 1; 69.031, Subdivisions 5 and 6; 69.051, Subdivision 1; 69.77, Subdivisions 1, 1a, 2 and 2a; 69.772, Subdivisions 2 and 2a; 69.773, Subdivision 2; 118.01, Subdivision 11; 136.80, Subdivision 1; 136.81; 136.82; 136.83; 136.85; 136.87, Subdivisions 1 and 2; 275.125, Subdivision 6a; 275.50, Subdivision 5; 352.01, Subdivisions 2A, 11, 19 and 23; 352.029, Subdivision 1; 352.03, Subdivision 6; 352.113, Subdivision 4; 352.115, Subdivision 10; 352.116, Subdivision 3; 352.12, Subdivision 11; 352.22, Subdivisions 2a, 3 and 10; 352.72, Subdivisions 2 and 4; 352.75; 352.85, by adding a subdivision; 352.90; 352.91, Subdivision 2; 352B.02,



Subdivision 1; 352B.075, Subdivision 1; 352B.08, Subdivision 2; 352B.11, Subdivision 2; 352B.26, Subdivisions 1 and 3; 352C.-031, by adding a subdivision; 352C.04, Subdivision 1; 352D.02, Subdivisions 1 and 2; 352D.04, Subdivision 2; 352D.09, Subdivision 1; 352E.01, Subdivision 1; 353.01, Subdivisions 6, 7 and 10; 353.023; 353.03, Subdivision 1; 353.16; 353.28, Subdivisions 6 and 8; 353.29, Subdivision 4; 353.30, Subdivision 1c; 353.31, Subdivisions 1 and 9; 353.32, Subdivision 1a; 353.33, Subdivision 2; 353.34, Subdivision 3; 353.36, Subdivision 2; 353.37, Subdivisions 1 and 1a; 353.46, Subdivision 1a, and by adding a subdivision; 353.64, by adding a subdivision; 353.656, Subdivision 6; 353.71, Subdivision 1; 354.05, Subdivisions 2, 13, 24, 25 and 26; 354.06, Subdivision 1; 354.07, Subdivision 1; 354.091; 354.092; 354.094; 354.43, Subdivision 4; 354.44, Subdivisions 1a, 4, 5, 6, 7 and 8; 354.47, Subdivision 1; 354.48, Subdivision 10, and by adding a subdivision; 354.50, Subdivision 2; 354.51, Subdivisions 1, 4 and 5; 354.52, Subdivisions 2, 3 and 4; 354.53, Subdivisions 1 and 3; 354.55, Subdivision 11; 354.56; 354.57; 354.60; 354.62, Subdivision 5; 354.66; 354.69; 354A.011, Subdivision 27; 354A.091, Subdivisions 1 and 6; 354A.092; 354A.094, Subdivisions 3, 8, 11, and by adding a subdivision; 354A.31, Subdivision 3; 354A.35, Subdivisions 2 and 3; 355.07; 355.11, Subdivisions 2, 4 and 5; 355.13, Subdivision 2; 355.21, Subdivisions 2 and 4; 355.22; 355.23, Subdivision 1; 355.29, Subdivisions 1, 3 and 4; 355.311, Subdivisions 1, 2 and 4; 355.41, Subdivisions 2, 3, 4 and 7; 355.46, Subdivision 3; 355.71, Subdivision 6; 355.72; 356.18, Subdivision 1; 356.20; 356.215; 356.216; 356.22, Subdivision 1; 356.24; 356.25; 356.32, Subdivision 1; 356.39; 356.45, Subdivision 2; 356.60, Subdivision 1; 422A.01, Subdivision 11; 422A.06, Subdivisions 2, 3 and 5; 422A.08, Subdivisions 1 and 5; 422A.09, Subdivision 3; 422A.101; 422A.11, Subdivision 1; 422A.15, Subdivision 1; 422A.16, Subdivision 8; 422A.22, Subdivision 2; 422A.23, Subdivision 5; 422A.24; 422A.26; 423.075, Subdivision 1; 423.38; 423.801, Subdivision 2; 423.802; 423.805; 423.806, Subdivision 1; 423.807, Subdivisions 1 and 2; 423.808; 423.809, Subdivisions 1 and 2; 423.810, Subdivision 1; 423.815, Subdivision 1; 423A.04; 424A.01, Subdivision 2; 424A.02, Subdivisions 1, 3, 4, 8 and 9; 424A.04; 424A.05, Subdivisions 1 and 3; 458.18, Subdivision 1; 484.61; 484.68, Subdivision 8; 488A.-115; 488A.285; 490.101, Subdivision 2; 490.106; 490.107; 490.-12, by adding a subdivision; 490.121, Subdivisions 1, 4, 6 and 7; 490.122; 490.123, Subdivision 1; 490.124, Subdivisions 1, 2, 6 and 10; 490.126, Subdivision 1; 490.129; and 490.132; Laws 1955, Chapter 75, Section 12, Subdivision 2, as amended; Laws 1959, Chapter 131, Section 10, Subdivision 1, as amended; Laws 1965, Chapters 446, Section 7, Subdivision 1, as amended; 458, Section 3, Subdivision 2, as amended; and 498, Section 1, Subdivision 1, as amended; Laws 1967, Chapters 575, Section 9, Subdivision 2; 742, Section 2; 775, Section 8, as amended; 798, Section 1, Subdivision 1, as amended; and 815, Section 8, Subdivision 1; Laws 1969, Chapters 526, Section 11, Subdivision 1; 576, Section 1, Subdivision 1, as amended; 641, Section 2, Subdivision 1, as amended; 719, Section 2; 1088, Section 8, Subdivision 1, as amended; and 1105, Section 4; Laws 1971, Chapters 51, Sec-

tions 9, as amended, and 10, Subdivision 2, as amended; 114, Section 8, Subdivision 1; 184, Sections 4 and 5; 214, Section 10; 407, Section 1, Subdivisions 2 and 3; 614, Section 2; and 810, Section 7, as amended; Laws 1973, Chapters 304, Section 3, Subdivision 1; and 587, Section 1, Subdivisions 3, as amended, and 5, as amended; Laws 1974, Chapter 251, Section 1, Subdivisions 2 and 3; Laws 1975, Chapter 424, Section 11, as amended; Laws 1976, Chapter 36, Sections 2, 3 and 4; Laws 1977, Chapter 61, Section 5, Subdivision 2, as amended; and Laws 1978, Chapter 689, Sections 4, Subdivision 2, and 8; proposing new law coded in Minnesota Statutes, Chapters 345, 352, 353, 355 and 356; repealing Minnesota Statutes 1980, Sections 136.86; 352.115, Subdivision 13; 352.1181; 352D.10; 354.09, Subdivisions 1 and 4; 354.41, Subdivisions 3, 6 and 8; 355.302; 355.303; 355.304; 355.305; 355.306; 355.307; 355.308; 355.309; 355.53; 355.73, Subdivisions 5, 6 and 7; 356.18, Subdivision 2; 422A.01, Subdivisions 14, 15 and 16; 422A.08, Subdivisions 2, 3, 4 and 6; 422A.081; 422A.091; 422A.30; 422A.31; 422A.32; 422A.33; 422A.34; 422A.35; 422A.39; 423.075, Subdivision 2; 423.815, Subdivision 3; 487.06; 490.104; 490.127; 490.128; and 490.13; Laws 1969, Chapter 252; Laws 1973, Chapter 481; Laws 1975, Chapter 429; Laws 1978, Chapter 538, Section 6; and Laws 1980, Chapters 342, Section 20; and 509, Section 135.

Reported the same back with the following amendments:

Page 7, line 4, after the first *"the"* insert *"average monthly"*

Page 7, line 8, after *"the"* insert *"first day of the month next following the"*

Page 8, line 3, after *"the"* insert *"average monthly"*

Page 8, line 14, after *"the"* insert *"first day of the month next following the"*

Page 13, after line 36, insert:

"Sec. 18. Minnesota Statutes 1980, Section 43.051, Subdivision 4, is amended to read:

Subd. 4. (1) Notwithstanding any provisions of (CHAPTERS 352A AND) *chapter* 352B or any other law to the contrary, conservation officers and crime bureau officers who are first employed on or after July 1, 1973 and are members of the highway (PATROLMEN'S) *patrol* retirement association by reason of their employment, shall not continue employment after attaining the age of 60 years, except for such fractional portion of one year as will enable the employee to complete (HIS) *the employee's* next full year of allowable service as defined pursuant to section 352B.01, subdivision 3.

(2) Notwithstanding any provisions of (CHAPTERS 352A AND) *chapter 352B* or any other law to the contrary, conservation officers and crime bureau officers who are first employed and are members of the highway (PATROLMEN'S) *patrol retirement association* by reason of their employment before July 1, 1973, shall be governed by the same mandatory retirement regulations applied to other state employees who are covered by the Minnesota state retirement system.

(3) *Notwithstanding any provisions of chapter 352B or any other law to the contrary, members of the Minnesota highway patrol division of the department of public safety who are members of the highway patrol retirement association by reason of their employment, shall not continue employment after attaining the age of 60 years, except for such fractional portion of one year as will enable the employee to complete the employee's next full year of allowable service as defined pursuant to section 352B.01, subdivision 3.*"

Page 31, line 30, strike "136.86" and insert "136.85"

Page 31, line 36, strike "136.86" and insert "136.85"

Page 37, line 9, delete "in"

Page 37, line 28, after "*individual*" insert a period

Page 37, line 36, after "*the*" insert "*first day of the month next following the*"

Page 65, delete lines 5 through 15

Page 65, line 27, after "\$600." insert "*The term "average monthly salary" shall not include any reduced salary paid during the period the person is entitled to benefit payments from the workers' compensation court of appeals for temporary disability.*"

Page 67, line 20, strike "himself" and insert "*from fulltime attendance*"

Page 75, line 33, delete "No." and insert "no."

Page 87, line 26, after "422A.18." insert "*The disability benefit amount attributable to service as a member of the basic program of the Minneapolis municipal employees retirement fund shall be payable by the Minneapolis municipal employees retirement fund and the disability benefit amount attributable to all other service shall be payable by the public employees retirement association.*"

Page 89, line 34, after "association" insert "*unless the employee is covered by the Minnesota state retirement system by virtue of prior employment by the association*"

Page 91, line 18, before "sections" insert "*Minnesota Statutes 1980,*"

Page 91, line 27, before "sections" insert "*Minnesota Statutes 1980,*"

Page 91, line 30, before "sections" insert "*Minnesota Statutes 1980,*"

Page 93, line 14, strike "ADJUSTABLE FIXED BENEFIT" and insert "*POST RETIREMENT INVESTMENT FUND*"

Pages 95, 96, 97, 98 and 99, delete sections 105, 106, and 107

Page 103, line 15, delete "*for*"

Page 106, line 1, delete "*reaches*" and insert "*attains*"

Page 106, line 28, delete "*retirement*"

Page 108, line 12, after "Each" insert "*school*" and strike "of education"

Page 108, line 26, after "officer," insert "*school*" and strike the second "of"

Page 108, line 27, strike "education"

Page 116, line 22, delete "*retirement*"

Page 116, line 34, delete the new language

Page 117, line 17, delete "*membership,*"

Page 117, line 22, delete "*membership,*"

Page 118, line 9, delete "*membership*"

Page 118, line 10, delete "*in,*"

Page 118, lines 22 and 28, delete "*membership in,*"

Page 119, lines 1, 12, 19, 26, 31, and 36, delete "*membership in,*"

Page 120, line 4, delete "*membership in,*"

Page 129, line 17, delete "*other than a soil and water*"

Page 129, line 18, delete the new language

Page 129, line 19, strike "Minnesota Statutes,"

Page 129, line 29, delete the new language

Page 129, line 30, delete the new language

Page 132, line 10, strike "Municipalities" and insert "*Cities*"

Page 134, line 33, delete "355.08" and insert "355.07"

Page 135, line 24, delete "*contribution of a*" and insert "*judge shall pay into the contribution fund established pursuant to section 355.04, an employee contribution on wages*"

Page 135, delete line 25

Page 135, line 26, delete "*reduced by an amount*"

Page 135, line 27, after "*act.*" insert "*This contribution shall be made from the contribution made by the judge pursuant to section 490.123, subdivision 1.*"

Page 137, line 24 delete "*personnel*" and insert "*employee relations*"

Page 138, after line 14, insert:

"Sec. 166. Minnesota Statutes 1980, Section 355.73, is amended by adding a subdivision to read:

*Subd. 8. Any hospital employee excluded from retirement coverage by the public employees retirement association pursuant to section 355.73, subdivision 5, shall continue to be excluded from that retirement coverage so long as the person remains employed as a hospital employee."*

Page 144, line 25, delete "*fifth*" and insert "*sixth*"

Page 152, line 34, strike "shall be" and insert "*is*"

Page 154, lines 18 and 19, strike "TRANSFER OF RESERVES; ORIGINALLY DETERMINED BENEFITS" and insert "*BASIS FOR SUBSEQUENT POST RETIREMENT ADJUSTMENTS*"

Page 156, line 28, after "*contributions*" insert "*, any outstanding unpaid annuity, service pension or other retirement benefit payments, including those made on warrants issued by the commissioner of finance, which have been issued and delivered for more than six years prior to the date of the end of the fiscal year applicable to the public pension fund,*"

Page 158, line 17, strike "adjustable fixed-benefit" and insert "post retirement investment"

Page 158, line 32, strike "adjustable fixed-benefit" and insert "post retirement investment"

Page 168, line 18, strike "for"

Page 180, delete section 210

Pages 182 to 187, delete sections 212 and 213

Pages 188 and 189, delete section 215

Pages 191 and 192, delete section 218

Page 193, after line 31, insert:

"Sec. 215. Minnesota Statutes 1980, Section 487.01, Subdivision 7, is amended to read:

Subd. 7. When the judicial business of a county court permits, the chief justice of the supreme court, upon the recommendation of all of the county boards of a county court district may, by order filed in the office of the secretary of state, reduce the number of county court judges. The office of any judge shall not be terminated until the expiration of (HIS) *the* term (AND) *of* the judge (SHALL BE ELIGIBLE FOR RETIREMENT COMPENSATIONS UNDER THE PROVISIONS OF SECTION 487.06).

Sec. 216. Minnesota Statutes 1980, Section 487.01, Subdivision 9, is amended to read:

Subd. 9 (1) All probate judges in office on July 1, 1972 shall be the county court judges of their respective counties and shall continue in office as such for the balance of the terms for which they were last elected and shall be eligible for reelection to office. In counties hereby combined into county court districts and for which only one judge is provided, the probate judge of the county having the largest population determined by the last United States census shall be the judge of the county court if he consents, and files his consent prior to July 1, 1972 in the office of the secretary of state. If he does not consent, the probate judge of the smaller county shall be the judge of the

county court. In counties combined into county court districts for which only one judge is provided, a probate judge in any of the affected counties who at the effective date of this act, is, or before or at the expiration of his then current term of office will become, eligible for retirement pursuant to section (487.06) 225 shall not become county court judge upon the effective date of this act, but he shall serve as a judicial officer until his retirement which shall occur not later than the expiration of his then current term of office. If all probate judges in such a county court district will qualify for retirement pursuant to section (487.06) 225 at or before the expiration of their current term of office as of the effective date of this act, the county court judge shall be selected according to the population of the respective counties in the county court district as hereinbefore provided in subparagraph 1. The probate judge who is not hereby designated as judge of the county court shall continue in office until the expiration of his term and become a part time judicial officer of the county court, hearing and trying matters assigned to him by the judge of the county court but, if he is not learned in the law, then he shall hear and try only matters assigned to him by the judge of the county court he was heretofore authorized by law to hear and try.

(1a) The probate judges of St. Louis county probate court in office on January 1, 1974 shall be county court judges of the county court of St. Louis county and shall continue in office as such for the balance of the terms for which they were last elected and shall be eligible for reelection to office.

(2) Except as provided in subparagraph 1, the judges required by the application of this section shall be appointed by the governor from among the municipal court judges or magistrates serving pursuant to a municipal ordinance, charter, or legislative act other than special municipal court judges serving within the county who are learned in the law and consent thereto. A judge so appointed shall serve until his successor is elected and qualifies. If there are no serving municipal court judges, such county court judges shall be elected at the next general election following July 1, 1972.

(2a) Except as provided in subparagraph 1a, the judges required by the application of this section in the south district of the county court of St. Louis county shall be appointed by the governor from among the full time judges of the municipal court of the city of Duluth in office on January 1, 1974, and a judge so appointed shall serve until his successor is elected and qualifies; and the judges required in the northwest and northeast districts of the county court of St. Louis county shall be appointed by the governor from among persons learned in the law residing in each district, and a judge so appointed shall serve until his successor is elected and qualifies.”

Page 195, line 31, strike "fraction"

Page 195, line 32, before "service" insert "fractional"

Page 198, line 17, delete "227" and insert "222"

Page 199, line 10, strike "The retirement benefits due and"

Page 199, lines 11 to 24, strike the old language and delete the new language

Page 199, line 25, strike "(5)"

Page 199, line 31, after "to" insert "this" and strike "(4)"

Page 201, after line 13, insert:

*"Any judge whose office is terminated pursuant to section 487.01, subdivision 7, shall be eligible for a retirement allowance pursuant to the provisions of this section."*

Page 204, line 31, strike "60" and insert "90"

Page 219, line 27, strike "must" and insert "shall"

Page 230, line 20, delete "Subdivision 3," and insert "Subdivisions"

Page 230, line 29, after "135" insert "are repealed"

Page 231, line 1, delete "209" and insert "207"

Renumber the sections

Amend the title as follows:

Page 1, line 12, after "16A.19;" insert "43.051, Subdivision 4;"

Page 1, line 25, delete "352B.075, Subdivision 1;"

Page 1, line 41, delete "354.091; 354.092; 354.094;"

Page 2, line 11, after "355.72;" insert "355.73, by adding a subdivision;"

Page 2, line 24, delete "424A.01, Subdivision 2;"

Page 2, line 25, delete ", 3, 4," and insert "and" and delete "and 9" and delete "Subdivisions" and insert "Subdivision" and delete the second "and"



Page 2, line 26, delete "3"

Page 2, line 27, after "8;" insert "487.01, Subdivisions 7 and 9;"

Page 2, line 61, delete "3,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, M., from the Committee on Appropriations to which was referred:

H. F. No. 1218, A bill for an act relating to education; extending due dates for plans and reports relating to the statewide education management information system; authorizing the state board to perform certain duties according to specified criteria in the absence of rules; amending Minnesota Statutes 1980, Sections 121.931, Subdivisions 3, 4 and 7; and 121.938, Subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Anderson, I., from the Committee on Taxes to which was referred:

S. F. No. 432, A bill for an act relating to taxation; providing dates for settlement of mortgage registry and deed tax receipts; providing for payment of excise tax on special fuel by bulk purchasers; clarifying responsibilities and authority of commissioner of revenue in administering and auditing mineral taxes; providing for filing requirements for royalty reports; amending Minnesota Statutes 1980, Sections 287.12; 287.29, Subdivision 1; 296.12, Subdivisions 3, 4, and 5, and by adding a subdivision; 298.09, by adding a subdivision; 298.15; 299.03; 299.05; and 299.12; and repealing Minnesota Statutes 1980, Section 287.29, Subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 287.12, is amended to read:

287.12 [TAXES, HOW APPORTIONED.]

All taxes paid to the county treasurers under the provisions of sections 287.01 to 287.12 shall be apportioned, 95 percent to the general fund of the state, and five percent to the county revenue fund.

*On or before the tenth day of each month the county treasurer shall determine and pay to the commissioner of revenue the state's portion of the receipts from the mortgage registration tax during the preceding month. The commissioner shall deposit the receipts in the state treasury to the credit of the general fund.*

Sec. 2. Minnesota Statutes 1980, Section 287.29, Subdivision 1, is amended to read:

Subdivision 1. On or before the tenth day of each month the county treasurer shall determine and pay to the (STATE TREASURER) *commissioner of revenue* the receipts from the sale of documentary stamps during the preceding month. The (STATE TREASURER) *commissioner* shall deposit such receipts in the state treasury to the credit of the general fund.

Sec. 3. Minnesota Statutes 1980, Section 296.12, Subdivision 3, is amended to read:

Subd. 3. [COLLECTION, REPORTING AND PAYMENT OF TAX.] (ALL DISTRIBUTORS AND SPECIAL FUEL DEALERS SELLING OR DELIVERING SPECIAL FUEL INTO THE SUPPLY TANK OF AN AIRCRAFT OR A LICENSED MOTOR VEHICLE SHALL COLLECT, REPORT AND PAY THE EXCISE TAX THEREON TO THE COMMISSIONER.)

Distributors (MAY, SUBJECT TO THE APPROVAL OF THE COMMISSIONER, ELECT TO) *shall* pay the special fuel excise tax on all combustible gases and liquid petroleum products or substitutes therefor, except gasoline, delivered into storage tanks at retail service stations operated by them. (UPON SUCH ELECTION, THE PAYMENT OF THE SPECIAL FUEL EXCISE TAX SHALL BE MADE IN THE SAME MANNER FOR THE BALANCE OF THE LICENSE PERIOD.)

(LICENSED SPECIAL FUEL DEALERS MAY, SUBJECT TO THE APPROVAL OF THE COMMISSIONER, ELECT TO PAY THE SPECIAL FUEL EXCISE TAX ON ALL COMBUSTIBLE GASES AND LIQUID PETROLEUM PRODUCTS OR SUBSTITUTES THEREFOR, EXCEPT GASOLINE, DELIVERED TO THEM. UPON SUCH ELECTION, THE PAYMENT OF THE SPECIAL FUEL EXCISE TAX SHALL BE MADE IN THE SAME MANNER FOR THE BALANCE OF THE LICENSE PERIOD.)

*Distributors and special fuel dealers may, subject to the approval of the commissioner, elect to pay to the commissioner the special fuel excise tax on all special fuel delivered or sold into the supply tank of an aircraft or a licensed motor vehicle. Under this option an invoice must be issued at the time of each delivery showing the name and address of the purchaser, date of sale, number of gallons, price per gallon and total amount of sale. A separate sales ticket book shall be maintained for special fuel sales.*

Bulk purchasers shall report and pay the excise tax on all special fuel purchased by them for storage, to the commissioner.

Any person delivering special fuel on which the excise tax has not previously been paid, into the supply tank of an aircraft or a licensed motor vehicle shall report such delivery and pay the excise tax on the special fuel so delivered, to the commissioner.

Sec. 4. Minnesota Statutes 1980, Section 296.12, Subdivision 4, is amended to read:

Subd. 4. [MONTHLY REPORTS; SHRINKAGE ALLOWANCE.] On or before the 23rd day of each month, the persons subject to the provisions of this section shall file in the office of the commissioner at St. Paul, Minnesota, a report in the following manner:

(1) (DISTRIBUTORS AND SPECIAL FUEL DEALERS SHALL REPORT THE TOTAL NUMBER OF GALLONS OF SPECIAL FUEL SOLD OR DELIVERED INTO THE SUPPLY TANK OF AN AIRCRAFT OR A LICENSED MOTOR VEHICLE BY THEM DURING THE PRECEDING CALENDAR MONTH, AND THE REPORT SHALL BE ACCOMPANIED BY THE SPECIAL FUEL EXCISE TAX DUE THEREON AND SUCH OTHER INFORMATION AS THE COMMISSIONER MAY REQUIRE.)

((2)) Distributors and special fuel dealers (WHO HAVE ELECTED TO PAY THE SPECIAL FUEL EXCISE TAX ON ALL SPECIAL FUEL DELIVERED TO THEM AS PROVIDED IN SUBDIVISION 3 OF SECTION 296.12) shall report the total number of gallons delivered to them during the preceding calendar month and shall pay the special fuel excise tax due thereon to the commissioner. Credit for the excise tax due or previously paid on special fuel used by the distributor or special fuel dealer for heating his place of business, or special fuel sold for any purpose other than use in licensed motor vehicles and evidenced by an invoice issued at time of sale, may be allowed in computing the tax liability. The invoice must show the true and correct name and address of the purchaser, and the purchaser's signature. The report shall contain such other information as the commissioner may require. (THE FIRST REPORT AFTER SUCH ELECTION SHALL ALSO SHOW THE TOTAL

GALLONS ON HAND ON THE FIRST DAY OF THE PERIOD FOR WHICH THE REPORT IS FILED AND IT SHALL BE ACCOMPANIED BY THE SPECIAL FUEL EXCISE TAX DUE THEREON.)

(2) *Distributors and special fuel dealers who have elected to pay the special fuel excise tax on all special fuel delivered into the supply tank of an aircraft or licensed motor vehicle as provided in section 296.12, subdivision 3, shall report the total number of gallons delivered into the supply tank of an aircraft or licensed motor vehicle during the preceding calendar month and shall pay the special fuel excise tax due thereon to the commissioner.*

(3) Bulk purchasers shall report and pay the special fuel excise tax on all special fuel purchased by them for storage, during the preceding calendar month. In such cases as the commissioner may permit, credit for the excise tax due or previously paid on special fuel not used in aircraft or licensed motor vehicles, may be allowed in computing tax liability. The report shall contain such other information as the commissioner may require.

(4) In computing the special fuel excise tax due under clauses (1), (2), and (3), a deduction of one percent of the quantity of special fuel on which tax is due shall be made for evaporation and loss.

Sec. 5. Minnesota Statutes 1980, Section 296.12, Subdivision 5, is amended to read:

Subd. 5. [SALES TICKETS.] A sales ticket shall be issued for each delivery of special fuel to a bulk purchaser (OR INTO THE SUPPLY TANK OF AN AIRCRAFT OR A LICENSED MOTOR VEHICLE). *A sales ticket shall also be issued for each delivery into the supply tank of an aircraft or a licensed motor vehicle, if so requested by the purchaser.* The person who delivers the special fuel shall issue (AND SIGN) the sales ticket and (SUCH PERSON) shall show thereon the name and address of the purchaser, (MOTOR VEHICLE LICENSE NUMBER IF DELIVERED INTO THE SUPPLY TANK OF A LICENSED MOTOR VEHICLE,) date of sale, number of gallons, price per gallon, and total amount of sale. (ON DELIVERIES OF SPECIAL FUEL INTO THE SUPPLY TANK OF AN AIRCRAFT OR A LICENSED MOTOR VEHICLE THE SALES TICKET SHALL SHOW THE PER GALLON RATE OF SPECIAL FUEL EXCISE TAX. THE WORDS "SPECIAL FUEL" SHALL BE WRITTEN ON EACH SALES TICKET AT THE TIME OF SALE OR DELIVERY. A SEPARATE SALES TICKET BOOK SHALL BE MAINTAINED FOR SPECIAL FUEL SALES BY A SPECIAL FUEL DEALER.)

Sec. 6. Minnesota Statutes 1980, Section 296.12, is amended by adding a subdivision to read:

*Subd. 11. [QUALIFIED BULK PURCHASERS.] Notwithstanding any other provision of law to the contrary, the commissioner of revenue may allow any bulk purchaser who receives special fuel in bulk storage for subsequent delivery into the supply tank of passenger automobiles or other licensed vehicles operated by him or her to purchase bulk special fuel on a tax paid basis from any consenting supplier licensed as a distributor or special fuel dealer under sections 296.06 or 296.12. Bulk purchasers qualifying under this provision must become registered in a manner approved by the commissioner but shall be exempt from the bulk purchaser license requirements. Every licensed distributor or special fuel dealer who sells or delivers special fuel on a tax paid basis to persons registered under this provision must report on or before the 23rd day of each month sales made during the preceding calendar month and shall pay the special fuel excise tax due thereon to the commissioner. The report shall contain information as the commissioner may require.*

Sec. 7. Minnesota Statutes 1980, Section 298.09, is amended by adding a subdivision to read:

*Subd. 5. If before the expiration of the time allowed in subdivision 4 for the redetermination of the tax, the commissioner and the taxpayer consent in writing to an extension of time for the redetermination of the tax, the tax may be redetermined at any time prior to the expiration of the period agreed upon. The period agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.*

Sec. 8. Minnesota Statutes 1980, Section 298.15, is amended to read:

**298.15 [RECORDS OF COMPANIES TO BE OPEN TO INSPECTION.]**

*Subdivision 1. All books, way-bills, inventories, correspondence, and memoranda relating to or used in the transaction of the business of any person owning or operating any such mine shall, on demand by the commissioner of revenue, or (HIS) the commissioner's authorized representatives, be open to inspection or examination. If any one having charge, control, or possession of these papers and books of (SUCH PERSON) the owner or operator shall neglect or refuse, on demand of the commissioner of revenue, or (HIS) the commissioner's authorized representatives, access to these papers and books, (HE) that person shall be deemed guilty of a gross misdemeanor; and, upon conviction, punished therefor as provided by law.*

*Subd. 2. For the purpose of determining the correctness of any return or of determining whether or not any person should have made a return or paid taxes or for the purpose of collection of any of the taxes imposed by this chapter, the commission-*

*er shall have power to examine, or cause to be examined, any books, papers, records, or memoranda, which may be relevant to making the determinations, whether the books, papers, records, or memoranda, are the property of or are in the possession of the person or any other person. The commissioner shall have the power to require the attendance of any person having knowledge or information which may be relevant, to compel the production of books, papers, records, or memoranda by persons so required to attend, to take testimony on matters material to the determination, and to administer oaths or affirmations.*

*Subd. 3. For the purpose of making examinations and determinations, the commissioner may appoint examiners as deemed necessary. The examiners shall have all the rights and powers conferred upon the commissioner by this section. The clerk of any court of record, upon demand of the commissioner or any examiner, shall issue a subpoena for the attendance of any witness or the production of any books, papers, records or memoranda. The commissioner may also issue subpoenas. Disobedience of subpoenas issued under this section shall be punished by the district court of the district in which the subpoena is issued as for a contempt of the district court.*

Sec. 9. Minnesota Statutes 1980, Section 299.03, is amended to read:

#### 299.03 [REPORTS TO COMMISSIONER.]

Every person to whom royalty of \$5,000 or more is paid shall, on or before the first day of February, make and file with the commissioner of revenue annually a report setting forth the amount of royalty received by (SUCH) *that* person during the preceding calendar year, and (SUCH) other information as the commissioner of revenue may require.

Sec. 10. Minnesota Statutes 1980, Section 299.05, is amended to read:

#### 299.05 [ASSESSMENT BY COMMISSIONER.]

Upon (THE) receipt (BY THE COMMISSIONER OF REVENUE) of the report provided for in section 299.03, (HE) *the commissioner of revenue* shall determine, from (SUCH) information as (HE) may (POSSESS) *be possessed*, or (OBTAIN) *obtained*, whether the (SAME) report is correct, or (OTHERWISE) *incorrect*; and, if found correct, (HE) *the commissioner* shall determine (THEREFROM) the amount of tax due from (SUCH) *the person*, enter the amount (THEREOF) *of the tax* in (HIS) *department* records, make (HIS) assessment of taxes due (THEREON) from (SUCH) *the person*, and the amount that has been paid (THEREON); and, on or

before June 30, of each year, demand payment from (SUCH) *the* person. The commissioner of revenue shall have power, in case he shall deem the report incorrect, or in case the report is not made and filed with the commissioner as provided in section 299.03, to make (HIS) findings as to the amount of (SUCH) taxes due after hearing upon notice to the person interested, and (HIS) *the* findings shall have the same effect as the determination of the amount of such taxes upon a report made as hereinbefore provided.

A person subletting land for the use of which (HE) *is* received royalty shall be required to pay taxes only on the difference between the amount of royalty paid by him *or her* and the amount received.

*If the amount of tax determined by the commissioner is subsequently found to be erroneous, the commissioner may, at any time within three years from the date allowed above for the original assessment, redetermine the amount of the tax. No re-determination shall be made increasing the tax unless the person from whom the additional amount is due is given ten days written notice of the proposed increase and the person's right to a hearing pursuant to chapter 15. Any person who has paid a royalty tax may apply to the commissioner within three years from the date allowed above for the original assessment for a re-determination of the tax and if the commissioner determines that the tax has been overpaid, he or she shall make and file an order determining the amount of the overpayment and credit the overpayment against the royalty taxes otherwise payable by the person who overpaid the tax. If the tax is increased, interest at the rate specified in section 270.75 from the date payment should have been made shall be determined and added to the tax. If the tax is reduced, interest at the rate of six percent per annum from the date of the overpayment shall be allowed.*

Sec. 11. Minnesota Statutes 1980, Section 299.12, is amended to read:

**299.12 [RECORDS; INSPECTION BY COMMISSIONER; REFUSAL OF ACCESS A MISDEMEANOR.]**

All books, way-bills, inventories, correspondence, and memoranda relating to or used in the transaction of the business of any person paying or receiving royalty on ore mined in this state shall, upon request (OF THE COMMISSIONER OF REVENUE,) be open to (HIS) inspection or examination *by the commissioner of revenue*. If any (SUCH) person shall neglect or refuse, on request of the commissioner of revenue, access to these papers and books, (HE) *that person* shall be guilty of a misdemeanor; and, upon conviction, punished therefor as provided by law.

*The provisions of section 298.15 which relate to the examination of records, appointment of examiners, issuance of subpoenas and punishment for disobeying a subpoena, are made applicable to royalty tax records, reports, and returns.*

Sec. 12. [REPEALER.]

*Minnesota Statutes 1980, Section 287.29, Subdivision 2, is repealed.*

Sec. 13. [EFFECTIVE DATE.]

*This act is effective July 1, 1981."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 463, A bill for an act relating to credit unions; permitting a change of titles of officers; amending Minnesota Statutes 1980, Sections 52.06, Subdivision 1; and 52.09, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 611, A bill for an act relating to motor vehicles; requiring certain owners of motorcycles to furnish evidence of security under the Minnesota no-fault automobile insurance act; amending Minnesota Statutes 1980, Section 65B.68, Subdivision 2.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 161, 252, 463, 746, 748, 886, 1158 and 1218 were read for the second time.



## SECOND READING OF SENATE BILLS

S. F. Nos. 196, 849, 333, 168, 72, 520, 560, 874, 462, 432, 463 and 611 were read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Johnson, C.; Ainley; Brinkman; Redalen and Novak introduced:

H. F. No. 1409, A bill for an act relating to cooperatives; allowing electric cooperatives to acquire certain unclaimed distributions, redemptions, or payments by forfeiture; proposing new law coded in Minnesota Statutes, Chapter 308.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Stadum introduced:

H. F. No. 1410, A bill for an act relating to taxation; exempting sales of certain food products from the sales tax; amending Minnesota Statutes 1980, Section 297A.25, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Anderson, I., introduced:

H. F. No. 1411, A bill for an act relating to unemployment compensation; redefining the term "week"; amending Minnesota Statutes 1980, Section 268.04, Subdivision 27.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Clawson and Vanasek introduced:

H. F. No. 1412, A bill for an act relating to taxation; providing a special levy for certain new jail facilities for a three year period; amending Minnesota Statutes 1980, Section 275.50, Subdivision 5.

The bill was read for the first time and referred to the Committee on Taxes.

Valan and Rees, by request, introduced:

H. F. No. 1413, A bill for an act relating to retirement; recalculation of survivor benefits payable to the surviving spouse of a deceased member of the teachers retirement association.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Skoglund, Ellingson, Stowell, Munger and Lemen introduced:

H. F. No. 1414, A bill for an act relating to the environment; authorizing the state fire marshal to inspect potential leaks in flammable liquid or gas tanks; amending Minnesota Statutes 1980, Section 299F.19, Subdivision 1, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Ogren introduced:

H. F. No. 1415, A bill for an act relating to energy; exempting small storage facilities from the certificate of need requirements; imposing an assessment upon certain large electric utilities to cover costs associated with certificates of need; amending Minnesota Statutes 1980, Sections 116H.02, Subdivision 5; and 116H.13, Subdivision 6.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Pogemiller, Vanasek, Jude, Blatz and Lemen introduced:

H. F. No. 1416, A bill for an act relating to arrest; providing for the extradition and rendition of accused persons; escapees and other persons subject to orders in criminal proceedings; enacting the uniform extradition and rendition act; amending Minnesota Statutes 1980, Sections 480.059, Subdivision 7; 611.14; and 629.404, Subdivision 2; proposing new law coded as Minnesota Statutes, Chapter 629A; repealing Minnesota Statutes 1980, Sections 629.01 to 629.29.

The bill was read for the first time and referred to the Committee on Judiciary.

Pogemiller, Vanasek, Jude, Blatz and Lemen introduced:

H. F. No. 1417, A bill for an act relating to the interstate compact on juveniles; amending the compact to require the home state to authorize the return of a runaway juvenile and to permit a state in which a juvenile is found to return him to a state in which the juvenile is charged with being a delinquent by reason of a violation of criminal law; amending Minnesota Statutes 1980, Section 260.51.

The bill was read for the first time and referred to the Committee on Judiciary.

McCarron and Jude introduced:

H. F. No. 1418, A bill for an act relating to tort claims against the state; clarifying existing law; amending Minnesota Statutes 1980, Sections 3.732, Subdivisions 1, 2, and 3; 3.736, Subdivisions 1, 3, 4, 5, 7, 8, 9, and by adding subdivisions; 3.755; and 3.84.

The bill was read for the first time and referred to the Committee on Judiciary.

#### HOUSE ADVISORIES

The following House Advisory was introduced:

Byrne, Clawson, Vanasek, Zubay and Levi introduced:

H. A. No. 25, A proposal to study punishment and all aspects of its deterrent effects upon crime.

The advisory was referred to the Committee on Criminal Justice.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 349, A bill for an act relating to agriculture; regulating livestock marketing; providing a penalty; amending Minnesota Statutes 1980, Sections 17A.02; 17A.03, Subdivision 7;

17A.14; proposing new law coded in Minnesota Statutes, Chapter 17A.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Stumpf moved that the House concur in the Senate amendments to H. F. No. 349 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 349, A bill for an act relating to agriculture; regulating livestock marketing; providing a penalty; amending Minnesota Statutes 1980, Sections 17A.02; 17A.03, Subdivision 7; 17A-14; proposing new law coded in Minnesota Statutes, Chapter 17A.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	Nysether	Sherwood
Ainley	Evans	Kelly	O'Connor	Sieben, M.
Anderson, B.	Ewald	Knickerbocker	Ogren	Simoneau
Anderson, G.	Fjoslien	Kostohryz	Olsen	Skoglund
Anderson, I.	Forsythe	Kvam	Onnen	Stadum
Anderson, R.	Friedrich	Laidig	Otis	Staten
Battaglia	Greenfield	Lehto	Peterson, B.	Stowell
Begich	Gruenes	Lemen	Peterson, D.	Stumpf
Berkelman	Gustafson	Levi	Piepho	Swiggum
Blatz	Halberg	Long	Pogemiller	Swanson
Brandl	Hanson	Ludeman	Redalen	Tomlinson
Brinkman	Harens	Mann	Reding	Valan
Byrne	Hauge	Marsh	Rees	Valento
Carlson, D.	Haukoos	McCarron	Reif	Vanasek
Carlson, L.	Heap	McDonald	Rice	Vellenga
Clark, J.	Heinitz	McEachern	Rodriguez, C.	Voss
Clark, K.	Himle	Mehrkens	Rodriguez, F.	Weaver
Clawson	Hoberg	Metzen	Rose	Welch
Dahlvang	Hokanson	Minne	Rothenberg	Welker
Dean	Hokr	Munger	Samuelson	Wenzel
Dempsey	Jacobs	Murphy	Sarna	Wieser
Den Ouden	Jennings	Nelsen, B.	Schafer	Wynia
Eken	Johnson, C.	Nelson, K.	Schoenfeld	Zubay
Eloff	Johnson, D.	Niehaus	Schreiber	Spkr. Sieben, H.
Ellingson	Jude	Norton	Shea	
Erickson	Kaley	Novak	Sherman	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in

which amendment the concurrence of the House is respectfully requested:

H. F. No. 521, A bill for an act relating to transportation; including motels within the specific information signing program; amending Minnesota Statutes 1980, Sections 160.292; 160.293, Subdivisions 1, 2, and 3; and 160.295, Subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Ainley moved that the House concur in the Senate amendments to H. F. No. 521 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 521, A bill for an act relating to transportation; including motels within the specific information signing program; amending Minnesota Statutes 1980, Sections 160.292; 160.293, Subdivisions 1, 2, and 3; and 160.295, Subdivision 3.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kalis	O'Connor	Sherwood
Ainley	Esau	Kelly	Ogren	Sieben, M.
Anderson, B.	Evans	Knickerbocker	Olsen	Simoneau
Anderson, G.	Ewald	Kostohryz	Onnen	Skoglund
Anderson, I.	Fjoslien	Kvam	Osthoff	Stadum
Anderson, R.	Forsythe	Laidig	Otis	Staten
Battaglia	Friedrich	Lehto	Peterson, B.	Stowell
Begich	Greenfield	Lemen	Peterson, D.	Stumpf
Berkelman	Gruenes	Levi	Piepho	Sviggum
Blatz	Gustafson	Long	Pogemiller	Swanson
Brandl	Halberg	Ludeman	Redalen	Tomlinson
Brinkman	Harens	Mann	Reding	Valan
Byrne	Hauge	Marsh	Rees	Valento
Carlson, D.	Haukoos	McCarron	Reif	Vanasek
Carlson, L.	Heap	McDonald	Rice	Vellenga
Clark, J.	Heinitz	McEachern	Rodriguez, C.	Voss
Clark, K.	Himle	Mehrkens	Rodriguez, F.	Weaver
Clawson	Hoberg	Metzen	Rose	Welch
Dahlvang	Hokanson	Minne	Rothenberg	Welker
Dean	Hokr	Murphy	Samuelson	Wenzel
Dempsey	Jacobs	Nelsen, B.	Sarna	Wieser
Den Ouden	Jennings	Nelson, K.	Schafer	Wynia
Drew	Johnson, C.	Niehaus	Schoenfeld	Zubay
Eken	Johnson, D.	Norton	Schreiber	Spkr. Sieben, H.
Elioff	Jude	Novak	Shea	
Ellingson	Kaley	Nysether	Sherman	

Those who voted in the negative were:

Hanson

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate wishes to recall for the purpose of further consideration Senate File No. 759.

PATRICK E. FLAHAVEN, Secretary of the Senate

Anderson, B., moved that the House accede to the request of the Senate and that S. F. No. 759 be recalled from the Committee on Transportation and be returned to the Senate. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 964.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 530, 550, 660 and 741.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 358, 639, 699 and 785.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 136, 179 and 353.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted :

S. F. Nos. 372, 476 and 535.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted :

S. F. Nos. 574 and 822.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted :

S. F. Nos. 713, 982 and 1044.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted :

S. F. Nos. 272, 513, 533 and 771.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted :

S. F. No. 305.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted :

S. F. Nos. 188, 268 and 539.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 1043.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 732.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 215.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 964, A bill for an act relating to human rights; requiring certain state contractors to have affirmative action plans approved by the commissioner of human rights; amending Minnesota Statutes 1980, Section 363.073; proposing new law coded in Minnesota Statutes, Chapter 363.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 530, A bill for an act relating to game and fish; revising certain provisions concerning the transportation of pistols and revolvers; amending Minnesota Statutes 1980, Section 100.29, Subdivisions 5 and 17.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.



S. F. No. 550, A bill for an act relating to education; changing the time period for filing an application to be placed on the ballot for board elections; amending Minnesota Statutes 1980, Section 123.32, Subdivision 4.

The bill was read for the first time.

Blatz moved that S. F. No. 550 and H. F. No. 855, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 660, A bill for an act relating to counties; providing correct references to certain civil service procedures; amending Minnesota Statutes 1980, Sections 375.58, Subdivision 3; and 375.62.

The bill was read for the first time.

Rees moved that S. F. No. 660 and H. F. No. 664, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 741, A bill for an act relating to the town of Woodville; permitting payment of the cemetery directors; repealing Laws 1959, Chapter 149.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 358, A bill for an act relating to intoxicating liquor; requiring proof of financial responsibility; amending Minnesota Statutes 1980, Sections 340.11, by adding a subdivision; 340.12; and 340.353, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

S. F. No. 639, A bill for an act relating to metropolitan government; requiring that metropolitan council boundaries be redrawn after each federal census; amending Minnesota Statutes 1980, Section 473.123, Subdivision 2.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

S. F. No. 699, A bill for an act relating to transportation; authorizing the commissioner of transportation to act as agent for political subdivisions for the construction of roads and bridges under certain circumstances; amending Minnesota Statutes 1980, Section 161.36, Subdivision 3.

The bill was read for the first time and referred to the Committee on Transportation.

S. F. No. 785, A bill for an act relating to taxation; real property; providing open space treatment for archery and firearms ranges; amending Minnesota Statutes 1980, Section 273.112, Subdivision 3.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 136, A bill for an act relating to elections; changing compensation of certain election judges; amending Minnesota Statutes 1980, Section 204A.23.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

S. F. No. 179, A bill for an act relating to economic development; regulating business loans to Indians; amending Minnesota Statutes 1980, Section 362.40, Subdivisions 2, 8, 9, 11, 12, 14, and by adding a subdivision; repealing Minnesota Statutes 1980, Section 362.40, Subdivisions 4, 5, and 10.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

S. F. No. 353, A bill for an act relating to local government; setting conditions for group insurance contract bids; amending Minnesota Statutes 1980, Section 471.616, Subdivision 1.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

S. F. No. 372, A bill for an act relating to agriculture; removing certain buyers and sellers of hay and straw from commission merchant licensing requirements; amending Minnesota Statutes 1980, Sections 223.01; 223.02; 223.03; and 223.05; repealing Minnesota Statutes 1980, Sections 223.06 and 223.12.

The bill was read for the first time and referred to the Committee on Agriculture.

S. F. No. 476, A bill for an act relating to crimes; providing the court with discretion to require a presentence investigation in the case of felony convictions; requiring a presentence sentencing worksheet for a defendant convicted of a felony; amending Minnesota Statutes 1980, Section 609.115, Subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 535, A bill for an act relating to corporations; providing for the issuance of stock in a professional corporation to a partnership or a professional corporation performing the same kind of service; providing for the transfer of stock to a partnership or a professional corporation; amending Minnesota Statutes 1980, Section 319A.11.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 574, A bill for an act relating to judicial procedures; changing certain provisions relating to guardianship and conservatorship; amending Minnesota Statutes 1980, Sections 525.539, Subdivision 3, and by adding a subdivision; 525.54; 525.541; 525.542; 525.543; 525.55; 525.551; 525.5515; 525.56, Subdivisions 3 and 4; 525.58; 525.591, Subdivisions 2 and 3; 525.618, Subdivision 1; 525.6185; 525.619; 525.6192; 525.6196; 525.6198; 525.62; 525.67; 525.69; and 525.703; proposing new law coded in Minnesota Statutes, Chapter 525; repealing Minnesota Statutes 1980, Section 525.504.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 822, A bill for an act relating to occupations and professions; providing for oral examinations of electricians by the board of electricity; amending Minnesota Statutes 1980, Section 326.242, Subdivision 7.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 713, A bill for an act relating to drivers licenses; increasing fees for motorized bicycle operator permits and for driver licenses; establishing a fee for the Minnesota identification card; providing for uniform application fees; providing for the reallocation of certain revenues; requiring reexamination before issuance of a new drivers license after revocation; authorizing married applicants to use their maiden name as their middle name; amending Minnesota Statutes 1980, Sections 171.02, Subdivision 3; 171.06, Subdivisions 1, 2, 4, and by adding a subdivision; 171.07, Subdivision 3; 171.26; and 171.29.

The bill was read for the first time and referred to the Committee on Appropriations.

S. F. No. 982, A bill for an act relating to the city of St. Cloud; authorizing the improvement and operation of the city-owned Mississippi River dam to provide for generation of hydroelectric power, and the issuance of revenue bonds to finance the project.

The bill was read for the first time.

Gruenes moved that S. F. No. 982 and H. F. No. 1089, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1044, A bill for an act relating to the city of Echo; authorizing the issuance of bonds for the acquisition and betterment of a community center.

The bill was read for the first time.

Den Ouden moved that S. F. No. 1044 and H. F. No. 1142, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 272, A bill for an act relating to children; prohibiting neglect and abuse of children; amending Minnesota Statutes 1980, Sections 626.556, Subdivision 2, and by adding a subdivision; and 626.557, Subdivision 19.

The bill was read for the first time and referred to the Committee on Health and Welfare.

S. F. No. 513, A bill for an act relating to interest; clarifying the usury exemption on certain loans; increasing rates of interest on loans for business and agricultural transactions and loans made by agricultural credit corporations; removing certain deficiencies and ambiguities; amending Minnesota Statutes 1980, Sections 334.01, Subdivision 2; 334.011, Subdivision 1; and 334.061.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

S. F. No. 533, A bill for an act relating to crimes; authorizing law enforcement agencies in municipalities with more than 2,500 inhabitants to seize property unlawfully used in connection with controlled substance violations; amending Minnesota Statutes 1980, Section 152.01, Subdivision 17.

The bill was read for the first time and referred to the Committee on Criminal Justice.

S. F. No. 771, A bill for an act relating to Otter Tail county and the town of Oak Port in Clay county; authorizing the Otter Tail county board to grant certain powers for a district created under Minnesota Statutes, Chapter 116A; authorizing the town of Oak Port to exercise certain powers.

The bill was read for the first time.

Fjoslien moved that S. F. No. 771 and H. F. No. 862, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 305, A bill for an act relating to retirement; various retirement funds; crediting service for vesting and benefit accrual purposes in the Minnesota demonstration job-sharing program; removing certain transitional provisions governing the fire state aid program; providing police state aid for municipalities which employ police officers with less than a full year of service; allowing disability benefit recipients to elect actuarially equivalent joint and survivor optional annuities; providing retirement coverage in the public employees retirement association for employees of the Range Association of Municipalities and Schools, the soil and water conservation districts and the Suburban Public Health Nursing Service, Incorporated; increasing the minimum salary requirement for inclusion in membership in the public employees retirement association; requiring various public pension plans to provide information on annuity forms to retiring members and notification to spouse of annuity form elected; authorizing certain former members of the Minneapolis municipal employees retirement fund to repay refund amounts under certain conditions; authorizing benefit increases for the Chisholm police relief association, the Chisholm firefighters relief association, the Eveleth police and firefighters retirement trust fund, the Thief River Falls police retirement trust fund, and the Buhl police relief association; specifying the investment authority of the St. Paul police relief association and the St. Paul firefighters relief association; amending Minnesota Statutes 1980, Sections 43.60, Subdivision 3; 69.011, Subdivisions 1 and 2; 69.021, Subdivisions 1, 2, 6 and 7; 69.031, Subdivision 5; 352.113, Subdivisions 3 and 12; 352.95, Subdivision 5 and by adding a subdivision; 352B.10; 352B.105; 353.01, Subdivisions 2a, 2b and 6; 353.33, Subdivision 11 and by adding a subdivision; 353.656, Subdivision 6 and by adding a subdivision; 354.48, Subdivision 10 and by adding a subdivision; 354A.36, Subdivision 10 and by adding a subdivision; Laws 1945, Chapter 74, Sections 2, as amended, 3 and 4, as amended; 1955, Chapters 151, Section 7, as amended; and 375, Section 12, as amended; 1961, Chapter 631, Section 1, as amended; 1974, Chapter 435, Section 3.03; 1977, Chapter 61, Section 6; and 1978, Chapter 689, Section 5; proposing new law coded in Minnesota Statutes, Chapters 43; 353; 356; and 422A; repealing Minnesota Statutes 1980, Section 353.022.

The bill was read for the first time.

Sarna moved that S. F. No. 305 and H. F. No. 439, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 188, A bill for an act relating to crimes; regulating the possession, use, sale, and furnishing of tear gas and tear gas

compounds; providing penalties; proposing new law coded in Minnesota Statutes, Chapter 624; repealing Minnesota Statutes 1980, Section 624.73.

The bill was read for the first time and referred to the Committee on Criminal Justice.

S. F. No. 268, A bill for an act relating to insurance; regulating suicide provisions in life insurance contracts; proposing new law coded in Minnesota Statutes, Chapter 61A.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

S. F. No. 539, A bill for an act relating to family law; allowing joint custody of minor children; providing for acknowledgments of paternity; changing provisions related to venue; providing expedited hearings; changing determination of maintenance and support orders; changing the division of marital property; providing for enforcement of maintenance and support orders; changing requirements for evidence, orders, and decrees; adopting the revised uniform reciprocal enforcement of support act; amending Minnesota Statutes 1980, Sections 257.34, Subdivision 1; 518.003, by adding a subdivision; 518.09; 518.131, Subdivisions 3 and 4, and by adding subdivisions; 518.145; 518.17; 518.54, Subdivision 5; 518.551; 518.58; and 518.64, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 518C; repealing Minnesota Statutes 1980, Sections 518.41; 518.42; 518.43; 518.44; 518.45; 518.46; 518.47; 518.48; 518.49; 518.491; 518.50; 518.51; 518.52; and 518.53.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 1043, A bill for an act relating to administrative procedures; providing for changes in the recompilation, publication, and drafting of administrative rules; modifying the powers of the revisor of statutes with respect to compiling, publishing, and drafting of administrative rules; clarifying which rules are to be published; fixing a common nomenclature for certain steps in the administrative process; extending statutory standard definitions of terms and principles of construction to administrative rules; providing for the effect of transferring responsibilities between agencies; extending the jurisdiction of the LCRAR; clarifying when a rule suspended by the LCRAR becomes effective; modifying certain provisions of the administrative procedure act; removing certain obsolete terms and clarifying certain language; amending Minnesota Statutes 1980, Sections 3.965, Subdivision 2; 15.0411, Subdivisions 2 and 3; 15.0412, Subdivisions 1, 1a, 2a, 4, 4c, 4d, 4e, 4f, 4g, 4h, 5, 7, 8, 9 and 10; 15.0413; 15.0415; 16.86, Subdivision 2; 62E.10, Subdivision 8; 121.931, Subdivision 8; 121.932, Subdivision 3; 169.128; 182.655, Subdivision 1; 238.09, Subdivision 9; 271.06, Subdivision 7;

299A.03, Subdivision 6; 299F.19, Subdivision 6; 360.015, Subdivisions 4, 5 and 16; 645.071, Subdivision 1; 645.08; 645.11; 645.12, Subdivision 1; 645.13; 645.14; 645.15; 645.18; 645.19; 645.20; 645.21; 645.23; 645.24; 645.26, Subdivisions 1 and 2; 645.31, Subdivision 1; 645.34; 645.35; 645.36; 645.37; 645.39; 645.40; 645.41; 645.44, Subdivision 1; 645.45; 645.451, Subdivision 1; 645.46; 645.48; 648.31, Subdivision 6; 648.50, Subdivisions 1, 2, 3, 4 and 6, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapters 15 and 645; repealing Minnesota Statutes 1980, Sections 15.015 to 15.04; 174.06, Subdivision 6; and 245.04 to 245.07.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 732, A bill for an act relating to insurance; revising the statutory provisions relating to surplus lines insurance; clarifying its operation and coverage; providing penalties; proposing new law coded in Minnesota Statutes, Chapter 60A; repealing Minnesota Statutes 1980, Section 60A.20.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

S. F. No. 215, A bill for an act relating to taxation; allowing urban towns to increase their tax levy limit base by eight percent per year; amending Minnesota Statutes 1980, Section 275.52, Subdivision 2.

The bill was read for the first time.

Lehto moved that S. F. No. 215 and H. F. No. 252, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

#### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Sieben, M., requested immediate consideration of H. F. No. 70.

H. F. No. 70 was reported to the House.

Ainley moved to amend H. F. No. 70 as follows:

Page 115, delete lines 34 to 36

Page 116, delete line 1

Renumber the remaining subdivisions

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

H. F. No. 70, A bill for an act relating to education; providing for aids to education, aids to libraries, tax levies and the distribution of tax revenues; granting certain powers and duties to school districts, the state board of education and others; replacing AVTI capital expenditure aid with AVTI equipment aid and AVTI repair and betterment aid; requiring a legislative study of curriculum implications of secondary vocational education aid; providing a new aid and levy authorization for certain capital expenditures; changing the preschool screening program from mandatory to optional; limiting participation in teacher mobility programs; decreasing the state's obligations and changing eligibility standards for the maximum effort school aid program; appropriating money; amending Minnesota Statutes 1980, Sections 3.9278, Subdivision 1; 3.9279, Subdivisions 10 and 12; 120.17, Subdivisions 3, 3b, 4, 5a, 6, 7 and by adding a subdivision; 121.904, Subdivision 7; 121.906, Subdivisions 2 and 3; 121.912, Subdivision 1; 122.22, Subdivisions 3, 4, 5, 8, 9, 11, 13, 14, 20 and by adding a subdivision; 123.35, Subdivision 15; 123.36, Subdivision 13; 123.39, Subdivision 1 and by adding a subdivision; 123.702, Subdivision 1; 123.703, Subdivision 3; 123.705; 123.937; 124.01, Subdivisions 2, 3, 4 and by adding a subdivision; 124.11, Subdivisions 1, 2a, 2b, 2c and by adding a subdivision; 124.14, Subdivisions 3, 4 and by adding a subdivision; 124.17, Subdivisions 2, 2c and by adding a subdivision; 124.20; 124.212, Subdivisions 1, 5a, 7d, 8a, 9a and by adding a subdivision; 124.223; 124.225, Subdivisions 1, 1a, 2, 3, 4a, 5, 6, 7a, 8a, 8b, 9, 11 and by adding a subdivision; 124.245, Subdivisions 1, 2 and by adding a subdivision; 124.247, Subdivisions 3 and 5; 124.26, Subdivisions 3, 4 and by adding subdivisions; 124.271, Subdivision 2; 124.32, Subdivisions 1a, 1b, 6, 9 and by adding a subdivision; 124.38, Subdivision 7; 124.39, Subdivision 5; 124.40, Subdivision 2; 124.41; 124.42, Subdivisions 1 and 2; 124.43, Subdivisions 1, 2, 3, 4 and 5; 124.474; 124.476; 124.561, Subdivisions 2a, 3a and by adding subdivisions; 124.562, by adding a subdivision; 124.5621, Subdivisions 2, 5, 6 and 12; 124.5622, Subdivisions 3, 4 and 5; 124.5623, Subdivisions 3, 4 and 5; 124.5624; 124.565, Subdivisions 3, 4, 6 and 7; 124.566; 124.572, Subdivision 8 and by adding subdivisions; 124.573, Subdivisions 2, 3a, 5 and by adding a subdivision; 124.574, Subdivisions 2 and 4; 124.646, Subdivision 1; 125.60, Subdivisions 2a and 7; 125.611, Subdivisions 1, 3, 5, 8, 9 and 10; 126.54, Subdivision 1; 134.35, Subdivision 1; 134.351, Subdivision 5 and by adding subdivisions; 134.36; 275.125, Subdivisions 2a, 2c, 6b, 6c, 7a, 7b, 8, 11a and by adding subdivisions; 298.28, Subdivision 1; 354.094, Subdivisions 1, 2, 3 and by adding a subdivision; 354.66, Subdivision 9; 354A.091, Subdivisions 1, 2, 3 and by adding a subdivision; 354A.094, Subdivision 9; 375.335, Subdivision 4 and by adding subdivisions; Laws 1967, Chapter 822, Section 1, as amended; proposing new law coded in Minnesota Statutes, Chapters 120; and 124; repealing Minnesota Statutes 1980, Sections 3.9279, Subdivision 13; 120.17, Subdivision 3c; 122.22, Subdivisions 10, 12, 15 and 16; 123.40, Subdivision 5; 124.212, Subdivisions 6c and 7c; 124.225, Subdivisions 4, 7 and 8; 124.271, Subdivision 1a; 124.561, Subdivision 4; 124.-



562, Subdivisions 3 and 4; 124.571; 126.268, Subdivision 1; 126.52, Subdivision 12; 275.125, Subdivisions 2b and 14.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Aasness	Ewald	Knickerbocker	O'Connor	Sherman
Anderson, B.	Fjoslien	Kostohryz	Ogren	Sherwood
Anderson, G.	Forsythe	Kvam	Olsen	Sieben, M.
Anderson, I.	Friedrich	Laidig	Onnen	Simoneau
Anderson, R.	Greenfield	Lehto	Osthoff	Skoglund
Battaglia	Gruenes	Lemen	Otis	Stadum
Begich	Gustafson	Levi	Peterson, B.	Staten
Berkelman	Halberg	Long	Peterson, D.	Stowell
Blatz	Hanson	Ludeman	Piepho	Stumpf
Brandl	Harens	Mann	Pogemiller	Sviggum
Brinkman	Hauge	Marsh	Redalen	Swanson
Byrne	Haukoos	McCarron	Reding	Tomlinson
Carlson, D.	Heap	McDonald	Rees	Valan
Carlson, L.	Himle	McEachern	Reif	Valento
Clark, J.	Hoberg	Mehrrens	Rice	Vanasek
Dahlvang	Hokanson	Metzen	Rodriguez, C.	Vellenga
Dempsey	Hokr	Minne	Rodriguez, F.	Weaver
Den Ouden	Jacobs	Munger	Rose	Welch
Drew	Jennings	Murphy	Rothenberg	Welker
Eken	Johnson, C.	Nelsen, B.	Samuelson	Wenzel
Elioff	Johnson, D.	Nelson, K.	Sarna	Wieser
Ellingson	Jude	Niehaus	Schafer	Wynia
Erickson	Kaley	Norton	Schoenfeld	Zubay
Esau	Kalis	Novak	Schreiber	Spkr. Sieben, H.
Evans	Kelly	Nysether	Shea	

Those who voted in the negative were:

Ainley            Clawson            Voss

The bill was passed and its title agreed to.

There being no objection the order of business reverted to Messages from the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 121, A bill for an act relating to statutory cities and urban towns; permitting publication of summaries of ordinances

prior to enactment; amending Minnesota Statutes 1980, Sections 368.01, Subdivision 21; and 412.191, Subdivision 4.

And the Senate respectfully requests that a Conference Committee be appointed thereon.

Messrs. Wegener, Pehler and Frederickson have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Clawson moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 121. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 209, A bill for an act relating to gambling devices; clarifying definitions of gambling devices; authorizing an additional gambling device; authorizing certain payments for operation of gambling devices; changing prize limitations; changing the penalty provision for violation; amending Minnesota Statutes 1980, Sections 349.26, Subdivisions 2, 4, 5, 12, 13, 14 and 15, and by adding a subdivision; 349.30, Subdivision 2; and 349.31, Subdivision 1.

And the Senate respectfully requests that a Conference Committee be appointed thereon.

Messrs. Nelson; Keefe and Peterson, C. C. have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Reding moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 209. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 339, A bill for an act relating to towns; providing for the opening of cartways under certain circumstances; providing a method for determining whether to open or maintain certain town roads; amending Minnesota Statutes 1980, Sections 164.08, Subdivision 2; and 365.10.

The Senate has appointed as such committee Messrs. Dicklich, Johnson and Solon.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

### CONSENT CALENDAR

S. F. No. 718, A bill for an act relating to marriage; making the age of consent requirements for boys the same as for girls; amending Minnesota Statutes 1980, Section 517.02.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 98 yeas and 29 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Kostohryz	Olsen	Shea
Anderson, G.	Ellingson	Laidig	Onnen	Sherman
Anderson, I.	Evans	Lehto	Osthoff	Sherwood
Battaglia	Forsythe	Lemen	Otis	Sieben, M.
Begich	Greenfield	Levi	Peterson, B.	Simoneau
Berkelman	Halberg	Long	Peterson, D.	Skoglund
Blatz	Hanson	Ludeman	Piepho	Staten
Brandl	Hauge	Mann	Pogemiller	Stumpf
Brinkman	Haukoos	Marsh	Redalen	Swanson
Byrne	Heap	McEachern	Reding	Tomlinson
Carlson, D.	Heinitz	Metzen	Rees	Valan
Carlson, L.	Himle	Minne	Rice	Vanasek
Clark, J.	Hokanson	Munger	Rodriguez, C.	Vellenga
Clark, K.	Hokr	Murphy	Rodriguez, F.	Voss
Clawson	Jacobs	Nelson, K.	Rose	Welch
Dahlvang	Jennings	Norton	Rothenberg	Wenzel
Dean	Johnson, C.	Novak	Samuelson	Wynia
Dempsey	Jude	Nysether	Sarna	Spkr. Sieben, H.
Drew	Kaley	O'Connor	Schoenfeld	
Eken	Knickerbocker	Ogren	Schreiber	

Those who voted in the negative were:

Aasness	Fjoslien	Kalis	Nelsen, B.	Valento
Ainley	Friedrich	Kelly	Niehaus	Weaver
Anderson, R.	Gruenes	Kvam	Reif	Welker
Den Ouden	Gustafson	McCarron	Schafer	Wieser
Erickson	Harens	McDonald	Stowell	Zubay
Esau	Johnson, D.	Mehrkens	Sviggum	

The bill was passed and its title agreed to.

H. F. No. 552, A bill for an act relating to commerce; prohibiting fraud in the use of recreational camping areas; providing a penalty; amending Minnesota Statutes 1980, Sections 327.07; and 327.14, Subdivision 8.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kaley	Nysether	Sherwood
Ainley	Esau	Kalis	O'Connor	Sieben, M.
Anderson, B.	Evans	Kelly	Ogren	Simoneau
Anderson, G.	Ewald	Knickerbocker	Olsen	Skoglund
Anderson, I.	Fjoslien	Kostohryz	Onnen	Stadum
Anderson, R.	Porsythe	Kvam	Osthoff	Staten
Battaglia	Friedrich	Laidig	Otis	Stowell
Begich	Greenfield	Lehto	Peterson, B.	Stumpf
Berkelman	Gruenes	Lemen	Peterson, D.	Sviggum
Blatz	Gustafson	Levi	Piepho	Swanson
Brandl	Halberg	Long	Pogemiller	Tomlinson
Brinkman	Hanson	Ludeman	Redalen	Valan
Byrne	Harens	Mann	Reding	Valento
Carlson, D.	Hauge	Marsh	Rees	Vanasek
Carlson, L.	Haukoos	McCarron	Reif	Vellenga
Clark, J.	Heap	McEachern	Rice	Voss
Clark, K.	Heinitz	Mehrkens	Rodriguez, C.	Weaver
Clawson	Himle	Metzen	Rodriguez, F.	Welch
Dahlvang	Hoberg	Minne	Rose	Welker
Dean	Hokanson	Munger	Rathenberg	Wenzel
Dempsey	Hokr	Murphy	Samuelsen	Wieser
Den Ouden	Jacobs	Nelsen, B.	Sarna	Wynia
Drew	Jennings	Nelson, K.	Schafer	Zubay
Eken	Johnson, C.	Niehaus	Schoenfeld	Sprk. Sieben, H.
Elioff	Johnson, D.	Norton	Shea	
Ellingson	Jude	Novak	Sherman	

The bill was passed and its title agreed to.

H. F. No. 681, A bill for an act relating to retirement; reducing a certain deduction from amounts available to pay post-retirement adjustments; appropriating funds; amending Minnesota Statutes 1980, Section 11A.18, Subdivision 9.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	Nysether	Sherwood
Ainley	Evans	Kelly	O'Connor	Sieben, M.
Anderson, B.	Ewald	Knickerbocker	Ogren	Simoneau
Anderson, G.	Fjoslien	Kostohryz	Olsen	Skoglund
Anderson, I.	Forsythe	Kvam	Onnen	Stadum
Anderson, R.	Friedrich	Laidig	Osthoff	Staten
Battaglia	Greenfield	Lehto	Otis	Stowell
Begich	Gruenes	Lemen	Peterson, B.	Stumpf
Berkelman	Gustafson	Levi	Peterson, D.	Sviggum
Blatz	Halberg	Long	Piepho	Swanson
Brandl	Hanson	Ludeman	Pogemiller	Tomlinson
Brinkman	Harens	Mann	Redalen	Valan
Byrne	Hauge	Marsh	Reding	Valento
Carlson, D.	Haukoos	McCarron	Rees	Vanasek
Carlson, L.	Heap	McDonald	Reif	Vellenga
Clark, J.	Heinitz	McEachern	Rice	Voss
Clark, K.	Himle	Mehrkens	Rodriguez, C.	Weaver
Clawson	Hoberg	Metzen	Rodriguez, F.	Welch
Dean	Hokanson	Minne	Rose	Welker
Dempsey	Hokr	Munger	Rothenberg	Wenzel
Den Ouden	Jacobs	Murphy	Samuelson	Wieser
Drew	Jennings	Nelsen, B.	Sarna	Wynia
Eken	Johnson, C.	Nelson, K.	Schafer	Zubay
Elioff	Johnson, D.	Niehaus	Schoenfeld	Spkr. Sieben, H.
Ellingson	Jude	Norton	Schreiber	
Erickson	Kaley	Novak	Sherman	

The bill was passed and its title agreed to.

H. F. No. 838, A bill for an act relating to transportation; delaying the effective date of the laws establishing and prescribing the powers and duties of the transportation regulation board; amending Laws 1980, Chapter 534, Section 87.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Aasness	Blatz	Dean	Evans	Hauge
Ainley	Brandl	Dempsey	Ewald	Haukoos
Anderson, B.	Brinkman	Den Ouden	Fjoslien	Heap
Anderson, G.	Byrne	Drew	Forsythe	Heinitz
Anderson, I.	Carlson, D.	Eken	Friedrich	Himle
Anderson, R.	Carlson, L.	Elioff	Gruenes	Hoberg
Battaglia	Clark, J.	Ellingson	Gustafson	Hokanson
Begich	Clawson	Erickson	Halberg	Hokr
Berkelman	Dahlvang	Esau	Harens	Jacobs

Jennings	Mann	O'Connor	Rose	Stumpf
Johnson, C.	Marsh	Ogren	Rothenberg	Sviggum
Johnson, D.	McDonald	Olsen	Samuelson	Swanson
Jude	McEachern	Onnen	Sarna	Valan
Kaley	Mehrkens	Osthoff	Schafer	Valento
Kalis	Metzen	Otis	Schreiber	Vanasek
Kelly	Minne	Peterson, D.	Shea	Vellenga
Knickerbocker	Munger	Piepho	Sherman	Weaver
Kostohryz	Murphy	Pogemiller	Sherwood	Welch
Kvam	Nelsen, B.	Redalen	Sieben, M.	Welker
Laidig	Nelson, K.	Reding	Simoneau	Wenzel
Lemen	Niehaus	Reif	Skoglund	Wieser
Levi	Norton	Rice	Stadum	Wynia
Long	Novak	Rodriguez, C.	Staten	Zubay
Ludeman	Nysether	Rodriguez, F.	Stowell	Sprk. Sieben, H.

Those who voted in the negative were:

Greenfield	Lehto	Rees	Tomlinson	Voss
Hanson	McCarron	Schoenfeld		

The bill was passed and its title agreed to.

H. F. No. 1052, A bill for an act relating to state lands; providing for the conveyance of certain land to the city of Fergus Falls.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 96 yeas and 33 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Johnson, C.	Ogren	Skoglund
Ainley	Evans	Johnson, D.	Olsen	Stadum
Anderson, B.	Ewald	Kaley	Onnen	Staten
Anderson, I.	Fjoslien	Kalis	Otis	Stowell
Anderson, R.	Forsythe	Kelly	Peterson, B.	Stumpf
Battaglia	Friedrich	Knickerbocker	Peterson, D.	Sviggum
Begich	Greenfield	Kvam	Piepho	Valan
Berkelman	Gruenes	Laidig	Pogemiller	Valento
Blatz	Gustafson	Lemen	Redalen	Weaver
Brandl	Halberg	Levi	Reding	Welch
Brinkman	Harens	Ludeman	Rees	Welker
Carlson, D.	Hauge	Mann	Reif	Wenzel
Dahlvang	Haukoos	Marsh	Rodriguez, F.	Wieser
Dean	Heap	McDonald	Rose	Wynia
Dempsey	Heimitz	Mehrkens	Rothenberg	Zubay
Den Ouden	Himle	Minne	Schafer	Sprk. Sieben, H.
Drew	Hoberg	Nelsen, B.	Schreiber	
Elioff	Hokr	Niehaus	Sherman	
Ellingson	Jacobs	Norton	Sherwood	
Erickson	Jennings	Nysether	Sieben, M.	

Those who voted in the negative were:

Anderson, G.	Carlson, L.	Clark, K.	Eken	Hokanson
Byrne	Clark, J.	Clawson	Hanson	Jude

Kostohryz	Metzen	O'Connor	Sarna	Vanasek
Lehto	Munger	Osthoff	Schoenfeld	Vellenga
Long	Murphy	Rice	Shea	Voss
McCarron	Nelson, K.	Rodriguez, C.	Simoneau	
McEachern	Novak	Samuelson	Swanson	

The bill was passed and its title agreed to.

H. F. No. 247 was reported to the House.

Peterson, D., moved that H. F. No. 247 be continued on the Consent Calendar for one day. The motion prevailed.

H. F. No. 484, A bill for an act relating to commerce; clarifying the definition of "continuing care"; providing for implementation of the continuing care facilities disclosure and rehabilitation act in a self-executing manner; amending Minnesota Statutes 1980, Sections 80D.01; 80D.02, Subdivision 2 and by adding a subdivision; 80D.03, Subdivision 1; 80D.04; 80D.05; 80D.06; 80D.08; 80D.09; 80D.11; 80D.13, Subdivision 1; 80D.14, Subdivisions 1 and 2; 80D.15; 80D.16; and 82.18; repealing Minnesota Statutes 1980, Sections 80D.02, Subdivision 3; 80D.03, Subdivisions 3 and 4; 80D.10; 80D.12; 80D.14, Subdivision 3; 80D.17; and 80D.18.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kelly	O'Connor	Sherwood
Ainley	Ewald	Knickerbocker	Ogren	Sieben, M.
Anderson, B.	Fjoslien	Kostohryz	Olsen	Simoneau
Anderson, G.	Forsythe	Kvam	Onnen	Skoglund
Anderson, I.	Friedrich	Laidig	Osthoff	Stadum
Anderson, R.	Greenfield	Lehto	Otis	Staten
Battaglia	Gruenes	Lemen	Peterson, B.	Stowell
Begich	Gustafson	Levi	Peterson, D.	Stumpf
Berkelman	Halberg	Long	Piepho	Swiggum
Blatz	Hanson	Ludeman	Pogemiller	Swanson
Brandl	Harens	Mann	Redalen	Tomlinson
Brinkman	Hauge	Marsh	Reding	Valan
Byrne	Haukoos	McCarron	Rees	Valento
Carlson, D.	Heap	McDonald	Reif	Vanasek
Carlson, L.	Heinitz	McEachern	Rice	Vellenga
Clark, J.	Himle	Mehrkens	Rodriguez, C.	Voss
Clawson	Hoberg	Metzen	Rodriguez, F.	Weaver
Dahlvang	Hokanson	Minne	Rose	Welch
Dean	Hokr	Munger	Rothenberg	Welker
Dempsey	Jacobs	Murphy	Samuelson	Wenzel
Den Ouden	Jennings	Nelsen, B.	Sarna	Wieser
Drew	Johnson, C.	Nelson, K.	Schafer	Wynia
Eken	Johnson, D.	Niehaus	Schoenfeld	Zubay
Elioff	Jude	Norton	Schreiber	Spkr. Sieben, H.
Erickson	Kaley	Novak	Shea	
Esau	Kalis	Nysether	Sherman	

The bill was passed and its title agreed to.

H. F. No. 567, A bill for an act relating to retirement; teachers retirement association and teacher retirement fund associations in cities of the first class; allowing certain types of survivor coverage be provided to a designated beneficiary instead of a surviving spouse; requiring public pension funds to provide information concerning optional annuity forms with retirement application form; requiring the signature of the spouse of a member on the retirement application form in certain instances; amending Minnesota Statutes 1980, Sections 354.46, Subdivisions 1 and 2, and by adding a subdivision; 354.47, Subdivision 1; and 354A.35, by adding a subdivision; and proposing new law coded in Minnesota Statutes, Chapter 356.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kelly	O'Connor	Sherwood
Ainley	Ewald	Knickerbocker	Ogren	Sieben, M.
Anderson, B.	Fjoslien	Kostohryz	Olsen	Simoneau
Anderson, I.	Forsythe	Kvam	Onnen	Skoglund
Anderson, R.	Friedrich	Laidig	Osthoff	Stadum
Battaglia	Greenfield	Lehto	Otis	Staten
Begich	Gruenes	Lemen	Peterson, B.	Stowell
Berkelman	Gustafson	Levi	Peterson, D.	Stumpf
Blatz	Halberg	Long	Piepho	Sviggum
Brandl	Hanson	Ludeman	Pogemiller	Swanson
Brinkman	Harens	Mann	Redalen	Tomlinson
Byrne	Hauge	Marsh	Reding	Talman
Carlson, D.	Haukoos	McCarron	Rees	Valento
Carlson, L.	Heap	McDonald	Reif	Vanasek
Clark, J.	Heinitz	McEachern	Rice	Vellenga
Clark, K.	Himle	Mehrkens	Rodriguez, C.	Voss
Clawson	Hoberg	Metzen	Rodriguez, F.	Weaver
Dahlvang	Hokanson	Minne	Rose	Welch
Dean	Hokr	Munger	Rothenberg	Welker
Dempsey	Jacobs	Murphy	Samuelson	Wenzel
Den Ouden	Jennings	Nelsen, B.	Sarna	Wieser
Drew	Johnson, C.	Nelson, K.	Schafer	Wynia
Eken	Johnson, D.	Niehaus	Schoenfeld	Zubay
Elioff	Jude	Norton	Schreiber	Sprk. Sieben, H.
Erickson	Kaley	Novak	Shea	
Esau	Kalis	Nysether	Sherman	

The bill was passed and its title agreed to.

H. F. No. 708, A bill for an act relating to public improvements; permitting deferral of special assessments in instances of hardship; amending Minnesota Statutes 1980, Section 435.193.

The bill was read for the third time and placed upon its final passage.



The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kalis	Nysether	Sherman
Ainley	Esau	Kelly	O'Connor	Sherwood
Anderson, B.	Evans	Knickerbocker	Ogren	Sieben, M.
Anderson, G.	Ewald	Kostohryz	Olsen	Simoneau
Anderson, I.	Fjoslien	Kvam	Osthoff	Skoglund
Anderson, R.	Forsythe	Laidig	Otis	Stadum
Battaglia	Friedrich	Lehto	Peterson, B.	Staten
Begich	Greenfield	Lemen	Peterson, D.	Stowell
Berkelman	Gruenes	Levi	Piepho	Stumpf
Blatz	Gustafson	Long	Pogemiller	Svigum
Brandl	Halberg	Ludeman	Redalen	Swanson
Brinkman	Hanson	Mann	Reding	Tomlinson
Byrne	Haukoos	Marsh	Rees	Valan
Carlson, D.	Heap	McCarron	Reif	Valento
Carlson, L.	Heinitz	McDonald	Rice	Vanasek
Clark, J.	Himle	McEachern	Rodriguez, C.	Vellenga
Clark, K.	Hoberg	Mehrkens	Rodriguez, F.	Voss
Clawson	Hokanson	Metzen	Rose	Weaver
Dahlvang	Hokr	Munger	Rothenberg	Welch
Dean	Jacobs	Murphy	Samuelson	Welker
Dempsey	Jennings	Nelsen, B.	Sarna	Wenzel
Drew	Johnson, C.	Nelson, K.	Schafer	Wieser
Eken	Johnson, D.	Niehaus	Schoenfeld	Wynia
Elioff	Jude	Norton	Schreiber	Zubay
Ellingson	Kaley	Novak	Shea	Spkr. Sieben, H.

Those who voted in the negative were:

Minne

The bill was passed and its title agreed to.

H. F. No. 749, A bill for an act relating to real property; providing a fee for issuing noncertified copies of instruments or parts of instruments on file in the office of the registrar of titles; amending Minnesota Statutes 1980, Section 508.82.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Blatz	Dean	Evans	Hanson
Ainley	Brandl	Dempsey	Ewald	Hauge
Anderson, B.	Brinkman	Den Ouden	Fjoslien	Haukoos
Anderson, G.	Byrne	Drew	Forsythe	Heap
Anderson, I.	Carlson, D.	Eken	Friedrich	Heinitz
Anderson, R.	Carlson, L.	Elioff	Greenfield	Himle
Battaglia	Clark, J.	Ellingson	Gruenes	Hoberg
Begich	Clawson	Erickson	Gustafson	Hokanson
Berkelman	Dahlvang	Esau	Halberg	Hokr

Jacobs	Mann	Olsen	Samuelson	Tomlinson
Jennings	Marsh	Onnen	Sarna	Valan
Johnson, C.	McCarron	Osthoff	Schafer	Valento
Johnson, D.	McDonald	Otis	Schoenfeld	Vanasek
Jude	Mehrkens	Peterson, B.	Schreiber	Vellenga
Kaley	Metzen	Peterson, D.	Shea	Voss
Kalis	Minne	Piepho	Sherman	Weaver
Kelly	Munger	Pogemiller	Sherwood	Welch
Knickerbocker	Murphy	Redalen	Sieben, M.	Welker
Kostohryz	Nelsen, B.	Reding	Simoneau	Wenzel
Kvam	Nelson, K.	Rees	Skoglund	Wieser
Laidig	Niehaus	Reif	Stadum	Wynia
Lehto	Norton	Rice	Staten	Zubay
Lemen	Novak	Rodriguez, C.	Stowell	Spkr. Sieben, H.
Levi	Nysether	Rodriguez, F.	Stumpf	
Long	O'Connor	Rose	Sviggum	
Ludeman	Ogren	Rothenberg	Swanson	

The bill was passed and its title agreed to.

H. F. No. 887 was reported to the House.

Upon objection of ten members H. F. No. 887 was stricken from the Consent Calendar and returned to General Orders.

H. F. No. 996, A bill for an act relating to retirement; making various administrative changes in the teachers retirement law; authorizing a medical advisor; payment of shortages in member deductions; amending Minnesota Statutes 1980, Sections 354.06, Subdivisions 2 and 2a; 354.091; 354.092; 354.41, by adding a subdivision; 354.44, Subdivisions 4 and 8; 354.48, Subdivisions 2, 4, and by adding a subdivision; 354.51, Subdivision 5; 354.52, Subdivision 4; and 354.62, Subdivisions 4 and 5.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Ainley	Dahlvang	Halberg	Kelly	Minne
Anderson, B.	Dempsey	Hanson	Knickerbocker	Munger
Anderson, G.	Den Ouden	Hauge	Kostohryz	Murphy
Anderson, I.	Drew	Haukoos	Kvam	Nelsen, B.
Anderson, R.	Eken	Heap	Laidig	Nelson, K.
Battaglia	Elioff	Heinitz	Lehto	Niehaus
Begich	Ellingson	Himle	Lemen	Norton
Berkelman	Erickson	Hoberg	Levi	Novak
Blatz	Esau	Hokanson	Long	Nysether
Brandl	Evans	Hokr	Ludeman	O'Connor
Brinkman	Ewald	Jacobs	Mann	Ogren
Byrne	Fjoslien	Jennings	Marsh	Olsen
Carlson, D.	Forsythe	Johnson, C.	McCarron	Onnen
Carlson, L.	Friedrich	Johnson, D.	McDonald	Osthoff
Clark, J.	Greenfield	Jude	McEachern	Otis
Clark, K.	Gruenes	Kaley	Mehrkens	Peterson, B.
Clawson	Gustafson	Kalis	Metzen	Peterson, D.

Piepho	Rose	Sherwood	Swanson	Welker
Pogemiller	Rothenberg	Sieben, M.	Tomlinson	Wenzel
Redalen	Samuelson	Simoneau	Valan	Wieser
Reding	Sarna	Skoglund	Valento	Wynia
Rees	Schafer	Stadum	Vanasek	Zubay
Reif	Schoenfeld	Staten	Vellenga	Spkr. Sieben, H.
Rice	Schreiber	Stowell	Voss	
Rodriguez, C.	Shea	Stumpf	Weaver	
Rodriguez, F.	Sherman	Sviggum	Welch	

The bill was passed and its title agreed to.

H. F. No. 1059, A bill for an act relating to crimes; providing for the type of proof of the fact of killing in murder and manslaughter cases; amending Minnesota Statutes 1980, Section 634.051.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Ainley	Evans	Knickerbocker	Ogren	Sieben, M.
Anderson, B.	Ewald	Kostohryz	Olsen	Simoneau
Anderson, G.	Fjoslien	Kvam	Onnen	Skoglund
Anderson, I.	Forsythe	Laidig	Osthoff	Stadum
Anderson, R.	Friedrich	Lehto	Otis	Staten
Battaglia	Greenfield	Lemen	Peterson, B.	Stowell
Begich	Gruenes	Levi	Peterson, D.	Stumpf
Berkelman	Gustafson	Long	Piepho	Sviggum
Blatz	Halberg	Ludeman	Pogemiller	Swanson
Brandl	Hanson	Mann	Redalen	Tomlinson
Brinkman	Hauge	Marsh	Reding	Valan
Byrne	Haukoos	McCarron	Rees	Valento
Carlson, D.	Heap	McDonald	Reif	Vanasek
Carlson, L.	Heinitz	McEachern	Rice	Vellenga
Clark, J.	Himle	Mehrkens	Rodriguez, C.	Voss
Clark, K.	Hoberg	Metzen	Rodriguez, F.	Weaver
Clawson	Hokanson	Minne	Rose	Welch
Dahlvang	Hokr	Munger	Rothenberg	Welker
Dempsey	Jacobs	Murphy	Samuelson	Wenzel
Den Ouden	Jennings	Nelsen, B.	Sarna	Wieser
Drew	Johnson, C.	Nelson, K.	Schafer	Wynia
Eken	Johnson, D.	Niehaus	Schoenfeld	Zubay
Elioff	Jude	Norton	Schreiber	Spkr. Sieben, H.
Ellingson	Kaley	Novak	Shea	
Erickson	Kalis	Nysether	Sherman	
Esau	Kelly	O'Connor	Sherwood	

The bill was passed and its title agreed to.

## CALENDAR

H. F. No. 590, A bill for an act relating to highways; providing criteria for determining the population of a city for the purposes of the municipal state-aid street system; amending Minnesota Statutes 1980, Section 162.09, Subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 62 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Kelly	Norton	Staten
Battaglia	Ewald	Laidig	Novak	Stowell
Begich	Greenfield	Lehto	Ogren	Tomlinson
Berkelman	Gustafson	Long	Otis	Valan
Brandl	Hanson	Ludeman	Peterson, D.	Voss
Brinkman	Harens	Mann	Pogemiller	Welch
Byrne	Hauge	McCarron	Rice	Wenzel
Clark, J.	Hoberg	Metzen	Rodriguez, F.	Wieser
Clark, K.	Jacobs	Minne	Samuelson	Wynia
Dean	Jennings	Munger	Schoenfeld	Spkr. Sieben, H.
Drew	Johnson, C.	Murphy	Shea	
Elioff	Jude	Nelson, K.	Sieben, M.	
Ellingson	Kalis	Niehaus	Skoglund	

Those who voted in the negative were:

Aasness	Fjoslien	Kostohryz	Osthoff	Sherwood
Ainley	Forsythe	Kvam	Peterson, B.	Simoneau
Anderson, G.	Friedrich	Lemen	Piepho	Stadum
Anderson, I.	Gruenes	Levi	Redalen	Stumpf
Anderson, R.	Halberg	Marsh	Reding	Sviggum
Carlson, D.	Haukoos	McDonald	Rees	Swanson
Carlson, L.	Heap	McEachern	Rodriguez, C.	Vanasek
Dahlvang	Heinitz	Mehrkens	Rose	Vellenga
Dempsey	Himle	Nelsen, B.	Rothenberg	Weaver
Den Ouden	Hokr	Nysether	Sarna	Welker
Eken	Johnson, D.	O'Connor	Schafer	Zubay
Esau	Kaley	Olsen	Schreiber	
Evans	Knickerbocker	Onnen	Sherman	

The bill was not passed.

H. F. No. 632, A bill for an act relating to financial institutions; removing certain restrictions on directors' qualifying shares; amending Minnesota Statutes 1980, Section 48.06.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Battaglia	Byrne	Dahlvang	Elioff
Ainley	Begich	Carlson, D.	Dean	Ellingson
Anderson, B.	Berkelman	Carlson, L.	Dempsey	Erickson
Anderson, G.	Blatz	Clark, J.	Den Ouden	Esau
Anderson, I.	Brandl	Clark, K.	Drew	Evans
Anderson, R.	Brinkman	Clawson	Eken	Ewald

Fjoslien	Johnson, D.	Mehrkens	Piepho	Stadum
Forsythe	Jude	Metzen	Redalen	Staten
Friedrich	Kaley	Minne	Reding	Stowell
Greenfield	Kalis	Munger	Rice	Stumpf
Gruenes	Kelly	Murphy	Rodriguez, C.	Sviggum
Halberg	Knickerbocker	Nelsen, B.	Rodriguez, F.	Swanson
Hanson	Kostohryz	Nelson, K.	Rose	Tomlinson
Harens	Kvam	Niehaus	Rothenberg	Valan
Hauge	Laidig	Norton	Samuelson	Vanasek
Haukoos	Lehto	Novak	Sarna	Vellenga
Heap	Lemen	Nysether	Schafer	Voss
Heinitz	Levi	O'Connor	Schoenfeld	Weaver
Himle	Long	Ogren	Schreiber	Welch
Hoberg	Ludeman	Olsen	Shea	Welker
Hokanson	Mann	Onnen	Sherman	Wenzel
Hokr	Marsh	Osthoff	Sherwood	Wieser
Jacobs	McCarron	Otis	Sieben, M.	Wynia
Jennings	McDonald	Peterson, B.	Simoneau	Zubay
Johnson, C.	McEachern	Peterson, D.	Skoglund	Spkr. Sieben, H.

Those who voted in the negative were:

Rees

The bill was passed and its title was agreed to.

Vanasek was excused for the remainder of today's session.

S. F. No. 263, A bill for an act relating to highway traffic regulations; requiring the use of child passenger restraint systems for certain children under the age of four years; prescribing penalties; amending Minnesota Statutes 1980, Section 169.-685, Subdivision 4 and by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 85 yeas and 38 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ewald	Kelly	Novak	Schreiber
Anderson, R.	Greenfield	Knickerbocker	Olsen	Shea
Battaglia	Gruenes	Kostohryz	Osthoff	Sherman
Berkelman	Halberg	Kvam	Otis	Sherwood
Blatz	Hanson	Laidig	Peterson, B.	Sieben, M.
Brandl	Harens	Lehto	Peterson, D.	Simoneau
Byrne	Hauge	Lemen	Pogemiller	Skoglund
Carlson, L.	Haukoos	Long	Redalen	Staten
Clark, J.	Heap	Mann	Reding	Stumpf
Clark, K.	Himle	McDonald	Rees	Swanson
Clawson	Hoberg	Mehrkens	Reif	Tomlinson
Dean	Hokanson	Metzen	Rice	Vellenga
Dempsey	Hokr	Minne	Rodriguez, C.	Voss
Drew	Jacobs	Munger	Rodriguez, F.	Weaver
Elioff	Johnson, D.	Murphy	Rothenberg	Wenzel
Ellingson	Jude	Nelson, K.	Schafer	Wynia
Erickson	Kalis	Norton	Schoenfeld	Spkr. Sieben, H.

Those who voted in the negative were:

Aasness	Den Ouden	Johnson, C.	O'Connor	Swiggum
Ainley	Eken	Kaley	Ogren	Valan
Anderson, G.	Esau	Ludeman	Onnen	Valento
Anderson, I.	Evans	Marsh	Piepho	Welker
Begich	Fjoslien	McCarron	Rose	Wieser
Brinkman	Friedrich	McEachern	Samuelson	Zubay
Carlson, D.	Gustafson	Nelsen, B.	Sarna	
Dahlvang	Jennings	Niehaus	Stowell	

The bill was passed and its title agreed to.

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 121:

Clawson, McEachern and Levi.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 209:

Reding, Rice and Hoberg.

#### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

#### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 4 and 236 which it recommended progress retaining its place on General Orders.

H. F. No. 170 which it recommended progress until Thursday, April 30, 1981.

S. F. No. 346 which it recommended progress until Monday, April 27, 1981 retaining its place on General Orders.

H. F. No. 576 which it recommended re-referral to the Committee on Appropriations with the following amendment offered by Ludeman:

Page 12, line 31, before "The" insert "After December 31, 1982," and strike "shall" and insert "may"

Page 13, line 12, after the period insert "*Before any public waters are set aside or managed for the purposes of section 105.39, subdivisions 3, 4, and 5, the commissioner shall notify in writing all riparian owners.*"

On the motion of Eken the report of the Committee of the Whole was adopted.

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

Ludeman moved to amend H. F. No. 576, the first engrossment, as follows:

Page 12, line 31, before "The" insert "*After December 31, 1982,*" and strike "shall" and insert "may"

Page 13, line 12, after the period insert "*Before any public waters are set aside or managed for the purposes of section 105.39, subdivisions 3, 4, and 5, the commissioner shall notify in writing all riparian owners.*"

The question was taken on the amendment and the roll was called. There were 79 yeas and 50 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Johnson, D.	Nelsen, B.	Shea
Ainley	Ewald	Jude	Niehaus	Sherman
Anderson, B.	Fjoslien	Kaley	Nysether	Sherwood
Anderson, G.	Forsythe	Kalis	Ogren	Stadum
Anderson, I.	Friedrich	Kelly	Olsen	Stowell
Anderson, R.	Gruenes	Knickerbocker	Onnen	Stumpf
Battaglia	Halberg	Kvam	Piepho	Sviggum
Blatz	Hauge	Levi	Redalen	Swanson
Brinkman	Haukoos	Ludeman	Rees	Valan
Carlson, D.	Heap	Mann	Reif	Valento
Dempsey	Heinitz	Marsh	Rothenberg	Weaver
Den Ouden	Himle	McDonald	Samuelson	Welch
Eken	Hoberg	McEachern	Sarna	Welker
Elioff	Hokr	Mehrkens	Schafer	Wieser
Erickson	Jennings	Minne	Schoenfeld	Zubay
Esau	Johnson, C.	Murphy	Schreiber	

Those who voted in the negative were:

Begich	Drew	Lehto	Osthoff	Sieben, M.
Berkelman	Ellingson	Lemen	Otis	Simoneau
Brandl	Greenfield	Long	Peterson, B.	Skoglund
Byrne	Gustafson	McCarron	Peterson, D.	Staten
Carlson, L.	Hanson	Metzen	Pogemiller	Tomlinson
Clark, J.	Harens	Munger	Reding	Vellenga
Clark, K.	Hokanson	Nelson, K.	Rice	Voss
Clawson	Jacobs	Norton	Rodriguez, C.	Wenzel
Dahlvang	Kostohryz	Novak	Rodriguez, F.	Wynia
Dean	Laidig	O'Connor	Rose	Spkr. Sieben, H.

The motion prevailed and the amendment was adopted.

Clawson moved to amend H. F. No. 576, the first engrossment, as amended, as follows:

Page 12, delete lines 29 to 36

Page 13, delete lines 1 to 12

Renumber the remaining sections

Amend the title:

Page 1, line 12, delete "97.48, Subdivision 11;"

The question was taken on the amendment and the roll was called. There were 46 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Berkelman	Greenfield	Long	Pogemiller	Tomlinson
Brandl	Gustafson	McCarron	Reding	Vellenga
Byrne	Hanson	Metzen	Rice	Voss
Carlson, L.	Harens	Munger	Rodriguez, C.	Wenzel
Clark, J.	Jacobs	Nelson, K.	Rodriguez, F.	Wynia
Clark, K.	Kostohryz	Norton	Samuelson	Spkr. Sieben, H.
Clawson	Kvam	O'Connor	Sieben, M.	
Dahlvang	Laidig	Otis	Simoneau	
Dean	Lehto	Peterson, B.	Skoglund	
Ellingson	Lemen	Peterson, D.	Staten	

Those who voted in the negative were:

Aasness	Esau	Johnson, C.	Niehaus	Sherman
Ainley	Evans	Johnson, D.	Novak	Sherwood
Anderson, B.	Ewald	Jude	Nysether	Stadium
Anderson, G.	Fjoslien	Kaley	Ogren	Stowell
Anderson, I.	Forsythe	Kalis	Olsen	Stumpf
Anderson, R.	Friedrich	Kelly	Onnen	Sviggum
Battaglia	Gruenes	Knickerbocker	Piepho	Swanson
Begich	Halberg	Levi	Redalen	Valan
Blatz	Hauge	Ludeman	Rees	Valento
Brinkman	Haukoos	Mann	Reif	Weaver
Carlson, D.	Heap	Marsh	Rose	Welker
Dempsey	Heinitz	McDonald	Rothenberg	Wieser
Den Ouden	Himle	McEachern	Sarna	Zubay
Drew	Hoberg	Mehrkens	Schafer	
Eken	Hokanson	Minne	Schoenfeld	
Elioff	Hokr	Murphy	Schreiber	
Erickson	Jennings	Nelsen, B.	Shea	

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



The question was taken on the Clawson motion that H. F. No. 576, as amended, be re-referred to the Committee on Appropriations and the roll was called. There were 80 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Ainley	Eken	Kostohryz	Ogren	Sherman
Anderson, G.	Ellingson	Kvam	Olsen	Sherwood
Anderson, I.	Evans	Laidig	Osthoff	Sieben, M.
Anderson, R.	Ewald	Lehto	Otis	Simoneau
Begich	Forsythe	Lemen	Peterson, D.	Skoglund
Berkelman	Greenfield	Long	Pogemiller	Staten
Brandl	Gustafson	Mann	Reding	Stowell
Brinkman	Halberg	McCarron	Rice	Stumpf
Byrne	Hanson	Metzen	Rodriguez, C.	Swanson
Carlson, L.	Harens	Minne	Rodriguez, F.	Tomlinson
Clark, J.	Hokanson	Munger	Rose	Vellenga
Clark, K.	Jacobs	Murphy	Samuelson	Voss
Clawson	Johnson, C.	Nelson, K.	Sarna	Welch
Dahlvang	Jude	Norton	Schafer	Wenzel
Dean	Kelly	Novak	Schreiber	Wynia
Drew	Knickerbocker	O'Connor	Shea	Spkr. Sieben, H.

Those who voted in the negative were:

Aasness	Fjoslien	Jennings	Niehaus	Swiggum
Anderson, B.	Friedrich	Johnson, D.	Nysether	Valan
Battaglia	Gruenes	Kaley	Onnen	Valento
Blatz	Hauge	Kalis	Piepho	Weaver
Carlson, D.	Haukoos	Levi	Redalen	Welker
Dempsey	Heap	Ludeman	Rees	Wieser
Den Ouden	Heinitz	Marsh	Reif	Zubay
Elioff	Himle	McDonald	Rothenberg	
Erickson	Hoberg	Mehrkens	Schoenfeld	
Esau	Hokr	Nelsen, B.	Stadum	

The motion prevailed.

## MOTIONS AND RESOLUTIONS

Norton moved that the names of Jude, Wieser, Brandl and Nysether be added as authors on H. F. No. 771. The motion prevailed.

Clark, J., moved that the name of Clark, K., be shown as chief author and the name of Clark, J., be shown as second author on H. F. No. 1302. The motion prevailed.

Peterson, D., moved that the name of Peterson, D., be stricken and the name of Sarna be added as chief author on H. F. No. 247. The motion prevailed.

Anderson, I., moved that his name be stricken as an author on H. F. No. 475 and H. F. No. 1325. The motion prevailed.

Clawson moved that S. F. No. 822 be recalled from the Committee on Governmental Operations and together with H. F. No. 1276, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

Clark, K., moved that the name of Staten be added as an author on H. F. No. 792. The motion prevailed.

Samuelson moved that the name of Wenzel be added as an author on H. F. No. 510. The motion prevailed.

Pogemiller moved that the name of Pogemiller be stricken and the name of Long be shown as chief author on H. F. No. 1153. The motion prevailed.

Ellingson moved that the name of Dempsey be stricken and the name of Heap be added as an author on H. F. No. 165. The motion prevailed.

Haukoos moved that H. F. No. 960 be returned to its author. The motion prevailed.

Sarna moved that H. F. No. 795 be returned to its author. The motion prevailed.

Peterson, B.; Ainley; Munger and Eken introduced:

House Resolution No. 16, A house resolution commemorating the 90th anniversary of the establishment of Itasca State Park.

#### SUSPENSION OF RULES

Peterson, B., moved that the Rules be so far suspended that House Resolution No. 16 be now considered and be placed upon its adoption. The motion prevailed.

#### HOUSE RESOLUTION NO. 16

A house resolution commemorating the 90th anniversary of the establishment of Itasca State Park.

*Whereas*, the mystery of the source of the Mississippi River was the cause of much of the early exploration of Minnesota in the late 1700s and early 1800s; and,

*Whereas*, in 1832 Henry Rowe Schoolcraft located the most northerly source of the Mississippi at what he called Lake Itasca; and,

*Whereas*, the Lake Itasca area is not only interesting as the source of the Mississippi River but also for its unspoiled forests, wildlife, prehistoric sites, and sites connected with the exploration of Minnesota; and,

*Whereas*, the 27th Legislature passed Laws of Minnesota 1891, Chapter 56, which established Itasca State Park, and was signed into law on April 20, 1891; and,

*Whereas*, Itasca State Park is one of the first state or national parks established in America; and,

*Whereas*, the establishment of Itasca State Park has been widely accepted as an act of inspired foresightedness; and,

*Whereas*, on the 90th anniversary of its establishment, it is fitting and proper to commemorate the preservation of the park lands and resources not only for Minnesotans of today but also for future generations; *now therefore*,

*Be it resolved* by the House of Representatives of the State of Minnesota that it acknowledges the debt to those who fought for and obtained the preservation of the lands and resources of the Itasca State Park. It calls upon all Minnesotans to reflect upon the wealth that has been preserved for their use and enjoyment at the park. It urges Minnesotans to see and enjoy that wealth.

Peterson, B., moved that House Resolution No. 16 be now adopted. The motion prevailed and the resolution was adopted.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Wednesday, April 22, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Wednesday, April 22, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## THIRTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 22, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Pastor Craig H. Hanson, Roseville Lutheran Church, St. Paul, Minnesota.

The roll was called and the following members were present:

Aasness	Evans	Kalis	Nysether	Sherwood
Ainley	Ewald	Kelly	O'Connor	Sieben, M.
Anderson, B.	Fjoslien	Knickerbocker	Ogren	Simoneau
Anderson, G.	Forsythe	Kostohryz	Olsen	Skoglund
Anderson, I.	Friedrich	Kvam	Onnen	Stadum
Battaglia	Greenfield	Laidig	Osthoff	Staten
Begich	Gruenes	Lehto	Otis	Stowell
Berkelman	Gustafson	Lemen	Peterson, B.	Stumpf
Blatz	Halberg	Levi	Peterson, D.	Sviggum
Brandl	Hanson	Long	Piepho	Swanson
Brinkman	Harens	Ludeman	Pogemiller	Tomlinson
Byrne	Hauge	Mann	Redalen	Valan
Carlson, D.	Haukoos	Marsh	Reding	Valento
Carlson, L.	Heap	McCarron	Rees	Vanasek
Clark, J.	Heinitz	McDonald	Reif	Vellenga
Clark, K.	Himle	McEachern	Rice	Voss
Clawson	Hoberg	Mehrkens	Rodriguez, C.	Weaver
Dahlvang	Hokanson	Metzen	Rodriguez, F.	Welch
Dean	Hokr	Minne	Rothenberg	Welker
Dempsey	Jacobs	Munger	Samuelson	Wenzel
Den Ouden	Jennings	Murphy	Sarna	Wieser
Drew	Johnson, C.	Nelsen, B.	Schafer	Wynia
Eken	Johnson, D.	Nelson, K.	Schoenfeld	Zubay
Ellingson	Jude	Niehaus	Schreiber	Spkr. Sieben, H.
Erickson	Kahn	Norton	Shea	
Esau	Kaley	Novak	Sherman	

A quorum was present.

Elioff, Luknic, Rose, Searles and Wigley were excused. Anderson, R., was excused until 3:45 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Olsen moved that further reading of the Journal be

dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

#### REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 161, 1218, 252, 746, 886, 463, 748 and 1158 and S. F. Nos. 530, 550, 660, 741, 215, 732, 1043, 188, 268, 539, 305, 272, 513, 533, 771, 713, 982, 1044, 574, 822, 372, 476, 535, 136, 179, 353, 358, 639, 699, 785, 964 and 432 have been placed in the members' files.

S. F. No. 550 and H. F. No. 855 which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Blatz moved that S. F. No. 550 be substituted for H. F. No. 855 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1044 and H. F. No. 1142, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Den Ouden moved that S. F. No. 1044 be substituted for H. F. No. 1142 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 982 and H. F. No. 1089, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Gruenes moved that S. F. No. 982 be substituted for H. F. No. 1089 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 215 and H. F. No. 252, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Lehto moved that the rules be so far suspended that S. F. No. 215 be substituted for H. F. No. 252 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 305 and H. F. No. 439, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Sarna moved that the rules be so far suspended that S. F. No. 305 be substituted for H. F. No. 439 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 660 and H. F. No. 664, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Rees moved that the rules be so far suspended that S. F. No. 660 be substituted for H. F. No. 664 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 771 and H. F. No. 862, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Fjoslien moved that the rules be so far suspended that S. F. No. 771 be substituted for H. F. No. 862 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 822 and H. F. No. 1276, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Clawson moved that the rules be so far suspended that S. F. No. 822 be substituted for H. F. No. 1276 and that the House File be indefinitely postponed. The motion prevailed.

## REPORTS OF STANDING COMMITTEES

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 460, A bill for an act relating to drugs; requiring imprinting of legend drugs; amending Minnesota Statutes 1980, Section 151.361.

Reported the same back with the following amendments:

Page 1, line 17, after "*solid*" insert "*oral*"

Page 1, line 20, after "*with*" delete to the end of the line

Page 1, delete lines 21 and 22 and insert "*a symbol, number, company name, words, letters, national drug code or other mark uniquely identifiable to that drug product. An identifying mark or imprint made as required by federal law or by the federal Food and Drug Administration shall be deemed to be in compliance with this section.*"

Page 1, line 24, after "section" insert "*on its own initiative or*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 722, A bill for an act relating to the Coon Creek watershed district; authorizing an annual administrative levy by the district.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 895, A bill for an act relating to state lands; authorizing the sale of certain tax-forfeited land.

Reported the same back with the following amendments:

Page 1, line 12, after the period add a new section to read:

"Sec. 2. [SALE.]

*Notwithstanding any law to the contrary, the commissioner of natural resources shall grant as an easement the following described real property in the manner provided by law:*

*The North 33.00 feet of the East 300.0 feet of the Northwest Quarter of the Northeast Quarter of Section 36, Township 34, Range 24, Anoka County; but not including that portion of the real property which is designated as a right of way for county state aid highway number 24."*

Renumber remaining section

Amend the title as follows:

Page 1, line 3, delete "tax-forfeited"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Pursuant to House rule 9.3 and Joint rule 2.03, H. F. No. 895 was re-referred to the Committee on Rules and Legislative Administration.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 935, A bill for an act relating to commerce; eliminating the state override of the federal usury preemption on certain loans; repealing Minnesota Statutes 1980, Section 47.203.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1980, Section 47.20, Subdivision 1, is amended to read:

Subdivision 1. Pursuant to (SUCH) rules (AS) the commissioner of banks finds to be necessary and proper, if any, banks, savings banks, mutual savings banks, building and loan associations, and savings and loan associations organized under the laws of this state or the United States, trust companies, trust companies acting as fiduciaries, and other banking institutions subject to the supervision of the commissioner of banks, and mortgagees or lenders approved or certified by the secretary of housing and urban development or approved or certified by the administrator of veterans affairs, or approved or certified by the administrator of the farmers home administration, are authorized:

(1) To make (SUCH) loans and advances of credit and purchases of obligations representing loans and advances of credit (AS) *which* are insured or guaranteed by the secretary of housing and urban development pursuant to the national housing act, as amended, or the administrator of veterans affairs pursuant to the servicemen's readjustment act of 1944, as amended, or the administrator of the farmers home administration pursuant to the consolidated farm and rural development act, Pub. L. 87-128, as amended, and to obtain (SUCH) *the* insurance or guarantees;

(2) To make (SUCH) loans secured by mortgages on real property *and loans secured by a share or shares of stock or a membership certificate or certificates issued to a stockholder*



or member by a cooperative apartment corporation which the secretary of housing and urban development, the administrator of veterans affairs, or the administrator of the farmers home administration has insured or guaranteed or made a commitment to insure or guarantee, and to obtain (SUCH) *the insurance or guarantees.*

Sec. 2. Minnesota Statutes 1980, Section 47.20, Subdivision 2, is amended to read:

Subd. 2. For the purposes of this section the terms defined in this subdivision have the meanings given them:

(1) "Actual closing costs" mean reasonable charges for or sums paid for the following, whether or not retained by the mortgagee or lender:

(a) Any insurance premiums including but not limited to premiums for title insurance, fire and extended coverage insurance, flood insurance, and private mortgage insurance, but excluding any charges or sums retained by the mortgagee or lender as self-insured retention.

(b) Abstracting, title examination and search, and examination of public records.

(c) The preparation and recording of any or all documents required by law or custom for closing a conventional or cooperative apartment loan.

(d) Appraisal and survey of real property securing a conventional loan or real property owned by a cooperative apartment corporation of which a share or shares of stock or a membership certificate or certificates are to secure a cooperative apartment loan.

(e) A single service charge, which includes any consideration, not otherwise specified herein as an "actual closing cost" paid by the borrower and received and retained by the lender for or related to the acquisition, making, refinancing or modification of a conventional or cooperative apartment loan, and also includes any consideration received by the lender for making a borrower's interest rate commitment or for making a borrower's loan commitment, whether or not an actual loan follows the commitment. The term service charge does not include forward commitment fees. The service charge shall not exceed one percent of the original bona fide principal amount of the conventional or cooperative apartment loan, except that in the case of a construction loan, the service charge shall not exceed two percent of the original bona fide principal amount of the loan. That portion of the service charge imposed because the loan is a construction loan shall be itemized and a copy of the itemization

furnished the borrower. A lender shall not collect from a borrower the additional one percent service charge permitted for a construction loan if it does not perform the service for which the charge is imposed or if third parties perform and charge the borrower for the service for which the lender has imposed the charge.

(f) Charges and fees necessary for or related to the transfer of real or *personal* property securing a conventional or *cooperative apartment* loan or the closing of a conventional or *cooperative apartment* loan paid by the borrower and received by any party other than the lender.

(2) "Contract for deed" means an executory contract for the conveyance of real estate, the original principal amount of which is less than \$100,000. A commitment for a contract for deed shall include an executed purchase agreement or earnest money contract wherein the seller agrees to finance any part or all of the purchase price by a contract for deed.

(3) "Conventional loan" means a loan or advance of credit, other than a loan or advance of credit made by a credit union or made pursuant to section 334.011, to a noncorporate borrower in an original principal amount of less than \$100,000, secured by a mortgage upon real property containing one or more residential units or upon which at the time the loan is made it is intended that one or more residential units are to be constructed, and which is not insured or guaranteed by the secretary of housing and urban development, by the administrator of veterans affairs, or by the administrator of the farmers home administration. The term mortgage does not include contracts for deed or installment land contracts.

(4) "*Cooperative apartment loan*" means a loan or advance of credit, other than a loan or advance of credit made by a credit union or made pursuant to section 334.011, to a noncorporate borrower in an original principal amount of less than \$100,000, secured by a security interest on a share or shares of stock or a membership certificate or certificates issued to a stockholder or member by a cooperative apartment corporation, which may be accompanied by an assignment by way of security of the borrower's interest in the proprietary lease or occupancy agreement in property issued by the cooperative apartment corporation and which is not insured or guaranteed by the secretary of housing and urban development, by the administrator of veterans affairs, or by the administrator of the farmers home administration.

(5) "*Cooperative apartment corporation*" means a corporation or association organized under sections 308.05 to 308.18 or chapter 317, the shareholders or members of which are entitled, solely by reason of their ownership of stock or membership certificates in the corporation or association, to occupy one or more

*residential units in a building owned or leased by the corporation or association.*

(4) (6) "Forward commitment fee" means a fee or other consideration paid to a lender for the purpose of securing a binding forward commitment by or through the lender to make conventional loans to two or more credit worthy purchasers, including future purchasers, of residential units, or a fee or other consideration paid to a lender for the purpose of securing a binding forward commitment by or through the lender to make conventional loans to two or more credit worthy purchasers, including future purchasers, of apartments as defined in section 515.02 to be created out of existing structures pursuant to the Minnesota condominium act, or a fee or other consideration paid to a lender for the purpose of securing a binding forward commitment by or through the lender to make cooperative apartment loans to two or more credit worthy purchasers, including future purchasers, of a share or shares of stock or a membership certificate or certificates in a cooperative apartment corporation; provided, that the forward commitment rate of interest does not exceed the maximum lawful rate of interest effective as of the date the forward commitment is issued by the lender.

(5) (7) "Borrower's interest rate commitment" means a binding commitment made by a lender to a borrower wherein the lender agrees that, if a conventional or cooperative apartment loan is made following issuance of and pursuant to the commitment, the conventional or cooperative apartment loan shall be made at a rate of interest not in excess of the rate of interest agreed to in the commitment, provided that the rate of interest agreed to in the commitment is not in excess of the maximum lawful rate of interest effective as of the date the commitment is issued by the lender to the borrower.

(6) (8) "Borrower's loan commitment" means a binding commitment made by a lender to a borrower wherein the lender agrees to make a conventional or cooperative apartment loan pursuant to the provisions, including the interest rate, of the commitment, provided that the commitment rate of interest does not exceed the maximum lawful rate of interest effective as of the date the commitment is issued and the commitment when issued and agreed to shall constitute a legally binding obligation on the part of the mortgagee or lender to make a conventional or cooperative apartment loan within a specified time period in the future at a rate of interest not exceeding the maximum lawful rate of interest effective as of the date the commitment is issued by the lender to the borrower; provided that a lender who issues a borrower's loan commitment pursuant to the provisions of a forward commitment is authorized to issue the borrower's loan commitment at a rate of interest not to exceed the maximum lawful rate of interest effective as of the date the forward commitment is issued by the lender.

((7)) (9) "Finance charge" means the total cost of a conventional or cooperative apartment loan including extensions or grant of credit regardless of the characterization of the same and includes interest, finders fees, and other charges levied by a lender directly or indirectly against the person obtaining the conventional or cooperative apartment loan or against a seller of real property securing a conventional loan or a seller of a share or shares of stock or a membership certificate or certificates in a cooperative apartment corporation securing a cooperative apartment loan, or any other party to the transaction except any actual closing costs and any forward commitment fee. The finance charges plus the actual closing costs and any forward commitment fee, charged by a lender shall include all charges made by a lender other than the principal of the conventional or cooperative apartment loan.

((8)) (10) "Lender" means any person making a conventional or cooperative apartment loan, or any person arranging financing for a conventional or cooperative apartment loan. The term also includes the holder or assignee at any time of a conventional or cooperative apartment loan.

((9)) (11) "Loan yield" means the annual rate of return obtained by a lender over the term of a conventional or cooperative apartment loan and shall be computed as the annual percentage rate as computed in accordance with sections 226.5 (b), (c) and (d) of Regulation Z, 12 C.F.R. section 226, but using the definition of finance charge provided for in this subdivision.

((10)) (12) "Monthly index of long term United States government bond yields" means the monthly unweighted average of the daily unweighted average of the closing bid yield quotations in the over the counter market for all outstanding United States treasury bond issues, based on available statistics, which are either maturing or callable in ten years or more. This index is expressed in terms of percentage interest per annum.

((11)) (13) "Monthly index of the federal national mortgage association auction yields" means the gross weighted average yield of accepted offers in the second free market system conventional home mortgage auction held by the federal national mortgage association in a month.

((12)) (14) "Person" means an individual, corporation, business trust, partnership or association or any other legal entity.

((13)) (15) "Residential unit" means any structure used principally for residential purposes or any portion thereof, and includes a unit in a townhouse or planned unit development, a condominium apartment, a non-owner occupied residence, and any other type of residence regardless of whether (SUCH) the unit

is used as a principal residence, secondary residence, vacation residence or residence of some other denomination.

((14)) (16) "Vendor" means any person or persons who agree to sell real estate and finance any part or all of the purchase price by a contract for deed. The term also includes the holder or assignee at any time of the vendor's interest in a contract for deed.

Sec. 3 Minnesota Statutes 1980, Section 47.20, Subdivision 3, is amended to read:

Subd. 3. Notwithstanding the provisions of section 334.01, lenders are authorized to make conventional *or cooperative apartment* loans and purchases of obligations representing conventional *or cooperative apartment* loans pursuant to (SUCH) rules (AS) the commissioner of banks finds to be necessary and proper, if any, at an interest rate not in excess of the maximum lawful interest rate prescribed in subdivision 4 or 4a. Contract for deed vendors are authorized to charge interest on contracts for deed at an interest rate not in excess of the maximum lawful interest rate prescribed in subdivision 4 or 4a.

Sec. 4. Minnesota Statutes 1980, Section 47.20, Subdivision 4, is amended to read:

Subd. 4. No conventional *or cooperative apartment* loan or contract for deed shall be made at a rate of interest or loan yield in excess of a maximum lawful interest rate which is based upon the monthly index of long term United States government bond yields as compiled by the United States treasury department and published by the department in the monthly treasury bulletin. The maximum lawful interest rate shall be computed as follows:

(1) The maximum lawful rate of interest for a conventional *or cooperative apartment* loan or contract for deed made or contracted for during any calendar month is equal to the monthly index of long term United States government bond yields for the second preceding calendar month plus an additional two percent per annum rounded off to the nearest quarter of one percent per annum or rounded off to the highest quarter of one percent per annum if equidistant.

(2) On or before the 20th day of each month the commissioner of banking shall determine, based on available statistics, the monthly index of long term United States government bond yields for the preceding calendar month and shall determine the maximum lawful rate of interest for conventional *or cooperative apartment* loans or contracts for deed for the next succeeding month, as defined in clause (1) and shall cause the maximum lawful rate of interest to be published in a legal newspaper in Ramsey County on or before the 20th day of each month and in

the state register on or before the last day of each month; the maximum lawful rate of interest to be effective on the first day of the next succeeding month.

(3) A contract rate within the maximum lawful interest rate applicable to a conventional or *cooperative apartment* loan or contract for deed at the time the loan is made shall be the maximum lawful interest rate for the term of the conventional or *cooperative apartment* loan or contract for deed.

(4) Contracts for deed executed pursuant to a commitment for a contract for deed, or conventional or *cooperative apartment* loans made pursuant to a borrower's interest rate commitment, or made pursuant to a borrower's loan commitment, or made pursuant to a commitment for conventional or *cooperative apartment* loans made upon payment of a forward commitment fee including a borrower's loan commitment issued pursuant to a forward commitment, which commitment provides for consummation within some future time following the issuance of the commitment may be consummated pursuant to the provisions, including the interest rate, of the commitment notwithstanding the fact that the maximum lawful rate of interest at the time the contract for deed or conventional or *cooperative apartment* loan is actually executed or made is less than the commitment rate of interest, provided the commitment rate of interest does not exceed the maximum lawful interest rate in effect on the date the commitment was issued. The refinancing of (a) an existing conventional or *cooperative apartment* loan, (b) a loan insured or guaranteed by the secretary of housing and urban development, the administrator of veterans affairs, or the administrator of the farmers home administration, or (c) a contract for deed by making a conventional or *cooperative apartment* loan is deemed to be a new conventional or *cooperative apartment* loan for purposes of determining the maximum lawful rate of interest under this subdivision. A borrower's interest rate commitment or a borrower's loan commitment is deemed to be issued on the date the commitment is hand delivered by the lender to, or mailed to the borrower. A forward commitment is deemed to be issued on the date the forward commitment is hand delivered by the lender to, or mailed to the person paying the forward commitment fee to the lender, or to any one of them if there should be more than one. A commitment for a contract for deed is deemed to be issued on the date the commitment is initially executed by the contract for deed vendor or his authorized agent.

(5) A contract for deed executed pursuant to a commitment for a contract for deed, or a loan made pursuant to a borrower's interest rate commitment, or made pursuant to a borrower's loan commitment, or made pursuant to a forward commitment for conventional or *cooperative apartment* loans made upon payment of a forward commitment fee including a borrower's loan commitment issued pursuant to a forward commitment, issued on or before July 31, 1983 at a rate of interest not in excess of the

rate of interest authorized by this subdivision at the time the commitment was made continues to be enforceable in accordance with its terms until the indebtedness is fully satisfied.

(6) This subdivision expires July 31, 1983.

Sec. 5. Minnesota Statutes 1980, Section 47.20, Subdivision 4a, is amended to read:

Subd. 4a. No conventional *or cooperative apartment* loan or contract for deed shall be made at a rate of interest or loan yield in excess of a maximum lawful interest rate which shall be based upon the monthly index of the federal national mortgage association auction yields as compiled by the federal national mortgage association. The maximum lawful interest rate shall be computed as follows:

(1) The maximum lawful rate of interest for a conventional *or cooperative apartment* loan or contract for deed made or contracted for during any calendar month is equal to the monthly index of the federal national mortgage association auction yields for the first preceding calendar month rounded off to the next highest quarter of one percent per annum.

(2) On or before the last day of each month the commissioner of banking shall determine, based on available statistics, the monthly index of the federal national mortgage association auction yields for that calendar month and shall determine the maximum lawful rate of interest for conventional *or cooperative apartment* loans or contracts for deed for the next succeeding month, as defined in clause (1) and shall cause the maximum lawful rate of interest to be published in a legal newspaper in Ramsey County on or before the first day of each month or as soon thereafter as practicable and in the state register on or before the last day of each month; the maximum lawful rate of interest to be effective on the first day of that month. If a federal national mortgage association free market system conventional home mortgage auction is not held in any month, the maximum lawful rate of interest determined by the commissioner of banks pursuant to the last auction is the maximum lawful rate of interest through the last day of the month in which the next auction is held.

(3) A contract rate within the maximum lawful interest rate applicable to a conventional *or cooperative apartment* loan or contract for deed at the time the loan is made is the maximum lawful interest rate for the term of the conventional *or cooperative apartment* loan or contract for deed.

(4) Contracts for deed executed pursuant to a commitment for a contract for deed, or conventional *or cooperative apartment* loans made pursuant to a borrower's interest rate commitment or made pursuant to a borrower's loan commitment, or made

pursuant to a commitment for conventional or cooperative apartment loans made upon payment of a forward commitment fee including a borrower's loan commitment issued pursuant to a forward commitment, which commitment provides for consummation within some future time following the issuance of the commitment may be consummated pursuant to the provisions, including the interest rate, of the commitment notwithstanding the fact that the maximum lawful rate of interest at the time the contract for deed or conventional or cooperative apartment loan is actually executed or made is less than the commitment rate of interest, provided the commitment rate of interest does not exceed the maximum lawful interest rate in effect on the date the commitment was issued. The refinancing of (a) an existing conventional or cooperative apartment loan, (b) a loan insured or guaranteed by the secretary of housing and urban development, the administrator of veterans affairs, or the administrator of the farmers home administration, or (c) a contract for deed by making a conventional or cooperative apartment loan is deemed to be a new conventional or cooperative apartment loan for purposes of determining the maximum lawful rate of interest under this subdivision. A borrower's interest rate commitment or a borrower's loan commitment is deemed to be issued on the date the commitment is hand delivered by the lender to, or mailed to the borrower. A forward commitment is deemed to be issued on the date the forward commitment is hand delivered by the lender to, or mailed to the person paying the forward commitment fee to the lender, or to any one of them if there should be more than one. A commitment for a contract for deed is deemed to be issued on the date the commitment is initially executed by the contract for deed vendor or his authorized agent.

(5) A contract for deed executed pursuant to a commitment for a contract for deed, or a loan made pursuant to a borrower's interest rate commitment, or made pursuant to a borrower's loan commitment, or made pursuant to a forward commitment for conventional or cooperative apartment loans made upon payment of a forward commitment fee including a borrower's loan commitment issued pursuant to a forward commitment, issued on or before November 30, 1982, at a rate of interest not in excess of the rate of interest authorized by this subdivision at the time the commitment was made continues to be enforceable in accordance with its terms until the indebtedness is fully satisfied.

(6) This subdivision supersedes subdivision 4 from May 31, 1979 until November 30, 1982.

(7) This subdivision expires November 30, 1982.

Sec. 6. Minnesota Statutes 1980, Section 47.20, Subdivision 7, is amended to read:

Subd. 7. (1) No conventional loan made on or after the effective date of Laws 1977, Chapter 350 and prior to May 31, 1979



shall contain a provision requiring or permitting the imposition, directly or indirectly, of any discount points, whether or not actually denominated as discount points, on any person. Conventional or cooperative apartment loans made on or after May 31, 1979 may contain provisions permitting discount points, if the loan does not provide a loan yield in excess of that permitted by subdivision 4 or 4a. The loan yield is computed using the amount resulting when the discount points are included in the finance charge.

(2) Forward commitment fees are not discount points within the meaning of this subdivision.

(3) No charges, fees, or sums permitted by this section which are paid to and received by a lender may be increased for purposes of evading compliance with this subdivision.

Sec. 7. Minnesota Statutes 1980, Section 47.20, Subdivision 13a, is amended to read:

Subd. 13a. Any contract for deed or cooperative apartment loan having an interest rate in excess of the maximum lawful interest rate provided for in subdivision 4 or 4a as applicable is usurious. No contract for deed or cooperative apartment loan is unenforceable solely because the interest rate thereon is usurious. Persons who have paid usurious interest may recover an amount not to exceed five times the usurious portion of the interest paid under the contract for deed or cooperative apartment loan plus attorneys' fees from the person to whom the interest has been paid. The penalty provisions of chapter 334, do not apply to usurious contracts for deed or cooperative apartment loans.

Sec. 8. Minnesota Statutes 1980, Section 47.201, is amended to read:

#### 47.201 [GRADUATED PAYMENT MORTGAGES AND COOPERATIVE APARTMENT LOANS.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the terms defined in this subdivision shall have the meanings given them:

(1) "Financial institution" means a state bank or trust company, a national banking association, a state or federally chartered savings and loan association, a mortgage bank or mutual savings bank.

(2) "Graduated payment home loan" means a conventional or cooperative apartment loan made pursuant to section 47.20 and subject to the provisions therein, whereunder initial periodic repayments are lower than those under the standard

conventional or cooperative apartment loan having equal periodic repayments, and gradually rise to a predetermined point after which they remain constant.

Subd. 2. [AUTHORIZATION.] Notwithstanding the provisions of sections 334.01, subdivision 1, and 51A.37, subdivision 3, clause (d), any financial institution is authorized to make graduated payment home loans and purchases representing graduated payment home loans pursuant to such rules as the commissioner of banks finds to be necessary and proper, if any, at an interest rate not in excess of the maximum lawful interest rate prescribed in section 47.20, subdivision 4. Notwithstanding the provisions of section 334.01, subdivision 1, where initial repayments of a graduated payment home loan are less than the total accrued outstanding interest, the excess accrued and unpaid interest may be added to the outstanding loan balance on which interest accrues at the contracted rate.

Subd. 3. [GRADUATED PAYMENTS.] A. (MORTGAGE) *graduated payment home loan* may provide that periodic repayments of principal and interest on (VARIABLE) *graduated payment home loans* may increase in amounts not exceeding the following:

- (a) 7.5 percent annually during a period of five years or less;
- (b) 6.5 percent annually during a period of six years;
- (c) 5.5 percent annually during a period of seven years;
- (d) 4.5 percent annually during a period of eight years;
- (e) 3.5 percent annually during a period of nine years; and
- (f) 3 percent annually during a period of ten years.

No (MORTGAGE) *graduated payment home loan* may provide for principal and interest increases after its first ten years. The increases in payments of principal and interest provided in clauses (a) to (f) are independent and one graduation period may not be used in conjunction with another period.

Subd. 4. [CHANGES RESTRICTED.] Payments of principal and interest may not be changed more than once a year. The first change may not occur until one year after the date of the first payment under the (MORTGAGE) *graduated payment home loan*.

Subd. 5 [CONVERSION RIGHTS.] Borrowers taking a (MORTGAGE WITH GRADUATED PAYMENTS) *graduated payment home loan* shall have the right to convert, at a time

chosen by the borrower, to a standard nongraduated payment (MORTGAGE) *conventional loan or cooperative apartment loan*. No assessment or penalties shall be made if the borrower chooses to convert at the interest rate and outstanding principal of the graduated payment (MORTGAGE) *home loan*.

Subd. 6 [DISCLOSURE.] Each prospective borrower shall receive materials explaining in reasonably simple terms the graduated payment (MORTGAGE) *home loan* offered and a comparable standard (MORTGAGE) *conventional loan or cooperative apartment loan* instrument with a fixed interest rate and level payments. The material shall include:

(a) A comparison of the terms of the graduated payment (MORTGAGE) *home loan* and a standard (MORTGAGE) *conventional loan or cooperative apartment loan*;

(b) Payment schedules for both types of instruments and the total payment in dollars over the full term of the loan;

(c) A description of the conversion option; and

(d) A prominent statement that borrowers have the option to elect a standard (MORTGAGE) *conventional loan or cooperative apartment loan* instrument.

Subd. 7. [SAVINGS AND LOAN ASSOCIATIONS; FIRST LIEN.] Capitalization of interest resulting from any negative amortization of a graduated payment home loan made by a savings and loan association shall not change the status of the mortgage as a first lien against the property securing the loan pursuant to section 51A.38, subdivision 5. The capitalization of interest in a negative amortization shall not be considered as a loan or debt separate from the graduated payment mortgage contracted for at the time of loan origination."

Page 1, line 10, delete "*Section 1 is*" and insert "*Sections 1 to 9 are*"

Re number the sections accordingly

Delete the title and insert:

"A bill for an act relating to financial institutions; authorizing the making and purchasing of cooperative apartment loans; prescribing certain requirements and conditions applicable to these loans; redefining the term "graduated payment home loan" to include cooperative apartment loans; eliminating the state override of the federal usury preemption on certain loans; amending Minnesota Statutes 1980, Sections 47.20, Subdivisions 1, 2, 3, 4, 4a, 7, and 13a; and 47.201; repealing Minnesota Statutes 1980, Section 47.203."

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

S. F. No. 96, A bill for an act relating to state property; providing for the conveyance to Kandiyohi County of a residence building in Sibley state park.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred:

S. F. No. 99, A bill for an act relating to elections; changing certain procedures and requirements relating to elections; amending Minnesota Statutes 1980, Sections 201.061, Subdivisions 1 and 3; 203A.13; 203A.31, Subdivision 3; 203A.32, Subdivision 3; 203A.33, Subdivision 4; 204A.14; 204A.29; 204A.34, Subdivision 2; 204A.44, Subdivision 1; 204A.45, Subdivision 1; 204A.47, Subdivision 1; 204A.49, Subdivision 1; 206.03; 206.20, Subdivision 2; 207.08, Subdivision 2; 208.03; and 208.05; repealing Minnesota Statutes 1980, Section 201.18.

Reported the same back with the following amendments:

Page 1, line 21, delete ". A"

Page 1, delete lines 22 and 23

Page 1, line 24, delete the new language

Page 9, delete section 14

Renumber the sections

Amend the title as follows:

Page 1, line 9, delete "206.03;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 145, A bill for an act relating to crimes; authorizing notices of dishonored checks to be made by certified or regular mail and an affidavit of service by mailing; amending Minnesota Statutes 1980, Section 609.535, Subdivision 3.

Reported the same back with the following amendments:

Page 2, line 4, strike "of record" and insert "*printed on the check*"

Page 2, line 7, after the period insert "*If the notice to the maker or drawer is returned undelivered or unclaimed, notice shall be deemed to have been received by the maker or drawer.*"

Page 2, delete lines 8 to 23 and insert "*The notice may state that unless the check is paid in full within five business days after receipt of the notice of non-payment or dishonor, the payee or holder of the check or other order for the payment of money will or may refer the matter to proper authorities for prosecution under this section.*"

Page 2, line 24, delete "*substantially*" and insert "*retained by the payee or holder of the check.*"

Page 2, delete lines 25 to 36

Page 3, delete lines 1 to 11

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

S. F. No. 159, A bill for an act relating to transportation; providing for the allocation of federal aid secondary funds; and the full utilization of those funds; amending Minnesota Statutes 1980, Section 161.086.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

S. F. No. 219, A bill for an act relating to state historic sites; adding the Wayzata Depot to the registry of state historic sites;

amending Minnesota Statutes 1980, Section 138.56, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

S. F. No. 249, A bill for an act relating to watershed districts; requiring published notice and a public hearing before district managers adopt a budget; amending Minnesota Statutes 1980, Section 112.611, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

S. F. No. 330, A bill for an act relating to the Riley-Purgatory Creek Watershed District; authorizing certain tax levies.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

S. F. No. 339, A bill for an act relating to historic sites; designating an additional historic site; amending Minnesota Statutes 1980, Section 138.58, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 513, A bill for an act relating to interest; clarifying the usury exemption on certain loans; increasing rates of interest on loans for business and agricultural transactions and loans made by agricultural credit corporations; removing certain defi-

ciencies and ambiguities; amending Minnesota Statutes 1980, Sections 334.01, Subdivision 2; 334.011, Subdivision 1; and 334.061.

Reported the same back with the following amendments:

Page 2, line 2, reinstate the stricken language and delete "*five*"

Page 2, line 27, delete "*five*" and insert "*four and one-half*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 732, A bill for an act relating to insurance; revising the statutory provisions relating to surplus lines insurance; clarifying its operation and coverage; providing penalties; proposing new law coded in Minnesota Statutes, Chapter 60A; repealing Minnesota Statutes 1980, Section 60A.20.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 460 and 985 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 550, 1044, 982, 215, 305, 660, 771, 822, 96, 99, 145, 159, 219, 249, 330, 339, 513 and 732 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Norton, Laidig and Berkelman introduced:

H. F. No. 1419, A bill for an act relating to state government; directing the commissioner of administration to obtain state office space in certain types of historically significant buildings when practical; authorizing the commissioner to lease or provide space in state buildings for commercial, cultural, recreational, and educational activities; amending Minnesota Statutes 1980, Section 16.243; proposing new law coded in Minnesota Statutes, Chapter 16.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Jacobs introduced:

H. F. No. 1420, A bill for an act relating to taxation; reducing the rate of taxation of certain corporate and bank income; eliminating use of the arithmetic average for apportionment of income; amending Minnesota Statutes 1980, Sections 290.06, Subdivision 1; 290.19, Subdivision 1; and 290.361, Subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

Sieben, M., for the Committee on Appropriations, introduced:

H. F. No. 1421, A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes, including the department of education, higher education coordinating board, state universities, community colleges, and the university of Minnesota and its hospitals, with certain conditions; amending Minnesota Statutes 1980, Sections 15.38; 121.931, Subdivision 5; 123.742, by adding a subdivision; 123.743; and 136A.121, Subdivisions 4 and 5.

The bill was read for the first time and laid over one day.

Jude; Sieben, M.; O'Connor; Forsythe and Schafer introduced:

H. F. No. 1422, A resolution memorializing Congress to enact laws providing for standard procedures to call and operate a constitutional convention.

The bill was read for the first time and referred to the Committee on Judiciary.



Simoneau introduced:

H. F. No. 1423, A bill for an act relating to taxation; altering temporarily the unemployment compensation contribution computation for employers.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Stumpf introduced:

H. F. No. 1424, A bill for an act relating to health; requiring the establishment of additional rural health cooperatives; requiring a report to the legislature; appropriating money.

The bill was read for the first time and referred to the Committee on Appropriations.

Elioff, Battaglia and Begich introduced:

H. F. No. 1425, A bill for an act relating to retirement; Buhl police relief association; authorizing the purchase of service credit for probationary service.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Esau, Mann, Reding, Nysether and Schoenfeld introduced:

H. F. No. 1426, A bill for an act relating to children; prescribing certain powers and duties of the American Society for the Prevention of Cruelty to Children; directing government officials to cooperate; giving certain agents authority as peace officers; prescribing certain training and licensing requirements; amending Minnesota Statutes 1980, Sections 626.05, Subdivision 2; and 626.84; proposing new law coded in Minnesota Statutes, Chapters 343 and 626.

The bill was read for the first time and referred to the Committee on Judiciary.

Staten; Johnson, D.; Rodriguez, F.; Clark, K., and Norton introduced:

H. F. No. 1427, A bill for an act relating to human rights; requiring certain state contractors to have affirmative action plans approved by the commissioner of human rights; amending Minnesota Statutes 1980, Section 363.073; proposing new law coded in Minnesota Statutes, Chapter 363.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Ogren introduced:

H. F. No. 1428, A bill for an act relating to agriculture; regulating commerce in seed; establishing fees; providing penalties; appropriating money; amending Minnesota Statutes 1980, Sections 21.47; 21.48; 21.49; 21.50; 21.51; 21.52; 21.53; 21.54, Subdivision 3; 21.55; 21.58; and proposing new law coded in Minnesota Statutes, Chapter 21.

The bill was read for the first time and referred to the Committee on Agriculture.

Norton introduced:

H. F. No. 1429, A bill for an act relating to state departments; creating a department of state and community resources; transferring all the functions of the state planning agency, energy agency, and department of economic development, and the staff of the crime control planning board, to the department of state and community resources; abolishing the state planning agency, energy agency, and department of economic development; amending Minnesota Statutes 1980, Sections 3.922, Subdivision 1; 4.10; 4.11, Subdivisions 4 and 5; 4.12; 4.125; 4.13; 4.17; 4.18, Subdivision 2; 4.191; 4.26; 4.27; 4.29; 4.35; 4.36, Subdivisions 2, 3, 4, and 5; 15.01; 15.057; 15.50, Subdivision 2; 15A.081, Subdivision 1; 16.014, Subdivision 1; 16.084; 16.086, Subdivisions 1 and 2; 16.125, Subdivision 2; 16.756, Subdivision 1; 18.023, Subdivision 11; 18.024, Subdivision 1; 43.09, Subdivision 2a; 84.028, Subdivision 2; 84.54; 85.016; 85.017; 86.72, Subdivision 3; 86A.06; 86A.09, Subdivisions 1, 2, 3, and 4; 92.35; 92.36; 92.37; 104.03, Subdivision 1; 104.35, Subdivisions 2 and 3; 105.484; 105.485, Subdivision 3; 114A.03, Subdivision 1; 115A.07, Subdivision 1; 115A.12, Subdivision 2; 115A.15, Subdivision 5; 116C.03, Subdivisions 2, 3, and 4; 116H.05; 116H.06; 116H.07; 116H.08; 116H.085; 116H.087; 116H.088, Subdivision 1; 116H.089; 116H.09, Subdivisions 1, 4, and 5; 116H.10; 116H.11; 116H.12, Subdivisions 1, 1b, 2, 4, 5, 6, and 9; 116H.121, Subdivisions 1 and 2; 116H.122; 116H.123; 116H.124; 116H.126; 116H.127; 116H.128; 116H.129, Subdivisions 1, 4, 5, 6, and 8; 116H.13; 116H.14; 116H.15, Subdivision 2; 116H.17; 116H.18; 116H.19, Subdivision 1; 116H.23; 120.78, Subdivision 1; 124.225, Subdivision 4a; 126.111, Subdivision 2; 137.31, Subdivision 6; 138.93, Subdivision 4; 145.834; 145.835, Subdivision 1; 145.836, Subdivision 1; 145.837, Subdivision 1; 145.845; 145.912, Subdivision 15; 160.262, Subdivisions 1 and 3; 160.265, Subdivision 1; 174.03, Subdivision 7; 204.06, Subdivision 1b; 216B.241, Subdivision 2; 222.62; 222.65; 245.783, Subdivision 2; 268.014; 273.74, Subdivisions 2 and 5; 275.53, Subdivisions 1, 3, and 4; 290.06, Subdivision 14; 298.48, Subdivision 4; 299A.03, Subdivision 5; 299A.04; 301.75; 301.77, Subdivision 1; 301A.01, Subdivision 1; 301A.05; 301A.07, Subdivision 1; 325F.19, Subdivision 3; 325F.19, Subdivision 6; 325F.20, Subdivision 1;

325F.21, Subdivision 2; 325F.23, Subdivision 1; 325F.24, Subdivision 3a; 362.12, Subdivision 1; 362.13; 362.132; 362.40, Subdivisions 8, 9, and 10; 362.41, Subdivision 5; 362.42; 362.51, Subdivisions 8 and 10; 362A.06; 402.045; 402.062, Subdivision 1; 402.-095; 451.09, Subdivision 2; 462.375; 462.384, Subdivision 7; 462.-385, Subdivisions 1 and 3; 462.386; 462.387; 462.39, Subdivisions 2 and 3; 462.391, Subdivisions 2, 3, and 4; 462.395; 462.396, Subdivision 1; 462.398; 462.421, Subdivision 21; 462A.05, Subdivision 15b; 473.204, Subdivision 2; 473.411, Subdivision 1; 473.857, Subdivision 2; 473H.06, Subdivision 5; 474.01, Subdivisions 6, 7, and 8; 641.24; proposing new law coded as Minnesota Statutes, Chapter 116J; repealing Minnesota Statutes 1980, Sections 4.11, Subdivisions 1, 2, 3, 6, 7, and 8; 4.15; 4.16; 16.014, Subdivision 3; 115A.08, Subdivisions 1, 2, and 3; 116H.001; 116H.02, Subdivisions 2 and 4; 116H.03; 116H.09, Subdivisions 2 and 3; 116H.12, Subdivision 3b; 126.52, Subdivision 12; 254A.06; 362.07; 362.08; 362.09; 362.10; 362.11; 362.12, Subdivisions 2 and 3; 362.121; 362.125; 362.15; 362.17; 362.18; 362.19; 362.23; 462.711; and 473.571, Subdivisions 2, 3, and 4.

The bill was read for the first time and referred to the Committee on Governmental Operations.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 332, A bill for an act relating to franchises; providing for the regulation of motor vehicle franchises; prohibiting certain practices by motor vehicle manufacturers; removing motor vehicle franchises from the general statutory provisions regarding franchises; requiring motor fuel franchises to extend to and bind the successors of both parties; prescribing penalties; providing remedies; amending Minnesota Statutes 1980, Section 80C.01, Subdivision 4; proposing new law coded as Minnesota Statutes, Chapters 80C and 80E; repealing Minnesota Statutes 1980, Sections 168.27, Subdivision 21; and 325D.17 to 325D.29.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 241, A bill for an act relating to local government; removing a limit on advertising budgets of certain statutory cities; amending Minnesota Statutes 1980, Section 465.56, Subdivision 1; repealing Minnesota Statutes 1980, Section 465.56, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce the passage by the Senate of the following House Files, herewith returned :

H. F. No. 30, A bill for an act relating to Independent School District No. 219, Elmore; requiring revision of its certified statutory operating debt.

H. F. No. 401, A bill for an act relating to commerce; regulating the licensing of electricians; amending Minnesota Statutes 1980, Section 326.242, Subdivision 2.

H. F. No. 420, A bill for an act relating to the bureau of criminal apprehension; including the superintendent within workers' compensation coverage; amending Minnesota Statutes 1980, Section 299C.19.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce the adoption by the Senate of the following House Concurrent Resolution, herewith returned :

House Concurrent Resolution No. 1, A Concurrent Resolution expressing the appreciation of Minnesotans in this day of renewed patriotism to all Vietnam War veterans for their services to the people of the State of Minnesota; and encouraging local demonstrations to engender proper recognition of Vietnam veterans.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested :

H. F. No. 396, A bill for an act relating to the military; requiring the adjutant general to furnish an American flag upon re-

quest of the person disposing of the remains of a deceased person who served six years or more in the Minnesota national guard; proposing new law coded in Minnesota Statutes, Chapter 192.

PATRICK E. FLAHAVEN, Secretary of the Senate

Jennings moved that the House refuse to concur in the Senate amendments to H. F. No. 396, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 708, 760 and 1058.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 254, 278, 411 and 805.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 650, 674 and 817.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 708, A bill for an act relating to public employees; excluding the executive secretaries of certain state boards from bargaining units; amending Minnesota Statutes 1980, Section 179.74, Subdivision 4.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

S. F. No. 760, A bill for an act relating to occupational and professional licensing; removing the consecutive term restriction from the board of nursing; removing delinquent and non-practicing statutes; providing for nursing permits; repealing outdated statutes; amending Minnesota Statutes 1980, Sections 148.181, Subdivision 2; 148.231, Subdivisions 1, 4, 5, and 6; 148.271; 148.294 and 148.295; repealing Minnesota Statutes 1980, Section 148.231, Subdivision 2.

The bill was read for the first time.

Carlson, L., moved that S. F. No. 760 and H. F. No. 746, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1058, A bill for an act relating to elections; authorizing the validation of absentee ballots by judges of absentee ballot precincts; providing for notice to election judges in an absentee ballot precinct; amending Minnesota Statutes 1980, Sections 207.09, Subdivision 2; 207.11, Subdivisions 1 and 5; and 207.30, Subdivision 3, and by adding a subdivision.

The bill was read for the first time.

Blatz moved that S. F. No. 1058 and H. F. No. 517, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 254, A bill for an act relating to natural resources; providing for the designation of endangered plant species; establishing a temporary technical advisory committee; amending Minnesota Statutes 1980, Section 97.488.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 278, A bill for an act relating to transportation; extending the life of the joint commuter rail study commission and the deadline for its report; amending Laws 1980, Chapter 607, Article XIII, Section 2, Subdivisions 3 and 5.

The bill was read for the first time and referred to the Committee on Transportation.

S. F. No. 411, A bill for an act relating to game and fish; limiting eligibility for antlerless deer permits in certain restricted hunting areas; amending Minnesota Statutes 1980, Section 97.48, Subdivision 24.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 805, A bill for an act relating to state government; authorizing a new account in the Minnesota supplemental investment fund; modifying the post-retirement adjustment; authorizing the state board of investment to invest in commingled funds and limited partnerships; amending Minnesota Statutes 1980, Sections 11A.17; 11A.18, Subdivision 9; 11A.24, Subdivisions 3, 4, 5, and by adding a subdivision; 69.77, Subdivision 2; and 69.775.

The bill was read for the first time.

Reding moved that S. F. No. 805 and H. F. No. 725, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 650, A bill for an act relating to education; providing for the inclusion of certain community college and state university faculty members in the definition of an employee under the public employment labor relations act of 1971; amending Minnesota Statutes 1980, Section 179.63, Subdivision 7.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

S. F. No. 674, A resolution memorializing the President and Congress to seek a settlement of the White Earth Indian Reservation controversy.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

S. F. No. 817, A bill for an act relating to retirement; removing the director from the state board investment advisory council; changing the investment authority of the fund; the Minneapolis employees retirement fund; establishing a new retirement benefit fund therein; transferring assets from the Minnesota post-retirement investment fund; amending Minnesota Statutes 1980, Sections 11A.08, Subdivision 1; 422A.05, Subdivision 2c; and 422A.06, Subdivisions 1, 3, 4, 5, and by adding a subdivision; repealing Minnesota Statutes 1980, Section 422A.05, Subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

#### CONSENT CALENDAR

S. F. No. 462, A bill for an act relating to labor; providing for increases in fees for certain steamfitters; prohibiting certain time credit when applying for license; amending Minnesota Statutes 1980, Sections 326.48, Subdivision 1; and 326.50.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kaley	Novak	Sherman
Ainley	Evans	Kalis	Nysether	Sherwood
Anderson, B.	Ewald	Kelly	O'Connor	Sieben, M.
Anderson, G.	Fjoslien	Knickerbocker	Ogren	Simoneau
Anderson, I.	Forsythe	Kostohryz	Olsen	Skoglund
Battaglia	Friedrich	Kvam	Onnen	Stadum
Begich	Greenfield	Laidig	Osthoff	Staten
Berkelman	Gruenes	Lehto	Otis	Stowell
Blatz	Halberg	Lemen	Peterson, D.	Stumpf
Brandl	Hanson	Levi	Piepho	Sviggum
Brinkman	Harens	Long	Pogemiller	Swanson
Byrne	Hauge	Ludeman	Redalen	Tomlinson
Carlson, D.	Haukoos	Mann	Reding	Valento
Carlson, L.	Heap	Marsh	Rees	Vellenga
Clark, J.	Heinitz	McDonald	Reif	Voss
Clark, K.	Himle	McEachern	Rice	Weaver
Clawson	Hokanson	Mehrkens	Rodriguez, C.	Welch
Dahlvang	Hokr	Minne	Rodriguez, F.	Welker
Dean	Jacobs	Munger	Rothenberg	Wenzel
Den Ouden	Jennings	Murphy	Sarna	Wieser
Drew	Johnson, C.	Nelsen, B.	Schafer	Wynia
Eken	Johnson, D.	Nelson, K.	Schoenfeld	Zubay
Ellingson	Jude	Niehaus	Schreiber	Spkr. Sieben, H.
Erickson	Kahn	Norton	Shea	

The bill was passed and its title agreed to.

S. F. No. 196, A bill for an act relating to Carver county; providing for payment of expenses of the county commissioners.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Clark, J.	Forsythe	Hokr	Lehto
Ainley	Clark, K.	Friedrich	Jacobs	Lemen
Anderson, B.	Clawson	Greenfield	Jennings	Levi
Anderson, G.	Dahlvang	Gruenes	Johnson, C.	Long
Anderson, I.	Dean	Halberg	Johnson, D.	Ludeman
Battaglia	Den Ouden	Hanson	Jude	Mann
Begich	Drew	Harens	Kahn	Marsh
Berkelman	Eken	Hauge	Kaley	McDonald
Blatz	Ellingson	Haukoos	Kalis	McEachern
Brandl	Erickson	Heap	Kelly	Mehrkens
Brinkman	Esau	Heinitz	Knickerbocker	Metzen
Byrne	Evans	Himle	Kostohryz	Minne
Carlson, D.	Ewald	Hoberg	Kvam	Munger
Carlson, L.	Fjoslien	Hokanson	Laidig	Murphy



Nelsen, B.	Otis	Rothenberg	Stadum	Weaver
Nelson, K.	Peterson, D.	Sarna	Staten	Welch
Niehaus	Piepho	Schafer	Stowell	Welker
Norton	Pogemiller	Schoenfeld	Stumpf	Wenzel
Novak	Redalen	Schreiber	Sviggum	Wieser
Nysether	Reding	Shea	Swanson	Wynia
O'Connor	Rees	Sherman	Tomlinson	Zubay
Ogren	Reif	Sherwood	Valan	Spkr. Sieben, H.
Olsen	Rice	Sieben, M.	Valento	
Onnen	Rodriguez, C.	Simoneau	Vellenga	
Osthoff	Rodriguez, F.	Skoglund	Voss	

The bill was passed and its title agreed to.

S. F. No. 849, A bill for an act relating to education; adding a representative from the Minnesota association of private post-secondary schools to the higher education advisory council; amending Minnesota Statutes 1980, Section 136A.02, Subdivision 6.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kalis	O'Connor	Simoneau
Ainley	Ewald	Kelly	Ogren	Skoglund
Anderson, B.	Fjoslien	Knickerbocker	Olsen	Stadum
Anderson, G.	Forsythe	Kostohryz	Onnen	Staten
Anderson, I.	Friedrich	Kvam	Osthoff	Stowell
Battaglia	Greenfield	Laidig	Otis	Stumpf
Begich	Gruenes	Lemen	Peterson, D.	Sviggum
Berkelman	Halberg	Levi	Piepho	Swanson
Blatz	Hanson	Long	Pogemiller	Tomlinson
Brandl	Harens	Ludeman	Redalen	Valan
Brinkman	Hauge	Mann	Reding	Valento
Byrne	Haukoos	Marsh	Rees	Vellenga
Carlson, D.	Heap	McDonald	Reif	Voss
Carlson, L.	Heinitz	McEachern	Rice	Weaver
Clark, J.	Himle	Mehrkens	Rodriguez, C.	Welch
Clark, K.	Hoberg	Metzen	Rodriguez, F.	Welker
Clawson	Hokanson	Minne	Rothenberg	Wenzel
Dahlvang	Hokr	Munger	Sarna	Wieser
Dean	Jacobs	Murphy	Schafer	Wynia
Den Ouden	Jennings	Nelsen, B.	Schoenfeld	Zubay
Drew	Johnson, C.	Nelson, K.	Schreiber	Spkr. Sieben, H.
Eken	Johnson, D.	Niehaus	Shea	
Ellingson	Jude	Norton	Sherman	
Erickson	Kahn	Novak	Sherwood	
Esau	Kaley	Nysether	Sieben, M.	

The bill was passed and its title agreed to.

H. F. No. 247, A bill for an act relating to retirement; authorizing certain persons to purchase prior service credit; au-

thorizing certain persons to change retirement coverage for future services.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kahn	Norton	Schreiber
Ainley	Ewald	Kaley	Novak	Shea
Anderson, B.	Fjoslien	Kalis	Nysether	Sherman
Anderson, G.	Forsythe	Kelly	O'Connor	Sherwood
Anderson, I.	Friedrich	Knickerbocker	Ogren	Sieben, M.
Battaglia	Greenfield	Kostohryz	Olsen	Simoneau
Begich	Gruenes	Kvam	Onnen	Stadum
Berkelman	Gustafson	Laidig	Osthoff	Staten
Blatz	Halberg	Lehto	Otis	Stowell
Brandl	Hanson	Lemen	Peterson, B.	Stumpf
Brinkman	Harens	Levi	Peterson, D.	Sviggum
Byrne	Hauge	Ludeman	Piepho	Swanson
Carlson, D.	Haukoos	Mann	Pogemiller	Tomlinson
Carlson, L.	Heap	Marsh	Redalen	Valan
Clark, J.	Heinitz	McDonald	Reding	Valento
Clark, K.	Himle	McEachern	Rees	Voss
Clawson	Hoberg	Mehrkens	Reif	Weaver
Dahlvang	Hokanson	Metzen	Rice	Welch
Dean	Hokr	Minne	Rodriguez, C.	Welker
Den Ouden	Jacobs	Munger	Rodriguez, F.	Wenzel
Drew	Jennings	Murphy	Rothenberg	Wieser
Eken	Johnson, C.	Nelsen, B.	Sarna	Wynia
Erickson	Johnson, D.	Nelson, K.	Schafer	Zubay
Esau	Jude	Niehaus	Schoenfeld	Spkr. Sieben, H.

The bill was passed and its title agreed to.

H. F. No. 886 was reported to the House.

Voss moved to amend H. F. No. 886, as follows:

Page 1, line 4, after the semicolon insert "requiring disclosure;"

Page 1, line 7, delete "Section 327.44;" and insert "Sections 327.44; and 327.553, Subdivision 1;"

The motion prevailed and the amendment was adopted.

H. F. No. 886, A bill for an act relating to mobile homes; specifying conditions on which a lessor may recover possession of land upon which a mobile home is located; requiring disclosure; providing for the recovery of possession of land by the lessor upon expiration of the lease term; amending Minnesota Statutes 1980, Sections 327.44; and 327.553, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 327.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kaley	Novak	Sherman
Ainley	Ewald	Kalis	Nysether	Sherwood
Anderson, B.	Fjoslien	Kelly	O'Connor	Sieben, M.
Anderson, G.	Forsythe	Knickerbocker	Ogren	Simoneau
Anderson, I.	Friedrich	Kostohryz	Olsen	Skoglund
Battaglia	Greenfield	Kvam	Onnen	Stadum
Begich	Gruenes	Laidig	Osthoff	Staten
Berkelman	Gustafson	Lehto	Otis	Stowell
Blatz	Halberg	Lemen	Peterson, B.	Stumpf
Brandl	Hanson	Levi	Peterson, D.	Sviggum
Brinkman	Harens	Long	Piepho	Swanson
Byrne	Hauge	Ludeman	Pogemiller	Tomlinson
Carlson, D.	Haukoos	Mann	Redalen	Valan
Carlson, L.	Heap	Marsh	Reding	Valento
Clark, J.	Heinitz	McDonald	Rees	Vellenga
Clark, K.	Himle	McEachern	Reif	Voss
Clawson	Hoberg	Mehrkens	Rice	Weaver
Dahlvang	Hokanson	Metzen	Rodriguez, C.	Welch
Dean	Hokr	Minne	Rodriguez, F.	Welker
Den Ouden	Jacobs	Munger	Rothenberg	Wenzel
Drew	Jennings	Murphy	Sarna	Wieser
Eken	Johnson, C.	Nelsen, B.	Schafer	Wynia
Ellingson	Johnson, D.	Nelson, K.	Schoenfeld	Zubay
Erickson	Jude	Niehaus	Schreiber	Spkr. Sieben, H.
Esau	Kahn	Norton	Shea	

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

S. F. No. 463, A bill for an act relating to credit unions; permitting a change of titles of officers; amending Minnesota Statutes 1980, Sections 52.06, Subdivision 1; and 52.09, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Clark, J.	Forsythe	Hokanson	Laidig
Ainley	Clark, K.	Friedrich	Hokr	Lehto
Anderson, B.	Clawson	Greenfield	Jacobs	Lemen
Anderson, G.	Dahlvang	Gruenes	Jennings	Levi
Anderson, I.	Dean	Gustafson	Johnson, C.	Long
Battaglia	Den Ouden	Halberg	Johnson, D.	Ludeman
Begich	Drew	Hanson	Jude	Mann
Berkelman	Eken	Harens	Kahn	Marsh
Blatz	Ellingson	Hauge	Kaley	McDonald
Brandl	Erickson	Haukoos	Kalis	McEachern
Brinkman	Esau	Heap	Kelly	Mehrkens
Byrne	Evans	Heinitz	Knickerbocker	Metzen
Carlson, D.	Ewald	Himle	Kostohryz	Minne
Carlson, L.	Fjoslien	Hoberg	Kvam	Munger

Murphy	Osthoff	Rodriguez, C.	Simoneau	Vanasek
Nelsen, B.	Otis	Rodriguez, F.	Skoglund	Vellenga
Nelson, K.	Peterson, B.	Rothenberg	Stadum	Voss
Niehaus	Peterson, D.	Sarna	Staten	Weaver
Norton	Piepho	Schafer	Stowell	Welch
Novak	Pogemiller	Schoenfeld	Stumpf	Welker
Nysether	Redalen	Schreiber	Sviggum	Wenzel
O'Connor	Reding	Shea	Swanson	Wieser
Ogren	Rees	Sherman	Tomlinson	Wynia
Olsen	Reif	Sherwood	Valan	Zubay
Onnen	Rice	Sieben, M.	Valento	Spkr. Sieben, H.

The bill was passed and its title agreed to.

S. F. No. 611, A bill for an act relating to motor vehicles; requiring certain owners of motorcycles to furnish evidence of security under the Minnesota no-fault automobile insurance act; amending Minnesota Statutes 1980, Section 65B.68, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Ewald	Kelly	O'Connor	Simoneau
Ainley	Fjoslien	Knickerbocker	Ogren	Skoglund
Anderson, B.	Forsythe	Kostohryz	Onnen	Stadum
Anderson, G.	Friedrich	Kvam	Osthoff	Staten
Anderson, I.	Greenfield	Laidig	Otis	Stowell
Battaglia	Hauges	Lehto	Peterson, B.	Stumpf
Begich	Gustafson	Lemen	Peterson, D.	Sviggum
Berkelman	Halberg	Levi	Pogemiller	Swanson
Blatz	Hanson	Long	Redalen	Tomlinson
Brandl	Harens	Ludeman	Reding	Valan
Brinkman	Hauge	Mann	Rees	Valento
Byrne	Haukoos	Marsh	Reif	Vanasek
Carlson, D.	Heap	McCarron	Rice	Vellenga
Carlson, L.	Heinitz	McDonald	Rodriguez, C.	Voss
Clark, J.	Himle	McEachern	Rodriguez, F.	Weaver
Clark, K.	Hoberg	Mehrkens	Rothenberg	Welch
Clawson	Hokanson	Metzen	Samuelson	Welker
Dahlvang	Hokr	Minne	Sarna	Wenzel
Dean	Jacobs	Munger	Schafer	Wieser
Den Ouden	Jennings	Murphy	Schoenfeld	Wynia
Drew	Johnson, C.	Nelsen, B.	Schreiber	Zubay
Eken	Johnson, D.	Nelson, K.	Shea	Spkr. Sieben, H.
Ellingson	Jude	Niehaus	Sherman	
Erickson	Kahn	Norton	Sherwood	
Esau	Kaley	Novak	Sieben, M.	
Evans	Kalis	Nysether		

The bill was passed and its title agreed to.

## CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Anderson, I., requested immediate consideration of H. F. No. 932.

H. F. No. 932, A bill for an act relating to taxation; income; property tax refund; making technical corrections; deleting obsolete provisions; amending Minnesota Statutes 1980, Sections 290.01, Subdivisions 3, 19, 20, 21, 22, 23, 25, 26, and 27; 290.011; 290.032, Subdivision 2; 290.06, Subdivisions 1, 2c, 3e, 3f, and 11; 290.07, Subdivision 3; 290.071, Subdivisions 2 and 3; 290.075; 290.077, Subdivisions 1 and 2; 290.079, Subdivision 6; 290.08, Subdivision 8; 290.081; 290.085; 290.09, Subdivisions 1, 2, 4, 5, 6, 7, 10, 15, 18, 21, and 29; 290.095, Subdivision 2; 290.10; 290.101, Subdivision 9; 290.12, Subdivisions 1, 2, and 4; 290.13, Subdivision 5; 290.131, Subdivisions 1 and 3; 290.132, Subdivision 1; 290.133, Subdivision 2; 290.134, Subdivision 1; 290.135, Subdivision 1; 290.14; 290.16, Subdivisions 1, 3, 7, 8, 9, 12, and 13; 290.17, Subdivision 2; 290.18, Subdivisions 1 and 2; 290.21, Subdivisions 1, 3, 3a, 4, and 7; 290.22; 290.23, Subdivisions 3, 5, 9, and 15; 290.25, Subdivision 1; 290.26, Subdivisions 1, 2a, and 3; 290.281, Subdivision 2; 290.31, Subdivisions 2, 3, 4, 6, 9, 10, 11, 21, and by adding a subdivision; 290.32; 290.34, Subdivision 3; 290.35; 290.39, Subdivision 1; 290.42; 290.45, Subdivision 3; 290.46; 290.48, Subdivision 2; 290.49, Subdivisions 1 and 4; 290.50, Subdivisions 1, 3, and 5; 290.53, Subdivisions 1 and 4; 290.56, Subdivisions 2, 3, and 4; 290.92, Subdivisions 5, 6, 16, and 19; 290.93, Subdivisions 5 and 6; 290.932, Subdivisions 1 and 4; 290A.03, Subdivisions 3 and 13; 290A.04, Subdivisions 2 and 2c; 290A.06; and 290A.07, Subdivision 2; repealing Minnesota Statutes 1980, Sections 290.076; 290.08, Subdivisions 7 and 13; 290.131, Subdivisions 4, 5, 6, and 7; 290.133, Subdivision 3; 290.134, Subdivisions 2, 3, and 4; 290.135, Subdivisions 2, 3, and 4; 290.23, Subdivisions 1, 2, 6, 7, 8, 10, 11, 12, 13, and 14; 290.24; 290.25, Subdivisions 2, 3, 4, and 5; 290.26, Subdivisions 4 and 7; 290.27; 290.28; 290.60; 290.65, Subdivision 17; 290.931, Subdivision 4; 290.932, Subdivision 3; 290.933, Subdivision 3; and 290.934, Subdivision 6.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, I.	Blatz	Carlson, D.	Clawson
Ainley	Battaglia	Brandl	Carlson, L.	Dahlvang
Anderson, B.	Begich	Brinkman	Clark, J.	Den Ouden
Anderson, G.	Berkelman	Byrne	Clark, K.	Drew

Eken	Hokr	McDonald	Pogemiller	Stowell
Ellingson	Jacobs	McEachern	Redalen	Stumpf
Erickson	Jennings	Mehrkens	Reding	Sviggum
Esau	Johnson, C.	Metzen	Rees	Swanson
Evans	Johnson, D.	Minne	Reif	Tomlinson
Ewald	Jude	Munger	Rice	Valan
Fjoslien	Kahn	Murphy	Rodriguez, C.	Valento
Forsythe	Kaley	Nelsen, B.	Rodriguez, F.	Vanasek
Friedrich	Kalis	Nelson, K.	Rothenberg	Vellenga
Greenfield	Kelly	Niehaus	Samuelson	Voss
Gruenes	Knickerbocker	Norton	Sarna	Weaver
Gustafson	Kostohryz	Novak	Schafer	Welch
Halberg	Kvam	Nysether	Schoenfeld	Welker
Hanson	Laidig	O'Connor	Schreiber	Wenzel
Harens	Lehto	Ogren	Shea	Wieser
Hauge	Lemen	Olsen	Sherman	Wynia
Haukoos	Levi	Onnen	Sherwood	Zubay
Heap	Long	Osthoff	Sieben, M.	Spkr. Sieben, H.
Heinitz	Ludeman	Otis	Simoneau	
Himle	Mann	Peterson, B.	Skoglund	
Hoberg	Marsh	Peterson, D.	Stadum	
Hokanson	McCarron	Piepho	Staten	

The bill was passed and its title agreed to.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 396:

Jennings; Anderson, G., and Kostohryz.

#### CALENDAR

S. F. No. 333, A bill for an act relating to public employees; regulating bargaining between instructional unit employees and the University of Minnesota; amending Minnesota Statutes 1980, Section 179.741, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 101 yeas and 23 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, D.	Erickson	Haukoos	Kelly
Ainley	Carlson, L.	Evans	Heap	Knickerbocker
Anderson, B.	Clark, J.	Ewald	Hoberg	Kostohryz
Anderson, G.	Clark, K.	Friedrich	Hokanson	Kvam
Anderson, I.	Clawson	Greenfield	Jacobs	Laidig
Battaglia	Dahlvang	Gruenes	Jennings	Lehto
Begich	Dean	Gustafson	Johnson, D.	Lemen
Berkelman	Dempsey	Halberg	Jude	Levi
Blatz	Den Ouden	Hanson	Kahn	Long
Brinkman	Drew	Harens	Kaley	Ludeman
Byrne	Ellingson	Hauge	Kalis	Mann

Marsh	Novak	Rees	Sherman	Voss
McCarron	O'Connor	Reif	Sherwood	Weaver
McDonald	Ogren	Rice	Sieben, M.	Wenzel
McEachern	Olsen	Rodriguez, C.	Staten	Wieser
Mehrkens	Osthoff	Rodriguez, F.	Stowell	Zubay
Metzen	Otis	Rothenberg	Stumpf	Spkr. Sieben, H.
Minne	Peterson, D.	Samuelson	Svigum	
Munger	Pogemiller	Sarna	Swanson	
Murphy	Redalen	Schoenfeld	Vanasek	
Niehaus	Reding	Shea	Vellenga	

Those who voted in the negative were:

Eken	Himle	Nysether	Schreiber	Welch
Esau	Hokr	Onnen	Simoneau	Welker
Fjoslien	Johnson, C.	Peterson, B.	Skoglund	Wynia
Forsythe	Nelson, K.	Piepho	Stadum	
Heinitz	Norton	Schafer	Valan	

The bill was passed and its title was agreed to.

### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 732, 25, 35 and 54 which it recommended to pass.

H. F. No. 236 which it recommended progress retaining its place on General Orders.

H. F. No. 4 which it recommended progress until Monday, May 4, 1981, retaining its place on General Orders.

H. F. No. 188 which it recommended to pass with the following amendment offered by Lehto:

Page 1, after line 18, insert:

“Sec. 2. [OVERDRAFT NOTICES.]

*Any periodic statement evidencing an overdraft checking plan loan balance shall clearly state that all or any part of said balance may be prepaid at any time.”*

Renumber the remaining section.

S. F. No. 874 which it recommended to pass with the following amendment offered by Otis :

Page 1, delete lines 25 and 26

Page 2, delete lines 1 to 16

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

Page 2, line 27, delete "4" and insert "3"

Page 2, line 33, delete "5" and insert "4"

Page 2, line 36, delete "6" and insert "5"

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

Further amend the title:

Page 1, line 6, delete "Subdivisions 1 and" and insert "Subdivision"

S. F. No. 520 which it recommended to pass with the following amendment offered by Peterson, D.:

Delete everything after the enacting clause and insert:

"Section 1. Laws 1981, Chapter 29, Article II, Section 9, is amended to read:

Sec. 9. Minnesota Statutes 1980, Section 201.071, is amended to read:

201.071 [REGISTRATION CARDS.]

Subdivision 1. [FORM.] Registration cards shall be of suitable size and weight for mailing, and shall contain the following information in substantially the following form:

VOTER REGISTRATION CARD

(Please print or type)

Date: .....

1. Name: .....  
Last First Middle Initial

2. Address: .....  
Street or Route No.



.....  
 City (or Township) County Zip

3. Telephone Number :

4. Date of birth (optional) : .....

5. Last registration if any .....

Street or Route Number

.....  
 City (or Township) Zip

6. I certify that I will be at least 18 years old on election day and that the above facts are correct. I understand that giving false information to procure a registration is a felony punishable by not more than five years imprisonment and a fine of not more than \$5,000, or both.

.....  
 Signature of Voter

Subd. 2. [INSTRUCTIONS.] A registration card shall be accompanied by instructions specifying the manner and method of registration, the qualifications for voting and the penalties for false registration.

Subd. 3. [DEFICIENT REGISTRATION.] No registration is deficient if it contains the voter's name, address, prior registration if any and signature. The absence of a zip code number does not cause the registration to be deficient. The election judges shall request an individual to correct a registration card if it is deficient or illegible. No eligible voter may be prevented from voting unless his registration card is deficient or he is duly and successfully challenged in accordance with *Laws 1981, Chapter 29, Article II, Section 22* or *Article V, Section 12*.

Subd. 4. [CHANGE OF REGISTRATION.] Any county auditor who receives a registration card indicating that an individual was previously registered in a different county in Minnesota shall notify the county auditor of that county on a form prescribed by the secretary of state. A county auditor receiving a registration card indicating that a voter was previously registered in a different precinct in the same county or receiving a notification form as provided in this subdivision or *Laws 1981, Chapter 29, Article V, Section 30, Subdivision 2*, shall delete that individual's name from the registration lists and remove the (ORIGINAL AND) duplicate voter registration card, if any, and the original voter registration cards from the files. Any county auditor who receives a registration card or notification requiring a change of registration records under this subdivi-

sion shall also check the duplicate registration card or file from the precinct of prior residence to determine whether the individual voted in that precinct in the most recent election.

*Subd. 5. A county or municipality with an electronic or automatic data processing system for maintaining duplicate voter registration records may elect to use the system in place of duplicate voter registration cards. The auditor of a county or the clerk of a city making such an election shall notify the secretary of state of that election in writing.*

*Subd. 6. A county or municipality which makes the election authorized in subdivision 5 of this section shall maintain in their data processing system the information required by the alternate form of the duplicate registration file prescribed by the secretary of state under Laws 1981, Chapter 29, Article II, Section 24, Subdivision 3. A county or municipality which makes the election shall not be required to obtain or maintain a duplicate voter registration card. Any reference in chapter 201 to "duplicate registration file" shall not be interpreted as requiring duplicate registration cards or signatures on duplicate registration cards.*

*Subd. 7. Notwithstanding subdivisions 1 and 3 of this section, a county or municipality which makes the election authorized by subdivision 5 of this section shall require the day and month of birth of the registrant on the voter registration card. A registration in a county or municipality which makes the election is defective if it does not contain the day and month of birth of the registrant. Currently registered voters shall not be required to re-register to comply with this subdivision but shall be requested to give their day and month of birth to the county or municipality at any time except at the polling place. A county or municipality which makes the election authorized in subdivision 5 of this section shall make the prescribed duplicate registration file available as authorized by section 201.091 provided that no list which is made available for examination or purchase shall include the day and month of birth of any registered voter.*

Sec. 2. Laws 1981, Chapter 29, Article II, Section 24, is amended to read:

Sec. 24. Minnesota Statutes 1980, Section 201.221, is amended to read:

#### 201.221 [RULES.]

**Subdivision 1. [ADOPTION OF RULES.]** To implement the provisions of this chapter, the secretary of state shall adopt rules consistent with federal and state election laws.

**Subd. 2. [UNIFORM PROCEDURES FOR COUNTIES.]** The secretary of state shall assist local election officers by devis-

ing uniform forms and procedures. The secretary of state shall provide uniform rules for counties maintaining voter registration records on data processing systems so that the systems are compatible with a uniform system of electronic data maintenance. The secretary of state shall supervise the development and use of the system to insure that it conforms to applicable laws and rules.

**Subd. 3. [PROCEDURES FOR DUPLICATE REGISTRATION FILE.]** The secretary of state shall prescribe the form of the duplicate registration file so that a duplicate card contains spaces for the voter's name, address, telephone number, and signature, and space to indicate whether the voter has voted in a given election. The secretary of state shall prescribe procedures for transporting the duplicate registration files to the election judges for use on election day.

*The secretary of state shall prescribe an alternate form of the duplicate registration file for counties and cities which make the election authorized by section 1, subdivision 5. The alternate form shall not require a duplicate card or voter's signature. Information contained in the duplicate registration file shall include the voter's name, address, month and day of birth, last registration (if any), and a record of the vote history for the previous four years of elections. The secretary of state shall prescribe the form for the duplicate registration file to be used on election day in the polling place and the file shall include the name, address, month and day of birth, and a space for the voters to sign the file when they vote. He shall prescribe the form for a county or municipality to request the day and month of birth from currently registered voters. The county or municipality shall not request the day and month of birth from currently registered voters by any communication other than the prescribed form and the form shall clearly indicate that a currently registered voter does not lose his or her registration status by failing to provide his or her day and month of birth. The secretary of state shall prescribe procedures for transporting the duplicate registration files to the judges on election day. In accordance with Laws 1981, Chapter 29, Article IV, Section 40, the county auditor and the clerk of any municipality shall retain the prescribed duplicate registration file used on the date of election for one year following the election.*

**Subd. 4. [COUNTY RULES.]** The county auditor of each county may adopt rules which delegate to municipal officials in that county the duties assigned to county auditors by this chapter. If the county auditor delegates the duty to accept registrations, that delegation does not relieve him of the duty to accept registrations. When a municipal official is delegated duties given to the county auditor by this chapter, the governing body of the municipality shall immediately provide the necessary funds, equipment and facilities, establish a place of registration and put the registration plan into operation without delay.

Sec. 3. Laws 1981, Chapter 29, Article V, Section 10, is amended to read:

**Sec. 10. [204C.10] [PERMANENT REGISTRATION; COMPLETION OF VOTER CERTIFICATES; VERIFICATION OF REGISTRATION.]**

*Subdivision 1.* In election precincts with a permanent registration system, an individual seeking to vote shall print his name and address on a certificate which states that the individual is registered and will be voting only in that precinct. The individual shall then sign the certificate.

An election judge shall compare the signature on the voter's certificate with the signature as it appears on the duplicate registration card. If the election judge is satisfied that the signatures are the same, the election judge shall initial the certificate and record the fact of voting on the back of the duplicate registration card. The initialed certificate shall be handed to the voter, who shall deliver it to the election judge in charge of ballots as proof of the right to vote.

*Subd. 2* *Subdivision 1 does not apply to voting in counties or municipalities which make the election authorized by section 1, subdivision 5. In lieu of the certificate required by subdivision 1, an applicant shall sign the duplicate registration file in the space provided next to his name in the file. In lieu of the signature comparison required by subdivision 1, a judge may, before the applicant signs the duplicate registration file, request that the applicant give his name, address, and day and month of birth. After the applicant signs the registration file, the judge shall give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof of his right to vote, and thereupon the judge shall hand to the voter the ballot. The judges shall destroy the voters' receipts at the end of the day.*

**Sec. 4. [TEMPORARY RULES.]**

*The secretary of state shall have authority to promulgate temporary rules pursuant to chapter 15 to carry out the purposes of section 2.*

**Sec. 5. [EFFECTIVE DATE.]**

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

Delete the title and insert:

"A bill for an act relating to elections; allowing cities and counties to elect to use data processing systems in lieu of dupli-

cate registration cards; requiring the secretary of state to prescribe alternate forms for duplicate registration files; changing voter verification requirements for cities and counties which elect to use data processing systems; amending Laws 1981, Chapter 29, Article II, Section 9; Article II, Section 24; and Article V, Section 10."

H. F. No. 673 which it recommended progress with the following amendments:

Offered by Heap:

Page 4, line 21, after the period insert "*The subpoena shall contain a written statement setting forth in detail facts and circumstances of which the commissioner or designated person is aware and which reasonably leads him or her to believe that a violation of sections 332.31 to 332.45 has occurred.*"

Offered by Dempsey:

Page 4, line 6, delete "*or is about to violate*"

H. F. No. 697 which it recommended to pass with the following amendment offered by Stumpf:

Page 1, line 24, following "*intent*" insert the phrase "*. Where a permanent resident alien is in the employ of, or otherwise performing services for, the United States, this six month residency requirement does not apply*"

Page 3, line 24, after "*commissioner*" delete "," and add "." and insert new sentence, "*This report shall be in lieu of the annual report required under subdivision 4;*"

Page 3, lines 26 to 27, delete "*May 27, 1977 but before*" and after "*1981,*" delete "*within three years and for those lands acquired after May 1, 1981,*"

Page 3, line 32, after "*require*" delete "," insert "." delete "*and*"

Page 3, delete lines 33 to 35

Page 5, line 16, strike "*May 27, 1977*" insert "*June 1, 1981*"

Page 5, line 17, after "*agriculture*" strike "*within*" and delete "*30*"

Page 5, line 18, strike "*days after May 27, 1977 and*"

S. F. No. 375 which it recommended to pass with the following amendment offered by Olsen:

Page 10, line 2, before "consent" insert "written"

H. F. No. 889 which it recommended to pass with the following amendment offered by Welker; Nelson, K.; Voss; Munger and Rees:

Page 1, after line 25, insert:

"Sec. 2. Minnesota Statutes 1980, Section 156A.02, is amended by adding a subdivision to read:

*Subd. 6. For the purposes of sections 156A.02 to 156A.08 "groundwater thermal exchange device" means any space heating or cooling device, the operation of which is dependent upon extraction and reinjection of groundwaters from an independent aquifer. Thermal exchange devices licensed under this chapter shall be sealed against the introduction of any foreign substance into the system, but shall be so constructed as to permit periodic inspection of water quality and temperature.*

**Sec. 3. [ . . . . ] [GROUNDWATER THERMAL EXCHANGE DEVICES: LICENSING AND REGULATION.]**

*Subdivision 1. Notwithstanding any department or agency rule to the contrary, the department of health shall issue, upon request and submission of a \$50 fee, permits for the reinjection of water by a properly constructed well into the same aquifer from which the water was drawn exclusively for the operation of a groundwater thermal exchange device. Withdrawal and reinjection shall be accomplished by means of a closed system in which the waters drawn for thermal exchange shall have no contact or commingling with water from other sources or with any polluting material or substances and so constructed as to allow opening for inspection by the department. As a condition of the permit, an applicant shall agree to allow inspection by the department during regular working hours for department inspectors. A maximum of 200 permits shall be issued for small systems having maximum capacities of 20 gallons per minute or less, which shall be subject to inspection twice annually. A maximum of ten permits shall be issued for larger systems having maximum capacities from 20 to 50 gallons per minute, which shall be subject to inspection four times per year. The department may by rule provide for administration of this section.*

*Subd. 2. Water appropriation permit requirements and penalties provided in sections 105.41 to 105.416 and any related rules promulgated and enforced by the department of natural resources shall apply to groundwater thermal exchange permit recipients if actual rate of flow exceeds 20 gallons per minute. Validity of the permit is contingent upon compliance with all provisions of subdivision 1: Noncompliance shall subject the permitted party to any sanctions applicable to the noncomplying*

*activity available to the Minnesota department of health and Minnesota pollution control agency."*

Renumber the remaining section

Amend the title as follows:

Page 1, line 4, after "engineers;" insert "providing for licensing of thermal exchange devices;"

Page 1, line 5, delete "Section" and insert "Sections"

Page 1, line 5, before "156A.03" insert "156A.02, by adding a subdivision; and"

On the motion of Eken the report of the Committee of the Whole was adopted.

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

Otis moved to amend S. F. No. 874.

Carlson, D., requested a division of the amendment.

The first portion of the Otis amendment reads as follows:

Page 1, delete lines 25 and 26

Page 2, delete lines 1 to 16

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

Page 2, line 27, delete "4" and insert "3"

Page 2, line 33, delete "5" and insert "4"

Page 2, line 36, delete "6" and insert "5"

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

Further amend the title:

Page 1, line 6, delete "Subdivisions 1 and" and insert "Subdivision"

The question was taken on the first portion of the Otis amendment and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Ewald	Kostohryz	Ogren	Simoneau
Ainley	Fjoslien	Kvam	Olsen	Skoglund
Anderson, B.	Forsythe	Laidig	Onnen	Stadum
Anderson, G.	Friedrich	Lehto	Osthoff	Staten
Anderson, I.	Greenfield	Lemen	Otis	Stowell
Battaglia	Gruenes	Levi	Peterson, B.	Stumpf
Begich	Halberg	Long	Peterson, D.	Sviggum
Berkelman	Hanson	Ludeman	Piepho	Swanson
Blatz	Harens	Mann	Pogemiller	Tomlinson
Brandl	Hauge	Marsh	Redalen	Valan
Brinkman	Haukoos	McCarron	Reding	Valento
Byrne	Heap	McDonald	Rees	Vanasek
Carlson, D.	Hoberg	McEachern	Reif	Vellenga
Carlson, L.	Hokanson	Mehrkens	Rice	Voss
Clark, J.	Hokr	Metzen	Rodriguez, C.	Weaver
Clark, K.	Jacobs	Minne	Rodriguez, F.	Welker
Dahlvang	Jennings	Munger	Rothenberg	Wenzel
Dean	Johnson, C.	Murphy	Samuelson	Wieser
Dempsey	Johnson, D.	Nelsen, B.	Sarna	Wynia
Den Ouden	Jude	Nelson, K.	Schafer	Zubay
Drew	Kahn	Niehaus	Schoenfeld	Spkr. Sieben, H.
Eken	Kaley	Norton	Schreiber	
Erickson	Kalis	Novak	Sherman	
Esau	Kelly	Nysether	Sherwood	
Evans	Knickerbocker	O'Connor	Sieben, M.	

The motion prevailed and the first portion of the amendment was adopted.

The second portion of the Otis amendment reads as follows:

Page 2, line 29, delete "*Prior to January 1, 1983*" and insert "*Not later than July 1, 1982*"

Page 2, line 30, delete "*may*" and insert "*shall*"

The question was taken on the second portion of the Otis amendment and the roll was called. There were 53 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Brandl	Hanson	McCarron	Peterson, D.	Staten
Byrne	Harens	McEachern	Pogemiller	Swanson
Carlson, L.	Hauge	Metzen	Reding	Tomlinson
Clark, J.	Jacobs	Munger	Rice	Vanasek
Clark, K.	Johnson, C.	Murphy	Rodriguez, C.	Vellenga
Clawson	Jude	Nelson, K.	Rodriguez, F.	Voss
Dean	Kahn	Norton	Samuelson	Wenzel
Drew	Kelly	Novak	Sarna	Wynia
Eken	Kostohryz	O'Connor	Sieben, M.	Spkr. Sieben, H.
Ellingson	Lehto	Ogren	Simoneau	
Greenfield	Long	Otis	Skoglund	



Those who voted in the negative were:

Aasness	Esau	Jennings	Nelsen, B.	Sherman
Ainley	Evans	Johnson, D.	Niehaus	Sherwood
Anderson, B.	Ewald	Kaley	Nysether	Stadum
Anderson, G.	Fjoslien	Kalis	Olsen	Stumpf
Anderson, I.	Forsythe	Knickerbocker	Onnen	Sviggum
Battaglia	Friedrich	Kvam	Osthoff	Valan
Begich	Gruenes	Laidig	Peterson, B.	Valento
Berkelman	Halberg	Lemen	Piepho	Weaver
Blatz	Haukoos	Levi	Redalen	Welker
Brinkman	Heap	Ludeman	Rees	Wieser
Carlson, D.	Heinitz	Mann	Reif	Zubay
Dahlvang	Himle	Marsh	Rothenberg	
Dempsey	Hoberg	McDonald	Schafer	
Den Ouden	Hokanson	Mehrkens	Schoenfeld	
Erickson	Hokr	Minne	Schreiber	

The motion did not prevail and the second portion of the amendment was not adopted.

Heap moved to amend H. F. No. 673 as follows:

Page 1, line 17, after "the" insert "*amount to be calculated as follows:*"

ANNUAL VOLUME	AMOUNT OF BOND
<i>(Gross Collections)</i>	
<i>Less than \$150,000</i>	<i>\$5,000</i>
<i>\$150,000-\$300,000</i>	<i>\$7,500</i>
<i>\$300,000-\$500,000</i>	<i>\$10,000</i>
<i>\$500,000-\$750,000</i>	<i>\$15,000</i>
<i>\$750,000-\$950,000</i>	<i>\$20,000</i>
<i>more than \$950,000</i>	<i>\$25,000"</i>

Page 1, line 17, strike "sum of"

Page 1, line 17, delete "\$10,000"

Page 1, line 18, delete "*and \$20,000 effective July 1, 1983*"

The question was taken on the amendment and the roll was called. There were 57 yeas and 63 nays as follows:

## Those who voted in the affirmative were:

Aasness	Evans	Johnson, D.	Niehaus	Sherman
Ainley	Fjoslien	Kaley	Nysether	Sherwood
Berkelman	Forsythe	Knickerbocker	Olsen	Stadum
Blatz	Friedrich	Kvam	Onnen	Swiggum
Brinkman	Gruenes	Laidig	Peterson, B.	Valan
Carlson, D.	Halberg	Lemen	Piepho	Valento
Dean	Heap	Levi	Redalen	Weaver
Dempsey	Heinitz	Ludeman	Rees	Welker
Den Ouden	Hoberg	Marsh	Reif	Wieser
Drew	Hokr	McDonald	Rothenberg	
Erickson	Jennings	Mehrkens	Schafer	
Esau	Johnson, C.	Nelsen, B.	Schreiber	

## Those who voted in the negative were:

Anderson, B.	Ellingson	Kelly	Osthoff	Staten
Anderson, G.	Greenfield	Kostohryz	Otis	Stumpf
Anderson, I.	Gustafson	Lehto	Peterson, D.	Swanson
Battaglia	Hanson	Long	Pogemiller	Tomlinson
Begich	Harens	Mann	Rice	Vanasek
Brandl	Hauge	McEachern	Rodriguez, C.	Vellenga
Byrne	Haukoos	Metzen	Rodriguez, F.	Voss
Carlson, L.	Himle	Minne	Sarna	Welch
Clark, J.	Hokanson	Murphy	Schoenfeld	Wenzel
Clark, K.	Jacobs	Nelson, K.	Shea	Wynia
Clawson	Jude	Novak	Sieben, M.	Spkr. Sieben, H.
Dahlvang	Kahn	O'Connor	Simoneau	
Eken	Kalis	Ogren	Skoglund	

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

Heap moved to amend H. F. No. 673 as follows:

Page 4, delete lines 3 to 13

ReNUMBER the subdivisions

The question was taken on the amendment and the roll was called. There were 60 yeas and 64 nays as follows:

## Those who voted in the affirmative were:

Aasness	Ewald	Jennings	Nelsen, B.	Sherman
Ainley	Fjoslien	Johnson, D.	Niehaus	Sherwood
Blatz	Forsythe	Kaley	Nysether	Stadum
Brinkman	Friedrich	Kalis	Olsen	Stowell
Carlson, D.	Gruenes	Knickerbocker	Onnen	Swiggum
Dean	Halberg	Kvam	Piepho	Valan
Dempsey	Haukoos	Laidig	Redalen	Valento
Den Ouden	Heap	Lemen	Rees	Weaver
Drew	Heinitz	Ludeman	Reif	Welch
Erickson	Himle	Mann	Rothenberg	Welker
Esau	Hoberg	McDonald	Schafer	Wieser
Evans	Hokr	Mehrkens	Schreiber	Zubay

## Those who voted in the negative were:

Anderson, G.	Ellingson	Levi	Osthoff	Simoneau
Anderson, I.	Greenfield	Long	Otis	Skoglund
Battaglia	Gustafson	Marsh	Peterson, B.	Staten
Begich	Hanson	McCarron	Peterson, D.	Stumpf
Berkelman	Harens	McEachern	Pogemiller	Swanson
Brandl	Hauge	Metzen	Reding	Tomlinson
Byrne	Hokanson	Minne	Rice	Vanasek
Carlson, L.	Jacobs	Murphy	Rodriguez, C.	Vellenga
Clark, J.	Jude	Nelson, K.	Rodriguez, F.	Voss
Clark, K.	Kahn	Norton	Samuelson	Wenzel
Clawson	Kelly	Novak	Sarna	Wynia
Dahlvang	Kostohryz	O'Connor	Shea	Spkr. Sieben, H.
Eken	Lehto	Ogren	Sieben, M.	

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

Heap moved to amend H. F. No. 673.

Den Ouden requested a division of the amendment.

The first portion of the Heap amendment reads as follows:

Page 4, line 17, delete "*witnesses*" and insert "*licensee*"

The question was taken on the first portion of the Heap amendment and the roll was called. There were 60 yeas and 61 nays as follows:

## Those who voted in the affirmative were:

Aasness	Esau	Hoberg	Mehrkens	Sherman
Ainley	Evans	Johnson, D.	Nelsen, B.	Sherwood
Anderson, B.	Ewald	Kaley	Niehaus	Stadum
Anderson, G.	Fjoslien	Knickerbocker	Nysether	Stowell
Blatz	Forsythe	Kostohryz	Olsen	Sviggum
Brinkman	Friedrich	Kvam	Onnen	Valan
Carlson, D.	Gruenes	Laidig	Peterson, B.	Valento
Dean	Halberg	Levi	Piepho	Weaver
Dempsey	Haukoos	Ludeman	Redalen	Welch
Den Ouden	Heap	Mann	Rothenberg	Welker
Drew	Heinitz	Marsh	Schafer	Wieser
Erickson	Himle	McDonald	Schreiber	Zubay

## Those who voted in the negative were:

Anderson, I.	Greenfield	Lemen	Otis	Stumpf
Battaglia	Gustafson	Long	Peterson, D.	Swanson
Begich	Hanson	McCarron	Pogemiller	Tomlinson
Berkelman	Harens	McEachern	Rice	Vanasek
Brandl	Hauge	Metzen	Rodriguez, C.	Vellenga
Byrne	Hokanson	Minne	Rodriguez, F.	Voss
Carlson, L.	Jacobs	Murphy	Samuelson	Wenzel
Clark, J.	Johnson, C.	Nelson, K.	Sarna	Wynia
Clark, K.	Jude	Norton	Shea	Spkr. Sieben, H.
Clawson	Kahn	Novak	Sieben, M.	
Dahlvang	Kalis	O'Connor	Simoneau	
Eken	Kelly	Ogren	Skoglund	
Ellingson	Lehto	Osthoff	Staten	

The motion did not prevail and the first portion of the amendment was not adopted.

The second portion of the Heap amendment reads as follows:

Page 4, line 21, after the period insert "*The subpoena shall contain a written statement setting forth in detail facts and circumstances of which the commissioner or designated person is aware and which reasonably leads him or her to believe that a violation of sections 332.31 to 332.45 has occurred.*"

The question was taken on the second portion of the Heap amendment and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kalis	Novak	Sherman
Ainley	Ewald	Kelly	Nysether	Sherwood
Anderson, B.	Fjoslien	Knickerbocker	O'Connor	Sieben, M.
Anderson, G.	Forsythe	Kostohryz	Ogren	Simoneau
Anderson, I.	Friedrich	Kvam	Olsen	Skoglund
Battaglia	Greenfield	Laidig	Onnen	Stadum
Begich	Gruenes	Lehto	Osthoff	Staten
Berkelman	Gustafson	Lemen	Otis	Stowell
Blatz	Halberg	Levi	Peterson, B.	Stumpf
Brandl	Hanson	Long	Peterson, D.	Sviggum
Brinkman	Harens	Ludeman	Piepho	Swanson
Byrne	Hauge	Mann	Pogemiller	Tomlinson
Carlson, D.	Haukoos	Marsh	Redalen	Valan
Carlson, L.	Heap	McCarron	Reding	Valento
Clark, J.	Heinitz	McDonald	Rees	Vanasek
Clawson	Himle	McEachern	Rice	Vellenga
Dahlvang	Hoberg	Mehrkens	Rodriguez, C.	Voss
Dean	Hokanson	Metzen	Rodriguez, F.	Weaver
Dempsey	Hokr	Minne	Rothenberg	Welch
Den Ouden	Jacobs	Munger	Samuelson	Welker
Drew	Johnson, C.	Murphy	Sarna	Wenzel
Eken	Johnson, D.	Nelsen, B.	Schafer	Wieser
Ellingson	Jude	Nelson, K.	Schoenfeld	Wynia
Erickson	Kahn	Niehaus	Schreiber	Zubay
Esau	Kaley	Norton	Shea	Spkr. Sieben, H.

The motion prevailed and the second portion of the amendment was adopted.

Heap moved to amend H. F. No. 673, as amended, as follows:

Page 5, after line 7, insert:

*"Subd. 6. [ATTORNEY'S FEES.] In the event the commissioner seeks an order of the court suspending or revoking the license of a licensee and in the event the licensee prevails, the commissioner shall pay attorney's fees and costs incurred by the licensee in defense of the proceeding."*

The question was taken on the amendment and the roll was called. There were 59 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Aasness	Ewald	Kaley	Nysether	Sherwood
Ainley	Fjoslien	Knickerbocker	Olsen	Stadum
Blatz	Forsythe	Kvam	Onnen	Stowell
Brinkman	Friedrich	Laidig	Piepho	Sviggum
Carlson, D.	Gruenes	Lemen	Redalen	Valan
Dean	Halberg	Ludeman	Reding	Valento
Dempsey	Haukoos	Mann	Reif	Weaver
Den Ouden	Heap	Marsh	Rodriguez, C.	Welch
Drew	Hoberg	McDonald	Rothenberg	Welker
Erickson	Hokr	Mehrkens	Schafer	Wieser
Esau	Jennings	Nelsen, B.	Schreiber	Zubay
Evans	Johnson, D.	Niehaus	Sherman	

Those who voted in the negative were:

Anderson, B.	Greenfield	Kostohryz	Osthoff	Staten
Anderson, G.	Gustafson	Lehto	Otis	Stumpf
Anderson, I.	Hanson	Levi	Peterson, B.	Swanson
Battaglia	Harens	Long	Peterson, D.	Tomlinson
Begich	Hauge	McCarron	Pogemiller	Vanasek
Brandl	Heinitz	Metzen	Rice	Vellenga
Byrne	Himle	Minne	Rodriguez, F.	Voss
Carlson, L.	Hokanson	Munger	Samuelson	Wenzel
Clark, J.	Jacobs	Murphy	Sarna	Wynia
Clark, K.	Johnson, C.	Nelson, K.	Schoenfeld	Spkr. Sieben, H.
Clawson	Jude	Norton	Shea	
Dahlvang	Kahn	Novak	Sieben, M.	
Eken	Kalis	O'Connor	Simoneau	
Ellingson	Kelly	Ogren	Skoglund	

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

Dempsey moved to amend H. F. No. 673, as amended, as follows:

Page 4, line 6, delete "*or is about to violate*"

The question was taken on the amendment and the roll was called. There were 122 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Aasness	Dahlvang	Halberg	Kaley	Mehrkens
Ainley	Dempsey	Hanson	Kalis	Metzen
Anderson, B.	Den Ouden	Harens	Kelly	Minne
Anderson, G.	Drew	Hauge	Knickerbocker	Munger
Anderson, I.	Eken	Haukoos	Kostohryz	Murphy
Anderson, R.	Ellingson	Heap	Kvam	Nelsen, B.
Battaglia	Erickson	Heinitz	Laidig	Nelson, K.
Begich	Esau	Himle	Lehto	Niehaus
Berkelman	Evans	Hoberg	Lemen	Norton
Blatz	Ewald	Hokanson	Levi	Novak
Brandl	Fjoslien	Hokr	Ludeman	Nysether
Brinkman	Forsythe	Jacobs	Mann	O'Connor
Carlson, D.	Friedrich	Jennings	Marsh	Olsen
Carlson, L.	Greenfield	Johnson, D.	McCarron	Onnen
Clark, J.	Gruenes	Jude	McDonald	Osthoff
Clawson	Gustafson	Kahn	McEachern	Otis

Peterson, B.	Rodriguez, C.	Sherman	Sviggum	Welker
Peterson, D.	Rodriguez, F.	Sherwood	Swanson	Wenzel
Piepho	Rothenberg	Sieben, M.	Valan	Wieser
Pogemiller	Samuelson	Simoneau	Valento	Wynia
Redalen	Sarna	Skoglund	Vanasek	Zubay
Reding	Schafer	Stadum	Vellenga	Spkr. Sieben, H.
Rees	Schoenfeld	Staten	Voss	
Reif	Schreiber	Stowell	Weaver	
Rice	Shea	Stumpf	Welch	

Those who voted in the negative were:

Byrne                      Clark, K.                      Ogren

The motion prevailed and the amendment was adopted.

The question was taken on the motion to recommend passage of H. F. No. 673, as amended, and the roll was called. There were 64 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Lehto	Ogren	Simoneau
Anderson, I.	Greenfield	Lemen	Osthoff	Skoglund
Battaglia	Gustafson	Long	Otis	Staten
Begich	Hanson	Marsh	Peterson, D.	Stumpf
Berkelman	Harens	McCarron	Pogemiller	Swanson
Brandl	Hauge	Metzen	Reding	Tomlinson
Byrne	Hokanson	Minne	Rice	Vanasek
Carlson, L.	Jacobs	Munger	Rodriguez, F.	Vellenga
Clark, J.	Johnson, C.	Murphy	Samuelson	Voss
Clark, K.	Jude	Nelson, K.	Sarna	Wenzel
Clawson	Kahn	Norton	Schoenfeld	Wynia
Dahlvang	Kelly	Novak	Shea	Spkr. Sieben, H.
Eken	Kostohryz	O'Connor	Sieben, M.	

Those who voted in the negative were:

Aasness	Evans	Jennings	Nelsen, B.	Schreiber
Ainley	Ewald	Johnson, D.	Niehaus	Sherman
Anderson, B.	Fjoslien	Kaley	Nysether	Sherwood
Anderson, R.	Forsythe	Kalis	Olsen	Stadum
Blatz	Friedrich	Knickerbocker	Onnen	Stowell
Brinkman	Gruenes	Kvam	Peterson, B.	Sviggum
Carlson, D.	Halberg	Laidig	Piepho	Valan
Dean	Haukoos	Levi	Redalen	Valento
Dempsey	Heap	Ludeman	Rees	Weaver
Den Ouden	Heinitz	Mann	Reif	Welch
Drew	Himle	McDonald	Rodriguez, C.	Welker
Erickson	Hoberg	McEachern	Rothenberg	Wieser
Esau	Hokr	Mehrkens	Schafer	Zubay

The motion did not prevail.

Stumpf moved to amend H. F. No. 697.

Hauge requested a division of the amendment.

A roll call was requested on the second portion of the Stumpf amendment.

The second portion of the Stumpf amendment reads as follows:

Page 3, lines 26 to 27, delete "May 27, 1977 but before" and after "1981," delete "within three years and for those lands acquired after May 1, 1981,"

Page 5, line 16, strike "May 27, 1977" insert "June 1, 1981"

The question was taken on the second portion of the Stumpf amendment and the roll was called. There were 114 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kostohryz	Ogren	Simoneau
Ainley	Esau	Kvam	Olsen	Skoglund
Anderson, G.	Evans	Laidig	Onnen	Stadum
Anderson, I.	Ewald	Lehto	Osthoff	Staten
Anderson, R.	Fjoslien	Lemen	Otis	Stowell
Battaglia	Friedrich	Levi	Peterson, B.	Stumpf
Begich	Greenfield	Long	Piepho	Sviggum
Blatz	Halberg	Ludeman	Pogemiller	Swanson
Brandl	Hanson	Mann	Redalen	Tomlinson
Brinkman	Harens	Marsh	Reding	Valan
Byrne	Haukoos	McCarron	Rees	Valento
Carlson, D.	Heap	McDonald	Reif	Vanasek
Carlson, L.	Hoberg	McEachern	Rice	Veilenga
Clark, J.	Hokanson	Mehrkens	Rodriguez, C.	Voss
Clark, K.	Hokr	Metzen	Rodriguez, F.	Weaver
Clawson	Jacobs	Munger	Rothenberg	Welch
Dahlvang	Jennings	Murphy	Samuelson	Welker
Dean	Jude	Nelsen, B.	Sarna	Wenzel
Dempsey	Kahn	Niehaus	Schafer	Wieser
Den Ouden	Kaley	Norton	Schoenfeld	Wynia
Drew	Kalis	Novak	Sherman	Zubay
Eken	Kelly	Nysether	Sherwood	Spkr. Sieben, H.
Ellingson	Knickerbocker	O'Connor	Sieben, M.	

Those who voted in the negative were:

Anderson, B. Hauge Heinitz Shea

The motion prevailed and the second portion of the amendment was adopted.

Niehaus moved to amend H. F. No. 889, as amended, as follows:

Page 1, line 12, delete "civil or"

The question was taken on the amendment and the roll was called. There were 28 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Aasness Anderson, B. Anderson, R. Dempsey Esau

Evans	Jude	McEachern	Sarna	Vanasek
Fjoslien	Kalis	Metzen	Schoenfeld	Wenzel
Gruenes	Kelly	Niehaus	Sherman	Wieser
Hokr	Kvam	Nysether	Sviggum	
Johnson, D.	Marsh	Piepho	Valento	

Those who voted in the negative were:

Ainley	Gustafson	Lehto	Ogren	Skoglund
Anderson, G.	Halberg	Lemen	Osthoff	Staten
Battaglia	Hanson	Levi	Otis	Stowell
Begich	Harens	Long	Peterson, B.	Stumpf
Berkelman	Hauge	Ludeman	Peterson, D.	Swanson
Brandl	Heap	Mann	Pogemiller	Tomlinson
Byrne	Heinitz	McCarron	Reding	Vellenga
Carlson, L.	Himle	McDonald	Rees	Voss
Clark, J.	Hoberg	Mehrkens	Rice	Weaver
Clark, K.	Hokanson	Minne	Rodriguez, C.	Welker
Clawson	Jacobs	Munger	Rodriguez, F.	Wynia
Dahlvang	Jennings	Murphy	Samuelson	Zubay
Den Ouden	Johnson, C.	Nelsen, B.	Schafer	Spkr. Sieben, H.
Drew	Kahn	Nelson, K.	Schreiber	
Eken	Kaley	Norton	Sherwood	
Ellingson	Kostohryz	Novak	Sieben, M.	
Greenfield	Laidig	O'Connor	Simoneau	

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

The question was taken on the motion to recommend passage of H. F. No. 54 and the roll was called. There were 98 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Aasness	Forsythe	Kaley	Norton	Sherwood
Anderson, B.	Friedrich	Kalis	Novak	Simoneau
Anderson, G.	Gruenes	Kelly	Nysether	Skoglund
Berkelman	Gustafson	Knickerbocker	O'Connor	Stadum
Blatz	Halberg	Kostohryz	Olsen	Stowell
Brandl	Hanson	Kvam	Onnen	Stumpf
Brinkman	Harens	Laidig	Peterson, B.	Sviggum
Carlson, D.	Hauge	Lehto	Piepho	Swanson
Carlson, L.	Haukoos	Lemen	Pogemiller	Tomlinson
Clawson	Heap	Levi	Redalen	Valan
Dahlvang	Heinitz	Ludeman	Reding	Valento
Dempsey	Himle	Mann	Rees	Vellenga
Den Ouden	Hoberg	Marsh	Reif	Weaver
Drew	Hokanson	McDonald	Rodriguez, C.	Welker
Eken	Hokr	Mehrkens	Rodriguez, F.	Wenzel
Ellingson	Jacobs	Metzen	Samuelson	Wieser
Erickson	Jennings	Minne	Schafer	Wynia
Esau	Johnson, C.	Munger	Schoenfeld	Zubay
Ewald	Johnson, D.	Nelsen, B.	Shea	
Fjoslien	Jude	Niehaus	Sherman	

Those who voted in the negative were:

Ainley	Byrne	Kahn	Nelson, K.	Sarna
Anderson, I.	Clark, J.	Long	Ogren	Staten
Anderson, R.	Clark, K.	McCarron	Osthoff	Vanasek
Battaglia	Dean	McEachern	Otis	Voss
Begich	Greenfield	Murphy	Rice	Welch



The motion prevailed.

### MOTIONS AND RESOLUTIONS

Lemen moved that the name of Dempsey be added as an author on H. F. No. 121. The motion prevailed.

Ellingson moved that the name of Jude be added as an author on H. F. No. 931. The motion prevailed.

Clark, K., moved that the name of Pogemiller be added as an author on H. F. No. 890. The motion prevailed.

### MOTION FOR RECONSIDERATION

Laidig moved that the vote whereby H. F. No. 588, as amended, was not passed on the Calendar on Wednesday, April 15, 1981, be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the motion to reconsider and the roll was called. There were 74 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Aasness	Forsythe	Kaley	Nelsen, B.	Schafer
Ainley	Friedrich	Kalis	Niehaus	Shea
Anderson, B.	Gruenes	Knickerbocker	Nysether	Sherman
Berkelman	Halberg	Kvam	Olsen	Sherwood
Blatz	Hauge	Laidig	Onnen	Stadum
Brinkman	Haukoos	Lehto	Otis	Stowell
Dean	Heap	Levi	Peterson, B.	Sviggum
Dempsey	Heinitz	Ludeman	Piepho	Valan
Den Ouden	Himle	Mann	Redalen	Valento
Drew	Hokanson	Marsh	Reding	Vanasek
Eken	Jacobs	McDonald	Rees	Welch
Erickson	Jennings	McEachern	Reif	Welker
Esau	Johnson, C.	Mehrkens	Rodriguez, C.	Wieser
Ewald	Johnson, D.	Metzen	Rodriguez, F.	Zubay
Fjoslien	Jude	Munger	Rothenberg	

Those who voted in the negative were:

Anderson, G.	Clark, K.	Hokr	Ogren	Swanson
Anderson, I.	Clawson	Kahn	Osthoff	Tomlinson
Anderson, R.	Dahlvang	Kelly	Peterson, D.	Vellenga
Battaglia	Ellingson	Kostohryz	Rice	Voss
Begich	Evans	McCarron	Sarna	Weaver
Brandl	Greenfield	Minne	Schoenfeld	Wenzel
Byrne	Gustafson	Nelson, K.	Sieben, M.	Wynia
Carlson, D.	Hanson	Norton	Simoneau	Spkr. Sieben, H.
Carlson, L.	Harens	Novak	Skoglund	
Clark, J.	Hoberg	O'Connor	Staten	

The motion prevailed.

H. F. No. 588, as amended, was reported to the House.

Anderson, G., moved that the action whereby H. F. No. 588, as amended, was given its third reading be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the Anderson, G., motion and the roll was called. There were 51 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Harens	Lemen	Reding	Swanson
Brandl	Hauge	Long	Reif	Vanasek
Byrne	Haukoos	McCarron	Rice	Vellenga
Carlson, L.	Hoberg	Murphy	Rodriguez, C.	Voss
Clark, J.	Hokanson	Nelson, K.	Rodriguez, F.	Wenzel
Clark, K.	Jacobs	Niehaus	Samuelson	Wynia
Drew	Jennings	Norton	Schoenfeld	Spkr. Sieben, H.
Ellingson	Jude	Novak	Shea	
Greenfield	Kahn	O'Connor	Simoneau	
Gustafson	Kelly	Ogren	Skoglund	
Hanson	Lehto	Otis	Stumpf	

Those who voted in the negative were:

Aasness	Eken	Kaley	Nelsen, B.	Sieben, M.
Ainley	Erickson	Kalis	Nysether	Stadum
Anderson, B.	Esau	Knickerbocker	Olsen	Staten
Anderson, I.	Evans	Kostohryz	Onnen	Stowell
Anderson, R.	Ewald	Kvam	Osthoff	Sviggum
Battaglia	Fjoslien	Laidig	Peterson, B.	Tomlinson
Begich	Forsythe	Levi	Peterson, D.	Valan
Berkelman	Friedrich	Ludeman	Piepho	Valento
Blatz	Gruenes	Mann	Redalen	Weaver
Brinkman	Halberg	Marsh	Rees	Welch
Carlson, D.	Heap	McDonald	Rothenberg	Welker
Clawson	Heinitz	McEachern	Sarna	Wieser
Dahlvang	Himle	Mehrkens	Schafer	Zubay
Dean	Hokr	Metzen	Schreiber	
Dempsey	Johnson, C.	Minne	Sherman	
Den Ouden	Johnson, D.	Munger	Sherwood	

The motion to reconsider the third reading did not prevail.

H. F. No. 588, A bill for an act relating to financial institutions; providing for maximum interest rates on overdraft checking loans; amending Minnesota Statutes 1980, Section 48.185, Subdivision 3.

The bill, as amended, was placed upon its final passage.

The question was taken on the passage of the bill, as amended, and the roll was called. There were 75 yeas and 53 nays as follows:

Those who voted in the affirmative were:

Aasness	Ewald	Kaley	Niehaus	Sherman
Ainley	Fjoslien	Kalis	Nysether	Sherwood
Anderson, B.	Forsythe	Knickerbocker	Olsen	Stadum
Anderson, R.	Friedrich	Kvam	Onnen	Staten
Berkelman	Gruenes	Laidig	Otis	Stowell
Blatz	Halberg	Lehto	Peterson, B.	Stumpf
Brandl	Hauge	Levi	Piepho	Sviggum
Brinkman	Haukoos	Ludeman	Redalen	Valan
Dean	Heap	Mann	Reding	Valento
Dempsey	Heinitz	Marsh	Rees	Vanasek
Drew	Himle	McDonald	Rodriguez, C.	Welch
Eken	Hoberg	McEachern	Rodriguez, F.	Welker
Erickson	Jennings	Mehrkens	Rothenberg	Wenzel
Esau	Johnson, C.	Metzen	Schafer	Wieser
Evans	Johnson, D.	Nelsen, B.	Schreiber	Zubay

Those who voted in the negative were:

Anderson, G.	Den Ouden	Kelly	O'Connor	Simoneau
Anderson, I.	Ellingson	Kostohryz	Ogren	Skoglund
Battaglia	Greenfield	Lemen	Osthoff	Swanson
Begich	Gustafson	Long	Peterson, D.	Tomlinson
Byrne	Hanson	McCarron	Reif	Vellenga
Carlson, D.	Harens	Minne	Rice	Voss
Carlson, L.	Hokanson	Munger	Samuelson	Weaver
Clark, J.	Hokr	Murphy	Sarna	Wynia
Clark, K.	Jacobs	Nelson, K.	Schoenfeld	Spkr. Sieben, H.
Clawson	Jude	Norton	Shea	
Dahlvang	Kahn	Novak	Sieben, M.	

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

#### ADJOURNMENT

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, April 23, 1981.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**

## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## THIRTY-NINTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 23, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Pastor Eugene N. Seltz, Hopkins, Minnesota.

The roll was called and the following members were present:

Aasness	Esau	Kalis	Novak	Shea
Ainley	Evans	Kelly	Nysether	Sherman
Anderson, B.	Ewald	Knickerbocker	O'Connor	Sherwood
Anderson, G.	Fjoslien	Kostohryz	Ogren	Sieben, M.
Anderson, I.	Forsythe	Kvam	Olsen	Simoneau
Anderson, R.	Friedrich	Laidig	Onnen	Skoglund
Battaglia	Greenfield	Lehto	Osthoff	Stadum
Begich	Gruenes	Lemen	Otis	Staten
Berkelman	Gustafson	Levi	Peterson, B.	Stowell
Blatz	Halberg	Long	Peterson, D.	Stumpf
Brandl	Hanson	Ludeman	Piepho	Sviggum
Brinkman	Harens	Luknic	Pogemiller	Swanson
Byrne	Hauge	Mann	Redalen	Tomlinson
Carlson, D.	Heap	Marsh	Reding	Valan
Carlson, L.	Heinitz	McCarron	Rees	Valento
Clark, J.	Himle	McDonald	Reif	Vanasek
Clark, K.	Hoberg	McEachern	Rice	Vellenga
Clawson	Hokanson	Mehrkens	Rodriguez, C.	Voss
Dahlvang	Hokr	Metzen	Rodriguez, F.	Weaver
Dean	Jacobs	Minne	Rose	Welch
Dempsey	Jennings	Munger	Rothenberg	Welker
Den Ouden	Johnson, C.	Murphy	Samuelson	Wenzel
Drew	Johnson, D.	Nelsen, B.	Sarna	Wieser
Eken	Jude	Nelson, K.	Schafer	Zubay
Ellingson	Kahn	Niehaus	Schoenfeld	Spkr. Sieben, H.
Erickson	Kaley	Norton	Schreiber	

A quorum was present.

Elioff, Haukoos, Searles and Wigley were excused. Wynia was excused until 3:20 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Kelly moved that further reading of the Journal be

dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

#### REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1421, 673, 889, 935, 460, 886, 188 and 697 and S. F. Nos. 254, 278, 411, 805, 452, 708, 760, 886, 1058, 835, 915, 525, 625, 664, 818, 650, 674, 817, 359, 99, 145, 513, 560, 375, 520 and 874 have been placed in the members' files.

S. F. No. 760 and H. F. No. 746, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Carlson, L., moved that the rules be so far suspended that S. F. No. 760 be substituted for H. F. No. 746 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 805 and H. F. No. 725, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Reding moved that the rules be so far suspended that S. F. No. 805 be substituted for H. F. No. 725 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1058 and H. F. No. 517, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Blatz moved that the rules be so far suspended that S. F. No. 1058 be substituted for H. F. No. 517 and that the House File be indefinitely postponed. The motion prevailed.

#### REPORTS OF STANDING COMMITTEES

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 184, A bill for an act relating to cities; increasing the amount of obligations that may be issued for television systems; validating prior issuances; amending Minnesota Statutes 1980, Section 465.70.

Reported the same back with the following amendments:

Page 1, line 10, before "TELEVISION" insert "CABLE"

Page 1, line 10, after "TELEVISION" insert "OR"

Page 1, line 10, strike "; HOME RULE"

Page 1, line 11, strike everything before the period

Page 1, line 12, strike "of the"

Page 1, strike line 13

Page 1, line 14, strike "a city of the first class"

Page 1, line 16, after "may" insert "*wholly or partially do the following.*"

Page 1, line 17, strike "and" and insert "or"

Page 1, line 18, after "system" insert "*or interest therein*"

Page 2, line 9, strike "the" and insert "a" and after "system" insert "*and may issue revenue obligations without limitation for acquisition or betterment of all or part of a system or interest therein*"

Delete the title and insert:

"A bill for an act relating to cities; enlarging the class of cities that may maintain cable television or signal distribution systems; clarifying the description of a system; increasing the amount of obligations that may be issued for television systems; providing for revenue obligations; validating prior issuances; amending Minnesota Statutes 1980, Section 465.70."

With the recommendation that when so amended the bill pass.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 403, A bill for an act relating to public utilities; providing for rights of shareholders of cooperative electric associations; proposing new law coded in Minnesota Statutes, Chapter 216B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [216B.166] [ELECTRIC COOPERATIVE SHAREHOLDER RIGHTS.]**

*Subdivision 1. [INTENT.] It is the intent of this section to specify those rights which shall be extended to shareholders of cooperative electric associations. The guarantee of these rights, as specified herein, is intended to further the active participation of shareholders in any and all matters pertaining to the prudent operation of their organization.*

*Subd. 2. [SCOPE.] Cooperative associations organized under chapter 308 for the purpose of providing rural electrification at retail to ultimate consumers shall comply with the provisions of this section in addition to other applicable provisions of chapter 308 and other applicable state and federal laws.*

*Subd. 3. [BUSINESS RECORDS.] The provisions of section 301.34 and any amendments or successor requirements to it shall apply to every wholesale or retail cooperative electric association. The rights granted to wholesale and retail electric cooperative shareholders in this section shall apply also to the spouse of the shareholder. In addition to the requirements of section 301.34, a wholesale or retail electric cooperative shall maintain records of all proceedings of meetings of shareholders and directors during the previous three year period including the vote of each director on roll call votes. Roll call votes are required on actions establishing service charge and rate schedules. Roll call voting shall also be required on any matter upon the request of one or more directors. Every duly elected director of a retail cooperative electric association shall have the right to inspect in person and at any reasonable time the business records required by this subdivision that are maintained by the wholesale cooperative electric association from which it purchases the majority of its electric requirements.*

*Subd. 4. [OPEN MEETINGS.] All meetings of the board of directors of any retail cooperative electric association shall be open to the shareholders of the cooperative and the shareholders' spouses. Shareholders shall be given notice of all meetings. All duly elected directors of retail cooperative associations shall be given notice, through their retail cooperative associations, of all meetings of the board of directors of the wholesale cooperative association from which the retail cooperative purchases the majority of its electric requirements. Portions of meetings relating to labor negotiations, current litigations, personnel matters and nonpayment of customer accounts shall be excluded from the provisions of this subdivision.*

*Subd. 5. [PETITIONS; VOTING.] Notwithstanding the provisions of section 308.09, upon the receipt of a written peti-*

*tion concerning governance matters signed by at least 500 or ten percent of the shareholders, whichever is less, of a retail cooperative electric association, the matter in the petition shall be presented to the shareholders of the cooperative for a vote at the next annual meeting. Petitions must be received by the cooperative electric association 120 days prior to the scheduled annual meeting. For purposes of this section, "governance matters" means matters properly contained in the articles of incorporation or bylaws by adopting, amending, or repealing bylaws or the articles of incorporation.*

**Subd. 6. [EQUAL TIME; PETITIONERS.]** *Whenever the directors of a retail cooperative electric association provide information to shareholders to influence their vote on a matter to be decided by a vote of the shareholders pursuant to a successful petition submitted under the provisions of subdivision 5 or section 216B.02, subdivision 4, the directors shall provide equivalent access to the organizers of the petition to enable them to present their position on the matter to the members.*

**Subd. 7. [PENALTIES.]** *In addition to the remedies provided in this chapter, the department of public service may commence proceedings in the district court of any county in which repeated and willful violations of this section have occurred for a temporary or permanent injunction against any person violating any provision of this section."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 658, A bill for an act relating to financial institutions; permitting banks to make adjustable-rate mortgage loans; proposing new law coded in Minnesota Statutes, Chapter 48.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [48.186] [ADJUSTABLE-RATE MORTGAGE LOANS.]

*Subdivision 1. [DEFINITIONS.] For purposes of this section the following terms have the meanings given them:*

(a) "Adjustable-rate mortgage loan" means a loan or advance of credit to a noncorporate borrower in an original principal amount of less than \$100,000 secured by a lien on a one to



four family dwelling, including a condominium unit, cooperative apartment unit, or a mobile home, made pursuant to an agreement intended to enable the lender to adjust the rate of interest from time to time.

(b) "Bank" means any bank organized under the laws of this state or any national banking association doing business in this state.

Subd. 2. [ADJUSTABLE-RATE MORTGAGE LOAN AGREEMENT.] Pursuant to rules the commissioner finds necessary and proper, a bank may contract to extend credit pursuant to an adjustable-rate mortgage loan agreement. An adjustable-rate mortgage loan agreement shall provide that the loan issued be for a term of three to five years, secured by a mortgage maturing in not to exceed 40 years, and automatically renewable at the end of each term for a subsequent term of three to five years. An adjustable-rate mortgage loan agreement must provide that the loan be repayable in equal monthly installments of principal and interest during the loan term, in an amount at least sufficient to amortize a loan with the same principal and at the same interest rate over the remaining life of the mortgage.

An adjustable-rate mortgage loan agreement must grant to the borrower an option to renew the loan for a new term, but not beyond the maturity date of the mortgage, at a new interest rate which will be the bank's current market rate of interest on similar loans determined 30 days before the due date of the loan; provided, that the maximum interest rate increase shall be equal to one-half of one percent per year multiplied by the number of years in the loan term with the maximum net increase or decrease not to exceed one-half of the initial contract interest rate over the life of the mortgage. Interest rate increases are optional with the bank; net decreases from the previous loan term are mandatory.

Subd. 3. [LIMITATION ON ASSUMPTIONS.] An adjustable-rate mortgage agreement may provide that if all or any part of the property or an interest therein is sold or transferred by the borrower without the bank's prior written consent, the bank may declare all sums secured by the mortgage due and payable. The bank shall consent to a subsequent transfer of the property if the transferee meets the bank's reasonable standards of credit worthiness, including, but not limited to, the ability of the transferee to make the loan payments and satisfactorily maintain the real estate used as collateral. Any such agreement shall not affect the priority, validity, or enforceability of any loan instrument. A lender may charge a fee not in excess of one percent of the remaining unpaid principal balance in the event the remaining indebtedness is assumed by the transferee, and the existing borrower is released from all obligations under the loan instrument.

*Subd. 4. [INTEREST.] The interest rate or loan yields of an adjustable-rate mortgage loan and subsequent renewals thereof are subject to the maximum lawful interest rate ceiling as prescribed for conventional loans by Minnesota Statutes, Sections 47.20 and 47.21.*

*Subd. 5. [WRITTEN DISCLOSURES.] At the time an initial application for an adjustable-rate mortgage loan is requested, the applicant must be given written disclosures prepared in reasonably simple terms that contain at least the following information: (a) an explanation of how an adjustable rate mortgage loan differs from a standard, fixed-rate mortgage; (b) an example of an adjustable rate mortgage loan indicating the maximum possible interest rate increase and monthly payment calculated on that rate at the time of the first renewal; (c) an explanation of how the bank determines what the rate will be at the end of the term; and (d) an estimate of possible costs of renewal.*

*Subd. 6. [NOTICE TO BORROWER.] Thirty days before the due date of the adjustable-rate mortgage loan, the bank shall send a written notification to the borrower containing the following information: (a) the date on which the entire balance of borrower's loan is due and payable; (b) a statement that the loan will be renewed automatically by the bank at the rate specified in the notice unless the borrower pays the loan by the due date; (c) the amount of the monthly payment, calculated according to the new rate determined by the time of notice; (d) a statement that the borrower may prepay the loan without penalty at any time after the original loan becomes due and payable; (e) the cost, if any, of document preparation and recording; and (f) the telephone number of the bank where questions concerning the information in the notice may be obtained by the borrower.*

## **Sec. 2. [EFFECTIVE DATE.]**

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

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 870, A bill for an act relating to motor vehicles; providing for the re-registration of certain motor vehicles and combinations of vehicles; defining gross vehicle weight; exempting certain vehicles from certain weight limitations; establishing gross weight limitations on certain highways for certain motor vehicles and combinations of vehicles; providing exceptions to certain gross weight limitations; providing for the designation

and undesignation of certain routes; providing for the weighing of certain vehicles and combinations of vehicles and the enforcement of weight limitations; allowing the use of certain documents as relevant evidence of exceeding vehicle weight limits, and providing exceptions; requiring record keeping for shipments loaded or unloaded, and providing exceptions; imposing civil and criminal penalties; amending Minnesota Statutes 1980, Sections 168.013, Subdivision 3; 169.01, Subdivision 46; 169.03, Subdivision 6; 169.832, Subdivision 11; 169.85; 169.851; 169.86, Subdivision 1a; 169.87, Subdivision 2; 169.871; 169.872; proposing new law coded in Minnesota Statutes, Chapter 169; repealing Minnesota Statutes 1980, Sections 169.83; 169.832, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 12; and 169.834.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 168.013, Subdivision 3, is amended to read:

Subd. 3. [APPLICATION; CANCELLATION; EXCESSIVE GROSS WEIGHTS FORBIDDEN.] The applicant for all licenses based on gross weight shall state in writing upon oath, (AMONG OTHER THINGS,) the unloaded weight of (SUCH) *the motor vehicle (OR), trailer or semi-trailer* and the maximum load the applicant proposes to carry thereon, the sum of which shall constitute the gross weight upon which the license tax shall be paid, but in no case shall the declared gross weight upon which the tax is paid be less than 1-1/2 times the declared unloaded weight of the *motor vehicle (OR), trailer or semi-trailer* to be registered, except recreational vehicles taxed under subdivision 1g, school buses taxed under subdivision 18 and wreckers defined in section 169.01, subdivision 52. The gross weight of a wrecker is the actual weight of the wrecker fully equipped, but does not include the weight of a wrecked or disabled vehicle towed or drawn by the wrecker.

The gross weight of no *motor vehicle (OR), trailer or semi-trailer* shall exceed the gross weight upon which the license tax has been paid by more than four percent or 1000 pounds, whichever is greater.

The gross weight of the *motor vehicle (OR), trailer or semi-trailer* for which (SUCH) *the* license tax is paid shall be indicated by a distinctive character on the license plate or plates except as provided in subdivision 12 and the plate or plates shall be kept clean and clearly visible at all times.

The owner, driver, or user of a *motor vehicle (OR), trailer or semi-trailer* upon conviction for transporting a gross weight in excess of the gross weight for which it was registered or for operating a vehicle with an axle weight exceeding the maximum

lawful axle load weight shall be guilty of a misdemeanor and be subject to increased registration or re-registration according to the following schedule:

(1) The owner, driver or user of a *motor* vehicle (OR), trailer or *semi-trailer* upon conviction for transporting a gross weight in excess of the gross weight for which it is registered by more than four percent or 1000 pounds, whichever is greater, but less than 25 percent or for operating or using a *motor* vehicle (OR), trailer or *semi-trailer* with an axle weight exceeding the maximum lawful axle load as provided in section (169.83) 4 by more than four percent or 1000 pounds, whichever is greater, but less than 25 percent, in addition to any penalty imposed (ON HIM) for the misdemeanor shall apply to the registrar to increase the authorized gross weight to be carried on the vehicle to a weight equal to or greater than the gross weight (OF WHICH) the owner, driver, or user was convicted of carrying, the increase computed for the balance of the calendar year on the basis of 1/12 of the annual tax for each month remaining in the calendar year beginning with the first day of the month in which the violation occurred. If the additional registration tax computed upon that weight, plus the tax already paid, amounts to more than the regular tax for the maximum gross weight permitted for (SUCH A) *the* vehicle under section (169.83) 4, that additional amount shall nevertheless be paid into the highway fund, but the additional tax thus paid shall not (BE DEEMED TO) permit the vehicle to be operated with a gross weight in excess of the maximum legal weight as provided by section (169.83) 4. Unless the owner within 30 days after (SUCH) a conviction shall apply to increase the authorized weight and pay the additional tax as (HEREIN) provided *in this section*, the registrar shall revoke the registration on the vehicle and demand the return of the registration card and plates issued (BY HIM) on that registration.

(2) The owner or driver or user of a *motor* vehicle (OR), trailer or *semi-trailer* upon conviction for transporting a gross weight in excess of the gross weight for which the *motor* vehicle (OR), trailer or *semi-trailer* was registered by 25 percent or more, or for operating or using a vehicle or trailer with an axle weight exceeding the maximum lawful axle load as provided in section (169.83) 4 by 25 percent or more, in addition to any penalty imposed (ON HIM) for the misdemeanor, shall have the reciprocity privileges on the vehicle involved if the (SAME) *vehicle* is being operated under reciprocity (CANCELED) *cancelled* by the registrar, or if the vehicle is not being operated under reciprocity, the certificate of registration on the vehicle (SO) operated shall be (CANCELED) *cancelled* by the registrar and the registrar shall demand the return of the registration certificate and registration plates. The registrar may investigate any allegation of gross weight violations and demand that the operator show cause why all future operating privileges in the state should not be revoked unless the additional tax assessed (BE) *is* paid.

(3) When the registration on a motor vehicle, trailer or semi-trailer (HAS BEEN) is revoked by the registrar according to provisions of this section, (SUCH) *the* vehicle shall not be (AGAIN) operated on the highways of the state until it is registered or re-registered, as the case may be, and new plates issued, and the registration fee (THEREFOR) shall be the annual tax for the total gross weight of the vehicle at the time of violation. *The re-registration pursuant to this subdivision of any vehicle operating under reciprocity agreements pursuant to section 168.181 or 168.187 shall be at the full annual registration fee without regard to the percentage of vehicle miles traveled in this state.*

Sec. 2. Minnesota Statutes 1980, Section 169.01, Subdivision 46, is amended to read:

Subd. 46. [GROSS VEHICLE WEIGHT.] “Gross vehicle weight” means the unloaded weight of a vehicle or the unloaded weight of a truck-tractor and semi-trailer combination, plus the weight of the load.

Sec. 3. Minnesota Statutes 1980, Section 169.03, Subdivision 6, is amended to read:

Subd. 6. The provisions of this chapter shall not apply to persons, motor vehicles, and other equipment while actually engaged in work upon the (ROADWAY OF A) highway, but shall apply to (SUCH) *those* persons and vehicles when traveling to or from such work, except that persons operating equipment owned (OR), rented or hired by road authorities shall be exempt from the *width, height and length* provisions of sections 169.80 and 169.81 and shall be exempt from the *weight limitations of this chapter while engaged in snow or ice removal and while engaged in flood control operations on behalf of the state or a local governmental unit.*

Sec. 4. [169.825] [WEIGHT LIMITATIONS.]

Subdivision 1. [DEFINITIONS.] *The terms defined in this section shall have the meanings given them.*

Subd. 2. [GROSS WEIGHT.] “Gross weight” means the weight on any single wheel, single axle or group of consecutive axles and the gross vehicle weight.

Subd. 3. [SINGLE AXLE.] “Single axle” includes all wheels whose centers may be included within two parallel transverse vertical planes 40 inches apart.

Subd. 4. [SINGLE WHEEL.] “Single wheel” includes two or more wheels with centers less than 48 inches apart on an axle.

**Subd. 5. [TIRE WIDTH.]** "Tire width" means the manufacturer's width as shown on the tire or the width at the widest part of the tire excluding protective side ribs, bars and decorations.

**Subd. 6. [TRIDEM AXLES.]** "Tridem axles" mean three axles spaced within 9 feet or less.

**Subd. 7. [VARIABLE LOAD AXLE.]** "Variable load axle" means any axle which is specifically designed so that, through use of an actuating control, the wheels may be lifted so that the wheels do not contact the road surface or may be lowered to carry loads of varying weights when in contact with the road surface.

**Subd. 8. [PNEUMATIC-TIRED VEHICLES.]** No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state:

(a) Where the gross weight on any wheel exceeds 9,000 pounds, except that on designated routes the gross weight on any single wheel shall not exceed 10,000 pounds;

(b) Where the gross weight on any single axle exceeds 18,000 pounds, except that on designated routes the gross weight on any single axle shall not exceed 20,000 pounds;

(c) Where the maximum wheel load exceeds 600 pounds per inch of tire width or the manufacturer's recommended load, whichever is less;

(d) Where the gross weight on any axle of a tridem exceeds 15,000 pounds, except that for vehicles to which an additional axle has been added prior to June 1, 1981, the maximum gross weight on any axle of a tridem shall not exceed 16,000 pounds and the gross weight of the tridem combination shall not exceed 37,000 pounds where the first and third axles of the tridem are spaced seven feet apart; 38,500 pounds where the first and third axles of the tridem are spaced eight feet apart; and 39,900 pounds where the first and third axles of the tridem are spaced nine feet apart;

(e) Where the gross weight on any group of axles exceeds the weights permitted under this section with any or all of the interior axles disregarded and their gross weights subtracted from the gross weight of all axles of the vehicle.

**Subd. 9. [VEHICLES NOT EQUIPPED WITH PNEUMATIC TIRES.]** A vehicle or combination of vehicles not equipped with pneumatic tires shall be governed by the provisions of this section, except that the gross weight limitations shall be reduced by 40 percent.

*Subd. 10. [GROSS WEIGHT SCHEDULE.] (a) No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state where the total gross weight on any group of two or more consecutive axles of any vehicle or combination of vehicles exceeds that given in the following table for the distance between the centers of the first and last axles of any group of two or more consecutive axles under consideration; the distance between axles being measured longitudinally to the nearest even foot, and when the measurement is a fraction of exactly one-half foot the next largest whole number in feet shall be used, except that when the distance between axles is more than three feet four inches and less than three feet six inches the distance of four feet shall be used:*

*Maximum gross weight in pounds on a group of*

	2	3	4
<i>Distances in feet between centers of foremost and rearmost axles of a group</i>	<i>consecutive axles of a 2-axle vehicle or of any vehicle or combination of vehicles having a total of 2 or more axles</i>	<i>consecutive axles of a 3-axle vehicle or of any vehicle or combination of vehicles having a total of 3 or more axles</i>	<i>consecutive axles of a 4-axle vehicle or any combination of vehicles having a total of 4 or more axles</i>
4	34,000		
5	34,000 (35,000)		
6	34,000 (36,000)		
7	34,000 (37,000)	41,500	
8	34,000 (38,000)	42,000	
9	35,000 (39,000)	43,000	
10	36,000 (40,000)	43,500	49,000
11	36,000	44,500	49,500

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12	45,000	50,000
13	46,000	51,000
14	46,500	51,500
15	47,500	52,000
16	48,000	53,000
17	49,000	53,500
18	49,500	54,000
19	50,500	55,000
20	51,000	55,500
21	52,000	56,000
22	52,500	57,000
23	53,500	57,500
24	54,000	58,000
25	(55,000)	59,000
26	(55,500)	59,500
27	(56,500)	60,000
28	(57,000)	61,000
29	(58,000)	61,500
30	(58,500)	62,000
31	(59,500)	63,000
32	(60,000)	63,500
33		64,000
34		65,000
35		65,500
36		66,000



37	67,000
38	67,500
39	68,000
40	69,000
41	69,500
42	70,000
43	71,000
44	71,500
45	72,000
46	(72,500)
47	(73,500)
48	(74,000)
49	(74,500)
50	(75,500)
51	(76,000)

*Maximum gross weight in pounds on a group of*

	5	6	7
<i>Distances in feet between centers of fore- most and rearmost axles of a group</i>	<i>consecutive axles of a 5-axle vehicle or any com- bination of vehicles having a total of 5 or more axles</i>	<i>consecutive axles of a combination of vehicles having a total of 6 or more axles</i>	<i>consecutive axles of a combination of vehicles having a total of 7 or more axles</i>
14	57,000		
15	57,500		
16	58,000		

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17	59,000		
18	59,500		
19	60,000		
20	60,500	66,000	72,000
21	61,500	67,000	72,500
22	62,000	67,500	73,000
23	62,500	68,000	73,500
24	63,000	68,500	74,000
25	64,000	69,000	75,000
26	64,500	70,000	75,500
27	65,000	70,500	76,000
28	65,500	71,000	76,500
29	66,500	71,500	77,000
30	67,000	72,000	77,500
31	67,500	73,000	78,500
32	68,000	73,500	79,000
33	69,000	74,000	79,500
34	69,500	74,500	80,000
35	70,000	75,000	
36	70,500	76,000	
37	71,500	76,500	
38	72,000	77,000	
39	72,500	77,500	
40	73,000	78,000	
41	74,000	79,000	

42	74,500	79,500
43	75,000	80,000
44	75,500	
45	76,500	
46	77,000	
47	77,500	
48	78,000	
49	79,000	
50	79,500	
51	80,000	

*The gross weights shown in parentheses in this clause are permitted only on routes designated under section 169.832, subdivision 11.*

*(b) Notwithstanding any lesser weight in pounds shown in this table but subject to the restrictions on gross vehicle weights in clause (c), two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each and a combined gross load of 68,000 pounds provided the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.*

*(c) Notwithstanding the provisions of section 169.85, the gross vehicle weight of all axles of a vehicle or combination of vehicles shall not exceed the following:*

*(1) 80,000 pounds for routes designated under section 169.832, subdivision 11; and*

*(2) 73,280 pounds for any vehicle or combination of vehicles with five axles or less on all routes not designated under section 169.832, subdivision 11; and*

*(3) 80,000 pounds for any vehicle or combination of vehicles with six or more axles on all routes not designated under section 169.832, subdivision 11;*

*(d) The maximum weights specified in this subdivision for five and six consecutive axles shall not apply to a combination of vehicles that includes a three axle semi-trailer first registered before the effective date of sections 1 to 12. The gross*

*weight for four or fewer consecutive axles on a combination of vehicles excepted under this clause shall not exceed any maximum weight specified for four or fewer consecutive axles.*

**Subd. 11. [GROSS WEIGHT SEASONAL INCREASES.]**

*(a) The limitations provided in this section shall be increased:*

*(1) By ten percent from January 1 to March 7 each winter, statewide;*

*(2) By ten percent from December 1 through December 31 each winter in the zone bounded as follows: Beginning at Pigeon River in the northeast corner of Minnesota; thence in a south-westerly direction along the north shore of Lake Superior along Trunk Highway No. 61 to the junction with Trunk Highway No. 210; thence westerly along Trunk Highway No. 210 to the junction with Trunk Highway No. 10; thence northwesterly along Trunk Highway No. 10 to the junction with Trunk Highway No. 59; thence northerly along Trunk Highway No. 59 to the junction with Trunk Highway No. 2; thence westerly along Trunk Highway No. 2 to the junction with Trunk Highway No. 32; thence northerly along Trunk Highway No. 32 to the junction with Trunk Highway No. 11; thence northeast along Trunk Highway No. 11 to the east line of Range 43W to the Minnesota-Canadian Border; thence easterly along said Border to Lake Superior;*

*(b) The duration of any ten percent increase shall be subject to limitation by order of the commissioner;*

*(c) When the ten percent increase is in effect, a permit shall be required for any motor vehicle, trailer, or semi-trailer combination that has a gross weight in excess of 80,000 pounds and which travels on interstate routes;*

*(d) In all cases where gross weights in an amount less than those set forth in this section are fixed, limited or restricted on any highway or bridge by or pursuant to any other section of this chapter, the lesser gross weight as so fixed, limited or restricted shall not be exceeded and shall control instead of the gross weights set forth in this section;*

*(e) Notwithstanding any other provision of this subdivision, no vehicle shall exceed a total gross vehicle weight of 80,000 pounds on routes which have not been designated by the commissioner pursuant to section 169.832, subdivision 11.*

**Subd. 12. [GROSS WEIGHT REDUCTION ON RESTRICTED ROUTES.]** *The gross weight of any axle or group of consecutive axles of any vehicle or combination of vehicles operated on a route on which a load restriction is imposed in accordance with section 169.87 shall not exceed the gross weights allowed under this section multiplied by a factor of the axle weight in*

*tons allowed on the restricted route divided by nine, except that for routes designated under 169.832, subdivision 11, on which a load restriction has been imposed, the allowable load shall not exceed the weights listed for routes not designated under section 169.832 in the gross weight schedule in this section. The weight reductions imposed in this subdivision shall not apply to total gross vehicle weight.*

**Subd. 13. [CONSECUTIVE AXLE WEIGHT AND NUMBER OF AXLES.]** *No vehicle alone nor any single vehicle of a combination of vehicles shall be equipped with more than four axles unless the additional axles are steering axles or castering axles; provided that the limitation on the number of axles as provided in this section shall not apply to any vehicle operated under permit pursuant to section 169.86. No vehicle alone nor any single vehicle of a combination of vehicles shall exceed the posted weight limit for a single vehicle.*

**Subd. 14. [VARIABLE LOAD AXLES.]** *A vehicle or combination of vehicles equipped with one or more variable load axles shall have the pressure control preset so that the weight carried on the variable load axle may not be varied by the operator during transport of any load. The actuating control for the axle shall function only as an on and off switch. The provisions of this subdivision do not apply to any truck weighing not more than 57,000 pounds and registered in this state as a farm truck under section 168.013, subdivision 1c, on July 1, 1981.*

**Subd. 15. [APPLICATION.]** *The provisions of this section do not apply to vehicles operated exclusively in any city in this state which has in effect an ordinance regulating the gross weight of vehicles operated within that city. This subdivision does not apply to trunk highways.*

**Sec. 5. Minnesota Statutes 1980, Section 169.832, Subdivision 11, is amended to read:**

**Subd. 11. [DESIGNATION OF ROUTES.]** *The commissioner may designate any street or highway route or segment of a route to carry the gross weights permitted under (THIS) section 4. Any designation of a route pursuant to this subdivision, other than a trunk highway route, is subject to the approval of the local authority having jurisdiction over the route. A route may not be designated if the commissioner finds that designation*

(a) *creates an undue hazard to traffic safety; or*

(b) *is inconsistent with structural capacity of the route, including consideration of the volume of traffic expected to occur on the route after designation.*

Notwithstanding any finding under clause (b), the commissioner shall designate any route which he determines is needed to provide

(i) a connection between significant centers of population or commerce, or between other designated routes; or

(ii) access to a transportation terminal; or

(iii) temporary emergency service to a particular shipping or receiving point on the route.

The commissioner may undesignate any route when continued designation is inconsistent with the provisions of this subdivision, subject to the approval of any local authority having jurisdiction over the route.

(EXCEPT AS PROVIDED IN SUBDIVISION 12,) Any route designation or undesignation shall be effective when (PROPOSED AND) adopted (AS A RULE IN ACCORDANCE WITH CHAPTER 15). The commissioner (SHALL PROPOSE THE DESIGNATION OR UNDESIGNATION OF) *may designate or undesignate* any route when requested by any local authority having jurisdiction over the route. (THE COMMISSIONER SHALL PROPOSE RULES OR AMENDMENTS TO RULES FOR THE PURPOSE OF ROUTE DESIGNATION OR UNDESIGNATION ONLY ONCE IN ANY CALENDAR YEAR.)

Sec. 6. Minnesota Statutes 1980, Section 169.85, is amended to read:

169.85 [WEIGHING; PENALTY.]

(ANY POLICE OFFICER HAVING REASON TO BELIEVE THAT THE WEIGHT OF A VEHICLE AND LOAD IS UNLAWFUL IS AUTHORIZED TO REQUIRE THE DRIVER TO STOP AND) *The driver of any vehicle which has been lawfully stopped may be required by a peace officer to submit the vehicle and load to a weighing (OF THE SAME EITHER) by means of portable or stationary scales, and the peace officer may require that (SUCH) the vehicle be driven to the nearest (PUBLIC) available scales in the event (SUCH) the scales are within five miles. Official traffic control devices as authorized by section 169.06 may be used to direct the driver to the nearest scale. (WHEN ANY WEIGH STATION UPON A TRUNK HIGHWAY OR INTERSTATE HIGHWAY IS OPEN AND SIGNS GIVING NOTICE OF THAT FACT ARE POSTED IN ACCORDANCE WITH SECTION 169.06 AND ARE NOT POSTED MORE THAN ONE MILE FROM THE WEIGH STATION, THE DRIVER OF EVERY VEHICLE OR COMBINATION OF VEHICLES REGISTERED FOR OR WEIGH-*

ING IN EXCESS OF 11,000 POUNDS, EXCEPT BUSES REGISTERED IN THIS STATE, SHALL COMPLY WITH THE DIRECTION OF THE SIGNS AND SUBMIT THE VEHICLE TO WEIGHING AND INSPECTION AT THE WEIGH STATION) *When any truck weight enforcement operation is conducted by means of portable or stationary scales and signs giving notice of the operation are posted within the highway right-of-way and adjacent to the roadway within two miles of the operation, the driver of every truck or combination of vehicles registered for or weighing in excess of 12,000 pounds, and the driver of every charter bus, shall proceed to the scale site and submit the vehicle to weighing and inspection.*

Upon weighing a vehicle and load, as provided (ABOVE) *in this section*, an officer may require the driver to stop the vehicle in a suitable place and remain standing until a portion of the load is removed that is sufficient to reduce the gross weight of the vehicle to the limit permitted under (SECTIONS 169.83 OR 169.832, WHICHEVER APPLIES) *section 4*. A driver may be required to unload a vehicle only if the weighing officer determines that (a) on routes subject to the provisions of section (169.83) *4*, the weight on any axle exceeds the lawful gross weight prescribed by section (169.83) *4*, by 2,000 pounds or more, or the weight on any group of two or more consecutive axles in cases where the distance between the centers of the first and last axles of the group under consideration is ten feet or less exceeds the lawful gross weight prescribed by section (169.83) *4*, by 4,000 pounds or more; or (b) on routes (SUBJECT TO THE PROVISIONS OF SECTION 169.832) *designated by the commissioner in section 5*, the overall weight of the vehicle or the weight on any axle or group of consecutive axles exceeds the maximum lawful gross weights prescribed by section (169.832) *4*; or (c) the weight is unlawful on any axle or group of consecutive axles on any road restricted in accordance with section 169.87. All material so unloaded shall be cared for by the owner or driver of (SUCH) *the vehicle at the risk of (SUCH) the owner or driver.*

Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing as required (HEREIN) *in this section*, or who fails or refuses, when directed by an officer upon a weighing of the vehicle, to stop the vehicle and otherwise comply with the provisions of this section, (SHALL BE) *is guilty of a misdemeanor.*

Sec. 7. Minnesota Statutes 1980, Section 169.851, is amended to read:

169.851 [WEIGHT RECORD.]

Subdivision 1. [(DEFINITION) DEFINITIONS.] *For the purposes of this section and sections 169.871 and 169.872, the terms defined in subdivisions 2 and 3 have the meanings given to them.*

*Subd. 2. [DOCUMENT.] "Document" includes a bill of lading, freight bill, weight certification, or other similar document.*

*Subd. 3. [FIRST HAUL.] "First haul" means the first, continuous transportation from the place of production or farmstead to any other location within 50 miles of the place of production or farmstead.*

(SUBD. 2.) *Subd. 4. [RELEVANT EVIDENCE.] A document evidencing the receipt of goods issued by the person consigning the goods for shipment or a person engaged in the business of transporting or forwarding goods, which states a gross weight of the vehicle and load or the weight of the load when combined with the empty weight of the vehicle that is in excess of the prescribed maximum weight limitation permitted by this chapter is relevant evidence that the weight of the vehicle and load is unlawful. (THE PROVISIONS OF THIS SECTION DO NOT APPLY TO THE TRANSPORTATION OF UNPROCESSED OR RAW FARM PRODUCTS FROM THE PLACE OF PRODUCTION TO MARKET PROVIDED THE TRANSPORTATION CONSTITUTES THE FIRST HAUL OF THE PRODUCTS.) For the purposes of this section and sections 169.871 and 169.872, a document required to be kept under section 169.872 indicating a unit of measure that, when converted to weight and combined with the weight of the empty vehicle, indicates a gross weight in excess of the prescribed maximum weight limitation permitted by this chapter is relevant evidence that the weight of the vehicle and load is unlawful. The foregoing provisions do not limit the introduction of other competent evidence bearing upon the question of whether or not there is a violation of the prescribed maximum weight limitations permitted by this chapter.*

*Subd. 5. [EXCEPTION.] The provisions of this section do not apply to the first haul of unprocessed or raw farm products and the transportation of raw and unfinished forest products.*

Sec. 8. Minnesota Statutes 1980, Section 169.86, Subdivision 1a, is amended to read:

**Subd. 1a. [SEASONAL PERMITS FOR CERTAIN HAULERS.]** The commissioner of transportation, upon application in writing therefor, may issue special permits annually to any hauler (OF RAW AND UNFINISHED FOREST PRODUCTS) authorizing the hauler to move vehicles or combinations of vehicles with weights exceeding by not more than ten percent the weight limitations contained in section (169.832) 4, on interstate highways during the times and within the zones specified in section (169.83, SUBDIVISION 1, CLAUSE 3) 4.

(IN ALL CASES WHERE GROSS WEIGHTS IN AN AMOUNT LESS THAN THOSE PERMITTED UNDER THIS



SUBDIVISION ARE FIXED, LIMITED OR RESTRICTED ON ANY INTERSTATE HIGHWAY OR BRIDGE THEREON BY OR PURSUANT TO ANY OTHER SECTION OF THIS CHAPTER THE LESSER GROSS WEIGHTS AS SO FIXED, LIMITED OR RESTRICTED SHALL NOT BE EXCEEDED AND SHALL CONTROL INSTEAD OF THE GROSS WEIGHTS PERMITTED UNDER THIS SUBDIVISION.)

Sec. 9. Minnesota Statutes 1980, Section 169.87, Subdivision 2, is amended to read:

Subd. 2. [SEASONAL LOAD RESTRICTIONS.] (EXCEPT WHERE RESTRICTIONS ARE IMPOSED AS PROVIDED IN SUBDIVISION 1, NO PERSON SHALL OPERATE ANY VEHICLE OR COMBINATION OF VEHICLES UPON ANY COUNTY OR TOWN ROAD DURING THE PERIOD BETWEEN MARCH 20 AND MAY 15 OF EACH YEAR WHERE THE GROSS WEIGHT ON ANY SINGLE AXLE, AS DEFINED IN MINNESOTA STATUTES 1945, SECTION 169.83, EXCEEDS 10,000 POUNDS; PROVIDED, THAT THERE SHALL BE EXCEPTED AND EXEMPTED FROM THE PROVISIONS OF THIS SECTION EMERGENCY VEHICLES OF PUBLIC UTILITIES USED INCIDENTAL TO MAKING REPAIRS TO ITS PLANT OR EQUIPMENT; PROVIDED, HOWEVER, THAT THIS PROVISION SHALL NOT APPLY TO ROADS PAVED WITH CEMENT CONCRETE. SUBDIVISION 2 SHALL APPLY ONLY TO COUNTY AND TOWN ROADS LOCATED WESTERLY AND SOUTHERLY OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT ON THE SOUTH SHORE OF LAKE OF THE WOODS, THENCE SOUTHERLY ALONG THE WESTERLY BORDERS OF LAKE OF THE WOODS AND BELTRAMI COUNTIES TO THE INTERSECTION WITH STATE TRUNK HIGHWAY NO. 2, THENCE EASTERLY AND SOUTHEASTERLY ALONG STATE TRUNK HIGHWAY NO. 2 TO DULUTH) *From March 20 to May 15 of each year, the weight on any single axle shall not exceed five tons on a county or town road that has not been restricted as provided in subdivision 1. The gross weight on consecutive axles shall not exceed the gross weight allowed in section 4 of this act multiplied by a factor of five divided by nine. This reduction shall not apply to the gross vehicle weight.*

Sec. 10. Minnesota Statutes 1980, Section 169.871, is amended to read:

169.871 [CIVIL PENALTY.]

*Subdivision 1. The owner or lessee of a vehicle that is operated with a gross weight in excess of a weight limit imposed under sections (169.83) 4 and 169.832 to 169.87 or a shipper*

who ships or tenders goods for shipment in a single truck or combination vehicle that exceeds a weight limit imposed under sections (169.83) 4 and 169.832 to 169.87 is liable for a civil penalty as follows:

(a) If the total gross excess weight is not more than (2,000) 3,000 pounds, one cent per pound for each pound in excess of the legal limit;

(b) If the total gross excess weight is more than (2,000) 3,000 pounds but not more than (3,000) 4,000 pounds, five cents per pound for each pound in excess of the legal limit;

(c) If the total gross excess weight is more than (3,000) 4,000 pounds but not more than (5,000) 6,000 pounds, 15 cents per pound for each pound in excess of the legal limit; or

(d) If the total gross excess weight is more than (5,000) 6,000 pounds, 30 cents per pound for each pound in excess of the legal limit.

(ANY PENALTY IMPOSED AND FINES COLLECTED PURSUANT TO THIS SUBDIVISION SHALL BE DISPOSED OF AS PROVIDED IN SECTION 299D.03, SUBDIVISION 5, WITH THE FOLLOWING EXCEPTIONS:)

((a) IF THE VIOLATION OCCURS IN THE COUNTY, THE REMAINING FIVE-EIGHTHS SHALL BE CREDITED TO THE HIGHWAY USER TAX DISTRIBUTION FUND.)

((b) IF THE VIOLATION OCCURS WITHIN THE MUNICIPALITY, AND THE CITY ATTORNEY PROSECUTES THE OFFENSE, AND A PLEA OF NOT GUILTY IS ENTERED, THE REMAINING ONE-THIRD SHALL BE PAID TO THE HIGHWAY USER TAX DISTRIBUTION FUND.)

*Any penalty imposed upon a defendant under this section shall not exceed the maximum penalty prescribed by this subdivision. Any fine paid by the defendant in a criminal overweight action that arose from the same overweight violation shall be applied toward payment of the civil penalty. A peace officer who cites a driver for a violation of the weight limitations established by sections 169.81 through 169.87 shall give written notice to the driver that he or another may also be liable for the civil penalties provided herein in the same or separate proceedings.*

*Subd. 2. [JURISDICTION.] Notwithstanding the provisions of sections 487.15, 488A.01 and 488A.18, the county and municipal courts may hear, try and determine actions commenced under this section. Trials under this section shall be to*

*the court, sitting without a jury. Trials to the court under this section shall, if possible, be conducted at the same time as pre-trial motions or trials in the criminal prosecution under sections 169.81 through 169.87, if any, subject to the agreement of the defendant.*

*Subd. 3. [APPEARANCES.] Notwithstanding the provisions of section 8.01, county or city attorneys shall appear for the state in civil actions commenced under this section.*

*Subd. 4. [VENUE.] Civil actions under this section may be commenced in any county in which the vehicle was loaded, unloaded or operated in violation of subdivision 1 unless there is agreement that the action may be tried in another county or municipality.*

*Subd. 5. [FINES.] Any penalty imposed and fines collected pursuant to this section shall be disposed of as provided in section 299D.03, subdivision 5, with the following exceptions:*

*(a) If the violation occurs in the county, the remaining five-eighths shall be credited to the highway user tax distribution fund.*

*(b) If the violation occurs within the municipality, and the city attorney appears in the action, the remaining one-third shall be paid to the highway user tax distribution fund.*

*Subd. 6. [COSTS AND DISBURSEMENTS.] The prevailing party in any action commenced under this section shall be entitled to reasonable costs incurred in the action.*

**Sec. 11. Minnesota Statutes 1980, Section 169.872, is amended to read:**

#### **169.872 [RECEIPT OF CERTAIN OVERWEIGHT LOADS.]**

**Subdivision 1. [RECORD KEEPING.]** A person who weighs goods before or after unloading or a person who loads or unloads goods on the basis of liquid volume measure shall keep a written record of the origin, weight and composition of each shipment, the date of loading or receipt, the name and address of the shipper, *the total number of axles on the vehicle or combination of vehicles*, and the registration number of the power unit or some other means of identification by which the shipment was transported. The record shall be retained for 30 days and shall be open to inspection and copying by a state law enforcement officer or motor transport representative or a peace officer as defined in section 626.84, subdivision 1, clause (c), except state conservation officers, upon demand. No search warrant is required to inspect or copy the record. This subdivision does not apply to a person weighing goods who is not involved

in the shipping, receiving and transporting of those goods. (THIS SUBDIVISION ALSO DOES NOT APPLY, AT ANY TIME DURING THE YEAR, TO A PERSON WHO WEIGHS A COMMODITY FOR WHICH A WEIGHT VARIANCE IS PERMITTED UNDER SECTION 169.83, SUBDIVISION 1, CLAUSE 3.)

Subd. 2. [EVIDENCE.] *Except for records relating to the loading and unloading of the first haul of unprocessed or raw farm products and the transportation of raw and unfinished forest products, a record kept and maintained as provided in subdivision 1 that shows that a vehicle has exceeded a gross weight limit imposed by this chapter is relevant evidence of a violation of this chapter. The foregoing provisions do not limit the introduction of other competent evidence bearing upon the question of whether or not there is a violation of the prescribed maximum weight limitation permitted by this chapter.*

Subd. 3. [PENALTY.] A person who fails to keep and maintain documents as required in subdivision 1 is (SUBJECT TO A CIVIL PENALTY OF NOT TO EXCEED \$500 FOR EACH VIOLATION. A CIVIL PENALTY IMPOSED AND COLLECTED PURSUANT TO THIS SUBDIVISION SHALL BE CREDITED TO THE HIGHWAY USER TAX DISTRIBUTION FUND OF THE STATE) *guilty of a misdemeanor.*

Sec. 12. [REPEALER.]

*Minnesota Statutes 1980, Sections 169.83; 169.832, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 12; and 169.834, are repealed.*

Sec. 13. [EFFECTIVE DATE.]

*Sections 2, 5, 6, 7, 10 and 11 are effective the day following their final enactment; section 4, subdivision 14, is effective January 1, 1982."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 890, A bill for an act relating to the state board of investment; establishing standards for the selection of certain prudent investments; amending Minnesota Statutes 1980, Section 11A.09.

Reported the same back with the following amendments:

Page 1, line 19, after the period, insert "*Further, the legislature finds that the investment of money solely to benefit the interests of retirement plan participants and beneficiaries represents a highly desirable goal.*"

Page 2, line 1, after "act" insert "*solely in the interest of the beneficiaries of the money and for the exclusive purpose of providing benefits to the beneficiaries, shall act*"

Page 2, line 4, strike "their"

Page 2, line 5, strike "own affairs" and insert "*an enterprise of like character*"

Page 2, line 16, after "*expansion*" insert "*in the state*"

Page 2, after line 31, insert:

*"In applying the standards contained in this subdivision, the state board and its staff shall take no actions which they construe to be not in the best interests of retirement plan participants and beneficiaries."*

Page 2, delete lines 32 to 36

Page 3, delete lines 1 to 8 and insert:

*"Subd. 4. [EXEMPTIONS.] The standards and prohibitions contained in subdivision 3 shall not apply in respect to the investments of the post-retirement investment fund established in section 11A.18."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 1124, A bill for an act relating to retirement; local police relief associations; authorizing the payment of benefits outside the United States in certain instances; proposing new law coded in Minnesota Statutes, Chapter 423; repealing Minnesota Statutes 1980, Section 423.811.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 1131, A bill for an act relating to the state fire marshal; deleting references to a dedicated fund and to archaic misdemeanor fines; repealing obsolete statutory requirements pertaining to flammable liquids, fire extinguishers, doors of buildings, and theaters; correcting an erroneous designation of responsibility concerning fire insurance premium returns; setting a penalty; amending Minnesota Statutes 1980, Sections 299F.011, Subdivision 1; 299F.19; 299F.20; 299F.21; 299F.22; 299F.23; 299F.24; 299F.26, Subdivision 1; 299F.29; 299F.31; 299F.36, Subdivision 2; 299F.391, Subdivision 1; and 299F.46, Subdivision 1; repealing Minnesota Statutes 1980, Sections 299F.011, Subdivision 2; 299F.27; 299G.10; 299H.01; 299H.02; and 299H.28, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

S. F. No. 225, A bill for an act relating to labor; regulating certain charges to persons earning the minimum wage; amending Minnesota Statutes 1980, Section 177.24, by adding subdivisions.

Reported the same back with the following amendments:

Page 1, line 12, delete "*minimum*" and insert "*minimums*"

Page 1, line 20, delete everything after "(c)"

Page 1, line 21, delete "*subdivision 7, clause (4),*"

Page 2, delete lines 1 to 6 and insert:

*"Subd. 5. An employer, at the termination of an employee's employment, shall provide reimbursement of the full cost to the employee of any of the items listed in subdivision 4 which he was obliged to purchase during his employment. If such reimbursement is made the employer may at that time require the employee to surrender any items for which the employer provided reimbursement which are still extant."*

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

S. F. No. 338, A bill for an act relating to public employment; eliminating certain part time adult vocational education instructors from the definition of public employee; amending Minnesota Statutes 1980, Section 179.63, Subdivision 7.

Reported the same back with the following amendments:

Page 2, after line 21, insert:

"Sec. 2. Minnesota Statutes 1980, Section 179.64, Subdivision 1a, is amended to read:

Subd. 1a. Except as otherwise provided by section 179.691, teachers employed by a local school district, other than principals and assistant principals, may strike only under the following circumstances:

(1)(a) The collective bargaining agreement between their exclusive representative and their employer has expired or, if there is no agreement, impasse under section 179.691 has occurred; and

(b) The exclusive representative and the employer have participated in mediation over a period of at least 60 days, 30 days of which have occurred after the expiration date of the collective bargaining agreement, provided that the mediation period established by section 179.691 shall govern negotiations pursuant to that section. For the purposes of this sub-clause the mediation period commences on the day following receipt by the director of a request for mediation; and

(c) Written notification of intent to strike was served on the employer and the director by the exclusive representative on or after the expiration date of the collective bargaining agreement or, if there is no agreement, on or after the date impasse under section 179.691 has occurred and at least ten days prior to the commencement of the strike, provided that if more than 30 days have expired after service of a notification of intent to strike, no strike may commence until ten days after service of a new written notification; and

(d) A request for binding arbitration has been rejected pursuant to section 179.69; or

(2) 45 days after impasse pursuant to section 179.69, subdivisions 3 (, 3A) and 3b, or section 179.691, neither party has requested arbitration; or

(3) The employer violates section 179.68, subdivision 2, clause (9).

Written notification of intent to strike under clauses (2) and (3) shall be served on the employer and the director by the exclusive representative at least ten days prior to the commencement of the strike, provided that if more than 30 days have expired after service of a notification of intent to strike, no strike may commence until ten days after service of a new written notification, and further provided that notice of intent to strike under clause (2) shall be given no earlier than the last day of the period provided in clause (2).

Sec. 3. Minnesota Statutes 1980, Section 179.691, is amended to read:

**179.691 [NEW EXCLUSIVE REPRESENTATIVE OF TEACHERS.]**

If a new or different exclusive representative of teachers employed by a local school district is certified by the director at any time other than the period between 120 days before the termination date of a contract and the termination date of the contract, or if on July 1 of any odd-numbered year a representation proceeding involving the employer and the employer's teachers is before the director, the provisions of (LAWS 1980, CHAPTER 617, SECTION 22, CLAUSE (1)) *section 179.64, subdivision 1a*, shall apply. In those cases, however, the employer and the exclusive representative of the teachers shall execute a written contract or memorandum of contract as provided in section 179.70 no later than 60 days after a certification by the director of a new or different exclusive representative or the resolution by the director of a representation proceeding. Either party may petition the director of mediation services for assistance in reaching an agreement, as provided in section 179.69, subdivision 1. If the employer and the exclusive representative of the teachers fail to execute a contract by 60 days after the certification of a new or different exclusive representative or the resolution by the director of a representation proceeding, they shall be conclusively presumed to be at an impasse after having participated in mediation sessions called pursuant to section 179.69 over a period of no less than 60 days.

Sec. 4. Minnesota Statutes 1980, Section 179.692, is amended to read:

**179.692 [NEW EXCLUSIVE REPRESENTATIVE; NON-TEACHERS.]**

If a new or different exclusive representative of employees other than teachers employed by a local school district is certified by the director, or if on the expiration date of an existing



contract a representation proceeding is before the director, the provisions of (LAWS 1980, CHAPTER 617, SECTION 22, CLAUSE (1)) *section 179.64, subdivision 1*, shall apply. In those cases, however, the employer and the exclusive representative of the employees shall execute a written contract or memorandum of contract as provided in section 179.70 no later than 45 days after a certification by the director of a new or different exclusive representative or the resolution by the director of a representation proceeding. Either party may petition the director of mediation services for assistance in reaching an agreement, as provided in section 179.69, subdivision 1. If the employer and the exclusive representative fail to execute a contract by 45 days after the certification of a new or different exclusive representative or the resolution by the director of a representation proceeding, they shall be conclusively presumed to be at an impasse after having participated for a period of no less than 45 days in mediation sessions called pursuant to section 179.69."

Page 2, line 22, delete "2" and insert "5"

Page 2, line 23, delete "*July 1, 1981*" and insert "*the day following final enactment*"

Amend the title as follows:

Page 1, line 2, after the semi-colon insert "clarifying impasse procedures when a school employee exclusive representative changes;"

Page 1, line 5, delete "Section" and insert "Sections"

Page 1, line 5, after "7" insert "; 179.64, Subdivision 1a; 179.691; and 179.692"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 903, A bill for an act relating to the city of Minneapolis; providing for amendment of certain special revenue obligations; amending Laws 1975, Chapter 188, Section 3, by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

S. F. No. 964, A bill for an act relating to human rights; requiring certain state contractors to have affirmative action plans approved by the commissioner of human rights; amending Minnesota Statutes 1980, Section 363.073; proposing new law coded in Minnesota Statutes, Chapter 363.

Reported the same back with the following amendments:

Page 1, line 18, delete "*with*" and strike "any firm"

Page 1, line 19, delete the comma and strike "or"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

S. F. No. 1043, A bill for an act relating to administrative procedures; providing for changes in the recompilation, publication, and drafting of administrative rules; modifying the powers of the revisor of statutes with respect to compiling, publishing, and drafting of administrative rules; clarifying which rules are to be published; fixing a common nomenclature for certain steps in the administrative process; extending statutory standard definitions of terms and principles of construction to administrative rules; providing for the effect of transferring responsibilities between agencies; extending the jurisdiction of the LCRAR; clarifying when a rule suspended by the LCRAR becomes effective; modifying certain provisions of the administrative procedure act; removing certain obsolete terms and clarifying certain language; amending Minnesota Statutes 1980, Sections 3.965, Subdivision 2; 15.0411, Subdivisions 2 and 3; 15.0412, Subdivisions 1, 1a, 2a, 4, 4c, 4d, 4e, 4f, 4g, 4h, 5, 7, 8, 9 and 10; 15.0413; 15.0415; 16.86, Subdivision 2; 62E.10, Subdivision 8; 121.931, Subdivision 8; 121.932, Subdivision 3; 169.128; 182.655, Subdivision 1; 238.09, Subdivision 9; 271.06, Subdivision 7; 299A.03, Subdivision 6; 299F.19, Subdivision 6; 360.015, Subdivisions 4, 5 and 16; 645.071, Subdivision 1; 645.08; 645.11; 645.12, Subdivision 1; 645.13; 645.14; 645.15; 645.18; 645.19; 645.20; 645.21; 645.23; 645.24; 645.26, Subdivisions 1 and 2; 645.31, Subdivision 1; 645.34; 645.35; 645.36; 645.37; 645.39; 645.40; 645.41; 645.44, Subdivision 1; 645.45; 645.451, Subdivision 1; 645.46; 645.48; 648.31, Subdivision 6; 648.50, Subdivisions 1, 2, 3, 4 and 6, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapters 15 and 645; repealing Minnesota Statutes 1980, Sections 15.015 to 15.04; 174.06, Subdivision 6; and 245.04 to 245.07.

Reported the same back with the following amendments:

Page 2, line 8, after "3b" insert "or were filed with the secretary of state in accordance with the provisions of section 15.0413, subdivision 3, which were in effect on the date the rules were filed"

Page 6, line 4, after "unless" insert "either"

Page 6, line 4, after "examiner" insert ", for rules adopted pursuant to subdivisions 4 to 4g, or the attorney general, for rules adopted pursuant to subdivision 4h or 5,"

Page 7, after line 3, insert:

*"An agency may incorporate by reference into its rules the text from Minnesota Statutes, United States Statutes at Large, United States Code, Laws of Minnesota, Code of Federal Regulations, the Federal Register, and other publications which are determined by the revisor of statutes, after consultation with the chief hearing examiner, to be conveniently available to the public. When presented with a rule for certification pursuant to this subdivision, the revisor of statutes should indicate in the certification that the rule incorporates text from other publications. If the revisor certifies that the form of a rule is approved, that approval constitutes the revisor's finding that the text of a publication other than those listed by name in this subdivision, and which are incorporated by reference into the rules, are conveniently available to the public."*

Delete page 16, line 27, to page 18, line 21, and insert:

**"Subd. 3. [EXEMPT AGENCIES AND RULES.]** (a) *Any rules adopted, amended, suspended, or repealed by any agency but excluded from the administrative procedure act by section 15.0411, subdivision 2, shall have the force and effect of law upon compliance with the procedures of paragraph (c) of this subdivision. However, this subdivision does not apply to:*

(1) *rules implementing emergency powers pursuant to sections 12.31 to 12.37;*

(2) *rules of agencies directly in the legislative or judicial branches; or*

(3) *rules of the regents of the University of Minnesota.*

(b) **Rules (HEREAFTER PROMULGATED)** *adopted, amended, suspended, or repealed (OF) by any (STATE OFFICER, BOARD, COMMISSION, BUREAU, DIVISION, DEPARTMENT, OR TRIBUNAL OTHER THAN A COURT,*

HAVING STATEWIDE JURISDICTION AND AUTHORIZED BY LAW TO MAKE RULES,) agency but excluded (FROM THE DEFINITION OF "AGENCY" IN SECTION 15.0411) from the definition of "rule" in section 15.0411, subdivision 3, shall have the force and effect of law (IF THEY) upon compliance with paragraph (c) of this subdivision. However, this subdivision does not apply to:

(1) rules concerning only the internal management of the agency or other agencies, and which do not directly affect the rights of or procedure available to the public; or,

(2) opinions of the attorney general.

(c) The rules have the force and effect of law if:

(1) the revisor of statutes approves the form of the rules by certificate;

(2) two copies of the rules with the revisor's certificate are filed in the office of the secretary of state (IN THE SAME MANNER AS RULES ADOPTED PURSUANT TO SECTION 15.0412 ARE SO FILED AND IF THEY ARE SUBMITTED TO THE COMMISSIONER OF ADMINISTRATION IN A MANNER HE SHALL PRESCRIBE); and,

(3) a copy is published in the state register.

(d) The rules become effective five working days after publication in the state register. The secretary of state shall forward one copy of each rule to the revisor of statutes. Rules filed in accordance with this subdivision, as it is in effect on the date the rules are filed, shall be included in Minnesota Rules.

(e) (THIS SUBDIVISION, HOWEVER, SHALL NOT APPLY TO RULES OF THE REGENTS OF THE UNIVERSITY OF MINNESOTA.) Any law exempting an agency or rule from sections 15.0411 to 15.052 shall not be construed as preventing an agency from complying with this subdivision, unless the law specifically provides to the contrary.

*Subd. 3a. [PREVIOUSLY FILED RULES; PREVIOUSLY EXEMPT AGENCIES.] Rules excluded from the administrative procedure act in Minnesota Statutes 1978, Section 15.0411, Subdivision 2, but included in the rulemaking provisions of the act in Minnesota Statutes 1980, Section 15.0411, Subdivision 2, have the force and effect of law and shall be published by the revisor of statutes pursuant to section 648.50, to the extent the rules are still in effect, if the rules were:*

(1) adopted by an agency; and,

(2) filed with the secretary of state before April 25, 1980.

*Subd. 3b.* [UNFILED RULES; PREVIOUSLY EXEMPT AGENCIES.] *Rules excluded from the administrative procedure act in Minnesota Statutes 1978, Section 15.0411, Subdivision 2, but included in the rulemaking provisions of the act in Minnesota Statutes 1980, Section 15.0411, Subdivision 2, shall have the force and effect of law and be published by the revisor of statutes pursuant to section 648.50, to the extent the rules are still in effect, if:*

(1) the rules were adopted by an agency;

(2) the rules were not filed with the secretary of state before April 25, 1980; and,

(3) a copy of the rules which were effective on April 25, 1980, but unfiled with the secretary of state are filed with both the secretary of state and the revisor of statutes before September 1, 1981."

Page 24, line 31, after "contrary" insert "by law or rule"

Page 24, lines 31 and 32, delete "July 1" and insert "June 30"

Delete page 24, line 33, to page 25, line 18

Renumber the remaining sections

Page 25, line 29, strike "(a)" and insert "(1)"

Page 25, line 32, after "to" insert "the provisions of"

Page 25, line 32, after "3" insert "which were in effect at the time the rules were filed"

Page 26, line 3, strike "(b)" and insert "(2)"

Page 26, line 5, after "to" insert "the provisions of"

Page 26, line 6, after "3" insert "which were in effect at the time the rules were filed"

Page 26, line 8, strike "(c)" and insert "(3)"

Page 26, line 13, strike "(d)" and insert "(4)"

Page 26, line 21, strike "(e)" and insert "(5)"

Page 26, line 25, strike "(f)" and insert "(6)"

Page 26, line 28, strike "(g)" and insert "(7)"

Page 27, line 17, delete "(a)" and insert "(1)"

Page 27, line 19, delete "(b)" and insert "(2)"

Page 27, line 21, delete "40" and insert "38"

Page 27, line 22, delete "(c)" and insert "(3)"

Page 27, line 23, delete "40" and insert "38"

Page 29, line 2, delete "47" and insert "45"

Page 29, line 23, delete "47" and insert "45"

Page 29, line 29, delete "46" and insert "44" and delete "47" and insert "45"

Page 29, line 31, delete "42" and insert "40"

Page 32, line 10, after "15.04;" insert "15.0412, Subdivision 4a;"

Page 32, line 13, delete "50" and insert "48"

Amend the title as follows:

Page 1, line 13, delete "LCRAR" and insert "Legislative Commission to Review Administrative Rules"

Page 1, line 14, delete "LCRAR" and insert "Legislative Commission to Review Administrative Rules"

Page 1, line 14, after the semicolon insert "allowing an agency to enact a rule repealed by the legislature and the Legislative Commission to Review Administrative Rules to suspend it again;"

Page 1, line 26, after the first semicolon delete the remaining text

Page 1, delete lines 27 to 31

Page 1, line 36, after "15.04;" insert "15.0412, Subdivision 4a;"

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1421, 184, 403, 658, 870, 890, 1124 and 1131 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 760, 805, 1058, 225, 338, 903, 964 and 1043 were read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Minne introduced:

H. F. No. 1430, A bill for an act relating to the city of Hibbing; fixing the amount of the mayor's contingent fund; amending Laws 1939, Chapter 329, Section 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Kelly, Gustafson and Lemen introduced:

H. F. No. 1431, A bill for an act relating to crimes; eliminating the defenses of mental illness and mental deficiency; amending Minnesota Statutes 1980, Section 611.026.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Himle; Osthoff; Carlson, D., and Tomlinson introduced:

H. F. No. 1432, A bill for an act relating to taxation; increasing the sales and use tax and motor vehicle excise tax rate for sales occurring after June 30, 1981 and prior to July 1, 1983; amending Minnesota Statutes 1980, Sections 297A.02; 297A.14; and 297A.24.

The bill was read for the first time and referred to the Committee on Taxes.

Brandl; Anderson, I., and Novak introduced:

H. F. No. 1433, A bill for an act relating to taxation; altering the corporate income tax rate; suspending inflation adjustments to individual income tax brackets, the standard deduction and personal and dependent credits; providing a credit for certain research and experimental expenditures; increasing the standard deduction; appropriating money; amending Minnesota Statutes 1980, Sections 290.06, Subdivisions 1, 2d, 3f, and 3g; 290.09, Subdivision 15; 290.361, Subdivision 2; and proposing new law coded in Minnesota Statutes, Chapter 290.

The bill was read for the first time and referred to the Committee on Taxes.

Sieben, M., for the Committee on Appropriations, introduced:

H. F. No. 1434, A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and for other agencies with certain conditions; amending Minnesota Statutes 1980, Sections 12.14; 43.491, Subdivision 2; 46.131, Subdivision 3; 161.242, Subdivision 4; 169.451; 173.25; 174.255, by adding a subdivision; 216B.62, Subdivision 3, and by adding a subdivision; 237.295, Subdivision 2, and by adding a subdivision; 239.10; 239.52; 326.241, Subdivision 3; 326.244, Subdivision 2; 340.11, Subdivision 14; 340.113, Subdivision 2; 340.119, Subdivision 3; 340.402; 340.493, Subdivision 2; 340.62; 360.021, Subdivisions 1 and 2; 360.305, by adding subdivisions; 388.14; 388.19, Subdivision 1; and 414.051; proposing new law coded in Minnesota Statutes, Chapter 138.

The bill was read for the first time and laid over one day.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 435, A bill for an act relating to taxation; income; property tax refund; adopting certain federal income tax amendments; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; 290.06, Subdivision 14; 290.07, Subdivision 5; 290.077, Subdivision 4; 290.08, Subdivisions 8 and 20; 290.09, Subdivisions 3, 4, 17a, and 19; 290.091; 290.131, Subdivision 2; 290.132, Subdivision 2; 290.135, Subdivision 2; 290.136, Subdivi-



sion 1; 290.138, by adding a subdivision; 290.26, Subdivision 2; 290.31, Subdivision 3; 290.41, by adding subdivisions; 290.92, Subdivision 20; 290.934, Subdivision 4; 290.971, by adding a subdivision; 290A.03, Subdivision 3; 474.12, Subdivision 2; and Laws 1980, Chapter 607, Article I, Section 34; repealing Minnesota Statutes 1980, Sections 290.08, Subdivisions 7 and 13; 290.09, Subdivision 12; 290.136, Subdivisions 2, 3, 4, 5, 6, 7, and 9; 290.137, and 290.138, Subdivisions 1 and 2.

**PATRICK E. FLAHAVER, Secretary of the Senate**

#### CONCURRENCE AND REPASSAGE

Novak moved that the House concur in the Senate amendments to H. F. No. 435 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 435, A bill for an act relating to taxation; income; property tax refund; adopting certain federal income tax amendments; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; 290.06, Subdivision 14; 290.07, Subdivision 5; 290.077, Subdivision 4; 290.08, Subdivisions 8 and 20; 290.09, Subdivisions 3, 4, 17a, and 19; 290.091; 290.131, Subdivision 2; 290.132, Subdivision 2; 290.135, Subdivision 2; 290.136, Subdivision 1; 290.138, by adding a subdivision; 290.26, Subdivision 2; 290.31, Subdivision 3; 290.41, by adding subdivisions; 290.92, Subdivision 20; 290.934, Subdivision 4; 290.971, by adding a subdivision; 290A.03, Subdivision 3; 474.12, Subdivision 2; and Laws 1980, Chapter 607, Article I, Section 34; repealing Minnesota Statutes 1980, Sections 290.08, Subdivisions 7 and 13; 290.09, Subdivision 12; 290.136, Subdivisions 2, 3, 4, 5, 6, 7, and 9; 290.137, and 290.138, Subdivisions 1 and 2.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Clark, J.	Forsythe	Jacobs	Long
Ainley	Clark, K.	Friedrich	Jennings	Ludeman
Anderson, B.	Clawson	Greenfield	Johnson, C.	Luknic
Anderson, G.	Dahlvang	Gruenes	Johnson, D.	Mann
Anderson, I.	Dean	Gustafson	Jude	Marah
Anderson, R.	Dempsey	Halberg	Kahn	McCarron
Battaglia	Den Ouden	Hanson	Kaley	McDonald
Begich	Drew	Harens	Kalis	McEachern
Berkelman	Eken	Hauge	Kelly	Mehrkens
Blatz	Ellingson	Heap	Knickerbocker	Metzen
Brandl	Erickson	Heinitz	Kostohryz	Minne
Brinkman	Esau	Himle	Kvam	Munger
Byrne	Evans	Hoberg	Lehto	Murphy
Carlson, D.	Ewald	Hokanson	Lemen	Nelsen, B.
Carlson, L.	Fjoslien	Hokr	Levi	Nelson, K.

Niehaus	Peterson, D.	Rothenberg	Skoglund	Voss
Norton	Piepho	Samuelson	Stadum	Weaver
Novak	Pogemiller	Sarna	Staten	Welch
Nysether	Redalen	Schafer	Stowell	Welker
O'Connor	Reding	Schoenfeld	Stumpf	Wenzel
Ogren	Rees	Schreiber	Swiggum	Wieser
Olsen	Reif	Shea	Swanson	Zubay
Onnen	Rice	Sherman	Tomlinson	Spkr. Sieben, H.
Osthoff	Rodriguez, C.	Sherwood	Valan	
Otis	Rodriguez, F.	Sieben, M.	Valento	
Peterson, B.	Rose	Simoneau	Vellenga	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 518, A bill for an act relating to education; including state hospitals as eligible employers for the purpose of work-study grants; amending Minnesota Statutes 1980, Section 136A.233, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Zubay moved that the House concur in the Senate amendments to H. F. No. 518 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 518, A bill for an act relating to education; including state institutions as eligible employers for the purpose of work-study grants; amending Minnesota Statutes 1980, Section 136A.233, Subdivision 2.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Berkelman	Clark, K.	Ellingson	Greenfield
Ainley	Blatz	Clawson	Erickson	Gruenes
Anderson, B.	Brandl	Dahlvang	Esau	Gustafson
Anderson, G.	Brinkman	Dean	Evans	Halberg
Anderson, I.	Byrne	Dempsey	Ewald	Hanson
Anderson, R.	Carlson, D.	Den Ouden	Fjoslien	Harens
Battaglia	Carlson, L.	Drew	Forsythe	Hauge
Begich	Clark, J.	Eken	Friedrich	Heap

Heinitz	Lemen	Norton	Rodriguez, F.	Sviggum
Himle	Levi	Novak	Rose	Swanson
Hoberg	Long	Nysether	Rothenberg	Tomlinson
Hokanson	Ludeman	O'Connor	Samuelson	Valan
Hokr	Luknic	Ogren	Sarna	Valento
Jacobs	Mann	Olsen	Schafer	Vanasek
Jennings	Marsh	Onnen	Schoenfeld	Vellenga
Johnson, C.	McCarron	Osthoff	Schreiber	Voss
Johnson, D.	McDonald	Otis	Shea	Weaver
Jude	McEachern	Peterson, B.	Sherman	Welch
Kahn	Mehrkens	Peterson, D.	Sherwood	Welker
Kaley	Metzen	Piepho	Sieben, M.	Wenzel
Kalis	Minne	Pogemiller	Simoneau	Wieser
Kelly	Munger	Reding	Skoglund	Zubay
Knickerbocker	Murphy	Rees	Stadum	Spkr. Sieben, H.
Kostohryz	Nelsen, B.	Reif	Staten	
Kvam	Nelson, K.	Rice	Stowell	
Lehto	Niehaus	Rodriguez, C.	Stumpf	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 314, 399, 443, 510 and 549.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 368, 562 and 595.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 939, 1064, 1140 and 1150.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 378, 763, 782, 808, 827 and 1008.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 314, A bill for an act relating to Ramsey County; simplifying the numbering of the county code; amending Laws 1974, Chapter 435, Articles I to IV, as amended.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 399, A bill for an act relating to drugs; requiring imprinting of legend drugs; amending Minnesota Statutes 1980, Section 151.361.

The bill was read for the first time.

Simoneau moved that S. F. No. 399 and H. F. No. 460, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 443, A bill for an act relating to commerce; regulating franchises; providing a penalty; amending Minnesota Statutes 1980, Sections 80C.01, Subdivision 4, and by adding subdivisions; 80C.03; 80C.14; 80C.17, by adding a subdivision; 80C.18, Subdivision 2; and 80C.19, Subdivision 1.

The bill was read for the first time.

Staten moved that S. F. No. 443 and H. F. No. 695, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 510, A bill for an act relating to arrest; providing for the extradition and rendition of accused persons, escapees and other persons subject to orders in criminal proceedings; enacting the uniform extradition and rendition act; amending Minnesota Statutes 1980, Sections 480.059, Subdivision 7; 611.14; and 629.404, Subdivision 2; proposing new law coded as Minnesota Statutes, Chapter 629A; repealing Minnesota Statutes 1980, Sections 629.01 to 629.29.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 549, A bill for an act relating to elections; clarifying and correcting certain provisions and eliminating certain obsolete provisions of the ethics in government act; amending Minnesota Statutes 1980, Sections 10A.25, Subdivisions 2 and 6;

10A.255, by adding a subdivision; 10A.31, Subdivision 2; 10A.32, Subdivision 3b; and 10A.335; repealing Minnesota Statutes 1980, Section 10A.25, Subdivision 7.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

S. F. No. 368, A bill for an act relating to housing; requiring municipal housing plans to incorporate policies to minimize displacement and encourage citizen participation; encouraging the use of bond proceeds for housing for persons and families of low income; providing that multifamily housing loans may be used to acquire structures for conversion to cooperative ownership; amending Minnesota Statutes 1980, Sections 462C.03, Subdivisions 1 and 2; and 462C.05, Subdivision 1.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

S. F. No. 562, A bill for an act relating to housing; providing statutory warranties on home improvement work; establishing a cause of action for breach of warranty; providing remedies; amending Minnesota Statutes 1980, Sections 327A.01, Subdivisions 5, 8 and by adding subdivisions; 327A.02, by adding a subdivision; 327A.03; 327A.04, Subdivision 2; 327A.05; and 327A.07; proposing new law coded in Minnesota Statutes, Chapter 327A.

The bill was read for the first time.

Byrne moved that S. F. No. 562 and H. F. No. 453, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 595, A bill for an act relating to education; providing for the preparation of a report by the legislative commission on employee relations analyzing current insurance programs available to teachers and other public school employees in Minnesota; amending Minnesota Statutes 1980, Section 3.855, Subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 939, A bill for an act relating to human rights; authorizing injunctions for acts of reprisal; increasing the award of punitive damages; permitting the recovery of damages for mental anguish and suffering; amending Minnesota Statutes 1980, Sections 363.06, Subdivision 4; and 363.071, Subdivision 2.

The bill was read for the first time.

Staten moved that S. F. No. 939 and H. F. No. 1072, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1064, A bill for an act relating to crimes; changing certain penalties and enforcement procedures in the fair campaign practices act; amending Minnesota Statutes 1980, Sections 210A.05, by adding a subdivision; and 210A.37.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

S. F. No. 1140, A bill for an act relating to statutory cities; raising the limitation on city contracts which the city manager may make; amending Minnesota Statutes 1980, Section 412.691.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1150, A bill for an act relating to the interstate compact on juveniles; amending the compact to require the home state to authorize the return of a runaway juvenile and to permit a state in which a juvenile is found to return him to a state in which the juvenile is charged with being a delinquent by reason of a violation of criminal law; amending Minnesota Statutes 1980, Section 260.51.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 378, A bill for an act relating to marriage dissolution; clarifying factors to consider in awarding maintenance; amending Minnesota Statutes 1980, Section 518.552.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 763, A bill for an act relating to the cities of Minneapolis and St. Paul; authorizing the implementation of energy conservation programs; authorizing the financing of residential energy conservation programs; authorizing the issuance of qualified mortgage bonds; requiring a report to the legislature.

The bill was read for the first time.

Nelson, K., moved that S. F. No. 763 and H. F. No. 834, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 782, A bill for an act relating to St. Louis county; revising the county civil service law; providing for commis-

sioners' pay, provisional appointments, employment of resignees, and treatment of examination errors; amending Laws 1941, Chapter 423, Sections 2, as amended, 5, as amended, 11, 12, and 17.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 808, A bill for an act relating to the city of Duluth; authorizing the establishment of a home energy conservation program as part of its municipal utility system and the issuance of municipal revenue bonds or notes for that purpose; requiring a report to the legislature.

The bill was read for the first time.

Munger moved that S. F. No. 808 and H. F. No. 848, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 827, A bill for an act relating to arson; prescribing procedures for the investigation of fires by the fire marshal; amending Minnesota Statutes 1980, Sections 299F.08; and 299F.09.

The bill was read for the first time and referred to the Committee on Criminal Justice.

S. F. No. 1008, A bill for an act relating to courts; tax court; increasing the number of authorized administrative employees; amending Minnesota Statutes 1980, Section 271.02.

The bill was read for the first time and referred to the Committee on Appropriations.

### CONSENT CALENDAR

S. F. No. 305, A bill for an act relating to retirement; various retirement funds; crediting service for vesting and benefit accrual purposes in the Minnesota demonstration job-sharing program; removing certain transitional provisions governing the fire state aid program; providing police state aid for municipalities which employ police officers with less than a full year of service; allowing disability benefit recipients to elect actuarially equivalent joint and survivor optional annuities; providing retirement coverage in the public employees retirement association for employees of the Range Association of Municipalities and Schools, the soil and water conservation districts and the Suburban Public Health Nursing Service, Incorporated; increasing the minimum salary requirement for inclusion in membership in the public employees retirement association;

requiring various public pension plans to provide information on annuity forms to retiring members and notification to spouse of annuity form elected; authorizing certain former members of the Minneapolis municipal employees retirement fund to repay refund amounts under certain conditions; authorizing benefit increases for the Chisholm police relief association, the Chisholm firefighters relief association, the Eveleth police and firefighters retirement trust fund, the Thief River Falls police retirement trust fund, and the Buhl police relief association; specifying the investment authority of the St. Paul police relief association and the St. Paul firefighters relief association; amending Minnesota Statutes 1980, Sections 43.60, Subdivision 3; 69.011, Subdivisions 1 and 2; 69.021, Subdivisions 1, 2, 6 and 7; 69.031, Subdivision 5; 352.113, Subdivisions 3 and 12; 352.95, Subdivision 5 and by adding a subdivision; 352B.10; 352B.105; 353.01, Subdivisions 2a, 2b, and 6; 353.33, Subdivision 11 and by adding a subdivision; 353.656, Subdivision 6 and by adding a subdivision; 354.48, Subdivision 10 and by adding a subdivision; 354A.36, Subdivision 10 and by adding a subdivision; Laws 1945, Chapter 74, Sections 2, as amended, 3 and 4, as amended; 1955, Chapters 151, Section 7, as amended; and 375, Section 12, as amended; 1961, Chapter 631, Section 1, as amended; 1974, Chapter 435, Section 3.03; 1977, Chapter 61, Section 6; and 1978, Chapter 689, Section 5; proposing new law coded in Minnesota Statutes, Chapters 43; 353; 356; and 422A; repealing Minnesota Statutes 1980, Section 353.022.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Jennings	Metzen	Rice
Ainley	Ellingson	Johnson, C.	Minne	Rodriguez, C.
Anderson, B.	Erickson	Johnson, D.	Munger	Rodriguez, F.
Anderson, G.	Esau	Jude	Murphy	Rose
Anderson, I.	Evans	Kahn	Nelsen, B.	Rothenberg
Anderson, R.	Ewald	Kaley	Nelson, K.	Samuelson
Battaglia	Fjoslien	Kalis	Niehaus	Sarna
Begich	Forsythe	Kelly	Norton	Schafer
Berkelman	Friedrich	Knickerbocker	Nysether	Schoenfeld
Blatz	Greenfield	Kostohryz	O'Connor	Schreiber
Brandl	Gruenes	Kvam	Ogren	Shea
Brinkman	Gustafson	Lehto	Olsen	Sherman
Byrne	Halberg	Lemen	Onnen	Sherwood
Carlson, D.	Hanson	Levi	Osthoff	Sieben, M.
Carlson, L.	Harens	Long	Otis	Simoneau
Clark, J.	Hauge	Ludeman	Peterson, B.	Skoglund
Clark, K.	Heap	Luknic	Peterson, D.	Stadum
Clawson	Heinitz	Mann	Piepho	Staten
Dahlvang	Himle	Marsh	Pogemiller	Stowell
Dean	Hoberg	McCarron	Redalen	Stumpf
Dempsey	Hokanson	McDonald	Reding	Sviggum
Den Ouden	Hokr	McEachern	Rees	Swanson
Drew	Jacobs	Mehrkens	Reif	Tomlinson



Valan  
Valento  
Vanasek

Vellenga  
Voss  
Weaver

Welch  
Welker  
Wenzel

Wieser  
Zubay

Spkr. Sieben, H.

The bill was passed and its title agreed to.

S. F. No. 1044, A bill for an act relating to the city of Echo; authorizing the issuance of bonds for the acquisition and betterment of a community center.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	Novak	Shea
Ainley	Evans	Kelly	Nysether	Sherman
Anderson, B.	Ewald	Knickerbocker	O'Connor	Sherwood
Anderson, G.	Fjoslien	Kostohryz	Ogren	Sieben, M.
Anderson, I.	Forsythe	Kvam	Olsen	Simoneau
Anderson, R.	Friedrich	Laidig	Onnen	Skoglund
Battaglia	Greenfield	Lehto	Osthoff	Stadum
Begich	Gruenes	Lemen	Otis	Staten
Berkelman	Gustafson	Levi	Peterson, B.	Stowell
Blatz	Halberg	Long	Peterson, D.	Stumpf
Brandl	Hanson	Ludeman	Piepho	Sviggum
Brinkman	Harens	Luknic	Pogemiller	Swanson
Byrne	Hauge	Mann	Redalen	Tomlinson
Carlson, D.	Heap	Marsh	Reding	Valan
Carlson, L.	Heinitz	McCarron	Rees	Valento
Clark, J.	Himle	McDonald	Reif	Vanasek
Clark, K.	Hoberg	McEachern	Rice	Vellenga
Clawson	Hokanson	Mehrkens	Rodriguez, C.	Voss
Dahlvang	Hokr	Metzen	Rodriguez, F.	Weaver
Dean	Jacobs	Minne	Rose	Welch
Dempsey	Jennings	Munger	Rothenberg	Welker
Den Ouden	Johnson, C.	Murphy	Samuelson	Wenzel
Drew	Johnson, D.	Nelsen, B.	Sarna	Wieser
Eken	Jude	Nelson, K.	Schafer	Zubay
Ellingson	Kahn	Niehaus	Schoenfeld	Spkr. Sieben, H.
Erickson	Kaley	Norton	Schreiber	

The bill was passed and its title agreed to.

### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Sieben, M., requested immediate consideration of H. F. Nos. 1421 and 1218.

H. F. No. 1421 was reported to the House.

### SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Sieben, M., moved that the rule therein be

suspended and an urgency be declared so that H. F. No. 1421 be given its third reading and be placed upon its final passage. The motion prevailed.

Sieben, M., moved that the rules of the House be so far suspended that H. F. No. 1421 be given its third reading and be placed upon its final passage. The motion prevailed.

Sherman moved to amend H. F. No. 1421 as follows:

Page 8, delete line 45 and insert:

“\$5,105,000                      \$5,105,000”

Page 9, line 13, delete “\$300” and insert “\$500”

Page 9, line 18, delete “\$240” and insert “\$400”

The question was taken on the amendment and the roll was called. There were 26 yeas and 97 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Evans	Knickerbocker	Reif	Weaver
Berkelman	Fjoslien	Marsh	Rose	Wieser
Blatz	Forsythe	McDonald	Sherman	
Brandl	Gruenes	Mehrkens	Valan	
Dempsey	Hoberg	Osthoff	Valento	
Drew	Johnson, D.	Piepho	Voss	

Those who voted in the negative were:

Aasness	Ewald	Kostohryz	O'Connor	Sieben, M.
Ainley	Friedrich	Kvam	Ogren	Simoneau
Anderson, G.	Greenfield	Laidig	Olsen	Skoglund
Anderson, I.	Gustafson	Lehto	Onnen	Stadum
Battaglia	Hanson	Lemen	Otis	Staten
Begich	Harens	Long	Peterson, D.	Stowell
Brinkman	Hauge	Ludeman	Pogemiller	Stumpf
Byrne	Heap	Luknic	Reding	Sviggum
Carlson, D.	Heinitz	Mann	Rees	Tomlinson
Carlson, L.	Himle	McCarron	Rice	Vanasek
Clark, J.	Hokanson	McEachern	Rodriguez, C.	Vellenga
Clark, K.	Hokr	Metzen	Rodriguez, F.	Welch
Clawson	Jacobs	Minne	Rothenberg	Welker
Dahlvang	Jennings	Munger	Samuelson	Wenzel
Dean	Johnson, C.	Murphy	Sarna	Wynia
Den Ouden	Jude	Nelsen, B.	Schafer	Zubay
Eken	Kahn	Nelson, K.	Schoenfeld	Spkr. Sieben, H.
Ellingson	Kaley	Niehaus	Schreiber	
Erickson	Kalis	Norton	Shea	
Esau	Kelly	Nysether	Sherwood	

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

Osthoff and Rodriguez, F., moved to amend H. F. No. 1421 as follows:

Page 9, after line 56, insert a new subdivision as follows:

"Subd. 16. The Higher Education Coordinating Board shall continue and improve its efforts to provide accurate, timely and accessible information about post-secondary education and financial assistance to Latino-Chicano students. The Higher Education Coordinating Board shall provide general information and financial aid application instructions in Spanish. The Higher Education Coordinating Board shall continue to work with the Spanish-Speaking Affairs Council, the Minnesota Migrant Council and other organizations concerned with Hispanic students to improve opportunities for and services to Hispanic students."

Kahn moved to amend the Osthoff and Rodriguez, F., amendment to H. F. No. 1421 as follows:

Line 4, after "students." delete "The Higher Education Coordinating Board shall provide general information and financial aid application instructions in Spanish."

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

The question recurred on the Osthoff amendment, as amended, and the amendment was not adopted.

Carlson, D., moved that H. F. No. 1421 be re-referred to the Committee on Appropriations.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll was called. There were 44 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Ainley	Forsythe	Lemen	Olsen	Schafer
Blatz	Friedrich	Levi	Onnen	Sherwood
Carlson, D.	Heap	Ludeman	Peterson, B.	Stowell
Dempsey	Heinitz	Luknic	Piepho	Sviggum
Den Ouden	Himle	Marsh	Redalen	Valento
Esau	Hokr	McDonald	Rees	Welker
Evans	Kaley	Mehrkens	Reif	Wieser
Ewald	Knickerbocker	Niehaus	Rose	Zubay
Fjoslien	Kvam	Nysether	Rothenberg	

Those who voted in the negative were:

Anderson, B.	Battaglia	Brandl	Carlson, L.	Clawson
Anderson, G.	Begich	Brinkman	Clark, J.	Dahlvang
Anderson, I.	Berkelman	Byrne	Clark, K.	Dean

Drew	Johnson, D.	Munger	Rodriguez, C.	Tomlinson
Eken	Jude	Murphy	Rodriguez, F.	Valan
Ellingson	Kahn	Nelsen, B.	Samuelson	Vanasek
Erickson	Kalis	Nelson, K.	Sarna	Vellenga
Greenfield	Kelly	Norton	Schoenfeld	Voss
Gruenes	Kostohryz	Novak	Shea	Weaver
Gustafson	Laidig	O'Connor	Sherman	Welch
Hanson	Lehto	Ogren	Sieben, M.	Wenzel
Harens	Long	Osthoff	Simoneau	Wynia
Hauge	Mann	Otis	Skoglund	Spkr. Sieben, H.
Hoberg	McCarron	Peterson, D.	Stadum	
Hokanson	McEachern	Pogemiller	Staten	
Jacobs	Metzen	Reding	Stumpf	
Johnson, C.	Minne	Rice	Swanson	

The motion did not prevail.

Clawson was excused for the remainder of today's session.

Carlson, D., moved to amend H. F. No. 1421 as follows:

Page 7, after line 28, insert a new subdivision as follows:

"Subd. 10. Budget Reductions

The general fund appropriations provided in this section shall be reduced 2.0 percent for fiscal years 1982 and 1983. These reductions shall be equal to \$510,842 in fiscal year 1982 and \$510,032 in fiscal year 1983. Modifications in the amounts specified in subdivisions 2 through 9 of this section shall be made accordingly."

Page 9, after line 56, insert a new subdivision as follows:

"Subd. 16. Budget Reductions

The general fund appropriations provided in this section shall be reduced 2.0 percent for fiscal year 1982 and fiscal year 1983. These reductions shall be equal to \$982,330 in fiscal year 1982 and \$954,474 in fiscal year 1983. Modifications in the amounts specified in subdivisions 2 through 13 of this section shall be made accordingly."

Page 12, after line 17, insert a new subdivision as follows:

"Subd. 8. Budget Reductions

The general fund appropriations provided in this section shall be reduced 2.0 percent for fiscal years 1982 and 1983. The reductions shall be equal to \$1,662,784 in fiscal year 1982 and \$1,642,364 in fiscal year 1983. Modifications in the amounts specified in subdivisions 2 through 6 shall be made accordingly."

Page 14, after line 20, insert a new subdivision as follows:

**"Subd. 9. Budget Reductions**

The general fund appropriations provided in this section shall be reduced 2.0 percent for fiscal years 1982 and 1983. These reductions shall be equal to \$813,698 for fiscal year 1982 and \$784,168 for fiscal year 1983. Modifications in the amounts specified in subdivisions 2 through 8 shall be made accordingly."

Page 14, line 23, insert "Subd. 1" before "The".

Page 14, after line 26, insert a new subdivision as follows:

**"Subd. 2. Budget Reductions**

The amounts specified in subdivision 1 of this section are reduced as follows: (a) by \$1,492,000 for fiscal year 1982 and \$3,066,200 for fiscal year 1983 to offset the expected increase in non-dedicated revenue at the University; (b) by the amounts specified in section 7, subdivision 1(a); and (c) by an additional 2.0 percent for fiscal years 1982 and 1983, which shall be equal to \$4,737,816 for fiscal year 1982 and \$4,676,346 for fiscal year 1983. Modifications in the amounts specified in sections 7 through 9 shall be made accordingly."

Page 19, after line 34, insert a new paragraph as follows:

"The general fund appropriations specified in this subdivision shall be reduced by 2.0 percent for fiscal years 1982 and 1983. These reductions shall be equal to \$30,142 for fiscal year 1982 and \$32,508 for fiscal year 1983. Modifications in the amounts specified in this subdivision shall be made accordingly."

Page 19, after line 40, insert a new paragraph as follows:

"The general fund appropriations specified in this subdivision shall be reduced by 2.0 percent for fiscal years 1982 and 1983. These reductions shall be equal to \$3120 for fiscal year 1982 and \$3422 for fiscal year 1983. Modifications in the amounts specified in this subdivision shall be made accordingly."

**Sec. 11. Budget Reductions**

The individual system totals contained in section 2, subdivision 1, section 3, subdivision 1, section 4, subdivision 1, section 5, subdivision 1, section 6, subdivision 1, and section 10 and the combined system totals contained in section 1 shall be modified to reflect the specified reduction."

Renumber the subsequent sections accordingly.

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 37 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Aasness	Fjoslien	Kvam	Osthoff	Sviggum
Blatz	Friedrich	Lemen	Peterson, B.	Valento
Carlson, D.	Halberg	Ludeman	Redalen	Welker
Dempsey	Heinitz	McDonald	Rees	Wieser
Den Ouden	Himle	Mehrkens	Rothenberg	Zubay
Esau	Hokr	Niehaus	Schaefer	
Evans	Kaley	Nysether	Schreiber	
Ewald	Knickerbocker	Onnen	Sherwood	

Those who voted in the negative were:

Ainley	Ellingson	Kostohryz	O'Connor	Stadum
Anderson, B.	Erickson	Laidig	Ogren	Staten
Anderson, G.	Forsythe	Lehto	Olsen	Stowell
Anderson, I.	Greenfield	Levi	Otis	Stumpf
Anderson, R.	Gruenes	Long	Peterson, D.	Swanson
Battaglia	Gustafson	Luknic	Piepho	Tomlinson
Begich	Hanson	Mann	Pogemiller	Valan
Berkelman	Harens	Marsh	Reding	Vanasek
Brandl	Hauge	McCarron	Reif	Vellenga
Brinkman	Heap	McEachern	Rice	Voss
Byrne	Hoberg	Metzen	Rodriguez, C.	Weaver
Carlson, L.	Hokanson	Minne	Rodriguez, F.	Welch
Clark, J.	Jacobs	Munger	Samuelson	Wenzel
Clark, K.	Johnson, C.	Murphy	Schoenfeld	Wynia
Dahlvang	Johnson, D.	Nelsen, B.	Sherman	Spkr. Sieben, H.
Dean	Jude	Nelson, K.	Sieben, M.	
Drew	Kahn	Norton	Simoneau	
Eken	Kelly	Novak	Skoglund	

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

H. F. No. 1421, A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes, including the department of education, higher education coordinating board, state universities, community colleges, and the university of Minnesota and its hospitals, with certain conditions; amending Minnesota Statutes 1980, Sections 15.38; 121.931, Subdivision 5; 123.742, by adding a subdivision; 123.743; and 136A.121, Subdivisions 4 and 5.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 101 yeas and 28 nays as follows:

Those who voted in the affirmative were:

Aasness	Ainley	Anderson, B.	Anderson, G.	Anderson, I.
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Battaglia	Greenfield	Laidig	Olsen	Stadum
Begich	Gruenes	Lehto	Onnen	Staten
Berkelman	Gustafson	Levi	Osthoff	Stowell
Blatz	Halberg	Long	Otis	Stumpf
Brandl	Hanson	Luknic	Peterson, D.	Swanson
Brinkman	Harens	Mann	Piepho	Tomlinson
Byrne	Hauge	Marsh	Pogemiller	Valan
Carlson, L.	Heap	McCarron	Reding	Vanasek
Clark, J.	Himle	McEachern	Reif	Vellenga
Clark, K.	Hoberg	Mehrkens	Rice	Voss
Dahlvang	Hokanson	Metzen	Rodriguez, C.	Weaver
Dean	Hokr	Minne	Rodriguez, F.	Welch
Drew	Jacobs	Munger	Samuelson	Wenzel
Eken	Johnson, C.	Murphy	Sarna	Wieser
Ellingson	Johnson, D.	Nelsen, B.	Schoenfeld	Wynia
Erickson	Jude	Nelson, K.	Shea	Spkr. Sieben, H.
Evans	Kahn	Norton	Sherman	
Ewald	Kalis	Novak	Sieben, M.	
Fjoslien	Kelly	O'Connor	Simoneau	
Forsythe	Kostohryz	Ogren	Skoglund	

Those who voted in the negative were:

Anderson, R.	Heinitz	Ludeman	Rees	Sviggum
Carlson, D.	Jennings	McDonald	Rose	Valento
Dempsey	Kaley	Niehaus	Rothenberg	Welker
Den Ouden	Knickerbocker	Nysether	Schafer	Zubay
Esau	Kvam	Peterson, B.	Schreiber	
Friedrich	Lemen	Redalen	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 1218, A bill for an act relating to education; extending due dates for plans and reports relating to the state-wide education management information system; authorizing the state board to perform certain duties according to specified criteria in the absence of rules; amending Minnesota Statutes 1980, Sections 121.931, Subdivisions 3, 4 and 7; and 121.938, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Byrne	Erickson	Hauge	Kalis
Ainley	Carlson, D.	Esau	Heap	Kelly
Anderson, B.	Carlson, L.	Evans	Himle	Knickerbocker
Anderson, G.	Clark, J.	Ewald	Hoberg	Kostohryz
Anderson, I.	Clark, K.	Fjoslien	Hokanson	Kvam
Anderson, R.	Dahlvang	Forsythe	Hokr	Laidig
Battaglia	Dean	Friedrich	Jacobs	Lehto
Begich	Dempsey	Greenfield	Johnson, C.	Lemen
Berkelman	Den Ouden	Gruenes	Johnson, D.	Levi
Blatz	Drew	Gustafson	Jude	Long
Brandl	Eken	Halberg	Kahn	Ludeman
Brinkman	Ellingson	Hanson	Kaley	Luknic

Mann	Novak	Rees	Sherwood	Vellenga
Marsh	Nysether	Reif	Sieben, M.	Voss
McCarron	O'Connor	Rice	Simoneau	Weaver
McDonald	Ogren	Rodriguez, C.	Skoglund	Welch
McEachern	Olsen	Rodriguez, F.	Stadum	Welker
Mehrkens	Onnen	Rose	Staten	Wenzel
Metzen	Osthoff	Rothenberg	Stowell	Wieser
Minne	Otis	Samuelson	Stumpf	Wynia
Munger	Peterson, B.	Sarna	Sviggum	Zubay
Murphy	Peterson, D.	Schafer	Swanson	Spkr. Sieben, H.
Nelsen, B.	Piepho	Schoenfeld	Tomlinson	
Nelson, K.	Pogemiller	Schreiber	Valan	
Niehaus	Redalen	Shea	Valento	
Norton	Reding	Sherman	Vanasek	

The bill was passed and its title agreed to.

There being no objection the order of business reverted to Reports of Standing Committees.

### REPORTS OF STANDING COMMITTEES

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1108, A bill for an act relating to health; prohibiting disciplinary action against a physician who administers dimethyl sulfoxide under certain conditions; proposing new law coded in Minnesota Statutes, Chapter 147.

Reported the same back with the following amendments:

Page 1, line 17, after "substance" insert "*except when the prescribing or administering physician demonstrates a willful or careless disregard for the health, welfare or safety of a patient*"

Page 1, line 20, delete "cure" and insert "benefit"

Page 1, after line 23, insert

*"The patient, when presenting a prescription to a pharmacist for dimethyl sulfoxide (DMSO) shall sign a written release that releases the pharmacist and the pharmacy from any liability therefor."*

Page 2, delete lines 4 to 9 and insert

"Sec. 2. [151.41] [SALE OF DIMETHYL SULFOXIDE.]

*Subdivision 1. [BOND.] Any person not licensed or registered by the board of pharmacy pursuant to sections 151.01 to 151.40 and this section, as a pharmacist or pharmacy, or not licensed to practice medicine by the board of medical examiners*



*pursuant to sections 147.01 to 147.33, selling or offering for sale at retail in Minnesota dimethyl sulfoxide in quantities of 64 fluid ounces or less shall file with the board of pharmacy a bond with corporate surety, cash, or United States government bonds in the sum of \$15,000, made payable to the state of Minnesota.*

*Subd. 2. [EXEMPT SALES.] Provisions of this section shall not apply to legend drugs as defined in section 151.01, subdivision 17; to industrial dimethyl sulfoxide designed for use as a commercial cleaner or solvent and sold in quantities larger than 64 fluid ounces; or to dimethyl sulfoxide intended for veterinary medicine use.*

*Subd. 3. [LABELING REQUIREMENTS.] Except when dispensed upon the prescription of a physician, no container of dimethyl sulfoxide containing 64 fluid ounces or less shall be sold or offered for sale unless the labeling states at least the following:*

- (a) quantity;*
- (b) concentration of product;*
- (c) vehicle or diluent;*
- (d) indications for use approved by the food and drug administration of the United States department of health and human services;*
- (e) recommended dosages;*
- (f) statement of side effects;*
- (g) contraindications for use;*
- (h) antidote in case of accidental ingestion;*
- (i) name of the manufacturer.*

*Failure to comply with these requirements shall mean the drug is deemed to be misbranded.*

*Subd. 4. [VIOLATION.] Violation of this section shall result in forfeiture of the bond and subject the product to embargo under section 151.38.*

### **Sec. 3. [EFFECTIVE DATE.]**

*Sections 1 and 2 are effective the day following its final enactment."*

Amend the title as follows:

Page 1, line 4, after the semicolon insert "regulating the sale of dimethyl sulfoxide;"

Page 1, line 5, delete "Chapter 147" and insert "Chapters 147 and 151"

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

House Resolution No. 14, A house resolution proclaiming Minnesota Environmental Awareness Day.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. No. 1108 was read for the second time.

The following conference committee report was received:

### CONFERENCE COMMITTEE REPORT ON H. F. NO. 339

A bill for an act relating to towns; providing for the opening of cartways under certain circumstances; providing a method for determining whether to open or maintain certain town roads; amending Minnesota Statutes 1980, Sections 164.08, Subdivision 2; and 365.10.

April 21, 1981

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

The Honorable Jack Davies  
President of the Senate

We, the undersigned conferees for H. F. No. 339, report that we have agreed upon the items in dispute and recommend as follows:

The Senate recede from its amendment.

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

House Conferees: THOMAS R. BERKELMAN, LONA A. MINNE and JOSEPH R. BEGICH.

Senate Conferees: RONALD R. DICKLICH, DOUGLAS J. JOHNSON and SAM G. SOLON.

Berkelman moved that the report of the Conference Committee on H. F. No. 339 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 339, A bill for an act relating to towns; providing for the opening of cartways under certain circumstances; providing a method for determining whether to open or maintain certain town roads; amending Minnesota Statutes 1980, Sections 164.08, Subdivision 2; and 365.10.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Knickerbocker	O'Connor	Sherman
Ainley	Evans	Kostohryz	Ogren	Sherwood
Anderson, B.	Ewald	Kvam	Olsen	Sieben, M.
Anderson, G.	Fjoslien	Laidig	Onnen	Simoneau
Anderson, I.	Forsythe	Lehto	Osthoff	Skoglund
Anderson, R.	Friedrich	Lemen	Otis	Stadum
Battaglia	Greenfield	Levi	Peterson, B.	Staten
Begich	Gruenes	Long	Peterson, D.	Stowell
Berkelman	Halberg	Ludeman	Piepho	Stumpf
Blatz	Hanson	Luknic	Pogemiller	Sviggum
Brandl	Hauge	Mann	Redalen	Swanson
Brinkman	Heap	Marsh	Reding	Tomlinson
Byrne	Himle	McCarron	Rees	Valan
Carlson, D.	Hoberg	McEachern	Reif	Valento
Carlson, L.	Hokanson	Mehrkens	Rice	Vanasek
Clark, J.	Hokr	Metzen	Rodriguez, C.	Vellenga
Clark, K.	Jacobs	Minne	Rodriguez, F.	Voss
Dahlvang	Jennings	Munger	Rose	Weaver
Dean	Johnson, C.	Murphy	Rothenberg	Welch
Dempsey	Johnson, D.	Nelsen, B.	Samuelson	Welker
Den Ouden	Jude	Nelson, K.	Sarna	Wenzel
Drew	Kahn	Niehaus	Schafer	Wieser
Eken	Kaley	Norton	Schoenfeld	Wynia
Ellingson	Kalis	Novak	Schreiber	Zubay
Erickson	Kelly	Nysether	Shea	Spkr. Sieben, H.

The bill was repassed, as amended by Conference, and its title agreed to.

## CALENDAR

H. F. No. 188, A bill for an act relating to financial institutions; increasing the maximum lawful interest rate chargeable by state banks and savings banks on certain transactions; amending Minnesota Statutes 1980, Section 48.195.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 106 yeas and 19 nays as follows:

Those who voted in the affirmative were:

Aasness	Forsythe	Lehto	Otis	Stadum
Ainley	Friedrich	Lemen	Peterson, B.	Stowell
Anderson, B.	Gruenes	Levi	Peterson, D.	Stumpf
Anderson, G.	Halberg	Ludeman	Piepho	Sviggson
Anderson, I.	Hauge	Luknic	Redalen	Swanson
Anderson, R.	Heap	Mann	Reding	Tomlinson
Berkelman	Heinitz	Marsh	Rees	Valan
Blatz	Himle	McCarron	Reif	Valento
Brandl	Hoberg	McDonald	Rodriguez, C.	Vanasek
Brinkman	Hokanson	McEachern	Rodriguez, F.	Vellenga
Carlson, D.	Hokr	Mehrkens	Rose	Weaver
Dahlvang	Jacobs	Metzen	Rothenberg	Welch
Dean	Jennings	Munger	Sarna	Welker
Dempsey	Johnson, C.	Murphy	Schafer	Wenzel
Den Ouden	Johnson, D.	Nelsen, B.	Schoenfeld	Wieser
Drew	Jude	Niehaus	Schreiber	Wynia
Eken	Kaley	Norton	Shea	Zubay
Erickson	Kalis	Novak	Sherman	Spkr. Sieben, H.
Esau	Knickerbocker	Nysether	Sherwood	
Evans	Kostohryz	Olsen	Sieben, M.	
Ewald	Kvam	Onnen	Simoneau	
Fjoslien	Laidig	Osthoff	Skoglund	

Those who voted in the negative were:

Battaglia	Clark, J.	Hanson	Nelson, K.	Samuelson
Begich	Clark, K.	Kahn	O'Connor	Staten
Byrne	Ellingson	Kelly	Ogren	Voss
Carlson, L.	Greenfield	Minne	Rice	

The bill was passed and its title agreed to.

S. F. No. 520, A bill for an act relating to elections; allowing cities and counties to elect to use data processing systems in lieu of duplicate registration cards; requiring the secretary of state to prescribe alternate forms for duplicate registration files; changing voter verification requirements for cities and counties which elect to use data processing systems; amending Minnesota Statutes 1980, Sections 201.071, Subdivision 4, and by adding subdivisions; 201.221, Subdivision 4; and 204A.29, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Knickerbocker	O'Connor	Sherwood
Ainley	Ewald	Kostohryz	Ogren	Sieben, M.
Anderson, B.	Fjoslien	Kvam	Olsen	Simoneau
Anderson, G.	Forsythe	Laidig	Onnen	Skoglund
Anderson, I.	Friedrich	Lehto	Osthoff	Stadum
Anderson, R.	Greenfield	Lemen	Otis	Staten
Battaglia	Gruenes	Levi	Peterson, B.	Stowell
Begich	Halberg	Long	Peterson, D.	Stumpf
Berkelman	Hanson	Ludeman	Piepho	Sviggum
Blatz	Harens	Luknic	Pogemiller	Swanson
Brandl	Hauge	Mann	Redalen	Tomlinson
Brinkman	Heap	Marsh	Reding	Valan
Byrne	Heinitz	McCarron	Rees	Valento
Carlson, D.	Himle	McDonald	Reif	Vanasek
Carlson, L.	Hoberg	McEachern	Rice	Vellenga
Clark, J.	Hokanson	Mehrkens	Rodriguez, C.	Voss
Clark, K.	Hokr	Metzen	Rodriguez, F.	Weaver
Dahlvang	Jacobs	Minne	Rose	Welker
Dean	Jennings	Munger	Rothenberg	Wenzel
Dempsey	Johnson, C.	Murphy	Samuelson	Wieser
Den Ouden	Johnson, D.	Nelsen, B.	Sarna	Wynia
Drew	Jude	Nelson, K.	Schafer	Zubay
Eken	Kahn	Niehaus	Schoenfeld	Spkr. Sieben, H.
Ellingson	Kaley	Norton	Schreiber	
Erickson	Kalis	Novak	Shea	
Esau	Kelly	Nysether	Sherman	

The bill was passed and its title agreed to.

S. F. No. 874, A bill for an act relating to energy; requiring the provision of energy audits for certain rental housing; expanding certain utility investment programs; amending Minnesota Statutes 1980, Sections 116H.17, by adding a subdivision; 216B.165, Subdivisions 1 and 2; and 216B.241, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 54 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Berkelman	Dean	Hauge	Lehto	Norton
Brandl	Eken	Hokanson	Long	Novak
Byrne	Ellingson	Jacobs	Mann	O'Connor
Carlson, L.	Greenfield	Jude	McCarron	Ogren
Clark, J.	Gustafson	Kahn	Munger	Osthoff
Clark, K.	Hanson	Kelly	Murphy	Otis
Dahlvang	Harens	Kostohryz	Nelson, K.	Peterson, D.

Pogemiller	Rodriguez, F.	Skoglund	Vanasek	Wenzel
Reding	Schoenfeld	Staten	Vellenga	Wynia
Rice	Sieben, M.	Swanson	Voss	Spkr. Sieben, H.
Rodriguez, C.	Simoneau	Tomlinson	Welch	

Those who voted in the negative were:

Aasness	Esau	Kaley	Nelsen, B.	Schreiber
Ainley	Evans	Kalis	Niehaus	Shea
Anderson, B.	Ewald	Knickerbocker	Nysether	Sherman
Anderson, G.	Fjoslien	Kvam	Olsen	Sherwood
Anderson, I.	Friedrich	Laidig	Onnen	Stadum
Anderson, R.	Gruenes	Lemen	Peterson, B.	Stowell
Battaglia	Halberg	Levi	Piepho	Stumpf
Begich	Heap	Ludeman	Redalen	Sviggum
Blatz	Heinitz	Luknic	Rees	Valento
Brinkman	Himle	Marsh	Reif	Weaver
Carlson, D.	Hoberg	McDonald	Rose	Welker
Dempsey	Hokr	McEachern	Rothenberg	Wieser
Den Ouden	Jennings	Mehrkens	Samuelson	Zubay
Drew	Johnson, C.	Metzen	Sarna	
Erickson	Johnson, D.	Minne	Schafer	

The bill was not passed.

H. F. No. 697, A bill for an act relating to agriculture; regulating alien use of agricultural land; providing penalties; amending Minnesota Statutes 1980, Section 500.221.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 112 yeas and 13 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Kaley	Ogren	Sherwood
Ainley	Erickson	Kalis	Olsen	Sieben, M.
Anderson, B.	Esau	Knickerbocker	Onnen	Simoneau
Anderson, G.	Evans	Lemen	Osthoff	Stadum
Anderson, I.	Ewald	Levi	Otis	Staten
Anderson, R.	Fjoslien	Luknic	Peterson, B.	Stumpf
Battaglia	Forsythe	Mann	Peterson, D.	Sviggum
Begich	Friedrich	Marsh	Piepho	Swanson
Berkelman	Gruenes	McCarron	Pogemiller	Tomlinson
Blatz	Halberg	McDonald	Redalen	Valento
Brandl	Hanson	McEachern	Reding	Vanasek
Brinkman	Harens	Mehrkens	Rees	Vellenga
Byrne	Hauge	Metzen	Reif	Voss
Carlson, D.	Heap	Minne	Rice	Weaver
Carlson, L.	Heinitz	Munger	Rodriguez, F.	Welch
Clark, J.	Himle	Murphy	Rose	Wenzel
Clark, K.	Hoberg	Nelsen, B.	Rothenberg	Wieser
Dahlvang	Hokanson	Nelson, K.	Samuelson	Wynia
Dean	Hokr	Niehaus	Sarna	Zubay
Dempsey	Jacobs	Norton	Schafer	Spkr. Sieben, H.
Den Ouden	Johnson, C.	Novak	Schoenfeld	
Drew	Johnson, D.	Nysether	Shea	
Eken	Jude	O'Connor	Sherman	

Those who voted in the negative were:

Greenfield	Kelly	Laidig	Rodriguez, C.	Welker
Gustafson	Kostohryz	Lehto	Schreiber	
Kahn	Kvam	Ludeman	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 732, A bill for an act relating to agriculture; providing for continuation of certain farm tenancies on termination of life estates; proposing new law coded in Minnesota Statutes, Chapter 500.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Ainley	Ewald	Kelly	Novak	Shea
Anderson, B.	Fjoslien	Knickerbocker	Nysether	Sherman
Anderson, G.	Forsythe	Kostohryz	O'Connor	Sherwood
Anderson, I.	Friedrich	Kvam	Ogren	Sieben, M.
Anderson, R.	Greenfield	Laidig	Olsen	Simoneau
Battaglia	Gruenes	Lehto	Onnen	Skoglund
Begich	Gustafson	Lemen	Osthoff	Stadum
Berkelman	Halberg	Levi	Otis	Staten
Blatz	Hanson	Long	Peterson, B.	Stowell
Brandl	Harens	Ludeman	Peterson, D.	Stumpf
Brinkman	Hauge	Luknic	Piepho	Sviggum
Byrne	Heap	Mann	Pogemiller	Swanson
Carlson, D.	Heimitz	Marsh	Redalen	Valan
Carlson, L.	Himle	McCarron	Reding	Valento
Clark, J.	Hoberg	McDonald	Rees	Vanasek
Clark, K.	Hokanson	McEachern	Reif	Vellenga
Dahlvang	Hokr	Mehrkens	Rice	Voss
Dempsey	Jacobs	Metzen	Rodriguez, C.	Weaver
Den Ouden	Jennings	Minne	Rodriguez, F.	Welch
Drew	Johnson, C.	Munger	Rothenberg	Welker
Eken	Johnson, D.	Murphy	Samuelson	Wenzel
Ellingson	Jude	Nelsen, B.	Sarna	Wieser
Erickson	Kahn	Nelson, K.	Schafer	Wynia
Esau	Kaley	Niehaus	Schoenfeld	Zubay
Evans	Kalis	Norton	Schreiber	Spkr. Sieben, H.

The bill was passed and its title agreed to.

S. F. No. 375, A bill for an act relating to Hennepin county; providing for the administration of health care and related services of the county; providing for the administration of the duties and the appointment of the county medical examiner; repealing Laws 1963, Chapter 738, as amended; and Laws 1963, Chapter 848, as amended.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kelly	Nysether	Sieben, M.
Ainley	Ewald	Knickerbocker	O'Connor	Simoneau
Anderson, B.	Fjoslien	Kostohryz	Ogren	Skoglund
Anderson, G.	Forsythe	Kvam	Olsen	Stadum
Anderson, I.	Friedrich	Laidig	Onnen	Staten
Anderson, R.	Greenfield	Lehto	Osthoff	Stowell
Battaglia	Gruenes	Lemen	Otis	Stumpf
Begich	Gustafson	Levi	Peterson, B.	Sviggum
Berkelman	Halberg	Long	Peterson, D.	Swanson
Blatz	Hanson	Ludeman	Piepho	Tomlinson
Brandl	Harens	Luknic	Pogemiller	Valan
Brinkman	Hauge	Mann	Redalen	Valento
Byrne	Heap	Marsh	Reding	Vanasek
Carlson, D.	Heinitz	McCarron	Rees	Vellenga
Carlson, L.	Himle	McDonald	Reif	Voss
Clark, J.	Hoberg	McEachern	Rice	Weaver
Clark, K.	Hokanson	Mehrkens	Rodriguez, C.	Welch
Dahlvang	Hokr	Metzen	Rodriguez, F.	Welker
Dean	Jacobs	Minne	Rothenberg	Wenzel
Dempsey	Jennings	Munger	Samuelson	Wieser
Den Ouden	Johnson, C.	Murphy	Sarna	Wynia
Drew	Johnson, D.	Nelsen, B.	Schafer	Zubay
Eken	Jude	Nelson, K.	Schoenfeld	Spkr. Sieben, H.
Ellingson	Kahn	Niehaus	Schreiber	
Erickson	Kaley	Norton	Sherman	
Esau	Kalis	Novak	Sherwood	

The bill was passed and its title agreed to.

Rose was excused for the remainder of today's session.

H. F. No. 889, A bill for an act relating to water well contractors; altering the exemption from license requirements for certain registered professional engineers; providing for licensing of thermal exchange devices; amending Minnesota Statutes 1980, Sections 156A.02, by adding a subdivision; and 156A.03, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, R.	Blatz	Carlson, D.	Dahlvang
Ainley	Battaglia	Brandl	Carlson, L.	Dean
Anderson, G.	Begich	Brinkman	Clark, J.	Dempsey
Anderson, I.	Berkelman	Byrne	Clark, K.	Den Ouden



Drew	Hokr	McDonald	Pogemiller	Stowell
Eken	Jacobs	McEachern	Redalen	Stumpf
Ellingson	Jennings	Mehrkens	Reding	Sviggum
Erickson	Johnson, C.	Metzen	Rees	Swanson
Esau	Johnson, D.	Minne	Reif	Tomlinson
Evans	Jude	Munger	Rice	Valan
Ewald	Kaley	Murphy	Rodriguez, C.	Valento
Fjoslien	Kalis	Nelsen, B.	Rodriguez, F.	Vanasek
Forsythe	Kelly	Nelson, K.	Rothenberg	Vellenga
Friedrich	Knickerbocker	Niehaus	Samuelson	Voss
Greenfield	Kostohryz	Norton	Sarna	Weaver
Gruenes	Kvam	Novak	Schafer	Welch
Gustafson	Laidig	Schoenfeld	Schoenfeld	Welker
Halberg	Lehto	O'Connor	Schreiber	Wenzel
Hanson	Lemen	Ogren	Shea	Wieser
Harens	Levi	Olsen	Sherman	Wynia
Hauge	Long	Onnen	Sherwood	Zubay
Heap	Ludeman	Osthoff	Sieben, M.	Spkr. Sieben, H.
Heinitz	Luknic	Otis	Simoneau	
Himle	Mann	Peterson, B.	Skoglund	
Hoberg	Marsh	Peterson, D.	Stadum	
Hokanson	McCarron	Piepho	Staten	

Those who voted in the negative were:

Anderson, B. Kahn

The bill was passed and its title agreed to.

H. F. No. 25, A bill for an act relating to courts; changing the compensation of Hennepin County conciliation court referees; providing for the establishment of misdemeanor violation bureaus for Hennepin County; amending Minnesota Statutes 1980, Sections 488A.08, Subdivision 1; and 488A.13, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Dahlvang	Gustafson	Kahn	McCarron
Ainley	Dean	Halberg	Kaley	McDonald
Anderson, B.	Dempsey	Hanson	Kalis	McEachern
Anderson, G.	Den Ouden	Harens	Kelly	Mehrkens
Anderson, I.	Drew	Hauge	Knickerbocker	Metzen
Anderson, R.	Eken	Heap	Kostohryz	Minne
Battaglia	Ellingson	Heinitz	Kvam	Munger
Berkelman	Erickson	Himle	Laidig	Murphy
Blatz	Esau	Hoberg	Lehto	Nelsen, B.
Brandl	Evans	Hokanson	Lemen	Nelson, K.
Brinkman	Ewald	Hokr	Levi	Niehaus
Byrne	Fjoslien	Jacobs	Long	Norton
Carlson, D.	Forsythe	Jennings	Ludeman	Novak
Carlson, L.	Friedrich	Johnson, C.	Luknic	Nysether
Clark, J.	Greenfield	Johnson, D.	Mann	O'Connor
Clark, K.	Gruenes	Jude	Marsh	Ogren

Olsen	Rees	Schreiber	Stumpf	Welch
Onnen	Reif	Shea	Sviggum	Welker
Osthoff	Rice	Sherman	Swanson	Wenzel
Otis	Rodriguez, C.	Sherwood	Tomlinson	Wieser
Peterson, B.	Rodriguez, F.	Sieben, M.	Valan	Wynia
Peterson, D.	Rothenberg	Simoneau	Valento	Zubay
Piepho	Samuelson	Skoglund	Vanasek	Spkr. Sieben, H.
Pogemiller	Sarna	Stadum	Vellenga	
Redalen	Schafer	Staten	Voss	
Reding	Schoenfeld	Stowell	Weaver	

The bill was passed and its title agreed to.

H. F. No. 35, A resolution memorializing Congress to enact legislation relating to the early release of election returns.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 116 yeas and 10 nays as follows:

Those who voted in the affirmative were:

Aasness	Fjoslien	Knickerbocker	O'Connor	Simoneau
Anderson, B.	Forsythe	Kostohryz	Ogren	Skoglund
Anderson, G.	Friedrich	Kvam	Olsen	Stadum
Anderson, I.	Greenfield	Laidig	Osthoff	Staten
Anderson, R.	Gruenes	Lehto	Otis	Stumpf
Battaglia	Gustafson	Lemen	Peterson, B.	Sviggum
Begich	Halberg	Long	Peterson, D.	Swanson
Berkelman	Hanson	Luknic	Piepho	Tomlinson
Blatz	Harens	Mann	Pogemiller	Valan
Brandl	Hauge	Marsh	Redalen	Vanasek
Brinkman	Heap	McCarron	Reding	Vellenga
Carlson, D.	Heinitz	McDonald	Reif	Voss
Carlson, L.	Himle	McEachern	Rice	Weaver
Clark, J.	Hoberg	Mehrkens	Rodriguez, C.	Welch
Clark, K.	Hokanson	Metzen	Rodriguez, F.	Welker
Dahlvang	Hokr	Minne	Samuelson	Wenzel
Dempsey	Jacobs	Munger	Sarna	Wieser
Drew	Johnson, C.	Murphy	Schafer	Wynia
Eken	Johnson, D.	Nelsen, B.	Schoenfeld	Zubay
Ellingson	Jude	Nelson, K.	Schreiber	Spkr. Sieben, H.
Erickson	Kahn	Niehaus	Shea	
Esau	Kaley	Norton	Sherman	
Evans	Kelly	Novak	Sherwood	
Ewald		Nysether	Sieben, M.	

Those who voted in the negative were:

Ainley	Jennings	Ludeman	Rees	Stowell
Dean	Levi	Onnen	Rothenberg	Valento

The bill was passed and its title agreed to.

H. F. No. 54, A bill for an act relating to meetings of public bodies; allowing public employers to determine negotiation strategy at a nonpublic meeting; amending Minnesota Statutes 1980, Section 471.705, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 102 yeas and 21 nays as follows:

Those who voted in the affirmative were:

Aasness	Friedrich	Knickerbocker	O'Connor	Sherman
Anderson, B.	Gruenes	Kvam	Ogren	Sherwood
Anderson, G.	Gustafson	Laidig	Olsen	Simoneau
Battaglia	Halberg	Lehto	Onnen	Skoglund
Begich	Harens	Lemen	Otis	Stadum
Berkelman	Hauge	Levi	Peterson, B.	Stowell
Blatz	Heap	Ludeman	Peterson, D.	Stumpf
Brandl	Heinitz	Luknic	Piepho	Sviggum
Brinkman	Himle	Mann	Pogemiller	Swanson
Carlson, D.	Hoberg	Marsh	Redalen	Tomlinson
Dahlvang	Hokanson	McDonald	Reding	Valan
Dempsey	Hokr	McEachern	Rees	Valento
Den Ouden	Jacobs	Mehrkens	Reif	Vellenga
Drew	Jennings	Metzen	Rice	Weaver
Eken	Johnson, C.	Minne	Rodriguez, C.	Welker
Erickson	Johnson, D.	Munger	Rodriguez, F.	Wenzel
Esau	Jude	Murphy	Samuelson	Wieser
Evans	Kahn	Nelsen, B.	Schafer	Zubay
Ewald	Kaley	Niehaus	Schoenfeld	
Fjoslien	Kalis	Norton	Schreiber	
Forsythe	Kelly	Nysether	Shea	

Those who voted in the negative were:

Ainley	Clark, J.	Hanson	Novak	Spkr. Sieben, H.
Anderson, I.	Clark, K.	Kostohryz	Osthoff	
Anderson, R.	Dean	Long	Vanasek	
Byrne	Ellingson	McCarron	Voss	
Carlson, L.	Greenfield	Nelson, K.	Welch	

The bill was passed and its title agreed to.

Norton and Shea were excused at 5:30 p.m. Vanasek was excused at 5:40 p.m. Laidig was excused at 5:50 p.m. Luknic was excused at 6:30 p.m. Clark, K., was excused at 6:35 p.m.

### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. Wynia presided during a portion of the meeting of the Committee of the Whole. After some time spent therein the Committee arose.

### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. No. 137 which it recommended to pass.

H. F. No. 673 which it recommended progress.

H. F. No. 236 which it recommended progress until Monday, May 11, 1981.

H. F. No. 192 which it recommended to pass with the following amendment offered by Rodriquez, F.:

Page 5, line 15, delete "4" and insert "3"

H. F. No. 126 which it recommended to pass with the following amendments:

Offered by Anderson, B.:

Page 1, line 23, delete "or private" and after "point" insert "and other areas commonly used by the public for access to the lake"

Offered by Stumpf and Rees:

Page 2, after line 16, insert:

"Sec. 2. Minnesota Statutes 1980, Section 112.36, is amended to read:

#### 112.36 [ESTABLISHMENT OF DISTRICTS.]

*Subdivision 1.* [GENERAL POWER.] The board is hereby vested with jurisdiction, power, and authority, upon filing of a nominating petition, to establish a watershed district and define and fix the boundaries thereof, all areas of which shall be contiguous and which may be entirely within or partly within and partly without any county, and may include the whole or any part of any watershed or watersheds within the discretion of the board and may include the whole or any part of one or more counties, and to appoint the first board of managers thereof, as herein provided.

*Subd. 2.* [PURPOSES OF DISTRICT.] A watershed district may be established for any or all of the following conservation purposes:

- (1) Control or alleviation of damage by flood waters;
- (2) Improvement of stream channels for drainage, navigation, and any other public purpose;
- (3) Reclaiming or filling wet and overflowed lands;

- (4) Providing water supply for irrigation;
- (5) Regulating the flow of streams and conserving the waters thereof;
- (6) Diverting or changing watercourses in whole or in part;
- (7) Providing and conserving water supply for domestic, industrial, recreational, agricultural, or other public use;
- (8) Providing for sanitation and public health and regulating the use of streams, ditches, or watercourses for the purpose of disposing of waste;
- (9) Repair, improve, relocate, modify, consolidate, and abandon, in whole or in part, drainage systems within a watershed district;
- (10) Imposition of preventive or remedial measures for the control or alleviation of land and soil erosion and siltation of watercourses or bodies of water affected thereby;
- (11) Regulating improvements by riparian landowners of the beds, banks, and shores of lakes, streams, and marshes by permit or otherwise in order to preserve the same for beneficial use;
- (12) *Protecting the habitat of fish, waterfowl, game or other wildlife;*
- (13) *Providing for the generation of hydroelectric power; and*
- (14) *Protecting or enhancing the quality of water in watercourses or bodies of water.*

Sec. 3. Minnesota Statutes 1980, Section 112.53, Subdivision 1, is amended to read:

Subdivision 1. The managers shall by publication give notice of the pendency of the petition or resolution; the time and place for hearing thereon; that the engineer's and appraisers' reports, including the plans, have been filed with the managers and are subject to inspection. The notice shall contain a brief description of the proposed (IMPROVEMENT) *project*, together with a description of the properties benefited or damaged, and the names of the owners thereof, the public and other corporations affected thereby as shown by the engineer's and appraisers' reports *or a map of the area affected*; and require all parties interested in the proposed improvement to appear before the managers at the time and place designated in the notice and there present their objections, if any they have, and show cause

why an order should not be made by the managers granting the petition and confirming the reports of the engineer and the appraisers and ordering the establishment and construction of the improvement."

Amend the title as follows:

Page 1, line 5, after "care;" insert "changing and clarifying administrative provisions regarding watershed districts; permitting use of a map to show notification of an assessment area; amending Minnesota Statutes 1980, Sections 112.36; 112.53, Subdivision 1;"

H. F. No. 217 which it recommended progress with the following amendment offered by Redalen:

Page 1, after line 23, insert:

**"Sec. 2. [SALE OF CERTAIN TRAIL LANDS.]**

*The commissioner of natural resources may, in the manner provided by law for the sale of trust fund lands, sell at public auction the lands and interest in lands consisting of the abandoned railway line in Mower, Olmsted and Fillmore counties which were acquired by the state in 1978 from the Chicago North Western Transportation Company which lie along the north right-of-way line of U.S. highways 16/63 near the city of Spring Valley in Fillmore County to the city of Stewartville in Olmsted County, excepting from sale: (a) those lands and interests in lands needed by the department of transportation for highway 63 improvements near Racine, in Mower County, those lands being a strip of land a maximum of 25 feet in width being the westerly 25 feet of the railroad right-of-way in the SW 1/4 of the NW 1/4 and the W 1/2 of the SW 1/4 of Section 14; the E 1/2 of the SE 1/4 and SE 1/4 of the NE 1/4 of Section 15; the E 1/2 of the NE 1/4 and the E 1/2 of the SE 1/4 of Section 22; the W 1/2 of the NW 1/4 of Section 23; the NE 1/4 of the NE 1/4 of Section 27; the W 1/2 of the SW 1/4 and the W 1/2 of the NW 1/4 of Section 26; and the E 1/2 of the SW 1/4, the E 1/2 of the NW 1/4 and the NW 1/4 of the NW 1/4 of Section 35; Township 104N, Range 14W; and (b) that part of the railroad right-of-way located in the W 1/2 of the NW 1/4 of section 23 and in the E 1/2 of the NE 1/4 of section 22, Township 104N, Range 14W in Mower County, but not including the westerly 25 feet of the right-of-way needed by the department of transportation. The commissioner may subdivide the lands and interest in lands into smaller parcels for the purpose of this sale.*

**Sec. 3. [CONVEYANCE OF RIGHT-OF-WAY.]**

*The commissioner of natural resources, in the name of the state, may convey to adjoining property owners by quitclaim deed, at not less than the appraised value, the following described*

*real property when the state's title has been clarified either through litigation or land exchange:*

*A strip of land 100 feet in width extending over and across Government Lots Four (4) and Five (5), the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) and the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section Nine (9); Government Lots One (1), Two (2), Three (3), Four (4) and Five (5) and the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section Sixteen (16); Government Lots One (1) and Two (2) and the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section Twenty (20); Government Lot One (1), of Section Twenty-one (21); said strip of land being 50 feet in width on each side of the center line of the main track, now removed, of the former Saint Paul, Minneapolis and Manitoba Railway Company, now Burlington Northern Incorporated, as originally located and established over and across said Sections Nine (9), Sixteen (16), Twenty (20) and Twenty-one (21), Township One Hundred Forty-three (143) North, Range Thirty-one (31) West.*

*The deed shall be in a form approved by the attorney general.*

Sec. 4. [EFFECTIVE DATE.]

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

Amend the title as follows:

Page 1, line 2, after "sale" insert "or conveyance"

Page 1, line 3, after "Trail" insert "and certain other lands acquired for trail purposes"

On the motion of Eken the report of the Committee of the Whole was adopted.

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

Kvam moved to amend H. F. No. 217, as amended, as follows:

Page 1, delete lines 9 to 15, and insert:

*"the western boundary of Carver County to the end of the trail at Clara City in Chippewa"*

The question was taken on the amendment and the roll was called. There were 29 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kvam	Niehaus	Sviggum
Ainley	Evans	Lemen	Nysether	Valento
Anderson, R.	Fjoslien	Levi	Onnen	Weaver
Dempsey	Gruenes	Ludeman	Piepho	Welker
Den Ouden	Hokr	McDonald	Schafer	Wieser
Erickson	Jennings	McEachern	Stadum	

Those who voted in the negative were:

Anderson, B.	Forsythe	Kelly	Otis	Simoneau
Anderson, G.	Greenfield	Knickerbocker	Peterson, B.	Skoglund
Anderson, I.	Gustafson	Kostohryz	Peterson, D.	Staten
Battaglia	Halberg	Lehto	Pogemiller	Stowell
Begich	Hanson	Long	Redalen	Stumpf
Berkelman	Harens	Mann	Reding	Swanson
Blatz	Hauge	Marsh	Rees	Tomlinson
Brandl	Heap	McCarron	Reif	Vanasek
Byrne	Heinitz	Metzen	Rice	Vellenga
Carlson, D.	Himle	Minne	Rodriguez, C.	Voss
Carlson, L.	Hokanson	Munger	Rodriguez, F.	Welch
Clark, J.	Jacobs	Murphy	Rothenberg	Wenzel
Dahlvang	Johnson, C.	Nelsen, B.	Samuelson	Wynia
Dean	Johnson, D.	Nelson, K.	Sarna	Zubay
Drew	Jude	Novak	Schoenfeld	Spkr. Sieben, H.
Eken	Kahn	O'Connor	Schreiber	
Ellingson	Kaley	Ogren	Sherman	
Ewald	Kalis	Osthoff	Sherwood	

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

There being no objection the order of business reverted to Reports of Standing Committees.

## REPORTS OF STANDING COMMITTEES

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 682, A bill for an act relating to workers' compensation; altering and establishing schedules of payment for permanent partial disability; amending Minnesota Statutes 1980, Section 176.101, Subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 10A.01, Subdivision 18, is amended to read:

Subd. 18. "Public official" means any:

(a) Member of the legislature;



(b) Constitutional officer in the executive branch and his chief administrative deputy;

(c) Member, chief administrative officer or deputy chief administrative officer of a state board or commission which has at least one of the following powers: (i) the power to adopt, amend or repeal rules, or (ii) the power to adjudicate contested cases or appeals;

(d) Commissioner, deputy commissioner or assistant commissioner of any state department as designated pursuant to section 15.01;

(e) Individual employed in the executive branch who is authorized to adopt, amend or repeal rules or adjudicate contested cases;

(f) Executive director of the state board of investment;

(g) Executive director of the Indian affairs intertribal board;

(h) Commissioner of the iron range resources and rehabilitation board;

(i) Director of mediation services;

(j) Deputy of any official listed in clauses (e) to (i);

(k) Judge of *the workers' compensation court of appeals*;

(l) Hearing examiner or *compensation judge* in the state office of administrative hearings or *hearing examiner* in the department of economic security;

(m) Solicitor general or deputy, assistant or special assistant attorney general;

(n) Individual employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house, revisor of statutes, or researcher or attorney in the office of senate research, senate counsel, or house research; or

(o) Member or chief administrative officer of the metropolitan council, metropolitan transit commission, metropolitan waste control commission, metropolitan parks and open spaces commission, metropolitan airports commission or metropolitan sports facilities commission.

Sec. 2. Minnesota Statutes 1980, Section 15.052, Subdivision 1, is amended to read:

Subdivision 1. A state office of administrative hearings is created. The office shall be under the direction of a chief hearing examiner, who shall be learned in the law and appointed by the governor, with the advice and consent of the senate, for a term ending on June 30 of the sixth calendar year after appointment. The chief hearing examiner shall appoint additional hearing examiners *and compensation judges* to serve in his office as necessary to fulfill the duties prescribed in this section. All hearing examiners *and compensation judges* shall be in the classified service except that the chief hearing examiner shall be in the unclassified service, but may be removed from his position only for cause. (ADDITIONALLY,) All hearing examiners shall have demonstrated knowledge of administrative procedures and shall be free of any political or economic association that would impair their ability to function officially in a fair and objective manner. *All workers' compensation judges shall be learned in the law, shall have demonstrated knowledge of workers' compensation laws and shall be free of any political or economic association that would impair their ability to function officially in a fair and objective manner.*

Sec. 3. Minnesota Statutes 1980, Section 15.052, Subdivision 2, is amended to read:

Subd. 2. When regularly appointed hearing examiners *or compensation judges* are not available, the chief hearing examiner may contract with qualified individuals to serve as hearing examiners. Such temporary hearing examiners *or compensation judges* shall not be employees of the state.

Sec. 4. Minnesota Statutes 1980, Section 15.052, Subdivision 3, is amended to read:

Subd. 3. All hearings of state agencies required to be conducted under this chapter shall be conducted by a hearing examiner assigned by the chief hearing examiner. *All hearings required to be conducted under chapter 176 shall be conducted by a compensation judge assigned by the chief hearing examiner.* In assigning hearing examiners *or compensation judges* to conduct such hearings, the chief hearing examiner shall attempt to utilize personnel having expertise in the subject to be dealt with in the hearing. Only hearing examiners learned in the law shall be assigned to contested case hearings. *Only compensation judges shall be assigned to workers' compensation matters.* It shall be the duty of the hearing examiner to: (1) advise an agency as to the location at which and time during which a hearing should be held so as to allow for participation by all affected interests; (2) conduct only hearings for which proper notice has been given; (3) see to it that all hearings are conducted in a fair and impartial manner ( ; AND (4)). *Except in the case of workers' compensation hearings involving claims for compensation it shall also be the duty of the chief hearing examiner to make a report on each proposed agency action in which the hearing examiner func-*

tioned in an official capacity, stating his findings of fact and his conclusions and recommendations, taking notice of the degree to which the agency has (i) documented its statutory authority to take the proposed action, (ii) fulfilled all relevant substantive and procedural requirements of law or rule, and (iii) in rulemaking proceedings, demonstrated the need for and reasonableness of its proposed action with an affirmative presentation of facts.

Sec. 5. Minnesota Statutes 1980, Section 15.052, Subdivision 4, is amended to read:

Subd. 4. The chief hearing examiner shall (PROMULGATE) *adopt* rules to govern the procedural conduct of all hearings, relating to both rule adoption, amendment, suspension or repeal hearings (AND), contested case hearings, and *workers' compensation hearings. Temporary rule-making authority is granted to the chief hearing examiner for the purpose of implementing sections 2 to 6, 84, 85 to 100, 105 to 113, and 118.* (SUCH) The procedural rules for hearings shall be binding upon all agencies and shall supersede any other agency procedural rules with which they may be in conflict. The procedural rules for hearings shall include in addition to normal procedural matters provisions relating to recessing and reconvening new hearings when the proposed final rule of an agency is substantially different from that which was proposed at the public hearing. The procedural rules shall establish a procedure whereby the proposed final rule of an agency shall be reviewed by the chief hearing examiner to determine whether or not a new hearing is required because of substantial changes or failure of the agency to meet the requirements of section 15.0412, subdivisions 4 to 4f. Upon his own initiative or upon written request of an interested party, the chief hearing examiner may issue a subpoena for the attendance of a witness or the production of (SUCH) books, papers, records or other documents as are material to the matter being heard. The subpoenas shall be enforceable through the district court in the district in which the subpoena is issued.

Sec. 6. Minnesota Statutes 1980, Section 15.052, Subdivision 5, is amended to read:

Subd. 5. The office of administrative hearings may maintain a court reporter system *for administrative hearings* and in addition to or in lieu thereof may contract with non-governmental sources for court reporter services *for such hearings. The office of administrative hearings shall maintain a court reporter system for workers' compensation hearings.* The court reporters may additionally be utilized as the chief hearing examiner directs. Unless the chief hearing examiner determines that the use of a court reporter is more appropriate, an audio magnetic recording device shall be used to keep a record at any hearing which takes place under this chapter, *provided, however, that*

*court reporters shall be utilized in all cases arising under chapter 176.*

Court reporters serving in the court reporter system of the office of administrative hearings shall be in the classified service. Notwithstanding the provisions of section 15.17, subdivision 4, copies of transcriptions of hearings conducted pursuant to this section may be obtained only through the office of administrative hearings.

Sec. 7. Minnesota Statutes 1980, Section 15A.083, is amended by adding a subdivision to read:

*Subd. 7. [WORKERS' COMPENSATION COURT OF APPEALS.] Salaries of judges of the workers' compensation court of appeals shall be the same as the salary for district judges as provided in subdivision 1.*

Sec. 8. Minnesota Statutes 1980, Section 43.064, is amended to read:

**43.064 [OTHER SALARIES SET BY COMMISSIONER OF EMPLOYEE RELATIONS.]**

Notwithstanding any other law to the contrary, compensation for all unclassified positions in the executive branch not enumerated in the listing described in section 15A.081, shall be established by the commissioner except for the following: (1) positions listed in section 299D.03; (2) employees in the office of the governor whose salaries shall be determined by the governor; (3) employees in the office of the attorney general; (4) employees of the state board of investment; (5) positions in the state university system, the community college system, and in the higher education coordinating board whose primary duties consist of instructing and counseling students, directing academic programs of schools, divisions or departments of colleges and community colleges, or conducting research on academic subjects, or conducting academic support programs; and the positions of state university and community college presidents. Individual salaries for positions enumerated in clauses (3), (4) and (5) and for classified hearing examiners *and compensation judges* in the office of administrative hearings shall be determined by the attorney general, the state board of investment, the state university board, the state board for community colleges, the higher education coordinating board, and the chief hearing examiner, respectively, within the limits of salary plans which shall have been approved by the commissioner before becoming effective.

No provision of any subsequent law relating to salaries of state employees shall be construed as inconsistent with this section unless it is expressly provided in the subsequent act that

the provisions of this section shall not be applicable or shall be superseded, amended, or repealed.

Sec. 9. Minnesota Statutes 1980, Section 60A.15, Subdivision 1, is amended to read:

Subdivision 1. [DOMESTIC AND FOREIGN COMPANIES OTHER THAN TOWN AND FARMERS' MUTUAL AND DOMESTIC MUTUALS OTHER THAN LIFE.] On or before April 15, *May 15*, June 15, (SEPTEMBER 15) and December 15 of each year following December 31, 1971, every domestic and foreign company, except town and farmers' mutual insurance companies and domestic mutual insurance companies other than life, shall pay to the state treasurer through the commissioner of insurance (QUARTERLY) installments *equal to one-fourth* of the insurer's total estimated tax for the current year based on a sum equal to two percent of the gross premiums less return premiums on all direct business received by it in this state, or by its agents for it, in cash or otherwise, during such year, excepting premiums written for marine insurance as specified in subdivision 6. If unpaid by such dates penalties of ten percent shall accrue thereon, and thereafter such sum and penalties shall draw interest at the rate of one percent per month until paid. Failure of a company to make (QUARTERLY) payments of at least one-fourth of either (a) the total tax paid during the previous calendar year or (b) 80 percent of the actual tax for the current calendar year shall subject the company to the penalty and interest provided in this subdivision.

Sec. 10. Minnesota Statutes 1980, Section 79.01, Subdivision 2, is amended to read:

Subd. 2. [INSURER.] The word "insurer" means any insurance carrier authorized by license issued by the commissioner of insurance to transact the business of workers' compensation insurance in this state (. FOR PURPOSES OF THIS SUBDIVISION "INSURER" DOES NOT INCLUDE) *and includes* a political subdivision providing self insurance or establishing a pool under section 471.981, subdivision 3.

Sec. 11. Minnesota Statutes 1980, Section 79.01, Subdivision 3, is amended to read:

Subd. 3. [INSURANCE.] The word "insurance" means workers' compensation insurance and insurance covering any part of the liability of an employer exempted from insuring his liability for compensation, as provided in section 176.181 (.) *and includes* a program of self insurance, self insurance revolving fund or pool established under section 471.981 (IS NOT INSURANCE FOR PURPOSES OF THIS SUBDIVISION).

Sec. 12. Minnesota Statutes 1980, Section 79.071, is amended by adding a subdivision to read:

*Subd. 1a. If the legislature enacts amendments to the workers' compensation laws of this state which indicate a reduction in the schedule of rates, or the commissioner determines that the loss experience of Minnesota workers' compensation insurers indicates a change in the existing schedule of rates, the commissioner may, in his discretion order a change in the schedule of rates or order a hearing to determine whether and by what percentage the schedule of rates should be changed. A hearing held pursuant to this subdivision is not subject to the contested case proceeding requirements of sections 79.071 and 79.072, notwithstanding section 79.076.*

Sec. 13. Minnesota Statutes 1980, Section 79.071, is amended by adding subdivisions to read:

*Subd. 8. When an insurer's estimate of amounts required to be reserved is based in any part on the operation of section 176.645, any assumption as to reserves required due to the operation of section 176.645, shall, for the purposes of determining rates, be offset by an assumption that the amount initially reserved shall be invested and yield a return equal to the annual percentage increase in the statewide average weekly wage. With respect to other reserved amounts, the commissioner shall, in determining rates, cause those rates to fully reflect the investment earnings of insurers which arise from revenues derived from the sale of workers' compensation insurance, either by use of a discount rate of no less than six percent in determining the reserves necessary for all claims, or by the use of an alternative methodology which the commissioner finds is more appropriate. Insurers shall provide the commissioner with any information which he deems necessary to arrive at the determination required by this subdivision.*

*Subd. 9. [EXPENSE ALLOWANCE.] A schedule of rates shall be deemed excessive and shall not be approved by the commissioner if it contemplates or would result in an expense allocation for workers' compensation insurers in excess of 30.85 percent of premium. Any approved schedule of rates which would result in an excessive expense allocation shall be modified to comply with this subdivision pursuant to section 12.*

*Subd. 10. In no case shall more than one insurer reserve amounts in anticipation of losses on a single claim, nor shall an insurer reserve amounts in anticipation of losses which are the responsibility of the reinsurance association.*

Sec. 14. Minnesota Statutes 1980, Section 79.34, Subdivision 1, is amended to read:

Subdivision 1. A nonprofit association known as the workers' compensation reinsurance association is created, which may be incorporated under chapter 317 with all the powers of a corporation formed under that chapter, except that if the pro-

visions of that chapter are inconsistent with sections 79.34 to 79.42 or any amendments thereto, sections 79.34 to 79.42 shall govern. Each insurer as defined by section 79.01, subdivision 2, shall as a condition of its authority to transact workers' compensation insurance in this state, be a member of the reinsurance association and shall be bound by the plan of operation of the reinsurance association; *provided, that all affiliated insurers within a holding company system as defined in sections 60D.01 to 60D.13 shall be considered a single entity for purposes of the exercise of all rights and duties of membership in the reinsurance association.* Each self-insurer approved pursuant to section 176.181 and each political subdivision which self-insures shall, as a condition of its authority to self-insure workers' compensation liability in this state, be a member of the reinsurance association and shall be bound by its plan of operation; *provided, that (a) all affiliated companies within a holding company system, as determined by the commissioner in a manner consistent with the standards and definitions in sections 60D.01 to 60D.13, shall be considered a single entity for purposes of the exercise of all rights and duties of membership in the reinsurance association, and (b) all group self-insurers granted authority to self-insure pursuant to section 176.181 shall be considered a single entity for purposes of the exercise of all the rights and duties of membership in the reinsurance association.* The reinsurance association shall not be deemed a state agency. Actions of the reinsurance association and its board of directors and actions of the commissioner of insurance with respect to the reinsurance association shall not be subject to chapter 15. The reinsurance association shall be exempt from taxation under the laws of this state and all property owned by the association shall be exempt from taxation. The reinsurance association shall not be obligated to make any payments or pay any assessments to any funds or pools established pursuant to this chapter or chapter 176 or any other law.

Sec. 15. Minnesota Statutes 1980, Section 79.34, Subdivision 2, is amended to read:

Subd. 2. The reinsurance association shall provide and each member shall accept indemnification for 100 percent of the amount of ultimate loss sustained in each loss occurrence relating to one or more claims arising out of a single compensable event, including aggregate losses related to a single event or occurrence which constitutes a single loss occurrence, under chapter 176 on and after October 1, 1979, in excess of \$300,000 or \$100,000 retention limit, at the option of the member. In case of occupational disease causing disablement on and after October 1, 1979, each person suffering such disablement shall be considered to be involved in a separate loss occurrence. (EACH) *The \$100,000 retention limit shall be increased to the nearest \$10,000, on January 1, (1981) 1982 and on each January 1 thereafter by the percentage increase in the statewide average weekly wage, as determined in accordance with section 176.011, subdivision 20. On January 1, 1982 and on each January 1 there-*

after, the \$300,000 retention limit shall be increased by the amount necessary to retain a \$200,000 difference between the two retention limits. Ultimate loss as used in this section means the actual loss amount which a member is obligated to pay and which is paid by the member for workers' compensation benefits payable under chapter 176 and shall not include claim expenses, assessments, damages or penalties. A loss is incurred by the reinsurance association on the date on which the accident or other compensable event giving rise to the loss occurs, and a member is liable for a loss up to its retention limit in effect at the time that the loss was incurred, except that members which are determined by the reinsurance association to be controlled by or under common control with another member, and which are liable for claims from one or more employees entitled to compensation for a single compensable event, including aggregate losses relating to a single loss occurrence, may aggregate their losses and obtain indemnification from the reinsurance association for the aggregate losses in excess of the higher retention limit in effect at the time the loss was incurred. Each member is liable for payment of its ultimate loss and shall be entitled to indemnification from the reinsurance association for the ultimate loss in excess of the member's retention limit in effect at the time of the loss occurrence.

A member that chooses the higher retention limit shall retain the liability for all losses below the higher retention limit itself and shall not transfer the liability to any other entity or reinsure or otherwise contract for reimbursement or indemnification for losses below its retention limit, except in the following cases: (a) when the reinsurance or contract is with another member which, directly or indirectly, through one or more intermediaries, control or are controlled by or are under common control with the member; (b) when the reinsurance or contract provides for reimbursement or indemnification of a member if and only if the total of all claims which the member pays or incurs, but which are not reimbursable or subject to indemnification by the reinsurance association for a given period of time, exceeds a dollar value or percentage of premium written or earned and stated in the reinsurance agreement or contract; (c) when the reinsurance or contract is a pooling arrangement with other insurers where liability of the member to pay claims pursuant to chapter 176 is incidental to participation in the pool and not as a result of providing workers' compensation insurance to employers on a direct basis under chapter 176; (OR (D) ANY OTHER REINSURANCE OR CONTRACT APPROVED BY THE COMMISSIONER UPON HIS DETERMINATION THAT THE REINSURANCE OR CONTRACT IS NOT INCONSISTENT WITH THE BASES FOR EXCEPTION PROVIDED UNDER CLAUSES (A), (B) AND (C) ABOVE) (d) when the reinsurance or contract is limited to all the claims of a specific insured of a member which are reimbursed or indemnified by a reinsurer which, directly or indirectly, through one or more intermediaries, controls or is controlled by or is under common control with the insured of the member so long as any subsequent contract or re-



*insurance of the reinsurer relating to the claims of the insured of a member is not inconsistent with the bases of exception provided under clauses (a), (b) and (c) above; or (e) when the reinsurance or contract is limited to all claims of a specific self-insurer member which are reimbursed or indemnified by a reinsurer which, directly or indirectly, through one or more intermediaries, controls or is controlled by or is under common control with the self-insurer member so long as any subsequent contract or reinsurance of the reinsurer relating to the claims of the self-insurer member are not inconsistent with the bases for exception provided under clauses (a), (b) and (c) above.*

*Whenever it appears to the commissioner that any member that chooses the higher retention limit has participated in the transfer of liability to any other entity or reinsured or otherwise contracted for reimbursement or indemnification of losses below its retention limit in a manner inconsistent with the bases for exception provided under clauses (a), (b), (c), (d), and (e), the commissioner may, after giving notice and an opportunity to be heard, order the member to pay to the state of Minnesota an amount not to exceed twice the difference between the reinsurance premium for the higher and lower retention limit applicable to the member for each year in which the prohibited reinsurance or contract was in effect. Any member subject to this penalty provision shall continue to be bound by its selection of the higher retention limit for purposes of membership in the reinsurance association.*

Sec. 16. Minnesota Statutes 1980, Section 79.35, is amended to read:

#### 79.35 [DUTIES; RESPONSIBILITIES; POWERS.]

The reinsurance association shall do the following on behalf of its members:

(a) Assume 100 percent of the liability as provided in section 79.34;

(b) Establish procedures by which members shall promptly report to the reinsurance association each claim which, on the basis of the injury sustained, may reasonably be anticipated to involve liability to the reinsurance association if the member is held liable under chapter 176. Solely for the purpose of reporting claims, the member shall in all instances consider itself legally liable for the injury. The member shall advise the reinsurance association of subsequent developments likely to materially affect the interest of the reinsurance association in the claim;

(c) Maintain relevant loss and expense data relative to all liabilities of the reinsurance association and require each member to furnish statistics in connection with liabilities of the rein-

surance association at the times and in the form and detail as may be required by the plan of operation;

(d) Calculate and charge to members a total premium sufficient to cover the expected liability which the reinsurance association will incur in excess of the higher retention limit but less than (\$500,000) *the prefunded limit*, together with incurred or estimated to be incurred operating and administrative expenses for the period to which this premium applies and actual claim payments to be made by members, during the period to which this premium applies, for claims in excess of (\$500,000 FOR THE PERIOD TO WHICH THIS PREMIUM IS APPLICABLE) *the prefunded limit in effect at the time the loss was incurred. The prefunded limit shall be \$2,500,000 on and after October 1, 1979, provided that the prefunded limit shall be increased on January 1, 1983 and on each January 1 thereafter by the percentage increase in the statewide average weekly wage, to the nearest \$100,000, as determined in accordance with section 176.011, subdivision 20.* Each member shall be charged a proportion of the total premium in an amount equal to its proportion of the total standard earned premium of all members during the period to which the reinsurance association premium will apply, as determined by the commissioner. Each member exercising the lower retention option shall also be charged a premium established by the board as sufficient to cover incurred or estimated to be incurred claims for the liability the reinsurance association is likely to incur between the lower and higher retention limits for the period to which the premium applies. Each (MEMBER'S PREMIUM) member shall (INCLUDE AN AMOUNT) *also be charged a premium determined by the board to equitably distribute excess or deficient premiums from previous periods including any excess or deficient premiums resulting from a retroactive change in the prefunded limit.* An equitable basis for determining standard earned premium for self-insurers shall be established by the commissioner. The premiums charged to members shall not be unfairly discriminatory as defined in section 79.074. All premiums shall be approved by the commissioner;

(e) Require and accept the payment of premiums from members of the reinsurance association;

(f) Receive and distribute all sums required by the operation of the reinsurance association;

(g) Establish procedures for reviewing claims procedures and practices of members of the reinsurance association. If the claims procedures or practices of a member are considered inadequate to properly service the liabilities of the reinsurance association, the reinsurance association may undertake, or may contract with another person, including another member, to adjust or assist in the adjustment of claims which create a potential liability to the association and may charge the cost of the adjustment to the member; and

(h) Provide each member of the reinsurance association with an annual report of the operations of the reinsurance association in a form the board of directors may specify.

Sec. 17. Minnesota Statutes 1980, Section 79.36, is amended to read:

79.36 [ADDITIONAL POWERS.]

In addition to the powers granted in section 79.35, the reinsurance association may do the following:

(a) Sue and be sued. A judgment against the reinsurance association shall not create any direct liability against the individual members of the reinsurance association. The reinsurance association shall provide in the plan of operation for the indemnification, to the extent provided in the plan of operation, of the members, members of the board of directors of the reinsurance association, and officers, employees and other persons lawfully acting on behalf of the reinsurance association;

(b) Reinsure all or any portion of its potential liability, including potential liability in excess of (\$500,000) *the pre-funded limit*, with reinsurers licensed to transact insurance in this state or otherwise approved by the commissioner;

(c) Provide for appropriate housing, equipment, and personnel as may be necessary to assure the efficient operation of the reinsurance association;

(d) Contract for goods and services, including but not limited to independent claims management, actuarial, investment, and legal services from others within or without this state to assure the efficient operation of the reinsurance association;

(e) Adopt operating rules, consistent with the plan of operation, for the administration of the reinsurance association, enforce those operating rules, and delegate authority as necessary to assure the proper administration and operation of the reinsurance association;

(f) Intervene in or prosecute at any time, including but not limited to intervention or prosecution as subrogee to the member's rights in a third party action, any proceeding under this chapter or chapter 176 in which liability of the reinsurance association may, in the opinion of the board of directors of the reinsurance association or its designee, be established, or the reinsurance association affected in any other way;

(g) The net proceeds derived from intervention or prosecution of any subrogation interest, or other recovery, shall first be used to reimburse the reinsurance association for amounts paid or payable pursuant to this chapter, together with any

expenses of recovery, including attorney's fees, and any excess shall be paid to the member or other person entitled thereto, as determined by the board of directors of the reinsurance association, unless otherwise ordered by a court.

(h) Hear and determine complaints of a company or other interested party concerning the operation of the reinsurance association; and

(i) Perform other acts not specifically enumerated in this section which are necessary or proper to accomplish the purposes of the reinsurance association and which are not inconsistent with sections 79.34 to 79.42 or the plan of operation.

Sec. 18. Minnesota Statutes 1980, Section 175.007, is amended to read:

175.007 [ADVISORY COUNCIL ON WORKERS' COMPENSATION; CREATION.]

Subdivision 1. The commissioner (OF LABOR AND INDUSTRY) shall appoint (, AFTER CONSULTATION WITH THE JUDGES OF THE WORKERS' COMPENSATION COURT OF APPEALS,) an advisory council on workers' compensation, which shall consist of five representatives of employers and five representatives of employees and three members representing the general public. *The council may consult with the judges of the workers' compensation court of appeals (SHALL BE NONVOTING MEMBERS OF THE ADVISORY COUNCIL).* The council shall expire and the terms, compensation and removal of members shall be as provided in section 15.059.

Subd. 2. The advisory council shall study and present to the legislature and the governor, on or before November 15 of each even numbered year, its findings relative to the costs, methods of financing, and the formula to be used to provide supplementary compensation to workers who have been determined permanently and totally disabled prior to July 1, 1969, and its findings relative to alterations in the scheduled benefits for permanent partially disabled, and other aspects of the workers' compensation act. *The council shall also study and present to the legislature and the governor on or before November 15 of 1981 and by November 15 of each even numbered year thereafter a report on the financial, administrative and personnel needs of the workers' compensation division.*

Sec. 19. Minnesota Statutes 1980, Section 175.101, is amended by adding a subdivision to read:

*Subd. 4. Outside consultants shall be retained by the commissioner to assist him in the design of measures to improve the*

*record-keeping and information systems of the department. All studies shall be completed by January 1, 1982, at which time the commissioner shall make a report to the governor and the legislature on the proposed changes. Any contemplated expenditures for computer facilities shall not be subject to the requirements of section 16.90 to 16.965, with the exception of section 16.95 which shall apply.*

Sec. 20. Minnesota Statutes 1980, Section 175.11, Subdivision 1, is amended to read:

Subdivision 1. The workers' compensation division (AND THE WORKERS' COMPENSATION COURT OF APPEALS) shall (EACH) have a seal for the authentication of its orders and proceedings, upon which shall be inscribed the words, "Workers' Compensation Division of Minnesota" (OR "WORKERS' COMPENSATION COURT OF APPEALS OF MINNESOTA" RESPECTIVELY), as the division (OR WORKERS' COMPENSATION COURT OF APPEALS) may prescribe. The courts of this state shall take judicial notice of such seal (AND OF THE SIGNATURES OF THE JUDGES OF THE WORKERS' COMPENSATION COURT OF APPEALS); and in all cases copies of orders, proceedings, or records of the division (OR WORKERS' COMPENSATION COURT OF APPEALS), certified by (A JUDGE OF THE WORKERS' COMPENSATION COURT OF APPEALS UNDER HIS SEAL) *the commissioner*, shall be received in evidence, with the same force and effect given to the originals.

Sec. 21. Minnesota Statutes 1980, Section 175.14, is amended to read:

175.14 [TRAVELING EXPENSES.]

The (WORKERS' COMPENSATION JUDGES OF THE COURT OF APPEALS AND THE) commissioner (OF LABOR AND INDUSTRY) and the officers, assistants, and employees of the (WORKERS' COMPENSATION COURT OF APPEALS AND) department shall be paid out of the state treasury their actual and necessary expenses while traveling on the business of the (WORKERS' COMPENSATION COURT OF APPEALS OR) department. Vouchers for such expenses shall be itemized and sworn to by the persons incurring the expense, and be subject to the approval of (THE WORKERS' COMPENSATION COURT OF APPEALS OR) the commissioner of labor and industry.

Sec. 22. Minnesota Statutes 1980, Section 175.17, is amended to read:

175.17 [POWERS AND DUTIES, (WORKERS' COMPENSATION COURT OF APPEALS, AND) COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY.]

(1) (THE WORKERS' COMPENSATION COURT OF APPEALS SHALL PRINCIPALLY EXERCISE APPELLATE JURISDICTION UNDER THE LAWS RELATING TO WORKERS' COMPENSATION AND THE LAWS GOVERNING EMPLOYEES OF THE STATE, A COUNTY, OR OTHER GOVERNMENTAL SUBDIVISION WHO CONTRACT TUBERCULOSIS;)

((2)) The commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) shall administer the laws relating to workers' compensation and the laws governing employees of the state, a county, or other governmental subdivisions who contract tuberculosis;

((3)) (2) The (WORKERS' COMPENSATION COURT OF APPEALS AND THE) commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) shall (JOINTLY PRESCRIBE) *adopt* reasonable and proper rules (AND REGULATIONS) governing rules of practice before the workers' compensation division in (NONAPPELLATE) matters *which are not before a compensation judge*;

((4) THE WORKERS' COMPENSATION COURT OF APPEALS SHALL PRESCRIBE RULES OF PRACTICE BEFORE IT IN APPELLATE MATTERS;)

((5)) (3) The commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) shall collect, collate, and publish statistical and other information relating to work under (ITS) *the department's* jurisdiction and make public reports in his judgment necessary, including such other reports as may be required by law;

((6)) (4) The commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) shall establish and maintain branch offices as needed for the conduct of the affairs of the workers' compensation division.

Sec. 23. [175A.01] [CREATION.]

*Subdivision 1. [MEMBERSHIP, APPOINTMENT, QUALIFICATIONS.] The workers' compensation court of appeals as previously constituted is reconstituted as an independent agency in the executive branch.*

*The workers' compensation court of appeals shall consist of five judges each serving in the unclassified service. The five judges shall be learned in the law. Each judge of the workers' compensation court of appeals shall be appointed by the governor, by and with the advice and consent of the senate, for a term of six years commencing at the expiration of the preceding term. Any vacancy shall be filled by the governor for*

*the unexpired term, subject to confirmation by the senate. The terms of the judges shall expire on the first Monday in January of the year in which they expire. The terms of the judges shall be staggered. The judges of the workers' compensation court of appeals as now created shall be the judges of the workers' compensation court of appeals until the expiration of the terms for which they have been appointed and qualified. They shall be selected on the basis of their experience with and knowledge of workers' compensation and the workers' compensation laws of Minnesota. The judges of the workers' compensation court of appeals shall be subject to the provisions of the Minnesota Constitution, Article VI, Section 6, the jurisdiction of the commission on judicial standards, as provided in sections 490.15 and 490.16, and the provisions of the code of judicial conduct.*

**Subd. 2. [JURISDICTION.]** *The workers' compensation court of appeals shall have statewide jurisdiction. Except for an appeal to the supreme court or any other appeal allowed under this subdivision, the workers' compensation court of appeals shall be the sole, exclusive, and final authority for the hearing and determination of all questions of law and fact arising under the workers' compensation laws of the state in those cases that have been appealed to the workers' compensation court of appeals and in any case that has been transferred by the district court to the workers' compensation court of appeals. The workers' compensation court of appeals shall have no jurisdiction in any case that does not arise under the workers' compensation laws of the state or in any criminal case, provided that the workers' compensation court of appeals shall exercise appellate jurisdiction under the laws governing employees of the state, a county, or other governmental subdivision who contract tuberculosis and under chapter 352E.*

**Subd. 3. [OATH.]** *Each judge of the workers' compensation court of appeals before entering upon the duties of his office, shall take the oath prescribed by law.*

**Sec. 24. [175A.02] [OFFICERS.]**

*The judges of the workers' compensation court of appeals shall choose a chief judge from among their number. The chief judge shall appoint one of the judges to serve as the administrator, who shall be custodian of the court's files and records and shall coordinate and make hearing assignments. The administrator may choose two employees from among those transferred pursuant to section 117. The judge who is appointed the administrator may delegate the duties of administrator to the two employees whom he has chosen and may choose one of those employees to act in his place as the assistant administrator. The clerk of district court in each county shall be the clerk of the workers' compensation court of appeals in that county. Filing fees and library fees deposited with the clerk of district court in his capacity as clerk of the workers' compensation court*

*of appeals and in cases originally commenced in district court and transferred to the workers' compensation court of appeals shall be retained by the clerk of district court. The workers' compensation court of appeals clerk in each county shall be subject to the supervision of the administrator in workers' compensation court of appeals matters.*

**Sec. 25. [175A.03] [POLITICAL NONPARTICIPATION.]**

*Every judge of the workers' compensation court of appeals and every officer or employee of the workers' compensation court of appeals who by solicitation or otherwise exerts his influence, directly or indirectly, to induce other officers or employees of the state to adopt his political views, or to favor any particular person or candidate for office, or to contribute funds for campaign or political purposes, shall be removed from his office or position by the authority appointing him.*

**Sec. 26. [175A.04] [OFFICE.]**

*The workers' compensation court of appeals shall maintain its main office within the Minneapolis-St. Paul metropolitan area and be provided by the commissioner of administration with suitable rooms and necessary furniture. The offices of the workers' compensation court of appeals and the department of labor and industry shall be in separate buildings. The court may hold sessions at any other place in the state when their convenience and that of the parties interested so requires.*

**Sec. 27. [175A.05] [QUORUM.]**

*A majority of the judges of the workers' compensation court of appeals shall constitute a quorum for the exercise of the powers conferred and the duties imposed on the workers' compensation court of appeals and all appeals shall be heard by at least three of the five judges. A vacancy shall not impair the ability of the remaining judges of the workers' compensation court of appeals to exercise all the powers and perform all of the duties of the workers' compensation court of appeals.*

**Sec. 28. [175A.06] [SESSIONS TO BE PUBLIC.]**

*The hearings of the workers' compensation court of appeals shall be open to the public and may be adjourned from time to time. All the proceedings of the court shall be shown on its records, which shall be public records.*

**Sec. 29. [175A.07] [POWERS.]**

*Subdivision 1. [PROCESS; PROCEDURES.] The workers' compensation court of appeals shall keep such record of all its proceedings as it deems appropriate and shall issue neces-*



sary processes, writs, warrants, and notices which the workers' compensation court of appeals is required or authorized to issue. Notices and other documents required to be served or filed on the workers' compensation court of appeals shall be served on the administrator of the court or his delegate.

*Subd. 2. [PERSONNEL.] The judges of the workers' compensation court of appeals shall appoint in the manner provided by law all personnel required by the workers' compensation court of appeals. Each workers' compensation court of appeals judge may appoint, as necessary, a secretarial assistant, who shall be in the classified service, and a law clerk, who shall be in the unclassified service.*

*Subd. 3. [POWER TO REVIEW.] The workers' compensation court of appeals shall have the powers of review provided in chapter 176.*

*Subd. 4. [RULES.] The workers' compensation court of appeals shall prescribe rules of practice before it.*

**Sec. 30. [175A.08] [SEAL.]**

*The workers' compensation court of appeals shall have a seal for the authentication of its orders and proceedings, upon which shall be inscribed the words, "Workers' Compensation Court of Appeals of Minnesota" as the court of appeals may prescribe. The courts of this state shall take judicial notice of such seal and of the signatures of the judges of the workers' compensation court of appeals; and in all cases copies of orders, proceedings, or records of the workers' compensation court of appeals, certified by a judge of the workers' compensation court of appeals under its seal, shall be received in evidence, with the same force and effect given to the originals.*

**Sec. 31. [175A.09] [TRAVEL EXPENSES.]**

*The workers' compensation judges of the court of appeals and the officers, assistants, and employees of the workers' compensation court of appeals shall be paid out of the state treasury their actual and necessary expenses while traveling on the business of the workers' compensation court of appeals. Vouchers for such expenses shall be itemized and sworn to by the persons incurring the expense, and be subject to the approval of the workers' compensation court of appeals.*

**Sec. 32. [175A.10] [APPEALS AND REVIEWS.]**

*Unless an appeal is taken to the district court, the right of appeal provided in chapter 176 shall be the exclusive remedy for reviewing the actions of the commissioner, the workers' compensation division or a compensation judge in a matter arising under chapter 176. On any appeal taken by an employee or an employer*

*or insurer to the workers' compensation court of appeals, or the supreme court, the decision of the workers' compensation court of appeals, or the decision of the supreme court on its review, as the case may be, shall be final and conclusive as to all parties to the proceedings as to all matters at issue determined by a decision. In all cases the decision of the workers' compensation court of appeals on appeal, or of the supreme court on review, as the case may be, shall stand in lieu of the order of the commissioner or the division or the compensation judge from whom the appeal was taken.*

**Sec. 33. [176.001] [INTENT OF THE LEGISLATURE.]**

*It is the intent of the legislature that chapter 176 be interpreted so as to assure the quick and efficient delivery of indemnity and medical benefits to injured workers at a reasonable cost to the employers who are subject to the provisions of chapter 176.*

**Sec. 34. Minnesota Statutes 1980, Section 176.011, Subdivision 6, is amended to read:**

**Subd. 6. (1) "Court of appeals" means the workers' compensation court of appeals of Minnesota.**

**(2) "Division" means the workers' compensation division of the department of labor and industry.**

**(3) "Department" means the department of labor and industry.**

**(4) "Commissioner", unless the context clearly indicates otherwise, means the commissioner of labor and industry.**

**Sec. 35. Minnesota Statutes 1980, Section 176.011, Subdivision 9, is amended to read:**

**Subd. 9. [EMPLOYEE.] "Employee" means any person who performs services for another for hire; and includes the following:**

**(1) an alien;**

**(2) a minor;**

**(3) a sheriff, deputy sheriff, constable, marshal, policeman, firefighter, a county highway engineer, and a peace officer while engaged in the enforcement of peace or in and about the pursuit or capture of any person charged with or suspected of crime and any person requested or commanded to aid an officer in arresting any person, or in retaking any person who has escaped from lawful custody, or in executing any legal process in which case, for purposes of calculating compensation payable under**

this chapter, the daily wage of the person requested or commanded to assist an officer or to execute a legal process shall be the prevailing wage for similar services where the services are performed by paid employees;

(4) a county assessor;

(5) an elected or appointed official of the state, or of any county, city, town, school district or governmental subdivision therein but an officer of a political subdivision elected or appointed for a regular term of office or to complete the unexpired portion of any such regular term, shall be included only after the governing body of the political subdivision has adopted an ordinance or resolution to that effect;

(6) an executive officer of a corporation except an officer of a family farm corporation as defined in section 500.24, subdivision 1, clause (c), nor shall it include an executive officer of a closely held corporation who is referred to in section 176.012;

(7) a voluntary uncompensated worker, other than an inmate, rendering services in state institutions under the commissioner of public welfare and state institutions under the commissioner of corrections similar to those of officers and employees of these institutions, and whose services have been accepted or contracted for by the commissioner of public welfare or the commissioner of corrections as authorized by law, shall be employees within the meaning of this subdivision. In the event of injury or death of the voluntary uncompensated worker, the daily wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of the injury or death for similar services in institutions where the services are performed by paid employees;

(8) a voluntary uncompensated worker engaged in peace time in the civil defense program when ordered to training or other duty by the state or any political subdivision thereof, shall be an employee. The daily wage of the worker for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of the injury or death for similar services where the services are performed by paid employees;

(9) a voluntary uncompensated worker participating in a program established by a county welfare board shall be an employee within the meaning of this subdivision. In the event of injury or death of the voluntary uncompensated worker, the wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid in the county at the time of the injury or death for similar

services where the services are performed by paid employees working a normal day and week;

(10) a voluntary uncompensated worker accepted by the commissioner of natural resources who is rendering services as a volunteer pursuant to section 84.089 shall be an employee. The daily wage of the worker for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of injury or death for similar services where the services are performed by paid employees;

(11) a member of the military forces, as defined in section 190.05, while in "active service" or "on duty" as defined in section 190.05, when the service or duty is ordered by state authority. The daily wage of the member for the purpose of calculating compensation payable under this chapter shall be based on the member's usual earnings in civil life. If there is no evidence of previous occupation or earning, the trier of fact shall consider the member's earnings as a member of the military forces;

(12) a voluntary uncompensated worker, accepted by the director of the Minnesota historical society, rendering services as a volunteer, pursuant to chapter 138, shall be an employee. The daily wage of the worker, for the purposes of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of injury or death for similar services where the services are performed by paid employees;

(13) a voluntary uncompensated worker, other than a student, who renders services at the Minnesota school for the deaf or the Minnesota braille and sight-saving school, and whose services have been accepted or contracted for by the state board of education, as authorized by law, shall be an employee within the meaning of this subdivision. In the event of injury or death of the voluntary uncompensated worker, the daily wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of the injury or death for similar services in institutions where the services are performed by paid employees;

(14) a voluntary uncompensated worker, other than a resident of the veterans home, who renders services at a Minnesota veterans home, and whose services have been accepted or contracted for by the commissioner of veterans affairs, as authorized by law, is an employee within the meaning of this subdivision. In the event of injury or death of the voluntary uncompensated worker, the daily wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of the injury or death for similar services in institutions where the services are performed by paid employees;

(15) *a worker who renders in-home attendant care services to a physically handicapped person, and who is paid directly by the commissioner of public welfare for these services, shall be an employee of the state within the meaning of this subdivision, but for no other purpose.*

In the event it is difficult to determine the daily wage as (HEREIN) provided *in this subdivision*, then the trier of fact may determine the wage upon which the compensation is payable.

Sec. 36. Minnesota Statutes 1980, Section 176.021, Subdivision 1, is amended to read:

Subdivision 1. [LIABILITY FOR COMPENSATION.] Ex-cept as excluded by this chapter all employers and employees are subject to the provisions of this chapter.

Every (SUCH) employer is liable for compensation according to the provisions of this chapter and is liable to pay compensation in every case of personal injury or death of his employee arising out of and in the course of employment without regard to the question of negligence (, UNLESS). *The burden of proof of these facts is upon the employee.*

*If the injury was intentionally self-inflicted or (WHEN) the intoxication of the employee is the proximate cause of the injury, then the employer is not liable for compensation. The burden of proof of (SUCH) these facts is upon the employer.*

Sec. 37. Minnesota Statutes 1980, Section 176.021, is amended by adding a subdivision to read:

Subd. 1a. [BURDEN OF PROOF.] *All disputed issues of fact arising under chapter 176 shall be determined by a preponderance of the evidence. Preponderance of the evidence means evidence produced in substantiation of a fact which, when weighed against the evidence opposing the fact, has more convincing force and greater probability of truth.*

*Questions of law arising under chapter 176 shall be determined in accordance with the rules of construction generally applied to all other civil matters.*

Sec. 38. Minnesota Statutes 1980, Section 176.021, Subdivision 3, is amended to read:

Subd. 3. [COMPENSATION, COMMENCEMENT OF PAYMENT.] All employers shall commence payment of (THE) compensation at the time and in the manner prescribed by this chapter without the necessity of any agreement or any order of the division. Except (THOSE OF) *for medical, burial, and other*

non-periodic benefits, payments shall be made as nearly as (MAY BE) possible at the intervals when the wage was payable (;), provided, however, that payments for permanent partial disability (IN CASES IN WHICH RETURN TO WORK OCCURS PRIOR TO FOUR WEEKS FROM THE DATE OF INJURY SHALL BE MADE BY LUMP SUM PAYMENT,) shall be governed by subdivision 3a (AND THE PROVISIONS OF SECTION 176.165 SHALL NOT APPLY, WITHOUT THE NECESSITY OF ANY AGREEMENT, OR ORDER OF THE DIVISION, UPON CESSATION OF PAYMENTS FOR TEMPORARY TOTAL DISABILITY AND UPON THE EMPLOYEE'S RETURN TO WORK. IN CASES IN WHICH RETURN TO WORK DOES NOT OCCUR PRIOR TO FOUR WEEKS AFTER INJURY, PAYMENTS FOR PERMANENT PARTIAL DISABILITY SHALL BE MADE ACCORDING TO THE FOLLOWING SCHEDULE: 25 PERCENT OF THE AMOUNT DUE AFTER FOUR WEEKS FROM THE DATE OF INJURY, 25 PERCENT AFTER EIGHT WEEKS, 25 PERCENT AFTER 12 WEEKS AND 25 PERCENT AFTER 16 WEEKS, PROVIDED THAT ANY AND ALL PAYMENTS REMAINING SHALL BE PAID UPON THE CESSATION OF PAYMENTS FOR TEMPORARY TOTAL DISABILITY AND UPON THE EMPLOYEE'S RETURN TO WORK). If doubt exists (AT THAT TIME) as to the eventual permanent partial disability, payment, pursuant to subdivision 3a, shall be then made when due for the minimum permanent partial disability ascertainable (IN LUMP SUM), and further (LUMP SUM) payment shall be made upon any later ascertainment of greater permanent partial disability. At the time of (THE) any tender of the lump sum payment, the employee and employer shall be furnished with a copy of the medical report upon which the payment is based, together with a statement by the insurer as to whether the tendered payment is for minimum permanent partial disability or final and eventual disability. Compensation for permanent partial disability is payable (CONCURRENTLY AND) in addition to compensation for temporary total disability and temporary partial disability (AS SET FORTH IN) pursuant to section 176.101, subdivisions 1 and 2, (AND) as provided in subdivision 3a. Compensation for permanent partial disability is payable concurrently and in addition to compensation for permanent total disability (AS DEFINED IN) pursuant to section 176.101, subdivision 5 (; AND SUCH), as provided in subdivision 3a. Compensation for permanent partial disability shall (NOT) be (DEFERRED) withheld pending completion of payment for temporary total and temporary partial disability but shall not be withheld pending payment of compensation for (OR) permanent total disability, and no credit shall be taken for payment of permanent partial disability against liability for temporary total or permanent total disability. Liability on the part of an employer or his insurer for disability of a temporary total, temporary partial, and permanent total nature shall be considered as a continuing product and part of the employee's inability to earn or reduction in earning capacity due to injury or occupational disease and shall be payable accordingly, subject to subdivision 3a. Permanent partial

disability is payable for functional loss of use or impairment of function, permanent in nature, and payment therefore shall be separate, distinct, and in addition to payment for any other compensation, *subject to subdivision 3a*. The right to receive temporary total, temporary partial, permanent partial or permanent total disability payments shall vest in the injured employee or his dependents under this chapter or, if none, in his legal heirs at the time the disability can be ascertained and the right shall not be abrogated by the employee's death prior to the making of the payment.

Sec. 39. Minnesota Statutes 1980, Section 176.021, is amended by adding a subdivision to read:

*Subd. 3a. [PERMANENT PARTIAL BENEFITS, PAYMENT.] Payments for permanent partial disability as provided in section 176.101, subdivision 3, shall be made in the following manner:*

*(a) If the employee returns to work, payment shall be made by lump sum;*

*(b) If temporary total payments have ceased, but the employee has not returned to work, payment shall be made at the same intervals as temporary total payments were made;*

*(c) If temporary total disability payments cease because the employee is receiving payments for permanent total disability or because the employee is retiring or has retired from the work force, then payment shall be made by lump sum;*

*(d) If the employee completes a rehabilitation plan pursuant to section 176.102, but the employer does not furnish the employee with work he can do in his permanently partially disabled condition, and the employee is unable to procure such work with another employer, then payment shall be made by lump sum.*

Sec. 40. Minnesota Statutes 1980, Section 176.021, is amended by adding a subdivision to read:

*Subd. 8. [AMOUNTS ADJUSTED.] Amounts of compensation payable by an employer or his insurer under this chapter may be rounded to the nearest dollar amount. An employer or insurer who elects to make such adjustments shall do so for all compensation payments under this chapter.*

Sec. 41. Minnesota Statutes 1980, Section 176.041, is amended by adding a subdivision to read:

*Subd. 6. [COMMISSIONER OF LABOR AND INDUSTRY; ADDITIONAL POWERS.] Whenever an employee is covered by subdivision 2, 3 or 4, the commissioner of labor and industry*

*may enter into agreements with the appropriate agencies of other states for the purpose of resolving conflicts of jurisdiction or disputes concerning workers' compensation coverage. An agreement entered into pursuant to this subdivision may be appealed in the same manner and within the same time as if the appeal were from an order or decision of a compensation judge to the workers' compensation court of appeals.*

Sec. 42. Minnesota Statutes 1980, Section 176.061, Subdivision 1, is amended to read:

Subdivision 1. [ELECTION OF REMEDIES.] Where an injury or death for which (COMPENSATION IS) *benefits are payable* occurs under circumstances which create a legal liability for damages on the part of a party other than the employer and at the time of such injury or death that party was insured or self-insured in accordance with this chapter, the employee, in case of injury, or his dependents, in case of death, may proceed either at law against that party to recover damages or against the employer for (COMPENSATION) *benefits*, but not against both.

Sec. 43. Minnesota Statutes 1980, Section 176.061, Subdivision 3, is amended to read:

Subd. 3. [ELECTION TO RECEIVE (COMPENSATION) *BENEFITS FROM EMPLOYER; SUBROGATION.*] If the employee or his dependents elect to receive (COMPENSATION) *benefits from the employer, or the special compensation fund,* (SUCH) *the employer, or the special compensation fund,* is subrogated to the right of the employee or his dependents to recover damages against the other party. The employer, *or the attorney general on behalf of the special compensation fund,* may bring legal proceedings against such party and recover the aggregate amount of (COMPENSATION) *benefits payable (BY HIM) to or on behalf of the employee or his dependents,* together with (THE) costs, disbursements, and reasonable attorney's fees of the action.

If an action as provided in this chapter prosecuted by the employee, the employer, or (BOTH JOINTLY) *the attorney general on behalf of the special compensation fund,* against the third person, results in judgment against the third person, or settlement by the third person, the employer shall have no liability to reimburse or hold the third person harmless on the judgment or settlement in absence of a written agreement to do so executed prior to the injury.

Sec. 44. Minnesota Statutes 1980, Section 176.061, Subdivision 4, is amended to read:



Subd. 4. [APPLICATION OF SUBDIVISIONS 1, 2, AND 3.] The provisions of subdivisions 1, 2, and 3 apply only where the employer liable for (COMPENSATION) *benefits* and the other party legally liable for damages are insured or self-insured and engaged, in the due course of business *in*, (a) (IN) furtherance of a common enterprise, or (b) *in* the accomplishment of the same or related purposes in (OPERATION) *operations* on the premises where the injury was received at the time thereof.

Sec. 45. Minnesota Statutes 1980, Section 176.061, Subdivision 5, is amended to read:

Subd. 5. [CUMULATIVE REMEDIES.] Where an injury or death for which (COMPENSATION IS) *benefits* are payable is caused under circumstances which created a legal liability for damages on the part of a party other than the employer, that party being then insured or self-insured in accordance with this chapter, and the provisions of subdivisions 1, 2, 3, and 4 do not apply, or the party other than the employer is not then insured or self-insured as provided by this chapter, legal proceedings may be taken by the employee or his dependents in accordance with clause (a), or by his employer, or by the attorney general on behalf of the special compensation fund, in accordance with clause (b), against the other party to recover damages, notwithstanding the payment by the employer, or the special compensation fund or (HIS) *their* liability to pay (COMPENSATION) *benefits*.

(a) If an action against the other party is brought by the injured employee or his dependents and a judgment is obtained and paid or settlement is made with the other party, the employer or the special compensation fund may deduct from the (COMPENSATION) *benefits* payable (BY HIM) the amount actually received by the employee or dependents or *paid on their behalf* in accordance with subdivision 6. If the action is not diligently prosecuted or if the court deems it advisable in order to protect the interests of the employer, or the special compensation fund, upon application the court may grant the employer, or the special compensation fund, the right to intervene in any such action for the prosecution thereof. If the injured employee or his dependents (AGREE TO RECEIVE COMPENSATION) or any party on their behalf receives *benefits* from the employer, or the special compensation fund, or institute proceedings to recover the same or accept from the employer, or the special compensation fund, any payment on account of the (COMPENSATION) *benefits*, the employer, or the special compensation fund, is subrogated to the rights of the employee or his dependents. This employer, or the attorney general on behalf of the special compensation fund, may maintain an action or continue an action already instituted. This action may be maintained in the name of the employee or the names of the dependents, or in the name of the employer or in the name of the attorney general on behalf of the special compensation fund against such other party for the recov-

ery of damages. If the action is not diligently prosecuted by the employer, or the attorney general on behalf of the special compensation fund, or the court deems it advisable in order to protect the interest of the employee, the court, upon application, may grant to the employee or his dependents the right to intervene in the action for the prosecution thereof. The proceeds of such action or settlement thereof shall be paid in accordance with subdivision 6.

(b) If an employer, being then insured, sustains damages due to a change in workers' compensation insurance premiums, whether by a failure to achieve a decrease or by a retroactive or prospective increase, as a result of the injury or death of his employee which was caused under circumstances which created a legal liability for damages on the part of a party other than the employer, the employer, notwithstanding other remedies provided, may maintain an action against the other party for recovery of such premiums. This cause of action may be brought either by joining in an action described in clause (a) or by a separate action. Damages recovered under this clause shall be for the benefit of the employer and the provisions of subdivision 6 shall not be applicable to such damages.

(c) The third party is not liable to any person other than the employee or his dependents, or his employer, or the special compensation fund, for any damages resulting from the injury or death.

A co-employee working for the same employer is not liable for a personal injury incurred by another employee unless the injury resulted from the gross negligence of the co-employee or was intentionally inflicted by the co-employee.

Sec. 46. Minnesota Statutes 1980, Section 176.061, Subdivision 6, is amended to read:

Subd. 6. [COSTS, ATTORNEY FEES, EXPENSES.] The proceeds of all actions for damages or settlement thereof under this section, except for damages received under subdivision 5, clause (b) received by the injured employee or his dependents or by the employer, or the special compensation fund, as provided by subdivision 5, shall be divided as follows:

(a) After deducting the reasonable cost of collection, including but not limited to attorneys fees and burial expense in excess of the statutory liability, then

(b) One-third of the remainder shall in any event be paid to the injured employee or his dependents, without being subject to any right of subrogation.

(c) Out of the balance remaining, the employer, or the special compensation fund, shall be reimbursed in an amount equal

to all (COMPENSATION) *benefits* paid under this chapter to *or on behalf of* the employee or his dependents by the employer, *or special compensation fund*, less the product of the costs deducted under clause (a) divided by the total proceeds received by the employee or his dependents from the other party multiplied by all (COMPENSATION) *benefits* paid by the employer, *or the special compensation fund*, to the employee or his dependents.

(d) Any balance remaining shall be paid to the employee or his dependents, and shall be a credit to employer, *and the special compensation fund*, for any (COMPENSATION) *benefits* which employer is obligated to pay, but has not paid, and for any (COMPENSATION) *benefits* that such employer shall be obligated to make in the future.

There shall be no reimbursement or credit to *the* employer, *or the special compensation fund*, for interest or penalties.

Sec. 47. Minnesota Statutes 1980, Section 176.061, Subdivision 7, is amended to read:

Subd. 7. [MEDICAL TREATMENT.] The liability of an employer, *or the special compensation fund*, for medical treatment under this chapter shall not be affected by the fact that his employee was injured through the fault or negligence of a third party, against whom the employee may have a cause of action which may be sued under this chapter, but the employer, *or the attorney general on behalf of the special compensation fund*, shall have a separate additional cause of action against such third party to recover any amounts paid (BY HIM) for medical treatment under this section resulting from the negligence of such third party. This separate cause of action of the employer, *or the attorney general on behalf of the special compensation fund*, may be asserted in a separate action brought by the employer, *or the attorney general on behalf of the special compensation fund*, against such third party or in the action commenced by the employee or the employer, *or the attorney general on behalf of the special compensation fund*, under this chapter, but in the latter case the cause of action shall be separately stated, the amount awarded thereon shall be separately set out in the verdict, and the amount recovered by suit or otherwise as reimbursement for medical expenses shall be for the benefit of the employer, *or the special compensation fund*, to the extent that the employer, *or the special compensation fund*, has paid or will be required to pay for medical treatment of the injured employee and shall not affect the amount of periodic compensation to be paid.

Sec. 48. Minnesota Statutes 1980, Section 176.081, Subdivision 1, is amended to read:

Subdivision 1. No claim for legal services or disbursements pertaining to any demand made or suit or proceeding brought

under the provisions of this chapter is an enforceable lien against the compensation or is valid or binding in any other respect unless approved in writing by the *division*, (COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY,) a compensation judge, a *judge of the district court*, or the workers' compensation court of appeals, if the claim arises out of a proceeding for compensation under this chapter, or by the judge presiding at the trial in an action for damages, or by a judge of the district court in a settlement of a claim for damages without trial. *The division, a compensation judge, a judge of the district court or the workers' compensation court of appeals shall in matters before (HIM) them, including settlement proceedings, have authority to approve a fee of up to 25 percent of the first \$4,000 of compensation awarded to the employee and up to 20 percent of the next (\$20,000) \$50,000 of compensation awarded to employee. (THE WORKERS' COMPENSATION COURT OF APPEALS JUDGE SHALL HAVE AUTHORITY ONLY TO APPROVE FEES IN SETTLEMENTS UPON APPEAL BEFORE THEM UP TO 25 PERCENT OF THE FIRST \$4,000 OF COMPENSATION AWARDED TO THE EMPLOYEE AND UP TO 20 PERCENT OF THE NEXT \$20,000 OF COMPENSATION AWARDED TO THE EMPLOYEE.)* If the employer or his insurer or the defendant is given written notice of such claims for legal services or disbursements, the same shall be a lien against the amount paid or payable as compensation, subject to determination of the amount and approval provided by this chapter. *Provided, however, that in no case shall fees be calculated on the basis of any undisputed portion of compensation awards. Allowable fees under this chapter shall be based solely upon genuinely disputed portions of claims.*

Sec. 49. Minnesota Statutes 1980, Section 176.081, Subdivision 2, is amended to read:

Subd. 2. Any application for attorney fees in excess of the amount (WHICH A COMPENSATION JUDGE OR THE WORKERS' COMPENSATION COURT OF APPEALS MAY AUTHORIZE) *authorized in subdivision 1* shall be made to the (COMMISSIONER OF LABOR AND INDUSTRY) *workers' compensation court of appeals*. The application shall set forth the fee requested and the basis for such request and whether or not a hearing is requested. The application, with affidavit of service upon the employee, shall be filed by the attorney requesting the fee. If a hearing is requested by an interested party, a hearing shall be set with notice of such hearing served upon known interested parties. In all cases the employee shall be served with notice of hearing.

Sec. 50. Minnesota Statutes 1980, Section 176.081, Subdivision 3, is amended to read:

Subd. 3. An employee who is dissatisfied with his attorney fees, may file an application for review by the (COMMIS-

SIONER OF LABOR AND INDUSTRY) *workers' compensation court of appeals*. Such application shall state the basis for the need of review and whether or not a hearing is requested. A copy of such application shall be served upon the attorney for the employee by the (COMMISSIONER) *court administrator* and if a hearing is requested by either party, the matter shall be set for hearing. The notice of hearing shall be served upon known interested parties. The attorney for the employee shall be served with a notice of the hearing. The (COMMISSIONER OF LABOR AND INDUSTRY) *workers' compensation court of appeals* shall have the authority to raise the question of the issue of the attorney fees at any time upon (HIS) *its own motion* and shall have continuing jurisdiction over attorney fees.

Sec. 51. Minnesota Statutes 1980, Section 176.081, Subdivision 4, is amended to read:

Subd. 4. The review of a determination by the commissioner (OF LABOR AND INDUSTRY) *or the workers' compensation court of appeals* shall be only by supreme court by certiorari upon the ground that it is arbitrary and unwarranted by the evidence. There shall be no review under sections 176.421 and 176.442.

Sec. 52. Minnesota Statutes 1980, Section 176.081, Subdivision 6, is amended to read:

Subd. 6. The (COMMISSIONER OF LABOR AND INDUSTRY) *workers' compensation court of appeals* may (PRESCRIBE) *adopt* reasonable and proper rules (AND REGULATIONS) to effect (HIS AND THE DIVISION'S) *its* obligations under this section (WITHOUT REGARD TO THE JOINT PRESCRIPTION REQUIRED UNDER SECTION 175.17, SUBDIVISION 3).

Sec. 53. Minnesota Statutes 1980, Section 176.081, is amended by adding a subdivision to read:

Subd. 7a. *At any time prior to one day before a matter is to be heard, a party litigating a claim made pursuant to this chapter may serve upon the adverse party a reasonable offer of settlement of the claim, with provision for costs and disbursements then accrued. If before the hearing the adverse party serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance, together with the proof of service thereof, and thereupon judgment shall be entered.*

*If an offer by an employer or insurer is not accepted by the employee, it shall be deemed withdrawn and evidence thereof is not admissible, except in a proceeding to determine attorney's fees. Notwithstanding the provisions of subdivision 7, if the*

*judgment finally obtained by the employee is less favorable than the offer, the employer shall not be liable for any part of the attorney's fees awarded pursuant to this section.*

*If an offer by an employee is not accepted by the employer or insurer, it shall be deemed withdrawn and evidence thereof is not admissible, except in a proceeding to determine attorney's fees. Notwithstanding the provisions of subdivision 7, if the judgment finally obtained by the employee is at least as favorable as the offer, the employer shall pay an additional 25 percent, over the amount provided in subdivision 7, of that portion of the attorney's fee which has been awarded pursuant to this section that is in excess of \$250.*

*The fact that an offer is made but not accepted does not preclude a subsequent offer.*

**Sec. 54. Minnesota Statutes 1980, Section 176.081, is amended by adding a subdivision to read:**

*Subd. 9. An attorney who is hired by an employee to provide legal services with respect to a claim for compensation made pursuant to this chapter shall prepare a retainer agreement in which the provisions of this section are specifically set out and provide a copy of this agreement to the employee. The retainer agreement shall provide a space for the signature of the employee. A signed agreement shall raise a conclusive presumption that the employee has read and understands the statutory fee provisions. No fee shall be awarded pursuant to this section in the absence of a signed retainer agreement.*

**Sec. 55. Minnesota Statutes 1980, Section 176.081, is amended by adding a subdivision to read:**

*Subd. 10. An attorney who knowingly violates any of the provisions of this chapter with respect to authorized fees for legal services in connection with any demand made or suit or proceeding brought under the provisions of this chapter is guilty of a gross misdemeanor.*

**Sec. 56. Minnesota Statutes 1980, Section 176.101, Subdivision 3, is amended to read:**

**Subd. 3. [PERMANENT PARTIAL DISABILITY.]** For permanent partial disability compensation shall be that named in the following schedule, subject to a maximum compensation equal to the statewide weekly wage:

(1) For the loss of a thumb, 66 2/3 percent of the daily wage at the time of injury during 65 weeks;

(2) For the loss of a first finger, commonly called index finger,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 40 weeks;

(3) For the loss of a second finger,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 35 weeks;

(4) For the loss of a third finger,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 25 weeks;

(5) For the loss of a fourth finger, commonly called the little finger,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 20 weeks;

(6) The loss of the first phalange of the thumb or of any finger, is considered equal to the loss of one-half of the thumb or finger and compensation shall be paid at the prescribed rate during one-half the time specified for the loss of the thumb or finger;

(7) The loss of one and one-half or more phalanges is considered equal to the loss of the entire finger or thumb; but in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand;

(8) For the loss of a great toe,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 35 weeks;

(9) For the loss of a toe other than a great toe,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 15 weeks;

(10) The loss of the first phalange of any toe is considered equal to the loss of one-half of the toe, and compensation shall be paid at the prescribed rate during one-half the time specified for the loss of the toe;

(11) The loss of one and one-half or more phalanges is considered equal to the loss of the entire toe;

(12) For the loss of a hand, not including the wrist movement,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 195 weeks;

(13) For the loss of a hand, including wrist movement,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 220 weeks;

(14) For the loss of an arm,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 270 weeks;

(15) Amputation of the arm below the elbow is considered the loss of a hand, including wrist movement, if enough of the

forearm remains to permit the use of an effective artificial member, otherwise it is considered the loss of an arm;

(16) For the loss of a foot, not including ankle movement,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 140 weeks;

(17) For the loss of a foot, including ankle movement,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 165 weeks;

(18) For the loss of a leg, if enough of the leg remains to permit the use of an effective artificial member,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 195 weeks;

(19) For the loss of a leg so close to the hip that no effective artificial member can be used,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 220 weeks;

(20) Amputation of a leg below the knee is considered as equal to the loss of a foot, including ankle movement, if enough of the lower leg remains to permit the use of an effective artificial member, otherwise it is considered as equal to the loss of a leg;

(21) For the loss of an eye,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 160 weeks;

(22) For the complete permanent loss of hearing in one ear,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 85 weeks;

(23) For the complete permanent loss of hearing in both ears,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 170 weeks;

(24) For the loss of an eye and a leg,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 475 weeks;

(25) For the loss of an eye and an arm,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 475 weeks;

(26) For the loss of an eye and a hand,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 450 weeks;

(27) For the loss of an eye and a foot,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 400 weeks;

(28) For the loss of two arms, other than at the shoulder,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 500 weeks;



(29) For the loss of two hands,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 500 weeks;

(30) For the loss of two legs, other than so close to the hips that no effective artificial member can be used,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 500 weeks;

(31) For the loss of two feet,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 500 weeks;

(32) For the loss of one arm and the other hand,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 500 weeks;

(33) For the loss of one hand and one foot,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 500 weeks;

(34) For the loss of one leg and the other foot,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 500 weeks;

(35) For the loss of one leg and one hand,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 500 weeks;

(36) For the loss of one arm and one foot,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 500 weeks;

(37) For the loss of one arm and one leg,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 500 weeks;

(38) For loss of the voice mechanism,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during 500 weeks;

(39) For head injuries,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury for that proportion of 500 weeks which is represented by its percentage of the permanent partial disability to the entire body as is determined from competent testimony at a hearing before a compensation judge, the commissioner, or the workers' compensation court of appeals;

(40) For permanent partial disability resulting from injury to any internal organ until such time as the commissioner of labor and industry shall promulgate a schedule of internal organs and thereafter for internal organs covered by the schedule of internal organs established by the commissioner (OF LABOR AND INDUSTRY),  $66 \frac{2}{3}$  percent of the daily wage at time of injury for that proportion of 500 weeks, not to exceed 500 weeks, as determined by the commissioner (OF LABOR AND INDUSTRY), which is the proportionate amount of permanent partial disability caused to the entire body by the injury as is determined from competent testimony at a hearing before a compensation judge, the commissioner, or the workers' compensation court of appeals;

(41) For disfigurement or scarring not resulting from the loss of a member or other injury specifically compensated, affecting the employability or advancement opportunity of the injured person in the employment in which he was injured or other employment for which the employee is then qualified or for which the employee has become qualified,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury during the period the parties agree to or the compensation judge or the workers' compensation court of appeals in cases on appeal determines, not exceeding 90 weeks;

(42) For permanent partial disability resulting from injury to the back,  $66 \frac{2}{3}$  percent of the daily wage at the time of injury for that proportion of 350 weeks which is represented by the percentage of the permanent partial disability as is determined from competent testimony at a hearing before a compensation judge, the commissioner, or the workers' compensation court of appeals;

(43) When an employee sustains concurrent injuries resulting in concurrent disabilities he shall receive compensation only for the injury which entitled him to the largest amount of compensation, but this does not affect liability for disfigurement affecting the employability of the injured person or liability for the concurrent loss of more than one member, for which members compensations are provided in the specific schedule and in subdivision 5;

(44) In all cases of permanent partial disability it is considered that the permanent loss of the use of a member is equivalent to and draws the same compensation as the loss of that member, but the compensation in and by this schedule provided shall be in lieu of all other compensation in these cases, except as otherwise provided by this section;

In the event a worker has been awarded or is entitled to receive compensation for loss of use of a member under any workers' compensation law, and thereafter sustains loss of the member under circumstances entitling him to compensation therefor under this subdivision, the amount of compensation awarded, or that he is entitled to receive, for the loss of use, is to be deducted from the compensation due under the schedules of this section for the loss of the member, provided, that the amount of compensation due for the loss of the member caused by the subsequent accident is in no case less than 25 percent of the compensation payable under the schedule of this section for the loss of the member;

(45) In cases of permanent partial disability due to injury to a member, resulting in less than total loss of the member, not otherwise compensated in this schedule, compensation shall be paid at the prescribed rate during that part of the time specified in the schedule for the total loss of the member which the extent of the injury to the member bears to its total loss;

(46) In cases of permanent partial disability caused by simultaneous injury to two or more members, the applicable schedules in this subdivision shall be increased by 15 percent. This clause shall not apply when the injuries are compensated under paragraphs 22 to 37 inclusive, of this subdivision. In cases of partial disability due to injury to both eyes resulting in less than total loss of vision in one or both eyes compensation shall be paid at the prescribed rate during that part of 450 weeks which the extent of the combined injury to both eyes bears to the complete loss of industrial vision;

(47) The commissioner (OF LABOR AND INDUSTRY WITH THE WORKERS' COMPENSATION COURT OF APPEALS) may make or revise rules for the determination of the extent of the impairment of the industrial use of one or both eyes taking into account all primary coordinate factors of vision. These rules shall be made or revised after consultation with experts on industrial vision and after public notice to and hearing of interested parties;

(48) For permanent partial disability resulting from injury to the body as a whole due to burns, 66 2/3 percent of the daily wage at the time of injury, for that proportion of 350 weeks which is represented by the percentage of the permanent partial disability as is determined from competent testimony at a hearing before a compensation judge, the commissioner, or the workers' compensation court of appeals, the compensation to be paid in addition to the compensation as employee would otherwise be entitled to for loss of use of a member in accordance with this section;

(49) In all cases of permanent partial disability not enumerated in this schedule the compensation shall be 66 2/3 percent of the difference between the daily wage of the worker at the time of the injury and the daily wage he is able to earn in his partially disabled condition, subject to a maximum equal to the statewide average weekly wage, and continue during disability, not to exceed 350 weeks; and if the employer does not furnish the worker with work which he can do in his permanently partially disabled condition and he is unable to secure such work with another employer after a reasonably diligent effort, the employee shall be paid at his or her maximum rate of compensation for total disability.

Sec. 57. Minnesota Statutes 1980, Section 176.102, is amended by adding a subdivision to read:

*Subd. 1a. [SURVIVING SPOUSE.] Upon the request of a qualified dependent surviving spouse, rehabilitation services shall be provided through the rehabilitation services section of the workers' compensation division. For the purposes of this subdivision a qualified dependent surviving spouse is a dependent surviving spouse, as determined under section 176.111, who is in*

*need of rehabilitation assistance to become self-supporting. A spouse who is provided rehabilitation services under this subdivision is not entitled to compensation under subdivision 11.*

Sec. 58. Minnesota Statutes 1980, Section 176.105, Subdivision 1, is amended to read:

Subdivision 1. The commissioner of labor and industry (MAY) shall by rule establish a schedule of degrees of disability resulting from different kinds of injuries.

Sec. 59. Minnesota Statutes 1980, Section 176.111, Subdivision 6, is amended to read:

Subd. 6. [SPOUSE, NO DEPENDENT CHILD.] (a) If the deceased employee leaves a dependent surviving spouse and no dependent child, there shall be paid to the (DEPENDENT SURVIVING) spouse (50 PERCENT OF THE DAILY WAGE AT THE TIME OF THE INJURY OF THE DECEASED), at the option of the spouse, either:

(1) A lump sum settlement equal to ten full years of compensation at 50 percent of the daily wage at the time of the injury of the deceased, computed without regard to section 176.645; or

(2) Weekly workers' compensation benefits at 50 percent of the daily wage at the time of the injury for a period of ten years, including adjustments as provided in section 176.645.

(b) A dependent surviving spouse who has not accepted a lump sum settlement pursuant to clause (a) (1) and who remarries shall receive the lesser of either:

(1) A lump sum settlement equal to two full years of compensation at 50 percent of the daily wage at the time of the injury of the deceased, computed without regard to section 176.645; or

(2) The remaining weekly workers' compensation benefits pursuant to clause (a) (2) at 50 percent of the daily wage, including adjustments as provided in section 176.645.

Sec. 60. Minnesota Statutes 1980, Section 176.111, Subdivision 7, is amended to read:

Subd. 7. [SPOUSE, ONE DEPENDENT CHILD.] (a) If the deceased employee (LEAVE) leaves a surviving spouse and one dependent child, there shall be paid to the surviving spouse for the benefit of (SUCH) the spouse and child 60 percent of the daily wage at the time of the injury of the deceased

*until the child is no longer a dependent as defined in subdivision 1. At that time there shall be paid to the dependent surviving spouse, at the option of the spouse, either:*

*(1) A lump sum settlement equal to ten full years of compensation at a rate which is  $16 \frac{2}{3}$  percent less than the last weekly workers' compensation benefit payment which would have been due while the surviving child was a dependent, computed without regard to section 176.645; or*

*(2) Weekly benefits at a rate which is  $16 \frac{2}{3}$  percent less than the last weekly workers' compensation benefit payment which would have been due while the surviving child was a dependent, for a period of ten years, including adjustments as provided in section 176.645.*

*(b) A surviving spouse who remarries shall receive:*

*(1) Compensation, for the benefit of the dependent child, according to the allocation provided in subdivision 10, until the child is no longer a dependent as defined in subdivision 1; and*

*(2) A lump sum settlement, for the benefit of the surviving spouse, equal to two full years of weekly benefits in an amount which equals the difference between the benefit otherwise payable under clause (a) and the amount payable to the dependent child pursuant to clause (b) (1).*

Sec. 61. Minnesota Statutes 1980, Section 176.111, Subdivision 8, is amended to read:

Subd. 8. [SPOUSE, TWO DEPENDENT CHILDREN.]

*(a) If the deceased employee (LEAVE) leaves a surviving spouse and two dependent children, there shall be paid to the surviving spouse for the benefit of (SUCH) the spouse and (SUCH) children  $66 \frac{2}{3}$  percent of the daily wage at the time of the injury of the deceased until the youngest dependent child is no longer dependent. At that time the dependent surviving spouse shall be paid, at the option of the spouse, either:*

*(1) A lump sum settlement equal to ten full years of compensation at a rate which is 25 percent less than the last weekly workers' compensation benefit payment which would have been due while the last surviving child was a dependent, computed without regard to section 176.645; or*

*(2) Weekly benefits at a rate which is 25 percent less than the last weekly workers' compensation benefit payment which would have been due while the surviving child was a dependent, for a period of ten years, adjusted according to section 176.645.*

(b) A surviving spouse who remarries shall receive compensation, for the benefit of the children, allocated according to subdivision 10, until the youngest dependent child is no longer dependent as defined in subdivision 1 and, for the benefit of the surviving spouse, a lump sum settlement equal to two full years of weekly benefits in an amount which equals the difference between the benefit otherwise payable pursuant to clause (a) and the amount payable to the dependent children allocated according to subdivision 10, computed without regard to section 176.645.

Sec. 62. Minnesota Statutes 1980, Section 176.111, is amended by adding a subdivision to read:

*Subd. 8a. [LAST WEEKLY BENEFIT PAYMENT.] For the purposes of subdivisions 7 and 8, "last weekly workers' compensation benefit payment" means the workers' compensation benefit which would have been payable without the application of subdivision 21.*

Sec. 63. Minnesota Statutes 1980, Section 176.111, Subdivision 10, is amended to read:

*Subd. 10. [ALLOCATION OF COMPENSATION.] In all cases where compensation is payable to the surviving spouse for the benefit of the surviving spouse and dependent children, the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY), compensation judge, or workers' compensation court of appeals or district court in cases upon appeal (MAY) shall determine what portion of the compensation (SHALL BE APPLIED) applies for the benefit of (ANY SUCH CHILD) dependent children and may order (THE SAME) that portion paid to a guardian. This subdivision shall not be construed to increase the combined total of weekly government survivor benefits and workers' compensation beyond the limitation established in section 176.111, subdivision 21.*

Sec. 64. Minnesota Statutes 1980, Section 176.111, Subdivision 21, is amended to read:

*Subd. 21. [DEATH, BENEFITS; COORDINATION WITH GOVERNMENTAL SURVIVOR BENEFITS.] The following provision shall apply to any dependent entitled to receive weekly compensation benefits under this section as the result of the death of an employee, and who is also receiving or entitled to receive benefits under any government survivor program:*

The combined total of weekly government survivor benefits and workers' compensation death benefits provided under this section shall not exceed 100 percent of the weekly wage being earned by the deceased employee at the time of the injury causing his death; provided, however, that no state workers' com-

pensation death benefit shall be paid for any week in which the survivor benefits paid under the federal program, by themselves, exceed 100 percent of such weekly wage provided, however, the workers' compensation benefits payable to a dependent surviving spouse shall not be reduced on account of any governmental survivor benefits payable to decedent's children if the support of the children is not the responsibility of the dependent surviving spouse.

*For the purposes of this subdivision "dependent" means dependent surviving spouse together with all dependent children and any other dependents.*

Sec. 65. Minnesota Statutes 1980, Section 176.131, Subdivision 10, is amended to read:

Subd. 10. The special compensation fund is created for the purposes provided in this chapter in the following manner:

(1) In every case of death of an employee resulting from personal injury arising out of and in the course of employment where there are no persons entitled to monetary benefits of dependency compensation, the employer shall pay to the commissioner (OF LABOR AND INDUSTRY) the sum of \$5,000 for the benefit of the special compensation fund; in every case of death of an employee resulting from personal injury arising out of and in the course of employment where there are no persons entitled to at least \$5,000 in monetary benefits of dependency compensation, the employer shall pay to the commissioner (OF LABOR AND INDUSTRY) for the benefit of the special compensation fund the difference between the amounts actually paid for the dependency benefits and \$5,000; but in no event shall the employer pay the commissioner (OF LABOR AND INDUSTRY) less than \$1,000;

(2) When an employee suffers a personal injury which results in permanent partial disability, temporary total disability, temporary partial disability, permanent total disability or death and which entitles him or his dependents to compensation under sections 176.101 or 176.111, the employer shall, in addition to compensation provided therein, pay to the commissioner (OF LABOR AND INDUSTRY) for the benefit of the special compensation fund a lump sum without interest deduction equal to (SEVEN) a percent of the total compensation (,) *determined as provided in this subdivision as soon as the amount payable for the particular injury is determined, or arrived at by agreement of the parties, and the amount is approved by the commissioner (OF LABOR AND INDUSTRY).*

The provisions of clauses (1) and (2) shall apply to all workers' compensation payments, exclusive of medical costs, paid

under sections 176.101 and 176.111 for all injuries or death occurring on or after June 1, 1971.

Personal injuries that occurred prior to June 1, 1971 shall be assessed at the rate in effect on the date of occurrence.

(THE SEVEN PERCENT OF THE TOTAL COMPENSATION REQUIRED TO BE PAID BY THE EMPLOYER TO THE COMMISSIONER OF LABOR AND INDUSTRY FOR THE BENEFIT OF THE SPECIAL COMPENSATION FUND AS PROVIDED IN CLAUSE (2) OF THIS SUBDIVISION SHALL REMAIN FIXED AT SAID SEVEN PERCENT FOR THE PERIOD FROM JUNE 1, 1971, TO JUNE 1, 1972. EFFECTIVE JUNE 1, 1972, THROUGH JUNE 1, 1975, AND THEREAFTER ON JANUARY 1, BEGINNING IN 1976, THE RATE SHALL BE ADJUSTED ON THE FOLLOWING BASIS: IF THE BALANCE IN THE SPECIAL COMPENSATION FUND AS OF APRIL 30 IN ANY YEAR THROUGH 1975 AND AS OF SEPTEMBER 30, 1975, AND EACH SEPTEMBER 30 THEREAFTER, IS BELOW \$1,000,000, THE RATE OF PAYMENT SHALL BE INCREASED BY TWO PERCENT OVER THE THEN PREVAILING RATE. IF THE BALANCE IS AT LEAST \$1,000,000 BUT BELOW \$1,500,000, THE RATE WILL BE INCREASED BY ONE PERCENT. IF THE BALANCE IS AT LEAST \$1,500,000 BUT BELOW \$2,000,000, THERE SHALL BE NO CHANGE. IF THE BALANCE IS AT LEAST \$2,000,000 BUT LESS THAN \$2,500,000, THE RATE SHALL BE DECREASED BY ONE PERCENT. IF THE BALANCE IS AT LEAST \$2,500,000, THE RATE SHALL BE DECREASED BY TWO PERCENT. IF THE BALANCE IS \$3,000,000 OR MORE THE COMMISSIONER OF LABOR AND INDUSTRY SHALL WITHIN 30 DAYS DETERMINE THE PERCENT OF DECREASE, WHICH SHALL BE NOT LESS THAN TWO PERCENT NOR MORE THAN FIVE PERCENT.)

*In determining the percentage of the total compensation required to be paid by the employer to the commissioner for the benefit of the special compensation fund as provided in clause (2) beginning September 30, 1981 and each September 30 thereafter, the commissioner shall use the following schedule:*

<i>Balance in the Fund</i>	<i>Permissible Range of Rate Adjustment</i>
<i>Less than \$2,000,000</i>	<i>+1 percent to +7 percent</i>
<i>At least \$2,000,000 But less than \$3,000,000</i>	<i>0 percent to +6 percent</i>
<i>At least \$3,000,000 but less than \$4,000,000</i>	<i>-2 percent to +4 percent</i>



*At least \$4,000,000*                      *-5 percent to +3 percent*  
*but less than \$5,000,000*

*At least \$5,000,000*                      *-6 percent to +2 percent*  
*but less than \$6,000,000*

*\$6,000,000 or more*                      *-7 percent to +2 percent*

*In determining the actual adjustment, the commissioner shall take into account his estimate of the likely amount of expenditures to be made from the fund in the next calendar year.*

Sums paid to the commissioner (OF LABOR AND INDUSTRY) pursuant to the provisions hereof, shall be deposited with the state treasurer for the benefit of the special compensation fund and be used to pay the benefits provided by this chapter. All money heretofore arising from the provisions of this section or similar law shall be transferred to this special compensation fund. Any interest or profit accruing from investment of these sums shall be credited to the special compensation fund.

The state treasurer shall be the custodian of this special fund and the workers' compensation division (AND), *compensation judges*, the workers' compensation court of appeals or *district court* in cases before (IT) *them* shall direct the distribution thereof, the same to be paid as other payments of compensation are paid. In case deposit is or has been made under the provisions of clause (1) and dependency later is shown, or if deposit is or has been made pursuant to either clause (1) or (2) by mistake or inadvertence, or under circumstances that justice requires a refund thereof, the state treasurer is authorized to refund the deposit under order of the workers' compensation division (OR) *a compensation judge*, the workers' compensation court of appeals or *a district court*. There is appropriated to the persons entitled to the refunds from the fund an amount sufficient to make the refund and payment.

Costs within the department (OF LABOR AND INDUSTRY) for the accounting, *investigation* and legal procedures necessary for the administration of the programs financed by the special compensation fund shall (BE PAID FROM THE MONEYS BIENNIALY APPROPRIATED TO THE DEPARTMENT AND NOT FROM THE SPECIAL COMPENSATION FUND) *come from the fund during each biennium commencing July 1, 1981. Staffing and expenditures related to the administration of the fund shall be approved through the regular budget and appropriations process.*

Sec. 66. Minnesota Statutes 1980, Section 176.132, Subdivision 2, is amended to read:

Subd. 2. [AMOUNT.] (a) The supplementary benefit payable under this section shall be the difference between the

amount the employee receives on or after January 1, 1976, under section 176.101, subdivision 1 or subdivision 4, and 65 percent of the statewide average weekly wage as computed annually.

(b) In the event an eligible recipient is currently receiving no compensation or is receiving a reduced level of compensation because of a credit being applied as the result of a third party liability or damages, the employer or insurer shall compute the offset credit as if the individual were entitled to the actual benefit or 65 percent of the statewide average weekly wage as computed annually, whichever is greater. If this results in the use of a higher credit than otherwise would have been applied and the employer or insurer becomes liable for compensation benefits which would otherwise not have been paid, the additional benefits resulting shall be handled according to this section.

(c) In the event an eligible recipient is receiving no compensation or is receiving a reduced level of compensation because of a valid agreement in settlement of a claim, no supplementary benefit shall be payable under this section. *Attorney's fees shall be allowed in settlements of claims for supplementary benefits in accordance with this chapter.*

(d) In the event an eligible recipient is receiving no compensation or is receiving a reduced level of compensation because of prior limitations in the maximum amount payable for permanent total disability or because of reductions resulting from the simultaneous receipt of old age or disability benefits, the supplementary benefit shall be payable for the difference between the actual amount of compensation currently being paid and 65 percent of the statewide average weekly wage as computed annually.

(e) In the event that an eligible recipient is receiving simultaneous benefits from any government disability program, the amount of supplementary benefits payable under this section shall be reduced by five percent. If the individual does not receive the maximum benefits for which he is eligible under other governmental disability programs due to the provisions of 42 U.S.C. 424a (d), this reduction shall not apply.

Sec. 67. Minnesota Statutes 1980, Section 176.133, is amended to read:

176.133 [ATTORNEYS FEES, SUPPLEMENTARY BENEFITS.]

(NO ATTORNEYS) *Attorney's fees (SHALL) may be (PERMITTED OR) approved by a compensation judge or by the workers' compensation court of appeals from the supplementary workers' compensation benefits provided by section 176.132 (, OR AMENDMENTS THERETO, UNLESS) if the case (SOLELY) involves the obtaining of supplementary workers'*

compensation benefits. When such fees are allowed an amount equal to 25 percent of that portion of the fee which is in excess of \$250 shall be added to the employee's benefit as provided in section 176.081 rather than deducted as a portion thereof. The fees shall be (SUBJECT) *determined according to* (THE LIMITATIONS CONTAINED IN) section 176.081.

Sec. 68. Minnesota Statutes 1980, Section 176.136, is amended to read:

176.136 [MEDICAL FEE REVIEW.]

The commissioner of (LABOR AND INDUSTRY) *insurance* shall by rule establish procedures for determining whether or not the charge for a health service is excessive. In order to accomplish this purpose, the commissioner of *insurance* shall consult with insurers, associations and organizations representing the medical and other providers of treatment services and other appropriate groups. *The procedures established by the commissioner of insurance shall limit the charges allowable for medical, chiropractic, podiatric, surgical, hospital and other health care provider treatment or services, as defined and compensable under section 176.135, to the 90th percentile of usual and customary fees or charges based upon billings for each class of health care provider during all of the calendar year preceding the year in which the determination is made of the amount to be paid the health care provider for the billing.* If the commissioner of *insurance* determines that the charge for a health service or medical service is excessive, (HE MAY LIMIT) *no payment (TO) in excess of the reasonable charge for that service shall be made under this chapter nor may the provider collect or attempt to collect from the injured employee or any other insurer or government amounts in excess of the amount payable under this chapter; however, the commissioner shall by rule establish procedures allowing for a provider to appeal such determination. The commissioner (MAY) of insurance shall contract with a review organization as defined in section 145.61 (IN MAKING ANY DETERMINATIONS AS TO WHETHER OR NOT A CHARGE IS EXCESSIVE) for the purposes listed in section 145.61, subdivision 5, and report to the legislature by January 15, 1983 and thereafter on January 15 of every odd-numbered year, regarding the delivery of medical and health care services under the workers' compensation laws of this state.*

*The commissioner of insurance shall adopt temporary rules in order to implement the provisions of this subdivision. Notwithstanding the provisions of section 15.0412, subdivision 4, and any amendments, the temporary rules adopted by the commissioner of insurance pursuant to this subdivision may be extended for an additional 180 days if the procedures for adoption of a rule pursuant to section 15.0412, subdivisions 4 to 4g, or 4h, and other provisions of the administrative procedure*

act related to final agency action and rule adoption have not been concluded.

Sec. 69. [176.1361] [TESTIMONY OF PROVIDERS.]

*When a compensation judge or the workers' compensation court of appeals has reason to believe that a medical or other provider of treatment services has submitted false testimony or a false report in any proceeding under this chapter, the compensation judge or the workers' compensation court of appeals shall refer the matter to an appropriate licensing body or other professional certifying organization for review and recommendations. Based upon their recommendations, the commissioner may bar the provider from making an appearance, and disallow the admission into evidence of written reports of the provider, in any proceeding under this chapter for a period not to exceed one year in the first instance and three years in the second instance, and may permanently bar the provider from appearance and his reports from admission in evidence thereafter.*

Sec. 70. [176.152] [PERMANENT PARTIAL DISABILITY PANEL.]

*Subdivision 1. [BINDING OPINION; PERMANENT PARTIAL DISABILITY DISPUTES.] Prior to a hearing before a compensation judge at which a significant issue of the extent of permanent partial disability is to be determined a permanent partial disability panel shall be constituted to render a final and binding opinion on the dispute subject to the limitation in subdivisions 7 and 8.*

*Subd. 2. [PANEL LIST.] The chief judge of the workers' compensation court of appeals shall compile and maintain a list of names of physicians, podiatrists, chiropractors and other health care providers qualified to determine the extent of permanent partial disability. Names may be added to the list and removed at any time by the chief judge of the workers' compensation court of appeals. In maintaining the list the chief judge of the workers' compensation court of appeals shall to the maximum extent possible select persons from varying geographical areas of the state.*

*Subd. 3. [PANEL SELECTION.] When a panel is required to be constituted by subdivision 1 the chief judge of the workers' compensation court of appeals shall furnish the employer and employee parties to the dispute a list of seven appropriate health care providers from which the parties shall alternately strike names until only three remain who shall constitute the panel. If both parties agree, the dispute may be decided by a single health care provider. If the parties are unable to agree on who shall strike the first name, priority shall be decided by a flip of the coin.*

*Subd. 4. [REPORT; CONCLUSION.] The compensation judge shall propound specific written questions to the panel at the time they are notified of their selection. The questions shall be framed in such a manner that answers to them shall resolve the dispute as to the extent of permanent partial disability. The panel's answers shall be binding upon any compensation judge before whom a hearing may be held subsequent to review by the panel.*

*Subd. 5. [EXAM; REPORT.] At least one member of the panel shall personally examine the employee within 30 days of the panel's selection. After reviewing the examination report and all other available pertinent information the panel shall report its conclusions to the compensation judge within 45 days after their selection. The compensation judge may extend the time limit for good cause.*

*Subd. 6 [COSTS; PAYMENT.] Any physician, podiatrist, chiropractor or other health care provider who agrees to serve on a panel constituted pursuant to this section shall be deemed to agree that any dispute concerning his fees for serving on the panel shall be decided by the compensation judge hearing the case. The judge's decision shall be binding on the health care provider. A consent form to this effect shall be provided for the signature of the health care provider. No fee shall be approved which exceeds the reasonable and customary fee in the area for similar service. The employer shall pay all the panel members' fees, unless the employee has proceeded in bad faith, in which case the employee may be ordered to pay the fees.*

*Subd. 7. [PILOT PROJECT; REPORT TO LEGISLATURE AND GOVERNOR.] The chief judge of the workers' compensation court of appeals shall establish the permanent partial disability panel provided for in this section on a pilot basis in three counties of his choice, including at least one rural county. The chief judge of the workers' compensation court of appeals shall report to the legislature and governor by January 1, 1983, on the number of cases reviewed, the number of health care providers participating, the number of cases settled prior to any hearing before a compensation judge, the cost of the program and his recommendations concerning the panel.*

*Subd. 8. [LIMITATION.] This section shall operate in lieu of section 176.155, subdivision 2, in the counties in which the medical panel is established pursuant to subdivision 7.*

**Sec. 71. Minnesota Statutes 1980, Section 176.161, Subdivision 1, is amended to read:**

**Subdivision 1. [RESIDING OUTSIDE UNITED STATES.] In case a deceased employee for whose injury or death compensation is payable leaves surviving him an alien dependent residing**

outside the United States the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) shall direct the payment of all compensation due the dependent to be made to the duly accredited consular officer of the country of which the beneficiary is a citizen residing within the state, or to his designated representative residing within the state; or, if the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) believes that the interests of the dependent will be better served and at any time prior to the final settlement the dependant files with the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) a power of attorney designating any other suitable person residing in this state to act as attorney in fact in such proceedings, the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) may appoint such person. If it appears necessary to institute proceedings to enforce payment of compensation due the dependent, the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) may permit the consular officer to institute these proceedings. If during the pendency of these proceedings, such power of attorney is filed by the alien dependent, the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) shall then determine whether such attorney in fact be substituted to represent such dependent or if the consular officer or his representative continue therein. The person so appointed may carry on proceedings to settle all claims for compensation and receive for distribution to such dependent all compensation arising under this chapter. The settlement and distribution of the funds shall be made only on the written order of the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY). The person so appointed shall furnish a bond satisfactory to the (WORKERS' COMPENSATION COURT OF APPEALS) *commissioner*, conditioned upon the proper application of the money received by him. Before the bond is discharged, the person so appointed shall file with the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) a verified account of his receipts and disbursements of such compensation.

Sec. 72. Minnesota Statutes 1980, Section 176.181, Subdivision 2, is amended to read:

Subd. 2. [COMPULSORY INSURANCE; SELF-INSURERS.] (1) Every employer, except the state and its municipal subdivisions, liable under this chapter to pay compensation shall insure payment of compensation with some insurance carrier authorized to insure workers' compensation liability in this state, or obtain a written order from the commissioner of insurance exempting the employer from insuring his liability for compensation and permitting him to self-insure the liability. The terms, conditions and requirements governing self-insurance shall be established by the commissioner pursuant to chapter 15. The commissioner of insurance shall also adopt, pursuant to clause (2) (c), rules permitting two or more employers, *whether or not they are* in the same industry, to enter into agreements to pool their liabilities under this chapter for the purpose of qualifying

as group self-insurers. With the approval of the commissioner of insurance, any employer may exclude medical, chiropractic and hospital benefits as required by this chapter. An employer conducting distinct operations at different locations may either insure or self-insure the other portion of his operations which may be determined by the commissioner of insurance to be a distinct and separate risk. An employer desiring to be exempted from insuring his liability for compensation shall make application to the commissioner of insurance, showing his financial ability to pay the compensation, whereupon by written order the commissioner of insurance may make an exemption as he deems proper. The commissioner of insurance may require further statements of financial ability of the employer to pay compensation. Upon ten days written notice the commissioner of insurance may revoke his order granting an exemption, in which event the employer shall immediately insure his liability. As a condition for the granting of an exemption the commissioner of insurance may require the employer to furnish security the commissioner of insurance considers sufficient to insure payment of all claims under this chapter. If the required security is in the form of currency or negotiable bonds, the commissioner of insurance shall deposit it with the state treasurer. In the event of any default upon the part of a self-insurer to abide by any final order or decision of the commissioner of labor and industry directing and awarding payment of compensation and benefits to any employee or the dependents of any deceased employee, then upon at least ten days notice to the self-insurer, the commissioner of insurance may by written order to the state treasurer require him to sell the pledged and assigned securities or a part thereof necessary to pay the full amount of any such claim or award with interest thereon. This authority to sell may be exercised from time to time to satisfy any order or award of the commissioner of labor and industry or any judgment obtained thereon. When securities are sold the money obtained shall be deposited in the state treasury to the credit of the commissioner of insurance and awards made against any such self-insurer by the commissioner of insurance shall be paid to the persons entitled thereto by the state treasurer upon warrants prepared by the commissioner of insurance and approved by the commissioner of finance out of the proceeds of the sale of securities. Where the security is in the form of a surety bond or personal guaranty the commissioner of insurance, at any time, upon at least ten days notice and opportunity to be heard, may require the surety to pay the amount of the award, the payments to be enforced in like manner as the award may be enforced.

(2) (a) No association, corporation, partnership, sole proprietorship, trust or other business entity shall provide services in the design, establishment or administration of a group self-insurance plan under rules adopted pursuant to this subdivision unless it is licensed to do so by the commissioner of insurance. An applicant for a license shall state in writing the type of activities it seeks authorization to engage in and the type of services it seeks authorization to provide. The license shall be grant-

ed only when the commissioner of insurance is satisfied that the entity possesses the necessary organization, background, expertise, and financial integrity to supply the services sought to be offered. The commissioner of insurance may issue a license subject to restrictions or limitations, including restrictions or limitations on the type of services which may be supplied or the activities which may be engaged in. The license is for a two year period.

(b) To assure that group self-insurance plans are financially solvent, administered in a fair and capable fashion, and able to process claims and pay benefits in a prompt, fair and equitable manner, entities licensed to engage in such business are subject to supervision and examination by the commissioner of insurance.

(c) To carry out the purposes of this subdivision, the commissioner of insurance may promulgate administrative rules, including emergency rules, pursuant to sections 15.0411 to 15.052. These rules may:

(i) establish reporting requirements for administrators of group self-insurance plans;

(ii) establish standards and guidelines to assure the adequacy of the financing and administration of group self-insurance plans;

(iii) establish bonding requirements or other provisions assuring the financial integrity of entities administering group self-insurance plans;

(iv) establish standards, including but not limited to minimum terms of membership in self-insurance plans, as necessary to provide stability for those plans;

(v) establish standards or guidelines governing the formation, operation, administration and dissolution of self-insurance plans; and

(vi) establish other reasonable requirements to further the purposes of this subdivision.

Sec. 73. Minnesota Statutes 1980, Section 176.181, Subdivision 3, is amended to read:

Subd. 3. [FAILURE TO INSURE, PENALTY.] Any employer who fails to comply with the provisions of subdivision 2 to secure payment of compensation is liable to the state of Minnesota for a penalty of (\$50) \$100, if the number of uninsured employees in his employment is less than five and for a penalty



of (\$200) \$400 if the number of such uninsured employees in his employment is five or more. *If the commissioner determines that the failure to comply with the provisions of subdivision 2 was willful and deliberate, the employer shall be liable to the state of Minnesota for a penalty of \$500, if the number of uninsured employees in his employment is less than five, and for a penalty of \$2,000 if the number of his uninsured employees is five or more.* If the employer continues his noncompliance, he is liable for five times the lawful premium for compensation insurance for such employer for the period he fails to comply with such provisions, commencing ten days after notice has been served upon him by the commissioner of the department of labor and industry by certified mail. These penalties may be recovered jointly or separately in a civil action brought in the name of the state by the attorney general in any court having jurisdiction. Whenever any such failure occurs the commissioner of the department of labor and industry shall immediately certify the fact thereof to the attorney general. Upon receipt of such certification the attorney general shall forthwith commence and prosecute such action. All penalties recovered by the state in any such action shall be paid into the state treasury and credited to the special compensation fund. If an employer fails to comply with the provisions of subdivision 2, to secure payment of compensation after having been notified of his duty, the attorney general, upon request of the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY), may proceed against the employer in any court having jurisdiction for an order restraining him from having any person in his employment at any time when he is not complying with the provisions of subdivision 2.

Sec. 74. Minnesota Statutes 1980, Section 176.181, is amended by adding a subdivision to read:

*Subd. 6. No group self-insurer shall be required to provide financial statements certified by an "independent certified public accountant" or "certified public accountant" as a condition of approval for group self-insurance.*

Sec. 75. [176.182] [BUSINESS LICENSES OR PERMITS; COVERAGE REQUIRED.]

*Every state or local licensing agency shall withhold the issuance of a license or permit to operate a business in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of section 176.181, subdivision 2.*

*Neither the state nor any governmental subdivision thereof shall enter into any contract before receiving from all other contracting parties acceptable evidence of compliance with the workers' compensation insurance coverage requirement of section 176.181, subdivision 2.*

Sec. 76. Minnesota Statutes 1980, Section 176.191, is amended to read:

**176.191 [DISPUTE BETWEEN TWO OR MORE EMPLOYERS OR INSURERS REGARDING LIABILITY.]**

Subdivision 1. Where compensation benefits are payable under this chapter, and a dispute exists between two or more employers or two or more insurers as to which is liable for payment, the commissioner (OF LABOR AND INDUSTRY), compensation judge, or workers' compensation court of appeals upon appeal (MAY) *shall direct, unless action is taken under subdivision 2, that one or more of the employers or insurers make payment of the benefits pending a determination of liability.*

When liability has been determined, the party held liable for the benefits shall be ordered to reimburse any other party for payments which the latter has made, including interest at the rate of (FIVE) 12 percent a year. The claimant (MAY) *shall also be awarded a reasonable attorney fee, to be paid by the party held liable for the benefits.*

An order directing payment of benefits pending a determination of liability may not be used as evidence before a compensation judge, the workers' compensation court of appeals, or court in which the dispute is pending.

Subd. 2. Where compensation benefits are payable under this chapter, and a dispute exists between two or more employers or two or more insurers as to which is liable for payment, the commissioner (OF LABOR AND INDUSTRY MAY) *shall authorize, unless action is taken under subdivision 1, the special compensation fund established in section 176.131 to make payment of the benefits pending a determination of liability.*

The personal injury for which the commissioner (MAY) *shall order compensation from the special fund is not limited by section 176.131, subdivision 8.*

When liability has been determined, the party held liable for benefits shall be ordered to reimburse the special compensation fund for payments made, including interest at the rate of 12 percent a year.

Subd. 3. If a dispute exists as to whether an employee's injury is compensable under this chapter and the employee is otherwise covered by an insurer pursuant to chapters 62A, 62C and 62D, that insurer shall pay any medical costs incurred by the employee for the injury *and shall make any disability payments otherwise payable by that insurer in the absence of or in addition to workers' compensation liability.* If the injury is subsequently determined to be compensable pursuant to this chapter, the workers' compensation insurer shall be ordered to

reimburse the insurer that made the payments for all (MEDICAL) payments made *under this subdivision* by the insurer (FOR THE INJURY), including interest at a rate of 12 percent a year.

If the employee's medical expenses for a personal injury are paid pursuant to any program administered by the commissioner of public welfare and it is subsequently determined that the injury is compensable pursuant to this chapter, the workers' compensation insurer shall reimburse the commissioner of public welfare for the medical expenses paid and attributable to the personal injury, including interest at a rate of 12 percent a year.

Sec. 77. Minnesota Statutes 1980, Section 176.221, is amended to read:

**176.221 [PAYMENT OF COMPENSATION AND TREATMENT CHARGES, COMMENCEMENT.]**

Subdivision 1. [(DENIAL OF LIABILITY, REQUEST FOR EXTENSION OF TIME) *COMMENCEMENT OF PAYMENT.*] (WITHIN 30 DAYS FROM THE DATE OF NOTICE TO OR KNOWLEDGE BY THE EMPLOYER OF AN INJURY COMPENSABLE UNDER THE CHAPTER, AND UNLESS WITHIN THAT 30 DAY PERIOD THE EMPLOYER OR THE INSURER FILES WITH THE COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY A DENIAL OF LIABILITY OR A REQUEST FOR AN EXTENSION OF TIME WITHIN WHICH TO DETERMINE LIABILITY, THE PERSON RESPONSIBLE FOR PAYMENT OF COMPENSATION, CHARGES FOR TREATMENT UNDER SECTION 176.135 OR RETRAINING EXPENSES UNDER 176.102, SUBDIVISION 9 SHALL BEGIN PAYMENT OF COMPENSATION OR CHARGES FOR TREATMENT.) *Within 14 days of notice to or knowledge by the employer of an injury compensable under this chapter the payment of compensation due pursuant to section 176.101, subdivision 1, shall commence. Commencement of payment by an employer or insurer does not waive any rights to any defense the employer may have on any claim or incident either with respect to the compensability of the claim under chapter 176 or the amount of the compensation due. Where there are multiple employers, the first employer shall pay, unless it is shown that the injury has arisen out of employment with the second or subsequent employer. When the employer determines that the disability is not a result of a personal injury, payment of compensation may be discontinued upon notice of discontinuance pursuant to section 176.241. Upon the determination, payments made may be recovered by the employer if the commissioner finds that the employee's claim of work related disability was not made in good faith.*

Subd. 2. [GRANT OF EXTENSION.] Upon application made within (THE) 30 (DAY PERIOD REFERRED TO IN SUBDIVISION 1) *days after the date on which the first payment was due*, the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) may grant an extension of time within which to determine liability. The extension shall not exceed 30 days.

Subd. 3. [PAYMENTS TO SPECIAL COMPENSATION FUND.] Where an employer or insurer fails to begin payment of compensation, charges for treatment under section 176.135 or retraining expenses under 176.102, subdivision 9, or to file a denial of liability, or to request an extension of time within (THE) 30 (DAY PERIOD REFERRED TO IN SUBDIVISION 1) *days after the date on which the first payment was due*, he shall pay to the special compensation fund an amount equal to the total amount of compensation to which the employee is entitled because of the injury. In addition, each day subsequent to the end of the (30 DAY) period and until a compensation payment is made to the injured employee, the person responsible for payment of compensation shall pay to the special compensation fund an amount equal to the total compensation to which *the injured employee is entitled*.

Subd. 4. [FAILURE TO MAKE PAYMENTS AFTER EXTENSION.] Where an employer or insurer has been granted an extension of time within which to determine liability and fails to begin payment of compensation, charges for treatment under section 176.135 or retraining expenses under 176.102, subdivision 9 or to file a denial of liability within such extended period, he shall make the payments provided in subdivision 3.

Subd. 5. [DOUBLE PAYMENTS TO SPECIAL COMPENSATION FUND.] Where an employer or insurer has failed to make the payments required by subdivision 3 or subdivision 4 within (60) 30 days from the end of the (30 DAY) period or the extended period, the division may require him to pay to the special compensation fund, each day subsequent to the end of the period and until a compensation payment is made to the injured employee, a sum equal to double the total amount of compensation to which the employee is entitled because of the injury. In addition, the person responsible for compensation, charges for treatment under section 176.135 or retraining expenses under 176.102, subdivision 9 shall pay to the special compensation fund an amount equal to the total amount of compensation to which the employee is entitled.

Subd. 6. [ASSESSMENT OF PENALTIES.] The division shall assess the penalty payments provided for by subdivisions 3 to 5, *and any increase in benefit payments provided by section 176.225, subdivision 5*, against either the employer or the insurer depending upon to whom the delay is attributable in making

payment of compensation, charges for treatment under section 176.135 or retraining expenses under 176.102, subdivision 9. The insurer is not liable for a penalty payment assessed against the employer.

Subd. 7. [INTEREST.] *If no appeal is made of an order to pay, any payment of compensation, charges for treatment under section 176.135 or retraining expenses under 176.102, subdivision 9 not made when due shall bear interest at the rate of eight percent per annum from the due date to the date the payment is made.*

Subd. 8. [METHOD AND TIMELINESS OF PAYMENT.] *Payment of compensation under this chapter shall be by immediately payable negotiable instrument, or if by any other method, arrangements shall be available to provide for the immediate payment of the negotiable instrument.*

*All payment of compensation shall be made within 14 days of an appropriate order by the division, unless the order is to be appealed, or where a different time period is provided by this chapter.*

Sec. 78. Minnesota Statutes 1980, Section 176.225, is amended by adding a subdivision to read:

Subd. 5. [PENALTY.] *Where the employer is guilty of inexcusable delay in making payments, the payments which are found to be delayed shall be increased by 10 percent. Withholding amounts unquestionably due because the injured employee refuses to execute a release of his right to claim further benefits will be regarded as inexcusable delay in the making of compensation payments. If any sum ordered by the department to be paid is not paid when due, and no appeal of the order is made, the sum shall bear interest at the rate of 12 percent per annum. Any penalties paid pursuant to this section shall not be considered as a loss or expense item for purposes of a petition for a rate increase made pursuant to chapter 79.*

Sec. 79. Minnesota Statutes 1980, Section 176.231, Subdivision 2, is amended to read:

Subd. 2. [INITIAL REPORT, WRITTEN REPORT.] *Where subdivision 1 requires an injury to be reported within 48 hours, the employer may make his initial report by telephone, telegraph, or personal notice, and file a written report of the injury within seven days from its occurrence or within such time as the commissioner of labor and industry designates. All written reports of injuries required by subdivision 1 shall include the date of injury, amounts of payments made, if any, and the date of the first payment. The reports shall be in quadruplicate on a form designed by the commissioner, with two copies to the commissioner and one to the insurer.*

*If an insurer or self insurer repeatedly fails to pay benefits within three days of the due date, pursuant to section 176.221, the insurer or self insurer shall be ordered by the commissioner to explain, in person, the failure to pay benefits due in a reasonable time. If prompt payments are not thereafter made, the commissioner shall refer the insurer or self insurer to the commissioner of insurance for action pursuant to section 176.225, subdivision 4.*

Sec. 80. Minnesota Statutes 1980, Section 176.231, Subdivision 7, is amended to read:

Subd. 7. [MEDICAL REPORTS.] If requested by the division (OR BY), a compensation judge, the workers' compensation court of appeals, or any member or employee thereof an employer, insurer, or employee shall file with the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) the original or a verified copy of any medical report in his possession which bears upon the case and shall also file a verified copy of the same report with the agency or individual who made the request.

Sec. 81. Minnesota Statutes 1980, Section 176.241, Subdivision 1, is amended to read:

Subdivision 1. [NECESSITY FOR NOTICE AND SHOWING; CONTENTS.] Where an employee claims that the right to compensation continues, (OR REFUSES TO SIGN OR OBJECTS TO SIGNING A FINAL RECEIPT FOR COMPENSATION,) the employer may not discontinue payment of compensation until he provides the (DIVISION) employee with notice in writing of his intention to do so, together with a statement of facts clearly indicating the reasons for the discontinuance. A copy of the notice shall be provided to the division by the employer.

The notice to the employee and the copy to the division shall state the date of intended discontinuance (,) and the reason for the action (, AND THE FACT THAT THE EMPLOYEE OBJECTS TO THE DISCONTINUANCE). The notice to the employee and the copy to the division shall be accompanied by a statement of facts in support of the discontinuance of compensation payments and whatever medical reports are in the possession of the employer bearing on the physical condition of the employee at the time of the proposed discontinuance.

Sec. 82. Minnesota Statutes 1980, Section 176.241, Subdivision 2, is amended to read:

Subd. 2. [CONTINUANCE OF EMPLOYER'S LIABILITY; SUSPENSION.] Except where the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) orders

otherwise, until the *copy of the notice* and reports have been filed with the division, the liability of the employer to make payments of compensation continues.

When the division has received a *copy of the notice* of discontinuance, the statement of facts and available medical reports, the duty of the employer to pay compensation is suspended pending an investigation, hearing, and determination of the matter by the division as provided in the following subdivisions.

Sec. 83. Minnesota Statutes 1980, Section 176.241, Subdivision 3, is amended to read:

Subd. 3. [COPY OF NOTICE TO EMPLOYEE, INVESTIGATION, HEARING.] (WHEN THE DIVISION HAS RECEIVED A NOTICE OF DISCONTINUANCE, IT SHALL IMMEDIATELY SEND THE EMPLOYEE A COPY OF THE NOTICE AND SUPPORTING DOCUMENTS WHICH HAVE BEEN SUBMITTED IN CONJUNCTION WITH THE NOTICE.) *When the employer has reason to believe compensation may be terminated within the requirements of this chapter, notice shall be given to the employee informing the employee of his right to object to the discontinuance and providing instructions as to how to contact the employer or insurer regarding the discontinuance and the procedures related to initiation of a claim.* The commissioner (OF LABOR AND INDUSTRY) shall make an investigation to determine whether the right to compensation has terminated. If it appears from the investigation that the right to compensation may not have terminated, the commissioner (OF LABOR AND INDUSTRY) shall (SCHEDULE) *refer the matter to the chief hearing examiner in order that a hearing before a compensation judge may be scheduled, to determine the right of the employee, or his dependent, to further compensation.*

The hearing shall be held within a reasonable time after the division has received the notice of discontinuance. The (COMMISSIONER OF LABOR AND INDUSTRY) *compensation judge* shall give eight days notice of the hearing to interested parties.

Sec. 84. [176.262] [APPOINTMENT OF COMPENSATION JUDGES; LIMITATION.]

*No attorney acting pursuant to section 176.261 shall be hired or appointed as a compensation judge for a period of two years following termination of service with the division or the attorney general.*

Sec. 65. Minnesota Statutes 1980, Section 176.291, is amended to read:

## 176.291 [DISPUTES AND DEFAULTS; PROCEDURE.]

Where there is a dispute as to a question of law or fact in connection with a claim for compensation, or where there has been a default in the payment of compensation for a period of ten days, a party may present a verified petition to the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) stating the matter in dispute or the fact of default.

The petition shall also state:

- (1) names and residence of parties;
- (2) facts relating to the employment at the time of injury, including amount of wages received;
- (3) extent and character of injury;
- (4) notice to or knowledge by employer of injury;
- (5) facts which the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY AND WORKERS' COMPENSATION COURT OF APPEALS) by rule requires; and,
- (6) such other facts as are necessary for the information of the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY AND) a *compensation judge or the workers' compensation court of appeals.*

Sec. 86. Minnesota Statutes 1980, Section 176.301, Subdivision 1, is amended to read:

Subdivision 1. [TRIAL BY COURT; REFERENCE TO COMMISSIONER (OF THE DEPARTMENT OF LABOR AND INDUSTRY).] When issue has been joined in the district court action, the court may try the action itself without a jury, or refer the matter to the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY TO BE ASSIGNED FOR HEARING). In the latter case, *the commissioner shall refer the matter to the chief hearing examiner for assignment to a compensation judge (OR THE WORKERS' COMPENSATION COURT OF APPEALS UPON APPEAL SHALL HEAR THE CASE IN THE MANNER IN WHICH IT HEARS CASES ORIGINALLY).* The (COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY SHALL REPORT THE FINDINGS AND DECISION OF THE) compensation judge (, OR THE WORKERS' COMPENSATION COURT OF APPEALS) *shall report his findings and decisions* to the district court. The court may approve or disapprove such decision in the same manner as it approves or disapproves the report of a referee. The court shall enter judgment upon such decision.



Sec. 87. Minnesota Statutes 1980, Section 176.305, is amended to read:

**176.305 [PETITIONS FILED WITH THE WORKERS' COMPENSATION DIVISION.]**

Subdivision 1. [HEARINGS ON PETITIONS.] When any petition has been filed with the workers' compensation division, the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) shall, pursuant to his general rules (OR THOSE OF THE WORKERS' COMPENSATION COURT OF APPEALS) or special order, (DIRECT THAT) *refer* the matter presented by the petition *to the chief hearing examiner to be heard by a compensation judge* (OR PRESENTED TO THE WORKERS' COMPENSATION COURT OF APPEALS IF IT IS A MATTER WITHIN ITS JURISDICTION. THE DIVISION SHALL HEAR PETITIONS TO COMMUTE FURTHER COMPENSATION).

Subd. 2. [SERVICE OF COPY OF PETITION.] Within ten days after a petition has been filed, the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) shall serve upon each adverse party a copy of the petition and a notice stating (WHETHER) *that* the hearing will be held before a compensation judge (OR THAT THE PETITION HAS BEEN REFERRED TO THE WORKERS' COMPENSATION COURT OF APPEALS). The commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) shall deliver the original petition and copies of the notice which have been served (,) *to the office of administrative hearings for assignment to a compensation judge* (OR THE WORKERS' COMPENSATION COURT OF APPEALS DEPENDING UPON WHO WILL HEAR THE MATTER).

Subd. 3. [TESTIMONY.] (UNLESS THE WORKERS' COMPENSATION COURT OF APPEALS ORDERS DIFFERENTLY, TESTIMONY TAKEN BEFORE A JUDGE OF THE WORKERS' COMPENSATION COURT OF APPEALS OR COMPENSATION JUDGE IS CONSIDERED AS THOUGH TAKEN BEFORE THE WORKERS' COMPENSATION COURT OF APPEALS.) Where the (COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY) *chief hearing examiner* has substituted a compensation judge originally assigned to hear a matter, the testimony taken before the substitute compensation judge shall be considered as though taken before the judge before whom it was originally assigned.

Sec. 88. Minnesota Statutes 1980, Section 176.311, is amended to read:

**176.311 [REASSIGNMENT OF PETITION FOR HEARING.]**

Where a petition is heard before a compensation judge, at any time before an award or order has been made in such proceeding, the (COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY) *chief hearing examiner* may reassign the petition for hearing before another compensation judge.

Sec. 89. Minnesota Statutes 1980, Section 176.331, is amended to read:

176.331 [AWARD BY DEFAULT.]

Where an adverse party has failed to file and serve an answer, if the petitioner presents proof of such fact, the (COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY OR) compensation judge shall enter whatever award or order to which petitioner is entitled on the basis of the facts alleged in the petition, but the (COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY OR) compensation judge may require proof of (ANY) *an* alleged fact. If the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) requires such proof, he shall *request the chief hearing examiner* to assign the matter to a compensation judge to summarily hear and determine the same and to promptly make an award or order.

Where in such a default case the petition does not state facts sufficient to support an award, the (COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY OR) compensation judge shall give the petitioner or his attorney written notice of (SUCH FACT) *this deficiency*. The petitioner may thereupon file another petition as in the case of an original petition.

Sec. 90. Minnesota Statutes 1980, Section 176.341, Subdivision 1, is amended to read:

Subdivision 1. [TIME.] When the reply has been filed or the time has expired in which to file a reply (,) the (COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY) *chief hearing examiner* shall fix a time and place for hearing the petition. The hearing shall be held (NOT LESS THAN TEN DAYS FROM THE TIME THE REPLY IS FILED OR THE EXPIRATION OF THE TIME IN WHICH THE REPLY COULD HAVE BEEN FILED OR AS SOON THEREAFTER AS THE PARTIES CAN BE HEARD) *as soon as practicable and at a time and place determined by the chief hearing examiner to be the most convenient for the parties, keeping in mind the intent of chapter 176 as expressed in section 33 and the requirements of section 118.*

Sec. 91. Minnesota Statutes 1980, Section 176.351, is amended to read:

## 176.351 [TESTIMONIAL POWERS.]

Subdivision 1. [OATHS.] The compensation judge to whom a petition has been assigned for hearing shall administer an oath to each witness. (THE WORKERS' COMPENSATION COURT OF APPEALS SHALL ALSO ADMINISTER AN OATH TO EACH WITNESS APPEARING BEFORE IT.) The commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) may also administer an oath when required in the performance of his duties.

Subd. 2. [SUBPOENAS.] Upon his (OR ITS) own initiative, or upon written request of an interested party, (THE WORKERS' COMPENSATION COURT OF APPEALS, OR) the commissioner or compensation judge before whom a hearing is held may issue a subpoena for the attendance of a witness or the production of such books, papers, records and documents as are material in the cause and are designated in the subpoena. The commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) may also issue a subpoena for the attendance of a witness or the production of such books, papers, records, and documents as are material in the cause pending and are designated in the subpoena.

Subd. 3. [ADVANCEMENT OF FEES AND COSTS.] The person who applies for issuance of a subpoena shall advance the required service and witness fees. The commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) shall pay for the attendance of witnesses who are subpoenaed by him (, OR THE WORKERS' COMPENSATION COURT OF APPEALS, OR A JUDGE OF THE WORKERS' COMPENSATION COURT OF APPEALS, OR). *The chief hearing examiner shall pay for the attendance of witnesses who are subpoenaed by a compensation judge.* The fees are the same as the service and witness fees in civil actions in district court.

Subd. 4. [PROCEEDINGS AS FOR CONTEMPT OF COURT.] Where a person does not comply with an order or subpoena, the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY, THE WORKERS' COMPENSATION COURT OF APPEALS,) or the commissioner or compensation judge concerned, may apply to the district court in the county in which the petition is pending for issuance of an order compelling obedience. Upon such an application, the district court shall compel obedience to the order or subpoena by attachment proceedings as for contempt in the case of disobedience of a similar order or subpoena issued by the district court.

Sec. 92. Minnesota Statutes 1980, Section 176.371, is amended to read:

**176.371 [AWARD OR DISALLOWANCE OF COMPENSATION.]**

The (WORKERS' COMPENSATION COURT OF APPEALS, OR A JUDGE OF THE WORKERS' COMPENSATION COURT OF APPEALS OR) compensation judge to whom a petition has been assigned for hearing, shall hear all competent evidence produced at the hearing, and, as soon after the hearing as possible, make (SUCH) findings of fact, conclusions of law, and award or disallowance of compensation or other order as the pleadings, evidence (AND) this chapter *and rule* require.

Sec. 93. Minnesota Statutes 1980, Section 176.381, is amended to read:

**176.381 [REFERENCE OF QUESTIONS OF FACT.]**

Subdivision 1. [HEARING BEFORE WORKERS' COMPENSATION COURT OF APPEALS.] In the hearing of any matter before the workers' compensation court of appeals, the *chief judge of the workers' compensation court of appeals* may refer any question of fact to (A JUDGE OF THE WORKERS' COMPENSATION COURT OF APPEALS OR) *the chief hearing examiner for assignment to a compensation judge* either to hear evidence and report it to the workers' compensation court of appeals or to hear evidence and make findings of fact and report them to the workers' compensation court of appeals. The workers' compensation court of appeals shall notify the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) of any matter referred to (A JUDGE OF THE WORKERS' COMPENSATION COURT OF APPEALS OR) a compensation judge under this subdivision.

Subd. 2. [HEARING BEFORE COMPENSATION JUDGE.] In the hearing of any petition before a compensation judge, the (COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY) *chief hearing examiner* may refer any question of fact to another compensation judge to hear evidence and report it to the original compensation judge.

Sec. 94. Minnesota Statutes 1980, Section 176.391, is amended to read:

**176.391 [INVESTIGATIONS.]**

Subdivision 1. [POWER TO MAKE.] Before, during, or after any hearing, the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY,) *or a compensation judge* (, OR WORKERS' COMPENSATION COURT OF APPEALS, IF THE MATTER IS BEFORE IT,) may make an independent investigation of the facts alleged in the petition or answer.

Subd. 2. [APPOINTMENT OF PHYSICIANS, SURGEONS, AND OTHER EXPERTS.] The (WORKERS' COMPENSATION COURT OF APPEALS OR A JUDGE OF THE WORKERS' COMPENSATION COURT OF APPEALS OR) compen-

sation judge assigned to a matter, or the commissioner (OF LABOR AND INDUSTRY), may appoint one or more neutral physicians or surgeons from the list established by the commissioner to examine the injury of the employee and report thereon *except as provided otherwise pursuant to section 70*. Where necessary to determine the facts, the services of other experts may also be employed.

Subd. 3. [REPORTS.] The report of a physician, surgeon, or other expert shall be filed with the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) *and the compensation judge assigned to the matter if any*. The report shall be made a part of the record of the case and be open to inspection as such.

Subd. 4. [COMPENSATION.] The commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY,) *or compensation judge (, OR WORKERS' COMPENSATION COURT OF APPEALS, AS THE CASE MAY BE,)* shall fix the compensation of a physician, surgeon, or other expert whose services are employed under this chapter. This compensation shall be paid initially out of the funds appropriated for the maintenance of the workers' compensation division, but shall be taxed as costs to either party, or both, or otherwise, as the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY,) *or compensation judge (, OR THE WORKERS' COMPENSATION COURT OF APPEALS)* directs.

Where a sum which has been taxed to a party has not been paid, it may be collected in the same manner as are costs generally.

Sec. 95. Minnesota Statutes 1980, Section 176.401, is amended to read:

176.401 [HEARINGS PUBLIC.]

All hearings before (THE WORKERS' COMPENSATION COURT OF APPEALS, A JUDGE OF THE WORKERS' COMPENSATION COURT OF APPEALS, OR) *a compensation judge* are public.

Sec. 96. Minnesota Statutes 1980, Section 176.411, Subdivision 1, is amended to read:

Subdivision 1. [CONDUCT OF HEARINGS AND INVESTIGATIONS.] Except as otherwise provided by this chapter, when (THE WORKERS' COMPENSATION COURT OF APPEALS, A JUDGE OF THE WORKERS' COMPENSATION COURT OF APPEALS OR) *a compensation judge* makes an investigation or conducts a hearing, (IT OR HE) *the compensation judge* is bound neither by the common law or statutory rules

of evidence nor by technical or formal rules of pleading or procedure. The investigation or hearing shall be conducted in a manner to ascertain the substantial rights of the parties.

Findings of fact shall be based upon competent evidence only *and shall comport with section 176.021.*

Sec. 97. Minnesota Statutes 1980, Section 176.411, Subdivision 2, is amended to read:

Subd. 2. [DEPOSITIONS.] Except where (THE WORKERS' COMPENSATION COURT OF APPEALS, A JUDGE OF THE WORKERS' COMPENSATION COURT OF APPEALS, OR) a compensation judge orders otherwise, depositions may be taken in the manner which the law provides for depositions in civil actions in district court.

Sec. 98. Minnesota Statutes 1980, Section 176.421, Subdivision 1, is amended to read:

Subdivision 1. [TIME FOR TAKING; GROUNDS.] When a petition has been heard before a (JUDGE OF THE WORKERS' COMPENSATION COURT OF APPEALS OR) compensation judge, within 30 days after a party in interest has been served with notice of an award or disallowance of compensation, or other order affecting the merits of the case, he may appeal to the workers' compensation court of appeals on any of the following grounds:

- (1) The order does not conform with this chapter; or
- (2) The (JUDGE OF THE WORKERS' COMPENSATION COURT OF APPEALS OR) compensation judge committed an error of law; or
- (3) The findings of fact and order were unwarranted by the evidence; or
- (4) The findings of fact and order were procured by fraud, or coercion, or other improper conduct of a party in interest.

Sec. 99. Minnesota Statutes 1980, Section 176.421, Subdivision 4, is amended to read:

Subd. 4. [SERVICE AND FILING OF NOTICE; COST OF TRANSCRIPT.] Within the 30 day period for taking an appeal, the appellant shall:

- (1) Serve a copy of the notice of appeal on each adverse party;

(2) File the original notice, with proof of service by admission or affidavit, with the (COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY) *chief hearing examiner*;

(3) In order to defray the cost of the transcript of the proceedings appealed from, pay to the (COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY) *chief hearing examiner* the sum of \$10 or so much of that sum as is necessary to present the question raised on the appeal.

The appellant is liable for the cost of the transcript in excess of \$10, but is entitled to a refund of any part of that sum not used to pay the cost of the transcript.

Upon a showing of cause, the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) may (DIRECT) *request* that a transcript be prepared without expense to the appellant, *in which case the cost of the transcript shall be paid by the department.*

Sec. 100. Minnesota Statutes 1980, Section 176.421, Subdivision 5, is amended to read:

Subd. 5. [TRANSCRIPT.] When the notice of appeal has been filed with the (COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY) *chief hearing examiner* and the transcription fee has been paid, the (COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY) *chief hearing examiner* shall immediately prepare a typewritten transcript of the proceedings. The official reporter *or other person designated by the chief hearing examiner* who transcribes the proceedings shall certify to their correctness.

Sec. 101. Minnesota Statutes 1980, Section 176.421, Subdivision 6, is amended to read:

Subd. 6. [POWERS OF WORKERS' COMPENSATION COURT OF APPEALS ON APPEAL.] On an appeal taken under this section, the workers' compensation court of appeals may:

(1) disregard the findings of fact which the (JUDGE OF THE WORKERS' COMPENSATION COURT OF APPEALS OR) compensation judge has made;

(2) examine the (TESTIMONY AND HEAR OTHER EVIDENCE) *record*;

(3) substitute for the findings of fact made by the (JUDGE OF THE WORKERS' COMPENSATION COURT OF AP-

PEALS OR) compensation judge, *when those findings are clearly erroneous*, such findings as the total evidence requires; and,

(4) make (SUCH) *an* award or disallowance of compensation or other order as the facts and findings require.

Sec. 102. Minnesota Statutes 1980, Section 176.421, Subdivision 7, is amended to read:

Subd. 7. [RECORD OF PROCEEDINGS.] At the division's own expense, the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) shall make a complete record of all proceedings before himself (, THE WORKERS' COMPENSATION COURT OF APPEALS, A JUDGE OF THE WORKERS' COMPENSATION COURT OF APPEALS, OR COMPENSATION JUDGE). The commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) shall provide a stenographer to make a record of the proceedings *before him*.

The (STENOGRAPHER) *commissioner* shall furnish a transcript of these proceedings to any person who requests it and who pays a reasonable charge (, THE COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY) *and* shall fix the amount of this charge.

Sec. 103. Minnesota Statutes 1980, Section 176.431, Subdivision 1, is amended to read:

Subdivision 1. [HEARING.] Where an appeal has been taken to the workers' compensation court of appeals under this chapter on the ground that the compensation judge has made an error of law, the workers' compensation court of appeals shall grant a hearing *on the record*. The commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY) shall notify the workers' compensation court of appeals promptly of the taking of any appeal.

The workers' compensation court of appeals shall fix a time and place for the hearing (,) and (NOTIFY THE COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY WHO) shall give each party in interest at least five days written notice.

Sec. 104. Minnesota Statutes 1980, Section 176.441, Subdivision 1, is amended to read:

Subdivision 1. [DISPOSITION BY WORKERS' COMPENSATION COURT OF APPEALS.] Where an appeal has been taken to the workers' compensation court of appeals under this chapter, on either the ground that the findings or order or both were unwarranted by the evidence, or were procured by



fraud, coercion, or other improper conduct of a party, the workers' compensation court of appeals may:

(1) grant a hearing (DE NOVO) *on the record*; or,

(2) ASSIGN) *remand* the petition for a *de novo hearing* or a rehearing (,) and notify the commissioner (OF THE DEPARTMENT OF LABOR AND INDUSTRY,) who shall (SET) *request the chief hearing examiner to assign the de novo hearing or the rehearing* before a compensation judge; or,

(3) (2) sustain, reverse, or modify the order appealed from.

Sec. 105. Minnesota Statutes 1980, Section 176.461, is amended to read:

**176.461 [SETTING ASIDE AWARD.]**

Except where a writ of certiorari has been issued by the supreme court and the matter is still pending in that court or where as a matter of law the determination of the supreme court cannot be subsequently modified, the workers' compensation court of appeals, for cause, at any time after an award, upon application of either party and not less than five days after written notice to all interested parties, may set the award aside and grant a new hearing (BEFORE ITSELF OR) and refer the matter for a determination on its merits to *the chief hearing examiner for assignment* to a compensation judge, who shall make such findings of fact, conclusions of law, and award or disallowance of compensation or other order as the pleadings and the evidence produced and the provisions of this chapter shall require.

Sec. 106. Minnesota Statutes 1980, Section 176.471, Subdivision 3, is amended to read:

Subd. 3. [SERVICE OF WRIT AND BOND; FILING FEE.] To effect a review upon certiorari, the party shall serve a writ of certiorari and a bond upon the (COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY) *administrator of the workers' compensation court of appeals* within the 30 day period referred to in subdivision 1. The party shall also at this time pay to the (SECRETARY OF THE COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY) *administrator* the fee prescribed by rule 103.01 of the rules of civil appellate procedure which shall be disposed of in the manner provided by that rule.

Sec. 107. Minnesota Statutes 1980, Section 176.471, Subdivision 5, is amended to read:

Subd. 5 [BOND.] The bond required by subdivision 3 shall be executed in such amount and with such sureties as the (COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY) *workers' compensation court of appeals* directs and approves. The bond shall be conditioned to pay the cost of the review.

Sec. 108. Minnesota Statutes 1980, Section 176.471, Subdivision 6, is amended to read:

Subd. 6. [TRANSMITTAL OF FEE AND RETURN.] When the writ of certiorari has been served upon the (COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY) *administrator of the workers' compensation court of appeals*, the bond has been filed, and the filing fee has been paid, the (COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY) *administrator* shall immediately transmit to the clerk of the supreme court that filing fee and the return to the writ of certiorari and bond.

Sec. 109. Minnesota Statutes 1980, Section 176.471, Subdivision 8, is amended to read:

Subd. 8. [RETURN OF PROCEEDINGS TRANSMITTED TO COURT.] Within 30 days after the writ of certiorari, bond, and filing fee have been filed with the (COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY) *administrator of the workers' compensation court of appeals*, the (COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY) *administrator* shall transmit to the clerk of the supreme court a true and complete return of the proceedings of the workers' compensation court of appeals under review, or such part of those proceedings as is necessary to allow the supreme court to review properly the questions presented.

The (COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY) *workers' compensation court of appeals* shall certify the return of the proceedings under (HIS) *its* seal. The petitioner or relator shall pay to the (COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY) *administrator of the workers' compensation court of appeals* the reasonable expense of preparing the return.

Sec. 110. Minnesota Statutes 1980, Section 176.491, is amended to read:

176.491 [STAY OF PROCEEDINGS PENDING DISPOSITION OF CASE.]

Where a writ of certiorari has been perfected under this chapter, it stays all proceedings for the enforcement of the order being reviewed until the case has been finally disposed of either in the supreme court or, where the cause has been remanded (TO THE WORKERS' COMPENSATION DIVISION) for a new

hearing *before a compensation judge* or further proceedings (,) before the workers' compensation court of appeals (OR COMPENSATION JUDGE).

Sec. 111. Minnesota Statutes 1980, Section 176.511, Subdivision 1, is amended to read:

Subdivision 1. [PARTIES NOT AWARDED COSTS.] Except as provided otherwise by this chapter and specifically by this section, in (HEARINGS) *appeals* before the workers' compensation court of appeals (, OR A JUDGE OF THE WORKERS' COMPENSATION COURT OF APPEALS,) or *hearings before a compensation judge*, costs shall not be awarded to either party.

Sec. 112. Minnesota Statutes 1980, Section 176.521, Subdivision 1, is amended to read:

Subdivision 1. [VALIDITY.] An agreement between an employee or his dependent and the employer or insurer to settle any claim, which is not upon appeal before the workers' compensation court of appeals, for compensation under this chapter is valid where it has been executed in writing and signed by the parties, and intervenors in the matter, and the division *or a compensation judge* has approved the settlement and made an award thereon. If the matter is upon appeal before the workers' compensation court of appeals, the workers' compensation court of appeals is the approving body.

Sec. 113. Minnesota Statutes 1980, Section 176.521, Subdivision 2, is amended to read:

Subd. 2. [APPROVAL.] Settlements shall be approved only where the terms conform with this chapter.

The division, *a compensation judge*, and the workers' compensation court of appeals shall exercise discretion in approving or disapproving a proposed settlement.

The parties to the agreement of settlement have the burden of proving that the settlement is reasonable, fair, and in conformity with this chapter. A settlement agreement where both the employee or his dependent and the employer or insurer and intervenors in the matter are represented by an attorney shall be presumed to be reasonable, fair, and in conformity with this chapter.

Sec. 114. Minnesota Statutes 1980, Section 176.531, Subdivision 3, is amended to read:

Subd. 3. [PROMPT PAYMENT.] *It is the intent of this section (SHALL BE LIBERALLY CONSTRUED TO INSURE THE) that there be prompt payment of compensation.*

Sec. 115. Minnesota Statutes 1980, Section 176.645, is amended to read:

176.645 [ADJUSTMENT OF BENEFITS.]

*Subdivision 1. [AMOUNT.] For injuries occurring after October 1, 1975 for which benefits are payable under section 176.101, subdivisions 1, 2 and 4, and section 176.111, subdivision 5, the (AMOUNT) total benefits due the employee or any dependents shall be adjusted in accordance with this section. On October 1, (1976) 1981, and (EACH OCTOBER 1) thereafter on the anniversary of the date of the employee's injury the (AMOUNT) total benefits due shall be adjusted by multiplying the (AMOUNT) total benefits due prior to each adjustment by a fraction, the denominator of which is the statewide average weekly wage for December 31, (21 MONTHS PRIOR) of the year two years previous to the adjustment and the numerator of which is the statewide average weekly wage for December 31, (NINE MONTHS PRIOR) of the year previous to the adjustment. For injuries occurring after October 1, 1975, all adjustments provided for in this section shall be included in computing any benefit due under this section. Any limitations of amounts due for daily or weekly compensation under this chapter shall not apply to adjustments made under this section. No adjustment increase made on October 1, 1977 or thereafter under this section shall exceed six percent a year. In those instances where the adjustment under the formula of this section would exceed this maximum the increase shall be deemed to be six percent.*

*Subd. 2. [TIME OF FIRST ADJUSTMENT.] For injuries occurring on or after October 1, 1981, the initial adjustment made pursuant to subdivision 1 shall be deferred until 52 weeks of compensation has been received.*

Sec. 116. Minnesota Statutes 1980, Section 179.74, Subdivision 4, is amended to read:

*Subd. 4. The commissioner of employee relations shall meet and negotiate with the exclusive representative of each of the units specified in section 179.741, subdivision 1, in the manner prescribed by sections 179.61 to 179.76. The appropriate units provided for in section 179.741 shall be the only appropriate units for executive branch state employees. The positions and classes of positions in the classified and unclassified services defined as managerial by the commissioner of employee relations in accordance with the provisions of section 43.326 and so designated in the official state compensation schedules, all unclassified positions in the state university system and the community college system defined as managerial by their respective boards, all positions of physician employees compensated pursuant to section 43.126, the positions of all unclassified employees appointed by the governor, lieutenant governor, secretary of state, attorney general, treasurer and auditor, all positions in the bu-*

reau of mediation services and the public employment relations board, all hearing examiner *and compensation judge* positions in the office of administrative hearings, and the positions of all confidential employees shall be excluded from any appropriate unit. The governor may upon the unanimous written request of exclusive representatives of units and the commissioner direct that negotiations be conducted for one or more units in a common proceeding or that supplemental negotiations be conducted for portions of a unit or units defined on the basis of appointing authority or geography.

**Sec. 117. [TRANSITION AND VALIDATION; WORKERS' COMPENSATION COURT OF APPEALS.]**

*Subdivision 1. [PURPOSE.] It is the purpose and intent of the legislature to constitute the workers' compensation court of appeals an independent agency of the state and this act is not intended to affect any substantive rights beyond the extent necessary to accomplish said purpose. Any rules, decisions or other actions under chapter 175 and chapter 176 prior to the effective date of this section shall continue in full force and effect unless this act expressly provides otherwise. Matters currently before the workers' compensation court of appeals shall not be affected by the provisions of this act.*

*Subd. 2. [PERSONNEL.] All personnel appointed by the commissioner of labor and industry to perform full time duties for the workers' compensation court of appeals are transferred to the workers' compensation court of appeals. The transfer shall not affect any other term or condition of the transferred employee's employment.*

**Sec. 118. [TRANSITION; COMPENSATION JUDGES.]**

*Subdivision 1. [PURPOSE.] It is the purpose and intent of this act to transfer the compensation judges, except for the settlement judge or judges and their support staff, but including other hearing reporters, and other judicial support staff in the workers' compensation division of the department of labor and industry, to the office of administrative hearings as a separate unit in order to provide for a completely objective hearing process with regard to workers' compensation matters. The offices of the transferred compensation judges shall be physically located in a building separate from the offices of the department of labor and industry.*

*Notwithstanding the provisions of any law to the contrary, the provisions of this act shall not be construed to require that hearings in workers' compensation matters be subject to the contested case procedures of sections 15.041 to 15.052. Any provision of chapter 176 which would conflict with the provisions of this act with regard to the hearing procedures to be followed in*

*workers' compensation matters are subordinate to the provisions of this act.*

*Subd. 2. [PERSONNEL, EQUIPMENT.] All personnel appointed by the commissioner to perform full time duties as compensation judges, hearing reporters or in support of the functions of the compensation judges, except for the settlement judge or judges, their hearing reporters and support staff, are transferred to the office of administrative hearings. No employee transferred pursuant to this section shall suffer a diminution of total compensation by reason of such transfer.*

*All equipment and supplies used solely by the transferred personnel in the performance of their duties are transferred to the office of administrative hearings.*

*Subd. 3. [CHIEF HEARING EXAMINER.] The chief hearing examiner shall schedule workers' compensation hearings on as regular a schedule as may be practicable in no fewer than six widely separated locations throughout the state, including at least four locations outside of the seven county metropolitan area and Duluth, for the purpose of providing a convenient forum for parties to a compensation hearing and shall maintain a permanent office in Duluth staffed by at least one compensation judge and one hearing reporter.*

*Subd. 4. [DISTRICT ADMINISTRATORS; CLERKS OF COURT.] The judicial district administrators or the clerks of court of the county or district courts nearest to the locations selected by the chief hearing examiner pursuant to subdivision 3 shall provide suitable hearing rooms at the times and places agreed upon for the purpose of conducting workers' compensation hearings.*

*Subd. 5. [COOPERATION.] Beginning on the effective date of this act, the commissioner, the commissioner of administration and the chief hearing examiner shall cooperate in assuring a smooth transfer of the compensation judges and related personnel and equipment and supplies as provided in this act.*

*Subd. 6. [EFFECTIVE DATE.] The transfers required under this section are effective on July 1, 1981. The physical relocation of the offices of the compensation judges shall be accomplished by no later than January 1, 1982.*

#### **Sec. 119. [RATE REDUCTION.]**

*Subdivision 1. [AMOUNT.] Within 15 days following the date of final enactment the commissioner of insurance shall order that an informational hearing be held for the purpose of making a final determination as to the impact of the provisions of this act on the schedule of rates which will be in effect on October*

1, 1981. The hearing shall not be subject to the provisions of the administrative procedure act or section 79.076. The commissioner shall then issue an order, pursuant to the authority granted in section 12, reducing the schedule of rates and making other necessary changes to that schedule to reflect the actual savings which will result from this act. The reduction shall be equal to or greater than the sum of the following factors:

(a) a reduction of 25 percent as a reflection of the impact of section 13;

(b) a reduction of eight percent as a reflection of the impact of changes provided by this act in the benefits payable pursuant to chapter 176; and

(c) a reduction of two percent as a reflection of the impact of the changes in administration and operation of Minnesota workers' compensation system required by this act.

Subd. 2. [EXCEPTION.] The commissioner may reduce any of the changes in the schedule of rates required in subdivision 1 if he finds that a previous rate order issued pursuant to section 79.071 has already incorporated the required reductions.

#### Sec. 120. [OTHER REDUCTIONS.]

The commissioner shall further order, pursuant to authority granted in section 12, that the schedule of rates shall be reduced by an additional two percent on each of four dates, October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985, as a reflection of the savings in the administration and operations of the Minnesota workers' compensation system required by this act. These reductions may be altered if the commissioner finds that the savings are greater or less than contemplated by this subdivision.

#### Sec. 121. [SEVERABILITY.]

If any provision of this act is found to be unconstitutional and void, the remaining provisions of the act shall remain valid, unless the court finds the valid provisions of the act are so essentially and inseparably connected with, and so dependent upon, the void provisions that the court cannot presume the legislature would have enacted the remaining valid provisions without the void one; or unless the court finds the remaining valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Sec. 122. [APPROPRIATIONS.]

*Subdivision 1. The sum of \$840,000 is appropriated from the general fund to the commissioner of labor and industry for the purpose of implementing sections 18 and 19.*

*Subd. 2. The sum of \$ . . . . . is appropriated from the general fund to the legislative coordinating commission for the purpose of conducting, in cooperation with the commissioner of insurance, a thorough study of the flow of all premium dollars paid to workers' compensation insurers in the state of Minnesota, including a closed compensation claim survey and an examination of insurer reserving practices. A report shall be made to the legislature by January 15, 1982.*

*Subd. 3. There is appropriated to the workers' compensation court of appeals for the fiscal years ending June 30 of the year indicated from the general fund in the state treasury:*

1982      1983

*Approved complement . . . . .*

*Subd. 4. The sum of \$ . . . . . is appropriated from the general fund to the commissioner of labor and industry for the purpose of hiring seven additional personnel in the rehabilitation services section of the workers' compensation division and a maximum of . . . . . additional support personnel needed in conjunction with the departmental improvements provided under section 19.*

*Approved complement . . . . .*

Sec. 123. [REPEALER.]

*Minnesota Statutes 1980, Sections 175.006, Subdivisions 1a and 2; 175.0061; 175.09; 176.111, Subdivision 11; and 176.441, Subdivision 2, are repealed.*

Sec. 124. [EFFECTIVE DATE.]

*Section 12 is effective on the day following final enactment. Sections 1 to 11 and sections 13 to 123 are effective July 1, 1981."*

**Amend the title as follows:**

**Page 1, delete lines 2 to 5 and insert:**

**"relating to workers' compensation; expressing the intent of the legislature with respect to chapter 176; transferring compensation judges from the workers' compensation division to a separate division within the office of administrative hearings; making the workers' compensation court of appeals a separate**



and independent agency with appellate review powers; providing for a discount assumption with respect to calculating reserves for claims of insurance companies; authorizing the commissioner of insurance to initiate a rate hearing; permitting benefit payment amounts to be rounded to whole dollars; clarifying certain provisions with respect to the Minnesota workers' compensation reinsurance association; redefining the maximum reinsurance liability limitation as a prefunded limit; providing for a survey of closed compensation claims and an examination of insurer reserving practices; removing the exemption of political subdivisions from the definitions of insurer and insurance in chapter 79; providing for the design and implementation of an improved records and information system in the department of labor and industry; providing for the addition of rehabilitation and computer support personnel in the department of labor and industry; permitting the commissioner of labor and industry to negotiate with his counterparts in other states in jurisdictional disputes; establishing a preponderance of the evidence standard in factual determinations under chapter 176; granting subrogation rights to the special compensation fund in third party actions; providing for lump sum permanent partial disability payments on return to work and weekly payments if an employee could but does not return to work; limiting attorneys' fees to only disputed portions of claims; providing a procedure for settlement offers by any litigant in a disputed claim proceeding; defining employee in certain situations; requiring claimants' attorneys to provide their clients with written information regarding fees under chapter 176; providing a penalty for attorneys who violate the fee provisions of chapter 176; providing a ten year limitation on death benefits to dependents; providing rehabilitation opportunities for dependent surviving spouses; requiring the commissioner of labor and industry to adopt disability degree schedules; prohibiting combined workers' compensation and government survivor benefits from exceeding the limit provided in chapter 176; providing a new formula for determining assessments against employers and insurers for the special compensation fund; providing for payment of attorneys' fees in disputes over supplementary benefits; requiring the commissioner of labor and industry to utilize a medical fee schedule; requiring the commissioner to review the quality of care and other aspects of medical delivery under workers' compensation; establishing a pilot medical panel to resolve disputes over medical disability; providing for payment of wage replacement or disability payments by a group insurer under appropriate provisions pending resolution of liability dispute over compensability; providing for early payment of benefits and a penalty for delay; requiring benefit payments to be made by immediately negotiable instrument; providing that notices of discontinuance of benefit payments be sent directly to claimant by insurer; delaying first benefit adjustment under chapter 176; mandating an insurance rate reduction by an amount reflecting cost savings due to benefit and administrative changes; providing penalties; changing procedures; creating and abolishing duties; appropriating money; amending Minnesota Statutes

1980, Sections 10A.01, Subdivision 18; 15.052, Subdivisions 1, 2, 3, 4 and 5; 15A.083, by adding a subdivision; 43.064; 60A.15, Subdivision 1; 79.01, Subdivisions 2 and 3; 79.071, by adding subdivisions; 79.34, Subdivisions 1 and 2; 79.35; 79.36; 175.007; 175.101, by adding a subdivision; 175.11, Subdivision 1; 175.14; 175.17; 176.011, Subdivisions 6 and 9; 176.021, Subdivisions 1 and 3, and by adding subdivisions; 176.041, by adding a subdivision; 176.061, Subdivisions 1, 3, 4, 5, 6 and 7; 176.081, Subdivision 1, and by adding subdivisions; 176.101, Subdivision 3; 176.102, by adding a subdivision; 176.105, Subdivision 1; 176.111, Subdivisions 6, 7, 8, 10 and 21, and by adding a subdivision; 176.131, Subdivision 10; 176.132, Subdivision 2; 176.133; 176.136; 176.161, Subdivision 1; 176.181, Subdivisions 2 and 3, and by adding a subdivision; 176.191; 176.221; 176.225, by adding a subdivision; 176.231, Subdivisions 2 and 7; 176.241, Subdivisions 1, 2 and 3; 176.291; 176.301, Subdivision 1; 176.305; 176.311; 176.331; 176.341, Subdivision 1; 176.351; 176.371; 176.381; 176.391; 176.401; 176.411, Subdivisions 1 and 2; 176.421, Subdivisions 1, 4, 5, 6 and 7; 176.431, Subdivision 1; 176.441, Subdivision 1; 176.461; 176.471, Subdivisions 3, 5, 6 and 8; 176.491; 176.511, Subdivision 1; 176.521, Subdivisions 1 and 2; 176.531, Subdivision 3; 176.645; and 179.74, Subdivision 4; proposing new law coded as Minnesota Statutes, Chapter 175A; and proposing new law coded in Minnesota Statutes, Chapters 79 and 176; repealing Minnesota Statutes 1980, Sections 175.006, Subdivisions 1a and 2; 175.0061; 175.09; 176.111, Subdivision 11; and 176.441, Subdivision 2."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

## MOTIONS AND RESOLUTIONS

Ogren moved that the names of Valan, Shea and Erickson be added as authors on H. F. No. 1428. The motion prevailed.

Wenzel moved that H. F. No. 991 be returned to its author. The motion prevailed.

House Resolution No. 14 was reported to the House.

Munger moved that House Resolution No. 14 be now adopted.

### HOUSE RESOLUTION NO. 14

A house resolution proclaiming Minnesota Environmental Awareness Day.

*Whereas*, Minnesota is one of the most aesthetically beautiful states in the country; and,

*Whereas*, Minnesota has clean air and clear water to sustain its healthy and hardy people; and,

*Whereas*, Minnesota sustains abundant fish and wildlife; and,

*Whereas*, Minnesota is famous for its natural diversity, including prairies, hardwood and coniferous forests, lakes, streams and rivers; and,

*Whereas*, Minnesota affords an abundance of recreational opportunities including biking, canoeing, boating, hiking, snowmobiling, birdwatching, hunting and fishing; and,

*Whereas*, Minnesota has two nationally significant water resources of Lake Superior and the Mississippi River; and,

*Whereas*, Minnesota is noted for its excellent state, county and local parks and trails; and,

*Whereas*, all of the above important attributes of this state are due to the fact that Minnesota's environment is clean, and the State of Minnesota has been a leader among the states in environmental protection and maintaining a high quality of life for its citizens; and,

*Whereas*, it has been eleven years since the original Earth Day and recognizable improvement of the environment has ensued; *Now, Therefore*,

*Be It Resolved* by the House of Representatives of the State of Minnesota, that today, April 23, 1981, is proclaimed to be Environmental Awareness Day, in Minnesota. We, the people of Minnesota, recognize that our natural environment is one of our greatest resources for the health, well-being and prosperity of our populace. Today, Environmental Awareness Day, all people of Minnesota take note of the benefits a clean environment and a bountiful natural heritage bring to our state and our people.

The motion prevailed and the resolution was adopted.

#### MOTION FOR RECONSIDERATION

Anderson, G., moved that the vote whereby H. F. No. 590 was not passed on the Calendar on Monday, April 20, 1981, be now reconsidered. The motion prevailed.

Anderson, B., moved that H. F. No. 590 be continued on the Calendar until Friday, April 24, 1981. The motion prevailed.

#### POINT OF ORDER

Anderson, I., raised a point of order pursuant to rule 5.9 that H. F. No. 1223, now on General Orders, be re-referred to the Committee on Taxes. The Speaker ruled the point of order well taken and that H. F. No. 1223 be re-referred to the Committee on Taxes.

#### ADJOURNMENT

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Friday, April 24, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## FORTIETH DAY

SAINT PAUL, MINNESOTA, FRIDAY, APRIL 24, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Reverend Marvin E. Sandness, Christ Lutheran Church, St. Paul, Minnesota.

The roll was called and the following members were present:

Aasness	Esau	Kelly	Novak	Sherman
Ainley	Ewald	Knickerbocker	Nysether	Sherwood
Anderson, B.	Fjoslien	Kostohryz	O'Connor	Sieben, M.
Anderson, G.	Forsythe	Kvam	Ogren	Simoneau
Anderson, I.	Friedrich	Laidig	Olsen	Skoglund
Anderson, R.	Greenfield	Lehto	Onnen	Stadum
Battaglia	Gruenes	Lemen	Otis	Staten
Begich	Gustafson	Levi	Peterson, B.	Stowell
Berkelman	Halberg	Long	Peterson, D.	Stumpf
Blatz	Hanson	Ludeman	Piepho	Sviggum
Brandl	Harens	Luknic	Pogemiller	Swanson
Brinkman	Hauge	Mann	Redalen	Tomlinson
Byrne	Heap	Marsh	Reding	Valan
Carlson, D.	Heinitz	McCarron	Rees	Valento
Carlson, L.	Himle	McDonald	Reif	Vanasek
Clark, J.	Hoberg	McEachern	Rice	Vellenga
Clark, K.	Hokanson	Mehrkens	Rodriguez, C.	Voss
Clawson	Hokr	Metzen	Rodriguez, F.	Weaver
Dahlvang	Jacobs	Minne	Rose	Welch
Dempsey	Jennings	Munger	Rothenberg	Welker
Den Ouden	Johnson, D.	Murphy	Sarna	Wenzel
Drew	Jude	Nelsen, B.	Schafer	Wieser
Eken	Kahn	Nelson, K.	Schoenfeld	Wynia
Ellingson	Kaley	Niehaus	Schreiber	Zubay
Erickson	Kalis	Norton	Shea	Spkr. Sieben, H.

A quorum was present.

Dean; Elioff; Evans; Haukoos; Johnson, C.; Osthoff; Samuelson; Searles and Wigley were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Stowell moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1434, 1124, 1131, 184, 588, 890, 403, 658, 870, 1108, 192, 217 and 126 and S. F. Nos. 939, 1064, 1140, 1150, 368, 562, 595, 314, 399, 443, 510, 549, 378, 763, 782, 808, 827, 1008, 225, 338, 964 and 1043 have been placed in the members' files.

S. F. No. 399 and H. F. No. 460, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Simoneau moved that S. F. No. 399 be substituted for H. F. No. 460 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 763 and H. F. No. 834, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Nelson, K., moved that the rules be so far suspended that S. F. No. 763 be substituted for H. F. No. 834 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 808 and H. F. No. 848, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Munger moved that the rules be so far suspended that S. F. No. 808 be substituted for H. F. No. 848 and that the House File be indefinitely postponed. The motion prevailed.

## PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

April 23, 1981

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

Dear Speaker Sieben:

I have the honor to inform you that I received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 483, relating to Ramsey county, providing for the administration of the soldiers' rest;

H. F. No. 471, relating to agriculture, consolidating certain promotional fund accounts; regulating deposit of certain funds; appropriating money;

H. F. No. 117, relating to general assistance; removing the presumption of eligibility from general assistance; providing that applications be permitted no later than four days after assistance is requested; requiring that determinations be made with respect to the need for emergency general assistance; providing that eligibility determinations for general assistance be made no later than 30 days following application; providing that the first general assistance grant be computed for eligible applicants from the time when assistance is requested; requiring vendor payments of grants until eligibility determinations are complete;

Sincerely,

ALBERT H. QUIE  
Governor

#### REPORTS OF STANDING COMMITTEES

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 116, A bill for an act relating to local government; providing conditions for the annexation of town territory to municipalities; providing for the membership of the municipal board; amending Minnesota Statutes 1980, Sections 414.01, Subdivision 2; and 414.031, Subdivision 4.

Reported the same back with the following amendments:

Page 1, line 13, strike "One"

Page 1, line 14, strike "of the members shall be" and delete the comma

Page 1, line 15, delete the new language and strike the old language

Page 1, strike lines 16 to 19

Page 1, line 20, strike "defined."

Pages 2 to 4, delete sections 2 and 3



Amend the title as follows:

Page 1, line 2, delete "providing conditions for"

Page 1, delete line 3

Page 1, line 5, delete "Sections" and insert "Section"

Page 1, line 6, delete "; and 414.031, Subdivision 4"

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 165, A bill for an act relating to corporations; modernizing and improving provisions governing business corporations; appropriating money; amending Minnesota Statutes 1980, Sections 53.01; 303.05, Subdivision 1; 308.341; 319A.03; 319A.05; 319A.12, Subdivisions 1a and 2; 319A.20; and 367.42, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 302A; repealing Minnesota Statutes 1980, Sections 301.01 to 301.67.

Reported the same back with the following amendments:

Page 2, line 33, after "*signed*," insert "*and*"

Page 2, line 33, after "*acknowledged*" insert "*or verified*" and delete "*Minnesota*"

Page 2, line 34, delete "*Statutes, Sections 358.32 to 358.40*" and insert "*chapter 358*"

Page 5, line 22, after "*voting*" insert "*power of the*"

Page 5, line 28, after "*percent*" insert "*of the voting power*"

Page 5, line 29, delete "*voting*"

Page 6, line 14, after "*300*" insert "*that has not subsequently become governed by chapter 301 and that was incorporated*"

Page 7, line 3, after "*articles*" insert "*for amendment of the articles*"

Page 7, line 9, after "*election*" insert "*to become governed by sections 1 to 125*"

Page 7, after line 19, insert:

*"Subd. 7. [ELECTION TO REMAIN SUBJECT TO CHAPTER 301.] A corporation subject to sections 301.01 to 301.67 may elect to remain subject to those sections until June 30, 1985 by filing a resolution with the secretary of state, in the manner provided in subdivision 4, before January 1, 1983. A corporation electing under this subdivision may elect to become subject to sections 1 to 125 at any time before June 30, 1985 by filing a resolution with the secretary of state in the manner provided in subdivision 4. A corporation electing under this subdivision is subject to sections 1 to 125 on and after June 30, 1985."*

Re-number the subdivision

Page 7, line 26, after "300" insert "that has not subsequently become governed by chapter 301"

Page 7, line 27, after "125," insert "or to remain subject to sections 301.01 to 301.67 until June 30, 1985 pursuant to subdivision 7,"

Page 8, line 10, after "301" delete "and" and insert a comma and after "316" insert "and 556"

Page 10, line 13, after the first "voting" insert "power of the"

Page 10, line 16, before "all" insert "the voting power of"

Page 13, line 14, before "It" insert "[POWERS NEED NOT BE STATED.]"

Page 13, line 25, delete ". This provision does not affect" and insert a semicolon

Page 13, delete lines 26 to 28

Page 13, line 35, delete "exclusive"

Page 13, line 36, after "time" insert "of incorporation"

Page 14, line 1, delete "333.52" and insert "333.54"

Page 14, line 14, after "corporation," insert "or that the holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54, filed or registered that name at least three years prior to the affidavit,"

Page 14, line 17, after "corporation" insert "or the holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54"

Page 14, line 18, after "*corporation*" insert "*, or the address of the holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54,*"

Page 14, line 22, after "*corporation*" insert "*or holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54*"

Page 14, line 26, after "*state*" insert "*or has been unable to find any telephone listing for the holder of a name filed or registered with the secretary of state under sections 333.011 to 333.54, in the county in which is located the address of the holder shown in the records of the secretary of state*"

Page 14, line 27, after "*corporation*" insert "*or holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54,*"

Page 14, after line 28, insert:

*"Subd. 2. [NAMES CONTINUED.] Subdivision 1, clause (d), does not affect the right of a domestic corporation existing on January 1, 1983, or a foreign corporation authorized to do business in this state on that date to continue the use of its name."*

Renumber the subdivisions

Page 14, line 35, delete "*333.52*" and insert "*333.54*"

Page 15, line 28, delete "*a corporation*"

Page 18, line 6, delete "*one*" and insert "*three*"

Page 18, line 8, after "*notice*" insert "*has not yet been given but still*"

Page 18, line 16, delete everything after the period

Page 18, delete lines 17 and 18 and insert: "*The provisions of this subdivision regarding shareholder-proposed amendments do not apply to a corporation registered or reporting under the federal securities laws, to the extent that those provisions are in conflict with the federal securities laws or rules promulgated thereunder, in which case the federal securities laws or rules promulgated thereunder shall govern.*"

Page 18, line 25, after "*voting*" insert "*power of the*"

Page 22, line 23, after the semicolon, insert "*and*"

Page 22, line 24, delete everything after "*animals*"

Page 22, delete line 25 to "*thereof*"

Page 22, delete lines 26 to 31

Renumber the subdivisions

Page 24, line 19, after "*validity*" insert "*, recordability*"

Page 27, line 4, delete "*one*" and insert "*three*"

Page 27, line 12, after the period insert "*The provisions of this subdivision regarding shareholder-proposed amendments shall not apply to a corporation registered or reporting under the federal securities laws, to the extent that those provisions are in conflict with the federal securities laws or rules promulgated thereunder, in which case the federal securities laws or rules promulgated thereunder shall govern.*"

Page 28; line 9, delete the comma

Page 28, line 10, delete the comma

Page 28, line 12, delete both commas

Page 29, line 5, after "*to*" insert *any officer of the corporation before the meeting, or to*"

Page 29, lines 26 and 27, delete "*by the affirmative vote of a majority of the directors present,*"

Page 29, line 32, after "*directors*" insert "*present affirmatively*"

Page 29, line 37, after "*voting*" insert "*power of the*"

Page 30, line 7, delete "*number of shares*" and insert "*proportion of the voting power*"

Page 33, line 3, delete "*smaller*"

Page 34, lines 12 and 13, delete "*or not*"

Page 35, line 27, after the semicolon, delete "*or*"

Page 35, line 28, after "*meeting*" delete the period and insert "*; or*"

(c) *Is prohibited by section 45 from voting on the action.*"

Page 36, line 26, after "resolution" insert "fixing the compensation of the director or"

Page 37, after line 35, insert:

*"(d) Disburse corporate funds and issue checks and drafts in the name of the corporation, as ordered by the board;"*

Renumber the clauses

Page 40, line 9, after "securities" insert "only"

Page 43, line 8, after "voting" insert "power of the"

Page 43, line 15, after "voting" insert "power of the"

Page 43, line 15, after "without" insert "any new or additional"

Page 43, line 24, after "majority of" insert "the voting power of"

Page 47, line 1, after "majority of" insert "the voting power of"

Page 47, line 7, delete the second "to"

Page 47, delete line 8 and insert "if the resale or other distribution of those securities or rights to purchase securities is not restricted by either state or federal securities laws; or"

Page 51, line 26, after the period insert "A restriction under this section is deemed to be noted conspicuously, and is effective if the existence of the restriction is stated on the certificate and reference is made to a separate document creating or describing the restriction."

Page 51, line 34, delete "one" and insert "three"

Page 52, line 8, before "meeting" insert "regular"

Page 54, line 22, after "voting" insert "power of the"

Page 55, line 5, after "majority of" insert "the voting power of"

Page 55, line 16, delete "50" and insert "60"

Page 57, line 23, delete "either"

Page 57, line 24, after "notice" insert "either"

Page 59, line 2, after "majority of" insert "the voting power of"

Page 61, line 30, after "shareholder" insert ", beneficial owner,"

Page 61, line 36, after "shareholder" insert ", beneficial owner,"

Page 62, line 5, after "shareholder" insert ", beneficial owner,"

Page 63, line 18, delete the first "and" and insert a comma

Page 63, line 18, after "presentation" insert a comma and after "and" insert "describing"

Page 65, line 34, delete ", if none,"

Page 65, line 35, after "circumstances" insert ", whichever is lower"

Page 68, line 6, after "5" insert a comma

Page 68, line 27, after "determine" insert "whether or not the shareholder or shareholders in question have fully complied with the requirements of this section, and shall determine"

Page 69, line 7, after "vexatious" insert a comma

Page 70, after line 8, insert:

"Subd. 3. [BANKING AUTHORITY NOT GRANTED.] This section does not grant any authority to act as a bank or to carry on the business of banking."

Page 71, line 24, delete "Conducted himself" and insert "Acted"

Page 76, line 37, after the comma insert "except a director who is prohibited by section 45 from voting on the distribution,"

Page 76, line 37, after "to" insert a comma

Page 79, line 11, after "majority of" insert "the voting power of"

Page 79, line 17, delete "*included in the*" and insert "*affected by the plan of*"

Page 81, line 25, after "*majority of*" insert "*the voting power of*"

Page 81, line 31, after "*majority of*" insert "*the voting power of*"

Page 84, line 20, after "*proceeding*" insert a comma

Page 85, line 10, after "*majority of*" insert "*the voting power of*"

Page 86, line 35, after "*majority of*" insert "*the voting power of*"

Page 90, line 5, after "*majority of*" insert "*the voting power of*"

Page 90, line 26, delete "*or not*"

Page 98, line 37, delete "ANNUAL REPORT" and insert "CORPORATE REGISTRATION"

Page 99, line 1, delete "[ANNUAL REPORT.]" and insert "[MINNESOTA CORPORATE REGISTRATION.]"

Page 99, delete lines 2 to 18 and insert:

*"Subdivision 1. [INFORMATION REQUIRED.] A domestic corporation shall annually file with the commissioner of revenue along with the return required by sections 290.37 and 290.974, or along with an affidavit that the corporation need not file a return under section 290.37, a registration containing:*

(a) *The name of the corporation;*

(b) *The address of its principal executive office;*

(c) *The address of its registered office;*

(d) *The state of incorporation;*

(e) *The former name and address of the corporation or its registered office, if changed since the corporation filed its previous return;*

(f) *The name of its registered agent, if any; and*

(g) *The name and business address of the officer or other person exercising the principal functions of the chief executive officer of the corporation.*

*Subd. 2. [INFORMATION PUBLIC.] The information required by subdivision 1 shall be forwarded by the commissioner of revenue to the secretary of state and is public data. Sections 15.163 to 15.1699 do not apply to this information."*

Page 99, line 20, delete "*an annual report conforming*" and insert "*a registration pursuant*"

Page 99, line 21, after "*state*" insert "*and is subject to a \$25 fine*"

Page 99, line 23, delete "*annual report*" and insert "*registration*"

Page 99, line 24, delete "*; PENALTY*"

Page 99, lines 25 and 26, delete "*an annual report conforming*" and insert "*a registration pursuant*"

Page 99, line 29, delete everything after "*section*"

Page 99, delete lines 30 to 32 and insert "*and is subject to dissolution by the office of the secretary of state if the registration is not filed pursuant to subdivision 1 within 60 days after the mailing of the notice.*"

*Subd. 5. [PENALTY.] (a) A corporation that for two consecutive years has failed to file the registration required by subdivision 1, has been notified of the failure pursuant to subdivision 4, and has failed to file the registration during the 60-day period described in subdivision 4, may be dissolved by the secretary of state as described in clause (b).*

*(b) Immediately after the expiration of the 60-day period in the second consecutive year of failure to file the registration, the secretary of state shall issue a certificate of involuntary dissolution, a copy of which shall be filed in the office of the secretary of state. The original certificate and a notice explaining that the corporation has been dissolved shall be sent to the registered office of the corporation. The secretary of state shall annually inform the attorney general and the commissioner of revenue of the names of corporations dissolved under this section during the preceding year. A corporation dissolved in this manner is not entitled to the benefits of section 117, subdivision 1."*

Page 101, line 22, reinstate the stricken language and before "*1*" insert "*or*"



Page 101, after line 26, insert :

“Sec. 127. Minnesota Statutes 1980, Section 290.61, is amended to read :

**290.61 [PUBLICITY OF RETURNS, INFORMATION.]**

It shall be unlawful for the commissioner or any other public official or employee to divulge or otherwise make known in any manner any particulars set forth or disclosed in any report or return required by this chapter, or any information concerning, the taxpayer's affairs acquired from his or its records, officers, or employees while examining or auditing any taxpayer's liability for taxes imposed hereunder, except in connection with a proceeding involving taxes due under this chapter from the taxpayer making such return or to comply with the provisions of (SECTION) *sections 290.612 and 122*. The commissioner may furnish a copy of any taxpayer's return to any official of the United States or of any state having duties to perform in respect to the assessment or collection of any tax imposed upon or measured by income, if such taxpayer is required by the laws of the United States or of such state to make a return therein. Prior to the release of any information to any official of the United States or any other state under the provisions of this section, the person to whom the information is to be released shall sign an agreement which provides that he will protect the confidentiality of the returns and information revealed thereby to the extent that it is protected under the laws of the state of Minnesota. The commissioner and all other public officials and employees shall keep and maintain the same secrecy in respect to any information furnished by any department, commission, or official of the United States or of any other state in respect to the income of any person as is required by this section in respect to information concerning the affairs of taxpayers under this chapter. Nothing herein contained shall be construed to prohibit the commissioner from publishing statistics so classified as not to disclose the identity of particular returns or reports and the items thereof. Upon request of a majority of the members of the senate tax committee or of the house tax committee or the tax study commission, the commissioner shall furnish abstracted financial information to those committees for research purposes from returns or reports filed pursuant to this chapter, provided that he shall not disclose the name, address, social security number, business identification number or any other item of information associated with any return or report which the commissioner believes is likely to identify the taxpayer. The commissioner shall not furnish the actual return, or a portion thereof, or a reproduction or copy of any return or portion thereof. “Abstracted financial information” means only the dollar amounts set forth on each line on the form including the filing status.

Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

In order to locate the named payee on state warrants issued pursuant to this chapter or chapter 290A and undeliverable by the United States postal service, the commissioner may publish in any English language newspaper of general circulation in this state a list of the name and last known address of the payee as shown on the reports or returns filed with the commissioner. The commissioner may exclude the names of payees whose refunds are in an amount which is less than a minimal amount to be determined by the commissioner. The published list shall not contain any particulars set forth on any report or return. The publication shall include instructions on claiming the warrants."

Page 102, after line 26, insert:

"Sec. 130. [316.24] [SCOPE; CHAPTER NOT APPLICABLE.]

*Sections 316.01 to 316.23 do not apply to a corporation incorporated under or governed by sections 1 to 125."*

Page 104, line 7, delete "391A.20" and insert "319A.20"

Page 105, after line 9, insert:

"Sec. 137. Minnesota Statutes 1980, Section 462.601, is amended to read:

**462.601 [MINNESOTA BUSINESS CORPORATION ACT APPLIES IN PART.]**

The provisions of (THE MINNESOTA BUSINESS CORPORATION ACT) *sections 301.01 to 301.61 and sections 1 to 125* shall apply to redevelopment companies, except where those provisions are in conflict with the provisions of sections 462.415 to 462.711. In the event that any action with respect to which the holders of income debentures shall have the right to vote is proposed to be taken, then notice of any meeting at which such action is proposed to be taken shall be given to those holders in the same manner (and) to the same extent as if they were stockholders entitled to notice of and to vote at such meeting, and any certificate filed pursuant to law in the department of state with respect to any such action, whether taken with or without meeting, and any affidavit required by law to be annexed to that certificate, shall contain the same statements or recitals, and the certificate shall be subscribed and acknowledged, and the affidavit shall be made in the same manner as if those holders were stockholders holding shares of an additional class of stock entitled to vote on that action, or with respect to the proceedings provided for in the certificate.

Sec. 138. Minnesota Statutes 1980, Section 462.605, is amended to read:

## 462.605 [POWERS OF REDEVELOPMENT COMPANY.]

Each redevelopment company shall have and may exercise such of the powers conferred by (THE MINNESOTA BUSINESS CORPORATION ACT) sections 301.01 to 301.61 and sections 1 to 125 or, in cities of the first class, the Minnesota uniform limited partnership act as shall be necessary in conducting the business of a redevelopment company and consistent with the provisions of sections 462.415 to 462.711."

Page 105, line 23, in the blank insert "131,800"

Page 105, delete lines 28 to 31 and insert:

"	1981	1982	1983
(a) Computerization		\$51,000	\$57,000
(b) Other duties	\$2,900	\$11,100	\$ 9,800"

Page 105, line 33, delete everything after "1" and insert "to 121, 123, 124, 126, 128 to 135, 137, 138 and 140 are effective July"

Page 105, line 34, delete "134, and 135" and insert "127 and 136"

Page 105, line 35, after the period, insert "Section 122 is effective January 1, 1984. Section 139 is effective July 1, 1985."

Renumber the sections

Amend the title as follows:

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

Page 1, line 5, after "53.01" insert "; 290.61"

Page 1, line 7, delete "and"

Page 1, line 7, after "1" insert "; 462.601; and 462.605"

Page 1, line 8, delete "Chapter 302A" and insert "Chapters 302A and 316"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 196, A bill for an act relating to game and fish; increasing and making permanent a surcharge on small game licenses for wildlife land acquisition; amending Minnesota Statutes 1980, Section 97.482, Subdivision 1; repealing Laws 1961, Chapter 66, Section 1, as amended.

Reported the same back with the following amendments:

Page 1, line 18, strike "and" and insert a comma

Page 1, line 19, after "development" insert "*and management*"

Page 1, after line 19, insert:

"Sec. 2. Laws 1961, Chapter 66, Section 1, as amended by Laws 1971, Chapter 867, Section 1, and by Laws 1977, Chapter 310, Section 17, is amended to read:

Sec. 17. [EXTENSION.] The provisions of Laws 1957, Chapter 644, Sections 1 to 4 appearing in Minnesota Statutes (1976) 1980 as Sections 97.481 to 97.484 inclusive, shall continue in effect until February 28, (1985) 1990 (, NOTWITHSTANDING ANY PROVISION OF LAWS 1957, CHAPTER 644, SECTION 5, TO THE CONTRARY)."

Renumber remaining section

Page 1, lines 21 and 22, delete all of the language and insert "*Laws 1957, Chapter 644, Section 5,*"

Amend the title as follows:

Page 1, line 2, delete "and making"

Page 1, line 3, delete "permanent"

Page 1, line 5, after the semicolon insert "Laws 1961, Chapter 66, Section 1, as amended;"

Page 1, line 6, delete all of the language and insert "1957, Chapter 644, Section 5."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 582, A bill for an act relating to natural resources; regulating the use of state funded trails; providing a penalty; amending Minnesota Statutes 1980, Section 84.90, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 85.

Reported the same back with the following amendments:

Page 1, line 16, delete "*designated*" and insert "*covered*"

Page 1, line 16, after "*section*" insert "*84.029 or*"

Page 1, line 16, after "*85.015*" insert "*, on any trail on state owned land,*"

Page 1, line 17, delete "*the acquisition of*"

Page 1, line 25, delete "*, the acquisition of*"

Page 1, line 26, delete "*grant-in-aids*" and insert "*grants-in-aid and sponsored by a local unit of government*"

Page 2, line 16, delete "*nonmotorized travel*" and insert "*use of a motorized vehicle other than a snowmobile,*"

Page 2, line 17, delete "*nor use of a motorized vehicle, other than a*"

Page 2, line 18, delete "*snowmobile,*"

Page 2, line 30, delete "*whose lands the trail system*" and insert "*their land where a trail*"

Page 2, after line 31, insert:

"Subd. 6. [PUBLIC RIGHTS-OF-WAY.] *Nothing in this section shall be construed to limit the existing or future motor vehicle use of township roads, county and county state aid highways and state highway rights-of-way.*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 769, A bill for an act relating to transportation; establishing a rail bank account; providing for the deposit of money in the rail bank account and specifying the purposes for which it may be expended; appropriating money; amending Min-

nesota Statutes 1980, Sections 222.49; 222.50, Subdivision 7; 222.63, by adding a subdivision; and Laws 1980, Chapter 610, Section 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 786, A bill for an act relating to water resources; altering certain provisions concerning the regulation of shoreland use and development in municipalities; amending Minnesota Statutes 1980, Section 105.485, Subdivision 6.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 105.485, Subdivision 6, is amended to read:

Subd. 6 [MUNICIPAL SHORELAND MANAGEMENT.] (BEFORE APRIL 1, 1974, EACH) *Any* municipality having shoreland within its corporate limits shall submit to the commissioner, *within one year from the date of notification by the commissioner, for (HIS) review (, ANY) and approval, proposed municipal shoreland management ordinances, rules, or regulations (AFFECTING THE USE AND DEVELOPMENT OF ITS SHORELANDS) which meet the minimum standards and criteria established pursuant to this section.* The commissioner shall review the ordinances, rules, or regulations and determine whether they are in substantial compliance with municipal shoreland management standards and criteria promulgated pursuant to subdivision 3. In making (HIS) *the* review the commissioner also shall consider any feature unique to the municipal shoreland in question, including but not limited to the characteristics of the waters which may be affected by development, storm sewer facilities, and sanitary and waste disposal facilities in existence at the time of the commissioner's review. If the commissioner determines that the ordinances, rules, or regulations of a municipality do not substantially comply with the state standards and criteria for municipal shoreland management, (HE) *the commissioner* shall so notify the municipality and shall indicate to the municipality the changes which are necessary to bring the ordinances, rules, or regulations into substantial compliance with state standards and criteria. Within (ONE YEAR) *six months* after receiving this notice from the commissioner, the municipality shall make the changes necessary

to bring the ordinances, rules, or regulations into substantial compliance with state standards and criteria *and shall enact ordinances, rules, or regulations which meet state standards and criteria.* (IF A MUNICIPALITY HAS NO ORDINANCE, RULE, OR REGULATION AFFECTING THE USE AND DEVELOPMENT OF SHORELAND ON APRIL 1, 1974, IT SHALL ADOPT SUCH AN ORDINANCE, RULE, OR REGULATION COMPLYING WITH STATE STANDARDS AND CRITERIA FOR MUNICIPAL SHORELAND MANAGEMENT, BEFORE JULY 1, 1975.)

*The commissioner may adopt a shoreland management ordinance, rule or regulation for a municipality as provided in this subdivision if:*

(a) (A) *The municipality has (NO) been notified by the commissioner to submit a shoreland management ordinance, rule, or regulation (AFFECTING THE USE AND DEVELOPMENT OF SHORELAND ON APRIL 1, 1974,) and fails to (ADOPT SUCH) submit an ordinance (BY JULY 1, 1975, OR IF), rule or regulation within one year after receiving the notice;*

(b) *The corporate boundaries of the municipality are expanded to include shorelands not previously included within the municipal boundaries and the municipality fails to adopt (SUCH) an ordinance, rule or regulation within one year after including the shorelands within its municipal boundaries (,); or (IF)*

(c) *The commissioner determines that a municipal shoreland management ordinance, rule or regulation does not substantially comply with the state standards and criteria for municipal shoreland management and that the municipality has failed to make the necessary changes within (ONE YEAR) six months after receiving notice of the commissioner's determination of substantial noncompliance (, THE COMMISSIONER MAY ADOPT AN ORDINANCE, RULES, OR REGULATIONS FOR THE MUNICIPALITY IN THE FOLLOWING MANNER).*

*If the commissioner proposes an ordinance, rule or regulation, he shall hold at least one public hearing on the proposed ordinance, (RULES, OR REGULATIONS) rule or regulation in the manner provided in section 462.357, after giving notice as provided in section 462.357. The ordinance, rules, or regulations are effective for the municipality on the date and in accordance with (SUCH) regulations relating to compliance as the commissioner shall prescribe. The ordinance shall be enforced as provided in section 462.362. The penalties provided in section 462.362 apply to violations of the ordinances, rules, or regulations adopted for the municipality by the commissioner. The costs incurred by the commissioner in adopting the ordinances, rules, or regulations for the municipality shall be paid by the municipi-*

pality and collected from the municipality in the same manner as (SUCH) costs are paid by a county and collected from a county pursuant to subdivision 5 (; AND). Any tax levied to pay the costs shall be levied in excess of any limitation as to rate or amount, but shall not cause the amount of other taxes which are subject to any limitation to be reduced in any amount whatsoever.

Sec. 2. [EFFECTIVE DATE.]

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

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 830, A bill for an act relating to advertising devices; requiring compensation for removing certain devices; providing for maintenance of areas; amending Minnesota Statutes 1980, Section 173.17; proposing new law coded in Minnesota Statutes, Chapter 173.

Reported the same back with the following amendments:

Page 2, line 32, after "*chapter,*" insert "*including section 173.20,*"

Page 3, line 5, delete "*Subdivision 1. [AGREEMENTS.]*"

Page 3, delete lines 18 to 23

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 845, A bill for an act relating to economic development; providing grants to colleges and universities receiving federal small business management grants; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.



Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 869, A bill for an act relating to game and fish; restricting the taking of bear to adult bear; amending Minnesota Statutes 1980, Section 100.27, Subdivision 2.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1980, Section 97.49, Subdivision 1A, is amended to read:

Subd. 1a. (a) For purposes of this subdivision, "deer license" means a license issued by the commissioner under the provisions of section 98.46, subdivision 2, clauses (2) and (3) and subdivision 14, clauses (2) and (3).

(b) It is the policy of this state that at least (\$1) \$2 from each deer license issued by the commissioner shall be used for the purpose of deer habitat improvement *contingent upon deer license fees being increased by 1981 law.*

Sec. 2. Minnesota Statutes 1980, Section 100.27, Subdivision 1, is amended to read:

Subdivision 1. Except as otherwise specifically provided, there shall be no open season on elk, caribou, antelope, marten, *cougar*, or wolverine."

Re-number remaining section

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "increasing deer license habitat amount; restricting season on cougar;"

Page 1, line 3, after the comma insert "Sections 97.49, Subdivision 1a; and"

Page 1, line 4, delete "Section" and "Subdivision" and insert "Subdivisions 1 and"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 1055, A bill for an act relating to negligent fires; altering minimum sentences for negligent fires; amending Minnesota Statutes 1980, Section 609.576.

Reported the same back with the following amendments:

Page 1, line 20, delete "\$500" and insert "\$750"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 1260, A bill for an act relating to natural resources; extending the permissible term of agricultural leases of state peat lands; amending Minnesota Statutes 1980, Section 92.50, Subdivision 1.

Reported the same back with the following amendments:

Page 1, lines 24 and 25, strike "not exceeding" and insert "up to"

Page 2, line 3, after "mineral" insert "*or agricultural*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1266, A bill for an act relating to counties; providing for publication of certain salary and expense information; amending Minnesota Statutes 1980, Section 375.17.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 1344, A bill for an act relating to education; authorizing school boards to permit certain persons to enroll in classes and programs at a secondary school; providing for class fees in certain circumstances; prohibiting districts from count-

ing certain persons enrolled in classes and programs for the purposes of state aid; authorizing districts to provide transportation; increasing the administration fee when senior citizens attend classes at higher education institutions; amending Minnesota Statutes 1980, Sections 123.35, by adding subdivisions; 123.39, by adding a subdivision; and 136A.81, Subdivision 1.

Reported the same back with the following amendments:

Page 1, line 18, after "*person*" insert "*who is*"

Page 1, line 18, delete "*16*" and insert "*21 or who has graduated from high school*"

Page 1, line 19, after "*enroll*" insert "*as a part-time student*"

Page 1, line 20, after "*available*" delete the balance of the line

Page 1, line 21, delete everything before the period

Page 1, line 21, before "*The*" insert "*In determining if there is space available, full-time public school students, shared-time students, and students returning to complete a regular course of study shall be given priority over part-time students seeking enrollment pursuant to this subdivision.*"

Page 1, line 26, after "*(d)*" insert "*for a person over the age of 21,*"

Page 2, line 2, after "*charge*" insert "*a part-time student*"

Page 2, line 3, after the period delete the balance of the line

Page 2, delete lines 4 and 5

Page 2, line 13, delete "*persons*" and insert "*part-time students*"

Page 2, lines 30 to 33, reinstate the stricken language

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

S. F. No. 2, A bill for an act relating to the Mississippi River headwaters area; establishing a joint board of counties to pre-

pare, adopt and implement a comprehensive land use plan for the Mississippi River headwaters area; imposing a temporary moratorium on the use of certain lands subject to city land use controls; proposing new law coded as Minnesota Statutes, Chapter 114B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [114B.01] [PURPOSE AND INTENT.]

*The legislature finds that:*

(a) *The Mississippi River from its outlet at Lake Itasca, Clearwater County, to the southerly boundary of Morrison County, Minnesota, possesses outstanding and unique natural, scientific, historical, recreational and cultural values deserving of protection and enhancement;*

(b) *The counties of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison have entered into a joint powers agreement pursuant to law for the purpose of developing a plan for the protection and enhancement of the foregoing values; and*

(c) *The plan adopted by the counties pursuant to the joint powers agreement establishes guidelines and minimum standards for cooperative local management of this segment of the Mississippi River.*

*It is the intent of sections 1 to 7 to authorize and direct the joint board and the counties to implement this comprehensive plan for the Mississippi headwaters area.*

Sec. 2. [114B.02] [MISSISSIPPI HEADWATERS BOARD.]

*Subdivision 1. [DEFINITIONS.] For the purpose of sections 1 to 6, the following terms have the meanings given them in this subdivision unless the context clearly requires otherwise.*

(a) [BOARD.] *“Board” means the Mississippi headwaters board established pursuant to subdivision 2 of this section or those counties that have complied with section 8 of this act.*

(b) [COUNTIES.] *“Counties” means the counties of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison.*

*Subd. 2. [ESTABLISHMENT.] The Mississippi headwaters board established by the counties of Clearwater, Hub-*

bard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison by agreement entered into on February 22, 1980, pursuant to section 471.59, is hereby established as a permanent board with authority to prepare, adopt and implement a comprehensive land use plan designed to protect and enhance the Mississippi River and related shoreland areas situated within the counties.

Subd. 3. [MEMBERSHIP; TERMS; VACANCIES.] *The board shall consist of eight members. The governing body of each county shall appoint one of its members to serve on the board. The members appointed to the board and serving on the effective date of this section shall constitute the first board as provided in this subdivision. The term of a member serving on the board on the effective date of this section shall expire on the first Monday in January of 1983. Thereafter, the terms of board members shall be two years commencing on the first Monday in January of odd numbered years. Vacancies on the board shall be filled for the remainder of the term by the governing body that made the original appointment. The governing body of a county may designate another member of the governing body or a county officer to act as an alternate for the member appointed by that county.*

Subd. 4. [OFFICERS.] *The board shall annually appoint from among its members a chairman, vice-chairman and secretary-treasurer who shall serve for concurrent one year terms.*

*The chairman shall preside over all meetings of the board and may call special meetings at reasonable times and upon adequate notice when necessary. The vice-chairman shall preside over the meetings of the board in the absence of the chairman. The secretary-treasurer or his designee shall keep a record of all proceedings of the board. The secretary-treasurer shall provide for the proper receipt and disbursement of funds.*

Subd. 5. [MEETINGS.] *The regular meetings of the board shall be held at times and places prescribed by it. A majority of all members of the board shall constitute a quorum and a majority vote of all members shall be required for actions taken by the board.*

### Sec. 3. [114B.03] [COMPREHENSIVE PLAN.]

Subdivision 1. [EXISTING PLAN CONFIRMED; MINIMUM STANDARDS.] *The comprehensive land use plan prepared by the board and approved by resolution adopted on February 12, 1981, shall be the comprehensive land use plan authorized by section 2, subdivision 2, and shall be implemented by the board as provided in this section and section. 4. The counties shall adopt land use ordinances consistent with the comprehensive land use plan of the board. The standards set forth in the plan are the minimum standards which may be adopted by the board and by the counties for the protection and enhancement of the natural,*

scientific, historical, recreational and cultural values of the Mississippi River and related shoreland areas subject to the plan. Except for forest management, fish and wildlife habitat improvement, and open space recreational uses as defined in the plan, no state or county lands within the boundaries established by the plan shall be offered for public sale or lease. The board may amend the plan in any way that does not reduce the minimum standards set forth in the plan approved on February 12, 1981.

*Subd. 2. [ADVISORY COMMITTEES; HEARINGS.] The board shall appoint advisory committees, representing a broad geographical area and diverse public interests, and conduct public meetings and hearings necessary to afford the public an opportunity to become fully informed of all deliberations in the preparation and implementation of the plan.*

*Subd. 3. [GOVERNMENTAL AGENCIES.] The board shall initiate and maintain contacts with governmental agencies as necessary to properly prepare the plan and shall negotiate cooperative management agreements with the United States forest service and bureau of land management and the state department of natural resources. The board, Beltrami, Cass, Hubbard, and Itasca Counties shall initiate and maintain contacts with the governing body of the Leech Lake Indian Reservation and shall negotiate a cooperative management and jurisdiction agreement with the reservation governing body on or before September 1, 1981.*

*Subd. 4. [LEECH LAKE INDIAN RESERVATION.] Sections 1 to 7 shall not be construed to alter or expand the zoning jurisdiction of the counties within the exterior boundaries of the Leech Lake Indian Reservation. The comprehensive plan of the board and the county ordinances adopted pursuant to section 3, subdivision 1, shall apply only to areas within the zoning jurisdiction of the counties as provided by law in effect prior to the enactment of sections 1 to 7.*

*Subd. 5. [IMPLEMENTATION.] The board shall develop and establish a schedule for implementation and common administration of the plan by the counties. The schedule shall be binding upon the counties subject to approval by the governing bodies of the respective counties.*

*Subd. 6. [FUNDS.] The board shall annually submit to each county for its approval an estimate of the funds it will need from that county in the next fiscal year to prepare and implement the plan and otherwise carry out the duties imposed upon it by sections 1 to 6. Each county shall, upon approval of the estimate by its governing body, furnish the necessary funds to the board. The board may apply for, receive and disburse federal, state and other grants and donations.*

*Subd. 7. [CONTRACTS.] The board may employ staff and contract for goods and services as necessary to implement sections 1 to 6. Contracts are subject to the statutory procedures and restrictions applicable to county contracts.*

**Sec. 4. [114B.04] [REVIEW AND CERTIFICATION OF LAND USE ACTIONS.]**

*Subdivision 1. [PURPOSE.] In order to insure that the comprehensive land use plan prepared by the board is not nullified by unjustified exceptions in particular cases and to promote uniformity in the treatment of applications for exceptions, a review and certification procedure is established for the following categories of land use actions taken by the counties and directly or indirectly affecting land use within the area covered by the plan:*

*(a) The adoption or amendment of an ordinance regulating the use of land, including rezoning of particular tracts of land;*

*(b) The granting of a variance from provisions of the land use ordinance; and*

*(c) The approval of a plat which is inconsistent with the land use ordinance.*

*Subd. 2. [CERTIFICATION.] Notwithstanding any provision of chapter 394 to the contrary no action of a type specified in subdivision 1, clauses (a) to (c) is effective until the board has reviewed the action and certified that it is consistent with the comprehensive plan of the board. In determining consistency of ordinances and ordinance amendments, the provisions of the comprehensive land use plan shall be considered minimum standards. An aggrieved person may appeal a decision of the type specified in subdivision 1, clauses (a) to (c) which is reviewed by the board under this section in the same manner as provided for review of a decision of a board of adjustment in section 394.27, subdivision 9, but only after the procedures prescribed under this section have been completed.*

*Subd. 3. [PROCEDURE FOR CERTIFICATION.] A copy of all notices of public hearings or, when a hearing is not required, a copy of the application to consider any actions of a type specified in subdivision 1, clauses (a) to (c) shall be forwarded to the board by the county at least 15 days prior to the hearing or meetings to consider the actions. The county shall notify the board of its final decision on the proposed action within ten days of the decision. No later than 30 days from the time it receives the notice, the board shall notify the county and the applicant of its approval or disapproval of the proposed action.*

*Subd. 4. [DISAPPROVAL OF ACTIONS; HEARING.] In the case of notice of disapproval issued by the board, either the county or the applicant may, within 30 days of notice, file with the board a demand for a hearing. If no demand is filed during that period, the disapproval becomes final. If a demand is filed during that period, a hearing shall be held within 60 days of demand and shall be preceded by two weeks published notice. Within 30 days after the hearing, the board shall either affirm its disapproval of the proposed action or certify its approval thereof.*

**Sec. 5. [114B.05] [INCORPORATION AND ANNEXATION.]**

*When land subject to the comprehensive land use plan of the board is annexed, incorporated or otherwise subjected to the land use planning authority of a home rule charter or statutory city, a moratorium shall exist on all subdivision platting and building permits on that land until zoning regulations are adopted for that land which comply with the provisions of the comprehensive plan of the board. The moratorium shall also apply to construction, grading and filling, and vegetative cutting as those activities are defined in the comprehensive plan. This section does not apply to work done pursuant to lawful permits issued before the land became subject to the land use planning authority of the city.*

**Sec. 6. [114B.06] [BIENNIAL REPORT.]**

*During the first year of each biennial legislative session, the board shall prepare and present to the appropriate policy committees of the legislature a report concerning the actions of the board in exercising the authority granted by the legislature pursuant to sections 1 to 5. The report shall include an assessment of the effectiveness of the board's comprehensive land use plan and its implementation in protecting and enhancing the natural, scientific, historical, recreational and cultural values of the Mississippi River and related shorelands situated within the member counties.*

**Sec. 7. [114B.07] [APPLICABILITY.]**

*Sections 1 to 6 apply to the counties of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison.*

**Sec. 8. [EFFECTIVE DATE.]**

*Sections 1 to 7 are effective upon approval by all the respective governing bodies of the counties of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison, and upon compliance with Minnesota Statutes, Section 645.021, Subdivision 3. Sections 1 to 7 shall not be effective unless all of the*



*counties approve and comply with Minnesota Statutes, Section 645.021, Subdivision 3, by September 1, 1981. In the event any of the counties shall fail to approve and comply with Minnesota Statutes, Section 645.021, Subdivision 3, that portion of the Mississippi river and related shoreland areas within the areas subject to the plan lying within such county shall be designated under Minnesota Statutes, Section 104.35, Subdivision 4, and shall be managed in accordance with the plan approved on February 12, 1981. The membership of the board shall consist of the remaining counties."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

S. F. No. 31, A bill for an act relating to transportation; restricting the powers of the commissioner of transportation with respect to a certain trunk highway within the city of St. Paul; proposing new law coded in Minnesota Statutes, Chapter 161.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred:

S. F. No. 136, A bill for an act relating to elections; changing compensation of certain election judges; amending Minnesota Statutes 1980, Section 204A.23.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

S. F. No. 200, A bill for an act relating to agriculture; prohibiting the sale of certain female cattle; amending Minnesota Statutes 1980, Section 35.245, Subdivision 3.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

S. F. No. 250, A bill for an act relating to economic development; raising certain matching grant limitations; changing the composition of a community development corporation board; amending Minnesota Statutes 1980, Sections 362.12, Subdivision 4; and 362.41, Subdivision 6.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 268, A bill for an act relating to insurance; regulating suicide provisions in life insurance contracts; proposing new law coded in Minnesota Statutes, Chapter 61A.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 353, A bill for an act relating to local government; setting conditions for group insurance contract bids; amending Minnesota Statutes 1980, Section 471.616, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

S. F. No. 372, A bill for an act relating to agriculture; removing certain buyers and sellers of hay and straw from commission merchant licensing requirements; amending Minnesota Statutes 1980, Sections 223.01; 223.02; 223.03; and 223.05; repealing Minnesota Statutes 1980, Sections 223.06 and 223.12.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

S. F. No. 436, A bill for an act relating to children; providing for review of foster care status of certain children; amending Minnesota Statutes 1980, Sections 257.071, Subdivisions 2, 3 and 4; 260.015, Subdivision 7; 260.111, Subdivision 2; and 260.131, by adding a subdivision; proposing new law to be coded in Minnesota Statutes, Chapter 260.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

S. F. No. 489, A bill for an act relating to crimes; immunity from prosecution; changing the current transactional immunity to conform with federal use immunity; amending Minnesota Statutes 1980, Section 609.09, Subdivision 1.

Reported the same back with the following amendments:

Page 1, line 9, delete "Subdivision 1,"

Page 2, after line 11, insert:

"Subd. 2. In every case not provided for in subdivision 1 and in which it is provided by law that a witness shall not be excused from giving testimony tending to criminate himself, no person shall be excused from testifying or producing any papers or documents on the ground that his testimony may tend to criminate him or subject him to a penalty or forfeiture; but (HE SHALL NOT BE PROSECUTED OR SUBJECTED TO A PENALTY OR FORFEITURE FOR OR ON ACCOUNT OF ANY ACTION, MATTER, OR THING CONCERNING WHICH HE SHALL SO TESTIFY) *no testimony or other information directly or indirectly derived from such testimony or other information may be used against the witness in any criminal case, except for perjury committed in such testimony.*"

Amend the title as follows:

Page 1, line 5, delete ", Subdivision 1"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

S. F. No. 533, A bill for an act relating to crimes; authorizing law enforcement agencies in municipalities with more than 2,500 inhabitants to seize property unlawfully used in connection with controlled substance violations; amending Minnesota Statutes 1980, Section 152.01, Subdivision 17.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 741, A bill for an act relating to the town of Woodville; permitting payment of the cemetery directors; repealing Laws 1959, Chapter 149.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1434, 116, 582, 769, 786, 830, 869, 1055, 1260, 1266 and 1344 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 399, 763, 808, 2, 31, 136, 200, 250, 268, 353, 372, 436, 489, 533 and 741 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Begich, Battaglia, Minne, Jacobs and O'Connor introduced:

H. F. No. 1435, A bill for an act relating to taxation; imposing a tax on the gross receipts from sales of petroleum products; amending Minnesota Statutes 1980, Section 271.01, Subdivision 5; proposing new law coded as Minnesota Statutes, Chapter 295A.

The bill was read for the first time and referred to the Committee on Taxes.

Tomlinson, Kostohryz, Brandl, Schreiber and Peterson, B., introduced:

H. F. No. 1436, A bill for an act relating to taxation; income tax; changing certain deductions to conform to federal deductions; amending Minnesota Statutes 1980, Section 290.09, Subdivisions 4 and 10.

The bill was read for the first time and referred to the Committee on Taxes.

Welch, Brinkman, Himle, Sarna and McDonald introduced:

H. F. No. 1437, A bill for an act relating to agriculture; regulating commerce in produce; providing penalties; amending Minnesota Statutes 1980, Sections 27.001; 27.01; 27.03; 27.04; 27.041; 27.06; 27.13; 27.14; 27.15; 27.19; 27.20; proposing new law coded in Minnesota Statutes, Chapter 27.

The bill was read for the first time and referred to the Committee on Agriculture.

Wenzel introduced:

H. F. No. 1438, A bill for an act relating to retirement; providing for the retroactive effect for a special retirement program for the military affairs department.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Kelly, Gustafson, Dempsey and Jude introduced:

H. F. No. 1439, A bill for an act relating to news media; protecting news media from searches and seizures; stating exceptions; amending Minnesota Statutes 1980, Section 595.021; proposing new law coded in Minnesota Statutes, Chapter 595.

The bill was read for the first time and referred to the Committee on Judiciary.

Lemen; Battaglia; Ogren; Carlson, D., and Ainley introduced:

H. F. No. 1440, A bill for an act relating to game and fish; expanding the list of counties in which the use of snowmobiles may be authorized in connection with taking beaver or otter; amending Minnesota Statutes 1980, Section 100.29, Subdivision 30.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Kelly introduced:

H. F. No. 1441, A bill for an act relating to privacy; government data practices; classifying certain contract information as nonpublic data; amending Minnesota Statutes 1980, Section 15.1673.

The bill was read for the first time and referred to the Committee on Judiciary.

Blatz, Staten, Rothenberg, Gustafson and Kelly introduced:

H. F. No. 1442, A bill for an act relating to crimes; eliminating the defenses of mental illness and mental deficiency; amending Minnesota Statutes 1980, Section 611.026.

The bill was read for the first time and referred to the Committee on Criminal Justice.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 525, 625, 664 and 818.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 835.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 1047.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 525, A bill for an act relating to advertising devices; requiring compensation for removing certain devices; providing for maintenance of areas; amending Minnesota Statutes 1980, Section 173.17; proposing new law coded in Minnesota Statutes, Chapter 173.

The bill was read for the first time.

Dahlvang moved that S. F. No. 525 and H. F. No. 830, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 625, A bill for an act relating to landlords and tenants; permitting certain tenant remedies actions and certain actions in unlawful detainer to be done by nonattorneys; extending the time between service of the summons in unlawful detainer proceedings and the return day; providing for a stay of the writ of restitution in unlawful detainer proceedings in cases of hardship; changing obsolete terms in certain landlord and tenant statutes; amending Minnesota Statutes 1980, Sections 481.02, Subdivision 3; 566.05; 566.06; and 566.09.

The bill was read for the first time.

Peterson, B., moved that S. F. No. 625 and H. F. No. 621, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 664, A bill for an act relating to water resources; altering certain provisions concerning the regulation of shoreland use and development in municipalities; amending Minnesota Statutes 1980, Section 105.485, Subdivision 6.

The bill was read for the first time.

Lemen moved that S. F. No. 664 and H. F. No. 786, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 818, A bill for an act relating to game and fish; increasing the amount set aside from any increased deer license fees for deer habitat improvement; restricting the taking of bear to adult bear; amending Minnesota Statutes 1980, Sections 97.49, Subdivision 1a; and 100.27, Subdivision 2.

The bill was read for the first time.

Reding moved that S. F. No. 818 and H. F. No. 869, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 835, A bill for an act relating to transportation; classifying the engineers' estimates for all state transportation construction projects as non-public data; adding a new route to the trunk highway system in substitution of an existing route; authorizing the commissioner of transportation to convey or otherwise dispose of certain lands no longer needed for trunk highway purposes; authorizing the temporary transfer of money from certain public funds under certain conditions to certain agency accounts and providing for repayment; increasing the dollar limits for certain contracts and agreements negotiated by the commissioner; defining motor carrier and exempt carrier; granting enforcement powers to hazardous material specialists; transferring the licensing and regulatory provisions for building movers to the transportation regulation board; requiring excess revenue from an airport to be applied to the improvement of the airport or other air navigation facility; increasing the dollar limit for development of landing strips; providing fees for hot air balloons and certain non-resident aircraft; amending Minnesota Statutes 1980, Sections 161.16, Subdivision 4; 161.32, Subdivision 2; 161.36, Subdivision 5; 161.46, Subdivision 3; 221.011, Subdivisions 15 and 22; 221.031, Subdivision 2; 221.221; 221.261; 221.81; 360.037, Subdivision 3; 360.305, Subdivision 4; and 360.55, by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapters 15 and 161.

The bill was read for the first time.

Mehrkens moved that S. F. No. 835 and H. F. No. 745, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1047, A bill for an act relating to negligent fires; altering minimum sentences for negligent fires; amending Minnesota Statutes 1980, Section 609.576.

The bill was read for the first time.

Gustafson moved that S. F. No. 1047 and H. F. No. 1055, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

### CONSENT CALENDAR

S. F. No. 760 was reported to the House.

Carlson, L., moved to amend S. F. No. 760, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 148.181, Subdivision 2, is amended to read:



Subd. 2. On expiration of the term of a member who is a registered nurse, the governor may appoint a registered nurse from a list of members submitted by professional nursing groups. Likewise on expiration of the term of a member who is a licensed practical nurse, the governor may appoint a licensed practical nurse from a list of members submitted by licensed practical nursing groups. (SUCH) *These* lists should contain names of persons in number at least twice the number of places to be filled. Vacancies occurring on the board, when the member is a registered nurse or a licensed practical nurse, may be filled for the unexpired terms by appointments to be made by the governor from nominations submitted by nursing groups in the manner aforesaid. (NO BOARD MEMBER SHALL BE APPOINTED TO CONSECUTIVE TERMS.) Members shall hold office until a successor is appointed and qualified.

Sec. 2. Minnesota Statutes 1980, Section 148.211, Subdivision 1, is amended to read:

Subdivision 1. An applicant for a license to practice as a registered nurse shall apply to the board for license by examination on forms prescribed by the board and pay a fee in an amount determined by rule. An applicant applying for re-examination shall pay a fee in an amount determined by rule. In no case shall fees be refunded.

Before being scheduled for examination the applicant shall provide written evidence verified by oath that he (a) is of good moral character, (b) is in good mental health, (c) meets secondary education requirements as determined by the board and other preliminary qualification requirements the board may prescribe by rule, and (d) either has completed a course of study in a professional nursing program approved by the board or is enrolled in the final term of study in such program. *The board shall annually publish and distribute to secondary school counselors the requirements for licensure for practice in Minnesota.*

The applicant shall be required to pass a written examination in the subjects the board may determine. Each written examination may be supplemented by an oral or practical examination. An applicant failing to pass any portion of the examination shall be deemed to have failed the examination and may apply for re-examination in the subjects or sections failed.

Refusal to supply information necessary to determine the qualifications of an applicant may result in denial of the application.

Upon submission by the applicant of an affidavit of graduation from an approved nursing program as well as proof that the applicant has passed the examination, paid the required fees

and met all other requirements stated in this subdivision, the board shall issue a license to the applicant.

Sec. 3. Minnesota Statutes 1980, Section 148.231, Subdivision 1, is amended to read:

Subdivision 1. [REGISTRATION.] (EXCEPT FOR A PERSON WHOSE NAME IS ON THE NON-PRACTICING LIST AS PROVIDED IN THIS SECTION,) Every person licensed to practice professional nursing must also maintain with the board, a current registration for practice as a registered nurse which must be renewed at regular intervals stipulated by the board by rule. Upon adoption by the board of rules (AND REGULATIONS) establishing procedures and minimum requirements for successful completion of specified continuing education as hereinafter provided, no certificate of registration shall be issued by the board to a nurse until he or she has submitted satisfactory evidence of compliance with the procedures and minimum requirements established by the board.

The fee for periodic registration for practice as a registered nurse shall be determined by the board by rule. A penalty fee shall be added for any application received after the (EXPIRATION) *required* date as specified by the board by rule. Upon receipt of the application and the required fees, the board shall verify the application and the evidence of completion of continuing education requirements in effect, and thereupon issue to (SUCH) *the* applicant a certificate of registration for the next renewal period.

Sec. 4. Minnesota Statutes 1980, Section 148.231, Subdivision 4, is amended to read:

Subd. 4. [FAILURE TO REGISTER.] Any person licensed under the provisions of sections 148.171 to 148.285 who fails to re-register within the period hereinbefore provided (, SHALL BE DEEMED DELINQUENT AND) shall not be entitled to practice nursing in this state as a registered nurse (, UNTIL AN APPLICATION FOR RENEWAL REGISTRATION HAS BEEN FILED WITH THE BOARD ACCOMPANIED BY SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE PROCEDURES AND MINIMUM REQUIREMENTS CURRENTLY ESTABLISHED BY THE BOARD FOR CONTINUING EDUCATION AND BY A REGISTRATION FEE FOR EACH CALENDAR YEAR DURING WHICH SAID APPLICANT HAS FAILED TO REGISTER, UP TO A MAXIMUM STIPULATED BY THE BOARD BY RULE, AND A CERTIFICATE OF RE-REGISTRATION ISSUED TO SUCH PERSON).

Sec. 5. Minnesota Statutes 1980, Section 148.231, Subdivision 5, is amended to read:

Subd. 5. [(NON-PRACTICING LIST;) RE-REGISTRATION.] (A PERSON LICENSED UNDER THE PROVISIONS OF SECTIONS 148.171 TO 148.285 WHO DESIRES TO RETIRE FROM PRACTICE TEMPORARILY, SHALL SEND A WRITTEN NOTICE TO THE BOARD. UPON THE RECEIPT OF SUCH NOTICE, THE BOARD SHALL PLACE THE NAME OF SUCH PERSON ON THE NON-PRACTICING LIST. WHILE SO REMAINING ON THIS LIST, THE PERSON SHALL NOT BE SUBJECT TO THE PAYMENT OF ANY FEES, AND SHALL NOT PRACTICE NURSING IN THIS STATE.) When (SUCH) a person desires to resume practice he or she shall make application for re-registration, and submit satisfactory evidence of compliance with the procedures and minimum requirements established by the board for continuing education, and pay the registration fee for the current period to the board. Thereupon, the registration certificate shall be issued to such applicant, and such person shall immediately be placed on the practicing list as a registered nurse.

Sec. 6. Minnesota Statutes 1980, Section 148.231, Subdivision 6, is amended to read:

Subd. 6. [FEE FOR LICENSE VERIFICATION.] A person licensed under the provisions of sections 148.171 to 148.285 who requests the board to verify (SUCH) a Minnesota license to another jurisdiction or to an agency, facility, school or institution shall pay a fee to the board for each verification.

Sec. 7. Minnesota Statutes 1980, Section 148.251, is amended by adding a subdivision to read:

*Subd. 4. Associate degree nursing programs approved or seeking to be approved by the board shall provide for advanced standing for licensed practical nurses in recognition of their nursing education and experience. The board shall adopt rules by July 1, 1982 to implement this section.*

Sec. 8. Minnesota Statutes 1980, Section 148.271, is amended to read:

#### 148.271 [ALLOWABLE UNLICENSED PRACTICES.]

The provisions of sections 148.171 to 148.285 shall not prohibit:

(1) The furnishing of nursing assistance in an emergency.

(2) The practice of nursing by any legally qualified nurse of another state who is employed by the United States government or any bureau, division or agency thereof while in the discharge of his or her official duties.

(3) Under the direct supervision of a registered nurse, the practice of nursing by a graduate of a school of professional nursing approved by the board between the date of graduation and the date of notification to (SUCH) *the* graduate of the board action upon his or her application for licensure hereunder, provided that (SUCH) *the* graduate will take the first examination for licensure hereunder following graduation given by the board and will be issued a permit by the board to engage in supervised practice of professional nursing while awaiting notification of the results of such examination. The board is authorized to issue permits to such graduates which shall permit the practice of professional nursing under direct supervision from the date of graduation until the date that the board shall notify (SUCH) *the* graduates of the results of their applications for registration conditioned upon (SUCH) *the* graduates making prompt application for registration and taking the first examination given by the board which they are eligible to take following graduation. (SUCH) *These* permits shall not be renewable.

(4) The practice of any profession or occupation licensed by the state, other than professional nursing, by any person duly licensed to practice (SUCH) *the* profession or occupation, or the performance by (SUCH) a person of any acts properly coming within the scope of (SUCH A) *the* profession, occupation or license.

(5) The performance of any act in the nursing care of the sick by a nurse's aide under the direction of a registered nurse.

(6) The practice of nursing by a person licensed as a professional nurse in another jurisdiction and qualified for licensure in the state of Minnesota pursuant to a temporary permit issued by the board of nursing which permit shall be issued by the board pursuant to (SUCH) rules (AND REGULATIONS) as it may promulgate, for the period between the submission of a proper application for licensure by (SUCH) *the* person and the date of action upon (SUCH) *the* application by the board.

(7) The care of the sick, injured or infirm in a private home by any person who does not assume or represent to be a registered or professional nurse.

(8) Care of the sick with or without compensation when done in a nursing home covered by the provisions of section 144A.09, subdivision 1.

(9) *The practice of nursing by a graduate of an approved professional nursing program in another jurisdiction provided the graduate has applied for licensure in the state of Minnesota by interstate endorsement and has written the first examination for licensure following graduation. Practice under this clause is allowable only under a temporary permit issued by the board*

*which shall be issued pursuant to rules as the board may promulgate, and which shall be valid only for the period between submission of a proper application and completion of the examination by the person and the date of action upon the application by the board. The examination must be the same examination required of applicants for licensure by examination in Minnesota. The permit shall authorize the practice of nursing only under the direct supervision of a licensed professional nurse. The permit shall not be renewable.*

Sec. 9. Minnesota Statutes 1980, Section 148.291, Subdivision 1, is amended to read:

Subdivision 1. [QUALIFICATIONS.] An applicant for a license to practice nursing as a licensed practical nurse shall apply to the board for examination on forms provided by the board and pay a fee in an amount determined by rule. An applicant applying for re-examination shall pay a fee in an amount determined by rule. In no case shall fees be refunded.

Before being scheduled for examination the applicant shall provide written evidence, verified by oath that he (a) is of good moral character, (b) is in good mental health, (c) meets secondary education requirements as determined by the board and any other preliminary qualification requirements the board may prescribe by rule, and (d) either has completed an approved course for the training of licensed practical nurses or is enrolled in the final term of study in such program. *The board shall annually publish and distribute to secondary counselors the requirements for licensure for practice in Minnesota.*

Refusal to supply information necessary to determine the qualifications of an applicant may result in denial of the application.

Upon submission by the applicant of an affidavit of graduation from an approved nursing program as well as proof that the applicant has passed the examination, paid the required fees and met all other requirements stated in this subdivision, the board shall issue a license to such applicant.

Sec. 10. Minnesota Statutes 1980, Section 148.294, is amended to read:

148.294. [REGISTRATION; FEE FOR LICENSE VERIFICATION.]

Subdivision 1. [(ANNUAL) CURRENT REGISTRATION.] (EVERY LICENSED PRACTICAL NURSE SHALL REGISTER ANNUALLY WITH THE BOARD FOR EACH CALENDAR YEAR AND PAY A FEE ON OR BEFORE DECEMBER 31 OF THE IMMEDIATELY PRECEDING YEAR; THERE-

UPON, THE BOARD SHALL ISSUE A CERTIFICATE OF RENEWAL REGISTRATION. A PENALTY FEE SHALL BE ADDED FOR RENEWAL REGISTRATION APPLICATIONS POSTMARKED AFTER DECEMBER 31 OF THE IMMEDIATELY PRECEDING YEAR.) *Every person licensed to practice practical nursing must also maintain with the board a current registration for practice as a licensed practical nurse which must be renewed at regular intervals stipulated by the board by rule.*

*The fee for periodic registration for practice as a licensed practical nurse shall be determined by the board by rule. A penalty fee shall be added for any application received after the required date as specified by the board by rule. Upon receipt of the application and the required fees, the board shall verify the application and thereupon issue to the applicant a certificate of registration for the next renewal period.*

Subd. 2. [FAILURE TO RE-REGISTER.] (A) Any person licensed under the provisions of (SECTION) sections 148.291 to 148.299 who fails to re-register within the period hereinbefore provided (SHALL BE DEEMED DELINQUENT AND) shall not be entitled to practice nursing in this state as a licensed practical nurse (, UNTIL AN APPLICATION FOR RENEWAL REGISTRATION HAS BEEN FILED WITH THE BOARD ACCOMPANIED BY A REGISTRATION FEE FOR EACH CALENDAR YEAR DURING WHICH SAID APPLICANT HAS BEEN DELINQUENT, UP TO A MAXIMUM STIPULATED BY THE BOARD BY RULE, AND A CERTIFICATE OF RE-REGISTRATION ISSUED TO SUCH PERSON).

Subd. 3. [(NOTICE OF TEMPORARY RETIREMENT) RE-REGISTRATION.] (A PERSON LICENSED UNDER THE PROVISIONS OF SECTION 148.291 WHO DESIRES TO RETIRE FROM PRACTICE TEMPORARILY, SHALL SEND A WRITTEN NOTICE TO THE BOARD. UPON THE RECEIPT OF SUCH NOTICE THE BOARD SHALL PLACE THE NAME OF SUCH PERSON ON THE NON-PRACTICING LIST. WHILE SO REMAINING ON THIS LIST, THE PERSON SHALL NOT BE SUBJECT TO THE PAYMENT OF ANY FEES, AND SHALL NOT PRACTICE NURSING IN THIS STATE.) When (SUCH) a person desires to resume practice he or she shall make application for re-registration and pay the (ANNUAL) registration fee for the current (YEAR) period to the board, and the registration certificate shall be issued to (SUCH) the applicant, and (SUCH) the person shall immediately be placed on the practicing list as a licensed practical nurse.

Subd. 4. [FEE FOR LICENSE VERIFICATION.] A person licensed under the provisions of sections 148.29 to (148.297) 148.299 who requests the board to verify (SUCH) a Minnesota license to another jurisdiction or to an agency, facility,

*school or institution shall pay a fee (OF \$5) to the board for each verification.*

Sec. 11. Minnesota Statutes 1980, Section 148.295, is amended to read:

**148.295 [ALLOWABLE UNLICENSED PRACTICES.]**

The provisions of sections 148.29 to 148.297 shall not prohibit:

(1) The practice of practical nursing by any legally qualified licensed practical nurse of another state who is employed by the United States government or any bureau, division or agency thereof while in the discharge of his or her official duties;

(2) Under the direct supervision of a registered nurse, the practice of practical nursing by a graduate of a school of practical nursing approved by the board between the date of graduation and the date of notification to the graduate of the board action upon his or her application for licensure hereunder, provided that the graduate will take the first licensure examination following graduation and will be issued a permit by the board to engage in supervised practice. The permits shall not be renewable (.);

(3) *The practice of practical nursing by a graduate of an approved practical nursing program in another jurisdiction provided the graduate has applied for licensure in the state of Minnesota by interstate endorsement and has written the first examination for licensure following graduation. Practice under this clause is allowable only under a temporary permit issued by the board which shall be issued pursuant to rules as the board may promulgate, and which shall be valid only for the period between submission of a proper application and completion of the examination by the person and the date of action upon the application by the board. The examination must be the same examination required of applicants for licensure by examination in Minnesota. The permit shall authorize the practice of nursing only under the direct supervision of a licensed professional nurse. The permit shall not be renewable; or*

(4) *The practice of practical nursing by a person licensed as a licensed practical nurse in another jurisdiction and qualified for licensure in the state of Minnesota. Practice under this clause is allowable only under a temporary permit issued by the board which shall be issued by the board pursuant to rules as the board may promulgate, and which shall be valid only for the period between the submission of a proper application for licensure by the person and the date of action upon the application by the board.*

## Sec. 12. [REPEALER.]

*Minnesota Statutes 1980, Section 148.231, Subdivision 2, is repealed.*

## Sec. 13 [EFFECTIVE DATE.]

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

Delete the title and insert:

A bill for an act relating to occupational and professional licensing; removing the consecutive term restriction from the board of nursing; requiring distribution of licensure requirements to secondary school counselors; removing delinquent and non-practicing statutes; providing for nursing permits; repealing outdated statutes; providing for advanced standing for licensed practical nurses; amending Minnesota Statutes 1980, Sections 148.181, Subdivision 2; 148.211, Subdivision 1; 148.231, Subdivisions 1, 4, 5, and 6; 148.251, by adding a subdivision; 148.271; 148.291, Subdivision 1; 148.294 and 148.295; repealing Minnesota Statutes 1980, Section 148.231, Subdivision 2."

The motion prevailed and the amendment was adopted.

S. F. No. 760, A bill for an act relating to occupational and professional licensing; removing the consecutive term restriction from the board of nursing; removing delinquent and non-practicing statutes; providing for nursing permits; repealing outdated statutes; amending Minnesota Statutes 1980, Sections 148.181, Subdivision 2; 148.231, Subdivisions 1, 4, 5, and 6; 148.271; 148.294 and 148.295; repealing Minnesota Statutes 1980, Section 148.231, Subdivision 2.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Byrne	Esau	Heinitz	Kelly
Ainley	Carlson, D.	Ewald	Himle	Knickerbocker
Anderson, B.	Carlson, L.	Fjoslien	Hoberg	Kostohryz
Anderson, G.	Clark, J.	Forsythe	Hokanson	Kvam
Anderson, I.	Clark, K.	Friedrich	Hokr	Lehto
Anderson, R.	Dahlvang	Greenfield	Jacobs	Lemen
Battaglia	Dempsey	Gruenes	Jennings	Levi
Begich	Den Ouden	Gustafson	Johnson, D.	Long
Berkelman	Drew	Halberg	Jude	Luknic
Blatz	Eken	Hanson	Kahn	Mann
Brandl	Ellingson	Harens	Kaley	McCarron
Brinkman	Erickson	Hauge	Kalis	McDonald



McEachern	Ogren	Rice	Sieben, M.	Vanasek
Mehrkens	Olsen	Rodriguez, C.	Simoneau	Vellenga
Metzen	Onnen	Rodriguez, F.	Skoglund	Voss
Minne	Otis	Rose	Stadum	Weaver
Munger	Peterson, B.	Rothenberg	Staten	Welch
Murphy	Peterson, D.	Sarna	Stowell	Welker
Nelsen, B.	Piepho	Schafer	Stumpf	Wenzel
Nelson, K.	Pogemiller	Schoenfeld	Sviggum	Wieser
Niehaus	Redalen	Schreiber	Swanson	Wynia
Novak	Reding	Shea	Tomlinson	Zubay
Nysether	Rees	Sherman	Valan	Spkr. Sieben, H.
O'Connor	Reif	Sherwood	Valento	

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

S. F. No. 145, A bill for an act relating to crimes; authorizing notices of dishonored checks to be made by certified or regular mail and an affidavit of service by mailing; amending Minnesota Statutes 1980, Section 609.535, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kalis	O'Connor	Sherwood
Ainley	Esau	Kelly	Ogren	Sieben, M.
Anderson, B.	Ewald	Knickerbocker	Olsen	Simoneau
Anderson, G.	Fjoslien	Kostohryz	Onnen	Skoglund
Anderson, I.	Forsythe	Kvam	Otis	Stadum
Anderson, R.	Friedrich	Lehto	Peterson, B.	Staten
Battaglia	Greenfield	Lemen	Peterson, D.	Stowell
Begich	Gruenes	Levi	Piepho	Stumpf
Berkelman	Gustafson	Long	Pogemiller	Sviggum
Blatz	Halberg	Luknic	Redalen	Swanson
Brandl	Hanson	Mann	Reding	Tomlinson
Brinkman	Harens	McCarron	Rees	Valan
Byrne	Hauge	McDonald	Reif	Valento
Carlson, D.	Heinitz	McEachern	Rice	Vanasek
Carlson, L.	Himle	Mehrkens	Rodriguez, C.	Vellenga
Clark, J.	Hoberg	Metzen	Rodriguez, F.	Voss
Clark, K.	Hokanson	Minne	Rose	Weaver
Clawson	Hokr	Munger	Rothenberg	Welch
Dahlvang	Jacobs	Murphy	Sarna	Welker
Dempsey	Jennings	Nelsen, B.	Schafer	Wenzel
Den Ouden	Johnson, D.	Nelson, K.	Schoenfeld	Wieser
Drew	Jude	Niehaus	Schreiber	Wynia
Eken	Kahn	Novak	Shea	Zubay
Ellingson	Kaley	Nysether	Sherman	Spkr. Sieben, H.

The bill was passed and its title agreed to.

S. F. No. 219, A bill for an act relating to state historic sites; adding the Wayzata Depot to the registry of state historic sites; amending Minnesota Statutes 1980, Section 138.56, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kelly	Ogren	Sieben, M.
Ainley	Esau	Knickerbocker	Olsen	Simoneau
Anderson, B.	Ewald	Kostohryz	Onnen	Skoglund
Anderson, G.	Fjoslien	Kvam	Otis	Stadum
Anderson, I.	Forsythe	Lehto	Peterson, B.	Staten
Anderson, R.	Greenfield	Lemen	Peterson, D.	Stowell
Battaglia	Gruenes	Levi	Piepho	Stumpf
Begich	Gustafson	Long	Pogemiller	Sviggum
Berkelman	Halberg	Luknic	Redalen	Swanson
Blatz	Hanson	Mann	Reding	Tomlinson
Brandl	Harens	McCarron	Rees	Valan
Brinkman	Hauge	McDonald	Reif	Valento
Byrne	Heinitz	McEachern	Rice	Vanasek
Carlson, D.	Himle	Mehrkens	Rodriguez, C.	Vellenga
Carlson, L.	Hoberg	Metzen	Rodriguez, F.	Voss
Clark, J.	Hokanson	Minne	Rose	Weaver
Clark, K.	Hokr	Munger	Rothenberg	Welch
Clawson	Jacobs	Murphy	Sarna	Welker
Dahlvang	Jennings	Neisen, B.	Schafer	Wenzel
Dempsey	Johnson, D.	Nelson, K.	Schoenfeld	Wieser
Den Ouden	Jude	Niehaus	Schreiber	Wynia
Drew	Kahn	Novak	Shea	Zubay
Eken	Kaley	Nysether	Sherman	Spkr. Sieben, H.
Ellingson	Kalis	O'Connor	Sherwood	

Those who voted in the negative were:

Friedrich

The bill was passed and its title agreed to.

S. F. No. 249, A bill for an act relating to watershed districts; requiring published notice and a public hearing before district managers adopt a budget; amending Minnesota Statutes 1980, Section 112.611, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Battaglia	Byrne	Dahlvang	Erickson
Ainley	Begich	Carlson, D.	Dempsey	Esau
Anderson, B.	Berkelman	Carlson, L.	Den Ouden	Ewald
Anderson, G.	Blatz	Clark, J.	Drew	Fjoslien
Anderson, I.	Brandl	Clark, K.	Eken	Forsythe
Anderson, R.	Brinkman	Clawson	Ellingson	Friedrich

Greenfield	Kalis	Nelsen, B.	Rice	Stumpf
Gruenes	Kelly	Nelson, K.	Rodriguez, C.	Sviggum
Gustafson	Knickerbocker	Niehaus	Rodriguez, F.	Swanson
Halberg	Kostohryz	Novak	Rose	Tomlinson
Hanson	Kvam	Nysether	Rothenberg	Valan
Harens	Lehto	O'Connor	Sarna	Valento
Hauge	Lemen	Ogren	Schafer	Vanasek
Heinitz	Levi	Olsen	Schoenfeld	Vellenga
Himle	Long	Onnen	Schreiber	Voss
Hoberg	Luknic	Otis	Shea	Weaver
Hokanson	Mann	Peterson, B.	Sherman	Welch
Hokr	McCarron	Peterson, D.	Sherwood	Welker
Jacobs	McDonald	Piepho	Sieben, M.	Wenzel
Jennings	McEachern	Pogemiller	Simoneau	Wieser
Johnson, D.	Mehrkens	Redalen	Skoglund	Wynia
Jude	Metzen	Reding	Stadum	Zubay
Kahn	Minne	Rees	Staten	Spkr. Sieben, H.
Kaley	Murphy	Reif	Stowell	

The bill was passed and its title agreed to.

S. F. No. 330, A bill for an act relating to the Riley-Purgatory Creek Watershed District; authorizing certain tax levies.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kelly	O'Connor	Sherwood
Anderson, B.	Ewald	Knickerbocker	Ogren	Sieben, M.
Anderson, G.	Fjoslien	Kostohryz	Olsen	Simoneau
Anderson, I.	Forsythe	Kvam	Onnen	Skoglund
Anderson, R.	Friedrich	Laidig	Otis	Stadum
Battaglia	Greenfield	Lehto	Peterson, B.	Staten
Begich	Gruenes	Lemen	Peterson, D.	Stowell
Berkelman	Gustafson	Levi	Piepho	Stumpf
Blatz	Halberg	Long	Pogemiller	Sviggum
Brandl	Hanson	Luknic	Redalen	Swanson
Brinkman	Harens	Mann	Reding	Tomlinson
Byrne	Hauge	McCarron	Rees	Valan
Carlson, D.	Heinitz	McDonald	Reif	Valento
Carlson, L.	Himle	McEachern	Rice	Vanasek
Clark, J.	Hoberg	Mehrkens	Rodriguez, C.	Vellenga
Clark, K.	Hokanson	Metzen	Rodriguez, F.	Voss
Clawson	Hokr	Minne	Rose	Weaver
Dahlvang	Jacobs	Munger	Rothenberg	Welch
Dempsey	Jennings	Murphy	Sarna	Welker
Den Ouden	Johnson, D.	Nelsen, B.	Schafer	Wenzel
Drew	Jude	Nelson, K.	Schoenfeld	Wieser
Eken	Kahn	Niehaus	Schreiber	Wynia
Ellingson	Kaley	Novak	Shea	Zubay
Erickson	Kalis	Nysether	Sherman	Spkr. Sieben, H.

The bill was passed and its title agreed to.

S. F. No. 339, A bill for an act relating to historic sites; designating an additional historic site; amending Minnesota Statutes 1980, Section 138.58, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kelly	Nysether	Sherwood
Ainley	Esau	Knickerbocker	Ogren	Sieben, M.
Anderson, B.	Ewald	Kostohryz	Olsen	Simoneau
Anderson, G.	Fjoslien	Kvam	Onnen	Skoglund
Anderson, I.	Forsythe	Laidig	Otis	Stadum
Anderson, R.	Friedrich	Lehto	Peterson, B.	Staten
Battaglia	Greenfield	Lemen	Peterson, D.	Stowell
Begich	Gruenes	Levi	Piepho	Sviggum
Berkelman	Gustafson	Long	Pogemiller	Swanson
Blatz	Halberg	Luknic	Redalen	Tomlinson
Brandl	Harens	Mann	Reding	Valan
Brinkman	Hauge	Marsh	Rees	Valento
Byrne	Heinitz	McCarron	Reif	Vanasek
Carlson, D.	Himle	McDonald	Rice	Vellenga
Carlson, L.	Hoberg	McEachern	Rodriguez, C.	Weaver
Clark, J.	Hokanson	Mehrkens	Rodriguez, F.	Welch
Clark, K.	Hokr	Metzen	Rose	Welker
Clawson	Jacobs	Minne	Rothenberg	Wenzel
Dahlvang	Jennings	Munger	Sarna	Wieser
Dempsey	Johnson, D.	Murphy	Schafer	Wynia
Den Ouden	Jude	Nelsen, B.	Schoenfeld	Zubay
Drew	Kahn	Nelson, K.	Schreiber	Spkr. Sieben, H.
Eken	Kaley	Niehaus	Shea	
Ellingson	Kalis	Novak	Sherman	

The bill was passed and its title agreed to.

#### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Sieben, M., requested immediate consideration of H. F. No. 1434.

H. F. No. 1434 was reported to the House.

#### SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Sieben, M., moved that the rule therein be suspended and an urgency be declared so that H. F. No. 1434 be given its third reading and be placed upon its final passage. The motion prevailed.

Sieben, M., moved that the rules of the House be so far suspended that H. F. No. 1434 be given its third reading and be placed upon its final passage. The motion prevailed.

Laidig offered an amendment to H. F. No. 1434.

#### POINT OF ORDER

Anderson, L., raised a point of order pursuant to rule 3.9 that the Laidig amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

Laidig moved to amend H. F. No. 1434 as follows:

Page 2, line 1, delete "1981"

Page 2, line 2, delete "\$75,000"

Page 2, line 8, delete "\$75,000"

Page 4, delete lines 29 to 40

A roll call was requested and properly seconded.

Rose and Peterson, D., were excused for the remainder of today's session.

The question was taken on the amendment and the roll was called. There were 54 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Aasness	Friedrich	Kaley	Olsen	Sherwood
Ainley	Gruenes	Knickerbocker	Onnen	Stadum
Blatz	Halberg	Kvam	Peterson, B.	Stowell
Carlson, D.	Hauge	Laidig	Piepho	Sviggum
Dempsey	Heap	Lemen	Redalen	Valan
Den Ouden	Heinitz	Ludeman	Reif	Valento
Erickson	Himle	Luknic	Rose	Weaver
Esau	Hoberg	McDonald	Rothenberg	Welker
Ewald	Hokr	Mehrkens	Schafer	Wieser
Fjoslien	Jennings	Minne	Schreiber	Zubay
Forsythe	Johnson, D.	Nelsen, B.	Sherman	

Those who voted in the negative were:

Anderson, B.	Dahlvang	Kelly	O'Connor	Simoneau
Anderson, G.	Drew	Kostohryz	Ogren	Skoglund
Anderson, I.	Eken	Lehto	Otis	Staten
Anderson, R.	Ellingson	Long	Pogemiller	Stumpf
Battaglia	Greenfield	Mann	Reding	Swanson
Berkelman	Gustafson	Marsh	Rees	Tomlinson
Brandl	Hanson	McCarron	Rice	Vellenga
Brinkman	Harens	McEachern	Rodriguez, C.	Voss
Byrne	Hokanson	Metzen	Rodriguez, F.	Welch
Carlson, L.	Jacobs	Munger	Sarna	Wenzel
Clark, J.	Jude	Murphy	Schoenfeld	Wynia
Clark, K.	Kahn	Niehaus	Shea	Spkr. Sieben, H.
Clawson	Kalis	Novak	Sieben, M.	

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

Long was excused for the remainder of today's session.

H. F. No. 1434 was given its third reading.

UNANIMOUS CONSENT

Lemen requested unanimous consent to offer an amendment. The request was granted.

Lemen moved to amend H. F. No. 1434, as follows:

Page 11, line 32, delete "224" and insert "221"

The motion prevailed and the amendment was adopted.

H. F. No. 1434, A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and for other agencies with certain conditions; amending Minnesota Statutes 1980, Sections 12.14; 43.491, Subdivision 2; 46.131, Subdivision 3; 161.242, Subdivision 4; 169.451; 173.25; 174.255, by adding a subdivision; 216B.62, Subdivision 3, and by adding a subdivision; 237.295, Subdivision 2, and by adding a subdivision; 239.10; 239.52; 326.241, Subdivision 3; 326.244, Subdivision 2; 340.11, Subdivision 14; 340.113, Subdivision 2; 340.119, Subdivision 3; 340.402; 340.493, Subdivision 2; 340.62; 360.021, Subdivisions 1 and 2; 360.305, by adding subdivisions; 388.14; 388.19, Subdivision 1; and 414.051; proposing new law coded in Minnesota Statutes, Chapter 138.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 106 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Aasness	Brinkman	Eken	Halberg	Jacobs
Anderson, B.	Byrne	Ellingson	Hanson	Johnson, D.
Anderson, G.	Carlson, D.	Erickson	Harens	Jude
Anderson, I.	Carlson, L.	Fjoslien	Hauge	Kahn
Battaglia	Clark, J.	Forsythe	Heap	Kaley
Begich	Clark, K.	Friedrich	Himle	Kalis
Berkelman	Clawson	Greenfield	Hoberg	Kelly
Blatz	Dahlvang	Gruenes	Hokanson	Knickerbocker
Brandt	Drew	Gustafson	Hokr	Kostohryz

Laidig	Murphy	Redalen	Sieben, M.	Vellenga
Lehto	Nelsen, B.	Reding	Simoneau	Voss
Lemen	Nelson, K.	Rees	Skoglund	Weaver
Levi	Niehaus	Reif	Stadum	Welch
Luknic	Norton	Rice	Staten	Wenzel
Mann	Novak	Rodriguez, C.	Stowell	Wieser
Marsh	O'Connor	Rodriguez, F.	Stumpf	Wynia
McCarron	Ogren	Sarna	Sviggum	Zubay
McEachern	Olsen	Schoenfeld	Swanson	Spkr. Sieben, H.
Mehrkens	Onnen	Schreiber	Tomlinson	
Metzen	Otis	Shea	Valan	
Minne	Piepho	Sherman	Valento	
Munger	Pogemiller	Sherwood	Vanasek	

Those who voted in the negative were :

Ainley	Esau	Kvam	Peterson, B.	Schafer
Anderson, R.	Ewald	Ludeman	Rothenberg	Welker
Dempsey	Heinitz	McDonald		
Den Ouden	Jennings	Nysether		

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

Aasness, Brinkman and Hoberg were excused for the remainder of today's session.

There being no objection the order of business reverted to Introduction and First Reading of House Bills.

### INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced :

Sieben, M., for the Committee on Appropriations, introduced :

H. F. No. 1443, A bill for an act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government with certain conditions; providing for the transfer of certain moneys in the state treasury; authorizing land acquisition in certain cases; fixing and limiting the amount of fees to be collected in certain cases; amending Minnesota Statutes 1980, Sections 3.005, Subdivision 3; 3.304, by adding a subdivision; 4.16, by adding subdivisions; 5.08, Subdivision 2; 9.061, Subdivision 5; 11A.20, Subdivision 3; 16A.123; 17.59, by adding a subdivision; 17A.04, Subdivision 5; 17B.15, Subdivision 1; 18.51, Subdivision 2; 18.52, Subdivision 5; 18.54, Subdivision 1; 19.19, Subdivisions 1 and 2; 19.20, Subdivision 4; 27.041, Subdivision 2; 28A.08; 32.075; 32.59; 43.46, Subdivisions 2 and 3; 85.05, Subdivisions 1 and 2; 85.22, Subdivision 2a; 97.49, Subdivision 1; 98.46, Subdivisions 2, 2a, 3, 4, 5, 5a, 6, 7, 8, 9, 9a, 10, 11, 12, 14, 15, 16, 17, 18, 19 and by adding a subdivision; 98.47, Subdivision 1; 98.50, Subdivision 5; 99.28, Subdivision 5; 100.273, Subdivision 7; 100.35, Subdivisions 1 and

5; 101.44; 116C.69, Subdivisions 2 and 2a; 139.16; 139.17; 139.18; 139.19; 176.131, Subdivision 10; 176.183, Subdivision 2; 179.71, Subdivision 2; 179.72, Subdivision 3; 223.03; 223.12, Subdivision 1; 231.16; 232.02, Subdivisions 1, 2, and 3; 233.08; 270.66; 271.02; 284.28, Subdivision 8; 290.431; 299A.03, Subdivisions 1, 8 and 13; 322A.16; 322A.71; 352E.04; 354.43, Subdivision 3; 362.10; 362.12, Subdivisions 1a and 2; 362.121; 362.125; 362.13; 480.0595; 546.27; 638.08; and 648.39; Laws 1976, Chapter 337, Section 1, Subdivisions 2, as amended, 3, and 4, as amended; Laws 1978, Chapter 510, Sections 2 and 5; proposing new law coded in Minnesota Statutes, Chapters 85; 116H; 270; 299A; and 362; repealing Minnesota Statutes 1980, Sections 7.07; 16A.75; 16A.751; 16A.752; 16A.753; 16A.754; 168B.11; 299A.03, Subdivisions 1, 2, 3, 5, 6, 7, 9, 10, 11 and 14; 362.07; 362.08; 362.09; 362.11; 362.12, Subdivisions 3 and 4; 362.23; 362.45, Subdivision 2; 363.073, Subdivisions 1 and 2; 473.56, Subdivision 15; 648.45; 648.46; Laws 1976, Chapter 337, Section 4, as amended; and Laws 1978, Chapter 510, Section 10.

The bill was read for the first time and laid over one day.

#### CALENDAR

H. F. No. 126, A bill for an act relating to waters; requiring posting and publication of notice of aeration operations by a permittee of the commissioner of natural resources; establishing a presumption of due care; changing and clarifying administrative provisions regarding watershed districts; permitting use of a map to show notification of an assessment area; amending Minnesota Statutes 1980, Sections 112.36; 112.53, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 378.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Ainley	Dahlvang	Hanson	Knickerbocker	Minne
Anderson, B.	Dempsey	Harens	Kostohryz	Munger
Anderson, G.	Den Ouden	Hauge	Kvam	Murphy
Anderson, I.	Drew	Heap	Laidig	Nelsen, B.
Anderson, R.	Eken	Heinitz	Lehto	Nelson, K.
Battaglia	Ellingson	Himle	Lemen	Niehaus
Begich	Erickson	Hokanson	Levi	Norton
Berkelman	Esau	Hokr	Ludeman	Novak
Blatz	Ewald	Jacobs	Luknic	Nysether
Brandl	Fjoslien	Jennings	Mann	O'Connor
Byrne	Forsythe	Johnson, D.	Marsh	Ogren
Carlson, D.	Friedrich	Jude	McCarron	Olsen
Carlson, L.	Greenfield	Kahn	McDonald	Onnen
Clark, J.	Greenes	Kaley	McEachern	Otis
Clark, K.	Gustafson	Kalis	Mehrkens	Peterson, B.
Clawson	Halberg	Kelly	Metzen	Piepho



Pogemiller	Rothenberg	Sieben, M.	Swanson	Welker
Redalen	Sarna	Simoneau	Tomlinson	Wenzel
Reding	Schafer	Skoglund	Valan	Wieser
Rees	Schoenfeld	Stadum	Valento	Wynia
Reif	Schreiber	Staten	Vanasek	Zubay
Rice	Shea	Stowell	Vellenga	Spkr. Sieben, H.
Rodriguez, C.	Sherman	Stumpf	Voss	
Rodriguez, F.	Sherwood	Sviggum	Welch	

The bill was passed and its title agreed to.

H. F. No. 137, A bill for an act relating to the legislature; establishing a legislative commission on efficiency and economy in state government; proposing new law coded in Minnesota Statutes, Chapter 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 76 yeas and 39 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Esau	Kelly	Ogren	Stowell
Anderson, I.	Ewald	Knickerbocker	Otis	Stumpf
Anderson, R.	Greenfield	Kostohryz	Peterson, B.	Swanson
Battaglia	Gustafson	Lehto	Pogemiller	Tomlinson
Begich	Halberg	Luknic	Reding	Vellenga
Berkelman	Hanson	Mann	Rice	Voss
Blatz	Harens	McCarron	Rodriguez, C.	Welch
Brandl	Hauge	McEachern	Rodriguez, F.	Wenzel
Byrne	Heap	Metzen	Rothenberg	Wieser
Carlson, L.	Heinitz	Minne	Sarna	Wynia
Clark, J.	Hokanson	Munger	Schoenfeld	Zubay
Clark, K.	Hokr	Murphy	Shea	Spkr. Sieben, H.
Clawson	Jacobs	Nelson, K.	Sieben, M.	
Dahlvang	Jude	Norton	Simoneau	
Eken	Kahn	Novak	Skoglund	
Ellingson	Kalis	O'Connor	Staten	

Those who voted in the negative were:

Ainley	Forsythe	Lemen	Olsen	Sherman
Anderson, G.	Friedrich	Levi	Onnen	Sherwood
Carlson, D.	Gruenes	Ludeman	Piepho	Stadum
Dempsey	Jennings	Marsh	Redalen	Sviggum
Den Ouden	Johnson, D.	McDonald	Rees	Valento
Drew	Kaley	Mehrkens	Reif	Vanasek
Erickson	Kvam	Niehaus	Schafer	Welker
Fjoslien	Laidig	Nysether	Schreiber	

The bill was passed and its title agreed to.

H. F. No. 192, A bill for an act relating to labor; regulating migrant labor; requiring employers and recruiters to provide employment statements to migrant workers; setting requirements for employment statements and for payment of wages to

migrant workers; providing for private causes of action; proposing new law coded in Minnesota Statutes, Chapter 181.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 107 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Ainley	Ewald	Kalis	Nysether	Sieben, M.
Anderson, B.	Fjoslien	Kelly	O'Connor	Simoneau
Anderson, I.	Forsythe	Kostohryz	Ogren	Skoglund
Anderson, R.	Friedrich	Laidig	Olsen	Staten
Battaglia	Greenfield	Lehto	Onnen	Stowell
Begich	Gruenes	Lemen	Otis	Stumpf
Berkelman	Gustafson	Levi	Peterson, B.	Sviggum
Blatz	Halberg	Ludeman	Piepho	Swanson
Brandl	Hanson	Luknic	Pogemiller	Tomlinson
Byrne	Harens	Mann	Redalen	Valento
Carlson, D.	Hauge	Marsh	Reding	Vanasek
Carlson, L.	Heap	McCarron	Rees	Vellenga
Clark, J.	Heinitz	Mehrkens	Reif	Voss
Clark, K.	Himle	Metzen	Rice	Welch
Clawson	Hokanson	Minne	Rodriguez, C.	Wenzel
Dahlvang	Hokr	Munger	Rodriguez, F.	Wieser
Dempsey	Jacobs	Murphy	Rothenberg	Wynia
Drew	Jennings	Nelsen, B.	Schoenfeld	Zubay
Eken	Johnson, D.	Nelson, K.	Schreiber	Spkr. Sieben, H.
Ellingson	Jude	Niehaus	Shea	
Ericson	Kahn	Norton	Sherman	
Esau	Kaley	Novak	Sherwood	

Those who voted in the negative were:

Anderson, G.	Knickerbocker	Schafer	Valan	Welker
Den Ouden	Kvam	Stadum		

The bill was passed and its title agreed to.

H. F. No. 590, reconsidered on Thursday, April 23, 1981, was reported to the House and given its third reading.

UNANIMOUS CONSENT

Anderson, B., requested unanimous consent to offer an amendment. The request was granted.

Anderson, B., moved to amend H. F. No. 590 as follows:

Page 1, line 16, strike the semicolon and delete "and further" and insert:

*"A city not reclassified under the provisions of this section shall receive the following percentages of its 1981 apportionment*

for the years indicated: 1982, 66 percent and 1983, 33 percent. Thereafter the city shall not receive any apportionment from the municipal state-aid street fund unless its population is determined to be 5,000 or over by a federal census. The governing body of any city not reclassified under the provisions of this section may contract with the United States bureau of the census to take one special census before January 1, 1986. A certified copy of the results of the census shall be filed with the appropriate state authorities by the city. The result of the census shall be the population of the city for the purposes of any law providing that population is a required qualification for distribution of highway aids under Minnesota Statutes, Chapter 162. The special census shall remain in effect until the 1990 federal census is completed and filed. The expense of taking the special census shall be paid by the city."

Page 1, line 17, after "provided" insert "further"

The motion prevailed and the amendment was adopted.

H. F. No. 590, A bill for an act relating to highways; providing criteria for determining the population of a city for the purposes of the municipal state-aid street system; amending Minnesota Statutes 1980, Section 162.09, Subdivision 4.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 86 yeas and 27 nays as follows:

Those who voted in the negative were:

Ainley	Erickson	Knickerbocker	Ogren	Stowell
Anderson, B.	Esau	Lehto	Olsen	Stumpf
Anderson, I.	Ewald	Lemen	Otis	Tomlinson
Battaglia	Greenfield	Ludeman	Piepho	Valan
Begich	Gustafson	Luknic	Pogemiller	Valento
Berkelman	Halberg	Mann	Redalen	Vellenga
Blatz	Hanson	McCarron	Reif	Voss
Brandl	Harens	McEachern	Rice	Weaver
Byrne	Hokanson	Mehrkens	Rodriguez, C.	Welch
Carlson, D.	Hokr	Metzen	Rodriguez, F.	Wenzel
Clark, J.	Jacobs	Minne	Schafer	Wieser
Clark, K.	Jennings	Munger	Schoenfeld	Wynia
Clawson	Johnson, D.	Murphy	Shea	Zubay
Dahlvang	Jude	Nelson, K.	Sherman	Spkr. Sieben, H.
Dempsey	Kahn	Niehaus	Sherwood	
Den Ouden	Kaley	Norton	Sieben, M.	
Drew	Kalis	Novak	Simoneau	
Ellingson	Kelly	O'Connor	Skoglund	

Those who voted in the affirmative were:

Anderson, G.	Carlson, L.	Fjoslien	Friedrich	Hauge
Anderson, R.	Eken	Forsythe	Gruenes	Heap

Heinitz	Levi	Onnen	Stadum	Welker
Kostohryz	Marsh	Reding	Sviggum	
Kvam	Nelsen, B.	Rees	Swanson	
Laidig	Nysether	Schreiber	Vanasek	

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

### GENERAL ORDERS

Eken moved that the bills on General Orders be continued one day. The motion prevailed.

### MOTIONS AND RESOLUTIONS

Heap moved that the name of Hokr be added as an author on H. F. No. 707. The motion prevailed.

Ogren introduced:

House Resolution No. 17, A house resolution proclaiming Minnesota to be the host state to the Pederson South Pole Expedition.

The resolution was referred to the Committee on Rules and Legislative Administration.

### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, April 27, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, April 27, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## FORTY-FIRST DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 27, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Rabbi Bernard S. Raskas, Temple of Aaron, St. Paul, Minnesota.

The roll was called and the following members were present:

Aasness	Erickson	Kaley	Norton	Searles
Ainley	Esau	Kalis	Novak	Shea
Anderson, B.	Evans	Kelly	Nysether	Sherman
Anderson, G.	Ewald	Knickerbocker	O'Connor	Sherwood
Anderson, I.	Fjoslien	Kostohryz	Ogren	Sieben, M.
Anderson, R.	Forsythe	Kvam	Olsen	Simoneau
Battaglia	Greenfield	Laidig	Onnen	Skoglund
Begich	Gruenes	Lehto	Osthoff	Stadum
Berkelman	Gustafson	Lemen	Otis	Staten
Blatz	Halberg	Levi	Peterson, B.	Stowell
Brandl	Hanson	Long	Peterson, D.	Stumpf
Brinkman	Harens	Ludeman	Piepho	Sviggum
Byrne	Hauge	Luknic	Redalen	Swanson
Carlson, D.	Haukoos	Mann	Reding	Tomlinson
Carlson, L.	Heap	Marsh	Rees	Valan
Clark, J.	Heinitz	McCarron	Reif	Valento
Clark, K.	Himle	McDonald	Rice	Vanasek
Clawson	Hoberg	McEachern	Rodriguez, C.	Voss
Dahlvang	Hokanson	Mehrkens	Rodriguez, F.	Weaver
Dean	Hokr	Metzen	Rose	Welch
Dempsey	Jacobs	Minne	Rothenberg	Welker
Den Ouden	Jennings	Munger	Samuelson	Wenzel
Drew	Johnson, C.	Murphy	Sarna	Wigley
Eken	Johnson, D.	Nelsen, B.	Schafer	Wynia
Elioff	Jude	Nelson, K.	Schoenfeld	Zubay
Ellingson	Kahn	Niehaus	Schreiber	Spkr. Sieben, H.

A quorum was present.

Friedrich and Wieser were excused. Pogemiller was excused until 2:40 p.m. Vellenga was excused until 4:00 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Niehaus moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

#### REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 769, 1266, 1443, 116, 582, 786, 830, 869, 1055, 1260, 1344, 1434 and 590 and S. F. Nos. 1047, 489 and 2 have been placed in the members' files.

S. F. No. 1047 and H. F. No. 1055, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Gustafson moved that S. F. No. 1047 be substituted for H. F. No. 1055 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 664 and H. F. No. 786, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Lemen moved that S. F. No. 664 be substituted for H. F. No. 786 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 562 and H. F. No. 453, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Byrne moved that the rules be so far suspended that S. F. No. 562 be substituted for H. F. No. 453 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 525 and H. F. No. 830, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Dahlvang moved that the rules be so far suspended that S. F. No. 525 be substituted for H. F. No. 830 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 818 and H. F. No. 869, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Reding moved that the rules be so far suspended that S. F. No. 818 be substituted for H. F. No. 869 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 443 and H. F. No. 695, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Staten moved that the rules be so far suspended that S. F. No. 443 be substituted for H. F. No. 695 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 835 and H. F. No. 745, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Mehrkens moved that the rules be so far suspended that S. F. No. 835 be substituted for H. F. No. 745 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 939 and H. F. No. 1072, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Staten moved that the rules be so far suspended that S. F. No. 939 be substituted for H. F. No. 1072 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 625 and H. F. No. 621, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Peterson, B., moved that the rules be so far suspended that S. F. No. 625 be substituted for H. F. No. 621 and that the House File be indefinitely postponed. The motion prevailed.

## PETITIONS AND COMMUNICATIONS

The following communication was received:



STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

April 24, 1981

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

The Honorable Jack Davies  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1981</i>	<i>Date Filed 1981</i>
	117	40	April 23	April 23
	471	41	April 23	April 23
	483	42	April 23	April 23
11		43	April 23	April 23
197		44	April 23	April 23
275		45	April 23	April 23
331		46	April 23	April 23
336		47	April 23	April 23
347		48	April 23	April 23
354		49	April 23	April 23
416		50	April 23	April 23
454		51	April 23	April 23
692		52	April 23	April 23
917		53	April 23	April 23

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

## REPORTS OF STANDING COMMITTEES

Jude from the Committee on Judiciary to which was referred:

H. F. No. 515, A bill for an act relating to coroners; eliminating the requirement of filing a certificate of no inquest; amending Minnesota Statutes 1980, Section 390.17.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 726, A bill for an act relating to insurance; prohibiting the issuance or renewal of certain health policies or plans which exclude or limit coverage on DES related conditions; proposing new law coded in Minnesota Statutes, Chapter 62A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [62A.154] [BENEFITS FOR DES RELATED CONDITIONS.]

*Subdivision 1. [DEFINITIONS.] For the purposes of this section, the terms defined in this section have the meanings given them.*

(a) *“Covered person” means a natural person who is covered under a policy.*

(b) *“Insurer” means an insurer providing health, medical, hospitalization, or accident and sickness insurance regulated under this chapter, a non-profit health services plan corporation regulated under chapter 62C, a health maintenance organization regulated under chapter 62D or a fraternal beneficiary association regulated under chapter 64A.*

(c) *“Policy” means a policy or plan of health, medical, hospitalization or accident and sickness insurance, a health maintenance contract, or a health benefit certificate provided by an insurer which provides coverage of, or reimbursement for, hospital, medical, or surgical expenses on a group or individual basis, but does not include a policy designed primarily to provide coverage payable on a per diem, fixed indemnity or nonexpense incurred basis, or a policy that provides only accident coverage.*

*Subd. 2. [REQUIRED COVERAGE.] No policy shall be issued or renewed in this state after August 1, 1981 if it provides an exclusion, reduction, or other limitation as to coverage, deductible, coinsurance or copayment applicable solely to conditions attributable to diethylstilbestrol or exposure to diethylstilbestrol, unless the covered person has been diagnosed as having diethylstilbestrol-related cancer prior to the date on which coverage for that person begins.*

*Subd. 3. [REFUSAL TO ISSUE OR RENEW.] No insurer shall refuse to issue or renew a policy, or to provide coverage under a policy, in this state after August 1, 1981 solely because of conditions attributable to diethylstilbestrol or exposure to diethylstilbestrol, unless the covered person has been diagnosed as having diethylstilbestrol-related cancer prior to the date on which coverage for that person begins."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 871, A bill for an act relating to probate; limiting benefits under life insurance policies payable to corporations to portion of shares not owned by person who killed decedent; establishing procedures for distribution of unpaid benefits; amending Minnesota Statutes 1980, Section 524.2-803.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Anderson, I., from the Committee on Taxes to which was referred:

H. F. No. 1132, A bill for an act relating to the revenue recapture act; expanding the definition of claimant agencies to include counties; amending Minnesota Statutes 1980, Sections 270A.02; and 270A.03, Subdivision 2.

Reported the same back with the following amendments:

Page 1, line 22, after "2," insert "*any district court of the state,*"

Page 1, after line 23, insert:

"Sec. 3. Minnesota Statutes 1980, Section 270A.03, Subdivision 5, is amended to read:

Subd. 5. "Debt" means a legal obligation of a natural person to pay a fixed and certain amount of money, which equals or exceeds \$25 and which is due and payable to a claimant agency. *The term includes criminal fines imposed under section 609.10.* A debt may arise under a contractual or statutory obligation, a court order, or other legal obligation, but need not have been reduced to judgment. A debt does not include any legal obligation of a current recipient of assistance which is based on overpayment of an assistance grant."

Renumber the remaining section

Amend the title as follows:

Page 1, line 5, delete "Subdivision 2" and insert "Subdivisions 2 and 5"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1215, A bill for an act relating to municipal industrial development; permitting financing of certain health related housing facilities; amending Minnesota Statutes 1980, Section 474.02, Subdivision 1d.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert

"Section 1. Minnesota Statutes 1980, Section 462C.05, Subdivision 1, is amended to read:

Subdivision 1. A city may also plan, administer, and make or purchase a loan or loans to finance one or more multifamily housing developments within its boundaries, of the kind described in subdivision 2, 3, (OR) 4 or 7, and upon the conditions set forth in this section. A loan may be made or purchased for the acquisition and preparation of a site and the construction of a new development, or for the acquisition of an existing building and site and the rehabilitation thereof, provided that:

(a) The cost of rehabilitation of an existing building is estimated to equal at least \$5,000 per dwelling unit or 50 percent of the appraised value of the original building and site, whichever is less or if the rehabilitation is financed in part by proceeds from a program provided by the federal government pursuant to 24 C.F.R. Sections 882.401 to 882.519 or pursuant to section 312 of the Housing Act of 1964 (42 U.S.C.

Section 1452b), the cost of rehabilitation of an existing building is estimated to equal at least \$2,000 per dwelling unit or 20 percent of the appraised value of the original building and site whichever is less;

(b) At least a substantial portion of such rehabilitation cost is estimated to be incurred for compliance with building codes or conservation of energy;

(c) Each development upon completion shall comply with all applicable code requirements;

(d) A loan or loans may be made or purchased for either the construction or the long term financing of a development, or both, including the financing of the acquisition of dwelling units and interests in common facilities provided therein, by persons to whom such units and facilities may be sold as contemplated in chapter 515 or any supplemental or amendatory law thereof; and

(e) Substantially all of the proceeds of each loan shall be used to pay the cost of a multifamily housing development, including property functionally related and subordinate to it; but nothing herein prevents the construction of the development over, under, or adjacent to, and in conjunction with facilities to be used for purposes other than housing.

Sec. 2. Minnesota Statutes 1980, Section 462C.05 is amended by adding a subdivision to read:

*Subd. 7. A development may consist of a combination of a multifamily housing development and a health care services project, as defined by section 474.02, subdivision 1c, if the following conditions are satisfied:*

*(a) The multifamily housing development is designed and intended to be used for rental occupancy;*

*(b) The multifamily housing development is designed and intended to be used primarily by elderly or physically handicapped persons; and*

*(c) Nursing, medical personal care, and other health related assisted living services are available in the facility to the residents.*

*The limitations of section 462C.07, subdivision 2, shall not apply to bonds issued for projects defined in this subdivision. Such a project may be constructed and financed without inclusion in, or hearing or approval of, a housing plan or program as provided in section 462C.05, Subdivisions 5 and 6."*

Delete the title and insert

“A bill for an act relating to local housing programs; authorizing certain combined multifamily housing and health care facility developments; providing an exemption from the limits on aggregate amount of bonds that may be issued; amending Minnesota Statutes 1980, Section 462C.05, Subdivision 1, and by adding a subdivision.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

S. F. No. 17, A bill for an act relating to witnesses; exempting parents and minors from testifying with respect to confidential communications made by the minor to parent; amending Minnesota Statutes 1980, Section 595.02.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

S. F. No. 34, A bill for an act relating to public welfare; allowing the commissioner of public welfare to grant a variance related to certain license holders whose licenses have been previously revoked; amending Minnesota Statutes 1980, Section 245.801, Subdivision 6.

Reported the same back with the following amendments:

Page 1, line 18, delete *“the administrative”*

Page 1, line 19, delete *“procedure act”* and insert *“section 15.0412, subdivision 5. The commissioner may grant variances immediately upon the effective date of and in accordance with the rules”*

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

S. F. No. 149, A bill for an an act relating to delivery or filing of documents; providing for timely delivery or filing of certain

documents with respect to weekends and holidays; amending Minnesota Statutes 1980, Section 645.15; proposing new law coded in Minnesota Statutes, Chapter 645.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

S. F. No. 179, A bill for an act relating to economic development; regulating business loans to Indians; amending Minnesota Statutes 1980, Section 362.40, Subdivisions 2, 8, 9, 11, 12, 14, and by adding a subdivision; repealing Minnesota Statutes 1980, Section 362.40, Subdivisions 4, 5, and 10.

Reported the same back with the following amendments:

Page 3, line 2, strike "state department of economic"

Page 3, line 3, strike "development" and insert "*appropriate tribal council*"

Page 3, line 3, after "The" insert "*state*"

Page 3, line 3, after "department" insert "*of economic development*"

Page 3, line 10, delete "*forwarded to*" and insert "*approved or disapproved by*"

Page 3, line 11, delete "*for approval or disapproval, and shall be*"

Page 3, line 12, delete "*plans*" and insert "*plan*"

Page 3, line 12, delete "*councils*" and insert "*council*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

S. F. No. 182, A bill for an act relating to probate; increasing the surviving spouse's share of certain personal property; amending Minnesota Statutes 1980, Section 525.15.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

S. F. No. 188, A bill for an act relating to crimes; regulating the possession, use, sale, and furnishing of tear gas and tear gas compounds; providing penalties; proposing new law coded in Minnesota Statutes, Chapter 624; repealing Minnesota Statutes 1980, Section 624.73.

Reported the same back with the following amendments:

Page 2, after line 23, insert "No tear gas, tear gas compound or authorized tear gas compound shall be sold or furnished on premises where non-intoxicating malt liquor as defined in section 340.001, subdivision 2, is sold on an on-sale basis or where intoxicating liquor as defined in section 340.07, subdivision 2, is sold on an on-sale or off-sale basis. No person shall sell tear gas, a tear gas compound or authorized tear gas compound in violation of local licensing requirements."

Page 2, line 29, after "duties" insert ", except that counties and municipalities may impose licensing requirements on sellers pursuant to subdivision 9"

Page 3, after line 28, insert:

"(6) Selling or furnishing of an authorized tear gas compound on premises where intoxicating liquor is sold on an on-sale or off-sale basis or where non-intoxicating malt liquor is sold on an on-sale basis.

(7) Selling an authorized tear gas compound in violation of local licensing requirements.

Subd. 9. [LOCAL LICENSING.] (a) For purposes of this section, "municipality" means statutory or home rule charter city or town.

(b) There is hereby conferred upon the governing body of each county, statutory or home rule charter city and town in the state the authority to license the business of vendors of tear gas compounds within their respective jurisdictions, to impose a license fee therefor, to impose qualifications for obtaining a license, the duration of licenses and to restrict the number of licenses the governing body will issue.



(c) *Every person desiring a license from a local governing body shall file with the clerk of the municipality or the county board in the case of application to a county, a verified written application in the form to be prescribed by the local governing body.*

(d) *The local governing body may establish the grounds, notice and hearing procedures for revocation of licenses issued pursuant to this section. The local governing body may also establish penalties for sale of tear gas, tear gas compounds or authorized tear gas compounds in violation of its licensing requirements."*

Renumber the subdivision

Page 3, lines 30 and 33, delete "sale,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

S. F. No. 218, A bill for an act relating to landlords and tenants; changing the time limit for landlords to furnish tenants with certain information; amending Minnesota Statutes 1980, Section 290A.19.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

S. F. No. 254, A bill for an act relating to natural resources; providing for the designation of endangered plant species; establishing a temporary technical advisory committee; amending Minnesota Statutes 1980, Section 97.488.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

S. F. No. 329, A bill for an act relating to probate; providing that certain mobile homes are homesteads; amending Minnesota Statutes 1980, Section 525.145.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

S. F. No. 535, A bill for an act relating to corporations; providing for the issuance of stock in a professional corporation to a partnership or a professional corporation performing the same kind of service; providing for the transfer of stock to a partnership or a professional corporation; amending Minnesota Statutes 1980, Section 319A.11.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

S. F. No. 595, A bill for an act relating to education; providing for the preparation of a report by the legislative commission on employee relations analyzing current insurance programs available to teachers and other public school employees in Minnesota; amending Minnesota Statutes 1980, Section 3.855, Subdivision 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

S. F. No. 650, A bill for an act relating to education; providing for the inclusion of certain community college and state university faculty members in the definition of an employee under the public employment labor relations act of 1971; amending Minnesota Statutes 1980, Section 179.63, Subdivision 7.

Reported the same back with the following amendments:

Page 1, delete line 26

Page 2, delete lines 1 to 4

Page 2, line 26, after "1981;" insert a new paragraph "*(g) employees providing services for not more than two consecutive quarters to the state university board or the community college board under the terms of a professional/technical services contract as defined in section 16.098;*"

Page 2, line 27, strike "(g)" and insert "(h)"

Page 2, line 29, strike "(h)" and insert "(i)"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

S. F. No. 918, A bill for an act relating to Minnesota Statutes; making various clarifications and technical amendments relating to the style and form of Minnesota Statutes 1980, Chapter 56; amending Minnesota Statutes 1980, Sections 56.01; 56.02; 56.04; 56.05; 56.06; 56.07; 56.09; 56.10; 56.11; 56.12; 56.13; 56.14; 56.15, Subdivision 1; 56.16; 56.17; 56.18; 56.19; 56.20; 56.21; 56.22; 56.23; 56.24; 56.25; proposing new law coded in Minnesota Statutes, Chapter 56; repealing Minnesota Statutes 1980, Sections 56.15, Subdivision 2; and 56.26.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1443, 515, 726, 871, 1132 and 1215 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 1047, 664, 562, 525, 818, 443, 835, 939, 625, 17, 34, 149, 179, 182, 188, 218, 254, 329, 535, 595, 650 and 918 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Dahlvang; Nelsen, B.; Metzen; Schreiber and Simoneau introduced:

H. F. No. 1444, A bill for an act relating to intoxicating liquor; prohibiting discrimination in sales; filing of wholesale prices; amending Minnesota Statutes 1980, Sections 340.114, Subdivision 1; and 340.983.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Anderson, I.; Jacobs and Novak introduced:

H. F. No. 1445, A bill for an act relating to taxation; adjusting the motor vehicle registration tax on certain vehicles; increasing the fees for duplicate license plates and registration certificates for certain motor vehicles; providing for the deposit of fees from motor vehicle dealers' license plates in the trunk highway fund; increasing the fees for dealers' license plates for certain motor vehicles; increasing the fees for transfer of ownership and filing for motor vehicle registration; providing for legislative review of certain capital improvement programs undertaken by the department of transportation; increasing the rate of the general sales and motor vehicle excise taxes; exempting sales of natural gas and electricity used for residential purposes from the sales tax; exempting feminine hygiene products from the sales tax; providing for deposit of the receipts of the motor vehicle excise tax in the trunk highway fund; transferring the financing of the department of public safety and certain other expenditures from the trunk highway to the general fund; eliminating the authority for urban trucks to travel outside of their licensed zone of operation for purposes of repair and servicing; indexing the amounts of value of homestead property subject to lower classification ratios; providing property tax relief payments for homestead property receiving net tax increases in excess of five percent; limiting the amount of the federal income tax deduction; imposing a moratorium on indexing of the personal income tax rate brackets, credits, and the standard deduction maximum amount; changing the interest rates on delinquent taxes; re-scheduling certain payments to local governments; changing the definition of claimant for the property tax refund; providing for declaration and estimated tax payments of gross earnings tax on telephone and telegraph companies; providing that the distribution of a certain development grant will not affect the distribution of certain future regional planning assistance grants; repealing the distribution of the estate tax to counties; providing a throwback rule for certain sales made outside of Minnesota for purposes of calculating the three factor income allocation formula; providing for deposit of certain receipts of the beer, wine, and liquor taxes in dedicated funds for detoxification and chemical dependency programs; amending Minnesota Statutes 1980, Sections 168.011, Subdivisions 7, 10, 17, and 25;

168.13, Subdivisions 1a, 1c, 1e, 1g, and 2; 168.117, Subdivisions 1 and 3; 168.091, Subdivision 1; 168.10, Subdivisions 1a, 1b, and 1c; 168.27, Subdivisions 16 and 22; 168.29; 168.30; 168.33, Subdivision 7; 168A.29, Subdivision 1; 270.75; 273.13, Subdivisions 6, 7, and 15a; 273.136, Subdivision 3; 290.18, by adding a subdivision; 290A.04, by adding a subdivision; 297A.01, Subdivisions 3, 8, and by adding a subdivision; 297A.02; 297A.14; 297A.24; 297A.25, Subdivision 1, and by adding a subdivision; 297B.03; 297B.035; 297B.08; 297B.09; 299D.02, Subdivision 1; 299D.04; 299D.05; 340.60, Subdivision 1, and by adding a subdivision; 477A.01, Subdivision 4b; 477A.13; proposing new law coded in Minnesota Statutes, Chapters 174, 273, 295, and 299A; repealing Minnesota Statutes 1980, Sections 168.013, Subdivisions 16 and 17; and 291.33.

The bill was read for the first time and referred to the Committee on Taxes.

Sieben, M., for the Committee on Appropriations, introduced:

H. F. No. 1446, A bill for an act relating to the organization and operation of state government; appropriating money for welfare, corrections, health, and other purposes with certain conditions; providing appropriations for the departments of public welfare, economic security, corrections, health, sentencing guidelines, corrections ombudsman, and health related boards; amending Minnesota Statutes 1980, Sections 241.021, by adding subdivisions; 241.13; 241.69, Subdivision 4; 245.0313; 245.765, Subdivision 1; 246.151; 254A.03, by adding a subdivision; 256.73, Subdivision 2; 256.76, Subdivision 1; 256B.02, Subdivision 8; 256B.06, Subdivision 1; 256B.091, by adding a subdivision; 256B.15; 256B.17; 256D.01, Subdivision 1; 256D.02, Subdivisions 4 and 13; 256D.05, Subdivision 3, and by adding a subdivision; 256D.06, Subdivision 1, and by adding a subdivision; 256D.08, Subdivision 2; 256D.09, Subdivision 1; 256D.11, Subdivisions 1, 8 and 9, and by adding a subdivision; 260.311, Subdivision 5; 393.07, Subdivision 10; 401.04; and 401.12; proposing new law coded in Minnesota Statutes, Chapters 144; 245; 256D and 257; repealing Minnesota Statutes, Sections 256D.06, Subdivisions 1a and 2; 256D.09, Subdivision 2; and 256D.11, Subdivisions 1a, 2a, and 3a.

The bill was read for the first time and laid over one day.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 708, A bill for an act relating to public improvements; permitting deferral of special assessments in instances of hardship; amending Minnesota Statutes 1980, Section 435.193.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 847, A bill for an act relating to highway traffic regulations; providing for the designation and undesignation of routes to carry certain gross weights; amending Minnesota Statutes 1980, Section 169.832, Subdivision 11; repealing Minnesota Statutes 1980, Section 169.832, Subdivision 12.

H. F. No. 1178, A bill for an act relating to the board of medical examiners; allowing temporary suspension of physicians' licenses without a hearing under certain conditions; amending Minnesota Statutes 1980, Section 147.021, by adding a subdivision.

H. F. No. 1237, A bill for an act relating to the city of Blaine; permitting all council members to serve on the housing and redevelopment authority.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1269, A bill for an act relating to energy; providing for the confidentiality of certain energy data; changing the duties of Minnesota energy agency; subdivision regulations; extending biomass center plan deadline; amending Minnesota Statutes 1980, Sections 116H.08; 116H.19, Subdivision 1; 462.-358, Subdivision 2a; proposing new law coded in Minnesota Statutes, Chapter 15.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Wynia moved that the House concur in the Senate amendments to H. F. No. 1269 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1269, A bill for an act relating to energy; providing for the confidentiality of certain energy data; changing the duties of Minnesota energy agency; subdivision regulations; providing for certain inspections; extending biomass plan deadline; amending Minnesota Statutes 1980, Sections 116H.08; 116H.12, Subdivision 3a, and by adding a subdivision; 116H.129, Subdivision 4; 116H.19, Subdivision 1; 462.358, Subdivision 2a; proposing new law coded in Minnesota Statutes, Chapter 15.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 122 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	Norton	Shea
Ainley	Evans	Kelly	Novak	Sherman
Anderson, B.	Ewald	Knickerbocker	Nysether	Sherwood
Anderson, G.	Fjoslien	Kostohryz	O'Connor	Sieben, M.
Anderson, I.	Forsythe	Kvam	Ogren	Simoneau
Anderson, R.	Greenfield	Laidig	Olsen	Skoglund
Battaglia	Gruenes	Lehto	Osthoff	Staten
Begich	Halberg	Lemen	Otis	Stumpf
Berkelman	Hanson	Levi	Peterson, B.	Sviggum
Blatz	Harens	Long	Peterson, D.	Swanson
Brandl	Hauge	Ludeman	Piepho	Tomlinson
Brinkman	Haukoos	Luknic	Redalen	Valan
Byrne	Heap	Mann	Reding	Valento
Carlson, D.	Heinitz	Marsh	Rees	Vanasek
Carlson, L.	Himle	McCarron	Reif	Voss
Clark, J.	Hoberg	McDonald	Rice	Weaver
Clark, K.	Hokanson	McEachern	Rodriguez, C.	Welch
Clawson	Hokr	Mehrkens	Rodriguez, F.	Welker
Dahlvang	Jacobs	Metzen	Rose	Wenzel
Dean	Jennings	Minne	Rothenberg	Wigley
Dempsey	Johnson, C.	Munger	Sarna	Wynia
Drew	Johnson, D.	Murphy	Schafer	Spkr. Sieben, H.
Eken	Jude	Nelson, B.	Schoenfeld	
Ellingson	Kahn	Nelson, K.	Schreiber	
Erickson	Kaley	Niehaus	Searles	

Those who voted in the negative were:

Den Ouden      Onnen

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 339, A bill for an act relating to towns; providing for the opening of cartways under certain circumstances; pro-

viding a method for determining whether to open or maintain certain town roads; amending Minnesota Statutes 1980, Sections 164.08, Subdivision 2; and 365.10.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 6, A Concurrent Resolution commemorating the victims of the Holocaust, honoring the survivors, and proclaiming the week of April 26 to May 3 as Minnesota Days of Holocaust Remembrance.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### SUSPENSION OF RULES

Rothenberg moved that the Rules be so far suspended that Senate Concurrent Resolution No. 6 be now considered and be placed upon its adoption. The motion prevailed.

#### SENATE CONCURRENT RESOLUTION NO. 6

A senate concurrent resolution commemorating the victims of the Holocaust, honoring the survivors, and proclaiming the week of April 26 to May 3 as Minnesota Days of Holocaust Remembrance.

*Whereas*, within the lifetimes of nearly half of the current population of these United States, six million men, women, and children were murdered in the Nazi Holocaust because they happened to be Jews; and,

*Whereas*, millions of other innocent men, women and children were also brutally murdered by the machinery of the state; and,

*Whereas*, April 30, 1981 has been designated pursuant to Act of Congress, Public Law 96-388, as a Day of Remembrance of Victims of the Nazi Holocaust, known internationally as Yom Hashoah, for the six million and other millions; and,

*Whereas*, it is fitting for the legislature to remember them, honor the survivors and their liberators, and to rededicate itself to eternal vigilance against all tyranny and against those who



would deny the principle of equal justice for all people; *Now, Therefore,*

*Be It Resolved* by the Senate of the State of Minnesota, the House of Representatives concurring, that they join with the Governor of the State of Minnesota in proclaiming the week of April 26 through May 3, 1981 as the Minnesota Days of Holocaust Remembrance. The people of Minnesota are urged to reflect upon these past horrors to better recognize that bigotry gave them birth and is the womb of tyranny. The legislature and the Governor dedicate April 30, 1981, to a Holocaust Commemoration and resolve that the victims shall not die a second death in our reluctance to ponder and meditate upon the deeds done in those dark days.

*Be It Further Resolved* that copies of this resolution with the signature of the Governor be forwarded by the Secretary of State to the President of the United States, to the Minnesota Congressional delegation, to the Minnesota Senators, and to the United States Holocaust Memorial Council.

Rothenberg moved that Senate Concurrent Resolution No. 6 be now adopted.

The question was taken on the adoption of Senate Concurrent Resolution No. 6 and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kaley	Norton	Shea
Ainley	Esau	Kalis	Novak	Sherman
Anderson, B.	Evans	Kelly	Nysether	Sherwood
Anderson, G.	Ewald	Knickerbocker	O'Connor	Sieben, M.
Anderson, I.	Fjoslien	Kostohryz	Ogren	Simoneau
Anderson, R.	Forsythe	Kvam	Olsen	Skoglund
Battaglia	Greenfield	Laidig	Onnen	Stadum
Begich	Gruenes	Lehto	Osthoff	Staten
Berkelman	Gustafson	Lemen	Otis	Stumpf
Blatz	Halberg	Levi	Peterson, B.	Sviggum
Brandl	Hanson	Long	Peterson, D.	Swanson
Brinkman	Harens	Ludeman	Piepho	Tomlinson
Byrne	Hauge	Luknic	Redalen	Valan
Carlson, D.	Haukoos	Mann	Reding	Valento
Carlson, L.	Heap	Marsh	Rees	Vanasek
Clark, J.	Heinitz	McCarron	Reif	Voss
Clark, K.	Himle	McDonald	Rice	Weaver
Clawson	Hoberg	McEachern	Rodriguez, C.	Welch
Dahlvang	Hokanson	Mehrkens	Rodriguez, F.	Welker
Dean	Hokr	Metzen	Rose	Wenzel
Dempsey	Jacobs	Minne	Rothenberg	Wigley
Den Ouden	Jennings	Munger	Sarna	Wynia
Drew	Johnson, C.	Murphy	Schafer	Sprk. Sieben, H.
Eken	Johnson, D.	Nelsen, B.	Schoenfeld	
Elioff	Jude	Nelson, K.	Schreiber	
Ellingson	Kahn	Niehaus	Searles	

The motion prevailed and Senate Concurrent Resolution No. 6 was adopted.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 452 and 886.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 98 and 649.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 73, 227, 464 and 1002.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 1057.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1193, 1259 and 1343.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 452, A bill for an act relating to the state board of investment; establishing standards for the selection of certain

prudent investments; amending Minnesota Statutes 1980, Section 11A.09.

The bill was read for the first time.

Clark, K., moved that S. F. No. 452 and H. F. No. 890, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 886, A bill for an act relating to health; prohibiting disciplinary action against a physician who administers dimethyl sulfoxide under certain conditions; regulating the sale of dimethyl sulfoxide; proposing new law coded in Minnesota Statutes, Chapters 147 and 151.

The bill was read for the first time.

Clark, K., moved that S. F. No. 886 and H. F. No. 1108, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 98, A bill for an act relating to local government; providing for the membership of the municipal board; amending Minnesota Statutes 1980, Section 414.01, Subdivision 2.

The bill was read for the first time.

Berkelman moved that S. F. No. 98 and H. F. No. 116, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 649, A bill for an act relating to probate; limiting benefits under life insurance policies payable to corporations to portion of shares not owned by person who killed decedent; establishing procedures for distribution of unpaid benefits; amending Minnesota Statutes 1980, Section 524.2-803.

The bill was read for the first time.

Valento moved that S. F. No. 649 and H. F. No. 871, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 73, A bill for an act relating to economic development; regulating municipal industrial development; permitting certain industrial development projects within the metropolitan area; prohibiting moral obligation debt; amending Minnesota Statutes 1980, Sections 474.01, Subdivisions 7a, 7b, 8, and by adding a subdivision; 474.02, Subdivision 1b; 474.05; 474.06; and 474.08.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 227, A bill for an act relating to the organization and operation of government; creating a legislative commission on metropolitan governance; requiring a study of relationships among metropolitan institutions and agencies of government; specifying other duties; mandating a report to the legislature.

The bill was read for the first time and referred to the Committee on Appropriations.

S. F. No. 464, A bill for an act relating to commerce; providing for a lien on all personal property stored at certain storage facilities; defining terms; establishing a procedure for the enforcement of the liens; proposing new law coded in Minnesota Statutes, Chapter 514.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

S. F. No. 1002, A bill for an act relating to tax forfeited lands; sale of stumpage without bids; amending Minnesota Statutes 1980, Section 282.04, Subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 1057, A bill for an act relating to the state fire marshal; deleting references to a dedicated fund and to archaic misdemeanor fines; prescribing procedures for the investigation of fires; repealing obsolete statutory requirements pertaining to flammable liquids, fire extinguishers, doors of buildings, and theaters; correcting an erroneous designation of responsibility concerning fire insurance premium returns; setting a penalty; amending Minnesota Statutes 1980, Sections 299F.011, Subdivision 1; 299F.08; 299F.09; 299F.19; 299F.20; 299F.21; 299F.22; 299F.23; 299F.24; 299F.26, Subdivision 1; 299F.29; 299F.31; 299F.36, Subdivision 2; 299F.391, Subdivision 1; and 299F.46, Subdivision 1; repealing Minnesota Statutes 1980, Sections 299F.011, Subdivision 2; 299F.27; 299G.10; 299H.01; 299H.02; and 299H.28, Subdivision 1.

The bill was read for the first time.

Haukoos moved that S. F. No. 1057 and H. F. No. 1131, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1193, A bill for an act relating to the city of Crystal; providing for the designation of polling places in a certain precinct.

The bill was read for the first time.

Carlson, L., moved that S. F. No. 1193 and H. F. No. 1156, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1259, A bill for an act relating to Independent School District No. 281, Robbinsdale; providing an alley system for at large election of school board members.

The bill was read for the first time.

Heap moved that S. F. No. 1259 and H. F. No. 707, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1343, A bill for an act relating to elections; providing for automatic recounts in certain judicial elections; amending Minnesota Statutes 1980, Sections 204A.51, Subdivisions 2 and 3; and 204A.53, Subdivisions 2 and 3.

The bill was read for the first time.

Jude moved that S. F. No. 1343 and H. F. No. 1295, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

### CONSENT CALENDAR

S. F. No. 225, A bill for an act relating to labor; regulating certain charges to persons earning the minimum wage; amending Minnesota Statutes 1980, Section 177.24, by adding subdivisions.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Aasness	Battaglia	Byrne	Dahlvang	Ellingson
Ainley	Begich	Carlson, D.	Dean	Erickson
Anderson, B.	Berkelman	Carlson, L.	Dempsey	Esau
Anderson, G.	Blatz	Clark, J.	Drew	Evans
Anderson, I.	Brandl	Clark, K.	Eken	Ewald
Anderson, R.	Brinkman	Clawson	Elioff	Fjoslien

Forsythe	Jude	Metzen	Redalen	Simoneau
Greenfield	Kahn	Minne	Reding	Skoglund
Gruenes	Kaley	Munger	Rees	Stadum
Gustafson	Kalis	Murphy	Reif	Staten
Halberg	Kelly	Nelsen, B.	Rice	Stumpf
Hanson	Knickerbocker	Nelson, K.	Rodriguez, C.	Sviggum
Harens	Kostohryz	Niehaus	Rodriguez, F.	Swanson
Hauge	Kvam	Norton	Rose	Tomlinson
Haukoos	Laidig	Novak	Rothenberg	Valan
Heap	Lehto	Nysether	Sarna	Valento
Heinitz	Lemen	O'Connor	Schafer	Vanasek
Himle	Levi	Olsen	Schoenfeld	Voss
Hoberg	Long	Onnen	Schreiber	Weaver
Hokanson	Mann	Osthoff	Searles	Welch
Jacobs	Marsh	Otis	Shea	Wenzel
Jennings	McCarron	Peterson, B.	Sherman	Wigley
Johnson, C.	McEachern	Peterson, D.	Sherwood	Wynia
Johnson, D.	Mehrkens	Piepho	Sieben, M.	Sprk. Sieben, H.

Those who voted in the negative were :

Den Ouden      Ludeman      Welker

The bill was passed and its title agreed to.

H. F. No. 582, A bill for an act relating to natural resources; regulating the use of state funded trails; providing a penalty; amending Minnesota Statutes 1980, Section 84.90, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 85.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows :

Those who voted in the affirmative were :

Aasness	Eken	Johnson, C.	Metzen	Rice
Ainley	Elioff	Johnson, D.	Minne	Rodriguez, C.
Anderson, B.	Ellingson	Jude	Munger	Rodriguez, F.
Anderson, G.	Esau	Kahn	Murphy	Rose
Anderson, I.	Evans	Kaley	Nelsen, B.	Rothenberg
Anderson, R.	Ewald	Kalis	Nelson, K.	Sarna
Battaglia	Fjoslien	Kelly	Niehaus	Schafer
Begich	Forsythe	Knickerbocker	Norton	Schoenfeld
Berkelman	Greenfield	Kostohryz	Novak	Schreiber
Blatz	Gruenes	Kvam	Nysether	Searles
Brandl	Gustafson	Laidig	O'Connor	Sherman
Brinkman	Halberg	Lehto	Ogren	Sherwood
Byrne	Hanson	Lemen	Olsen	Sieben, M.
Carlson, D.	Harens	Levi	Onnen	Simoneau
Carlson, L.	Hauge	Long	Osthoff	Skoglund
Clark, J.	Haukoos	Ludeman	Otis	Stadum
Clark, K.	Heinitz	Luknic	Peterson, B.	Staten
Clawson	Himle	Mann	Peterson, D.	Stowell
Dahlvang	Hoberg	Marsh	Piepho	Stumpf
Dean	Hokanson	McCarron	Redalen	Sviggum
Dempsey	Hokr	McDonald	Reding	Swanson
Den Ouden	Jacobs	McEachern	Rees	Tomlinson
Drew	Jennings	Mehrkens	Reif	Valan

Valento  
VanasekVoss  
WeaverWelch  
WelkerWenzel  
WigleyWynia  
Spkr. Sieben, H.

The bill was passed and its title agreed to.

H. F. No. 1344 was reported to the House.

Carlson, L., moved to amend H. F. No. 1344, as follows:

Page 1, delete line 28

Reletter the following clauses

The motion prevailed and the amendment was adopted.

H. F. No. 1344, A bill for an act relating to education; authorizing school boards to permit certain persons to enroll in classes and programs at a secondary school; providing for class fees in certain circumstances; prohibiting districts from counting certain persons enrolled in classes and programs for the purposes of state aid; authorizing districts to provide transportation; increasing the administration fee when senior citizens attend classes at higher education institutions; amending Minnesota Statutes 1980, Sections 123.35, by adding subdivisions; 123.39, by adding a subdivision; and 136A.81, Subdivision 1.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Jennings	Mehrkens	Reif
Ainley	Elioff	Johnson, C.	Metzen	Rice
Anderson, B.	Ellingson	Johnson, D.	Minne	Rodriguez, C.
Anderson, G.	Erickson	Jude	Munger	Rodriguez, F.
Anderson, I.	Esau	Kahn	Murphy	Rose
Anderson, R.	Evans	Kaley	Nelson, B.	Rothenberg
Battaglia	Ewald	Kalis	Nelson, K.	Sarna
Begich	Fjoslien	Kelly	Niehaus	Schafer
Berkelman	Forsythe	Knickerbocker	Norton	Schoenfeld
Blatz	Greenfield	Kostohryz	Novak	Schreiber
Brandl	Gruenes	Kvam	Nysether	Searles
Brinkman	Gustafson	Laidig	O'Connor	Shea
Byrne	Halberg	Lehto	Ogren	Sherman
Carlson, D.	Hanson	Lemen	Olsen	Sherwood
Carlson, L.	Harens	Levi	Onnen	Sieben, M.
Clark, J.	Hauge	Long	Osthoff	Simoneau
Clark, K.	Haukoos	Ludeman	Otis	Skoglund
Clawson	Heap	Luknic	Peterson, B.	Stadum
Dahlvang	Heinitz	Mann	Peterson, D.	Staten
Dean	Himle	Marsh	Piepho	Stowell
Dempsey	Hoberg	McCarron	Redalen	Stumpf
Den Ouden	Hokanson	McDonald	Reding	Sviggum
Drew	Jacobs	McEachern	Rees	Swanson

Tomlinson	Vanasek	Welch	Wigley	Spkr. Sieben, H.
Valan	Voss	Welker	Wynia	
Valento	Weaver	Wenzel		

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

S. F. No. 200, A bill for an act relating to agriculture; prohibiting the sale of certain female cattle; amending Minnesota Statutes 1980, Section 35.245, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Esau	Knickerbocker	Nysether	Searles
Anderson, G.	Evans	Kostohryz	O'Connor	Shea
Anderson, I.	Ewald	Kvam	Ogren	Sherman
Anderson, R.	Forsythe	Laidig	Olsen	Sherwood
Battaglia	Greenfield	Lehto	Onnen	Sieben, M.
Begich	Gruenes	Lemen	Osthoff	Simoneau
Berkelman	Gustafson	Levi	Otis	Skoglund
Blatz	Halberg	Long	Peterson, B.	Staten
Brandl	Hanson	Luknic	Peterson, D.	Stowell
Brinkman	Harens	Mann	Piepho	Stumpf
Byrne	Heap	Marsh	Pogemiller	Sviggum
Carlson, D.	Heinitz	McCarron	Redalen	Swanson
Carlson, L.	Himle	McDonald	Reding	Tomlinson
Clark, J.	Hoberg	McEachern	Rees	Valan
Clark, K.	Hokanson	Mehrkens	Reif	Valento
Clawson	Hokr	Metzen	Rice	Vanasek
Dahivang	Jacobs	Minne	Rodriguez, C.	Voss
Dean	Johnson, C.	Munger	Rodriguez, F.	Weaver
Dempsey	Johnson, D.	Murphy	Rose	Welch
Den Ouden	Jude	Nelsen, B.	Rothenberg	Wenzel
Drew	Kahn	Nelson, K.	Sarna	Wigley
Eken	Kaley	Niehaus	Schafer	Wynia
Elioff	Kalis	Norton	Schoenfeld	Spkr. Sieben, H.
Ellingson	Kelly	Novak	Schreiber	

Those who voted in the negative were:

Aasness	Erickson	Haukoos	Ludeman	Welker
Ainley	Fjoslien	Jennings		

The bill was passed and its title agreed to.

S. F. No. 353, A bill for an act relating to local government; setting conditions for group insurance contract bids; amending Minnesota Statutes 1980, Section 471.616, Subdivision 1.

The bill was read for the third time and placed upon its final passage.



The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kalis	Novak	Sherman
Ainley	Esau	Kelly	Nysether	Sherwood
Anderson, B.	Evans	Knickerbocker	O'Connor	Sieben, M.
Anderson, G.	Ewald	Kostohryz	Ogren	Simoneau
Anderson, I.	Fjoslien	Kvam	Olsen	Skoglund
Anderson, R.	Forsythe	Laidig	Onnen	Stadum
Battaglia	Greenfield	Lehto	Osthoff	Staten
Begich	Gruenes	Lemen	Otis	Stowell
Berkelman	Gustafson	Levi	Peterson, D.	Stumpf
Blatz	Halberg	Long	Piepho	Sviggum
Brandl	Hanson	Ludeman	Pogemiller	Swanson
Brinkman	Harens	Luknic	Redalen	Tomlinson
Byrne	Haukoos	Mann	Reding	Valan
Carlson, D.	Heap	Marsh	Rees	Valento
Carlson, L.	Heinitz	McCarron	Reif	Vanasek
Clark, J.	Himle	McDonald	Rice	Voss
Clark, K.	Hoberg	McEachern	Rodriguez, C.	Weaver
Clawson	Hokanson	Mehrkens	Rodriguez, F.	Welch
Dahlvang	Hokr	Metzen	Rose	Welker
Dean	Jacobs	Minne	Rothenberg	Wenzel
Dempsey	Jennings	Munger	Sarna	Wigley
Den Ouden	Johnson, C.	Murphy	Schafer	Wynia
Drew	Johnson, D.	Nelsen, B.	Schoenfeld	Spkr. Sieben, H.
Eken	Jude	Nelson, K.	Schreiber	
Elioff	Kahn	Niehaus	Searles	
Ellingson	Kaley	Norton	Shea	

The bill was passed and its title agreed to.

S. F. No. 372, A bill for an act relating to agriculture; removing certain buyers and sellers of hay and straw from commission merchant licensing requirements; amending Minnesota Statutes 1980, Sections 223.01; 223.02; 223.03; and 223.05; repealing Minnesota Statutes 1980, Sections 223.06 and 223.12.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Byrne	Elioff	Hanson	Johnson, C.
Ainley	Carlson, D.	Ellingson	Harens	Johnson, D.
Anderson, B.	Carlson, L.	Erickson	Hauge	Jude
Anderson, G.	Clark, J.	Esau	Haukoos	Kahn
Anderson, I.	Clark, K.	Evans	Heap	Kaley
Anderson, R.	Clawson	Ewald	Heinitz	Kalis
Battaglia	Dahlvang	Fjoslien	Himle	Kelly
Begich	Dean	Forsythe	Hoberg	Knickerbocker
Berkelman	Dempsey	Greenfield	Hokanson	Kostohryz
Blatz	Den Ouden	Gruenes	Hokr	Kvam
Brandl	Drew	Gustafson	Jacobs	Laidig
Brinkman	Eken	Halberg	Jennings	Lehto

Lemen	Murphy	Peterson, D.	Schoenfeld	Swanson
Levi	Nelsen, B.	Piepho	Schreiber	Tomlinson
Long	Nelson, K.	Pogemiller	Searles	Valan
Ludeman	Niehaus	Redalen	Shea	Valento
Luknic	Norton	Reding	Sherman	Vanasek
Mann	Novak	Rees	Sherwood	Voss
Marsh	Nysether	Reif	Sieben, M.	Weaver
McCarron	O'Connor	Rice	Simoneau	Welch
McDonald	Ogren	Rodriguez, C.	Skoglund	Welker
McEachern	Olsen	Rodriguez, F.	Stadum	Wenzel
Mehrkens	Onnen	Rose	Staten	Wigley
Metzen	Osthoff	Rothenberg	Stowell	Wynia
Minne	Otis	Sarna	Stumpf	Zubay
Munger	Peterson, B.	Schafer	Sviggum	Spkr. Sieben, H.

The bill was passed and its title agreed to.

S. F. No. 741, A bill for an act relating to the town of Woodville; permitting payment of the cemetery directors; repealing Laws 1959, Chapter 149.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kaley	Norton	Schreiber
Ainley	Esau	Kalis	Novak	Searles
Anderson, B.	Evans	Kelly	Nysether	Shea
Anderson, G.	Ewald	Knickerbocker	O'Connor	Sherman
Anderson, I.	Fjoslien	Kostohryz	Ogren	Sherwood
Anderson, R.	Forsythe	Kvam	Olsen	Sieben, M.
Battaglia	Greenfield	Laidig	Onnen	Simoneau
Begich	Gruenes	Lehto	Osthoff	Skoglund
Berkelman	Gustafson	Lemen	Otis	Stadum
Blatz	Halberg	Levi	Peterson, B.	Staten
Brandl	Hanson	Long	Peterson, D.	Stowell
Brinkman	Harens	Ludeman	Piepho	Stumpf
Byrne	Hauge	Luknic	Pogemiller	Sviggum
Carlson, D.	Haukoos	Mann	Redalen	Swanson
Carlson, L.	Heap	Marsh	Reding	Tomlinson
Clark, J.	Heinritz	McCarron	Rees	Valento
Clark, K.	Himle	McDonald	Reif	Vanasek
Clawson	Hoberg	McEachern	Rice	Voss
Dahlvang	Hokanson	Mehrkens	Rodriguez, C.	Weaver
Dean	Hokr	Metzen	Rodriguez, F.	Welch
Dempsey	Jacobs	Minne	Rose	Welker
Den Ouden	Jennings	Munger	Rothenberg	Wenzel
Drew	Johnson, C.	Murphy	Samuelson	Wigley
Eken	Johnson, D.	Nelsen, B.	Sarna	Wynia
Elioff	Jude	Nelson, K.	Schafer	Zubay
Ellingson	Kahn	Niehaus	Schoenfeld	Spkr. Sieben, H.

The bill was passed and its title agreed to.

## CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Sieben, M., requested immediate consideration of H. F. No. 1443.

H. F. No. 1443 was reported to the House.

## SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Sieben, M., moved that the rule therein be suspended and an urgency be declared so that H. F. No. 1443 be given its third reading and be placed upon its final passage. The motion prevailed.

Sieben, M., moved that the rules of the House be so far suspended that H. F. No. 1443 be given its third reading and be placed upon its final passage. The motion prevailed.

Redalen and Dahlvang moved to amend H. F. No. 1443 as follows:

Page 37, delete lines 3 to 8

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 62 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kaley	Nysether	Sherwood
Ainley	Evans	Knickerbocker	Olsen	Stadum
Anderson, I.	Fjoslien	Lemen	Onnen	Stowell
Anderson, R.	Forsythe	Levi	Piepho	Swiggum
Begich	Gruenes	Ludeman	Redalen	Valento
Blatz	Halberg	Luknic	Rees	Weaver
Brinkman	Haukoos	Marsh	Reif	Welker
Carlson, D.	Heap	McDonald	Rothenberg	Wenzel
Dahlvang	Heinitz	McEachern	Schafer	Wigley
Dempsey	Himle	Mehrkens	Schoenfeld	Zubay
Den Ouden	Hoberg	Metzen	Schreiber	
Drew	Hokr	Nelsen, B.	Searles	
Erickson	Jennings	Niehaus	Sherman	

Those who voted in the negative were:

Anderson, B.	Clark, K.	Hanson	Kahn	McCarron
Anderson, G.	Clawson	Harens	Kalis	Minne
Battaglia	Dean	Hauge	Kelly	Munger
Berkelman	Eken	Hokanson	Kostohryz	Murphy
Brandl	Elioff	Jacobs	Laidig	Nelson, K.
Byrne	Ellingson	Johnson, C.	Lehto	Norton
Carlson, L.	Greenfield	Johnson, D.	Long	Novak
Clark, J.	Gustafson	Jude	Mann	O'Connor

Ogren	Pogemiller	Rose	Skoglund	Vanasek
Osthoff	Reding	Samuelson	Staten	Voss
Otis	Rice	Shea	Stumpf	Welch
Peterson, B.	Rodriguez, C.	Sieben, M.	Swanson	Wynia
Peterson, D.	Rodriguez, F.	Simoneau	Tomlinson	Spkr. Sieben, H.

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

Dean was excused for the remainder of today's session.

Stowell moved to amend H. F. No. 1443 as follows:

Page 126, after line 33, insert:

"Sec. 167. Laws 1978, Chapter 510, Section 10, is amended to read:

Sec. 10. This act is effective July 1, 1978 and shall expire June 30, (1981) 1985."

Renumber the remaining sections

Page 129, line 18, delete "; and Laws 1978, Chapter 510,"

Page 129, line 19, delete "Section 10"

Amend the title as follows:

Page 1, line 37, delete "and 5" and insert ", 5 and 10"

Page 1, line 45, after "648.46;" insert "and"

Page 1, line 46, delete "; and Laws 1978, Chapter 510, Section 10"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 47 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Aasness	Heap	Ludeman	Rees	Sviggum
Ainley	Heinitz	Marsh	Rothenberg	Valan
Carlson, D.	Hoberg	McDonald	Schafer	Valento
Dempsey	Hokr	Mehrkens	Schreiber	Weaver
Den Ouden	Jennings	Nelsen, B.	Searles	Welker
Erickson	Kaley	Niehaus	Shea	Wigley
Esau	Knickerbocker	Nysether	Sherman	Zubay
Fjoslien	Kvam	Olsen	Sherwood	
Halberg	Lemen	Onnen	Stadum	
Haukoos	Levi	Redalen	Stowell	

Those who voted in the negative were:

Anderson, B.	Drew	Kahn	Ogren	Simoneau
Anderson, G.	Eken	Kalis	Osthoff	Skoglund
Anderson, I.	Elioff	Kostohryz	Otis	Staten
Battaglia	Ellingson	Laidig	Peterson, D.	Stumpf
Begich	Evans	Lehto	Piepho	Swanson
Berkelman	Greenfield	Long	Pogemiller	Tomlinson
Blatz	Gustafson	McCarron	Reding	Vanasek
Brandl	Hanson	McEachern	Reif	Voss
Brinkman	Hauge	Minne	Rice	Welch
Byrne	Himle	Munger	Rodriguez, C.	Wenzel
Carlson, L.	Hokanson	Murphy	Rodriguez, F.	Wynia
Clark, J.	Jacobs	Nelson, K.	Samuelson	Spkr. Sieben, H.
Clark, K.	Johnson, C.	Norton	Sarna	
Clawson	Johnson, D.	Novak	Schoenfeld	
Dahlvang	Jude	O'Connor	Sieben, M.	

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

Stowell moved to amend H. F. No. 1443 as follows:

Page 128, after line 15, insert:

"Sec. 170. Laws 1976, Chapter 337, Section 4, as amended by Laws 1978, Chapter 793, Section 84, is amended to read:

Sec. 4. [EXPIRATION DATE.]

Section 1 of this act shall expire June 30, (1981) 1985."

Page 129, line 17, delete "Laws 1976,"

Page 129, line 18, delete "Chapter 337, Section 4, as amended;"

Renumber the remaining sections

Amend the title as follows:

Page 1, line 35, delete "Section" and insert "Sections"

Page 1, line 36, after "as amended;" insert "and 4, as amended;"

Page 1, line 45, delete everything after "648.46;"

Page 1, line 46, delete "amended;"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 36 yeas and 86 nays as follows:

## Those who voted in the affirmative were:

Aasness	Esau	McDonald	Schafer	Sviggum
Ainley	Heap	Mehrkens	Schreiber	Valento
Anderson, R.	Heinitz	Nelsen, B.	Searles	Welch
Carlson, D.	Hokr	Niehaus	Shea	Wigley
Dempsey	Kalis	Nysether	Sherman	
Den Ouden	Lemen	Onnen	Sherwood	
Drew	Ludeman	Redalen	Stadum	
Erickson	Marsh	Rees	Stowell	

## Those who voted in the negative were:

Anderson, B.	Ewald	Kvam	Olsen	Simoneau
Anderson, I.	Forsythe	Laidig	Osthoff	Skoglund
Battaglia	Greenfield	Lehto	Otis	Staten
Begich	Gruenes	Levi	Peterson, B.	Stumpf
Berkelman	Gustafson	Long	Peterson, D.	Swanson
Blatz	Hanson	Luknic	Piepho	Tomlinson
Brandl	Harens	Mann	Pogemiller	Valan
Brinkman	Hauge	McCarron	Reding	Vanasek
Byrne	Himle	McEachern	Reif	Vellenga
Carlson, L.	Hokanson	Metzen	Rice	Voss
Clark, J.	Jacobs	Minne	Rodriguez, C.	Weaver
Clark, K.	Johnson, C.	Munger	Rodriguez, F.	Wenzel
Clawson	Johnson, D.	Murphy	Rose	Wynia
Dahlvang	Jude	Nelson, K.	Rothenberg	Spkr. Sieben, H.
Eken	Kahn	Norton	Samuelson	
Elioff	Kaley	Novak	Sarna	
Ellingson	Kelly	O'Connor	Schoenfeld	
Evans	Kostohryz	Ogren	Sieben, M.	

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

Nysether moved to amend H. F. No. 1443 as follows:

Page 22, line 38, delete "acquisition and development" and insert "maintenance and operation"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 51 yeas and 74 nays as follows:

## Those who voted in the affirmative were:

Aasness	Fjoslien	Kalis	Onnen	Sviggum
Ainley	Forsythe	Kvam	Piepho	Valan
Anderson, G.	Gruenes	Levi	Redalen	Valento
Anderson, R.	Hauge	Ludeman	Rose	Weaver
Blatz	Haukoos	Luknic	Schafer	Welker
Brinkman	Heap	Marsh	Schreiber	Wigley
Carlson, D.	Heinitz	McDonald	Searles	Zubay
Den Ouden	Himle	Mehrkens	Sherwood	
Eken	Hoberg	Niehaus	Stadum	
Erickson	Jennings	Nysether	Stowell	
Esau	Kaley	Ogren	Stumpf	

Those who voted in the negative were:

Anderson, B.	Ewald	Laidig	Osthoff	Sherman
Anderson, I.	Greenfield	Lehto	Otis	Sieben, M.
Battaglia	Gustafson	Lemen	Peterson, B.	Simoneau
Berkelman	Halberg	Long	Peterson, D.	Skoglund
Brandl	Hanson	McCarron	Pogemiller	Staten
Byrne	Harens	Metzen	Reding	Swanson
Carlson, L.	Hokanson	Minne	Rees	Tomlinson
Clark, J.	Jacobs	Munger	Reif	Vanasek
Clark, K.	Johnson, C.	Murphy	Rice	Vellenga
Clawson	Johnson, D.	Nelsen, B.	Rodriguez, C.	Voss
Dahlvang	Jude	Nelson, K.	Rodriguez, F.	Welch
Dempsey	Kahn	Norton	Rothenberg	Wenzel
Drew	Kelly	Novak	Samuelson	Wynia
Elioff	Knickerbocker	O'Connor	Schoenfeld	Spkr. Sieben, H.
Ellingson	Kostohryz	Olsen	Shea	

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

Lemen moved to amend H. F. No. 1443 as follows:

Page 122, line 15, strike "his" and insert "a"

Page 122, line 16, strike "his" and insert "the"

Page 122, line 21, strike "he"

Page 122, line 22, strike "has fully complied" and insert "*there has been full compliance*"

Page 122, line 31, after the first "the" insert "*salary of that*" and strike "his salary"

Page 122, line 32, strike "has returned his status" and insert "*is in*"

Page 122, line 33, strike "to"

Page 122, line 33, strike "his" and insert "a"

Page 123, line 9, strike "he" and insert "*the person*"

The motion prevailed and the amendment was adopted.

McDonald moved to amend H. F. No. 1443, as amended, as follows:

Page 3, delete lines 11 to 13

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 21 yeas and 94 nays as follows:

## Those who voted in the affirmative were:

Aasness	Esau	Niehaus	Sherwood	Zubay
Carlson, D.	Kalis	Nysether	Stadum	
Dempsey	Ludeman	Onnen	Valento	
Den Ouden	McDonald	Redalen	Welker	
Erickson	Nelsen, B.	Schafer	Wigley	

## Those who voted in the negative were:

Anderson, B.	Evans	Kostohryz	Ogren	Sieben, M.
Anderson, G.	Ewald	Kvam	Olsen	Simoneau
Anderson, I.	Forsythe	Laidig	Osthoff	Skoglund
Anderson, R.	Greenfield	Lehto	Otis	Staten
Battaglia	Gruenes	Levi	Peterson, D.	Stowell
Begich	Gustafson	Long	Piepho	Stumpf
Berkelman	Hanson	Luknic	Pogemiller	Sviggum
Blatz	Hauge	Mann	Reding	Swanson
Brandl	Heap	McCarron	Rees	Tomlinson
Byrne	Himle	McEachern	Reif	Valan
Carlson, L.	Hokanson	Mehrkens	Rice	Vanasek
Clark, J.	Hokr	Metzen	Rodriguez, C.	Vellenga
Clark, K.	Jacobs	Minne	Rodriguez, F.	Voss
Clawson	Johnson, C.	Munger	Rose	Weaver
Dahlvang	Johnson, D.	Murphy	Rothenberg	Welch
Drew	Jude	Nelson, K.	Sarna	Wenzel
Eken	Kahn	Norton	Schreiber	Wynia
Elioff	Kaley	Novak	Shea	Spkr. Sieben, H.
Ellingson	Kelly	O'Connor	Sherman	

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

McDonald moved to amend H. F. No. 1443, as amended, as follows:

Page 3, delete lines 14 and 15

Page 3, delete lines 25 to 29

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 30 yeas and 90 nays as follows:

## Those who voted in the affirmative were:

Aasness	Erickson	Marsh	Rees	Sviggum
Ainley	Esau	McDonald	Reif	Valan
Blatz	Fjoslien	Niehaus	Rose	Valento
Dempsey	Haukoos	Nysether	Schafer	Welker
Den Ouden	Jennings	Onnen	Sherwood	Wigley
Drew	Ludeman	Redalen	Stadum	Zubay

## Those who voted in the negative were:

Anderson, B.	Anderson, I.	Battaglia	Berkelman	Brinkman
Anderson, G.	Anderson, R.	Begich	Brandl	Byrne



Carlson, L.	Heap	Long	Olsen	Sieben, M.
Clark, J.	Himle	Luknic	Osthoff	Simoneau
Clark, K.	Hoberg	Mann	Otis	Skoglund
Clawson	Hokanson	McCarron	Peterson, D.	Staten
Dahlvang	Hokr	McEachern	Piepho	Stowell
Eken	Jacobs	Mehrkens	Pogemiller	Stumpf
Elioff	Johnson, C.	Metzen	Reding	Swanson
Ellingson	Johnson, D.	Minne	Rice	Tomlinson
Evans	Jude	Munger	Rodriguez, C.	Vanasek
Ewald	Kahn	Murphy	Rodriguez, F.	Vellenga
Forsythe	Kalis	Nelsen, B.	Samuelson	Voss
Greenfield	Kelly	Nelson, K.	Sarna	Weaver
Gruenes	Kostohryz	Norton	Schoenfeld	Welch
Gustafson	Laidig	Novak	Schreiber	Wenzel
Hanson	Lehto	O'Connor	Shea	Wynia
Hauge	Levi	Ogren	Sherman	Spkr. Sieben, H.

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

Begich moved to amend H. F. No. 1443, as amended, as follows:

Pages 69 to 85, delete sections 92 to 119

Renumber the sections

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 33 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Ainley	Dahlvang	Kelly	Niehaus	Stadum
Anderson, I.	Elioff	Ludeman	Novak	Swanson
Begich	Fjoslien	Marsh	Nysether	Valento
Berkelman	Gustafson	McDonald	Ogren	Welker
Blatz	Hokanson	McEachern	Onnen	Wigley
Brinkman	Jacobs	Metzen	Rees	
Carlson, D.	Jude	Minne	Sarna	

Those who voted in the negative were:

Anderson, G.	Forsythe	Laidig	Peterson, D.	Simoneau
Battaglia	Greenfield	Lehto	Piepho	Skoglund
Brandl	Gruenes	Lemen	Pogemiller	Stowell
Byrne	Halberg	Long	Redalen	Stumpf
Carlson, L.	Hauge	Luknic	Reding	Sviggum
Clark, J.	Haukoos	Mann	Reif	Tomlinson
Clark, K.	Heap	McCarron	Rice	Valan
Clawson	Himle	Mehrkens	Rodriguez, C.	Vanasek
Dempsey	Hoberg	Munger	Rose	Vellenga
Den Ouden	Johnson, C.	Murphy	Rothenberg	Voss
Drew	Johnson, D.	Nelsen, B.	Samuelson	Weaver
Eken	Kahn	Nelson, K.	Schoenfeld	Welch
Ellingson	Kaley	Norton	Schreiber	Wenzel
Erickson	Kalis	O'Connor	Shea	Wynia
Esau	Knickerbocker	Olsen	Sherman	Zubay
Evans	Kostohryz	Otis	Sherwood	Spkr. Sieben, H.
Ewald	Kvam	Peterson, B.	Sieben, M.	

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

Carlson, D., moved to amend H. F. No. 1443, as amended, as follows:

Page 2, line 4, after "APPROPRIATIONS" insert ", except as limited by section 62,"

Page 52, after line 28, insert:

"Sec. 62. [APPROPRIATIONS REDUCED.]

*Notwithstanding the dollar sums stated in sections 2 to 61, the amount appropriated to the agencies and purposes indicated in those sections and all riders or limitations upon appropriations is 1 1/2 percent less than the stated figures. This section shall be construed as if all dollar figures appearing in sections 2 to 61 were amended by reducing them, in each case, by 1 1/2 percent."*

Renumber subsequent sections accordingly

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 56 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Aasness	Forsythe	Kvam	Peterson, B.	Stowell
Ainley	Gruenes	Lemen	Redalen	Sviggum
Anderson, R.	Halberg	Levi	Rees	Valan
Carlson, D.	Haukoos	Ludeman	Reif	Valento
Dempsey	Heap	Marsh	Rose	Weaver
Den Ouden	Heinitz	McDonald	Rothenberg	Welker
Drew	Himle	Mehrkens	Schafer	Wigley
Erickson	Hoberg	Nelsen, B.	Schreiber	Zubay
Esau	Hokr	Niehaus	Searles	
Evans	Jennings	Nysether	Sherman	
Ewald	Kaley	Olsen	Sherwood	
Fjoslien	Knickerbocker	Onnen	Stadum	

Those who voted in the negative were:

Anderson, G.	Dahlvang	Johnson, D.	Metzen	Piepho
Anderson, I.	Eken	Jude	Minne	Pogemiller
Battaglia	Elioff	Kahn	Munger	Reding
Begich	Ellingson	Kalis	Murphy	Rice
Berkelman	Greenfield	Kelly	Nelson, K.	Rodriguez, C.
Brandl	Gustafson	Kostohryz	Norton	Rodriguez, F.
Brinkman	Hanson	Laidig	Novak	Samuelson
Byrne	Harens	Lehto	O'Connor	Sarna
Carlson, L.	Hauge	Long	Ogren	Schoenfeld
Clark, J.	Hokanson	Luknic	Osthoff	Sieben, M.
Clark, K.	Jacobs	Mann	Otis	Simoneau
Clawson	Johnson, C.	McCarron	Peterson, D.	Skoglund

Staten  
Stumpf  
Swanson

Tomlinson  
Vanasek  
Vellenga

Voss  
Welch  
Wenzel

Wynia

Spkr. Sieben, H.

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

Anderson, R., moved to amend H. F. No. 1443, as amended, as follows:

Page 11, line 12, delete "7,914,900 7,921,600" and insert "4,810,400 4,704,600"

Page 14, delete lines 5 to 22

Page 14, line 23, delete "8" and insert "7"

Page 14, after line 34, insert:

"Sec. 17. ECONOMIC DEVELOPMENT

General Operations and Management	3,304,500	3,417,000
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Approved Complement—61

General—58

Federal—3

The amounts that may be expended from this appropriation for each budget activity are as follows:

Business and Community Development

\$ 618,900	\$ 627,800
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Capital Investments

\$ 497,400	\$ 502,400
------------	------------

Tourism Services

\$ 725,800	\$ 739,300
------------	------------

General Support

\$1,462,400	\$1,547,500"
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Page 43, delete lines 25 to 27

Page 54, delete lines 31 to 36

Page 55, delete lines 1 to 36

Page 116, delete lines 6 to 36

Delete pages 117 to 120

Page 121, delete lines 1 to 28

Page 128, line 17, delete "*Subdivision 1*"

Page 128, delete lines 29 to 36

Page 129, delete lines 1 to 11

Page 129, line 15, delete "362.07; 362.08; 362.09; 362.11;"

Page 129, delete line 16

Renumber the sections in sequence

Further amend the title:

Page 1, line 11, after the semicolon delete "4.16, by adding subdivisions;"

Page 1, delete line 33

Page 1, line 34, delete "362.125; 362.13;"

Page 1, line 38, after "270;" delete "299A; and 362;" and insert "and 299A;"

Page 1, line 42, after "14;" delete "362.07; 362.08; 362.09; 362.11; 362.12;"

Page 1, delete line 43

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 47 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Aasness  
Ainley

Anderson, R.  
Blatz

Carlson, D.  
Dempsey

Drew  
Erickson

Esau  
Evans

Ewald	Himle	Luknic	Redalen	Sviggum
Fjoslien	Hoberg	Marsh	Rees	Valan
Forsythe	Hokr	Mehrrens	Reif	Weaver
Gruenes	Jennings	Niehaus	Rose	Wigley
Halberg	Kaley	Nysether	Rothenberg	Zubay
Haukoos	Knickerbocker	Olsen	Searles	
Heap	Kvam	Onnen	Stadum	
Heinitz	Ludeman	Peterson, B.	Stowell	

Those who voted in the negative were:

Anderson, G.	Elioff	Laidig	Osthoff	Sherwood
Anderson, I.	Ellingson	Lehto	Otis	Sieben, M.
Battaglia	Greenfield	Lemen	Peterson, D.	Simoneau
Begich	Gustafson	Long	Piepho	Skoglund
Berkelman	Hanson	Mann	Pogemiller	Staten
Brandl	Harens	Metzen	Reding	Stumpf
Brinkman	Hauge	Minne	Rice	Swanson
Byrne	Hokanson	Munger	Rodriguez, C.	Tomlinson
Carlson, L.	Jacobs	Murphy	Rodriguez, F.	Vanasek
Clark, J.	Johnson, C.	Nelsen, B.	Samuelson	Vellenga
Clark, K.	Johnson, D.	Nelson, K.	Sarna	Voss
Clawson	Jude	Norton	Schafer	Welch
Dahlvang	Kahn	Novak	Schoenfeld	Wenzel
Den Ouden	Kalis	O'Connor	Shea	Wynia
Eken	Kelly	Ogren	Sherman	Spkr. Sieben, H.

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

H. F. No. 1443, A bill for an act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government with certain conditions; providing for the transfer of certain moneys in the state treasury; authorizing land acquisition in certain cases; fixing and limiting the amount of fees to be collected in certain cases; amending Minnesota Statutes 1980, Sections 3.005, Subdivision 3; 3.304, by adding a subdivision; 4.16, by adding subdivisions; 5.08, Subdivision 2; 9.061, Subdivision 5; 11A.20, Subdivision 3; 16A.123; 17.59, by adding a subdivision; 17A.04, Subdivision 5; 17B.15, Subdivision 1; 18.51, Subdivision 2; 18.52, Subdivision 5; 18.54, Subdivision 1; 19.19, Subdivisions 1 and 2; 19.20, Subdivision 4; 27.041, Subdivision 2; 28A.08; 32.075; 32.59; 43.46, Subdivisions 2 and 3; 85.05, Subdivisions 1 and 2; 85.22, Subdivision 2a; 97.49, Subdivision 1; 98.46, Subdivisions 2, 2a, 3, 4, 5, 5a, 6, 7, 8, 9, 9a, 10, 11, 12, 14, 15, 16, 17, 18, 19 and by adding a subdivision; 98.47, Subdivision 1; 98.50, Subdivision 5; 99.28, Subdivision 5; 100.273, Subdivision 7; 100.35, Subdivisions 1 and 5; 101.44; 116C.69, Subdivisions 2 and 2a; 139.16; 139.17; 139.18; 139.19; 176.131, Subdivision 10; 176.183, Subdivision 2; 179.71, Subdivision 2; 179.72, Subdivision 3; 223.03; 223.12, Subdivision 1; 231.16; 232.02, Subdivisions 1, 2, and 3; 233.08; 270.66; 271.02; 284.28, Subdivision 8; 290.431; 299A.03, Subdivisions 1, 8 and 13; 322A.16; 322A.71; 352E.04; 354.43, Subdivision 3; 362.10; 362.12, Subdivisions 1a and 2; 362.121; 362.125; 362.13; 480.0595; 546.27; 638.08; and 648.39; Laws 1976, Chapter 337,

Section 1, Subdivisions 2, as amended, 3, and 4, as amended; Laws 1978, Chapter 510, Sections 2 and 5; proposing new law coded in Minnesota Statutes, Chapters 85; 116H; 270; 299A; and 362; repealing Minnesota Statutes 1980, Sections 7.07; 16A.75; 16A.751; 16A.752; 16A.753; 16A.754; 168B.11; 299A.-03, Subdivisions 1, 2, 3, 5, 6, 7, 9, 10, 11 and 14; 362.07; 362.08; 362.09; 362.11; 362.12, Subdivisions 3 and 4; 362.23; 362.45, Subdivision 2; 363.073, Subdivisions 1 and 2; 473.56, Subdivision 15; 648.45; 648.46; Laws 1976, Chapter 337, Section 4, as amended; and Laws 1978, Chapter 510, Section 10.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 74 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Laidig	O'Connor	Sieben, M.
Anderson, G.	Greenfield	Lehto	Ogren	Simoneau
Battaglia	Gustafson	Long	Osthoff	Skoglund
Begich	Hanson	Luknic	Otis	Staten
Berkelman	Harens	Mann	Peterson, D.	Stumpf
Brandl	Hauge	McCarron	Piepho	Swanson
Byrne	Hokanson	McEachern	Pogemiller	Tomlinson
Carlson, L.	Jacobs	Metzen	Reding	Vanasek
Clark, J.	Johnson, C.	Minne	Rice	Vellenga
Clark, K.	Johnson, D.	Munger	Rodriguez, C.	Voss
Clawson	Jude	Murphy	Rodriguez, F.	Welch
Dahlvang	Kahn	Nelsen, B.	Samuelson	Wenzel
Eken	Kalis	Nelson, K.	Sarna	Wynia
Elioff	Kelly	Norton	Schoenfeld	Spkr. Sieben, H.
Ellingson	Kostohryz	Novak	Shea	

Those who voted in the negative were:

Aasness	Ewald	Kaley	Onnen	Stadum
Ainley	Fjoslien	Knickerbocker	Peterson, B.	Stowell
Anderson, I.	Forsythe	Kvam	Redalen	Sviggum
Anderson, R.	Gruenes	Lemen	Rees	Valan
Blatz	Halberg	Levi	Reif	Valento
Brinkman	Haukoos	Ludeman	Rose	Weaver
Carlson, D.	Heap	Marsh	Rothenberg	Welker
Dempsey	Heinitz	McDonald	Schafer	Wigley
Den Ouden	Himle	Mehrkens	Schreiber	Zubay
Drew	Hoberg	Niehaus	Searles	
Erickson	Hokr	Nysether	Sherman	
Esau	Jennings	Olsen	Sherwood	

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

## GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. Wynia presided during a portion of the meeting of the

Committee of the Whole. After some time spent therein the Committee arose.

REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

S. F. No. 346 which it recommended progress until Monday, May 4, 1981, retaining its place on General Orders.

H. F. No. 18 which it recommended progress until Tuesday, May 5, 1981, retaining its place on General Orders with the following amendments:

Offered by Anderson, I.:

Page 2, line 2, delete "*business shall*" and insert "*employer means an employer transferring an employee to a place of business in Minnesota who meets the definition of employer in 29 U.S.C. Section 152, Clause (2), but does not mean an employer who meets the definition in*"

Page 2, line 3, delete "*exempt those businesses defined as small under*"

Page 2, line 4, after "*645.445*" insert "*, subdivision 2*"

Offered by Anderson, I.:

Page 1, line 21, delete "*labor dispute*" insert "*strike*"

Page 1, line 22, delete "*labor dispute*" insert "*strike*"

On the motion of Eken the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

Anderson, I., moved to amend H. F. No. 18 as follows:

Page 2, line 2, delete "*business shall*" and insert "*employer means an employer transferring an employee to a place of business in Minnesota who meets the definition of employer in 29 U.S.C. Section 152, Clause (2), but does not mean an employer who meets the definition in*"

Page 2, line 3, delete "exempt those businesses defined as small under"

Page 2, line 4, after "645.445" insert ", subdivision 2"

The question was taken on the amendment and the roll was called. There were 74 yeas and 50 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Knickerbocker	Ogren	Schoenfeld
Anderson, I.	Ellingson	Kostohryz	Onnen	Shea
Battaglia	Greenfield	Lehto	Osthoff	Sieben, M.
Begich	Gustafson	Long	Otis	Simoneau
Berkelman	Halberg	Mann	Peterson, D.	Skoglund
Blatz	Hanson	McCarron	Pogemiller	Staten
Brandl	Harens	McEachern	Redalen	Stumpf
Brinkman	Hauge	Metzen	Reding	Swanson
Byrne	Himle	Minne	Rees	Tomlinson
Carlson, L.	Hokanson	Munger	Rice	Vanasek
Clark, J.	Jacobs	Murphy	Rodriguez, C.	Vellenga
Clark, K.	Johnson, C.	Nelson, K.	Rodriguez, F.	Voss
Clawson	Jude	Norton	Rose	Wenzel
Dahlvang	Kalis	Novak	Samuelson	Wynia
Eken	Kelly	O'Connor	Sarna	

Those who voted in the negative were:

Aasness	Fjoslien	Kaley	Niehaus	Sherwood
Ainley	Forsythe	Kvam	Nysether	Stadum
Anderson, R.	Gruenes	Laidig	Olsen	Stowell
Carlson, D.	Haukoos	Lemen	Peterson, B.	Sviggum
Dempsey	Heap	Levi	Piepho	Valan
Den Ouden	Heinitz	Ludeman	Reif	Valento
Erickson	Hoberg	Luknic	Rothenberg	Weaver
Esau	Hokr	Marsh	Schafer	Welker
Evans	Jennings	Mehrkens	Searles	Wigley
Ewald	Johnson, D.	Nelsen, B.	Sherman	Zubay

The motion prevailed and the amendment was adopted.

Stadum offered an amendment to H. F. No. 18.

#### POINT OF ORDER

Rice raised a point of order pursuant to rule 3.9 that the amendment was not in order. Chairperson Wynia ruled the point of order well taken and the amendment out of order.

Stadum appealed the decision of the chair.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Chairperson stand as the judgment of the House?" and the roll was called. There were 68 yeas and 61 nays as follows:



Those who voted in the affirmative were :

Anderson, G.	Elioff	Kostohryz	Ogren	Simoneau
Anderson, I.	Ellingson	Lehto	Osthoff	Skoglund
Battaglia	Greenfield	Long	Otis	Staten
Begich	Gustafson	Mann	Peterson, D.	Stumpf
Berkelman	Hanson	McCarron	Pogemiller	Swanson
Brandl	Harens	McEachern	Reding	Vanasek
Brinkman	Hauge	Metzen	Rice	Vellenga
Byrne	Hokanson	Minne	Rodriguez, C.	Voss
Carlson, L.	Jacobs	Munger	Rodriguez, F.	Welch
Clark, J.	Johnson, C.	Murphy	Samuelson	Wenzel
Clark, K.	Jude	Nelson, K.	Sarna	Wynia
Clawson	Kahn	Norton	Schoenfeld	Spkr. Sieben, H.
Dahlvang	Kalis	Novak	Shea	
Eken	Kelly	O'Connor	Sieben, M.	

Those who voted in the negative were :

Aasness	Forsythe	Kvam	Onnen	Stadum
Ainley	Gruenes	Laidig	Peterson, B.	Stowell
Anderson, R.	Halberg	Lemen	Piepho	Sviggum
Blatz	Haukoos	Levi	Redalen	Valan
Carlson, D.	Heap	Ludeman	Rees	Valento
Dempsey	Heinitz	Luknic	Reif	Weaver
Den Ouden	Himle	Marsh	Rose	Welker
Drew	Hoberg	McDonald	Rothenberg	Wigley
Erickson	Hokr	Mehrkens	Schafer	Zubay
Esau	Jennings	Nelsen, B.	Schreiber	
Evans	Johnson, D.	Niehaus	Searles	
Ewald	Kaley	Nysether	Sherman	
Fjoslien	Knickerbocker	Olsen	Sherwood	

So it was the judgment of the House that the decision of the Chairperson should stand.

The question was taken on the motion to recommend passage of H. F. No. 18, as amended, and the roll was called. There were 56 yeas and 72 nays as follows :

Those who voted in the affirmative were :

Anderson, I.	Greenfield	Long	Osthoff	Staten
Battaglia	Gustafson	Mann	Otis	Swanson
Begich	Hanson	McCarron	Peterson, D.	Tomlinson
Brandl	Harens	McEachern	Pogemiller	Vanasek
Byrne	Hauge	Metzen	Reding	Voss
Carlson, L.	Hokanson	Minne	Rice	Wenzel
Clark, J.	Jacobs	Murphy	Rodriguez, F.	Wynia
Clark, K.	Jude	Nelson, K.	Samuelson	Spkr. Sieben, H.
Clawson	Kahn	Norton	Sarna	
Dahlvang	Kelly	Novak	Sieben, M.	
Elioff	Kostohryz	O'Connor	Simoneau	
Ellingson	Lehto	Ogren	Skoglund	

Those who voted in the negative were :

Aasness	Anderson, G.	Blatz	Dempsey	Eken
Ainley	Anderson, R.	Brinkman	Den Ouden	Erickson
Anderson, B.	Berkelman	Carlson, D.	Drew	Esau

Evans	Jennings	Marsh	Reif	Stumpf
Ewald	Johnson, C.	McDonald	Rose	Sviggum
Fjoslien	Johnson, D.	Mehrkens	Rothenberg	Valan
Forsythe	Kaley	Nelsen, B.	Schafer	Valento
Gruenes	Kalis	Niehaus	Schoenfeld	Weaver
Halberg	Knickerbocker	Nysether	Schreiber	Welch
Haukoos	Kvam	Olsen	Searles	Welker
Heap	Laidig	Onnen	Shea	Wigley
Heinitz	Lemen	Peterson, B.	Sherman	Zubay
Himle	Levi	Piepho	Sherwood	
Hoberg	Ludeman	Redalen	Stadum	
Hokr	Luknic	Rees	Stowell	

The motion did not prevail.

#### ADJOURNMENT

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Tuesday, April 28, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## FORTY-SECOND DAY

SAINT PAUL, MINNESOTA, TUESDAY, APRIL 28, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Pastor Ronald Bolt, Calvary Baptist Church, Roseville, Minnesota.

The roll was called and the following members were present:

Aasness	Evans	Kelly	O'Connor	Sieben, M.
Ainley	Ewald	Knickerbocker	Ogren	Simoneau
Anderson, B.	Fjoslien	Kostohryz	Olsen	Skoglund
Anderson, G.	Forsythe	Kvam	Onnen	Stadum
Anderson, I.	Friedrich	Laidig	Osthoff	Staten
Anderson, R.	Greenfield	Lehto	Otis	Stumpf
Battaglia	Gruenes	Lemen	Peterson, B.	Sviggum
Begich	Gustafson	Levi	Peterson, D.	Swanson
Berkelman	Halberg	Long	Piepho	Tomlinson
Blatz	Hanson	Ludeman	Pogemiller	Valan
Brandl	Harens	Luknic	Redalen	Valento
Brinkman	Hauge	Mann	Reding	Vanasek
Byrne	Haukoos	Marsh	Rees	Vellenga
Carlson, D.	Heap	McCarron	Reif	Voss
Carlson, L.	Heinitz	McDonald	Rice	Weaver
Clark, J.	Himle	McEachern	Rodriguez, C.	Welch
Clark, K.	Hoberg	Mehrkens	Rodriguez, F.	Welker
Clawson	Hokanson	Metzen	Rose	Wenzel
Dahlvang	Hokr	Minne	Rothenberg	Wieser
Dean	Jacobs	Munger	Samuelson	Wigley
Den Ouden	Jennings	Murphy	Sarna	Wynia
Drew	Johnson, C.	Nelsen, B.	Schafer	Zubay
Eken	Johnson, D.	Nelson, K.	Schoenfeld	Spkr. Sieben, H.
Elioff	Jude	Niehaus	Schreiber	
Ellingson	Kahn	Norton	Searles	
Erickson	Kaley	Novak	Sherman	
Esau	Kalis	Nysether	Sherwood	

A quorum was present.

Stowell was excused. Shea was excused until 3:00 p.m. Dempsey was excused until 4:35.

The Chief Clerk proceeded to read the Journal of the preceding day. Laidig moved that further reading of the Journal be

dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

#### REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 515, 871, 1446, 726, 1215, 18, 1132, 1344 and 1443 and S. F. Nos. 452, 886, 98, 649, 73, 227, 464, 1002, 1057, 1193, 1259, 1343, 34, 179, 650 and 188 have been placed in the members' files.

S. F. No. 98 and H. F. No. 116, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Berkelman moved that S. F. No. 98 be substituted for H. F. No. 116 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1343 and H. F. No. 1295, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Jude moved that S. F. No. 1343 be substituted for H. F. No. 1295 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1259 and H. F. No. 707, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Heap moved that the rules be so far suspended that S. F. No. 1259 be substituted for H. F. No. 707 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 649 and H. F. No. 871, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Valento moved that the rules be so far suspended that S. F. No. 649 be substituted for H. F. No. 871 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 886 and H. F. No. 1108, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Clark, K., moved that the rules be so far suspended that S. F. No. 886 be substituted for H. F. No. 1108 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 452 and H. F. No. 890, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Clark, K., moved that the rules be so far suspended that S. F. No. 452 be substituted for H. F. No. 890 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1057 and H. F. No. 1131, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Haukoos moved that the rules be so far suspended that S. F. No. 1057 be substituted for H. F. No. 1131 and that the House File be indefinitely postponed. The motion prevailed.

## REPORTS OF STANDING COMMITTEES

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 83, A bill for an act relating to insurance; broadening the scope of mandated group accident and health coverage for ambulatory mental health services; amending Minnesota Statutes 1980, Section 62A.152.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 62A.152, is amended to read:

**62A.152 [BENEFITS FOR AMBULATORY MENTAL HEALTH SERVICES.]**

Subdivision 1. [SCOPE.] The provisions of this section (SHALL) apply (a) to all group policies or subscriber contracts which provide benefits for at least 100 certificate holders who are residents of this state or groups of which more than 90 per-

*cent are residents of this state and are issued, delivered, or renewed (WITHIN THIS STATE AFTER AUGUST 1, 1975) by accident and health insurance companies regulated under this chapter, (AND) or by nonprofit health service plan corporations regulated under chapter 62C and (b) to all group policies or subscriber contracts which are issued, delivered, or renewed within this state by accident and health insurance companies regulated under this chapter, or by nonprofit health service plan corporations regulated under chapter 62C.*

Subd. 2. [MINIMUM BENEFITS.] All group policies and all group subscriber contracts providing benefits for mental or nervous disorder treatments in a hospital shall also provide coverage, to at least the extent of (90) 80 percent of the first (\$600) \$750 of the cost of the usual and customary charges incurred over a 12-month period, for mental or nervous disorder consultation, diagnosis and treatment services delivered while the insured person is not a bed patient in a hospital, if (SUCH) *the services are furnished by (1) a licensed or accredited hospital, (2) a community mental health center or mental health clinic approved or licensed by the commissioner of public welfare or other authorized state agency, or (3) (BY) a licensed consulting psychologist licensed under the provisions of sections 148.87 to 148.99, or (BY) a psychiatrist licensed under chapter 147.*

Sec. 2. Minnesota Statutes 1980, Section 62E.06, Subdivision 1, is amended to read:

Subdivision 1. [NUMBER THREE PLAN.] A plan of health coverage shall be certified as a number three qualified plan if it otherwise meets the requirements established by chapters 62A and 62C, and the other laws of this state, whether or not the policy is issued in Minnesota, and meets or exceeds the following minimum standards:

(a) The minimum benefits for a covered individual shall, subject to the other provisions of this subdivision, be equal to at least 80 percent of the cost of covered services in excess of an annual deductible which does not exceed \$150 per person. The coverage shall include a limitation of \$3,000 per person on total annual out-of-pocket expenses for services covered under this subdivision. The coverage shall be subject to a maximum lifetime benefit of not less than \$250,000.

The \$3,000 limitation on total annual out-of-pocket expenses and the \$250,000 maximum lifetime benefit shall not be subject to change or substitution by use of an actuarially equivalent benefit.

(b) Covered expenses shall be the usual and customary charges for the following services and articles when prescribed by a physician:

- (1) Hospital services;
- (2) Professional services for the diagnosis or treatment of injuries, illnesses, or conditions, other than outpatient mental or dental, which are rendered by a physician or at his direction;
- (3) Drugs requiring a physician's prescription;
- (4) Services of a nursing home for not more than 120 days in a year if the services would qualify as reimbursable services under medicare;
- (5) Services of a home health agency if the services would qualify as reimbursable services under medicare;
- (6) Use of radium or other radioactive materials;
- (7) Oxygen;
- (8) Anesthetics;
- (9) Prostheses other than dental;
- (10) Rental or purchase, as appropriate, of durable medical equipment other than eyeglasses and hearing aids;
- (11) Diagnostic X-rays and laboratory tests;
- (12) Oral surgery for partially or completely unerupted impacted teeth, a tooth root without the extraction of the entire tooth, or the gums and tissues of the mouth when not performed in connection with the extraction or repair of teeth;
- (13) Services of a physical therapist; and
- (14) Transportation provided by licensed ambulance service to the nearest facility qualified to treat the condition; or a reasonable mileage rate for transportation to a kidney dialysis center for treatment.

(c) Covered expenses for the services and articles specified in this subdivision do not include the following:

- (1) Any charge for care for injury or disease either (i) arising out of an injury in the course of employment and subject to a workers' compensation or similar law, (ii) for which benefits are payable without regard to fault under coverage statutorily required to be contained in any motor vehicle, or other liability insurance policy or equivalent self-insurance, or (iii) for which benefits are payable under another policy of accident and health



insurance, medicare or any other governmental program except as otherwise provided by law;

(2) Any charge for treatment for cosmetic purposes other than for reconstructive surgery when such service is incidental to or follows surgery resulting from injury, sickness or other diseases of the involved part or when such service is performed on a covered dependent child because of congenital disease or anomaly which has resulted in a functional defect as determined by the attending physician;

(3) Care which is primarily for custodial or domiciliary purposes which would not qualify as eligible services under medicare;

(4) Any charge for confinement in a private room to the extent it is in excess of the institution's charge for its most common semi-private room, unless a private room is prescribed as medically necessary by a physician, provided, however, that if the institution does not have semi-private rooms, its most common semi-private room charge shall be considered to be 90 percent of its lowest private room charge;

(5) That part of any charge for services or articles rendered or prescribed by a physician, dentist, or other health care personnel which exceeds the prevailing charge in the locality where the service is provided; and

(6) Any charge for services or articles the provision of which is not within the scope of authorized practice of the institution or individual rendering the services or articles.

(d) The minimum benefits for a qualified plan shall include, in addition to those benefits specified in clauses (a) and (e), benefits for (THE FOLLOWING SERVICES) *well baby care*, subject to applicable deductibles, coinsurance provisions, and maximum lifetime benefit limitations (:)

((1) WELL BABY CARE, EFFECTIVE JULY 1, 1980;)

((2) PHYSICIANS' SERVICES FOR ROUTINE CHECK-UPS AND ANNUAL PHYSICALS WHEN PRESCRIBED BY A PHYSICIAN, EFFECTIVE JULY 1, 1982;)

((3) MULTIPHASIC SCREENING AND OTHER DIAGNOSTIC TESTING, EFFECTIVE JULY 1, 1982. THE COMMISSIONER BY RULE SHALL PRESCRIBE REASONABLE LIMITS ON THE REIMBURSEMENT REQUIRED FOR SERVICES LISTED IN THIS CLAUSE).

(e) Effective July 1, 1979, the minimum benefits of a qualified plan shall include, in addition to those benefits specified in

clause (a), a second opinion from a physician on all surgical procedures expected to cost a total of \$500 or more in physician, laboratory and hospital fees, provided that the coverage need not include the repetition of any diagnostic tests.

Sec. 3. [EFFECTIVE DATE.]

*Section 1 is effective for all policies and contracts issued, renewed, or delivered on or after August 1, 1981."*

Amend the title as follows:

Page 1, line 4, after the semicolon insert "modifying certain comprehensive health insurance benefit coverages;"

Page 1, line 5, delete "Section" and insert "Sections" and after "62A.152" insert "; and 62E.06, Subdivision 1"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 325, A bill for an act relating to actions involving negligence; providing that contributory fault be measured against the aggregate fault of persons from whom recovery is sought; amending Minnesota Statutes 1980, Section 604.01, Subdivision 1.

Reported the same back with the following amendments:

Page 1, line 24, after the period insert: "*A person whose fault is less than that of a claimant is liable to the claimant only for that portion of the judgment which represents the percentage of fault attributable to him.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 682, A bill for an act relating to workers' compensation; expressing the intent of the legislature with respect to chapter 176; transferring compensation judges from the workers' compensation division to a separate division within the office of administrative hearings; making the workers' compensation court of appeals a separate and independent agency with appellate review powers; providing for a discount assumption with respect to calculating reserves for claims of insurance

companies; authorizing the commissioner of insurance to initiate a rate hearing; permitting benefit payment amounts to be rounded to whole dollars; clarifying certain provisions with respect to the Minnesota workers' compensation reinsurance association; redefining the maximum reinsurance liability limitation as a prefunded limit; providing for a survey of closed compensation claims and an examination of insurer reserving practices; removing the exemption of political subdivisions from the definitions of insurer and insurance in chapter 79; providing for the design and implementation of an improved records and information system in the department of labor and industry; providing for the addition of rehabilitation and computer support personnel in the department of labor and industry; permitting the commissioner of labor and industry to negotiate with his counterparts in other states in jurisdictional disputes; establishing a preponderance of the evidence standard in factual determinations under chapter 176; granting subrogation rights to the special compensation fund in third party actions; providing for lump sum permanent partial disability payments on return to work and weekly payments if an employee could but does not return to work; limiting attorneys' fees to only disputed portions of claims; providing a procedure for settlement offers by any litigant in a disputed claim proceeding; defining employee in certain situations; requiring claimants' attorneys to provide their clients with written information regarding fees under chapter 176; providing a penalty for attorneys who violate the fee provisions of chapter 176; providing a ten year limitation on death benefits to dependents; providing rehabilitation opportunities for dependent surviving spouses; requiring the commissioner of labor and industry to adopt disability degree schedules; prohibiting combined workers' compensation and government survivor benefits from exceeding the limit provided in chapter 176; providing a new formula for determining assessments against employers and insurers for the special compensation fund; providing for payment of attorneys' fees in disputes over supplementary benefits; requiring the commissioner of labor and industry to utilize a medical fee schedule; requiring the commissioner to review the quality of care and other aspects of medical delivery under workers' compensation; establishing a pilot medical panel to resolve disputes over medical disability; providing for payment of wage replacement or disability payments by a group insurer under appropriate provisions pending resolution of liability dispute over compensability; providing for early payment of benefits and a penalty for delay; requiring benefit payments to be made by immediately negotiable instrument; providing that notices of discontinuance of benefit payments be sent directly to claimant by insurer; delaying first benefit adjustment under chapter 176; mandating an insurance rate reduction by an amount reflecting cost savings due to benefit and administrative changes; providing penalties; changing procedures; creating and abolishing duties; appropriating money; amending Minnesota Statutes 1980, Sections 10A.01, Subdivision 18; 15.052, Subdivisions 1, 2, 3, 4 and 5; 15A.083, by adding a subdivision; 43.064; 60A.15,

Subdivision 1; 79.01, Subdivisions 2 and 3; 79.071, by adding subdivisions; 79.34, Subdivisions 1 and 2; 79.35; 79.36; 175.007; 175.101, by adding a subdivision; 175.11, Subdivision 1; 175.14; 175.17; 176.011, Subdivisions 6 and 9; 176.021, Subdivisions 1 and 3, and by adding subdivisions; 176.041, by adding a subdivision; 176.061, Subdivisions 1, 3, 4, 5, 6 and 7; 176.081, Subdivision 1, and by adding subdivisions; 176.101, Subdivision 3; 176.102, by adding a subdivision; 176.105, Subdivision 1; 176.111, Subdivisions 6, 7, 8, 10 and 21, and by adding a subdivision; 176.131, Subdivision 10; 176.132, Subdivision 2; 176.133; 176.136; 176.161, Subdivision 1; 176.181, Subdivisions 2 and 3, and by adding a subdivision; 176.191; 176.221; 176.225, by adding a subdivision; 176.231, Subdivisions 2 and 7; 176.241, Subdivisions 1, 2 and 3; 176.291; 176.301, Subdivision 1; 176.305; 176.311; 176.331; 176.341, Subdivision 1; 176.351; 176.371; 176.381; 176.391; 176.401; 176.411, Subdivisions 1 and 2; 176.421, Subdivisions 1, 4, 5, 6 and 7; 176.431, Subdivision 1; 176.441, Subdivision 1; 176.461; 176.471, Subdivisions 3, 5, 6 and 8; 176.491; 176.511, Subdivision 1; 176.521, Subdivisions 1 and 2; 176.531, Subdivision 3; 176.645; and 179.74, Subdivision 4; proposing new law coded as Minnesota Statutes, Chapter 175A; and proposing new law coded in Minnesota Statutes, Chapters 79 and 176; repealing Minnesota Statutes 1980, Sections 175.006, Subdivisions 1a and 2; 175.0061; 175.09; 176.111, Subdivision 11; and 176.441, Subdivision 2.

Reported the same back with the following amendments:

Page 10, delete lines 6 to 12

Page 10, line 13, delete "10" and insert "9"

Page 30, line 33, after "3a" insert a period

Page 86, line 29, after "appeals" insert "as"

Page 89, line 5, delete "25" and insert "20"

Amend the title as follows:

Page 2, line 38, delete "Subdivision" and insert "Subdivisions" and after "1," insert "2, 3, 4, 6,"

Page 2, line 57, delete "Chapters 79 and" and insert "Chapter"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 1029, A bill for an act relating to crimes; conforming the definition of trade secret in the law proscribing theft to the definition of trade secret in the uniform trade secrets act; amending Minnesota Statutes 1980, Section 609.52, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 1042, A bill for an act relating to sheriff fees; prescribing fees to be charged by the sheriff; amending Minnesota Statutes 1980, Section 357.09, Subdivisions 1 and 2, and by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 26, after "80,000" insert "*according to the latest federal decennial census or the population estimates of the demographer pursuant to section 4.12*"

Page 2, line 27, after "section" insert "*, but the county board in exempt counties shall set the sheriff's fees with the advice and consultation of the sheriff*"

Page 2, after line 27, insert:

"Sec. 4. [REPEALER.]

*Minnesota Laws 1978, Chapter 743, Section 12 is repealed."*

Amend the title as follows:

Page 1, line 5, after "subdivision" insert "; repealing Laws 1978, Chapter 743, Section 12"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 1236, A bill for an act relating to state land; authorizing the conveyance of certain state lands in Pine county to the Amherst H. Wilder Foundation.

Reported the same back with the following amendments:

Page 3, after line 24, insert:

*"Subd. 5. [STATE OPTION TO PURCHASE.] If the property conveyed to the Amherst H. Wilder Foundation pursuant to this section is not used for the purpose of operating a youth conservation camp, the foundation shall offer to the commissioner of natural resources an option to acquire the property at the appraised value as certified pursuant to subdivision 3 or the value as appraised in the manner provided in Minnesota Statutes, Section 94.10, Subdivision 1, at the time the option is offered, whichever value is less."*

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

S. F. No. 825, A bill for an act relating to courts; abolishing the maintenance of certain court records; amending Minnesota Statutes 1980, Sections 485.07; 548.08; 548.15; 548.22; 548.24; and 572.22, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1446, 83, 325, 1029 and 1042 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 98, 1343, 1259, 649, 886, 452, 1057 and 825 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Valan introduced:

H. F. No. 1447, A bill for an act relating to taxation; authorizing an income tax exemption for certain new business facilities; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; and 290.08, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

O'Connor, Tomlinson, Stumpf, Metzen and Anderson, I., introduced:

H. F. No. 1448, A bill for an act relating to counties; excepting a county legal assistance levy from levy limits; amending Minnesota Statutes 1980, Section 375.167, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Harens, Otis and Rothenberg introduced:

H. F. No. 1449, A bill for an act relating to the public utilities commission; making commissioners elected officials; increasing size of commission; changing certain procedures; amending Minnesota Statutes 1980, Section 216A.03, Subdivision 5; proposing new law coded in Minnesota Statutes, Chapter 216A; repealing Minnesota Statutes 1980, Section 216A.03, Subdivisions 1 and 1a.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Peterson, B.; Searles; Kvam and Schreiber introduced:

H. F. No. 1450, A bill for an act relating to the budget; authorizing a deficit in the budget at the end of fiscal year 1981 to be carried forward to the following fiscal year; appropriating money.

The bill was read for the first time and referred to the Committee on Taxes.

Zubay and Hokanson introduced:

H. F. No. 1451, A bill for an act relating to health; encouraging philanthropic support of hospitals; providing that funds derived from specified types of gifts or grants shall not be deducted from the operating costs of a hospital; proposing new law coded in Minnesota Statutes, Chapter 144.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Mann introduced:

H. F. No. 1452, A bill for an act relating to transportation; creating the Minnesota state highway improvement fund; appropriating money from the fund for improvements to the state trunk highway system; authorizing the issuance of state bonds for the fund pursuant to article XI of the constitution; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 174.

The bill was read for the first time and referred to the Committee on Transportation.

Halberg, by request, introduced:

H. F. No. 1453, A bill for an act relating to taxation; appropriating money for state payments to local units of government; limiting the amount of homestead credits; limiting local levies; imposing additional income taxes on individuals, estates, trusts, and corporations; limiting certain deductions; redefining the method for inflation proofing brackets, credits, and deductions; changing interest rates on delinquent taxes; rescheduling certain payments to local governments; changing definition of claimant for property tax refund and offsetting credit based on amount of medical assistance; providing for declaration and estimated payments of gross earnings tax; allowing deduction of federal taxes on the accrual basis; repealing distribution of estate taxes to counties; increasing the permissible levy for school districts to 23 mills; providing for a one year suspension of the penalty for school district underlevy; amending Minnesota Statutes 1980, Sections 124.01, Subdivision 3; 124.213; 124.212, by adding a subdivision; 270.75; 273.115, Subdivision 4; 273.116, Subdivision 4; 273.13, Subdivision 15a; 273.136, Subdivision 3; 273.138, Subdivision 5; 273.139, Subdivision 3; 275.125, Subdivision 2a; 275.50, Subdivision 2; 275.51, Subdivision 1 and by adding subdivisions; 275.55; 290.01, Subdivisions 20 and 23; 290.06, Subdivisions 2d, 3g, and by adding subdivisions; 290.067, Subdivision 2; 290.09, Subdivisions 4, 10, and 15; 290.10; 290.13, Subdivision 2, and by adding a subdivision; 290A.03, Subdivision 8; 290A.04, by adding a subdivision; 290A.07, Subdivision 2; 477A.01, Subdivision 4b; 477A.03; 477A.13; proposing new law coded in Minnesota Statutes, Chapters 275 and 295; repealing Minnesota Statutes 1980, Sections 275.50, Subdivisions 5 and 6; 275.51, Subdivisions 3d, 4, and 5; 275.52; 275.53; 275.54; 275.551; 275.552; 275.58; 275.59 and 291.33.

The bill was read for the first time and referred to the Committee on Taxes.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:



Mr. Speaker :

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 396, A bill for an act relating to the military; requiring the adjutant general to furnish an American flag upon request of the person disposing of the remains of a deceased person who served six years or more in the Minnesota national guard; proposing new law coded in Minnesota Statutes, Chapter 192.

The Senate has appointed as such committee Messrs. Schmitz, Taylor and Chmielewski.

House File No. 396 is herewith returned to the House.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker :

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 145, A bill for an act relating to crimes; authorizing notices of dishonored checks to be made by certified or regular mail and an affidavit of service by mailing; amending Minnesota Statutes 1980, Section 609.535, Subdivision 3.

And the Senate respectfully requests that a Conference Committee be appointed thereon. Messrs. Frederick, Wegener and Olhoft have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVER, Secretary of the Senate

Kelly moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 145. The motion prevailed.

Mr. Speaker :

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 359.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 671.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 915.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 1154.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 467, A bill for an act relating to motor vehicles; authorizing the identification of certain tax exempt vehicles by use of removable plates or placards; amending Minnesota Statutes 1980, Section 168.012, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Anderson, G., moved that the House concur in the Senate amendments to H. F. No. 467 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 467, A bill for an act relating to motor vehicles; authorizing the identification of certain tax exempt vehicles by use of removable plates or placards; amending Minnesota Statutes 1980, Section 168.012, Subdivision 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kalis	Nysether	Sherwood
Ainley	Esau	Kelly	O'Connor	Sieben, M.
Anderson, B.	Evans	Knickerbocker	Ogren	Simoneau
Anderson, G.	Fjoslien	Kostohryz	Olsen	Skoglund
Anderson, I.	Forsythe	Laidig	Onnen	Stadum
Anderson, R.	Friedrich	Lehto	Osthoff	Staten
Battaglia	Greenfield	Lemen	Otis	Stumpf
Begich	Gruenes	Levi	Peterson, D.	Sviggum
Berkelman	Halberg	Long	Piepho	Swanson
Blatz	Hanson	Ludeman	Pogemiller	Tomlinson
Brandl	Hauge	Luknic	Redalen	Valan
Brinkman	Haukoos	Mann	Reding	Valento
Byrne	Heap	Marsh	Rees	Vanasek
Carlson, D.	Heinitz	McCarron	Reif	Vellenga
Carlson, L.	Himle	McDonald	Rice	Voss
Clark, J.	Hoberg	McEachern	Rodriguez, C.	Weaver
Clark, K.	Hokanson	Mehrkens	Rodriguez, F.	Welch
Clawson	Hokr	Metzen	Rose	Welker
Dahivang	Jacobs	Minne	Rothenberg	Wenzel
Dean	Jennings	Munger	Samuelson	Wieser
Den Ouden	Johnson, C.	Murphy	Sarna	Wigley
Drew	Johnson, D.	Nelson, K.	Schafer	Wynia
Eken	Jude	Niehaus	Schoenfeld	Zubay
Elioff	Kahn	Norton	Schreiber	Spkr. Sieben, H.
Ellingson	Kaley	Novak	Sherman	

Those who voted in the negative were:

Peterson, B.

The bill was repassed, as amended by the Senate, and its title agreed to.

## FIRST READING OF SENATE BILLS

S. F. No. 359, A bill for an act relating to workers' compensation; expressing the intent of the legislature with respect to chapter 176; transferring compensation judges from the workers' compensation division to a separate division within the office of administrative hearings; making the workers' compensation court of appeals a separate and independent agency with appellate review powers; providing for a discount assumption with respect to calculating reserves for claims of insurance companies; authorizing the commissioner of insurance to initiate a rate hearing; permitting benefit payment amounts to be

rounded to whole dollars; clarifying certain provisions with respect to the Minnesota workers' compensation reinsurance association; redefining the maximum reinsurance liability limitation as a prefunded limit; providing for a survey of closed compensation claims and an examination of insurer reserving practices; removing the exemption of political subdivisions from the definitions of insurer and insurance in chapter 79; providing for the design and implementation of an improved records and information system in the department of labor and industry; providing for the addition of rehabilitation and computer support personnel in the department of labor and industry; permitting the commissioner of labor and industry to negotiate with his counterparts in other states in jurisdictional disputes; establishing a preponderance of the evidence standard in factual determinations under chapter 176; granting subrogation rights to the special compensation fund in third party actions; providing for lump sum permanent partial disability payments on return to work and weekly payments if an employee could but does not return to work; limiting attorneys' fees to only disputed portions of claims; providing a procedure for settlement offers by any litigant in a disputed claim proceeding; requiring claimants' attorneys to provide their clients with written information regarding fees under chapter 176; providing a penalty for attorneys who violate the fee provisions of chapter 176; providing a ten year limitation on death benefits to dependents; providing rehabilitation opportunities for dependent surviving spouses; requiring the commissioner of labor and industry to adopt disability degree schedules; prohibiting combined workers' compensation and government survivor benefits from exceeding the limit provided in chapter 176; providing a new formula for determining assessments against employers and insurers for the special compensation fund; providing for payment of attorneys' fees in disputes over supplementary benefits; requiring the commissioner of labor and industry to utilize a medical fee schedule; requiring the commissioner to review the quality of care and other aspects of medical delivery under workers' compensation; establishing a medical panel to resolve disputes over medical disability; providing for payment of wage replacement or disability payments by a group insurer under appropriate provisions pending resolution of liability dispute over compensability; providing for early payment of benefits and a penalty for delay; requiring benefit payments to be made by immediately negotiable instrument; providing that notices of discontinuance of benefit payments be sent directly to claimant by insurer; providing that division legal assistance employees be transferred to the attorney general; delaying first benefit adjustment under chapter 176 for 52 weeks from date of injury; mandating an insurance rate reduction by an amount reflecting cost savings due to benefit and administrative changes; providing penalties; appropriating money; amending Minnesota Statutes 1980, Sections 10A.01, Subdivision 18; 15.052, Subdivisions 1, 2, 3, 4, and 5; 15A.083, by adding a subdivision; 43.064; 60A.15, Subdivision 1; 60C.04; 60C.09, Subdivision 2; 79.01, Subdivisions 2 and 3; 79.071, Subdivision 1, and by adding subdivisions; 79.34, Subdivisions 1 and

2; 79.35; 79.36; 175.007; 175.11, Subdivision 1; 175.14; 175.17; 176.021, Subdivisions 1 and 3, and by adding subdivisions; 176.041, by adding a subdivision; 176.061, Subdivisions 1, 3, 4, 5, 6 and 7; 176.081, Subdivisions 1, 2, 3, 4, and 6, and by adding subdivisions; 176.101, Subdivision 3; 176.102, by adding a subdivision; 176.105, Subdivision 1; 176.111, Subdivisions 6, 7, 8, 10 and 21, and by adding a subdivision; 176.131, Subdivision 10; 176.132, Subdivision 2; 176.133; 176.136; 176.161, Subdivision 1; 176.181, Subdivisions 2 and 3, and by adding a subdivision; 176.191; 176.221; 176.225, by adding a subdivision; 176.231, Subdivisions 2 and 7; 176.241, Subdivisions 1, 2 and 3; 176.261; 176.291; 176.301, Subdivision 1; 176.305; 176.311; 176.331; 176.341, Subdivision 1; 176.351; 176.371; 176.381; 176.391; 176.401; 176.411, Subdivisions 1 and 2; 176.421, Subdivisions 1, 4, 5, 6 and 7; 176.431, Subdivision 1; 176.441, Subdivision 1; 176.461; 176.471, Subdivisions 3, 5, 6 and 8; 176.491; 176.511, Subdivision 1; 176.521, Subdivisions 1 and 2; 176.531, Subdivision 3; 176.645; and 179.74, Subdivision 4; proposing new law coded as Minnesota Statutes, Chapter 175A; and proposing new law coded in Minnesota Statutes, Chapters 79 and 176; repealing Minnesota Statutes 1980, Sections 79.071, Subdivisions 1, 2, 3, 4, 5, 6, and 7; 79.072; 79.073; 79.074, Subdivision 1; 79.075 to 79.09; 79.11 to 79.21; 79.22, Subdivision 1; 79.221 to 79.33; 175.006, Subdivisions 1a and 2; 175.0061; 175.09; 176.111, Subdivision 11; and 176.441, Subdivision 2; reenacting Laws 1980, Chapter 556, Section 12.

The bill was read for the first time and referred to the Committee on Appropriations.

S. F. No. 671, A bill for an act relating to crimes; conforming the definition of trade secret in the law proscribing theft to the definition of trade secret in the uniform trade secrets act; amending Minnesota Statutes 1980, Section 609.52, Subdivision 1.

The bill was read for the first time.

O'Connor moved that S. F. No. 671 and H. F. No. 1029, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 915, A bill for an act relating to sheriff fees; prescribing fees to be charged by the sheriff; amending Minnesota Statutes 1980, Section 357.09, Subdivisions 1 and 2, and by adding a subdivision.

The bill was read for the first time.

Valento moved that S. F. No. 915 and H. F. No. 1042, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1154, A bill for an act relating to state land; authorizing the conveyance of certain state lands in Pine county to the Amherst H. Wilder Foundation.

The bill was read for the first time and referred to the Committee on Appropriations.

### CONSENT CALENDAR

S. F. No. 525 was reported to the House.

Dahlvang moved that S. F. No. 525 be continued on the Consent Calendar for one day. The motion prevailed.

S. F. No. 1047, A bill for an act relating to negligent fires; altering minimum sentences for negligent fires; amending Minnesota Statutes 1980, Section 609.576.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 102 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Laidig	Onnen	Skoglund
Anderson, B.	Fjoslien	Lehto	Osthoff	Stadum
Anderson, G.	Forsythe	Lemen	Otis	Staten
Anderson, I.	Greenfield	Levi	Peterson, B.	Stumpf
Anderson, R.	Gruenes	Long	Peterson, D.	Swanson
Battaglia	Gustafson	Luknic	Piepho	Tomlinson
Begich	Hanson	Mann	Pogemiller	Valan
Berkelman	Hauge	Marsh	Reding	Valento
Blatz	Heinitz	McCarron	Rees	Vanasek
Brandl	Himie	McEachern	Reif	Vellenga
Brinkman	Hoberg	Mehrrens	Rice	Voss
Byrne	Hokanson	Metzen	Rodriguez, C.	Weaver
Carlson, L.	Hokr	Minne	Rodriguez, F.	Welch
Clark, J.	Jacobs	Munger	Rose	Wenzel
Clawson	Johnson, C.	Murphy	Rothenberg	Wieser
Dahlvang	Johnson, D.	Nelson, K.	Samuelson	Wynia
Dean	Jude	Novak	Sarna	Zubay
Drew	Kahn	Nysether	Schafer	Spkr. Sieben, H.
Eken	Kalis	O'Connor	Schreiber	
Elioff	Kelly	Ogren	Sieben, M.	
Ellingson	Kostohryz	Olsen	Simoneau	

Those who voted in the negative were:

Ainley	Esau	Ludeman	Schoenfeld	Wigley
Carlson, D.	Halberg	McDonald	Sherwood	
Den Ouden	Haukoos	Nelsen, B.	Sviggum	
Erickson	Jennings	Niehaus	Welker	

The bill was passed and its title agreed to.

## ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 145:

Kelly, McCarron and Heinitz.

Luknic was excused at 3:50 p.m.

## GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. Wynia presided during a portion of the meeting of the Committee of the Whole. After some time spent therein the Committee arose.

## REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. No. 691 which it recommended to pass.

H. F. Nos. 263 and 544 which it recommended progress.

H. F. No. 673 which it recommended progress retaining its place on General Orders with the following amendment offered by Staten:

Page 4, line 3, delete "*make*"

Page 4, line 4, delete "*public or private investigation*" and insert "*investigate*"

Page 4, line 22, delete everything after "*forth*" and insert "*the circumstances*"

Page 4, delete lines 23 to 25 and insert "*which have reasonably caused the Commissioner to believe that a violation of sections 332.31 to 332.45 may have occurred.*"

Page 4, delete lines 26 to 36

Page 5, delete lines 1 to 3

Re-number the remaining subdivision

H. F. No. 217 which it recommended to pass with the following amendments:

Offered by Kvam:

Page 1, delete lines 11 to 17, and insert:

*"the western city limits of the city of Cosmos in Meeker County to the end of the trail at Clara City in Chippewa"*

Offered by Redalen:

Page 3, following line 17, insert:

"Sec. 4. [REDUCTION IN BID PRICE.]

*The commissioner of natural resources shall reduce, by \$5,288 the amount of the successful bid pursuant to Laws 1980, Chapter 558, Section 5, for that portion of abandoned railway right-of-way lying within Fillmore County. It is the intent of this section to reduce the purchase price to compensate for an error in computation of the acreage sold and thereby avoid the expense and inconvenience of re-advertising the property for sale and conducting a new sale."*

Renumber the remaining section

Amend the title as follows:

Page 1, line 5, after "purposes" insert "; reducing the selling price on the sale of certain state owned trail land in Fillmore County"

H. F. No. 308 which it recommended to pass with the following amendment offered by Kelly; Osthoff; O'Connor; Rodriguez, F.; Vellenga; Hanson; Harens and Drew:

Page 1, line 16, strike "three" and insert "six"

Page 1, line 17, strike "six" and insert "12"

Page 1, line 17, delete "*in Ramsey County, and for no more*"

Page 1, delete the underscored language on line 18

H. F. No. 668 which it recommended to pass with the following amendment offered by Wenzel, Erickson, Stumpf and Ogren:

Page 2, after line 3, insert a new paragraph to read:

*"Be It Further Resolved, that there be limits set on the importation of beef and beef products; and"*



Page 2, line 13, delete "100,000" and insert "150,000 per farm unit"

Page 2, line 17, after "restricted" insert "by United States governmental, labor, or management activities that infringe upon the movement of agricultural commodities"

Page 2, after line 18, insert a new paragraph to read:

*"Be It Further Resolved*, that sugar beets be reinstated in the current farm bill; and"

Page 2, delete lines 25 to 28 and insert:

"Administration be directed to rededicate itself to its original mission of being the lender of last resort to the family farm of limited means; and"

Page 2, line 33, after "the" insert "state and"

Amend the title:

Page 1, line 2, delete "implement"

Page 1, line 3, delete "a farm policy designed" and insert "design the 1981 farm bill so as"

S. F. No. 365 which it recommended progress with the following amendments:

Offered by Greenfield:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 15.375, Subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER OF FINANCE; DUTIES.] The commissioner of finance, upon the written request of a state officer or employee, may deduct each payroll period from the salary or wages of the officer or employee the amount specified (THEREIN) *in the written request* for payment to (THE UNITED FUND) *a registered combined charitable organization defined in section 2, which has been registered with the commissioner of securities and real estate for at least two years.* (AND) *The commissioner of finance shall issue his warrant (THEREFOR) in that amount to (THE UNITED FUND) that approved combined charitable organization.*

Sec. 2. [309.501] [REGISTERED COMBINED CHARITABLE ORGANIZATIONS.]

*Subdivision 1. [DEFINITIONS.] As used in this section, the following terms have the meanings given them.*

*"Registered combined charitable organization" means an organization (1) which is tax exempt under section 501(c)3 of the Internal Revenue Code of 1954, as amended through December 31, 1980 (hereinafter "Internal Revenue Code"), and to which contributions are deductible under section 170 of the Internal Revenue Code; (2) which secures funds for distribution to ten or more charitable agencies in a single, annual consolidated effort; (3) which is in compliance with the provisions of this chapter; and (4) which has been registered by the commissioner of securities and real estate in the department of commerce in accordance with this section.*

*"Charitable agency" means a governmental agency or an organization (1) which is tax exempt under section 501(c)3 of the Internal Revenue Code; (2) to which contributions are deductible under section 170 of the Internal Revenue Code; and (3) which is in compliance with the provisions of this chapter.*

*Subd. 2. [DESIGNATED CONTRIBUTIONS.] A registered combined charitable organization may offer a state officer or employee the option of designating in writing that the amount deducted in section 1 be designated to any charitable agency, whether or not the charitable agency receives funds from the single, annual consolidated effort. A registered charitable organization which offers this option shall provide a list of charitable agencies receiving funds and the amount each charitable agency receives in the annual report required pursuant to section 309.53.*

*Subd. 3. [REGISTRATION.] An organization may apply to the commissioner of securities and real estate in the department of commerce on forms provided by the commissioner as a registered combined charitable organization. An organization which applies to the commissioner shall provide the commissioner with all information the commissioner deems necessary to identify the charitable and tax exempt status of the organization and its compliance with the provisions of this chapter. The organization shall also provide the commissioner with a list of the charitable agencies that the organization secures funds for and all information the commissioner deems necessary to determine the charitable and tax exempt status of these agencies and their compliance with the provisions of chapter 309. Notwithstanding section 309.53, subdivision 1a, each charitable agency shall file the report required in section 309.53. The commissioner shall consult with the attorney general to determine if the combined charitable organization and its charitable agencies are in compliance with chapter 309. The commissioner shall approve or disapprove the application of an organization within 60 days. The decision of the commissioner shall be in writing and shall be based on the provisions of this section. No organization may*

*apply to the commissioner more than once in a 12 month period. Registered combined charitable organizations shall file the report required in section 309.53. The commissioner shall notify the commissioner of finance in writing of his decision to register an organization under this section.*

Sec. 3. [RULES.]

*The commissioner may promulgate rules to implement the provisions of sections 1 and 2. The rules shall not require the modification of any existing payroll deduction fund drive for state employees previously authorized by section 15.375, Subdivision 1.*

Sec. 4. [TRANSITION.]

*Notwithstanding any contrary provision of sections 1 to 4, a payroll deduction fund drive existing on the effective date of this act (a) may continue this fund drive until March 1, 1983; and (b) may continue to distribute funds received from 1983 payroll deductions.*

Sec. 5. [REPEALER.]

*Minnesota Statutes 1980, Section 15.375, Subdivision 1, is repealed.*

Sec. 6. [EFFECTIVE DATE.]

*The effective date of sections 1, 2, and 3 shall be March 1, 1982."*

Offered by Greenfield:

Page 3, line 17, after "commissioner" insert "of securities and real estate"

Page 3, line 18, after "rules" insert "or guidelines"

Page 3, line 21, after the period, insert "The commissioner of securities and real estate shall also promulgate rules or issue guidelines governing the conduct of fund drives under sections 1 and 2 at state work stations. The purpose of these rules or guidelines shall be to minimize disruption in the work of state employees. All qualified registered combined charitable organizations shall conduct fund drives concurrently, no more than once each year."

On the motion of Eken the report of the Committee of the Whole was adopted.

## ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

The question was taken on the motion to recommend passage of H. F. No. 673, as amended, and the roll was called. There were 64 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Eken	Kahn	Novak	Sieben, M.
Anderson, I.	Elioff	Kelly	O'Connor	Simoneau
Battaglia	Ellingson	Kostohryz	Ogren	Skoglund
Begich	Greenfield	Lehto	Osthoff	Staten
Berkelman	Gustafson	Lemen	Otis	Stumpf
Brandl	Hanson	Long	Peterson, D.	Tomlinson
Byrne	Harens	Luknic	Pogemiller	Vanasek
Carlson, L.	Hauge	McCarron	Rees	Vellenga
Clark, J.	Heinitz	Minne	Rice	Voss
Clark, K.	Hokanson	Munger	Rodriguez, C.	Wenzel
Clawson	Jacobs	Murphy	Rodriguez, F.	Wynia
Dahlvang	Johnson, C.	Nelson, K.	Samuelson	Spkr. Sieben, H.
Drew	Jude	Norton	Sarna	

Those who voted in the negative were:

Aasness	Fjoslien	Kalis	Niehaus	Sherman
Ainley	Forsythe	Knickerbocker	Nysether	Sherwood
Anderson, B.	Friedrich	Kvam	Olsen	Stadum
Anderson, R.	Gruenes	Laidig	Onnen	Sviggum
Blatz	Halberg	Levi	Peterson, B.	Swanson
Brinkman	Haukoos	Ludeman	Piepho	Valan
Carlson, D.	Heap	Mann	Redalen	Valento
Dean	Himle	Marsh	Reif	Weaver
Den Ouden	Hoberg	McDonald	Rose	Welch
Erickson	Hokr	McEachern	Rothenberg	Welker
Esau	Jennings	Mehrkens	Schafer	Wieser
Evans	Johnson, D.	Metzen	Schoenfeld	Wigley
Ewald	Kaley	Nelsen, B.	Schreiber	Zubay

The motion did not prevail.

Kvam moved to amend H. F. No. 217, as follows:

Page 1, delete lines 11 to 17, and insert: "*the western boundary of McLeod County to the end of the trail at Clara City in Chippewa*"

The question was taken on the amendment and the roll was called. There were 39 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Ainley	Anderson, R.	Den Ouden	Drew	Erickson
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Esau	Himle	Ludeman	Piepho	Valento
Evans	Hoberg	McDonald	Redalen	Weaver
Fjoslien	Hokr	Mehrkens	Schafer	Welker
Friedrich	Jennings	Nelsen, B.	Searles	Wieser
Gruenes	Johnson, D.	Niehaus	Stadum	Wigley
Haukoos	Kvam	Nysether	Sviggum	Zubay
Heinitz	Lemen	Onnen	Valan	

Those who voted in the negative were:

Anderson, B.	Elioff	Kostohryz	O'Connor	Shea
Anderson, G.	Ellingson	Laidig	Ogren	Sherman
Anderson, I.	Ewald	Lehto	Osthoff	Sherwood
Battaglia	Greenfield	Long	Otis	Sieben, M.
Begich	Halberg	Luknic	Peterson, B.	Simoneau
Berkelman	Hanson	Mann	Peterson, D.	Skoglund
Blatz	Harens	Marsh	Reding	Staten
Brandl	Hauge	McCarron	Rees	Stumpf
Byrne	Hokanson	McEachern	Rice	Swanson
Carlson, L.	Jacobs	Metzen	Rodriguez, C.	Tomlinson
Clark, J.	Johnson, C.	Minne	Rodriguez, F.	Vanasek
Clark, K.	Jude	Munger	Rose	Vellenga
Clawson	Kahn	Murphy	Rothenberg	Voss
Dahlvang	Kalis	Nelson, K.	Samuelson	Wenzel
Dean	Kelly	Norton	Sarna	Wynia
Eken	Knickerbocker	Novak	Schoenfeld	Spkr. Sieben, H.

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

Kvam moved to amend H. F. No. 217, as follows:

Page 1, delete lines 11 to 17, and insert: "*the western city limits of the city of Cosmos in Meeker County to the end of the trail at Clara City in Chippewa*"

The question was taken on the amendment and the roll was called. There were 68 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kaley	Olsen	Sherwood
Ainley	Esau	Knickerbocker	Onnen	Skoglund
Anderson, B.	Evans	Kvam	Osthoff	Stadum
Anderson, I.	Fjoslien	Lemen	Piepho	Sviggum
Anderson, R.	Friedrich	Levi	Redalen	Valan
Battaglia	Gruenes	Ludeman	Reding	Valento
Begich	Halberg	Marsh	Rose	Weaver
Blatz	Haukoos	McDonald	Rothenberg	Welker
Byrne	Heinitz	McEachern	Sarna	Wenzel
Carlson, D.	Himle	Mehrkens	Schafer	Wieser
Dahlvang	Hoberg	Minne	Schoenfeld	Wigley
Dean	Hokr	Nelsen, B.	Schreiber	Zubay
Den Ouden	Jennings	Niehaus	Searles	
Drew	Johnson, D.	Nysether	Sherman	

Those who voted in the negative were:

Berkelman	Carlson, L.	Clark, K.	Eken	Ewald
Brandl	Clark, J.	Clawson	Ellingson	Greenfield

Gustafson	Kalis	Norton	Rodriguez, C.	Vellenga
Hanson	Kelly	Novak	Rodriguez, F.	Voss
Harens	Kostohryz	O'Connor	Shea	Welch
Hauge	Laidig	Ogren	Sieben, M.	Wynia
Hokanson	Lehto	Otis	Simoneau	Spkr. Sieben, H.
Jacobs	Long	Peterson, B.	Staten	
Johnson, C.	Mann	Peterson, D.	Swanson	
Jude	Munger	Rees	Tomlinson	
Kahn	Nelson, K.	Rice	Vanasek	

The motion prevailed and the amendment was adopted.

The question was taken on the motion to recommend passage of H. F. No. 217, as amended, and the roll was called. There were 73 yeas and 50 nays as follows:

Those who voted in the affirmative were:

Aasness	Friedrich	Ludeman	Redalen	Sviggum
Ainley	Gruenes	Luknic	Reding	Tomlinson
Anderson, B.	Gustafson	Mann	Rees	Valan
Anderson, G.	Hauge	Marsh	Rice	Valento
Anderson, R.	Haukoos	McCarron	Rodriguez, F.	Vellenga
Battaglia	Himle	McDonald	Samuelson	Weaver
Begich	Hoberg	Mehrkens	Schafer	Welch
Blatz	Hokr	Minne	Schoenfeld	Welker
Carlson, D.	Jennings	Nelsen, B.	Schreiber	Wenzel
Den Ouden	Johnson, D.	Niehaus	Searles	Wieser
Eken	Kaley	Nysether	Sherman	Wigley
Erickson	Kalis	O'Connor	Sherwood	Zubay
Esau	Kvam	Ogren	Stadum	Spkr. Sieben, H.
Evans	Lemen	Onnen	Staten	
Fjoslien	Levi	Piepho	Stumpf	

Those who voted in the negative were:

Anderson, I.	Ellingson	Jude	Munger	Rose
Berkelman	Ewald	Kahn	Norton	Rothenberg
Brandl	Forsythe	Kelly	Novak	Sarna
Byrne	Greenfield	Knickerbocker	Olsen	Shea
Carlson, L.	Halberg	Kostohryz	Kosthoff	Simoneau
Clark, J.	Hanson	Laidig	Otis	Skoglund
Clawson	Harens	Lehto	Peterson, B.	Swanson
Dahlvang	Heap	Long	Peterson, D.	Vanasek
Dean	Hokanson	McEachern	Pogemiller	Voss
Drew	Jacobs	Metzen	Rodriguez, C.	Wynia

The motion prevailed.

Kelly; Osthoff; O'Connor; Rodriguez, F.; Vellenga; Hanson; Harens and Drew moved to amend H. F. No. 308, as follows:

Page 1, line 16, strike "three" and insert "six"

Page 1, line 17, strike "six" and insert "12"

Page 1, line 17, delete "in Ramsey County, and for no more"

Page 1, delete the underscored language on line 18

Byrne moved to amend the Kelly amendment to H. F. No. 308, as follows:

Line 1, delete "six" and insert "four"

Line 2, delete "12" and insert "8"

The question was taken on the amendment to the amendment and the roll was called. There were 11 yeas and 101 nays as follows:

Those who voted in the affirmative were:

Byrne	Kahn	Nelson, K.	Voss	Wynia
Clark, J.	Lehto	Norton		
Clawson	McCarron	Samuelson		

Those who voted in the negative were:

Ainley	Friedrich	Kostohryz	Olsen	Sherman
Anderson, I.	Greenfield	Kvam	Onnen	Sherwood
Anderson, R.	Gruenes	Laidig	Osthoff	Skoglund
Battaglia	Gustafson	Lemen	Otis	Stadum
Begich	Halberg	Levi	Peterson, B.	Staten
Berkelman	Hanson	Long	Peterson, D.	Sviggum
Blatz	Harens	Ludeman	Pogemiller	Swanson
Brandl	Haukoos	Mann	Redalen	Tomlinson
Carlson, D.	Heap	Marsh	Reding	Valan
Carlson, L.	Himle	McDonald	Rees	Valento
Dahlvang	Hoberg	McEachern	Reif	Vellenga
Dean	Hokanson	Mehrkens	Rice	Weaver
Den Ouden	Hokr	Metzen	Rodriguez, C.	Welker
Drew	Jacobs	Minne	Rodriguez, F.	Wenzel
Elioff	Jennings	Murphy	Rose	Wieser
Ellingson	Johnson, C.	Nelsen, B.	Rothenberg	Wigley
Erickson	Johnson, D.	Niehaus	Sarna	Zubay
Esau	Jude	Novak	Schafer	
Evans	Kalis	Nysether	Schoenfeld	
Fjoslien	Kelly	O'Connor	Schreiber	
Forsythe	Knickerbocker	Ogren	Searles	

The motion did not prevail and the amendment to the amendment was not adopted.

Ludeman moved to amend H. F. No. 544, as follows:

Page 3, after line 2, insert:

*"Subd. 5. Nothing in this act shall preclude any individual employee or group of employees acting in concert from electing to make and administer directly with the transferee employer any individual or collective contract of employment or present any grievances, without the intervention of the collective bargaining representatives, whether that contract or grievance adjustment is consistent or inconsistent with the terms of a collective bargaining agreement then in effect."*

## Renumber the subdivision

The question was taken on the amendment and the roll was called. There were 55 yeas and 65 nays as follows:

## Those who voted in the affirmative were:

Aasness	Ewald	Johnson, D.	Niehaus	Searles
Ainley	Fjoslien	Kaley	Nysether	Sherman
Anderson, R.	Forsythe	Kvam	Olsen	Sherwood
Blatz	Friedrich	Laidig	Onnen	Stadum
Carlson, D.	Halberg	Lemen	Peterson, B.	Sviggum
Dean	Haukoos	Levi	Piepho	Valan
Den Ouden	Heinitz	Ludeman	Redalen	Valento
Drew	Himle	Marsh	Reif	Welker
Erickson	Hoberg	McDonald	Rothenberg	Wieser
Esau	Hokr	Mehrkens	Schafer	Wigley
Evans	Jennings	Nelsen, B.	Schoenfeld	Zubay

## Those who voted in the negative were:

Anderson, I.	Greenfield	Kelly	Ogren	Sieben, M.
Battaglia	Gruenes	Kostohryz	Osthoff	Simoneau
Begich	Gustafson	Lehto	Otis	Skoglund
Brandl	Hanson	Long	Peterson, D.	Staten
Brinkman	Harens	Mann	Pogemiller	Stumpf
Carlson, L.	Hauge	Metzen	Reding	Swanson
Clark, J.	Heap	Minne	Rees	Tomlinson
Clark, K.	Hokanson	Munger	Rice	Vanasek
Clawson	Jacobs	Murphy	Rodriguez, C.	Vellenga
Dahlvang	Johnson, C.	Nelson, K.	Rodriguez, F.	Voss
Eken	Jude	Norton	Rose	Wenzel
Elioff	Kahn	Novak	Sarna	Wynia
Ellingson	Kalis	O'Connor	Shea	Spkr. Sieben, H.

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

The question was taken on the motion to recommend passage of H. F. No. 544 and the roll was called. There were 57 yeas and 66 nays as follows:

## Those who voted in the affirmative were:

Anderson, G.	Ellingson	Lehto	Otis	Staten
Anderson, I.	Greenfield	Long	Peterson, D.	Stumpf
Battaglia	Gustafson	Mann	Pogemiller	Swanson
Begich	Hanson	Minne	Reding	Tomlinson
Berkelman	Harens	Munger	Rice	Vellenga
Brandl	Hauge	Murphy	Rodriguez, C.	Voss
Byrne	Hokanson	Nelson, K.	Rodriguez, F.	Wenzel
Carlson, L.	Jacobs	Norton	Sarna	Wynia
Clark, J.	Jude	Novak	Shea	Spkr. Sieben, H.
Clark, K.	Kahn	O'Connor	Sieben, M.	
Dahlvang	Kelly	Ogren	Simoneau	
Elioff	Kostohryz	Osthoff	Skoglund	

## Those who voted in the negative were:

Aasness	Ainley	Anderson, B.	Anderson, R.	Blatz
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Brinkman	Halberg	Kvam	Peterson, B.	Valan
Carlson, D.	Haukoos	Laidig	Piepho	Valento
Dean	Heap	Lemen	Redalen	Vanasek
Den Ouden	Heinitz	Levi	Reif	Weaver
Drew	Himle	Ludeman	Rose	Welch
Erickson	Hoberg	Marsh	Rothenberg	Welker
Esau	Hokr	McDonald	Schafer	Wieser
Evans	Jennings	Mehrkens	Schoenfeld	Wigley
Ewald	Johnson, C.	Nelsen, B.	Searles	Zubay
Fjoslien	Johnson, D.	Niehaus	Sherman	
Forsythe	Kaley	Nysether	Sherwood	
Friedrich	Kalis	Olsen	Stadum	
Gruenes	Knickerbocker	Onnen	Sviggun	

The motion did not prevail.

Wenzel, Erickson, Stumpf, and Ogren moved to amend H. F. No. 668, as follows:

Page 2, after line 3, insert a new paragraph to read:

*"Be It Further Resolved*, that there be limits set on the importation of beef and beef products; and"

Page 2, line 13, delete "100,000" and insert "150,000 per farm unit"

Page 2, line 17, after "restricted" insert "by United States governmental, labor, or management activities that infringe upon the movement of agricultural commodities"

Page 2, after line 18, insert a new paragraph to read:

*"Be It Further Resolved*, that sugar beets be reinstated in the current farm bill; and"

Page 2, delete lines 25 to 28 and insert:

"Administration be directed to rededicate itself to its original mission of being the lender of last resort to the family farm of limited means; and"

Page 2, line 33, after "the" insert "state and"

Amend the title:

Page 1, line 2, delete "implement"

Page 1, line 3, delete "a farm policy designed" and insert "design the 1981 farm bill so as"

The question was taken on the amendment and the roll was called. There were 118 yeas and 3 nays as follows:

## Those who voted in the affirmative were:

Aasness	Ellingson	Kelly	Nysether	Sherwood
Ainley	Erickson	Knickerbocker	Ogren	Sieben, M.
Anderson, B.	Esau	Kostohryz	Olsen	Simoneau
Anderson, G.	Evans	Kvam	Onnen	Skoglund
Anderson, I.	Ewald	Laidig	Osthoff	Stadum
Anderson, R.	Fjoslien	Lehto	Otis	Stumpf
Battaglia	Friedrich	Levi	Peterson, B.	Sviggum
Begich	Gruenes	Long	Peterson, D.	Swanson
Berkelman	Halberg	Ludeman	Piepho	Tomlinson
Blatz	Harens	Mann	Redalen	Valan
Brandl	Hauge	Marsh	Reding	Valento
Brinkman	Haukoos	McCarron	Rees	Vanasek
Carlson, D.	Heap	McDonald	Reif	Voss
Carlson, L.	Heinitz	McEachern	Rice	Weaver
Clark, J.	Himle	Mehrkens	Rodriguez, C.	Welch
Clark, K.	Hoberg	Metzen	Rodriguez, F.	Welker
Clawson	Hokanson	Minne	Rose	Wenzel
Dahlvang	Hokr	Munger	Rothenberg	Wieser
Dean	Jacobs	Murphy	Sarna	Wigley
Dempsey	Jennings	Nelsen, B.	Schafer	Wynia
Den Ouden	Johnson, C.	Nelson, K.	Schoenfeld	Zubay
Drew	Johnson, D.	Niehaus	Searles	Spkr. Sieben, H.
Eken	Jude	Norton	Shea	
Elioff	Kalis	Novak	Sherman	

## Those who voted in the negative were:

Greenfield      Gustafson      Kahn

The motion prevailed and the amendment was adopted.

The question was taken on the motion to recommend passage of S. F. No. 365, as amended, and the roll was called. There were 40 yeas and 85 nays as follows:

## Those who voted in the affirmative were:

Anderson, B.	Eken	Lehto	Norton	Rodriguez, F.
Anderson, G.	Greenfield	Lemen	O'Connor	Simoneau
Brandl	Gustafson	Long	Ogren	Staten
Byrne	Hanson	McCarron	Otis	Tomlinson
Clark, J.	Harens	McEachern	Peterson, D.	Vanasek
Clark, K.	Hauge	Metzen	Pogemiller	Vellenga
Clawson	Kahn	Munger	Rice	Voss
Drew	Kelly	Nelson, K.	Rodriguez, C.	Wynia

## Those who voted in the negative were:

Aasness	Dempsey	Gruenes	Johnson, D.	Marsh
Ainley	Den Ouden	Halberg	Jude	McDonald
Anderson, I.	Elioff	Haukoos	Kaley	Mehrkens
Battaglia	Ellingson	Heap	Kalis	Minne
Begich	Erickson	Heinitz	Knickerbocker	Nelsen, B.
Berkelman	Esau	Himle	Kostohryz	Niehaus
Blatz	Evans	Hoberg	Kvam	Novak
Carlson, D.	Ewald	Hokanson	Laidig	Nysether
Carlson, L.	Fjoslien	Hokr	Levi	Olsen
Dahlvang	Forsythe	Jennings	Ludeman	Onnen
Dean	Friedrich	Johnson, C.	Mann	Osthoff

Peterson, B.	Rothenberg	Searles	Stumpf	Welch
Piepho	Samuelson	Shea	Sviggum	Welker
Redalen	Sarna	Sherman	Swanson	Wenzel
Rees	Schafer	Sherwood	Valan	Wieser
Reif	Schoenfeld	Skoglund	Valento	Wigley
Rose	Schreiber	Stadum	Weaver	Zubay

The motion did not prevail.

The question was taken on the motion to recommend passage of H. F. No. 691 and the roll was called. There were 80 yeas and 46 nays as follows :

Those who voted in the affirmative were :

Aasness	Fjoslien	Kaley	Nysether	Sherman
Anderson, G.	Forsythe	Knickerbocker	Olsen	Sherwood
Anderson, R.	Friedrich	Kostohryz	Onnen	Stadum
Blatz	Gruenes	Kvam	Osthoff	Stumpf
Brandl	Hanson	Laidig	Peterson, D.	Sviggum
Brinkman	Hauge	Lehto	Redalen	Swanson
Byrne	Haukoos	Lemen	Reding	Tomlinson
Carlson, D.	Heap	Long	Rees	Valan
Carlson, L.	Heinitz	Ludeman	Reif	Valento
Dahlvang	Himle	Marsh	Rodriguez, C.	Voss
Dean	Hoberg	McCarron	Rose	Weaver
Den Ouden	Hokanson	McDonald	Sarna	Welker
Drew	Hokr	Mehrrens	Schafer	Wieser
Erickson	Jennings	Metzen	Schreiber	Wigley
Evans	Johnson, D.	Nelsen, B.	Searles	Wynia
Ewald	Jude	Niehaus	Shea	Zubay

Those who voted in the negative were :

Anderson, B.	Elihoff	Kalis	Otis	Staten
Anderson, I.	Ellingson	Kelly	Peterson, B.	Vanasek
Battaglia	Esau	Mann	Piepho	Vellenga
Begich	Greenfield	McEachern	Rice	Welch
Berkelman	Gustafson	Minne	Rodriguez, F.	Wenzel
Clark, J.	Halberg	Murphy	Rothenberg	Spkr. Sieben, H.
Clark, K.	Harens	Nelson, K.	Schoenfeld	
Clawson	Jacobs	Novak	Sieben, M.	
Dempsey	Johnson, C.	O'Connor	Simoneau	
Eken	Kahn	Ogren	Skoglund	

The motion prevailed.

There being no objection the order of business reverted to Messages from the Senate.

### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker :

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted :

S. F. No. 642.

PATRICK E. FLAHAVER, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 642, A bill for an act relating to financial institutions; authorizing establishment of detached facilities resulting from mergers and consolidations; amending Minnesota Statutes 1980, Sections 49.34; 49.36; and 49.45.

The bill was read for the first time.

### SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Anderson, B., moved that the rule therein be suspended and an urgency be declared so that S. F. No. 642 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Anderson, B., moved that the rules of the House be so far suspended that S. F. No. 642 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 642 was read for the second time.

Anderson, B., moved to amend S. F. No. 642, as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1980, Section 49.34, is amended to read:

**49.34 [CONSOLIDATION OF STATE BANKS OR TRUST COMPANIES, PROCEDURE.]**

*Subdivision 1. [GENERALLY.]* Any two or more state banks, operating in the same city, may be consolidated into a consolidated state bank, and any two or more trust companies, operating in the same city, may be consolidated into a consolidated trust company, and any state bank or state banks and any trust company or trust companies, operating in the same city, may be consolidated into a consolidated state bank or consolidated trust company, as the respective boards of directors thereof may determine. All (SUCH) consolidation shall be effected in the manner provided in sections 49.35 to 49.41 and when so organized, the consolidated corporation shall be governed and conducted in all other respects as provided by the statutes relating to the respective classes of financial corporations.

*Subd. 2. [ACQUISITION OF BANK FOR OPERATION AS DETACHED FACILITY.] Notwithstanding the geographic limitations of subdivision 1, a state bank may apply to the commissioner, pursuant to the procedures contained in sections 47.51 to 47.56 and 49.35 to 49.41, to acquire another state bank or national banking association through merger, consolidation or purchase of assets and assumption of liabilities and operate such as a detached facility provided the detached facility of the successor bank which results from such acquisition conforms to the limitations of section 47.52. Where the commissioner has determined that a merger, consolidation or purchase of assets and assumption of liabilities is necessary and in the public interest to prevent the probable failure of a state bank or national banking association, the limitations on location and number of detached facilities in section 47.52 shall not apply to the establishment of a detached facility directly resulting from such acquisition. The establishment of a detached facility in order to prevent the probable failure of a bank as provided in this subdivision shall not require the written consent of banks having a principal office in the municipality in which the resulting detached facility will be located, notwithstanding the provisions of section 47.52.*

Sec. 2. Minnesota Statutes 1980, Section 49.36, is amended to read:

#### 49.36 [APPROVAL BY COMMISSIONER.]

*Subdivision 1. [REQUIREMENTS.] This consolidation agreement and certified copy of the proceedings of the meetings of the respective boards of directors, at which the making of the agreement was authorized, shall be submitted to the commissioner of banks for (HIS) approval, and it shall not be effective until so approved by (HIM) the commissioner. (HE) The commissioner shall take action (THEREON WITHIN 20 DAYS) after the documents are submitted (TO HIM), and (HE) shall be entitled to (SUCH) further information from the consolidated corporation as (HE) may (REQUEST) be requested, or as (HE) may (OBTAIN) be obtained upon a hearing directed by (HIM) the commissioner.*

*Subd. 2. [PROCEDURES.] The procedures contained in section 47.54 must also be adhered to when a merger, consolidation, or purchase of assets and assumption of liabilities is effected pursuant to section 49.34, subdivision 2. In the event the commissioner has determined that it is necessary and in the public interest to act immediately on a merger, consolidation or purchase of assets and assumption of liabilities to prevent the probable failure of a bank, the commissioner may waive the requirements of section 47.54.*

*Subd. 3. [APPLICATION DECISIONS.] In all applications filed under this section the commissioner in determining whether to approve or disapprove the application shall consider*

(a) the effects of the proposed merger transaction on competition, (b) the convenience and needs of the community to be served, and (c) the financial and managerial resources and future prospects of the existing and successor banks.

*Subd. 4. [NOTICE OF ACQUISITION.] The successor bank shall give reasonable notice of the acquisition to each of the depositors and creditors of an acquired bank within 30 days after the order is activated. If detached facilities are to be closed as a result of transactions authorized by this section, adequate notice shall be provided by the bank prior to closing, unless the commissioner has acted to prevent the probable failure of the bank.*

Sec. 3. Minnesota Statutes 1980, Section 49.45, is amended to read:

**49.45 [MERGER OR CONSOLIDATION.]**

One or more national banking associations which are located in this state and which have taken the corporate action required therefor by the laws of the United States may merge or consolidate with a state bank or banks. (SUCH) *The merger or consolidation shall be effected in the manner provided in sections (49.35) 49.34 to 49.41, and governed by the provisions thereof except that the name of the consolidated corporation shall not contain the word "national" and except that the rights of dissenting stockholders of the national banking associations shall be those prescribed in (SUCH) cases by the laws of the United States.*

**Sec. 4. [EFFECTIVE DATE.]**

*Sections 1 to 3 are effective the day following final enactment."*

The motion prevailed and the amendment was adopted.

S. F. No. 642, A bill for an act relating to financial institutions; authorizing establishment of detached facilities resulting from mergers and consolidations; amending Minnesota Statutes 1980, Sections 49.34; 49.36; and 49.45.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, B.	Anderson, I.	Battaglia	Berkelman
Ainley	Anderson, G.	Anderson, R.	Begich	Blatz

Brandl	Halberg	Laidig	Olsen	Sherwood
Brinkman	Hanson	Lehto	Onnen	Sieben, M.
Byrne	Harens	Lemen	Osthoff	Simoneau
Carlson, D.	Hauge	Levi	Otis	Skoglund
Clark, J.	Haukoos	Long	Peterson, B.	Stadum
Clark, K.	Heap	Ludeman	Peterson, D.	Staten
Clawson	Heinitz	Mann	Piepho	Stumpf
Dahlvang	Himle	Marsh	Redalen	Swanson
Dean	Hoberg	McCarron	Reding	Tomlinson
Dempsey	Hokanson	McDonald	Rees	Valan
Den Ouden	Hokr	McEachern	Reif	Valento
Eken	Jacobs	Mehrkens	Rodriguez, C.	Vanasek
Elioff	Jennings	Metzen	Rodriguez, F.	Vellenga
Ellingson	Johnson, C.	Minne	Rose	Voss
Erickson	Johnson, D.	Munger	Rothenberg	Weaver
Esau	Jude	Murphy	Samuelson	Welch
Evans	Kahn	Nelsen, B.	Sarna	Welker
Ewald	Kaley	Nelson, K.	Schafer	Wenzel
Fjoslien	Kalis	Niehaus	Schoenfeld	Wieser
Forsythe	Kelly	Norton	Schreiber	Wigley
Friedrich	Knickerbocker	Novak	Searles	Wynia
Greenfield	Kostohryz	O'Connor	Shea	Zubay
Gruenes	Kvam	Ogren	Sherman	Spkr. Sieben, H.

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

#### ADJOURNMENT

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Wednesday, April 29, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1981

## FORTY-THIRD DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 29, 1981

The House of Representatives convened at 2:00 p.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Pastor John Michel, Grace Baptist Church, Mankato, Minnesota.

The roll was called and the following members were present:

Aasness	Esau	Kalis	Nysether	Sherwood
Ainley	Evans	Kelly	O'Connor	Sieben, M.
Anderson, B.	Ewald	Knickerbocker	Ogren	Simoneau
Anderson, G.	Fjoslien	Kostohryz	Olsen	Skoglund
Anderson, I.	Forsythe	Kvam	Onnen	Stadum
Anderson, R.	Friedrich	Laidig	Osthoff	Staten
Battaglia	Greenfield	Lehto	Otis	Stowell
Begich	Gruenes	Lemen	Peterson, B.	Stumpf
Berkelman	Gustafson	Levi	Peterson, D.	Sviggum
Blatz	Halberg	Long	Piepho	Swanson
Brandl	Hanson	Ludeman	Pogemiller	Tomlinson
Brinkman	Harens	Luknic	Redalen	Valan
Byrne	Hauge	Mann	Reding	Valento
Carlson, D.	Haukoos	Marsh	Rees	Vanasek
Carlson, L.	Heap	McCarron	Reif	Vellenga
Clark, J.	Heinitz	McDonald	Rice	Voss
Clark, K.	Himle	McEachern	Rodriguez, C.	Weaver
Clawson	Hoberg	Mehrkens	Rodriguez, F.	Welch
Dahlvang	Hokanson	Metzen	Rose	Welker
Dean	Hokr	Minne	Rothenberg	Wenzel
Dempsey	Jacobs	Munger	Samuelson	Wieser
Den Ouden	Jennings	Murphy	Sarna	Wigley
Drew	Johnson, C.	Nelsen, B.	Schafer	Wynia
Eken	Johnson, D.	Nelson, K.	Schoenfeld	Zubay
Elioff	Jude	Niehaus	Searles	Spkr. Sieben, H.
Ellingson	Kahn	Norton	Shea	
Erickson	Kaley	Novak	Sherman	

A quorum was present.

Schreiber was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Clawson moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.



## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1029, 83, 325, 673, 217, 308, 668 and 1042 and S. F. Nos. 1154, 671 and 365 have been placed in the members' files.

S. F. No. 671 and H. F. No. 1029, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

O'Connor moved that S. F. No. 671 be substituted for H. F. No. 1029 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1193 and H. F. No. 1156, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Carlson, L., moved that the rules be so far suspended that S. F. No. 1193 be substituted for H. F. No. 1156 and that the House File be indefinitely postponed. The motion prevailed.

## PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

April 28, 1981

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

Dear Speaker Sieben:

I have the honor to inform you that I received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 349, relating to agriculture; regulating livestock marketing; providing a penalty;

H. F. No. 521, relating to transportation, including motels within the specific information signing program;

Sincerely,

ALBERT H. QUIE  
Governor

## REPORTS OF STANDING COMMITTEES

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 499, A bill for an act relating to financial institutions; authorizing demand deposits for members of credit unions; permitting the purchase and sale of loans; amending Minnesota Statutes 1980, Section 52.04.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1980, Section 52.04, is amended to read:

52.04 [POWERS.]

Subdivision 1. [ENUMERATION.] A credit union shall have the following powers:

(1) To receive the savings of its members either as payment on shares or as deposits, including the right to conduct Christmas clubs, vacation clubs, and other such thrift organizations within its membership;

(2) To make loans to members for provident or productive purposes as provided in section 52.16;

(3) To make loans to a cooperative society or other organization having membership in the credit union;

(4) To deposit in state and national banks and trust companies authorized to receive deposits;

(5) To invest in any investment legal for savings banks or for trust funds in the state;

(6) To borrow money as hereinafter indicated;

(7) To adopt and use a common seal and alter the same at pleasure;

(8) To make payments on shares of and deposit with any other credit union chartered by this or any other state or operating under the provisions of the federal credit union act, in amounts not exceeding in the aggregate 25 percent of its unimpaired assets providing that payments on shares of and deposit with credit unions chartered by other states shall be restricted to credit unions insured by the National Credit Union Admin-

istration. The restrictions imposed by this clause shall not apply to share accounts and deposit accounts of Minnesota central credit union in U.S. central credit union;

(9) To contract with any licensed insurance company or society to insure the lives of members to the extent of their share accounts, in whole or in part, and to pay all or a portion of the premium therefor;

(10) To indemnify each director, officer, or committee member, or former director, officer, or committee member against all expenses, including attorney's fees but excluding amounts paid pursuant to a judgment or settlement agreement, reasonably incurred by him in connection with or arising out of any action, suit, or proceeding to which he is a party by reason of being or having been a director, officer, or committee member of the credit union, except with respect to matters as to which he shall be finally adjudged in such action, suit, or proceeding to be liable for negligence or misconduct in the performance of his duties. Such indemnification shall not be exclusive of any other rights to which he may be entitled under any bylaw, agreement, vote of members, or otherwise;

(11) Upon written authorization from a member, retained at the credit union, to make payments to third parties by withdrawals from the member's share or deposit accounts or through proceeds of loans made to such member, or by permitting the credit union to make such payments from the member's funds prior to deposit; to permit draft withdrawals from member accounts; however, this clause does not permit a credit union to establish demand deposits (checking accounts) for its members;

(12) To inform its members as to the availability of various group purchasing plans which are related to the promotion of thrift or the borrowing of money for provident and productive purposes by means of informational materials placed in the credit union's office, through its publications, or by direct mailings to members by the credit union;

(13) To facilitate its members' voluntary purchase of types of insurance incidental to promotion of thrift or the borrowing of money for provident and productive purposes including, but not limited to the following types of group or individual insurance: Fire, theft, automobile, life and temporary disability; to be the policy holder of a group insurance plan or a sub-group under a master policy plan and to disseminate information to its members concerning the insurance provided thereunder; to remit premiums to an insurer or the holder of a master policy on behalf of a credit union member, provided that the credit union shall obtain written authorization from such member for remittance by share or deposit withdrawals or through proceeds of loans

made by such members, or by permitting the credit union to make such payments from the member's funds prior to deposit; and to accept from the insurer reimbursement for the actual cost of ministerial tasks performed pertaining to insurance;

(14) To contract with another credit union to furnish services which either could otherwise perform. Contracted services under this clause are subject to regulation and examination by the commissioner of banks like other services;

(15) In furtherance of the twofold purpose of promoting thrift among its members and creating a source of credit for them at legitimate rates of interest for provident purposes, and not in limitation of the specific powers hereinbefore conferred, to have all the powers enumerated, authorized, and permitted by this chapter, and such other rights, privileges and powers as may be incidental to, or necessary for, the accomplishment of the objectives and purposes of the credit union;

(16) To rent safe deposit boxes to its members provided the credit union obtains adequate insurance or bonding coverage for losses which might result from the rental of safe deposit boxes;

(17) Notwithstanding the provisions of section 52.05, to accept deposits of public funds in an amount secured by insurance or other means pursuant to chapter 118;

(18) To accept and maintain treasury tax and loan accounts of the United States and to pledge collateral to secure the treasury tax or loan accounts, in accordance with the regulations of the Department of Treasury of the United States;

(19) To accept deposits pursuant to section 149.12, notwithstanding the provisions of section 52.05, if the deposits represent funding of prepaid funeral plans of members;

*(20) In addition to the sale of loans secured by a first lien on real estate, to sell, pledge, discount, or otherwise dispose of, in whole or in part, to any source, a loan or group of loans, other than a self-replenishing line of credit; provided, that within a calendar year beginning January 1 the total dollar value of loans sold, other than loans secured by real estate or insured by a state or federal agency, shall not exceed 25 percent of the dollar amount of all loans and participating interests in loans held by the credit union at the beginning of the calendar year, unless otherwise authorized in writing by the commissioner.*

Subd. 2. [STATE CHARTERED CREDIT UNIONS.] The commissioner of banks may by rule authorize a state chartered credit union to engage in any activity in which the credit union could engage were it operating as a federally chartered credit

union provided that the activity is not expressly prohibited by the laws of this state (AND WAS PERMITTED BY LAW OR RULE AS OF JUNE 1, 1977).

Sec. 2. Minnesota Statutes 1980, Section 52.19, is amended to read:

52.19 [EXPULSION OR WITHDRAWAL OF MEMBERS.]

A member may be expelled by a two-thirds vote of the members present at a special meeting called to consider the matter, but only after a hearing. Any member may withdraw from the credit union at any time, but notice of withdrawal may be required. All amounts paid on shares or as deposits of an expelled or withdrawing member, with any dividends or interest accrued thereto, to the date thereof, shall, as funds become available and after deducting all amounts due from the member to the credit union *and an amount as necessary to honor outstanding share drafts drawn against the accounts of the member*, be paid to him. The credit union may require 60 days' notice of intention to withdraw shares and 30 days' notice of intention to withdraw deposits, *except that a credit union shall not at any time require notice of withdrawal of funds subject to withdrawal by share drafts*. Withdrawing or expelled members shall have no further right in the credit union, but are not, by the expulsion or withdrawal, released from any remaining liability to the credit union.

Sec. 3. [EFFECTIVE DATE.]

*Sections 1 and 2 are effective the day following final enactment."*

Amend the title as follows:

Page 1, line 2, delete "authorizing demand"

Page 1, line 3, delete everything before "permitting" and delete "the"

Page 1, line 4, delete everything before "loans" and insert "credit unions to sell certain"

Page 1, line 4, after the semicolon insert "providing for the expulsion or withdrawal of members;"

Page 1, line 5, delete "Section" and insert "Sections" and after "52.04" insert "; and 52.19"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 790, A bill for an act relating to metropolitan government; revising the metropolitan agricultural preserves act; amending Minnesota Statutes 1980, Sections 473H.02, Subdivisions 2 and 3; 473H.04, Subdivisions 1 and 2; 473H.05, Subdivision 1, and by adding a subdivision; 473H.06, Subdivisions 1, 2 and 5; 473H.08, Subdivision 4; 473H.09; 473H.14; 473H.15, by adding a subdivision; and 473H.16, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 473H.

Reported the same back with the following amendments:

Page 1, lines 18 to 25, delete Section 2 and insert:

"Sec. 2. Minnesota Statutes 1980, Section 473H.02, is amended by adding a subdivision to read:

*Subd. 11. "County recorder" means registrar of titles for the purposes of registered property."*

Page 5, lines 10 to 24, delete Section 11

Page 7, after line 7, insert:

"Sec. 16. [EFFECTIVE DATE.]

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

Renumber the sections

Amend the title as follows:

Page 1, line 5, delete the first "Subdivisions" and insert "Subdivision"

Page 1, line 5, delete "and 3" and insert ", and by adding a subdivision"

Page 1, line 8, delete "473H.09;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 977, A bill for an act relating to crimes; providing for review of sentences imposed prior to adoption of sentencing

guidelines; amending Minnesota Statutes 1980, Section 244.08, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 244.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1980, Section 244.08, Subdivision 1, is amended to read:

Subdivision 1. Effective May 1, 1980, the Minnesota corrections board shall have only those powers and duties vested in and imposed upon it in sections 244.01 to 244.11, 609.10, 609.145, subdivision 1, 609.165, subdivision 2, and 609.346, subdivision 1, with relation to persons sentenced for crimes committed on or after May 1, 1980.

The Minnesota corrections board shall retain all powers and duties presently vested in and imposed upon it with relation to persons sentenced for crimes committed on or before April 30, 1980.

The Minnesota corrections board shall (TAKE INTO CONSIDERATION, BUT NOT BE BOUND BY, THE SENTENCE TERMS EMBODIED IN THE SENTENCING GUIDELINES PROMULGATED BY THE MINNESOTA SENTENCING GUIDELINES COMMISSION AND THE PENAL PHILOSOPHY EMBODIED IN SECTIONS 244.01 TO 244.11, 609.10, 609.145, SUBDIVISION 1, 609.165, SUBDIVISION 2, AND 609.346, SUBDIVISION 1, IN ITS DELIBERATIONS RELATIVE TO PAROLE, PROBATION, RELEASE, OR OTHER DISPOSITION OF INMATES WHO COMMIT THE CRIMES GIVING RISE TO THEIR SENTENCES ON OR BEFORE APRIL 30, 1980.) *use the terms of incarceration embodied in the Minnesota sentencing guidelines promulgated by the Minnesota sentencing guidelines commission to determine the presumptive parole release date and amount of time that the person shall serve on parole. The Minnesota corrections board shall make written findings of fact as to the reasons for departures from the presumptive incarceration term, as indicated by the Minnesota sentencing guidelines, in each case in which the board imposes a term of incarceration that deviates from the sentencing guidelines term of incarceration applicable to the case. The corrections board shall complete this process of review of the terms of incarceration of all persons currently serving sentences imposed for felonies committed on or before April 30, 1980, by September 1, 1981. In this process of review, the corrections board shall first consider all terms of persons currently incarcerated before it begins consideration of the terms of persons on parole.*

**Sec. 2. [244.12] [DISTRICT COURT REVIEW OF PRIOR SENTENCES; APPEAL.]**

*Subdivision 1. [PETITION.] Any person sentenced for a felony committed on or before April 30, 1980, may seek modification of his sentence from the court which imposed it. Relief under this section shall be by petition and the court shall decide the matter before it as quickly as possible. In any case wherein the court finds that the amount of time that the petitioner is likely to be incarcerated pursuant to his present sentence is greater than that provided for by the sentencing guidelines, and the court finds that it would not have departed from the sentencing guidelines had they been applicable at the time the petitioner was originally sentenced, the petition shall be granted. If the court grants the petition, it shall re-sentence the petitioner pursuant to the sentencing guidelines retroactive to the date of the original sentencing and the petitioner shall thereafter be subject to the law applicable to persons sentenced for felonies committed on or after May 1, 1980, relative to supervised release and computation of good time. In any case wherein the new sentence would require discharge of the petitioner or placement upon supervised release the petitioner may be held for 14 days for the purpose of processing the release or discharge.*

*Subd. 2. [HEARING]. In considering any petition submitted pursuant to subdivision 1 of this section, the court shall consider its own records and any and all documents submitted by the petitioner, his attorney, or the state. The attorney for the petitioner shall be heard by the court upon request, however, the presence of the petitioner shall not be required unless ordered by the court.*

*Subd. 3. [APPELLATE REVIEW.] The provisions of section 244.11 relating to appellate review of sentence shall apply to the decision rendered by the sentencing court on any application for modification under this section.*

**Sec. 3. [EFFECTIVE DATE.] Section 1 is effective the day following final enactment. Section 2 is effective September 1, 1981."**

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1081, A bill for an act relating to wild animals; increasing the amount of the reward which may be paid for information relating to game law violations; amending Minnesota Statutes 1980, Section 97.51.



Reported the same back with the following amendments:

Page 1, line 13, reinstate the stricken language

Page 1, line 18, after "*shall*" insert "*only*"

Page 1, line 19, delete "*appropriated*" and insert "*donated*" and after "*commissioner*" insert "*for these purposes*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 1138, A bill for an act relating to the public defender; establishing the board of public defense; transferring public defender responsibilities from the judicial council to the board of public defense; abolishing the judicial council; amending Minnesota Statutes 1980, Sections 611.23; 611.24; 611.26, Subdivisions 1, 2, 3, 4, and 5; proposing new law coded in Minnesota Statutes, Chapter 611; repealing Minnesota Statutes 1980, Section 480.053; and Chapter 483.

Reported the same back with the following amendments:

Page 1, line 19, after "*governor*" insert "*including*"

Page 1, line 22, delete "*engaged in*" and insert "*admitted to*"

Page 1, line 22, delete "*private*"

Page 1, line 23, before the semicolon, insert "*, but not publicly employed as a prosecutor or defense counsel*"

Page 1, line 25, delete "*citizens of the state*" and insert "*public members*"

Page 2, line 8, delete the colon and insert "*have those duties and responsibilities imposed upon it by chapter 611.*"

Page 2, delete lines 9 to 14

Page 2, line 26, strike "*shall be*" and insert "*serve*"

Page 2, line 27, strike "*shall*"

Page 2, line 31, strike everything after the period

Page 2, strike line 32

Page 2, line 33, strike everything before "terms"

Page 3, line 6, strike "such"

Page 3, line 8, strike "such" and insert "the"

Page 3, line 11, strike "shall be" and insert "serve"

Page 3, line 12, strike "shall"

Page 3, line 22, after "second" insert "district"

Page 3, line 23, strike "such" and insert "the"

Page 3, line 24, strike "Such" and insert "The"

Page 3, line 25, strike "an"

Page 4, line 1, after "removed" insert "for cause"

Page 4, line 3, strike "for cause"

Page 4, line 16, strike "but only with" and insert "subject to"

Page 4, line 17, strike "in"

Page 4, line 18, strike "accordance with"

Page 4, line 18, strike "other"

Page 4, line 29, delete "Section" and insert "Sections"

Page 4, line 29, delete "and Chapter 483" and insert "483.01; and 483.02"

Page 4, line 36, delete "his" and insert "any"

Page 5, lines 1 and 2, after "term" insert "to which he has been appointed"

Page 5, line 2, delete "his" and insert "any"

Amend the title as follows:

Page 1, delete line 10 and insert "Sections 480.053; 483.01; and 483.02."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 1277, A bill for an act relating to human rights; clarifying the meaning of reprisal; requiring an annual report to the legislature; permitting the filing of a charge of unfair discriminatory practice directly in district court; granting certain powers to the commissioner of human rights and eliminating the requirement that the commissioner provide a bond; increasing an award of punitive damages; permitting the recovery for certain damages; awarding attorneys' fees in certain cases; amending Minnesota Statutes 1980, Sections 363.03, Subdivision 7; 363.05, Subdivision 1; 363.06, Subdivisions 1, 3, and 4; 363.071, Subdivision 2; 363.14, Subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, Chapter 363; repealing Minnesota Statutes 1980, Section 363.04, Subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 363.03, Subdivision 7, is amended to read:

Subd. 7. [REPRISALS.] It is an unfair discriminatory practice for any employer, labor organization, employment agency, public accommodation, public service, educational institution, or owner, lessor, lessee, sublessee, assignee or managing agent of any real property, or any real estate broker, real estate salesperson or employee or agent thereof to intentionally engage in any reprisal against any person because that person:

(1) Opposed a practice forbidden under this chapter or has filed a charge, testified, assisted, or participated in any matter in an investigation, proceeding or hearing under this chapter; or

(2) Associated with a person or group of persons of different race, color, creed, religion or national origin.

*A reprisal includes, but is not limited to, any form of intimidation, retaliation, or harassment. It is a reprisal for an employer to do any of the following with respect to an individual because that individual has engaged in the activities listed in clause (1) or (2): refuse to hire the individual; depart from any customary employment practice; transfer or assign the individual to a lesser position in terms of wages, hours, job classification, job security, or other employment status; or inform another employer that the individual has engaged in the activities listed in clause (1) or (2).*

Sec. 2. Minnesota Statutes 1980, Section 363.06, Subdivision 1, is amended to read:

Subdivision 1. [CHARGE FILING.] Any person aggrieved by a violation of this chapter *may bring a civil action as provided in section 363.14, subdivision 1, clause (a), or may file a verified charge with the commissioner or his designated agent, stating the name and address of the person alleged to have committed an unfair discriminatory practice, setting out the details of the practice complained of and, if applicable, providing witnesses, documents, and any other information required by the commissioner. The commissioner may dismiss a charge when the charging party fails to provide required information.* The commissioner within five days of (SUCH) the filing shall serve a copy of the charge *and a request for a response* upon the respondent personally or by registered or certified mail. (PERIODICALLY) After the filing of a charge (BUT AT INTERVALS OF NO MORE THAN 60 DAYS, UNTIL THE CHARGE IS NO LONGER IN THE JURISDICTION OF THE DEPARTMENT) the commissioner shall in writing inform the charging party of *any change in the status of (HIS) the charge.* A copy of the (PERIODIC) notice shall be mailed to the respondent.

Sec. 3. Minnesota Statutes 1980, Section 363.06, Subdivision 3, is amended to read:

Subd. 3. [TIME FOR FILING (CHARGE) CLAIM.] A (CHARGE) *claim* of an unfair discriminatory practice must be brought as a civil action pursuant to section 363.14, subdivision 1, clause (a), or filed in a charge with the commissioner within six months after the occurrence of the practice.

Sec. 4. Minnesota Statutes 1980, Section 363.06, Subdivision 4, is amended to read:

Subd. 4. [INQUIRY INTO CHARGE.] (1) *Consistent with clause (7), when a charge has been filed, the commissioner shall promptly inquire into the truth of the allegations of the charge. The commissioner shall make an immediate inquiry when necessary to prevent a charging party from suffering irreparable loss in the absence of immediate action. The commissioner shall also make an immediate inquiry when it appears that a charge is frivolous or without merit and shall dismiss those charges. The charging party shall be notified in writing of intent to dismiss a charge because it is frivolous or without merit ten days prior to dismissal by the commissioner.* On (EACH CHARGE) all other charges the commissioner shall make a determination as to whether or not there is probable cause to credit the allegation of unfair discriminatory practices, and

((1)) (2) If the commissioner (SHALL DETERMINE) *determines* after investigation that no probable cause exists to

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

A decision by the commissioner that no probable cause exists to credit the allegations of an unfair discriminatory practice shall not be appealed to district court pursuant to section 363.072 or section 15.0424.

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

((3) AFTER) (4) *If, at any time after the filing of a charge, the commissioner has (DETERMINED THAT THERE IS PROBABLE CAUSE) reason to believe that a respondent has engaged in (AN) any unfair discriminatory practice, the commissioner may file a petition in the district court in a county in which the subject of the complaint occurs, or in a county in which a respondent resides or transacts business, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under this chapter, including an order or decree restraining him from doing or procuring an act tending to render ineffectual an order the commissioner may enter with respect to the complaint. The court shall have power to grant temporary relief or a restraining order as it deems just*

and proper, but no relief or order extending beyond ten days shall be granted except by consent of the respondent or after hearing upon notice to the respondent and a finding by the court that there is reasonable cause to believe that the respondent has engaged in a discriminatory practice. *Except as modified by this section*, the Minnesota rules of civil procedure shall apply to an application, and the district court shall have authority to grant or deny such relief sought on conditions as it deems just and equitable. All hearings under this section shall be given precedence as nearly as practicable over all other pending civil actions.

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

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

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

Sec. 5. Minnesota Statutes 1980, Section 363.06, is amended by adding a subdivision to read:

*Subd. 8. [ACCESS TO DOCUMENTS.] The charging party or his representative may review the answer of the respondent to the charge submitted pursuant to subdivision 1. The department shall make these documents available to the charging party in a reasonable manner and consistent with any law requiring a state agency to make the answer available to the public.*

Sec. 6. Minnesota Statutes 1980, Section 363.14, Subdivision 1, is amended to read:

Subdivision 1. [COURT ACTIONS, SUITS BY PRIVATE PARTIES, INTERVENTION.] A person may bring a civil action seeking redress for an unfair discriminatory practice (, UPON WITHDRAWAL OF THE COMPLAINT FROM THE DEPARTMENT OF HUMAN RIGHTS, AT THE FOLLOWING TIMES):

(a) *Directly to district court; or*

(b) *Notwithstanding the provisions of any law to the contrary, (1) within 45 days after the commissioner has dismissed a charge because it is frivolous or without merit or has determined that there is no probable cause to credit the allegations contained in a charge filed with the commissioner (, OR, IF THE CHARGING PARTY REQUESTED A RECONSIDERATION, WITHIN 45 DAYS AFTER THE COMMISSIONER HAS REAFFIRMED HIS DETERMINATION OF NO PROBABLE CAUSE); or ((b)) (2) after 45 days from the filing of a charge pursuant to section 363.06, subdivision 1 if a hearing has not been held pursuant to section 363.071 or if the commissioner has not entered into a conciliation agreement to which the charging party is a signator. The charging party shall notify the commissioner of his intention to bring a civil action, which shall be commenced within 90 days of giving the notice;*

(c) *The commissioner may discharge, without prejudice to the charging party, any case filed with the department on or before June 30, 1978. The commissioner shall notify a charging party by regular mail sent before August 1, 1981, that he has a right to bring a civil action pursuant to this section. Within ten days after receipt of the notice, the charging party may request in writing that the commissioner reinstate his complaint. The request shall contain a brief statement of the reasons for and new evidence in support of the request for reinstatement. At the time the charging party submits this request to the commissioner, he shall deliver or mail a copy of it to the respondent. The commissioner shall either reaffirm dismissal of the charge or reinstate the charge within 60 days after receipt of the request for reinstatement, and shall immediately notify the charging party and respondent of the decision. Upon giving notice of a decision to reaffirm dismissal, the commissioner shall end all proceedings relating to the charge. Notwithstanding any statutory period of limitation to the contrary, an individual notified pursuant to this clause may bring a civil action relating to his charge; provided that the action is filed on or before February 1, 1982.*

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

Upon application by the complaining party to the district court at a special term thereof and in such circumstances as the court may deem just, the court may appoint an attorney for such per-

son and may authorize the commencement of the action without payment of fees, costs, or security.

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

(UPON REQUEST, THE COURT MAY, IN ITS DISCRETION, STAY FURTHER PROCEEDINGS FOR NOT MORE THAN 60 DAYS PENDING FURTHER EFFORTS OF THE DEPARTMENT TO OBTAIN VOLUNTARY COMPLIANCE.)

Sec. 7. [REPEALER.]

*Minnesota Statutes 1980, Section 363.04, Subdivision 3, is repealed.*

Sec. 8. [EFFECTIVE DATE.]

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

Further, delete the title and insert:

"A bill for an act relating to human rights; clarifying the meaning of reprisal; defining certain terms; permitting the filing of a charge of unfair discriminatory practice directly in district court; permitting access to certain documents; granting certain powers to the commissioner of human rights and eliminating the requirement that the commissioner provide a bond; amending Minnesota Statutes 1980, Sections 363.03, Subdivision 7; 363.06, Subdivisions 1, 3, and 4, and by adding a subdivision; 363.14, Subdivision 1; repealing Minnesota Statutes 1980, Section 363.-04, Subdivision 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1322, A bill for an act relating to insurance; providing for continued health and accident coverage for former spouses after dissolution of the marriage in certain circumstances; amending Minnesota Statutes 1980, Section 62A.21.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:



"Section 1. Minnesota Statutes 1980, Section 62A.21, is amended by adding a subdivision to read:

*Subd. 2a. Every group policy described in subdivision 1 shall contain a provision which permits continuation of coverage under the policy for the insured's former spouse and children upon entry of a valid decree of dissolution of marriage, if the decree requires the insured to provide continued coverage for those persons. The coverage may be continued until the earlier of the following dates:*

*(a) The date of remarriage of either the insured or the insured's former spouse; or*

*(b) The date coverage would otherwise terminate under the group policy.*

*Any required premium contributions for the coverage shall be paid by the insured to the group policyholder for remittance to the insurer.*

Sec. 2. Minnesota Statutes 1980, Section 62A.21, is amended by adding a subdivision to read:

*Subd. 2b. Every group policy described in subdivision 1 shall contain a provision allowing a former spouse of an insured, without providing evidence of insurability, to obtain from the insurer at the expiration of any continuation of coverage required under subdivision 2a, or upon termination of coverage by reason of an entry of a valid decree of dissolution which does not require the insured to provide continued coverage for the former spouse, conversion coverage providing at least the minimum benefits required under section 62E.06, provided application is made to the insurer within 30 days following the expiration of the continued coverage and upon payment of the appropriate premium.*

Sec. 3. Minnesota Statutes 1980, Section 62A.21, Subdivision 3, is amended to read:

**Subd. 3. (THIS SECTION) Subdivision 1 applies to every policy of accident and health insurance which is delivered, issued for delivery, renewed or amended on or after (THE EFFECTIVE DATE OF THIS SECTION) July 19, 1977.**

*Subdivisions 2a and 2b apply to every policy of accident and health insurance which is delivered, issued for delivery, renewed, or amended on or after August 1, 1981.*

Sec. 4. [REPEALER.]

*Minnesota Statutes 1980, Section 62A.21, Subdivision 2, is repealed.*

## Sec. 5. [EFFECTIVE DATE.]

*Sections 1 to 4 are effective August 1, 1981."*

Amend the title as follows:

Page 1, line 5, after "62A.21" insert ", Subdivision 3, and by adding subdivisions; repealing Minnesota Statutes 1980, Section 62A.21, Subdivision 2"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 1367, A bill for an act relating to the attorney general; providing that the attorney general shall render bond counsel services to state agencies and political subdivisions; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 8.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [8.15] [STATE BOND COUNSEL.]

*Subdivision 1. [ESTABLISHMENT.] The attorney general may make his services available as bond counsel for all state agencies and political subdivisions. Upon request, the attorney general may review the issuance, sale, and registration or refunding of all obligations of public indebtedness issued within the state with regard to the statute, charter or other authority pursuant to which the obligations were authorized, and issue official bond opinions and statements regarding the compliance of the obligations with law, including the tax exempt status of the obligations under the Internal Revenue Code of the United States.*

*Subd. 2. [LIABILITY.] The state shall be a self insurer as to errors by the attorney general or any other official of the state or its political subdivisions affecting the validity or tax exempt status of obligations after an official bond opinion by the attorney general. The state shall hold harmless any person suffering loss due to error as described in this subdivision. The sums necessary to carry out the provisions of this subdivision at any time are annually appropriated from the general fund, as an open appropriation.*

*Subd. 3. [DRAFTING LEGISLATION.] Upon request from the revisor of statutes, the attorney general shall assist in*

*drafting legislation relating to public indebtedness or obligations of state agencies or political subdivisions.*

Sec. 2. [FEES.]

*State agencies and political subdivisions for which bond counsel service is rendered shall pay a fee determined by the attorney general to be an amount adequate to cover all reasonable costs of rendering bond counsel services.*

Sec. 3. [EFFECTIVE DATE.]

*This act is effective July 1, 1981."*

Delete the title and insert:

*"A bill for an act relating to the attorney general; providing that the attorney general may render bond counsel services to state agencies and political subdivisions upon request; proposing new law coded in Minnesota Statutes, Chapter 8."*

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 1392, A bill for an act relating to creditor's remedies; providing for an increase in the amount of household goods exemption; amending Minnesota Statutes 1980, Section 550.37, Subdivision 4.

Reported the same back with the following amendments:

Page 1, line 10, before "All" insert "(a)" and strike "household"

Page 1, line 11, strike "furniture," and after "utensils," strike the balance of the line

Page 1, line 12, strike everything before "and foodstuffs"

Page 1, line 13, after "family" strike the comma and insert "; and (b) household furniture, household appliances, phonographs, radio and television receivers of the debtor and his family,"

Page 1, line 19, after "under" insert "clause (b) of"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

S. F. No. 18, A bill for an act relating to probate; eliminating requirement of notice to representatives of foreign countries in certain formal testacy proceedings; amending Minnesota Statutes 1980, Section 524.3-403.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 524.3-403, is amended to read:

**524.3-403 [FORMAL TESTACY PROCEEDINGS; NOTICE OF HEARING ON PETITION.]**

(a) Upon commencement of a formal testacy proceeding, the court shall fix a time and place of hearing. Notice, in the form prescribed by court rule, shall be given in the manner prescribed by section 524.1-401 by the petitioner to the persons herein enumerated and to any additional person who has filed a demand for notice under section 524.3-204 of this chapter. If the petitioner has reason to believe that the will has been lost or destroyed, he shall include a statement to that effect in the notice.

Notice shall be given to the following persons: the surviving spouse, children, and other heirs of the decedent, the devisees and executors named in any will that is being, or has been, probated, or offered for informal or formal probate in the county, or that is known by the petitioner to have been probated, or offered for informal or formal probate elsewhere, and any personal representative of the decedent whose appointment has not been terminated. Notice of the hearing, in the form prescribed by court rule, shall also be given under the direction of the clerk of court by publication once a week for two consecutive weeks in a legal newspaper in the county where the hearing is to be held, the last publication of which is to be at least ten days before the time set for hearing.

If the decedent was born in a foreign country or left heirs or devisees in any foreign country, notice of a formal testacy proceeding shall be given to the consul (OR OTHER REPRESENTATIVE) of (SUCH) *that* country, if he resides in this state and has filed a copy of his appointment with the secretary of state (, OR TO THE NOMINEE OR NOMINEES OF SUCH CONSUL OR REPRESENTATIVE. IF NO SUCH CONSUL

OR REPRESENTATIVE EXISTS, THEN NOTICE SHALL BE GIVEN TO THE CHIEF DIPLOMATIC REPRESENTATIVE OF SUCH COUNTRY AT WASHINGTON, D.C. OR TO THE SECRETARY OF STATE AT ST. PAUL, MINNESOTA, WHO SHALL FORWARD THE SAME TO SUCH REPRESENTATIVE).

(b) If it appears by the petition or otherwise that the fact of the death of the alleged decedent may be in doubt, the court shall direct the petitioner to proceed in the manner provided in chapter 576."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

S. F. No. 74, A bill for an act relating to trade regulations; prescribing a penalty for the sale of imitation Indian-made goods without a brand; amending Minnesota Statutes 1980, Section 325F.46.

Reported the same back with the following amendments:

Page 1, line 16, after "*who*" insert "*knowingly*"

Page 1, line 19, after "PROVISIONS" delete "ARE CUMULATIVE"

Page 1, line 20, delete "*are cumulative and*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

S. F. No 77, A bill for an act relating to foreign corporations; removing certain deficiencies and ambiguities; defining certain activities that do not constitute transacting business in the state; and removing limitations on engaging in the business of making real estate loans; amending Minnesota Statutes 1980, Sections 303.02, Subdivision 3; 303.03; 303.04; and 303.25.

Reported the same back with the following amendments:

Page 2, line 10, delete "*section*" and insert "*sections*" and after "303.13" insert "*and 543.19*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

S. F. No. 278, A bill for an act relating to transportation; extending the life of the joint commuter rail study commission and the deadline for its report; amending Laws 1980, Chapter 607, Article XIII, Section 2, Subdivisions 3 and 5.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

S. F. No. 537, A bill for an act relating to highway traffic regulations; increasing the length of certain vehicles; establishing permit fees for certain oversize vehicles; directing the commissioner of transportation to conduct certain studies; clarifying the operation of certain combination vehicles; amending Minnesota Statutes 1980, Sections 169.81, Subdivision 3; 169.86, Subdivision 5, and by adding a subdivision; and 169.861.

Reported the same back with the following amendments:

Page 3, line 24, delete "one month" and insert "two months" and after the period insert "'Like loads' means loads of the same product, weight and dimension."

(c) \$24 for each quarterly permit. A quarterly permit may be issued for loads which meet the specific size and weight dimensions as approved by the commissioner."

Renumber the remaining clause

Page 3, line 28, after the period, insert "The requirement of renewal after 40 authorizations does not apply to permits issued for refuse compactor vehicles, vehicles used to alleviate a temporary crisis, motor vehicles traveling on interstate highways and carrying loads authorized under subdivision 1a, and truck cranes that carry a weight of not over 18,000 pounds on a single axle, 36,000 pounds on a tandem axle, or 48,000 pounds on a tridem axle and which are otherwise legal length, weight, and height."

Page 3, line 29, delete "shall" and insert "may"

Page 3, delete lines 31 and 32 and insert:

*"(2) construction equipment, machinery, and supplies;*

*(3) mobile homes;*

*(4) farm equipment when the movement is not made according to the provisions of section 169.30, subdivision 1, clauses (a) to (f)."*

Renumber remaining clauses

Page 4, line 10, after *"highways,"* insert *"including the construction and maintenance costs caused by various weight classifications of trucks,"*

Page 4, line 10, after *"safety,"* insert *"including the kind and severity of injuries, casualties and damages related to the size and weight of trucks involved in accidents,"*

Page 4, line 11, delete *"and"*

Page 4, line 12, delete the period and insert *"and the savings in highway construction and maintenance costs to highway users and other taxpayers from reasonable restrictions on size and weight and the effects of existing or increased size and weights of loads on competing forms of transportation specifically including rail rates, service and maintenance of rail branch lines; and*

*(c) the amount of damage done to urban streets by existing types of refuse compactor vehicles."*

Page 4, line 13, after *"study"* insert *“, including recommendations for improved methods of refuse collection,”*

Page 4, line 15, delete *"1982"* and insert *"1983"*

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

S. F. No. 885, A bill for an act relating to regional railroad authorities; providing that cities of the first class may join in the organization of a regional railroad authority in conjunction with one or more counties; amending Minnesota Statutes 1980, Sections 398A.02; 398A.03; 398A.04, Subdivisions 8 and 9; and 398A.06, Subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 499 and 790 were read for the second time.

Anderson, L., moved that H. F. No. 790 be re-referred to the Committee on Taxes. The motion prevailed.

## SECOND READING OF HOUSE BILLS, Continued

H. F. Nos. 977, 1081, 1277, 1322 and 1392 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 671, 1193, 18, 74, 77, 278, 537 and 885 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Jude and Ellingson introduced:

H. F. No. 1454, A bill for an act relating to legislative enactments; providing for the correction of miscellaneous oversights, inconsistencies, ambiguities, unintended results and errors of a noncontroversial nature; amending H. F. No. 332, Sections 11, Subdivision 4; and 15, Subdivision 1.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Voss introduced:

H. F. No. 1455, A bill for an act relating to real estate brokers and salespersons; providing for a transfer of license upon the termination or resignation of a salesperson; requiring the issuance of a temporary license under certain circumstances; amending Minnesota Statutes 1980, Section 82.20, Subdivision 9.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.



Ellingson; Sieben, H.; Dahlvang; Forsythe and Nysether introduced:

H. F. No. 1456, A bill for an act relating to probate; changing certain records-keeping requirements; amending Minnesota Statutes 1980, Section 525.03.

The bill was read for the first time and referred to the Committee on Judiciary.

Johnson, D., and Gustafson introduced:

H. F. No. 1457, A bill for an act relating to civil actions; requiring jury fees to be refunded upon settlement prior to trial; proposing new law coded in Minnesota Statutes, Chapter 546.

The bill was read for the first time and referred to the Committee on Judiciary.

McDonald and Rees introduced:

H. F. No. 1458, A bill for an act relating to metropolitan government; regulating the membership of the metropolitan council; requiring representation from each county in the metropolitan area; amending Minnesota Statutes 1980, Section 473.123, Subdivision 3.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Eken, Long and Mehrkens introduced:

H. F. No. 1459, A bill for an act relating to education; requiring schools to offer certain subjects; exempting nonpublic schools from the requirement of offering certain subjects; requiring classroom teachers in nonpublic schools to be licensed; excluding licensed nonpublic school teachers from certain duties and benefits; requiring nonpublic schools to report certain information to school district superintendents; providing additional remedies to enforce the compulsory attendance laws; prohibiting the state board of education from promulgating rules pursuant to this act; amending Minnesota Statutes 1980, Sections 120.10, Subdivision 2; 120.12, Subdivisions 2 and 3; 125.03, Subdivision 1, and by adding a subdivision; and 125.04; proposing new law coded in Minnesota Statutes, Chapter 120.

The bill was read for the first time and referred to the Committee on Education.

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

**Mr. Speaker:**

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 150, A bill for an act relating to parks; removing authority to lease certain lands within Tettegouche state park; repealing Laws 1979, Chapter 301, Section 10, Subdivision 7.

H. F. No. 574, A bill for an act relating to intoxicating liquor; authorizing the issuance of one off-sale license in the town of Tofte.

H. F. No. 972, A bill for an act relating to financial institutions; increasing the percentage of capital and surplus a bank or trust company may invest in the stock of certain banks or bank holding companies; amending Minnesota Statutes 1980, Section 48.61, Subdivision 3.

**PATRICK E. FLAHAVEN, Secretary of the Senate**

**Mr. Speaker:**

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 13, A bill for an act relating to criminal procedure; providing officers of the United States customs service and the immigration and naturalization service with the arrest powers of peace officers; amending Minnesota Statutes 1980, Sections 629.30; and 629.34.

H. F. No. 90, A bill for an act relating to administrative rules; clarifying which rules have the force of law; amending Minnesota Statutes 1980, Section 15.0413, Subdivision 1, and by adding subdivisions.

H. F. No. 272, A bill for an act relating to administrative rules; clarifying certain powers and duties of the legislative commission to review administrative rules; amending Minnesota Statutes 1980, Section 3.965, Subdivision 3, and by adding a subdivision.

H. F. No. 480, A bill for an act relating to agriculture; changing the name of the joint legislative committee on agricultural land preservation; amending Laws 1979, Chapter 315, Sections 2 and 3.

H. F. No. 569, A bill for an act relating to housing; providing new standards and procedures for disclosing conflicts of interest for commissioners and employees of housing and redevelopment authorities; establishing penalties; proposing new law coded in Minnesota Statutes, Chapter 462; repealing Minnesota Statutes 1980, Section 462.431.

H. F. No. 876, A bill for an act relating to employment; authorizing the commissioner of economic security to make certain summer youth employment advances; amending Minnesota Statutes 1980, Section 268.34.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 171, A bill for an act relating to historic sites; changing the classification of the Kensington Runestone historic site; amending Minnesota Statutes 1980, Section 138.56, by adding a subdivision; repealing Minnesota Statutes 1980, Section 138.58, Subdivision 7.

H. F. No. 222, A bill for an act relating to families; designating an American family day; proposing new law coded in Minnesota Statutes, Chapter 517.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 937, A bill for an act relating to the city of Duluth; authorizing the city to continue to issue the number of liquor licenses it was authorized to issue in the year 1980.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 410, A bill for an act relating to public welfare; authorizing the commissioner of public welfare to designate the county of financial responsibility for patients transferred under the Interstate Compact on Mental Health who are not residents of Minnesota; amending Minnesota Statutes 1980, Section 245.52.

H. F. No. 1070, A bill for an act relating to health; exempting students in schools of dental assisting from the requirement of a dental license; amending Minnesota Statutes 1980, Section 150A.05, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

**Mr. Speaker:**

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 525, A bill for an act relating to agriculture; limiting the applicability and changing the size of county extension committees; amending Minnesota Statutes 1980, Section 38.36.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Murphy moved that the House concur in the Senate amendments to H. F. No. 525 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 525, A bill for an act relating to St. Louis County; authorizing an eleven member county extension committee.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Ainley	Esau	Kelly	Ogren	Sherwood
Anderson, B.	Evans	Knickerbocker	Olsen	Sieben, M.
Anderson, G.	Ewald	Kostohryz	Onnen	Simoneau
Anderson, I.	Fjoslien	Kvam	Osthoff	Skoglund
Anderson, R.	Forsythe	Lehto	Otis	Stadum
Battaglia	Friedrich	Lemen	Peterson, D.	Stowell
Begich	Greenfield	Levi	Piepho	Stumpf
Berkelman	Gruenes	Long	Pogemiller	Sviggum
Blatz	Halberg	Ludeman	Redalen	Tomlinson
Brandl	Hanson	Luknic	Reding	Valan
Byrne	Hauge	Marsh	Rees	Valento
Carlson, D.	Haukoos	McCarron	Reif	Vanasek
Clark, J.	Heinitz	McDonald	Rice	Vellenga
Clark, K.	Himle	McEachern	Rodriguez, C.	Voss
Clawson	Hoberg	Mehrkens	Rodriguez, F.	Weaver
Dahlvang	Hokanson	Metzen	Rose	Welch
Dean	Jacobs	Minne	Rothenberg	Welker
Dempsey	Jennings	Murphy	Samuelson	Wenzel
Den Ouden	Johnson, C.	Nelsen, B.	Sarna	Wieser
Drew	Johnson, D.	Nelson, K.	Schafer	Wynia
Eken	Jude	Niehaus	Schoenfeld	Zubay
Elioff	Kahn	Norton	Searles	Spkr. Sieben, H.
Ellingson	Kaley	Nysether	Shea	
Erickson	Kalis	O'Connor	Sherman	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 415, A bill for an act relating to financial institutions; authorizing federal funds transactions for credit unions; removing the limitation on insurance commission income and prohibiting participation of officials in such income; permitting the sale of real estate loans; amending Minnesota Statutes 1980, Section 52.04, Subdivision 1.

PATRICK E. FLAHAVER, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Simoneau moved that the House concur in the Senate amendments to H. F. No. 415 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 415, A bill for an act relating to financial institutions; authorizing federal funds transactions for credit unions; removing the limitation on insurance commission income and prohibiting participation of officials in such income; permitting

the sale of real estate loans; amending Minnesota Statutes 1980, Section 52.04, Subdivision 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kelly	O'Connor	Simoneau
Ainley	Evans	Knickerbocker	Ogren	Skoglund
Anderson, B.	Ewald	Kostohryz	Olsen	Stadum
Anderson, G.	Fjoslien	Kvam	Onnen	Staten
Anderson, I.	Forsythe	Lehto	Otis	Stowell
Anderson, R.	Friedrich	Lemen	Peterson, D.	Stumpf
Battaglia	Greenfield	Levi	Piepho	Sviggum
Begich	Gruenes	Long	Pogemiller	Swanson
Berkelman	Halberg	Ludeman	Redalen	Tomlinson
Blatz	Hanson	Luknic	Reding	Valan
Brandl	Hauge	Mann	Rees	Valento
Brinkman	Haukoos	Marsh	Reif	Vanasek
Byrne	Heap	McCarron	Rice	Vellenga
Carlson, D.	Heinitz	McDonald	Rodriguez, C.	Voss
Clark, J.	Himle	McEachern	Rodriguez, F.	Weaver
Clark, K.	Hoberg	Mehrkens	Rose	Welch
Clawson	Hokanson	Metzen	Rothenberg	Welker
Dahlvang	Hokr	Minne	Samuelson	Wenzel
Dean	Jacobs	Munger	Sarna	Wieser
Dempsey	Jennings	Murphy	Schafer	Wynia
Den Ouden	Johnson, C.	Nelsen, B.	Schoenfeld	Zubay
Drew	Johnson, D.	Nelson, K.	Searles	Spkr. Sieben, H.
Eken	Jude	Niehaus	Shea	
Elioff	Kahn	Norton	Sherman	
Ellingson	Kaley	Novak	Sherwood	
Erickson	Kalis	Nysether	Sieben, M.	

Those who voted in the negative were:

Osthoff

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 731, A bill for an act relating to family; providing for solemnization of marriages by certain court officers; amending Minnesota Statutes 1980, Section 517.04.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Gruenes moved that the House concur in the Senate amendments to H. F. No. 731 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 731, A bill for an act relating to family; providing for solemnization of marriages by certain court officers; amending Minnesota Statutes 1980, Section 517.04.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kaley	Novak	Sherman
Ainley	Esau	Kalis	Nysether	Sherwood
Anderson, B.	Evans	Kelly	O'Connor	Sieben, M.
Anderson, G.	Ewald	Knickerbocker	Ogren	Simoneau
Anderson, I.	Fjoslien	Kostohryz	Olsen	Skoglund
Anderson, R.	Forsythe	Kvam	Onnen	Stadum
Battaglia	Friedrich	Lehto	Osthoff	Staten
Begich	Greenfield	Lemen	Otis	Stowell
Berkelman	Gruenes	Levi	Peterson, D.	Stumpf
Blatz	Gustafson	Long	Piepho	Sviggum
Brandl	Halberg	Ludeman	Pogemiller	Swanson
Brinkman	Hanson	Luknic	Redalen	Tomlinson
Byrne	Hauge	Mann	Reding	Valan
Carlson, D.	Haukoos	Marsh	Rees	Valento
Carlson, L.	Heap	McCarron	Reif	Vanasek
Clark, J.	Heinitz	McDonald	Rice	Vellenga
Clark, K.	Himle	McEachern	Rodriguez, C.	Voss
Clawson	Hoberg	Mehrkens	Rodriguez, F.	Weaver
Dahlvang	Hokanson	Metzen	Rose	Welch
Dean	Hokr	Minne	Rothenberg	Welker
Dempsey	Jacobs	Munger	Samuelson	Wenzel
Den Ouden	Jennings	Murphy	Sarna	Wieser
Drew	Johnson, C.	Nelsen, B.	Schafer	Wynia
Eken	Johnson, D.	Nelson, K.	Schoenfeld	Zubay
Elioff	Jude	Niehaus	Searles	Spkr. Sieben, H.
Ellingson	Kahn	Norton	Shea	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 29, A bill for an act relating to hospitals; requiring adoption of federal medicare standards for hospital licensing;

regulating hospital inspections; providing for licensing of hospitals accredited by the joint commission on hospital accreditation; amending Minnesota Statutes 1980, Sections 144.50, Subdivision 1; and 144.55.

PATRICK E. FLAHAVER, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Berkelman moved that the House concur in the Senate amendments to H. F. No. 29 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 29, A bill for an act relating to hospitals; requiring adoption of federal medicare standards for hospital licensing; regulating hospital inspections; providing for licensing of hospitals accredited by the joint commission on hospital accreditation; amending Minnesota Statutes 1980, Sections 144.50, Subdivision 1; and 144.55.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 128 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kaley	Novak	Sherman
Ainley	Evans	Kalis	Nysether	Sherwood
Anderson, B.	Ewald	Kelly	O'Connor	Sieben, M.
Anderson, G.	Fjoslien	Knickerbocker	Ogren	Simoneau
Anderson, I.	Forsythe	Kostohryz	Olsen	Skoglund
Anderson, R.	Friedrich	Kvam	Onnen	Stadum
Battaglia	Greenfield	Lehto	Osthoff	Staten
Begich	Gruenes	Lemen	Otis	Stowell
Berkelman	Gustafson	Levi	Peterson, D.	Stumpf
Blatz	Halberg	Long	Piepho	Sviggum
Brandl	Hanson	Ludeman	Pogemiller	Tomlinson
Brinkman	Harens	Luknic	Redalen	Valan
Byrne	Hauge	Mann	Reding	Valento
Carlson, D.	Haukoos	Marsh	Rees	Vanasek
Carlson, L.	Heap	McCarron	Reif	Vellenga
Clark, J.	Heinitz	McDonald	Rice	Voss
Clark, K.	Himle	McEachern	Rodriguez, C.	Weaver
Clawson	Hoberg	Mehrkens	Rodriguez, F.	Welch
Dahlvang	Hokanson	Metzen	Rose	Wenzel
Dean	Hokr	Minne	Rothenberg	Wieser
Dempsey	Jacobs	Munger	Samuelson	Wigley
Drew	Jennings	Murphy	Sarna	Wynia
Eken	Johnson, C.	Nelsen, B.	Schafer	Zubay
Elioff	Johnson, D.	Nelson, K.	Schoenfeld	Spkr. Sieben, H.
Ellingson	Jude	Niehaus	Searles	
Erickson	Kahn	Norton	Shea	

Those who voted in the negative were:

Den Ouden      Welker



The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker :

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested :

H. F. No. 347, A bill for an act relating to the cities of St. Paul and Minneapolis ; exempting a certain joint housing bonding program from the provisions of Minnesota Statutes, Section 462C.-07, Subdivision 2.

PATRICK E. FLAHAVER, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

O'Connor moved that the House concur in the Senate amendments to H. F. No. 347 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 347, A bill for an act relating to the cities of St. Paul and Minneapolis ; exempting a certain joint housing bonding program from the provisions of Minnesota Statutes, Section 462C.-07, Subdivision 2 ; clarifying the application of Minnesota Statutes 1980, Section 462A.18, Subdivision 2.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 107 yeas and 22 nays as follows :

Those who voted in the affirmative were :

Anderson, B.	Dempsey	Hokanson	Mann	Peterson, B.
Anderson, G.	Eken	Hokr	Marsh	Peterson, D.
Anderson, I.	Elioff	Jacobs	McCarron	Piepho
Anderson, R.	Ellingson	Johnson, C.	McEachern	Pogemiller
Battaglia	Evans	Johnson, D.	Mehrkens	Redalen
Begich	Ewald	Jude	Metzen	Reding
Berkelman	Forsythe	Kahn	Minne	Reif
Blatz	Friedrich	Kaley	Munger	Rice
Brandl	Greenfield	Kalis	Murphy	Rodriguez, C.
Brinkman	Gustafson	Kelly	Nelson, B.	Rodriguez, F.
Byrne	Halberg	Knickerbocker	Nelson, K.	Rose
Carlson, D.	Hanson	Kostohryz	Norton	Samuelson
Carlson, L.	Harens	Kvam	Novak	Sarna
Clark, J.	Hauge	Lehto	O'Connor	Schoenfeld
Clark, K.	Heap	Lemen	Ogren	Searles
Clawson	Heinitz	Levi	Olsen	Sherman
Dahlvang	Himle	Long	Osthoff	Sieben, M.
Dean	Hoberg	Luknic	Otis	Simoneau

Skoglund	Swanson	Vellenga	Wenzel	Spkr. Sieben, H.
Staten	Tomlinson	Voss	Wigley	
Stowell	Valan	Weaver	Wynia	
Stumpf	Vanasek	Welch	Zubay	

Those who voted in the negative were:

Aasness	Esau	Ludeman	Rees	Welker
Ainley	Fjoslien	McDonald	Rothenberg	Wieser
Den Ouden	Gruenes	Niehaus	Schafer	
Drew	Haukoos	Nysether	Sherwood	
Erickson	Jennings	Onnen	Svigum	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 969, A bill for an act relating to metropolitan government; authorizing the metropolitan council to prepare guidelines relating to the amendment of comprehensive plans; amending Minnesota Statutes 1980, Section 473.864, Subdivision 2.

PATRICK E. FLAHAVER, Secretary of the Senate

Voss moved that the House refuse to concur in the Senate amendments to H. F. No. 969, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 157, A bill for an act relating to public welfare; providing that every birth to a minor shall be reported within three working days to the commissioner of public welfare; amending Minnesota Statutes 1980, Section 257.33.

PATRICK E. FLAHAVER, Secretary of the Senate

Hokanson moved that the House refuse to concur in the Senate amendments to H. F. No. 157, that the Speaker appoint a Con-

ference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1421, A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes, including the department of education, higher education coordinating board, state universities, community colleges, and the university of Minnesota and its hospitals, with certain conditions; amending Minnesota Statutes 1980, Sections 15.38; 121.931, Subdivision 5; 123.742, by adding a subdivision; 123.743; and 136A.121, Subdivisions 4 and 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

Sieben, M., moved that the House refuse to concur in the Senate amendments to H. F. No. 1421, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 460, 536, 657 and 937.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1125 and 1265.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 1104.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 830.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 460, A bill for an act relating to intoxicating liquor; authorizing the use of wine catalogs by off-sale dealers; amending Minnesota Statutes 1980, Section 340.15, Subdivision 1.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

S. F. No. 536, A bill for an act relating to local government; providing for the board membership and powers of the Moose Lake and Windemere area sanitary sewer district; amending Laws 1974, Chapter 400, Section 3, Subdivision 12, as amended; and Section 4, Subdivision 2, as amended; repealing Laws 1974, Chapter 400, Section 8, Subdivision 5, as amended.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 657, A bill for an act relating to courts; providing for additional clerk and administrator duties in conciliation court; changing the jurisdiction of conciliation courts; providing for a procedure to assist in collection of conciliation court judgments; changing certain deadlines; providing penalties; amending Minnesota Statutes 1980, Sections 487.30, Subdivision 1, and by adding a subdivision; 488A.12, Subdivision 3; 488A.13, Subdivision 2; 488A.14, Subdivisions 4 and 5; 488A.16, Subdivisions 2, 5, 6 and 8; 488A.17, Subdivisions 2 and 3; 488A.29, Subdivision 3; 488A.30, Subdivision 2; 488A.31,

Subdivisions 4 and 5; 488A.33, Subdivisions 2, 5, 7 and 8; 488A.-34, Subdivisions 2 and 12.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 937, A bill for an act relating to insurance; prohibiting the issuance or renewal of certain health policies or plans which exclude or limit coverage on DES related conditions; proposing new law coded in Minnesota Statutes, Chapter 62A.

The bill was read for the first time.

Wynia moved that S. F. No. 937 and H. F. No. 726, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1125, A bill for an act relating to the cities of Bloomington and St. Louis Park; authorizing use of electronic voting systems for absentee voting; imposing rule-making duties on the secretary of state.

The bill was read for the first time and referred to the Committee on Reapportionment and Elections.

S. F. No. 1265, A bill for an act relating to the Ramsey-Washington Metro watershed district; permitting deferral of special assessments in certain cases of hardship.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1104, A bill for an act relating to the public defender; establishing the board of public defense; transferring public defender responsibilities from the judicial council to the board of public defense; abolishing the judicial council; amending Minnesota Statutes 1980, Sections 611.23; 611.24; 611.26, Subdivisions 1, 2, 3, 4, and 5; proposing new law coded in Minnesota Statutes, Chapter 611; repealing Minnesota Statutes 1980, Sections 480.053; 483.01; and 483.02.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 830, A bill for an act relating to creditor's remedies; providing for an increase in the amount of household goods exemption; amending Minnesota Statutes 1980, Section 550.37, Subdivision 4.

The bill was read for the first time.

Ellingson moved that S. F. No. 830 and H. F. No. 1392, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 969:

Voss, Schreiber and McCarron.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 157:

Hokanson; Clark, J., and Zubay.

#### CONSENT CALENDAR

S. F. No. 1057, A bill for an act relating to the state fire marshal; deleting references to a dedicated fund and to archaic misdemeanor fines; prescribing procedures for the investigation of fires; repealing obsolete statutory requirements pertaining to flammable liquids, fire extinguishers, doors of buildings, and theaters; correcting an erroneous designation of responsibility concerning fire insurance premium returns; setting a penalty; amending Minnesota Statutes 1980, Sections 299F.011, Subdivision 1; 299F.08; 299F.09; 299F.19; 299F.20; 299F.21; 299F.22; 299F.23; 299F.24; 299F.26, Subdivision 1; 299F.29; 299F.31; 299F.36, Subdivision 2; 299F.391, Subdivision 1; and 299F.46, Subdivision 1; repealing Minnesota Statutes 1980, Sections 299F.011, Subdivision 2; 299F.27; 299G.10; 299H.01; 299H.02; and 299H.28, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Brinkman	Drew	Greenfield	Hokanson
Ainley	Byrne	Eken	Gruenes	Hokr
Anderson, B.	Carlson, D.	Elioff	Halberg	Jacobs
Anderson, G.	Carlson, L.	Ellingson	Hanson	Jennings
Anderson, I.	Clark, J.	Erickson	Harens	Johnson, C.
Anderson, R.	Clark, K.	Esau	Hauge	Johnson, D.
Battaglia	Clawson	Evans	Haukoos	Jude
Begich	Dahlvang	Ewald	Heap	Kahn
Berkelman	Dean	Fjoslien	Heinritz	Kaley
Blatz	Dempsey	Forsythe	Himle	Kalis
Brandl	Den Ouden	Friedrich	Hoberg	Kelly

Knickerbocker	Metzen	Otis	Schoenfeld	Valan
Kostohryz	Minne	Peterson, D.	Searles	Valento
Kvam	Munger	Piepho	Shea	Vanasek
Laidig	Murphy	Pogemiller	Sherman	Vellenga
Lehto	Nelsen, B.	Redalen	Sherwood	Voss
Lemen	Nelson, K.	Reding	Sieben, M.	Weaver
Levi	Niehaus	Rees	Simoneau	Welch
Long	Norton	Reif	Skoglund	Welker
Ludeman	Novak	Rice	Stadum	Wenzel
Luknic	Nysether	Rodriguez, C.	Staten	Wieser
Mann	O'Connor	Rodriguez, F.	Stowell	Wigley
Marsh	Ogren	Rothenberg	Stumpf	Wynia
McCarron	Olsen	Samuelson	Sviggum	Zubay
McDonald	Onnen	Sarna	Swanson	
Mehrkens	Osthoff	Schafer	Tomlinson	

Those who voted in the negative were:

McEachern

The bill was passed and its title agreed to.

S. F. No. 525 was reported to the House.

Kahn and Dahlvang moved to amend S. F. No. 525, as follows:

Page 3, delete lines 4 to 17

Re number the remaining section

Amend the title as follows:

Page 1, line 3, delete "providing"

Page 1, line 4, delete "for maintenance of areas;"

Page 1, line 5, delete everything after "173.17" and insert a period

Page 1, delete line 6

The motion prevailed and the amendment was adopted.

Shea moved to amend S. F. No. 525, as amended by the Kahn and Dahlvang amendment, as follows:

Page 3, reinstate lines 4 to 17

Page 3, line 5, of the reinstated language, strike "shall" insert "may"

Upon objection of ten members S. F. No. 525, as amended, was stricken from the Consent Calendar and returned to General Orders.

H. F. No. 515, A bill for an act relating to coroners; eliminating the requirement of filing a certificate of no inquest; amending Minnesota Statutes 1980, Section 390.17.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kelly	O'Connor	Simoneau
Ainley	Ewald	Knickerbocker	Ogren	Skoglund
Anderson, B.	Fjoslien	Kostohryz	Olson	Stadum
Anderson, G.	Forsythe	Kvam	Onnen	Staten
Anderson, R.	Friedrich	Lehto	Otis	Stowell
Battaglia	Greenfield	Lemen	Peterson, B.	Stumpf
Begich	Gruenes	Long	Peterson, D.	Sviggum
Berkelman	Gustafson	Ludeman	Piepho	Swanson
Blatz	Halberg	Luknic	Pogemiller	Tomlinson
Brandl	Hanson	Mann	Redalen	Valan
Brinkman	Harens	Marsh	Reding	Valento
Carlson, D.	Hauge	McCarron	Rees	Vanasek
Carlson, L.	Haukoos	McDonald	Reif	Vellenga
Clark, J.	Heap	McEachern	Rodriguez, C.	Voss
Clark, K.	Heinitz	Mehrkens	Rodriguez, F.	Weaver
Clawson	Himle	Metzen	Rose	Welch
Dean	Hoberg	Minne	Rothenberg	Welker
Dempsey	Hokr	Munger	Samuelson	Wenzel
Den Ouden	Jacobs	Murphy	Sarna	Wieser
Drew	Jennings	Nelsen, B.	Schafer	Wigley
Eken	Johnson, C.	Nelson, K.	Schoenfeld	Wynia
Elioff	Johnson, D.	Niehaus	Searles	Zubay
Ellingson	Jude	Norton	Shea	Spkr. Sieben, H.
Erickson	Kaley	Novak	Sherman	
Esau	Kalis	Nysether	Sherwood	

The bill was passed and its title agreed to.

S. F. No. 149, A bill for an act relating to delivery or filing of documents; providing for timely delivery or filing of certain documents with respect to weekends and holidays; amending Minnesota Statutes 1980, Section 645.15; proposing new law coded in Minnesota Statutes, Chapter 645.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, I.	Berkelman	Byrne	Clark, K.
Ainley	Anderson, R.	Blatz	Carlson, D.	Clawson
Anderson, B.	Battaglia	Brandl	Carlson, L.	Dahlvang
Anderson, G.	Begich	Brinkman	Clark, J.	Dean



Dempsey	Heinitz	Mann	Piepho	Stumpf
Den Ouden	Himle	Marsh	Pogemiller	Sviggum
Drew	Hoberg	McCarron	Redalen	Swanson
Eken	Hokanson	McDonald	Reding	Tomlinson
Elioff	Hokr	Mehrkens	Rees	Valan
Ellingson	Jacobs	Minne	Reif	Valento
Erickson	Jennings	Munger	Rodriguez, C.	Vanasek
Esau	Johnson, C.	Murphy	Rodriguez, F.	Vellenga
Evans	Johnson, D.	Nelsen, B.	Rose	Voss
Ewald	Jude	Nelson, K.	Rothenberg	Weaver
Fjoslien	Kahn	Niehaus	Samuelson	Welch
Forsythe	Kaley	Norton	Schafer	Welker
Friedrich	Kalis	Novak	Schoenfeld	Wenzel
Greenfield	Kelly	Nysether	Searles	Wieser
Gruenes	Knickerbocker	O'Connor	Sherman	Wigley
Gustafson	Kostohryz	Ogren	Sherwood	Wynia
Halberg	Kvam	Olsen	Sieben, M.	Zubay
Hanson	Lehto	Onnen	Simoneau	Sprk. Sieben, H.
Harens	Lemen	Osthoff	Skoglund	
Hauge	Long	Otis	Stadum	
Haukoos	Ludeman	Peterson, B.	Staten	
Heap	Luknic	Peterson, D.	Stowell	

The bill was passed and its title agreed to.

S. F. No. 182, A bill for an act relating to probate; increasing the surviving spouse's share of certain personal property; amending Minnesota Statutes 1980, Section 525.15.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Johnson, D.	Nelsen, B.	Samuelson
Ainley	Erickson	Jude	Nelson, K.	Sarna
Anderson, B.	Esau	Kahn	Niehaus	Schafer
Anderson, G.	Evans	Kaley	Norton	Schoenfeld
Anderson, I.	Ewald	Kalis	Novak	Searles
Anderson, R.	Fjoslien	Kelly	Nysether	Shea
Battaglia	Forsythe	Knickerbocker	O'Connor	Sherman
Begich	Friedrich	Kostohryz	Ogren	Sherwood
Berkelman	Greenfield	Kvam	Olsen	Sieben, M.
Blatz	Gruenes	Laidig	Onnen	Simoneau
Brandl	Gustafson	Lehto	Osthoff	Skoglund
Brinkman	Halberg	Lemen	Otis	Stadum
Byrne	Hanson	Long	Peterson, B.	Staten
Carlson, D.	Harens	Ludeman	Peterson, D.	Stowell
Carlson, L.	Hauge	Luknic	Piepho	Stumpf
Clark, J.	Haukoos	Mann	Pogemiller	Sviggum
Clark, K.	Heap	Marsh	Redalen	Swanson
Clawson	Heinitz	McCarron	Reding	Tomlinson
Dahlvang	Himle	McDonald	Rees	Valan
Dean	Hoberg	McEachern	Reif	Valento
Dempsey	Hokanson	Mehrkens	Rice	Vanasek
Den Ouden	Hokr	Metzen	Rodriguez, C.	Vellenga
Drew	Jacobs	Minne	Rodriguez, F.	Voss
Eken	Jennings	Munger	Rose	Weaver
Elioff	Johnson, C.	Murphy	Rothenberg	Welch

Welker  
WenzelWieser  
Wigley

Wynia

Zubay

Spkr. Sieben, H.

The bill was passed and its title agreed to.

Laidig was excused for the remainder of today's session.

S. F. No. 218, A bill for an act relating to landlords and tenants; changing the time limit for landlords to furnish tenants with certain information; amending Minnesota Statutes 1980, Section 290A.19.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kahn	Novak	Shea
Ainley	Esau	Kaley	Nysether	Sherman
Anderson, B.	Evans	Kalis	O'Connor	Sherwood
Anderson, G.	Ewald	Kelly	Ogren	Sieben, M.
Anderson, I.	Fjoslien	Knickerbocker	Olsen	Simoneau
Anderson, R.	Forsythe	Kostohryz	Onnen	Skoglund
Battaglia	Friedrich	Kvam	Osthoff	Staten
Begich	Greenfield	Lehto	Otis	Stowell
Berkelman	Gruenes	Lemen	Peterson, B.	Stumpf
Blatz	Gustafson	Long	Peterson, D.	Sviggum
Brandl	Halberg	Ludeman	Piepho	Swanson
Brinkman	Hanson	Luknic	Pogemiller	Tomlinson
Byrne	Harens	Mann	Redalen	Valan
Carlson, D.	Hauge	Marsh	Reding	Valento
Carlson, L.	Haukoos	McCarron	Rees	Vanasek
Clark, J.	Heap	McDonald	Reif	Vellenga
Clark, K.	Heinitz	McEachern	Rice	Voss
Clawson	Himle	Mehrkens	Rodriguez, C.	Weaver
Dahlvang	Hoberg	Metzen	Rodriguez, F.	Welch
Dean	Hokanson	Minne	Rose	Welker
Dempsey	Hokr	Munger	Rothenberg	Wenzel
Den Ouden	Jacobs	Murphy	Samuelson	Wieser
Drew	Jennings	Nelsen, B.	Sarna	Wigley
Eken	Johnson, C.	Nelson, K.	Schafer	Wynia
Elioff	Johnson, D.	Niehaus	Schoenfeld	Zubay
Ellingson	Jude	Norton	Searles	Spkr. Sieben, H.

The bill was passed and its title agreed to.

S. F. No. 329, A bill for an act relating to probate; providing that certain mobile homes are homesteads; amending Minnesota Statutes 1980, Section 525.145.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were :

Aasness	Esau	Kalis	Ogren	Simoneau
Ainley	Evans	Kelly	Olsen	Skoglund
Anderson, B.	Ewald	Knickerbocker	Onnen	Stadum
Anderson, G.	Fjoslien	Kostohryz	Osthoff	Staten
Anderson, I.	Forsythe	Kvam	Otis	Stowell
Anderson, R.	Friedrich	Lehto	Peterson, B.	Stumpf
Battaglia	Greenfield	Lemen	Peterson, D.	Sviggum
Begich	Gruenes	Long	Piepho	Swanson
Berkelman	Gustafson	Ludeman	Pogemiller	Tomlinson
Blatz	Halberg	Luknic	Redalen	Valan
Brandl	Hanson	Mann	Reding	Valento
Brinkman	Harens	Marsh	Rees	Vanasek
Byrne	Hauge	McCarron	Reif	Vellenga
Carlson, D.	Haukoos	McDonald	Rice	Voss
Carlson, L.	Heap	McEachern	Rodriguez, C.	Weaver
Clark, J.	Hejnitz	Mehrkens	Rodriguez, F.	Welch
Clark, K.	Himle	Metzen	Rose	Welker
Clawson	Hoberg	Minne	Rothenberg	Wenzel
Dahlvang	Hokanson	Munger	Samuelson	Wieser
Dean	Hokr	Murphy	Sarna	Wigley
Dempsey	Jacobs	Nelsen, B.	Schafer	Wynia
Den Ouden	Jennings	Nelson, K.	Schoenfeld	Zubay
Drew	Johnson, C.	Niehaus	Searles	Spkr. Sieben, H.
Eken	Johnson, D.	Norton	Shea	
Elioff	Jude	Novak	Sherman	
Ellingson	Kahn	Nysether	Sherwood	
Erickson	Kaley	O'Connor	Sieben, M.	

The bill was passed and its title agreed to.

### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Sieben, M., requested immediate consideration of H. F. No. 1446.

H. F. No. 1446 was reported to the House.

Sviggum moved to amend H. F. No. 1446, as follows:

Page 8, delete lines 54 to 62 and insert: "Funds appropriated for the Minnesota Economic Opportunity Grant Program shall be allocated to community action agencies so that each agency's share of the appropriation is proportionate to the size of the poverty level population served by the agency when compared to the size of the poverty level population in the state."

Page 9, delete line 1

A roll call was requested and properly seconded.

Byrne moved to amend the Sviggum amendment to H. F. No. 1446 as follows:

Delete the new language on lines 4 to 8 and insert:

"Notwithstanding any other law to the contrary, the state funds appropriated for community action agencies for the biennium ending June 30, 1983, shall be distributed as follows:

(1) Fifty percent of the total amount shall be allocated to community action agencies so that each agency's share of that sum is proportionate to the size of the poverty level population served by the agency when compared to the size of the poverty level population in the state. "Poverty level population" means the number of people whose household income is below the poverty line established by the federal bureau of labor and statistics;

(2) The remaining 50 percent shall be allocated to each community action agency so that each agency receives a proportion of those funds equal to the proportion of state funds which it received for the previous biennium."

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 47 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Battaglia	Ellingson	Kostohryz	Osthoff	Simoneau
Begich	Greenfield	Lehto	Otis	Skoglund
Berkelman	Gustafson	Long	Pogemiller	Tomlinson
Brandl	Hanson	McCarron	Rees	Vanasek
Byrne	Harens	Munger	Reif	Voss
Clark, J.	Hauge	Nelson, K.	Rodriguez, C.	Welch
Clark, K.	Hokanson	Norton	Rodriguez, F.	Wynia
Clawson	Jacobs	Novak	Rose	
Drew	Kahn	O'Connor	Samuelson	
Elioff	Kelly	Ogren	Sieben, M.	

Those who voted in the negative were:

Aasness	Evans	Kaley	Nelsen, B.	Sherwood
Ainley	Ewald	Kalis	Niehaus	Stadum
Anderson, B.	Fjoslien	Knickerbocker	Nysether	Staten
Anderson, G.	Friedrich	Kvam	Olsen	Stowell
Anderson, R.	Gruenes	Lemen	Onnen	Stumpf
Blatz	Halberg	Levi	Peterson, B.	Sviggum
Brinkman	Haukoos	Ludeman	Peterson, D.	Swanson
Carlson, D.	Heap	Luknic	Piepho	Valan
Carlson, L.	Heinitz	Mann	Redalen	Weaver
Dahlvang	Himle	Marsh	Rothenberg	Welker
Dean	Hoberg	McDonald	Sarna	Wenzel
Dempsey	Hokr	McEachern	Schafer	Wieser
Den Ouden	Jennings	Mehrkens	Schoenfeld	Wigley
Eken	Johnson, C.	Metzen	Searles	Zubay
Erickson	Johnson, D.	Minne	Shea	
Esau	Jude	Murphy	Sherman	

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the Sviggum amendment and the roll was called. There were 89 yeas and 35 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Jacobs	Murphy	Shea
Ainley	Elioff	Jennings	Nelsen, B.	Sherman
Anderson, B.	Erickson	Johnson, D.	Niehaus	Sherwood
Anderson, G.	Esau	Jude	Nysether	Stadum
Anderson, I.	Evans	Kaley	Ogren	Staten
Anderson, R.	Ewald	Kalis	Olsen	Stowell
Battaglia	Fjoslien	Knickerbocker	Onnen	Stumpf
Begich	Friedrich	Kvam	Peterson, B.	Sviggum
Blatz	Greenfield	Lemen	Peterson, D.	Swanson
Brinkman	Gruenes	Long	Piepho	Valan
Carlson, D.	Halberg	Ludeman	Redalen	Vanasek
Carlson, L.	Hauge	Luknic	Rees	Weaver
Clark, J.	Haukoos	Mann	Rodriguez, C.	Welker
Clawson	Heap	Marsh	Rothenberg	Wenzel
Dahlvang	Heinitz	McDonald	Sarna	Wieser
Dean	Himle	McEachern	Schafer	Wigley
Dempsey	Hoberg	Mehrkens	Schoenfeld	Zubay
Den Ouden	Hokr	Minne	Searles	

Those who voted in the negative were:

Berkelman	Hanson	McCarron	Osthoff	Simoneau
Brandl	Harens	Metzen	Pogemiller	Skoglund
Byrne	Hokanson	Munger	Reif	Tomlinson
Clark, K.	Kahn	Nelson, K.	Rodriguez, F.	Vellenga
Drew	Kelly	Norton	Rose	Voss
Ellingson	Kostohryz	Novak	Samuelson	Welch
Gustafson	Lehto	O'Connor	Sieben, M.	Wynia

The motion prevailed and the amendment was adopted.

H. F. No. 1446 was read for the third time, as amended.

Carlson, D., moved that H. F. No. 1446, as amended, be re-referred to the Committee on Appropriations.

A roll call was requested and properly seconded.

The question was taken on the motion to re-refer and the roll was called. There were 49 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Aasness	Gruenes	Levi	Onnen	Stadum
Ainley	Halberg	Ludeman	Peterson, B.	Stowell
Blatz	Haukoos	Luknic	Piepho	Sviggum
Carlson, D.	Heap	Marsh	Redalen	Valan
Dempsey	Heinitz	McDonald	Rees	Valento
Drew	Hokr	Mehrkens	Rothenberg	Welker
Esau	Jennings	Nelsen, B.	Schafer	Wieser
Ewald	Knickerbocker	Niehaus	Searles	Wigley
Fjoslien	Kvam	Nysether	Sherman	Zubay
Friedrich	Lemen	Olsen	Sherwood	

Those who voted in the negative were :

Anderson, B.	Eken	Jude	O'Connor	Simoneau
Anderson, G.	Elioff	Kahn	Ogren	Skoglund
Anderson, I.	Ellingson	Kalis	Osthoff	Staten
Anderson, R.	Erickson	Kelly	Otis	Stumpf
Battaglia	Evans	Kostohryz	Peterson, D.	Swanson
Begich	Forsythe	Lehto	Pogemiller	Tomlinson
Berkelman	Greenfield	Long	Reding	Vanasek
Brandl	Gustafson	Mann	Reif	Vellenga
Brinkman	Hanson	McCarron	Rice	Voss
Byrne	Harens	McEachern	Rodriguez, C.	Weaver
Carlson, L.	Hauge	Metzen	Rodriguez, F.	Welch
Clark, J.	Himle	Minne	Rose	Wenzel
Clark, K.	Hoberg	Munger	Samuelson	Wynia
Clawson	Hokanson	Murphy	Sarna	Spkr. Sieben, H.
Dahlvang	Jacobs	Nelson, K.	Schoenfeld	
Dean	Johnson, C.	Norton	Shea	
Den Ouden	Johnson, D.	Novak	Sieben, M.	

The motion did not prevail.

H. F. No. 1446, A bill for an act relating to the organization and operation of state government; appropriating money for welfare, corrections, health, and other purposes with certain conditions; providing appropriations for the departments of public welfare, economic security, corrections, health, sentencing guidelines, corrections ombudsman, and health related boards; amending Minnesota Statutes 1980, Sections 241.021, by adding subdivisions; 241.13; 241.69, Subdivision 4; 245.0313; 245.765, Subdivision 1; 246.151; 254A.03, by adding a subdivision; 256.73, Subdivision 2; 256.76, Subdivision 1; 256B.02, Subdivision 8; 256B.06, Subdivision 1; 256B.091, by adding a subdivision; 256B.15; 256B.17; 256D.01, Subdivision 1; 256D.02, Subdivisions 4 and 13; 256D.05, Subdivision 3, and by adding a subdivision; 256D.06, Subdivision 1, and by adding a subdivision; 256D.08, Subdivision 2; 256D.09, Subdivision 1; 256D.11, Subdivisions 1, 8 and 9, and by adding a subdivision; 260.311, Subdivision 5; 393.07, Subdivision 10; 401.4; and 401.12; proposing new law coded in Minnesota Statutes, Chapters 144; 245; 256D and 257; repealing Minnesota Statutes, Sections 256D.06, Subdivisions 1a and 2; 256D.09, Subdivision 2; and 256D.11, Subdivisions 1a, 2a, and 3a.

The bill was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 83 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Blatz	Clawson	Evans	Himle
Anderson, G.	Brandl	Dahlvang	Forsythe	Hoberg
Anderson, I.	Brinkman	Den Ouden	Greenfield	Hokanson
Anderson, R.	Byrne	Drew	Gustafson	Hokr
Battaglia	Carlson, L.	Eken	Hanson	Jacobs
Begich	Clark, J.	Elioff	Harens	Johnson, C.
Berkelman	Clark, K.	Ellingson	Hauge	Johnson, D.

Jude	McCarron	O'Connor	Samuelson	Swanson
Kahn	McEachern	Ogren	Sarna	Tomlinson
Kaley	Mehrkens	Otis	Schoenfeld	Vanasek
Kalis	Metzen	Peterson, D.	Shea	Vellenga
Kelly	Minne	Pogemiller	Sieben, M.	Weaver
Kostohryz	Munger	Reding	Simoneau	Wenzel
Lehto	Murphy	Reif	Skoglund	Wynia
Long	Nelson, K.	Rice	Staten	Spkr. Sieben, H.
Luknic	Norton	Rodriguez, C.	Stumpf	
Mann	Novak	Rodriguez, F.	Sviggum	

Those who voted in the negative were:

Aasness	Gruenes	Ludeman	Piepho	Valan
Ainley	Halberg	Marsh	Redalen	Valento
Carlson, D.	Haukoos	McDonald	Rees	Voss
Dean	Heap	Nelsen, B.	Rose	Welch
Dempsey	Heinitz	Niehaus	Rothenberg	Welker
Erickson	Jennings	Nysether	Schafer	Wieser
Esau	Knickerbocker	Olsen	Searles	Wigley
Ewald	Kvam	Onnen	Sherwood	Zubay
Fjoslien	Lemen	Osthoff	Stadum	
Friedrich	Levi	Peterson, B.	Stowell	

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

### CALENDAR

H. F. No. 217, A bill for an act relating to state trails; authorizing the sale or conveyance of certain lands acquired for the Luce Line Trail and certain other lands acquired for trail purposes; reducing the selling price on the sale of certain state owned trail land in Fillmore County.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 71 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kvam	Ogren	Sviggum
Ainley	Fjoslien	Lemen	Onnen	Valan
Anderson, G.	Friedrich	Levi	Osthoff	Valento
Anderson, I.	Gruenes	Long	Piepho	Weaver
Anderson, R.	Gustafson	Ludeman	Redalen	Welch
Battaglia	Hauge	Luknic	Reding	Welker
Begich	Haukoos	Mann	Rees	Wenzel
Berkelman	Himle	Marsh	Samuelson	Wieser
Brinkman	Hoberg	McCarron	Schafer	Wigley
Carlson, D.	Hokr	McDonald	Schoenfeld	Zubay
Dempsey	Jennings	Mehrkens	Sherman	Spkr. Sieben, H.
Den Ouden	Johnson, C.	Minne	Sherwood	
Elioff	Johnson, D.	Nelsen, B.	Stadum	
Erickson	Kaley	Niehaus	Stowell	
Esau	Kalis	Nysether	Stumpf	

Those who voted in the negative were:

Brandl	Greenfield	Knickerbocker	Otis	Staten
Byrne	Halberg	Kostohryz	Peterson, B.	Swanson
Carlson, L.	Hanson	Lehto	Peterson, D.	Tomlinson
Clark, J.	Harens	McEachern	Pogemiller	Vanasek
Clawson	Heap	Metzen	Reif	Vellenga
Dahlvang	Heinitz	Munger	Rodriguez, C.	Voss
Dean	Hokanson	Murphy	Rose	Wynia
Drew	Jacobs	Norton	Rothenberg	
Ellingson	Jude	Novak	Sarna	
Ewald	Kahn	O'Connor	Shea	
Forsythe	Kelly	Olsen	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 308 was reported to the House and given its third reading.

Blatz moved that H. F. No. 308 be continued on the Calendar for one day. The motion prevailed.

H. F. No. 668, A resolution memorializing the President and Congress to design the 1981 farm bill so as to protect the family farm system.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 115 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Johnson, D.	O'Connor	Sieben, M.
Ainley	Erickson	Jude	Ogren	Simoneau
Anderson, B.	Esau	Kalis	Olsen	Skoglund
Anderson, G.	Evans	Kelly	Onnen	Stadum
Anderson, I.	Ewald	Knickerbocker	Osthoff	Staten
Anderson, R.	Fjoslien	Kostohryz	Otis	Stowell
Battaglia	Forsythe	Kvam	Pogemiller	Stumpf
Begich	Greenfield	Lehto	Redalen	Sviggum
Berkelman	Gruenes	Lemen	Reding	Swanson
Blatz	Gustafson	Long	Rees	Tomlinson
Brandl	Halberg	Luknic	Reif	Valan
Brinkman	Harens	Mann	Rice	Valento
Byrne	Hauge	Marsh	Rodriguez, C.	Vanasek
Carlson, D.	Haukoos	McCarron	Rodriguez, F.	Vellenga
Carlson, L.	Heap	McEachern	Rose	Voss
Clark, J.	Heinitz	Mehrkens	Rothenberg	Weaver
Clark, K.	Himle	Minne	Samuelson	Welch
Clawson	Hoberg	Murphy	Sarna	Wenzel
Dahlvang	Hokanson	Nelson, K.	Schafer	Wieser
Dean	Hokr	Niehaus	Schoenfeld	Wigley
Dempsey	Jacobs	Norton	Shea	Wynia
Eken	Jennings	Novak	Sherman	Zubay
Elioff	Johnson, C.	Nysether	Sherwood	Spkr. Sieben, H.



Those who voted in the negative were:

Den Ouden	Kahn	Ludeman	Munger	Welker
Drew	Levi	Metzen	Piepho	

The bill was passed and its title agreed to.

H. F. No. 691 was reported to the House and given its third reading.

O'Connor moved that the action whereby H. F. No. 691 was given its third reading be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the motion to reconsider and the roll was called. There were 66 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Long	Peterson, D.	Skoglund
Anderson, I.	Greenfield	Mann	Piepho	Staten
Battaglia	Gustafson	McCarron	Pogemiller	Stumpf
Begich	Harens	McEachern	Reding	Tomlinson
Berkelman	Hauge	Metzen	Rice	Vanasek
Brandl	Hokanson	Minne	Rodriguez, C.	Vellenga
Brinkman	Jacobs	Munger	Rodriguez, F.	Welch
Byrne	Johnson, C.	Nelson, K.	Samuelson	Wenzel
Carlson, L.	Jude	Norton	Sarna	Wynia
Clark, J.	Kahn	Novak	Schoenfeld	Spkr. Sieben, H.
Clark, K.	Kalis	O'Connor	Shea	
Dahlvang	Kelly	Ogren	Sherman	
Eken	Kostohryz	Osthoff	Sieben, M.	
Elioff	Lehto	Otis	Simoneau	

Those who voted in the negative were:

Aasness	Fjoslien	Johnson, D.	Nysether	Stowell
Anderson, G.	Forsythe	Kaley	Olsen	Sviggum
Blatz	Friedrich	Knickerbocker	Onnen	Swanson
Carlson, D.	Gruenes	Kvam	Peterson, B.	Valan
Clawson	Halberg	Lemen	Redalen	Valento
Dean	Hanson	Levi	Rees	Voss
Dempsey	Haukoos	Ludeman	Reif	Weaver
Den Ouden	Heap	Luknic	Rose	Welker
Drew	Heinitz	Marsh	Rothenberg	Wieser
Erickson	Himle	McDonald	Schafer	Wigley
Esau	Hoberg	Murphy	Searles	Zubay
Evans	Hokr	Nelsen, B.	Sherwood	
Ewald	Jennings	Niehaus	Stadum	

The motion prevailed.

O'Connor and Gustafson moved to amend H. F. No. 691, as follows:

Page 2, after line 14, insert:

*"Subd. 5. [MALFUNCTION OF ELECTRONIC RECORDING.] If, when electronic recording equipment is used, a malfunction occurs in the recording process so that the recording is incomplete, the court may declare a mistrial if the malfunction is discovered during the trial. If the malfunction is discovered in the course of preparing a transcript after a verdict has been entered, the court may grant a new trial upon motion of any party."*

Swanson moved to amend the O'Connor and Gustafson amendment to H. F. No. 691, as follows:

Line 8, after "party" and before the period insert *"and the court reporter shall be responsible for the cost of the trial"*

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the O'Connor and Gustafson motion to amend H. F. No. 691. The motion prevailed and the amendment was adopted.

H. F. No. 691, A bill for an act relating to court reporting; permitting the use of electronic recording equipment in certain district court proceedings; amending Minnesota Statutes 1980, Sections 486.02 and 486.03; and proposing new law coded in Minnesota Statutes, Chapter 484.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kahn	Novak	Sherwood
Anderson, B.	Evans	Kaley	Nysether	Sieben, M.
Anderson, G.	Ewald	Kelly	O'Connor	Skoglund
Anderson, I.	Fjoslien	Knickerbocker	Ogren	Stadum
Anderson, R.	Forsythe	Kostohryz	Olsen	Staten
Battaglia	Friedrich	Kvam	Onnen	Sviggunn
Begich	Greenfield	Lehto	Osthoff	Swanson
Berkelman	Gruenes	Lemen	Otis	Tomlinson
Blatz	Halberg	Long	Peterson, B.	Valan
Brandl	Hanson	Ludeman	Peterson, D.	Valento
Brinkman	Harens	Luknic	Pogemiller	Vanasek
Byrne	Hauge	Mann	Redalen	Vellenga
Carlson, D.	Haukoos	Marsh	Reding	Voss
Carlson, L.	Heap	McCarron	Rees	Weaver
Clark, J.	Heinitz	McDonald	Reif	Welch
Clark, K.	Himle	McEachern	Rice	Welker
Clawson	Hoberg	Mehrkens	Rodriguez, F.	Wenzel
Dahlvang	Hokanson	Metzen	Rose	Wieser
Dean	Hokr	Minne	Rothenberg	Wigley
Den Ouden	Jacobs	Munger	Samuelson	Wynia
Drew	Jennings	Nelsen, B.	Sarna	Zubay
Eken	Johnson, C.	Nelson, K.	Schafer	Spkr. Sieben, H.
Ellingson	Johnson, D.	Niehaus	Searles	
Erickson	Jude	Norton	Shea	

Those who voted in the negative were:

Ainley	Gustafson	Piepho	Sherman	Stumpf
Dempsey	Kalis	Rodriguez, C.	Simoneau	
Elioff	Murphy	Schoenfeld		

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

There being no objection the order of business reverted to Messages from the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 79, A bill for an act relating to commerce; providing for the regulation and licensing of precious metal dealers; establishing identification procedures and recording requirements; prohibiting certain transactions; providing for criminal and civil penalties; providing remedies; amending Minnesota Statutes 1980, Section 609.53, Subdivision 4, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapter 325F.

PATRICK E. FLAHAVEN, Secretary of the Senate

Pogemiller moved that the House refuse to concur in the Senate amendments to H. F. No. 79, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 326, A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1980, Sections 62E.52, Subdi-

visions 2 and 3; 62E.53, Subdivisions 1 and 2; and 62E.531, Subdivision 2.

PATRICK E. FLAHAVERN, Secretary of the Senate

Swanson moved that the House refuse to concur in the Senate amendments to H. F. No. 326, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 79:

Pogemiller, Vanasek and Blatz.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 326:

Swanson; Carlson, L., and Reif.

Sarna and Reif were excused at 5:30 p.m.

#### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. Wynia presided during a portion of the meeting of the Committee of the Whole. After some time spent therein the Committee arose.

#### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 788, 923, 904 and 966 which it recommended to pass.

H. F. Nos. 544, 715, 873 and 945 which it recommended progress.

H. F. Nos. 756 and 764 which it recommended progress until Thursday, May 7, 1981.

S. F. No. 365 which it recommended progress until Thursday, May 7, 1981.

H. F. No. 263 which it recommended re-referral to the Committee on Labor-Management Relations.

H. F. No. 673 which it recommended to pass with the following amendment offered by Heap :

Page 4, line 16, delete "*witnesses*" and insert "*licensees*"

Page 4, after line 23, insert :

*"In the event that the licensee refuses to obey the subpoena, or should the commissioner, upon completion of the examination of the licensee, reasonably conclude that a violation has occurred, the commissioner may examine additional witnesses, including third parties, as may be necessary to complete the investigation.*

*Any subpoena issued pursuant to this section shall be served in the same manner as a summons. Service shall be made at least 15 days prior to the date of appearance."*

H. F. No. 936 which it recommended to pass with the following amendment offered by Lemen :

Page 6, after line 26, insert :

"Sec. 10. Minnesota Statutes 1980, Section 282.04, Subdivision 1, is amended to read :

Subdivision 1. [TIMBER SOLD FOR CASH.] The county auditor may sell dead, down and mature timber upon any tract that may be approved by the natural resources commissioner. Such sale of timber products shall be made for cash at not less than the appraised value determined by the county board to the highest bidder after not less than one week's published notice in an official paper within the county. Any timber offered at such public sale and not sold may thereafter be sold at private sale by the county auditor at not less than the appraised value thereof, until such time as the county board may withdraw such timber from sale. The appraised value of the timber and the forestry practices to be followed in the cutting of said timber shall be approved by the commissioner of natural resources. Payment of the full sale price of all timber sold on tax-forfeited lands shall be made in cash at the time of the timber sale. The county board may require final settlement on the basis of a scale of cut products. Any parcels of land from which timber is to be sold by scale of cut products shall be so designated in the published notice of sale above mentioned, in which case the notice shall contain a description of such parcels, a statement of the estimated quantity of each species of timber thereon and the appraised

price of each specie of timber for 1,000 feet, per cord or per piece, as the case may be. In such cases any bids offered over and above the appraised prices shall be by percentage, the percent bid to be added to the appraised price of each of the different species of timber advertised on the land. The purchaser of timber from such parcels shall pay in cash at the time of sale at the rate bid for all of the timber shown in the notice of sale as estimated to be standing on the land, and in addition shall pay at the same rate for any additional amounts which the final scale shows to have been cut or was available for cutting on the land at the time of sale under the terms of such sale. Where the final scale of cut products shows that less timber was cut or was available for cutting under terms of such sale than was originally paid for, the excess payment shall be refunded from the forfeited tax sale fund upon the claim of the purchaser, to be audited and allowed by the county board as in case of other claims against the county. No timber, except hardwood pulpwood, may be removed from such parcels of land or other designated landings until scaled by a person or persons designated by the county board and approved by the commissioner of natural resources. Landings other than the parcel of land from which timber is cut may be designated for scaling by the county board by written agreement with the purchaser of the timber. The county board may, by written agreement with the purchaser and with a consumer designated by him when the timber is sold by the county auditor, and with the approval of the commissioner of natural resources, accept the consumer's scale of cut products delivered at the consumer's landing. No timber shall be removed until fully paid for in cash. Small amounts of green standing, dead, down, dying, insect infected or diseased timber not exceeding (\$1,500) \$3,000 in appraised valuation may be sold for not less than the full appraised value at private sale to individual persons without first publishing notice of sale or calling for bids, provided that in case of such sale involving a total appraised value of more than \$200 the sale shall be made subject to final settlement on the basis of a scale of cut products in the manner above provided and not more than two such sales, directly or indirectly to any individual shall be in effect at one time. As directed by the county board, the county auditor may lease tax-forfeited land to individuals, corporations or organized subdivisions of the state at public or private vendue, and at such prices and under such terms as the county board may prescribe, for use as cottage and camp sites and for agricultural purposes and for the purpose of taking and removing of hay, stumpage, sand, gravel, clay, rock, marl, and black dirt therefrom, and for garden sites and other temporary uses provided that no leases shall be for a period to exceed ten years; provided, further that any leases involving a consideration of more than \$300 per year, except to an organized subdivision of the state shall first be offered at public sale in the manner provided herein for sale of timber. Upon the sale of any such leased land, it shall remain subject to the lease for not to exceed one year from the beginning of the term of the lease. Any rent paid by the lessee for the portion of the term cut off by such cancellation shall be refunded from the forfeited tax sale fund upon

the claim of the lessee, to be audited and allowed by the county board as in case of other claims against the county. The county auditor, with the approval of the county board is authorized to grant permits, licenses, and leases to tax-forfeited lands for the depositing of stripping, lean ores, tailings, or waste products from mines or ore milling plants, upon such conditions and for such consideration and for such period of time, not exceeding 15 years, as the county board may determine; said permits, licenses, or leases to be subject to approval by the commissioner of natural resources. Any person who removes any timber from tax-forfeited land before said timber has been scaled and fully paid for as provided in this subdivision is guilty of a misdemeanor. The county auditor may, with the approval of the county board and the commissioner of natural resources, and without first offering at public sale, grant leases, for a term not exceeding 25 years, for the removal of peat from tax-forfeited lands upon such terms and conditions as the county board may prescribe.

Provided, however, that no lease for the removal of peat shall be made by the county auditor pursuant to this section without first holding a public hearing on his intention to lease. One printed notice in a legal newspaper in the county at least ten days before the hearing, and posted notice in the courthouse at least 20 days before the hearing shall be given of the hearing."

Renumber the remaining section

Amend the title as follows:

Page 1, line 6, after "timber;" insert "sale of stumpage;"

Page 1, line 10, after "Subdivision 1;" insert "282.04, Subdivision 1;"

On the motion of Eken the report of the Committee of the Whole was adopted.

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

The question was taken on the Nysether motion to re-refer H. F. No. 966 to the Committee on Energy, and the roll was called. There were 53 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, D.	Drew	Ewald	Friedrich
Ainley	Dempsey	Erickson	Fjoslien	Halberg
Blatz	Den Ouden	Esau	Forsythe	Haukoos

Heap	Knickerbocker	Olsen	Schafer	Valento
Heinitz	Kvam	Onnen	Searles	Weaver
Himle	Lemen	Peterson, B.	Sherman	Welker
Hoberg	Levi	Piepho	Sherwood	Wieser
Hokr	Ludeman	Redalen	Stadum	Wigley
Jennings	McDonald	Rees	Stowell	Zubay
Johnson, D.	Niehaus	Rose	Sviggum	
Kaley	Nysether	Rothenberg	Valan	

Those who voted in the negative were:

Anderson, G.	Evans	Kostohryz	O'Connor	Sieben, M.
Anderson, R.	Greenfield	Lehto	Ogren	Simoneau
Battaglia	Gruenes	Long	Osthoff	Skoglund
Begich	Gustafson	Mann	Otis	Staten
Brandl	Hanson	McCarron	Peterson, D.	Stumpf
Brinkman	Harens	McEachern	Pogemiller	Swanson
Byrne	Hauge	Metzen	Reding	Tomlinson
Carlson, L.	Hokanson	Minne	Rice	Vanasek
Clark, J.	Jacobs	Munger	Rodriguez, C.	Vellenga
Clark, K.	Johnson, C.	Murphy	Rodriguez, F.	Voss
Clawson	Jude	Nelsen, B.	Samuelson	Wenzel
Eken	Kahn	Nelson, K.	Sarna	Wynia
Elioff	Kalis	Norton	Schoenfeld	Spkr. Sieben, H.
Ellingson	Kelly	Novak	Shea	

The motion did not prevail.

The question was taken on the motion to recommend passage of H. F. No. 966 and the roll was called. There were 74 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Kelly	O'Connor	Sieben, M.
Anderson, G.	Evans	Knickerbocker	Ogren	Simoneau
Anderson, I.	Greenfield	Kostohryz	Osthoff	Skoglund
Anderson, R.	Gruenes	Lehto	Otis	Staten
Battaglia	Gustafson	Long	Peterson, D.	Stumpf
Begich	Halberg	Mann	Pogemiller	Swanson
Brandl	Hanson	McCarron	Reding	Tomlinson
Byrne	Harens	McEachern	Rees	Vanasek
Carlson, L.	Hauge	Metzen	Rice	Vellenga
Clark, J.	Hokanson	Minne	Rodriguez, C.	Voss
Clark, K.	Jacobs	Munger	Rodriguez, F.	Weaver
Clawson	Johnson, C.	Murphy	Rose	Wenzel
Dahlvang	Jude	Nelson, K.	Samuelson	Wynia
Eken	Kahn	Norton	Sarna	Spkr. Sieben, H.
Elioff	Kalis	Novak	Shea	

Those who voted in the negative were:

Aasness	Forsythe	Johnson, D.	Niehaus	Stadum
Ainley	Friedrich	Kaley	Nysether	Sviggum
Blatz	Haukoos	Kvam	Peterson, B.	Valan
Brinkman	Heap	Lemen	Piepho	Welker
Dempsey	Heinitz	Levi	Redalen	Wigley
Den Ouden	Himle	Ludeman	Rothenberg	Zubay
Erickson	Hoberg	Marsh	Schafer	
Esau	Hokr	McDonald	Sherman	
Fjoslien	Jennings	Nelsen, B.	Sherwood	

The motion prevailed.



## MOTIONS AND RESOLUTIONS

Kelly moved that the name of Pogemiller be added as an author on H. F. No. 1431. The motion prevailed.

Begich moved that the name of Pogemiller be added as an author on H. F. No. 544. The motion prevailed.

Stumpf moved that the name of Elioff be added as an author on H. F. No. 1424. The motion prevailed.

Kostohryz moved that the name of Evans be added as an author on H. F. No. 1312. The motion prevailed.

Anderson, B., moved that H. F. No. 757 be returned to its author. The motion prevailed.

Stumpf moved that H. F. No. 1117 be returned to its author. The motion prevailed.

Ainley moved that H. F. No. 1261 be returned to its author. The motion prevailed.

Battaglia moved that H. F. No. 571 be returned to its author. The motion prevailed.

## SUSPENSION OF RULES

Eken moved that the rules be so far suspended that House Concurrent Resolution No. 3 be recalled from the Committee on Rules and Legislative Administration and be placed upon its adoption. The motion prevailed.

Eken moved that House Concurrent Resolution No. 3 be now adopted.

## HOUSE CONCURRENT RESOLUTION NO. 3

A house concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

*Be It Resolved* by the House of Representatives of the state of Minnesota, the Senate concurring:

(1) The House of Representatives and the Senate shall meet in joint convention on Monday, May 4, 1981, at 5:00 p.m. in the

chamber of the House of Representatives to elect members to the Board of Regents of the University of Minnesota.

(2) The Education Committee of the Senate and the Education Committee of the House of Representatives, in a joint meeting, are appointed to submit a slate of nominations and to report the slate at the meeting of the joint convention.

The motion prevailed and House Concurrent Resolution No. 3 was adopted.

#### ADJOURNMENT

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, April 30, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

