

**VOLUME 1**  
**JOURNAL**  
OF THE  
**HOUSE**  
**OF REPRESENTATIVES**  
**1982 THIRD SPECIAL SESSION**  
**AND INDEX**  
OF THE  
**LEGISLATURE**  
STATE OF MINNESOTA

**NOTE: Permanent Journal for 1983 Regular Session follows Permanent Journal and Index for 1982 Third Special Session.**

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RAMALEY PRINTING COMPANY



THIRD SPECIAL SESSION

STATE OF MINNESOTA

THIRD SPECIAL SESSION - 1982

FIRST DAY

SAINT PAUL, MINNESOTA, TUESDAY, DECEMBER 7, 1982

In obedience to the proclamation of the Honorable Albert H. Quie, Governor of the State of Minnesota, summoning the two houses of the Legislature to meet in Special Session, the members of the House of Representatives assembled in the House chamber at the Capitol in Saint Paul on Tuesday, the seventh day of December, 1982, at 10:00 a.m.

A copy of the proclamation for the 1982 Third Special Session is on file in the office of the Chief Clerk. The proclamation is dated December 6, 1982.

Pursuant to the proclamation and Minnesota Statutes 1980, Section 3.073, the Honorable Harry A. Sieben, Jr., Speaker of the House, called the House of Representatives to order.

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

The Chief Clerk called the roll by legislative district in numerical order and the following members answered to their names:

- 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 .....
- 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 G. 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 Elton 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 Frerichs
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	
District 38B	
District 39A	Mary Forsythe
District 39B	John Himle
District 40A	Doug Ewald
District 40B	Jerry Knickerbocker
District 41A	Sally Olsen
District 41B	
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	
District 49B	Robert W. (Bob) Reif
District 50A	Connie Levi
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 C. 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

129 members answered to the call by legislative district.

Minne; Peterson, B.; Rothenberg and Valento were excused.  
Blatz was excused until 10:30 a.m.

The roll was called in alphabetical order and the following members were present:

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.	Frerichs	Kvam	Onnen	Stadum
Battaglia	Greenfield	Laidig	Osthoff	Staten
Begich	Gruenes	Lehto	Otis	Stowell
Berkelman	Gustafson	Lemen	Peterson, D.	Stumpf
Brandl	Halberg	Levi	Piepho	Sviggum
Brinkman	Hanson	Long	Pogemiller	Swanson
Byrne	Harens	Ludeman	Redalen	Tomlinson
Carlson, D.	Hauge	Luknic	Reding	Valan
Carlson, L.	Haukoos	Mann	Rees	Vanasek
Clark, J.	Heap	Marsh	Reif	Vellenga
Clark, K.	Heinitz	McCarron	Rice	Voss
Clawson	Himle	McDonald	Rodriguez, C.	Weaver
Dahlvang	Hoberg	McEachern	Rodriguez, F.	Welch
Dean	Hokanson	Mehrkens	Rose	Welker
Dempsey	Hokr	Metzen	Samuelson	Wenzel
Den Ouden	Jacobs	Munger	Sarna	Wieser
Drew	Jennings	Murphy	Schafer	Wigley
Eken	Johnson, C.	Nelsen, B.	Schoenfeld	Wynia
Elioff	Johnson, D.	Nelson, K.	Schreiber	Zubay
Ellingson	Jude	Niehaus	Searles	Spkr. Sieben, H.
Erickson	Kahn	Norton	Shea	

A quorum was present.

Eken moved that the Chief Clerk be and is hereby instructed to inform the Senate and the Governor by message that the House of Representatives is now duly organized pursuant to law for the Third Special Session 1982. The motion prevailed.

### INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

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

H. F. No. 1, A bill for an act relating to the financing of government in this state; reducing appropriations for the fiscal year ending June 30, 1983, with certain conditions; reducing employer and increasing employee contributions to various retirement funds; eliminating sunset of various medical assistance and income maintenance cost control provisions; altering the community social services grant payment schedule; requiring employers to pick up employee contributions to certain public pension plans; encouraging voluntary unpaid leaves of absence; altering certain education aid payments; reducing payments to local units of government; increasing the income tax surtax rate; increasing the sales tax rate and extending the tax to certain telephone charges; advancing dates for payment of property taxes; amending Minnesota Statutes 1982, sections 15A.081, by adding a subdivision; 121.904, subdivision 4a; 124.155, subdivisions 1 and 2; 256.966, subdivision 1; 256B.03, subdivision 2; 256D.03, subdivision 4; 256E.06, subdivision 3; 270.18, subdivision 2; 274.19, subdivisions 3, 4, and 5; 276.09; 276.10; 276.11; 277.01, subdivision 1; 277.011, subdivisions 1 and 3; 277.02; 277.03; 277.05; 277.06; 277.13; 278.01, subdivisions 1 and 2; 278.03; 278.05, subdivision 5; 279.01, subdivision 1; 290.01, subdivision 20a; 290.06, subdivision 2e; 290A.06; 290A.07, subdivision 3; 297A.01, subdivision 3; 297A.02; 297A.03, subdivision 2; 297A.14; 473F.08, subdivision 7a; Laws 1981, Third Special Session, chapter 2, article IV, section 3, subdivision 2, as amended by Laws 1982, chapter 548, article VII, section 7; and Laws 1982, Third Special Session, chapter 2, article IV, section 5, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 356; repealing Minnesota Statutes 1982, section 256D.22; and Laws 1981, chapter 360, article 2, section 54, as amended by Laws 1981, First Special Session chapter 4, article 4, section 22.

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, Sieben, M., moved that the rule therein be suspended and an urgency be declared so that H. F. No. 1 be given its second and third readings and be placed upon its final passage.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll was called. There were 104 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Aasness      Anderson, B.      Anderson, G.      Anderson, I.      Anderson, R.

Battaglia	Ewald	Kalis	Ogren	Stadum
Begich	Forsythe	Kelly	Olsen	Staten
Berkelman	Greenfield	Knickerbocker	Osthoff	Stowell
Brandl	Gruenes	Kostohryz	Otis	Stumpf
Brinkman	Gustafson	Laidig	Peterson, D.	Sviggum
Byrne	Halberg	Lehto	Piepho	Swanson
Carlson, D.	Hanson	Levi	Pogemiller	Tomlinson
Carlson, L.	Harens	Long	Redalen	Valan
Clark, J.	Haukoos	Luknic	Reding	Vanasek
Clark, K.	Heap	Mann	Reif	Vellenga
Clawson	Hoberg	Marsh	Rodriguez, C.	Voss
Dahlvang	Hokanson	McCarron	Rose	Weaver
Dean	Hokr	Mehrkens	Samuelson	Welch
Dempsey	Jacobs	Munger	Schoenfeld	Wenzel
Eken	Jennings	Murphy	Schreiber	Wieser
Elioff	Johnson, C.	Nelsen, B.	Shea	Wigley
Ellingson	Johnson, D.	Nelson, K.	Sherman	Wynia
Erickson	Jude	Niehaus	Sieben, M.	Zubay
Esau	Kahn	Norton	Simoneau	Spkr. Sieben, H.
Evans	Kaley	Novak	Skoglund	

Those who voted in the negative were :

Ainley	Frerichs	Ludeman	Rees	Welker
Den Ouden	Heinitz	McDonald	Schafer	
Drew	Kvam	Nysether	Searles	
Fjoslien	Lemen	Onnen	Sherwood	

The motion prevailed.

Sieben, M., moved that the rules of the House be so far suspended that H. F. No. 1 be given its second and third readings and be placed upon its final passage. The motion prevailed.

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

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 Files were introduced :

McCarron, Osthoff and Jennings introduced :

H. F. No. 2, A bill for an act relating to the legislature; enacting the present legislative apportionment into statutory form with minor alterations; amending Minnesota Statutes 1982, sections 2.021; 2.031; proposing new law coded in Minnesota Statutes, chapter 2; and repealing Minnesota Statutes 1982, sections 2.041 to 2.712.

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



Lemen, Jennings, Halberg, Schafer and Hokr introduced:

H. F. No. 3, A bill for an act relating to taxation; creating a legislative commission for job development; amending Minnesota Statutes 1982, sections 290.06, subdivision 1, and by adding a subdivision; 297A.25, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 362.

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

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.

H. F. No. 1 was reported to the House.

Sieben, M., moved to amend H. F. No. 1 as follows:

Page 12, after line 34, insert:

"Notwithstanding any law to the contrary, the commissioner of health may use federal preventive and personal health services block grant money to maintain existing public health programs that would otherwise be eliminated due to this reduction."

The motion prevailed and the amendment was adopted.

Sieben, M., moved to amend H. F. No. 1, as amended, as follows:

Page 17, after line 19, insert a section to read:

"Sec. 11. Minnesota Statutes 1982, section 256D.05, subdivision 1a, is amended to read:

Subd. 1a. [TEMPORARY STANDARDS.] Notwithstanding the provisions of subdivision 1, (FROM MARCH 24, 1982 UNTIL JUNE 30, 1983,) each person or family whose income and resources are less than the standard of assistance established by the commissioner, and who is not eligible for the federally aided assistance programs of emergency assistance or aid to families with dependent children, or any successor to those programs, shall be eligible for and entitled to general assistance if the person or family is:

(a) A person who is suffering from a permanent or temporary illness, injury, or incapacity which is both medically certified and prevents the person from engaging in suitable employment, and who, if the medical certification establishes that the illness, injury, or incapacity is temporary and recommends a reasonable plan for rehabilitation, is following the plan;

(b) A person whose presence in the home on a substantially continuous basis is required because of the certified illness or incapacity of another member of the household;

(c) A person who has been placed in a licensed or certified facility for purposes of physical or mental health or rehabilitation, if the placement is based on illness or incapacity, and is pursuant to a plan developed or approved by the local agency through its director or designated representative;

(d) A person who resides in a shelter facility described in subdivision 3;

(e) A person who is or may be eligible for displaced homemaker services, programs, or assistance under section 4.40. In determining eligibility of the person for general assistance, income received as a stipend shall be disregarded as provided in section 4.40;

(f) A person who is unable to secure suitable employment due to inability to communicate in the English language, and who, if assigned to a language skills program by the local agency, is participating in that program;

(g) A person not described in clause (a) or (c) who is diagnosed by a licensed physician or licensed consulting psychologist as mentally ill or mentally retarded;

(h) A person who is unable to secure suitable employment due to a lack of marketable skills and who, if assigned to a vocational counseling, vocational rehabilitation, or work training program by the local agency, is participating in that program. Eligibility for general assistance under clause (h) is limited to five weeks per calendar year;

(i) A person who has an application pending for the program of supplemental security income for the aged, blind and disabled or has been terminated from that program and has an appeal from that termination pending, and who has executed an interim assistance authorization agreement pursuant to the provisions of section 256D.06, subdivision 5; or

(j) A person who is unable to secure suitable employment because his advanced age significantly affects his ability to engage in substantial work. This clause is effective January 1, 1983.

(THIS SUBDIVISION IS REPEALED JULY 1, 1983.)"

Renumber the sections of Article I in order

Amend the title as follows:

Page 1, line 21, after "subdivision 4;" insert "256D.05, subdivision 1a;"

The motion prevailed and the amendment was adopted.

Sieben, M., moved to amend H. F. No. 1, as amended, as follows:

Page 28, after line 27, insert a section to read:

"Sec. 2. Minnesota Statutes 1982, section 290.01, subdivision 20b, is amended to read:

Subd. 20b. [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 40 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) Income from the performance of personal or professional services which is subject to the reciprocity exclusion contained in section 290.081, clause (a);

(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 or out of state loss carryforwards resulting from the losses, and including any farm loss carryforwards or carrybacks;

(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) 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, 1986 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 subdivision 20b, clause (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 subdivision 20b, clause (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;

(18) Minnesota exempt-interest dividends as provided by subdivision 27;

(19) A business casualty loss which the taxpayer elected to deduct on the current year's Minnesota income tax return but did not deduct on the current year's federal income tax return;

(20) To the extent included in 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 353.028, the amount of payments from the deferred compensation program equivalent to the amount of contributions taxed under subdivision 20a, clause (20);

(21) Contributions to and interest earned on an individual housing account as provided by section 290.08, subdivision 25;

(22) Interest earned on a contract for deed entered into for the sale of property for agricultural use if the rate of interest set in the contract is no more than nine percent per year for the duration of the term of the contract. This exclusion shall be available only if (1) the purchaser is an individual who, together with his spouse and dependents, has a total net worth valued at less than \$150,000 and (2) the property sold under the contract is farm land as defined in section 41.52, subdivision 6 of no more than 1,000 acres that the purchaser intends to use for agricultural purposes. Compliance with these requirements shall be stated in an affidavit to be filed with the first income tax return on which the taxpayer claims the exclusion provided in this clause. Upon request accompanied by the information necessary to make the determination, the commissioner shall determine whether interest to be paid on a proposed transaction will qualify for this exclusion; the determination shall be provided within 30 days of receipt of the request, unless the commissioner finds it necessary to obtain additional information, or verification of the information provided, in which case the determination shall be provided within 30 days of receipt of the final item of information or verification. The exclusion provided in this clause shall apply to interest earned on contracts for deed entered into after December 31, 1981 and before July 1, 1983;

(23) The penalty on the early withdrawal of an all-savers certificate as provided in section 128(e) of the Internal Revenue Code of 1954 to the extent that the interest was included in income under subdivision 20a, clause (22); (AND)

(24) Income from the business of mining as defined in section 290.05, subdivision 1, clause (a) which is not subject to the Minnesota income tax; *and*

(25) *To the extent included in federal adjusted gross income, distributions from a qualified governmental pension plan which represent a return of designated employee contributions*

to the plan and which were included in gross income pursuant to subdivision 20a, clause (27)."

Renumber the sections in the article in order.

Page 30, line 3, delete "and 3" and insert "3, and 4"

Page 30, line 4, delete "4" and insert "5"

Further amend the title as follows:

Page 1, line 27, delete "subdivision 20a" and insert "subdivisions 20a and 20b"

The motion prevailed and the amendment was adopted.

Sieben, M., moved to amend H. F. No. 1, as amended, as follows:

Page 17, line 14 to 19, delete Section 10 from the bill.

Renumber the sections accordingly.

Further amend the title as follows:

Page 1, line 18, delete "15A.081, by adding a subdivision;"

The motion prevailed and the amendment was adopted.

Stowell moved to amend H. F. No. 1, as amended, as follows:

Page 32, line 5, reinstate "(FOUR)"

Page 32, line 6, delete "five"

Page 33, line 3, reinstate "(FOUR)" and delete "five"

A roll call was requested and properly seconded.

#### CALL OF THE HOUSE

On the motion of Vanasek and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Aasness	Blatz	Clawson	Erickson	Gustafson
Ainley	Brandl	Dahlvang	Esau	Halberg
Anderson, B.	Brinkman	Dempsey	Ewald	Hanson
Anderson, G.	Byrne	Den Ouden	Fjoslien	Harens
Anderson, I.	Carlson, D.	Drew	Forsythe	Hauge
Battaglia	Carlson, L.	Eken	Frerichs	Haukoos
Begich	Clark, J.	Elioff	Greenfield	Heap
Berkelman	Clark, K.	Ellingson	Gruenes	Heinitz

Himle	Lemen	Novak	Samuelson	Tomlinson
Hoberg	Levi	Nysether	Sarna	Valan
Hokanson	Long	O'Connor	Schafer	Vanasek
Hokr	Ludeman	Ogren	Schoenfeld	Vellenga
Jacobs	Luknic	Olsen	Schreiber	Voss
Jennings	Mann	Onnen	Searles	Weaver
Johnson, C.	Marsh	Osthoff	Shea	Welch
Johnson, D.	McCarron	Otis	Sherman	Welker
Jude	McDonald	Peterson, D.	Sherwood	Wenzel
Kahn	McEachern	Piepho	Sieben, M.	Wieser
Kaley	Mehrkens	Pogemiller	Simoneau	Wigley
Kalis	Metzen	Redalen	Skoglund	Wynia
Kelly	Munger	Reding	Stadum	Zubay
Knickerbocker	Murphy	Rees	Staten	Spkr. Sieben, H.
Kostohryz	Nelsen, B.	Reif	Stowell	
Kvam	Nelson, K.	Rice	Stumpf	
Laidig	Niehaus	Rodriguez, C.	Swiggum	
Lehto	Norton	Rose	Swanson	

Vanasek 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 Stowell amendment and the roll was called.

Norton moved that those not voting be excused from voting. The motion prevailed.

There were 54 yeas and 74 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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



Swanson  
Tomlinson

Vanasek  
Vellenga

Voss  
Welch

Wenzel  
Wynia

Spkr. Sieben, H.

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

Stowell moved to amend H. F. No. 1, as amended, as follows:

Page 2, line 33, strike "\$119,800" and insert "\$305,725"

Page 2, after line 35, insert the following:

- "(1) House of Representatives . . . . . (123,950)
- (2) Senate . . . . . ( 61,975)"

Renumber the remaining clauses

Page 12, after line 38, insert the following:

"Sec. 3. Minnesota Statutes 1981, Section 3.099, Subd. 2 is amended to read:

Subd. 2. (THE COMPENSATION OF EACH MEMBER OF THE LEGISLATURE UNTIL THE START OF THE LEGISLATIVE SESSION IN 1979 SHALL BE \$8,400 PER YEAR. COMMENCING WITH THE START OF THE LEGISLATIVE SESSION IN 1979, THE COMPENSATION OF EACH MEMBER OF THE LEGISLATURE SHALL BE \$16,500 PER YEAR.) Effective January 1, (1980) 1983, the compensation of each member of the legislature will be (\$18,500) \$16,650 per year."

Renumber the following sections as necessary

Amend the title as necessary

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

Himle moved to amend H. F. No. 1, as amended, as follows:

Page 31, lines 23 to 25, delete the new language

Page 31, lines 25 and 26, reinstate the stricken language

Amend the title as necessary

A roll call was requested and properly seconded.

The question was taken on the Himle amendment and the roll was called.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 64 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Aasness	Forsythe	Knickerbocker	Nysether	Sherwood
Ainley	Frerichs	Kvam	Olsen	Stadium
Berkelman	Gruenes	Laidig	Onnen	Stowell
Blatz	Halberg	Lemen	Piepho	Sviggum
Brinkman	Hanson	Levi	Redalen	Valan
Dean	Haukoos	Ludeman	Rees	Vellenga
Dempsey	Heap	Luknic	Reif	Voss
Den Ouden	Heimtz	Marsh	Rodriguez, C.	Weaver
Drew	Himle	McDonald	Rose	Welker
Erickson	Hoberg	Mehrkens	Schafer	Wieser
Esau	Hokr	Metzen	Schreiber	Wigley
Ewald	Johnson, D.	Neisen, B.	Searles	Zubay
Fjoslien	Kaley	Niehaus	Sherman	

Those who voted in the negative were:

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

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

H. F. No. 1, A bill for an act relating to the financing of government in this state; reducing appropriations for the fiscal year ending June 30, 1983, with certain conditions; reducing employer and increasing employee contributions to various retirement funds; eliminating sunset of various medical assistance and income maintenance cost control provisions; altering the community social services grant payment schedule; requiring employers to pick up employee contributions to certain public pension plans; encouraging voluntary unpaid leaves of absence; altering certain education aid payments; reducing payments to local units of government; increasing the income tax surtax rate; increasing the sales tax rate and extending the tax to certain telephone charges; advancing dates for payment of property taxes; amending Minnesota Statutes 1982, sections 121.904, subdivision 4a; 124.155, subdivisions 1 and 2; 256.966,

subdivision 1; 256B.03, subdivision 2; 256D.03, subdivision 4; 256D.05, subdivision 1a; 256E.06, subdivision 3; 270.18, subdivision 2; 274.19, subdivisions 3, 4, and 5; 276.09; 276.10; 276.11; 277.01, subdivision 1; 277.011, subdivisions 1 and 3; 277.02; 277.03; 277.05; 277.06; 277.13; 278.01, subdivisions 1 and 2; 278.03; 278.05, subdivision 5; 279.01, subdivision 1; 290.01, subdivisions 20a and 20b; 290.06, subdivision 2e; 290A.06; 290A.07, subdivision 3; 297A.01, subdivision 3; 297A.02; 297A.03, subdivision 2; 297A.14; 473F.08, subdivision 7a; Laws 1981, Third Special Session, chapter 2, article IV, section 3, subdivision 2, as amended by Laws 1982, chapter 548, article VII, section 7; and Laws 1982, Third Special Session, chapter 2, article IV, section 5, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 356; repealing Minnesota Statutes 1982, section 256D.22; and Laws 1981, chapter 360, article 2, section 54, as amended by Laws 1981, First Special Session chapter 4, article 4, section 22.

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 50 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eken	Kelly	Norton	Skoglund
Anderson, G.	Elioff	Kostohryz	Novak	Staten
Anderson, I.	Greenfield	Long	Osthoff	Stumpf
Battaglia	Gustafson	Mann	Otis	Tomlinson
Begich	Harens	McCarron	Peterson, D.	Vanasek
Brandl	Hauge	McEachern	Reding	Vellenga
Byrne	Hokanson	Metzen	Rice	Welch
Carlson, L.	Johnson, C.	Munger	Rodriguez, C.	Wenzel
Clark, J.	Kahn	Murphy	Samuelson	Wynia
Clawson	Kalis	Nelson, K.	Sieben, M.	Spkr. Sieben, H.

Those who voted in the negative were:

Aasness	Evans	Johnson, D.	Nysether	Searles
Ainley	Ewald	Jude	O'Connor	Shea
Anderson, R.	Fjoslien	Kaley	Ogren	Sherman
Berkelman	Forsythe	Knickerbocker	Olsen	Sherwood
Blatz	Frerichs	Kvam	Onnen	Simoneau
Brinkman	Gruenes	Laidig	Piepho	Stadum
Carlson, D.	Halberg	Lehto	Pogemiller	Stowell
Clark, K.	Hanson	Lemen	Redalen	Sviggum
Dahlvang	Haukoos	Levi	Rees	Swanson
Dean	Heap	Ludeman	Reif	Valan
Dempsey	Heimitz	Luknic	Rodriguez, F.	Voss
Den Ouden	Himle	Marsh	Rose	Weaver
Drew	Hoberg	McDonald	Sarna	Welker
Ellingson	Hokr	Mehrkens	Schafer	Wieser
Erickson	Jacobs	Nelsen, B.	Schoenfeld	Wigley
Esau	Jennings	Niehaus	Schreiber	Zubay

The bill was not passed, as amended.

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.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

This is to notify you that the Senate is now duly organized pursuant to the Minnesota Constitution and Minnesota Statutes.

PATRICK E. FLAHAVERN, Secretary of the Senate

There being no objection the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

McCarron from the Committee on Reapportionment and Elections to which was referred:

H. F. No. 2, A bill for an act relating to the legislature; enacting the present legislative apportionment into statutory form with minor alterations; amending Minnesota Statutes 1982, sections 2.021; 2.031; proposing new law coded in Minnesota Statutes, chapter 2; and repealing Minnesota Statutes 1982, sections 2.041 to 2.712.

Reported the same back with the following amendments:

Page 4, line 18, after the first comma insert "*Hassan Valley Township, the city of Biscay,*"

Page 13, after line 4, insert:

"Sec. 21. [EFFECTIVE DATE.]

*This act is effective the day following final enactment. If the adjustments in legislative district boundaries made by this act are finally adjudicated to be a new apportionment so as to require an election of senators before 1986, this act is void."*

With the recommendation that when so amended the bill pass.

The report was adopted.

ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 10:00 a.m., Thursday, December 9, 1982. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Thursday, December 9, 1982.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## THIRD SPECIAL SESSION - 1982

## SECOND DAY

SAINT PAUL, MINNESOTA, THURSDAY, DECEMBER 9, 1982

The House of Representatives convened at 10:00 a.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Pastor Tom E. Meeks, Lord of Life Lutheran Church, Anoka, Minnesota.

The roll was called and the following members were present:

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	Stadum
Battaglia	Frerichs	Laidig	Otis	Staten
Begich	Greenfield	Lehto	Peterson, D.	Stumpf
Berkelman	Gruenes	Lemen	Piepho	Sviggum
Blatz	Gustafson	Levi	Pogemiller	Swanson
Brandl	Hanson	Long	Redalen	Tomlinson
Brinkman	Harens	Ludeman	Reding	Valan
Byrne	Hauge	Luknic	Rees	Valento
Carlson, D.	Haukoos	Mann	Reif	Vanasek
Carlson, L.	Heap	Marsh	Rice	Voss
Clark, J.	Heinitz	McDonald	Rodriguez, C.	Weaver
Clark, K.	Himle	McEachern	Rodriguez, F.	Welch
Dahlvang	Hokanson	Metzen	Rose	Welker
Dempsey	Hokr	Munger	Samuelson	Wenzel
Den Ouden	Jacobs	Murphy	Sarna	Wieser
Drew	Jennings	Nelson, K.	Schafer	Wigley
Eken	Johnson, D.	Niehaus	Schoenfeld	Spkr. Sieben, H.
Elioff	Jude	Norton	Schreiber	
Ellingson	Kahn	Novak	Searles	
Erickson	Kaley	Nysether	Shea	

A quorum was present.

Aasness; Clawson; Dean; Halberg; Hoberg; Johnson, C.; McCarron; Mehrkens; Minne; Nelsen, B.; Peterson, B.; Rothenberg; Sherwood; Stowell; Vellenga; Wynia and Zubay 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.

#### SECOND READING OF HOUSE BILLS

H. F. No. 2 was read for the second time.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 10:00 a.m., Friday, December 10, 1982. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Friday, December 10, 1982.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## THIRD SPECIAL SESSION - 1982

## THIRD DAY

SAINT PAUL, MINNESOTA, FRIDAY, DECEMBER 10, 1982

The House of Representatives convened at 10:00 a.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Pastor Tom E. Meeks, Lord of Life Lutheran Church, Anoka, Minnesota.

The roll was called and the following members were present:

Aasness	Erickson	Kalis	Nysether	Simoneau
Ainley	Esau	Kelly	O'Connor	Skoglund
Anderson, B.	Evans	Knickerbocker	Ogren	Stadum
Anderson, G.	Ewald	Kostohryz	Onnen	Staten
Anderson, I.	Forsythe	Kvam	Osthoff	Stowell
Anderson, R.	Frerichs	Laidig	Otis	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	McEachern	Rose	Welker
Clawson	Hokanson	Mehrkens	Samuelson	Wenzel
Dahlvang	Hokr	Metzen	Sarna	Wieser
Dean	Jacobs	Munger	Schafer	Wigley
Dempsey	Jennings	Murphy	Schoenfeld	Wynia
Den Ouden	Johnson, C.	Nelsen, B.	Schreiber	Zubay
Drew	Johnson, D.	Nelson, K.	Searles	Spkr. Sieben, H.
Eken	Jude	Niehaus	Shea	
Elioff	Kahn	Norton	Sherman	
Ellingson	Kaley	Novak	Sieben, M.	

A quorum was present.

Fjoslien; Hoberg; Minne; Peterson, B.; Rothenberg and Sherwood were excused.

Olsen was excused until 11:00 a.m.

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. 2 have been placed in the members' files.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Sieben, M.; Eken; Sieben, H., and McEachern introduced:

H. F. No. 4, A bill for an act relating to the financing of government in this state; declaring an emergency; reducing appropriations for the fiscal year ending June 30, 1983, with certain conditions; reducing employer and increasing employee contributions to various retirement funds; adding two members to the investment advisory council; eliminating sunset of various medical assistance and income maintenance cost control provisions; altering the community social services grant payment schedule; requiring employers to pick up employee contributions to certain public pension plans; encouraging voluntary unpaid leaves of absence; altering certain education aid payments; reducing payments to local units of government; increasing the income tax surtax rate; increasing the sales tax rate and extending the tax to certain telephone charges; adopting certain federal provisions relating to corporate income taxation; amending Minnesota Statutes 1982, sections 11A.08, subdivision 1; 121.904, subdivision 4a; 124.155, subdivisions 1 and 2; 256.966, subdivision 1; 256B.03, subdivision 2; 256D.03, subdivision 4; 256D.05, subdivision 1a; 256E.06, subdivision 3; 290.01, subdivisions 20a and 20b; 290.06, subdivision 2e; 290.09, subdivisions 3 and 7, and by adding a subdivision; 290.131, subdivision 1; 290.132, subdivision 1; 290.134, subdivision 1; 290.135, subdivision 1; 290.136, subdivision 1; 297A.01, subdivision 3; 297A.02; 297A.03, subdivision 2; 297A.14; Laws 1981, Third Special Session chapter 2, article IV, section 3, subdivision 2, as amended; and section 5, subdivision 3, as amended; proposing new law coded in Minnesota Statutes, chapter 356; repealing Minnesota Statutes 1982, section 256D.22; and Laws 1981, chapter 360, article 2, section 54, as amended and Laws 1981, Third Special Session chapter 2, article III, section 5.

The bill was read for the first time.

There being no objection the bill on General Orders for today was temporarily laid over.



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.

Piepho was excused for the remainder of today's session.

## 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	Evans	Kelly	O'Connor	Simoneau
Ainley	Ewald	Knickerbocker	Ogren	Skoglund
Anderson, B.	Forsythe	Kostohryz	Olsen	Stadum
Anderson, G.	Frerichs	Kvam	Onnen	Staten
Anderson, I.	Greenfield	Laidig	Osthoff	Stowell
Battaglia	Gruenes	Lehto	Otis	Stumpf
Begich	Gustafson	Lemen	Peterson, D.	Sviggun
Blatz	Halberg	Levi	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.	Welch
Clawson	Hokanson	Mehrkens	Rose	Welker
Dahlvang	Hokr	Metzen	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	Sieben, M.	

Simoneau 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.

## 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. 4 be given its second and third readings 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. 4 be given its second and third readings and be placed upon its final passage. The motion prevailed.

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

Redalen and Marsh moved to amend H. F. No. 4.

Tomlinson requested a division of the amendment.

The first portion of the Redalen and Marsh amendment reads as follows:

Page 36, line 11, delete "6.5" and insert "5"

Page 36, line 11, delete the semicolon and insert a period

Page 36, delete lines 12 and 13

Page 36, line 30, after the first "the" insert "entire"

Page 36, line 32, insert a period after "year" and delete the remainder of the line

Page 36, delete line 33

A roll call was requested and properly seconded.

The question was taken on the first portion of the Redalen and Marsh amendment and the roll was called.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 69 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Aasness	Forsythe	Knickerbocker	Olsen	Stowell
Ainley	Frerichs	Kvam	Onnen	Stumpf
Anderson, R.	Gruenes	Laidig	Redalen	Sviggum
Berkelman	Halberg	Lemen	Rees	Tomlinson
Blatz	Haukoos	Levi	Reif	Valan
Carlson, D.	Heap	Ludeman	Rodriguez, C.	Valento
Dean	Heinitz	Luknic	Rose	Vellenga
Dempsey	Himle	Marsh	Schafer	Weaver
Den Ouden	Hokr	McDonald	Schoenfeld	Welker
Drew	Jennings	Mehrkens	Schreiber	Wenzel
Erickson	Johnson, C.	Nelsen, B.	Searles	Wieser
Esau	Johnson, D.	Nelson, K.	Shea	Wigley
Evans	Jude	Niehaus	Sherman	Zubay
Ewald	Kaley	Nysether	Stadum	

Those who voted in the negative were:

Anderson, B.	Battaglia	Brinkman	Clark, J.	Eken
Anderson, G.	Begich	Byrne	Clark, K.	Elioff
Anderson, I.	Brandl	Carlson, L.	Dahlvang	Ellingson

Greenfield	Kelly	Murphy	Reding	Swanson
Gustafson	Kostohryz	Norton	Rice	Vanasek
Hanson	Lehto	Novak	Rodriguez, F.	Voss
Harens	Long	O'Connor	Samuelson	Welch
Hauge	Mann	Ogren	Sarna	Wynia
Hokanson	McCarron	Osthoff	Sieben, M.	Spkr. Sieben, H.
Jacobs	McEachern	Otis	Simoneau	
Kahn	Metzen	Peterson, D.	Skoglund	
Kalis	Munger	Pogemiller	Staten	

The motion prevailed and the first portion of the amendment was adopted.

The second portion of the Redalen and Marsh amendment reads as follows:

Page 39, line 6, reinstate "(FOUR)"

Page 39, line 7, delete "five"

Page 40, line 4, reinstate "(FOUR)" and delete "five"

A roll call was requested and properly seconded.

The question was taken on the second portion of the Redalen and Marsh amendment and the roll was called.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 58 yeas and 69 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Carlson, D.	Greenfield	Kahn	Metzen
Anderson, G.	Carlson, L.	Gustafson	Kalis	Munger
Anderson, I.	Clark, J.	Hanson	Kelly	Murphy
Battaglia	Clark, K.	Harens	Kostohryz	Nelson, K.
Begich	Clawson	Hauge	Lehto	Norton
Berkelman	Dahlvang	Hokanson	Long	Novak
Brandl	Eken	Jacobs	Mann	O'Connor
Brinkman	Elioff	Johnson, C.	McCarron	Ogren
Byrne	Ellingson	Jude	McEachern	Osthoff

Otis	Rodriguez, C.	Sieben, M.	Swanson	Welch
Peterson, D.	Rodriguez, F.	Simoneau	Tomlinson	Wenzel
Pogemiller	Sarna	Skoglund	Vanasek	Wynia
Reding	Schoenfeld	Staten	Vellenga	Spkr. Sieben, H.
Rice	Shea	Stumpf	Voss	

The motion did not prevail and the second portion of the amendment was not adopted.

Dempsey, Sviggum, Mehrkens and Kvam moved to amend H. F. No. 4, as amended, as follows:

Page 40 after line 23, insert:

"Sec. 5. Minnesota Statutes 1982, Section 297B.02, is amended to read:

297B.02 [TAX IMPOSED.]

There is hereby imposed an excise tax at the rate (PROVIDED IN CHAPTER 297A) of *five percent* on the purchase price of any motor vehicle purchased or acquired, either in or outside of the state of Minnesota, which is required to be registered under the laws of this state."

Renumber the sections in sequence

Page 41, line 4, delete "4" and insert "5"

Page 41, line 5, delete "5" and insert "6"

Amend the title as follows:

Page 1, line 30, after "297A.14;" insert "297B.02;"

A roll call was requested and properly seconded.

Begich moved to amend the Dempsey, Sviggum, Mehrkens and Kvam amendment to H. F. No. 4, as amended, as follows:

Line 7 of the Dempsey amendment, after "any" and before "motor" insert "*American made*"

A roll call was requested and properly seconded.

The question was taken on the Begich amendment to the Dempsey amendment and the roll was called.

Vanasek moved that those not voting be excused from voting. The motion prevailed.

There were 29 yeas and 91 nays as follows:

## Those who voted in the affirmative were:

Battaglia	Ellingson	Long	Ogren	Skoglund
Begich	Erickson	Marsh	Onnen	Staten
Brandl	Hanson	McCarron	Otis	Swanson
Brinkman	Harens	Metzen	Rodriguez, F.	Valento
Drew	Hauge	Murphy	Samuelson	Wynia
Elioff	Jacobs	Novak	Sarna	

## Those who voted in the negative were:

Aasness	Ewald	Kelly	Olsen	Stumpf
Ainley	Forsythe	Knickerbocker	Peterson, D.	Sviggum
Anderson, B.	Frerichs	Kostohryz	Pogemiller	Tomlinson
Anderson, G.	Greenfield	Kvam	Redalen	Valan
Anderson, I.	Gruenes	Laidig	Reding	Vanasek
Anderson, R.	Halberg	Lehto	Rees	Vellenga
Blatz	Haukoos	Lemen	Reif	Voss
Byrne	Heap	Levi	Rice	Weaver
Carlson, D.	Heinitz	Ludeman	Rodriguez, C.	Welch
Carlson, L.	Himle	Luknic	Rose	Welker
Clark, J.	Hokanson	Mann	Schafer	Wenzel
Clark, K.	Hokr	McDonald	Schoenfeld	Wieser
Dahlvang	Jennings	McEachern	Schreiber	Wigley
Dean	Johnson, C.	Mehrkens	Searles	Zubay
Dempsey	Johnson, D.	Nelsen, B.	Shea	Spkr. Steben, H.
Den Ouden	Jude	Nelson, K.	Sherman	
Eken	Kahn	Niehaus	Sieben, M.	
Esau	Kaley	Norton	Stadum	
Evans	Kalis	Nysether	Stowell	

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

The question recurred on the Dempsey amendment and the roll was called.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 80 yeas and 43 nays as follows:

## Those who voted in the affirmative were:

Aasness	Ellingson	Johnson, D.	Metzen	Schreiber
Ainley	Erickson	Jude	Murphy	Searles
Anderson, B.	Esau	Kaley	Nelsen, B.	Shea
Anderson, G.	Evans	Kalis	Niehaus	Sherman
Anderson, R.	Ewald	Knickerbocker	Nysether	Stadum
Battaglia	Forsythe	Kvam	Olsen	Stowell
Begich	Frerichs	Laidig	Onnen	Stumpf
Berkelman	Gruenes	Lemen	Osthoff	Sviggum
Blatz	Halberg	Levi	Redalen	Valan
Brinkman	Haukoos	Ludeman	Rees	Valento
Carlson, D.	Heap	Luknic	Reif	Weaver
Dean	Heinitz	Mann	Rodriguez, C.	Welch
Dempsey	Himle	Marsh	Rose	Wenzel
Den Ouden	Hokr	McDonald	Sarna	Wieser
Drew	Jacobs	McEachern	Schafer	Wigley
Elioff	Jennings	Mehrkens	Schoenfeld	Zubay

Those who voted in the negative were:

Anderson, I.	Gustafson	Long	Pogemiller	Tomlinson
Brandl	Hanson	McCarron	Reding	Vanasek
Byrne	Harens	Munger	Rice	Vellenga
Carlson, L.	Hauge	Nelson, K.	Rodriguez, F.	Voss
Clark, J.	Hokanson	Norton	Samuelson	Welch
Clark, K.	Johnson, C.	O'Connor	Sieben, M.	Wynia
Dahlvang	Kahn	Ogren	Skoglund	Spkr. Sieben, H.
Eken	Kelly	Otis	Staten	
Greenfield	Kostohryz	Peterson, D.	Swanson	

The motion prevailed and the amendment was adopted.

Halberg was excused for the remainder of today's session.

The Speaker called Wynia to the Chair.

Anderson, I.; Jacobs; Voss and Hanson moved to amend H. F. No. 4, as amended, as follows:

Page 2, line 36, delete "28, 146,200" and insert "\$115,000"

Page 3, delete lines 1 and 2

Page 3, line 5, delete "(49,897,500)" and insert "(7,683,900)"

Page 3, line 7, delete "(8,070,000)" and insert "(6,150,000)"

Page 3, line 9, delete "(88,184,500)" and insert "(44,051,900)"

Page 3, line 12, delete "\$113,241,700" and insert "\$49,556,900"

Page 5, delete lines 46 to 54

Delete pages 6 to 9

Page 10, delete lines 1 to 40

Page 11, line 15, delete "(4,920,000)" and insert "(3,000,000)"

Page 11, delete lines 16 to 20

Page 26, line 19, delete "\$7,480,000" and insert "\$12,790,000"

Page 26, line 20, delete "\$5,780,000" and insert "\$9,882,000"

Page 26, line 21, delete "\$500,000" and insert "\$854,000"

Page 26, line 21, delete "\$330,000" and insert "\$564,000"

Page 36, line 29, after the comma insert "(a)"

Page 36, line 33, after "year" insert "; (b) so that the additional tax resulting from the federal tax cut that is effective July 1, 1983 is withheld beginning for pay periods after January 1, 1983. The amount of the adjustment pursuant to (b) shall be at one-half the rate that otherwise would be applicable"

Page 37, line 1, after "3" insert "and the effect of the federal tax cut in the same manner provided for withholding pursuant to (b)"

Amend the title as follows:

Page 1, line 5, delete everything after the semicolon

Page 1, line 6, delete "contributions to various retirement funds;"

Page 1, line 15, after the second semicolon insert "adjusting withholding tax liabilities;"

A roll call was requested and properly seconded.

The Speaker resumed the Chair.

Rees moved to amend the Anderson, I., amendment, as follows:

At the end of the Anderson, I., amendment insert:

"Page 47, after line 34, insert a new article to read:

**"ARTICLE VIII:**

**METROPOLITAN REVENUE DISTRIBUTION REPEALER**

Section 1. Minnesota Statutes, 1982, section 273.76, subdivision 3, is amended to read:

Subd. 3. [TAX INCREMENT (, RELATIONSHIP TO CHAPTER 473F).] ((A) UNLESS THE GOVERNING BODY ELECTS PURSUANT TO CLAUSE (B) THE FOLLOWING METHOD OF COMPUTATION SHALL APPLY:)

(1) (THE ORIGINAL ASSESSED VALUE AND THE CURRENT ASSESSED VALUE SHALL BE DETERMINED BEFORE THE APPLICATION OF THE FISCAL DISPARITY PROVISIONS OF CHAPTER 473F.) Where the original assessed value is equal to or greater than the current assessed value, there is no captured assessed value and no tax increment determination. Where the original assessed value is less than

the current assessed value, the difference between the original assessed value and the current assessed value is the captured assessed value. This amount less any portion thereof which the authority has designated, in its tax increment financing plan, to share with the local taxing districts is the retained captured assessed value of the authority.

(2) The county auditor shall exclude the retained captured assessed value of the authority from the taxable value of the local taxing districts in determining local taxing district mill rates. The mill rates so determined are to be extended against the retained captured assessed value of the authority as well as the taxable value of the local taxing districts. The tax generated by the extension of the local taxing district mill rates to the retained captured assessed value of the authority is the tax increment of the authority.

((B) NOTWITHSTANDING CLAUSE (A), THE GOVERNING BODY MAY, BY RESOLUTION APPROVING THE TAX INCREMENT FINANCING PLAN PURSUANT TO SECTION 273.74, SUBDIVISION 3, ELECT THE FOLLOWING METHOD OF COMPUTATION:)

((1) THE ORIGINAL ASSESSED VALUE SHALL BE DETERMINED BEFORE THE APPLICATION OF THE FISCAL DISPARITY PROVISIONS OF CHAPTER 473F. THE CURRENT ASSESSED VALUE SHALL EXCLUDE ANY FISCAL DISPARITY COMMERCIAL-INDUSTRIAL ASSESSED VALUE INCREASE BETWEEN THE ORIGINAL YEAR AND THE CURRENT YEAR MULTIPLIED BY THE FISCAL DISPARITY RATIO DETERMINED PURSUANT TO SECTION 473F.08, SUBDIVISION 6. WHERE THE ORIGINAL ASSESSED VALUE IS EQUAL TO OR GREATER THAN THE CURRENT ASSESSED VALUE, THERE IS NO CAPTURED ASSESSED VALUE AND NO TAX INCREMENT DETERMINATION. WHERE THE ORIGINAL ASSESSED VALUE IS LESS THAN THE CURRENT ASSESSED VALUE, THE DIFFERENCE BETWEEN THE ORIGINAL ASSESSED VALUE AND THE CURRENT ASSESSED VALUE IS THE CAPTURED ASSESSED VALUE. THIS AMOUNT LESS ANY PORTION THEREOF WHICH THE AUTHORITY HAS DESIGNATED, IN ITS TAX INCREMENT FINANCING PLAN, TO SHARE WITH THE LOCAL TAXING DISTRICTS IS THE RETAINED CAPTURED ASSESSED VALUE OF THE AUTHORITY.)

((2) THE COUNTY AUDITOR SHALL EXCLUDE THE RETAINED CAPTURED ASSESSED VALUE OF THE AUTHORITY FROM THE TAXABLE VALUE OF THE LOCAL TAXING DISTRICTS IN DETERMINING LOCAL TAXING DISTRICTS MILL RATES. THE MILL RATES SO DETERMINED ARE TO BE EXTENDED AGAINST THE RETAINED CAPTURED ASSESSED VALUE OF THE AU-



THORITY AS WELL AS THE TAXABLE VALUE OF THE LOCAL TAXING DISTRICTS. THE TAX GENERATED BY THE EXTENSION OF THE LOCAL TAXING DISTRICT MILL RATES TO THE RETAINED CAPTURED ASSESSED VALUE OF THE AUTHORITY IS THE TAX INCREMENT OF THE AUTHORITY.)

((3) AN ELECTION BY THE GOVERNING BODY PURSUANT TO PART (B) SHALL BE SUBMITTED TO THE COUNTY AUDITOR BY THE AUTHORITY AT THE TIME OF THE REQUEST FOR CERTIFICATION PURSUANT TO SUBDIVISION 1.)

((C) THE METHOD OF COMPUTATION OF TAX INCREMENT APPLIED TO A DISTRICT PURSUANT TO CLAUSE (A) OR (B), ONCE ESTABLISHED, SHALL REMAIN THE SAME FOR THE DURATION OF THE DISTRICT.)

Sec. 2. [REPEALER.]

*Minnesota Statutes 1982, sections 473F.01, 473F.02, 473F.03, 473F.04, 473F.05, 473F.06, 473F.07, 473F.08, 473F.09, 473F.10, 473F.11, 473F.12, and 473F.13, are repealed.*

Sec. 3. [EFFECTIVE DATE.]

*Sections 1 and 2 are effective for taxes levied in 1983, payable in 1984, and thereafter."*

Amend the title as follows:

Page 1, after line 18, insert "abolishing fiscal disparities metropolitan revenue distribution;"

Page 1, line 23, after "3;" insert "273.76, subdivision 3;"

Page 1, line 34, delete "section" and insert "sections"

Page 1, line 35, before "and" insert "473F.01 to 473F.13;"

A roll call was requested and properly seconded.

POINT OF ORDER

Anderson, I., raised a point of order pursuant to rule 3.9 that the amendment to the amendment was not in order. The Speaker ruled the point of order not well taken and the amendment to the amendment in order.

The question recurred on the Rees amendment to the Anderson, I., amendment and the roll was called.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 47 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Aasness	Ewald	Knickerbocker	Nysether	Stadum
Ainley	Forsythe	Kostohryz	Olsen	Swiggum
Anderson, R.	Frerichs	Lemen	Onnen	Valan
Blatz	Haukoos	Ludeman	Redalen	Valento
Dean	Heap	Luknie	Rees	Welker
Dempsey	Heinitz	Marsh	Reif	Wieser
Den Ouden	Himle	McDonald	Rose	Zubay
Erickson	Hokr	Mehrkens	Schafer	
Esau	Jennings	Metzen	Searles	
Evans	Kaley	Niehaus	Sherman	

Those who voted in the negative were:

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

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

Dempsey requested a division of the Anderson, I., amendment to H. F. No. 4, as amended.

The first portion of the Anderson, I.; Jacobs; Voss and Hanson amendment reads as follows:

Page 2, line 36, delete "28,146,200" and insert "\$115,000"

Page 3, delete lines 1 and 2

Page 3, line 5, delete "(49,897,500)" and insert "(7,683,900)"

Page 3, line 7, delete "(8,070,000)" and insert "(6,150,000)"

Page 3, line 9, delete "(88,184,500)" and insert "(44,051,900)"

Page 3, line 12, delete "\$113,241,700" and insert "\$49,556,900"

Page 5, delete lines 46 to 54

Delete pages 6 to 9

Page 10, delete lines 1 to 40

Page 11, line 15, delete "(4,920,000)" and insert "(3,000,000)"

Page 11, delete lines 16 to 20

Amend the title as follows:

Page 1, line 5, delete everything after the semicolon

Page 1, line 6, delete "contributions to various retirement funds;"

The question was taken on the first portion of the Anderson, I., amendment and the roll was called.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 48 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Ainley	Drew	Knickerbocker	Onnen	Sherman
Anderson, I.	Ehloff	Lehto	Osthoff	Stadum
Anderson, R.	Ellingson	Luknic	Pogemiller	Swanson
Battaglia	Evans	McCarron	Rees	Valan
Begich	Hanson	Murphy	Reif	Valento
Berkelman	Haukoos	Nelsen, B.	Rodriguez, F.	Voss
Blatz	Hokr	Nysether	Rose	Weaver
Dahlvang	Jacobs	O'Connor	Samuelson	Welker
Dempsey	Jennings	Ogren	Sarna	
Den Ouden	Jude	Olsen	Schafer	

Those who voted in the negative were:

Aasness	Forsythe	Kelly	Nelson, K.	Skoglund
Anderson, B.	Frerichs	Kostohryz	Niehaus	Staten
Anderson, G.	Greenfield	Kvam	Norton	Stowell
Brandl	Gruenes	Laidig	Otis	Stumpf
Brinkman	Gustafson	Lemen	Peterson, D.	Sviggum
Byrne	Harens	Levi	Redalen	Tomlinson
Carlson, D.	Hauge	Long	Reding	Vanasek
Carlson, L.	Heap	Ludeman	Rice	Vellenga
Clark, J.	Himle	Mann	Rodriguez, C.	Welch
Clark, K.	Hokanson	Marsh	Schoenfeld	Wenzel
Dean	Johnson, C.	McDonald	Schreiber	Wieser
Eken	Johnson, D.	McEachern	Searles	Wigley
Erickson	Kahn	Mehrkens	Shea	Wynia
Esau	Kaley	Metzen	Sieben, M.	Zubay
Ewald	Kalis	Munger	Simoneau	Spkr. Sieben, H.

The motion did not prevail and the first portion of the amendment was not adopted.

Anderson, I., withdrew the second portion of his amendment to H. F. No. 4, as amended.

Carlson, D., moved to amend H. F. No. 4, as amended, as follows:

Page 41, after line 2, insert sections to read:

"Sec. 6. Minnesota Statutes 1982, section 297A.25, subdivision 1, is amended to read:

Subdivision 1. The following are specifically exempted from the taxes imposed by sections 297A.01 to 297A.44:

(a) The gross receipts from the sale of food products including but not limited to cereal and cereal products, butter, cheese, milk and milk products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products, and food products which are not taxable pursuant to section 297A.01, subdivision 3, clause (c) and which are sold by a retailer, organized as a nonprofit corporation or association, within a place located on property owned by the state or an agency or instrumentality of the state, the entrance to which is subject to an admission charge. This exemption does not include the following:

(i) candy and candy products;

(ii) carbonated beverages, beverages commonly referred to as soft drinks containing less than 15 percent fruit juice, or bottled water other than noncarbonated and noneffervescent bottled water sold in individual containers of one gallon or more in size;

(b) The gross receipts from the sale of prescribed drugs and medicine intended for use, internal or external, in the cure, mitigation, treatment or prevention of illness or disease in human beings and products consumed by humans for the preservation of health, including prescription glasses, therapeutic and prosthetic devices, but not including cosmetics or toilet articles notwithstanding the presence of medicinal ingredients therein;

(c) The gross receipts from the sale of and the storage, use or other consumption in Minnesota of tangible personal property, tickets, or admissions, electricity, gas, or local exchange telephone service, which under the Constitution or laws of the

United States or under the Constitution of Minnesota, the state of Minnesota is prohibited from taxing;

(d) The gross receipts from the sale of tangible personal property (i) which, without intermediate use, is shipped or transported outside Minnesota by the purchaser and thereafter used in a trade or business or is stored, processed, fabricated or manufactured into, attached to or incorporated into other tangible personal property transported or shipped outside Minnesota and thereafter used in a trade or business outside Minnesota, and which is not thereafter returned to a point within Minnesota, except in the course of interstate commerce (storage shall not constitute intermediate use); provided that the property is not subject to tax in that state or country to which it is transported for storage or use, or, if subject to tax in that other state, that state allows a similar exemption for property purchased therein and transported to Minnesota for use in this state; except that sales of tangible personal property that is shipped or transported for use outside Minnesota shall be taxed at the rate of the use tax imposed by the state to which the property is shipped or transported, unless that state has no use tax, in which case the sale shall be taxed at the rate generally imposed by this state; and provided further that sales of tangible personal property to be used in other states or countries as part of a maintenance contract shall be specifically exempt; or (ii) which the seller delivers to a common carrier for delivery outside Minnesota, places in the United States mail or parcel post directed to the purchaser outside Minnesota, or delivers to the purchaser outside Minnesota by means of the seller's own delivery vehicles, and which is not thereafter returned to a point within Minnesota, except in the course of interstate commerce;

(e) The gross receipts from the sale of packing materials used to pack and ship household goods, the ultimate destination of which is outside the state of Minnesota and which are not thereafter returned to a point within Minnesota, except in the course of interstate commerce;

(f) The gross receipts from the sale of and storage, use or consumption of petroleum products upon which a tax has been imposed under the provisions of chapter 296, whether or not any part of said tax may be subsequently refunded;

(g) The gross receipts from the sale of *used* clothing and *used* wearing apparel except the following:

(i) all articles commonly or commercially known as jewelry, whether real or imitation; pearls, precious and semi-precious stones, and imitations thereof; articles made of, or ornamented, mounted or fitted with precious metals or imitations thereof; watches; clocks; cases and movements for watches and clocks; gold, gold-plated, silver, or sterling flatware or hollow ware

and silver-plated hollow ware; opera glasses; lorgnettes; marine glasses; field glasses and binoculars.

(ii) articles made of fur on the hide or pelt, and articles of which such fur is the component material or chief value, but only if such value is more than three times the value of the next most valuable component material.

(iii) perfume, essences, extracts, toilet waters, cosmetics, petroleum jellies, hair oils, pomades, hair dressings, hair restoratives, hair dyes, aromatic cachous and toilet powders. The tax imposed by this act shall not apply to lotion, oil, powder, or other articles intended to be used or applied only in the case of babies.

(iv) trunks, valises, traveling bags, suitcases, satchels, overnight bags, hat boxes for use by travelers, beach bags, bathing suit bags, brief cases made of leather or imitation leather, salesmen's sample and display cases, purses, handbags, pocketbooks, wallets, billfolds, card, pass, and key cases and toilet cases.

(h) The gross receipts from the sale of and the storage, use, or consumption of all materials, including chemicals, fuels, petroleum products, lubricants, packaging materials, including returnable containers used in packaging food and beverage products, feeds, seeds, fertilizers, electricity, gas and steam, used or consumed in agricultural or industrial production of personal property intended to be sold ultimately at retail, whether or not the item so used becomes an ingredient or constituent part of the property produced. Such production shall include, but is not limited to, research, development, design or production of any tangible personal property, manufacturing, processing (other than by restaurants and consumers) of agricultural products whether vegetable or animal, commercial fishing, refining, smelting, reducing, brewing, distilling, printing, mining, quarrying, lumbering, generating electricity and the production of road building materials. Such production shall not include painting, cleaning, repairing or similar processing of property except as part of the original manufacturing process. Machinery, equipment, implements, tools, accessories, appliances, contrivances, furniture and fixtures, used in such production and fuel, electricity, gas or steam used for space heating or lighting, are not included within this exemption; however, accessory tools, equipment and other short lived items, which are separate detachable units used in producing a direct effect upon the product, where such items have an ordinary useful life of less than 12 months, are included within the exemption provided herein;

(i) The gross receipts from the sale of and storage, use or other consumption in Minnesota of tangible personal property (except as provided in section 297A.14) which is used or consumed in producing any publication regularly issued at average

intervals not exceeding three months, and any such publication. For purposes of this subsection, "publication" as used herein shall include, without limiting the foregoing, a legal newspaper as defined by Minnesota Statutes 1965, Section 331.02, and any supplements or enclosures with or part of said newspaper; and the gross receipts of any advertising contained therein or therewith shall be exempt. For this purpose, advertising in any such publication shall be deemed to be a service and not tangible personal property, and persons or their agents who publish or sell such newspapers shall be deemed to be engaging in a service with respect to gross receipts realized from such newsgathering or publishing activities by them, including the sale of advertising. Machinery, equipment, implements, tools, accessories, appliances, contrivances, furniture and fixtures used in such publication and fuel, electricity, gas or steam used for space heating or lighting, are not exempt;

(j) The gross receipts from all sales, including sales in which title is retained by a seller or a vendor or is assigned to a third party under an installment sale or lease purchase agreement under section 465.71, of tangible personal property to, and all storage, use or consumption of such property by, the United States and its agencies and instrumentalities or a state and its agencies, instrumentalities and political subdivisions;

(k) The gross receipts from the isolated or occasional sale of tangible personal property in Minnesota not made in the normal course of business of selling that kind of property, and the storage, use, or consumption of property acquired as a result of such a sale;

(l) The gross receipts from sales of rolling stock and the storage, use or other consumption of such property by railroads, freight line companies, sleeping car companies and express companies taxed on the gross earnings basis in lieu of ad valorem taxes. For purposes of this clause "rolling stock" is defined as the portable or moving apparatus and machinery of any such company which moves on the road, and includes, but is not limited to, engines, cars, tenders, coaches, sleeping cars and parts necessary for the repair and maintenance of such rolling stock.

(m) The gross receipts from sales of airflight equipment and the storage, use or other consumption of such property by airline companies taxed under the provisions of sections 270.071 to 270.079. For purposes of this clause, "airflight equipment" includes airplanes and parts necessary for the repair and maintenance of such airflight equipment, and flight simulators.

(n) The gross receipts from the sale of telephone central office telephone equipment used in furnishing intrastate and interstate telephone service to the public.

(o) The gross receipts from the sale of and the storage, use or other consumption by persons taxed under the in lieu provisions of chapter 298, of mill liners, grinding rods and grinding balls which are substantially consumed in the production of taconite, the material of which primarily is added to and becomes a part of the material being processed.

(p) The gross receipts from the sale of tangible personal property to, and the storage, use or other consumption of such property by, any corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious or educational purposes if the property purchased is to be used in the performance of charitable, religious or educational functions, or any senior citizen group or association of groups that in general limits membership to persons age 55 or older and is organized and operated exclusively for pleasure, recreation and other nonprofit purposes, no part of the net earnings of which inures to the benefit of any private shareholders;

(q) The gross receipts from the sale of caskets and burial vaults;

(r) The gross receipts from the sale of an automobile or other conveyance if the purchaser is assisted by a grant from the United States in accordance with 38 United States Code, Section 1901, as amended.

(s) The gross receipts from the sale to the licensed aircraft dealer of an aircraft for which a commercial use permit has been issued pursuant to section 360.654, if the aircraft is resold while the permit is in effect.

(t) The gross receipts from the sale of building materials to be used in the construction or remodeling of a residence when the construction or remodeling is financed in whole or in part by the United States in accordance with 38 United States Code, Sections 801 to 805, as amended. This exemption shall not be effective at time of sale of the materials to contractors, subcontractors, builders or owners, but shall be applicable only upon a claim for refund to the commissioner of revenue filed by recipients of the benefits provided in Title 38 United States Code, Chapter 21, as amended. The commissioner shall provide by regulation for the refund of taxes paid on sales exempt in accordance with this paragraph.

(u) The gross receipts from the sale of textbooks which are prescribed for use in conjunction with a course of study in a public or private school, college, university and business or trade school to students who are regularly enrolled at such institutions. For purposes of this clause a "public school" is defined as one that furnishes course of study, enrollment and staff that meets standards of the state board of education and a



private school is one which under the standards of the state board of education, provides an education substantially equivalent to that furnished at a public school. Business and trade schools shall mean such schools licensed pursuant to section 141.25.

(v) The gross receipts from the sale of and the storage of material designed to advertise and promote the sale of merchandise or services, which material is purchased and stored for the purpose of subsequently shipping or otherwise transferring outside the state by the purchaser for use thereafter solely outside the state of Minnesota.

(w) The gross receipt from the sale of residential heating fuels in the following manner:

(i) all fuel oil, coal, wood, steam, propane gas, and L.P. gas sold to residential customers for residential use;

(ii) natural gas sold for residential use to customers who are metered and billed as residential users and who use natural gas for their primary source of residential heat, for the billing months of November, December, January, February, March and April;

(iii) electricity sold for residential use to customers, who are metered and billed as residential users and who use electricity for their primary source of residential heat, for the billing months of November, December, January, February, March and April.

(x) The gross receipts from the sale or use of tickets or admissions to the premises of or events sponsored by an association, corporation or other group of persons which provides an opportunity for citizens of the state to participate in the creation, performance or appreciation of the arts and which qualifies as a tax-exempt organization within the meaning of section 290.05, subdivision 1, clause (i).

(y) The gross receipts from either the sales to or the storage, use or consumption of tangible personal property by an organization of military service veterans or an auxiliary unit of an organization of military service veterans, provided that:

(i) the organization or auxiliary unit is organized within the state of Minnesota and is exempt from federal taxation pursuant to section 501(c), clause (19), of the Internal Revenue Code as amended through December 31, 1978; and

(ii) the tangible personal property which is sold to or stored, used or consumed by the organization or auxiliary unit is for charitable, civic, educational, or nonprofit uses and not for social, recreational, pleasure or profit uses.

(z) The gross receipts from the sale of sanitary napkins, tampons, or similar items used for feminine hygiene.

Amend the title as follows:

Page 1, line 17, after the semicolon insert "extending the sales tax to sales of new clothing;"

Page 1, line 30, after the semicolon insert "297A.25, subdivision 1;"

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

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

Page 36, after line 24, insert:

"Sec. 4. [INDEXING MORATORIUM.]

*Notwithstanding the provisions of Minnesota Statutes 1982, sections 290.06, subdivisions 2d, 3g, 290.09, subdivision 15, and 290.18, subdivision 4, for taxable years beginning after December 31, 1982 and before January 1, 1984, the inflation adjustment of the taxable net income brackets, the credits and maximum standard deduction shall be made at one-half the amount otherwise determined pursuant to law. The taxable net income adjustment factor shall be the factor in effect for tax year 1982 plus one-half of the increase that otherwise would apply for tax year 1983."*

Renumber the remaining sections in order

Page 37, after line 1, insert "*For taxable years beginning after December 31, 1982, but before January 1, 1984, the commissioner of revenue shall adjust the withholding tables, notwithstanding section 290.92, subdivision 2a, so that the additional tax imposed by section 4 for the year is withheld and remitted by employers during the first six months of the taxable year.*"

Page 37, line 6, delete "and 4" and insert ", 4, and 5"

Page 37, line 7, delete "5" and insert "6"

Further amend the title

Page 1, line 15, after the second semicolon insert "imposing a moratorium on income tax indexing;"

A roll call was requested and properly seconded.

The question was taken on the Novak amendment and the roll was called.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 20 yeas and 102 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Clark, K.	Hauge	Novak	Pogemiller
Brinkman	Dahlvang	Jacobs	O'Connor	Samuelson
Byrne	Greenfield	Lehto	Ogren	Vanasek
Clark, J.	Gustafson	McCarron	Osthoff	Voss

Those who voted in the negative were:

Aasness	Evans	Kostohryz	Olsen	Stadum
Ainley	Ewald	Kvam	Onnen	Stowell
Anderson, B.	Forsythe	Laidig	Otis	Stumpf
Anderson, G.	Frerichs	Lemen	Peterson, D.	Svigum
Anderson, R.	Gruenes	Levi	Redalen	Swanson
Battaglia	Harens	Long	Reding	Tomlinson
Begich	Haukoos	Ludeman	Rees	Valan
Berkelman	Heap	Luknic	Reif	Valento
Blatz	Heinitz	Mann	Rice	Vellenga
Brandl	Himle	Marsh	Rodriguez, C.	Weaver
Carlson, D.	Hokanson	McDonald	Rodriguez, F.	Welch
Carlson, L.	Hokr	McEachern	Rose	Welker
Dean	Jennings	Mehrkens	Schafer	Wenzel
Dempsey	Johnson, C.	Metzen	Schoenfeld	Wieser
Den Ouden	Johnson, D.	Munger	Schreiber	Wigley
Drew	Jude	Murphy	Searles	Wynia
Eken	Kahn	Nelsen, B.	Shea	Zubay
Elioff	Kaley	Nelson, K.	Sherman	Spkr. Sieben, H.
Ellingson	Kalis	Niehaus	Sieben, M.	
Erickson	Kelly	Norton	Simoneau	
Esau	Knickerbocker	Nysether	Skoglund	

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

Samuelson and Hokanson moved to amend H. F. No. 4, as amended, as follows:

Pages 13 and 14, delete section 4

Page 14, lines 12 and 13, reinstate the stricken language

Pages 14 to 16, delete section 6

Pages 16 to 17, delete section 7

Page 20, lines 4 to 8, delete section 12

Page 20, line 12, delete "8" and insert "5"

Renumber sections in sequence

Further, amend the title as follows:

Page 1, delete line 8

Page 1, line 9, delete everything before "altering"

Page 1, line 21, delete "256.966, subdivision 1;"

Page 1, line 22, delete "256D.03, subdivision 4; 256D.05,"

Page 1, line 23, delete "subdivision 1a;"

Page 1, line 34, delete "Minnesota Statutes 1982, section 256D.22"

Page 1, delete line 35

Page 1, line 36, delete "amended and"

The motion prevailed and the amendment was adopted.

H. F. No. 4, A bill for an act relating to the financing of government in this state; declaring an emergency; reducing appropriations for the fiscal year ending June 30, 1983, with certain conditions; reducing employer and increasing employee contributions to various retirement funds; adding two members to the investment advisory council; eliminating sunset of various medical assistance and income maintenance cost control provisions; altering the community social services grant payment schedule; requiring employers to pick up employee contributions to certain public pension plans; encouraging voluntary unpaid leaves of absence; altering certain education aid payments; reducing payments to local units of government; increasing the income tax surtax rate; increasing the sales tax rate and extending the tax to certain telephone charges; adopting certain federal provisions relating to corporate income taxation; amending Minnesota Statutes 1982, sections 11A.08, subdivision 1; 121.904, subdivision 4a; 124.155, subdivisions 1 and 2; 256B.03, subdivision 2; 256E.06, subdivision 3; 290.01, subdivisions 20a and 20b; 290.06, subdivision 2e; 290.09, subdivisions 3 and 7, and by adding a subdivision; 290.131, subdivision 1; 290.132, subdivision 1; 290.134, subdivision 1; 290.135, subdivision 1; 290.136, subdivision 1; 297A.01, subdivision 3; 297A.02; 297A.03, subdivision 2; 297A.14; 297B.02; Laws 1981, Third Special Session chapter 2, article IV, section 3, subdivision 2, as amended; and section 5, subdivision 3, as amended; proposing new law coded in Minnesota Statutes, chapter 356; repealing Laws 1981, Third Special Session chapter 2, article III, section 5.

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 68 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Kostohryz	Otis	Staten
Anderson, G.	Erickson	Long	Peterson, D.	Stumpf
Anderson, I.	Evans	Mann	Pogemiller	Sviggum
Battaglia	Ewald	McEachern	Redalen	Swanson
Begich	Greenfield	Mehrkens	Reding	Tomlinson
Brandl	Gustafson	Metzen	Rice	Vanasek
Byrne	Hanson	Munger	Rodriguez, C.	Vellenga
Carlson, D.	Harens	Murphy	Rose	Welch
Carlson, L.	Hauge	Nelsen, B.	Samuelson	Wenzel
Clark, J.	Hokanson	Nelson, K.	Schoenfeld	Wieser
Clark, K.	Johnson, C.	Norton	Shea	Wynia
Clawson	Kahn	Novak	Sieben, M.	Spkr. Sieben, H.
Dean	Kalis	Ogren	Simoneau	
Eken	Kelly	Osthoff	Skoglund	

Those who voted in the negative were:

Aasness	Forsythe	Kaley	Nysether	Stadum
Ainley	Frerichs	Knickerbocker	O'Connor	Stowell
Anderson, R.	Gruenes	Kvam	Olsen	Valan
Berkelman	Haukoos	Laidig	Onnen	Valento
Blatz	Heap	Lehto	Rees	Voss
Brinkman	Heinitz	Lemen	Reif	Weaver
Dahlvang	Himle	Levi	Rodriguez, F.	Welker
Dempsey	Hokr	Ludeman	Sarna	Wigley
Den Ouden	Jacobs	Luknic	Schafer	Zubay
Drew	Jennings	Marsh	Schreiber	
Ellingson	Johnson, D.	McCarron	Searles	
Esau	Jude	McDonald	Sherman	

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

#### SUSPENSION OF RULES

McCarron moved that the rules of the House be so far suspended that H. F. No. 2 be given its third reading and be placed upon its final passage. The motion prevailed.

H. F. No. 2 was reported to the House.

McCarron moved to amend H. F. No. 2, as follows:

Page 13, delete line 7 and insert *"This Act is effective for the elections of members of the legislature in 1984 for the 1985 regular session and thereafter."*

The motion prevailed and the amendment was adopted.

McCarron moved to amend H. F. No. 2, as amended, as follows:

Page 11, line 28, before *"Crocus"* insert *"119th Avenue Northwest, easterly on 119th Avenue Northwest to"*

The motion prevailed and the amendment was adopted.

DenOuden moved to amend H. F. No. 2, as amended, as follows:

Page 4, line 7, after "township" insert a period and delete the rest of line 7 and all of line 8

Page 4, line 14, insert "and" before "Kandiyohi" and delete "and Sibley"

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

H. F. No. 2, A bill for an act relating to the legislature; enacting the present legislative apportionment into statutory form with minor alterations; amending Minnesota Statutes 1982, sections 2.021; 2.031; proposing new law coded in Minnesota Statutes, chapter 2; and repealing Minnesota Statutes 1982, sections 2.041 to 2.712.

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.

Vanasek moved that those not voting be excused from voting. The motion prevailed.

There were 74 yeas and 29 nays as follows:

Those voting in the affirmative were:

Aasness	Ellingson	Kahn	O'Connor	Skoglund
Anderson, I.	Esau	Kaley	Ogren	Staten
Battaglia	Forsythe	Kelly	Osthoff	Swanson
Begich	Frerichs	Kostehryz	Otis	Tomlinson
Berkelman	Gustafson	Laidig	Peterson, D.	Vanasek
Brandl	Hanson	Long	Reding	Vellenga
Brinkman	Harens	Mann	Rees	Voss
Byrne	Hauge	McCarron	Rodriguez, F.	Welch
Carlson, L.	Heap	McEachern	Rose	Wenzel
Clark, J.	Heinitz	Metzen	Samuelson	Wieser
Clark, K.	Hokanson	Munger	Sarna	Wigley
Dahlvang	Jacobs	Murphy	Searles	Wynia
Dempsey	Johnson, C.	Nelson, K.	Sherman	Zubay
Eken	Johnson, D.	Norton	Sieben, M.	Spkr. Sieben, H.
Elioff	Jude	Novak	Simoneau	

Those who voted in the negative were:

Ainley	Hokr	McDonald	Onnen	Stowell
Den Ouden	Kalis	Mehrrens	Redalen	Sviggum
Erickson	Knickerbocker	Nelsen, B.	Reif	Valan
Evans	Kvam	Niehaus	Schreiber	Valento
Gruenes	Lemen	Nysether	Shea	Weaver
Haukoos	Marsh	Olsen	Stadum	

The bill was passed, as amended, 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.

#### MOTIONS AND RESOLUTIONS

Eken moved that the Chief Clerk be and he is hereby instructed to inform the Senate and the Governor by message that the House of Representatives is about to adjourn this 1982 Third Special Session sine die. The motion prevailed.

Eken moved that the Chief Clerk be and he is hereby authorized to correct and approve the Journal of the House, 1982 Third Special Session, for today, Friday, December 10, 1982, and that he be authorized to include in the Journal for today any subsequent proceedings and any appointments to legislative interim committees or commissions created by legislative action or by law. The motion prevailed.

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:

H. F. No. 4, A bill for an act relating to the financing of government in this state; declaring an emergency; reducing appropriations for the fiscal year ending June 30, 1983, with certain conditions; reducing employer and increasing employee contributions to various retirement funds; adding two members to the investment advisory council; eliminating sunset of various medical assistance and income maintenance cost control provisions; altering the community social services grant payment schedule; requiring employers to pick up employee contributions to certain public pension plans; encouraging voluntary unpaid leaves of absence; altering certain education aid payments; reducing payments to local units of government; increasing the income tax surtax rate; increasing the sales tax rate and ex-

tending the tax to certain telephone charges; adopting certain federal provisions relating to corporate income taxation; amending Minnesota Statutes 1982, sections 11A.08, subdivision 1; 121.904, subdivision 4a; 124.155, subdivisions 1 and 2; 256B.03, subdivision 2; 256E.06, subdivision 3; 290.01, subdivisions 20a and 20b; 290.06, subdivision 2e; 290.09, subdivisions 3 and 7, and by adding a subdivision; 290.131, subdivision 1; 290.132, subdivision 1; 290.134, subdivision 1; 290.135, subdivision 1; 290.136, subdivision 1; 297A.01, subdivision 3; 297A.02; 297A.03, subdivision 2; 297A.14; 297B.02; Laws 1981, Third Special Session chapter 2, article IV, section 3, subdivision 2, as amended; and section 5, subdivision 3, as amended; proposing new law coded in Minnesota Statutes, chapter 356; repealing Laws 1981, Third Special Session chapter 2, article III, section 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

This is to notify you that the Senate is about to adjourn the Third Special Session sine die.

PATRICK E. FLAHAVEN, Secretary of the Senate

MOTION TO ADJOURN THIRD SPECIAL SESSION SINE DIE

Eken moved that the House adjourn sine die for the 1982 Third Special Session. The motion prevailed and the Speaker declared the House stands adjourned sine die for the 1982 Third Special Session.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



COMMUNICATIONS AND ANNOUNCEMENTS RECEIVED  
SUBSEQUENT TO ADJOURNMENT OF THE 1982 THIRD  
SPECIAL SESSION

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

December 15, 1982

The Honorable Harry A. Sieben, Jr.  
Speaker of the House  
State of Minnesota

Dear Speaker Sieben:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, the following House File:

Third Special Session—1982, H. F. No. 4, relating to the financing of government in this state; declaring an emergency; reducing appropriations for the fiscal year ending June 30, 1983, with certain conditions; reducing employer and increasing employee contributions to various retirement funds; adding two members to the investment advisory council; altering the community social services grant payment schedule; requiring employers to pick up employee contributions to certain public pension plans; encouraging voluntary unpaid leaves of absence; altering certain education aid payments; reducing payments to local units of government; increasing the income tax surtax rate; increasing the sales tax rate and extending the tax to certain telephone charges; adopting certain federal provisions relating to corporate income taxation;

Sincerely,

ALBERT H. QUIE  
Governor

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

December 15, 1982

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 Act of the 1982 Third Special Session of the State Legislature has been received from the Office of the Governor and is 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>Third Special Session Laws Chapter No.</i>	<i>Date Approved 1982</i>	<i>Date Filed 1982</i>
	4	1	December 13	December 13

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

**CERTIFICATE**

I certify that the 1982 Third Special Session Journal of the House for Friday, December 10, 1982, including subsequent proceedings, has been corrected and is hereby approved.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

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# NUMERICAL INDEX OF HOUSE BILLS

## THIRD SPECIAL SESSION-1982

Number	AUTHORS At Time of Adjournment  TITLE At Time Of First Reading In House	First Reading and Reference	Second Reading	Other Proceedings	Third Reading and Passage	Returned from Senate	Subsequent Proceedings	Approved	General Laws Chapter & Year
1	<p>Sieben, M. A bill for an act relating to the financing of government in this state; reducing appropriations for the fiscal year ending June 30, 1983, with certain conditions; reducing employer and increasing employee contributions to various retirement funds; eliminating sunset of various medical assistance and income maintenance cost control provisions; altering the community social services grant payment schedule; requiring employers to pick up employee contributions to certain public pension plans; encouraging voluntary unpaid leaves of absence; altering certain education aid payments; reducing payments to local units of government; increasing the income tax surtax rate; increasing the sales tax rate and extending the tax to certain telephone charges; advancing dates for payment of property taxes; amending Minnesota Statutes 1982, sections 15A.081, by adding a subdivision; 121.904, subdivision 4a; 124.155, subdivisions 1 and 2; 256.966, subdivision 1; 256B.03, subdivision 2; 256D.03, subdivision 4; 256E.06, subdivision 3; 270.15, subdivision 2; 274.19, subdivisions 3, 4, and 5; 276.09; 276.10; 276.11; 277.01, subdivision 1; 277.01, subdivisions 1 and 3; 277.02; 277.03; 277.05; 277.06; 277.13; 278.01, subdivisions 1 and 2; 278.03; 278.05, subdivision 5; 279.01, subdivision 1; 290.01, subdivision 2a; 290.06, subdivision 2e; 290A.06; 290A.07, subdivision 3; 297A.01, subdivision 3; 297A.02; 297A.03, subdivision 2; 297A.14; 473F.08, subdivision 7a; Laws 1981, Third Special Session, chapter 2, article IV, section 3, subdivision 2, as amended by Laws 1982, chapter 548, article VII, section 7; and Laws 1982, Third Special Session, chapter 2, article IV, section 5, subdivision 2; proposing new law coded in Minnesota</p>	7	8	7	9	18			

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Number	AUTHORS At Time of Adjournment	First Reading and Reference	Second Reading	Other Proceedings	Third Reading and Passage	Returned from Senate	Subsequent Proceedings	Approved	General Laws Chapter & Year
	TITLE At Time Of First Reading In House								
	Statutes, chapter 356; repealing Minnesota Statutes 1982, section 256D.22; and Laws 1981, chapter 360, article 2, section 54, as amended by Laws 1981, First Special Session chapter 4, article 4, section 22.								
2	McCarron, Osthoff, Jennings A bill for an act relating to the legislature; enacting the present legislative apportionment into statutory form with minor alterations; amending Minnesota Statutes 1982, sections 2.021; 2.031; proposing new law coded in Minnesota Statutes, chapter 2; and repealing Minnesota Statutes 1982, sections 2.041 to 2.712.	8	22	20 45	24	46			
3	Lemen, Jennings, Halberg, Schafer, Hokr A bill for an act relating to taxation; creating a legislative commission for job development; amending Minnesota Statutes 1982, sections 290.06, subdivision 1, and by adding a subdivision; 297A.25, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 362.	9							
4	Sieben, M.; Eken; Sieben, H. A bill for an act relating to the financing of government in this state; declaring an emergency; reducing appropriations for the fiscal year ending June 30, 1983, with certain conditions; reducing employer and increasing employee contributions to various retirement funds; adding two members to the investment advisory council; eliminating sunset of various medical assistance and income maintenance cost control provisions; altering the community social services grant payment schedule; requiring employers to pick up employee contributions to certain public pension plans; encouraging voluntary unpaid leaves of absence; altering certain education aid payments; reducing payments to local units of government; increasing the income tax surtax rate; increasing the sales tax rate and extending the tax to certain telephone charges; adopting certain federal provisions relating to corporate income taxation; amending	24	26	25 33	26	44	47	50	49 1982



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Number	<p style="text-align: center;">AUTHORS At Time of Adjournment</p> <hr/> <p style="text-align: center;">TITLE At Time Of First Reading In House</p>	First Reading and Reference	Second Reading	Other Proceedings	Third Reading and Passage	Returned from Senate	Subsequent Proceedings	Approved	General Laws Chapter & Year
	<p>Minnesota Statutes 1982, sections 11A.08, subdivision 1; 121.904, subdivision 4a; 124.156, subdivisions 1 and 2; 256.966, subdivision 1; 256E.03, subdivision 2; 256D.03, subdivision 4; 256D.05, subdivision 1a; 256E.06, subdivision 3; 290.01, subdivisions 20a and 20b; 290.06, subdivision 2e; 290.09, subdivisions 3 and 7, and by adding a subdivision; 290.131, subdivision 1; 290.132, subdivision 1; 290.184, subdivision 1; 290.185, subdivision 1; 290.186, subdivision 1; 297A.01, subdivision 3; 297A.02; 297A.03, subdivision 2; 297A.14; Laws 1981, Third Special Session chapter 2, article IV, section 3, subdivision 2, as amended; and section 5, subdivision 3, as amended; proposing new law coded in Minnesota Statutes, chapter 356; repealing Minnesota Statutes 1982, section 256D.22; and Laws 1981, chapter 360, article 2, section 54, as amended and Laws 1981, Third Special Session chapter 2, article III, section 5.</p>								



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**NUMERICAL INDEX  
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There were no Senate bills transmitted to the House during the 1982 Third Special Session.



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# **TOPICAL INDEX**

**OF BILLS INTRODUCED**

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# TOPICAL INDEX OF BILLS INTRODUCED IN THE HOUSE THIRD SPECIAL SESSION—1982

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Budget bill: reducing appropriations and increasing employee contributions to various retirement funds. ....	Sieben, M.; Eken; Sieben, H. ....	4	2	1 1982
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<b>REAPPORTIONMENT</b>				
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There were no Senate bills transmitted to the House during the 1982 Third Special Session.



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### HALBERG

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### HOKR

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### JENNINGS

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### LEMEN

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### McCARRON

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### OSTHOFF

Reapportionment: 2.

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**MOTIONS,  
RESOLUTIONS,  
REPORTS AND  
MISCELLANEOUS ACTIONS  
THIRD SPECIAL SESSION-1982**

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**MOTIONS, RESOLUTIONS,  
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NATIONAL BUREAU OF STANDARDS

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**COMPANION  
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**FOR BOTH HOUSE**

**AND SENATE BILLS**

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COMMON

NUMBERS

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# COMPANION NUMBERS FOR BOTH HOUSE AND SENATE BILLS THIRD SPECIAL SESSION-1982

**DIRECTIONS:** The following table lists all companion numbers for both House and Senate Files. To find either a House or a Senate companion number, read down the Bill Number Column to find the number you want, either a House or a Senate number, and the corresponding companion number will be found in the proper column adjoining. Companion bills are identical at time of introduction in each house.

**Example:**

Bill Number	House Companion	Senate Companion
3	6	5

In the above example, House File No. 3 has Senate File No. 5 as its companion and Senate File No. 3 has House File No. 6 as its companion.

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[The following text is extremely faint and largely illegible due to the quality of the scan. It appears to be an alphabetical index of names, possibly including surnames and first names, arranged in columns. Some words are difficult to discern but may include names like 'Smith', 'Jones', 'Brown', etc., followed by page numbers or other identifiers.]

**JOURNAL**  
OF THE  
**HOUSE**  
OF REPRESENTATIVES

**SEVENTY-THIRD SESSION**

OF THE  
**LEGISLATURE**

STATE OF MINNESOTA

**1983**

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RAMALEY PRINTING COMPANY



STATE OF MINNESOTA

SEVENTY-THIRD SESSION - 1983

FIRST DAY

SAINT PAUL, MINNESOTA, TUESDAY, JANUARY 4, 1983

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 fourth day of January, 1983.

At the hour of twelve o'clock noon and pursuant to Minnesota Statutes 1982, 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 Pastor Tomas E. Meeks, Lord of Life Lutheran Church, Anoka, Minnesota.

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 Jim Tunheim
- District 1B Wallace Sparby
- District 2A Tony Stadum
- District 2B Willis Eken
- District 3A Bob Neuenschwander
- District 3B Loren Solberg
- District 4A Doug St. Onge
- District 4B Maurice Zaffke
- District 5A Dominic J. Elioff
- District 5B Lona Minne
- District 6A David P. Battaglia
- District 6B Joseph R. Begich
- District 7A Willard Munger
- District 7B Ben E. Gustafson
- District 8A Mary Murphy
- District 8B Tom Berkelman
- District 9A Dwaine Hoberg

District 9B	Merlyn Valan
District 10A	Jim Evans
District 10B	Bob Anderson
District 11A	Gary L. Findlay
District 11B	Dave Fjoslien
District 12A	Jerome (Jerry) Graba
District 12B	Rick Krueger
District 13A	Paul M. Thiede
District 13B	Stephen G. Wenzel
District 14A	Paul Anders Ogren
District 14B	Doug Carlson
District 15A	Sylvester Uphus
District 15B	Alan W. Welle
District 16A	Ben Omann
District 16B	B. J. Brinkman
District 17A	Marcus Marsh
District 17B	Dave Gruenes
District 18A	Jerome "J P" Peterson
District 18B	Don Bergstrom
District 19A	Dick Welch
District 19B	John T. Clawson
District 20A	Glen H. Anderson
District 20B	Ray Welker
District 21A	Adolph Kvam
District 21B	Gaylin DenOuden
District 22A	Bob McEachern
District 22B	Tony Onnen
District 23A	Terry Dempsey
District 23B	Allen Quist
District 24A	Mark Piepho
District 24B	
District 25A	Robert E. Vanasek
District 25B	Peter Rodosovich
District 26A	Steven Sviggum
District 26B	Bob Waltman
District 27A	Cal R. Ludeman
District 27B	Wendell O. Erickson
District 28A	Buzz Anderson
District 28B	George Mann
District 29A	David M. Jennings
District 29B	Henry Kalis
District 30A	Tom J. Shea
District 30B	Jerry Schoenfeld
District 31A	Bob Haukoos
District 31B	Pat Piper
District 32A	Donald L. Frerichs
District 32B	Elton R. Redalen
District 33A	Gil Gutknecht
District 33B	David T. Bishop
District 34A	Virgil J. Johnson
District 34B	Tim Sherman
District 35A	Gary Schafer
District 35B	K. J. McDonald
District 36A	Chuck Dimler

District 36B	Bob Jensen
District 37A	Carolyn D. Rodriguez
District 37B	Harry Sieben, Jr.
District 38A	Charles C. Halberg
District 38B	Art Seaberg
District 39A	Bert J. McKasy
District 39B	James P. Metzen
District 40A	James C. "Jim" Swanson
District 40B	Phil Riveness
District 41A	John Himle
District 41B	Kathleen Blatz
District 42A	Sidney Pauly
District 42B	Mary Forsythe
District 43A	John Burger
District 43B	Jerry Knickerbocker
District 44A	Sally Olsen
District 44B	Gloria Segal
District 45A	Craig Shaver
District 45B	Jim Heap
District 46A	Dorothy Hokr
District 46B	Lyndon R. Carlson
District 47A	Linda Scheid
District 47B	Robert L. "Bob" Ellingson
District 48A	Lon Heinitz
District 48B	Bill Schreiber
District 49A	Darby Nelson
District 49B	Joel Jacobs
District 50A	Ernest A. Larsen
District 50B	Joe Quinn
District 51A	Sharon Coleman
District 51B	Wayne Simoneau
District 52A	Gordon O. Voss
District 52B	Dan Knuth
District 53A	Tony Bennett
District 53B	Robert W. (Bob) Reif
District 54A	Don Valento
District 54B	Dick Kostohryz
District 55A	Connie Levi
District 55B	Charles (Chuck) Hoffman
District 56A	Len Price
District 56B	Pat Beard
District 57A	James I. Rice
District 57B	Randy W. Staten
District 58A	John J. Sarna
District 58B	Phyllis Kahn
District 59A	Dee Long
District 59B	Todd Otis
District 60A	Karen Clark
District 60B	Janet Clark
District 61A	Lee Greenfield
District 61B	Wesley J. "Wes" Skoglund
District 62A	Ken Nelson
District 62B	John Brandl
District 63A	John Rose



District 63B	Ann Wynia
District 64A	Kathleen Vellenga
District 64B	Dick Cohen
District 65A	Fred C. Norton
District 65B	Frank J. Rodriguez, Sr.
District 66A	Tom Osthoff
District 66B	Richard M. O'Connor
District 67A	Randy C. Kelly
District 67B	John Tomlinson

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

The arrival of the Honorable Raymond Pavlak, Judge of District Court, 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:

Anderson, B.	Erickson	Knuth	Otis	Sieben
Anderson, G.	Evans	Kostohryz	Pauly	Simoneau
Anderson, R.	Findlay	Krueger	Peterson	Skoglund
Battaglia	Fjoslien	Kvam	Piepho	Solberg
Beard	Forsythe	Larsen	Piper	Sparby
Begich	Frerichs	Levi	Price	Stadium
Bennett	Grabá	Long	Quinn	Staten
Bergstrom	Greenfield	Ludeman	Quist	Swiggum
Berkelman	Gruenes	Mann	Redalen	Swanson
Bishop	Gustafson	Marsh	Reif	Thiede
Blatz	Gutknecht	McDonald	Rice	Tomlinson
Brandl	Halberg	McEachern	Riveness	Tunheim
Brinkman	Haukoos	McKasy	Rodosovich	Uphus
Burger	Heap	Metzen	Rodriguez, C.	Valán
Carlson, D.	Heinitz	Minne	Rodriguez, E.	Valento
Carlson, L.	Himle	Munger	Rose	Vanasek
Clark, J.	Hoberg	Murphy	St. Onge	Vellenga
Clark, K.	Hoffman	Nelson, D.	Sarna	Voss
Clawson	Hokr	Nelson, K.	Schafer	Waltman
Cohen	Jacobs	Neuenschwander	Scheid	Welch
Coleman	Jennings	Norton	Schoenfeld	Welker
Dempsey	Jensen	O'Connor	Schreiber	Welle
DenOuden	Johnson	Ogren	Seaberg	Wenzel
Dimler	Kahn	Olsen	Segal	Wynia
Eken	Kalis	Omann	Shaver	Zaffke
Elioff	Kelly	Onnen	Shea	
Ellingson	Knickerbocker	Osthoff	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 Vanasek. The nomination was seconded by Wenzel, Munger and Rice.

The name of Forsythe was placed in nomination by Valan. The nomination was seconded by Pauly.

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:

Anderson, B.	Elioff	Mann	Price	Solberg
Anderson, G.	Ellingson	McEachern	Quinn	Sparby
Battaglia	Graba	Metzen	Rice	Staten
Beard	Greenfield	Minne	Riveness	Swanson
Begich	Gustafson	Munger	Rodosovich	Tomlinson
Bergstrom	Hoffman	Murphy	Rodriguez, C.	Tunheim
Berkelman	Jacobs	Nelson, D.	Rodriguez, F.	Vanasek
Brandl	Jensen	Nelson, K.	St. Onge	Vellenga
Brinkman	Kahn	Neuenschwander	Sarna	Voss
Carlson, L.	Kalis	Norton	Scheid	Welch
Clark, J.	Kelly	O'Connor	Schoenfeld	Welle
Clark, K.	Knuth	Ogren	Segal	Wenzel
Clawson	Kostohryz	Osthoff	Shea	Wynia
Cohen	Krueger	Otis	Sieben	
Coleman	Larsen	Peterson	Simoneau	
Eken	Long	Piper	Skoglund	

Sieben received 77 votes.

The following members of the House voted for Forsythe:

Anderson, R.	Fjoslien	Jennings	Pauly	Svigum
Bennett	Forsythe	Johnson	Piepho	Thiede
Bishop	Frichs	Knickerbocker	Quist	Uphus
Blatz	Gruenes	Kvam	Redalen	Valan
Burger	Gulknecht	Levi	Reif	Valento
Carlson, D.	Halberg	Ludeman	Rose	Waltman
Dempsey	Haukoos	Marsh	Schafer	Welker
DenOuden	Heap	McDonald	Schreiber	Zaffke
Dimler	Heinitz	McKasy	Seaberg	
Erickson	Himle	Olsen	Shaver	
Evans	Hoberg	Omann	Sherman	
Findlay	Hokr	Onnen	Stadum	

Forsythe received 56 votes.

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

Eken, Vellenga, Segal, Rose and Evans 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 Eken. The nomination was seconded by Jennings.

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:

Anderson, B.	Erickson	Knuth	Otis	Simoneau
Anderson, G.	Evans	Kostohryz	Pauly	Skoglund
Anderson, R.	Findlay	Krueger	Peterson	Solberg
Battaglia	Fjoslien	Kvam	Piepho	Sparby
Beard	Forsythe	Larsen	Piper	Stadum
Begich	Frerichs	Levi	Price	Staten
Bennett	Graba	Long	Quinn	Sviggum
Bergstrom	Greenfield	Ludeman	Quist	Swanson
Berkelman	Gruenes	Mann	Redalen	Thiede
Bishop	Gustafson	Marsh	Reif	Tomlinson
Blatz	Gutknecht	McDonald	Rice	Tunheim
Brandl	Halberg	McEachern	Riveness	Uphus
Brinkman	Haukoos	McKasy	Rodosovich	Valan
Burger	Heap	Metzen	Rodriguez, C.	Valento
Carlson, D.	Heinitz	Minne	Rodriguez, F.	Vanasek
Carlson, L.	Himle	Munger	Rose	Vellenga
Clark, J.	Hoberg	Murphy	St. Onge	Voss
Clark, K.	Hoffman	Nelson, D.	Sarna	Waltman
Clawson	Hokr	Nelson, K.	Schafer	Welch
Cohen	Jacobs	Neuenschwander	Scheid	Welker
Coleman	Jennings	Norton	Schoenfeld	Welle
Dempsey	Jensen	O'Connor	Schreiber	Wenzel
DenOuden	Johnson	Ogren	Seaberg	Wynia
Dimler	Kahn	Olsen	Segal	Zaffke
Eken	Kalis	Omann	Shaver	Speaker Sieben
Elioff	Kelly	Onnen	Shea	
Ellingson	Knickerbocker	Osthoff	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 Daniel L. Kane was placed in nomination for First Assistant Chief Clerk by Wynia.

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

The name of Aliceann Murphy was placed in nomination for Postmaster by Norton.

The name of Andrew Remke was placed in nomination for Assistant Postmaster by Kostohryz.

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

The name of Teresa Kittridge was placed in nomination for Assistant Sergeant at Arms by Jacobs.

The name of Stephen E. Fischer was placed in nomination for Index Clerk by Clark, J.

The name of Pastor Tomas E. Meeks was placed in nomination for Chaplain by Nelson, K.

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 :

Anderson, B.	Battaglia	Bennett	Bishop	Brinkman
Anderson, G.	Beard	Bergstrom	Blatz	Burger
Anderson, R.	Begich	Berkelman	Brandl	Carlson, D.

Carlson, L.	Haukoos	Marsh	Quinn	Sparby
Clark, J.	Heap	McDonald	Quist	Stadum
Clark, K.	Heinitz	McEachern	Redalen	Staten
Clawson	Himle	McKasy	Reif	Sviggum
Cohen	Hoberg	Metzen	Rice	Swanson
Coleman	Hoffman	Minne	Riveness	Thiede
Dempsey	Hokr	Munger	Rodosovich	Tomlinson
DenOuden	Jacobs	Murphy	Rodriguez, C.	Tunheim
Dimler	Jennings	Nelson, D.	Rodriguez, F.	Uphus
Eken	Jensen	Nelson, K.	Rose	Valan
Elioff	Johnson	Neuenschwander	St. Onge	Valento
Ellingson	Kahn	Norton	Sarna	Vanasek
Erickson	Kalis	O'Connor	Schafer	Vellenga
Evans	Kelly	Ogren	Scheid	Voss
Findlay	Knickerbocker	Olsen	Schoenfeld	Waltman
Fjoslien	Knuth	Omann	Schreiber	Welch
Forsythe	Kostohryz	Onnen	Seaberg	Welker
Frerichs	Krueger	Osthoff	Segal	Welle
Graba	Kvam	Otis	Shaver	Wenzel
Greenfield	Larsen	Pauly	Shea	Wynia
Gruenes	Levi	Peterson	Sherman	Zaiffke
Gustafson	Long	Piepho	Simoneau	Speaker Sieben
Gutknecht	Ludeman	Piper	Skoglund	
Halberg	Mann	Price	Solberg	

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 by the Speaker to those elected to the above offices.

Eken offered the following resolution and moved its adoption:

*Resolved*, that the temporary rules of the House for this session, the 73rd Regular Session, shall be the same as the permanent rules of the House for the last session, the 72nd Regular Session, as they existed on Friday, March 19, 1982, 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

**Education**  
**Division: Education Finance**

**Energy**

**Environment and Natural Resources**

**Financial Institutions and Insurance**

**General Legislation and Veterans Affairs**

**Division: Gaming**

**Governmental Operations**

**Health and Welfare**

**Judiciary**

**Division: Criminal Justice**

**Labor-Management Relations**

**Division: Workers' Compensation**

**Local and Urban Affairs**

**Division: State-Local Fiscal Affairs**

**Regulated Industries**

**Rules and Legislative Administration**

**Taxes**

**Divisions: Economic Development**  
**Tax Laws**

**Transportation**

All deadlines referred to in rules 1.10, 1.16, 3.4, 6.11 and 9.3 shall not be applicable until such time as new permanent rules shall have been adopted.

The temporary rules of the House for the 73rd 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 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 5, 1983, 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 5, 1983, 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 :

Anderson, G.; Knuth; Otis; Burger and Schafer.

Eken offered the following resolution and moved its adoption :

*Resolved*, that the Speaker be and he is hereby directed to appoint a committee of seven 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 5, 1983.

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 for the Joint Convention tomorrow:

Battaglia, Elioff, Minne, Murphy, Begich, Neuenschwander, and Carlson, D.

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 4, 1983, to better expedite the business of the House.

The motion prevailed and the resolution was adopted.

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 seventh 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 sixth 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 fifth 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 fourth 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 third 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 second session and proceed in a like manner until all names are exhausted.



7. 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 group shall remain in the member's alcove in the back of the chamber until their names have been drawn.

Members of the 4th and 5th 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 6th and 7th 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 has appointed a committee of five members of the Senate to notify the House of Representatives that the Senate of the State of Minnesota is now duly organized pursuant to law.

Mr. Samuelson, Ms. Peterson, Messrs. Jude; Johnson, D.; and Mehrkens have been appointed to such committee.

PATRICK E. FLAHAVEN, Secretary of 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:

Jerome M. Hughes, President

Patrick E. Flahaven, Secretary of the Senate

Janine Mattson, First Assistant Secretary of the Senate

Patrice Dworak, 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 McGurran, Chaplain

The Senate also adopted a resolution naming Roger D. Moe as Majority Leader and James Ulland as Minority Leader.

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

Eken moved 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 72nd Session are adopted as the temporary joint rules of the 73rd 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 of the Capitol grounds, Capitol Approach and Aurora Avenue for members of the Legislature and staff.

PATRICK E. FLAHAVEN, Secretary of the Senate

Eken moved 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 73rd 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 73rd 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.

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 Files were introduced:

Kahn, Wynia, Sieben, Forsythe and Eken introduced:

H. F. No. 1, A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

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

Blatz, Rose, Heap, Sherman and Himle introduced:

H. F. No. 2, A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

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

Price, Voss, Mann, McEachern and Rodriguez, F., introduced:

H. F. No. 3, A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

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

Murphy; Wenzel; Berkelman; Carlson, L., and Sarna introduced:

H. F. No. 4, A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

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

Scheid; Osthoff; Anderson, G.; Swanson and Metzen introduced:

H. F. No. 5, A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

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

Coleman; Norton; Nelson, D.; Kelly and O'Connor introduced:

H. F. No. 6, A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

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

Skoglund, Simoneau, Riveness, Gustafson and Shea introduced:

H. F. No. 7, A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

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

Long, Segal, Otis, Munger and Rice introduced:

H. F. No. 8, A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

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

Clark, J.; Voss; Vanasek; Nelson, K., and Kostohryz introduced:

H. F. No. 9, A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

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

Levi, Jennings, Forsythe, Halberg and Hokr introduced:

H. F. No. 10, A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

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

Vellenga, Welch, Hoffman, Ellingson and Clawson introduced:

H. F. No. 11, A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

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

Rodriguez, C.; Brandl; Tomlinson; Cohen and Krueger introduced:

H. F. No. 12, A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

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

Sarna, Schreiber, Blatz and Brinkman introduced:

H. F. No. 13, A bill for an act relating to taxation; abolishing a tax on on-sale liquor; repealing Minnesota Statutes 1982, section 340.986.

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

Eken introduced:

H. F. No. 14, A bill for an act relating to the legislature; delaying submission of the budget to the legislature to February 15, 1983.

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

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following House committee assignments and the committee meeting schedule for the 1983-84 session:

#### AGRICULTURE —

Wednesdays, 10:00 A.M., Room 83

Wenzel, Chair  
Shea, Vice Chair  
Anderson, B.  
Brinkman  
Eken  
Graba  
Kalis  
Krueger  
Mann  
Peterson  
Sparby  
Tunheim  
Vellenga

Dimler  
Erickson  
Evans  
Findlay  
Marsh  
McDonald  
Uphus  
Valan  
Waltman

## APPROPRIATIONS —

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

Rice, Chair	Anderson, R.
Battaglia, Vice Chair	Bishop
Beard	Carlson, D.
Berkelman	DenOuden
Carlson, L.	Erickson
Cohen	Forsythe
Ellingson	Frerichs
Greenfield	Haukoos
Kahn	Piepho
Kalis	Reif
Metzen	Rose
Munger	Seaberg
Murphy	Stadum
St. Onge	Valan
Sarna	Welker
Schoenfeld	
Staten	
Swanson	
Vellenga	
Voss	
Welch	
Wynia	

## Education Division/Appropriations

Carlson, L., Chair	Erickson
Welch, Vice Chair	Frerichs
Munger	Haukoos
Rice	Rose
Schoenfeld	
Swanson	

## Health, Welfare, Corrections Division/Appropriations

Wynia, Chair	Anderson, R.
Murphy, Vice Chair	DenOuden
Greenfield	Forsythe
Rice	Reif
St. Onge	
Staten	

## Semi-State Division/Appropriations

Kalis, Chair	Seaberg
Vellenga, Vice Chair	Stadum
Beard	Valan
Metzen	
Rice	
Sarna	

## State Departments Division/Appropriations

Kahn, Chair  
 Ellingson, Vice Chair  
 Battaglia  
 Berkelman  
 Cohen  
 Rice  
 Voss

Bishop  
 Carlson, D.  
 Piepho  
 Welker

COMMERCE AND ECONOMIC DEVELOPMENT —  
 Tuesdays and Thursdays, 10:00 A.M., Room 81

Sarna, Chair  
 Ogren, Vice Chair  
 Gustafson  
 Jacobs  
 Larsen  
 Metzen  
 Murphy  
 Neuenschwander  
 Peterson  
 Riveness  
 Segal  
 Solberg  
 Staten

Anderson, R.  
 Bennett  
 Forsythe  
 Heap  
 Himle  
 Marsh  
 Piepho  
 Welker  
 Zaffke

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

McEachern, Chair  
 Rodriguez, C., Vice Chair  
 Anderson, B.  
 Bergstrom  
 Brandl  
 Elioff  
 Graba  
 Hoffman  
 Kostohryz  
 Nelson, D.  
 Nelson, K.  
 Price  
 Segal  
 Shea  
 Solberg  
 Tomlinson  
 Tunheim

Burger  
 Fjoslien  
 Gruenes  
 Heap  
 Hoberg  
 Jennings  
 Levi  
 Olsen  
 Quist  
 Schafer  
 Sherman  
 Thiede



Education Finance Division/Education  
Mondays, 12:00 Noon, Room 57 and Wednesdays, 2:00 P.M.,  
Room 57

Nelson, K., Chair	Jennings
Anderson, B., Vice Chair	Levi
Brandl	Olsen
Kostohryz	Schafer
McEachern	
Tomlinson	

ENERGY —

Tuesdays, 12:00 Noon, Room 57

Voss, Chair	Bishop
Piper, Vice Chair	Findlay
Coleman	Fjoslien
Graba	Omann
Kahn	Quist
Munger	Sherman
Nelson, K.	Thiede
Otis	Uphus
Price	Waltman
Quinn	Welker
Segal	
Staten	
Tomlinson	
Vellenga	

ENVIRONMENT AND NATURAL RESOURCES —

Tuesdays and Thursdays, 10:00 A.M., Room 83

Munger, Chair	Burger
Long, Vice Chair	Carlson, D.
Battaglia	DenOuden
Beard	Fjoslien
Begich	Ludeman
Kahn	Rose
Kelly	Schafer
Knuth	Shaver
Nelson, D.	Thiede
Nelson, K.	Waltman
Otis	
Simoneau	
Skoglund	
Vanasek	

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

Brinkman, Chair  
Skoglund, Vice Chair  
Anderson, B.  
Ellingson  
Metzen  
Norton  
Osthoff  
Quinn  
Rodosovich  
Swanson  
Voss  
Welle  
Wenzel  
Wynia

Burger  
Halberg  
Haukoos  
Heinitz  
Knickerbocker  
Kvam  
Shaver  
Sherman  
Stadum  
Valan

GENERAL LEGISLATION AND VETERANS AFFAIRS —  
Wednesdays, 10:00 A.M. and Thursdays, 12:00 Noon, Room 57

Kostohryz, Chair  
Greenfield, Vice Chair  
Battaglia  
Jensen  
Knuth  
Metzen  
Minne  
Osthoff  
Piper  
Price  
Quinn  
Riveness  
Welle

Blatz  
Burger  
Gutknecht  
Hokr  
Olsen  
Omann  
Piepho  
Redalen  
Sviggum

Gaming Division/General Legislation and Veterans Affairs

Metzen, Chair  
Price, Vice Chair  
Greenfield  
Jensen  
Kostohryz  
Piper

Blatz  
Gutknecht  
Redalen  
Sviggum

## GOVERNMENTAL OPERATIONS —

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

Norton, Chair	Bennett
Clark, K., Vice Chair	Findlay
Clawson	Gutknecht
Coleman	Heinitz
Knuth	Hokr
Krueger	Knickerbocker
Larsen	Ludeman
Neuenschwander	McDonald
Quinn	Sviggum
Riveness	Wigley
Rodosovich	Zaffke
Rodriguez, F.	
Simoneau	
Sparby	
Welle	
Wenzel	

## HEALTH AND WELFARE —

Tuesdays and Thursdays, 10:00 A.M., Room 57

Swanson, Chair	Blatz
Elioff, Vice Chair	Gruenes
Berkelman	Heinitz
Brandl	Hokr
Carlson, L.	Kvam
Clark, J.	Olsen
Clark, K.	Onnen
Clawson	Quist
Greenfield	Reif
McEachern	Sviggum
Rodosovich	
St. Onge	
Scheid	
Welch	

## JUDICIARY —

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

Vanasek, Chair	Bishop
Gustafson, Vice Chair	Dempsey
Clark, J.	Forsythe
Cohen	Halberg
Coleman	McKasy
Ellingson	Schafer
Kelly	Seaberg
Long	
Norton	
Staten	

**Criminal Justice Division/Judiciary**

Clark, J., Chair	Bishop
Staten, Vice Chair	McKasy
Cohen	Seaberg
Coleman	
Vanasek	

**LABOR-MANAGEMENT RELATIONS —**

Mondays and Thursdays, 12:00 Noon, Room 81

Begich, Chair	Heap
Rodriguez, F., Vice Chair	Himle
Beard	Ludeman
Carlson, L.	Reif
Elioff	Seaberg
Murphy	Shaver
O'Connor	Stadum
Rice	Zaffke
St. Onge	
Simoneau	
Solberg	

**Workers' Compensation Division/Labor-Management Relations**

Simoneau, Chair	Reif
St. Onge, Vice Chair	Seaberg
Begich	Stadum
O'Connor	
Rice	

**LOCAL AND URBAN AFFAIRS —**

Tuesdays and Thursdays, 12:00 Noon, Room 83

Anderson, G., Chair	Anderson, R.
Berkelman, Vice Chair	Frerichs
Bergstrom	Gruenes
Clark, J.	Haukoos
Clark, K.	Hoberg
Clawson	Johnson
Cohen	Knickerbocker
Hoffman	Levi
Long	Onnen
McEachern	Pauly
Nelson, D.	Schreiber
Rodriguez, C.	Valento
Scheid	
Schoenfeld	
Shea	
Sparby	
Welch	

## State-Local Fiscal Affairs Division/Local and Urban Affairs

Clawson, Chair  
 Sparby, Vice Chair  
 Anderson, G.  
 Long  
 McEachern  
 Shea

Anderson, R.  
 Johnson  
 Knickerbocker  
 Schreiber

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

Jacobs, Chair  
 O'Connor, Vice Chair  
 Bergstrom  
 Jensen  
 Krueger  
 Larsen  
 Minne  
 Ogren  
 Otis  
 Peterson  
 Piper  
 St. Onge  
 Sarna

Bennett  
 Dimler  
 Evans  
 Gutknecht  
 Höberg  
 McDonald  
 Redalen  
 Rose  
 Wigley

RULES AND LEGISLATIVE ADMINISTRATION —  
 Call of the Chair, Room 95

Eken, Chair  
 Brandl, Vice Chair  
 Mann  
 Minne  
 Munger  
 Sieben  
 Vanasek  
 Wynia

Anderson, R.  
 Carlson, D.  
 Heinitz  
 Jennings

## TAXES —

Tuesdays, Thursdays, Fridays, 8:00 A.M., Room 81

Tomlinson, Chair  
 Minne, Vice Chair  
 Anderson, G.  
 Begich  
 Brandl  
 Brinkman  
 Eken  
 Gustafson  
 Jacobs  
 Kelly  
 O'Connor  
 Ogren  
 Osthoff  
 Otis  
 Scheid  
 Sieben  
 Skoglund  
 Vanasek

Blatz  
 Dempsey  
 Evans  
 Halberg  
 Himle  
 Kvam  
 Marsh  
 McKasy  
 Onnen  
 Pauly  
 Redalen  
 Schreiber  
 Valento

## Economic Development Division/Taxes

Kelly, Chair  
 Otis, Vice Chair  
 Brandl  
 Eken  
 Jacobs  
 Minne  
 Ogren  
 Skoglund  
 Tomlinson

Blatz  
 Evans  
 Halberg  
 Himle  
 Kvam  
 Marsh  
 McKasy

## Tax Laws Division/Taxes

Osthoff, Chair  
 Scheid, Vice Chair  
 Anderson, G.  
 Begich  
 Brinkman  
 Gustafson  
 O'Connor  
 Sieben  
 Tomlinson  
 Vanasek

Dempsey  
 Onnen  
 Pauly  
 Redalen  
 Schreiber  
 Valento

## TRANSPORTATION —

Wednesdays, 12:00 Noon, Room 83

Mann, Chair  
 Jensen, Vice Chair  
 Anderson, G.  
 Coleman  
 Graba  
 Hoffman  
 Kalis  
 Kostohryz  
 Neuenschwander  
 Rodriguez, C.  
 Rodriguez, F.  
 Schoenfeld  
 Shea  
 Tunheim

Dempsey  
 DenOuden  
 Dimler  
 Erickson  
 Frerichs  
 Johnson  
 McKasy  
 Pauly  
 Schreiber  
 Wigley

## ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 11:30 a.m., Wednesday, January 5, 1983. 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 5, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## SECOND DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, JANUARY 5, 1983

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 Pastor Tomas E. Meeks, House Chaplain, Ramsey, Minnesota.

## OATH OF OFFICE

Richard Wigley of District 24B presented proof of his 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 him by Harry A. Sieben, Jr., Speaker of the House.

The roll was called and the following members were present:

Anderson, B.	Erickson	Knuth	Otis	Simoneau
Anderson, G.	Evans	Kostohryz	Pauly	Sköglund
Anderson, R.	Findlay	Krueger	Peterson	Solberg
Battaglia	Fjoslien	Kvam	Piepho	Sparby
Beard	Forsythe	Larsen	Piper	Stadum
Begich	Frerichs	Levi	Price	Staten
Bennett	Graba	Long	Quinn	Sviggum
Bergstrom	Greenfield	Ludeman	Quist	Swanson
Berkelman	Gruenes	Mann	Redalen	Thiede
Bishop	Gustafson	Marsh	Reif	Tomlinson
Blatz	Cutknecht	McDonald	Rice	Tunheim
Brandl	Halberg	McEachern	Riveness	Uphus
Brinkman	Haukoos	McKasy	Rodosovich	Valan
Burger	Heap	Metzen	Rodriguez, C.	Valento
Carlson, D.	Heinitz	Minne	Rodriguez, F.	Vanasek
Carlson, L.	Himle	Munger	Rose	Vellenga
Clark, J.	Hoberg	Murphy	St. Onge	Voss
Clark, K.	Hoffman	Nelson, D.	Sarna	Waltman
Clawson	Hokr	Nelson, K.	Schafer	Welch
Cohen	Jacobs	Neuenschwander	Scheid	Welker
Coleman	Jennings	Norton	Schoenfeld	Welle
Dempsey	Jensen	O'Connor	Schreiber	Wenzel
DenOuden	Johnson	Ogren	Seaberg	Wigley
Dimler	Kahn	Olsen	Segal	Wynia
Eken	Kalis	Omann	Shayer	Zaffke
Elioff	Kelly	Onnen	Shea	Speaker Sieben
Ellingson	Knickerbocker	Osthoff	Sherman	



A quorum was present.

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.

### INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Minne, Pauly, St. Onge, Solberg and Rodosovich introduced:

H. F. No. 15, A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

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

Clark, K.; Staten and Ogren introduced:

H. F. No. 16, A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

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

Olsen, Jennings, Pauly, Bishop and Hoberg introduced:

H. F. No. 17, A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

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

Welle, Sparby, Bergstrom, Waltman and Larsen introduced:

H. F. No. 18, A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

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

Peterson, Heinitz, Evans, Bennett and Graba introduced:

H. F. No. 19, A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

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

Quinn, Seaberg, Beard, Fjoslien and McKasy introduced:

H. F. No. 20, A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

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

Greenfield, Knuth, Piper and Tunheim introduced:

H. F. No. 21, A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

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

Osthoff; Kostohryz; Olsen; Rodriguez, C., and Sieben introduced:

H. F. No. 22, A bill for an act relating to metropolitan government; redrawing metropolitan council districts; requiring that metropolitan council boundaries be redrawn after each federal census; amending Minnesota Statutes 1982, sections 473.123, subdivisions 2 and 3; and 473.141, subdivisions 2 and 5.

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

Tomlinson, Osthoff, Vanasek, Evans and Onnen introduced:

H. F. No. 23, A bill for an act relating to taxation; providing that Minnesota itemized deductions for individuals shall be federal itemized deductions with certain modifications; amending Minnesota Statutes 1982, sections 290.01, subdivision 19; 290.06, subdivision 11; 290.077, subdivision 2; 290.09, subdivisions 1, 2, 3, as amended, 4, 5, and 6; 290.14; 290.18, subdivisions 1 and 2; 290.21, subdivisions 1 and 3; 290.23, subdivision 5; 290.31, subdivisions 2 and 3; 290.39, subdivision 2; 290.92, subdivision 2a; 290A.16; proposing new law coded in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 1982, sections 290.09, subdivisions 10, 15, 22, and 27; and 290.21, subdivision 3a.

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

Messrs. Lessard, DeCramer, Pehler, Benson and Frank have been appointed to such committee on the part of the Senate.

PATRICK E. FLAHAVEN, Secretary of 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 12:00 noon, Wednesday, January 5, 1983, to receive the message of the Honorable Rudy Perpich, 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 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, Wednes-

day, January 5, 1983, said Joint Convention to be convened at 11:45 A.M., and said message of the Governor to be delivered at 12:00 noon.

Messrs. Dicklich, Freeman, Purfeerst, Belanger and Laidig 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. 3, A Senate Concurrent Resolution relating to adjournment of the Senate and House of Representatives for more than three days.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### SUSPENSION OF RULES

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

#### SENATE CONCURRENT RESOLUTION NO. 3

A Senate concurrent resolution relating to adjournment for more than three days.

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

1. Upon its adjournment on January 5, 1983, the House of Representatives may set its next day of meeting for 2:00 p.m. on Monday, January 10, 1983.

2. Upon its adjournment on January 5, 1983, the Senate may set its next day of meeting for 11:00 a.m. on Monday, January 10, 1983.

3. Pursuant to the Minnesota Constitution, Article IV, Section 12, the Senate and House of Representatives each consent to the adjournment of the other for more than three days.

Eken moved that Senate Concurrent 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 10, 1983. 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.

Prayer was offered by Pastor Tomas E. Meeks, House Chaplain, Ramsey, Minnesota.

The roll being called, the following Senators answered to their names: Adkins, Anderson 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 Honorable Joan Anderson Growe, Secretary of State. The Secretary of State was escorted to the seat reserved for her at the rostrum.

The Sergeant at Arms announced the arrival of the Honorable Arne H. Carlson, State Auditor. The State Auditor was escorted to the seat reserved for him at the rostrum.

The Sergeant at Arms announced the arrival of the Honorable Robert W. Mattson, State Treasurer. The State Treasurer was escorted to the seat reserved for him at the rostrum.

The Sergeant at Arms announced the arrival of the Honorable Hubert H. Humphrey III, Attorney General. The Attorney General was escorted to the seat reserved for him at the rostrum.

The Sergeant at Arms announced the arrival of the Honorable Douglas K. Amdahl, 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 Elmer A. Benson, Harold E. Stassen, C. Elmer Anderson, Harold Le Vander, Wendell R. Anderson and Albert H. Quie. The distinguished guests were escorted to the seats reserved for them.

The Sergeant at Arms announced the arrival of the Honorable David Durenberger, United States Senator. The United States Senator was escorted to the seat reserved for him near the rostrum.

The Sergeant at Arms announced the arrival of the Honorable Marlene Johnson, Lieutenant Governor. The Lieutenant Governor was escorted to the seat reserved for her at the rostrum.

The Sergeant at Arms announced the arrival of the Honorable Rudy Perpich, 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 Rudy Perpich was presented by the President of the Joint Convention, the Honorable Harry A. Sieben, Jr., and the Governor delivered his "State of State Address" to 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 10, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

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(S. 1870)

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(S. 1871)

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## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION — 1983

## THIRD DAY

SAINT PAUL, MINNESOTA, MONDAY, JANUARY 10, 1983

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 Neal E. Lloyd, Presbyterian Church of the Way, Shoreview, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Erickson	Kostohryz	Pauly	Simoneau
Anderson, G.	Evans	Krueger	Peterson	Skoglund
Anderson, R.	Findlay	Kvam	Piepho	Solberg
Battaglia	Fjoslien	Larsen	Piper	Sparby
Beard	Forsythe	Long	Price	Stadum
Begich	Frerichs	Ludeman	Quinn	Staten
Bennett	Graba	Mann	Quist	Sviggum
Bergstrom	Greenfield	Marsh	Redalen	Swanson
Berkelman	Gruenes	McDonald	Reif	Thiede
Bishop	Gustafson	McEachern	Rice	Tomlinson
Blatz	Gutknecht	McKasy	Riveness	Tunheim
Brinkman	Halberg	Metzen	Rodosovich	Uphus
Burger	Haukoos	Minne	Rodriguez, C.	Valan
Carlson, D.	Heap	Munger	Rodriguez, F.	Valento
Carlson, L.	Heinitz	Murphy	Rose	Vanasek
Clark, J.	Himle	Nelson, D.	St. Onge	Vellenga
Clark, K.	Hoberg	Nelson, K.	Sarna	Voss
Clawson	Hoffman	Neuenschwander	Schafer	Waltman
Cohen	Jacobs	Norton	Scheid	Welch
Coleman	Jennings	O'Connor	Schoenfeld	Welker
Dempsey	Johnson	Ogren	Schreiber	Welle
DenOuden	Kahn	Olsen	Seaberg	Wenzel
Dimler	Kalis	Omann	Segal	Wigley
Eken	Kelly	Onnen	Shaver	Wynia
Elioff	Knickerbocker	Osthoff	Shea	Zaffke
Ellingson	Knuth	Otis	Sherman	Speaker Sieben

A quorum was present.

Brandl, Hokr, Jensen and Levi 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.

### INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Simoneau, Kalis, Sarna, Stadum and Begich introduced:

H. F. No. 24, A bill for an act relating to workers' compensation; creating a competitive state workers' compensation insurance fund; changing benefits; providing for rules related to excessive health care services; regulating supplemental benefits; providing for benefit adjustments; providing for continuance of certain insurance coverages; providing for deductible workers' compensation insurance policies; providing penalties; appropriating money; amending Minnesota Statutes 1982, sections 62A.10, subdivision 1; 62C.14, by adding a subdivision; 62D.10, by adding a subdivision; 79.211, subdivision 1; 79.25, subdivision 1, and by adding a subdivision; 79.63, subdivisions 1, 2, and 4; 176.081, subdivisions 1, 2, 3, 4, and 6; 176.101, subdivisions 1 and 3, and by adding a subdivision; 176.105, by adding a subdivision; 176.111, subdivisions 1 and 18, and by adding a subdivision; 176.131, subdivision 10; 176.132, subdivisions 1 and 2; 176.136; 176.181, subdivision 3; 176.391, subdivision 3; 176.591, subdivisions 1 and 3; Laws 1981, chapter 346, section 145; proposing new law coded in Minnesota Statutes, chapters 79 and 176; proposing new law coded as Minnesota Statutes, chapter 176A; repealing Minnesota Statutes 1982, sections 79.63, subdivision 3; 176.061, subdivisions 8 and 9; 176.101, subdivision 6; 176.102, subdivision 1a; 176.152; 176.541, subdivisions 2, 3, 4, 5, 6, and 8; 176.551; 176.561; 176.571; 176.581; 176.603; and 176.611.

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

Valan introduced:

H. F. No. 25, A bill for an act relating to the city of Lake Park; authorizing the issuance of general obligation bonds to finance construction of municipal facilities.

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

Begich, Sarna, Elioff, Battaglia and Ogren introduced:

H. F. No. 26, A bill for an act relating to commerce; consumer protection; requiring the repair, refund, or replacement of new motor vehicles under certain circumstances; 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.

McEachern introduced:

H. F. No. 27, A bill for an act relating to the legislature; establishing a legislative commission on efficiency and economy in state government; 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.

Anderson, B., introduced:

H. F. No. 28, A bill for an act relating to transportation; including restaurants within the specific service information signing program; amending Minnesota Statutes 1982, sections 160.292, subdivisions 2 and 10, and by adding a subdivision; 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.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following schedule of committee meetings for the 1983-84 regular session:

#### 1983-84 HOUSE COMMITTEE SCHEDULE

<i>Committee</i>	<i>Meeting Room</i>	<i>Hour</i>
	MONDAY	
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.

<i>Committee</i>	<i>Meeting Room</i>	<i>Hour</i>
Judiciary	81	10:00-11:45 a.m.
Regulated Industries	83	10:00-11:45 a.m.
Education (Finance Division)	57	12:00- 1:45 p.m.
Labor-Management Relations	81	12:00- 1:45 p.m.

## TUESDAY

Appropriations	57	8:00- 9:45 a.m.
Governmental Operations	83	8:00- 9:45 a.m.
Taxes	81	8:00- 9:45 a.m.
Commerce and Economic Development	81	10:00-11:45 a.m.
Environment and Natural Resources	83	10:00-11:45 a.m.
Health and Welfare	57	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.

## WEDNESDAY

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.
Agriculture	83	10:00-11:45 a.m.
General Legislation and Veterans Affairs	57	10:00-11:45 a.m.
Judiciary	81	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.
Education (Finance Division)	57	2:00- 4:00 p.m.

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

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Wednesday, January 12, 1983. 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, January 12, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

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## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## FOURTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, JANUARY 12, 1983

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 George S. Macres, St. Mary's Orthodox Church, Minneapolis, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Evans	Knuth	Pauly	Skoglund
Anderson, G.	Findlay	Kostohryz	Peterson	Solberg
Anderson, R.	Fjoslien	Krueger	Piepho	Sparby
Battaglia	Forsythe	Kvam	Piper	Stadum
Beard	Frerichs	Larsen	Price	Staten
Begich	Graba	Long	Quinn	Sviggum
Bennett	Greenfield	Ludeman	Quist	Swanson
Bergstrom	Gruenes	Marsh	Redalen	Thiede
Berkelman	Gustafson	McDonald	Reif	Tomlinson
Blatz	Gutknecht	McEachern	Rice	Uphus
Brandl	Halberg	McKasy	Riveness	Valan
Brinkman	Haukoos	Metzen	Rodosovich	Valento
Burger	Heap	Minne	Rodriguez, C.	Vanasek
Carlson, D.	Heinitz	Munger	Rodriguez, F.	Vellenga
Carlson, L.	Himle	Murphy	Rose	Voss
Clark, J.	Hoberg	Nelson, D.	St. Onge	Waltman
Clark, K.	Hoffman	Nelson, K.	Sarna	Welch
Clawson	Hokr	Neuenschwander	Schafer	Welker
Cohen	Jacobs	Norton	Scheid	Welle
Coleman	Jennings	O'Connor	Schoenfeld	Wenzel
Dempsey	Jensen	Ogren	Schreiber	Wigley
DenOuden	Johnson	Olsen	Seaberg	Wynia
Dimler	Kahn	Omann	Segal	Zaifke
Eken	Kalis	Onnen	Shaver	Speaker Sieben
Elioff	Kelly	Osthoff	Sherman	
Ellingson	Knickerbocker	Otis	Simoneau	

A quorum was present.

Bishop, Erickson, Levi, Mann, Shea and Tunheim 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.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Gustafson introduced:

H. F. No. 29, A bill for an act relating to the legislature; reducing the number of members of the senate and house of representatives; amending Minnesota Statutes 1982, section 2.021.

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

Skoglund, Greenfield, Piepho, Simoneau and Minne introduced:

H. F. No. 30, A bill for an act relating to veterans affairs; providing residents of the Minnesota veterans home with a right to complain about home accommodations and services; prohibiting retaliatory eviction of residents who exercise their right to complain; proposing new law coded in Minnesota Statutes, chapter 198.

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

Skoglund, Greenfield, Piepho, Simoneau and Minne introduced:

H. F. No. 31, A bill for an act relating to veterans affairs; prohibiting searches at the Minnesota veterans home except under criminal warrant; proposing new law coded in Minnesota Statutes, chapter 198.

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

Kelly, Bennett, Gustafson, Cohen and Clark, J., introduced:

H. F. No. 32, A bill for an act relating to crimes; providing for degrees of the crime of burglary; providing penalties; amending Minnesota Statutes 1982, section 609.585; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, section 609.58.

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

Olsen, Dempsey, Gruenes, Simoneau and Heinitz introduced:

H. F. No. 33, A bill for an act relating to taxation; income; providing a credit for home care of the elderly; appropriating money; amending Minnesota Statutes 1982, section 290.06, by adding a subdivision.

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

Piepho, Dempsey and Staten introduced:

H. F. No. 34, A bill for an act relating to highway traffic regulations; authorizing persons operating motorcycles to wear headphones or earphones used in both ears for purposes of listening to radios or other sound producing or transmitting devices; amending Minnesota Statutes 1982, section 169.471, subdivision 2.

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

Shaver, McKasy, Dimler, Quist and Uphus introduced:

H. F. No. 35, A bill for an act relating to the legislature; fixing the number of senators and representatives in 1993 and thereafter; amending Minnesota Statutes 1982, section 2.021.

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

Olsen, Dempsey, Gruenes, Redalen and Halberg introduced:

H. F. No. 36, A bill for an act relating to taxation; income; adopting federal income tax treatment of certain retirement plans; amending Minnesota Statutes 1982, section 290.01, subdivisions 20a, as amended, and 20b, as amended.

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



Olsen, Gruenes, McKasy, Ellingson and Gustafson introduced:

H. F. No. 37, A bill for an act relating to crimes; establishing mandatory minimum terms of imprisonment for the use of a dangerous weapon or firearm in crimes committed against the elderly and handicapped; prescribing penalties; amending Minnesota Statutes 1982, section 609.11, subdivisions 4, 5, 7, and 8, and by adding a subdivision.

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

Piepho and Wigley introduced:

H. F. No. 38, A bill for an act relating to local government; authorizing the city of Mankato and the city of North Mankato to impose 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.

Gutknecht, Burger, Seaberg, Pauly and Waltman introduced:

H. F. No. 39, A bill for an act relating to the legislature; fixing the number of senators and representatives in 1993 and thereafter; amending Minnesota Statutes 1982, section 2.021.

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

Olsen, Gruenes, McKasy, Vanasek and Gustafson introduced:

H. F. No. 40, A bill for an act relating to crimes; providing for additional sentences for theft against the elderly; requiring the sentencing guidelines commission to modify the sentencing guidelines to require application of incarcerative sanctions for theft against the elderly; prescribing penalties; amending Minnesota Statutes 1982, section 609.52, by adding a subdivision.

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

Begich, Elioff, Battaglia and Sarna introduced:

H. F. No. 41, A bill for an act relating to taxation; extending 3cc treatment to homesteads of recipients of private disability pensions; amending Minnesota Statutes 1982, section 273.13, subdivision 7.

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

Begich and Battaglia introduced:

H. F. No. 42, A bill for an act relating to taxation; exempting certain leasehold interests in property owned by Independent School District No. 692, Babbitt, from the property tax.

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

Findlay and Omann introduced:

H. F. No. 43, A bill for an act relating to the legislature; fixing the number of senators and representatives in 1993 and thereafter; amending Minnesota Statutes 1982, section 2.021.

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

#### HOUSE ADVISORIES

The following House Advisory was introduced:

Reif; Carlson, L.; Swanson; Haukoos and Welch introduced:

H. A. No. 1, A proposal to examine the need for limitations on enrollments in medical schools.

The advisory was 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 adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 4, A Senate Concurrent Resolution relating to adjournment of the Senate and House of Representatives for more than three days.

PATRICK E. FLAHAVEN, Secretary of the Senate

## SUSPENSION OF RULES

Eken 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 adjournment for more than three days.

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

1. Upon its adjournment on January 12, 1983, the Senate may set its next day of meeting on Monday, January 17, 1983.
2. Upon its adjournment on January 12, 1983, the House of Representatives may set its next day of meeting on Monday, January 17, 1983.
3. Pursuant to the Minnesota Constitution, Article IV, Section 12, the Senate and House of Representatives each consent to the adjournment of the other for more than three days.

Eken moved that Senate Concurrent Resolution No. 4 be now adopted. The motion prevailed and the resolution was adopted.

## MOTIONS AND RESOLUTIONS

McEachern moved that the names of Jacobs and Long be added as authors on H. F. No. 27. The motion prevailed.

## ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following changes in committee assignments:

**Financial Institutions and Insurance:** Remove the name of Anderson, B., and add the name of Berkelman.

**Local and Urban Affairs:** Remove the name of Berkelman and add the name of Anderson, B.

## ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, January 17, 1983. 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 17, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## FIFTH DAY

SAINT PAUL, MINNESOTA, MONDAY, JANUARY 17, 1983

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 Tomas E. Meeks, House Chaplain, Ramsey, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Evans	Krueger	Peterson	Skoglund
Anderson, G.	Findlay	Kvam	Piepho	Solberg
Anderson, R.	Fjoslien	Larsen	Piper	Sparby
Battaglia	Forsythe	Levi	Price	Stadum
Beard	Frerichs	Long	Quinn	Sviggum
Begich	Graba	Ludeman	Quist	Swanson
Bennett	Greenfield	Mann	Redalen	Thiede
Bergstrom	Gruenes	Marsh	Reif	Tomlinson
Berkelman	Gutknecht	McDonald	Rice	Tunheim
Bishop	Halberg	McEachern	Riveness	Uphus
Blatz	Haukoos	McKasy	Rodosovich	Valan
Brandl	Heap	Metzen	Rodriguez, C.	Valento
Brinkman	Heinitz	Minne	Rodriguez, F.	Vanasek
Burger	Himle	Munger	Rose	Vellenga
Carlson, D.	Hoberg	Murphy	St. Onge	Voss
Carlson, L.	Hoffman	Nelson, D.	Sarna	Waltman
Clark, J.	Hokr	Nelson, K.	Schafer	Welch
Clawson	Jacobs	Neuenschwander	Scheid	Welker
Cohen	Jennings	Norton	Schoenfeld	Welle
Coleman	Jensen	Ogren	Schreiber	Wenzel
DenOuden	Johnson	Olsen	Seaberg	Wigley
Dimler	Kalis	Omamm	Segal	Zaffke
Eken	Kelly	Onnen	Shaver	Speaker Sieben
Elioff	Knickerbocker	Osthoff	Shea	
Ellingson	Knuth	Otis	Sherman	
Erickson	Kostohryz	Pauly	Simoneau	

A quorum was present.

Clark, K.; Dempsey; Gustafson; Kahn; O'Connor; Staten and Wynia were excused.

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 STANDING COMMITTEES

Eken from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 14, A bill for an act relating to the legislature; delaying submission of the budget to the legislature to February 15, 1983.

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. No. 14 was read for the second time.

## SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Eken moved that the rule therein be suspended and an urgency be declared so that H. F. No. 14 be given its third reading and be placed upon its final passage. The motion prevailed.

Eken moved that the rules of the House be so far suspended that H. F. No. 14 be given its third reading and be placed upon its final passage. The motion prevailed.

H. F. No. 14, A bill for an act relating to the legislature; delaying submission of the budget to the legislature to February 15, 1983.

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 5 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Bishop	Cohen	Findlay	Heinitz
Anderson, G.	Blatz	Coleman	Forsythe	Himle
Anderson, R.	Brandl	DenOuden	Frerichs	Hoberg
Battaglia	Brinkman	Dimler	Graba	Hoffman
Beard	Burger	Eken	Greenfield	Hokr
Begich	Carlson, D.	Elioff	Gruenes	Jacobs
Bennett	Carlson, L.	Ellingson	Gutknecht	Jennings
Bergstrom	Clark, J.	Erickson	Haukoos	Jensen
Berkelman	Clawson	Evans	Heap	Johnson

Kalis	Metzen	Piepho	Scheid	Valan
Kelly	Minne	Piper	Schreiber	Valento
Knickerbocker	Munger	Price	Seaberg	Vanasek
Knuth	Murphy	Quinn	Segal	Vellenga
Kostohryz	Nelson, D.	Quist	Shaver	Voss
Krueger	Nelson, K.	Redalen	Shea	Waltman
Kvam	Neuenschwander	Reif	Sherman	Weich
Larsen	Norton	Rice	Simoneau	Welle
Levi	Ogren	Riveness	Skoglund	Wenzel
Long	Olsen	Rodosovich	Solberg	Wigley
Ludeman	Omann	Rodriguez, C.	Sparby	Zaffke
Mann	Onnen	Rodriguez, F.	Swanson	Speaker Sieben
Marsh	Osthoff	Rose	Thiede	
McDonald	Otis	St. Onge	Tomlinson	
McEachern	Pauly	Sarna	Tunheim	
McKasy	Peterson	Schafer	Uphus	

Those who voted in the negative were:

Fjoslien      Halberg      Stadum      Sviggum      Welker

The bill was passed and its title agreed to.

### INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Anderson, B., and Osthoff introduced:

H. F. No. 44, 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 134 members and for recall.

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

Kelly, Stadum, Beard and Brinkman introduced:

H. F. No. 45, A bill for an act relating to commerce; providing procedures for opening checking accounts; extending civil liability for issuing a worthless check; clarifying conciliation court jurisdiction regarding dishonored checks; modifying procedures to prove issuance of a worthless check; expanding types of worthless checks prohibited; requiring banks to release certain checking account information; increasing penalties for issuing a worthless or forged check; amending Minnesota Statutes 1982, sections 487.30, subdivision 4; 488A.12, subdivision 3; 488A.29, subdivision 3; 609.535, subdivisions 2, 3, 5, 6, 7, and 8, and by adding subdivisions; and 609.625, subdivision 1; proposing new law coded in Minnesota Statutes, chapters 48, 332, and 609.

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



Wenzel, Uphus, Krueger, Evans and Graba introduced:

H. F. No. 46, A resolution memorializing the President and Congress to repeal the Secretary of Agriculture's authority to deduct 50 cents per hundredweight from milk producer payments.

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

Kalis, Schoenfeld, Redalen, Rodosovich and Sparby introduced:

H. F. No. 47, A bill for an act relating to taxation; sales; expanding the definition of farm machinery to include repair and replacement parts; amending Minnesota Statutes 1982, section 297A.01, subdivision 15.

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

Staten; Vanasek; Clark, J.; Piepho and Brandl introduced:

H. F. No. 48, A bill for an act relating to crimes; prohibiting adulterating products intended for use by persons with substances causing bodily harm or death; 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 Judiciary.

Staten, Norton, Segal, Greenfield and Kvam introduced:

H. F. No. 49, A bill for an act relating to state employees; establishing Martin Luther King's birthday as an optional holiday; amending Minnesota Statutes 1982, section 645.44, subdivision 5.

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

Staten; Clark, J.; Clark, K., and Rice introduced:

H. F. No. 50, A bill for an act relating to education; providing funds for labor education; appropriating money.

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

Onnen, Valento and Piepho introduced:

H. F. No. 51, 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 V, sections 3 and 5; article VIII, section 1; article IX, sections 1 and 2; and article XI, section 5; providing for a unicameral legislature of 101 to 135 members.

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

Onnen, Evans, Redalen, Piepho and Valento introduced:

H. F. No. 52, A bill for an act relating to taxation; income; imposing a tax for individuals, estates, and trusts computed as a percentage of federal income tax liability; proposing an amendment to the Minnesota Constitution, Article X by adding a section permitting state tax laws to adopt future federal tax law amendments by reference; proposing new law coded as Minnesota Statutes, chapter 289A.

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

Elioff introduced:

H. F. No. 53, A bill for an act relating to occupations and professions; cosmetology; providing for the licensing of cosmetologists and certain related occupations; establishing a board of cosmetology; providing for the powers, duties, terms, compensation, and removal of members; authorizing the board to promulgate rules; prescribing penalties; appropriating money; proposing new law coded as Minnesota Statutes, chapter 155B; repealing Minnesota Statutes 1982, sections 155A.01 to 155A.18.

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

Thiede introduced:

H. F. No. 54, A bill for an act relating to the state building code; regulating its application to hospitals; amending Minnesota Statutes 1982, section 16.851, subdivision 3.

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

McEachern; Anderson, G.; Berkelman; Onnen and Johnson introduced:

H. F. No. 55, A bill for an act relating to towns; setting the time for posting audit reports; amending Minnesota Statutes 1982, section 366.22.

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

McEachern, Clawson, Gruenes, Onnen and Berkelman introduced:

H. F. No. 56, A bill for an act relating to local government; providing for orderly annexations in accordance with the terms of the resolutions of local government units; amending Minnesota Statutes 1982, section 414.0325, subdivision 1.

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

Clawson; Anderson, G.; Anderson, R.; Onnen and Berkelman introduced:

H. F. No. 57, A bill for an act relating to local government; permitting towns to self insure the bond requirements of certain officers; amending Minnesota Statutes 1982, section 471.981, by adding a subdivision.

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

Wenzel, Eken, Hoberg, Valan and Kostohryz introduced:

H. F. No. 58, A bill for an act relating to public improvements; providing for a nursing care veterans facility at Moorhead under certain conditions; providing for a bond issue; appropriating money.

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

Carlson, D., introduced:

H. F. No. 59, A bill for an act relating to agriculture; providing for payments to certain lenders; appropriating money; proposing new law coded in Minnesota Statutes, chapter 41.

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

Jensen; Mann; Carlson, D., and Anderson, G., introduced:

H. F. No. 60, A bill for an act relating to transportation; authorizing the issuance and sale of trunk highway bonds; providing for the retirement of the bonds; specifying certain priorities in the improvement of certain trunk highway segments from the proceeds of the bonds; increasing the excise tax on gasoline and special fuels; providing for a diesel fuel tax differential; appropriating money; amending Minnesota Statutes 1982, sections 167.50, subdivision 2; 296.01, by adding a subdivision; 296.02, subdivision 1; and 296.025, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 167.

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

Carlson, D., introduced:

H. F. No. 61, A bill for an act relating to natural resources lands; indexing state payments in lieu for inflation; amending Minnesota Statutes 1982, sections 477A.11, subdivision 1; and 477A.12.

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

Carlson, D.; Stadum; Piepho and Jensen introduced:

H. F. No. 62, A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

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

Gruenes; Kelly; Rodriguez, C., and Schreiber introduced:

H. F. No. 63, A bill for an act relating to counties; authorizing counties to enact ordinances against trespassing under certain conditions; prescribing penalties; 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.

Brandl; Clark, J.; Vanasek; McKasy and Bishop introduced:

H. F. No. 64, A bill for an act relating to crimes; increasing penalties for failure to stop at the scene of certain accidents; amending Minnesota Statutes 1982, section 169.09, subdivisions 1, 3, 6, 7, and 14.

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

Begich, Battaglia and Elioff introduced:

H. F. No. 65, A bill for an act relating to traffic regulations; providing penalties for failing to stop for a school bus; amending Minnesota Statutes 1982, section 169.44, subdivision 1c.

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

Kelly introduced:

H. F. No. 66, A bill for an act relating to taxation; income; delaying the effective date of the requirement that certain securities be in registered form; amending Minnesota Statutes 1982, section 290.09, subdivision 3, as amended; Laws 1982, Third Special Session chapter 1, article VII, section 9.

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

Berkelman; Anderson, G.; Anderson, R.; Onnen and Schreiber introduced:

H. F. No. 67, A bill for an act relating to local improvements; providing the method for action on certain improvements by certain towns; amending Minnesota Statutes 1982, section 429.011, subdivision 2b.

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

Berkelman; Anderson, G.; Gruenes; Johnson and Bergstrom introduced:

H. F. No. 68, A bill for an act relating to local government; setting the dollar amount of contracts subject to the open bidding law; amending Minnesota Statutes 1982, section 471.345, subdivisions 3, 4, and 5.

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

Heinitz and Hoberg introduced:

H. F. No. 69, A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

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

Voss, Vanasek, Ellingson, Halberg and Coleman introduced:

H. F. No. 70, A bill for an act relating to financial institutions; trust companies; providing for a method of determining compensation for services as the personal representative of an estate; amending Minnesota Statutes 1982, section 48.80; and proposing new law coded in Minnesota Statutes, chapter 48.

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

Heinitz introduced:

H. F. No. 71, A bill for an act relating to elections; clarifying the right of employees to take time off to vote; amending Minnesota Statutes 1982, section 204C.04.

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

Gruenes, Onnen, Gustafson, Pauly and McDonald introduced:

H. F. No. 72, A bill for an act relating to taxation; income; adopting federal income tax treatment of certain retirement plans; amending Minnesota Statutes 1982, section 290.01, subdivisions 20a, as amended and 20b, as amended.

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

Fjoslien, Brinkman, Graba and Findlay introduced:

H. F. No. 73, A bill for an act relating to agriculture; providing for regulation of apiaries; imposing a penalty; proposing new law coded in Minnesota Statutes, chapter 19; repealing Minnesota Statutes 1982, sections 19.18 to 19.41.

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

Brandl, Seaberg, Schafer, Gustafson and Coleman introduced:

H. F. No. 74, A bill for an act relating to notaries public; increasing the fees they may charge; amending Minnesota Statutes 1982, section 357.17.

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

Battaglia, Munger, Kalis, Knuth and Rose introduced:

H. F. No. 75, A bill for an act relating to game and fish; requiring a pheasant stamp; establishing a fee and providing for the use of revenue; proposing new law coded in Minnesota Statutes, chapter 97.

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

## MOTIONS AND RESOLUTIONS

Fjoslien moved that his name be stricken as an author on H. F. No. 20. The motion prevailed.

Gustafson moved that the names of Nelson, K.; Simoneau and Tomlinson be added as authors on H. F. No. 29. The motion prevailed.

Findlay moved that the name of Piepho be added as an author on H. F. No. 43. The motion prevailed.

Onnen moved that the name of Olsen be added as an author on H. F. No. 51. The motion prevailed.

Begich moved that the name of Rodriguez, C., be added as an author on H. F. No. 65. The motion prevailed.

## ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following committee appointment:

Jerry Schoenfeld, Vice Chair, Committee on Local and Urban Affairs.

## ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, January 20, 1983. 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 20, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



RESOLUTION OF THE HOUSE  
 CONCERNING THE  
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## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## SIXTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, JANUARY 20, 1983

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, Christ Lutheran Church, St. Paul, Minnesota.

The roll was called and the following members were present:

Anderson, G.	Evans	Krueger	Peterson	Solberg
Anderson, R.	Findlay	Kvam	Piepho	Sparby
Battaglia	Fjoslien	Larsen	Piper	Stadum
Beard	Forsythe	Levi	Price	Staten
Begich	Frerichs	Long	Quinn	Sviggum
Bennett	Graba	Ludeman	Quist	Swanson
Bergstrom	Greenfield	Mann	Redalen	Thiede
Berkelman	Gruenes	Marsh	Reif	Tomlinson
Bishop	Gustafson	McDonald	Rice	Tunheim
Blatz	Gutknecht	McEachern	Riveness	Uphus
Brandl	Halberg	McKasy	Rodosovich	Valan
Brinkman	Haukoos	Metzen	Rodriguez, C.	Valento
Burger	Heinitz	Minne	Rodriguez, F.	Vanasek
Carlson, D.	Himle	Munger	Rose	Vellenga
Carlson, L.	Hoberg	Murphy	St. Onge	Voss
Clark, J.	Hoffman	Nelson, D.	Sarna	Waltman
Clark, K.	Hokr	Nelson, K.	Schafer	Welch
Clawson	Jacobs	Neuenschwander	Scheid	Welker
Cohen	Jennings	Norton	Schoenfeld	Welle
Coleman	Jensen	O'Connor	Schreiber	Wenzel
Dempsey	Johnson	Ogren	Seaberg	Wigley
DenOuden	Kahn	Olsen	Segal	Wynia
Dimler	Kalis	Omann	Shaver	Zaffke
Eken	Kelly	Onnen	Shea	Speaker Sieben
Elioff	Knickerbocker	Osthoff	Sherman	
Ellingson	Knuth	Otis	Simoneau	
Erickson	Kostohryz	Pauly	Skoglund	

A quorum was present.

Anderson, B., and Heap 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. 14 have been placed in the members' files.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Long, Munger, Simoneau, Sieben and Evans introduced:

H. F. No. 76, A bill for an act relating to the environment; establishing an environmental response, compensation and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, economic loss, and damage to natural resources resulting from releases of hazardous substances; imposing taxes, fees, and penalties; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; proposing new law coded as Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1982, section 115A.24, subdivision 2.

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

Kostohryz, Osthoff, Evans, Metzen and Redalen introduced:

H. F. No. 77, A bill for an act relating to horse racing; creating a Minnesota racing commission and providing for its membership, powers, and duties; authorizing the licensing of persons to operate racetracks, conduct horse racing, engage in certain occupations and conduct pari-mutuel betting on horse racing; prescribing taxes and license fees; establishing a Minnesota breeders fund; providing penalties; appropriating money; amending Minnesota Statutes 1982, sections 38.04; 609.75, subdivision 3; and 609.761; proposing new law coded as Minnesota Statutes, chapter 240.

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

Minne, Eliooff, Coleman, Battaglia and Begich introduced:

H. F. No. 78, A bill for an act relating to public utilities; regulating and restricting disconnection of service to residential units during periods of cold weather; 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.

Clark, J.; Long; Vanasek; Kelly and Forsythe introduced:

H. F. No. 79, A bill for an act relating to juveniles; requiring orders of reference for prosecution for juveniles who have been previously referred; amending Minnesota Statutes 1982, section 260.125, subdivision 2, and by adding a subdivision.

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

Schoenfeld; Anderson, B.; Valan; Shea and Ludeman introduced:

H. F. No. 80, A bill for an act relating to towns; authorizing the town electors to exercise certain powers at the annual meeting; amending Minnesota Statutes 1982, section 365.10.

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

Wenzel; Schoenfeld; Valan; Anderson, B., and Shea introduced:

H. F. No. 81, A bill for an act relating to towns; requiring other government units to give notice to towns of actions that affect land use or taxation; proposing new law coded in Minnesota Statutes, chapter 365.

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

Tunheim, Neuenschwander, Ogren, Stadum and Anderson, R., introduced:

H. F. No. 82, A bill for an act relating to economic development; providing assistance for tourism advertising; appropriating money.

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

Olsen, Stadum, Reif and Heinitz introduced:

H. F. No. 83, A bill for an act relating to workers' compensation; regulating benefits; amending Minnesota Statutes 1982, sections 176.011, subdivision 18, and by adding subdivisions; 176.021, subdivision 3; 176.095; 176.101, by adding subdivisions; 176.105, subdivision 2; 176.111, by adding subdivisions; 176.121; 176.131, subdivision 1; 176.132, subdivision 2; 176.165; 176.221, subdivision 1; and 176.645, subdivision 1; repealing Minnesota Statutes 1982, sections 176.021, subdivision 3a; 176.101, subdivisions 1, 2, 3, 4, 5, and 6; and 176.111, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 8a, 10, 12, 14, 15, 16, 17, 18, 20, and 21 are repealed.

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

Olsen, Redalen and Segal introduced:

H. F. No. 84, A bill for an act relating to the environment; establishing an environmental response, compensation, and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, and economic loss resulting from releases of hazardous substances; imposing taxes, fees, and penalties; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; repealing Minnesota Statutes 1982, section 115A.24, subdivision 2.

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

Long; Otis; Vanasek; Clark, J., and Coleman introduced:

H. F. No. 85, A bill for an act relating to crimes; providing a criminal penalty for false declarations of insurance coverage; amending Minnesota Statutes 1982, section 65B.67, subdivisions 2, 3, and 4, and by adding a subdivision.

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

Osthoff, Battaglia, Olsen, Riveness and Sviggum introduced:

H. F. No. 86, A bill for an act relating to veterans; providing funds for the Vietnam era veterans downpayment assistance program administered by the Minnesota housing finance agency; appropriating money.

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

Cohen introduced:

H. F. No. 87, A bill for an act relating to the legislature; fixing the number of senators and representatives in 1993 and thereafter; amending Minnesota Statutes 1982, section 2.021.

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

Rodosovich, Coleman, Schoenfeld, Sarna and Sviggum introduced:

H. F. No. 88, A bill for an act relating to retirement; repealing obsolete investment language applicable to third and fourth class city police relief associations; repealing Minnesota Statutes 1982, sections 423.389 and 423.60.

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

Greenfield; Cohen; Kelly; Clark, K., and Staten introduced:

H. F. No. 89, A bill for an act relating to crimes; increasing penalties for certain crimes when committed with intent to cause fear for personal safety because of race, color, religion, sex, affectional or sexual orientation, or national origin; amending Minnesota Statutes 1982, sections 609.595, subdivision 1; and 609.713.

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

Skoglund; Rodriguez, C.; Coleman; McKasy and Kalis introduced:

H. F. No. 90, A bill for an act relating to highway traffic regulations; prescribing penalties for failure to place children under the age of four years in child passenger restraint systems when being transported on streets and highways; amending Minnesota Statutes 1982, section 169.685, subdivision 5.

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

Minne, Elioff, Jacobs, Hoberg and Begich introduced:

H. F. No. 91, A bill for an act relating to public utilities; providing for rights of stockholders and directors 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.

Nelson, K.; McEachern; Levi; Anderson, B., and Jennings introduced:

H. F. No. 92, A bill for an act relating to education; modifying the state aid and levy provisions governing community education; amending Minnesota Statutes 1982, sections 124.271, subdivision 2a; and 275.125, subdivision 8.

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

Clark, J.; Coleman; Nelson, K.; Forsythe and Clawson introduced:

H. F. No. 93, A bill for an act relating to crimes; providing for new crimes relating to abuse of children; establishing willful and unlawful restraint as a crime; establishing malicious punishment as a crime; establishing neglect as a crime; providing penalties; amending Minnesota Statutes 1982, section 609.255; proposing new law coded in Minnesota Statutes, chapter 609.

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 adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 5, A Senate Concurrent Resolution commemorating the life and work of Martin Luther King.

PATRICK E. FLAHAVER, Secretary of the Senate

Senate Concurrent Resolution No. 5 was referred to the Committee on Rules and Legislative Administration.

## MOTIONS AND RESOLUTIONS

Olsen moved that her name be stricken as an author on H. F. No. 22. The motion prevailed.

Osthoff moved that the name of Rodriguez, C., be stricken as an author on H. F. No. 22. The motion prevailed.

Fjoslien moved that the name of Tunheim be added as an author on H. F. No. 73. The motion prevailed.

## ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, January 24, 1983. 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 24, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



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MEMORANDUM

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## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## SEVENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, JANUARY 24, 1983

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 Wendell W. Frerichs, Luther-Northwestern Seminary, St. Paul, Minnesota.

The roll was called and the following members were present:

Anderson, G.	Evans	Knuth	Otis	Simoneau
Anderson, R.	Findlay	Krueger	Pauly	Skoglund
Battaglia	Fjoslien	Kvam	Peterson	Sparby
Beard	Forsythe	Larsen	Piepho	Stadum
Begich	Frerichs	Levi	Piper	Staten
Bennett	Graba	Long	Price	Swiggum
Bergstrom	Greenfield	Ludeman	Quinn	Swanson
Berkelman	Gruenes	Mann	Quist	Thiede
Bishop	Gustafson	Marsh	Reif	Tomlinson
Blatz	Gutknecht	McDonald	Rice	Tunheim
Brinkman	Halberg	McEachern	Rivness	Uphus
Burger	Haukoos	McKasy	Rodosovich	Valan
Carlson, D.	Heap	Metzen	Rodriguez, C.	Valento
Carlson, L.	Heinitz	Minne	Rodriguez, F.	Vanasek
Clark, J.	Himle	Munger	Rose	Vellenga
Clark, K.	Hoberg	Murphy	St. Onge	Voss
Clawson	Hoffman	Nelson, D.	Sarna	Waltman
Cohen	Hokr	Nelson, K.	Schafer	Welch
Coleman	Jacobs	Neuenschwander	Scheid	Welker
Dempsey	Jennings	Norton	Schoenfeld	Welle
DenOuden	Jensen	O'Connor	Schreiber	Wenzel
Dimler	Johnson	Ogren	Seaberg	Wigley
Eken	Kahn	Olsen	Segal	Wynia
Elioff	Kalis	Omann	Shaver	Zaffke
Ellingson	Kelly	Onnen	Shea	Speaker Sieben
Erickson	Knickerbocker	Osthoff	Sherman	

A quorum was present.

Anderson, B.; Brandl; Kostohryz; Redalen and Solberg 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 STANDING COMMITTEES

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 66, A bill for an act relating to taxation; income; delaying the effective date of the requirement that certain securities be in registered form; amending Minnesota Statutes 1982, section 290.09, subdivision 3, as amended; Laws 1982, Third Special Session chapter 1, article VII, section 9.

Reported the same back with the following amendments:

Page 3, line 10, delete "*H.R. 6056, 97th Session*"

Page 3, line 11, delete "*of Congress,*" and insert "*Public Law Number 97-456*"

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. No. 66 was read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Vellenga, Hokr and Brandl introduced:

H. F. No. 94, A bill for an act relating to children; changing obsolete references to certain children; amending Minnesota Statutes 1982, sections 127.27, subdivision 6; 144.225, subdivision 2; 256.01, subdivision 2; 256.88; 256.91; 256.93; 257.34, subdivision 1; 260.221; 393.07, subdivision 1; 423.387, subdivision 2; 423.58, subdivision 2; 487.19, subdivision 1; 525.172; 525.173; 609.37; and 617.22.

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

Begich, Battaglia, Elioff, Minne and Solberg introduced:

H. F. No. 95, A bill for an act relating to the northeast Minnesota economic protection trust fund; abolishing the trust board; authorizing increased current expenditures; providing for administration of the fund; appropriating money; amending Minnesota Statutes 1982, sections 298.292; 298.293; 298.294; 298.296; and 298.297; and Laws 1982, Second Special Session chapter 2, section 14; repealing Minnesota Statutes 1982, sections 298.295; and 298.298.

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

Long; Clark, J.; Gustafson; Cohen and McKasy introduced:

H. F. No. 96, A bill for an act relating to courts; increasing the fee and mileage allowance paid to witnesses; providing for fee allowances to be paid to witnesses in juvenile proceedings; amending Minnesota Statutes 1982, sections 357.22; 357.24; and proposing new law coded in Minnesota Statutes, chapter 357.

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

Reif, Simoneau, Begich, Beard and Stadum introduced:

H. F. No. 97, A bill for an act relating to workers' compensation; providing for a clinical health care review panel within the department of labor and industry; proposing new law coded in chapter 176.

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

Otis, Jacobs, Sarna and Sieben introduced:

H. F. No. 98, A bill for an act relating to public utilities; specifying the regulatory treatment of certain expenses; amending Minnesota Statutes 1982, section 216B.16, subdivisions 8 and 9, and by adding subdivisions.

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

**Gustafson introduced:**

H. F. No. 99, A bill for an act relating to taxation; providing a property tax credit to certain veterans awarded the congressional medal of honor; appropriating money; proposing new law coded in Minnesota Statutes, chapter 273.

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

**Swanson, Rice, Sieben, Sparby and Murphy introduced:**

H. F. No. 100, A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1982, sections 62E.52, subdivisions 2 and 3; 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 House File, herewith returned:

H. F. No. 14, A bill for an act relating to the legislature; delaying submission of the budget to the legislature to February 15, 1983.

**PATRICK E. FLAHAVEN, Secretary of the Senate**

### MOTIONS AND RESOLUTIONS

Elioff moved that the names of Begich, Osthoff, Krueger and Evans be added as authors on H. F. No. 53. The motion prevailed.

Kelly moved that the name of Dempsey be added as an author on H. F. No. 45. The motion prevailed.

Gustafson moved that the name of Anderson, R., be added as an author on H. F. No. 29. The motion prevailed.

Olsen moved that the name of Valento be added as an author on H. F. No. 83. The motion prevailed.

Olsen moved that the names of Valento and Evans be added as authors on H. F. No. 84. The motion prevailed.

Bennett, Sieben, Eken and Jennings introduced:

House Resolution No. 1, A house resolution eulogizing Henry J. Crepeau, Jr., and commemorating the exemplary nature of his life and work.

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

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following change in committee assignments:

Judiciary/Criminal Justice Division: Remove the name of Cohen and add the name of Kelly.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, January 27, 1983. 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 27, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## EIGHTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, JANUARY 27, 1983

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 Patrick Lannan, Nativity of Our Lord Catholic Church, St. Paul, Minnesota.

The roll was called and the following members were present:

Anderson, G.	Findlay	Krueger	Piepho	Solberg
Anderson, R.	Fjoslien	Kvam	Piper	Sparby
Battaglia	Forsythe	Larsen	Price	Stadum
Beard	Frerichs	Levi	Quinn	Staten
Begich	Graba	Long	Quist	Sviggum
Bennett	Greenfield	Ludeman	Redalen	Swanson
Bergstrom	Gruenes	Marsh	Reif	Thiede
Berkelman	Gustafson	McEachern	Rice	Tomlinson
Bishop	Gutknecht	McKasy	Riveness	Tunheim
Blatz	Halberg	Metzen	Rodosovich	Upphus
Brandl	Haukoos	Minne	Rodriguez, C.	Valan
Brinkman	Heap	Munger	Rodriguez, F.	Valento
Carlson, D.	Heinitz	Murphy	Rose	Vanasek
Carlson, L.	Himle	Nelson, D.	St. Onge	Vellenga
Clark, J.	Hoberg	Nelson, K.	Sarna	Voss
Clark, K.	Hoffman	Neuenschwander	Schafer	Waltman
Clawson	Hokr	Norton	Scheid	Welch
Cohen	Jacobs	O'Connor	Schoenfeld	Welker
Coleman	Jennings	Ogren	Schreiber	Welle
Dempsey	Johnson	Olsen	Seaberg	Wenzel
DenOuden	Kahn	Omann	Segal	Wigley
Eken	Kalis	Onnen	Shaver	Wynia
Elioff	Kelly	Osthoff	Shea	Zaffke
Ellingson	Knickebocker	Otis	Sherman	Speaker Sieben
Erickson	Knuth	Pauly	Simoneau	
Evans	Kostohryz	Peterson	Skoglund	

A quorum was present.

Anderson, B.; Burger; Dimler; Jensen; Mann and McDonald were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Redalen 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. 66 have been placed in the members' files.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Otis, Staten, Elioff and Sieben introduced:

H. F. No. 101, A bill for an act relating to real property; providing for relief in certain cases from inequitable foreclosure of mortgages, termination of contracts for the conveyance of real estate, and execution sales of real property during an emergency declared by the legislature; postponing certain sales and extending the period of redemption of real property during an emergency; providing for possession during the extended period; and limiting the right to maintain actions for deficiency judgments; proposing new law coded as Minnesota Statutes, chapter 583.

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

Bergstrom, Begich, Voss and Anderson, G., introduced:

H. F. No. 102, A bill for an act relating to agricultural and residential homesteads; providing for relief in certain cases from inequitable foreclosure of mortgages, termination of contracts for the conveyance of real estate, and execution sales of real property during an emergency declared by the legislature; postponing certain realty sales and extending the period of redemption of real property during an emergency; providing for possession during the extended period; limiting the right to maintain actions for deficiency judgments; proposing new law coded as Minnesota Statutes, chapter 583.

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

Battaglia, Begich, Elioff, Minne and Solberg introduced:

H. F. No. 103, A bill for an act relating to the northeast Minnesota economic protection trust fund; authorizing expenditure of funds for job retraining; providing for administration of the distressed area emergency jobs program; appropriating money; amending Laws 1982, Second Special Session chapter 2, sections 12 and 14.

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

Stadum introduced:

H. F. No. 104, A bill for an act relating to probate; providing for certain duties of clerks of court and deputy probate registrars except in Hennepin and Ramsey counties; amending Minnesota Statutes 1982, section 524.1-307.

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

Quist, Thiede, Schafer and Schreiber introduced:

H. F. No. 105, A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

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

Brandl, Battaglia, Simoneau, Sviggum and Schreiber introduced:

H. F. No. 106, A bill for an act relating to the legislature; reducing the number of members of the senate and house of representatives; amending Minnesota Statutes 1982, sections 2.021; and 2.031, subdivision 1; repealing Minnesota Statutes 1982, sections 2.031, subdivision 2; and 2.041 to 2.712.

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

Wynia; Clark, J.; Forsythe; Cohen and Kalis introduced:

H. F. No. 107, A bill for an act relating to public welfare; requiring reporting of abuse or neglect of children; exempting determinations of eligibility for day care and foster care licenses from application of the Minnesota criminal offenders rehabilitation law; requiring arrest information and reports to be made available to the commissioner of public welfare for the purpose of investigating applicants for a day care or residential facility license; requiring denial or revocation of a day care or foster care license to be upheld by hearing examiners unless the decision is arbitrary or capricious; providing for appointment of guardianship of children whose parents are deceased and for evaluations of abusive parents; eliminating the evidentiary privilege of medical health professionals in actions or proceedings for neglect, dependency, or termination of parental rights; prohibit-

ing exclusion of evidence in any proceeding arising out of alleged neglect or physical or sexual abuse; clarifying investigative authority of welfare agencies in making mandated investigations of physical or sexual abuse and neglect; providing that whenever there is a conflict of interest under the juvenile court act, the child's interests shall prevail over parental rights; amending Minnesota Statutes 1982, sections 245.783, subdivision 3; 245.801, subdivisions 1 and 4; 260.011, subdivision 2; 260.151, by adding a subdivision; 260.242, subdivision 2, and by adding a subdivision; 364.09; 595.02; 626.556, subdivisions 8 and 10; and 626.557.

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

Nelson, K.; McEachern; Levi; Anderson, B., and Tomlinson introduced:

H. F. No. 108, A bill for an act relating to education; creating a legislative commission to evaluate education planning, policy development, and finance in Minnesota; 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.

Clark, K.; Greenfield; Long and Staten introduced:

H. F. No. 109, A bill for an act relating to human rights; prohibiting unfair discriminatory practices on the basis of affectional or sexual orientation; amending Minnesota Statutes 1982, 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.

Skoglund introduced:

H. F. No. 110, A bill for an act relating to state historic sites; designating the Longfellow House in Minneapolis as a state historic site; amending Minnesota Statutes, section 138.56, by adding a subdivision.

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

Rice, Begich, Elioff, St. Onge and Beard introduced:

H. F. No. 111, A bill for an act relating to labor; making collective bargaining agreements binding and enforceable when ownership is transferred or sold; defining transferee employer; creating certain exclusions; requiring the disclosure of collective bargaining agreements; providing for enforcement procedures; 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.

Staten; Nelson, K.; Otis; Rice and Clark, K., introduced:

H. F. No. 112, A bill for an act relating to state monuments; adding the Governor Floyd B. Olson Monument in Hennepin County to the list of state monuments; amending Minnesota Statutes 1982, section 138.585, by adding a subdivision.

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

Nelson, K., and Clark, J., introduced:

H. F. No. 113, A bill for an act relating to crimes; prohibiting criminal operation of a vehicle; amending Minnesota Statutes 1982, section 609.21.

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

Levi; Vanasek; Nelson, K.; Clark, J., and Forsythe introduced:

H. F. No. 114, A bill for an act relating to crimes; prohibiting promotion of minors to engage in sexual performance; prohibiting dissemination and possession of works depicting minors in sexual performance; providing penalties; amending Minnesota Statutes 1982, sections 617.246; 617.247, subdivision 4; repealing Minnesota Statutes 1982, section 617.247, subdivision 3.

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

Blatz and Coleman introduced:

H. F. No. 115, A bill for an act relating to crimes; modifying the insanity test; providing for post conviction determination of mental illness; providing for commitment of convicted offenders determined to be mentally ill to the concurrent custody of the commissioner of public welfare and commissioner of corrections; requiring a convicted offender determined to be mentally ill to serve first a commitment for care and treatment and then a commitment for penal objectives; providing hearings and procedures in conformance with due process for transfer of inmates under concurrent custody commitments between state regional centers and state correctional facilities; amending Minnesota Statutes 1982, sections 480.059, by adding a subdivision; 609.10; 611.026; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, section 609.105.

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

Osthoff, Sieben and Jennings introduced:

H. F. No. 116, A bill for an act relating to the legislature; enacting the present legislative apportionment into statutory form with minor alterations; amending Minnesota Statutes 1982, sections 2.021; 2.031; proposing new law coded in Minnesota Statutes, chapter 2; and repealing Minnesota Statutes 1982, sections 2.041 to 2.712.

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

Gustafson introduced:

H. F. No. 117, A bill for an act relating to retirement; authorizing purchase of allowable service credit by certain members of the teachers retirement fund for prior service as nonpublic school teachers; proposing new law coded in Minnesota Statutes 1982, chapter 354.

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

Gustafson introduced:

H. F. No. 118, A bill for an act relating to workers' compensation; excluding certain taxicab drivers from coverage; amending Minnesota Statutes 1982, section 176.011, subdivision 9a.

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

Redalen, Sparby, Frerichs and Ogren introduced:

H. F. No. 119, A bill for an act relating to taxes; changing the capitalization rate for agricultural land; amending Minnesota Statutes 1982, section 273.11, subdivision 7.

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

Brinkman, Mann and Osthoff introduced:

H. F. No. 120, A bill for an act relating to motor vehicles; providing for special license plates for amateur radio station licenses and citizen band radio operators; amending Minnesota Statutes 1982, section 168.12, subdivision 2.

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

Skoglund introduced:

H. F. No. 121, A bill for an act relating to state historic sites; designating the old administration building at the Minnesota Veterans Home as a state historic site; amending Minnesota Statutes 1982, section 138.53, by adding a subdivision.

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

Simoneau, Blatz, Norton, Vanasek and Sieben introduced:

H. F. No. 122, A bill for an act relating to state government; establishing a judicial compensation council; amending the procedures for establishing certain judicial branch compensation; amending Minnesota Statutes 1982, sections 15A.083, subdivisions 4, 5, and 7; and 484.68, subdivision 6; proposing new law coded in Minnesota Statutes, chapter 15A; repealing Minnesota Statutes 1982, section 15A.083, subdivisions 1 and 2.

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

Staten, Sarna and Kelly introduced:

H. F. No. 123, A bill for an act relating to commerce; regulating debt collection practices; broadening the classification of prohibited practices; amending Minnesota Statutes 1982, section 332.37; proposing new law coded in Minnesota Statutes, chapter 332.

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

Elioff, Begich, Beard, St. Onge and Rice introduced:

H. F. No. 124, A bill for an act relating to employment; providing assistance to employees who lose their jobs, affected communities and businesses which may suffer 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 the Minnesota community, business, and job preservation board; providing penalties; appropriating money; proposing new law coded as Minnesota Statutes, chapter 268A.

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

Kelly, Staten, McKasy, Coleman and Seaberg introduced:

H. F. No. 125, A bill for an act relating to juveniles; authorizing juvenile courts to release information about certain delinquency adjudications and dispositions; amending Minnesota Statutes 1982, section 260.161, subdivision 2.

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

Beard, Eken, Riveness, Hoffman and Price introduced:

H. F. No. 126, A bill for an act relating to health; requiring ophthalmic dispensers to have licenses; establishing a board of ophthalmic dispensers; setting a penalty; 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.

Skoglund; Anderson, G.; Brinkman; Evans and Tomlinson introduced:

H. F. No. 127, A bill for an act relating to taxation; property; granting seasonal residential recreational property classification to certain unimproved property; amending Minnesota Statutes 1982, section 273.13, subdivision 4.

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

Stadum, Valan, Ludeman, Frerichs and Jennings introduced:

H. F. No. 128, A bill for an act relating to unemployment compensation; requiring acceptance of certain work; regulating benefits; amending Minnesota Statutes 1982, section 268.09, by adding a subdivision.

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

Begich; Elioff; Rice; Carlson, L., and Battaglia introduced:

H. F. No. 129, A bill for an act relating to unemployment compensation; excusing jurors from certain eligibility requirements; amending Minnesota Statutes 1982, sections 268.07, subdivision 2; and 268.08, subdivision 1.

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

Bergstrom, Peterson and McEachern introduced:

H. F. No. 130, A bill for an act relating to real property; changing certain restrictions on corporate ownership of agricultural land; amending Minnesota Statutes 1982, section 500.24, subdivision 3.

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

Jensen, Sieben, Sviggum and Metzen introduced:

H. F. No. 131, A bill for an act relating to Dakota County; fixing the conditions for certain land transfers.

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



Bergstrom, Peterson and McEachern introduced:

H. F. No. 132, A bill for an act relating to state lands; authorizing the sale and conveyance of a certain tract of tax-forfeited land by Sherburne County.

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

Bergstrom, Peterson and McEachern introduced:

H. F. No. 133, 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.

Otis and Evans introduced:

H. F. No. 134, A bill for an act relating to taxation; exempting certain business property from ad valorem taxation; amending Minnesota Statutes 1982, sections 272.02, subdivision 1; and 473F.02, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 273.

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

Vanasek, Graba, Jensen, Wigley and Frerichs introduced:

H. F. No. 135, A bill for an act relating to motor vehicles; authorizing a refund of motor vehicle registration taxes under certain circumstances without returning the certificate of title to the registrar; proposing new law coded in Minnesota Statutes, chapter 168.

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

## 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. 41.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 41, A bill for an act relating to taxation; income; delaying the effective date of the requirement that certain securities be in registered form; amending Minnesota Statutes 1982, section 290.09, subdivision 3, as amended; Laws 1982, Third Special Session chapter 1, article VII, section 9.

The bill was read for the first time.

Kelly moved that S. F. No. 41 and H. F. No. 66, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

## MOTIONS AND RESOLUTIONS

Clark, J. moved that H. F. No. 64 be recalled from the Committee on Transportation and be re-referred to the Committee on Judiciary. The motion prevailed.

Quinn moved that the name of Shaver be added as an author on H. F. No. 20. The motion prevailed.

Greenfield moved that the name of Jacobs be added as an author on H. F. No. 21. The motion prevailed.

Jensen moved that the name of Dempsey be added as an author on H. F. No. 60. The motion prevailed.

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

Otis moved that the name of Minne be added as an author on H. F. No. 134. The motion prevailed.

Osthoff, Kostohryz, Sieben, Jennings and Minne introduced:

House Resolution No. 2, A house resolution requesting the governments of the United States and the Socialist Republic of Vietnam to take all possible actions to determine the fate of persons missing in action in Southeast Asia; joining with the families of those who are missing in the hope that their long wait will soon be over.

#### SUSPENSION OF RULES

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

#### HOUSE RESOLUTION NO. 2

A house resolution requesting the governments of the United States and the Socialist Republic of Vietnam to take all possible actions to determine the fate of persons missing in action in Southeast Asia; joining with the families of those who are missing in the hope that their long wait will soon be over.

*Whereas*, a decade ago, on January 27, 1973, the Paris Peace Accords were signed to end American involvement in the war in Southeast Asia; and

*Whereas*, one of the conditions of that agreement was provision for a return or accounting for prisoners of war and persons missing in action; and

*Whereas*, the government of Vietnam has only provided information on a few of the missing and this only through the pressure of determined families and dedicated congressmen; and

*Whereas*, 2,490 Americans, including 48 Minnesotans, remain unaccounted for with investigation of their status arrested by failure of the Socialist Republic of Vietnam and its allied governments to cooperate and assist; and

*Whereas*, there have been repeated verified sighting reports that some of the missing men are still alive in Southeast Asia; and

*Whereas*, the sorrow, anxiety, and frustration of the families of these men cannot be dispelled by delay or neglect; and

*Whereas*, it is America's duty to ensure, through an authentic, comprehensive investigation, the return of Americans still in Southeast Asia and to account for Americans who have perished there; and

*Whereas*, it is absolutely essential that the governments of the United States and the Socialist Republic of Vietnam act NOW to account for the missing; *Now, Therefore*,

*Be It Resolved* by the House of Representatives of the State of Minnesota that it joins with the families of the missing men in maintaining a constant vigil of anticipation and hope for a true accounting of their loved ones and the immediate return of the remains of those who died as a result of the war or imprisonment.

*Be It Further Resolved* that the government of the United States should do all it can to answer the questions surrounding the status of the missing men, to secure the return of any living prisoners or missing persons, and to secure the return of the remains of the dead.

*Be It Further Resolved* that the Socialist Republic of Vietnam should immediately yield all information it has on the status of the missing especially since there is no reason for them to refuse to give this information other than a calculated effort to protract the agony of the families of the missing.

*Be It Further Resolved* that the Chief Clerk of the House of Representatives is directed to send enrolled copies of this resolution, authenticated by his signature and that of the Speaker, to the President of the United States, the Speaker and Chief Clerk of the United States House of Representatives, the President and Secretary of the United States Senate, the chairman of the Committee on Foreign Affairs of the United States House of Representatives, the chairman of the Committee on Foreign Relations of the United States Senate, to the Minnesota Representatives and Senators in Congress and to the Permanent Representatives of the Socialist Republic of Vietnam to the United Nations.

Osthoff moved that House Resolution No. 2 be now adopted. The motion prevailed and House Resolution No. 2 was adopted.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following changes in committee assignments:

Commerce and Economic Development: Remove the name of Welker and add the name of Johnson.

ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, January 31, 1983. 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 31, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## NINTH DAY

SAINT PAUL, MINNESOTA, MONDAY, JANUARY 31, 1983

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 Doug Fagerstrom, Wooddale Baptist Church, Richfield, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Ellingson	Kostohryz	Pauly	Sparby
Anderson, G.	Erickson	Krueger	Peterson	Stadum
Anderson, R.	Evans	Kvam	Piepho	Staten
Battaglia	Findlay	Larsen	Piper	Svigum
Beard	Fjoslien	Levi	Price	Swanson
Begich	Forsythe	Long	Quinn	Thiede
Bennett	Frerichs	Ludeman	Redalen	Tomlinson
Bergstrom	Graba	Marsh	Reif	Tunheim
Berkelman	Greenfield	McDonald	Rice	Uphus
Blatz	Gruenes	McEachern	Riveness	Valan
Brandl	Gustafson	McKasy	Rodosovich	Valento
Brinkman	Cutknecht	Metzen	Rodriguez, C.	Vanasek
Burger	Heap	Minne	Rodriguez, F.	Vellenga
Carlson, D.	Heinitz	Munger	Rose	Voss
Carlson, L.	Himle	Murphy	St. Onge	Waltman
Clark, J.	Hoberg	Nelson, D.	Sarna	Welch
Clark, K.	Hoffman	Nelson, K.	Schafer	Welker
Clawson	Jacobs	Norton	Schreiber	Welle
Cohen	Jennings	O'Connor	Seaberg	Wenzel
Coleman	Jensen	Ogren	Segal	Wigley
Dempsey	Kahn	Olsen	Shaver	Wynia
DenOuden	Kalis	Omann	Shea	Zafke
Dimler	Kelly	Onnen	Simoneau	Speaker Sieben
Eken	Knickerbocker	Osthoff	Skoglund	
Elioff	Knuth	Otis	Solberg	

A quorum was present.

Bishop, Halberg, Haukoos, Hokr, Johnson, Mann, Neuenchwander, Quist, Scheid, Schoenfeld and Sherman were excused.

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 S. F. No. 41 have been placed in the members' files.

S. F. No. 41 and H. F. No. 66, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Kelly moved that S. F. No. 41 be substituted for H. F. No. 66 and that the House File be indefinitely postponed. The motion prevailed.

## REPORTS OF STANDING COMMITTEES

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 22, A bill for an act relating to metropolitan government; redrawing metropolitan council districts; requiring that metropolitan council boundaries be redrawn after each federal census; amending Minnesota Statutes 1982, sections 473.123, subdivisions 2 and 3; and 473.141, subdivisions 2 and 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 473.123, is amended by adding a subdivision to read:

*Subd. 2a. [TERMS.] The terms of council members shall commence the first Monday in January following the effective date of an apportionment of council districts, as provided in section 3. The terms of members are as follows: members representing even numbered districts for terms ending the first Monday in January of the year ending in the numeral "7"; members representing odd numbered districts for terms ending the first Monday in January of the year ending in the numeral "5". Thereafter the term of each member is four years except that all terms expire on the effective date of the next apportionment. A member shall continue to serve until his successor is appointed and qualified.*

Sec. 2. Minnesota Statutes 1982, section 473.123, subdivision 3, is amended to read:

*Subd. 3. [MEMBERSHIP; APPOINTMENT; QUALIFICATIONS.] The council shall be composed of sixteen members (OF THE METROPOLITAN COUNCIL SHALL BE APPOINTED BY). The governor shall appoint members on a non-partisan basis (,) after (CONSULTING) consultation with the members of the legislature from the area composing the council district for which the member is to be appointed (, BY AND*

WITH). *Appointments are subject to the advice and consent of the senate and the house of representatives acting separately. If either house votes not to confirm an appointment, the appointment shall terminate on the day following the vote not to confirm.* Each (SUCH) council member shall reside in the council district which he represents. Each council district shall be represented by one member of the council. (COUNCIL DISTRICTS ARE HEREBY CREATED AS FOLLOWS:)

((1) THE FIRST COUNCIL DISTRICT CONSISTS OF THAT PART OF THE CITY OF ST. PAUL DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF UNIVERSITY AVENUE WITH THE WEST CITY LIMITS, EXTENDING EASTERLY ALONG THE CENTER LINE OF UNIVERSITY AVENUE TO THE CENTER LINE OF RICE STREET, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF RICE STREET TO THE CENTER LINE OF INTERSTATE 94, EXTENDING EASTERLY ALONG THE CENTER LINE OF INTERSTATE 94 TO THE CENTER LINE OF SUMMIT AVENUE EXTENDED, EXTENDING SOUTHWESTERLY ALONG THE CENTER LINE OF SUMMIT AVENUE EXTENDED AND SUMMIT AVENUE TO THE CENTER LINE OF KELLOGG BOULEVARD, EXTENDING SOUTHEASTERLY ALONG THE CENTER LINE OF KELLOGG BOULEVARD TO THE CENTER LINE OF EAGLE STREET, EXTENDING SOUTHEASTERLY ALONG THE CENTER LINE OF EAGLE STREET TO THE MAIN CHANNEL OF THE MISSISSIPPI RIVER, EXTENDING SOUTHWESTERLY, WESTERLY, AND NORTHERLY ALONG THE MAIN CHANNEL OF THE MISSISSIPPI RIVER TO THE WEST CITY LIMITS, AND EXTENDING NORTHERLY ALONG THE WEST CITY LIMITS TO THE POINT OF ORIGIN.)

((2) THE SECOND COUNCIL DISTRICT CONSISTS OF THAT PART OF THE COUNTY OF RAMSEY CONSISTING OF THE CITIES OF LAUDERDALE, FALCON HEIGHTS, AND ROSEVILLE; AND THAT PART OF THE CITY OF ST. PAUL DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF UNIVERSITY AVENUE WITH THE WEST CITY LIMITS, EXTENDING EASTERLY ALONG THE CENTER LINE OF UNIVERSITY AVENUE TO THE CENTER LINE OF RICE STREET, EXTENDING NORTHERLY ALONG THE CENTER LINE OF RICE STREET TO THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY, EXTENDING EASTERLY ALONG THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY TO THE CENTER LINE OF SYLVAN STREET, EXTENDING NORTHERLY ALONG THE CENTER LINE OF SYLVAN STREET TO THE CENTER LINE OF MAGNOLIA AVENUE WEST, EXTENDING EASTERLY ALONG THE CENTER LINE OF MAGNOLIA AVENUE WEST TO THE CENTER LINE OF AGATE STREET, EXTENDING NORTHERLY ALONG THE CENTER LINE OF AGATE STREET



TO THE CENTER LINE OF JESSAMINE AVENUE WEST EXTENDED, EXTENDING EASTERLY ALONG THE CENTER LINE OF JESSAMINE AVENUE WEST EXTENDED TO THE CENTER LINE OF INTERSTATE 35E, EXTENDING NORTHERLY ALONG THE CENTER LINE OF INTERSTATE 35E TO THE NORTH CITY LIMITS, AND EXTENDING WESTERLY, SOUTHERLY, WESTERLY, SOUTHERLY, WESTERLY, NORTHERLY, WESTERLY, AND SOUTHERLY ALONG THE CITY LIMITS TO THE POINT OF ORIGIN.)

((3) THE THIRD COUNCIL DISTRICT CONSISTS OF THAT PART OF THE CITY OF ST. PAUL DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF INTERSTATE 35E WITH THE NORTH CITY LIMITS, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF INTERSTATE 35E TO THE CENTER LINE OF JESSAMINE AVENUE WEST EXTENDED; EXTENDING WESTERLY ALONG THE CENTER LINE OF JESSAMINE AVENUE WEST EXTENDED TO THE CENTER LINE OF AGATE STREET, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF AGATE STREET TO THE CENTER LINE OF MAGNOLIA AVENUE WEST, EXTENDING WESTERLY ALONG THE CENTER LINE OF MAGNOLIA AVENUE WEST TO THE CENTER LINE OF SYLVAN STREET, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF SYLVAN STREET TO THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY, EXTENDING WESTERLY ALONG THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY TO THE CENTER LINE OF RICE STREET, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF RICE STREET TO THE CENTER LINE OF INTERSTATE 94, EXTENDING EASTERLY ALONG THE CENTER LINE OF INTERSTATE 94 TO THE CENTER LINE OF SUMMIT AVENUE EXTENDED, EXTENDING SOUTHWESTERLY ALONG THE CENTER LINE OF SUMMIT AVENUE EXTENDED AND SUMMIT AVENUE TO THE CENTER LINE OF KELLOGG BOULEVARD, EXTENDING SOUTHEASTERLY ALONG THE CENTER LINE OF KELLOGG BOULEVARD TO THE CENTER LINE OF EAGLE STREET, EXTENDING SOUTHEASTERLY ALONG THE CENTER LINE OF EAGLE STREET TO THE MAIN CHANNEL OF THE MISSISSIPPI RIVER, EXTENDING SOUTHWESTERLY ALONG THE MAIN CHANNEL OF THE MISSISSIPPI RIVER TO THE SOUTH CITY LIMITS, EXTENDING EASTERLY, NORTHERLY, EASTERLY, SOUTHERLY, EASTERLY, SOUTHEASTERLY, EASTERLY, NORTHERLY, AND WESTERLY ALONG THE CITY LIMITS TO THE POINT OF ORIGIN.)

((4) THE FOURTH COUNCIL DISTRICT CONSISTS OF THAT PART OF THE COUNTY OF RAMSEY CONSISTING OF THE TOWN OF WHITE BEAR; THE CITIES OF ARDEN HILLS, GEM LAKE, LITTLE CANADA, MOUNDSVIEW,

NEW BRIGHTON, NORTH OAKS, NORTH ST. PAUL, SHOREVIEW, AND VADNAIS HEIGHTS; THAT PART OF THE CITY OF WHITE BEAR LAKE LYING IN THE COUNTY OF RAMSEY; AND THAT PART OF THE CITY OF MAPLEWOOD LYING NORTH OF THE CENTER LINE OF LARPENTEUR AVENUE.)

((5) THE FIFTH COUNCIL DISTRICT CONSISTS OF THAT PART OF THE COUNTY OF HENNEPIN CONSISTING OF THE CITY OF ROBBINSDALE; THAT PART OF THE CITY OF GOLDEN VALLEY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF TRUNK HIGHWAY NO. 100 WITH THE NORTH CITY LIMITS, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF TRUNK HIGHWAY NO. 100 TO THE MINNESOTA WESTERN RAILROAD RIGHT OF WAY, EXTENDING EASTERLY ALONG THE MINNESOTA WESTERN RAILROAD RIGHT OF WAY TO THE EAST CITY LIMITS, AND EXTENDING NORTHERLY, WESTERLY, NORTHERLY, AND WESTERLY ALONG THE CITY LIMITS TO THE POINT OF ORIGIN; AND THAT PART OF THE CITY OF MINNEAPOLIS DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE MAIN CHANNEL OF THE MISSISSIPPI RIVER WITH THE NORTH CITY LIMITS, EXTENDING SOUTHERLY ALONG THE MAIN CHANNEL OF THE MISSISSIPPI RIVER TO THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY, EXTENDING SOUTHWESTERLY ALONG THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY TO THE CENTER LINE OF SIXTH STREET NORTH EXTENDED, EXTENDING SOUTHEASTERLY ALONG THE CENTER LINE OF SIXTH STREET NORTH EXTENDED AND SIXTH STREET NORTH TO THE CENTER LINE OF HENNEPIN AVENUE, EXTENDING SOUTHWESTERLY ALONG THE CENTER LINE OF HENNEPIN AVENUE TO THE CENTER LINE OF FRANKLIN AVENUE WEST, EXTENDING WESTERLY ALONG THE CENTER LINE OF FRANKLIN AVENUE WEST TO THE CENTER LINE OF LAKE OF THE ISLES BOULEVARD EAST, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF LAKE OF THE ISLES BOULEVARD EAST TO THE CENTER LINE OF LAKE CALHOUN BOULEVARD EAST, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF LAKE CALHOUN BOULEVARD EAST TO THE CENTER LINE OF LAKE STREET WEST, EXTENDING WESTERLY ALONG THE CENTER LINE OF LAKE STREET WEST TO THE WEST CITY LIMITS, AND EXTENDING NORTHERLY, EASTERLY, NORTHERLY, AND EASTERLY ALONG THE CITY LIMITS TO THE POINT OF ORIGIN.)

((6) THE SIXTH COUNCIL DISTRICT CONSISTS OF THAT PART OF THE COUNTY OF HENNEPIN CONSISTING OF THAT PART OF THE CITY OF ST. ANTHONY LY-

ING IN THE COUNTY OF HENNEPIN; AND THAT PART OF THE CITY OF MINNEAPOLIS DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE MAIN CHANNEL OF THE MISSISSIPPI RIVER WITH THE NORTH CITY LIMITS, EXTENDING SOUTHERLY ALONG THE MAIN CHANNEL OF THE MISSISSIPPI RIVER TO THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY, EXTENDING SOUTHWESTERLY ALONG THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY TO THE CENTER LINE OF SIXTH STREET NORTH EXTENDED, EXTENDING SOUTHEASTERLY ALONG THE CENTER LINE OF SIXTH STREET NORTH EXTENDED AND SIXTH STREET NORTH TO THE CENTER LINE OF HENNEPIN AVENUE, EXTENDING SOUTHWESTERLY ALONG THE CENTER LINE OF HENNEPIN AVENUE TO THE CENTER LINE OF LINCOLN AVENUE EXTENDED, EXTENDING EASTERLY ALONG THE CENTER LINE OF LINCOLN AVENUE EXTENDED TO THE CENTER LINE OF LYNDALE AVENUE SOUTH, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF LYNDALE AVENUE SOUTH TO THE CENTER LINE OF TWENTY-FOURTH STREET EAST, EXTENDING EASTERLY ALONG THE CENTER LINE OF TWENTY-FOURTH STREET EAST TO THE CENTER LINE OF STEVENS AVENUE SOUTH, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF STEVENS AVENUE SOUTH TO THE CENTER LINE OF TWENTY-FIFTH STREET EAST, EXTENDING EASTERLY ALONG THE CENTER LINE OF TWENTY-FIFTH STREET EAST TO THE CENTER LINE OF FIFTEENTH AVENUE SOUTH, EXTENDING NORTHERLY ALONG THE CENTER LINE OF FIFTEENTH AVENUE SOUTH TO THE CENTER LINE OF TWENTY-FOURTH STREET EAST, EXTENDING EASTERLY ALONG THE CENTER LINE OF TWENTY-FOURTH STREET EAST TO THE CENTER LINE OF CEDAR AVENUE SOUTH, EXTENDING NORTHERLY ALONG THE CENTER LINE OF CEDAR AVENUE SOUTH TO THE CENTER LINE OF SIXTH STREET SOUTH; EXTENDING EASTERLY ALONG THE CENTER LINE OF SIXTH STREET SOUTH TO THE CENTER LINE OF TWENTY-SEVENTH AVENUE SOUTH EXTENDED, EXTENDING NORTHERLY ALONG THE CENTER LINE OF TWENTY-SEVENTH AVENUE SOUTH EXTENDED TO THE MAIN CHANNEL OF THE MISSISSIPPI RIVER, EXTENDING SOUTHEASTERLY ALONG THE MAIN CHANNEL OF THE MISSISSIPPI RIVER TO THE EAST CITY LIMITS, AND EXTENDING NORTHERLY, WESTERLY, NORTHERLY, WESTERLY, NORTHERLY, AND WESTERLY TO THE POINT OF ORIGIN; AND THAT PART OF THE COUNTY OF RAMSEY CONSISTING OF THAT PART OF THE CITY OF ST. ANTHONY LYING IN THE COUNTY OF RAMSEY.)

((7) THE SEVENTH COUNCIL DISTRICT CONSISTS OF THAT PART OF THE CITY OF MINNEAPOLIS DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF LAKE STREET WEST WITH THE WEST CITY LIMITS, EXTENDING EASTERLY ALONG THE CENTER LINE OF LAKE STREET WEST TO THE CENTER LINE OF LAKE CALHOUN BOULEVARD EAST, EXTENDING NORTHERLY ALONG THE CENTER LINE OF LAKE CALHOUN BOULEVARD EAST TO THE CENTER LINE OF LAKE OF THE ISLES BOULEVARD EAST, EXTENDING NORTHERLY ALONG THE CENTER LINE OF LAKE OF THE ISLES BOULEVARD EAST TO THE CENTER LINE OF FRANKLIN AVENUE WEST, EXTENDING EASTERLY ALONG THE CENTER LINE OF FRANKLIN AVENUE WEST TO THE CENTER LINE OF HENNEPIN AVENUE, EXTENDING NORTHEASTERLY ALONG THE CENTER LINE OF HENNEPIN AVENUE TO THE CENTER LINE OF LINCOLN AVENUE EXTENDED, EXTENDING EASTERLY ALONG THE CENTER LINE OF LINCOLN AVENUE EXTENDED TO THE CENTER LINE OF LYNDAL AVENUE SOUTH, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF LYNDAL AVENUE SOUTH TO THE CENTER LINE OF TWENTY-FOURTH STREET EAST, EXTENDING EASTERLY ALONG THE CENTER LINE OF TWENTY-FOURTH STREET EAST TO THE CENTER LINE OF STEVENS AVENUE SOUTH, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF STEVENS AVENUE SOUTH TO THE CENTER LINE OF TWENTY-FIFTH STREET EAST, EXTENDING EASTERLY ALONG THE CENTER LINE OF TWENTY-FIFTH STREET EAST TO THE CENTER LINE OF CHICAGO AVENUE SOUTH, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF CHICAGO AVENUE SOUTH TO THE CENTER LINE OF THIRTY-EIGHTH STREET EAST, EXTENDING WESTERLY ALONG THE CENTER LINE OF THIRTY-EIGHTH STREET EAST TO THE CENTER LINE OF FOURTH AVENUE SOUTH, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF FOURTH AVENUE SOUTH TO THE CENTER LINE OF FORTY-SECOND STREET EAST, EXTENDING WESTERLY ALONG THE CENTER LINE OF FORTY-SECOND STREET EAST TO THE CENTER LINE OF INTERSTATE 35W, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF INTERSTATE 35W TO THE CENTER LINE OF FORTY-EIGHTH STREET EAST EXTENDED, EXTENDING WESTERLY ALONG THE CENTER LINE OF FORTY-EIGHTH STREET EAST EXTENDED AND FORTY-EIGHTH STREET EAST TO THE CENTER LINE OF NICOLLET AVENUE SOUTH, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF NICOLLET AVENUE SOUTH TO THE CENTER LINE OF FIFTY-SEVENTH STREET EAST, EXTENDING EASTERLY ALONG THE CENTER LINE OF FIFTY-SEVENTH STREET EAST AND FIFTY-SEVENTH STREET EAST EXTENDED TO THE

CENTER LINE OF INTERSTATE 35W, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF INTERSTATE 35W TO THE SOUTH CITY LIMITS, AND EXTENDING WESTERLY, NORTHERLY, WESTERLY, AND NORTHERLY TO THE POINT OF ORIGIN.)

((8) THE EIGHTH COUNCIL DISTRICT CONSISTS OF THAT PART OF THE CITY OF MINNEAPOLIS DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE MAIN CHANNEL OF THE MISSISSIPPI RIVER WITH THE EAST CITY LIMITS, EXTENDING NORTHWESTERLY ALONG THE MAIN CHANNEL OF THE MISSISSIPPI RIVER TO THE CENTER LINE OF TWENTY-SEVENTH AVENUE SOUTH EXTENDED, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF TWENTY-SEVENTH AVENUE SOUTH EXTENDED TO THE CENTER LINE OF SIXTH STREET SOUTH, EXTENDING WESTERLY ALONG THE CENTER LINE OF SIXTH STREET SOUTH TO THE CENTER LINE OF CEDAR AVENUE SOUTH, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF CEDAR AVENUE SOUTH TO THE CENTER LINE OF TWENTY-FOURTH STREET EAST, EXTENDING WESTERLY ALONG THE CENTER LINE OF TWENTY-FOURTH STREET EAST TO THE CENTER LINE OF FIFTEENTH AVENUE SOUTH, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF FIFTEENTH AVENUE SOUTH TO THE CENTER LINE OF TWENTY-FIFTH STREET EAST, EXTENDING WESTERLY ALONG THE CENTER LINE OF TWENTY-FIFTH STREET EAST TO THE CENTER LINE OF CHICAGO AVENUE SOUTH, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF CHICAGO AVENUE SOUTH, TO THE CENTER LINE OF THIRTY-EIGHTH STREET EAST, EXTENDING WESTERLY ALONG THE CENTER LINE OF THIRTY-EIGHTH STREET EAST TO THE CENTER LINE OF FOURTH AVENUE SOUTH, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF FOURTH AVENUE SOUTH TO THE CENTER LINE OF FORTY-SECOND STREET EAST, EXTENDING WESTERLY ALONG THE CENTER LINE OF FORTY-SECOND STREET EAST TO THE CENTER LINE OF INTERSTATE 35W, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF INTERSTATE 35W TO THE CENTER LINE OF FORTY-EIGHTH STREET EAST EXTENDED, EXTENDING WESTERLY ALONG THE CENTER LINE OF FORTY-EIGHTH STREET EAST EXTENDED AND FORTY-EIGHTH STREET EAST TO THE CENTER LINE OF NICOLLET AVENUE SOUTH, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF NICOLLET AVENUE SOUTH TO THE CENTER LINE OF FIFTY-SEVENTH STREET EAST, EXTENDING EASTERLY ALONG THE CENTER LINE OF FIFTY-SEVENTH STREET EAST AND FIFTY-SEVENTH STREET EAST EXTENDED TO THE CENTER LINE OF INTERSTATE 35W, EXTENDING

SOUTHERLY ALONG THE CENTER LINE OF INTER-STATE 35W TO THE SOUTH CITY LIMITS, AND EXTENDING EASTERLY, NORTHERLY, EASTERLY, AND NORTHERLY TO THE POINT OF ORIGIN.)

((9) THE NINTH COUNCIL DISTRICT CONSISTS OF THAT PART OF THE COUNTY OF HENNEPIN CONSISTING OF THE FORT SNELLING AREA; THE CITY OF RICHFIELD; AND THAT PART OF THE CITY OF BLOOMINGTON DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF FRANCE AVENUE SOUTH WITH THE NORTH CITY LIMITS, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF FRANCE AVENUE SOUTH TO THE CENTER LINE OF ONE HUNDRED SECOND STREET WEST, EXTENDING WESTERLY ALONG THE CENTER LINE OF ONE HUNDRED SECOND STREET WEST TO THE CENTER LINE OF JOHNSON AVENUE, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF JOHNSON AVENUE TO THE MINNEAPOLIS, NORTHFIELD, AND SOUTHERN RAILROAD RIGHT OF WAY, EXTENDING SOUTHWESTERLY ALONG THE MINNEAPOLIS, NORTHFIELD, AND SOUTHERN RAILROAD RIGHT OF WAY TO THE CENTER LINE OF NORMANDALE BOULEVARD, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF NORMANDALE BOULEVARD TO THE SOUTH CITY LIMITS, EXTENDING EASTERLY, NORTHEASTERLY, WESTERLY, NORTHERLY, AND WESTERLY ALONG THE CITY LIMITS TO THE POINT OF ORIGIN.)

((10) THE TENTH COUNCIL DISTRICT CONSISTS OF THAT PART OF THE COUNTY OF HENNEPIN CONSISTING OF THE CITIES OF NEW HOPE, CRYSTAL AND ST. LOUIS PARK; AND THAT PART OF THE CITY OF GOLDEN VALLEY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF TRUNK HIGHWAY NO. 100 AND THE NORTH CITY LIMITS, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF TRUNK HIGHWAY NO. 100 TO THE MINNESOTA WESTERN RAILROAD RIGHT OF WAY, EXTENDING EASTERLY ALONG THE MINNESOTA WESTERN RAILROAD RIGHT OF WAY TO THE EAST CITY LIMITS, EXTENDING SOUTHERLY, WESTERLY, SOUTHERLY, WESTERLY, AND NORTHERLY ALONG THE CITY LIMITS TO THE CENTER LINE OF OLSON MEMORIAL HIGHWAY, EXTENDING EASTERLY ALONG THE CENTER LINE OF OLSON MEMORIAL HIGHWAY TO THE CENTER LINE OF WINNETKA AVENUE NORTH, EXTENDING NORTHERLY ALONG THE CENTER LINE OF WINNETKA AVENUE NORTH TO THE NORTH CITY LIMITS, AND EXTENDING EASTERLY ALONG THE NORTH CITY LIMITS TO THE POINT OF ORIGIN.)

((11) THE ELEVENTH COUNCIL DISTRICT CONSISTS OF THAT PART OF THE COUNTY OF HENNEPIN CONSISTING OF THE CITIES OF EDINA, MEDICINE LAKE, MINNETONKA, PLYMOUTH, HOPKINS AND WAYZATA; AND THAT PART OF THE CITY OF GOLDEN VALLEY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF WINNETKA AVENUE NORTH AND THE NORTH CITY LIMITS, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF WINNETKA AVENUE NORTH TO THE CENTER LINE OF OLSON MEMORIAL HIGHWAY; EXTENDING WESTERLY ALONG THE CENTER LINE OF OLSON MEMORIAL HIGHWAY TO THE WEST CITY LIMITS, AND EXTENDING NORTHERLY AND EASTERLY ALONG THE CITY LIMITS TO THE POINT OF ORIGIN.)

((12) THE TWELFTH COUNCIL DISTRICT CONSISTS OF THAT PART OF THE COUNTY OF ANOKA CONSISTING OF THE TOWNS OF BURNS, CROW, OAK GROVE, AND RAMSEY; THE CITIES OF ANOKA, BETHEL AND ST. FRANCIS; AND THAT PART OF THE COUNTY OF HENNEPIN CONSISTING OF THE TOWN OF HASSAN; THE CITIES OF CORCORAN, CHAMPLIN, DAYTON, GREENFIELD, INDEPENDENCE, LORETTO, MAPLE GROVE, MAPLE PLAIN, MEDINA, MINNETRISTA, OSSEO, ROGERS, ST. BONIFACIUS, BROOKLYN CENTER AND BROOKLYN PARK; AND THAT PART OF THE CITIES OF HANOVER AND ROCKFORD LYING IN THE COUNTY OF HENNEPIN.)

((13) THE THIRTEENTH COUNCIL DISTRICT CONSISTS OF THAT PART OF THE COUNTY OF ANOKA CONSISTING OF THE TOWN OF HAM LAKE; THE CITIES OF EAST BETHEL, HILLTOP, COLUMBIA HEIGHTS, COON RAPIDS, AND FRIDLEY; AND THAT PART OF THE CITY OF SPRING LAKE PARK AND THE CITY OF BLAINE LYING IN ANOKA COUNTY; AND THAT PART OF THE COUNTY OF RAMSEY CONSISTING OF THAT PART OF THE CITIES OF SPRING LAKE PARK AND BLAINE LYING IN THE COUNTY OF RAMSEY.)

((14) THE FOURTEENTH COUNCIL DISTRICT CONSISTS OF THE COUNTY OF WASHINGTON; THAT PART OF THE COUNTY OF ANOKA CONSISTING OF THE TOWNS OF COLUMBUS AND LINWOOD; AND THE CITIES OF CENTERVILLE, CIRCLE PINES, LEXINGTON, AND LINO LAKES; THAT PART OF THE COUNTY OF DAKOTA CONSISTING OF THE TOWNS OF MARSHAN, NININGER, AND RAVENNA; THE CITY OF HASTINGS; AND THAT PART OF THE COUNTY OF RAMSEY CONSISTING OF THAT PART OF THE CITY OF MAPLEWOOD LYING SOUTH OF THE CENTER LINE OF LARPENTEUR AVENUE.)

((15) THE FIFTEENTH COUNCIL DISTRICT CONSISTS OF THAT PART OF THE COUNTY OF DAKOTA CONSISTING OF THE TOWNS OF CASTLE ROCK, DOUGLAS, EAGAN, EMPIRE, EUREKA, GREENVALE, HAMPTON, RANDOLPH, SCIOTA, VERMILLION, AND WATERFORD, EXCLUDING THE CITY OF NORTHFIELD; THE CITIES OF APPLE VALLEY, BURNSVILLE, COATES, FARMINGTON, HAMPTON, INVER GROVE HEIGHTS, LILYDALE, MENDOTA, MENDOTA HEIGHTS, MIESVILLE, NEW TRIER, RANDOLPH, ROSEMOUNT, SUNFISH LAKE, VERMILLION, SOUTH ST. PAUL AND WEST ST. PAUL.)

((16) THE SIXTEENTH COUNCIL DISTRICT CONSISTS OF THE COUNTIES OF CARVER AND SCOTT, EXCLUDING THE CITY OF NEW PRAGUE; THAT PART OF THE COUNTY OF DAKOTA CONSISTING OF THE CITY OF LAKEVILLE; AND THAT PART OF THE COUNTY OF HENNEPIN CONSISTING OF THE CITIES OF DEEPHAVEN, EDEN PRAIRIE, EXCELSIOR, GREENWOOD, LONG LAKE, MINNETONKA BEACH, MOUND, ORONO, SHOREWOOD, SPRING PARK, TONKA BAY, AND WOODLAND; THAT PART OF THE CITY OF CHANHASSEN LYING IN THE COUNTY OF HENNEPIN; AND THAT PART OF THE CITY OF BLOOMINGTON DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF FRANCE AVENUE SOUTH WITH THE NORTH CITY LIMITS, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF FRANCE AVENUE SOUTH TO THE CENTER LINE OF ONE HUNDRED SECOND STREET WEST, EXTENDING WESTERLY ALONG THE CENTER LINE OF ONE HUNDRED SECOND STREET WEST TO THE CENTER LINE OF JOHNSON AVENUE SOUTH, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF JOHNSON AVENUE SOUTH TO THE MINNEAPOLIS, NORTHFIELD, AND SOUTHERN RAILROAD RIGHT OF WAY, EXTENDING SOUTHWESTERLY ALONG THE MINNEAPOLIS, NORTHFIELD AND SOUTHERN RAILROAD RIGHT OF WAY TO THE CENTER LINE OF NORMAN DALE BOULEVARD, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF NORMAN DALE BOULEVARD TO THE SOUTH CITY LIMITS, AND EXTENDING WESTERLY, NORTHERLY, AND EASTERLY, ALONG THE CITY LIMITS TO THE POINT OF ORIGIN.)

Sec. 3. Minnesota Statutes 1982, section 473.123, is amended by adding a subdivision to read:

*Subd. 3a. [APPORTIONMENT.] The legislature shall redraw the boundaries of the council districts after each decennial federal census so that each district has substantially equal population. Redistricting is effective December 31 in the year of*



*each decade ending in the numeral "2". Within two months thereafter, the governor shall appoint members from the newly drawn districts to serve terms as provided under section 1.*

Sec. 4. Minnesota Statutes 1982, section 473.123, is amended by adding a subdivision to read:

*Subd. 3b. [DISTRICT BOUNDARIES.] The council district boundaries are as follows:*

(1) *The first council district consists of that part of the city of St. Paul lying north of a line described as follows: commencing at the intersection of the western boundary of the city of St. Paul and Marshall Avenue, easterly on Marshall Avenue to Cretin Avenue North, northerly on Cretin Avenue North to Iglehart Avenue, easterly on Iglehart Avenue to Cleveland Avenue North, southerly on Cleveland Avenue North to Marshall Avenue, easterly on Marshall Avenue to Hamline Avenue, northerly on Hamline Avenue to University Avenue, easterly on University Avenue to Lexington Parkway, northerly on Lexington Parkway to Lafond Avenue, easterly on Lafond Avenue to North Victoria Street, northerly on North Victoria Street to Blair Avenue, easterly on Blair Avenue to Como Avenue, southeasterly on Como Avenue to Lafond Avenue, easterly on Lafond Avenue to Rice Street, southerly on Rice Street to Como Avenue, easterly on Como Avenue to Capitol Heights Boulevard, southerly on Capitol Heights Boulevard to Valley Street, easterly on Valley Street to Jackson Street, northeasterly on Jackson Street to Pennsylvania Avenue, easterly and southeasterly on Pennsylvania Avenue to Interstate Highway 35E, southerly on Interstate Highway 35E to Grove Street, easterly on Grove Street to Willius Street, southeasterly on Willius Street to East 7th Street, northeasterly on East 7th Street to Mounds Boulevard, southeasterly on Mounds Boulevard to East 6th Street, northeasterly and easterly on East 6th Street to Johnson Parkway, northerly on Johnson Parkway to East Minnehaha Avenue, and easterly on East Minnehaha Avenue to the eastern boundary of the city of St. Paul.*

(2) *The second council district consists of that part of the city of St. Paul not included in council districts 1 and 15.*

(3) *The third council district consists of that part of the county of Ramsey consisting of the cities of Maplewood, North St. Paul, Little Canada, Roseville, Falcon Heights, Lauderdale, St. Anthony, and New Brighton; and that part of the city of St. Anthony lying in Hennepin County.*

(4) *The fourth council district consists of that part of the city of Minneapolis located within an area described as follows: commencing at the intersection of West 50th Street and Nicollet Avenue South, northerly on Nicollet Avenue South to Lake Street, easterly on Lake Street to 1st Avenue South, northerly*

on 1st Avenue South to East 19th Street, easterly on East 19th Street to Stevens Avenue South, northerly on Stevens Avenue South to East 18th Street, easterly on East 18th Street to 3rd Avenue South, northerly on 3rd Avenue South to East 16th Street, easterly on East 16th Street to 4th Avenue South, northerly on 4th Avenue South to South 11th Street, southeasterly on South 11th Street to Grant Street, easterly on Grant Street to Portland Avenue, northeasterly on Portland Avenue and an extension of Portland Avenue to the main channel of the Mississippi River, southeasterly along the main channel of the Mississippi River to an extension of Cedar Avenue South, northerly on Cedar Avenue South and its extension to the Burlington Northern, Inc. railroad tracks, northeasterly along the southern branch of the Burlington Northern, Inc. railroad tracks to University Avenue Southeast, southeasterly on University Avenue Southeast to 26th Avenue Southeast, southwesterly on 26th Avenue Southeast to Essex Street, northwesterly on Essex Street to Huron Street, southerly on Huron Street to Interstate Highway 94, southeasterly on Interstate Highway 94 to East Franklin Avenue, easterly on East Franklin Avenue to the eastern boundary of the city of Minneapolis, southerly along the eastern boundary of the city of Minneapolis to an extension of East 54th Street, westerly on East 54th Street and its extension to 27th Avenue South, northerly on 27th Avenue South to East 50th Street, easterly on East 50th Street to 28th Avenue South, northerly on 28th Avenue South to East Minnehaha Parkway, westerly on East Minnehaha Parkway to 16th Avenue South, northerly on 16th Avenue South to East 48th Street, westerly on East 48th Street to Chicago Avenue, southerly on Chicago Avenue to East 50th Street, westerly on East 50th Street to the point of origin.

(5) The fifth council district consists of that part of the city of Minneapolis not included in council districts 4 and 6.

(6) The sixth council district consists of that part of the city of Minneapolis lying north of a line described as follows: commencing at the intersection of the western boundary of the city of Minneapolis and Chestnut Avenue, easterly on Chestnut Avenue to Penn Avenue South, southerly on Penn Avenue South to Hawthorne Avenue, easterly on Hawthorne Avenue to Cedar Lake Road, northeasterly on Cedar Lake Road to the Burlington Northern, Inc. railroad tracks, southeasterly and northeasterly along the Burlington Northern, Inc. railroad tracks to Interstate Highway 94, southerly on Interstate Highway 94 to Hennepin Avenue, northeasterly on Hennepin Avenue to South 13th Street, southeasterly on South 13th Street and an extension of South 13th Street to LaSalle Avenue, southerly on LaSalle Avenue to Grant Street, easterly on Grant Street to 4th Avenue South, northerly on 4th Avenue South to South 11th Street, southeasterly on South 11th Street to Grant Street, easterly on Grant Street to Portland Avenue, northeasterly on Portland Avenue and an extension of Portland Avenue to the main channel of the Mississippi River, southeasterly along the main channel of

*the Mississippi River to an extension of Cedar Avenue South, northerly on Cedar Avenue South and its extension to the Burlington Northern, Inc. railroad tracks, northeasterly along the southern branch of the Burlington Northern, Inc. railroad tracks to University Avenue Southeast, southeasterly on University Avenue Southeast to 26th Avenue Southeast, southwesterly on 26th Avenue Southeast to Essex Street, northwest-erly on Essex Street to Huron Street, southerly on Huron Street to Interstate Highway 94, southeasterly on Interstate Highway 94 to East Franklin Avenue, easterly on East Franklin Avenue to the eastern boundary of the city of Minneapolis.*

(7) *The seventh council district consists of that part of the county of Ramsey consisting of the cities of Mounds View, Shoreview, North Oaks, Arden Hills, Vadnais Heights, Gem Lake, and White Bear Lake, and the township of White Bear; that part of the county of Anoka consisting of the cities of Centerville and Lino Lakes; that part of the county of Wash-ington consisting of the cities of Forest Lake, Marine-on-St. Croix, Hugo, Dellwood, Mahtomedi, Birchwood, Willernie, Pine Springs, and Stillwater, and the townships of Forest Lake, New Scandia, May, Grant, and Stillwater; that part of the city of White Bear Lake lying in Washington County.*

(8) *The eighth council district consists of that part of the county of Anoka consisting of the cities of Columbia Heights, Hilltop, Fridley, Spring Lake Park, Coon Rapids, Blaine, Lex-ington, and Circle Pines; and those parts of the cities of Blaine and Spring Lake Park lying in Ramsey County.*

(9) *The ninth council district consists of that part of the county of Anoka consisting of the cities of St. Francis, Bethel, East Bethel, Ramsey, Andover, Ham Lake, and Anoka, and the townships of Burns, Oak Grove, Linwood, and Columbus; and that part of the county of Hennepin consisting of the cities of Dayton, Champlin, Maple Grove, Plymouth, and Medicine Lake.*

(10) *The tenth council district consists of that part of the county of Hennepin consisting of the cities of Brooklyn Park, Brooklyn Center, Osseo, New Hope, and Crystal.*

(11) *The eleventh council district consists of that part of the county of Hennepin consisting of the cities of Robbinsdale, Golden Valley, St. Louis Park, and Edina.*

(12) *The twelfth council district consists of that part of the county of Hennepin consisting of the cities of Bloomington and Richfield; and the Fort Snelling Military Reservation.*

(13) *The thirteenth council district consists of that part of the county of Hennepin consisting of the cities of Eden Prairie, Hopkins, Minnetonka, Wayzata, Woodland, Deephaven, Greenwood, Excelsior, Shorewood, Tonka Bay, Minnetonka*

*Beach, Spring Park, Orono, Long Lake, Mound, Minnetrista, St. Bonifacius, Maple Plain, Independence, Loretto, Medina, Corcoran, Greenfield, and Rogers, and the township of Hassan; and those parts of the cities of Hanover and Rockford lying in Hennepin County.*

(14) *The fourteenth council district consists of the counties of Carver and Scott, excluding the city of New Prague; that part of the county of Dakota consisting of the cities of Burnsville and Lakeville; and that part of the city of Chanhassen lying in Hennepin County.*

(15) *The fifteenth council district consists of that part of the county of Dakota consisting of the cities of Lilydale, Mendota, Mendota Heights, Eagan, Sunfish Lake, West St. Paul, South St. Paul, and Inver Grove Heights; that part of the county of Washington consisting of the city of Newport; and that part of the city of St. Paul lying south and west of a line described as follows: commencing at the intersection of the western boundary of the city of St. Paul and an extension of St. Clair Avenue, easterly on St. Clair Avenue and its extension to Wheeler Street South, southerly on Wheeler Street South to James Avenue, easterly on James Avenue to Snelling Avenue South, northerly on Snelling Avenue South to Palace Avenue, easterly on Palace Avenue to South Pascal Street, southerly on South Pascal Street to James Avenue, easterly on James Avenue to Lexington Parkway, southerly on Lexington Parkway to Randolph Avenue, easterly on Randolph Avenue to proposed Interstate Highway 35E, southerly and southeasterly on proposed Interstate Highway 35E to the southern boundary of the city of St. Paul.*

(16) *The sixteenth council district consists of that part of the county of Dakota consisting of the cities of Apple Valley, Rosemount, Hastings, Farmington, Coates, Vermillion, Hampton, New Trier, Randolph, and Miesville, and the townships of Nininger, Ravenna, Marshan, Vermillion, Empire, Eureka, Castle Rock, Hampton, Douglas, Greenvale, Waterford, Sciota, and Randolph; that part of the county of Washington consisting of the cities of Oakdale, Lake Elmo, Landfall, Woodbury, St. Paul Park, Cottage Grove, Oak Park Heights, Bayport, Lakeland, Lakeland Shores, Lake St. Croix Beach, St. Mary's Point, and Afton, and the townships of Grey Cloud Island, Baytown, West Lakeland, and Denmark; and that part of the city of Hastings lying in Washington County.*

Sec. 5. Minnesota Statutes 1982, section 473.141, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] Each commission shall consist of eight members, plus a chairman appointed as provided in subdivision 3. The (EIGHT MEMBERS) metropolitan council shall (BE APPOINTED BY THE METROPOLITAN COUNCIL) appoint the eight members on a nonpartisan basis after

*consultation with the members of the legislature from the area composing the commission district for which the member is to be appointed. Appointments are subject to the advice and consent of the senate. One member shall be appointed from each of the following (PRECINCTS) commission districts:*

(1) (PRECINCT) *Commission district A, consisting of council districts 1 and 2;*

(2) (PRECINCT) *Commission district B, consisting of council districts 3 and (14) 7;*

(3) (PRECINCT) *Commission district C, consisting of council districts 4 and (13) 5;*

(4) (PRECINCT) *Commission district D, consisting of council districts (5) 6 and (6) 10;*

(5) (PRECINCT) *Commission district E, consisting of council districts (7) 8 and (8) 9;*

(6) (PRECINCT) *Commission district F, consisting of council districts (9) 11 and (11) 12;*

(7) (PRECINCT) *Commission district G, consisting of council districts (10) 13 and (12) 14; and*

(8) (PRECINCT) *Commission district H, consisting of council districts 15 and 16. Each commission member shall reside in the commission district which he represents.*

Sec. 6. Minnesota Statutes 1982, section 473.141 is amended by adding a subdivision to read:

*Subd. 4a. [TERMS.] The terms of members and the chairman of each commission shall commence the first Monday in January following the effective date of an apportionment of metropolitan council districts, as provided in section 3. The terms of members and chairmen are as follows: members representing commission districts A, B, C, and D, and the chairman of each commission, for terms ending the first Monday in January of the year ending in the numeral "7"; members representing commission districts E, F, G, and H, for terms ending the first Monday in January of the year ending in the numeral "5". Thereafter the term of each member and the chairman is four years except that all terms expire on the effective date of the next apportionment. A member or chairman shall continue to serve until his successor is appointed and qualified.*

Sec. 7. Minnesota Statutes 1982, section 473.141, subdivision 5, is amended to read:

Subd. 5. [(TERMS,) REMOVAL.] (COMMENCING THE FIRST MONDAY IN JANUARY, 1975 THE TERMS OF MEMBERS OF EACH COMMISSION SHALL BE AS FOLLOWS: MEMBERS REPRESENTING PRECINCTS A, B, C, AND D FOR TERMS ENDING THE FIRST MONDAY IN JANUARY, 1977, MEMBERS REPRESENTING PRECINCTS E, F, G, AND H AND THE CHAIRMAN FOR TERMS ENDING THE FIRST MONDAY IN JANUARY, 1979. THEREAFTER THE TERM OF EACH MEMBER AND CHAIRMAN SHALL BE FOR A TERM OF FOUR YEARS AND UNTIL HIS SUCCESSOR IS APPOINTED AND QUALIFIED.) Members, other than the chairman, may be removed by the council only for cause in the manner specified in chapter 351. The chairman may be removed at the pleasure of the governor.

(MEMBERS OF ANY COMMISSION SERVING AS OF THE FIRST MONDAY IN JANUARY, 1975 SHALL CONTINUE TO SERVE THE PRECINCT DESCRIBED IN SUBDIVISION 2 IN WHICH THEY RESIDE FOR THE TERM HEREIN PRESCRIBED FOR THAT PRECINCT, PROVIDED THAT IF MORE THAN ONE SUCH MEMBER RESIDES IN THE SAME PRECINCT THE COUNCIL SHALL DESIGNATE ONE OF THEM TO SERVE AS THE COMMISSION MEMBER FROM THE PRECINCT AND THE TERMS OF THE OTHER MEMBERS ARE THEREUPON TERMINATED. THE COUNCIL SHALL APPOINT AS MEMBERS OF THE COMMISSION, IN THE MANNER PRESCRIBED BY SUBDIVISION 2, ONE RESIDENT OF EACH PRECINCT DESCRIBED IN SAID SUBDIVISION IN WHICH NO PRESENT MEMBER OF THE COMMISSION RESIDES TO SERVE FOR THE TERM HEREIN DEFINED. FOR THE PURPOSE OF THIS SUBDIVISION THE RESIDENCE OF PRESENT MEMBERS OF THE COMMISSIONS SERVING AS OF THE FIRST MONDAY IN JANUARY, 1975 SHALL BE THEIR RESIDENCE AS OF JULY 1, 1974.)

Sec. 8. [EXPIRATION OF TERMS; APPOINTMENTS.]

*The terms of all metropolitan council members serving prior to the effective date of sections 1 to 9 shall expire on the effective date of sections 1 to 9. The governor shall appoint 16 council members, one from each of the newly drawn council districts as provided under section 3, to serve terms as provided under section 1.*

*The terms of all commission members serving on metropolitan commissions organized under section 473.141 shall expire on the effective date of sections 1 to 9. The metropolitan council shall appoint commission members as provided under section 5 to serve terms as provided under section 6.*

Sec. 9. [REPEALER.]

*Minnesota Statutes 1982, section 473.121, subdivision 2, is repealed.*

## Sec. 10. [EFFECTIVE DATE.]

*Sections 1 to 9 are effective on February 15, 1983, in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington."*

Delete the title and insert:

"A bill for an act relating to metropolitan government; changing the terms of members of the metropolitan council; requiring that metropolitan council district boundaries be redrawn after each federal census; redrawing metropolitan council district boundaries; establishing new metropolitan commission districts, formerly called precincts; changing the terms of commission members and chairmen; requiring the governor to appoint council members and establishing terms; amending Minnesota Statutes 1982, sections 473.123, subdivision 3, and by adding subdivisions; and 473.141, subdivisions 2 and 5, and by adding a subdivision; repealing Minnesota Statutes 1982, section 473.121, subdivision 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 25, A bill for an act relating to the city of Lake Park; authorizing the issuance of general obligation bonds to finance construction of municipal facilities.

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

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 55, A bill for an act relating to towns; setting the time for posting audit reports; amending Minnesota Statutes 1982, section 366.22.

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. 22, 25 and 55 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. No. 41 was read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Sarna, Jacobs, Metzen, Himle and Murphy introduced:

H. F. No. 136, A bill for an act relating to alcoholic beverages; authorizing the sale of intoxicating liquor and nonintoxicating malt liquor on election days; amending Minnesota Statutes 1982, sections 340.034, subdivision 1; and 340.14, subdivision 1.

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

McEachern; Anderson, R.; Berkelman; Schreiber and Nelson, D., introduced:

H. F. No. 137, A bill for an act relating to local government; permitting towns to issue off-sale liquor licenses; amending Minnesota Statutes 1982, section 340.11, subdivision 10b.

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

Begich, Welker, Sarna and Jacobs introduced:

H. F. No. 138, A bill for an act relating to malt beverages; requiring identification of kegs and purchasers thereof; proposing new law coded in Minnesota Statutes, Chapter 340.

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



Price, Hoffman, Kostohryz, Shea and Levi introduced:

H. F. No. 139, A bill for an act relating to education; providing for removing pupils from class; establishing powers and duties of school personnel relative to students; amending Minnesota Statutes 1982, sections 127.27, subdivision 2, and by adding a subdivision; and 127.28; proposing new law coded in Minnesota Statutes, chapter 127.

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

Skoglund, Jacobs and Simoneau introduced:

H. F. No. 140, A bill for an act relating to public utilities; requiring utilities to consider customer schedule needs when reading nonaccessible meters; 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 introduced:

H. F. No. 141, A bill for an act relating to consumer protection; prohibiting public utilities' termination of service in certain cases; 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.

Otis; Nelson, K.; Voss; Ogren and Jacobs introduced:

H. F. No. 142, A bill for an act relating to public utilities; specifying the treatment of certain expenses; amending Minnesota Statutes 1982, section 216B.16, subdivision 7.

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

Vanasek, Schafer, Erickson, Shea and Kalis introduced:

H. F. No. 143, A bill for an act relating to drivers' licenses; requiring licenses of a distinguishing color for persons under 19 years of age; amending Minnesota Statutes 1982, section 171.07, subdivision 1.

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

Schafer and Uphus introduced:

H. F. No. 144, A bill for an act relating to the environment; directing the waste management board to report to the legislature concerning possibilities for out-of-state contracts for hazardous waste management; amending Minnesota Statutes 1982, section 115A.08, subdivision 4.

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

Schafer; Nelson, K.; Olsen; Jennings and Levi introduced:

H. F. No. 145, A bill for an act relating to education; authorizing certain school districts to levy a special levy for school maintenance purposes.

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

Kvam, Vanasek, Brinkman, Dempsey and Valento introduced:

H. F. No. 146, A bill for an act relating to taxation; real property; extending the homestead credit to certain noncontiguous property; amending Minnesota Statutes 1982, 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.

Murphy; Clark, J.; Cohen; Long and Elioff introduced:

H. F. No. 147, A bill for an act relating to the state building code; establishing new requirements for the use of glazed safety glass in hazardous locations; amending Minnesota Statutes 1982, section 299G.13, subdivision 10.

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

Greenfield; Clawson; Clark, K., and Heinitz introduced:

H. F. No. 148, 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 1982, sections 248.07; and 248.08.

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

Sviggum; Beard; Carlson, D., and Vanasek introduced:

H. F. No. 149, A bill for an act relating to natural resources; clarifying the hunting of certain animals with dogs; amending Minnesota Statutes 1982, section 98.46, subdivision 2.

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

Reif, Swanson, Blatz and Osthoff introduced:

H. F. No. 150, A bill for an act relating to health; removing the term "epileptic" from the Minnesota Statutes.

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

Clark, J.; Long; Greenfield; Skoglund and Clark, K., introduced:

H. F. No. 151, A bill for an act relating to local government; providing for the budget date for the city of Minneapolis and Hennepin county municipal building commission; amending Laws 1903, chapter 247, section 5.

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

Zaffke, Johnson, Waltman and Wenzel introduced:

H. F. No. 152, A bill for an act relating to taxation; aggregate removal tax; making the tax optional for each county; amending Minnesota Statutes 1982, section 298.75, subdivisions 1 and 2.

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

Staten, Gustafson, Minne, Rice and Clark, K., introduced:

H. F. No. 153, A bill for an act relating to economic development; providing for job training and related services; 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.

Skoglund; Cohen; Heap; Rodriguez, C., and Brandl introduced:

H. F. No. 154, A bill for an act relating to metropolitan government; allowing certain revenue to be expended to improve minor airports; repealing Minnesota Statutes 1982, section 473.641, subdivision 4.

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

Long; Clark, J.; Brandl; Skoglund and Clark, K., introduced:

H. F. No. 155, A bill for an act relating to the city of Minneapolis; permitting the establishment of special service districts; providing taxing and other financial authority for Minneapolis.

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

Fjoslien, Metzen, Eken, Wenzel and Brinkman introduced:

H. F. No. 156, A bill for an act relating to taxation; reducing the excise tax on agricultural alcohol gasoline; amending Minnesota Statutes 1982, section 296.02, by adding a subdivision; repealing Minnesota Statutes 1982, section 296.02, subdivision 7.

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 announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 6, A Senate Concurrent Resolution relating to adjournment for more than three days.

PATRICK E. FLAHAVEN, Secretary of the Senate

## SUSPENSION OF RULES

Eken 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 relating to adjournment for more than three days.

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

1. Upon its adjournment on Wednesday, February 2, 1983, the Senate may set its next day of meeting for Monday, February 7, 1983.

2. Pursuant to the Minnesota Constitution, Article IV, Section 12, the House of Representatives consents to the adjournment of the Senate for more than three days.

Eken moved that Senate Concurrent Resolution No. 6 be now adopted. The motion prevailed and the resolution was adopted.

## MOTIONS AND RESOLUTIONS

Sarna moved that his name be stricken as an author on H. F. No. 136. The motion prevailed.

## ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, February 3, 1983. 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 3, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-THIRD SESSION - 1983

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TENTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, FEBRUARY 2, 1983

The Senate met on Wednesday, February 2, 1983, which was the Tenth Legislative Day of the Seventy-third Session of the Minnesota State Legislature. The House of Representatives did not meet on this date.



## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## ELEVENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 3, 1983

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 Tomas E. Meeks, House Chaplain, Ramsey, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Findlay	Kvam	Peterson	Skoglund
Anderson, G.	Fjoslien	Larsen	Piepho	Solberg
Anderson, R.	Forsythe	Levi	Piper	Sparby
Battaglia	Frerichs	Long	Price	Stadum
Beard	Graba	Ludeman	Quinn	Staten
Begich	Greenfield	Mann	Quist	Sviggum
Bennett	Gruenes	Marsh	Redalen	Swanson
Bergstrom	Gustafson	McDonald	Reif	Thiede
Blatz	Gutknecht	McEachern	Rice	Tomlinson
Brandl	Halberg	McKasy	Riveness	Uphus
Brinkman	Haukoos	Metzen	Rodosovich	Valan
Burger	Heap	Minne	Rodriguez, C.	Valento
Carlson, D.	Heinitz	Munger	Rodriguez, F.	Vanasek
Carlson, L.	Himle	Murphy	Rose	Vellenga
Clark, J.	Hoberg	Nelson, D.	St. Onge	Voss
Clark, K.	Hoffman	Nelson, K.	Sarna	Waltman
Cohen	Jacobs	Neuenschwander	Schafer	Welch
Coleman	Jensen	Norton	Scheid	Welker
Dempsey	Johnson	O'Connor	Schoenfeld	Welle
DenOuden	Kahn	Ogren	Schreiber	Wenzel
Dimler	Kalis	Olsen	Seaberg	Wigley
Eken	Kelly	Omann	Segal	Wynia
Elioff	Knickerbocker	Onnen	Shaver	Speaker Sieben
Ellingson	Knuth	Osthoff	Shea	
Erickson	Kostohryz	Otis	Sherman	
Evans	Krueger	Pauly	Simoneau	

A quorum was present.

Berkelman, Bishop, Clawson, Hokr, Jennings, Tunheim and Zaffke were excused.

The Chief Clerk proceeded to read the Journals of the preceding days. Kelly 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. 25, 55 and 22 have been placed in the members' files.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Carlson, L.; McEachern; Swanson; Nelson, K., and Levi introduced:

H. F. No. 157, A bill for an act relating to education; providing for active military service to be counted toward the number of years required to be eligible for the teacher early retirement incentive program; extending the date of application to March 1, 1983, for certain individuals; requiring expeditious processing of certain applications in 1983; amending Minnesota Statutes 1982, section 125.611, subdivision 1.

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

Osthoff, Kostohryz, Bennett, Jacobs and Minne introduced:

H. F. No. 158, 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.

Rodriguez, C.; Brandl; Segal; Levi and Heap introduced:

H. F. No. 159, 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 1982, 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.

Sarna introduced:

H. F. No. 160, A bill for an act relating to retirement; employee and employer contributions to the Minnesota state retirement system; amending Minnesota Statutes 1982, sections 352.04, subdivisions 2 and 3; and 352.92, subdivisions 1 and 2.

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

Kelly introduced:

H. F. No. 161, A bill for an act relating to insurance premium finance companies; authorizing finance charges based on the federal discount rate; amending Minnesota Statutes 1982, section 59A.09, subdivisions 3 and 6.

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

Nelson, K.; Brandl; McEachern; Levi and Tomlinson introduced:

H. F. No. 162, A bill for an act relating to education; establishing a legislative commission on public education to study education finance, school district organization, technology, and employee wage disparities.

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

McEachern; Nelson, K.; Schafer; Levi and Segal introduced:

H. F. No. 163, A bill for an act relating to education; allowing school districts to use capital expenditure funds to purchase property insurance; amending Minnesota Statutes 1982, section 275.125, subdivision 11a.

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

Skoglund; Simoneau; Clark, J., and Ellingson introduced:

H. F. No. 164, A bill for an act relating to commerce; requiring towing companies to accept payment by check or credit card in certain circumstances; 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.

Clawson introduced:

H. F. No. 165, A bill for an act relating to state government; requiring self-insurance of employee health benefits; amending Minnesota Statutes 1982, sections 43A.22; 43A.23; 43A.26; 43A.30, subdivision 2; 43A.31, subdivision 4; proposing new law coded in Minnesota Statutes, chapter 43A.

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

Brinkman introduced:

H. F. No. 166, A bill for an act relating to county attorneys; providing for the prosecution of certain offenses by county attorneys other than county attorneys from Hennepin and Ramsey counties; amending Minnesota Statutes 1982, section 388.051; repealing Minnesota Statutes 1982, section 487.25, subdivision 10.

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

Valan introduced:

H. F. No. 167, A bill for an act relating to liquor; authorizing the city of Dilworth to issue one on-sale license to an Eagles Club.

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

Begich, Battaglia, Elioff, Minne and Solberg introduced:

H. F. No. 168, A bill for an act relating to taxes; providing for the rate and distribution of certain taxes on iron ore concentrate; amending Minnesota Statutes 1982, sections 298.223; 298.24, subdivision 1; 298.28, subdivision 1; and 298.293.

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

Simoneau, Begich and St. Onge introduced:

H. F. No. 169, A bill for an act relating to workers' compensation; providing for continuation of group accident and health insurance eligibility for injured employees and dependents; amending Minnesota Statutes 1982, sections 62A.10, subdivision 1; 62C.14, by adding a subdivision; 62D.10, by adding a subdivision; 176.101, by adding a subdivision; and 176.111, by adding a subdivision.

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

Neuenschwander, Battaglia, Begich, Elioff and Solberg introduced:

H. F. No. 170, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to extend timber permits; amending Laws 1981, chapter 305, section 11, as amended.

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

Erickson, Halberg and Graba introduced:

H. F. No. 171, A bill for an act relating to public cemeteries; providing for simplified reinvestment in the cemetery association of certain unused cemetery land; amending Minnesota Statutes 1982, section 306.241; proposing new law coded in Minnesota Statutes, chapter 306.

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

Erickson, Kalis, Redalen and Eken introduced:

H. F. No. 172, A bill for an act relating to soil and water conservation districts; authorizing annual audits by certified public accountants; amending Minnesota Statutes 1982, section 40.06, subdivision 4.

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

Berkelman, Metzen, DenOuden and Kalis introduced:

H. F. No. 173, 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.

DenOuden, Vanasek, Schafer and Jensen introduced:

H. F. No. 174, A bill for an act relating to agriculture; prohibiting waste disposal and processing sites on certain agricultural land; amending Minnesota Statutes 1982, 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; 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.

Peterson, Wenzel, Bergstrom, Knuth and Redalen introduced:

H. F. No. 175, A bill for an act relating to soil conservation; providing a state paid property tax credit to agricultural property owners who carry out and maintain approved soil conservation practices under agreements with soil and water conservation districts; appropriating money; amending Minnesota Statutes 1982, section 40.07, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 273.

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

Skoglund, Metzen, Heinitz, Norton and Welle introduced:

H. F. No. 176, A bill for an act relating to financial institutions; providing that Small Business Administration guaranteed loans are collateral for public deposits; amending Minnesota Statutes 1982, section 118.01, subdivision 1.

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

Peterson, Ogren, Graba, Wenzel and Carlson, D., introduced:

H. F. No. 177, A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1982, sections 62E.52, subdivisions 2 and 3; 62E.53, subdivisions 1 and 2; 62E.531, subdivision 2; 62E.54, by adding a subdivision; and 256.98; proposing new law coded in Minnesota Statutes, chapter 62E.

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

Kelly introduced:

H. F. No. 178, A bill for an act relating to unemployment compensation; providing benefits to those losing jobs through no fault of their own; amending Minnesota Statutes 1982, section 268.09, subdivision 1.

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

Beard, Munger, Begich, Price and Stadum introduced:

H. F. No. 179, A bill for an act relating to environment; providing for the reclamation of peat bogs; amending Minnesota Statutes 1982, sections 93.44; 93.46, subdivision 2, and by adding a subdivision; 93.47, subdivisions 2 and 5; and 93.481, subdivision 1.

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

Minne, Jacobs, Otis and Voss introduced:

H. F. No. 180, A bill for an act relating to public utilities; providing for the regulation of certain cooperative electric associations; amending Minnesota Statutes 1982, section 216B.02, subdivision 4.

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

McDonald, Dimler, Jensen and DenOuden introduced:

H. F. No. 181, A bill for an act relating to the environment; prohibiting the use of eminent domain proceedings for acquiring land and property rights for hazardous waste facility sites; amending Minnesota Statutes 1982, section 115A.06, subdivision 4.

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

Riveness, Vellenga, Pauly, Elioff and Rodriguez, C., introduced:

H. F. No. 182, A bill for an act relating to the metropolitan transit commission; special fares for jobseekers; amending Minnesota Statutes 1982, section 473.408, by adding a subdivision.

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

McDonald, Gutknecht, Dimler and Findlay introduced:

H. F. No. 183, A bill for an act proposing an amendment to the Minnesota Constitution, article I; by adding a section; providing for equality of rights under the law for men and women.

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

Clawson and Onnen introduced:

H. F. No. 184, A bill for an act relating to nursing homes; requiring new procedures for determining nursing home rates; appropriating money; amending Minnesota Statutes 1982, sections 256B.41; 256B.47; and 256B.48; proposing new law coded in Minnesota Statutes, chapter 256B; repealing Minnesota Statutes 1982, 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.

DenOuden; McDonald; Rodriguez, C.; Schafer and Jensen introduced:

H. F. No. 185, A bill for an act relating to the environment; requiring legislative concurrence in any finding by the waste management board that certain hazardous waste management techniques are insufficient for the state; amending Minnesota Statutes 1982, section 115A.24, subdivision 1.

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

DenOuden, Shaver and Rodriguez, C., introduced:

H. F. No. 186, A bill for an act relating to the environment; requiring mandatory minimum jail sentences for persons convicted of violating laws or rules relating to hazardous waste disposal; providing that unlawful disposal of hazardous wastes is a felony; prescribing penalties; amending Minnesota Statutes 1982, section 115.071, subdivision 2, and by adding a subdivision.

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

DenOuden, Jensen and Shaver introduced:

H. F. No. 187, A bill for an act relating to the waste management board; removing the board's exemption from the Administrative Procedure Act for certain activities; suspending those activities of the board pending rule adoption; requiring the board to repeat the activities after rules are adopted; appropriating money; amending Minnesota Statutes 1982, sections 115A.09, subdivisions 2 and 3; 115A.11, subdivision 2; 115A.20; 115A.21, subdivisions 2 and 3; 115A.27, subdivision 2; 115A.28, subdivision 2; 115A.35; 115A.37, subdivision 2.

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



McDonald; Rodriguez, C.; Jensen; DenOuden and Dimler introduced:

H. F. No. 188, A bill for an act relating to the environment; suspending site selection procedures of the waste management board and the pollution control agency until the board adopts a hazardous waste management plan; 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.

REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

Eken for the Committee on Rules and Legislative Administration offered the following report on the proposed Permanent Rules of the House for the Seventy-Third Session:

The Permanent Rules of the House of Representatives for the Seventy-Second Session shall be the Permanent Rules for the Seventy-Third Session but amended as follows:

(1) Rule 1.8 is amended to read:

1.8 THIRD READING OF BILLS. No amendment shall be received (ON) *after* 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.

(2) Rule 1.10 is amended to read:

1.10 TAX AND APPROPRIATION BILLS GIVEN PRECEDENCE. At any time after (APRIL 13, 1981) *April 11, 1983*, 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.

(3) Rule 1.16 is amended to read:

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 the 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 the second reading and placed at the foot of General Orders.

Such a 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 (MAY 15, 1981) *May 13, 1983*, 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.

(4) Rule 3.4 is amended to read:

**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.

In (1981) 1983 notice of intention to move reconsideration shall not be in order after (MONDAY, APRIL 27) *Monday, April 25.*

(5) Rule 5.9 is amended to read:

**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. *The provisions of this rule, however, shall not apply to the Education Finance Bill.*

(6) Rule 6.1 is amended to read:

**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) *Education Finance*

Energy

Environment and Natural Resources

Financial Institutions and Insurance

General Legislation and Veterans Affairs

*Division: Gaming*

Governmental Operations

Health and Welfare

## Judiciary

*Division: Criminal Justice*

## Labor-Management Relations

*Division: Workers Compensation*

## Local and Urban Affairs

*Division: State-Local Fiscal Affairs*

## (REAPPORTIONMENT AND ELECTIONS)

## Regulated Industries

## Rules and Legislative Administration

## Taxes

*Divisions: (REVENUE) Economic Development*

*Tax Laws*

## Transportation

(7) Rule 6.4 is amended to read:

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 *not* be considered a part of a bill or any indication of legislative intent.

(8) Rule 6.11 is amended to read:

**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 (1981) 1983 except after (MAY 14) *May 16*; 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.

(9) Rule 9.3 is amended to read:

**9.3 DEADLINES.** In (1981) 1983, committee reports on bills favorably acted upon by a committee in the house of origin after (FRIDAY, APRIL 10) *Friday, April 8* and committee reports on bills originating in the other house favorably acted upon by a committee after (FRIDAY, APRIL 24) *Monday, April 25* 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 (APRIL 10) *April*

8 and (APRIL 24) *April 25* acts on a bill that is a companion to a bill that has then been acted upon by (APRIL 10) *April 8* in the Senate. This rule does not apply in the House Committees on Appropriations and on Taxes.

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, February 7, 1983. The motion prevailed.

### CONSENT CALENDAR

S. F. No. 41 was reported to the House.

Upon objection of ten members S. F. No. 41 was stricken from the Consent Calendar and returned to General Orders.

H. F. No. 55, A bill for an act relating to towns; setting the time for posting audit reports; amending Minnesota Statutes 1982, section 366.22.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Findlay	Kvam	Peterson	Skoglund
Anderson, G.	Fjoslien	Larsen	Piepho	Solberg
Anderson, R.	Forsythe	Levi	Piper	Sparby
Battaglia	Frerichs	Long	Price	Stadum
Beard	Graba	Ludeman	Quinn	Staten
Begich	Greenfield	Mahn	Quist	Sviggum
Bennett	Gruenes	Marsh	Redalen	Swanson
Bergstrom	Gustafson	McDonald	Reif	Thiede
Blatz	Gutknecht	McEachern	Rice	Tomlinson
Brandl	Halberg	McKasy	Riveness	Uphus
Brinkman	Haukoos	Metzen	Rodosovich	Valan
Burger	Heap	Minne	Rodriguez, C.	Valento
Carlson, D.	Heinitz	Munger	Rodriguez, F.	Vanasek
Carlson, L.	Himle	Murphy	Rose	Vellenga
Clark, J.	Hoberg	Nelson, D.	St. Onge	Voss
Clark, K.	Hoffman	Nelson, K.	Sarna	Waltman
Cohen	Jacobs	Neuenschwander	Schafer	Welch
Coleman	Jensen	Norton	Scheid	Welker
Dempsey	Johnson	O'Connor	Schoenfeld	Welle
DenOuden	Kahn	Ogren	Schreiber	Wenzel
Dimler	Kalis	Olsen	Seaberg	Wigley
Eken	Kelly	Omann	Segal	Wynia
Elioff	Knickerbocker	Onnen	Shaver	Speaker Sieben
Ellingson	Knuth	Osthoff	Shea	
Erickson	Kostohryz	Otis	Sherman	
Evans	Krueger	Pauly	Simoneau	

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 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. 25 which it recommended to pass.

H. F. No. 22 which it recommended progress until Monday, February 7, 1983.

S. F. No. 41 which it recommended to pass with the following amendment offered by Kelly:

Page 3, line 10, delete "97-456" and insert "97-448"

Page 3, after line 15, insert:

"Sec. 3. Minnesota Statutes 1982, section 383A.411, is amended by adding a subdivision to read:

*Subd. 4. Ramsey County may issue and sell from time to time general obligation bonds of the county in an aggregate principal amount not to exceed \$5,000,000 to finance the construction, installation, modification, or improvement of heating, cooling, and domestic hot water systems serving buildings owned in whole or part, operated, or maintained by the county or the Ramsey County medical center commission. The county shall pledge its full faith and credit and taxing powers for the payment of the bonds. Except as provided in this section, the bonds shall be issued in accordance with Minnesota Statutes, chapter 475. The bonds may be issued and sold without submitting the question of the issuance of the bonds to a vote by the people. The bonds shall be in a form and bear interest at the rate that the county prescribes and shall be sold by the county to the bidder with the most favorable bid, after notice of the time and place for the receiving of the bids has been published according to law. The bonds shall not be included in computing the net debt of the county under any law, and the taxes required for payment of the bonds and interest on them shall not be subject to any limitation provided by other law.*

Sec. 4. Minnesota Statutes 1982, section 383A.411, is amended by adding a subdivision to read:

*Subd. 5. In substitution of, but not in addition to, powers granted to Ramsey County in subdivision 4, Ramsey County may levy and collect a tax, not to exceed the lesser of \$5,000,000 or two mills, upon all taxable property in Ramsey County to finance the construction, installation, modification, or improvement of heating, cooling, and domestic hot water systems serving buildings owned in whole or part, operated, or maintained by the county or Ramsey County medical center commission. A levy made pursuant to this subdivision shall not be subject to any limitation provided by other law.*

Sec. 5. Minnesota Statutes 1982, section 383A.411, is amended by adding a subdivision to read:

*Subd. 6. The bonds described in subdivision 4 may not be issued and the tax described in subdivision 5 may not be levied until construction is commenced on a district heating system in St. Paul which is designed for heating or cooling or domestic hot water service to one or more buildings owned in whole or part, operated, or maintained by the county or the Ramsey County medical center commission.*

Sec. 6. [REPEALER.]

*Minnesota Statutes 1982, section 383A.411, subdivisions 1, 2, and 3 are repealed."*

Page 3, line 16, delete "3" and insert "7"

Page 3, line 17, after "1982." insert "Sections 3, 4, 5, and 6 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of Ramsey County."

Amend the title as follows:

Page 1, line 2, delete "taxation; income" and insert "public finance"

Page 1, line 4, after "form;" insert "authorizing Ramsey County to issue bonds or levy taxes to finance the installation or improvement of heating, cooling, and domestic hot water systems;

Page 1, line 5, delete "section" and insert "sections"

Page 1, line 5, after "amended;" insert "and 383A.411, by adding subdivisions;"

Page 1, line 7, after "9" insert "; repealing Minnesota Statutes 1982, section 383A.411, subdivisions 1, 2, and 3"

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



## MOTIONS AND RESOLUTIONS

Begich moved that the name of Levi be added as an author on H. F. No. 138. The motion prevailed.

Skoglund moved that the name of Clark, K., be added as an author on H. F. No. 141. The motion prevailed.

Reif moved that the name of Berkelman be added as an author on H. F. No. 150. The motion prevailed.

Thiede moved that the name of Bennett be added as an author on H. F. No. 54. The motion prevailed.

Fjoslien moved that the name of Findlay be stricken and the name of Wenzel be added as an author on H. F. No. 73. The motion prevailed.

Heap moved that his name be stricken as an author on H. F. No. 154. The motion prevailed.

Minne moved that the name of Begich be added as an author on H. F. No. 180. The motion prevailed.

Skoglund moved that the name of Long be added as an author on H. F. No. 164. The motion prevailed.

## ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, February 7, 1983. 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 7, 1983.

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

## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## TWELFTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 7, 1983

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 Richard Goebel, Zion Lutheran Church, St. Paul, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Erickson	Knuth	Pauly	Simoneau
Anderson, G.	Evans	Kostohryz	Peterson	Skoglund
Anderson, R.	Findlay	Krueger	Piepho	Solberg
Battaglia	Fjoslien	Kvam	Piper	Sparby
Beard	Forsythe	Larsen	Price	Stadum
Begich	Frerichs	Long	Quinn	Staten
Bennett	Graba	Ludeman	Quist	Sviggum
Bergstrom	Greenfield	Mann	Redalen	Swanson
Berkelman	Gruenes	Marsh	Reif	Thiede
Bishop	Gustafson	McDonald	Rice	Tomlinson
Blatz	Gutknecht	McEachern	Riveness	Tunheim
Brandl	Halberg	McKasy	Rodosovich	Uphus
Brinkman	Haukoos	Metzen	Rodriguez, C.	Valan
Burger	Heap	Minne	Rodriguez, F.	Valento
Carlson, D.	Heinitz	Munger	Rose	Vanasek
Carlson, L.	Himle	Nelson, D.	St. Onge	Vellenga
Clark, J.	Hoberg	Nelson, K.	Sarna	Voss
Clark, K.	Hoffman	Neuenschwander	Schafer	Waltman
Clawson	Hokr	Norton	Scheid	Welch
Cohen	Jacobs	O'Connor	Schoenfeld	Welker
Coleman	Jennings	Ogren	Schreiber	Welle
DenOuden	Jensen	Olsen	Seaberg	Wenzel
Dimler	Johnson	Omann	Segal	Wigley
Eken	Kahn	Onnen	Shaver	Wynia
Elioff	Kalis	Osthoff	Shea	Zaffke
Ellingson	Kelly	Otis	Sherman	Speaker Sieben

A quorum was present.

Dempsey, Knickerbocker, Levi and Murphy were excused.

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 S. F. No. 41 have been placed in the members' files.

## REPORTS OF STANDING COMMITTEES

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 57, A bill for an act relating to local government; permitting towns to self insure the bond requirements of certain officers; amending Minnesota Statutes 1982, section 471.981, by adding a subdivision.

Reported the same back with the following amendments:

After line 12, 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.

## SECOND READING OF HOUSE BILLS

H. F. No. 57 was read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Otis; Voss; Nelson, K., and Price introduced:

H. F. No. 189, A bill for an act relating to energy; requiring certain conservation investments by regulated utilities; amending Minnesota Statutes 1982, sections 116J.09; 116J.18, subdivision 1a; 216A.07, subdivision 3; 216B.03; 216B.16, subdivision 1; and 216B.241, subdivisions 1, 2, and 3.

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

Frerichs, Schoenfeld, Shea and Gutknecht introduced:

H. F. No. 190, A bill for an act relating to courts; providing for the appointment of a court commissioner to solemnize marriages in Dodge and Olmsted counties; proposing new law coded in Minnesota Statutes, chapter 517.

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

Eken and Hoberg introduced:

H. F. No. 191, A bill for an act relating to cities; directing the department of energy, planning and development to identify border city equalization zones; providing disparity relief measures; providing development powers to cities; amending Minnesota Statutes 1982, sections 272.02; subdivision 1; 273.1312, subdivision 4; 273.75; subdivision 1; 290.06, by adding a subdivision; and 290.08, by adding a subdivision; and proposing new law coded in Minnesota Statutes, chapter 459.

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

Clawson, O'Connor, Fjoslien, Mann and Kelly introduced:

H. F. No. 192, A bill for an act relating to animals; prohibiting the transfer of unredeemed, impounded animals for experimental purposes; amending Minnesota Statutes 1982, section 35.71.

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

Clark, J.; Long; Sarna; Clark, K., and Otis introduced:

H. F. No. 193, A bill for an act relating to the city of Minneapolis; changing the position of cable communications officer to the unclassified service; amending Laws 1969, chapter 937, section 1, subdivision 9, as amended.

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

**St. Onge introduced:**

H. F. No. 194, A bill for an act relating to labor; creating an exemption from state minimum wage for certain live-in child care county employees; amending Minnesota Statutes 1982, section 177.23, subdivision 7.

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

**Segal; Staten; Clark, K.; Otis and Greenfield introduced:**

H. F. No. 195, A bill for an act relating to the environment; establishing an environmental response, compensation, and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, economic loss, and damage to natural resources resulting from releases of hazardous substances; imposing taxes, fees, and penalties; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; proposing new law coded as Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1982, section 115A.24, subdivision 2.

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

**Price, Hoffman, Beard and Peterson introduced:**

H. F. No. 196, A bill for an act relating to the environment; establishing an environmental response, compensation, and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, economic loss, and damage to natural resources resulting from releases of hazardous substances; imposing taxes, fees, and penalties; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; proposing new law coded as Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1982, section 115A.24, subdivision 2.

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

Kelly, Osthoff, O'Connor, Cohen and Murphy introduced:

H. F. No. 197, A bill for an act relating to the environment; establishing an environmental response, compensation, and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, economic loss, and damage to natural resources resulting from releases of hazardous substances; imposing taxes, fees, and penalties; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; proposing new law coded as Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1982, section 115A.24, subdivision 2.

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

Knuth; Quinn; Nelson, D.; Skoglund and Rose introduced:

H. F. No. 198, A bill for an act relating to the environment; establishing an environmental response, compensation, and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, economic loss, and damage to natural resources resulting from releases of hazardous substances; imposing taxes, fees, and penalties; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; proposing new law coded as Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1982, section 115A.24, subdivision 2.

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

Gruenes introduced:

H. F. No. 199, A bill for an act relating to the town of St. Cloud; permitting the town property tax to exceed statutory levy limits.

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

Nelson, D.; Heinitz; Larsen; Simoneau and Jacobs introduced:

H. F. No. 200, A bill for an act relating to the environment; prohibiting solid and hazardous waste disposal and processing facilities from certain types of locations; amending Minnesota Statutes 1982, sections 115A.09, by adding a subdivision; 115A.20; 115A.46, by adding a subdivision; and 116.081, by adding a subdivision.

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

O'Connor; Kvam; Onnen; Anderson, G., and Otis introduced:

H. F. No. 201, A bill for an act relating to taxation; making administrative and technical changes to income tax and property tax refund provisions; imposing a penalty; amending Minnesota Statutes 1982, sections 13.46, subdivision 2; 176.231, subdivision 9; 290.032, subdivision 2; 290.06, subdivisions 1, 2c, 2e, as amended, and 3d; 290.068, subdivision 3; 290.077, subdivisions 1 and 4; 290.081; 290.09, subdivisions 1, 6, and 29; 290.095, subdivisions 3 and 7; 290.12, subdivision 2; 290.17, subdivision 2; 290.21, subdivision 4; 290.26, subdivision 2; 290.39, subdivision 1; 290.49, subdivision 8; 290.50, subdivisions 1 and 5; 290.53, subdivision 3a and by adding a subdivision; 290.531; 290.92, subdivision 5a; 290A.03, subdivision 13; 290A.04, subdivision 3; 290A.06; 290A.111, subdivision 2; 290A.112, subdivision 2; 609.50; and Laws 1981, Third Special Session chapter 2, article III, section 22, as amended; and article IV, section 14; and repealing Minnesota Statutes 1982, sections 136A.235; 290.01, subdivision 25; 290.07, subdivision 5a; 290.071, subdivisions 2, 3, 4, and 6; 290.26, subdivision 2a; 290.34, subdivision 3; 290.48, subdivision 6; 290A.04, subdivisions 2c and 2d.

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

Carlson, D., introduced:

H. F. No. 202, A bill for an act relating to the Minnesota humane society; providing for appointment of the executive director by the governor; amending Minnesota Statutes 1982, section 343.01, subdivision 3.

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

Carlson, D., introduced:

H. F. No. 203, A bill for an act relating to game and fish; shortening the permissible season for certain game birds; amending Minnesota Statutes 1982, section 100.27, subdivision 5.

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

Carlson, D., introduced:

H. F. No. 204, A bill for an act relating to agriculture; creating an agricultural revitalization trust fund and board of trustees; authorizing the expenditure of funds for agricultural revitalization; altering the distribution of property taxes levied by taxing districts; appropriating money; proposing new law coded as Minnesota Statutes, chapter 17C.

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

Carlson, D., introduced:

H. F. No. 205, A bill for an act relating to transportation; providing for the erection of a directional sign designating marked trunk highway No. 23, the Evergreen Memorial Drive, as the Scenic Route to Duluth; amending Minnesota Statutes 1982, section 161.14, subdivision 6.

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

Carlson, D., introduced:

H. F. No. 206, A bill for an act relating to retirement; guaranteeing public employees pension benefits; 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.



Carlson, D., and Johnson introduced:

H. F. No. 207, A bill for an act relating to game and fish; authorizing the use of dogs in taking bear; amending Minnesota Statutes 1982, section 100.29, subdivision 14.

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

Carlson, D., introduced:

H. F. No. 208, A bill for an act relating to retirement; providing that membership in public pension systems shall be an enforceable contractual right; proposing new law coded in chapter 356; repealing Minnesota Statutes 1982, sections 352.022; 353.38; and 354.07, subdivision 8.

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

Carlson, D., introduced:

H. F. No. 209, A bill for an act relating to cable communications; allowing for the designation and development of rural cable service territories; amending Minnesota Statutes 1982, sections 238.02, by adding subdivisions; 238.03; 238.05, by adding a subdivision; 238.08, subdivision 1; 238.09, subdivision 1; and 308.05, 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.

Carlson, D., introduced:

H. F. No. 210, A bill for an act relating to historical societies; fixing the maximum city or town tax for a county historical society; amending Minnesota Statutes 1982, section 138.053.

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

Scheid, Minne, Ogren, Schreiber and Dempsey introduced:

H. F. No. 211, A bill for an act relating to taxation; increasing the amount of reduced valuations required to be maintained as public record; allowing the commissioner discretion in apportioning levies; increasing the amount of reduction in valuation requiring an opportunity for hearing; allowing county auditors to combine legal descriptions over section lines; classifying farm rental value data; excluding certain corporations from receiving agricultural property tax valuation; providing for the assessment of certain class 3 property based upon its use; clarifying the requirements for homesteads of members of the armed forces; requiring publication of certain requirements for obtaining a homestead after the assessment date; clarifying the method of assessment for certain low income properties; providing for split classification of certain homestead property; removing special taxing districts from levy limits; allowing counties to charge for NSF checks; providing for rounding of tax amounts on tax statements; directing the use of the previous years mill rate when distributing delinquent tax proceeds; changing the date for filing list of delinquent personal property taxes; extending application of the alternate sale procedure; increasing the fee for lost deeds; removing certain exempt entities from payment of mortgage registration tax; changing the process for distributing mortgage registration tax proceeds; raising the fee for trip permits; requiring filing of an amended estate tax return in certain situations; clarifying the date interest accrues on estate tax amounts due; providing for department action following the filing of an amended return; requiring state's share of federal credit to not be less than state's share of the estate; providing a definition of surviving spouse for estate tax purposes; requiring filing of final account to commissioner of revenue; changing the requirement for filing a declaration of estimated gross earnings tax; imposing a penalty for failure to pay estimated gross earnings tax; extending the time allowed to claim gasoline or special fuel tax refunds; changing the requirements relating to distribution of free samples of cigarettes; imposing a penalty for failure to pay the tax on wines and spirituous liquors; conforming penalties for nonpayment of tax on deed to penalties imposed on other taxes; requiring payment of current taxes before a plat is recorded; amending Minnesota Statutes 1982, sections 270.10, subdivisions 1 and 3; 270.12, subdivision 3; 270.19; 272.46, subdivision 1; 273.11, subdivision 7; 273.111, subdivision 3; 273.13, subdivisions 4, 10, 16, 17, 17b, 17c, and by adding a subdivision; 275.50, subdivision 2; 276.02; 276.04; 276.10; 277.02; 282.01, subdivision 7a; 282.33, subdivision 1; 287.06; 287.08; 291.005, subdivision 1; 291.03, subdivision 1; 291.07, subdivision 1; 291.09, subdivision 3a; 291.131, subdivision 6; 291.132, subdivision 1; 291.215, subdivision 3; 295.365; 295.366, subdivision 1; 296.17, subdivisions 3 and 17; 297.03, subdivision 10; 340.485, subdivision 1, and by adding subdivisions; 340.492; 505.04; 524.3-1001; 524.3-1003; and 524.3-1204; repealing Minnesota Statutes 1982, sections 272.022; 272.023; 272.024; 273.13, subdivision 18; 273.-

23; 273.24; 273.28; 273.29; 273.30; 273.31; 273.34; 273.43; 273.44; 273.45; 273.52; 288.01; 288.02; 288.03; 288.04; 288.05; 291.07, subdivision 3; 473F.04; and 477A.04.

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

Clawson; Clark, J.; Seaberg; Kelly and Dempsey introduced:

H. F. No. 212, A bill for an act relating to probate; requiring annual reports on the personal well-being of wards or conservatees; amending Minnesota Statutes 1982, section 525.58, by adding a subdivision.

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

O'Connor, Sarna and Rodriguez, F., introduced:

H. F. No. 213, A bill for an act relating to the city of St. Paul; providing for the reinstatement of St. Paul policeman's pension fund benefits in certain circumstances.

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

Frerichs, Bishop, Berkelman, Brinkman and Dempsey introduced:

H. F. No. 214, A bill for an act relating to the city of Rochester; permitting the imposition of certain taxes within the city; permitting the issuance of general obligation bonds for park and recreation and flood control purposes.

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

Frerichs, Gutknecht, Wenzel and Waltman introduced:

H. F. No. 215, A bill for an act relating to local government; authorizing flood control projects by the city of Rochester, Olmsted County and the Olmsted county soil conservation district.

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

Erickson; Anderson, B.; Stadum and Simoneau introduced:

H. F. No. 216, A bill for an act relating to workers' compensation; providing for evidence of coverage in certain situations; amending Minnesota Statutes 1982, section 176.182.

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

Redalen, Uphus, Shea, Graba and Erickson introduced:

H. F. No. 217, A bill for an act relating to taxes; modifying the definition of agricultural land; amending Minnesota Statutes 1982, section 273.13, subdivision 6.

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

Kelly, Seaberg, Vanasek, Welch and Clark, J., introduced:

H. F. No. 218, A bill for an act relating to crimes; expanding the rights of victims of crime; affirming the right of victims to bring civil 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; requiring criminal justice agencies to inform victims of financial assistance and social services; providing for minimal victim participation in the criminal process; providing penalties; amending Minnesota Statutes 1982, sections 241.26, subdivisions 5 and 6; 243.23, subdivision 3; 571.55, by adding a subdivision; 609.498; and 631.425, subdivision 5; proposing new law coded as Minnesota Statutes, chapter 611A.

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

Kelly, Gustafson, Greenfield, Long and McKasy introduced:

H. F. No. 219, A bill for an act relating to commitment of persons who are mentally ill, mentally retarded, or mentally ill and dangerous; requiring mental commitment proceedings for persons acquitted of a criminal charge pursuant to a verdict of not guilty by reason of mental illness or not guilty by reason of mental retardation to be held in the court in which acquittal took place; modifying the standard of proof on the issues of mental illness, mental retardation, and mental illness and dangerousness in certain cases; amending Minnesota Statutes 1982, sections 253B.02, subdivision 4, and by adding sub-

divisions; 253B.07, subdivisions 1, 2, 3, and 7; 253B.08, subdivision 7; 253B.09, subdivision 1; 253B.12, subdivision 4; 253B.18, subdivision 1; 253B.19, subdivision 1; 253B.21, subdivision 5; 253B.23, subdivisions 7 and 9; and 611.026; proposing new law coded in Minnesota Statutes, chapter 253B.

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

Piepho, McDonald and Dimler introduced:

H. F. No. 220, 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.

Erickson, Battaglia and Carlson, D., introduced:

H. F. No. 221, A bill for an act relating to state parks; deleting certain lands from the boundaries of Blue Mounds state park.

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

Welker, Begich, Redalen and Battaglia introduced:

H. F. No. 222, A bill for an act relating to tax-forfeited lands; requiring their sale before classification by the county; amending Minnesota Statutes 1982, section 282.01, subdivision 1.

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

Ogren, Skoglund, Evans and Kelly introduced:

H. F. No. 223, A bill for an act relating to taxation; authorizing the assessment of personal liability of corporate or partnership officers or employees; deleting obsolete references; provid-

ing for service of summons and subpoena by mail; setting the amount of bond for liquor licenses and making them conditioned on payment of taxes to the state; providing that tax liens include certain costs; providing for the filing of liens and the transcription of liens to other counties; eliminating the requirement of notification to commissioner of foreclosure in certain instances; providing for the assessment of taxes; providing time limitations for court proceedings to collect certain taxes; providing for a suspension of certain time limitations in bankruptcy cases; clarifying the classification of tax claims in estates; providing a bond requirement to secure withholding taxes; providing that state contract settlement proceeds be applied to unpaid withholding taxes of contractors or subcontractors; amending Minnesota Statutes 1982, sections 270.06; 270.10, by adding a subdivision; 270.69, subdivisions 1, 4, 7, and by adding a subdivision; 270.70, subdivisions 1, 10, and 14; 290.49, subdivision 6; 290.58; 290.92, subdivisions 6 and 6a; 290.97; 297A.34, subdivisions 4, 5, and by adding a subdivision; 290A.42, subdivision 2; 340.12; and 524.3-805.

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

McEachern; Nelson, K.; Levi; Sieben and Jennings introduced:

H. F. No. 224, A bill for an act relating to education; transferring the powers and duties of the state board of education and the state board for vocational education to the commissioner of education; abolishing the state board of education and the state board for vocational education; proposing new law coded in Minnesota Statutes, chapter 121; repealing Minnesota Statutes 1982, sections 121.02; 121.03; 121.11, subdivision 1; and 121.16.

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

Carlson, D., introduced:

H. F. No. 225, A bill for an act relating to natural resources; destruction of beaver dams; amending Minnesota Statutes 1982, section 97.57.

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 the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 71.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 71, A bill for an act relating to children; changing obsolete references to certain children; amending Minnesota Statutes 1982, sections 127.27, subdivision 6; 144.225, subdivision 2; 256.01, subdivision 2; 256.88; 256.91; 256.93; 257.34, subdivision 1; 260.221; 393.07, subdivision 1; 423.387, subdivision 2; 423.58, subdivision 2; 487.19, subdivision 1; 525.172; 525.173; 609.37; and 617.22.

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

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 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 one week and shall receive a stipend of \$10.00 per day. The stipend for high school pages that have moved from their usual place of residence shall be \$25.00 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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Knuth	Otis	Skoglund
Anderson, G.	Findlay	Kostohryz	Pauly	Solberg
Anderson, R.	Fjoslien	Krueger	Peterson	Sparby
Battaglia	Forsythe	Kvam	Piepho	Staten
Beard	Frerichs	Larsen	Piper	Swiggum
Begich	Graba	Long	Price	Swanson
Bennett	Greenfield	Ludeman	Quinn	Thiede
Bergstrom	Gruenes	Mann	Quist	Tomlinson
Berkelman	Gustafson	Marsh	Redalen	Tunheim
Blatz	Gutknecht	McDonald	Reif	Uphus
Brandl	Halberg	McEachern	Riveness	Valan
Brinkman	Haukoos	McKasy	Rodosovich	Valento
Burger	Heap	Metzen	Rodriguez, C.	Vanasek
Carlson, D.	Heinitz	Minne	Rodriguez, F.	Vellenga
Carlson, L.	Himle	Munger	Rose	Voss
Clark, J.	Hoberg	Nelson, D.	Sarna	Waltman
Clawson	Hoffman	Nelson, K.	Schafer	Welch
Cohen	Hokr	Neuenschwander	Scheid	Welker
Coleman	Jacobs	Norton	Schoenfeld	Welle
DenOuden	Jennings	O'Connor	Schreiber	Wenzel
Dimler	Jensen	Ogren	Seaberg	Wigley
Eken	Johnson	Olsen	Segal	Wynia
Elioff	Kahn	Omann	Shaver	Zaffke
Ellingson	Kalis	Onnen	Shea	Speaker Sieben
Erickson	Kelly	Osthoff	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 those members and members-elect who attended the Freshman Orientation and Legislative Orientation Programs held in preparation for the 73rd 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 72nd Legislative Session.

The question was taken on the adoption of the resolution and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Clark, J.	Graba	Jensen	McEachern
Anderson, G.	Clawson	Greenfield	Johnson	McKasy
Anderson, R.	Cohen	Gruenes	Kahn	Metzen
Battaglia	Coleman	Gustafson	Kalis	Minne
Beard	DenOuden	Gutknecht	Kelly	Munger
Begich	Dimler	Halberg	Knuth	Nelson, D.
Bennett	Eken	Haukoos	Kostohryz	Nelson, K.
Bergstrom	Elioff	Heap	Krueger	Neuenschwander
Berkelman	Ellingson	Heinitz	Kvam	Norton
Bishop	Erickson	Himle	Larsen	O'Connor
Blatz	Evans	Hoberg	Long	Ogren
Brandl	Findlay	Hoffman	Ludeman	Olsen
Brinkman	Fjoslien	Hokr	Mann	Omann
Burger	Forsythe	Jacobs	Marsh	Onnen
Carlson, L.	Frerichs	Jennings	McDonald	Osthoff



Otis	Riveness	Seaberg	Sviggum	Voss
Pauly	Rodosovich	Segal	Swanson	Waltman
Peterson	Rodriguez, C.	Shaver	Thiede	Welch
Piepho	Rodriguez, F.	Shea	Tomlinson	Welker
Piper	Rose	Sherman	Tunheim	Welle
Price	Sarna	Skoglund	Uphus	Wenzel
Quinn	Schafer	Solberg	Valan	Wigley
Quist	Scheid	Sparby	Valento	Wynia
Redalen	Schoenfeld	Stadum	Vanasek	Zaffke
Reif	Schreiber	Staten	Vellenga	Speaker Sieben

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, of the bill issued by such company on the credit account established for such member in his/her capacity as a state representative.

The question was taken on the adoption of the resolution and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Knuth	Piepho	Sparby
Anderson, G.	Evans	Kostohryz	Piper	Stadum
Anderson, R.	Findlay	Krueger	Price	Staten
Battaglia	Fjoslien	Larsen	Quinn	Sviggum
Beard	Forsythe	Long	Quist	Swanson
Begich	Frerichs	Ludeman	Redalen	Thiede
Bennett	Graba	Mann	Reif	Tomlinson
Bergstrom	Greenfield	Marsh	Rice	Tunheim
Berkelman	Gruenes	McDonald	Riveness	Uphus
Bishop	Gustafson	McEachern	Rodosovich	Valan
Blatz	Gutknecht	McKasy	Rodriguez, C.	Valento
Brandl	Halberg	Metzen	Rodriguez, F.	Vanasek
Brinkman	Haukoos	Minne	Rose	Vellenga
Burger	Heap	Munger	St. Onge	Voss
Carlson, D.	Heinitz	Nelson, D.	Sarna	Waltman
Carlson, L.	Himle	Nelson, K.	Schafer	Welch
Clark, J.	Hoberg	Neuenschwander	Scheid	Welker
Clark, K.	Hoffman	Norton	Schoenfeld	Welle
Clawson	Hokr	O'Connor	Schreiber	Wenzel
Cohen	Jacobs	Ogren	Seaberg	Wigley
Coleman	Jennings	Omamn	Segal	Wynia
DenOuden	Jensen	Onnen	Shaver	Zaffke
Dimler	Johnson	Osthoff	Shea	Speaker Sieben
Eken	Kahn	Otis	Sherman	
Elioff	Kalis	Pauly	Skoglund	
Ellingson	Kelly	Peterson	Solberg	

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 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 1984.

The question was taken on the adoption of the resolution and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Kelly	Otis	Sherman
Anderson, G.	Erickson	Knuth	Pauly	Skoglund
Anderson, R.	Evans	Kostohryz	Peterson	Solberg
Battaglia	Fjoslien	Krueger	Piper	Sparby
Beard	Forsythe	Kvam	Price	Stadum
Begich	Frerichs	Larsen	Quinn	Staten
Bennett	Craba	Long	Quist	Sviggum
Bergstrom	Greenfield	Ludeman	Redalen	Swanson
Berkelman	Gruenes	Mann	Reif	Thiede
Bishop	Gustafson	Marsh	Rice	Tomlinson
Blatz	Gutknecht	McDonald	Riveness	Tunheim
Brandl	Halberg	McEachern	Rodosovich	Uphus
Brinkman	Haukoos	McKasy	Rodriguez, C.	Valan
Burger	Heap	Metzen	Rodriguez, F.	Valento
Carlson, D.	Heinitz	Minne	Rose	Vanasek
Carlson, L.	Himle	Nelson, D.	St. Onge	Vellenga
Clark, J.	Hoberg	Nelson, K.	Sarna	Voss
Clark, K.	Hoffman	Neuenschwander	Schafer	Waltman
Clawson	Hokr	Norton	Scheid	Welch
Cohen	Jacobs	O'Connor	Schoenfeld	Welker
Coleman	Jennings	Ogren	Schreiber	Welle
DenOuden	Jensen	Olsen	Seaberg	Wenzel
Dimler	Johnson	Omann	Segal	Wynia
Eken	Kahn	Onnen	Shaver	Zaffke
Elioff	Kalis	Osthoff	Shea	Speaker Sieben

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 by 4-1/2 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 12, 1983 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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Kostohryz	Peterson	Skoglund
Anderson, C.	Findlay	Krueger	Piepho	Solberg
Anderson, R.	Fjoslien	Kvam	Piper	Sparberg
Battaglia	Forsythe	Larsen	Price	Stadum
Beard	Frerichs	Long	Quinn	Staten
Begich	Graba	Ludeman	Quist	Sviggum
Bennett	Greenfield	Mann	Redalen	Swanson
Bergstrom	Gruenes	Marsh	Reif	Thiede
Berkelman	Gustafson	McDonald	Rice	Tomlinson
Bishop	Gutknecht	McEachern	Riveness	Tunheim
Blatz	Halberg	McKasy	Rodosovich	Uphus
Brandl	Haukoos	Metzen	Rodriguez, C.	Valan
Brinkman	Heap	Minne	Rodriguez, F.	Valento
Burger	Heinitz	Munger	Rose	Vanasek
Carlson, D.	Himle	Nelson, D.	St. Onge	Vellenga
Carlson, L.	Hoberg	Nelson, K.	Sarna	Voss
Clark, J.	Hoffman	Neuenschwander	Schafer	Waltman
Clark, K.	Hokr	Norton	Scheid	Welch
Clawson	Jacobs	O'Connor	Schoenfeld	Welker
Coleman	Jennings	Ogren	Schreiber	Welle
DenOuden	Jensen	Olsen	Seaberg	Wenzel
Dimler	Johnson	Omann	Segal	Wigley
Eken	Kahn	Onnen	Shaver	Wynia
Elioff	Kalis	Osthoff	Shea	Zaffke
Ellingson	Kelly	Ortis	Sherman	Speaker Sieben
Erickson	Knuth	Pauly	Simoneau	

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 House of Representatives that the House Administration of the House of Representatives is hereby authorized and directed to prepare and issue warrants in pay-

ment of living expenses and mileage to each member of the House from the Legislative Expense Fund for each calendar day of the Session of the 73rd Legislature.

*Resolved Further*, that living expenses shall be paid to each member of the House in the same amount and in the same manner as during the previous session of the Legislature, as approved by that Legislature on Thursday, February 26, 1981 and reported in the Permanent Journal of the House, page 309.

*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 73rd Legislature for such living expenses whether or not he or she has moved from the usual place of lodging.

Welker, Uphus, Valento, Frerichs, Schafer, Gutknecht, Findlay, Ludeman, Johnson, Thiede, Omann and Sviggum moved to amend the resolution on living expenses and mileage from the Committee on Rules and Legislative Administration as follows:

Page 1, paragraph 2, line 2, strike "the same amount and" and insert "an amount 10% less and otherwise"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 32 yeas and 89 nays as follows:

Those who voted in the affirmative were:

Bishop	Frerichs	McDonald	Schafer	Uphus
Blatz	Gruenes	McKasy	Schreiber	Valento
Burger	Gutknecht	Omann	Seaberg	Waltman
Cohen	Himle	Onnen	Shaver	Welker
Dimler	Johnson	Quist	Skoglund	
Findlay	Ludeman	Redalen	Sviggum	
Fjoslien	Marsh	Reif	Thiede	

Those who voted in the negative were:

Anderson, B.	Clark, J.	Haukoos	Krueger	Otis
Anderson, G.	Clark, K.	Heap	Larsen	Pauly
Anderson, R.	Clawson	Heinitz	Long	Peterson
Battaglia	Coleman	Hoberg	Mann	Piepho
Beard	Eken	Hoffman	McEachern	Piper
Begich	Elioff	Jacobs	Metzen	Price
Bennett	Ellingson	Jennings	Minne	Quinn
Bergstrom	Evans	Jensen	Nelson, D.	Rice
Berkelman	Forsythe	Kahn	Nelson, K.	Riveness
Brandl	Graba	Kalis	Neuenschwander	Rodosovich
Brinkman	Greenfield	Kelly	Norton	Rodriguez, F.
Carlson, D.	Gustafson	Knuth	Ogren	Rose
Carlson, L.	Halberg	Kostohryz	Osthoff	St. Onge

Sarna	Sherman	Staten	Vanasek	Wenzel
Scheid	Simoneau	Swanson	Vellenga	Wynia
Schoenfeld	Solberg	Tomlinson	Voss	Zaffke
Segal	Sparby	Tunheim	Welch	Speaker Sieben
Shea	Stadum	Valan	Welle	

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

The question recurred on the adoption of the resolution and the roll was called. There were 122 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Kelly	Otis	Simoneau
Anderson, C.	Evans	Knuth	Pauly	Solberg
Anderson, R.	Findlay	Kostohryz	Peterson	Sparby
Battaglia	Fjoslien	Krueger	Piepho	Stadum
Beard	Forsythe	Kvam	Piper	Staten
Begich	Frerichs	Larsen	Price	Swanson
Bennett	Graba	Long	Quinn	Thiede
Bergstrom	Greenfield	Mann	Quist	Tomlinson
Berkelman	Gruenes	Marsh	Redalen	Tunheim
Bishop	Gustafson	McDonald	Reif	Valan
Blatz	Cutknecht	McEachern	Rice	Valento
Brandl	Halberg	McKasy	Riveness	Vanasek
Brinkman	Haukoos	Metzen	Rodosovich	Vellenga
Burger	Heap	Minne	Rodriguez, C.	Voss
Carlson, D.	Heinitz	Munger	Rodriguez, F.	Waltman
Carlson, L.	Himle	Nelson, D.	Rose	Welch
Clark, J.	Hoberg	Nelson, K.	St. Onge	Welle
Clark, K.	Hoffman	Neuenschwander	Sarna	Wenzel
Clawson	Hokr	Norton	Scheid	Wigley
Coleman	Jacobs	O'Connor	Schoenfeld	Wynia
DenOuden	Jennings	Ogren	Schreiber	Zaffke
Dimler	Jensen	Olsen	Seaberg	Speaker Sieben
Eken	Johnson	Omann	Segal	
Elioff	Kahn	Onnen	Shaver	
Ellingson	Kalis	Osthoff	Sherman	

Those who voted in the negative were:

Ludeman	Shea	Sviggum	Uphus	Welker
Schafer	Skoglund			

The motion prevailed and the resolution was adopted.

Eken moved that the report of the Committee on Rules and Legislative Administration and the proposed Permanent Rules of the House for the Seventy-Third Session which were reported in the Journal of the House on Thursday, February 3, 1983, and which were laid over until today be now adopted.

The question was taken on the Eken motion and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Knuth	Pauly	Simoneau
Anderson, G.	Evans	Kostohryz	Peterson	Skoglund
Anderson, R.	Findlay	Krueger	Piepho	Solberg
Battaglia	Fjoslien	Kvam	Piper	Sparby
Beard	Forsythe	Larsen	Price	Stadum
Begich	Frerichs	Long	Quinn	Staten
Bennett	Graba	Ludeman	Quist	Svigum
Bergstrom	Greenfield	Mann	Redalen	Swanson
Berkelman	Gruenes	Marsh	Reif	Thiede
Bishop	Gustafson	McDonald	Rice	Tomlinson
Blatz	Gutknecht	McEachern	Riveness	Tunheim
Brandl	Halberg	McKasy	Rodosovich	Uphus
Brinkman	Haukoos	Metzen	Rodriguez, C.	Valan
Burger	Heap	Minne	Rodriguez, F.	Valento
Carlson, D.	Heinitz	Munger	Rose	Vanasek
Carlson, L.	Himle	Nelson, D.	St. Onge	Vellienga
Clark, J.	Hoberg	Nelson, K.	Sarna	Voss
Clark, K.	Hoffman	Neuenschwander	Schafer	Waltman
Clawson	Hokr	Norton	Scheid	Welch
Cohen	Jacobs	O'Connor	Schoenfeld	Welker
Coleman	Jennings	Ogren	Schreiber	Welle
DenOuden	Jensen	Olsen	Seaberg	Wenzel
Dimler	Johnson	Omman	Segal	Wigley
Eken	Kahn	Onnen	Shaver	Wynia
Elioff	Kalis	Osthoff	Shea	Zaffke
Ellingson	Kelly	Otis	Sherman	Speaker Sieben

The motion prevailed and the Permanent Rules of the House for the Seventy-Third Session were adopted as follows:

## 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 after 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 April 11, 1983, 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 May 13, 1983, 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.

In 1983 notice of intention to move reconsideration shall not be in order after Monday, April 25.

**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 or 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. The provisions of this rule, however, shall not apply to the Education Finance Bill.

#### 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

Commerce and Economic Development

Education

Division: Education Finance

Energy

Environment and Natural Resources

Financial Institutions and Insurance

General Legislation and Veterans Affairs

Division: Gaming

Governmental Operations

Health and Welfare

Judiciary

Division: Criminal Justice

Labor-Management Relations

Division: Workers' Compensation

**Local and Urban Affairs****Division: State-Local Fiscal Affairs****Regulated Industries****Rules and Legislative Administration****Taxes****Divisions: Economic Development****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 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.

A Fiscal Note shall not 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 suf-

ficient 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 1983 except after May 16, 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 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 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 1983, committee reports on bills favorably acted upon by a committee in the House of origin after Fri-

day, April 8 and committee reports on bills originating in the other house favorably acted upon by a committee after Monday, April 25 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 April 8 and by April 25 acts on a bill that is a companion to a bill that has then been acted upon by April 8 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.

## CALENDAR

S. F. No. 41, A bill for an act relating to taxation; income; delaying the effective date of the requirement that certain securities be in registered form; amending Minnesota Statutes 1982, section 290.09, subdivision 3, as amended; Laws 1982, Third Special Session chapter 1, article VII, section 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 119 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Begich	Blatz	Carlson, L.	Coleman
Anderson, G.	Bennett	Brandl	Clark, J.	Dimler
Anderson, R.	Bergstrom	Brinkman	Clark, K.	Eken
Battaglia	Berkelman	Burger	Clawson	Elioff
Beard	Bishop	Carlson, D.	Cohen	Ellingson

Evans	Kahn	Norton	Rodriguez, C.	Sviggum
Findlay	Kalis	O'Connor	Rodriguez, F.	Swanson
Forsythe	Kelly	Ogren	Rose	Thiede
Frerichs	Knuth	Olsen	St. Onge	Tomlinson
Graba	Kostohryz	Onnen	Sarna	Tunheim
Greenfield	Krueger	Osthoff	Scheid	Uphus
Gruenes	Larsen	Otis	Schoenfeld	Valan
Gustafson	Long	Pauly	Schreiber	Valento
Gutknecht	Mann	Peterson	Seaberg	Vanasek
Halberg	Marsh	Piepho	Segal	Vellenga
Haukoos	McDonald	Piper	Shaver	Voss
Heap	McEachern	Price	Shea	Waltman
Heinitz	McKasy	Quinn	Sherman	Welch
Himle	Metzen	Quist	Simoneau	Welle
Hoberg	Minne	Redalen	Skoglund	Wenzel
Hoffman	Munger	Reif	Solberg	Wynia
Jacobs	Nelson, D.	Rice	Sparby	Zaffke
Jensen	Nelson, K.	Riveness	Stadium	Speaker Sieben
Johnson	Neuenschwander	Rodosovich	Staten	

Those who voted in the negative were:

DenOuden	Fjoslien	Kvam	Schafer	Wigley
Erickson	Jennings	Ludeman	Welker	

The bill was passed and its title agreed to.

H. F. No. 25, A bill for an act relating to the city of Lake Park; authorizing the issuance of general obligation bonds to finance construction of municipal facilities.

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:

Anderson, B.	DenOuden	Hoberg	McKasy	Quist
Anderson, G.	Dimler	Hoffman	Metzen	Redalen
Anderson, R.	Eken	Hokr	Minne	Reif
Battaglia	Elioff	Jacobs	Munger	Rice
Beard	Ellingson	Jennings	Nelson, D.	Riveness
Begich	Erickson	Jensen	Nelson, K.	Rodosovich
Bennett	Evans	Johnson	Neuenschwander	Rodriguez, C.
Bergstrom	Findlay	Kahn	Norton	Rodriguez, F.
Berkelman	Fjoslien	Kalis	O'Connor	Rose
Bishop	Forsythe	Kelly	Ogren	St. Onge
Blatz	Frerichs	Knuth	Olsen	Sarna
Brandl	Graba	Kostohryz	Omann	Schafer
Brinkman	Greenfield	Krueger	Onnen	Scheid
Burger	Gruenes	Kvam	Osthoff	Schoenfeld
Carlson, D.	Gustafson	Larsen	Otis	Schreiber
Carlson, L.	Gutknecht	Long	Pauly	Seaberg
Clark, J.	Halberg	Ludeman	Peterson	Segal
Clark, K.	Haukoos	Mann	Piepho	Shaver
Clawson	Heap	Marsh	Piper	Shea
Cohen	Heinitz	McDonald	Price	Sherman
Coleman	Himle	McEachern	Quinn	Simoneau

Skoglund	Sviggum	Uphus	Waltman	Wigley
Solberg	Swanson	Valan	Welch	Wynia
Sparby	Thiede	Valento	Welker	Zaffke
Stadum	Tomlinson	Vanasek	Welle	Speaker Sieben
Staten	Tunheim	Vellenga	Wenzel	

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 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. 22 which it recommended progress with the following amendment offered by Osthoff:

Page 1, line 20, before *"The"* insert *"Following each apportionment of council districts under section 3,"*

Page 1, line 21, delete *"the first Monday in January following"* and insert *"on"*

Page 1, line 22; delete *"an"* and insert *"that"*

Page 1, line 22, delete *"of council districts"*

Page 1, line 30, after *"serve"* insert *"his district"*

Page 1, line 30, before *"successor"* delete *"his"* and insert *"a"*

Page 2, line 1, after *"qualified"* insert *"; except that, following each apportionment, all members shall continue to serve at large until their successors are appointed and qualified"*

Page 11, line 11, delete *"December 31"* and insert *"on the first Monday in January"*

Page 11, line 12, delete *"2"* and insert *"3"*

Page 17, line 10, delete everything after the period

Page 17, delete line 11

Page 17, after line 11, insert:

"Sec. 6. Minnesota Statutes 1982, section 473.141, subdivision 4, is amended to read:

Subd. 4. [QUALIFICATIONS.] Each member shall be a resident of the (PRECINCT) *commission district* for which he is appointed and shall not during his term of office hold the office of metropolitan council member, or be a member of another metropolitan commission, the metropolitan airports commission or the metropolitan sports facilities commission or hold any judicial office. Each member shall qualify by taking and subscribing the oath of office prescribed by the Minnesota Constitution, Article 5, Section 5. Such oath, duly certified by the official administering the same, shall be filed with the executive director of the metropolitan council."

Page 17, line 14, before the first "The" insert "*Following each apportionment of metropolitan council districts under section 3,*"

Page 17, line 15, delete "*the first Monday in January*"

Page 17, line 16, delete "*following*" and insert "*on*" delete "*an*" and insert "*that*" and delete "*of metropolitan*"

Page 17, line 17, delete "*council districts*"

Page 17, line 26, after "*serve*" insert "*his district*"

Page 17, line 27, delete "*his*" and insert "*a*" and after "*qualified*" insert "*; except that, following each apportionment, all members shall continue to serve at large until their successors are appointed and qualified*"

Page 18, after line 19, insert:

"Sec. 9. Minnesota Statutes 1982, section 473.303, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] The commission shall consist of eight members, plus a chairman appointed as provided in subdivision 3. The (EIGHT MEMBERS) *metropolitan council* shall (BE APPOINTED BY THE COUNCIL) *appoint the eight members on a nonpartisan basis*. One member shall be appointed from each of the following commission (PRECINCTS) *districts*:

(1) (PRECINCT) *Commission district A*, consisting of council districts 1 and 2;

(2) (PRECINCT) *Commission district B*, consisting of council districts 3 and (14) 7;



(3) (PRECINCT) *Commission district C*, consisting of council districts 4 and (13) 5;

(4) (PRECINCT) *Commission district D*, consisting of council districts (5) 6 and (6) 10;

(5) (PRECINCT) *Commission district E*, consisting of council districts (7) 8 and (8) 9;

(6) (PRECINCT) *Commission district F*, consisting of council districts (9) 11 and (11) 12;

(7) (PRECINCT) *Commission district G*, consisting of council districts (10) 13 and (12) 14; and

(8) (PRECINCT) *Commission district H*, consisting of council districts 15 and 16.

Sec. 10. Minnesota Statutes 1982, section 473.303, subdivision 4, is amended to read:

Subd. 4. [QUALIFICATIONS.] Each member shall be a resident of the (PRECINCT) *commission district* for which he is appointed and shall not during his terms of office as a commission member hold the office of metropolitan council member, or be a member of the metropolitan transit commission, metropolitan waste control commission, or metropolitan airports commission; or any other metropolitan agency, board, or commission hereafter established by the legislature or hold any judicial office.

Sec. 11. Minnesota Statutes 1982, section 473.303, is amended by adding a subdivision to read:

Subd. 4a. [TERMS.] *Following each apportionment of metropolitan council districts under section 3, the terms of the members and the chairman shall commence on the effective date of that apportionment. The terms of the members and the chairman are as follows: members representing commission districts A, B, C, and D, and the chairman, terms ending the first Monday in January of the year ending in the numeral "7"; and members representing commission districts E, F, G, and H, terms ending the first Monday in January of the year ending in the numeral "5". Thereafter the term of each member and the chairman is four years except that all terms expire on the effective date of the next apportionment. A member or chairman shall continue to serve his district until a successor is appointed and qualified; except that following each apportionment all members shall continue to serve at large until their successors are appointed and qualified.*

Sec. 12. Minnesota Statutes 1982, section 473.303, subdivision 5, is amended to read:

Subd. 5. [(TERMS) VACANCIES, REMOVAL.] (COMMENCING IN APRIL 1974 THE TERMS OF MEMBERS OF THE COMMISSION SHALL BE AS FOLLOWS: MEMBERS REPRESENTING PRECINCTS A, B, C AND D FOR TERMS ENDING THE FIRST MONDAY IN JANUARY 1977, MEMBERS REPRESENTING PRECINCTS E, F, G AND H, AND THE CHAIRMAN, FOR TERMS ENDING THE FIRST MONDAY IN JANUARY 1979. THEREAFTER THE TERM OF EACH MEMBER AND THE CHAIRMAN SHALL BE FOR A TERM OF FOUR YEARS AND UNTIL HIS SUCCESSOR IS APPOINTED AND QUALIFIED.) If the office of any commission member or the chairman becomes vacant, the vacancy shall be filled by appointment in the same manner the original appointment was made. *Members other than the chairman may be removed by the council only for cause. The chairman may be removed at the pleasure of the council.*"

Page 18, lines 22, 23, 29, and 36, delete "9" and insert "14"

Page 18, line 23, delete the period and insert "; *except that all members shall continue to serve at large until*" and delete "shall appoint" and insert "appoints"

Page 18, line 29, delete the period and insert "; *except that all members shall continue to serve at large until*"

Page 18, line 30, delete "shall appoint" and insert "appoints"

Page 18, after line 31, insert:

*"The terms of all commission members serving on the metropolitan parks and open space commission, organized under section 473.303, shall expire on the effective date of sections 1 to 14; except that all commission members shall continue to serve at large until the metropolitan council appointed pursuant to this section appoints commission members as provided under section 473.303, subdivision 2 to serve terms as provided under section 11."*

Page 18, line 33, delete "473.121" and insert "473.123"

Page 18, line 36, delete "on February 15, 1983" and insert "the day following final enactment"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after the semicolon insert "establishing new metropolitan parks and open space commission districts and changing the terms of commission members and chairmen;"

Page 1, line 10, delete "and" and insert a semicolon

Page 1, line 13, after "2" insert ", 4,"

Page 1, line 14, after the semicolon insert "473.303, subdivisions 2, 4, 5, and by adding a subdivision;"

Page 1, line 15, delete "473.121" and insert "473.123"

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. 157 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Education. The motion prevailed.

Staten moved that the name of Piepho be stricken and the name of Wenzel be added as an author on H. F. No. 48. The motion prevailed.

Sarna moved that the name of Jacobs be shown as chief author and Sarna as second author of H. F. No. 13. The motion prevailed.

Frerichs moved that the name of Bishop be added as an author on H. F. No. 215. The motion prevailed.

Frerichs moved that the name of Bishop be added as an author on H. F. No. 190. The motion prevailed.

### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, February 10, 1983. 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 10, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## THIRTEENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 10, 1983

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 R. W. Oltmanns, Saron Lutheran Church, Big Lake, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Evans	Knuth	Peterson	Skoglund
Anderson, G.	Findlay	Krueger	Piepho	Solberg
Anderson, R.	Fjoslien	Kvam	Piper	Sparby
Battaglia	Forsythe	Larsen	Price	Stadum
Beard	Frerichs	Long	Quinn	Staten
Begich	Graba	Ludeman	Quist	Sviggum
Bennett	Greenfield	Mann	Redalen	Swanson
Bergstrom	Gruenes	Marsh	Reif	Thiede
Berkelman	Gustafson	McDonald	Rice	Tomlinson
Bishop	Gutknecht	McEachern	Riveness	Tunheim
Brandl	Halberg	McKasy	Rodosovich	Uphus
Brinkman	Haukoos	Metzen	Rodriguez, C.	Valan
Burger	Heap	Minne	Rodriguez, F.	Valento
Carlson, D.	Heinitz	Munger	Rose	Vanasek
Carlson, L.	Himle	Nelson, D.	St. Onge	Vellenga
Clark, J.	Hoberg	Nelson, K.	Sarna	Waltman
Clark, K.	Hoffman	Neuenschwander	Schafer	Welch
Clawson	Hokr	Norton	Scheid	Welker
Cohen	Jacobs	O'Connor	Schoenfeld	Welle
Coleman	Jennings	Ogren	Schreiber	Wenzel
DenOuden	Jensen	Olsen	Seaberg	Wigley
Dimler	Johnson	Omann	Segal	Wynia
Eken	Kahn	Onnen	Shaver	Zaffke
Elioff	Kalis	Osthoff	Shea	Speaker Sieben
Ellingson	Kelly	Otis	Sherman	
Erickson	Knickerbocker	Pauly	Simoneau	

A quorum was present.

Blatz, Dempsey, Kostohryz, Levi, Murphy and Voss were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Rose 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 and 22 and S. F. No. 71 have been placed in the members' files.

#### PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL

February 10, 1983

The Honorable Jerome M. Hughes  
President of the Senate

The Honorable Harry A. Sieben, Jr.  
Speaker of the House

Sirs:

I respectfully request the opportunity of addressing a joint session of the House and Senate of the 73rd Session of the Minnesota Legislature on Tuesday, February 15, 1983, at 12:00 noon, for the purpose of presenting my budget message to the Legislature.

Sincerely,

RUDY PERPICH  
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, February 15, 1983; that the Chief Clerk be instructed to invite the Senate to meet in Joint Convention at 11:45 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

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1, A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

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.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 46, A resolution memorializing the President and Congress to repeal the Secretary of Agriculture's authority to deduct 50 cents per hundredweight from milk producer payments.

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

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 201, A bill for an act relating to taxation; making administrative and technical changes to income tax and property tax refund provisions; imposing a penalty; amending Minnesota Statutes 1982, sections 13.46; subdivision 2; 176.231, subdivision 9; 290.032, subdivision 2; 290.06, subdivisions 1, 2c, 2e, as amended, and 3d; 290.068; subdivision 3; 290.077, subdivisions 1 and 4; 290.081; 290.09, subdivisions 1, 6, and 29; 290.095, subdivisions 3 and 7; 290.12, subdivision 2; 290.17, subdivision 2; 290.21, subdivision 4; 290.26, subdivision 2; 290.-39, subdivision 1; 290.49, subdivision 8; 290.50, subdivisions 1 and 5; 290.53, subdivision 3a and by adding a subdivision; 290.531; 290.92, subdivision 5a; 290A.03, subdivision 13; 290A.-04, subdivision 3; 290A.06; 290A.111, subdivision 2; 290A.112, subdivision 2; 609.50; and Laws 1981, Third Special Session chapter 2, article III, section 22, as amended; and article IV, section 14; and repealing Minnesota Statutes 1982, sections 136A.235; 290.01, subdivision 25; 290.07, subdivision 5a; 290.-071, subdivisions 2, 3, 4, and 6; 290.26, subdivision 2a; 290.34, subdivision 3; 290.48, subdivision 6; 290A.04, subdivisions 2c and 2d.

Reported the same back with the following amendments:

Page 30, line 7, delete "*and the tax court*"

Page 33, delete Sec. 27

Page 37, delete Sec. 31

Pages 38 and 39, delete Sec. 34

Page 40, line 21, delete everything after "(c)"

Page 40, delete line 22

Page 40, line 23, delete "(d)"

Page 40, line 25, delete "28, 32, 33," and insert "30, 31,"

Page 40, line 26, delete "34, and 37, clause (d)" and insert "and 34, clause (c)"

Page 40, line 28, delete "37" and insert "34"

Page 40, line 36, delete "Sections 31 and 37, clause"

Page 41, line 1, delete "(c) are effective July 1, 1983.", delete "29, 30, and 37" and insert "28, 29, and 34"

Page 41, line 4, delete "35 and 36" and insert "32 and 33"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "imposing a penalty;"

Page 1, line 14, delete "290.531;"

Page 1, line 16, delete "290A.06;"

Page 1, line 17, delete "609.50;"

Page 1, line 24, delete "subdivisions" and insert "subdivision", delete "and 2d"

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 46 and 201 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Larsen, Rose, Vanasek, Greenfield and Seaberg introduced:

H. F. No. 226, A bill for an act relating to civil actions; authorizing pledges and members of student organizations to maintain actions for self-damages; proposing new law coded in Minnesota Statutes, chapter 127.

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

Ludeman, Welker and Marsh introduced:

H. F. No. 227, A bill for an act relating to regional development; providing advisory referenda on regional development commissions; permitting counties or municipalities to withdraw or join; amending Minnesota Statutes 1982, section 462.387, by adding a subdivision.

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

Solberg; Beard; Anderson, R.; Price and Redalen introduced:

H. F. No. 228, 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.

Clark, K., and Greenfield introduced:

H. F. No. 229, A bill for an act relating to health; allowing any interested person to seek enforcement of certain patient rights; amending Minnesota Statutes 1982, section 144.651.

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



Clark, K.; Wynia and Norton introduced:

H. F. No. 230, A bill for an act relating to insurance; prohibiting sex and age discrimination under the Minnesota comprehensive health insurance plan; amending Minnesota Statutes 1982, section 62E.08, subdivision 2.

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

McEachern, Shea, Kalis, Coleman and Dempsey introduced:

H. F. No. 231, A bill for an act relating to motor vehicles; increasing the time allowed to complete certain activities involving motor vehicle transfers to 21 days; amending Minnesota Statutes 1982, sections 168.092, subdivision 1; 168.101, subdivision 2; 168.15; 168.30; 168.31, subdivision 3; and 168A.30, subdivision 2.

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

Nelson, K.; Segal; Gruenes; Brandl and Hoberg introduced:

H. F. No. 232, A bill for an act relating to education; creating a comprehensive arts in education planning program in the elementary and secondary schools; appropriating money; proposing new law coded in Minnesota Statutes, chapter 129B.

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

Sarna and Rodriguez, F., introduced:

H. F. No. 233, A bill for an act relating to retirement; providing post retirement annuity or benefit increases for certain retired or disabled public employees.

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

Wenzel, Peterson and Bergstrom introduced:

H. F. No. 234, A bill for an act relating to education; providing for a laboratory school at St. Cloud State University; establishing an advisory board; appropriating money; proposing new law coded in Minnesota Statutes, chapter 125.

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

Sherman, Johnson and Waltman introduced:

H. F. No. 235, 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.

Bishop; Reif; Clark, J.; Brandl and Clawson introduced:

H. F. No. 236, A bill for an act relating to occupations and professions; regulating physicians attending the graduate school of the Mayo foundation; amending Minnesota Statutes 1982, section 147.20.

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

Ogren, Sieben, Clawson, Valan and Rodriguez, F., introduced:

H. F. No. 237, A bill for an act relating to occupations and professions; regulating chiropractic practice; providing rulemaking authority for the board of chiropractic examiners; amending Minnesota Statutes 1982, sections 148.01; 148.06; and 148.08, and by adding a subdivision.

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

Evans, Gutknecht, Jacobs, Heinitz and Blatz introduced:

H. F. No. 238, A bill for an act relating to occupations and professions; regulating real estate brokers and salespersons; abolishing continuing education; repealing Minnesota Statutes 1982, section 82.22, subdivision 13.

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

Brinkman and Sieben introduced:

H. F. No. 239, A bill for an act relating to liquor; extending the date for requiring dram shop insurance; requiring an assigned risk plan and specifying rule making authority of the commissioner of insurance in regard thereto; amending Minnesota Statutes 1982, sections 340.11, subdivision 21; and 340.353, subdivision 8; and Laws 1982, chapter 528, section 9.

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

Clark, J.; Nelson, K., and Heinitz introduced:

H. F. No. 240, 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 1982, 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.

Ogren, Voss, Jacobs and Minne introduced:

H. F. No. 241, A bill for an act relating to public utilities; providing for the regulation of certain cooperative electric associations; amending Minnesota Statutes 1982, section 216B.02, subdivision 4.

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

Clark, K.; Begich; Rice and Nelson, D., introduced:

H. F. No. 242, A bill for an act relating to labor; providing for occupational safety and health; defining "toxic substance"; requiring manufacturers of toxic substances to provide certain information; creating a right to refuse to work under conditions violating the state occupational safety and health act; creating a right to refuse to work with a toxic substance under certain conditions; requiring employers using toxic substances to provide employees with certain training and information; creating a presumption that toxic substances must be labeled under certain circumstances; prohibiting waiver of any employee rights under the state occupational safety and health act; clarifying relation of bargaining agreements to safety laws; providing penalties; providing protection for trade secrets; amending Minnesota Statutes 1982, sections 182.651; by adding a subdivision; 182.653, by adding a subdivision; 182.654, subdivision 7, and by adding a subdivision; 182.655, subdivisions 4, 10, 11, and by adding subdivisions; 182.658; 182.663, subdivision 3; 182.666, by adding a subdivision; and 182.668; proposing new law coded in Minnesota Statutes, chapter 182.

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

Norton; Clark, K.; Anderson, R.; Ogren and Staten introduced:

H. F. No. 243, A bill for an act relating to governmental operations; imposing new duties on the small business finance agency; creating a small business job creation incentive program; providing for disbursement of funds to certain small businesses; appropriating money; amending Minnesota Statutes 1982, section 116J.88, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116J.

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

Begich, Ludeman, Battaglia, Neuenschwander and Rose introduced:

H. F. No. 244, A bill for an act relating to game and fish; prohibiting harassment of hunters, trappers, and fishers; providing penalties; proposing new law coded in Minnesota Statutes, chapter 97.

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

Gustafson, Berkelman, Munger and Begich introduced:

H. F. No. 245, A bill for an act relating to the city of Duluth; authorizing group workers' compensation self insurance pools which include the city of Duluth and private employers.

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

Rodriguez, F.; Sieben and Sarna introduced:

H. F. No. 246, A bill for an act relating to retirement; guaranteeing public employees pension benefits; 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.

Begich, Battaglia, Elioff, Sarna and Beard introduced:

H. F. No. 247, A bill for an act relating to workers' compensation; requiring insurers to notify employers of settlements; 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.

Begich, Battaglia and Elioff introduced:

H. F. No. 248, A bill for an act relating to St. Louis County; providing for the tort liability of the St. Louis County promotional bureau.

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

Begich, Battaglia and Elioff introduced:

H. F. No. 249, A bill for an act relating to taxes; providing an additional income tax deduction for certain waste transportation costs; amending Minnesota Statutes 1982, section 290.09, by adding a subdivision.

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

Norton, Berkelman, Osthoff and Heinitz introduced:

H. F. No. 250, 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 1982, 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.

Rodriguez, F., and Sarna introduced:

H. F. No. 251, A bill for an act relating to retirement; police and salaried firefighters relief associations; modifying the governance of the trust funds after the local relief association ceases to exist; amending Minnesota Statutes 1982, section 423A.01, subdivision 2.

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

Bishop; Reif; Clark, J.; Brandl and Clawson introduced:

H. F. No. 252, A bill for an act relating to occupations and professions; regulating the practice of dentistry; amending Minnesota Statutes 1982, sections 150A.05, subdivision 2; and 150A.11, subdivision 1.

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

Norton, Clawson, Heinitz, Hokr and Riveness introduced:

H. F. No. 253, A bill for an act relating to the operation of state government; clarifying certain provisions regarding the term of the legislative auditor; amending Minnesota Statutes 1982, section 3.97, subdivision 4.

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

Osthoff, Otis and Kostohryz introduced:

H. F. No. 254, A bill for an act relating to elections; changing the date of precinct caucuses to the second Tuesday in March; amending Minnesota Statutes 1982, section 202A.14, subdivision 1.

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

Minne introduced:

H. F. No. 255, A bill for an act relating to taxation; property; allowing the county board to abate taxes in certain instances; proposing new law coded in Minnesota Statutes, chapter 375.

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

Carlson, D., introduced:

H. F. No. 256, A bill for an act relating to state government; providing for the remodeling of the state office building; appropriating money.

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

Anderson, R., and Mann introduced:

H. F. No. 257, A bill for an act relating to motor vehicles; providing for special license plates for certain motor vehicles owned by certain members of the Minnesota national guard; imposing fees; appropriating money; amending Minnesota Statutes 1982, section 168.12, by adding a subdivision.

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

Greenfield, Otis, Munger, Voss and Evans introduced:

H. F. No. 258, A bill for an act relating to energy; providing tenant enforcement of certain conservation standards; proposing new law coded in Minnesota Statutes, chapter 116J.

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

Bennett, Simoneau and Carlson, D., introduced:

H. F. No. 259, A bill for an act relating to watercraft safety; requirement for rear view mirrors while towing skiers; prohibiting operating or riding while seated upon seat backs; amending Minnesota Statutes 1982, sections 361.09, subdivision 1; and 361.11.

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

Bennett, Vanasek, McKasy, Norton and Sarna introduced:

H. F. No. 260, A bill for an act relating to conciliation courts; eliminating certain obsolete provisions; amending Minnesota Statutes 1982, section 491.06, subdivision 1.

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

Bennett, Simoneau and Valento introduced:

H. F. No. 261, A bill for an act relating to the environment; providing for the statewide open burning of leaves in the spring and fall as governed by local ordinances; amending Minnesota Statutes 1982, section 116.082.

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

Jacobs, Voss and Sarna introduced:

H. F. No. 262, A bill for an act relating to utilities; regulating delinquency fees or charges on certain unpaid accounts; proposing new law coded in Minnesota Statutes, chapter 222; repealing Minnesota Statutes 1982, section 222.75.

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



Rodriguez, F.; Clark, K.; Rodosovich; Elioff and Piepho introduced:

H. F. No. 263, A bill for an act relating to state government; providing for chiropractic positions in state government civil service; providing for the provision of chiropractic services; proposing new law coded in Minnesota Statutes, chapters 43A and 148.

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

Evans, Scheid, Waltman, Gutknecht and Jacobs introduced:

H. F. No. 264, A bill for an act relating to taxation; extending class 3cc to include certain property owners with disabled dependents; amending Minnesota Statutes 1982, section 273.13, subdivision 7.

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

Evans, Jacobs, Gutknecht and Blatz introduced:

H. F. No. 265, A bill for an act relating to taxation; repealing the mortgage registration tax; amending Minnesota Statutes 1982, section 290.09, subdivision 4; repealing Minnesota Statutes 1982, sections 287.01 to 287.12.

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

Evans; Anderson, R.; Blatz and Jacobs introduced:

H. F. No. 266, A bill for an act relating to taxation; exempting sales of currency or legal tender from the sales and use tax; amending Minnesota Statutes 1982, section 297A.25, subdivision 1.

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

Evans, Waltman, Jacobs and Blatz introduced:

H. F. No. 267, A bill for an act relating to taxation; sales; permitting a deduction for costs of collection and remittance; amending Minnesota Statutes 1982, section 297A.26, by adding a subdivision.

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

Norton, Burger, Skoglund and Metzen introduced:

H. F. No. 268, A bill for an act relating to financial institutions; credit unions; removing the restrictions on the amounts that credit unions may invest in the corporate credit union; removing the borrowing restrictions of the corporate credit union; changing references to the central credit union to reflect its name change; amending Minnesota Statutes 1982, sections 52.04, subdivision 1; 52.09, subdivision 2; 52.15, subdivision 1; and 52.17, subdivision 2.

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

Simoneau, Voss, Metzen and Heinitz introduced:

H. F. No. 269, A bill for an act relating to financial institutions; credit unions; expanding the class of persons who may become members; allowing certain small groups to join an existing credit union or form a separate credit union; amending Minnesota Statutes 1982, section 52.05.

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

Schoenfeld, Brinkman, Vanasek and McDonald introduced:

H. F. No. 270, A bill for an act relating to agriculture; providing that certain agricultural operations are not private or public nuisances; amending Minnesota Statutes 1982, section 561.19, subdivisions 2 and 5.

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

Erickson, Brinkman, Fjoslien, Mann and Redalen introduced:

H. F. No. 271, A bill for an act relating to taxation; sales; including certain trailers in the definition of farm machinery; amending Minnesota Statutes 1982, section 297A.01, subdivision 15.

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

Greenfield, Kahn, Kelly and Gustafson introduced:

H. F. No. 272, 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 1982, chapter 562.

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

Greenfield and Clark, K., introduced:

H. F. No. 273, A bill for an act relating to taxation; providing that penalties paid for late rent payments will be included in "gross rent" for purposes of the property tax refund; amending Minnesota Statutes 1982, section 290A.03, subdivision 12.

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

Eken introduced:

H. F. No. 274, A bill for an act relating to the legislature; providing for the majority leader of the senate rather than the president of the senate to serve as chairman of the legislative coordinating commission; changing the term of the chairman of the commission from one year to two years; amending Minnesota Statutes 1982, section 3.303, subdivision 3.

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

Ogren, Solberg, Battaglia and Carlson, D., introduced:

H. F. No. 275, A bill for an act relating to transportation; limiting liability for civil penalties of carriers or shippers of certain products; amending Minnesota Statutes 1982, section 169.871, subdivision 1.

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

Elioff, Minne, Battaglia and Begich introduced:

H. F. No. 276, A bill for an act relating to liquor; authorizing town boards to issue off-sale licenses; amending Minnesota Statutes 1982, section 340.11, subdivision 10b.

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

Elioff, Minne and Battaglia introduced:

H. F. No. 277, A bill for an act relating to the city of Virginia; authorizing increases in service pensions and survivor benefits for certain retired members and survivors of the Virginia firefighter's relief association.

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

Hoberg, Elioff, Rose and Begich introduced:

H. F. No. 278, 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.

Piepho, Blatz, Frerichs, Haukoos and Quist introduced:

H. F. No. 279, A bill for an act relating to unemployment compensation; regulating benefit eligibility; providing for the amount of benefits; altering contribution rates; providing for additional benefits; amending Minnesota Statutes 1982, sections 268.06, subdivision 8; 268.07, subdivision 2, and by adding a subdivision; 268.08, subdivisions 1 and 3; and 268.09, subdivisions 1 and 2.

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

Erickson; Anderson, B.; Shea; Sviggum and Fjoslien introduced:

H. F. No. 280, A bill for an act relating to education; requiring that interest be paid on certain aid payments delayed by the commissioner of education; appropriating money; amending Laws 1982, Third Special Session chapter 1, article III, section 8.

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

Piepho, Jennings, Wigley, Quist and Dempsey introduced:

H. F. No. 281, A bill for an act relating to regional development commissions; establishing procedures for counties and municipalities to withdraw or join; amending Minnesota Statutes 1982, section 462.387, by adding a subdivision.

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

Onnen and Kvam introduced:

H. F. No. 282, A bill for an act relating to Independent School District No. 466; permitting the sale of certain land subject to agreed conditions.

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

Ludeman introduced:

H. F. No. 283, A bill for an act relating to state property; providing for the conveyance of certain property to the city of Tracy.

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

#### HOUSE ADVISORIES

The following House Advisory was introduced:

Simoneau introduced:

H. A. No. 2, A proposal to add "insect" as a state symbol.

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 File, herewith transmitted:

S. F. No. 25.

PATRICK E. FLAHAVER, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 25, A bill for an act relating to crimes; prohibiting adulterating substances intended for use by persons with substances causing bodily harm or death; 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 Judiciary.

## GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole with Sieben 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. 57 which it recommended to pass.

H. F. No. 22 which it recommended to pass with the following amendments:

Offered by Osthoff:

Page 18, line 11, after "apportionment" delete the comma and insert:

*“; except that all commission members shall continue to serve at large until the metropolitan council appointed pursuant to section 3 appoints commission members as provided under sec-*

tion 5, subdivision 2 to serve terms as provided under this section”

Page 18, line 11, delete “all members shall continue to serve at large”

Page 18, line 12, delete “until their successors are appointed and qualified”

Page 20, line 18, after “apportionment” insert:

“; except that all commission members shall continue to serve at large until the metropolitan council appointed pursuant to section 3 appoints commission members as provided under section 473.303, subdivision 2 to serve terms as provided under this section.”

Page 20, line 18, delete “all members shall”

Page 20, delete lines 19 and 20

Page 21, line 11, after “council” insert “appointed pursuant to section 3”

Offered by Schreiber; Brandl; Rodriguez, C.; Vanasek; Skoglund; Long; Valento; Clark, J.; Knickerbocker; Pauly; Hokr; Scheid and McDonald:

Page 2, line 15, after the period insert:

“In addition to the notice required by section 15.0597, subdivision 4, notice of vacancies and expiration of terms shall be published in newspapers of general circulation in the metropolitan area and the appropriate districts. Following the submission of applications to the appointing authority pursuant to section 15.0597, subdivision 5, the governor, or legislators designated by the governor from each district, shall conduct one or more public hearings on the matter of the appointment in each district to accept statements from persons who have applied for appointment and to allow consultation with and secure the advice of the public and legislators from the district.”

Page 16, line 33, after the period insert:

“In addition to the notice required by section 15.0597, subdivision 4, notice of vacancies and expiration of terms shall be published in newspapers of general circulation in the metropolitan area and the appropriate districts. Following the submission of applications to the appointing authority pursuant to section 15.0597, subdivision 5, the council shall conduct one or more public hearings on the matter of the appointment in each district to accept statements from persons who have applied for appointment and to allow consultation with and secure the advice of the public.”

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:

McKasy and Seaberg moved to amend H. F. No. 22, the second engrossment, as amended, as follows:

Delete everything after the enacting clause and insert:

“Section 1. [APPORTIONMENT ADVISORY COUNCIL.]

*The governor shall appoint a council of eight commissioners, one from each of the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, and a chairman, to propose to the legislature an apportionment of the metropolitan council districts and the several metropolitan commission districts. Four of the commissioners shall be affiliated with one major political party and four with the other. The commissioners shall apportion the districts giving regard to all appropriate criteria and in particular*

- (a) *population equality,*
- (b) *county and municipal boundaries, and*
- (c) *communities of interest in various locations.*

*The commissioners shall disregard the residences of incumbent council and commission members in their apportionment. The commissioners may conduct public hearings if they think it appropriate. The council shall report its recommendation to the legislature no later than 30 days after the effective day of this act. The council shall expire June 30, 1983. Except as provided in this act the council shall be governed by Minnesota Statutes, section 15.059.*

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.”*

Delete the title and insert:

“A bill for an act relating to metropolitan government; providing for an advisory apportionment of the metropolitan council and commission districts.”



The question was taken on the amendment and the roll was called. There were 46 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Ferichs	Jennings	Piepho	Thiede
Bennett	Gruenes	Johnson	Quist	Uphus
Bishop	Gutknecht	Kvam	Redalen	Valento
Burger	Halberg	Ludeman	Reif	Waltman
Carlson, D.	Haukoos	Marsh	Rodriguez, C.	Welker
DenOuden	Heap	McDonald	Rose	Wigley
Erickson	Heinitz	McKasy	Schafer	
Evans	Himle	Olsen	Seaberg	
Fjoslien	Hoberg	Omann	Shaver	
Forsythe	Hokr	Pauly	Sviggum	

Those who voted in the negative were:

Anderson, B.	Eken	Mann	Price	Solberg
Anderson, C.	Elioff	McEachern	Quinn	Sparby
Battaglia	Ellingson	Metzen	Rice	Staten
Beard	Findlay	Minne	Riveness	Swanson
Begich	Graba	Münger	Rodosovich	Tomlinson
Bergstrom	Greenfield	Nelson, D.	Rodriguez, F.	Tunheim
Berkelman	Gustafson	Nelson, K.	St. Onge	Vanasek
Brandl	Hoffman	Neuenschwander	Sarna	Vellenga
Brinkman	Jacobs	Norton	Scheid	Welch
Carlson, L.	Jensen	O'Connor	Schoenfeld	Welle
Clark, J.	Kahn	Ogren	Schreiber	Wenzel
Clark, K.	Kalis	Onnen	Segal	Wynia
Clawson	Kelly	Osthoff	Shea	Zaffke
Cohen	Knuth	Otis	Sherman	Speaker Sieben
Coleman	Krueger	Peterson	Simoneau	
Dimler	Larsen	Piper	Skoglund	

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

McDonald moved to amend H. F. No. 22, the second engrossment, as amended, as follows:

Page 2, line 21, after the period insert "*If there is not a regular member of the council residing in a metropolitan county, the county board may appoint one nonvoting additional member who shall serve until a successor is appointed by the county board or a regular member begins to reside in the county.*"

Page 17, after line 16, insert:

*"If there is not a regular member of a commission residing in a metropolitan county, the county board may appoint one nonvoting additional member who shall serve until a successor is appointed by the county board or a regular member begins to reside in the county."*

The question was taken on the amendment and the roll was called. There were 39 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Bishop	Gruenes	Ludeman	Reif	Thiede
Burger	Gutknecht	Marsh	Rose	Uphus
Dimler	Haukoos	McDonald	Schafer	Valan
Erickson	Heinitz	McKasy	Seaberg	Valento
Evans	Hoberg	Omann	Shaver	Waltman
Findlay	Hokr	Piepho	Sherman	Welker
Fjoslien	Johnson	Quist	Stadum	Wigley
Frerichs	Kvam	Redalen	Swiggum	

Those who voted in the negative were:

Anderson, G.	Eken	Mann	Quinn	Staten
Anderson, R.	Elioff	McEachern	Rice	Swanson
Battaglia	Ellingson	Metzen	Riveness	Tomlinson
Beard	Graba	Minne	Rodosovich	Tunheim
Begich	Greenfield	Munger	Rodriguez, C.	Vanasek
Bergstrom	Gustafson	Nelson, D.	Rodriguez, F.	Vellenga
Berkelman	Hoffman	Nelson, K.	St. Onge	Welch
Brandl	Jacobs	Neuenschwander	Sarna	Welle
Carlson, D.	Jensen	Norton	Scheid	Wenzel
Carlson, L.	Kahn	O'Connor	Schoenfeld	Wynia
Clark, J.	Kalis	Ogren	Segal	Zaffke
Clark, K.	Kelly	Osthoff	Shea	Speaker Sieben
Clawson	Knuth	Otis	Simoneau	
Cohen	Krueger	Peterson	Skoglund	
Coleman	Larsen	Piper	Solberg	
DenOuden	Long	Price	Sparby	

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

Schreiber; Brandl; Rodriguez, C.; Vanasek; Skoglund; Long; Valento; Clark, J.; Knickerbocker; Pauly; Hokr; Scheid and McDonald moved to amend H. F. No. 22, the second engrossment, as amended, as follows:

Page 2, line 15, after the period insert:

*"In addition to the notice required by section 15.0597, subdivision 4, notice of vacancies and expiration of terms shall be published in newspapers of general circulation in the metropolitan area and the appropriate districts. Following the submission of applications to the appointing authority pursuant to section 15.0597, subdivision 5, the governor, or legislators designated by the governor from each district, shall conduct one or more public hearings on the matter of the appointment in each district to accept statements from persons who have applied for appointment and to allow consultation with and secure the advice of the public and legislators from the district."*

Page 16, line 33, after the period insert *"In addition to the notice required by section 15.0597, subdivision 4, notice of vacancies and expiration of terms shall be published in newspapers of general circulation in the metropolitan area and the appropriate districts. Following the submission of applications to the*

*appointing authority pursuant to section 15.0597, subdivision 5, the council shall conduct one or more public hearings on the matter of the appointment in each district to accept statements from persons who have applied for appointment and to allow consultation with and secure the advice of the public."*

The question was taken on the amendment and the roll was called. There were 98 yeas and 29 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Fjoslien	Kvam	Quist	Sviggum
Anderson, G.	Forsythe	Larsen	Redalen	Swanson
Anderson, R.	Frerichs	Long	Reif	Thiede
Bennett	Greenfield	Ludeman	Riveness	Tomlinson
Berkelman	Gruenes	Mann	Rodosovich	Tunheim
Bishop	Gutknecht	Marsh	Rodriguez, C.	Uphus
Brandt	Halberg	McKasy	Rose	Valan
Brinkman	Haukoos	Munger	Schafer	Valento
Burger	Heap	Nelson, D.	Scheid	Vanasek
Carlson, D.	Heinitz	Nelson, K.	Schoenfeld	Vellenga
Carlson, L.	Himle	Norton	Schreiber	Waltman
Clark, J.	Hoberg	Olsen	Seaberg	Welch
Clark, K.	Hoffman	Omann	Segal	Welker
Cohen	Hokr	Onnen	Shaver	Welle
DenOuden	Jennings	Otis	Shea	Wenzel
Dimler	Johnson	Pauly	Sherman	Wigley
Ellingson	Kelly	Peterson	Skoglund	Wynia
Erickson	Knickerbocker	Piepho	Sparby	Zaffke
Evans	Knuth	Price	Stadum	
Findlay	Krueger	Quinn	Staten	

Those who voted in the negative were:

Battaglia	Eken	Kahn	O'Connor	St. Onge
Beard	Elioff	Kalis	Ogren	Sarna
Begich	Graba	McEachern	Osthoff	Simoneau
Bergstrom	Gustafson	Metzen	Piper	Solberg
Clawson	Jacobs	Minne	Rice	Speaker Sieben
Coleman	Jensen	Neuenschwander	Rodriguez, F.	

The motion prevailed and the amendment was adopted.

## MOTIONS AND RESOLUTIONS

Redalen moved that the name of Schoenfeld be added as an author on H. F. No. 119. The motion prevailed.

Greenfield moved that the name of Onnen be added as an author on H. F. No. 148. The motion prevailed.

Brinkman moved that the name of Berkelman be added as an author on H. F. No. 239. The motion prevailed.

Brinkman moved that the name of Rodriguez, C., be added as an author on H. F. No. 120. The motion prevailed.

Ludeman moved that the names of Kvam and Wigley be added as authors on H. F. No. 227. The motion prevailed.

Ogren moved that the name of Neuenschwander be added as an author on H. F. No. 275. The motion prevailed.

Erickson moved that the name of Uphus be added as an author on H. F. No. 171. The motion prevailed.

Erickson moved that the name of Uphus be added as an author on H. F. No. 172. The motion prevailed.

Clark, J., moved that the names of Long and Solberg be added as authors on H. F. No. 240. The motion prevailed.

Anderson, R., moved that the name of Sieben be added as an author on H. F. No. 257. The motion prevailed.

Evans moved that the name of Piepho be added as an author on H. F. No. 266. The motion prevailed.

Quist moved that H. F. No. 105 be returned to its author. 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 Tuesday, February 15, 1983, at 12:00 noon:

Munger, Piper, McKasy, Sparby and Piepho.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, February 14, 1983. 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 14, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## FOURTEENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 14, 1983

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. Peter West, First Baptist Church, Minneapolis, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Evans	Kostohryz	Pauly	Simoneau
Anderson, R.	Findlay	Krueger	Peterson	Skoglund
Battaglia	Fjorli	Kvam	Piepho	Solberg
Beard	Forsythe	Larsen	Piper	Stadum
Begich	Graba	Levi	Price	Staten
Bennett	Greenfield	Long	Quinn	Swiggum
Bergstrom	Gruenes	Ludeman	Quiist	Swanson
Berkelman	Gustafson	Mann	Reif	Thiede
Bishop	Gutknecht	McDonald	Rice	Tomlinson
Brinkman	Halberg	McEachern	Riveness	Tunheim
Burger	Haukoos	McKasy	Rodosovich	Uphus
Carlson, D.	Heap	Minne	Rodriguez, C.	Valan
Carlson, L.	Heinitz	Munger	Rodriguez, F.	Valento
Clark, J.	Himle	Murphy	Rose	Vanasek
Clark, K.	Hoberg	Nelson, D.	St. Onge	Vellenga
Clawson	Hoffman	Nelson, K.	Sarna	Voss
Cohen	Hokr	Neuenschwander	Schafer	Waltman
Coleman	Jacobs	Norton	Scheid	Welch
Dempsey	Jennings	O'Connor	Schoenfeld	Welker
DenOuden	Johnson	Ogren	Schreiber	Welle
Dimler	Kahn	Olsen	Seaberg	Wenzel
Eken	Kalis	Omann	Segal	Wigley
Elioff	Kelly	Onnen	Shaver	Wynia
Ellingson	Knickerbocker	Osthoff	Shea	Zaffke
Erickson	Knuth	Otis	Sherman	Speaker Sieben

A quorum was present.

Anderson, G.; Blatz; Brandl; Frerichs; Jensen; Marsh; Metzzen; Redalen and Sparby 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. Nos. 46, 201 and 22 and S. F. No. 25 have been placed in the members' files.

## REPORTS OF STANDING COMMITTEES

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 68, A bill for an act relating to local government; setting the dollar amount of contracts subject to the open bidding law; amending Minnesota Statutes 1982, section 471.345, subdivisions 3, 4, and 5.

Reported the same back with the following amendments:

Page 2, after line 12, insert:

"Sec. 4. [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.

## SECOND READING OF HOUSE BILLS

H. F. No. 68 was read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Marsh, Gutknecht, Valento, Kelly and Dempsey introduced:

H. F. No. 284, A bill for an act relating to crimes; requiring the sentencing guidelines commission to amend the dispositional line on the sentencing guidelines grid; proposing new law coded in Minnesota Statutes, chapter 244.

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

Sviggum, McDonald, Mann and Brinkman introduced:

H. F. No. 285, A bill for an act relating to agriculture; modifying the use of state livestock weighers; amending Minnesota Statutes 1982, section 17A.10.

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

Fjoslien, Minne, Hoberg, Mann and Brinkman introduced:

H. F. No. 286, A bill for an act relating to retirement; authorizing retirement without reduction for public employees retirement association members whose age and allowable service totals 85 years; amending Minnesota Statutes 1982, section 353.30, subdivision 1a.

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

Clark, J.; Coleman; Vanasek; Bishop and Staten introduced:

H. F. No. 287, A bill for an act relating to domestic abuse; protecting persons from abuse by former spouses and others; authorizing an arrest for violations of certain orders; amending Minnesota Statutes 1982, section 518B.01, subdivisions 2, 13, and 14.

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

Staten; Clark, K.; Otis and Kahn introduced:

H. F. No. 288, A bill for an act relating to energy; establishing a residential rental property weatherization disclosure program; requiring the filing of a certificate of compliance with minimum energy efficiency standards for renter-occupied residences; providing for the abatement of certain court actions; allowing a penalty in certain cases; amending Minnesota Statutes 1982, section 116J.27, by adding subdivisions.

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



O'Connor, Wynia, Kelly and Rose introduced:

H. F. No. 289, A bill for an act relating to the city of St. Paul; authorizing the city to permit, by ordinance, the use of an "on-sale" liquor license issued by the city at the Highland Park and Phalen Park club houses.

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

Staten; Tomlinson; Clark, J.; Clark, K., and Clawson introduced:

H. F. No. 290, A bill for an act relating to health maintenance organizations; authorizing a local governmental unit to operate as a health maintenance organization; requiring the establishment of an advisory body to the organization; amending Minnesota Statutes 1982, sections 62D.02, subdivision 4; 62D.03, subdivisions 1 and 4; 62D.05, subdivision 1; and 62D.06, subdivision 1.

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

Olsen; Brandl; Schafer; Nelson, K., and Jennings introduced:

H. F. No. 291, A bill for an act relating to education; establishing a legislative school finance study commission; providing for its duties, powers, membership, and certain other matters; 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.

Minne, Otis, Ogren and Jacobs introduced:

H. F. No. 292, A bill for an act relating to public utilities; regulating and restricting disconnection of service to residential units during periods of cold weather; 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.

Minne, Evans, Rose and Jacobs introduced:

H. F. No. 293, A bill for an act relating to public utilities; authorizing utilities to bring civil actions for treble damages for the unauthorized taking or diversion of electricity, gas, or water; 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.

Voss, Knuth, Quinn, Coleman and McDonald introduced:

H. F. No. 294, A bill for an act relating to manufactured homes; granting the right to make in park sales of homes more than 15 years old; amending Minnesota Statutes 1982, sections 327C.02, subdivision 5; and 327C.07, subdivision 1.

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

Pauly, Jensen, Piepho and Riveness introduced:

H. F. No. 295, A bill for an act relating to intoxicating liquor; authorizing the issuance of temporary on-sale intoxicating liquor licenses; amending Minnesota Statutes 1982, section 340.11, by adding a subdivision.

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

Reif, Stadum, Simoneau, Heinitz and Seaberg introduced:

H. F. No. 296, A bill for an act relating to workers' compensation; providing for deductions from compensation for pre-existing conditions; amending Minnesota Statutes 1982, section 176.021, by adding a subdivision.

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

Begich; Rose; Battaglia; Carlson, D., and Fjoslien introduced:

H. F. No. 297, A bill for an act relating to crimes; regulating the possession and use of handguns; specifying property rights of certain persons in handguns; prohibiting possession of firearms by certain felons; abolishing transferee permits; providing for licenses to purchase handguns; prohibiting transfer of handguns to unknown persons; requiring licenses to carry handguns; limiting legislation in subordinate jurisdictions; providing for disposition of stolen and confiscated firearms; prohibiting discrimination on the issuance of licenses to purchase a handgun or licenses to carry a handgun or weapon; prescribing penalties; amending Minnesota Statutes 1982, sections 609.66; 624.712; 624.713; 624.7131; 624.714; 624.715; 624.717; and 629.361; proposing new law coded in Minnesota Statutes, chapter 624; repealing Minnesota Statutes 1982, sections 624.7132; 624.716; and 624.718.

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

Vellenga, Wynia, Norton and Tomlinson introduced:

H. F. No. 298, A bill for an act relating to the city of St. Paul; regulating appeals, hearings, and procedures concerning the human rights commission; amending Laws 1965, chapter 866, section 1.

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

Simoneau introduced:

H. F. No. 299, A bill for an act relating to elections; fair campaign practices; providing a penalty for denial of access to certain dwellings; amending Minnesota Statutes 1982, section 210A.43, subdivision 4.

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

Otis; Nelson, K.; Voss; Rose and Sherman introduced:

H. F. No. 300, A bill for an act relating to energy; creating the Minnesota conservation partnership; establishing a program of loans and financial assistance for households and municipalities; authorizing the issuance of bonds; appropriating money; proposing new law coded in Minnesota Statutes, chapter 4; repealing Minnesota Statutes 1982, section 3.351.

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

Dempsey, McDonald, Onnen and Piepho introduced:

H. F. No. 301, A bill for an act relating to taxation; income; abolishing the farm loss limitation; amending Minnesota Statutes 1982, sections 290.01, subdivision 20a, as amended; 290.01, subdivision 20b, as amended; 290.01, subdivision 28; 290.05, subdivision 3; 290.095, subdivision 11; and 290A.03, subdivision 3; repealing Minnesota Statutes 1982, section 290.09, subdivision 29.

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

Dempsey introduced:

H. F. No. 302, A bill for an act relating to the town of Paxton; permitting the town to have the powers of a metropolitan area town.

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

Vellenga, Norton, Heinitz, Bishop and Otis introduced:

H. F. No. 303, A bill for an act relating to health; providing that noncustodial parents be excused from certain abortion notification requirements; amending Minnesota Statutes 1982, section 144.343, subdivision 3.

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

Begich, Battaglia, Elioff and Solberg introduced:

H. F. No. 304, A bill for an act relating to local government; providing "Buy American" requirements for county, city, and school district purchases; proposing new law coded in Minnesota Statutes, chapter 471.

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

Rodriguez, C.; Segal; Seaberg and Berkelman introduced:

H. F. No. 305, A bill for an act relating to traffic regulations; requiring the use of seat belts by motor vehicle passengers; amending Minnesota Statutes 1982, section 169.685, by adding subdivisions.

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

McDonald, Heap and Larsen introduced:

H. F. No. 306, A bill for an act proposing amendments to the Minnesota Constitution, amending article IV, sections 2 and 4; and article VII; providing for a senate of 60 members elected for six-year terms and a house of representatives of 120 members elected for four years; providing that all elected public officials, except judges, are subject to recall by the voters.

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

Minne, Elioff, Riveness, Begich and Heap introduced:

H. F. No. 307, A bill for an act relating to education; requiring the department of education to prepare a plan for reorganizing the administrative structure of certain school districts; requiring a report.

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

Wigley, Stadum, Piepho, Heinitz and Kvam introduced:

H. F. No. 308, A bill for an act relating to unemployment compensation; regulating payment for waiting week credit; amending Minnesota Statutes 1982, section 268.08, subdivision 1.

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

Berkelman, Jacobs, Hoberg, Evans and Minne introduced:

H. F. No. 309, A bill for an act relating to liquor; authorizing off-sale price advertising in bordering state publications; amending Minnesota Statutes 1982, section 340.15, subdivision 1.

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

Erickson, Brinkman, Heinitz and Stadum introduced:

H. F. No. 310, A bill for an act relating to workers' compensation; providing for comprehensive changes based on the Florida law; proposing new law coded as Minnesota Statutes, chapter 176A; repealing Minnesota Statutes 1982, chapter 176.

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

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I have the honor to inform the House of Representatives that the Senate is ready to meet with the House in Joint Convention at 11:45 A.M., Tuesday, February 15, 1983, to receive the budget message of the Honorable Rudy Perpich, Governor of the State of Minnesota, which will be delivered at 12:00 Noon.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I have the honor to announce 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, February 15, 1983, said Joint Convention to be convened at 11:45 A.M. and said budget message of the Governor to be delivered at 12:00 Noon.

Messrs. Merriam, Chmielewski, Ms. Berglin, Messrs. Bernhagen and Knutson 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 passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 15.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 15, A bill for an act relating to metropolitan government; changing the terms of members of the metropolitan council; requiring that metropolitan council district boundaries be redrawn after each federal census; redrawing metropolitan council district boundaries; establishing new metropolitan commission districts, formerly called precincts; changing references to precincts; changing the terms of commission members and chairmen; requiring the governor to appoint council members and establishing terms; requiring the newly appointed metro-

politan council to appoint commission members and establishing terms; amending Minnesota Statutes 1982, sections 473.123, subdivision 3, and by adding subdivisions; 473.141, subdivisions 2, 4, and 5, and by adding a subdivision; and 473.303, subdivisions 2, 4, and 5, and by adding a subdivision; repealing Minnesota Statutes 1982, section 473.123, subdivision 2.

The bill was read for the first time.

Osthoff moved that S. F. No. 15 and H. F. No. 22, now on the Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

### CALENDAR

H. F. No. 57, A bill for an act relating to local government; permitting towns to self insure the bond requirements of certain officers; amending Minnesota Statutes 1982, section 471.981, 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 115 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Findlay	Kostohryz	Pauly	Skoglund
Anderson, R.	Forsythe	Krueger	Peterson	Solberg
Battaglia	Graba	Kvam	Piper	Stadum
Beard	Greenfield	Larsen	Price	Staten
Begich	Gruenes	Levi	Quinn	Sviggum
Bennett	Gustafson	Long	Quist	Swanson
Bergstrom	Gutknecht	Ludeman	Reif	Thiede
Berkelman	Halberg	Mann	Rice	Tomlinson
Bishop	Haukoos	McEachern	Riveness	Tunheim
Brinkman	Heap	McKasy	Rodosovich	Uphus
Burger	Heinitz	Minne	Rodriguez, C.	Valan
Carlson, L.	Himle	Munger	Rodriguez, F.	Valento
Clark, J.	Hoberg	Murphy	Rose	Vanasek
Clawson	Hoffman	Nelson, D.	Sarna	Vellenga
Cohen	Hokr	Nelson, K.	Schafer	Voss
Coleman	Jacobs	Neuenschwander	Scheid	Waltman
DenOuden	Jennings	Norton	Schoenfeld	Welch
Dimler	Johnson	O'Connor	Schreiber	Welker
Eken	Kahn	Olsen	Seaberg	Welle
Elioff	Kalis	Omann	Segal	Wenzel
Ellingson	Kelly	Onnen	Shaver	Wynia
Erickson	Knickerbocker	Osthoff	Shea	Zaffke
Evans	Knuth	Otis	Sherman	Speaker Sieben

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 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. 46 which it recommended to pass.

H. F. No. 201 which it recommended progress.

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

## MOTIONS AND RESOLUTIONS

Dempsey moved that the name of Quist be added as an author on H. F. No. 301. The motion prevailed.

McDonald moved that H. F. No. 183 be returned to its author. The motion prevailed.

Forsythe introduced:

House Concurrent Resolution No. 1, A house concurrent resolution urging the Congress of the United States to authorize the President to present a Congressional Medal of Honor to Herman Miller.

## SUSPENSION OF RULES

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

## HOUSE CONCURRENT RESOLUTION NO. 1

A house concurrent resolution urging the Congress of the United States to authorize the President to present a Congressional Medal of Honor to Herman Miller.

Whereas, on August 2, 1899, Herman Miller enlisted in the United States Army from Crookston, Minnesota, and served as



a Private in Company G, 34th Infantry, United States Volunteers, which was then engaged in action against insurgent tribes in North Ilocos Province, Luzon, Phillipine Islands; and

*Whereas*, on April 16, 1900, Private Miller was engaged in the defense of the town of Batac when it was attacked by 800 insurgents under the command of a notorious native leader; when the plaza came under a dangerous attack by 60 insurgent riflemen using rice dikes for cover, Private Miller and twelve other men charged the enemy line and drove them off; several of those who engaged in the charge were killed or wounded; and

*Whereas*, Private Miller's commanding officer recommended Private Miller for a Medal of Honor for his courageous participation in the charge; and

*Whereas*, the Medal was never awarded under circumstances suggesting that the recommendation was never given full and proper consideration; and

*Whereas*, Herman Miller is now over one hundred years old and has been trying for eighty-three years to rectify the failure to award the decoration for which he was recommended; and

*Whereas*, the terrible oversight of failure to award what is justly deserved and recommended must be rectified; Now, Therefore,

*Be It Resolved* by the House of Representatives of the State of Minnesota, the Senate concurring, that the Congress of the United States is urged to adopt legislation immediately authorizing the President to present the medal of Honor to Herman Miller.

*Be It Further Resolved* that the Chief Clerk of the House of Representatives is directed to prepare enrolled copies of this resolution, to be authenticated as appropriate, and present them to the President of the United States, the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the House of Representatives of the United States, Minnesota's Senators and Representatives in Congress, the Chairman of the Joint Chiefs of Staff, and to Herman Miller.

Forsythe moved that House Concurrent Resolution No. 1 be now adopted. The motion prevailed and House Concurrent Resolution No. 1 was adopted.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 11:30 a.m., Tuesday, February 15, 1983. 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, February 15, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## FIFTEENTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, FEBRUARY 15, 1983

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 Pastor Tomas E. Meeks, House Chaplain, Ramsey, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Ellingson	Knuth	Peterson	Skoglund
Anderson, G.	Evans	Kostohryz	Piepho	Solberg
Anderson, R.	Findlay	Krueger	Piper	Sparby
Battaglia	Fjoslien	Kvam	Price	Stadum
Beard	Forsythe	Larsen	Quinn	Staten
Begich	Graba	Levi	Quist	Sviggum
Bennett	Greenfield	Long	Redalen	Swanson
Bergstrom	Gruenes	Marsh	Reif	Thiede
Berkelman	Gustafson	McDonald	Rice	Tomlinson
Bishop	Gutknecht	McEachern	Riveness	Tunheim
Blatz	Halberg	McKasy	Rodosovich	Uphus
Brandl	Haukoos	Minne	Rodriguez, C.	Valento
Brinkman	Heap	Munger	Rodriguez, F.	Vanasek
Burger	Heinitz	Murphy	Rose	Vellenga
Carlson, D.	Himle	Nelson, D.	St. Onge	Voss
Carlson, L.	Hoberg	Nelson, K.	Sarna	Waltman
Clark, J.	Hoffman	Neuenschwander	Schafer	Welch
Clark, K.	Hokr	Norton	Scheid	Welle
Clawson	Jacobs	O'Connor	Schoenfeld	Wenzel
Cohen	Jennings	Ogren	Schreiber	Wigley
Coleman	Jensen	Olsen	Seaberg	Wynia
Dempsey	Johnson	Omann	Segal	Zaffke
DenOuden	Kahn	Onnen	Shaver	Speaker Sieben
Dimler	Kaljs	Osthoff	Shea	
Eken	Kelly	Otis	Sherman	
Elioff	Knickerbocker	Pauly	Simoneau	

A quorum was present.

Erickson, Frerichs, Ludeman, Mann, Metzen, Valan and Welker 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. 68 and S. F. No. 15 have been placed in the members' files.

S. F. No. 15 and H. F. No. 22, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Osthoff moved that the rules be so far suspended that S. F. No. 15 be substituted for H. F. No. 22 and that the House File be indefinitely postponed. The motion prevailed.

#### REPORTS OF STANDING COMMITTEES

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 85, A bill for an act relating to crimes; providing a criminal penalty for false declarations of insurance coverage; amending Minnesota Statutes 1982, section 65B.67, subdivisions 2, 3, and 4, and by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 4, after "*vehicle*" insert "*or motorcycle*"

Page 2, line 7, after "*vehicle*" insert "*or motorcycle*" and before the period insert "*and shall be sentenced as provided in subdivision 4*"

Page 2, line 12, delete "*subdivision 2 or 3 of*" and delete "*may*" and insert "*shall*"

Page 2, line 21, after the period insert "*The commissioner shall include a notice of the penalties contained in this section on all forms for registration of motor vehicles or motorcycles required to maintain a plan of reparation security.*"

Page 2, line 23, delete "*August 1, 1983*" and insert "*January 1, 1984*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 96, A bill for an act relating to courts; increasing the fee and mileage allowance paid to witnesses; providing for fee allowances to be paid to witnesses in juvenile proceedings; amending Minnesota Statutes 1982, sections 357.22; 357.24; and proposing new law coded in Minnesota Statutes, chapter 357.

Reported the same back with the following amendments:

Page 1, line 15, strike "of record, in any justice court,"

Page 1, line 21, strike "the same" and insert "it"

Page 2, line 4, strike "of courts of record"

Page 2, line 8, strike "of record"

Page 2, line 13, delete "*Minnesota*"

Page 2, line 14, delete "*Statutes,*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

S. F. No. 71, A bill for an act relating to children; changing obsolete references to certain children; amending Minnesota Statutes 1982, sections 127.27, subdivision 6; 144.225, subdivision 2; 256.01, subdivision 2; 256.88; 256.91; 256.93; 257.34, subdivision 1; 260.221; 393.07, subdivision 1; 423.387, subdivision 2; 423.58, subdivision 2; 487.19, subdivision 1; 525.172; 525.173; 609.37; and 617.22.

Reported the same back with the 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. 85 and 96 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 15 and 71 were read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Dempsey, Norton and Ellingson introduced:

H. F. No. 311, A bill for an act relating to trusts; clarifying the time limits and applicable interest rates for certain employee trusts; amending Minnesota Statutes 1982, sections 334.01; and 501.11.

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

Piper; Jacobs; Nelson, K.; Bennett and Voss introduced:

H. F. No. 312, A resolution memorializing the President and Congress to halt the deregulation of natural gas prices under the Natural Gas Policy Act of 1978 for two years.

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

Battaglia, Begich, Elioff and Solberg introduced:

H. F. No. 313, A bill for an act relating to state lands; authorizing sale of a fractional interest in certain land in Bear Island state forest; correcting an erroneous description in a certain St. Louis County land sale authority; amending Laws 1982, chapter 434, section 2.

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

Wynia, Gustafson, Swanson, Kvam and Skoglund introduced:

H. F. No. 314, A bill for an act relating to insurance; requiring insurance agents to maintain trust accounts; requiring certain disclosures in personal sales contacts; requiring disclosure of certain limitations on medicare supplement insurance coverage; prohibiting the sale of more than two medicare supplement insurance policies to an individual; requiring copies of medicare supplement and life insurance applications to be provided to ap-

plicants; requiring applications for medicare supplement insurance to list health and accident insurance already maintained by applicant; providing rulemaking authority; imposing civil penalties for certain violations; providing a criminal penalty; amending Minnesota Statutes 1982, sections 60A.17, subdivisions 1, 1a, and 6c, and by adding subdivisions; 62A.31, subdivision 1; 62A.39; 62A.42; proposing new law coded in Minnesota Statutes, chapters 61A and 62A.

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

Ellingson, Scheid and Clark, J., introduced:

H. F. No. 315, A bill for an act relating to public welfare; defining persons responsible for a child's care under the child abuse reporting law; amending Minnesota Statutes 1982, section 626.556, subdivisions 2 and 7.

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

Greenfield, Swanson, Heinitz, Wynia and Berkelman introduced:

H. F. No. 316, A bill for an act relating to insurance; accident and health; extending the period of time during which group coverage is in force for terminated employees who elect this coverage; amending Minnesota Statutes 1982, section 62A.17, subdivisions 2 and 5.

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

Gustafson, Elioff, Ogren, Sherman and Minne introduced:

H. F. No. 317, A bill for an act relating to insurance; accident and health; extending the period of time during which group coverage is in force for terminated employees who elect this coverage; amending Minnesota Statutes 1982, section 62A.17, subdivisions 2 and 5.

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



Riveness; Clawson; Nelson, D.; Scheid and Knickerbocker introduced:

H. F. No. 318, A bill for an act relating to local government; regulating kinds of and charges for water and sewer facilities and services; amending Minnesota Statutes 1982, section 444.075, subdivisions 1 and 3.

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

Uphus, Hokr, Simoneau, Wenzel and Begich introduced:

H. F. No. 319, A bill for an act relating to workers' compensation; regulating the membership of the advisory council on workers' compensation; amending Minnesota Statutes 1982, section 175.007, subdivision 1.

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

Ogren, Dempsey, Kelly, Jacobs and Gustafson introduced:

H. F. No. 320, A bill for an act relating to commerce; prohibiting unfair, predatory, and discriminatory pricing practices by persons engaged in the refining, distribution, or sale of motor fuel; defining terms; providing remedies; 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.

Jennings, Ludeman, Johnson, Welker and Piepho introduced:

H. F. No. 321, 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 1982, sections 14.17; 14.18; 14.19; 14.26; and 14.33; proposing new law coded in Minnesota Statutes, chapter 14.

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

Piepho introduced:

H. F. No. 322, A bill for an act relating to cities; regulating the residence of city employees; proposing new law coded in Minnesota Statutes, chapter 418.

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

Schafer; Anderson, B., and Welker introduced:

H. F. No. 323, A bill for an act relating to taxation; income; requiring indication on tax return of school district in which taxpayer resides; amending Minnesota Statutes 1982, section 290.39, subdivision 1.

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

Ellingson, Osthoff, Minne and Olsen introduced:

H. F. No. 324, A bill for an act relating to elections; clarifying and correcting certain provisions in the ethics in government act; amending Minnesota Statutes 1982, sections 10A.01, subdivision 5; 10A.04, subdivision 4a; 10A.20, subdivision 5; 10A.25, subdivision 2; and 10A.255, by adding a subdivision; repealing Minnesota Statutes 1982, section 10A.25, subdivision 7.

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

Ellingson, Gustafson, Dempsey and Long introduced:

H. F. No. 325, A bill for an act relating to real property; revising and clarifying certain provisions relating to the registration of real property; amending Minnesota Statutes 1982, sections 508.03; 508.06; 508.08; 508.16, subdivision 2; 508.22; 508.23, by adding a subdivision; 508.24, subdivision 2; 508.25; 508.35; 508.36; 508.47, subdivision 6; 508.48; 508.49; 508.50; 508.55; 508.60; 508.62; 508.65; 508.71; 508.82; 508A.01, subdivision 1; 508A.06; 508A.17, subdivision 1; 508A.25; 508A.35; 508A.47, subdivision 6; 508A.48; 508A.49; 508A.50; 508A.55; 508A.62; 508A.65; 508A.71; 508A.82; proposing new law coded in Minnesota Statutes, chapters 508 and 508A; repealing Minnesota Statutes 1982, sections 508.41; 508.42; 508A.41; and 508A.42.

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

Anderson, B., introduced:

H. F. No. 326, A bill for an act relating to workers' compensation; providing an exclusion from workers' compensation coverage for employees of employers paying \$2,000 or less annually in salary or wages; amending Minnesota Statutes 1982, section 176.041, subdivision 1.

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

Anderson, B., introduced:

H. F. No. 327, A bill for an act relating to taxation; providing for apportionment of homestead treatment in cases of joint ownership; amending Minnesota Statutes 1982, sections 124.2137, subdivision 1; and 273.13, subdivision 6.

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

Osthoff, Brinkman, Jacobs and Dempsey introduced:

H. F. No. 328, A bill for an act relating to taxation; reducing the rate of tax on corporation income; eliminating the deduction for taxes paid by corporations to other states; amending Minnesota Statutes 1982, sections 290.06, subdivision 1; and 290.09, subdivision 4.

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 the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 7, A Senate Concurrent Resolution relating to adjournment for more than three days.

PATRICK E. FLAHAVEN, Secretary of the Senate

## SUSPENSION OF RULES

Eken moved that the rules be so far suspended that Senate Concurrent Resolution No. 7 be now considered and be placed upon its adoption. The motion prevailed.

## SENATE CONCURRENT RESOLUTION NO. 7

A Senate concurrent resolution relating to adjournment for more than three days.

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

1. Upon its adjournment on Thursday, February 17, 1983, the Senate may set its next day of meeting for Tuesday, February 22, 1983.

2. Upon its adjournment on Thursday, February 17, 1983, the House of Representatives may set its next day of meeting for Tuesday, February 22, 1983.

3. Pursuant to the Minnesota Constitution, Article IV, Section 12, the Senate and House of Representatives each consent to the adjournment of the other for more than three days.

Eken moved that Senate Concurrent Resolution No. 7 be now adopted. The motion prevailed and Senate Concurrent Resolution No. 7 was adopted.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 26.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 26, A bill for an act relating to crimes; providing a criminal penalty for false declarations of insurance coverage; amending Minnesota Statutes 1982, section 65B.67, subdivisions 2, 3, and 4, and by adding a subdivision.

The bill was read for the first time.

Long moved that S. F. No. 26 and H. F. No. 85, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

## CALENDAR

Eken moved that the bills on the Calendar for today be continued one day.

## GENERAL ORDERS

Eken moved that the bills on General Orders for today be continued one day.

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, February 17, 1983. The motion prevailed.

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 Pastor Tomas E. Meeks, House Chaplain, Ramsey, Minnesota.

The roll being called, the following Senators answered to their names: Adkins, Anderson 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; and Hubert H. Humphrey III, Attorney General. The Constitutional Officers were escorted to the seats reserved for them.

The Sergeant at Arms announced the arrival of former Governors Harold E. Stassen, C. Elmer Anderson, Elmer L. Anderson, 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 Marlene Johnson, Lieutenant Governor. The Lieutenant Governor was escorted to the seat reserved for her.

The Sergeant at Arms announced the arrival of the Honorable Rudy Perpich, Governor of the State of Minnesota and his of-

official party. The Governor was escorted to the rostrum by the appointed committees.

**ADDRESS BY THE GOVERNOR**

Governor Rudy Perpich was presented by the President of the Joint Convention, the Honorable Harry A. Sieben Jr., and the Governor delivered his biennial budget message to 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.

**ADJOURNMENT**

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, February 17, 1983.

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



## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## SIXTEENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 17, 1983

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. Theodore L. Trost, Jr., St. Paul's United Church of Christ, St. Paul, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Erickson	Krueger	Pauly	Sherman
Anderson, G.	Evans	Larsen	Peterson	Simoneau
Anderson, R.	Findlay	Levi	Piepho	Skoglund
Battaglia	Fjoslien	Long	Piper	Solberg
Beard	Forsythe	Ludeman	Price	Sparby
Begich	Graba	Mann	Quinn	Stadum
Bennett	Greenfield	Marsh	Quist	Sviggum
Bergstrom	Gruenes	McDonald	Redalen	Thiede
Berkelman	Gustafson	McEachern	Reif	Tomlinson
Bishop	Gutknecht	McKasy	Rice	Tunheim
Blatz	Halberg	Metzen	Riveness	Uphus
Brandl	Haukoos	Minne	Rodosovich	Valan
Burger	Himle	Munger	Rodriguez, C.	Valento
Carlson, D.	Hoberg	Murphy	Rodriguez, F.	Vanasek
Carlson, L.	Hoffman	Nelson, D.	Rose	Vellenga
Clark, J.	Hokr	Nelson, K.	St. Onge	Voss
Clark, K.	Jacobs	Neuenschwander	Sarna	Waltman
Clawson	Jennings	Norton	Schafer	Welch
Cohen	Jensen	O'Connor	Scheid	Welker
Coleman	Johnson	Ogren	Schoenfeld	Welle
Dempsey	Kalis	Olsen	Schreiber	Wenzel
DenOuden	Kelly	Omann	Seaberg	Wigley
Dimler	Knickerbocker	Onnen	Segal	Wynia
Eken	Knuth	Osthoff	Shaver	Zaffke
Elioff	Kostohryz	Otis	Shea	Speaker Sieben

A quorum was present.

Brinkman, Ellingson, Frerichs, Heap, Heinitz, Kahn, Kvam, Staten and Swanson were excused.

Solberg was excused at 2:15 p.m. Kalis was excused at 2:30 p.m.



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. 85 and 96 and S. F. No. 26 have been placed in the members' files.

S. F. No. 26 and H. F. No. 85, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Long moved that the rules be so far suspended that S. F. No. 26 be substituted for H. F. No. 85 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. 45, A bill for an act relating to commerce; providing procedures for opening checking accounts; extending civil liability for issuing a worthless check; clarifying conciliation court jurisdiction regarding dishonored checks; modifying procedures to prove issuance of a worthless check; expanding types of worthless checks prohibited; requiring banks to release certain checking account information; increasing penalties for issuing a worthless or forged check; amending Minnesota Statutes 1982, sections 487.30, subdivision 4; 488A.12, Subdivision 3; 488A.29, subdivision 3; 609.535, subdivisions 2, 3, 5, 6, 7, and 8, and by adding subdivisions; and 609.625, subdivision 1; proposing new law coded in Minnesota Statutes, chapters 48, 332, and 609.

Reported the same back with the following amendments:

Pages 1 to 3, delete section 1 and insert:

"Section 1. [48.512] [PROCEDURES FOR OPENING CHECKING ACCOUNTS.]

*Subdivision 1. [DEFINITIONS.] For the purpose of this section the following terms have the meanings given:*

(a) "Financial intermediary" means any person doing business in this state who offers transaction accounts to the public.

(b) "Transaction account" means a deposit or account established and maintained by a natural person or persons under an individual or business name for personal, household, or business purposes, on which the depositor or account holder is permitted to make withdrawals by negotiable or transferable instruments, payment orders of withdrawal, or other similar device for the purpose of making payments or transfers to third persons or others, including demand deposits or accounts subject to check, draft, negotiable order of withdrawal, share draft, or other similar item. Provided, a transaction account shall not include the deposit or account of a partnership having more than three partners, the personal representative of an estate, the trustee of a trust or a limited partnership.

Subd. 2. [REQUIRED INFORMATION.] Before opening or authorizing signatory power over a transaction account, a financial intermediary shall require each applicant to provide the following information on an application document signed by the applicant under the penalties for perjury in section 609.48:

- (a) full name,
- (b) birth date,
- (c) address of residence,
- (d) address of current employment, if employed,
- (e) telephone numbers of residence and place of employment, if any,
- (f) social security number,
- (g) driver's license or identification card number issued pursuant to section 171.07. If the applicant does not have a driver's license or identification card, the applicant may provide an identification document number issued for identification purposes by any state, federal, or foreign government if the document includes the applicant's photograph, full name, birth date, and signature,
- (h) whether the applicant has had a transaction account at the same or another financial intermediary within 12 months immediately preceding the application, and, if so, the account number for each account,
- (i) whether the applicant has had a transaction account closed by financial intermediary without the applicant's consent within 12 months immediately preceding the application, and, if so, the reason the account was closed,

(j) whether the applicant has been convicted of a criminal offense involving the use of a check or other similar item within 24 months immediately preceding the application.

A financial intermediary may require an applicant to disclose additional information.

*Subd. 3. [ACCOUNT OPENING DATE.] All checks, drafts, negotiable orders of withdrawal, share drafts, or other similar items which are drawn against a transaction account after the effective date of this section shall, for a period of not less than 12 months, clearly display on the face thereof the month and year in which the account was opened, if:*

(a) the applicant represents on the application document that he has not maintained a transaction account within 12 months immediately preceding the application; or

(b) the applicant represents on the application document that he has had a transaction account closed without his consent within 12 months immediately preceding the application; or

(c) the applicant represents on the application document that he has been convicted of a criminal offense involving the use of a check or other similar item within 24 months immediately preceding the application.

*Subd. 4. [IDENTIFICATION IS REQUIRED.] A financial intermediary may not open or authorize signatory power over a transaction account if the applicant fails to provide a driver's license, identification card, or identification document as required by subdivision 2. For purposes of this subdivision, "identification document" includes a social security card if the applicant is a minor.*

*Subd. 5. [NO LIABILITY.] The requirements of this section shall not be construed to impose any liability on financial intermediaries offering transaction accounts nor to limit a financial intermediary's discretion as to whether to grant or deny an application subject to this section."*

Page 7, line 25, after "10." insert "The court shall order the defendant to reimburse the drawee for the expense of furnishing information to law enforcement or prosecuting authorities under subdivision 6."

Page 8, line 8, after "of" insert "personal"

Page 8, line 10, after "seller" insert ", unless the drawer has a colorable defense to the duty to pay for the property"

Page 9, line 24, strike everything after "(2)"

Page 9, line 25, strike everything before the semicolon and insert "*Notices regarding non-sufficient funds, overdrafts, and the dishonor of any instrument drawn on the account within a period of six months of the date of request*"

Page 9, line 35, delete everything after "request" and insert "*conforming to all of the provisions of this*"

Page 9, delete line 36

Page 10, line 3, before the period insert "*, except as ordered by a court under subdivision 2*"

Page 10, line 7, strike everything after the bracket

Page 10, strike lines 8 to 10

Page 10, line 11, strike the old language and delete the new language

Page 10, line 12, delete the new language

Page 10, line 12, strike "the" and insert "A"

Page 10, line 13, after "releasing" insert "*the information specified in clauses (1) and (2)*"

Page 10, line 14, strike "any of" and insert "*of a check or other order for the payment of money that has been dishonored who first makes a written request for this information and states in writing that the check or other order for the payment of money has not been honored and that ten business days have elapsed since the mailing of the notice described in subdivision 8 and who accompanies this request with a copy of the dishonored check or other order for the payment of money and a copy of the notice of dishonor.*

*The requesting payee or holder shall notify the drawee immediately to cancel this request if payment is made before the drawee has released this information.*

*This subdivision applies to*"

Page 10, line 25, delete everything after "a request" and insert "*conforming to all of the provisions of this subdivision.*"

Page 10, delete lines 26 to 28

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

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 103, A bill for an act relating to the northeast Minnesota economic protection trust fund; authorizing expenditure of funds for job retraining; providing for administration of the distressed area emergency jobs program; appropriating money; amending Laws 1982, Second Special Session chapter 2, sections 12 and 14.

Reported the same back with the following amendments:

Page 2, line 1, delete "wages" and insert "training allowances"

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. 121, A bill for an act relating to state historic sites; designating the old administration building at the Minnesota Veterans Home as a state historic site; amending Minnesota Statutes 1982, section 138.53, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, after line 13, add:

"Sec. 2. Minnesota Statutes 1982, section 138.56, is amended by adding a subdivision to read:

*Subd. 16. The Henry Wadsworth Longfellow House, a scale replica of the American poet's home, owned by the Minneapolis Park Board and located at 4001 East Minnehaha Parkway in the city of Minneapolis."*

Further, amend the title:

Page 1, line 3, after "Home" insert "and the Longfellow House in Minneapolis"

Page 1, line 4, delete "a"

Page 1, line 4, delete "site" and insert "sites"

Page 1, line 5, after "subdivision" insert "; and section 138.56, 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.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 103 and 121 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. No. 26 was read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Fjoslien, Uphus and Anderson, G., introduced:

H. F. No. 329, A bill for an act relating to transportation; limiting liability for civil penalties of carriers or shippers of farm products; amending Minnesota Statutes 1982, section 169.871, subdivision 1.

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

Clawson, Sieben, Vanasek, Dempsey and Carlson, D., introduced:

H. F. No. 330, A bill for an act relating to courts; providing for the appeal of various matters to the court of appeals; providing for the manner of election of court of appeals judges; amending Minnesota Statutes 1982, sections 2.724, subdivision 2; 3.737, subdivision 4; 3.751, subdivision 4; 5.08, subdivision 2; 10A.01, subdivisions 5 and 19; 14.44; 14.45; 14.62, subdivision 2; 14.63; 14.64; 14.65; 14.68; 14.70; 15A.18; 16.863; 25.43, subdivision 5; 32A.09, subdivision 5; 43A.02, subdivision 25; 43A.24, subdivision 2; 43A.27, subdivision 4; 44.09, subdivision 3; 45.07; 45.17, subdivision 5; 47.54, subdivision 5; 49.18; 56.23; 60A.05; 60A.15, subdivisions 11 and 12; 72A.27; 84.59; 88.78; 97.481, subdivision 2; 97.50, subdivision 6; 105.462; 106.631, subdivisions 5 and 6; 110A.36; 111.42; 112.82, subdivisions 1 and 2; 114.13, subdivision 4; 115.49, subdivision 5; 116.07, subdivision 7; 116.11; 116A.19, subdivision 4; 116C.65; 120.17, subdivision

3b; 122.23, subdivision 16c; 123.32, subdivision 25; 127.25, subdivision 3; 127.33; 141.29, subdivision 2; 145.698, subdivision 2; 155A.11, subdivision 2; 156A.071, subdivision 9; 161.34, subdivision 4; 168.68; 169.123, subdivision 7; 177.29, subdivision 2; 178.09, subdivision 2; 179.64, subdivision 5; 179.741, subdivision 3; 181A.10, subdivision 2; 185.15; 192A.255, subdivision 1; 197.481, subdivision 6; 204B.06, subdivisions 4 and 6; 204B.11, subdivision 1; 204B.34, subdivision 3; 204B.36, subdivision 4; 204D.02, subdivision 1; 204D.08, subdivision 6; 204D.11, subdivision 1; 209.09; 210A.01, subdivision 3; 216.25; 216B.52, subdivision 5; 231.33; 237.20; 237.25; 237.27; 237.39; 244.11; 246.55; 252A.21, subdivision 1; 253B.19, subdivision 5; 253B.23, subdivision 7; 256.045, subdivisions 9 and 10; 259.32; 260.291, subdivision 2; 268.06, subdivision 20; 268.10, subdivision 8; 268.12, subdivision 13; 270.22; 270.23; 270.26; 270.68, subdivision 2; 273.16; 279.21; 282.01, subdivision 3; 290.48, subdivision 6; 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; 327B.05, subdivision 2; 340.404, subdivision 7; 340.54, subdivision 2; 351.03; 352.01, subdivision 2B; 352D.02, subdivision 1; 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; 480.054; 480.055, subdivision 1; 480.061, subdivision 8; 480.062; 480.07; 480.19; 480A.06, subdivision 1; 481.02, subdivisions 3 and 6; 482.07, subdivision 8; 485.16; 487.39; 488A.01, subdivision 14; 488A.17, subdivision 12; 488A.18, subdivision 14; 488A.34, subdivision 11; 501.35; 508.29; 508A.29; 525.71; 525.714; 525.73; 548.29, subdivision 2; 558.215; 562.04; 571.64; 574.18; 582.11; 586.09; 586.11; 586.12; 589.02; 589.29; 589.30; 590.01, subdivision 1; 590.04, subdivision 3; 590.06; 595.024, subdivision 3; 595.025, subdivision 3; 609.39; 611.07, subdivisions 2 and 3; 611.071, subdivisions 1 and 2; 611.14; 611.18; 611.25; and 648.39, subdivision 1; repealing Minnesota Statutes 1982, sections 80A.24, subdivision 3; 363.10; 484.63; 525.711; 525.74; and Laws 1982, chapter 501, sections 17, 18, 19, and 25.

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

Clark, K.; Anderson, G., and Wynia introduced:

H. F. No. 331, A bill for an act relating to economic development; requiring certain agreements relating to job creation as a condition for approval of industrial revenue bonds; amending Minnesota Statutes 1982, sections 474.01, by adding a subdivision; and 474.08.

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

Quinn, Knickerbocker, Swanson, Valan and Brinkman introduced:

H. F. No. 332, A bill for an act relating to data privacy; establishing standards and procedures for the release of financial information; proposing new law coded as Minnesota Statutes, chapter 13B.

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

Welch, Heap, McEachern, Swanson and Shaver introduced:

H. F. No. 333, A bill for an act relating to education; requiring the closing of higher education campuses or institutions; requiring the development and submission of plans for closings; providing for the transfer of affected employees.

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

Welch, Sieben, Heap, Jennings and Nelson, K., introduced:

H. F. No. 334, A bill for an act relating to education; establishing a board of directors for two year post-secondary education; 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 board of directors of two year post-secondary education; appropriating money; proposing new law coded as Minnesota Statutes, chapter 136B.

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

Swanson; Berkelman; Onnen; Clark, J., and Gruenes introduced:

H. F. No. 335, A bill for an act relating to public welfare; retroactively exempting certain health maintenance organizations from the four percent medical assistance payment reduction.

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



Carlson, D., introduced :

H. F. No. 336, A bill for an act relating to taxation; income; providing that state elections campaign fund designations be added to the tax or deducted from the refund; amending Minnesota Statutes 1982, section 10A.31, subdivisions 1 and 3.

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

Clark, J.; Seaberg; Sparby; Welch and Shea introduced :

H. F. No. 337, A bill for an act relating to public safety; directing the commissioner of public safety to establish a program to encourage citizens to report suspected drunk drivers; proposing new law coded in Minnesota Statutes, chapter 299A.

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

Carlson, D., and Erickson introduced :

H. F. No. 338, A bill for an act relating to agriculture; implementing an executive order transferring the state soil and water conservation board from the department of natural resources to the department of agriculture; amending Minnesota Statutes 1982, section 40.03.

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

O'Connor, Ogren, Dempsey and Tomlinson introduced :

H. F. No. 339, A bill for an act relating to taxation; prohibiting imposition of penalties for underpayments of estimated tax under certain circumstances.

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

Graba, Peterson, Bergstrom, Valan and Solberg introduced :

H. F. No. 340, A bill for an act relating to alcohol and other drug abuse; requiring certain persons to report suspected chemical abuse by minors; establishing certain duties of local welfare agencies; providing a penalty; 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.

Berkelman, Schreiber, Kalis, Dempsey and Coleman introduced:

H. F. No. 341, A bill for an act relating to traffic regulations; regulating parking privileges for handicapped persons; prohibiting obstructing access to a parking space for handicapped persons; providing for signposts of limited movability designating handicapped parking space; providing for enforcement; providing penalties; amending Minnesota Statutes 1982, section 169.346.

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

Berkelman, Swanson, Reif, Elioff and Blatz introduced:

H. F. No. 342, A bill for an act relating to the board of dentistry; increasing the board's powers in relation to disciplinary actions; exempting certain registered occupations from business licensing review; amending Minnesota Statutes 1982, sections 116J.70, subdivision 2a; 150A.05, subdivision 2; 150A.06; 150A.08, subdivisions 1, 3, and by adding subdivisions; 150A.09; and repealing Laws 1976, chapter 263, section 6, subdivision 2.

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

Schreiber, Shea, Clawson, Valento and Schoenfeld introduced:

H. F. No. 343, A bill for an act relating to local government; fixing various conditions for contracts for improvements and the use of day labor by political subdivisions; amending Minnesota Statutes 1982, section 471.345.

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

Gustafson, Rodosovich, Peterson, Krueger and Mann introduced:

H. F. No. 344, A bill for an act relating to driver's licenses; requiring examination of applicants' knowledge of the effects of alcohol and drugs on drivers; amending Minnesota Statutes 1982, section 171.13, subdivision 1.

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

Zaffke, Ogren and Quist introduced:

H. F. No. 345, A bill for an act relating to taxation; property; reducing the classification ratios for commercial industrial property; amending Minnesota Statutes 1982, section 273.13, subdivision 9.

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

Murphy and Ogren introduced:

H. F. No. 346, A bill for an act relating to game and fish; authorizing non-tribal member residents of the Fond du Lac Indian reservation to hunt within the reservation; amending Minnesota Statutes 1982, section 98.45, by adding a subdivision.

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

Murphy, Elioff and Clark, J., introduced:

H. F. No. 347, A bill for an act relating to labor; regulating the minimum wage; eliminating the tip credit; amending Minnesota Statutes 1982, section 177.24, subdivision 2; repealing Minnesota Statutes 1982, section 177.28, subdivision 4.

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

Clark, J.; Vanasek; McKasy; Hoffman and Norton introduced:

H. F. No. 348, A bill for an act relating to crimes; prohibiting the selling of children; 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 Judiciary.

Carlson, D., introduced:

H. F. No. 349, A bill for an act relating to taxation; excise; imposing a manufacturers' excise tax on certain recreational equipment; proposing new law coded in Minnesota Statutes, chapter 295.

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

McDonald introduced:

H. F. No. 350, A resolution memorializing Congress; applying for a constitutional convention to propose an amendment to the United States Constitution to prohibit deficit spending by the United States government.

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

Kalis, McEachern and Brinkman introduced:

H. F. No. 351, A bill for an act relating to workers' compensation; regulating workers' compensation insurance rates; accelerating the deregulation of rates; amending Minnesota Statutes 1982, sections 79.071, subdivision 1; 79.51, subdivisions 2 and 3; and Laws 1981, chapter 346, section 145.

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

Clark, K., introduced:

H. F. No. 352, A bill for an act relating to the department of economic security; establishing a pilot project to provide child care information and referral at selected job service sites; appropriating money.

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

Schreiber, Scheid, Tomlinson, Haukoos and Vanasek introduced:

H. F. No. 353, A bill for an act relating to taxation; providing for the computation of renters' property tax refunds on the basis of actual property taxes; amending Minnesota Statutes 1982, sections 290A.03, subdivisions 11, 13, and by adding a subdivision; and 290A.19.

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

Osthoff introduced:

H. F. No. 354, 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.

Wynia; Skoglund; St. Onge; Clark, K., and Kvam introduced:

H. F. No. 355, A bill for an act relating to insurance; health and accident; providing benefits for the services of a clinical nurse specialist in psychiatric or mental health nursing; amending Minnesota Statutes 1982, section 62A.152, subdivision 2.

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

Wynia; Skoglund; St. Onge; Clark, K., and Kvam introduced:

H. F. No. 356, A bill for an act relating to insurance; health and accident; providing reimbursement for the services of certain licensed and certified registered nurses on an equal basis with other licensed health professional services; amending Minnesota Statutes 1982, sections 62A.03, subdivision 1; and 62A.15.

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

Carlson, D.; Redalen; Ludeman; Neuenschwander and St. Onge introduced:

H. F. No. 357, A bill for an act relating to game and fish; authorizing a season on mourning doves; setting maximum daily and possession limits; amending Minnesota Statutes 1982, 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.

Clark, K.; Norton and Begich introduced:

H. F. No. 358, A bill for an act relating to job creation; establishing a small business job creation incentive program; appropriating money; 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.

Norton, Heinitz, Neuenschwander, McDonald and Rodosovich introduced:

H. F. No. 359, A bill for an act relating to state government; removing the requirement of senate confirmation for appointment to certain state agencies; limiting terms of certain hold-over appointees; requiring senate confirmation of commissioner appointees within a certain time period; formulating a procedure for senate and house confirmations; changing a time requirement for filing a statement of economic interest in certain cases; amending Minnesota Statutes 1982, sections 1.33; 3.9223, subdivision 1; 10A.09, subdivisions 1 and 3; 11A.07, subdivision 3; 14.48; 15.0575, subdivision 2; 15.0597, subdivision 6; 15.06, subdivisions 2 and 5; 15.50, subdivision 1; 16.823, subdivision 2; 40.03, subdivision 1; 85A.01, subdivision 1; 105.401, subdivision 1; 115A.05, subdivision 2; 116E.02, subdivision 1; 116J.04; 121.82, subdivision 1; 121.844, subdivision 1; 182.664, subdivision 1; 250.05, subdivision 2; 299B.05, subdivision 1; 414.01, subdivision 2; 473.123, subdivision 4; 473.141, subdivision 3; 490.15, subdivision 1; 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.

McEachern; Nelson, K.; Sieben; Eken and Welch introduced:

H. F. No. 360, A bill for an act relating to education; transferring authority for appointing the commissioner of education from the state board of education to the governor; amending Minnesota Statutes 1982, section 121.16.

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

Peterson, Jensen, McEachern, Forsythe and Marsh introduced:

H. F. No. 361, A bill for an act relating to safety; establishing a traffic safety education improvement program; imposing an additional fee for driver's license renewal for the traffic safety education improvement fund; appropriating money; amending Minnesota Statutes 1982, section 171.06, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 126.

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

Simoneau introduced:

H. F. No. 362, A bill for an act relating to state employees; providing for certain unpaid leaves of absence; providing for retention of certain rights during these leaves; amending Minnesota Statutes 1982, section 43A.27, subdivision 2; proposing new law coded in chapter 43A.

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

Clark, K.; Kelly and Brandl introduced:

H. F. No. 363, A bill for an act relating to taxation; sales; increasing the sales tax rate on furs and jewelry; amending Minnesota Statutes 1982, section 297A.02, by adding a subdivision.

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

Gruenes, Bergstrom and Marsh introduced:

H. F. No. 364, A bill for an act relating to state lands; conveying certain state lands to the city of St. Cloud.

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

Clark, K.; Clark, J.; Greenfield and Welch introduced:

H. F. No. 365, A bill for an act relating to health care facilities; clarifying the rights and responsibilities of patients and residents; amending Minnesota Statutes 1982, section 144.651.

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

Elioff, DenOuden, Levi, McEachern and Bennett introduced:

H. F. No. 366, A bill for an act relating to crimes; prohibiting the use of body armor during the commission of felonies; providing penalties; proposing new law coded in Minnesota Statutes, chapter 624.

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

Gruenes, Bergstrom and Marsh introduced:

H. F. No. 367, A bill for an act relating to Independent School District No. 748, Sartell, and Independent School District No. 742, St. Cloud; authorizing certain school district land to be detached and annexed; authorizing transportation and transportation aid for certain pupils.

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

Clark, K., and Brandl introduced:

H. F. No. 368, A bill for an act relating to alcoholic beverages; requiring cities, towns, and counties to obtain certain information from the commissioner of revenue before issuing retail licenses; amending Minnesota Statutes 1982, sections 290.612; and 297A.431.

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

Brinkman, Metzen, Segal, Norton and Heinitz introduced:

H. F. No. 369, A bill for an act relating to financial institutions; banks; authorizing the leasing of personal property to employees, stockholders, directors, or officers; repealing Minnesota Statutes 1982, section 48.152, subdivision 9.

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

Osthoff introduced:

H. F. No. 370, A bill for an act relating to taxation; enacting the multistate tax compact; appropriating money; proposing new law coded in Minnesota Statutes, chapter 290.

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

#### 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. 118.

PATRICK E. FLAHAVER, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 118, A bill for an act relating to the northeast Minnesota economic protection trust fund; authorizing expenditure of funds for job retraining; providing for administration of the distressed area emergency jobs program; appropriating money; amending Laws 1982, Second Special Session chapter 2, sections 12 and 14.

The bill was read for the first time.

Battaglia moved that S. F. No. 118 and H. F. No. 103, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

### CONSENT CALENDAR

S. F. No. 71, A bill for an act relating to children; changing obsolete references to certain children; amending Minnesota Statutes 1982, sections 127.27, subdivision 6; 144.225, subdivision 2; 256.01, subdivision 2; 256.88; 256.91; 256.93; 257.34, subdivision 1; 260.221; 393.07, subdivision 1; 423.387, subdivision 2; 423.58, subdivision 2; 487.19, subdivision 1; 525.172; 525.173; 609.37; and 617.22.

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 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Coleman	Himle	McDonald	Pauly
Anderson, G.	Dempsey	Hoffman	McEachern	Peterson
Anderson, R.	DenOuden	Hokr	McKasy	Piepho
Battaglia	Dimler	Jacobs	Metzen	Piper
Beard	Eken	Jennings	Minne	Price
Begich	Elioff	Jensen	Munger	Quinn
Bennett	Erickson	Johnson	Murphy	Quist
Bergstrom	Evans	Kalis	Nelson, D.	Redalen
Berkelman	Findlay	Kelly	Nelson, K.	Reif
Bishop	Fjoslien	Knickerbocker	Neuenschwander	Rice
Blatz	Forsythe	Knuth	Norton	Riveness
Brandl	Graba	Kostohryz	O'Connor	Rodosovich
Burger	Greenfield	Krueger	Ogren	Rodriguez, C.
Carlson, L.	Gruenes	Larsen	Olsen	Rodriguez, F.
Clark, J.	Gustafson	Levi	Omann	Rose
Clark, K.	Gutknecht	Long	Onnen	Sarna
Clawson	Halberg	Ludeman	Osthoff	Schafer
Cohen	Haukoos	Mann	Otis	Scheid

Schoenfeld	Skoglund	Tomlinson	Vellenga	Wenzel
Schreiber	Solberg	Tunheim	Voss	Wigley
Seaberg	Sparby	Uphus	Waltman	Wynia
Segal	Stadum	Valan	Welch	Zaffke
Shaver	Sviggum	Valento	Welker	Speaker Sieben
Sherman	Thiede	Vanasek	Welle	

The bill was passed and its title agreed to.

### CALENDAR

S. F. No. 15 was reported to the House and given its third reading.

### UNANIMOUS CONSENT

Osthoff requested unanimous consent to offer an amendment. The request was granted.

Osthoff moved to amend S. F. No. 15, as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 473.123, is amended by adding a subdivision to read:

*Subd. 2a. [TERMS.] Following each apportionment of council districts under section 3, the terms of council members shall commence on the effective date of that apportionment, as provided in section 3. The terms of members are as follows: members representing even numbered districts for terms ending the first Monday in January of the year ending in the numeral “7”; members representing odd numbered districts for terms ending the first Monday in January of the year ending in the numeral “5”. Thereafter the term of each member is four years except that all terms expire on the effective date of the next apportionment. A member shall continue to serve his district until a successor is appointed and qualified; except that, following each apportionment, all members shall continue to serve at large until their successors are appointed and qualified.*

Sec. 2. Minnesota Statutes 1982, section 473.123, subdivision 3, is amended to read:

*Subd. 3. [MEMBERSHIP; APPOINTMENT; QUALIFICATIONS.] The council shall be composed of sixteen members (OF THE METROPOLITAN COUNCIL SHALL BE APPOINTED BY). The governor shall appoint members on a non-partisan basis (,) after (CONSULTING) consultation with the members of the legislature from the area composing the council district for which the member is to be appointed (, BY AND WITH).*

*In addition to the notice required by section 15.0597, subdivision 4, notice of vacancies and expiration of terms shall be published in newspapers of general circulation in the metropolitan area and the appropriate districts. Following the submission of applications to the appointing authority pursuant to section 15.0597, subdivision 5, the governor, or legislators designated by the governor from each district, shall conduct one or more public hearings on the matter of the appointment in each district to accept statements from persons who have applied for appointment and to allow consultation with and secure the advice of the public and legislators from the district. Appointments are subject to the advice and consent of the senate and the house of representatives acting separately. If either house votes not to confirm an appointment, the appointment shall terminate on the day following the vote not to confirm. Each (SUCH) council member shall reside in the council district which he represents. Each council district shall be represented by one member of the council. (COUNCIL DISTRICTS ARE HEREBY CREATED AS FOLLOWS:)*

**((1) THE FIRST COUNCIL DISTRICT CONSISTS OF THAT PART OF THE CITY OF ST. PAUL DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF UNIVERSITY AVENUE WITH THE WEST CITY LIMITS, EXTENDING EASTERLY ALONG THE CENTER LINE OF UNIVERSITY AVENUE TO THE CENTER LINE OF RICE STREET, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF RICE STREET TO THE CENTER LINE OF INTERSTATE 94, EXTENDING EASTERLY ALONG THE CENTER LINE OF INTERSTATE 94 TO THE CENTER LINE OF SUMMIT AVENUE EXTENDED, EXTENDING SOUTHWESTERLY ALONG THE CENTER LINE OF SUMMIT AVENUE EXTENDED AND SUMMIT AVENUE TO THE CENTER LINE OF KELLOGG BOULEVARD, EXTENDING SOUTHEASTERLY ALONG THE CENTER LINE OF KELLOGG BOULEVARD TO THE CENTER LINE OF EAGLE STREET, EXTENDING SOUTHEASTERLY ALONG THE CENTER LINE OF EAGLE STREET TO THE MAIN CHANNEL OF THE MISSISSIPPI RIVER, EXTENDING SOUTHWESTERLY, WESTERLY, AND NORTHERLY ALONG THE MAIN CHANNEL OF THE MISSISSIPPI RIVER TO THE WEST CITY LIMITS, AND EXTENDING NORTHERLY ALONG THE WEST CITY LIMITS TO THE POINT OF ORIGIN.)**

**((2) THE SECOND COUNCIL DISTRICT CONSISTS OF THAT PART OF THE COUNTY OF RAMSEY CONSISTING OF THE CITIES OF LAUDERDALE, FALCON HEIGHTS, AND ROSEVILLE; AND THAT PART OF THE CITY OF ST. PAUL DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF UNIVERSITY AVENUE WITH THE WEST CITY LIMITS, EXTENDING EASTERLY ALONG THE CENTER LINE OF UNIVERSITY**

AVENUE TO THE CENTER LINE OF RICE STREET, EXTENDING NORTHERLY ALONG THE CENTER LINE OF RICE STREET TO THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY, EXTENDING EASTERLY ALONG THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY TO THE CENTER LINE OF SYLVAN STREET, EXTENDING NORTHERLY ALONG THE CENTER LINE OF SYLVAN STREET TO THE CENTER LINE OF MAGNOLIA AVENUE WEST, EXTENDING EASTERLY ALONG THE CENTER LINE OF MAGNOLIA AVENUE WEST TO THE CENTER LINE OF AGATE STREET, EXTENDING NORTHERLY ALONG THE CENTER LINE OF AGATE STREET TO THE CENTER LINE OF JESSAMINE AVENUE WEST EXTENDED, EXTENDING EASTERLY ALONG THE CENTER LINE OF JESSAMINE AVENUE WEST EXTENDED TO THE CENTER LINE OF INTERSTATE 35E, EXTENDING NORTHERLY ALONG THE CENTER LINE OF INTERSTATE 35E TO THE NORTH CITY LIMITS, AND EXTENDING WESTERLY, SOUTHERLY, WESTERLY, SOUTHERLY, WESTERLY, NORTHERLY, WESTERLY, AND SOUTHERLY ALONG THE CITY LIMITS TO THE POINT OF ORIGIN.)

(3) THE THIRD COUNCIL DISTRICT CONSISTS OF THAT PART OF THE CITY OF ST. PAUL DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF INTERSTATE 35E WITH THE NORTH CITY LIMITS, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF INTERSTATE 35E TO THE CENTER LINE OF JESSAMINE AVENUE WEST EXTENDED; EXTENDING WESTERLY ALONG THE CENTER LINE OF JESSAMINE AVENUE WEST EXTENDED TO THE CENTER LINE OF AGATE STREET, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF AGATE STREET TO THE CENTER LINE OF MAGNOLIA AVENUE WEST, EXTENDING WESTERLY ALONG THE CENTER LINE OF MAGNOLIA AVENUE WEST TO THE CENTER LINE OF SYLVAN STREET, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF SYLVAN STREET TO THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY, EXTENDING WESTERLY ALONG THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY TO THE CENTER LINE OF RICE STREET, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF RICE STREET TO THE CENTER LINE OF INTERSTATE 94, EXTENDING EASTERLY ALONG THE CENTER LINE OF INTERSTATE 94 TO THE CENTER LINE OF SUMMIT AVENUE EXTENDED, EXTENDING SOUTHWESTERLY ALONG THE CENTER LINE OF SUMMIT AVENUE EXTENDED AND SUMMIT AVENUE TO THE CENTER LINE OF KELLOGG BOULEVARD, EXTENDING SOUTHEASTERLY ALONG THE CENTER LINE OF KELLOGG BOULEVARD TO THE CENTER LINE OF EAGLE STREET, EXTENDING SOUTHEASTERLY ALONG THE CENTER LINE OF EAGLE STREET TO THE MAIN CHANNEL OF THE MISSISSIPPI RIVER, EXTENDING

SOUTHWESTERLY ALONG THE MAIN CHANNEL OF THE MISSISSIPPI RIVER TO THE SOUTH CITY LIMITS, EXTENDING EASTERLY, NORTHERLY, EASTERLY, SOUTHERLY, EASTERLY, SOUTHEASTERLY, EASTERLY, NORTHERLY, AND WESTERLY ALONG THE CITY LIMITS TO THE POINT OF ORIGIN.)

((4) THE FOURTH COUNCIL DISTRICT CONSISTS OF THAT PART OF THE COUNTY OF RAMSEY CONSISTING OF THE TOWN OF WHITE BEAR; THE CITIES OF ARDEN HILLS, GEM LAKE, LITTLE CANADA, MOUNDSVIEW, NEW BRIGHTON, NORTH OAKS, NORTH ST. PAUL, SHOREVIEW, AND VADNAIS HEIGHTS; THAT PART OF THE CITY OF WHITE BEAR LAKE LYING IN THE COUNTY OF RAMSEY; AND THAT PART OF THE CITY OF MAPLEWOOD LYING NORTH OF THE CENTER LINE OF LARPENTEUR AVENUE.)

((5) THE FIFTH COUNCIL DISTRICT CONSISTS OF THAT PART OF THE COUNTY OF HENNEPIN CONSISTING OF THE CITY OF ROBBINSDALE; THAT PART OF THE CITY OF GOLDEN VALLEY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF TRUNK HIGHWAY NO. 100 WITH THE NORTH CITY LIMITS, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF TRUNK HIGHWAY NO. 100 TO THE MINNESOTA WESTERN RAILROAD RIGHT OF WAY, EXTENDING EASTERLY ALONG THE MINNESOTA WESTERN RAILROAD RIGHT OF WAY TO THE EAST CITY LIMITS, AND EXTENDING NORTHERLY, WESTERLY, NORTHERLY, AND WESTERLY ALONG THE CITY LIMITS TO THE POINT OF ORIGIN; AND THAT PART OF THE CITY OF MINNEAPOLIS DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE MAIN CHANNEL OF THE MISSISSIPPI RIVER WITH THE NORTH CITY LIMITS, EXTENDING SOUTHERLY ALONG THE MAIN CHANNEL OF THE MISSISSIPPI RIVER TO THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY, EXTENDING SOUTHWESTERLY ALONG THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY TO THE CENTER LINE OF SIXTH STREET NORTH EXTENDED, EXTENDING SOUTHEASTERLY ALONG THE CENTER LINE OF SIXTH STREET NORTH EXTENDED AND SIXTH STREET NORTH TO THE CENTER LINE OF HENNEPIN AVENUE, EXTENDING SOUTHWESTERLY ALONG THE CENTER LINE OF HENNEPIN AVENUE TO THE CENTER LINE OF FRANKLIN AVENUE WEST, EXTENDING WESTERLY ALONG THE CENTER LINE OF FRANKLIN AVENUE WEST TO THE CENTER LINE OF LAKE OF THE ISLES BOULEVARD EAST, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF LAKE OF THE ISLES BOULEVARD EAST TO THE CENTER LINE OF LAKE CALHOUN BOULEVARD EAST, EXTENDING

SOUTHERLY ALONG THE CENTER LINE OF LAKE CALHOUN BOULEVARD EAST TO THE CENTER LINE OF LAKE STREET WEST, EXTENDING WESTERLY ALONG THE CENTER LINE OF LAKE STREET WEST TO THE WEST CITY LIMITS, AND EXTENDING NORTHERLY, EASTERLY, NORTHERLY, AND EASTERLY ALONG THE CITY LIMITS TO THE POINT OF ORIGIN.)

((6) THE SIXTH COUNCIL DISTRICT CONSISTS OF THAT PART OF THE COUNTY OF HENNEPIN CONSISTING OF THAT PART OF THE CITY OF ST. ANTHONY LYING IN THE COUNTY OF HENNEPIN; AND THAT PART OF THE CITY OF MINNEAPOLIS DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE MAIN CHANNEL OF THE MISSISSIPPI RIVER WITH THE NORTH CITY LIMITS, EXTENDING SOUTHERLY ALONG THE MAIN CHANNEL OF THE MISSISSIPPI RIVER TO THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY, EXTENDING SOUTHWESTERLY ALONG THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY TO THE CENTER LINE OF SIXTH STREET NORTH EXTENDED, EXTENDING SOUTHEASTERLY ALONG THE CENTER LINE OF SIXTH STREET NORTH EXTENDED AND SIXTH STREET NORTH TO THE CENTER LINE OF HENNEPIN AVENUE, EXTENDING SOUTHWESTERLY ALONG THE CENTER LINE OF HENNEPIN AVENUE TO THE CENTER LINE OF LINCOLN AVENUE EXTENDED, EXTENDING EASTERLY ALONG THE CENTER LINE OF LINCOLN AVENUE EXTENDED TO THE CENTER LINE OF LYNDALE AVENUE SOUTH, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF LYNDALE AVENUE SOUTH TO THE CENTER LINE OF TWENTY-FOURTH STREET EAST, EXTENDING EASTERLY ALONG THE CENTER LINE OF TWENTY-FOURTH STREET EAST TO THE CENTER LINE OF STEVENS AVENUE SOUTH, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF STEVENS AVENUE SOUTH TO THE CENTER LINE OF TWENTY-FIFTH STREET EAST, EXTENDING EASTERLY ALONG THE CENTER LINE OF TWENTY-FIFTH STREET EAST TO THE CENTER LINE OF FIFTEENTH AVENUE SOUTH, EXTENDING NORTHERLY ALONG THE CENTER LINE OF FIFTEENTH AVENUE SOUTH TO THE CENTER LINE OF TWENTY-FOURTH STREET EAST, EXTENDING EASTERLY ALONG THE CENTER LINE OF TWENTY-FOURTH STREET EAST TO THE CENTER LINE OF CEDAR AVENUE SOUTH, EXTENDING NORTHERLY ALONG THE CENTER LINE OF CEDAR AVENUE SOUTH TO THE CENTER LINE OF SIXTH STREET SOUTH; EXTENDING EASTERLY ALONG THE CENTER LINE OF SIXTH STREET SOUTH TO THE CENTER LINE OF TWENTY-SEVENTH AVENUE SOUTH EXTENDED, EXTENDING NORTHERLY ALONG THE CENTER LINE OF TWENTY-SEVENTH AVENUE SOUTH EXTENDED TO

THE MAIN CHANNEL OF THE MISSISSIPPI RIVER, EXTENDING SOUTHEASTERLY ALONG THE MAIN CHANNEL OF THE MISSISSIPPI RIVER TO THE EAST CITY LIMITS, AND EXTENDING NORTHERLY, WESTERLY, NORTHERLY, WESTERLY, NORTHERLY, AND WESTERLY TO THE POINT OF ORIGIN; AND THAT PART OF THE COUNTY OF RAMSEY CONSISTING OF THAT PART OF THE CITY OF ST. ANTHONY LYING IN THE COUNTY OF RAMSEY.)

((7) THE SEVENTH COUNCIL DISTRICT CONSISTS OF THAT PART OF THE CITY OF MINNEAPOLIS DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF LAKE STREET WEST WITH THE WEST CITY LIMITS, EXTENDING EASTERLY ALONG THE CENTER LINE OF LAKE STREET WEST TO THE CENTER LINE OF LAKE CALHOUN BOULEVARD EAST, EXTENDING NORTHERLY ALONG THE CENTER LINE OF LAKE CALHOUN BOULEVARD EAST TO THE CENTER LINE OF LAKE OF THE ISLES BOULEVARD EAST, EXTENDING NORTHERLY ALONG THE CENTER LINE OF LAKE OF THE ISLES BOULEVARD EAST TO THE CENTER LINE OF FRANKLIN AVENUE WEST, EXTENDING EASTERLY ALONG THE CENTER LINE OF FRANKLIN AVENUE WEST TO THE CENTER LINE OF HENNEPIN AVENUE, EXTENDING NORTHEASTERLY ALONG THE CENTER LINE OF HENNEPIN AVENUE TO THE CENTER LINE OF LINCOLN AVENUE EXTENDED, EXTENDING EASTERLY ALONG THE CENTER LINE OF LINCOLN AVENUE EXTENDED TO THE CENTER LINE OF LYNDALE AVENUE SOUTH, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF LYNDALE AVENUE SOUTH TO THE CENTER LINE OF TWENTY-FOURTH STREET EAST, EXTENDING EASTERLY ALONG THE CENTER LINE OF TWENTY-FOURTH STREET EAST TO THE CENTER LINE OF STEVENS AVENUE SOUTH, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF STEVENS AVENUE SOUTH TO THE CENTER LINE OF TWENTY-FIFTH STREET EAST, EXTENDING EASTERLY ALONG THE CENTER LINE OF TWENTY-FIFTH STREET EAST TO THE CENTER LINE OF CHICAGO AVENUE SOUTH, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF CHICAGO AVENUE SOUTH TO THE CENTER LINE OF THIRTY-EIGHTH STREET EAST, EXTENDING WESTERLY ALONG THE CENTER LINE OF THIRTY-EIGHTH STREET EAST TO THE CENTER LINE OF FOURTH AVENUE SOUTH, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF FOURTH AVENUE SOUTH TO THE CENTER LINE OF FORTY-SECOND STREET EAST, EXTENDING WESTERLY ALONG THE CENTER LINE OF FORTY-SECOND STREET EAST TO THE CENTER LINE OF INTERSTATE 35W, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF INTERSTATE 35W TO THE CEN-

TER LINE OF FORTY-EIGHTH STREET EAST EXTENDED, EXTENDING WESTERLY ALONG THE CENTER LINE OF FORTY-EIGHTH STREET EAST EXTENDED AND FORTY-EIGHTH STREET EAST TO THE CENTER LINE OF NICOLLET AVENUE SOUTH, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF NICOLLET AVENUE SOUTH TO THE CENTER LINE OF FIFTY-SEVENTH STREET EAST, EXTENDING EASTERLY ALONG THE CENTER LINE OF FIFTY-SEVENTH STREET EAST AND FIFTY-SEVENTH STREET EAST EXTENDED TO THE CENTER LINE OF INTERSTATE 35W, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF INTERSTATE 35W TO THE SOUTH CITY LIMITS, AND EXTENDING WESTERLY, NORTHERLY, WESTERLY, AND NORTHERLY TO THE POINT OF ORIGIN.)

((8) THE EIGHTH COUNCIL DISTRICT CONSISTS OF THAT PART OF THE CITY OF MINNEAPOLIS DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE MAIN CHANNEL OF THE MISSISSIPPI RIVER WITH THE EAST CITY LIMITS, EXTENDING NORTHWESTERLY ALONG THE MAIN CHANNEL OF THE MISSISSIPPI RIVER TO THE CENTER LINE OF TWENTY-SEVENTH AVENUE SOUTH EXTENDED, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF TWENTY-SEVENTH AVENUE SOUTH EXTENDED TO THE CENTER LINE OF SIXTH STREET SOUTH, EXTENDING WESTERLY ALONG THE CENTER LINE OF SIXTH STREET SOUTH TO THE CENTER LINE OF CEDAR AVENUE SOUTH, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF CEDAR AVENUE SOUTH TO THE CENTER LINE OF TWENTY-FOURTH STREET EAST, EXTENDING WESTERLY ALONG THE CENTER LINE OF TWENTY-FOURTH STREET EAST TO THE CENTER LINE OF FIFTEENTH AVENUE SOUTH, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF FIFTEENTH AVENUE SOUTH TO THE CENTER LINE OF TWENTY-FIFTH STREET EAST, EXTENDING WESTERLY ALONG THE CENTER LINE OF TWENTY-FIFTH STREET EAST TO THE CENTER LINE OF CHICAGO AVENUE SOUTH, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF CHICAGO AVENUE SOUTH, TO THE CENTER LINE OF THIRTY-EIGHTH STREET EAST, EXTENDING WESTERLY ALONG THE CENTER LINE OF THIRTY-EIGHTH STREET EAST TO THE CENTER LINE OF FOURTH AVENUE SOUTH, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF FOURTH AVENUE SOUTH TO THE CENTER LINE OF FORTY-SECOND STREET EAST, EXTENDING WESTERLY ALONG THE CENTER LINE OF FORTY-SECOND STREET EAST TO THE CENTER LINE OF INTERSTATE 35W, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF INTERSTATE 35W TO THE CENTER LINE OF FORTY-EIGHTH STREET EAST EXTENDED, EXTENDING WESTERLY ALONG THE CEN-



TER LINE OF FORTY-EIGHTH STREET EAST EXTENDED AND FORTY-EIGHTH STREET EAST TO THE CENTER LINE OF NICOLLET AVENUE SOUTH, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF NICOLLET AVENUE SOUTH TO THE CENTER LINE OF FIFTY-SEVENTH STREET EAST, EXTENDING EASTERLY ALONG THE CENTER LINE OF FIFTY-SEVENTH STREET EAST AND FIFTY-SEVENTH STREET EAST EXTENDED TO THE CENTER LINE OF INTERSTATE 35W, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF INTERSTATE 35W TO THE SOUTH CITY LIMITS, AND EXTENDING EASTERLY, NORTHERLY, EASTERLY, AND NORTHERLY TO THE POINT OF ORIGIN.)

((9) THE NINTH COUNCIL DISTRICT CONSISTS OF THAT PART OF THE COUNTY OF HENNEPIN CONSISTING OF THE FORT SNELLING AREA; THE CITY OF RICHFIELD; AND THAT PART OF THE CITY OF BLOOMINGTON DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF FRANCE AVENUE SOUTH WITH THE NORTH CITY LIMITS, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF FRANCE AVENUE SOUTH TO THE CENTER LINE OF ONE HUNDRED SECOND STREET WEST, EXTENDING WESTERLY ALONG THE CENTER LINE OF ONE HUNDRED SECOND STREET WEST TO THE CENTER LINE OF JOHNSON AVENUE, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF JOHNSON AVENUE TO THE MINNEAPOLIS, NORTHFIELD, AND SOUTHERN RAILROAD RIGHT OF WAY, EXTENDING SOUTH-WESTERLY ALONG THE MINNEAPOLIS, NORTHFIELD, AND SOUTHERN RAILROAD RIGHT OF WAY TO THE CENTER LINE OF NORMANDALE BOULEVARD, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF NORMANDALE BOULEVARD TO THE SOUTH CITY LIMITS, EXTENDING EASTERLY, NORTHEASTERLY, WESTERLY, NORTHERLY, AND WESTERLY ALONG THE CITY LIMITS TO THE POINT OF ORIGIN.)

((10) THE TENTH COUNCIL DISTRICT CONSISTS OF THAT PART OF THE COUNTY OF HENNEPIN CONSISTING OF THE CITIES OF NEW HOPE, CRYSTAL AND ST. LOUIS PARK; AND THAT PART OF THE CITY OF GOLDEN VALLEY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF TRUNK HIGHWAY NO. 100 AND THE NORTH CITY LIMITS, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF TRUNK HIGHWAY NO. 100 TO THE MINNESOTA WESTERN RAILROAD RIGHT OF WAY, EXTENDING EASTERLY ALONG THE MINNESOTA WESTERN RAILROAD RIGHT OF WAY TO THE EAST CITY LIMITS, EXTENDING SOUTHERLY, WESTERLY, SOUTHERLY WESTERLY, AND NORTHERLY ALONG THE CITY LIMITS

TO THE CENTER LINE OF OLSON MEMORIAL HIGHWAY, EXTENDING EASTERLY ALONG THE CENTER LINE OF OLSON MEMORIAL HIGHWAY TO THE CENTER LINE OF WINNETKA AVENUE NORTH, EXTENDING NORTHERLY ALONG THE CENTER LINE OF WINNETKA AVENUE NORTH TO THE NORTH CITY LIMITS, AND EXTENDING EASTERLY ALONG THE NORTH CITY LIMITS TO THE POINT OF ORIGIN.)

((11) THE ELEVENTH COUNCIL DISTRICT CONSISTS OF THAT PART OF THE COUNTY OF HENNEPIN CONSISTING OF THE CITIES OF EDINA, MEDICINE LAKE, MINNETONKA, PLYMOUTH, HOPKINS AND WAYZATA; AND THAT PART OF THE CITY OF GOLDEN VALLEY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF WINNETKA AVENUE NORTH AND THE NORTH CITY LIMITS, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF WINNETKA AVENUE NORTH TO THE CENTER LINE OF OLSON MEMORIAL HIGHWAY; EXTENDING WESTERLY ALONG THE CENTER LINE OF OLSON MEMORIAL HIGHWAY TO THE WEST CITY LIMITS, AND EXTENDING NORTHERLY AND EASTERLY ALONG THE CITY LIMITS TO THE POINT OF ORIGIN.)

((12) THE TWELFTH COUNCIL DISTRICT CONSISTS OF THAT PART OF THE COUNTY OF ANOKA CONSISTING OF THE TOWNS OF BURNS, CROW, OAK GROVE, AND RAMSEY; THE CITIES OF ANOKA, BETHEL AND ST. FRANCIS; AND THAT PART OF THE COUNTY OF HENNEPIN CONSISTING OF THE TOWN OF HASSAN; THE CITIES OF CORCORAN, CHAMPLIN, DAYTON, GREENFIELD, INDEPENDENCE, LORETTO, MAPLE GROVE, MAPLE PLAIN, MEDINA, MINNETRISTA, OSSEO, ROGERS, ST. BONIFACIUS, BROOKLYN CENTER AND BROOKLYN PARK; AND THAT PART OF THE CITIES OF HANOVER AND ROCKFORD LYING IN THE COUNTY OF HENNEPIN.)

((13) THE THIRTEENTH COUNCIL DISTRICT CONSISTS OF THAT PART OF THE COUNTY OF ANOKA CONSISTING OF THE TOWN OF HAM LAKE; THE CITIES OF EAST BETHEL, HILLTOP, COLUMBIA HEIGHTS, COON RAPIDS, AND FRIDLEY; AND THAT PART OF THE CITY OF SPRING LAKE PARK AND THE CITY OF BLAINE LYING IN ANOKA COUNTY; AND THAT PART OF THE COUNTY OF RAMSEY CONSISTING OF THAT PART OF THE CITIES OF SPRING LAKE PARK AND BLAINE LYING IN THE COUNTY OF RAMSEY.)

((14) THE FOURTEENTH COUNCIL DISTRICT CONSISTS OF THE COUNTY OF WASHINGTON; THAT PART OF THE COUNTY OF ANOKA CONSISTING OF THE TOWNS OF COLUMBUS AND LINWOOD; AND THE CITIES

OF CENTERVILLE, CIRCLE PINES, LEXINGTON, AND LINO LAKES; THAT PART OF THE COUNTY OF DAKOTA CONSISTING OF THE TOWNS OF MARSHAN, NININGER, AND RAVENNA; THE CITY OF HASTINGS; AND THAT PART OF THE COUNTY OF RAMSEY CONSISTING OF THAT PART OF THE CITY OF MAPLEWOOD LYING SOUTH OF THE CENTER LINE OF LARPENTEUR AVENUE.)

((15) THE FIFTEENTH COUNCIL DISTRICT CONSISTS OF THAT PART OF THE COUNTY OF DAKOTA CONSISTING OF THE TOWNS OF CASTLE ROCK, DOUGLAS, EAGAN, EMPIRE, EUREKA, GREENVALE, HAMPTON, RANDOLPH, SCIOTA, VERMILLION, AND WATERFORD, EXCLUDING THE CITY OF NORTHFIELD; THE CITIES OF APPLE VALLEY, BURNSVILLE, COATES, FARMINGTON, HAMPTON, INVER GROVE HEIGHTS, LILYDALE, MENDOTA, MENDOTA HEIGHTS, MIESVILLE, NEW TRIER, RANDOLPH, ROSEMOUNT, SUNFISH LAKE, VERMILLION, SOUTH ST. PAUL AND WEST ST. PAUL.)

((16) THE SIXTEENTH COUNCIL DISTRICT CONSISTS OF THE COUNTIES OF CARVER AND SCOTT, EXCLUDING THE CITY OF NEW PRAGUE; THAT PART OF THE COUNTY OF DAKOTA CONSISTING OF THE CITY OF LAKEVILLE; AND THAT PART OF THE COUNTY OF HENNEPIN CONSISTING OF THE CITIES OF DEEPHAVEN, EDEN PRAIRIE, EXCELSIOR, GREENWOOD, LONG LAKE, MINNETONKA BEACH, MOUND, ORONO, SHOREWOOD, SPRING PARK, TONKA BAY, AND WOODLAND; THAT PART OF THE CITY OF CHANHASSEN LYING IN THE COUNTY OF HENNEPIN; AND THAT PART OF THE CITY OF BLOOMINGTON DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF FRANCE AVENUE SOUTH WITH THE NORTH CITY LIMITS, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF FRANCE AVENUE SOUTH TO THE CENTER LINE OF ONE HUNDRED SECOND STREET WEST, EXTENDING WESTERLY ALONG THE CENTER LINE OF ONE HUNDRED SECOND STREET WEST TO THE CENTER LINE OF JOHNSON AVENUE SOUTH, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF JOHNSON AVENUE SOUTH TO THE MINNEAPOLIS, NORTHFIELD, AND SOUTHERN RAILROAD RIGHT OF WAY, EXTENDING SOUTHWESTERLY ALONG THE MINNEAPOLIS, NORTHFIELD, AND SOUTHERN RAILROAD RIGHT OF WAY TO THE CENTER LINE OF NORMAN-DALE BOULEVARD, EXTENDING SOUTHERLY ALONG THE CENTER LINE OF NORMAN-DALE BOULEVARD TO THE SOUTH CITY LIMITS, AND EXTENDING WESTERLY, NORTHERLY, AND EASTERLY, ALONG THE CITY LIMITS TO THE POINT OF ORIGIN.)

Sec. 3. Minnesota Statutes 1982, section 473.123, is amended by adding a subdivision to read:

*Subd. 3a. [APPORTIONMENT.] The legislature shall re-draw the boundaries of the council districts after each decennial federal census so that each district has substantially equal population. Redistricting is effective on the first Monday in January in the year of each decade ending in the numeral "3". Within two months thereafter, the governor shall appoint members from the newly drawn districts to serve terms as provided under section 1.*

Sec. 4. Minnesota Statutes 1982, section 473.123, is amended by adding a subdivision to read:

*Subd. 3b. [DISTRICT BOUNDARIES.] The council district boundaries are as follows:*

(1) *The first council district consists of that part of the city of St. Paul lying north of a line described as follows: commencing at the intersection of the western boundary of the city of St. Paul and Marshall Avenue, easterly on Marshall Avenue to Cretin Avenue North, northerly on Cretin Avenue North to Iglehart Avenue, easterly on Iglehart Avenue to Cleveland Avenue North, southerly on Cleveland Avenue North to Marshall Avenue, easterly on Marshall Avenue to Hamline Avenue, northerly on Hamline Avenue to University Avenue, easterly on University Avenue to Lexington Parkway, northerly on Lexington Parkway to Lafond Avenue, easterly on Lafond Avenue to North Victoria Street, northerly on North Victoria Street to Blair Avenue, easterly on Blair Avenue to Como Avenue, southeasterly on Como Avenue to Lafond Avenue, easterly on Lafond Avenue to Rice Street, southerly on Rice Street to Como Avenue, easterly on Como Avenue to Capitol Heights Boulevard, southerly on Capitol Heights Boulevard to Valley Street, easterly on Valley Street to Jackson Street, northeasterly on Jackson Street to Pennsylvania Avenue, easterly and southeasterly on Pennsylvania Avenue to Interstate Highway 35E, southerly on Interstate Highway 35E to Grove Street, easterly on Grove Street to Willius Street, southeasterly on Willius Street to East 7th Street, northeasterly on East 7th Street to Mounds Boulevard, southeasterly on Mounds Boulevard to East 6th Street, northeasterly and easterly on East 6th Street to Johnson Parkway, northerly on Johnson Parkway to East Minnehaha Avenue, and easterly on East Minnehaha Avenue to the eastern boundary of the city of St. Paul.*

(2) *The second council district consists of that part of the city of St. Paul not included in council districts 1 and 15.*

(3) *The third council district consists of that part of the county of Ramsey consisting of the cities of Maplewood, North St. Paul, Little Canada, Roseville, Falcon Heights, Lauderdale,*

*St. Anthony, and New Brighton; and that part of the city of St. Anthony lying in Hennepin County.*

(4) *The fourth council district consists of that part of the city of Minneapolis located within an area described as follows: commencing at the intersection of West 50th Street and Nicollet Avenue South, northerly on Nicollet Avenue South to Lake Street, easterly on Lake Street to 1st Avenue South, northerly on 1st Avenue South to East 19th Street, easterly on East 19th Street to Stevens Avenue South, northerly on Stevens Avenue South to East 18th Street, easterly on East 18th Street to 3rd Avenue South, northerly on 3rd Avenue South to East 16th Street, easterly on East 16th Street to 4th Avenue South, northerly on 4th Avenue South to South 11th Street, southeasterly on South 11th Street to Grant Street, easterly on Grant Street to Portland Avenue, northeasterly on Portland Avenue and an extension of Portland Avenue to the main channel of the Mississippi River, southeasterly along the main channel of the Mississippi River to an extension of Cedar Avenue South, northerly on Cedar Avenue South and its extension to the Burlington Northern, Inc. railroad tracks, northeasterly along the southern branch of the Burlington Northern, Inc. railroad tracks to University Avenue Southeast, southeasterly on University Avenue Southeast to 26th Avenue Southeast, southwesterly on 26th Avenue Southeast to Essex Street, northwesterly on Essex Street to Huron Street, southerly on Huron Street to Interstate Highway 94, southeasterly on Interstate Highway 94 to East Franklin Avenue, easterly on East Franklin Avenue to the eastern boundary of the city of Minneapolis, southerly along the eastern boundary of the city of Minneapolis to an extension of East 54th Street, westerly on East 54th Street and its extension to 27th Avenue South, northerly on 27th Avenue South to East 50th Street, easterly on East 50th Street to 28th Avenue South, northerly on 28th Avenue South to East Minnehaha Parkway, westerly on East Minnehaha Parkway to 16th Avenue South, northerly on 16th Avenue South to East 48th Street, westerly on East 48th Street to Chicago Avenue, southerly on Chicago Avenue to East 50th Street, westerly on East 50th Street to the point of origin.*

(5) *The fifth council district consists of that part of the city of Minneapolis not included in council districts 4 and 6.*

(6) *The sixth council district consists of that part of the city of Minneapolis lying north of a line described as follows: commencing at the intersection of the western boundary of the city of Minneapolis and Chestnut Avenue, easterly on Chestnut Avenue to Penn Avenue South, southerly on Penn Avenue South to Hawthorne Avenue, easterly on Hawthorne Avenue to Cedar Lake Road, northeasterly on Cedar Lake Road to the Burlington Northern, Inc. railroad tracks, southeasterly and northeasterly along the Burlington Northern, Inc. railroad tracks to Interstate Highway 94, southerly on Interstate Highway 94 to Henne-*

pin Avenue, northeasterly on Hennepin Avenue to South 13th Street, southeasterly on South 13th Street and an extension of South 13th Street to LaSalle Avenue, southerly on LaSalle Avenue to Grant Street, easterly on Grant Street to 4th Avenue South, northerly on 4th Avenue South to South 11th Street, southeasterly on South 11th Street to Grant Street, easterly on Grant Street to Portland Avenue, northeasterly on Portland Avenue and an extension of Portland Avenue to the main channel of the Mississippi River, southeasterly along the main channel of the Mississippi River to an extension of Cedar Avenue South, northerly on Cedar Avenue South and its extension to the Burlington Northern, Inc. railroad tracks, northeasterly along the southern branch of the Burlington Northern, Inc. railroad tracks to University Avenue Southeast, southeasterly on University Avenue Southeast to 26th Avenue Southeast, southwesterly on 26th Avenue Southeast to Essex Street, northwesterly on Essex Street to Huron Street, southerly on Huron Street to Interstate Highway 94, southeasterly on Interstate Highway 94 to East Franklin Avenue, easterly on East Franklin Avenue to the eastern boundary of the city of Minneapolis.

(7) The seventh council district consists of that part of the county of Ramsey consisting of the cities of Mounds View, Shoreview, North Oaks, Arden Hills, Vadnais Heights, Gem Lake, and White Bear Lake, and the township of White Bear; that part of the county of Anoka consisting of the cities of Centerville and Lino Lakes; that part of the county of Washington consisting of the cities of Forest Lake, Marine-on-St. Croix, Hugo, Dellwood, Mahtomedi, Birchwood, Willernie, Pine Springs, and Stillwater, and the townships of Forest Lake, New Scandia, May, Grant, and Stillwater; that part of the city of White Bear Lake lying in Washington County.

(8) The eighth council district consists of that part of the county of Anoka consisting of the cities of Columbia Heights, Hilltop, Fridley, Spring Lake Park, Coon Rapids, Blaine, Lexington, and Circle Pines; and those parts of the cities of Blaine and Spring Lake Park lying in Ramsey County.

(9) The ninth council district consists of that part of the county of Anoka consisting of the cities of St. Francis, Bethel, East Bethel, Ramsey, Andover, Ham Lake, and Anoka, and the townships of Burns, Oak Grove, Linwood, and Columbus; and that part of the county of Hennepin consisting of the cities of Dayton, Champlin, Maple Grove, Plymouth, and Medicine Lake.

(10) The tenth council district consists of that part of the county of Hennepin consisting of the cities of Brooklyn Park, Brooklyn Center, Osseo, New Hope, and Crystal.

(11) The eleventh council district consists of that part of the county of Hennepin consisting of the cities of Robbinsdale, Golden Valley, St. Louis Park, and Edina.

(12) *The twelfth council district consists of that part of the county of Hennepin consisting of the cities of Bloomington and Richfield; and the Fort Snelling Military Reservation.*

(13) *The thirteenth council district consists of that part of the county of Hennepin consisting of the cities of Eden Prairie, Hopkins, Minnetonka, Wayzata, Woodland, Deephaven, Greenwood, Excelsior, Shorewood, Tonka Bay, Minnetonka Beach, Spring Park, Orono, Long Lake, Mound, Minnetrista, St. Bonifacius, Maple Plain, Independence, Loretto, Medina, Corcoran, Greenfield, and Rogers, and the township of Hassan; and those parts of the cities of Hanover and Rockford lying in Hennepin County.*

(14) *The fourteenth council district consists of the counties of Carver and Scott, excluding the city of New Prague; that part of the county of Dakota consisting of the cities of Burnsville and Lakeville; and that part of the city of Chanhassen lying in Hennepin County.*

(15) *The fifteenth council district consists of that part of the county of Dakota consisting of the cities of Lilydale, Mendota, Mendota Heights, Eagan, Sunfish Lake, West St. Paul, South St. Paul, and Inver Grove Heights; that part of the county of Washington consisting of the city of Newport; and that part of the city of St. Paul lying south and west of a line described as follows: commencing at the intersection of the western boundary of the city of St. Paul and an extension of St. Clair Avenue, easterly on St. Clair Avenue and its extension to Wheeler Street South, southerly on Wheeler Street South to James Avenue, easterly on James Avenue to Snelling Avenue South, northerly on Snelling Avenue South to Palace Avenue, easterly on Palace Avenue to South Pascal Street, southerly on South Pascal Street to James Avenue, easterly on James Avenue to Lexington Parkway, southerly on Lexington Parkway to Randolph Avenue, easterly on Randolph Avenue to proposed Interstate Highway 35E, southerly and southeasterly on proposed Interstate Highway 35E to the southern boundary of the city of St. Paul.*

(16) *The sixteenth council district consists of that part of the county of Dakota consisting of the cities of Apple Valley, Rosemount, Hastings, Farmington, Coates, Vermillion, Hampton, New Trier, Randolph, and Miesville, and the townships of Nininger, Ravenna, Marshan, Vermillion, Empire, Eureka, Castle Rock, Hampton, Douglas, Greenvale, Waterford, Sciota, and Randolph; that part of the county of Washington consisting of the cities of Oakdale, Lake Elmo, Landfall, Woodbury, St. Paul Park, Cottage Grove, Oak Park Heights, Bayport, Lakeland, Lakeland Shores, Lake St. Croix Beach, St. Mary's Point, and Afton, and the townships of Grey Cloud Island, Baytown, West Lakeland, and Denmark; and that part of the city of Hastings lying in Washington County.*

Sec. 5. Minnesota Statutes 1982, section 473.141, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] Each commission shall consist of eight members, plus a chairman appointed as provided in subdivision 3. The (EIGHT MEMBERS) *metropolitan council* shall (BE APPOINTED BY THE METROPOLITAN COUNCIL) *appoint the eight members on a nonpartisan basis after consultation with the members of the legislature from the area composing the commission district for which the member is to be appointed. In addition to the notice required by section 15.0597, subdivision 4, notice of vacancies and expiration of terms shall be published in newspapers of general circulation in the metropolitan area and the appropriate districts. Following the submission of applications to the appointing authority pursuant to section 15.0597, subdivision 5, the council shall conduct one or more public hearings on the matter of the appointment in each district to accept statements from persons who have applied for appointment and to allow consultation with and secure the advice of the public. Appointments are subject to the advice and consent of the senate. One member shall be appointed from each of the following (PRECINCTS) commission districts:*

(1) (PRECINCT) *Commission district A, consisting of council districts 1 and 2;*

(2) (PRECINCT) *Commission district B, consisting of council districts 3 and (14) 7;*

(3) (PRECINCT) *Commission district C, consisting of council districts 4 and (13) 5;*

(4) (PRECINCT) *Commission district D, consisting of council districts (5) 6 and (6) 10;*

(5) (PRECINCT) *Commission district E, consisting of council districts (7) 8 and (8) 9;*

(6) (PRECINCT) *Commission district F, consisting of council districts (9) 11 and (11) 12;*

(7) (PRECINCT) *Commission district G, consisting of council districts (10) 13 and (12) 14; and*

(8) (PRECINCT) *Commission district H, consisting of council districts 15 and 16.*

Sec. 6. Minnesota Statutes 1982, section 473.141, subdivision 4, is amended to read:



Subd. 4. [QUALIFICATIONS.] Each member shall be a resident of the (PRECINCT) *commission district* for which he is appointed and shall not during his term of office hold the office of metropolitan council member, or be a member of another metropolitan commission, the metropolitan airports commission or the metropolitan sports facilities commission or hold any judicial office. Each member shall qualify by taking and subscribing the oath of office prescribed by the Minnesota Constitution, Article 5, Section 5. Such oath, duly certified by the official administering the same, shall be filed with the executive director of the metropolitan council.

Sec. 7. Minnesota Statutes 1982, section 473.141 is amended by adding a subdivision to read:

*Subd. 4a. [TERMS.] Following each apportionment of metropolitan council districts under section 3, the terms of members and the chairman of each commission shall commence on the effective date of that apportionment, as provided in section 3. The terms of members and chairmen are as follows: members representing commission districts A, B, C, and D, and the chairman of each commission, for terms ending the first Monday in January of the year ending in the numeral "7"; members representing commission districts E, F, G, and H, for terms ending the first Monday in January of the year ending in the numeral "5". Thereafter the term of each member and the chairman is four years except that all terms expire on the effective date of the next apportionment. A member or chairman shall continue to serve his district until a successor is appointed and qualified; except that, following each apportionment all commission members shall continue to serve at large until the metropolitan council appointed pursuant to section 3 appoints commission members as provided under section 5, subdivision 2 to serve terms as provided under this section.*

Sec. 8. Minnesota Statutes 1982, section 473.141, subdivision 5, is amended to read:

**Subd. 5. [(TERMS,) REMOVAL.] (COMMENCING THE FIRST MONDAY IN JANUARY, 1975 THE TERMS OF MEMBERS OF EACH COMMISSION SHALL BE AS FOLLOWS: MEMBERS REPRESENTING PRECINCTS A, B, C, AND D FOR TERMS ENDING THE FIRST MONDAY IN JANUARY, 1977, MEMBERS REPRESENTING PRECINCTS E, F, G, AND H AND THE CHAIRMAN FOR TERMS ENDING THE FIRST MONDAY IN JANUARY, 1979. THEREAFTER THE TERM OF EACH MEMBER AND CHAIRMAN SHALL BE FOR A TERM OF FOUR YEARS AND UNTIL HIS SUCCESSOR IS APPOINTED AND QUALIFIED.)** Members, other than the chairman, may be removed by the council only for cause in the manner specified in chapter 351. The chairman may be removed at the pleasure of the governor.

(MEMBERS OF ANY COMMISSION SERVING AS OF THE FIRST MONDAY IN JANUARY, 1975 SHALL CONTINUE TO SERVE THE PRECINCT DESCRIBED IN SUBDIVISION 2 IN WHICH THEY RESIDE FOR THE TERM HEREIN PRESCRIBED FOR THAT PRECINCT, PROVIDED THAT IF MORE THAN ONE SUCH MEMBER RESIDES IN THE SAME PRECINCT THE COUNCIL SHALL DESIGNATE ONE OF THEM TO SERVE AS THE COMMISSION MEMBER FROM THE PRECINCT AND THE TERMS OF THE OTHER MEMBERS ARE THEREUPON TERMINATED. THE COUNCIL SHALL APPOINT AS MEMBERS OF THE COMMISSION, IN THE MANNER PRESCRIBED BY SUBDIVISION 2, ONE RESIDENT OF EACH PRECINCT DESCRIBED IN SAID SUBDIVISION IN WHICH NO PRESENT MEMBER OF THE COMMISSION RESIDES TO SERVE FOR THE TERM HEREIN DEFINED. FOR THE PURPOSE OF THIS SUBDIVISION THE RESIDENCE OF PRESENT MEMBERS OF THE COMMISSIONS SERVING AS OF THE FIRST MONDAY IN JANUARY, 1975 SHALL BE THEIR RESIDENCE AS OF JULY 1, 1974.)

Sec. 9. Minnesota Statutes 1982, section 473.303, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] The commission shall consist of eight members, plus a chairman appointed as provided in subdivision 3. The (EIGHT MEMBERS) *metropolitan council* shall (BE APPOINTED BY THE COUNCIL) *appoint the eight members on a nonpartisan basis.* One member shall be appointed from each of the following commission (PRECINCTS) *districts*:

(1) (PRECINCT) *Commission district* A, consisting of council districts 1 and 2;

(2) (PRECINCT) *Commission district* B, consisting of council districts 3 and (14) 7;

(3) (PRECINCT) *Commission district* C, consisting of council districts 4 and (13) 5;

(4) (PRECINCT) *Commission district* D, consisting of council districts (5) 6 and (6) 10;

(5) (PRECINCT) *Commission district* E, consisting of council districts (7) 8 and (8) 9;

(6) (PRECINCT) *Commission district* F, consisting of council districts (9) 11 and (11) 12;

(7) (PRECINCT) *Commission district* G, consisting of council districts (10) 13 and (12) 14; and

(8) (PRECINCT) *Commission district H*, consisting of council districts 15 and 16.

Sec. 10. Minnesota Statutes 1982, section 473.303, subdivision 4, is amended to read:

Subd. 4. [QUALIFICATIONS.] Each member shall be a resident of the (PRECINCT) *commission district* for which he is appointed and shall not during his terms of office as a commission member hold the office of metropolitan council member, or be a member of the metropolitan transit commission, metropolitan waste control commission, or metropolitan airports commission; or any other metropolitan agency, board, or commission hereafter established by the legislature or hold any judicial office.

Sec. 11. Minnesota Statutes 1982, section 473.303, is amended by adding a subdivision to read:

Subd. 4a. [TERMS.] *Following each apportionment of metropolitan council districts under section 3, the terms of the members and the chairman shall commence on the effective date of that apportionment. The terms of the members and the chairman are as follows: members representing commission districts A, B, C, and D, and the chairman, terms ending the first Monday in January of the year ending in the numeral "7"; and members representing commission districts E, F, G, and H, terms ending the first Monday in January of the year ending in the numeral "5". Thereafter the term of each member and the chairman is four years except that all terms expire on the effective date of the next apportionment. A member or chairman shall continue to serve his district until a successor is appointed and qualified; except that following each apportionment all commission members shall continue to serve at large until the metropolitan council appointed pursuant to section 3 appoints commission members as provided under section 473.303, subdivision 2 to serve terms as provided under this section.*

Sec. 12. Minnesota Statutes 1982, section 473.303, subdivision 5, is amended to read:

Subd. 5. [(TERMS) VACANCIES, REMOVAL.] (COMMENCING IN APRIL 1974 THE TERMS OF MEMBERS OF THE COMMISSION SHALL BE AS FOLLOWS: MEMBERS REPRESENTING PRECINCTS A, B, C AND D FOR TERMS ENDING THE FIRST MONDAY IN JANUARY 1977, MEMBERS REPRESENTING PRECINCTS E, F, G AND H, AND THE CHAIRMAN, FOR TERMS ENDING THE FIRST MONDAY IN JANUARY 1979. THEREAFTER THE TERM OF EACH MEMBER AND THE CHAIRMAN SHALL BE FOR A TERM OF FOUR YEARS AND UNTIL HIS SUCCESSOR IS APPOINTED AND QUALIFIED.) If the office of any commission member or the chairman becomes vacant, the vacancy

shall be filled by appointment in the same manner the original appointment was made. *Members other than the chairman may be removed by the council only for cause. The chairman may be removed at the pleasure of the council.*

Sec. 13. [EXPIRATION OF TERMS; APPOINTMENTS.]

*The terms of all metropolitan council members serving prior to the effective date of sections 1 to 14 shall expire on the effective date of sections 1 to 14; except that all members shall continue to serve at large until the governor appoints 16 council members, one from each of the newly drawn council districts as provided under section 3, to serve terms as provided under section 1.*

*The terms of all commission members serving on metropolitan commissions organized under section 473.141 shall expire on the effective date of sections 1 to 14; except that all members shall continue to serve at large until the metropolitan council appointed pursuant to section 3 appoints commission members as provided under section 5 to serve terms as provided under section 6.*

*The terms of all commission members serving on the metropolitan parks and open space commission, organized under section 473.303, shall expire on the effective date of sections 1 to 14; except that all commission members shall continue to serve at large until the metropolitan council appointed pursuant to this section appoints commission members as provided under section 473.303, subdivision 2 to serve terms as provided under section 11.*

Sec. 14. [REPEALER.]

*Minnesota Statutes 1982, section 473.123, subdivision 2, is repealed.*

Sec. 15. [EFFECTIVE DATE.]

*Sections 1 to 14 are effective the day following final enactment, in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."*

Delete the title and insert:

"A bill for an act relating to metropolitan government; changing the terms of members of the metropolitan council; requiring that metropolitan council district boundaries be redrawn after each federal census; redrawing metropolitan council district boundaries; establishing new metropolitan commission districts, formerly called precincts; changing the terms of commission members and chairmen; establishing new metropolitan parks

and open space commission districts and changing the terms of commission members and chairmen; requiring the governor to appoint council members; establishing terms; amending Minnesota Statutes 1982, sections 473.123, subdivision 3, and by adding subdivisions; and 473.141, subdivisions 2, 4, and 5, and by adding a subdivision; 473.303, subdivisions 2, 4, 5, and by adding a subdivision; repealing Minnesota Statutes 1982, section 473.123, subdivision 2."

The motion prevailed and the amendment was adopted.

S. F. No. 15, A bill for an act relating to metropolitan government; changing the terms of members of the metropolitan council; requiring that metropolitan council district boundaries be redrawn after each federal census; redrawing metropolitan council district boundaries; establishing new metropolitan commission districts, formerly called precincts; changing references to precincts; changing the terms of commission members and chairmen; requiring the governor to appoint council members and establishing terms; requiring the newly appointed metropolitan council to appoint commission members and establishing terms; amending Minnesota Statutes 1982, sections 473.123, subdivision 3, and by adding subdivisions; 473.141, subdivisions 2, 4, and 5, and by adding a subdivision; and 473.303, subdivisions 2, 4, and 5, and by adding a subdivision; repealing Minnesota Statutes 1982, section 473.123, 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 78 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dimler	Long	Otis	Skoglund
Anderson, G.	Eken	Mann	Peterson	Sparby
Battaglia	Elioff	McEachern	Piper	Tomlinson
Beard	Graba	Metzen	Quinn	Tunheim
Begich	Greenfield	Minne	Rice	Valan
Bergstrom	Gustafson	Munger	Riveness	Vanasek
Berkelman	Gutknecht	Murphy	Rodosovich	Vellenga
Blatz	Hoffman	Nelson, D.	Rodriguez, F.	Voss
Brandl	Jacobs	Nelson, K.	Rose	Welch
Burger	Jensen	Neuenschwander	Sarna	Welle
Carlson, L.	Kalis	Norton	Scheid	Wenzel
Clark, J.	Kelly	O'Connor	Schoenfeld	Wigley
Clark, K.	Knuth	Ogren	Schreiber	Wynia
Clawson	Kostohryz	Olsen	Segal	Speaker Sieben
Cohen	Krueger	Omamm	Shca	
Coleman	Larsen	Osthoff	Sherman	

Those who voted in the negative were:

Anderson, R.	Bishop	DenOuden	Evans	Fjoslien
Bennett	Dempsey	Erickson	Findlay	Forsythe

Gruenes	Johnson	Onnen	Schafer	Valento
Halberg	Knickerbocker	Pauly	Seaberg	Waltman
Haukoos	Levi	Piepho	Shaver	Welker
Himle	Ludeman	Quist	Stadum	Zaffke
Hoberg	Marsh	Redalen	Sviggum	
Hokr	McDonald	Reif	Thiede	
Jennings	McKasy	Rodriguez, C.	Uphus	

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

H. F. No. 46, A resolution memorializing the President and Congress to repeal the Secretary of Agriculture's authority to deduct 50 cents per hundredweight from milk producer payments.

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 10 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Krueger	Otis	Sherman
Anderson, G.	Erickson	Larsen	Pauly	Skoglund
Anderson, R.	Evans	Long	Peterson	Sparby
Battaglia	Fjoslien	Mann	Piepho	Stadum
Beard	Graba	Marsh	Piper	Sviggum
Begich	Greenfield	McDonald	Price	Thiede
Bennett	Gruenes	McEachern	Quinn	Tomlinson
Bergstrom	Gustafson	McKasy	Quist	Tunheim
Berkelman	Gutknecht	Metzen	Redalen	Uphus
Bishop	Haukoos	Minne	Reif	Valan
Blatz	Himle	Munger	Riveness	Vanasek
Brandl	Hoberg	Murphy	Rodosovich	Vellenga
Carlson, D.	Hoffman	Nelson, D.	Rodriguez, C.	Voss
Carlson, L.	Hokr	Nelson, K.	Rodriguez, F.	Waltman
Clark, J.	Jacobs	Neuenschwander	Rose	Welch
Clark, K.	Jensen	Norton	St. Onge	Welle
Clawson	Johnson	O'Connor	Scheid	Wenzel
Cohen	Kalis	Ogren	Schoenfeld	Wynia
Coleman	Kelly	Olsen	Schreiber	Zaffke
Dempsey	Knickerbocker	Omann	Seaberg	Speaker Sieben
Dimler	Knuth	Onnen	Segal	
Eken	Kostohryz	Osthoff	Shea	

Those who voted in the negative were:

Burger	Forsythe	Ludeman	Shaver	Welker
DenOuden	Jennings	Schafer	Valento	Wigley

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 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. 201 and 68 which it recommended to pass.

S. F. No. 26 which it recommended to pass.

H. F. No. 96 which it recommended progress.

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

## MOTIONS AND RESOLUTIONS

Norton moved that the name of Valan be added as an author on H. F. No. 250. The motion prevailed.

Ellingson moved that the name of Clark, K., be added as an author on H. F. No. 315. The motion prevailed.

Minne moved that the name of Staten be added as an author on H. F. No. 292. The motion prevailed.

Rodriguez, F., moved that the names of Clark, K., and Wigley be added as authors on H. F. No. 246. The motion prevailed.

Anderson, R., moved that the name of Olsen be added as an author on H. F. No. 257. The motion prevailed.

Zaffke moved that the name of Waltman be added as an author on H. F. No. 345. The motion prevailed.

Tomlinson moved that H. F. No. 33 be recalled from the Committee on Taxes and be re-referred to the Committee on Health and Welfare. The motion prevailed.

Murphy moved that the names of Anderson, G., and Minne be added as authors on H. F. No. 347. The motion prevailed.

Carlson, D., moved that the name of Anderson, B., be added as an author on H. F. No. 206. The motion prevailed.

Clark, K., moved that the names of Ogren and Sarna be added as authors on H. F. No. 368. The motion prevailed.

Clark, K., moved that the name of Gustafson be added as an author on H. F. No. 352. The motion prevailed.

McDonald moved that the name of Piepho be added as an author on H. F. No. 350. The motion prevailed.

Onnen moved that the name of Haukoos be added as an author on H. F. No. 51. The motion prevailed.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Tuesday, February 22, 1983. 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., Tuesday, February 22, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



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## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## SEVENTEENTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, FEBRUARY 22, 1983

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 Dennis E. Deppa, Knollwood Church of Christ, St. Louis Park, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Erickson	Knuth	Otis	Simoneau
Anderson, C.	Evans	Kostohryz	Pauly	Skoglund
Anderson, R.	Findlay	Krueger	Peterson	Solberg
Buttaglia	Fjoslien	Kvam	Pifer	Sparby
Beard	Forsythe	Larsen	Price	Stadum
Begich	Frerichs	Levi	Quinn	Staten
Beannett	Graba	Long	Quist	Swiggum
Bergstrom	Greenfield	Mann	Redalen	Swanson
Berkelman	Gruenes	Marsh	Reif	Thiede
Bishop	Gustafson	McDonald	Rice	Tomlinson
Blatz	Gutknecht	McEachern	Riveness	Tunheim
Brandl	Haukoos	McKasy	Rodosovich	Uphus
Brinkman	Heap	Metzen	Rodriguez, G.	Valan
Carlson, D.	Heinitz	Minne	Rodriguez, F.	Valento
Carlson, L.	Himle	Munger	Rose	Vanasek
Clark, J.	Hoberg	Murphy	St. Onge	Vallenga
Clark, K.	Hoffman	Nelson, D.	Sarna	Voss
Clawson	Hokr	Nelson, K.	Schafer	Waltman
Cohen	Jacobs	Neuenschwander	Scheid	Welch
Coleman	Jennings	Norton	Schoenfeld	Welker
Dempsey	Jensen	O'Connór	Schreiber	Welle
DenOuden	Johnson	Ogren	Seaberg	Wenzel
Dimler	Kahn	Olsen	Segal	Wigley
Eken	Kalis	Omam	Shaver	Wynia
Ellioff	Kally	Onnen	Shea	Zafike
Elliogson	Knickerbocker	Osthoff	Sherman	Speaker Sieben

A quorum was present.

Burger, Halberg, Ludeman and Piepho were excused.

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. 103 and 121 and S. F. No. 118 have been placed in the members' files.

S. F. No. 118 and H. F. No. 103, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Battaglia moved that S. F. No. 118 be substituted for H. F. No. 103 and that the House File be indefinitely postponed. The motion prevailed.

#### REPORTS OF STANDING COMMITTEES

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 67, A bill for an act relating to local improvements; providing the method for action on certain improvements by certain towns; amending Minnesota Statutes 1982, section 429.011, subdivision 2b.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 429.011, subdivision 2b, is amended to read:

Subd. 2b. "Municipality" also includes any town not having the powers granted herein pursuant to any other law in the case of construction, reconstruction or improvement of a town road including curbs and gutters and storm sewers and in the case of those improvements designated in section 429.021, subdivision 1, clauses (1), (2), (4), (5), (6), (7), (8) and (10) (;). (PROVIDED THAT) Any improvement authorized (BY THIS SUBDIVISION) and undertaken pursuant to the authority granted in this subdivision may be made only upon the affirmative vote of the electors of the town at the annual town meeting or at a special town meeting (HELD PURSUANT TO SECTIONS 365.52 TO 365.53, EXCEPT WHEN ALL OF THE OWNERS OF THE LAND WHICH WOULD BE BENEFITED BY THE IMPROVEMENT PETITION FOR THE IMPROVEMENT.), The requirement for approval by the town electors provided in this subdivision shall not apply when 75 percent of the owners

of the land which would be benefited by the improvement petition for the improvement.

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.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 79, A bill for an act relating to juveniles; requiring orders of reference for prosecution for juveniles who have been previously referred; amending Minnesota Statutes 1982, section 260.125, subdivision 2, and by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 11, after "prosecution" insert "on a felony charge"

Page 2, line 12, delete everything after the first "reference" and insert "issued pursuant to either a hearing held under subdivision 2 or pursuant to the waiver of the right to such a hearing."

Page 2, after line 13, insert:

*"This subdivision does not apply in any case where the only previous order of reference was in a case where the child was acquitted of the offense or offenses for which he was prosecuted pursuant to the order of reference.*

Sec. 3. Minnesota Statutes 1982, section 260.173, subdivision 4, is amended to read:

Subd. 4. [TYPE OF DETENTION.] If a child is taken into custody as one who:

(a) has allegedly committed an act which would constitute a violation of a state law or a local ordinance if he were an adult; or

(b) is reasonably believed to have violated the terms of his probation, parole, or other field supervision under which he had been placed as a result of behavior described under clause (a);

he may be detained in a shelter care or secure detention facility. If the child cannot be detained in another type of detention facility, and if there is no secure detention facility for ju-

veniles within the county, a child described in this subdivision may be detained up to 48 hours in a jail, lock-up or other facility used for the confinement of adults who have been charged with or convicted of a crime, in quarters separate from any adult confined in the facility which has been approved for the detention of juveniles for up to 48 hours by the commissioner of corrections, or, if continued detention is required and there is no secure detention facility for juveniles available for use by the county having jurisdiction over the child, such child may be detained for no more than eight days from and including the date of the original detention order in separate quarters in any jail or other adult facility for the confinement of persons charged with or convicted of crime which has been approved by the commissioner of corrections to be suitable for the detention of juveniles for up to eight days. Except for children who have been referred for prosecution pursuant to section 260.125, and as hereinafter provided, any child requiring secure detention for more than eight days from and including the date of the original detention order (MUST) shall be removed to an approved secure juvenile detention facility. A child 16 years of age or older against whom a motion to refer for prosecution is pending before the court may be detained for more than eight days in separate quarters in a jail or other facility which has been approved by the commissioner of corrections for the detention of juveniles for up to eight days after a hearing and subject to the periodic reviews provided in section 260.172. If the head of a facility for juveniles has reason to believe that a child has been previously prosecuted for a felony, the head of the facility may require the child to be detained in an area of the facility separate from the general juvenile population of the facility. No child under the age of 14 may be detained in a jail, lock-up or other facility used for the confinement of adults who have been charged with or convicted of a crime.

Sec. 4. [REPEALER.]

*Minnesota Statutes 1982, section 260.125, subdivision 6, is repealed.*

Renumber the remaining section

Page 2, line 16, after the period, insert "*Sections 3 and 4 are effective the day after final enactment.*"

Amend the title as follows:

Page 1, line 4, delete "section" and insert "sections"

Page 1, line 5, after the second "subdivision" insert "; and 260.173; subdivision 4; repealing Minnesota Statutes 1982, section 260.125, subdivision 6"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 171, A bill for an act relating to public cemeteries; providing for simplified reinvestment in the cemetery association of certain unused cemetery land; amending Minnesota Statutes 1982, section 306.241; proposing new law coded in Minnesota Statutes, chapter 306.

Reported the same back with the following amendments:

Page 1, line 19, delete "75" and insert "60"

Page 1, line 25, delete "75" and insert "60"

Page 2, line 3, delete "75" and insert "60"

Page 2, after line 25, insert:

"Sec. 3. [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.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 215, A bill for an act relating to local government; authorizing flood control projects by the city of Rochester, Olmsted County and the Olmsted county soil conservation district.

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

S. F. No. 25, A bill for an act relating to crimes; prohibiting adulterating substances intended for use by persons with substances causing bodily harm or death; prescribing penalties; proposing new law coded in Minnesota Statutes, chapter 609.

Reported the same back with the following amendments:

Page 1, line 15, before "Whoever" insert "(a)"

Page 1, line 19, after "3" delete the period and insert:

" or

(b) *Whoever, knowing or having reason to know that a substance has been adulterated as defined in subdivision 1, distributes, disseminates, gives, sells, or otherwise transfers an adulterated substance with the intent to cause death, bodily harm or illness is guilty of a crime and may be sentenced as provided in subdivision 3.*

Page 1, line 20, delete "1" and insert "2"

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 67, 79, 171 and 215 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 118 and 25 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Jensen, Mann, Sieben, Johnson and Carlson, D., introduced:

H. F. No. 371, A bill for an act relating to transportation; increasing the gasoline excise tax; delaying the phased transfer of the motor vehicle excise tax; transferring an appropriation and authority to issue bonds from the transportation fund to the trunk highway fund; amending Minnesota Statutes 1982, sections 296.01, subdivision 24; 296.02; and 297B.09.

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

Blatz and Himle introduced:

H. F. No. 372, A bill for an act relating to cities; authorizing the issuance of capital notes for certain equipment acquisitions; proposing new law coded in Minnesota Statutes, chapter 410.

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

Blatz introduced:

H. F. No. 373, A bill for an act relating to the legislature; reducing the number of members of the senate and house of representatives; amending Minnesota Statutes 1982, sections 2.021; and 2.031, subdivision 1; repealing Minnesota Statutes 1982, sections 2.031, subdivision 2; and 2.041 to 2.712.

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

Blatz introduced:

H. F. No. 374, A bill for an act relating to education; authorizing Independent School District No. 271, Bloomington, to transfer to the general fund certain excess net proceeds from the lease of school buildings in the capital expenditure fund.

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

Blatz introduced:

H. F. No. 375, A bill for an act relating to public welfare; authorizing the establishment of community work experience programs on a pilot demonstration basis; proposing new law coded in Minnesota Statutes, chapter 256.

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

Onnen introduced:

H. F. No. 376, A bill for an act relating to taxation; property; limiting the homestead credit to certain levies; amending Minnesota Statutes 1982, section 273.13, subdivision 15b.

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



Begich, Rice, Knickerbocker, Jacobs and Anderson, G., introduced:

H. F. No. 377, 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 1982, section 290.01, subdivision 20b, as amended.

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

Berkelman; Clark, J.; Vellenga and Onnen introduced:

H. F. No. 378, A bill for an act relating to public welfare; requiring licensure for adult day care facilities; amending Minnesota Statutes 1982, sections 245.782, subdivision 2; 245.783, by adding a subdivision; 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.

Anderson, B.; Nelson, K.; Erickson; McEachern and Jennings introduced:

H. F. No. 379, A bill for an act relating to education; clarifying the authority of any school board to select a superintendent; amending Minnesota Statutes 1982, section 123.34, subdivision 9.

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

Staten, Simoneau, Forsythe, Vanasek and Clark, J., introduced:

H. F. No. 380, A bill for an act relating to negligence; regulating the liability of good samaritans; amending Minnesota Statutes 1982, section 604.05.

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

Otis, Schreiber, Brandl, Redalen and Tomlinson introduced:

H. F. No. 381, A bill for an act relating to taxation; adopting certain federal provisions relating to income taxes; updating certain references to the Internal Revenue Code; adopting certain federal provisions relating to the determination of interest rates on taxes; imposing penalties; amending Minnesota Statutes 1982, sections 270.75, subdivision 5; 290.01, subdivisions 20, 20a, as amended, 20b, as amended, 20c, and 20f; 290.05, subdivision 6; 290.068, subdivisions 3 and 4; 290.09, subdivisions 2, 5, 7, as amended, 10, and 29; 290.091; 290.10; 290.135, subdivision 1, as amended; 290.16, subdivisions 7 and 16; 290.17, subdivision 1; 290.26, subdivision 2; 290.37, by adding a subdivision; 290.41, subdivisions 3, 8, and by adding subdivisions; 290.45, subdivision 1; 290.48, by adding a subdivision; 290.53, subdivision 2, and by adding subdivisions; 290.92, subdivisions 7, 13, 15, and by adding a subdivision; 290.93, subdivisions 9, 10, and 11; 290.934, subdivision 4; 290.9725; 290.9726, subdivisions 5 and 6; 290.974; 290A.03, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 1982, section 290.01, subdivision 28.

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

Coleman; Scheid; Nelson, D., and Rodosovitch introduced:

H. F. No. 382, A resolution memorializing the President and Congress of the United States in support of a mutual freeze with the Soviet Union on the testing, production, and deployment of nuclear weapons and delivery systems.

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

Forsythe and Skoglund introduced:

H. F. No. 383, A resolution memorializing the Congress of the United States to authorize the President to present a Congressional Medal of Honor to Herman Miller.

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

Rodriguez, F., and Sarna introduced:

H. F. No. 384, A bill for an act relating to retirement; local police and salaried firefighters relief associations; requiring annual valuations; deleting requirement of quadrennial experience studies; removing obsolete language; amending Minnesota Statutes 1982, sections 69.77, subdivision 2; and 356.216.

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

Pauly, Segal, Valento, Sparby and Voss introduced:

H. F. No. 385, A bill for an act relating to occupations and professions; requiring certification of final documents prepared by licensed architects, licensed engineers, licensed land surveyors, or licensed landscape architects; amending Minnesota Statutes 1982, section 326.12, subdivision 3.

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

Ogren, Minne and Eken introduced:

H. F. No. 386, A bill for an act relating to taxation; sales; exempting retail sales of electricity from the sales tax; imposing an excise tax on sales and use of kilowatt hours of electricity; amending Minnesota Statutes 1982, sections 297A.25, subdivision 1; 297A.35, subdivision 3; and proposing new law coded in chapter 297A.

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

Clawson; Sparby; Sieben; Anderson, R., and Johnson introduced:

H. F. No. 387, A bill for an act relating to real property; providing for permissive replatting of certain land; granting powers to local government; proposing new law coded in Minnesota Statutes, chapter 505.

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

Jensen; Mann; Dempsey; Rodriguez, F., and Piper introduced:

H. F. No. 388, A bill for an act relating to transportation; removing an interest limitation on Minnesota trunk highway bonds; amending Minnesota Statutes 1982, section 167.50, subdivision 2.

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

Shea; Schreiber; Anderson, B.; Piper and Tunheim introduced:

H. F. No. 389, A bill for an act relating to drivers licenses; requiring a licensee to add birth date to the signature; amending Minnesota Statutes 1982, section 171.07, subdivision 1.

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

Sarna, Elioff, Jennings, Sieben and Uphus introduced:

H. F. No. 390, A bill for an act relating to medical assistance; increasing the asset limit on prepaid funeral contracts; amending Minnesota Statutes 1982, section 256B.07.

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

Sarna; Rodriguez, F.; Wigley; Clawson and O'Connor introduced:

H. F. No. 391, A bill for an act relating to retirement; teacher's retirement factor for early retirement; adopting a rule of 90; amending Minnesota Statutes 1982, section 354.44, subdivision 6.

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

Piepho, Clawson, Heinitz and Olsen introduced:

H. F. No. 392, 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 Governmental Operations.

**Piepho introduced:**

**H. F. No. 393, 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 Judiciary.

**Clawson, Sparby, Ludeman, Wenzel and Krueger introduced:**

**H. F. No. 394, A bill for an act relating to retirement; disposition of state police aid; amending Minnesota Statutes 1982, section 69.031, subdivision 5.**

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

**Thiede, McDonald and Bennett introduced:**

**H. F. No. 395, A bill for an act relating to motor vehicles; providing for special license plates for amateur radio station licenses; amending Minnesota Statutes 1982, section 168.12, subdivision 2.**

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

**Begich introduced:**

**H. F. No. 396, A bill for an act relating to retirement; authorizing benefit increases for retired Eveleth police officers, firefighters, and surviving spouses.**

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

**Eken; Rice; Knickerbocker; Anderson, G., and Solberg introduced:**

**H. F. No. 397, A bill for an act relating to economic development; creating the foreign trade agency to promote state economic growth; appropriating money; and proposing new law coded in Minnesota Statutes, chapter 116J.**

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

Sparby, Valan, Stadum, Tunheim and Eken introduced:

H. F. No. 398, A resolution memorializing the Secretary of Agriculture to include barley in the Payment in Kind Program.

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

Berkelman; Clark, J.; Staten; Knickerbocker and Riveness introduced:

H. F. No. 399, A bill for an act relating to corrections; allowing chiropractors to practice in institutions under the control of the commissioner of corrections; amending Minnesota Statutes 1982, section 241.021, subdivision 4.

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

Blatz introduced:

H. F. No. 400, A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 12, to provide that the legislature may meet in regular sessions only in an odd-numbered year.

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

Nelson, K.; McEachern; Levi; Rodriguez, C., and Heap introduced:

H. F. No. 401, A bill for an act relating to education; establishing certain curriculum for all pupils in elementary, middle, and secondary schools; requiring school districts to comply with curriculum requirements; imposing aid penalty; amending Minnesota Statutes 1982, sections 124.15, subdivision 2; and 124.19, by adding subdivisions; proposing new law coded in Minnesota Statutes, chapter 126.

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

McEachern, Tomlinson and Schreiber introduced:

H. F. No. 402, A bill for an act relating to taxation; changing the real estate property tax payments to four quarterly installments; changing other miscellaneous dates; amending Minnesota Statutes 1982, sections 270.18, subdivision 2; 276.09; 276.10; 276.11; 277.01, subdivision 1; 277.011, subdivisions 1 and 3; 278.01, subdivisions 1 and 2; 278.03; 278.05, subdivision 5; 279.01, subdivision 1; and 473F.08, subdivision 7a.

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

Clawson introduced:

H. F. No. 403, A bill for an act relating to taxation; providing a special levy for operating costs of a county jail; amending Minnesota Statutes 1982, section 275.50, subdivision 5.

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

Osthoff, Dempsey, Brinkman, Vanasek and Onnen introduced:

H. F. No. 404, A bill for an act relating to taxation; increasing the deduction from gross income for amounts paid for dependent tuition, textbooks, and transportation expenses; amending Minnesota Statutes 1982, section 290.09, subdivision 22.

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

Clark, K.; Berkelman and Clark, J., introduced:

H. F. No. 405, 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.

Norton; Long; Clark, J.; Halberg and Seaberg introduced:

H. F. No. 406, A bill for an act relating to civil actions; allowing prevailing parties to recover disbursements for process served by private process servers; amending Minnesota Statutes 1982, section 549.04.

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

### 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. 55, A bill for an act relating to towns; setting the time for posting audit reports; amending Minnesota Statutes 1982, section 366.22.

PATRICK E. FLAHAVEN, Secretary of the Senate

### CONCURRENCE AND REPASSAGE

McEachern moved that the House concur in the Senate amendments to H. F. No. 55 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 55, A bill for an act relating to towns; setting the time for posting audit reports; amending Minnesota Statutes 1982, section 366.22.

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:

Anderson, B.	Bergstrom	Carlson, L.	DenOuden	Findlay
Anderson, G.	Berkelman	Clark, J.	Dimler	Fjoslien
Anderson, R.	Bishop	Clark, K.	Eken	Forsythe
Battaglia	Blatz	Clawson	Elioff	Frerichs
Beard	Brandl	Cohen	Ellingson	Graba
Begich	Brinkman	Coleman	Erickson	Greenfield
Bennett	Carlson, D.	Dempsey	Evans	Grucnes



Gustafson	Krueger	Ogren	Rose	Thiede
Gutknecht	Kvam	Olsen	Sarna	Tomlinson
Haukoos	Larsen	Omann	Schafer	Tunheim
Heap	Levi	Onnen	Scheid	Uphus
Heinitz	Long	Osthoff	Schoenfeld	Valan
Himle	Mann	Otis	Schreiber	Valento
Hoberg	Marsh	Pauly	Seaberg	Vanasek
Hoffman	McDonald	Peterson	Segal	Vellenga
Hokr	McEachern	Piper	Shaver	Voss
Jacobs	McKasy	Price	Shea	Waltman
Jennings	Metzen	Quinn	Sherman	Welch
Jensen	Minne	Quist	Simoneau	Welker
Johnson	Munger	Redalen	Skoglund	Welle
Kahn	Murphy	Reif	Solberg	Wenzel
Kalis	Nelson, D.	Rice	Sparby	Wigley
Kelly	Nelson, K.	Riveness	Stadum	Wynia
Knickerbocker	Neuenschwander	Rodosovich	Staten	Zafke
Knuth	Norton	Rodriguez, C.	Swigum	Speaker Sieben
Kostohryz	O'Connor	Rodriguez, F.	Swanson	

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. 24, 44, 50, 61, 65, 121 and 194.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 24, A bill for an act relating to health; removing the term "epileptic" from the Minnesota Statutes.

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

S. F. No. 44, A bill for an act relating to child support; allowing courts to order support for certain individuals attending secondary school; amending Minnesota Statutes 1982, section 518.54, subdivision 2.

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

S. F. No. 50, A bill for an act relating to crimes; providing for new crimes relating to abuse of children; establishing willful and unlawful restraint as a crime; establishing malicious punishment as a crime; establishing neglect as a crime; providing penalties; amending Minnesota Statutes 1982, sections 260.315; 609.255; and 626.556, subdivision 12; proposing new law coded in Minnesota Statutes, chapter 609.

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

S. F. No. 61, A bill for an act relating to crimes; requiring operators of certain vehicles to provide insurance information to peace officers; providing penalties; increasing penalties for failure to stop at the scene of certain accidents; amending Minnesota Statutes 1982, sections 65B.67, by adding a subdivision; and 169.09, subdivisions 1, 3, 6, 7, and 14.

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

S. F. No. 65, A bill for an act relating to local improvements; providing the method for action on certain improvements by certain towns; amending Minnesota Statutes 1982, section 429.011, subdivision 2b.

The bill was read for the first time.

Berkelman moved that S. F. No. 65 and H. F. No. 67, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 121, A bill for an act relating to crimes; prohibiting criminal operation of a vehicle; amending Minnesota Statutes 1982, section 609.21.

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

S. F. No. 194, A bill for an act relating to causes of action; providing that certain causes of action survive the death of a party; amending Minnesota Statutes 1982, section 573.01.

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

### CONSENT CALENDAR

H. F. No. 121, A bill for an act relating to state historic sites; designating the old administration building at the Minnesota Veterans Home and the Longfellow House in Minneapolis as state historic sites; amending Minnesota Statutes 1982, section 138.53, by adding a subdivision; and 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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Knuth	Otis	Skoglund
Anderson, G.	Evans	Kostohryz	Pauly	Solberg
Anderson, R.	Findlay	Krueger	Peterson	Sparby
Battaglia	Fjoslien	Kvam	Piper	Stadum
Beard	Forsythe	Larsen	Price	Staten
Begich	Frerichs	Levi	Quinn	Sviggum
Bennett	Graba	Long	Quist	Swanson
Bergstrom	Greenfield	Mann	Redalen	Thiede
Berkelman	Gruenes	Marsh	Reif	Tomlinson
Bishop	Gustafson	McDonald	Rice	Tunheim
Blatz	Gutknecht	McEachern	Riveness	Uphus
Brandl	Haukoos	McKasy	Rodosovich	Valan
Brinkman	Heap	Metzen	Rodriguez, C.	Valento
Carlson, D.	Heinitz	Minne	Rodriguez, F.	Vanasek
Carlson, L.	Himle	Munger	Rose	Vellenga
Clark, J.	Hoberg	Murphy	Sarna	Voss
Clark, K.	Hoffman	Nelson, D.	Schafer	Waltman
Clawson	Hokr	Nelson, K.	Scheid	Welch
Cohen	Jacobs	Neuenschwander	Schoenfeld	Welker
Coleman	Jennings	Norton	Schreiber	Welle
Dempsey	Jensen	O'Connor	Seaberg	Wenzel
DenOuden	Johnson	Ogren	Segal	Wigley
Dimler	Kahn	Olsen	Shaver	Wynia
Eken	Kalis	Omann	Shea	Zaffke
Elioff	Kelly	Onnen	Sherman	Speaker Sieben
Ellingson	Knickerbocker	Osthoff	Simoneau	

The bill was passed and its title agreed to.

#### CALENDAR

H. F. No. 201, A bill for an act relating to taxation; making administrative and technical changes to income tax and property tax refund provisions; amending Minnesota Statutes 1982, sections 13.46, subdivision 2; 176.231, subdivision 9; 290.032, subdivision 2; 290.06, subdivisions 1, 2c, 2e, as amended, and 3d; 290.068, subdivision 3; 290.077, subdivisions 1 and 4; 290.081; 290.09, subdivisions 1, 6, and 29; 290.095, subdivisions 3 and 7; 290.12, subdivision 2; 290.17, subdivision 2; 290.21, subdivision 4; 290.26, subdivision 2; 290.39, subdivision 1; 290.49, subdivision 8; 290.50, subdivisions 1 and 5; 290.53, subdivision 3a and by adding a subdivision; 290.92, subdivision 5a; 290A.03, subdivision 13; 290A.04, subdivision 3; 290A.111, subdivision 2; 290A.112, subdivision 2; and Laws 1981, Third Special Session chapter 2, article III, section 22, as amended; and article IV, section 14; and repealing Minnesota Statutes 1982, sections 136A.235; 290.01, subdivision 25; 290.07, subdivision 5a; 290.071, subdivisions 2, 3, 4, and 6; 290.26, subdivision 2a; 290.34, subdivision 3; 290.48, subdivision 6; 290A.04, subdivision 2c.

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:

Anderson, B.	Evans	Krueger	Piper	Stadum
Anderson, G.	Findlay	Kvam	Price	Staten
Anderson, R.	Fjoslien	Larsen	Quinn	Sviggen
Battaglia	Forsythe	Levi	Quist	Swanson
Beard	Graba	Long	Redalen	Thiede
Begich	Greenfield	Mann	Reif	Tomlinson
Bennett	Gruenes	Marsh	Rice	Tunheim
Bergstrom	Gustafson	McDonald	Riveness	Uphus
Berkelman	Gutknecht	McEachern	Rodosovich	Valan
Bishop	Haukoos	McKasy	Rodriguez, C.	Valento
Blatz	Heap	Metzen	Rodriguez, F.	Vanasek
Brandl	Heinitz	Minne	Rose	Vellenga
Brinkman	Himle	Munger	St. Onge	Voss
Carlson, D.	Hoberg	Murphy	Sarna	Waltman
Carlson, L.	Hoffman	Nelson, D.	Schafer	Welch
Clark, J.	Hokr	Nelson, K.	Scheid	Welker
Clark, K.	Jacobs	Norton	Schoenfeld	Welle
Clawson	Jennings	O'Connor	Schreiber	Wenzel
Cohen	Jensen	Ogren	Seaberg	Wigley
Coleman	Johnson	Olsen	Shaver	Wynia
Dempsey	Kahn	Omman	Shea	Zaffke
DenOuden	Kalis	Onnen	Sherman	Speaker Sieben
Dimler	Kelly	Osthoff	Simoneau	
Eken	Knickerbocker	Otis	Skoglund	
Elioff	Knuth	Pauly	Solberg	
Erickson	Kostohryz	Peterson	Sparby	

The bill was passed and its title agreed to.

H. F. No. 68, A bill for an act relating to local government; setting the dollar amount of contracts subject to the open bidding law; amending Minnesota Statutes 1982, section 471.345, subdivisions 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 124 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Carlson, L.	Evans	Himle	Krueger
Anderson, G.	Clark, J.	Findlay	Hoberg	Kvam
Anderson, R.	Clark, K.	Fjoslien	Hoffman	Larsen
Battaglia	Clawson	Forsythe	Hokr	Levi
Beard	Cohen	Frerichs	Jacobs	Long
Bennett	Coleman	Graba	Jensen	Mann
Bergstrom	Dempsey	Greenfield	Johnson	Marsh
Berkelman	DenOuden	Gruenes	Kahn	McDonald
Bishop	Dimler	Gustafson	Kalis	McEachern
Blatz	Eken	Gutknecht	Kelly	McKasy
Brandl	Elioff	Haukoos	Knickerbocker	Metzen
Brinkman	Ellingson	Heap	Knuth	Munger
Carlson, D.	Erickson	Heinitz	Kostohryz	Murphy

Nelson, D.	Piper	St. Onge	Sparby	Vellenga
Nelson, K.	Price	Sarna	Stadum	Voss
Neuenschwander	Quinn	Schafer	Staten	Waltman
Norton	Quist	Scheid	Sviggum	Welch
O'Connor	Redalen	Schoenfeld	Swanson	Welker
Ogren	Reif	Seaberg	Thiede	Welle
Olsen	Rice	Segal	Tomlinson	Wenzel
Omamm	Riveness	Shaver	Tunheim	Wigley
Onnen	Rodosovich	Shea	Uphus	Wynia
Otis	Rodriguez, C.	Sherman	Valan	Zaffke
Pauly	Rodriguez, F.	Skoglund	Valento	Speaker Sieben
Peterson	Rose	Solberg	Vanasek	

Those who voted in the negative were:

Begich                      Jennings                      Minne                      Osthoff                      Schreiber

The bill was passed and its title agreed to.

S. F. No. 26, A bill for an act relating to crimes; providing a criminal penalty for false declarations of insurance coverage; amending Minnesota Statutes 1982, section 65B.67, subdivisions 2, 3, and 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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Knuth	Otis	Simoneau
Anderson, G.	Evans	Kostohryz	Pauy	Skoglund
Anderson, R.	Findlay	Krueger	Peterson	Solberg
Battaglia	Fjoslien	Kvam	Piper	Sparby
Beard	Forsythe	Larsen	Price	Stadum
Begich	Frichs	Levi	Quinn	Staten
Bennett	Graba	Long	Quist	Sviggum
Bergstrom	Greenfield	Mann	Redalen	Swanson
Berkelman	Gruenes	Marsh	Reif	Thiede
Bishop	Gustafson	McDonald	Rice	Tomlinson
Blatz	Gutknecht	McEachern	Riveness	Tunheim
Brandl	Haukoos	McKasy	Rodosovich	Uphus
Brinkman	Heap	Metzen	Rodriguez, C.	Valan
Carlson, D.	Heinitz	Minne	Rodriguez, F.	Valento
Carlson, L.	Himle	Munger	Rose	Vanasek
Clark, J.	Hoberg	Murphy	St. Onge	Vellenga
Clark, K.	Hoffman	Nelson, D.	Sarna	Voss
Clawson	Hokr	Nelson, K.	Schafer	Waltman
Cohen	Jacobs	Neuenschwander	Scheid	Welch
Coleman	Jennings	Norton	Schoenfeld	Welker
Dempsey	Jensen	O'Connor	Schreiber	Welle
DenOuden	Johnson	Ogren	Seaberg	Wenzel
Dimler	Kahn	Olsen	Segal	Wigley
Eken	Kalis	Omamm	Shaver	Wynia
Elioff	Kelly	Onnen	Shea	Zaffke
Ellingson	Knickerbocker	Osthoff	Sherman	Speaker Sieben

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 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. 118 which it recommended to pass.

H. F. No. 96 which it recommended progress.

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

## MOTIONS AND RESOLUTIONS

Clark, K., moved that the name of Shea be added as an author on H. F. No. 331. The motion prevailed.

Zaffke moved that the name of Wenzel be added as an author on H. F. No. 345. The motion prevailed.

Carlson, D., moved that the names of Shea, Sparby and Rodosovich be added as authors on H. F. No. 338. The motion prevailed.

Coleman moved that the name of Clark, K., be added as an author on H. F. No. 382. The motion prevailed.

Blatz moved that the names of Swanson and Johnson be added as authors on H. F. No. 375. The motion prevailed.

Blatz moved that the name of Clark, J., be added as second author and Staten be added as fourth author on H. F. No. 115. The motion prevailed.

Erickson moved that the name of Welker be added as an author on H. F. No. 216. The motion prevailed.

## ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following changes in committee assignments:

Energy: Remove the name of Tomlinson and add the name of Riveness.

## ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, February 24, 1983. 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 24, 1983.

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

## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## EIGHTEENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 24, 1983

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 Roy D. Phillips, Unity Church-Unitarian, St. Paul, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Erickson	Kostohryz	Pauly	Solberg
Anderson, C.	Evans	Krueger	Peterson	Sparby
Anderson, R.	Findlay	Kvam	Piepho	Stadum
Battaglia	Fjoslien	Larsen	Piper	Staten
Beard	Forsythe	Levi	Price	Swiggum
Begich	Frerichs	Long	Quinn	Swanson
Bennett	Graba	Ludeman	Quist	Thiede
Bergstrom	Greenfield	Mann	Redalen	Tomlinson
Berkelman	Gruenes	Marsh	Reif	Tunheim
Bishop	Gustafson	McDonald	Rice	Uphus
Blatz	Gutknecht	McEachern	Riveness	Valan
Brandl	Halberg	McKasy	Rodosovich	Valento
Brinkman	Haukoos	Metzen	Rodriguez, C.	Vanasek
Burger	Heap	Minne	Rodriguez, F.	Vellenga
Carlson, D.	Heinitz	Munger	St. Onge	Voss
Carlson, L.	Hoberg	Murphy	Sarna	Waltman
Clark, J.	Hoffman	Nelson, D.	Schafer	Welch
Clark, K.	Hokr	Nelson, K.	Scheid	Welker
Clawson	Jacobs	Neuenschwander	Schoenfeld	Welle
Cohen	Jennings	Norton	Schreiber	Wenzel
Coleman	Jensen	O'Connor	Seaberg	Wigley
Dempsey	Johnson	Ogren	Segal	Wynia
DenOuden	Kahn	Olson	Shaver	Zaffke
Dimler	Kalis	Omann	Shea	Speaker Sieben
Eken	Kelly	Onnen	Sherman	
Elioff	Knickerbocker	Osthoff	Simoneau	
Ellingson	Knuth	Otis	Skoglund	

A quorum was present.

Himle and Rose 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. 215, 67, 79 and 171 and S. F. Nos. 61, 24, 50, 121, 44, 194, 65 and 25 have been placed in the members' files.

S. F. No. 65 and H. F. No. 67, 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. 65 be substituted for H. F. No. 67 and that the House File be indefinitely postponed. The motion prevailed.

## REPORTS OF STANDING COMMITTEES

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 26, A bill for an act relating to commerce; consumer protection; requiring the repair, refund, or replacement of new motor vehicles under certain circumstances; 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.665] [NEW MOTOR VEHICLE WARRANTIES; MANUFACTURER'S DUTY TO REPAIR, REFUND, OR REPLACE.]

*Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given them:*

(1) "consumer" means the purchaser, other than for purposes of resale, of a new motor vehicle normally used for personal, family, or household purposes, a person to whom the new motor vehicle is transferred for the same purposes during the duration of an express warranty applicable to the motor vehicle, and any other person entitled by the terms of the warranty to enforce the obligations of the warranty;

(2) "manufacturer" means a person engaged in the business of manufacturing, assembling or distributing motor vehicles, who will, under normal business conditions during the year, manufacture, assemble or distribute to dealers at least ten new motor vehicles;

(3) "manufacturer's express warranty" and "warranty" mean the written warranty of the manufacturer of a new motor vehicle of its condition and fitness for use, including any terms or conditions precedent to the enforcement of obligations under that warranty; and

(4) "motor vehicle" means (a) a passenger automobile as defined in section 168.011, subdivision 7, including pickup trucks and vans, and (b) the self-propelled motor vehicle chassis or van portion of recreational equipment as defined in section 168.011, subdivision 25, which is sold to a consumer in this state.

Subd. 2. [MANUFACTURER'S DUTY TO REPAIR.] If a new motor vehicle does not conform to all applicable express warranties, and the consumer reports the nonconformity to the manufacturer, its agent, or its authorized dealer during the term of the express warranties or during the period of one year following the date of original delivery of the new motor vehicle to a consumer, whichever is the earlier date, the manufacturer, its agent, or its authorized dealer shall make the repairs necessary to conform the vehicle to the express warranties, notwithstanding the fact that the repairs are made after the expiration of the warranty term or the one-year period.

Subd. 3. [MANUFACTURER'S DUTY TO REFUND OR REPLACE.] (a) If the manufacturer, or its agents or authorized dealers are unable to conform the new motor vehicle to any applicable express warranty by repairing or correcting any defect or condition which substantially impairs the use or market value of the motor vehicle to the consumer after a reasonable number of attempts, the manufacturer shall replace the new motor vehicle with a comparable motor vehicle or accept return of the vehicle from the consumer and refund to the consumer the full purchase price, and all other charges including, but not limited to, sales tax, license fees and registration fees, less a reasonable allowance for the consumer's use of the vehicle. Refunds shall be made to the consumer, and lienholder, if any, as their interests may appear on the records of the registrar of motor vehicles. A reasonable allowance for use is that amount directly attributable to use by the consumer and any previous consumer prior to his or her first report of the nonconformity to the manufacturer, agent, or dealer and during any subsequent period when the vehicle is not out of service by reason of repair. It is an affirmative defense to any claim under this section (1) that an alleged nonconformity does not substantially impair the use or market value, or (2) that a nonconformity is the result of abuse, neglect, or unauthorized modifications or alterations of a motor vehicle by anyone other than the manufacturer, its agent or authorized dealer.

(b) It is presumed that a reasonable number of attempts have been undertaken to conform a new motor vehicle to the applicable express warranties, if (1) the same nonconformity has

been subject to repair four or more times by the manufacturer or its agents or authorized dealers within the express warranty term or during the period of one year following the date of original delivery of the motor vehicle to a consumer, whichever is the earlier date, but the nonconformity continues to exist, or (2) the vehicle is out of service by reason of repair for a cumulative total of 30 or more business days during the term or during the period, whichever is the earlier date. The term of an express warranty, the one-year period and the 30-day period shall be extended by any period of time during which repair services are not available to the consumer because of a war, invasion, strike, or fire, flood, or other natural disaster. In no event shall the presumption contained in this section apply against a manufacturer unless the manufacturer or its agent or authorized dealer has received prior notification from or on behalf of the consumer and an opportunity to cure the defect alleged.

**Subd. 4. [ALTERNATIVE DISPUTE SETTLEMENT PROCEDURE.]** *If a manufacturer has established, or participates in, an informal dispute settlement procedure which substantially complies with the provisions of the Code of Federal Regulations, title 16, part 703 (1982), the provisions of subdivision 3 concerning refunds or replacement do not apply to a consumer who has not first used this procedure.*

*The findings and decisions in an informal dispute resolution proceeding are admissible as evidence but not binding in any legal action and are not subject to further foundation requirements.*

**Subd. 5. [CIVIL REMEDY.]** *Any consumer injured by a violation of this section may bring a civil action to enforce this section and recover costs and disbursements, including reasonable attorney's fees.*

**Subd. 6. [LIMITATION ON ACTIONS.]** *An action brought under this section shall be commenced within six months of the expiration of the express warranty term, or within one year of the date of original delivery of the new motor vehicle to a consumer, whichever is the earlier date.*

**Subd. 7. [REMEDY NONEXCLUSIVE.]** *Nothing in this section limits the rights or remedies which are otherwise available to a consumer under any other law.*

## **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.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 176, A bill for an act relating to financial institutions; providing that Small Business Administration guaranteed loans are collateral for public deposits; amending Minnesota Statutes 1982, section 118.01, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 22, after "or" insert "*, to the extent of the guarantee,*"

Page 1, line 25, before "loans" insert "*, to the extent of the guarantee,*"

Page 2, after line 11, 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.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 359, A bill for an act relating to state government; removing the requirement of senate confirmation for appointment to certain state agencies; limiting terms of certain hold-over appointees; requiring senate confirmation of commissioner appointees within a certain time period; formulating a procedure for senate and house confirmations; changing a time requirement for filing a statement of economic interest in certain cases; amending Minnesota Statutes 1982, sections 1.33; 3.9223, subdivision 1; 10A.09, subdivisions 1 and 3; 11A.07, subdivision 3; 14.48; 15.0575, subdivision 2; 15.0597, subdivision 6; 15.06, subdivisions 2 and 5; 15.50, subdivision 1; 16.823, subdivision 2; 40.03, subdivision 1; 85A.01, subdivision 1; 105.401, subdivision 1; 115A.05, subdivision 2; 116E.02, subdivision 1; 116J.04; 121.82, subdivision 1; 121.844, subdivision 1; 182.664, subdivision 1; 250.05, subdivision 2; 299B.05, subdivision 1; 414.01, subdivision 2; 473.123, subdivision 4; 473.141, subdivision 3; 490.15, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 15.

Reported the same back with the following amendments:

Page 6, line 24, after "11" insert "*unless no hearing on the appointment has been held*"

Page 10, line 6, strike "department of natural"

Page 10, strike lines 7 and 8 and insert "*soil and water conservation board administrative region.*"

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. 364, A bill for an act relating to state lands; conveying certain state lands to the city of St. Cloud.

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. 26, 176, 359 and 364 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. No. 65 was read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Nelson, K., introduced:

H. F. No. 407, A bill for an act relating to education; clarifying the amount in the debt service fund of a school district which shall be considered excess and subtracted from levies; amending Minnesota Statutes 1982, section 475.61, subdivision 3.

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

McEachern; Carlson, L.; Welch; Levi and Heap introduced:

H. F. No. 408, A bill for an act relating to education; establishing criteria for public post-secondary institutions relating to costs, enrollment, and geographic areas; requiring reports under certain circumstances related to the criteria; proposing new law coded in Minnesota Statutes, chapter 136A.

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

Jacobs, Rose, Piepho, Dempsey and Brinkman introduced:

H. F. No. 409, A bill for an act relating to liquor; restrictions upon joint purchases and volume discounts at wholesale; amending Minnesota Statutes 1982, sections 340.408; and 340.983.

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

Simoneau, Begich, Minne, Stadum and Rose introduced:

H. F. No. 410, A bill for an act relating to state employees; amending the unit composition schedule adopted by the legislative commission on employee relations.

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

Redalen introduced:

H. F. No. 411, A bill for an act relating to courts; permitting the appointment of a court commissioner in Fillmore County.

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

Anderson, B.; McEachern; Nelson, K.; Levi and Heap introduced:

H. F. No. 412, A bill for an act relating to education; requiring the development of proposals for new admission requirements in all public systems of higher education.

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

Forsythe and Pauly introduced:

H. F. No. 413, A bill for an act relating to the city of Edina; allowing the city to make special assessments against certain benefited property.

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

Vanasek, Brandl, Minne, Schreiber and Blatz introduced:

H. F. No. 414, A bill for an act relating to taxation; income; specifying the deduction for use of an automobile while making a charitable contribution; amending Minnesota Statutes 1982, section 290.21, subdivision 3.

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

Carlson, D.; Begich; Neuenschwander; Anderson, G., and Valento introduced:

H. F. No. 415, 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.

Fjoslien, Kalis, Mann, Kostohryz and Brinkman introduced:

H. F. No. 416, A bill for an act relating to taxation; redefining agricultural alcohol gasoline; changing the amount and duration of the tax reduction for agricultural alcohol gasoline; amending Minnesota Statutes 1982, sections 296.01, subdivision 24; and 296.02, subdivision 7.

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

DenOuden introduced:

H. F. No. 417, A bill for an act relating to advertising devices; authorizing produce vendors to locate a sign on farm homestead property; amending Minnesota Statutes 1982, section 173.08, subdivision 1.

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

Solberg, Kalis, Mann, Frerichs and Minne introduced:

H. F. No. 418, A bill for an act relating to advertising devices; defining service club and religious notices for purposes of outdoor advertising control; amending Minnesota Statutes 1982, section 173.02, subdivision 6.

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

Berkelman, Blatz, Brinkman and Skoglund introduced:

H. F. No. 419, A bill for an act relating to insurance; fire; requiring the insured, in case of loss, to show the damaged property and related records to the company and consent to be examined under oath; providing for the exchange of information on losses or potential losses between companies and authorized persons; amending Minnesota Statutes 1982, sections 65A.01, subdivision 3; and 299F.054, subdivisions 1, 2, 4, and by adding a subdivision.

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

Dempsey introduced:

H. F. No. 420, A bill for an act relating to courts; permitting a county board to appoint a court commissioner; providing the powers of a court commissioner; amending Minnesota Statutes 1982, section 489.01, subdivisions 1 and 2; repealing Minnesota Statutes 1982, section 489.01, subdivision 3.

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

Dempsey introduced:

H. F. No. 421, A bill for an act relating to marriage dissolution; creating a presumption of joint custody for minor children of a dissolution; amending Minnesota Statutes 1982, section 518.17, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 518.

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



Simoneau; Carlson, D.; Norton; Sieben and Jennings introduced:

H. F. No. 422, A bill for an act relating to state government; regulating judicial branch salaries; amending Minnesota Statutes 1982, section 15A.083, subdivisions 1 and 2.

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

Gruenes introduced:

H. F. No. 423, A bill for an act relating to the town of St. Cloud; permitting its division into urban and rural service districts.

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

Shea; Anderson, G., and Bergstrom introduced:

H. F. No. 424, A bill for an act relating to agriculture; making certain changes in the grain buyers act; imposing a penalty; amending Minnesota Statutes 1982, sections 223.16, subdivisions 7, 8, and by adding a subdivision; 223.17; 223.18; and 223.19; Laws 1982, chapter 635, section 9; proposing new law coded in Minnesota Statutes, chapter 223.

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

Kalis and Valento introduced:

H. F. No. 425, A bill for an act relating to state lands; specifying the price at which certain lands will be reconveyed by the department of transportation to the original owners; amending Minnesota Statutes 1982, section 161.44, subdivision 2.

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

Sviggum, Greenfield, Rodosovich and Quist introduced:

H. F. No. 426, A bill for an act relating to child support enforcement; amending Minnesota Statutes 1982, section 256.87, subdivision 1a, and by adding subdivisions.

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

**Swiggum and Waltman introduced:**

**H. F. No. 427, A bill for an act relating to certain towns in Goodhue County; authorizing the town board to set the hours the polling places will be open in town elections.**

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

**Jennings introduced:**

**H. F. No. 428, A bill for an act relating to education; authorizing school districts to levy for the cost of asbestos removal or encapsulation; providing for an equalized special purpose capital expenditure aid; amending Minnesota Statutes 1982, sections 124.245, by adding a subdivision; and 275.125, subdivision 11a, and by adding a subdivision.**

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

**Gruenes introduced:**

**H. F. No. 429, A bill for an act relating to automobile insurance; prohibiting any right of subrogation on underinsurance claims; amending Minnesota Statutes 1982, section 65B.53, by adding a subdivision.**

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

**Ludeman introduced:**

**H. F. No. 430, A bill for an act relating to retirement; authorizing the purchase of annuity contracts for retiring Tracy fire-fighters.**

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

**Rodriguez, F.; Sarna; Sieben and Wigley introduced:**

**H. F. No. 431, A bill for an act relating to employment; encouraging public and private sector pension funds to invest in real estate; permitting certain public funds to participate in real estate investments; amending Minnesota Statutes 1982, sections 69.77, subdivision 2; 354A.08; 422A.05, subdivision 2c; 423.389; and 423.60; 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.

Redalen, Wenzel, Valan, Schoenfeld and Munger introduced:

H. F. No. 432, A bill for an act relating to soil and water conservation; prohibiting in certain counties certain practices which cause accelerated erosion or sediment damage; prescribing penalties; 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.

Wigley, Piepho, Kvam, Dempsey and Heinitz introduced:

H. F. No. 433, A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 12; providing that the legislature only meet biennially.

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

Clark, J., introduced:

H. F. No. 434, A bill for an act relating to agriculture; exempting certain vending machines from inspection fees; amending Minnesota Statutes 1982, section 28A.09, subdivision 1.

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

Clark, J.; Wenzel; Rodosovich; Price and Heinitz introduced:

H. F. No. 435, A bill for an act relating to crimes; establishing degrees of burglary; prescribing penalties; providing mandatory terms of incarceration; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, section 609.58.

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

Haukoos; Elioff; Rodriguez, C.; Levi and Jennings introduced:

H. F. No. 436, A bill for an act relating to education; extending the time period to apply for life licensure by the Minnesota board of teaching.

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

Welle, Battaglia, Neuenschwander, Brinkman and Kvam introduced:

H. F. No. 437, A bill for an act relating to appropriations; appropriating funds for the operation of the New London federal fish hatchery.

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

Elioff introduced:

H. F. No. 438, A bill for an act relating to trusts; authorizing court-ordered payments from trusts for cost of beneficiaries' care in state hospitals; subjecting spendthrift trusts to claims for cost of beneficiaries' care in state hospitals; proposing new law coded in Minnesota Statutes, chapter 501.

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

Elioff and Murphy introduced:

H. F. No. 439, A bill for an act relating to crimes; prohibiting possession of fireworks; amending Minnesota Statutes 1982, section 624.21.

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

Elioff, Begich, Battaglia and Solberg introduced:

H. F. No. 440, A bill for an act relating to insurance; rate regulation; providing regulation of certain health and accident insurance; amending Minnesota Statutes 1982, sections 70A.02; and 70A.03; repealing Minnesota Statutes 1982, section 62A.02.

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

Vellenga, Bishop, Piper, Price and Swanson introduced:

H. F. No. 441, A bill for an act relating to the housing finance agency; increasing the maximum permissible return to certain mortgagors; increasing the maximum rehabilitation loan amount; combining certain bonding categories; clarifying other agency duties and powers; amending Minnesota Statutes 1982, sections 462A.03, subdivision 13; 462A.05, subdivisions 14a and 18; 462A.06, subdivision 8; 462A.09; 462A.21, subdivision 4b; and 462A.22, subdivisions 1 and 5; repealing Minnesota Statutes 1982, section 462A.22, subdivision 1a.

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

Forsythe, Pauly, Osthoff, Minne and Schreiber introduced:

H. F. No. 442, A bill for an act relating to taxation; providing for homestead classification in certain cases of joint ownership; providing for the income tax deductibility for taxes paid in cases of joint real estate ownership; amending Minnesota Statutes 1982, sections 273.121; and 290.09, subdivision 4.

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

Vanasek, Clawson, Begich and Ogren introduced:

H. F. No. 443, A bill for an act relating to taxation; exempting certain Minnesota products and products of tool and dye companies from the sales tax; increasing the sales tax on foreign products; amending Minnesota Statutes 1982, section 297A.25, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 297A.

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

Piper, Long, McKasy, Ellingson and Welle introduced:

H. F. No. 444, A bill for an act relating to child support; allowing courts to order support for certain individuals attending secondary school; amending Minnesota Statutes 1982, section 518.54, subdivision 2.

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

Cohen, Norton, Vellenga, Osthoff and Rodriguez, F., introduced:

H. F. No. 445, A bill for an act relating to the city of St. Paul; setting the maximum amounts of and other conditions for the issuance of capital improvement bonds; amending Laws 1971, chapter 773, sections 1, as amended, and 2, as amended.

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

O'Connor, Rose, Voss, Cohen and Kelly introduced:

H. F. No. 446, A bill for an act relating to local government; changing the boundaries of the cities of Lilydale and St. Paul.

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

Berkelman, Jennings, Sieben, Eken and Brandl introduced:

H. F. No. 447, A bill for an act relating to taxes; defining institutions of public charity that are exempt from property taxation; amending Minnesota Statutes 1982, section 272.02, subdivision 1.

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

Kvam, Tomlinson, Dempsey, Brinkman and Onnen introduced:

H. F. No. 448, A bill for an act relating to taxation; income; increasing the amount of nonfarm income which can be used to offset farm expense losses; amending Minnesota Statutes 1982, section 290.09, subdivision 29.

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

Carlson, L.; Eken; Sieben; Osthoff and Kostohryz introduced:

H. F. No. 449, A bill for an act relating to elections; proposing an amendment to the Minnesota Constitution, article VII, section 9, to limit campaign expenditures by candidates for the United States senate and house of representatives; providing implementing legislation; redefining certain terms in relation to congressional candidates; limiting the applicability of certain provisions of law to state constitutional and state legislative candidates; providing for filing of campaign reports by certain congressional candidates; limiting campaign expenditures by congressional candidates who choose to receive a public subsidy; providing a penalty for exceeding campaign expenditure limits by congressional candidates; changing the designated amount of certain income tax payments; providing for the allocation of party accounts and the general account to certain state and congressional candidates; providing estimates of minimum amounts of public subsidy to be received by certain congressional candidates; requiring signed agreements by certain congressional candidates who choose to receive a public subsidy; specifying when congressional candidates who accept a public subsidy must return all or part thereof; providing for the return of money from the state elections campaign fund to the general fund; making certain technical amendments; imposing penalties; amending Minnesota Statutes 1982, sections 10A.01; 10A.25; 10A.255; 10A.27; 10A.275; 10A.28; 10A.30; 10A.31; 10A.33; 10A.335; and 290.06, subdivision 11; proposing new law coded in Minnesota Statutes, chapter 10A; repealing Minnesota Statutes 1982, section 10A.32.

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

Krueger, Graba, Eken, Thiede and Waltman introduced:

H. F. No. 450, A bill for an act relating to transportation; authorizing reimbursement to local fire departments for expenses to put out fires in the rights-of-way of highways; appropriating money; amending Minnesota Statutes 1982, section 161.465.

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

Krueger introduced:

H. F. No. 451, A bill for an act relating to liquor; authorizing the city of Long Prairie to issue one on-sale license to a Moose Lodge.

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

Elioff, Battaglia, Begich, Solberg and Minne introduced:

H. F. No. 452, A resolution memorializing the Postmaster General; urging the issuance of a postal stamp to commemorate the centennial of the first shipment of iron ore from Minnesota.

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

Sparby, Bergstrom, Eken, Wenzel and Tomlinson introduced:

H. F. No. 453, A bill for an act relating to taxes; providing for the income tax treatment of certain losses attributable to farming; amending Minnesota Statutes 1982, section 290.09, subdivision 29.

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

Fjoslien, Munger and Carlson, D., introduced:

H. F. No. 454, A bill for an act relating to game and fish; prohibiting firing upon, over, or across a public highway for the purpose of taking migratory waterfowl; amending Minnesota Statutes 1982, section 100.31.

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

Sarna, Norton, Sieben, Rice and Jennings introduced:

H. F. No. 455, A bill for an act relating to the operation of state government; creating the department of business and commerce; providing for appointment of a commissioner of business and commerce; prescribing his powers and duties; transferring certain powers and duties from the commissioners of administration, banks, energy, planning and development, insurance, securities and real estate, and the director of the office of consumer services, to the commissioner of business and commerce; transferring certain powers and duties from the chairman of the commerce commission to the commissioner of business and commerce; transferring certain powers and duties from the director of the office of consumer services to the commissioners of business and commerce and health and the attorney general; eliminating certain positions and divisions in the department of commerce; amending Minnesota Statutes 1982, sections 15.06, subdivision 1; 15A.081, subdivision 1; 43A.08, subdivision 1a; 45.034; 45.04; 45.05; 45.06; 45.07; 45.071, subdivision 2; 45.08, subdivision 3, and by adding a subdivision; 45.17, subdivisions



1, 2, 3, 4, 5, 7, and by adding a subdivision; 116J.03, subdivision 1; 116J.31; 144A.53, subdivision 4; 155A.03, by adding a subdivision; 155A.05; 155A.18; 214.04, subdivision 1; 214.14, subdivision 1; 325E.09, subdivision 4a; 325F.09; 325F.11; proposing new law coded in Minnesota Statutes, chapters 45; and 116J.57; repealing Minnesota Statutes 1982, sections 45.01; 45.02; 45.021; 45.03; 45.031; 45.032; 45.033; 45.15; 45.16; 45.17, subdivision 6; 155A.03, subdivision 10; and 155A.17.

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

Rodriguez, F.; Sarna and Wigley introduced:

H. F. No. 456, A bill for an act relating to retirement; reducing from ten to five years the period required for vesting of state employees pensions; amending Minnesota Statutes 1982, sections 352.115, subdivision 1; 352.12, subdivision 2; 352.22, subdivision 3; 352.93, subdivision 1; 352B.08; and 352D.02, subdivision 5.

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

Brinkman, Gustafson, Dempsey, Halberg and Vanasek introduced:

H. F. No. 457, 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 14.

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

Welch; Carlson, L.; Swanson; Heinitz and Reif introduced:

H. F. No. 458, A bill for an act relating to health; adding a factor for determining whether to regulate a human services occupation; requiring a surcharge on health related licensing board licenses; changing health related licensing board rule review authority; allowing certain practices under rule authority; changing the composition of the human services occupations advisory council; appropriating money; amending Minnesota Statutes 1982, sections 214.001, subdivision 2; 214.06, subdivision 1; 214.13, subdivisions 2 and 3; and 214.14, subdivision 1.

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

Rodriguez, F., introduced:

H. F. No. 459, A bill for an act relating to labor; providing for fair labor standards; defining "employee"; reenacting Minnesota Statutes, section 177.25, subdivision 1; amending Minnesota Statutes 1982, section 177.23, subdivision 7; amending Laws 1981, chapter 289, section 3.

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

Rodriguez, F.; Begich; Jensen and Rice introduced:

H. F. No. 460, A bill for an act relating to labor; deleting an exclusion from protection for prompt payment of wages; amending Minnesota Statutes 1982, section 181.16.

The bill was read for the first time and 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 House File, herewith returned:

H. F. No. 57, A bill for an act relating to local government; permitting towns to self insure the bond requirements of certain officers; amending Minnesota Statutes 1982, section 471.981, by adding a subdivision.

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. 115, 128 and 195.

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. 390.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 115, A bill for an act relating to local government; providing for the budget date for the city of Minneapolis and Hennepin county municipal building commission; amending Laws 1903, chapter 247, section 5.

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

S. F. No. 128, A bill for an act relating to state monuments; adding the Governor Floyd B. Olson Monument in Hennepin County to the list of state monuments; amending Minnesota Statutes 1982, section 138.585, by adding a subdivision.

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

S. F. No. 195, A bill for an act relating to courts; increasing the fee and mileage allowance paid to witnesses; providing for fee allowances to be paid to witnesses in juvenile proceedings; amending Minnesota Statutes 1982, sections 357.22; 357.24; and proposing new law coded in Minnesota Statutes, chapter 357.

The bill was read for the first time.

Long moved that S. F. No. 195 and H. F. No. 96, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 390, A resolution memorializing the Congress of the United States to authorize the President to present a Congressional Medal of Honor to Herman Miller.

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, Forsythe moved that the rule therein be sus-

pending and an urgency be declared so that S. F. No. 390 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Forsythe moved that the rules of the House be so far suspended that S. F. No. 390 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 390 was read for the second time.

S. F. No. 390, A resolution memorializing the Congress of the United States to authorize the President to present a Congressional Medal of Honor to Herman Miller.

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:

Anderson, B.	Erickson	Knuth	Otis	Simoneau
Anderson, G.	Evans	Krueger	Pauly	Skoglund
Anderson, R.	Findlay	Larsen	Peterson	Solberg
Battaglia	Fjoslien	Levi	Piepho	Sparby
Beard	Forsythe	Long	Piper	Stadum
Begich	Frerichs	Ludeman	Price	Staten
Bennett	Graba	Mann	Quinn	Sviggum
Berkelman	Greenfield	Marsh	Quist	Swanson
Bishop	Gruenes	McDonald	Redalen	Thiede
Blatz	Gustafson	McEachern	Reif	Tomlinson
Brandl	Gutknecht	McKasy	Rice	Tunheim
Brinkman	Halberg	Metzen	Riveness	Uphus
Burger	Haukoos	Minne	Rodosovich	Valan
Carlson, D.	Heap	Munger	Rodriguez, C.	Valento
Carlson, L.	Hoberg	Murphy	Rodriguez, F.	Vanasek
Clark, J.	Hoffman	Nelson, D.	Sarna	Vellenga
Clark, K.	Hokr	Nelson, K.	Schafer	Voss
Cohen	Jacobs	Neuenschwander	Scheid	Waltman
Coleman	Jennings	Norton	Schoenfeld	Welch
Dempsey	Jensen	O'Connor	Schreiber	Welker
DenOuden	Johnson	Ogren	Seaberg	Welle
Dimler	Kahn	Olsen	Segal	Wenzel
Eken	Kalis	Omann	Shaver	Wynia
Elioff	Kelly	Onnen	Shea	Zaffke
Ellingson	Knickerbocker	Osthoff	Sherman	Speaker Sieben

The bill was passed and its title agreed to.

## CALENDAR

S. F. No. 118, A bill for an act relating to the northeast Minnesota economic protection trust fund; authorizing expenditure of funds for job retraining; providing for administration of the distressed area emergency jobs program; appropriating money; amending Laws 1982, Second Special Session chapter 2, sections 12 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 118 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Knuth	Osthoff	Simoneau
Anderson, G.	Ellingson	Kostohryz	Otis	Skoglund
Anderson, R.	Erickson	Krueger	Pauly	Solberg
Battaglia	Evans	Larsen	Peterson	Sparby
Beard	Findlay	Levi	Pjepho	Staten
Begich	Fjoslien	Long	Piper	Sviggum
Bennett	Forsythe	Mann	Price	Swanson
Bergstrom	Graba	Marsh	Quinn	Tomlinson
Berkelman	Greenfield	McDonald	Redalen	Tunheim
Bishop	Gruenes	McEachern	Reif	Uphus
Blatz	Gustafson	McKasy	Rice	Valan
Brandl	Gutknecht	Metzen	Riveness	Valento
Brinkman	Halberg	Minne	Rodosovich	Vanasek
Burger	Heap	Munger	Rodriguez, C.	Vellenga
Carlson, D.	Hoberg	Murphy	Rodriguez, F.	Voss
Carlson, L.	Hoffman	Nelson, D.	Sarna	Waltman
Clark, J.	Hokr	Nelson, K.	Scheid	Welch
Clark, K.	Jacobs	Neuenschwander	Schoenfeld	Welle
Clawson	Jensen	Norton	Schreiber	Wenzel
Cohen	Johnson	O'Connor	Seaberg	Wigley
Coleman	Kahn	Ogren	Segal	Zaffke
Dempsey	Kalis	Olsen	Shaver	Speaker Sieben
Dimler	Kelly	Omann	Shea	
Eken	Knickerbocker	Onnen	Sherman	

Those who voted in the negative were:

DenOuden	Jennings	Ludeman	Schafer	Thiede
Frerichs	Kvam	Quist	Stadum	Welker
Haukoos				

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 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 THE 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. 79, 171 and 215 which it recommended to pass.

S. F. No. 25 which it recommended to pass.

S. F. No. 65 which it recommended to pass with the following amendment offered by Berkelman:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 429.011, subdivision 2b, is amended to read:

Subd. 2b. "Municipality" also includes any town not having the powers granted herein pursuant to any other law in the case of construction, reconstruction or improvement of a town road including curbs and gutters and storm sewers and in the case of those improvements designated in section 429.021, subdivision 1, clauses (1), (2), (4), (5), (6), (7), (8) and (10)(;). (PROVIDED THAT) Any improvement authorized (BY THIS SUBDIVISION) and undertaken pursuant to the authority granted in this subdivision may be made only upon the affirmative vote of the electors of the town at the annual town meeting or at a special town meeting (HELD PURSUANT TO SECTIONS 365.52 TO 365.53, EXCEPT WHEN ALL OF THE OWNERS OF THE LAND WHICH WOULD BE BENEFITED BY THE IMPROVEMENT PETITION FOR THE IMPROVEMENT.). The requirement for approval by the town electors provided in this subdivision shall not apply *when 75 percent of the owners of the land which would be benefited by the improvement petition for the improvement.*

Sec. 2. [EFFECTIVE DATE.]

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

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

## MOTIONS AND RESOLUTIONS

Quinn moved that the name of Swanson be stricken and the name of Vanasek be added as an author on H. F. No. 332. The motion prevailed.

Wenzel moved that his name be stricken as an author on H. F. No. 152. The motion prevailed.

Clark, K., moved that the name of Minne be added as an author on H. F. No. 363. The motion prevailed.

Simoneau moved that the name of Riveness be added as an author on H. F. No. 299. The motion prevailed.

Jennings moved that the names of Levi and Kalis be added as authors on H. F. No. 428. The motion prevailed.

Clawson moved that the names of Peterson, Welch and Carlson, D., be added as authors on H. F. No. 403. The motion prevailed.

Hoberg moved that the name of Murphy be added as an author on H. F. No. 278. The motion prevailed.

Shea moved that the name of Kalis be added as an author on H. F. No. 424. The motion prevailed.

Blatz moved that the names of Jacobs and Levi be added as authors on H. F. No. 373. The motion prevailed.

Blatz moved that the names of Elioff and McEachern be added as authors on H. F. No. 375. The motion prevailed.

Rodriguez, F., moved that the name of Blatz be added as an author on H. F. No. 460. The motion prevailed.

Sviggum moved that the name of Haukoos be added as an author on H. F. No. 426. The motion prevailed.

Rodriguez, F., moved that the names of Begich, Rice, Jensen and Blatz be added as authors on H. F. No. 459. The motion prevailed.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, February 28, 1983. 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 28, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## NINETEENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 28, 1983

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 Ron Bolt, Calvary Baptist Church, Roseville, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Ellingson	Kelly	Onnen	Skoglund
Anderson, G.	Erickson	Knickerbocker	Osthoff	Solberg
Anderson, R.	Evans	Knuth	Pauly	Sparby
Battaglia	Findlay	Kostohryz	Peterson	Stadum
Beard	Fjoslien	Krueger	Piepho	Staten
Begich	Forsythe	Kvam	Piper	Sviggum
Bennett	Frerichs	Larsen	Price	Swanson
Bergstrom	Graba	Levi	Quinn	Thiede
Berkelman	Greenfield	Long	Quist	Tomlinson
Bishop	Gruenes	Ludeman	Redalen	Uphus
Blatz	Gustafson	Mann	Reif	Valan
Brandl	Gutknecht	Marsh	Rice	Valento
Brinkman	Halberg	McEachern	Riveness	Vanasek
Burger	Haukoos	McKasy	Rodosovich	Vellenga
Carlson, D.	Heap	Metzen	Rodriguez, F.	Voss
Carlson, L.	Heinitz	Minne	Sarna	Waltman
Clark, J.	Himle	Munger	Schafer	Welch
Clark, K.	Hoberg	Murphy	Scheid	Welker
Clawson	Hoffman	Nelson, D.	Schoenfeld	Welle
Cohen	Hokr	Nelson, K.	Schreiber	Wenzel
Coleman	Jacobs	Neuenschwander	Seaberg	Wigley
Dempsey	Jennings	Norton	Segal	Wynia
DenOuden	Jensen	O'Connor	Shaver	Zaffke
Dimler	Johnson	Ogren	Shea	Speaker Sieben
Eken	Kahn	Olsen	Sherman	
Elioff	Kalis	Omann	Simoneau	

A quorum was present.

McDonald; Rodriguez, C.; Rose; St. Onge and Tunheim were excused.

Otis was excused until 2:45 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. 364, 26, 176 and 359 and S. F. Nos. 115, 128, 195 and 65 have been placed in the members' files.

S. F. No. 195 and H. F. No. 96, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Long moved that S. F. No. 195 be substituted for H. F. No. 96 and that the House File be indefinitely postponed. The motion prevailed.

#### REPORTS OF STANDING COMMITTEES

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 91, A bill for an act relating to public utilities; providing for rights of stockholders and directors of cooperative electric associations; proposing new law coded in Minnesota Statutes, chapter 216B.

Reported the same back with the following amendments:

Page 1, line 22, delete "301.34" and insert "302A.461"

Page 2, line 2, delete "301.34" and insert "302A.461"

Page 2, line 7, delete "establishing" and insert "which directly establish"

Page 2, line 11, delete "301.34" and insert "302A.461"

Page 2, line 18, after "all" insert "regularly scheduled"

Page 2, line 32, delete "ten" and insert "five"

Page 2, line 36, delete "120" and insert "60"

Page 3, after line 16, insert:

"Subd. 7. [OPTIONAL REFERENDUM.] Upon the receipt of a petition signed by at least ten percent of the stock-

*holders, a board of directors shall present the matter to the stockholders for a vote at the second annual meeting subsequent to the enactment of this measure. The matter to be referred shall consist of whether or not to be bound by the provisions of this section. No cooperative shall be bound by the provisions of this section if adoption has been defeated at referendum."*

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. 100, A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1982, sections 62E.52, subdivisions 2 and 3; 62E.53, subdivisions 1 and 2; and 62E.531, subdivision 2.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 223, A bill for an act relating to taxation; authorizing the assessment of personal liability of corporate or partnership officers or employees; deleting obsolete references; providing for service of summons and subpoena by mail; setting the amount of bond for liquor licenses and making them conditioned on payment of taxes to the state; providing that tax liens include certain costs; providing for the filing of liens and the transcription of liens to other counties; eliminating the requirement of notification to commissioner of foreclosure in certain instances; providing for the assessment of taxes; providing time limitations for court proceedings to collect certain taxes; providing for a suspension of certain time limitations in bankruptcy cases; clarifying the classification of tax claims in estates; providing a bond requirement to secure withholding taxes; providing that state contract settlement proceeds be applied to unpaid withholding taxes of contractors or subcontractors; amending Minnesota Statutes 1982, sections 270.06; 270.10, by adding a subdivision; 270.69, subdivisions 1, 4, 7, and by adding a subdivision; 270.70, subdivisions 1, 10, and 14; 290.49, subdivision 6; 290.58; 290.92, subdivisions 6 and 6a; 290.97; 297A.34, subdivisions 4, 5, and by adding a subdivision; 290A.42, subdivision 2; 340.12; and 524.3-805.

Reported the same back with the following amendments:

Page 3, line 29, before "mail" insert "*registered or certified*" and after "mail" insert "*, return receipt requested,*"

Page 9, line 7, before "mail" insert "*registered or certified*" and after "mail" insert "*, return receipt requested,*"

Page 15, delete section 14 and insert:

"Sec. 14. Minnesota Statutes 1982, section 290.97, is amended to read:

**290.97 [CONTRACTS WITH STATE; WITHHOLDING.]**

No department of the state of Minnesota, nor any political or governmental subdivision of the state shall make final settlement with any contractor under a contract requiring the employment of employees for wages by said contractor, *and by subcontractors whose business location is outside of the state of Minnesota*, until satisfactory showing is made that said contractor *or out-of-state subcontractor* has complied with the provisions of section 290.92. A certificate by the commissioner of revenue shall satisfy this requirement *with respect to the contractor or out-of-state subcontractor*. *If at the time of final settlement there are any unpaid withholding taxes, penalties, or interest arising from the government contract, the department shall issue a certification to the contractor or out-of-state subcontractor upon payment, with certified funds, of any unpaid withholding taxes, penalties, and interest. Payment is received by the department upon delivery of the certified funds to the central office located in St. Paul, or any district or subdistrict office located throughout the state.*"

Page 17, line 5, before "mail" insert "*registered or certified*" and after "mail" insert "*, return receipt requested,*"

Pages 17, 18 and 19, delete section 19

Page 20, line 13, delete "20" and insert "19"

Page 20, line 16, delete "*Section 19 is effective October 1, 1983.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 6 and 7

Page 1, line 8, delete "state;"

Page 1, line 27, delete "290A.42" and insert "297A.42"

Page 1, line 27, delete "340.12;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 339, A bill for an act relating to taxation; prohibiting imposition of penalties for underpayments of estimated tax under certain circumstances.

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 91, 223 and 339 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. No. 195 was read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Burger, McDonald, Brandl, Piepho and Norton introduced:

H. F. No. 461, A bill for an act relating to state government; providing incentive bonuses for certain state employees; appropriating money.

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

Begich and Battaglia introduced:

H. F. No. 462, A bill for an act relating to St. Louis County; limiting compensation of elected county officers.

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

Pauly; Scheid; Schreiber; Rodriguez, C., and Forsythe introduced:

H. F. No. 463, A bill for an act relating to municipal planning and zoning; authorizing the establishment of a joint planning board; requiring the filing of copies of certain documents; amending Minnesota Statutes 1982, sections 462.3585; and 462.36, subdivision 1.

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

Rodriguez, F., introduced:

H. F. No. 464, A bill for an act relating to retirement; calculation of annuities for the first ten years of service by members of the Minnesota state retirement system; amending Minnesota Statutes 1982, section 352.115, subdivision 3.

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

Rodriguez, F., introduced:

H. F. No. 465, A bill for an act relating to retirement; increasing employer and employee contributions to the Minnesota state retirement system; amending Minnesota Statutes 1982, section 352.04, subdivisions 2 and 3.

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

Anderson, B.; Fjoslien; Welle; Mann and Erickson introduced:

H. F. No. 466, A bill for an act relating to agriculture; redefining agricultural alcohol gasoline; providing a tax reduction for agricultural alcohol gasoline; providing an additional reduction for agricultural alcohol gasoline sold to local units of government; amending Minnesota Statutes 1982, sections 296.01, subdivision 24; and 296.02, by adding subdivisions; repealing Minnesota Statutes 1982, section 296.02, subdivision 7.

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

Sarna; Rogriguez, F.; Clawson; Wigley and Metzen introduced:

H. F. No. 467, A bill for an act relating to retirement; adopting a rule of 85, altering the actuarial reduction for early retirement, and changing surviving spouse benefits for members of the Minnesota state retirement system; amending Minnesota Statutes 1982, sections 352.115, subdivision 1; 352.116, subdivision 1; and 352.12, subdivision 2.

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

Anderson, B., introduced:

H. F. No. 468, A bill for an act relating to education; authorizing the commissioner to approve one additional application for the part-time teaching program for fiscal year 1982 under certain conditions.

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

Clawson; Dempsey; Anderson, B.; Voss and Evans introduced:

H. F. No. 469, 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; 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.

Clark, J.; Rice; St. Onge; O'Connor and Heap introduced:

H. F. No. 470, A bill for an act relating to labor; defining "employee" for purpose of the labor relations act to include certain handicapped persons; amending Minnesota Statutes 1982, section 179.01, subdivision 4.

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

Greenfield, Staten, Brandl, Forsythe and Elioff introduced:

H. F. No. 471, A bill for an act relating to public welfare; providing for the establishment of a state foster care advisory council and local review boards under the jurisdiction of juvenile judges; prescribing conditions of membership and duties of board members; requiring agency cooperation; providing for the adoption of supreme court rules; setting limitations; appropriating money; proposing new law coded in Minnesota Statutes, chapter 260.

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

Rodriguez, C.; McEachern; Levi; Heap and Welch introduced:

H. F. No. 472, A bill for an act relating to education; authorizing the state board for vocational education, the state board for community colleges, and the state university board to close institutions in their respective systems; amending Minnesota Statutes 1982, sections 121.21, subdivision 4; 136.03; and 136.62, by adding a subdivision.

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

Schafer introduced:

H. F. No. 473, A bill for an act relating to alcoholic beverages; increasing the age for licensing, sale, consumption, possession and furnishing; amending Minnesota Statutes 1982, sections 340.02, subdivision 8; 340.035, subdivision 1; 340.119, subdivision 2; 340.13, subdivision 12; 340.14, subdivision 1a; 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 Judiciary.

Greenfield, Vanasek, Kahn, Coleman and Anderson, G., introduced:

H. F. No. 474, A bill for an act relating to state government; prohibiting expenditures for certain civil defense purposes; prescribing the contents of certain civil defense plans; requiring the posting of certain notices; amending Minnesota Statutes 1982, sections 12.21, subdivision 3; 12.22; and 12.25, subdivision 1; proposing new law coded in chapter 12.

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

Anderson, R.; McEachern; Nelson, K., and Reif introduced:

H. F. No. 475, A bill for an act relating to education; authorizing instruction in techniques of cardiopulmonary resuscitation for secondary school pupils; appropriating money; proposing new law coded in Minnesota Statutes, chapter 126.

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

Shea, Vanasek, Eken, O'Connor and Larsen introduced:

H. F. No. 476, A bill for an act relating to taxation; income; disallowing the deduction for interest paid on loans secured by mortgages on property located in another state; amending Minnesota Statutes 1982, section 290.09, subdivision 3, as amended.

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

Schafer introduced:

H. F. No. 477, A bill for an act relating to education; authorizing a school district to place a teacher on unrequested leave of absence during the school year with a hearing and after 30 days written notice; amending Minnesota Statutes 1982, section 125.12, subdivisions 4, 6b, and 10.

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

Tunheim, Sparby, Eken, Valan and Stadum introduced:

H. F. No. 478, A bill for an act relating to agriculture; appropriating money for the Minnesota barley improvement association; providing for repayment to the state.

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

Piepho, Elioff, McDonald, Sherman and Wigley introduced:

H. F. No. 479, A bill for an act relating to retirement; adopting a rule of 90 for members of the Minnesota state retirement system; amending Minnesota Statutes 1982, section 352.115, subdivision 1; and 352.116, subdivision 1.

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



Piepho, Elioff, Clawson, Gruenes and Wigley introduced:

H. F. No. 480, A bill for an act relating to retirement; adopting a rule of 90 for members of the teachers retirement association; amending Minnesota Statutes 1982, section 354.44, subdivision 6.

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

Ogren, Redalen, Larsen, Sieben and Kalis introduced:

H. F. No. 481, A bill for an act relating to agriculture; requiring the commissioner of agriculture to make certain rules relating to milk for manufacturing purposes; establishing a loan guarantee program; appropriating money; proposing new law coded in Minnesota Statutes, chapter 32.

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

Wynia, Otis, Jennings, Beard and Riveness introduced:

H. F. No. 482, A bill for an act relating to open meetings; requiring availability of certain materials; prescribing penalties; amending Minnesota Statutes 1982, section 471.705, subdivision 2; and by adding a subdivision.

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

Kalis, Jennings, Wigley and Anderson, B., introduced:

H. F. No. 483, A bill for an act relating to local government; permitting the open burning of leaves in cities and towns; amending Minnesota Statutes 1982, section 116.082.

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

Scheid; Clark, K.; Greenfield; Blatz and Carlson, L., introduced:

H. F. No. 484, A bill for an act relating to public welfare; providing for medical assistance payment for nutritional supplements; requiring temporary rules for prospective hospital payment; amending Minnesota Statutes 1982, section 256B.02, subdivision 8.

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

Blatz, Begich, Vanasek, Evans and Eken introduced:

H. F. No. 485, A bill for an act relating to taxation; income; providing a floating rate of interest on overpayments of income and withholding taxes; amending Minnesota Statutes 1982, sections 290.50, subdivision 1; 290.92, subdivisions 11 and 13; 290.93, subdivision 9; and 290.936.

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

Blatz introduced:

H. F. No. 486, A bill for an act relating to local government; providing authority for cities and counties to establish and maintain district heating systems; proposing new law coded in Minnesota Statutes, chapter 444.

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

Jensen; Kalis; Redalen; Anderson, G., and Omann introduced:

H. F. No. 487, A bill for an act relating to transportation; apportioning five percent of the net highway user tax distribution fund; creating a town road account in the county state-aid highway fund; providing for the distribution of money in the town road account to towns for the construction, reconstruction, and maintenance of town roads; abolishing county and municipal turnback accounts; amending Minnesota Statutes 1982, sections 161.081; 162.08, subdivision 4; and 383A.16, subdivision 5; proposing new law coded in Minnesota Statutes, chapter 162; repealing Minnesota Statutes 1982, sections 161.082; 161.083; 161.084; 161.085; and 162.08, subdivision 3.

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

Knuth, Clawson and Neuenschwander introduced:

H. F. No. 488, A bill for an act relating to state government; removing the expiration date of certain advisory committees and councils; repealing certain inactive advisory councils, committees, and task forces; amending Minnesota Statutes 1982, sections 3.922, subdivision 8; 16.02, subdivision 28; 121.87, subdivision 3; 121.902, subdivisions 1 and 1a; 126.531; 145.93, subdivision 3; 148.191, subdivision 2; 148.67; 149.02; 175.007, subdivision 1; 182.656, subdivision 3; 198.055, subdivision 1; 241.64; 246.017; 252.31; 254A.04; 256.482, subdivision 1; 256B.58; 268.12, subdivision 6; Laws 1976, chapter 314, section 3; and Laws 1980, chapter 614, section 192; repealing Minnesota Statutes 1982, sections 4.31, subdivision 5; 15.059, subdivision 5; 16.853; 16.91; 21.112, subdivision 2; 31.60, subdivisions 2 and 3; 43A.31, subdivision 4; 82.30; 84B.11; 86A.10; 115A.12, subdivision 2; 121.901; 121.938; 123.581; 124.215; 129B.09, subdivision 8; 136A.02, subdivision 6; 141.24; 144.011, subdivision 2; 144.571; 144A.17; 144A.55; 145.93, subdivision 2; 151.13, subdivision 2; 178.02; 184.23; 214.14; 222.65; 241.71; 245.84, subdivision 4; 326.41; 326.49; and 363.04, subdivisions 4, 4a, and 5.

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

Swanson, St. Onge, McEachern, Gruenes and Bergstrom introduced:

H. F. No. 489, A bill for an act relating to education; transferring the powers necessary and incident to the management, jurisdiction, and control of the community colleges to the state university board; abolishing the state board for community colleges; providing for merger of the state university system and the state community college system; requiring transfer of vocational programs in state universities and community colleges to area vocational-technical institutes; prohibiting area vocational-technical institutes from granting associate degrees unless the degree is awarded jointly with a collegiate institution; amending Minnesota Statutes 1982, sections 121.218; 136.02; 136.03; 136.065; 136.12, subdivision 1; 136.14; 136.60; 136.621, subdivision 1; 136.63; 136.65; 136.67; 136.80, subdivision 1; 136.82, subdivision 1; 136.87, subdivision 1; and 136.88; proposing new law coded in Minnesota Statutes, chapter 136; repealing Minnesota Statutes 1982, sections 136.602; 136.603; 136.61; 136.62; and 136.70.

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

Gruenes, Hokr, Swanson, Wynia and Sviggum introduced:

H. F. No. 490, A bill for an act relating to public welfare; setting standards for determining the county of financial responsibility for purposes of medical assistance, community social services, and supplemental aid; amending Minnesota Statutes 1982, sections 256B.02, subdivisions 2 and 3; 256D.37, by adding a subdivision; and 256E.08, subdivision 7.

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

Otis, Stadum, Norton, Quinn and McDonald introduced:

H. F. No. 491, A bill for an act relating to administrative rule-making; providing for consideration of and participation by small business; proposing new law coded in Minnesota Statutes, chapter 14.

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

Eken introduced:

H. F. No. 492, A bill for an act relating to appropriations; appropriating funds for construction or installation of a certain culvert in High Island Subdivision, Clearwater County.

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

Sviggum, Ludeman, Vanasek and Brinkman introduced:

H. F. No. 493, A bill for an act relating to unemployment compensation; benefit requalification after voluntary quit; amending Minnesota Statutes 1982, section 268.09, subdivision 1.

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

Krueger, Fjoslien, Swanson, Evans and Graba introduced:

H. F. No. 494, A bill for an act relating to education; authorizing Independent School District No. 206, Alexandria, to construct an addition to its area vocational-technical institute subject to certain conditions.

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

Clawson, Brandl, Berkelman, Gruenes and Olsen introduced:

H. F. No. 495, A bill for an act relating to mental health; regulating the collection, use, and disclosure of mental health agency data; amending the competency of witnesses statutes to provide an exemption for professional consultations; amending Minnesota Statutes 1982, sections 13.46, subdivision 1, and by adding a subdivision; 245.69, subdivision 2; and 595.02.

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

Greenfield, Swanson, Onnen, Rodosovich and Sviggum introduced:

H. F. No. 496, A bill for an act relating to public welfare; establishing a formula for apportioning among counties the cost of federal fiscal sanctions resulting from quality control errors in the aid to families with dependent children, medical assistance, and food stamp programs; amending Minnesota Statutes 1982, section 256.01, subdivision 2.

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

Greenfield, Swanson, Onnen and Clark, J., introduced:

H. F. No. 497, A bill for an act relating to public welfare; allowing the state to require an advance from the county agency for the county share of medical assistance and general assistance medical care; amending Minnesota Statutes 1982, sections 256B.041, subdivisions 2 and 5; and 256D.03, by adding a subdivision.

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

Levi and Nelson, K., introduced:

H. F. No. 498, A bill for an act relating to education; clarifying transportation aid authorization for transportation to and from alternative educational programs actually attended within the district; amending Minnesota Statutes 1982, section 124.223.

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 that the Senate refuses to concur in the House amendment to:

S. F. No. 15, A bill for an act relating to metropolitan government; changing the terms of members of the metropolitan council; requiring that metropolitan council district boundaries be redrawn after each federal census; redrawing metropolitan council district boundaries; establishing new metropolitan commission districts, formerly called precincts; changing references to precincts; changing the terms of commission members and chairmen; requiring the governor to appoint council members and establishing terms; requiring the newly appointed metropolitan council to appoint commission members and establishing terms; amending Minnesota Statutes 1982, sections 473.123, subdivision 3, and by adding subdivisions; 473.141, subdivisions 2, 4, and 5, and by adding a subdivision; and 473.303, subdivisions 2, 4, and 5, and by adding a subdivision; repealing Minnesota Statutes 1982, section 473.123, subdivision 2.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Schmitz, Luther and Kroening.

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

Osthoff 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. 15. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 47 and 113.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 47, A bill for an act relating to game and fish; requiring a pheasant stamp; establishing a fee and providing for the use of revenue; allowing multiple sale of stamps with a single issuing fee; amending Minnesota Statutes 1982, section 98.50, subdivision 5; proposing new law coded in Minnesota Statutes, chapter 97.

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

S. F. No. 113, A bill for an act relating to taxation; prohibiting imposition of penalties for underpayments of estimated tax under certain circumstances.

The bill was read for the first time.

O'Connor moved that S. F. No. 113 and H. F. No. 339, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

## CONSENT CALENDAR

H. F. No. 364 was reported to the House.

Gruenes moved to amend H. F. No. 364 as follows:

Page 1, line 8, delete everything after the comma

Page 1, line 9, delete *"and the state of Minnesota shall sell* and insert *"the commissioner of administration shall convey to the city of St. Cloud"*

Page 4, delete lines 18 to 36

Page 5, delete lines 1 to 18 and insert: *"(3) Parcel 3: all of Lot 1 and Lot 7 and that part of Lot 2 and Lot 8, Block 13 and all of Lot 8 and Lot 9 and all that part of Lot 1 and Lot 7, Block 22 and that part of Lot 1 and Lot 7, Block 30, Curtis Survey, City of St. Cloud, Stearns County, Minnesota, according to the recorded plat thereof and that of the vacated alleys situated in said Block 13, Block 22 and Block 30 and that part of vacated 2nd Avenue South, which lies between said Block 13 and said Block 22, and south of a line drawn from the northwest corner of said Block 13 to the northeast corner of said Block 22 and that part of vacated 3rd Avenue South, which lies between said Block 22 and said Block 30 and south of a line drawn from the northwest corner of said Block 22 to the northeast corner of said Block 30, which lies north of the following described line: Beginning on a point on the west line of said Block 30, distant 26.00 feet south*

of the northwest corner of said Block 30; thence North 89 degrees 27 minutes 43 seconds East, on an assumed bearing, parallel with the north line of said Block 30, a distance of 283.32 feet; thence South 00 degrees 32 minutes 17 seconds East, 24.00 feet thence North 89 degrees 27 minutes 43 seconds East, parallel with said north line 16.00 feet; thence South 00 degrees 37 minutes 50 seconds East, parallel with the west line of said Block 22, a distance of 115.09 feet to the westerly extension of the south line of said Lot 9; thence North 89 degrees 26 minutes 50 seconds East, along said extended line and along said south line of Lot 9, a distance of 192.69 feet to the southeast corner of said Lot 9; thence North 00 degrees 35 minutes 40 seconds West, along the east line of said Lot 9, Lot 8 and Lot 7, Block 22, a distance of 137.04 feet; thence North 89 degrees 27 minutes 43 seconds East, parallel with said north line 194.26 feet; thence South 00 degrees 32 minutes 17 seconds East 42.00 feet; thence North 89 degrees 27 minutes 43 seconds East, parallel with said north line 175.00 feet; thence North 00 degrees 32 minutes 17 seconds West 10.00 feet; thence North 89 degrees 27 minutes 43 seconds East, parallel with said north line 75.35 feet; thence South 78 degrees 09 minutes 30 seconds East 33.89 feet, more or less to the easterly line of said Block 13 and said described line there terminating. Subject to easements of record.

(4) Parcel 4: The North 5.00 feet of the East 174.75 feet and the South 30.00 feet of the North 35.00 feet of the West 65.00 feet of the East 174.75 feet of Block 37, Curtis Survey, City of St. Cloud, Stearns County, Minnesota, according to the recorded plat thereof. Subject to easements of record."

Page 5, delete lines 19 to 22 and insert:

"The city has obtained an independent appraisal of the value of the property to be acquired and the damages incurred by the state as a result of the acquisition of the property. The commissioner of administration shall obtain an appraisal of the property and the damages."

Page 5, line 25, delete everything after "purchase"

Page 5, delete line 26 and insert "for a consideration which is equal to the appraised value and damages certified by the commissioner of administration."

Page 5, delete lines 27 to 36

Page 6, delete lines 1 to 6 and insert:

"The proceeds received by the state for the value of the property and the damages incurred as a result of the city's acquisition of the property shall be credited to the general fund, except that a portion of the proceeds equal in amount to the expenses in-



curring by the commissioner of administration in connection with the sale shall be deposited in the account from which the expenses were paid. The value and damages payable by the city shall be reduced by the value of the work and materials provided by the city for projects necessitated by the land transfer and the bridge construction of the city subject to the approval of the commissioner of administration. The city shall perform all work and supply all materials to complete these projects, including but not limited to:

(1) Cutting off and removing that portion of the maintenance building which lies within permanent parcel 3 and temporary construction easement 3, and building a new wall on the remaining building;

(2) Building a new maintenance building to replace the portion removed on temporary construction easement 3. The new building shall be of a design approved by the state university board and the commissioner of administration, and shall be constructed on a site to be designated by the state university board. The building shall be at least equal in usable maintenance and storage space as the portion removed from temporary construction easement 3;

(3) Removing and replacing the canopy which is affected on temporary construction easement 2;

(4) Removing and replacing the underground oil tanks on temporary construction easement 3;

(5) Lowering the level of the tennis courts and replacing tennis courts, fencing, and bleachers on temporary construction easement 3."

Page 6, line 7, delete "the state" and insert "by the city, the commissioner of administration"

Page 6, line 19, before the period insert "or on December 31, 1987, whichever date is earliest"

The motion prevailed and the amendment was adopted.

H. F. No. 364, A bill for an act relating to state lands; conveying certain state lands to the city of St. Cloud.

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:

Anderson, B.	Elioff	Kahn	Ogren	Sherman
Anderson, G.	Ellingson	Kalis	Olsen	Simoneau
Anderson, R.	Erickson	Kelly	Omann	Skoglund
Battaglia	Evans	Knickerbocker	Onnen	Solberg
Beard	Findlay	Knuth	Osthoff	Stadum
Begich	Fjoslien	Kostohryz	Pauly	Staten
Bennett	Forsythe	Krueger	Peterson	Swiggum
Bergstrom	Frerichs	Kvam	Piepho	Swanson
Berkelman	Graba	Larsen	Piper	Thiede
Bishop	Greenfield	Levi	Price	Uphus
Blatz	Gruenes	Long	Quinn	Valan
Brandl	Gustafson	Ludeman	Quist	Valento
Brinkman	Gutknecht	Mann	Redalen	Vanasek
Burger	Halberg	Marsh	Reif	Vellenga
Carlson, D.	Haukoos	McEachern	Riveness	Voss
Carlson, L.	Heap	McKasy	Rodosovich	Waltman
Clark, J.	Heinitz	Metzen	Rodriguez, F.	Welch
Clark, K.	Himle	Minne	Sarna	Welker
Clawson	Hoberg	Munger	Schafer	Welle
Cohen	Hoffman	Murphy	Scheid	Wenzel
Coleman	Hokr	Nelson, D.	Schreiber	Wigley
Dempsey	Jacobs	Nelson, K.	Seaberg	Wynia
DenOuden	Jennings	Neuenschwander	Segal	Zaffke
Dimler	Jensen	Norton	Shaver	Speaker Sieben
Eken	Johnson	O'Connor	Shea	

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

### CALENDAR

S. F. No. 65, A bill for an act relating to local improvements; providing the method for action on certain improvements by certain towns; amending Minnesota Statutes 1982, section 429.011, subdivision 2b.

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:

Anderson, B.	Carlson, L.	Fjoslien	Hokr	Long
Anderson, G.	Clark, J.	Forsythe	Jacobs	Ludeman
Anderson, R.	Clark, K.	Frerichs	Jennings	Mann
Battaglia	Clawson	Graba	Jensen	Marsh
Beard	Cohen	Greenfield	Johnson	McEachern
Begich	Coleman	Gruenes	Kahn	McKasy
Bennett	Dempsey	Gustafson	Kalis	Metzen
Bergstrom	DenOuden	Gutknecht	Kelly	Minne
Berkelman	Dimler	Halberg	Knickerbocker	Munger
Bishop	Eken	Haukoos	Knuth	Murphy
Blatz	Elioff	Heap	Kostohryz	Nelson, D.
Brandl	Ellingson	Heinitz	Krueger	Nelson, K.
Brinkman	Erickson	Himle	Kvam	Neuenschwander
Burger	Evans	Hoberg	Larsen	Norton
Carlson, D.	Findlay	Hoffman	Levi	O'Connor

Ogren	Quinn	Schreiber	Stadum	Voss
Olsen	Quist	Seaberg	Staten	Waltman
Omann	Redalen	Segal	Sviggum	Welch
Onnen	Reif	Shaver	Swanson	Welker
Osthoff	Riveness	Shea	Thiede	Welle
Pauly	Rodosovich	Sherman	Uphus	Wenzel
Peterson	Rodriguez, F.	Simoneau	Valan	Wigley
Piepho	Sarna	Skoglund	Valento	Wynia
Piper	Schafer	Solberg	Vanasek	Zaffke
Price	Scheid	Sparby	Vellenga	Speaker Sieben

The bill was passed and its title agreed to.

H. F. No. 79, A bill for an act relating to juveniles; requiring orders of reference for prosecution for juveniles who have been previously referred; amending Minnesota Statutes 1982, sections 260.125, subdivision 2, and by adding a subdivision; and 260.173, subdivision 4; repealing Minnesota Statutes 1982, section 260.125, 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 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Kahn	Olsen	Simoneau
Anderson, G.	Ellingson	Kalis	Omann	Skoglund
Anderson, R.	Erickson	Kelly	Onnen	Solberg
Battaglia	Evans	Knickerbocker	Osthoff	Sparby
Beard	Findlay	Knuth	Pauly	Stadum
Begich	Fjoslien	Kostohryz	Peterson	Staten
Bennett	Forsythe	Krueger	Piepho	Sviggum
Bergstrom	Frerichs	Kvam	Piper	Swanson
Berkelman	Graha	Larsen	Price	Thiede
Bishop	Greenfield	Levi	Quinn	Uphus
Blatz	Gruenes	Long	Quist	Valan
Brandl	Gustafson	Ludeman	Redalen	Valento
Brinkman	Gutknecht	Mann	Reif	Vanasek
Burger	Halberg	McEachern	Riveness	Vellenga
Carlson, D.	Haukoos	McKasy	Rodosovich	Waltman
Carlson, L.	Heap	Metzen	Rodriguez, F.	Welch
Clark, J.	Heinitz	Minne	Sarna	Welker
Clark, K.	Himle	Munger	Schafer	Welle
Clawson	Hoberg	Murphy	Scheid	Wenzel
Cohen	Hoffman	Nelson, D.	Schreiber	Wigley
Coleman	Hokr	Nelson, K.	Seaberg	Wynia
Dempsey	Jacobs	Neuenschwander	Segal	Zaffke
DenOuden	Jennings	Norton	Shaver	Speaker Sieben
Dimler	Jensen	O'Connor	Shea	
Eken	Johnson	Ogren	Sherman	

The bill was passed and its title agreed to.

H. F. No. 171, A bill for an act relating to public cemeteries; providing for simplified reinvestment in the cemetery association of certain unused cemetery land; amending Minnesota Statutes

1982, section 306.241; proposing new law coded in Minnesota Statutes, chapter 306.

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:

Anderson, B.	Ellingson	Knickerbocker	Osthoff	Solberg
Anderson, G.	Erickson	Knuth	Pauly	Sparby
Anderson, R.	Evans	Kostohryz	Peterson	Stadum
Battaglia	Findlay	Krueger	Piepho	Staten
Beard	Fjoslien	Kvam	Piper	Sviggum
Begich	Forsythe	Larsen	Price	Swanson
Bennett	Graba	Levi	Quinn	Thiede
Bergstrom	Greenfield	Long	Quist	Uphus
Berkelman	Gruenes	Ludeman	Redalen	Valan
Bishop	Gustafson	Mann	Reif	Valento
Blatz	Gutknecht	Marsh	Rice	Vanasek
Brandl	Halberg	McEachern	Riveness	Vellenga
Brinkman	Haukoos	McKasy	Rodosovich	Voss
Burger	Heap	Metzen	Rodriguez, F.	Waltman
Carlson, D.	Heinitz	Minne	Sarna	Welch
Carlson, L.	Himle	Munger	Schafer	Welker
Clark, J.	Hoberg	Murphy	Scheid	Welle
Clark, K.	Hoffman	Nelson, D.	Schoenfeld	Wenzel
Clawson	Hokr	Nelson, K.	Schreiber	Wigley
Cohen	Jacobs	Neuenschwander	Seaberg	Wynia
Coleman	Jennings	Norton	Segal	Zaffke
Dempsey	Jensen	O'Connor	Shaver	Speaker Sieben
DenOuden	Johnson	Ogren	Shea	
Dimler	Kahn	Olsen	Sherman	
Eken	Kalis	Omman	Simoneau	
Elioff	Kelly	Onnen	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 215, A bill for an act relating to local government; authorizing flood control projects by the city of Rochester, Olmsted County and the Olmsted county soil conservation district.

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:

Anderson, B.	Bennett	Brinkman	Clawson	Eken
Anderson, G.	Bergstrom	Burger	Cohen	Elioff
Anderson, R.	Berkelman	Carlson, D.	Coleman	Ellingson
Battaglia	Bishop	Carlson, L.	Dempsey	Erickson
Beard	Blatz	Clark, J.	DenOuden	Evans
Begich	Brandl	Clark, K.	Dimler	Findlay

Fjoslien	Kahn	Nelson, D.	Riveness	Swanson
Forsythe	Kalis	Nelson, K.	Rodosovich	Thiede
Frerichs	Kelly	Neuenschwander	Rodriguez, F.	Uphus
Graba	Knickerbocker	Norton	Sarna	Valan
Greenfield	Knuth	O'Connor	Schafer	Valento
Gruenes	Kostohryz	Ogren	Scheid	Vanasek
Gustafson	Krueger	Olsen	Schoenfeld	Voss
Gutknecht	Kvam	Omman	Schreiber	Waltman
Halberg	Larsen	Onnen	Seaberg	Welch
Haukoos	Levi	Osthoff	Segal	Welker
Heap	Long	Pauly	Shaver	Welle
Heinitz	Ludeman	Peterson	Shea	Wenzel
Himle	Mann	Piepho	Sherman	Wigley
Hoberg	Marsh	Piper	Simoneau	Wynia
Hoffman	McEachern	Price	Skoglund	Zaffke
Hokr	McKasy	Quinn	Solberg	Speaker Sieben
Jacobs	Metzen	Quist	Sparby	
Jennings	Minne	Redalen	Stadum	
Jensen	Munger	Reif	Staten	
Johnson	Murphy	Rice	Swiggum	

The bill was passed and its title agreed to.

S. F. No. 25, A bill for an act relating to crimes; prohibiting adulterating substances intended for use by persons with substances causing bodily harm or death; 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eken	Jensen	Neuenschwander	Schoenfeld
Anderson, G.	Elioff	Johnson	Norton	Schreiber
Anderson, R.	Ellingson	Kahn	O'Connor	Seaberg
Battaglia	Erickson	Kalis	Ogren	Segal
Beard	Evans	Kelly	Olsen	Shaver
Begich	Findlay	Knickerbocker	Omman	Shea
Bennett	Fjoslien	Knuth	Onnen	Sherman
Bergstrom	Forsythe	Kostohryz	Osthoff	Simoneau
Berkelman	Frerichs	Krueger	Pauly	Skoglund
Bishop	Graba	Kvam	Peterson	Solberg
Blatz	Greenfield	Larsen	Piepho	Sparby
Brandl	Gruenes	Levi	Piper	Stadum
Brinkman	Gustafson	Long	Price	Staten
Burger	Gutknecht	Ludeman	Quinn	Swiggum
Carlson, D.	Halberg	Mann	Quist	Swanson
Carlson, L.	Haukoos	Marsh	Redalen	Thiede
Clark, J.	Heap	McEachern	Reif	Uphus
Clark, K.	Heinitz	McKasy	Rice	Valan
Clawson	Himle	Metzen	Riveness	Valento
Cohen	Hoberg	Minne	Rodosovich	Vanasek
Coleman	Hoffman	Munger	Rodriguez, F.	Vellenga
Dempsey	Hokr	Murphy	Sarna	Voss
DenOuden	Jacobs	Nelson, D.	Schafer	Waltman
Dimler	Jennings	Nelson, K.	Scheid	Welch

Welker  
WelleWenzel  
Wigley

Wynia

Zaffke

Speaker Sieben

The bill was passed and its title agreed to.

Hokr was excused at 2:45 p.m.

### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole with Sieben 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 THE 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. 26 and 176 which it recommended to pass.

H. F. No. 359 which it recommended progress until Monday, March 7, 1983.

S. F. No. 195 which it recommended to pass with the following amendment offered by Kelly:

After Section 3, insert:

“Sec. 4. [357.2411] [PARENTS OF JUVENILES.]

*In any proceeding where a parent or guardian attends the proceeding with a minor witness and the parent or guardian is not himself a witness, one parent or guardian shall be compensated in those cases where witness compensation is mandatory under sections 357.22, 257.24, or section 3, and may be compensated at the discretion of the judge when the minor is a witness on behalf of a defendant in a criminal case or on behalf of a juvenile in a juvenile court proceeding. The court shall award no more than a combined total of \$40 to the parent or guardian and the minor witness.”*

Amend the title as follows:

Page 1, line 5, after the semicolon, insert:

“providing for compensation to a parent or guardian of a minor witness;”

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:

Heap moved to amend H. F. No. 26, the first engrossment, as follows:

Page 3, line 27, after "*prior*" insert "*written*"

The question was taken on the amendment and the roll was called. There were 39 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Fjoslien	Himle	McKasy	Sviggum
Bennett	Forsythe	Hoberg	Olsen	Thiede
Dempsey	Frerichs	Jennings	Piepho	Uphus
DenOuden	Gutknecht	Johnson	Quist	Valento
Dimler	Halberg	Knickerbocker	Reif	Waltman
Erickson	Haukoos	Kvam	Schafer	Welker
Evans	Heap	Levi	Schreiber	Wigley
Findlay	Heinitz	Marsh	Sherman	

Those who voted in the negative were:

Battaglia	Elioff	Mann	Peterson	Skoglund
Beard	Ellingson	McEachern	Piper	Solberg
Begich	Graba	Metzen	Price	Sparby
Bergstrom	Greenfield	Minne	Quinn	Staten
Berkelman	Gruenes	Munger	Redalen	Swanson
Bishop	Gustafson	Murphy	Rice	Valan
Brandl	Hoffman	Nelson, D.	Riveness	Vanasek
Brinkman	Jacobs	Nelson, K.	Rodosovich	Voss
Burger	Jensen	Neuenschwander	Rodriguez, F.	Welle
Carlson, D.	Kaha	Norton	Sarna	Wenzel
Carlson, L.	Kalis	O'Connor	Scheid	Wynia
Clark, J.	Kelly	Ogren	Schoenfeld	Zaffke
Clark, K.	Knuth	Omann	Seaberg	Speaker Sieben
Clawson	Kostohryz	Onnen	Segal	
Cohen	Krueger	Osthoff	Shaver	
Coleman	Larsen	Otis	Shea	
Eken	Long	Pauly	Simoneau	

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

## MOTIONS AND RESOLUTIONS

Rodriguez, F., moved that the name of Wigley be added as an author on H. F. No. 251. The motion prevailed.

Rodriguez, F., moved that the names of Clawson and Wigley be added as authors on H. F. No. 384. The motion prevailed.

Gruenes moved that the name of Quinn be added as an author on H. F. No. 429. The motion prevailed.

Jennings moved that the name of Olsen be added as an author on H. F. No. 428. The motion prevailed.

Rodriguez, F., moved that the name of Metzen be added as an author on H. F. No. 431. The motion prevailed.

Rodriguez, F., moved that the names of Clawson and Metzen be added as authors on H. F. No. 456. The motion prevailed.

Kalis moved that the name of Valan be added as an author on H. F. No. 483. The motion prevailed.

Anderson, G., moved that his name be stricken as an author on H. F. No. 60. The motion prevailed.

Rodriguez, F., moved that the names of Sarna, Metzen, Clawson and Wigley be added as authors on H. F. No. 464. The motion prevailed.

Rodriguez, F., moved that the names of Sarna, Metzen, Clawson and Wigley be added as authors on H. F. No. 465. The motion prevailed.

Anderson, B., moved that the names of Haukoos and Dempsey be added as authors on H. F. No. 326. The motion prevailed.

Bennett moved that the name of Olsen be added as an author on H. F. No. 261. The motion prevailed.

Sviggum moved that the name of Shaver be added as an author on H. F. No. 493. The motion prevailed.

Clark, K., moved that the name of Clark, J., be stricken and the names of Reif and Onnen be added as authors on H. F. No. 365. 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. 15:

Osthoff, Metzen and Blatz.



## ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, March 3, 1983. 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 3, 1983.

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

## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## TWENTIETH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 3, 1983

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 Joel Borchelt, Spring Garden Lutheran Church, Cannon Falls, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Erickson	Knickerbocker	Otis	Simoneau
Anderson, G.	Evans	Knuth	Pauly	Skoglund
Anderson, R.	Findlay	Kostohryz	Peterson	Solberg
Battaglia	Fjoslien	Krueger	Piepho	Sparby
Beard	Forsythe	Kvam	Piper	Stadum
Begich	Frerichs	Larsen	Price	Staten
Bennett	Graba	Levi	Quinn	Swiggum
Bergstrom	Greenfield	Long	Quist	Swanson
Berkelman	Gruenes	Ludeman	Redalen	Thiede
Bishop	Gustafson	Mann	Reif	Tomlinson
Blatz	Gutknecht	Marsh	Rice	Uphus
Brandl	Halberg	McEachern	Riveness	Valan
Brinkman	Haukoos	McKasy	Rodosovich	Valento
Burger	Heap	Metzen	Rodriguez, C.	Vanasek
Carlson, D.	Heinitz	Minne	Rodriguez, F.	Vellenga
Carlson, L.	Himle	Munger	St. Onge	Voss
Clark, J.	Hoberg	Murphy	Sarna	Waltman
Clark, K.	Hoffman	Nelson, D.	Schafer	Welch
Clawson	Hokr	Nelson, K.	Scheid	Welker
Cohen	Jacobs	Norton	Schoenfeld	Welle
Coleman	Jennings	O'Connor	Schreiber	Wenzel
Dempsey	Jensen	Ogren	Seaberg	Wigley
DenOuden	Johnson	Olsen	Segal	Wymiz
Dimler	Kahn	Omanin	Shaver	Zafike
Eken	Kalis	Onnen	Shea	Speaker Sieben
Elioff	Kelly	Osthoff	Sherman	

A quorum was present.

Ellingson, McDonald, Neuenschwander, Rose and Tunheim were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Nelson, D., 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. 339, 91, 223 and 364 and S. F. Nos. 47, 113, 390 and 195 have been placed in the members' files.

S. F. No. 113 and H. F. No. 339, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

O'Connor moved that the rules be so far suspended that S. F. No. 113 be substituted for H. F. No. 339 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  
SAINT PAUL 55155

January 21, 1983

The Honorable Harry A. Sieben, Jr.  
Speaker of the House  
State of Minnesota  
St. Paul, Minnesota 55155

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. 14, relating to the legislature; delaying submission of the budget to the legislature to February 15, 1983.

Sincerely,

RUDY PERPICH  
Governor

20th Day]

THURSDAY, MARCH 3, 1983

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STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

January 21, 1983

The Honorable Harry A. Sieben, Jr.  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 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> No.	<i>H.F.</i> No.	<i>Session Laws</i> Chapter No.	<i>Date Approved</i> 1983	<i>Date Filed</i> 1983
	14	1	January 21	January 21

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

February 11, 1983

The Honorable Harry A. Sieben, Jr.  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 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> No.	<i>H.F.</i> No.	<i>Session Laws</i> Chapter No.	<i>Date Approved</i> 1983	<i>Date Filed</i> 1983
	41	2	February 11	February 11

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

March 2, 1983

The Honorable Harry A. Sieben, Jr.  
Speaker of the House  
State of Minnesota  
276 State Office Building  
St. Paul, Minnesota 55155

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. 55, relating to towns; setting the time for posting audit reports; amending Minnesota Statutes 1982, section 366.22.

Sincerely,

RUDY PERPICH  
Governor

#### REPORTS OF STANDING COMMITTEES

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 56, A bill for an act relating to local government; providing for orderly annexations in accordance with the terms of the resolutions of local government units; amending Minnesota Statutes 1982, section 414.0325, subdivision 1.

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

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 182, A bill for an act relating to the metropolitan transit commission; special fares for jobseekers; amending Minnesota Statutes 1982, section 473.408, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 11, delete "shall" and insert "may"

Page 1, line 14, delete "actively"

Page 1, delete lines 23 to 25

Page 2, delete lines 1 to 4 and insert "*From Monday through Friday, during the off-peak hours specified by the commission, the commission may charge a reduced fare for persons displaying cards issued pursuant to 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. 268, A bill for an act relating to financial institutions; credit unions; removing the restrictions on the amounts that credit unions may invest in the corporate credit union; removing the borrowing restrictions of the corporate credit union; changing references to the central credit union to reflect its name change; amending Minnesota Statutes 1982, sections 52.04, subdivision 1; 52.09, subdivision 2; 52.15, subdivision 1; and 52.17, subdivision 2.

Reported the same back with the following amendments:

Page 7, delete lines 19 to 29 and insert:

"Sec. 3. Minnesota Statutes 1982, section 52.15, subdivision 2, is amended to read:

Subd. 2. Notwithstanding the provisions of subdivision 1, a credit union, with the prior written approval of the commissioner of banks, may borrow additional sums to meet its liquidity needs. For purposes of this subdivision, "liquidity needs" means the needs of a credit union for:

(a) Short-term adjustment credit to cushion deposit or share outflows pending an orderly adjustment of assets and liabilities;

(b) Seasonal needs arising from a combination of expected patterns of movement in share and deposit accounts and loans; and

(c) Protracted adjustment needs in the event of unusual or emergency circumstances of a longer-term nature resulting from national, regional or local difficulties. *Applications for written approval shall include the specific dollar amount or increase in*

*the aggregate percentage with respect to unimpaired assets that may be borrowed by the credit union and the period of time the additional borrowed sums will be needed. The commissioner's approval shall state the specific dollar amount or increase in the aggregate percentage being approved and the period of time for which the approval is effective."*

Amend the title as follows:

Page 1, line 9, delete the second "1" and insert "2"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 298, A bill for an act relating to the city of St. Paul; regulating appeals, hearings, and procedures concerning the human rights commission; amending Laws 1965, chapter 866, section 1.

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 Judiciary to which was referred:

H. F. No. 330, A bill for an act relating to courts; providing for the appeal of various matters to the court of appeals; providing for the manner of election of court of appeals judges; amending Minnesota Statutes 1982, sections 2.724, subdivision 2; 3.737, subdivision 4; 3.751, subdivision 4; 5.08, subdivision 2; 10A.01, subdivisions 5 and 19; 14.44; 14.45; 14.62, subdivision 2; 14.63; 14.64; 14.65; 14.68; 14.70; 15A.18; 16.863; 25.43, subdivision 5; 32A.09, subdivision 5; 43A.02, subdivision 25; 43A.24, subdivision 2; 43A.27, subdivision 4; 44.09, subdivision 3; 45.07; 45.17, subdivision 5; 47.54, subdivision 5; 49.18; 56.23; 60A.05; 60A.15, subdivisions 11 and 12; 72A.27; 84.59; 88.78; 97.481, subdivision 2; 97.50, subdivision 6; 105.462; 106.631, subdivisions 5 and 6; 110A.36; 111.42; 112.82, subdivisions 1 and 2; 114.13, subdivision 4; 115.49, subdivision 5; 116.07, subdivision 7; 116.11; 116A.19, subdivision 4; 116C.65; 120.17, subdivision 3b; 122.23, subdivision 16c; 123.32, subdivision 25; 127.25, subdivision 3; 127.33; 141.29, subdivision 2; 145.698, subdivision 2; 155A.11, subdivision 2; 156A.071, subdivision 9; 161.34, subdivision 4; 168.68; 169.123, subdivision 7; 177.29, subdivision 2; 178.09, subdivision 2; 179.64, subdivision 5; 179.741, subdivi-

sion 3; 181A.10, subdivision 2; 185.15; 192A.255, subdivision 1; 197.481, subdivision 6; 204B.06, subdivisions 4 and 6; 204B.11, subdivision 1; 204B.34, subdivision 3; 204B.36, subdivision 4; 204D.02, subdivision 1; 204D.08, subdivision 6; 204D.11, subdivision 1; 209.09; 210A.01, subdivision 3; 216.25; 216B.52, subdivision 5; 231.33; 237.20; 237.25; 237.27; 237.39; 244.11; 246.55; 252A.21, subdivision 1; 253B.19, subdivision 5; 253B.23, subdivision 7; 256.045, subdivisions 9 and 10; 259.32; 260.291, subdivision 2; 268.06, subdivision 20; 268.10, subdivision 8; 268.12, subdivision 13; 270.22; 270.23; 270.26; 270.68, subdivision 2; 273.16; 279.21; 282.01, subdivision 3; 290.48, subdivision 6; 290.92, subdivision 6; 294.09, subdivision 3; 297.03, subdivisions 3 and 4; 297A.15, subdivision 4; 298.09, subdivision 3; 299F.25; 299F.26, subdivision 3; 327B.05, subdivision 2; 340.404, subdivision 7; 340.54, subdivision 2; 351.03; 352.01, subdivision 2B; 352D.02, subdivision 1; 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; 480.054; 480.055, subdivision 1; 480.061, subdivision 8; 480.062; 480.07; 480.19; 480A.06, subdivision 1; 481.02, subdivisions 3 and 6; 482.07, subdivision 8; 485.16; 487.39; 488A.01, subdivision 14; 488A.17, subdivision 12; 488A.18, subdivision 14; 488A.34, subdivision 11; 501.35; 508.29; 508A.29; 525.71; 525.714; 525.73; 548.29, subdivision 2; 553.215; 562.04; 571.64; 574.18; 582.11; 586.09; 586.11; 586.12; 589.02; 589.29; 589.30; 590.01, subdivision 1; 590.04, subdivision 3; 590.06; 595.024, subdivision 3; 595.025, subdivision 3; 609.39; 611.07, subdivisions 2 and 3; 611.071, subdivisions 1 and 2; 611.14; 611.18; 611.25; and 648.39, subdivision 1; repealing Minnesota Statutes 1982, sections 80A.24, subdivision 3; 363.10; 484.63; 525.711; 525.74; and Laws 1982, chapter 501, sections 17, 18, 19, and 25.

Reported the same back with the following amendments:

Page 5, delete lines 13 through 25

Page 5, line 34, reinstate the stricken language

Page 5, line 35, reinstate "district court to the"

Page 5, line 35, delete the new language and insert "court of appeals"

Page 6, line 20, strike "petition" and insert "notice of appeal"

Page 6, line 27, strike "PETITION" and insert "NOTICE OF APPEAL"

Page 6, line 29, strike "petition" and insert "notice of appeal"

Page 6, line 30, strike "petition" and insert "notice of appeal"



Page 6, line 33, delete "*court of appeals*" and insert "*appellate courts in the manner provided by the rules of civil appellate procedure*"

Page 6, line 34, strike "rehearing or"

Page 7, line 2, strike "rehearing or"

Page 7, line 4, strike "rehearing or"

Page 7, strike lines 7 through 14

Page 7, line 15, strike everything before "Copies"

Page 7, line 15, strike "petition" and insert "*notice of appeal*"

Page 7, line 16, strike "not later than"

Page 7, line 17, strike everything before "upon"

Page 7, line 23, strike everything after the period

Page 7, strike lines 24 through 26 and insert "*A copy of the notice of appeal shall be provided to the attorney general at the time of service on the parties.*"

Page 7, strike lines 27 through 36

Page 8, strike lines 1 through 7

Page 8, line 11, strike "petition" and insert "*notice of appeal*"

Page 8, line 13, strike "reviewing"

Page 8, line 13, after "court" insert "*of appeals*"

Page 8, line 15, before the comma insert "*in the court of appeals*"

Page 8, line 17, reinstate the stricken "shall" and delete "may"

Page 8, line 18, delete the new language

Page 8, line 19, delete "*appeals*"

Page 8, after line 19, insert:

"Sec. 12. Minnesota Statutes 1982, section 14.66, is amended to read:

## 14.66 [TRANSMITTAL OF RECORD.]

Within 30 days after service of the (PETITION) *notice of appeal*, or within such further time as the court may allow, the agency shall transmit to the (REVIEWING) court of *appeals* the original or a certified copy of the entire record of the proceeding under review; but, by stipulation of all parties to the review proceeding, the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record when deemed desirable."

Page 8, line 23, strike everything after "review"

Page 8, line 24, strike "and"

Page 8, line 26, delete "case" and insert "court of appeals"

Page 8, line 26, delete "be"

Page 8, line 27, delete "transferred" and insert "transfer the case"

Page 8, line 27, delete everything after "court"

Page 8, line 28, strike the old language and delete the new language

Page 8, strike lines 29 through 31 and insert "*for the county in which the agency has its principal office or the county in which the contested case hearing was held. The district court shall have jurisdiction to hear and determine the alleged irregularities in procedure. Appeal from the district court determination may be taken to the court of appeals as in other civil cases.*"

Page 8, delete lines 32 through 36

Page 9, delete lines 1 through 6

Page 13, line 9, delete "either of"

Page 17, after line 3, insert:

"Sec. 26. Minnesota Statutes 1982, section 52.063, is amended to read:

52.063 [PROCEEDINGS FOLLOWING SUSPENSION OR CONTINUATION OF SUSPENSION.]

Upon receipt of the suspension notice or the notice of the continuation of suspension, the credit union shall immediately cease or continue cessation of all operations except those operations specifically authorized by the commissioner of banks. If the notice is given pursuant to determination by the commissioner of banks after a hearing, the board of directors shall have 60 days from the receipt of said notice in which to file with the commissioner of banks a proposed plan of corrective actions or to request that a receiver be appointed for the credit union. The commissioner of banks shall have 30 days from the receipt of the proposed plan of corrective actions to determine if the proposed corrective actions are sufficient to correct the deficiencies which formed the basis for the suspension. If the commissioner of banks determines that the proposed corrective actions are sufficient, the suspension shall be lifted and the credit union returned to normal operations under its board of directors. If the commissioner of banks believes the proposed corrective actions insufficient, or if the board has failed to answer the suspension notice, or has requested that a receiver be appointed, then the commissioner of banks shall apply to the district court for appointment of a receiver. The credit union shall have the right, within six months of the receipt of any notice of suspension or continuation of suspension pursuant to a determination by the commissioner of banks after hearing, to appeal to the (DISTRICT) court of appeals as provided in chapter 14 for a ruling as to the validity of such notice."

Page 19, line 28, strike "provided for appeals"

Page 20, line 32, after "other" insert "civil"

Page 27, line 12, strike "Such"

Page 27, strike lines 13 through 16

Page 27, line 35, strike everything after the period

Page 27, strike line 36

Page 28, strike lines 1 and 2

Page 28, strike line 14 after the period

Page 28, strike lines 15 and 16

Page 28, line 24, strike everything after the period

Page 28, strike lines 25 to 27

Page 28, line 33, strike "from a similar"

Page 28, strike lines 34 and 35 and insert "*in other civil actions.*"

Page 33, line 4, strike everything after the period

Page 33, strike lines 5 through 7

Page 33, strike line 27

Page 33, line 28, strike "prescribed in"

Page 36, strike line 28

Page 36, strike line 29 before the period and insert "*court of appeals*"

Page 39, line 13, strike everything after "(b)"

Page 39, strike lines 14 through 27 and insert: "*An appeal taken from the determination of the district court in any contest instituted under this code shall be in accordance with the rules of civil appellate procedure.*"

Page 45, line 14, before the period insert "*as in civil cases*"

Page 50, line 27, strike "Upon the filing"

Page 50, strike lines 28 through 32

Page 66, line 36, after "provided" insert "*that a petition for*"

Page 66, line 36, strike "issued" and insert "*filed*"

Page 110, line 31, strike "The justices of the supreme court" and insert "*He*"

Page 111, line 2, strike "court" and insert "*clerk*"

Page 111, line 3, strike "dockets, journals and other"

Page 111, line 5, strike "supreme court may by its rules" and insert "*judges of the appellate courts*"

Page 111, strike line 15

Page 111, line 16, strike "court, to the" and insert a comma

Page 111, line 16, before "municipal" insert "*county and*"

Page 111, line 16, strike ", and justice"

Page 111, after line 16, insert:

"Sec. 144. Minnesota Statutes 1982, section 480A.02, is amended by adding a subdivision to read:

*Subd. 7. [COMPENSATION; TRAVEL EXPENSES.] The salary of a judge of the court of appeals shall be as provided by section 15A.083. Travel expenses shall be paid by the state in the same manner and amount as provided for judges of the district court in section 484.54."*

Page 115, line 20, strike everything after "taken"

Page 115, lines 21 to 24, strike the old language and delete the new language

Page 115, line 25, delete everything before the period and insert "*in accordance with the rules of civil appellate procedure*"

Page 134, line 1, delete "*1 copy to each judge of*" and insert "*30 copies to*"

Page 134, after line 35, insert:

"Sec. 187. Laws 1982, chapter 501, section 27, is amended to read:

Sec. 27. [EFFECTIVE DATE; TRANSITION.]

Sections 3 to 25 shall become effective only upon ratification of the amendment proposed in section 1 of this act as provided in the Minnesota Constitution. If the constitutional amendment proposed by section 1 is adopted by the people,

(a) sections 3 to 7 and section 24 of this act are effective July 1, 1983, and

(b) sections 8 to 23 and 25 and 26 are effective August 1, 1983. The court of appeals shall have jurisdiction over cases in which the notice of appeal, petition for review, or writ, is filed on or after August 1, 1983. In all cases in which the notice, petition or writ was filed on or before July 31, 1983, the court to which such appeal, petition, or writ was taken shall continue to exercise jurisdiction, notwithstanding any change introduced by this act. In any such case in which a district or county court retains jurisdiction and appeal is taken against its decision on or after August 1, 1983, appeal shall be taken to the court of appeals as provided herein.

Sec. 188. [REVISOR'S INSTRUCTION.]

*On or before February 1, 1984 the revisor of statutes shall present to the chairmen of the committees on the judiciary in the house and senate a report summarizing all provisions of Laws 1983 which are inconsistent with section 480A.02 or the applicable sections of this act. The report shall identify provisions effective on or after August 1, 1983 for*

a) direct appeal from the district court to the supreme court;

b) appeals from the county or county municipal courts to the district court; and

c) appeals pursuant to chapter 14 which provide for appeal to district court.

*The report shall be in the form of a bill amending the identified sections to provide for appeal to the court of appeals in a manner consistent with section 480A.06 and the applicable sections of this act."*

Page 135, line 1, after "sections" insert "14.70;"

Page 135, line 5, delete "186" and insert "189"

Page 135, line 6, after the period insert "Section 187 is effective July 1, 1983."

Renumber the sections

Amend the title as follows:

Page 1, line 8, delete "14.44;"

Page 1, line 9, before "14.68" insert "14.66;"

Page 1, line 9, delete "14.70;"

Page 1, line 14, before "56.23" insert "52.063;"

Page 2, line 6, after the last semi-colon insert "480A.02 by adding a subdivision;"

Page 2, line 18, after the semi-colon insert "and Laws 1982, chapter 501, section 27;"

Page 2, line 18, after "sections" insert "14.70;"

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. 388, A bill for an act relating to transportation; removing an interest limitation on Minnesota trunk highway bonds; amending Minnesota Statutes 1982, section 167.50, subdivision 2.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

S. F. No. 61, A bill for an act relating to crimes; requiring operators of certain vehicles to provide insurance information to peace officers; providing penalties; increasing penalties for failure to stop at the scene of certain accidents; amending Minnesota Statutes 1982, sections 65B.67, by adding a subdivision; and 169.09, subdivisions 1, 3, 6, 7, and 14.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 169.09, subdivision 1, is amended to read:

Subdivision 1. [DRIVER TO STOP.] The driver of any vehicle involved in an accident resulting in *bodily injury* to or death of any person shall immediately stop the vehicle at the scene of the accident, or as close (THERETO) to the scene as possible, but shall then return to and in every event, shall remain at, the scene of the accident until he has fulfilled the requirements of this chapter as to the giving of information. The stop shall be made without unnecessarily obstructing traffic.

Sec. 2. Minnesota Statutes 1982, section 169.09, subdivision 3, is amended to read:

Subd. 3. [DRIVER TO GIVE INFORMATION.] (a) The driver of any vehicle involved in an accident resulting in *bodily injury* to or death of any person, or damage to any vehicle which is driven or attended by any person, shall stop and give his name, address, date of birth and the registration number of the vehicle he is driving, and shall, upon request and if available, exhibit his driver's license or permit to drive to the person struck or the driver or occupant of or person attending any vehicle collided with (, AND). *The driver also* shall give (SUCH) the information

and upon request exhibit (SUCH) *the* license or permit to any police officer at the scene of the accident or who is investigating the accident (, AND). *The driver* shall render reasonable assistance to any person injured in (SUCH) *the* accident.

(b) If not given at the scene of the accident, the driver, within 72 hours thereafter, shall give upon request to any person involved in the accident *or to a peace officer investigating the accident* the name and address of the insurer providing automobile liability insurance coverage, and the local insurance agent for the insurer. (A DRIVER WHO FAILS TO PROVIDE THE INFORMATION REQUESTED PURSUANT TO THIS CLAUSE IS GUILTY OF A PETTY MISDEMEANOR.)

Sec. 3. Minnesota Statutes 1982, section 169.09, subdivision 6, is amended to read:

Subd. 6. [NOTIFY POLICE OF PERSONAL INJURY.] The driver of a vehicle involved in an accident resulting in *bodily* injury to or death of any person shall, after compliance with the provisions of this section, by the quickest means of communication, give notice of (SUCH) *the* accident to the local police department, if the accident occurs within a municipality, or to a state patrol officer if the accident occurs on a trunk highway, or to the office of the sheriff of the county.

Sec. 4. Minnesota Statutes 1982, section 169.09, subdivision 7, is amended to read:

Subd. 7. [ACCIDENT REPORT TO COMMISSIONER.] The driver of a vehicle involved in an accident resulting in *bodily* injury to or death of any person or total property damage to an apparent extent of \$500 or more, shall forward a written report of the accident to the commissioner of public safety within ten days thereof. If, in the opinion of the commissioner of public safety, the original report of any driver of a vehicle involved in an accident of which report must be made as provided in this section is insufficient he may require the driver to file supplementary reports.

Sec. 5. Minnesota Statutes 1982, section 169.09, is amended by adding a subdivision to read:

Subd. 15. [DEFENSE.] *It is a defense to prosecution under subdivisions 1, 2, and 6 that the driver left the scene of the accident to take any person injured in the accident to receive emergency medical care, provided that the driver of the involved vehicle gives notice to a law enforcement agency as required by subdivision 6 as soon as reasonably feasible after the emergency medical care has been undertaken.*



Sec. 6. Minnesota Statutes 1982, section 169.09, subdivision 14, is amended to read:

Subd. 14. [(PENALTY) PENALTIES.] (EXCEPT AS PROVIDED IN SUBDIVISION 3, CLAUSE (B), ANY PERSON FAILING TO COMPLY WITH ANY OF THE REQUIREMENTS OF THIS SECTION, UNDER THE CIRCUMSTANCES SPECIFIED, SHALL BE GUILTY OF A MISDEMEANOR.)

(a) *The driver of any vehicle who violates subdivision 1 or 6 and who caused the accident is punishable as follows:*

(1) *If the accident results in the death of any person, the driver is guilty of a felony and may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than \$5,000, or both; or*

(2) *If the accident results in substantial bodily injury to any person, as defined in section 609.02, subdivision 8, the driver 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 \$3,000, or both.*

(b) *The driver of any vehicle who violates subdivision 1 or 6 and who did not cause the accident or who violates subdivision 2 is guilty of a gross misdemeanor, and may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$1,000, or both.*

(c) *Any person who violates subdivision 3, clause (b) is guilty of a petty misdemeanor.*

(d) *Any person who violates subdivision 3, clause (a), or subdivision 4, 5, 7, 8, 10, 11, or 12 is guilty of a misdemeanor.*

*The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.*

Sec. 7. [EFFECTIVE DATE.]

*Sections 1 to 6 are effective August 1, 1983 and apply to violations committed on and after that date."*

Delete the title and insert:

*"A bill for an act relating to crimes; increasing penalties for failure to stop at the scene of certain accidents; amending Min-*

nesota Statutes 1982, section 169.09, subdivisions 1, 3, 6, 7, and 14, and by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

S. F. No. 121, A bill for an act relating to crimes; prohibiting criminal operation of a vehicle; amending Minnesota Statutes 1982, section 609.21.

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 56, 182, 268, 298 and 330 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 113, 61 and 121 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Quinn, Jacobs, Seaberg, Valan and Knuth introduced:

H. F. No. 499, A bill for an act relating to public utilities; providing residential telephone subscribers protection from unwanted commercial solicitation; 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.

Vanasek, Kelly, DenOuden, Fjoslien and Kostohryz introduced:

H. F. No. 500, A bill for an act relating to game and fish; affording protection to the coyote; authorizing a season thereon; amending Minnesota Statutes 1982, 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.

Nelson, K.; Anderson, B.; Mann; Schafer and Jennings introduced:

H. F. No. 501, A bill for an act relating to education; specifying requirements for petitions to school boards; amending Minnesota Statutes 1982, section 123.32, by adding a subdivision.

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

Osthoff; Clark, J.; Schoenfeld and Pauly introduced:

H. F. No. 502, A bill for an act relating to port authorities; providing for approval of port authority land sales; amending Minnesota Statutes 1982, section 458.17.

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

Skoglund, Brandl, Otis, Blatz and Scheid introduced:

H. F. No. 503, A bill for an act relating to taxation; providing for the computation of renters' property tax refunds on the basis of actual property taxes; amending Minnesota Statutes 1982, sections 290A.03, subdivisions 11, 13, and by adding a subdivision; and 290A.19.

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

Elioff, Minne, Begich and Battaglia introduced:

H. F. No. 504, A bill for an act relating to unemployment compensation; providing for benefit eligibility; abolishing the doctrine of constructive voluntary quits; amending Minnesota Statutes 1982, section 268.09, subdivision 1.

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

Elioff, Begich, Battaglia and Minne introduced:

H. F. No. 505, A bill for an act relating to natural resources; extending the existence of the citizen's committee on Voyageurs National Park; authorizing the committee to accept gifts; amending Minnesota Statutes 1982, section 84B.11, subdivision 2; amending Laws 1975, chapter 235, section 2.

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

Elioff; Clark, J.; Staten; McEachern and Carlson, L., introduced:

H. F. No. 506, A bill for an act relating to public welfare; providing for reimbursement of chiropractic services for people receiving general assistance medical care; clarifying the meaning of medically certified for purposes of eligibility for general assistance; amending Minnesota Statutes 1982, sections 256D.03, subdivision 4; and 256D.05, subdivision 1a.

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

Gruenes and Marsh introduced:

H. F. No. 507, A bill for an act relating to the city of St. Cloud; authorizing the creation of a downtown parking district; providing for its finances.

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

Welle and Brinkman introduced:

H. F. No. 508, A bill for an act relating to insurance; homeowner's; requiring notices of cancelation to be written in easily readable and understandable language; amending Minnesota Statutes 1982, section 65A.29, subdivision 4.

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

Welle and Brinkman introduced:

H. F. No. 509, A bill for an act relating to insurance; group life; exempting these policies from certain filing requirements if certain specified conditions are met; amending Minnesota Statutes 1982, section 61A.09, subdivision 1.

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

Minne; Clark, K.; Otis and Ogren introduced:

H. F. No. 510, A bill for an act relating to public utilities; limiting a gas utility's discretion to discontinue service to residential 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.

Graba; Anderson, G.; Begich; Sparby and Bishop introduced:

H. F. No. 511, A bill for an act relating to labor; creating an exemption to the minimum wage overtime provisions for silo builders; amending Minnesota Statutes 1982, section 177.25, by adding a subdivision.

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

Schoenfeld; Carlson, D.; Shea; Wenzel and Erickson introduced:

H. F. No. 512, A bill for an act relating to agriculture; requiring pseudorabies testing; proposing new law coded in Minnesota Statutes 1982, chapter 35.

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

Minne introduced:

H. F. No. 513, A bill for an act relating to elections; changing certain registration procedures; requiring availability of certain public facilities as polling places; changing requirements that voting machines remain locked after elections; amending Minnesota Statutes 1982, sections 201.071, subdivisions 1, 3, and 6; 204B.16, by adding a subdivision; and 206.21, subdivision 3; repealing Minnesota Statutes 1982, section 201.071, subdivision 7.

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

Anderson, B., introduced:

H. F. No. 514, A bill for an act relating to state government; requiring prime contractors who bid on public contracts to list their subcontractors; permitting the substitution of subcontractors under certain circumstances; requiring subcontractors to furnish bonds at the request of the contractor; providing penalties; 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.

Sviggum, Rose, Brinkman and Kalis introduced:

H. F. No. 515, A bill for an act relating to retirement; guaranteeing public employees retirement benefits; 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.

Welker introduced:

H. F. No. 516, A bill for an act relating to the city of Montevideo; giving it certain powers of a statutory city.

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

Shea, Redalen, Kalis, Mann and Sviggum introduced:

H. F. No. 517, 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 1982, section 32.212.

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

Vanasek; Osthoff; Knickerbocker; Anderson, G., and Carlson, D., introduced:

H. F. No. 518, A bill for an act relating to elections; prohibiting campaign signs near polling places; imposing a penalty; amending Minnesota Statutes 1982, section 210A.10.

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

Clawson, Welch, Kvam, St. Onge and Gruenes introduced:

H. F. No. 519, A bill for an act relating to public welfare; abolishing funding priorities for a certain grant program related to facilities for adult mentally ill persons; amending Minnesota Statutes 1982, section 245.73, subdivision 2.

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

Cohen; Clark, J.; Schoenfeld; Pauly and Levi introduced:

H. F. No. 520, A bill for an act relating to port authorities; authorizing revenue bond financing of certain facilities; eliminating the interest rate limit on revenue bonds and authorizing private sale; clarifying contractual and operational authority of port authorities; amending Minnesota Statutes 1982, sections 458.192, subdivisions 1, 4, and by adding a subdivision; 458.194, subdivisions 2, 3, and by adding a subdivision; and 458.195, by adding a subdivision.

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

Berkelman, Metzen, Voss and Stadum introduced:

H. F. No. 521, A bill for an act relating to financial institutions; providing for the payment of hearing costs on contested applications; including credit union share insurance corporations and industrial loan and thrift guarantee issuers in the group of organizations permitted to receive examination reports; removing the requirement that a financial institution's board of directors hold qualifying shares; clarifying limitations on junior mortgage loans by banks; establishing application fees; removing a certain filing requirement; reducing the number of savings association incorporators; clarifying the notice requirements for savings association conversions; clarifying the industrial loan and thrift company lending limit and increasing the capital to deposit limitation; providing first installment requirements for regulated lenders and motor vehicle sales finance companies; providing credit insurance disclosure requirements for regulated lenders; clarifying financial corporation organizational requirements; amending Minnesota Statutes 1982, sections 45.04, subdivision 1; 46.07, subdivision 2; 47.54, subdivision 1; 48.06; 48.19, subdivision 1; 48.68; 49.36, subdivision 1; 49.37; 51A.03, subdivisions 1 and 4; 51A.065, subdivision 4; 51A.13, subdivisions 2 and 2a; 52.203; 53.01; 53.03, subdivisions 1, 5, and 6; 53.04, subdivision 3a; 53.05; 53.06; 56.131, subdivision 1; 56.155, subdivision 1; 168.72, subdivision 1; 300.025; and 300.20.

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

Clawson, Wynia and Clark, K., introduced:

H. F. No. 522, 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; 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.

Jacobs, Wigley, Sarna, Otis and Evans introduced:

H. F. No. 523, A bill for an act relating to public utilities; defining scope of independent telephone companies accountable under chapter 237; amending Minnesota Statutes 1982, section 237.01, subdivision 3.

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



Kahn; Nelson, K.; Long; Carlson, D., and Ogren introduced:

H. F. No. 524, A bill for an act relating to low-level radioactive waste; entering the Midwest Interstate Low-Level Radioactive Waste Compact; assessing certain low-level radioactive waste generators; providing for enforcement of the compact; providing for civil and criminal penalties; creating an advisory committee; appropriating money; 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.

Nelson, D.; Welch and Gruenes introduced:

H. F. No. 525, A bill for an act relating to education; establishing a position for industrial arts education in the department of education; appropriating money; proposing new law coded in Minnesota Statutes, chapter 121.

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

Munger, Begich, Murphy, Fjoslien and Nelson, D., introduced:

H. F. No. 526, A bill for an act relating to the environment; requiring notice of intent to develop uranium; creating an advisory committee; requiring an environmental analysis and report to the legislature; requiring adoption of a state policy; 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.

Clawson, by request, introduced:

H. F. No. 527, A bill for an act relating to unemployment compensation; prescribing fees for filing contribution and reimbursement liens; amending Minnesota Statutes 1982, section 268.161, subdivision 1.

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

Neuenschwander and Solberg introduced:

H. F. No. 528, A bill for an act relating to local government; permitting the city of Big Falls and part of Koochiching County to join a hospital district.

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

Coleman, Pauly, Scheid and Kelly introduced:

H. F. No. 529, A bill for an act relating to crimes; providing that acquittal or conviction of the crime of kidnapping does not bar conviction for any other crime committed during the time of the victim's confinement; amending Minnesota Statutes 1982, section 609.035; proposing new law coded in Minnesota Statutes, chapter 609.

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

Coleman, Pauly, Scheid and Kelly introduced:

H. F. No. 530, A bill for an act relating to crimes; providing that prosecution or acquittal of a crime in another jurisdiction is not a bar to prosecution in this state when the act or omission constitutes a crime in the other jurisdiction and this state; amending Minnesota Statutes 1982, section 609.045.

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

Coleman, Graba, Scheid and Pauly introduced:

H. F. No. 531, A bill for an act relating to motor vehicles; authorizing the issuance of personalized license plates for motorcycles; amending Minnesota Statutes 1982, section 168.12, subdivision 2a.

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

Coleman; Clark, K.; Clark, J., and Levi introduced:

H. F. No. 532, A bill for an act relating to criminal justice; requiring peace officers to make arrests based on probable cause in cases of domestic assault; requiring peace officers to notify victims of domestic assault of the legal remedies available; amending Minnesota Statutes 1982, section 629.341, subdivision 1.

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

Vanasek, Simoneau, Eken, Heinitz and Jennings introduced:

H. F. No. 533, A bill for an act relating to state government; providing for legislative expenses; amending Minnesota Statutes 1982, section 3.101; repealing Minnesota Statutes 1982, section 3.102.

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

Clawson; Levi; Clark, J.; Cohen and Halberg introduced:

H. F. No. 534, A bill for an act relating to court procedures; providing for surrogate parenthood agreements; proposing new law coded in Minnesota Statutes, chapter 259.

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

Shea; Dimler; Schoenfeld; Anderson, B., and Kalis introduced:

H. F. No. 535, A bill for an act relating to agriculture; appropriating money for the Minnesota Corn Growers Association; providing for repayment to the state.

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

Riveness; Seaberg; Gustafson; Clark, J., and Bergstrom introduced:

H. F. No. 536, A bill for an act relating to legal liability; prohibiting retaliation against an individual who complies with the child abuse reporting act; providing damages for retaliation; clarifying immunity provisions for good faith compliance with the child abuse reporting act; amending Minnesota Statutes 1982, section 626.556, subdivision 4, and by adding a subdivision.

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

Simoneau, Elioff, Begich, Hoberg and Heap introduced:

H. F. No. 537, 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; amending Minnesota Statutes 1982, section 179.63, subdivision 7.

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

McEachern; Berkelman; Olsen; Nelson, D., and Quist introduced:

H. F. No. 538, A bill for an act relating to education; providing that no member of the higher education coordinating board shall be an employee of or receiving compensation from a public or private post-secondary institution while serving on the board; amending Minnesota Statutes 1982, section 136A.02, subdivision 1.

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

Berkelman, Tomlinson, Dempsey, Vanasek and Schreiber introduced:

H. F. No. 539, A bill for an act relating to taxation; providing for changes in the laws relating to delinquent real estate taxes, real estate tax judgment sales and redemptions and tax forfeited land sales; amending Minnesota Statutes 1982, sections 276.04; 279.05; 279.06; 279.14; 279.15; 279.16; 279.20; 280.01; 280.07; 280.10; 280.38; 280.385, subdivision 1; 281.01; 281.02; 281.03; 281.05; 281.17; 281.18; 281.23; 281.25; 281.34; 281.36; 281.39; 282.01, subdivision 5; 282.039; 282.17; 282.171; 282.222, subdivisions 4 and 5; 282.301; and 559.21, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 276; 279; 280; and 282.

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

Clark, J.; Skoglund; Seaberg; Nelson, K., and Osthoff introduced:

H. F. No. 540, A bill for an act relating to crimes; creating the crimes of unlawfully obtaining services from the metropolitan transit commission and unlawfully interfering with a transit operator while the operator is performing his or her duties; providing penalties; proposing new law coded in Minnesota Statutes, chapter 609.

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

Clark, J.; Vanasek; Gustafson; McKasy and Coleman introduced:

H. F. No. 541, A bill for an act relating to occupations and professions; authorizing the commissioner of public safety to provide administrative support services to the board of peace officer standards and training; amending Minnesota Statutes 1982, section 214.04, subdivision 1.

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

Ogren, Brandl, Tomlinson and Schreiber introduced:

H. F. No. 542, A bill for an act relating to the organization and operation of state government; requiring the preparation of a tax expenditure budget; appropriating money; proposing new law coded in Minnesota Statutes, chapter 270.

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

Rodriguez, F., introduced:

H. F. No. 543, A bill for an act relating to data privacy; restricting dissemination of certain licensing information to private individuals; amending Minnesota Statutes 1982, section 13.69, subdivision 1.

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

Brandl, Greenfield, Blatz, Gruenes and Rodosovich introduced:

H. F. No. 544, A bill for an act relating to health; providing for retention and destruction of certain medical records; amending Minnesota Statutes 1982, section 145.32.

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

Tomlinson, Sieben and Eken introduced:

H. F. No. 545, A bill for an act relating to taxation; extending the duration of the income tax surcharge; extending six percent sales tax rate to sales of motor vehicles and making the six percent rate permanent; extending the sales tax to over-the-counter sales of periodicals; delaying the date that the motor vehicle excise tax receipts are credited to certain funds; providing that Minnesota itemized deductions are the same as federal itemized deductions with certain modifications; eliminating the income tax credits for certain taxes paid; providing income tax credits for certain small business investment; changing rates, computation, and certain maximum credits for certain agricultural, recreational, and homestead property; eliminating certain property tax credits; changing the property tax refund provisions; applying the property tax tree growth provisions to all counties; changing certain special levies; changing the application of certain levy limits and local government aids and providing for their computation; providing that the estate tax shall be equal to or a proportion of the maximum federal estate tax credit for state taxes; amending Minnesota Statutes 1982, sections 124.2137, subdivision 1; 270.34; 270.36, subdivision 2; 270.38, subdivision 2; 272.02, subdivision 1; 273.13, subdivisions 6, 7, and 9; 275.50, subdivisions 2, 4, 5, and by adding subdivisions; 275.51, subdivisions 1, 4, and by adding subdivisions; 275.55; 275.56; 275.58, subdivisions 1, 2, 3, and 6; 290.01, subdivisions 19, 20a, as amended, and 20b, as amended; 290.06, subdivisions 2e, 11, and 13; 290.09, subdivisions 1, 2, 3, as amended, 4, 5, and 6; 290.091; 290.14; 290.16, subdivision 9; 290.18, subdivisions 1 and 2; 290.21, subdivisions 1 and 3; 290.23, subdivision 5; 290.31, subdivisions 2 and 3; 290.39, subdivision 2; 290.46; 290.92, subdivision 2a; 290A.03, subdivisions 3, 11, and 13; 290A.04, subdivisions 1, 2, and 3; 290A.16; 291.005, subdivision 1; 291.03, subdivision 1; 291.075; 291.09, subdivisions 1a and 3a; 291.11, subdivision 1; 291.132, subdivision 1; 291.215, subdivisions 1 and 3; 296.18, subdivision 1; 296.421, subdivision 5; 297A.02, as amended; 297A.03, subdivision 2, as amended; 297A.14, as amended; 297A.25, subdivision 1; 297B.02, as amended; 297B.09, subdivisions 1 and 2; 477A.011, subdivisions 2, 7, 10, 11, and by adding a subdivision; 477A.012; 477A.013, subdivision 2, and by adding subdivisions; 477A.014, subdivisions 1, 2, and 3; 477A.015; 477A.03, subdivisions 1 and 2; proposing new law coded in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 1982, sections 270.75, subdivision 7; 273.115; 273.116; 273.138; 275.50, subdivisions 6 and 7; 275.51, subdivision 3e; 275.54; 275.561; 275.57; 275.58, subdivision 4; 290.01, subdivision 23; 290.06, subdivisions 9 and 9a; 290.077, subdivision 2; 290.09, subdivisions 10, 15, 22, and 27; 290.21, subdivision 3a; 290.501; 290A.04, subdivisions 2a, 2b, 2c, and 2d; 291.015; 291.03, subdivisions 3, 4, 5, 6, and 7; 291.05; 291.051; 291.06; 291.065; 291.07; 291.08; 291.09, subdivision 5; 291.111; 291.132, subdivisions 2, 3, and 4; 219.15, subdivision 3; 477A.011, subdivisions 6, 8, and 9; 477A.013, subdivision 1; and Laws 1982, Third Special Session chapter 1, article V, section 4.

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

Sviggum, Norton, Metzen and Findlay introduced:

H. F. No. 546, A bill for an act relating to retirement; permitting the purchase of certain prior service credit for periods of active military service.

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

Vanasek introduced:

H. F. No. 547, A bill for an act relating to taxation; imposing or altering certain income tax, withholding tax, sales, and excise tax penalties; extending the time limitations within which certain indictments may be filed; amending Minnesota Statutes 1982, sections 290.53, subdivision 4, and by adding a subdivision; 290.92, subdivision 15; 290A.11, subdivision 2; 297A.08; 297A.-39, subdivision 4, and by adding a subdivision; and 297B.10.

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

Vanasek introduced:

H. F. No. 548, A bill for an act relating to data privacy; allowing the disclosure of information from tax records for criminal cases after a court order; proposing new law coded in Minnesota Statutes, chapter 270.

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

Otis, Olsen, Voss and Nelson, K., introduced:

H. F. No. 549, A bill for an act relating to education; establishing a lending program to fund school energy conservation investments; authorizing the issuance of state bonds pursuant to article XI of the Minnesota Constitution; appropriating money; amending Minnesota Statutes 1982, section 275.125, subdivisions 11a, 11b, and by adding a subdivision; amending Laws 1969, chapter 775, section 4, by adding a subdivision; chapter 822, by adding a section; chapter 1060, by adding a section; and proposing new law coded in Minnesota Statutes, chapters 116J and 124.

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

McEachern introduced:

H. F. No. 550, A bill for an act relating to education and public data on individuals; requiring the disclosure of names, addresses, telephone numbers, and dates of birth of students in secondary schools to recruiting officers for any branch of the United States armed forces unless the parents request in writing that the information not be released; requiring certain procedures to be followed prior to release; restricting the dissemination of disclosed information; amending Minnesota Statutes 1982, section 13.32, subdivision 3, and by adding a subdivision.

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

Gustafson introduced:

H. F. No. 551, A bill for an act relating to anatomical gifts; permitting certain children over 16 to make anatomical gifts; amending Minnesota Statutes 1982, sections 171.07, subdivision 5; and 525.922, subdivision 1.

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

Minne and Osthoff introduced:

H. F. No. 552, A bill for an act relating to elections; recodifying the municipal elections law; amending Minnesota Statutes 1982, sections 205.02; 205.07, subdivision 1; 205.10; 205.13; 205.16; 205.17; 205.20; and 205.84; proposing new law coded in Minnesota Statutes, chapter 205; repealing Minnesota Statutes 1982, sections 205.03; 205.04; 205.11; 205.14; 205.15; 205.19; and 205.21.

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

Osthoff, Minne, Kostohryz, Piepho and Zaffke introduced:

H. F. No. 553, A bill for an act relating to elections; changing certain election procedures, requirements, and time limits; amending Minnesota Statutes 1982, sections 201.071, subdivision 1; 203B.02, subdivision 1; 203B.04, subdivision 1; 203B.21, subdivisions 1 and 2; 204B.12, subdivision 1; 204B.19, subdivision 1; 204B.21, subdivision 1; 204B.27, subdivision 1; 204B.34, subdivision 1; 204B.35, subdivision 4; 204C.32, subdivision 2; 204C.33, subdivision 2; 204D.06; 204D.11, subdivisions 1 and 5; 204D.14; 204D.15, subdivision 2; 205.03, subdivisions 1 and 3; repealing Minnesota Statutes 1982, sections 201.091, subdivision 6; and 204B.12, subdivision 2.



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

Larsen, Valan, Uphus, Kalis and Mann introduced:

H. F. No. 554, A bill for an act relating to agriculture; requiring the commissioner of agriculture to make certain rules relating to milk for manufacturing purposes; proposing new law coded in Minnesota Statutes, chapter 32.

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

Schoenfeld, Valan, Wenzel and Shea introduced:

H. F. No. 555, A bill for an act relating to agriculture; providing for the promotion of Minnesota agricultural products; appropriating money; amending Minnesota Statutes 1982, section 17.101.

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

Osthoff, Metzen, Dempsey, Brinkman and Berkelman introduced:

H. F. No. 556, A bill for an act relating to motor vehicles; maintaining the maximum interest rate on certain loans under the Motor Vehicle Retail Installment Sales Act at the current rate; amending Minnesota Statutes 1982, section 168.72, subdivision 2.

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

Fjoslien and Ogren introduced:

H. F. No. 557, A bill for an act relating to commerce; interest rates; limiting the maximum interest rate on open-end credit sales; amending Minnesota Statutes 1982, section 334.16, subdivision 1.

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

Berkelman, Brinkman, Voss, Valan and Stadum introduced:

H. F. No. 558, A bill for an act relating to commerce; altering certain interest rate provisions on modifications or renegotiations of cooperative apartment loans and contracts for deed; amending Minnesota Statutes 1982, section 47.20, subdivision 4a.

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

Schoenfeld, Long, Dempsey, Cohen and Gustafson introduced:

H. F. No. 559, A bill for an act relating to courts; providing for interest rates on judgments; amending Minnesota Statutes 1982, section 549.09, subdivision 1.

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

Battaglia, Begich and Elioff introduced:

H. F. No. 560, A bill for an act relating to Cook County; permitting the sale of certain land.

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

Ellingson; Long; Clark, K., and Tomlinson introduced:

H. F. No. 561, A bill for an act relating to metropolitan government; providing for the metropolitan transit commission property tax; amending Minnesota Statutes 1982, section 473.446, subdivision 1.

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

Welle and Brinkman introduced:

H. F. No. 562, A bill for an act relating to insurance; providing for quarterly premium tax payments from certain insurers; prescribing penalties for failure to meet return deadlines or failure to pay the remaining tax due; amending Minnesota Statutes 1982, section 60A.15, subdivisions 1, 2, and 2a.

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

## HOUSE ADVISORIES

The following House Advisory was introduced:

Clark, J.; Vanasek; Staten; Kelly and Bishop introduced:

H. A. No. 3, A proposal for the House Committee on Judiciary to study peace officers' powers and duties.

The advisory was referred to the Committee on Judiciary.

## CALENDAR

S. F. No. 195, A bill for an act relating to courts; increasing the fee and mileage allowance paid to witnesses; providing for fee allowances to be paid to witnesses in juvenile proceedings; amending Minnesota Statutes 1982, sections 357.22; 357.24; and proposing new law coded in Minnesota Statutes, chapter 357.

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 2 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Kelly	Onnen	Simoneau
Anderson, G.	Evans	Knickerbocker	Osthoff	Skoglund
Anderson, R.	Findlay	Knuth	Otis	Solberg
Battaglia	Fjoslien	Kostohryz	Pauly	Sparby
Beard	Forsythe	Krueger	Peterson	Stadum
Begich	Frerichs	Kvam	Piepho	Staten
Bennett	Graba	Larsen	Piper	Sviggum
Bergstrom	Greenfield	Levi	Price	Swanson
Berkelman	Gruenes	Long	Quinn	Thiede
Bishop	Gustafson	Ludeman	Quist	Tomlinson
Blatz	Gutknecht	Mann	Redalen	Uphus
Brandl	Halberg	Marsh	Reif	Valan
Brinkman	Haukoos	McEachern	Riveness	Valento
Burger	Heap	McKasy	Rodosovich	Vanasek
Carlson, D.	Heinitz	Metzen	Rodriguez, C.	Vellenga
Carlson, L.	Himle	Minne	Rodriguez, F.	Voss
Clark, J.	Hoberg	Munger	St. Onge	Waltman
Clawson	Hoffman	Murphy	Sarna	Welch
Cohen	Hokr	Nelson, D.	Schoenfeld	Welle
Coleman	Jacobs	Nelson, K.	Schreiber	Wenzel
Dempsey	Jennings	Norton	Seaberg	Wigley
DenOuden	Jensen	O'Connor	Segal	Wynia
Dimler	Johnson	Ogren	Shaver	Speaker Sieben
Eken	Kahn	Olsen	Shea	
Elioff	Kalis	Omann	Sherman	

Those who voted in the negative were:

Schafer                      Welker

The bill was passed and its title agreed to.

H. F. No. 26, A bill for an act relating to commerce; consumer protection; requiring the repair, refund, or replacement of new motor vehicles under certain circumstances; 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 115 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Knickerbocker	Onnen	Shaver
Anderson, R.	Evans	Knuth	Osthoff	Shea
Battaglia	Findlay	Kostohryz	Otis	Sherman
Beard	Fjoslien	Krueger	Pauly	Simoneau
Begich	Forsythe	Kvam	Peterson	Skoglund
Bennett	Graba	Larsen	Piepho	Solberg
Bergstrom	Greenfield	Levi	Piper	Sparby
Berkelman	Gruenes	Long	Price	Staten
Bishop	Gustafson	Mann	Quinn	Swanson
Blatz	Gutknecht	Marsh	Quist	Tomlinson
Brandl	Halberg	McEachern	Redalen	Uphus
Burger	Haukoos	McKasy	Reif	Valan
Carlson, D.	Heap	Metzen	Riveness	Valento
Carlson, L.	Hinle	Minne	Rodosovich	Vanasek
Clark, J.	Hoberg	Munger	Rodriguez, C.	Vellenga
Clark, K.	Hoffman	Murphy	Rodriguez, F.	Voss
Clawson	Hokr	Nelson, D.	St. Onge	Waltman
Cohen	Jacobs	Nelson, K.	Sarna	Welch
Coleman	Jensen	Norton	Scheid	Welle
Dempsey	Johnson	O'Connor	Schoenfeld	Wenzel
DenOuden	Kahn	Ogren	Schreiber	Wynia
Eken	Kalis	Olsen	Seaberg	Zaffke
Elioff	Kelly	Omann	Segal	Speaker Sieben

Those who voted in the negative were:

Anderson, B.	Heinitz	Schafer	Sviggum	Welker
Dimler	Jennings	Stadum	Thiede	Wigley
Frerichs	Ludeman			

The bill was passed and its title agreed to.

H. F. No. 176, A bill for an act relating to financial institutions; providing that Small Business Administration guaranteed loans are collateral for public deposits; amending Minnesota Statutes 1982, section 118.01, 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Evans	Knuth	Pauly	Solberg
Anderson, R.	Findlay	Kostohryz	Peterson	Sparby
Battaglia	Fjoslien	Krueger	Piepho	Stadum
Beard	Forsythe	Kvam	Piper	Staten
Begich	Frericha	Larsen	Price	Sviggum
Bennett	Graba	Levi	Quinn	Swanson
Bergstrom	Greenfield	Long	Quist	Thiede
Berkelman	Gruenes	Ludeman	Redalen	Tomlinson
Bishop	Gustafson	Mann	Reif	Uphus
Blatz	Gutknecht	Marsh	Rice	Valan
Brandl	Halberg	McEachern	Riveness	Valento
Brinkman	Haukoos	McKasy	Rodosovich	Vanasek
Burger	Heap	Metzen	Rodriguez, C.	Vellenga
Carlson, D.	Heinitz	Minne	Rodriguez, F.	Voss
Carlson, L.	Himle	Munger	St. Onge	Waltman
Clark, J.	Hoberg	Murphy	Sarna	Welch
Clark, K.	Hoffman	Nelson, D.	Schafer	Welker
Clawson	Hokr	Nelson, K.	Scheid	Welle
Cohen	Jacobs	Norton	Schoenfeld	Wenzel
Coleman	Jennings	O'Connor	Schreiber	Wigley
Dempsey	Jensen	Ogren	Seaberg	Wynia
DenOuden	Johnson	Olsen	Shaver	Zaffke
Dimler	Kahn	Omamm	Shea	Speaker Sieben
Ekon	Kalis	Onnen	Sherman	
Elioff	Kelly	Osthoff	Simoneau	
Erickson	Knickerbocker	Otis	Skoglund	

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 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 THE 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. 113 which it recommended to pass.

H. F. No. 223 which it recommended progress.

H. F. No. 91 which it recommended to pass with the following amendment offered by Anderson, B., and Sviggum:

Page 3, line 16, delete "*Upon the receipt of a*"

Page 3, delete lines 17 to 21

Page 3, line 22, delete "*section.*"

Page 3, line 23, delete "if" and insert "unless"; delete "defeated" and insert "approved"; and after "referendum" insert "using the petition and election procedures in section 216B.026"

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:

Anderson, B., and Sviggum moved to amend H. F. No. 91, the first engrossment, as follows:

Page 3, line 16, delete "Upon the receipt of a"

Page 3, delete lines 17 to 21

Page 3, line 22, delete "section."

Page 3, line 23, delete "if" and insert "unless"; delete "defeated" and insert "approved"; and after "referendum" insert "using the petition and election procedures in section 216B.026"

The question was taken on the amendment and the roll was called. There were 71 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Kalis	Quist	Swanson
Anderson, G.	Findlay	Knickerbocker	Redalen	Thiede
Anderson, R.	Forsythe	Krueger	Rodosovich	Uphus
Beard	Frerichs	Kvam	Sarna	Valan
Bennett	Graba	Levi	Schafer	Valento
Bishop	Gruenes	Ludeman	Schoenfeld	Waltman
Blatz	Halberg	Mann	Schreiber	Welker
Brinkman	Haukoos	Marsh	Seaberg	Welle
Carlson, D.	Heap	McEachern	Segal	Wenzel
Cohen	Heinitz	McKasy	Shaver	Wigley
Dempsey	Himle	Olsen	Shea	Zaffke
DenOuden	Hokr	Omann	Sherman	
Dimler	Jennings	Onnen	Sparby	
Eken	Jensen	Pauly	Stadium	
Erickson	Johnson	Piepho	Sviggum	

Those who voted in the negative were:

Battaglia	Carlson, L.	Fjoslien	Jacobs	Long
Begich	Clark, J.	Greenfield	Kahn	Metzen
Bergstrom	Clark, K.	Gustafson	Kelly	Minne
Berkelman	Clawson	Gutknecht	Knuth	Murphy
Brandl	Coleman	Hoberg	Kostohryz	Nelson, D.
Burger	Elioff	Hoffman	Larsen	Nelson, K.

Norton	Piper	Rodriguez, C.	Staten	Wynia
O'Connor	Price	Rodriguez, F.	Tomlinson	Speaker Sieben
Ogren	Quinn	St. Onge	Vanasek	
Osthoff	Reif	Scheid	Vellenga	
Otis	Rice	Skoglund	Voss	
Peterson	Riveness	Solberg	Welch	

The motion prevailed and the amendment was adopted.

### MOTIONS AND RESOLUTIONS

Elioff moved that the name of Haukoos be added as an author on H. F. No. 439. The motion prevailed.

Nelson, K., moved that the names of Otis, Vanasek and Elioff be added as authors on H. F. No. 113. The motion prevailed.

Clark, K., moved that the name of O'Connor be added as an author on H. F. No. 242. The motion prevailed.

Krueger moved that H. F. No. 494 be recalled from the Committee on Education and be re-referred to the Committee on Appropriations. The motion prevailed.

Staten moved that his name be stricken as an author on H. F. No. 34. The motion prevailed.

Knuth moved that the names of Gutknecht and Hokr be added as authors on H. F. No. 488. The motion prevailed.

Piepho moved that the name of Kahn be added as an author on H. F. No. 392. The motion prevailed.

Berkelman moved that the name of Halberg be added as an author on H. F. No. 521. The motion prevailed.

Rodriguez, C., moved that the name of Brandl be stricken and the name of Price be added as second author on H. F. No. 159. The motion prevailed.

Elioff moved that the name of Solberg be added as an author on H. F. No. 505. The motion prevailed.

## ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, March 7, 1983. 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 7, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives





## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## TWENTY-FIRST DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 7, 1983

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

The invocation was offered by a choral group from Duluth Central High School.

The roll was called and the following members were present:

Anderson, B.	Ellingson	Knickerbocker	Otis	Skoglund
Anderson, G.	Erickson	Knuth	Pauly	Sparby
Anderson, R.	Evans	Kostohryz	Peterson	Stadum
Battaglia	Findlay	Krueger	Piepho	Staten
Beard	Fjoslien	Kvam	Price	Sviggum
Begich	Forsythe	Larsen	Quinn	Swanson
Bennett	Frerichs	Long	Quist	Thiede
Bergstrom	Greenfield	Mann	Redalen	Tomlinson
Berkelman	Gruenes	Marsh	Reif	Tunheim
Bishop	Gustafson	McDonald	Rice	Uphus
Blatz	Gutknecht	McEachern	Riveness	Valan
Brandl	Halberg	McKasy	Rodovovich	Valento
Brinkman	Haukoos	Metzen	Rodriguez, C.	Vellenga
Burger	Heap	Minne	Rodriguez, F.	Voss
Carlson, D.	Heinitz	Munger	St. Onge	Waltman
Carlson, L.	Himle	Murphy	Sarna	Welch
Clark, J.	Hoberg	Nelson, D.	Schafer	Welker
Clark, K.	Hoffman	Nelson, K.	Scheid	Welle
Clawson	Hokr	Neuenschwander	Schoenfeld	Wenzel
Cohen	Jacobs	Norton	Schreiber	Wigley
Coleman	Jennings	O'Connor	Seaberg	Wynia
Dempsey	Jensen	Ogren	Segal	Zaffke
DenOuden	Johnson	Olsen	Shaver	Speaker Sieben
Dimler	Kahn	Omann	Shea	
Eken	Kalis	Onnen	Sherman	
Elioff	Kelly	Osthoff	Simoneau	

A quorum was present.

Graba, Levi, Ludeman, Piper, Rose, Solberg and Vanasek 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. Nos. 56, 298, 182, 91, 330 and 268 and S. F. No. 61 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 2, 1983

The Honorable Harry A. Sieben, Jr.  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 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 1983	Date Filed 1983
390		Resolution 1	March 2	March 2
	55	3	March 2	March 2

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

March 4, 1983

The Honorable Harry A. Sieben, Jr.  
Speaker of the House  
276 State Office Building  
St. Paul, Minnesota 55155

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. 57, relating to local government; permitting towns to self insure the bond requirements of certain officers; amending Minnesota Statutes 1982, section 471.981, by adding a subdivision.

Sincerely,

RUDY PERPICH  
Governor

### REPORTS OF STANDING COMMITTEES

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 252, A bill for an act relating to occupations and professions; regulating the practice of dentistry; amending Minnesota Statutes 1982, sections 150A.05, subdivision 2; and 150A.11, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 21, after "*graduate*" insert "*dental*"

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. 263, A bill for an act relating to state government; providing for chiropractic positions in state government civil service; providing for the provision of chiropractic services; proposing new law coded in Minnesota Statutes, chapters 43A and 148.

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. 342, A bill for an act relating to the board of dentistry; increasing the board's powers in relation to disciplinary

actions; exempting certain registered occupations from business licensing review; amending Minnesota Statutes 1982, sections 116J.70, subdivision 2a; 150A.05, subdivision 2; 150A.06; 150A.08, subdivisions 1, 3, and by adding subdivisions; 150A.09; and repealing Laws 1976, chapter 263, section 6, subdivision 2.

Reported the same back with the following amendments:

Page 1, after line 11, insert:

"Section 1. Minnesota Statutes 1982, section 150A.01, is amended by adding a subdivision to read:

*Subd. 9. "State," when used in reference to a state other than Minnesota, means any other state of the United States, the District of Columbia, and the Commonwealth of Puerto Rico."*

Page 7, line 32 delete "*cetified*" and insert "*certified*"

Renumber the sections in sequence.

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "150A.01, 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. 371, A bill for an act relating to transportation; increasing the gasoline excise tax; delaying the phased transfer of the motor vehicle excise tax; transferring an appropriation and authority to issue bonds from the transportation fund to the trunk highway fund; amending Minnesota Statutes 1982, sections 296.01, subdivision 24; 296.02; and 297B.09.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [169.833] [ADDITION OF TRUNK HIGHWAYS TO DESIGNATED ROUTE SYSTEM.]

*Subdivision 1. [IDENTIFICATION OF PROJECTS.] The commissioner shall develop a priority list of trunk highway routes to be added to the system of routes designated under section 169.832. The commissioner shall consult with representa-*

tives of the trucking, shipping, and agricultural industries and local authorities in developing the list. A route shall be added to the designated route system after completion of road improvements that provide road strength adequate to carry the permissible weights under section 169.825 or when the commissioner otherwise determines that designation of a route is reasonable.

*Subd. 2. [FUNDING OF ADDITIONS TO SYSTEM.] The commissioner shall expend at least 15 percent of the increase in revenue to the trunk highway fund resulting from the increase in the gasoline and special fuel excise tax under section 3 and at least 15 percent of future increases in gasoline and special fuel excise tax revenues to the trunk highway fund for the purposes of subdivision 1.*

Sec. 2. Minnesota Statutes 1982, section 296.01, subdivision 24, is amended to read:

Subd. 24. [AGRICULTURAL ALCOHOL GASOLINE, GASOHOL.] "Agricultural alcohol gasoline" or "gasohol" means a gasoline blend at least ten percent of which is *denatured* agricultural ethyl alcohol of at least 190 proof.

Sec. 3. Minnesota Statutes 1982, section 296.02, is amended to read:

296.02 [GASOLINE, EXCISE TAX.]

Subdivision 1. [TAX IMPOSED FOR MOTOR VEHICLE USE.] There is (HEREBY) imposed an excise tax of (13) 18 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) *is* payable at the times, in the manner, and by persons specified in this chapter.

(a) Notwithstanding any other provision of law to the contrary, the tax imposed on special fuel sold by a qualified service station (SHALL) *may* not exceed, or the tax on gasoline delivered to a qualified service station (SHALL) *must* be reduced to, a rate not more than (3) *three* cents per gallon above the state or provincial tax rate imposed on such products sold by a service station in a contiguous state or Canadian province located within the distance indicated in clause (b).

(b) A "qualifying service station" means a service station located within 7.5 miles, measured by the shortest route by public road, from a service station selling like product in the contiguous state or Canadian province.

(c) A qualified service station shall be allowed a credit by the supplier or distributor, or both, for the amount of reduction computed in accordance with clause (a).

A qualified service station, before receiving the credit, shall be registered with the commissioner of revenue.

Subd. 1a. [EXCEPTION.] The provisions of subdivision 1 do not apply to gasoline purchased by a transit system owned by one or more statutory or home rule charter cities or towns.

Subd. 2. [GASOLINE TAX IMPOSED FOR AVIATION USE.] Subject to the provisions of section 296.18, subdivision 4, there is (HEREBY) imposed an excise tax, at the same rate per gallon as the gasoline excise tax, on all aviation gasoline received, sold, stored, or withdrawn from storage in this state. This tax (SHALL BE) is payable at the times, in the manner, and by persons specified in sections 296.01 to 296.27.

Subd. 3. [EXCEPTION.] The provisions of subdivision 2 do not apply to aviation gasoline purchased and placed in the fuel tanks of an aircraft outside this state, even though (SUCH) *the* gasoline may be consumed within this state.

Subd. 4. [TAX NOT ON CONSUMPTION.] The tax imposed by subdivision 2 is expressly declared not to be a tax upon consumption of aviation gasoline by an aircraft.

Subd. 6. [TAX IMPOSED FOR MARINE USE.] Subject to the provisions of section 296.18, subdivision 1, there is (HEREBY) imposed an excise tax, at the same rate per gallon as the gasoline excise tax, on all marine gasoline received, sold, stored, or withdrawn from storage in this state. This tax (SHALL BE) is payable at the times, in the manner, and by persons specified in sections 296.01 to 296.27.

(SUBD. 7. [TAX REDUCTION FOR AGRICULTURAL ALCOHOL GASOLINE.] THE TAX ON GASOLINE IMPOSED BY SUBDIVISION 1 SHALL BE REDUCED BY FOUR CENTS PER GALLON FOR GASOLINE WHICH IS AGRICULTURAL ALCOHOL GASOLINE AS DEFINED IN SECTION 296.01, SUBDIVISION 24, WHICH IS BLENDED BY A DISTRIBUTOR WITH ALCOHOL DISTILLED IN THIS STATE FROM AGRICULTURAL PRODUCTS PRODUCED IN THIS STATE, AND WHICH IS USED IN PRODUCING AND GENERATING POWER FOR PROPELLING MOTOR VEHICLES USED ON THE PUBLIC HIGHWAYS OF THIS STATE. THE TAX IMPOSED BY THIS SUBDIVISION SHALL BE PAYABLE AT THE SAME TIME, AND COLLECTED IN THE SAME MANNER, AS THE TAX IMPOSED BY SUBDIVISION 1. THE REDUCTION IN GASOLINE TAXES IMPOSED BY THIS SUBDIVISION SHALL EXPIRE ON DECEMBER 31, 1984. BY THE SUPPLIER OR DISTRIBUTOR, OR BOTH, FOR THE AMOUNT OF REDUCTION COMPUTED IN ACCORDANCE WITH CLAUSE (A).)

*Subd. 8. [TAX REDUCTION FOR AGRICULTURAL ALCOHOL GASOLINE.] The tax on gasoline imposed by subdivision 1 shall be reduced by two cents per gallon beginning January 1, 1984 and continuing through June 30, 1985, and four cents per gallon beginning July 1, 1985 and continuing through June 30, 1992, for gasoline which is agricultural alcohol gasoline as defined in section 296.01, subdivision 24, which is blended by a distributor with alcohol distilled in the United States from agricultural products produced in the United States, and which is used on the public highways of this state. The tax imposed by this subdivision shall be payable at the same time, and collected in the same manner, as the tax imposed by subdivision 1.*

*Subd. 9. [TAX REDUCTION FOR AGRICULTURAL ALCOHOL GASOLINE SOLD TO LOCAL GOVERNMENTS.] The tax on gasoline imposed by subdivision 1 shall be reduced by four cents per gallon beginning January 1, 1984, through June 30, 1985, and two cents per gallon beginning July 1, 1985, and continuing through June 30, 1992, for gasoline which is agricultural alcohol gasoline as defined in section 296.01, subdivision 24, meets the criteria established in subdivision 8, and is sold to local units of government. These reductions are in addition to those specified in subdivision 8.*

Sec. 4. Minnesota Statutes 1982, section 296.14, subdivision 2, is amended to read:

Subd. 2. [CREDIT OR REFUND OF TAX PAID.] The commissioner shall allow the distributor credit or refund of the tax paid on gasoline and special fuel:

(1) Exported or sold for export from the state, other than in the supply tank of a motor vehicle or of an aircraft;

(2) Sold to the United States government or to any "cost plus a fixed fee" contractor employed by the United States government on any national defense project;

(3) Sold to another licensed distributor;

(4) Destroyed by accident while in the possession of the distributor;

(5) In error;

(6) Sold for storage in an on-farm bulk storage tank, if the tax was not collected on the sale;

(7) In such other cases as the commissioner may permit, not inconsistent with the provisions of this chapter and other laws relating to the gasoline and special fuel excise taxes.



Sec. 5. Minnesota Statutes 1982, section 296.18, is amended by adding a subdivision to read:

*Subd. 3a. [PENALTY FOR ILLEGAL USE OF TAX-EXEMPT GASOLINE.] A person who uses gasoline, delivered into an non-farm bulk storage tank and on which no tax has been collected, for propelling a motor vehicle on the public highways of this state is guilty of a misdemeanor.*

Sec. 6. Minnesota Statutes 1982, section 297B.09, is amended to read:

**297B.09 [ALLOCATION OF REVENUE.]**

**Subdivision 1. [GENERAL FUND SHARE.]** All moneys collected and received under this chapter shall be deposited in the state treasury and credited as follows:

(a) All of the proceeds collected before June 30, 1983 shall be credited to the general fund;

(b) (THREE-FOURTHS) 91.7 percent of the proceeds collected after June 30, 1983 and before July 1, 1985 shall be credited to the general fund;

(c) (ONE-HALF) 75.0 percent of the proceeds collected after June 30, 1985 and before July 1, 1987 shall be credited to the general fund;

(d) (ONE-FOURTH) 50.0 percent of the proceeds collected after June 30, 1987 and before July 1, 1989 shall be credited to the general fund;

(e) 25.0 percent of the proceeds collected after June 30, 1989 and before July 1, 1991 shall be credited to the general fund;

(f) After June 30, (1989) 1991, none of the proceeds collected shall be credited to the general fund.

**Subd. 2. [HIGHWAY USER TAX DISTRIBUTION FUND AND TRANSIT ASSISTANCE 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 and the transit assistance fund for apportionment in the following manner:

(a) None of the proceeds collected before June 30, 1983 shall be credited to either fund.

(b) (18.75) 6.2 percent of the proceeds collected after June 30, 1983 and before July 1, 1985 shall be credited to the highway

user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund. The remaining (6.25) 2.1 percent of the proceeds shall be credited to the transit assistance fund account to be appropriated to the commissioner of transportation for transit assistance within the state.

(c) (37.5) 18.75 percent of the proceeds collected after June 30, 1985 and before July 1, 1987 shall be credited to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund. The remaining (12.5) 6.25 percent of the proceeds shall be credited to the transit assistance fund account to be appropriated to the commissioner of transportation for transit assistance within the state.

(d) (56.25) 37.5 percent of the proceeds collected after June 30, 1987 and before July 1, 1989 shall be credited to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund. The remaining (18.75) 12.5 percent of the proceeds shall be credited to the transit assistance fund account to be appropriated to the commissioner of transportation for transit assistance within the state.

(e) *56.25 percent of the proceeds collected after June 30, 1989 and before July 1, 1991 shall be credited to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund. The remaining 18.75 percent of the proceeds shall be credited to the transit assistance fund account to be appropriated to the commissioner of transportation for transit assistance within the state.*

(f) 75 percent of the proceeds collected after June 30, (1989) 1991 shall be credited to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund. The remaining 25 percent of the proceeds shall be credited to the transit assistance fund account to be appropriated to the commissioner of transportation for transit assistance within the state.

## Sec. 7. [TRUNK HIGHWAY BONDS.]

*The commissioner of finance is authorized and directed, on request of the commissioner of transportation, to issue and sell Minnesota trunk highway bonds under the provisions of Minnesota Statutes, sections 167.50 to 167.52 and of the Minnesota Constitution, article XI, sections 4 to 6, and article XIV, section 11, at the time and in the amounts requested by the commissioner of transportation. Bonds issued under this section are authorized in an aggregate principal amount of \$75,000,000.*

## Sec. 8. [PROGRAM PRIORITY.]

*For the fiscal years 1984 to 1992, inclusive, in expending money for major construction and reconstruction on the trunk highway system and the replacement of bridges on the trunk highway system the commissioner of transportation shall give priority to the following trunk highway segments and bridges:*

(1) *marked trunk highway No. 60 from its junction with marked trunk highway No. 71 at Windom to its junction with marked trunk highway No. 4 at St. James;*

(2) *marked trunk highway No. 61 from its junction with marked trunk highway No. 316 to the north city limits of Red Wing;*

(3) *marked trunk highway No. 2 from the Hubbard-Beltrami county line to Cass Lake;*

(4) *marked trunk highway No. 3 from its junction with marked trunk highway No. 52 to its junction with marked trunk highway No. 110;*

(5) *marked trunk highway No. 10 from its junction with marked trunk highway No. 65 to the Anoka-Ramsey county line;*

(6) *marked trunk highway No. 12 from its junction with marked trunk highway No. 101 to marked trunk highway No. 494;*

(7) *that portion of marked trunk highway No. 15 commonly known as the St. Cloud bypass;*

(8) *that portion of marked trunk highways No. 23 and No. 71 commonly known as the Willmar bypass;*

(9) *that portion of marked trunk highway No. 52 commonly known as the 33rd Street interchange in Rochester;*

(10) *that portion of marked trunk highway No. 59 commonly known as the Morris bypass;*

(11) *marked trunk highway No. 60 from its junction with marked trunk highway No. 61 to the proposed bridge at the Minnesota-Wisconsin state boundary;*

(12) *marked trunk highway No. 63 from 24th street to 37th Street in Rochester;*

(13) *marked trunk highway No. 75 from its junction with marked trunk highway No. 94 to a point approximately one mile south in Moorhead;*

- (14) that portion of marked trunk highway No. 101 commonly known as the Shakopee bypass;
- (15) marked trunk highway No. 169 from its junction with marked trunk highway No. 2 in Grand Rapids to its junction with marked trunk highway No. 65 west of Pengilly;
- (16) that portion of marked trunk highway No. 169 commonly known as the Milaca bypass;
- (17) marked trunk highway No. 169 from Milaca to the north end of the bridge over the Rum River nine and one-half miles south of Onamia;
- (18) marked trunk highway No. 169 from the north end of the bridge over the Rum River nine and one-half miles south of Onamia to two miles south of Onamia;
- (19) marked trunk highway No. 212 from Granite Falls to its junction with marked trunk highway No. 23;
- (20) marked trunk highway No. 2 from Deer River to Co-hasset;
- (21) marked trunk highway No. 7 from Fifth Avenue N.E. in Hutchinson to Garden Parkway in Hutchinson;
- (22) marked trunk highway No. 10 from Cushing to Motley;
- (23) marked trunk highway No. 10 from Main Street in Elk River to two miles west in Elk River;
- (24) marked trunk highway No. 15 from its junction with marked trunk highway No. 14 to Nicollet county state aid highway No. 15;
- (25) marked trunk highway No. 15 from its junction with Nicollet county state aid highway No. 15 to Winthrop;
- (26) marked trunk highway No. 15 from the south city limits of Hutchinson to Linden Avenue in Hutchinson;
- (27) marked trunk highway No. 23 from its junction with marked trunk highway I-90 to Jasper;
- (28) marked trunk highway No. 27 from one mile west of its junction with marked trunk highway No. 29 to its junction with marked trunk highway No. 29;
- (29) marked trunk highway No. 32 from the south line of Red Lake County to Red Lake Falls;

(30) marked trunk highway No. 32 from St. Hillaire to Thief River Falls;

(31) marked trunk highway No. 33 from its junction with marked trunk highway No. 2 to its junction with marked trunk highway No. 53;

(32) marked trunk highway No. 33 from the south St. Louis county line to its junction with marked trunk highway No. 2;

(33) marked trunk highway No. 50 from its junction with marked trunk highway No. 35 to 185th Street in Lakeville;

(34) marked trunk highway No. 38 from Grand Rapids to seven miles north of Grand Rapids;

(35) marked trunk highway No. 52 from its junction with Olmsted county state aid highway No. 14 to a point north of Olmsted county state aid highway No. 31 near Oronoco;

(36) marked trunk highway No. 52 from Oronoco to Zumbrota;

(37) marked trunk highway No. 52 from a point four-tenths of a mile north of the north city limits of Zumbrota to a point three and one-tenth miles north of the north city limits of Zumbrota;

(38) marked trunk highway No. 52 in the vicinity of marked trunk highway No. 110 interchange in Inver Grove Heights and Sunfish Lake;

(39) marked trunk highway No. 53 from Cook to its junction with marked trunk highway No. 73;

(40) marked trunk highway No. 53 from its junction with marked trunk highway No. 73 to the north limits of Orr;

(41) marked trunk highway No. 53 from its junction with marked trunk highway No. 217 to its junction with Koochiching county state aid highway No. 7 in South International Falls;

(42) marked trunk highway No. 58 from Zumbrota to Goodhue;

(43) marked trunk highway No. 59 from Marshall to Clarkfield;

(44) marked trunk highway No. 59 from the Mahnomen-Polk county line to a point eight-tenths of a mile south of marked trunk highway No. 2;

- (45) marked trunk highway No. 59 from the Soo Line Railroad in Thief River Falls to First Street in Thief River Falls;
- (46) marked trunk highway No. 59 from its junction with marked trunk highway No. 94 to the Otter Tail-Grant county line;
- (47) marked trunk highway No. 59 from its junction with Arlington Avenue in Fergus Falls to the south urban limits of Fergus Falls;
- (48) marked trunk highway No. 61 from Two Harbors to its junction with marked trunk highway No. 1 at Silver Cliff and Chapin Curve;
- (49) marked trunk highway No. 71 from Lake George to the east junction of marked trunk highway No. 200 at Kabekona;
- (50) marked trunk highway No. 71 from Itasca Park to Lake George;
- (51) marked trunk highway No. 71 from Margie to Big Falls;
- (52) marked trunk highway No. 78 from Battle Lake to four and nine-tenths miles north of Battle Lake;
- (53) marked trunk highway No. 169 from Grand Rapids to one and seven-tenths miles south of Grand Rapids;
- (54) marked trunk highway No. 210 from the Mississippi River bridge in Brainerd to its junction with marked trunk highway No. 25 in Brainerd;
- (55) marked trunk highway No. 212 from one-half mile west of marked trunk highway No. 59 to the east line of Lac Qui Parle County;
- (56) marked trunk highway No. 212 from the east line of Lac Qui Parle County to its junction with marked trunk highway No. 29 in Montevideo;
- (57) marked trunk highway No. 212 from one and three-tenths miles east of the east city limits of Dawson to one-half mile west of marked trunk highway No. 59;
- (58) marked trunk highway No. 212 from two-tenths of a mile east of the east city limits of Dawson to one and three-tenths miles east of the east city limits of Dawson;

(59) marked trunk highway No. 220 from Northland Corner, being north of East Grand Forks, to Alvarado;

(60) marked trunk highway No. 231 from its junction with marked trunk highway No. 94 to Main Avenue in Moorhead;

(61) marked trunk highway No. 280 from its junction with marked trunk highway No. 12 to marked trunk highway No. 35W;

(62) bridge over the Mississippi River on marked trunk highway No. 25 at the south county line of Sherburne County in Monticello;

(63) bridge over the Mississippi River and City Street on marked trunk highway No. 60 in Wabasha at the Minnesota-Wisconsin state line;

(64) bridge over Lake Nokomis in Minneapolis on marked trunk highway No. 77, three miles south of marked trunk highway No. 212;

(65) high bridge in St. Paul over the Mississippi River on marked trunk highway No. 149, nine-tenths of a mile north of the south Ramsey county line;

(66) bridge over the Mississippi River on marked trunk highway No. 169, at the south Anoka county line in Anoka;

(67) bridge over the Mississippi River on marked trunk highway No. 212, at the west Ramsey county line;

(68) marked trunk highway No. 65 around the city of Cambridge;

(69) marked trunk highway No. 212 between its junction with marked trunk highway No. 494 and its junction with marked trunk highway No. 41;

(70) marked trunk highway No. 212 from Olivia to Danube;

(71) marked trunk highway No. 7 from Cosmos to its junction with marked trunk highway No. 22;

(72) marked trunk highway No. 14 between Mankato and Waseca;

(73) marked trunk highway No. 76 from its junction with Houston county highway No. 22 to its junction with marked trunk highway No. 44;

(74) marked trunk highway No. 26 from New Albin to its junction with marked trunk highway No. 16;

(75) marked trunk highway No. 52 from its junction with marked trunk highway No. 44 to the north city limits of Harmony;

(76) marked trunk highway No. 49 from Little Canada to the interchange of Rice street and Hodgson road;

(77) marked trunk highway No. 60, a three-block section on the west edge of Kenyon, from Spring street west;

(78) marked trunk highway No. 75 from the Pipestone-Rock county line to Luverne;

(79) marked trunk highway No. 75 from marked trunk highway No. 90 to the Iowa border;

(80) marked trunk highway No. 169 between marked trunk highway No. 252 in Champlin and Hennepin county state aid highway No. 18 in Brooklyn Park;

(81) marked trunk highway No. 610 in Brooklyn Park between marked trunk highway No. 252 and marked trunk highway No. 169.

#### Sec. 9. [EFFECTIVE DATE.]

Section 7 is effective the day following final enactment. Sections 2 and 3 are effective on the first day of the month following the month of final enactment or on the first day of the second month following the month of final enactment if the date of final enactment is within fifteen days of the end of the month, and applies to all gasoline in distributor storage on that effective date. Sections 1, 6, 7, and 8 are effective July 1, 1983."

Delete the title and insert:

"A bill for an act relating to transportation; making scheduled increases in taxes on gasoline and special fuel; delaying the effective date of changes in the disposition of the revenue from the motor vehicle excise tax; providing for the addition of designated routes in the trunk highway system; authorizing the issuance of trunk highway bonds; designating priorities for trunk highway construction and reconstruction; proposing new law coded in Minnesota Statutes, chapter 169; amending Minnesota Statutes 1982, sections 296.01, subdivision 24; 296.02; 296.14, subdivision 2; 296.18, by adding a subdivision; and 297B.09."



(74) marked trunk highway No. 26 from New Albin to its junction with marked trunk highway No. 16;

(75) marked trunk highway No. 52 from its junction with marked trunk highway No. 44 to the north city limits of Harmony;

(76) marked trunk highway No. 49 from Little Canada to the interchange of Rice street and Hodgson road;

(77) marked trunk highway No. 60, a three-block section on the west edge of Kenyon, from Spring street west;

(78) marked trunk highway No. 75 from the Pipestone-Rock county line to Luverne;

(79) marked trunk highway No. 75 from marked trunk highway No. 90 to the Iowa border;

(80) marked trunk highway No. 169 between marked trunk highway No. 252 in Champlin and Hennepin county state aid highway No. 18 in Brooklyn Park;

(81) marked trunk highway No. 610 in Brooklyn Park between marked trunk highway No. 252 and marked trunk highway No. 169.

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Delete the title and insert:

"A bill for an act relating to transportation; making scheduled increases in taxes on gasoline and special fuel; delaying the effective date of changes in the disposition of the revenue from the motor vehicle excise tax; providing for the addition of designated routes in the trunk highway system; authorizing the issuance of trunk highway bonds; designating priorities for trunk highway construction and reconstruction; proposing new law coded in Minnesota Statutes, chapter 169; amending Minnesota Statutes 1982, sections 296.01, subdivision 24; 296.02; 296.14, subdivision 2; 296.18, by adding a subdivision; and 297B.09."

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

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 381, A bill for an act relating to taxation; adopting certain federal provisions relating to income taxes; updating certain references to the Internal Revenue Code; adopting certain federal provisions relating to the determination of interest rates on taxes; imposing penalties; amending Minnesota Statutes 1982, sections 270.75, subdivision 5; 290.01, subdivisions 20, 20a, as amended, 20b, as amended, 20c, and 20f; 290.05, subdivision 6; 290.068, subdivisions 3 and 4; 290.09, subdivisions 2, 5, 7, as amended, 10, and 29; 290.091; 290.10; 290.135, subdivision 1, as amended; 290.16, subdivisions 7 and 16; 290.17, subdivision 1; 290.26, subdivision 2; 290.37, by adding a subdivision; 290.41, subdivisions 3, 8, and by adding subdivisions; 290.45, subdivision 1; 290.48, by adding a subdivision; 290.53, subdivision 2, and by adding subdivisions; 290.92, subdivisions 7, 13, 15, and by adding a subdivision; 290.93, subdivisions 9, 10, and 11; 290.934, subdivision 4; 290.9725; 290.9726, subdivisions 5 and 6; 290.974; 290A.03, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 1982, section 290.01, subdivision 28.

Reported the same back with the following amendments:

Page 4, lines 29 to 33, reinstate the stricken language

Pages 5 to 7, reinstate the stricken language and delete the new language

Page 7, line 36, after "account," insert "*including a qualified voluntary employee contribution,*"

Page 8, line 5, after the semicolon insert "and"

Page 8, line 6, reinstate "(26)"

Page 8, line 9, strike "and"

Page 8, line 10, delete "(25)"

Page 11 and 12, reinstate the stricken language and delete the new language

Page 13, line 4, delete "(25)" and insert "(26)"

Pages 18 to 22, delete section 11

Page 26, delete section 13.

Pages 35 and 36, delete section 26.

Page 56, delete line 29 and insert "4, 5, 8, 9, 12, 18, 24, 27, 37, 39, 41, 43, and 44 are"

Page 56, line 30, after the period insert "Section 3 is effective for taxable years beginning after December 31, 1982 except that the provision concerning qualified voluntary employee contributions is effective for taxable years beginning after December 31, 1981."

Page 56, line 32, delete everything after "10," and insert "14, 21, 25, 26, 28,"

Page 56, line 33, delete "33, 39, and 43" and insert "30, 36, and 40"

Page 56, delete lines 34 to 36

Page 57, delete lines 1 to 5

Page 57, line 6, delete "for federal income tax purposes."

Page 57, line 6, delete "12" and insert "11"

Page 57, line 12, delete "15" and insert "13"

Page 57, line 16, delete "17, 18, and 19" and insert "15, 16, and 17"

Page 57, line 19, delete "22, 24, and 35" and insert "20, 22, and 32"

Page 57, line 20, delete "25" and insert "23"

Page 57, line 22, delete everything after the period

Page 57, line 23, delete "December 31, 1983."

Page 57, line 23, delete "32, 34, and 37" and insert "29, 31, and 34"

Page 57, line 24, delete "36" and insert "33"

Page 57, line 25, delete "38" and insert "35"

Page 57, line 28, delete "41" and insert "38"

Page 57, line 32, delete "45" and insert "42"

Renumber the sections

Further amend the title:

Page 1, line 11, delete "5," and "10,"

Page 1, line 15, delete the second "subdivisions" and insert "a subdivision"

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. 398, A resolution memorializing the Secretary of Agriculture to include barley in the Payment in Kind Program.

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. 24, A bill for an act relating to health; removing the term "epileptic" from the Minnesota Statutes.

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. 252, 342, 381 and 398 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. No. 24 was read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Staten; Ogren; Clark, K., and Norton introduced:

H. F. No. 563, A bill for an act relating to employment; creating a Minnesota emergency employment development program; providing meaningful employment opportunities in the public and private sector; adjusting individual income tax rates; prohibiting deduction of federal income taxes; imposing a surtax to fund the program; appropriating money; amending Minnesota Statutes 1982, sections 290.06, subdivisions 2c, 2d, 3g, and by adding a subdivision; 290.09, subdivision 4; 290.10; and 290.18, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1982, sections 290.06, subdivision 2e; and 290.18, subdivision 4.

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

Larsen, Norton, Wigley, Quinn and Heinitz introduced:

H. F. No. 564, A bill for an act relating to the state board of investment; modifying the procedures for purchase and sale of securities; expanding and regulating the membership of the investment advisory council; abolishing certain restrictions on stock investments; modifying procedures for the mortality adjustments for the post-retirement investment fund; authorizing additional investment alternatives; amending Minnesota Statutes 1982, sections 11A.07, subdivision 4; 11A.08, subdivision 1, as amended; 11A.17, subdivision 4; 11A.18, subdivisions 5, 9, and 11; 11A.24, subdivisions 1, 5, and 6:

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

Greenfield, Long and Schreiber introduced:

H. F. No. 565, A bill for an act relating to Hennepin county; providing for financing of motor vehicle parking facilities; authorizing the issuance of general obligation or revenue bonds of the county; amending Laws 1969, chapter 1037, section 1, subdivision 2.

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

Sarna and Scheid introduced:

H. F. No. 566, A bill for an act relating to Hennepin County; providing for a purchasing preference for American made materials.

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

Gustafson, Elioff, Begich, Minne and Battaglia introduced:

H. F. No. 567, A bill for an act relating to St. Louis County; providing that the county board set the fees for tax search certificates; amending Laws 1955, chapter 633, section 1, subdivision 2, as amended.

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

Elioff introduced:

H. F. No. 568, A bill for an act relating to the city of Gilbert; fixing the amount of the city's permitted property tax levy.

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

Clark, J.; Long; Scheid and Knickerbocker introduced:

H. F. No. 569, A bill for an act relating to financing of jail facilities of Hennepin County; authorizing the issuance of general obligation bonds.

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

Clark, K.; Clawson; Heinitz; Rice and Wynia introduced:

H. F. No. 570, A bill for an act relating to the council for the handicapped; providing for appointment of members to the council; decreasing the number of council members; making the council permanent; clarifying the purposes of committees within the council; describing duties; amending Minnesota Statutes 1982, sections 256.481; and 256.482; repealing Minnesota Statutes 1982, section 256.483.

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

Nelson, D.; Otis; Fjoslien; Rose and Kelly introduced:

H. F. No. 571, A bill for an act relating to waters; imposing a restriction on diversion to destinations outside the state; amending Minnesota Statutes 1982, section 105.38.

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

Berkelman, Sieben, Ogren, Neuenschwander and Blatz introduced:

H. F. No. 572, A bill for an act relating to economic development; creating the office of tourism; appropriating money; amending Minnesota Statutes 1982, sections 116J.58, subdivisions 2 and 3; 116J.59; 116J.60; 116J.61; and 116J.63.

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

Scheid and Schreiber introduced:

H. F. No. 573, A bill for an act relating to retirement; Brooklyn Park volunteer firefighters survivor benefit maximum; amending Laws 1975, chapter 237, section 2, subdivision 1, as amended.

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

Simoneau introduced:

H. F. No. 574, A bill for an act relating to unemployment compensation; changing the availability of wage credits; amending Minnesota Statutes 1982, section 268.07, subdivision 3.

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

Simoneau introduced:

H. F. No. 575, A bill for an act relating to state government; ratifying changes in the state employee bargaining unit composition schedule; ratifying state and University of Minnesota labor agreements, compensation plans, and plans for early retirement incentives; amending Minnesota Statutes 1982, section 179.741, subdivision 1, and by adding a subdivision.

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

Skoglund, Brinkman, Krueger, Kvam and Rodosovich introduced:

H. F. No. 576, A bill for an act relating to insurance; health and accident; providing coverage for adopted children from the date of placement for adoption; 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.

Beard, Skoglund, Stadum, Sarna and Jennings introduced:

H. F. No. 577, A bill for an act relating to veterans; providing funds for an emergency shelter for veterans and their families; appropriating money.

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

Gustafson, Elioff, Begich, Battaglia and Minne introduced:

H. F. No. 578, A bill for an act relating to corrections; clarifying the duties of the clerk of court with respect to preparation of necessary commitment papers when a person is sentenced for a felony or gross misdemeanor to the custody of the commissioner of corrections or to the superintendent of a work house or work farm; amending Minnesota Statutes 1982, section 243.49.

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

Welch introduced:

H. F. No. 579, A bill for an act relating to health; repealing the sunset on regulation of information disclosure and sale of dimethyl sulfoxide; repealing Laws 1981, chapter 323, section 4.

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

Simoneau, Clawson, Norton and Wigley introduced:

H. F. No. 580, A bill for an act relating to retirement; establishing a uniform defined contribution public employee retirement plan; proposing new law coded as Minnesota Statutes, chapter 356A.

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



Minne, Battaglia, Gustafson, Berkelman and Murphy introduced:

H. F. No. 581, A bill for an act relating to counties; providing for the formal extinction of certain abandoned interests in county highways; amending Minnesota Statutes 1982, section 163.11, by adding a subdivision.

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

Kelly introduced:

H. F. No. 582, A bill for an act relating to corrections; clarifying the powers of the commissioner of corrections; authorizing the use of necessary force to prevent escape; removing archaic language; amending Minnesota Statutes 1982, sections 241.23; 242.31, subdivisions 1 and 3; 243.17, subdivision 1; 243.52; 243.58; 243.62; and 624.714, subdivision 13.

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

Minne introduced:

H. F. No. 583, A bill for an act relating to taxation; exempting from the sales tax sales to and purchases from certain concessionaires in government-owned buildings; amending Minnesota Statutes 1982, section 297A.25, subdivision 1.

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

Murphy, Sarna, Forsythe, Segal and Anderson, R., introduced:

H. F. No. 584, A bill for an act relating to commerce; regulating the consignment of works of art; specifying the rights and duties of consignors and consignees; defining terms; proposing new law coded as Minnesota Statutes, chapter 324.

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

Murphy, Levi, Sarna, Segal and Anderson, R., introduced:

H. F. No. 585, A bill for an act relating to commerce; art; regulating the sale of fine prints; providing sales and advertising disclosures; prescribing penalties; defining terms; proposing new law coded as Minnesota Statutes, chapter 324.

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

**Stadum introduced:**

H. F. No. 586, A bill for an act relating to retirement; increasing certain benefit provisions for the Crookston firemen's relief association; amending Laws 1971, chapter 51, sections 10, subdivision 3; 12; and 14; subdivisions 1, 7, 8, 9, 11, and by adding subdivisions.

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

**Clawson, Berkelman, Wynia and Hokr introduced:**

H. F. No. 587, 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 1982, sections 3.738, subdivision 1; 3.755; 6.48; 13.46; subdivision 1; 15.01; 15.43, subdivision 3; 15.46; 15A.081, subdivision 1; 16A.72; 62D.02, subdivision 3; 116C.03, subdivision 2; 136.11, subdivision 1; 144.05; 144.053, subdivisions 1, 3, and 4; 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, subdivision 1; 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; 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, subdivisions 1, 2, and 3; 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 1982, 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; 256.10; and 256.9753, subdivision 4.

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

Simoneau introduced:

H. F. No. 588, A bill for an act relating to hospitals; providing for adjustment of terms of office; changing filing dates for candidates for the hospital board; amending Minnesota Statutes 1982, section 447.32, subdivisions 1 and 4.

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

Jennings, Sviggum, Frerichs, Findlay and Gruenes introduced:

H. F. No. 589, A bill for an act relating to taxation; providing income and occupation tax credits for hiring the unemployed; proposing new law coded in Minnesota Statutes, chapters 290 and 298.

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

Staten; Clark, J.; Vanasek and Murphy introduced:

H. F. No. 590, A bill for an act relating to corrections; removing the limitation on contracts for temporary detention of pre-trial detainees; amending Minnesota Statutes 1982, section 243.51, subdivision 3.

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

Levi, Shea, Frerichs, McEachern and Reif introduced:

H. F. No. 591, A bill for an act relating to transportation; extending definition of municipal state-aid streets to allow certain towns with 5,000 or more population to receive municipal state-aid street funds; amending Minnesota Statutes 1982, sections 160.02, subdivision 5; 162.02, subdivision 1; 162.07, subdivision 2; 162.09, subdivisions 1 and 4; 162.12, subdivisions 1 and 3; 162.13; 162.14, subdivision 1; 162.17, subdivision 1; and 162.18, subdivision 1.

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

Clawson introduced:

H. F. No. 592, A bill for an act relating to utilities; providing a penalty for failure to relinquish a coin-operated telephone for an emergency and other telephone-related situations; amending Minnesota Statutes 1982, section 609.78.

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

Staten; Clark, J.; Vanasek and Murphy introduced:

H. F. No. 593, A bill for an act relating to juveniles; providing for reimbursement of foster care costs for delinquent juveniles; amending Minnesota Statutes 1982, section 260.251, subdivision 1a.

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

Staten; Clark, J.; Vanasek and Murphy introduced:

H. F. No. 594, A bill for an act relating to corrections; providing for the supervision and control of parolees and persons on supervised release by the commissioner of corrections; transferring functions and powers of the corrections board to the commissioner of corrections; amending Minnesota Statutes 1982, sections 241.26, subdivisions 1, 3, and 4; 243.05; 244.05; 244.06; 244.065; repealing Minnesota Statutes 1982, sections 241.045; 243.07; 243.09; 243.10; 243.12; and 243.14.

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

Krueger, McEachern, Tomlinson, Levi and Jennings introduced:

H. F. No. 595, A bill for an act relating to education; authorizing school districts to use technology desired by them when making reports for the uniform financial accounting and reporting system; proposing new law coded in Minnesota Statutes, chapter 121.

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

Murphy, Begich and Rodriguez, F., introduced:

H. F. No. 596, A bill for an act relating to state government; providing for the retention and destruction of records by the department of labor and industry; amending Minnesota Statutes 1982, section 175.36.

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

Marsh, Hoffman, Sarna, Bergstrom and Gruenes introduced:

H. F. No. 597, A bill for an act relating to retirement; adding a correctional employees plan member to the state retirement system board; consolidating and eliminating obsolete language; amending Minnesota Statutes 1982, sections 352.03, subdivision 1; and 352B.29.

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

Rodosovich, Greenfield, Onnen, Brandl and Shea introduced:

H. F. No. 598, A bill for an act relating to public welfare; clarifying responsibility for payment for temporary confinement in state hospitals; amending Minnesota Statutes 1982, section 253B.11, subdivision 2.

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

Murphy, Begich and Rodriguez, F., introduced:

H. F. No. 599, A bill for an act relating to labor; regulating fair labor standards record keeping; amending Minnesota Statutes 1982, sections 177.27, subdivision 2; 177.30; 177.31; and 177.32, subdivision 1.

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

Clawson introduced:

H. F. No. 600, A bill for an act relating to state income tax refunds; requiring proper notice before the state can collect debts by taking tax refunds; amending Minnesota Statutes 1982, section 270A.08, subdivisions 1 and 2.

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

Rodriguez, F.; Metzen and Wigley introduced:

H. F. No. 601, A bill for an act relating to retirement; miscellaneous amendments to the law governing the public employees retirement association; amending Minnesota Statutes 1982, sections 353.27, subdivisions 4 and 12; 353.28, subdivision 5; 353.29, subdivisions 6 and 8; 353.32, subdivision 1; 353.33, subdivision 5; and 353.34, subdivision 2.

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

Marsh introduced:

H. F. No. 602, A bill for an act relating to commerce; providing for a nonpossessory mechanics' lien under certain circumstances; proposing new law coded in Minnesota Statutes, chapter 514.

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

Cohen; Rodriguez, C.; Anderson, R.; Schreiber and Clawson introduced:

H. F. No. 603, A bill for an act relating to local government; providing for the investment of debt service funds; amending Minnesota Statutes 1982, section 475.66, subdivision 3.

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

Cohen introduced:

H. F. No. 604, A bill for an act relating to judgments; requiring interest to be paid from the date of an initial judgment; amending Minnesota Statutes 1982, section 549.09.

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

Piepho, Sieben, McEachern, Haukoos and Hoberg introduced:

H. F. No. 605, A bill for an act relating to education; requiring the higher education coordinating board to report its recommendations concerning credit transferability and institutional and program requirements; requiring reports to the legislature; providing that students shall be entitled to complete programs according to requirements as of the time the student began the program; amending Minnesota Statutes 1982, section 136A.042; proposing new law coded in Minnesota Statutes, chapter 136A.

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

Clawson introduced:

H. F. No. 606, A bill for an act relating to civil commitment; clarifying the definition of person mentally ill and dangerous to the public; clarifying the commissioner's duty to review the correspondence rights of patients; providing for informal admissions of persons under 16 years of age; providing for special emergency admissions of chemically dependent persons; clarifying the role of examiners in certain instances; removing the 60-day hearing requirement for mentally retarded persons; providing for involuntary return to a facility after revocation of provisional discharges; providing for 60-day hearings for persons committed as mentally ill and dangerous; changing the time limitation on certain special review board petitions; amending Minnesota Statutes 1982, sections 253B.02, subdivisions 5, 17, and 18; 253B.03, subdivision 2; 253B.04, subdivision 1; 253B.05, subdivision 2, and by adding a subdivision; 253B.07, subdivisions 1, 3, and 4; 253B.12, subdivisions 1, 3, 4, and by adding a subdivision; 253B.13, subdivision 1; 253B.15, subdivisions 5, 6, and 7; 253B.18, subdivisions 2, 3, 5, and 13; 253B.19, subdivision 5; 253B.22; 253B.23, by adding a subdivision; and Laws 1982, chapter 581, section 26.

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

Nelson, D.; Kahn; Rose; Clawson and Clark, K., introduced:

H. F. No. 607, A bill for an act relating to occupations and professions; regulating athletic trainers; providing penalties; proposing new law coded in Minnesota Statutes, chapter 148.

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

Metzen, Heap, Murphy, Bennett and Sarna introduced:

H. F. No. 608, A bill for an act relating to insurance; accident and health; exempting administrators of self insured health plans established by collective bargaining agreement from certain regulatory provisions; amending Minnesota Statutes 1982, section 60A.23, subdivision 8.

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

Dempsey, Neuenschwander, Sarna, Jacobs and Larsen introduced:

H. F. No. 609, A bill for an act relating to commerce; motor vehicle sales and distribution; requiring certain payments to be made upon termination of motor vehicle franchises; amending Minnesota Statutes 1982, section 80E.09, subdivision 1.

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

Berkelman, Brinkman, Metzen, Valan and Heinitz introduced:

H. F. No. 610, A bill for an act relating to financial institutions; industrial loan and thrift companies; regulated loans; enlarging the group of institutions which may utilize electronic fund transfer facilities; modifying the capital and reserve limitation on loans by industrial loan and thrift companies; regulating loan splitting; eliminating the receipt requirement for money orders; standardizing certain penalties; excepting loan and thrifts and regulated lenders from the licensing requirements for real estate brokers and salespersons; amending Minnesota Statutes 1982, sections 47.61, subdivision 4; 47.64, subdivision 1; 48.196; 53.03, subdivision 5; 53.05; 56.131, subdivision 3; 56.14; and 82.18; repealing Minnesota Statutes 1982, section 56.19, subdivision 1.

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



O'Connor and Sarna introduced:

H. F. No. 611, A bill for an act relating to public safety; increasing the registration tax and establishing a special account; establishing a system for notification of unpaid fines; allowing computer communication between the department and deputy registrars; providing for a reporting system for unpaid fines; providing for notice of an unpaid traffic ticket; prohibiting issuance of arrest warrants on persons failing to pay parking tickets; amending Minnesota Statutes 1982, sections 169.95; 169.99, subdivision 1, and by adding a subdivision; and 171.16, subdivision 3, and by adding subdivisions; proposing new law coded in Minnesota Statutes, chapter 168.

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

Anderson, B.; Kalis; Evans; Anderson, R., and Mann introduced:

H. F. No. 612, A bill for an act relating to taxation; sales; including wind generators in the definition of farm machinery; amending Minnesota Statutes 1982, section 297A.01, subdivision 15.

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

Vellenga, Long, Gruenes, Gustafson and Quist introduced:

H. F. No. 613, A resolution memorializing the President and Congress to authorize the issuance of qualified mortgage bonds beyond the current expiration date of December 31, 1983.

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

#### HOUSE ADVISORIES

The following House Advisory was introduced:

Cohen introduced:

H. A. No. 4, A proposal to study the feasibility of adopting statewide plea negotiation and probation standards.

The advisory was referred to the Committee on Judiciary.

## 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. 8, A Senate Concurrent Resolution relating to adjournment for more than three days.

PATRICK E. FLAHAVEN, Secretary of the Senate

## SUSPENSION OF RULES

Eken moved that the rules be so far suspended that Senate Concurrent Resolution No. 8 be now considered and be placed upon its adoption. The motion prevailed.

## SENATE CONCURRENT RESOLUTION NO. 8

A Senate concurrent resolution relating to adjournment for more than three days.

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

1. Upon its adjournment on Wednesday, March 9, 1983, the Senate may set its next day of meeting for Monday, March 14, 1983.
2. Upon its adjournment on Wednesday, March 9, 1983, the House of Representatives may set its next day of meeting for Monday, March 14, 1983.
3. Pursuant to the Minnesota Constitution, Article IV, Section 12, the Senate and House of Representatives each consent to the adjournment of the other for more than three days.

Eken moved that Senate Concurrent Resolution No. 8 be now adopted. The motion prevailed and the resolution was adopted.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 96 and 186.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 96, A bill for an act relating to the northeast Minnesota economic protection trust fund; abolishing the trust board; authorizing increased current expenditures; providing for administration of the fund; appropriating money; amending Minnesota Statutes 1982, sections 298.292; 298.293; 298.294; 298.296; 298.297; and 298.298; and Laws 1982, Second Special Session chapter 2, section 14; repealing Minnesota Statutes 1982, section 298.295.

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

S. F. No. 186, A resolution memorializing the President and Congress to freeze natural gas prices under the Natural Gas Policy Act of 1978 for two years.

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

## CONSENT CALENDAR

H. F. No. 298, A bill for an act relating to the city of St. Paul; regulating appeals, hearings, and procedures concerning the human rights commission; amending Laws 1965, chapter 866, section 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 122 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, B.	Dempsey	Hoberg	McKasy	Quist
Anderson, G.	DenOuden	Hoffman	Metzen	Redalen
Anderson, R.	Dimler	Hokr	Minne	Reif
Battaglia	Eken	Jacobs	Munger	Rice
Beard	Ellingson	Jennings	Murphy	Riveness
Begich	Erickson	Jensen	Nelson, D.	Rodosovich
Bennett	Evans	Johnson	Nelson, K.	Rodriguez, C.
Bergstrom	Findlay	Kahn	Neuenschwander	Rodriguez, F.
Berkelman	Fjoslien	Kalis	Norton	Sarna
Bishop	Forsythe	Kelly	O'Connor	Schafer
Blatz	Frerichs	Knickerbocker	Ogren	Scheid
Brandl	Greenfield	Knuth	Olsen	Schoenfeld
Brinkman	Gruenes	Kostohryz	Omann	Schreiber
Burger	Gustafson	Krueger	Onnen	Seaberg
Carlson, D.	Gutknecht	Larsen	Otis	Segal
Carlson, L.	Halberg	Long	Pauly	Shaver
Clark, J.	Haukoos	Mann	Peterson	Shea
Clark, K.	Heap	Marsh	Piepho	Sherman
Clawson	Heinitz	McDonald	Price	Simoneau
Coleman	Himle	McEachern	Quinn	Skoglund

Sparby	Thiede	Valento	Welker	Zaffke
Stadum	Tomlinson	Vellenga	Welle	Speaker Sieben
Staten	Tunheim	Voss	Wenzel	
Sviggum	Uphus	Waltman	Wigley	
Swanson	Valan	Welch	Wynia	

Those who voted in the negative were:

Osthoff

The bill was passed and its title agreed to.

### CALENDAR

H. F. No. 91 was reported to the House.

Minne moved that H. F. No. 91 be returned to General Orders.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll was called. There were 68 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Coleman	Kostohryz	Ogren	Shea
Battaglia	Eken	Krueger	Osthoff	Simoneau
Beard	Elioff	Larsen	Otis	Skoglund
Begich	Ellingson	Long	Peterson	Sparby
Bergstrom	Evans	McEachern	Price	Staten
Berkelman	Fjoslien	Metzen	Quinn	Swanson
Bishop	Greenfield	Minne	Reif	Tomlinson
Brandl	Gustafson	Munger	Rice	Vellenga
Burger	Gutknecht	Murphy	Riveness	Voss
Carlson, D.	Hoffman	Nelson, D.	Rodosovich	Welch
Carlson, L.	Jacobs	Nelson, K.	Rodriguez, C.	Wynia
Clark, J.	Kahn	Neuenschwander	Rodriguez, F.	Speaker Sieben
Clark, K.	Kelly	Norton	Scheid	
Clawson	Knuth	O'Connor	Segal	

Those who voted in the negative were:

Anderson, B.	Gruenes	Knickerbocker	Redalen	Uphus
Anderson, G.	Halberg	Kvam	Sarna	Valan
Bennett	Haukoos	Mann	Schafer	Valento
Blatz	Heap	Marsh	Schoenfeld	Waltman
Brinkman	Heinitz	McDonald	Schreiber	Welker
Dempsey	Himle	McKasy	Seaberg	Welle
DenOuden	Hoberg	Olsen	Shaver	Wenzel
Dimler	Hokr	Omann	Sherman	Wigley
Erickson	Jennings	Onnen	Stadum	Zaffke
Findlay	Jensen	Pauly	Sviggum	
Forsythe	Johnson	Piepho	Thiede	
Frerichs	Kalis	Quist	Tunheim	

The motion prevailed and H. F. No. 91 was returned to General Orders.

S. F. No. 113, A bill for an act relating to taxation; prohibiting imposition of penalties for underpayments of estimated tax under certain circumstances.

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:

Anderson, B.	Erickson	Kelly	Osthoff	Sherman
Anderson, G.	Evans	Knickerbocker	Otis	Simoneau
Anderson, R.	Findlay	Knuth	Pauly	Skoglund
Beard	Fjoslien	Kostohryz	Peterson	Sparby
Bennett	Forsythe	Krueger	Piepho	Stadum
Bergstrom	Frerichs	Kvam	Price	Staten
Berkelman	Greenfield	Larsen	Quinn	Sviggum
Bishop	Gruenes	Long	Quist	Swanson
Blatz	Gustafson	Mann	Redalen	Thiede
Brandl	Gutknecht	Marsh	Reif	Tomlinson
Brinkman	Halberg	McEachern	Rice	Tunheim
Burger	Haukoos	McKasy	Riveness	Uphus
Carlson, D.	Heap	Metzen	Rodosovich	Valan
Carlson, L.	Heinitz	Minne	Rodriguez, C.	Vellenga
Clark, J.	Himle	Munger	Rodriguez, F.	Voss
Clark, K.	Hoberg	Murphy	Sarna	Waltman
Clawson	Hoffman	Nelson, D.	Schafer	Welch
Cohen	Hokr	Nelson, K.	Scheid	Welker
Coleman	Jacobs	Neuenschwander	Schoenfeld	Welle
Dempsey	Jennings	Norton	Schreiber	Wenzel
DenOuden	Jensen	O'Connor	Seaberg	Wigley
Eken	Johnson	Olsen	Segal	Wynia
Elioff	Kahn	Omann	Shaver	Zaffke
Ellingson	Kalis	Onnen	Shea	Speaker Sieben

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 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 THE 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. 56, 182, 268 and 330 which it recommended to pass.

S. F. Nos. 61 and 121 which it recommended to pass.

H. F. Nos. 359 and 91 which it recommended progress.

H. F. No. 223 which it recommended to pass with the following amendment offered by Ogren:

Amend the title as follows:

Page 1, line 16, delete "state"

Page 1, delete line 17

Page 1, line 18, delete "withholding taxes of contractors or subcontractors" and insert "the withholding tax clearance required for state contractors be expanded to include out-of-state subcontractors"

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:

Halberg moved to amend H. F. No. 223, the first engrossment, as follows:

Page 15, lines 13 to 33, delete Section 14 from the bill

Amend the title as follows:

Page 1, line 23, delete "290.97;"

The question was taken on the amendment and the roll was called. There were 51 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Bennett	Forsythe	Jennings	Redalen	Valan
Bishop	Frerichs	Johnson	Reif	Valento
Blatz	Gruenes	Kvam	Schafer	Waltman
Burger	Gutknecht	Marsh	Schreiber	Welker
Dempsey	Halberg	McDonald	Seaberg	Welle
DenOuden	Haukoos	McKasy	Shaver	Wigley
Dimler	Heap	Olsen	Sherman	Zaffke
Erickson	Heinitz	Omann	Stadum	
Evans	Himle	Pauly	Sviggum	
Findlay	Hoberg	Piepho	Thiede	
Fjoslien	Hokr	Quist	Uphus	

Those who voted in the negative were:

Anderson, G.	Beard	Berkelman	Carlson, L.	Clawson
Anderson, R.	Begich	Brandl	Clark, J.	Cohen
Battaglia	Bergstrom	Brinkman	Clark, K.	Coleman

Eken	Knuth	Nelson, K.	Riveness	Staten
Elioff	Kostohryz	Neuenschwander	Rodosovich	Swanson
Ellingson	Krueger	Norton	Rodríguez, F.	Tomlinson
Greenfield	Larsen	O'Connor	St. Onge	Tunheim
Gustafson	Long	Ogren	Sarna	Vellenga
Hoffman	Mann	Onnen	Scheid	Voss
Jacobs	McEachern	Osthoff	Schoenfeld	Welch
Jensen	Metzen	Otis	Segal	Wenzel
Kahn	Minne	Peterson	Shea	Wynia
Kalis	Munger	Price	Simoneau	Speaker Sieben
Kelly	Murphy	Quinn	Skoglund	
Knickerbocker	Nelson, D.	Rice	Sparby	

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

### MOTIONS AND RESOLUTIONS

Ludeman moved that his name be stricken as an author on H. F. No. 80. The motion prevailed.

Fjoslien moved that the name of Metzen be added as an author on H. F. No. 557. The motion prevailed.

Wenzel moved that H. F. No. 234 be returned to its author. The motion prevailed.

Nelson, D., moved that the name of McEachern be added as an author on H. F. No. 525. The motion prevailed.

Clawson moved that the name of Wenzel be stricken as an author on H. F. No. 394. The motion prevailed.

Staten moved that the name of Battaglia be added as an author on H. F. No. 563. The motion prevailed.

Clark, K., moved that the name of Norton be added as an author on H. F. No. 109. The motion prevailed.

Staten moved that the name of Heap be added as an author on H. F. No. 123. The motion prevailed.

Coleman moved that the name of Bishop be added as an author on H. F. No. 529. The motion prevailed.

Coleman moved that the name of Bishop be added as an author on H. F. No. 530. The motion prevailed.

### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Wednesday, March 9, 1983. 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, March 9, 1983.

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



## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## TWENTY-SECOND DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 9, 1983

The House of Representatives convened at 2:00 p.m. and was called to order by Ann Wynia, Speaker pro tem.

Prayer was offered by Pastor Tomas E. Meeks, House Chaplain, Ramsey, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Ellingson	Knickerbocker	Osthoff	Sherman
Anderson, G.	Erickson	Knuth	Otis	Simoneau
Anderson, R.	Evans	Kostohryz	Pauly	Skoglund
Battaglia	Findlay	Krueger	Peterson	Solberg
Beard	Fjoslien	Kvam	Piepho	Sparby
Begich	Forsythe	Larsen	Piper	Stadum
Bennett	Frerichs	Levi	Price	Staten
Bergstrom	Graba	Long	Quinn	Sviggum
Berkelman	Greenfield	Ludeman	Quist	Swanson
Bishop	Gruenes	Marsh	Redalen	Thiede
Blatz	Gustafson	McDonald	Reif	Tomlinson
Brandl	Gutknecht	McEachern	Rice	Tunheim
Brinkman	Halberg	McKasy	Riveness	Uphus
Burger	Haukoos	Metzen	Rodosovich	Valan
Carlson, D.	Heap	Minne	Rodriguez, C.	Valento
Carlson, L.	Heinitz	Munger	Rodriguez, F.	Vanasek
Clark, J.	Himle	Murphy	St. Onge	Vellenga
Clark, K.	Hoberg	Nelson, D.	Sarna	Voss
Clawson	Hoffman	Nelson, K.	Schafer	Waltman
Cohen	Jacobs	Neuenschwander	Scheid	Welch
Coleman	Jennings	Norton	Schoenfeld	Welker
Dempsey	Jensen	O'Connor	Schreiber	Welle
DenOuden	Johnson	Ogren	Seaberg	Wenzel
Dimler	Kahn	Olsen	Segal	Wigley
Eken	Kalis	Omamm	Shaver	Wynia
Elioff	Kelly	Onnen	Shea	Zaffke

A quorum was present.

Hokr, Mann, Rose and Sieben were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Rodosovich 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. 223, 252, 342, 398 and 381 and S. F. Nos. 96 and 186 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

March 4, 1983

The Honorable Harry A. Sieben, Jr.  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 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 1983</i>	<i>Date Filed 1983</i>
	57	4	March 4	March 4
118		5	March 4	March 4
26		6	March 4	March 4
71		7	March 4	March 4

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

## REPORTS OF STANDING COMMITTEES

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 76, A bill for an act relating to the environment; establishing an environmental response, compensation and com-

pliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, economic loss, and damage to natural resources resulting from releases of hazardous substances; imposing taxes, fees, and penalties; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; proposing new law coded as Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1982, section 115A.24, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [115B.01] [CITATION.]

*Sections 1 to 19 may be cited as the Environmental Response and Liability Act.*

Sec. 2. [115B.02] [DEFINITIONS.]

*Subdivision 1. [APPLICATION.] For the purposes of sections 1 to 19, the following terms have the meanings given them.*

*Subd. 2. [ACT OF GOD.] “Act of God” means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight.*

*Subd. 3. [AGENCY.] “Agency” means the pollution control agency.*

*Subd. 4. [DIRECTOR.] “Director” means the director of the pollution control agency.*

*Subd. 5. [FACILITY.] “Facility” means:*

*(a) Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft;*

*(b) Any watercraft of any description, or other artificial contrivance used or capable of being used as a means of transportation on water; or*

(c) Any site or area where a hazardous substance, or a pollutant or contaminant, has been deposited, stored, disposed of, or placed, or otherwise come to be located.

"Facility" does not include any consumer product in consumer use.

Subd. 6. [FEDERAL SUPERFUND ACT.] "Federal Superfund Act" means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9601 et seq.

Subd. 7. [FUND.] "Fund" means the environmental response, compensation and compliance fund established under section 19.

Subd. 8. [HAZARDOUS SUBSTANCE.] "Hazardous substance" means:

(a) Any commercial chemical designated pursuant to the Federal Water Pollution Control Act, under 33 U.S.C. Section 1321(b)(2)(A);

(b) Any hazardous air pollutant listed pursuant to the Clean Air Act, under 42 U.S.C. Section 7412; and

(c) Any hazardous waste.

"Hazardous substance" does not include natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of such synthetic gas and natural gas, nor does it include petroleum, including crude oil or any fraction thereof which is not otherwise a hazardous waste.

Subd. 9. [HAZARDOUS WASTE.] "Hazardous waste" means:

(a) Any hazardous waste as defined in section 116.06, subdivision 13, and any substance identified as a hazardous waste pursuant to rules adopted by the agency under section 116.07; and

(b) Any hazardous waste as defined in the Resource Conservation and Recovery Act, under 42 U.S.C. Section 6903, which is listed or has the characteristics identified under 42 U.S.C. Section 6921, not including any hazardous waste the regulation of which has been suspended by act of Congress.

Subd. 10. [NATURAL RESOURCES.] "Natural resources" has the meaning given it in section 116B.02, subdivision 4.

**Subd. 11. [OWNER OF REAL PROPERTY.]** "Owner of real property" means a person who holds title to, is in possession of, or controls the use of real property, including a fee owner, lessee, renter or tenant.

**Subd. 12. [PERSON.]** "Person" means any individual, partnership, association, public or private corporation or other entity including the United States government, any interstate body, the state and any agency, department or political subdivision of the state.

**Subd. 13. [POLLUTANT OR CONTAMINANT.]** "Pollutant or contaminant" means any element, substance, compound, mixture, or agent, other than a hazardous substance, which after release from a facility and upon exposure of, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in the organisms or their offspring.

"Pollutant or contaminant" does not include natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of such synthetic gas and natural gas.

**Subd. 14. [RELEASE.]** "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment which occurred at a point in time or which continues to occur.

"Release" does not include:

(a) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, watercraft, or pipeline pumping station engine;

(b) Release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, under 42 U.S.C. Section 2014, if the release is subject to requirements with respect to financial protection established by the federal nuclear regulatory commission under 42 U.S.C. Section 2210;

(c) Release of source, byproduct or special nuclear material from any processing site designated pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, under 42 U.S.C. Section 7912(a)(1) or 7942(a); or

(d) Any release resulting from the application of fertilizer or agricultural or silvicultural chemicals, or disposal of emptied

pesticide containers or residues from a pesticide as defined in section 18A.21, subdivision 25, if the containers and the residues were disposed of in a manner consistent with any instructions on the pesticide label and with common usage.

*Subd. 15. [REMEDY OR REMEDIAL ACTION.] "Remedy" or "remedial action" means those actions consistent with permanent remedy taken instead of or in addition to removal actions in the event of a release or threatened release of a hazardous substance, or a pollutant or contaminant, into the environment, to prevent, minimize or eliminate the release in order to protect the public health or welfare or the environment.*

*"Remedy" or "remedial action" includes, but is not limited to:*

*(a) Actions at the location of the release such as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous substances, pollutants or contaminants, or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, provision of alternative water supplies, and any monitoring and maintenance reasonably required to assure that these actions protect the public health and welfare and the environment; and*

*(b) The costs of permanent relocation of residents and businesses and community facilities when the agency determines that, alone or in combination with other measures, relocation is more cost effective than and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition offsite of hazardous substances, or pollutants or contaminants, or may otherwise be necessary to protect the public health or welfare.*

*"Remedy" or "remedial action" does not include offsite transport of hazardous substances, pollutants or contaminants, or contaminated materials or their storage, treatment, destruction, or secure disposition offsite unless the agency determines that these actions:*

*(1) Are more cost effective than other remedial actions;*

*(2) Will create new capacity to manage hazardous substances in addition to those located at the affected facility, in compliance with section 116.07 and subtitle C of the Solid Waste Disposal Act, 42 U.S.C. Section 6921 et seq.; or*

*(3) Are necessary to protect public health or welfare or the environment from a present or potential risk which may be creat-*

ed by further exposure to the continued presence of the hazardous substances, pollutants or contaminants, or contaminated materials.

Subd. 16. [REMOVE OR REMOVAL.] "Remove" or "removal" means:

(a) The cleanup or removal of a released hazardous substance, or a pollutant or contaminant, from the environment;

(b) Necessary actions taken in the event of a threatened release of a hazardous substance, or a pollutant or contaminant, into the environment;

(c) Actions necessary to monitor, test, analyze, and evaluate a release or threatened release of a hazardous substance, or a pollutant or contaminant;

(d) Disposal or processing of removed material; or

(e) Other actions necessary to prevent, minimize, or mitigate damage to the public health or welfare or to the environment, which may otherwise result from a release or threatened release.

"Remove" or "removal" includes, but is not limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals not otherwise provided for, action taken pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9604(b), and any emergency assistance which may be provided under the Disaster Relief Act of 1974, 42 U.S.C. Section 5121 et seq.

Subd. 17. [RESPOND OR RESPONSE.] "Respond" or "response" means remove, removal, remedy, and remedial action.

Subd. 18. [WATER.] "Water" has the meaning given to the term "waters of the state" in section 115.01, subdivision 9.

### Sec. 3. [115B.03] [RESPONSIBLE PERSON.]

Subdivision 1. [GENERAL RULE.] For the purposes of sections 1 to 19, and except as provided in subdivisions 2 and 3, a person is responsible for a release or threatened release of a hazardous substance, or a pollutant or contaminant, from a facility if the person:

(a) Owned or operated the facility: (1) when the hazardous substance, or pollutant or contaminant, was placed or came to be located in or on the facility; (2) when the hazardous substance, or pollutant or contaminant, was located in or on the facility but before the release; or (3) during the time of the release or threatened release;

(b) Owned or possessed the hazardous substance, or pollutant or contaminant, and arranged, by contract, agreement or otherwise, for the disposal, treatment or transport for disposal or treatment of the hazardous substance, or pollutant or contaminant; or

(c) Knew or reasonably should have known that waste he accepted for transport to a disposal or treatment facility contained a hazardous substance, or pollutant or contaminant, and either selected the facility to which it was transported or disposed of it in a manner contrary to law.

**Subd. 2. [EMPLOYEES AND EMPLOYERS.]** When a person who is responsible for a release or threatened release as provided in subdivision 1 is an employee who is acting in the scope of his employment:

(a) The employee is subject to liability under section 4 or 5 only if his conduct with respect to the hazardous substance was negligent under circumstances in which he knew that the substance was hazardous and that his conduct, if negligent, could result in serious harm.

(b) His employer shall be considered a person responsible for the release or threatened release and is subject to liability under section 4 or 5 regardless of the degree of care exercised by the employee.

**Subd. 3. [OWNER OF REAL PROPERTY.]** An owner of real property is not a person responsible for the release or threatened release of a hazardous substance from a facility in or on the property unless that person:

(a) was engaged in the business of generating, transporting, storing, treating, or disposing of a hazardous substance at the facility or disposing of waste at the facility, or knowingly permitted others to engage in such a business at the facility;

(b) knowingly permitted any person to make regular use of the facility for disposal of waste;

(c) knowingly permitted any person to use the facility for disposal of a hazardous substance;

(d) knew or reasonably should have known that a hazardous substance was located in or on the facility at the time he acquired the property and engaged in conduct by which he associated himself with the release; or

(e) took action which significantly contributed to the release after he knew or reasonably should have known that a hazardous substance was located in or on the property.



**Sec. 4. [115B.04] [LIABILITY FOR RESPONSE COSTS AND NATURAL RESOURCES; LIMITATIONS AND DEFENSES.]**

*Subdivision 1. [LIABILITY.] Except as otherwise provided in subdivisions 2 to 11, and notwithstanding any other provision or rule of law, any person who is responsible for a release or threatened release of a hazardous substance from a facility is strictly liable, jointly and severally, for the following response costs and damages which result from the release or threatened release or to which the release or threatened release significantly contributes:*

*(a) All reasonable and necessary costs of removal, or remedial action incurred by the state, a political subdivision of the state or the United States;*

*(b) Any other reasonable and necessary costs or expenses incurred by any person to remove a hazardous substance; and*

*(c) All damages for any injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss.*

*Subd. 2. [LIABILITY FOR POLLUTANT OR CONTAMINANT EXCLUDED.] There is no liability under this section for response costs or damages which result from the release of a pollutant or contaminant.*

*Subd. 3. [LIABILITY FOR A THREATENED RELEASE.] Liability under this section for a threatened release of a hazardous substance is limited to the recovery by the agency of reasonable and necessary response costs as provided in section 16, subdivision 6.*

*Subd. 4. [LIABILITY OF POLITICAL SUBDIVISIONS.] The liability of a political subdivision under this section is subject to the limits imposed under section 466.04, subdivision 1.*

*Subd. 5. [TRANSPORTATION OF HOUSEHOLD REFUSE.] A person who accepts only household refuse for transport to a treatment or disposal facility is not liable under this section for the release or threatened release of any hazardous substance unless he knew or reasonably should have known that the hazardous substance was present in the refuse. For the purpose of this subdivision, household refuse means garbage, trash, or septic tank sanitary wastes generated by single or multiple residences, hotels, motels, restaurants and other similar facilities.*

*Subd. 6. [DEFENSE TO CERTAIN CLAIMS BY POLITICAL SUBDIVISIONS AND PRIVATE PERSONS.] It is a*

*defense to a claim by a political subdivision or private person for recovery of the costs of its response actions under this section that the hazardous substance released from the facility was placed or came to be located in the facility before April 1, 1982, and that the response actions of the political subdivision or private person were not authorized by the agency as provided in section 16, subdivision 12. This defense applies only to response costs incurred on or after July 1, 1983.*

**Subd. 7. [DEFENSE FOR INTERVENING ACTS.]** *It is a defense to liability under this section that the release or threatened release was caused solely by:*

- (a) An act of God;*
- (b) An act of war; or*
- (c) An act or omission of a third party.*

*“Third party” for the purposes of clause (c) does not include an employee or agent of the defendant, or a person in the chain of responsibility for the generation, transportation, storage, treatment, or disposal of the hazardous substance.*

*The defense provided in clause (c) applies only if the defendant establishes that he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of the hazardous substance in light of all relevant facts and circumstances which he knew or should have known, and that he took precautions against foreseeable acts or omissions of a third party and the consequences that could foreseeably result from those acts or omissions.*

**Subd. 8. [RELEASES SUBJECT TO CERTAIN PERMITS OR STANDARDS; FEDERAL POST-CLOSURE FUND.]** *It is a defense to liability under this section that:*

*(a) The release or threatened release was from a hazardous waste facility as defined under section 115A.03, for which a permit had been issued pursuant to section 116.07 or pursuant to subtitle C of the Solid Waste Disposal Act, 42 U.S.C. Section 6921 et seq., and if the hazardous substance was specifically identified in the permit and the release was within the limits allowed in the permit for release of that substance;*

*(b) The hazardous substance released was specifically identified in a federal or state permit and the release is within the limits allowed in the permit;*

*(c) The release resulted from circumstances identified and reviewed and made a part of the public record of a federal or*

state agency with respect to a permit issued or modified under federal or state law, and the release conformed with the permit;

(d) The release was any part of an emission or discharge into the air or water and the emission or discharge was subject to a federal or state permit and was in compliance with control rules or regulations adopted pursuant to state or federal law;

(e) The release was the introduction of any hazardous substance into a publicly owned treatment works and the substance was specified in, and is in compliance with, applicable pretreatment standards specified for that substance under state and federal law; or

(f) Liability has been assumed by the federal post-closure liability fund under 42 U.S.C. Section 9607(k).

**Subd. 9. [NATURAL RESOURCES.]** It is a defense to liability under this section, for the loss of, destruction of, or injury to natural resources that:

(a) The natural resources were specifically identified as an irreversible and irretrievable commitment of natural resources in an approved final state or federal environmental impact statement, or other comparable approved final environmental analysis for a project or facility which was the subject of a governmental permit or license; and

(b) The project or facility was being operated within the terms of its permit or license.

**Subd. 10. [RENDERING ASSISTANCE IN RESPONSE ACTIONS.]** It is a defense to liability under this section that the response costs or damages resulted from acts taken or omitted in preparation for, or in the course of rendering care, assistance, or advice to the director or agency pursuant to section 16 or in accordance with the national hazardous substance response plan pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9605, or at the direction of an on-scene coordinator appointed under that plan, with respect to any release or threatened release of a hazardous substance.

**Subd. 11. [BURDEN OF PROOF FOR DEFENSES.]** Any person claiming a defense provided in subdivisions 6 to 10 has the burden to prove all elements of the defense by a preponderance of the evidence.

**Sec. 5. [115B.05] [LIABILITY FOR ECONOMIC LOSS, DEATH, PERSONAL INJURY AND DISEASE; LIMITATIONS AND DEFENSES.]**

*Subdivision 1. [LIABILITY.] Except as otherwise provided in subdivisions 2 to 9, and notwithstanding any other provision or rule of law, any person who is responsible for the release of a hazardous substance from a facility is strictly liable, jointly and severally, for the following damages which result from the release or to which the release significantly contributes:*

*(a) All damages for actual economic loss resulting from such a release including:*

*(1) Any injury to, destruction of, or loss of any real or personal property, including relocation costs;*

*(2) Any loss of use of real or personal property;*

*(3) Any loss of past or future income or profits resulting from injury to or destruction of real or personal property without regard to the ownership of the property; and*

*(b) All damages for death or personal injury or disease including:*

*(1) Any medical expenses, rehabilitation costs or burial expenses;*

*(2) Any loss of past or future income, or loss of earning capacity resulting from personal injury or disease; and*

*(3) Damages for physical impairment or other pain and suffering.*

*Subd. 2. [LIABILITY FOR POLLUTANT OR CONTAMINANT EXCLUDED.] There is no liability under this section for damages which result from the release of a pollutant or contaminant.*

*Subd. 3. [CERTAIN EMPLOYEE CLAIMS NOT COVERED.] Except for a third party who is subject to liability under section 176.061, subdivision 5, there is no liability under this section for the death, personal injury or disease of an employee which is compensable under chapter 176 as an injury or disease arising out of and in the course of employment.*

*Subd. 4. [LIABILITY OF POLITICAL SUBDIVISIONS.] The liability of a political subdivision under this section is subject to the limits imposed under section 466.04, subdivision 1.*

*Subd. 5. [TRANSPORTATION OF HOUSEHOLD REFUSE.] A person who accepts only household refuse for transport to a treatment or disposal facility is not liable under this section for the release or threatened release of any hazardous*

substance unless he knew or reasonably should have known that the hazardous substance was present in the refuse. For the purpose of this subdivision, household refuse means garbage, trash, or septic tank sanitary wastes generated by single or multiple residences, hotels, motels, restaurants and other similar facilities.

**Subd. 6. [DEFENSE AVAILABLE FOR INTERVENING ACTS:]** *It is a defense to liability under this section that the release or threatened release was caused solely by:*

- (a) *An act of God;*
- (b) *An act of war; or*
- (c) *An act or omission of a third party.*

*"Third party" for the purposes of clause (c) does not include an employee or agent of the defendant, or a person in the chain of responsibility for the generation, transportation, storage, treatment, or disposal of the hazardous substance.*

*The defense provided in clause (c) applies only if the defendant establishes that he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of the hazardous substance in light of all relevant facts and circumstances which he knew or should have known, and that he took precautions against foreseeable acts or omissions of a third party and the consequences that could foreseeably result from those acts or omissions.*

**Subd. 7. [RELEASES SUBJECT TO CERTAIN PERMITS OR STANDARDS; FEDERAL POST-CLOSURE FUND.]** *It is a defense to liability under this section that:*

- (a) *The release or threatened release was from a hazardous waste facility as defined under section 115A.03, for which a permit had been issued pursuant to section 116.07 or pursuant to subtitle C of the Solid Waste Disposal Act, 42 U.S.C. Section 6921 et seq., and if the hazardous substance was specifically identified in the permit and the release was within the limits allowed in the permit for release of that substance;*
- (b) *The hazardous substance released was specifically identified in a federal or state permit and the release is within the limits allowed in the permit;*
- (c) *The release resulted from circumstances identified and reviewed and made a part of the public record of a federal or state agency with respect to a permit issued or modified under federal or state law, and the release conformed with the permit;*

(d) *The release was any part of an emission or discharge into the air or water and the emission or discharge was subject to a federal or state permit and was in compliance with control rules or regulations adopted pursuant to state or federal law;*

(e) *The release was the introduction of any hazardous substance into a publicly owned treatment works and the substance was specified in, and is in compliance with, applicable pre-treatment standards specified for that substance under state and federal law; or*

(f) *Liability has been assumed by the federal post-closure liability fund under 42 U.S.C. Section 9607(k).*

**Subd. 8. [RENDERING ASSISTANCE IN RESPONSE ACTIONS.]** *It is a defense to liability under this section that the damages resulted from acts taken or omitted in preparation for, or in the course of rendering care, assistance, or advice to the director or agency pursuant to section 16 or in accordance with the national hazardous substance response plan pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9605, or at the direction of an on-scene coordinator appointed under that plan, with respect to any release or threatened release of a hazardous substance.*

**Subd. 9. [BURDEN OF PROOF FOR DEFENSES.]** *Any person claiming a defense provided in subdivisions 6 to 8 has the burden to prove all elements of the defense by a preponderance of the evidence.*

**Sec. 6. [115B.06] [LIABILITY FOR CERTAIN PAST ACTIONS.]**

*When a defendant establishes that the hazardous substance which is alleged to have caused the damages claimed by the plaintiff was placed or came to be located in or on the facility before April 1, 1982, the defendant is not liable under section 5 if he establishes that the activity in which he was involved with respect to the substance was not an abnormally dangerous activity.*

*For the purpose of this section, the determination of whether an activity with respect to a hazardous substance was an abnormally dangerous activity shall be made by the court, which may consider factors including:*

(1) *The character of the substance, including the tendency of the substance to cause harm if it escapes from the control of the person who has possession of it;*

(2) *The character and location of the activity in which the person was involved with respect to the substance, including:*

(a) *Whether harm to persons or property would necessarily result from the activity regardless of the reasonable precaution with which it is conducted;*

(b) *Inappropriateness of the activity to the place where it is carried out;*

(c) *The extent to which the activity is not a matter of common usage;*

(d) *Likelihood that the harm that results from the activity will be serious and;*

(e) *Whether the activity is of a type which, despite its social utility, should not be permitted without liability for serious harm resulting from its performance.*

**Sec. 7. [115B.07] [CAUSATION; INFERENCE PERMITTED.]**

*In any action brought under section 5 or any other law to recover damages for death, personal injury, or disease arising out of the release of a hazardous substance, if the plaintiff produces evidence sufficient to enable a reasonable person to find that:*

(a) *the plaintiff was exposed to the hazardous substance;*

(b) *under all of the circumstances, the release could reasonably have resulted in plaintiff's exposure to the substance in the amount and duration experienced by the plaintiff; and*

(c) *it is more likely than not that the death, injury or disease suffered by the plaintiff is caused or significantly contributed to by exposure to the hazardous substance in an amount and duration experienced by the plaintiff;*

*then the court may not direct a verdict against the plaintiff on the issue of causation, and the trier of fact is permitted but not required to draw the inference that the death, injury, or disease of the plaintiff was caused or significantly contributed to by the release of a hazardous substance.*

*Evidence to a reasonable medical certainty that exposure to the hazardous substance caused or significantly contributed to the death, injury or disease is not required for the question of causation to be submitted to the trier of fact.*

*Nothing in this section shall be construed to relieve the plaintiff of the burden of proving the causal connection between the release of the hazardous substance and the plaintiff's death, injury or disease.*

**Sec. 8. [115B.08] [APPORTIONMENT OF LIABILITY; LIMITATION; CONTRIBUTION.]**

*Subdivision 1. [RIGHT OF APPORTIONMENT; FACTORS.] Any person held jointly and severally liable under section 4 or 5 has the right at trial to have the trier of fact apportion liability among the defendants as provided in this section. The burden is on each defendant to show how his liability should be apportioned.*

*In apportioning the liability of any defendant under this section, the trier of fact shall consider the following:*

*(a) The extent to which that defendant's contribution to the release of a hazardous substance can be distinguished;*

*(b) The amount of hazardous substance involved;*

*(c) The degree of toxicity of the hazardous substance involved;*

*(d) The degree of involvement of and care exercised by the defendant in manufacturing, treating, transporting, and disposing of the hazardous substance;*

*(e) The degree of cooperation by the defendant with federal, state, or local officials to prevent any harm to the public health or the environment; and*

*(f) Knowledge by the defendant of the hazardous nature of the substance.*

*Subd. 2. [LIMITATION OF LIABILITY.] If a person is held jointly and severally liable under section 4 or 5 and establishes his proportionate share of the aggregate liability, the liability of that person shall be limited to three times his proportionate share.*

*Subd. 3. [CONTRIBUTION.] Any person held jointly and severally liable under section 4 or 5 who is required to pay more than that person's proportionate share of the aggregate liability is entitled to seek contribution from any other person liable for the damages or response costs to the extent of the other person's proportionate liability.*

**Sec. 9. [115B.09] [AGREEMENTS TO TRANSFER LIABILITY; INSURANCE AND SUBROGATION.]**

*No conveyance, indemnification, hold harmless agreement, or similar agreement shall be effective to transfer the liability imposed under sections 1 to 14 from the owner or operator of a facility or from any person who may be liable under those*



sections to any other person. Nothing in this section shall be construed:

(a) To prohibit any party who may be liable under sections 1 to 14 from entering an agreement by which that party is insured, held harmless or indemnified for part or all of that liability;

(b) To prohibit the enforcement of any insurance, hold harmless or indemnification agreement; or

(c) To bar any cause of action brought by a party who may be liable under sections 1 to 14 or by an insurer or guarantor, whether by right of subrogation or otherwise.

Sec. 10. [115B.10] [STATUTE OF LIMITATIONS.]

No person may recover pursuant to sections 1 to 14 unless the action is commenced within six years from the date when the cause of action accrues. In determining when the cause of action accrues for an action to recover damages for death, personal injury or disease, the court may consider factors including the following:

(a) When the plaintiff discovered the injury or loss;

(b) Whether a personal injury or disease had sufficiently manifested itself; and

(c) When the plaintiff discovered, or using due diligence should have discovered, a causal connection between the injury, disease, or loss and the release of a hazardous substance.

Sec. 11. [115B.11] [OTHER REMEDIES PRESERVED.]

Nothing in sections 1 to 14 shall be construed to abolish or diminish any remedy or affect the right of any person to bring a legal action or use any remedy available under any other provision of state or federal law, including common law, to recover for personal injury, disease, economic loss or response costs arising out of a release of any hazardous substance, or for removal or the costs of removal of that hazardous substance. Nothing in sections 1 to 14 shall be construed to limit or restrict in any way the liability of any person under any other state or federal law, including common law, for loss due to personal injury or disease, for economic loss, or for response costs arising out of any release or threatened release of a hazardous substance from a facility regardless of the time at which a hazardous substance was placed or came to be located in the facility. The provisions of sections 1 to 14 shall not be considered, interpreted, or construed in any way as reflecting a determination, in whole or in part, of policy regarding the inapplicability

*of strict liability, or strict liability doctrines under any other state or federal law, including common law, to activities past, present or future, relating to hazardous substances, or pollutants or contaminants, or other similar activities.*

**Sec. 12. [115B.12] [DOUBLE RECOVERY PROHIBITED.]**

*A person who recovers response costs or damages pursuant to sections 1 to 14 may not recover the same costs or damages pursuant to any other law. A person who recovers response costs or damages pursuant to any other state or federal law may not recover for the same costs or damages pursuant to sections 1 to 14.*

**Sec. 13. [115B.13] [AWARD OF COSTS.]**

*Upon motion of a party prevailing in an action under sections 1 to 14 the court may award costs, disbursements and reasonable attorney fees and witness fees to that party.*

**Sec. 14. [115B.14] [APPLICATION OF SECTIONS 1 TO 14.]**

*Sections 1 to 14 apply to any release or threatened release of a hazardous substance occurring on or after July 1, 1983, including any release which began before July 1, 1983, and continued after that date. Sections 1 to 14 do not apply to a release or threatened release which occurred wholly before July 1, 1983, regardless of the date of discovery of any injury or loss caused by the release or threatened release.*

**Sec. 15. [115B.15] [DISPOSITION OF FACILITIES.]**

**Subdivision 1. [CLOSED DISPOSAL FACILITIES; USE OF PROPERTY.]** *No person shall use any property on or in which hazardous waste remains after closure of a disposal facility as defined in section 115A.03, subdivision 10, in any way that disturbs the integrity of the final cover, liners, or any other components of any containment system, or the function of the disposal facility's monitoring systems, unless the agency finds that the disturbance:*

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

*(b) Is necessary to reduce a threat to human health or the environment.*

**Subd. 2. [RECORDING OF AFFIDAVIT.]** *Before any transfer of ownership of any property which the owner knew*

or should have known was used as the site of a hazardous waste disposal facility as defined in section 115A.03, subdivision 10, or which the owner knew or should have known is subject to extensive contamination by release of a hazardous substance, the owner shall record with the county recorder of the county in which the property is located an affidavit containing a legal description of the property that discloses to any potential transferee:

(a) That the land has been used to dispose of hazardous waste or that the land is contaminated by a release of a hazardous substance;

(b) The identity, quantity, location, condition and circumstances of the disposal or contamination to the full extent known or ascertainable; and

(c) That the use of the property or some portion of it may be restricted as provided in subdivision 1.

An owner must also file an affidavit within 60 days after any material change in any matter required to be disclosed under clauses (a) to (c) with respect to property for which an affidavit has already been recorded.

If the owner or any subsequent owner of the property removes the hazardous substance, together with any residues, liner, and contaminated underlying and surrounding soil, that owner may record an affidavit indicating the removal of the hazardous substance.

Failure to record an affidavit as provided in this subdivision does not affect or prevent any transfer of ownership of the property.

**Subd. 3. [DUTY OF COUNTY RECORDER.]** The county recorder shall record all affidavits presented to him in accordance with subdivision 2. The affidavits shall be recorded in a manner which will assure their disclosure in the ordinary course of a title search of the subject property.

**Subd. 4. [PENALTIES.]** (a) Any person who knowingly violates the provisions of subdivision 1 is subject to a civil penalty in an amount determined by the court of not more than \$100,000, and shall be liable under sections 4 and 5 for any release or threatened release of any hazardous substance resulting from the violation.

(b) Any owner who knowingly fails to record an affidavit as required by subdivision 2 shall be liable under sections 4 and 5 for any release or threatened release of any hazardous substance from a facility located on that property.

(c) *A civil penalty may be imposed and recovered by an action brought by a county attorney or by the attorney general in the district court of the county in which the property is located.*

(d) *Any civil fines recovered under this subdivision shall be deposited in the fund.*

Sec. 16. [115B.16] [STATE RESPONSE TO RELEASES.]

*Subdivision 1. [REMOVAL AND REMEDIAL ACTION.]*

*Whenever there is a release or substantial threat of release from a facility of any pollutant or contaminant which presents an imminent and substantial danger to the public health, welfare, or the environment or whenever a hazardous substance is released or there is a threatened release of a hazardous substance from a facility:*

(a) *The agency may take any removal or remedial action relating to the hazardous substance, or pollutant or contaminant, which the agency deems necessary to protect the public health or welfare or the environment. Before taking any action the agency shall:*

(1) *Request any responsible party known to the agency to take actions which the agency deems reasonable and necessary to protect the public health, welfare or the environment, stating the reasons for the actions, a reasonable time for beginning and completing the actions taking into account the urgency of the actions for protecting the public health, welfare and environment, and the intention of the agency to take action if the requested actions are not taken as requested;*

(2) *Notify the owner of real property where the facility is located or where response actions are proposed to be taken, if the owner is not a responsible party, that responsible parties have been requested to take response actions and that the owner's cooperation will be required in order for responsible parties or the agency to take those actions; and*

(3) *Determine that the actions requested by the agency will not be taken by any known responsible party in the manner and within the time requested.*

(b) *The director may take removal action which he deems necessary to protect the public health, welfare or the environment if the director determines that the release or threatened release constitutes an emergency requiring immediate action to prevent, minimize or mitigate damage to the public health, welfare or the environment. Before taking any action the director shall make reasonable efforts in light of the urgency of the action to follow the procedure provided in clause (a).*

No removal action taken by any person shall be construed as an admission of liability for a release or threatened release.

**Subd. 2. [OTHER ACTIONS.]** Whenever the agency or director is authorized to act pursuant to subdivision 1 or whenever the agency or director has reason to believe that a release of a hazardous substance, or a pollutant or contaminant, has occurred or is about to occur, or that illness, disease, or complaints thereof may be attributable to exposure to a hazardous substance, or a pollutant or contaminant, the agency or director may undertake investigations, monitoring, surveys, testing, and other similar activities necessary or appropriate to identify the existence and extent of the release or threat thereof, the source and nature of the hazardous substances, or pollutants or contaminants, and the extent of danger to the public health or welfare or to the environment. In addition, the agency may undertake planning, legal, fiscal, economic, engineering, architectural, and other studies or investigations necessary or appropriate to plan and direct a response action, to recover the costs of the response action, and to enforce the provisions of sections 1 to 17.

**Subd. 3. [DUTY TO PROVIDE INFORMATION.]** Any person who the agency has reason to believe is responsible for a release or threatened release as provided in section 3, or who is the owner of real property where the release or threatened release is located or where response actions are proposed to be taken, when requested by the agency, or any member, employee or agent thereof who is authorized by the agency, shall furnish to the agency any information which he may have or may reasonably obtain which is relevant to the release or threatened release.

**Subd. 4. [ACCESS TO INFORMATION AND PROPERTY.]** The agency or any member, employee or agent thereof authorized by the agency, upon presentation of credentials, may:

(a) Examine and copy any books, papers, records, memoranda or data of any person who has a duty to provide information to the agency under subdivision 3; and

(b) Enter upon any property, public or private, for the purpose of taking any action authorized by this section including obtaining information from any person who has a duty to provide the information under subdivision 3, conducting surveys or investigations, and taking removal or remedial action.

**Subd. 5. [CLASSIFICATION OF DATA.]** Except as otherwise provided in this subdivision, data obtained from any person pursuant to subdivision 3 or 4 is public data as defined in section 13.02. Upon certification by the subject of the data that the data relates to sales figures, processes or methods of production unique to that person, or information which would tend to affect adversely the competitive position of that person,

*the director shall classify the data as private or nonpublic data as defined in section 13.02. Notwithstanding any other law to the contrary, data classified as private or nonpublic under this subdivision may be disclosed when relevant in any proceeding under sections 1 to 17, or to other public agencies concerned with the implementation of sections 1 to 17.*

**Subd. 6. [RECOVERY OF EXPENSES.]** *Any reasonable and necessary expenses incurred by the agency or director pursuant to this section, including all response costs, and administrative and legal expenses, may be recovered in a civil action brought by the attorney general against any person who may be liable under section 4 or any other law. The agency's certification of expenses shall be prima facie evidence that the expenses are reasonable and necessary. Any expenses incurred pursuant to this section which are recovered by the attorney general pursuant to section 4 or any other law, including any award of attorneys fees, shall be deposited in the fund and may be appropriated only for additional response actions as provided in section 19, subdivision 2, clause (b) or (c).*

**Subd. 7. [ACTIONS RELATING TO NATURAL RESOURCES.]** *For the purpose of this subdivision, the state is the trustee of the air, water and wildlife of the state. An action pursuant to section 4 for damages with respect to air, water or wildlife may be brought by the attorney general in the name of the state as trustee for those natural resources. Any damages recovered by the attorney general pursuant to section 4 or any other law for injury to, or loss of natural resources resulting from the release of a hazardous substance, or a pollutant or contaminant, shall be deposited in the fund and may be appropriated only for the purposes provided in section 19, subdivision 2, clause (e).*

**Subd. 8. [ACTIONS RELATING TO PESTICIDES OR FERTILIZER OR SOIL OR PLANT AMENDMENTS.]** *When the commissioner of agriculture has reported an incident involving the release of pesticides under the provisions of section 18A-37 or the release of fertilizers or soil or plant amendments, and the agency determines that the incident constitutes a release of a hazardous substance, or a pollutant or contaminant, the agency shall authorize the commissioner, subject to the provisions of subdivision 13, to take any action which the agency would be authorized to take under subdivisions 1 to 4. Subject to the provisions of section 19, subdivision 3, the agency shall reimburse the commissioner from the fund for the reasonable and necessary expenses incurred in taking those actions and may recover any amount spent from the fund under subdivision 6.*

**Subd. 9. [ACTIONS RELATING TO OCCUPATIONAL SAFETY AND HEALTH.]** *The agency, director and the commissioner of labor and industry shall make reasonable efforts to coordinate any actions taken under this section and under sec-*

tions 182.65 to 182.674 to avoid duplication or conflict of actions or requirements with respect to a release or threatened release affecting the safety of any conditions or place of employment.

**Subd. 10. [ACTIONS RELATING TO HEALTH.]** *The agency and director shall make reasonable efforts to coordinate and consult with the commissioner of health in planning and directing response actions with respect to a release or threatened release affecting the public health. If the commissioner of health, upon the request of the agency, takes any actions authorized under this section, the agency shall reimburse the commissioner from the fund for the reasonable and necessary expenses incurred in taking those actions and may recover any amount spent from the fund under subdivision 6.*

**Subd. 11. [LIMIT ON ACTIONS BY POLITICAL SUBDIVISIONS.]** *When the agency or director has requested a person who is responsible for a release or threatened release to take any response action under subdivision 1, no political subdivision shall request or order that person to take any action which conflicts with the action requested by the agency or director.*

**Subd. 12. [AUTHORIZATION OF CERTAIN RESPONSE ACTIONS.]** *For the purpose of permitting a political subdivision or private person to recover response costs as provided in section 4, subdivision 6, the agency may authorize the political subdivision to take removal or remedial actions or may authorize the private person to take removal actions with respect to any release of a hazardous substance which was placed or came to be located in the facility before April 1, 1982. The authorization shall be based on application of the criteria in the rules of the agency adopted under subdivision 13 or, if the rules have not been adopted, under the criteria set forth in subdivision 13 on which the rules are required to be based. The authorization shall not be inconsistent with the criteria. This subdivision shall not be construed to prohibit a political subdivision or private person from taking removal or remedial actions without the authorization of the agency.*

**Subd. 13. [PRIORITIES; RULES.]** *By November 1, 1983, the agency shall establish a temporary list of priorities among releases or threatened releases for the purpose of taking remedial action and, to the extent practicable consistent with the urgency of the action, for taking removal action under this section. The temporary list, with any necessary modifications, shall remain in effect until the agency adopts rules establishing state criteria for determining priorities among releases and threatened releases. The agency shall adopt the rules by July 1, 1984. After rules are adopted, a permanent priority list shall be established, and may be modified from time to time, according to the criteria set forth in the rules. Before any list is established under this subdivision the agency shall publish the list in the state register and allow 30 days for comments on the list by the public.*

*The temporary list and the rules required by this subdivision shall be based upon the relative risk or danger to public health or welfare or the environment, taking into account to the extent possible the population at risk, the hazardous potential of the hazardous substances at the facilities, the potential for contamination of drinking water supplies, the potential for direct human contact, the potential for destruction of sensitive ecosystems, the administrative and financial capabilities of the agency, and other appropriate factors.*

*All other considerations being equal, agency remedial action for any risk or danger which was created or aggravated by the action or inaction of any government entity shall take precedence over remedial action for similar risks or dangers not significantly contributed to by government action or inaction.*

**Sec. 17. [115B.17] [FAILURE TO TAKE REQUESTED ACTIONS; CIVIL PENALTIES; ACTION TO COMPEL PERFORMANCE; INJUNCTIVE RELIEF.]**

*Subdivision 1. [CIVIL PENALTIES.] Any person responsible for a release or threatened release from a facility of a pollutant or contaminant which presents an imminent and substantial danger to the public health, welfare, or the environment or for a release or threatened release of a hazardous substance from a facility shall forfeit and pay to the state a civil penalty in an amount to be determined by the court of not more than \$25,000 per day for each day that the person fails to take reasonable and necessary response actions or to make reasonable progress in completing response actions requested as provided in subdivision 3.*

*The penalty provided under this subdivision may be recovered by an action brought by the attorney general in the name of the state in connection with an action to recover expenses of the agency under section 16, subdivision 6, or by a separate action in the district court of Ramsey County. All penalties recovered under this subdivision shall be deposited in the fund.*

*Subd. 2. [ACTION TO COMPEL PERFORMANCE.] When any person who is responsible for a release or threatened release from a facility of a pollutant or contaminant which presents an imminent and substantial danger to the public health, welfare, or the environment or for a release or threatened release of a hazardous substance from a facility, fails to take response actions or to make reasonable progress in completing response actions requested as provided in subdivision 3, the attorney general may bring an action in the name of the state to compel performance of the requested response actions. If the owner of real property where the facility is located or where response actions are proposed to be taken is not a person responsible for the release or threatened release, the owner may be joined as an indispensable party in an action to compel performance in*



order to assure that the requested response actions can be taken on that property by the responsible parties.

*Subd. 3. [REQUESTS FOR RESPONSE ACTIONS.] A request for emergency removal action shall be made by the director. Other requests for response actions shall be made by the agency. A request shall be in writing, shall state the action requested, the reasons for the action, and a reasonable time by which the action must be begun and completed taking into account the urgency of the action for protection of the public health, welfare, and environment.*

*Subd. 4. [INJUNCTIVE RELIEF.] The release or threatened release of a hazardous substance, or a pollutant or contaminant, shall constitute a public nuisance and may be enjoined in an action, in the name of the state, brought by the attorney general.*

**Sec. 18. [115B.18] [PURPOSES OF FUND AND TAXES.]**

*In establishing the environmental response, compensation and compliance fund in section 19 and imposing taxes in section 21 it is the purpose of the legislature to:*

*(a) Encourage treatment and disposal of hazardous waste in a manner that adequately protects the public health and welfare and the environment;*

*(b) Encourage responsible parties to provide the response actions necessary to protect the public and the environment from the effects of the release of hazardous substances;*

*(c) Encourage the use of alternatives to land disposal of solid and hazardous waste including resource recovery, recycling, neutralization and reduction;*

*(d) Provide state agencies with the financial resources needed to prepare and implement an effective and timely state response to the release of hazardous substances, including investigation, planning, removal and remedial action;*

*(e) Compensate for increased governmental expenses and loss of revenue and to provide other appropriate assistance to mitigate any adverse impact on communities in which commercial hazardous waste processing or disposal facilities are located under the siting process provided in chapter 115A;*

*(f) Recognize the environmental and public health costs of land disposal of solid waste and of the use and disposal of hazardous substances and to place the burden of financing state waste management activities on those whose products and services con-*

*tribute to waste management problems and increase the risks of harm to the public and the environment.*

**Sec. 19. [115B.19] [ENVIRONMENTAL RESPONSE, COMPENSATION AND COMPLIANCE FUND.]**

*Subdivision 1. [ESTABLISHMENT.] The environmental response, compensation and compliance fund is created as an account in the state treasury and may be spent only for the purposes provided in subdivision 2.*

*Subd. 2. [PURPOSES FOR WHICH MONEY MAY BE SPENT.] Subject to appropriation by the legislature the money in the fund may be spent for any of the following purposes:*

*(a) Preparation by the agency for taking removal or remedial action under section 16, including investigation, monitoring and testing activities, enforcement and compliance efforts relating to the release of hazardous substances, pollutants or contaminants under section 16 or 17;*

*(b) Removal and remedial actions taken or authorized by the agency or director under section 16, including related enforcement and compliance efforts under section 16 or 17, and payment of the state share of the cost of remedial action which may be carried out under a cooperative agreement with the federal government pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9604(c)(3) for actions related to facilities other than commercial hazardous waste facilities located under the siting authority of chapter 115A;*

*(c) Reimbursement to any person for expenditures made between April 1, 1982 and July 1, 1983 to provide alternative water supplies deemed necessary by the agency and the department of health to protect the public health from contamination resulting from the release of a hazardous substance;*

*(d) Removal and remedial actions taken or authorized by the agency or director under section 16, including related enforcement and compliance efforts under section 16 or 17, and payment of the state share of the cost of remedial action which may be carried out under a cooperative agreement with the federal government pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9604(c)(3) for actions related to commercial hazardous waste facilities located under the siting authority of chapter 115A;*

*(e) Compensation as provided by law, after submission by the waste management board of the report required under section 115A.08, subdivision 5, to mitigate any adverse impact of the location of commercial hazardous waste processing or dis-*

posal facilities located pursuant to the siting authority of chapter 115A;

(f) *Planning and implementation by the commissioner of natural resources of the rehabilitation, restoration or acquisition of natural resources to remedy injuries or losses to natural resources resulting from the release of a hazardous substance;*

(g) *Inspection, monitoring and compliance efforts by the agency, or by political subdivisions with agency approval, of commercial hazardous waste facilities located under the siting authority of chapter 115A;*

(h) *Grants by the agency or the waste management board to demonstrate alternatives to land disposal of solid and hazardous waste including reduction, separation, pretreatment, processing and resource recovery, for education of persons involved in regulating and handling solid and hazardous waste, and to assist counties to develop comprehensive waste management plans; and*

(i) *Intervention and environmental mediation by the legislative commission on waste management under chapter 115A.*

**Subd. 3. [LIMIT ON CERTAIN EXPENDITURES.]** *The director or agency may not spend any money under subdivision 2, clause (b) or (c) for removal or remedial actions to the extent that the costs of those actions may be compensated from any fund established under the Federal Superfund Act, 42 U.S.C. Section 9600 et seq. The director or agency shall determine the extent to which any of the costs of those actions may be compensated under the federal act based on the likelihood that the compensation will be available in a timely fashion. In making this determination the director or agency shall take into account:*

(a) *The urgency of the removal or remedial actions and the priority assigned under the Federal Superfund Act to the release which necessitates those actions;*

(b) *The availability of money in the funds established under the Federal Superfund Act; and*

(c) *The consistency of any compensation for the cost of the proposed actions under the Federal Superfund Act with the national contingency plan, if such a plan has been adopted under that act.*

**Subd. 4. [REVENUE SOURCES.]** *Revenue from the following sources shall be deposited in the environmental response, compensation and compliance fund:*

(a) *The proceeds of the taxes imposed pursuant to section 21, including interest and penalties;*

(b) *All money recovered by the state under sections 1 to 17 or under any other statute or rule related to the regulation of hazardous waste or hazardous substances, including civil penalties and money paid under any agreement, stipulation or settlement but excluding fees imposed under section 24;*

(c) *All interest attributable to investment of money deposited in the fund; and*

(d) *All money received in the form of gifts, grants, reimbursement or appropriation from any source for any of the purposes provided in subdivision 2, except federal grants.*

**Subd. 5. [RECOMMENDATION BY LCWM.]** *The legislative commission on waste management shall make recommendations to the standing legislative committees on finance and appropriations regarding appropriations from the fund.*

**Subd. 6. [REPORT TO LEGISLATURE.]** *At the end of each fiscal year, the agency shall submit to the senate finance committee, the house appropriations committee and the legislative commission on waste management a report detailing the activities for which money from the environmental response, compensation and compliance fund has been spent during that year.*

## **Sec. 20. [TAXES; DEFINITIONS.]**

**Subdivision 1. [APPLICATION.]** *The definitions provided in this section and section 2 apply to sections 20 to 23.*

**Subd. 2. [COMMISSIONER.]** *"Commissioner" means the commissioner of revenue.*

**Subd. 3. [GENERATOR.]** *"Generator" means a person who generates hazardous waste and who is required to disclose the generation of hazardous waste under the hazardous waste rules of the agency adopted under section 116.07.*

**Subd. 4. [LONG TERM CONTAINMENT.]** *"Long term containment" means land disposal or storage for a period of more than one year.*

**Subd. 5. [TREATMENT.]** *"Treatment" means any material, technique or process designed to change the physical, chemical or biological character or composition of a hazardous waste in order to: (a) neutralize it; (b) render it nonhazardous or less hazardous; (c) render it safer to transport, store or dispose of; (d) make it amenable to storage; or (e) reduce its volume.*

*Subd. 6. [WASTEWATER TREATMENT UNIT.] "Wastewater treatment unit" means a device which is part of a wastewater treatment facility subject to regulation pursuant to the federal Clean Water Act under 33 U.S.C. Section 1317 (b) or 1342.*

**Sec. 21. [HAZARDOUS WASTE GENERATOR TAX.]**

*Subdivision 1. [TAXES IMPOSED; EXCLUSIONS.] Each generator of hazardous waste shall pay the taxes imposed by this section based upon the volume and destination of the hazardous wastes generated. The taxes imposed by this section do not apply to hazardous wastes destined for recycling or reuse or to used crankcase oil.*

*Subd. 2. [LONG TERM CONTAINMENT WITHOUT TREATMENT.] Hazardous waste destined for long term containment without treatment shall be taxed at the rate of 32 cents per gallon of liquid or \$32 per cubic yard of solid.*

*Subd. 3. [LONG TERM CONTAINMENT AFTER TREATMENT.] Hazardous waste destined for long term containment after treatment shall be taxed at the rate of 16 cents per gallon of liquid or \$16 per cubic yard of solid.*

*Subd. 4. [OTHER TREATMENT.] Hazardous waste destined for treatment, other than as provided in subdivision 5, to produce a material which is not hazardous, including treatment permitted by the agency in a sewage treatment works, or hazardous waste which is destined for destructive treatment by incineration shall be taxed at the rate of eight cents per gallon of liquid or \$8 per cubic yard of solid.*

*Subd. 5. [ON-SITE WASTEWATER TREATMENT.] The tax imposed under this section does not apply to hazardous waste which is destined for treatment in a wastewater treatment unit to produce a material which is not hazardous before entering a public sewer system or waters of the state but the tax does apply to any residue of treatment which is a hazardous waste.*

*Subd. 6. [DISPOSITION OF PROCEEDS.] The proceeds of the taxes imposed under this section including any interest and penalties shall be deposited in the fund.*

**Sec. 22. [SEVERABILITY.]**

*If any tax imposed under section 21 is found to be invalid because of the purpose for which the proceeds were appropriated or made available under section 19, subdivision 2, the proceeds of that tax shall not be appropriated or available for the objec-*

tionable purposes, but the tax shall continue to be imposed and the proceeds shall be appropriated and made available for other purposes provided in section 19, subdivision 2.

**Sec. 23. [TAX ADMINISTRATION AND ENFORCEMENT.]**

*Subdivision 1. [QUARTERLY REPORTS AND PAYMENTS; EXCEPTION.]* By the fourteenth day following the last day of each calendar quarter beginning after December 31, 1983, every person liable for payment of a tax under section 21, except as provided in subdivision 4 of this section, shall make and file with the commissioner of revenue a report under oath, in the form and containing the information required by the commissioner. The amount of the tax due shall be remitted together with the form. The commissioner may establish rules under which a generator of a low volume of hazardous wastes may file the report and pay the tax annually.

*Subd. 2. [AMENDED RETURNS.]* A taxpayer who finds that a return filed under this section as originally filed is in error may correct the error by filing an amended return. If the taxpayer is entitled to a refund due to the correction, the amended return will serve as a claim for the refund provided it is filed no later than three years after the original return is filed.

*Subd. 3. [EXCHANGE OF INFORMATION.]* Notwithstanding the provisions of sections 116.075 or 290.61 or any other law to the contrary, the commissioner of revenue and the pollution control agency may provide each other with the information necessary for the enforcement of section 21 and this section. Information disclosed in a return filed pursuant to this section or information exchanged between the commissioner and the agency is public unless the information is of the type determined to be for the confidential use of the agency pursuant to section 116.075 or is trade secret information classified pursuant to section 15.1673.

*Subd. 4. [PAYMENT BY OUT-OF-STATE GENERATORS.]* A generator of any hazardous waste which is generated outside of this state and is transported into this state for long term containment or treatment as described in section 21, subdivisions 2 to 4 shall pay the tax imposed by section 21 at the first point at which the hazardous wastes are received by a person in this state for storage, treatment or long term containment. The tax shall be paid to the person who first receives the wastes in this state at the time the waste is received and shall be remitted by that person to the commissioner of revenue quarterly in the form and manner provided by the commissioner.

*Subd. 5. [DUTIES OF THE AGENCY AND METROPOLITAN COUNTIES.]* The agency shall provide to the commis-

sioner the names and addresses of all persons known to the agency who are subject to tax under section 21, together with any information which the agency possesses concerning the amount of hazardous waste generated and disposed of by those persons. Metropolitan counties required to regulate hazardous wastes under section 473.811, subdivision 5b, shall provide to the agency the data and information necessary to allow the agency to carry out its duties under this subdivision. Upon request by the commissioner, the agency shall examine returns and reports filed with the commissioner and notify the commissioner of any suspected inaccurate or fraudulent declaration or return. The agency may assist in auditing any person subject to tax under section 20 when requested by the commissioner.

Subd. 6. [PENALTIES; ENFORCEMENT.] The audit, penalty and enforcement provisions applicable to taxes imposed under chapter 290 apply to the taxes imposed under section 21 and those provisions shall be administered by the commissioner.

Subd. 7. [RULES.] The commissioner may adopt temporary and permanent rules necessary to implement the provisions of this section and section 21.

Subd. 8. [ADMINISTRATIVE EXPENSES.] Any amount expended by the commissioner or agency from a general fund appropriation to enforce and administer section 21 and this section shall be reimbursed to the general fund and the amount necessary to make the reimbursement is appropriated from the fund to the commissioner of finance for transfer to the general fund.

Sec. 24. [116.12] [HAZARDOUS WASTE ADMINISTRATION FEES.]

Subdivision 1. [FEE SCHEDULES.] The agency shall establish the fees provided in subdivisions 2 and 3 in the manner provided in section 16A.128 in order to raise an amount of fees sufficient to cover the non-federally funded portion of the amount appropriated to the agency for that year for permitting, monitoring, inspection and enforcement expenses of the hazardous waste activities of the agency, excluding any amount appropriated to the agency for these purposes under section 19, subdivision 2.

The legislature may appropriate additional amounts which need not be raised by fees or may provide that the fees shall cover a proportion of the appropriation for the hazardous waste activities of the agency in order to assure adequate funding for the regulatory and enforcement functions of the agency related to hazardous waste. All fees collected by the agency under this section shall be deposited in the general fund.

**Subd. 2. [HAZARDOUS WASTE GENERATOR FEE.]** Each generator of hazardous waste shall pay a fee on the hazardous waste which he generates. The agency shall compute the amount of the fee due based on the hazardous waste disclosures submitted by the generators and other information available to the agency. The agency shall annually prepare a statement of the amount of the fee due from each generator. The fee shall be paid annually commencing with the first day of the calendar quarter after the date of the statement.

The agency may exempt generators of small quantities of hazardous wastes otherwise subject to the fee if it finds that the cost of administering a fee on those generators is excessive relative to the proceeds of the fee. The fee shall consist of a minimum fee for each generator not exempted by the agency and an additional fee which generally reflects the quantity of wastes generated by the generator.

If any metropolitan counties recover the costs of administering county hazardous waste regulations by charging fees, the fees charged by the agency outside of those counties shall not exceed the fees charged by those counties. The agency shall not charge a fee in any metropolitan county which charges such a fee. The agency shall impose a surcharge on the fees charged by the metropolitan counties and by the agency to reflect the agency's expenses in carrying out its statewide hazardous waste regulatory responsibilities. The surcharge imposed on the fees charged by the metropolitan counties shall be collected by the metropolitan counties in the manner in which the counties collect their generator fees. Metropolitan counties shall remit the proceeds of the surcharge to the agency by the last day of the month following the month in which they were collected.

**Subd. 3. [FACILITY FEES.]** The agency shall charge an original permit fee, a reissuance fee and an annual operator's fee for any hazardous waste facility permitted by the agency. The agency may include reasonable and necessary costs of any environmental review required under chapter 116D in the original permit fee for any hazardous waste facility.

Sec. 25. Minnesota Statutes 1982, section 115A.24, subdivision 1, is amended to read:

**Subdivision 1. [CERTIFICATE.]** (EXCEPT AS PROVIDED IN SUBDIVISION 2.) By 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 type 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 board shall consider all technologies being developed in other countries as well as in the United States when it considers the alternatives to hazardous waste disposal. The certificate or certificates shall not be subject to the provisions of chapter 14 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. 26. Minnesota Statutes 1982, section 466.01, is amended by adding a subdivision to read:

*Subd. 3. For the purposes of sections 466.01 to 466.15, "release" and "hazardous substance" have the meanings given in section 2.*

Sec. 27. Minnesota Statutes 1982, section 466.04, subdivision 1, is amended to read:

Subdivision 1. [LIMITS; PUNITIVE DAMAGES.] Liability of any municipality on any claim within the scope of sections 466.01 to 466.15 shall not exceed

(a) \$100,000 when the claim is one for death by wrongful act or omission and \$100,000 to any claimant in any other case;

(b) \$300,000 for any number of claims arising out of a single occurrence (.);

(c) *Twice the limits provided in clauses (a) and (b) when the claim arises out of the release or threatened release of a hazardous substance, whether the claim is brought under sections 1 to 14 or under any other law.*

No award for damages on any such claim shall include punitive damages.

**Sec. 28. [APPROPRIATION; COMPLEMENT.]**

*Subdivision 1. [APPROPRIATION TO FUND.] The sum of \$ . . . . . is appropriated from the general fund and transferred to the environmental response, compensation and compliance fund established in section 19.*

*Subd. 2. [TAX ADMINISTRATION; COMPLEMENT.] The following sums are appropriated from the general fund to be available until June 30, 1985, for costs of administering and enforcing sections 20 and 22.*

(a) *To the commissioner of revenue . . . . .*

*The approved complement of the department of revenue is increased by . . . . . positions.*

(b) *To the pollution control agency . . . . .*

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

*Subd. 3. [APPROPRIATION FOR RESPONSE ACTIONS.] For the biennium ending June 30, 1985, and except as provided in subdivision 4, all money in the environmental response, compensation and compliance fund except any money recovered with respect to natural resources under section 16, subdivision 7, is appropriated to the pollution control agency for the purposes described in section 19, subdivision 2, clauses (a), (b) and (c).*

*Subd. 4. [RULES; PRIORITY LISTS; COMPLEMENT.] The sum of \$ . . . . . is appropriated from the environmental response, compensation and compliance fund to the pollution control agency for the cost of establishing priority lists and adopting rules as required under section 16, subdivision 13, to be available until June 30, 1984.*

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

**Sec. 29. [REPEALER.]**

*Minnesota Statutes 1982, section 115A.24, subdivision 2, is repealed.*

**Sec. 30. [EFFECTIVE DATE.]**

*Sections 16 to 23, and 28 are effective the day following final enactment. The taxes imposed by section 21 are effective January*

1, 1984. The remaining sections of this act are effective July 1, 1983."

Delete the title and insert:

"A bill for an act relating to the environment; establishing an environmental response, compensation and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, economic loss, and damage to natural resources resulting from releases of hazardous substances; imposing taxes, fees, and penalties; providing for injunctive relief; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; proposing new law coded as Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1982, section 115A.24, subdivision 2."

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 89, A bill for an act relating to crimes; increasing penalties for certain crimes when committed with intent to cause fear for personal safety because of race, color, religion, sex, affectional or sexual orientation, or national origin; amending Minnesota Statutes 1982, sections 609.595, subdivision 1; and 609.713.

Reported the same back with the following amendments:

Page 2, line 1, after "sex," insert "*physical or mental handicap,*"

Page 2, line 2, delete "or"

Page 2, line 2, after "origin" insert "*or political persuasion*"

Page 2, line 6, strike the semicolon

Page 2, line 7, strike "provided that" and insert a new period

Page 2, line 20, strike "such"

Page 2, line 26, delete "*for personal safety*" and insert "*in the person threatened or in another person*"

Page 2, line 27, before "*person's*" insert "*threatened*"; after "*sex,*" insert "*physical or mental handicap,*"

Page 2, line 28, delete "*or*"

Page 2, line 28, after "*origin*" insert "*or political persuasion*"

Page 2, line 33, strike "*such*"

Amend the title as follows:

Page 1, line 3, delete "*for*"

Page 1, line 4, delete "*personal safety*"; after "*sex,*" insert "*physical or mental handicap,*"

Page 1, line 5, delete the second "*or*"

Page 1, line 5, after "*origin*" insert "*or political persuasion*"

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. 107, A bill for an act relating to public welfare; requiring reporting of abuse or neglect of children; exempting determinations of eligibility for day care and foster care licenses from application of the Minnesota criminal offenders rehabilitation law; requiring arrest information and reports to be made available to the commissioner of public welfare for the purpose of investigating applicants for a day care or residential facility license; requiring denial or revocation of a day care or foster care license to be upheld by hearing examiners unless the decision is arbitrary or capricious; providing for appointment of guardianship of children whose parents are deceased and for evaluations of abusive parents; eliminating the evidentiary privilege of medical health professionals in actions or proceedings for neglect, dependency, or termination of parental rights; prohibiting exclusion of evidence in any proceeding arising out of alleged neglect or physical or sexual abuse; clarifying investigative authority of welfare agencies in making mandated investigations of physical or sexual abuse and neglect; providing that whenever there is a conflict of interest under the juvenile court act, the child's interests shall prevail over parental rights; amending Minnesota Statutes 1982, sections 245.783; subdivision 3; 245.-

801, subdivisions 1 and 4; 260.011, subdivision 2; 260.151, by adding a subdivision; 260.242, subdivision 2, and by adding a subdivision; 364.09; 595.02; 626.556, subdivisions 8 and 10; and 626.557.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, 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) *after notice* to 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, *arrest information, reports regarding abuse or neglect of children, and investigation results* 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 sections 245.781 to 245.812 and 252.28, subdivision 2 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 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.

Sec. 2. Minnesota Statutes 1982, section 245.801, subdivision 1, is amended to read:

Subdivision 1. An applicant who has been denied a license by the department shall be given prompt written notice thereof, by certified mail to the address shown in the application. The notice shall contain a statement of the reasons for the denial and shall inform the applicant of his right to appeal the decision to the commissioner. Written notice of appeal must be mailed with-

in 20 days after receipt of the notice of denial. Upon receiving a timely written appeal, the commissioner shall give the applicant reasonable notice and an opportunity for a prompt hearing before an impartial hearing examiner. The hearing examiner shall make a recommendation to the commissioner of whether the application shall be denied or granted either for a license or a provisional license. *In the case of a family day care license or a family foster care license, unless the hearing examiner determines that the decision of the department to deny the application was arbitrary and capricious, the hearing examiner shall recommend to the commissioner that the denial be affirmed.* The commissioner shall not be bound by the recommendation of the hearing examiner. The final decision of the commissioner shall be sent to the applicant by certified mail, and shall inform the applicant of his rights under chapter 14 and as stated in this section.

Sec. 3. Minnesota Statutes 1982, section 245.801, subdivision 4, is amended to read:

Subd. 4. An operator whose license the commissioner proposes to suspend, revoke, or make probationary shall be given notice by certified mail addressed to the location shown on the license. The notice shall contain a statement of, and the reasons for, the proposed action and shall inform the operator of his right to appeal the decision to the commissioner, in writing, within ten days after receipt of the notice of the proposed action. Upon receiving a timely written appeal, the commissioner shall give the operator reasonable notice and an opportunity for a prompt hearing before an impartial hearing examiner. The hearing examiner shall make a recommendation to the commissioner as to whether the license shall be suspended, revoked, or made probationary. *In the case of a family day care license or a family foster care license, unless the hearing examiner determines that the decision of the department to suspend or revoke the license or to make it probationary was arbitrary and capricious, the hearing examiner shall recommend to the commissioner that the department's decision be affirmed.* However, if the commissioner finds that the health, safety or rights of the persons served by the facility or agency are in imminent danger, he shall order the immediate suspension of the license. The operator shall be given written notice of the order by personal service. The notice shall contain a statement of the reasons for the suspension and shall inform the operator of his right to petition the commissioner for reconsideration of the order. The petition shall be in writing and shall be made within five days after the personal service of the order. Upon receiving a timely written petition, the commissioner shall give the operator reasonable notice and an opportunity for a prompt hearing before an impartial hearing examiner with respect to the order of suspension of the license. The hearing examiner shall make a recommendation to the commissioner as to whether the order of suspension should be affirmed or reversed. The commissioner shall not be bound by the recommendation of the hearing examiner. The final decision

of the commissioner shall be served on the operator by personal service, and shall inform the applicant of his rights under chapter 14 and as stated in this section.

**Sec. 4. [245.8131] [REPORTING ABUSE OR NEGLECT OF CHILDREN IN FACILITIES.]**

*Subdivision 1. [DEFINITION.] "Child" means anyone who has not reached his or her eighteenth birthday.*

*Subd. 2. [PERSONS MANDATED TO REPORT.] Any professional individual or his delegate in the field of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care education, or law enforcement, who has knowledge of or reasonable cause to believe a child in the care of a facility or agency required to be licensed is being neglected or physically or sexually abused by an individual in that facility or agency, shall immediately report the information to the commissioner, the local welfare agency, or police department. The local welfare agency or police department, upon receiving a report, shall immediately notify the commissioner. Nothing in this subdivision shall be construed to require more than one report from any institution, facility, school or agency.*

*Any person not required to report under the provisions of this section may voluntarily report to the commissioner, the local welfare agency or police department if he has knowledge of or reasonable cause to believe a child in the care of a facility or agency required to be licensed is being neglected or subjected to physical or sexual abuse by an individual in that facility or agency. The local welfare agency or police department, upon receiving a report, shall immediately notify the commissioner.*

*Subd. 3. [IMMUNITY FROM LIABILITY.] Any person participating in good faith and exercising due care in the making of a report pursuant to this section shall have immunity from any liability, civil or criminal, that otherwise might result by reason of his action.*

*Subd. 4. [FALSIFIED REPORTS.] Any person who willfully or recklessly makes a false report under the provisions of this section shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury.*

*Subd. 5. [FAILURE TO REPORT.] Any person required by this section to report suspected physical or sexual abuse who willfully fails to do so is guilty of a misdemeanor.*

*Subd. 6. [REPORT.] An oral report shall be made immediately by telephone or otherwise. An oral report made by a person required under subdivision 2 to report shall be followed*

as soon as possible thereafter by a report in writing to the commissioner, the appropriate police department or local welfare agency. Any report shall be of sufficient content to identify the child, the facility or agency responsible for his care, the nature and extent of the child's injuries, and the name and address of the reporter. Written reports received by a police department or local welfare agency shall be forwarded immediately to the commissioner.

**Subd. 7. [MANDATORY REPORTING TO A MEDICAL EXAMINER OR CORONER.]** When a person required to report under the provisions of subdivision 2 has reasonable cause to believe a child has died as a result of neglect or physical or sexual abuse, he shall report that information to the appropriate medical examiner or coroner. Medical examiners or coroners shall notify the commissioner, the local welfare agency, or police department in instances in which they believe that the child has died as a result of neglect or physical or sexual abuse. The medical examiner or coroner shall complete an investigation as soon as feasible and report the findings to the appropriate law enforcement authorities, the commissioner, and the local welfare agency.

**Subd. 8. [INVESTIGATION.]** The commissioner shall immediately investigate any report received under this section. The commissioner shall arrange for the transmittal of reports received by local agencies to him, and may delegate to any local welfare agency the duty to investigate reports. The commissioner and the local welfare agencies delegated to investigate reports have the right to enter facilities and inspect and copy records of a facility or agency required to be licensed as part of its investigation. Notwithstanding the provisions of chapter 13, they also have the right to inform the facility or agency under investigation that it is conducting an investigation and to disclose to the facility or agency the names of the individuals under investigation for abusing or neglecting a child and to provide the facility or agency with a copy of the report and its investigative findings.

**Subd. 9. [RECORDS.]** All records maintained by the commissioner of public welfare or a local welfare agency under this section, including any written reports filed under subdivision 6, shall be private data on individuals, except insofar as copies of reports are required by subdivision 6 to be sent to the local police department or the county sheriff. Report records maintained by any police department or the county sheriff shall be private data on individuals except the reports shall be made available to the investigating, petitioning, or prosecuting authority. The welfare board shall make available to the investigating, petitioning, or prosecuting authority any records which contain information relating to a specific incident of neglect or abuse which is under investigation, petition, or prosecution and information relating to any prior incidents of neglect or abuse in-



*volving any of the same persons. The records shall be collected and maintained in accordance with the provisions of chapter 13. An individual subject of a record shall have access to the record in accordance with that chapter, except that the name of the reporter shall be confidential while the report is under investigation. After the investigation is completed, the name of the reporter shall be confidential but shall be accessible to the individual subject of the record upon court order.*

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

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

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

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

Sec. 5. Minnesota Statutes 1982, section 260.011, subdivision 2, is amended to read:

**Subd. 2. (THE PURPOSE OF THE LAWS RELATING TO JUVENILE COURTS IS TO SECURE FOR EACH CHILD ALLEGED OR ADJUDICATED NEGLECTED OR DEPENDENT AND UNDER THE JURISDICTION OF THE COURT, THE CARE AND GUIDANCE, PREFERABLY IN HIS OWN HOME, AS WILL SERVE THE SPIRITUAL, EMOTIONAL, MENTAL, AND PHYSICAL WELFARE OF THE CHILD AND THE BEST INTERESTS OF THE STATE; TO PRESERVE AND STRENGTHEN THE CHILD'S FAMILY TIES WHENEVER POSSIBLE, REMOVING HIM FROM THE CUSTODY OF HIS PARENTS ONLY WHEN HIS WELFARE OR SAFETY CANNOT BE ADEQUATELY SAFEGUARDED WITHOUT REMOVAL; AND, WHEN THE CHILD IS REMOVED FROM HIS OWN FAMILY, TO SECURE FOR HIM**

CUSTODY, CARE AND DISCIPLINE AS NEARLY AS POSSIBLE EQUIVALENT TO THAT WHICH SHOULD HAVE BEEN GIVEN BY HIS PARENTS.) (a) *The purpose of the laws relating to juvenile court and alleged or adjudicated dependent or neglected children is to carry out the public policy of protecting children whose health or welfare may be jeopardized by physical abuse, neglect, or sexual abuse and to secure for each of these children care and guidance which will serve the spiritual, emotional, mental, and physical welfare of the child.*

*Further, it is the policy of this state to preserve and strengthen the family by improving parental and guardian capacity for responsible child care so that a child under the jurisdiction of the juvenile court may safely reside in his or her own home. Although it is preferable that a child's needs be met in his or her own home, if the child's welfare or safety cannot be adequately safeguarded, the child should be removed from the custody of his or her parents, guardian, or custodian and placed in a safe temporary or permanent home environment.*

*When the child is removed from his or her own family, it is the policy of the state to secure for him or her custody, care and discipline, as nearly as possible equivalent to that which should have been given by his or her parents. Whenever the child's interests and parental rights conflict, the interests of the child should prevail.*

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

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

Sec. 6. Minnesota Statutes 1982, section 260.242, is amended by adding a subdivision to read:

Subd. 1a. *If upon petition to the juvenile court by any reputable person, including but not limited to any agent of the commissioner of public welfare and upon hearing in the manner provided in section 260.155, the court finds that both parents are deceased and that a guardian has not been appointed pursuant to Minnesota Statutes, sections 525.6155 to 565.6165, the court shall order the guardianship and legal custody of the child transferred to:*

(a) *the commissioner of public welfare;*

(b) *a licensed child placing agency; or*

(c) *an individual who is willing and capable of assuming the appropriate duties and responsibilities to the child.*

Sec. 7. Minnesota Statutes 1982, section 260.242, subdivision 2, is amended to read:

Subd. 2. (a) A guardian appointed under the provisions of (SUBDIVISION 1) *this section* has legal custody of his ward unless the court which appoints him gives legal custody to some other person. If the court awards custody to a person other than the guardian, the guardian nonetheless has the right and responsibility of reasonable visitation, except as limited by court order.

(b) The guardian may make major decisions affecting the person of his ward, including but not limited to giving consent (when consent is legally required) to the marriage, enlistment in the armed forces, medical, surgical, or psychiatric treatment, or adoption of the ward. When, pursuant to (SUBDIVISION 1, CLAUSE (A)) *this section*, the commissioner of public welfare is appointed guardian, he may delegate to the welfare board of the county in which, after the appointment, the ward resides, the authority to act for him in decisions affecting the person of his ward, including but not limited to giving consent to the marriage, enlistment in the armed forces, medical, surgical, or psychiatric treatment of the ward.

(c) A guardianship created under the provisions of (SUBDIVISION 1) *this section* shall not of itself include the guardianship of the estate of the ward.

Sec. 8. Minnesota Statutes 1982, section 364.09, is amended to read:

**364.09 [LAW ENFORCEMENT; EXCEPTION.]**

This chapter shall not apply to the practice of law enforcement or to eligibility for a family day care license or a family foster care license; but nothing in this section shall be construed to preclude the Minnesota police and peace officers training board from recommending policies set forth in this chapter to the attorney general for adoption in his discretion to apply to law enforcement.

Sec. 9. Minnesota Statutes 1982, section 626.556, subdivision 10, is amended to read:

Subd. 10. [DUTIES OF LOCAL WELFARE AGENCY UPON RECEIPT OF A REPORT.] (a) The local welfare agency shall immediately investigate and offer protective social services

for purposes of preventing further abuses, safeguarding and enhancing the welfare of the abused or neglected minor, and preserving family life whenever possible. When necessary the local welfare agency shall seek authority to remove the child from the custody of his parent, guardian or adult with whom he is living. In performing any of these duties, the local welfare agency shall maintain appropriate records.

*(b) Authority of the local welfare agency responsible for investigating the child abuse report shall include, but not be limited to, authority to interview, without the consent of a parent, legal custodian, or guardian, the alleged victim and any other minors who currently reside with or who have resided with the alleged perpetrator. The interview may take place at school or any other facility where the alleged victim or other minors might be found and may take place outside the presence of the perpetrator or parent. Except as provided in this clause, the parent, legal custodian, or guardian shall be notified, no later than the conclusion of the investigation, that this interview has occurred. Notwithstanding rule 49.02 of the Minnesota Rules of Procedure for Juvenile Courts, the juvenile court may, after hearing on an ex parte motion by the local welfare agency, order that, where reasonable cause exists, notification of this interview be withheld from the parent, legal custodian, or guardian.*

*(c) Where a parent, custodian, or guardian of the alleged victim or other minor, or the perpetrator prevents access to the victim or other minor by the local welfare agency, the juvenile court may order the parents to produce the alleged victim or other minor for questioning by the local welfare agency outside the presence of the perpetrator and parents at reasonable places and times as specified by court order.*

*(d) Before making any order under clause (c), the court shall issue an order to show cause on the need for interviewing the minor or other alleged victim, either upon its own motion or upon a verified petition, specifying the basis for the requested interviews and fixing the time and place of the hearing. The order to show cause shall be served personally and shall be heard in the same manner as provided in other cases in the juvenile court. The court shall consider the need for appointment of a guardian ad litem to protect the best interests of the child. If a guardian ad litem is appointed, he shall be present at the hearing on the order to show cause."*

Further, delete the title and insert:

"A bill for an act relating to public welfare; requiring reporting of abuse or neglect of children; exempting determinations of eligibility for day care and foster care licenses from application of the Minnesota criminal offenders rehabilitation law; requiring arrest information and reports to be made available to the commissioner of public welfare for the purpose of investigating

applicants for a day care or residential facility license; requiring denial or revocation of a day care or foster care license to be upheld by hearing examiners unless the decision is arbitrary or capricious; providing for appointment of a guardian in certain cases for children whose parents are deceased; clarifying investigative authority of welfare agencies in making mandated investigations of physical or sexual abuse and neglect; providing that whenever there is a conflict of interest under the juvenile court act, the child's interests' shall prevail over parental rights; allowing for the appointment of a guardian ad litem in certain instances; amending Minnesota Statutes 1982, sections 245.783, subdivision 3; 245.801, subdivisions 1 and 4; 260.011, subdivision 2; 260.242, subdivision 2; and by adding a subdivision; 364.09; and 626.556, subdivision 10; proposing new law coded in Minnesota Statutes, chapter 245."

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 166, A bill for an act relating to county attorneys; providing for the prosecution of certain offenses by county attorneys other than county attorneys from Hennepin and Ramsey counties; amending Minnesota Statutes 1982, section 388.051; repealing Minnesota Statutes 1982, section 487.25, subdivision 10.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 169.129, is amended to read:

**169.129 [AGGRAVATED VIOLATIONS; PENALTY.]**

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

this section is in the district court. *The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of chapter 169 shall also be responsible for prosecution of violations of this section.*

Sec. 2. Minnesota Statutes 1982, section 299D.03, subdivision 5, is amended to read:

Subd. 5. [FINES AND FORFEITED BAIL MONEY.] (a) All fines and forfeited bail money, from traffic and motor vehicle law violations, collected from persons apprehended or arrested by (SUCH EMPLOYEES) *officers of the state patrol*, shall be paid by (SUCH) *the person or officer collecting (SUCH) the fines, forfeited bail money or installments thereof, on or before the tenth day after the last day of the month in which (SUCH) these moneys were collected, to the county treasurer of the county where the violation occurred. Three-eighths of (SUCH) these receipts shall be credited to the general revenue fund of the county. The other five-eighths of (SUCH) these receipts shall be transmitted by that officer to the state treasurer and shall be credited to the trunk highway fund. If, however, the violation occurs within a municipality and the city attorney prosecutes the offense, and a plea of not guilty is entered, one-third of the receipts shall be credited to the general revenue fund of the county, one-third of the receipts shall be paid to the municipality prosecuting the offense, and one-third shall be transmitted to the state treasurer as provided in this subdivision. All costs of participation in a nation-wide police communication system chargeable to the state of Minnesota shall be paid from appropriations for that purpose.*

(b) Notwithstanding any other provisions of law, all fines and forfeited bail money from violations of statutes governing the maximum weight of motor vehicles, collected from persons apprehended or arrested by employees of the state of Minnesota, by means of stationary or portable scales operated by (SUCH) *these employees, shall be paid by the person or officer collecting the fines or forfeited bail money, on or before the tenth day after the last day of the month in which the collections were made, to the county treasurer of the county where the violation occurred. Five-eighths of (SUCH) these receipts shall be transmitted by that officer to the state treasurer and shall be credited to the highway user tax distribution fund. Three-eighths of (SUCH) these receipts shall be credited to the general revenue fund of the county.*

Sec. 3. Minnesota Statutes 1982, section 357.13, subdivision 1, is amended to read:

Subdivision 1. [CITY POLICE; WITNESS FEES.] No police officer of any city shall receive any *witness fee* in a suit or prosecution brought in the name of the state, but any county may reimburse him for expenses actually incurred therein, *ex-*

*cept that when the prosecution is for a misdemeanor or petty misdemeanor where the arrest was made or citation was issued by a city police officer and the county attorney is the prosecuting authority, the county shall not pay these expenses but the city in which the violation is alleged to have occurred may pay them.*

Sec. 4. Minnesota Statutes 1982, section 357.23, is amended to read:

**357.23 [WITNESS FEES OF OFFICERS OF MUNICIPALITIES.]**

No officer or employee of any city or county in this state shall receive or be paid any sum as witness fees in any case in which the state of Minnesota, the county, or the city, of which he is an officer or employee, is a party, if the case be tried in the city of which he is a resident. *If the offense alleged is a misdemeanor, petty misdemeanor, or a violation of a municipal ordinance, regulation or rule or charter provision and is prosecuted by a county attorney, any witness who is a city police officer shall not be paid any witness fees by the county but may be paid by the city employing the officer if the trial or proceeding the officer is required to attend is held in a city of which the officer is not a resident.*

Sec. 5. Minnesota Statutes 1982, section 388.051, is amended to read:

**388.051 [DUTIES.]**

It is the duty of the county attorney to:

- (a) Appear in all cases in which the county is a party;
- (b) Give opinions and advice, upon the request of the county board or any county officer, upon all matters in which the county is or may be interested, or in relation to the official duties of the board or officer;
- (c) Prosecute felonies, including the drawing of indictments found by the grand jury, gross misdemeanors and, to the extent prescribed by law, (VIOLATIONS OF) misdemeanors, *petty misdemeanors, and violations of municipal ordinances, charter provisions and rules or regulations;*
- (d) Attend before the grand jury, give them legal advice and examine witnesses in their presence;
- (e) Request the clerk of court to issue subpoenas to bring witnesses before the grand jury or any judge or judicial officer before whom he is conducting a criminal hearing;

(f) Attend any inquest at the request of the coroner; and

(g) Appear, when requested by the attorney general, for the state in any case instituted by the attorney general in his county or before the United States land office in case of application to preempt or locate any public lands claimed by the state and assist in the preparation and trial.

Sec. 6. Minnesota Statutes 1982, section 388.09, is amended to read:

**388.09 [OTHER ATTORNEY EMPLOYED.]**

*Subdivision 1. [GENERAL PROVISIONS.]* When there is no county attorney the county board may employ any competent attorney to perform such legal services for the county as may be necessary. The board may employ an attorney other than the county attorney either to assist him or to appear for the county or any officer thereof in any action in which such county or officer in his official capacity is a party, or to advise the board or its members in relation thereto, or in relation to any other matter affecting the interests of the county, and may pay such attorney out of the funds of the county.

*Subd. 2. [MISDEMEANORS; OTHER PROSECUTIONS.]* Except in the counties of Ramsey and Hennepin, the county board with concurrence of the county attorney may enter into agreements with attorneys or firms of attorneys for the prosecution of gross misdemeanors, misdemeanors or petty misdemeanors, without making these attorneys or members of the firms assistant county attorneys or employees of the county. If there is a contract between the county and any city within it which provides that the county attorney shall also prosecute municipal ordinance, municipal rule or regulation, and charter provision violations for that city, an attorney or firm engaged pursuant to this subdivision may also prosecute these violations.

Sec. 7. Minnesota Statutes 1982, section 388.18, subdivision 5, is amended to read:

*Subd. 5. [BUDGET FOR OFFICE.]* The county board by resolution shall provide the budget for (1) the salary of the county attorney, any assistant county attorneys and employees in the county attorney's office; (2) the salary or other fees of any attorneys or firms of attorneys employed or engaged to prosecute misdemeanors, petty misdemeanors, municipal ordinance violations, or municipal charter, rule or regulation violations, if any; (3) other expenses necessary in the performance of the duties of said office and ((3)) (4) the payment of premiums of any



bonds required of the county attorney and any assistant county attorney or employee in the county attorney's office and the board is authorized to appropriate funds therefor.

Sec. 8. Minnesota Statutes 1982, section 487.25, subdivision 10, is amended to read:

Subd. 10. [PROSECUTING ATTORNEYS.] Violations of state law which are *petty misdemeanors*, misdemeanors, or *gross misdemeanors to the extent otherwise provided by law*, or violations of a municipal ordinance, charter provision, rule or regulation shall be prosecuted by the attorney of the municipality where the violation is alleged to have occurred (IF THAT MUNICIPALITY HAS AN ATTORNEY). *The municipality may enter into an agreement with the county board and the county attorney to provide prosecution services for any of the foregoing offenses.* All other offenses shall be prosecuted by the county attorney of the county in which the alleged violation occurred.

Sec. 9. Minnesota Statutes 1982, section 487.33, subdivision 1, is amended to read:

Subdivision 1. Except as otherwise provided by sections 487.01 to 487.39 or 574.34, the clerk of county court shall pay to the county treasurer all fines, penalties and fees collected by him, all sums forfeited to the court and all other moneys received by him.

Sec. 10. Minnesota Statutes 1982, section 487.33, subdivision 5, is amended to read:

Subd. 5. The clerk shall provide the county treasurer with the name of the municipality or other subdivision of government where the offense was committed *which employed or provided by contract the arresting or apprehending officer and the name of the municipality or other subdivision of government which employed the prosecuting attorney or otherwise provided for prosecution of the offense* for each fine or penalty and the total amount of fines or penalties collected for each such municipality or other subdivision of government. On or before the last day of each month the county treasurer shall pay over to the treasurer of each municipality or subdivision of government within the county all fines or penalties for parking violations for which complaints and warrants have not been issued and (ONE-HALF) *one-third* of all fines or penalties collected during the previous month for offenses committed within such municipality or subdivision of government *from persons arrested or issued citations by officers employed by the municipality or subdivision or provided by the municipality or subdivision by contract.* Additionally, *one-third* of all fines or penalties shall be paid to the municipality or subdivision of government providing prosecution

*of offenses of the type for which the fine or penalty is collected occurring within the municipality or subdivision, imposed for violations of state statute or of an ordinance, charter provision, rule or regulation of a city whether or not a guilty plea is entered or bail is forfeited. Except as provided in section 299D.03, subdivision 5, or as otherwise provided by law (.), all other fines and forfeitures and all fees and costs collected by the clerk of court shall be paid to the county treasurer of the county in which the funds were collected who shall dispense the same as provided by law.*

Sec. 11. [487.331] [CHISAGO COUNTY; EXCEPTION.]

*Sections 5 to 10 do not apply to Chisago County and cities within it. Laws 1975, chapter 392, sections 1 and 2 shall continue to govern prosecutions for offenses alleged to have occurred within Chisago County. The county attorney of Chisago County shall also prosecute petty misdemeanor violations of state law alleged to have occurred within the county, and may also prosecute alleged violations of municipal charter provisions or municipal rules or regulations when requested to do so by the municipality, in addition to the offenses he is authorized to prosecute under Laws 1975, chapter 392, sections 1 and 2.*

Sec. 12. [487.332] [JOINT POWERS.]

*Nothing contained in this act shall supersede any powers any governmental unit has under section 471.59.*

Sec. 13. [487.333] [ANOKA COUNTY; EXCEPTIONS.]

*Sections 5 to 10 and section 14 do not apply to Anoka County or cities within it. Fines or penalties collected by the Anoka County court shall be paid as follows: The clerk shall provide the county treasurer with the name of the municipality or other subdivision of government where the offense was committed for each fine or penalty and the total amount of fines or penalties collected for each such municipality or other subdivision of government. On or before the last day of each month the county treasurer shall pay over to the treasurer of each municipality or subdivision of government within the county all fines or penalties for parking violations for which complaints and warrants have not been issued and one-half of all fines or penalties collected during the previous month for offenses committed within such municipality or subdivision of government imposed for violations of state statute or of an ordinance, charter provision, rule or regulation of a city except as provided in section 299D.03, subdivision 5, or as otherwise provided by law. All other fines and forfeitures and all fees and costs collected by the clerk of court shall be paid to the county treasurer who shall dispense the same as provided by law.*

Sec. 14. Minnesota Statutes 1982, section 609.487, is amended by adding a subdivision to read:

*Subd. 5. [PROSECUTING AUTHORITY.] The attorney in the jurisdiction in which a violation of subdivision 3 occurred who is responsible for prosecution of misdemeanor violations of state law shall also be responsible for prosecution of violations of subdivision 3.*

Sec. 15. Minnesota Statutes 1982, section 574.34, is amended to read:

**574.34 [FINES, HOW DISPOSED OF.]**

*Subdivision 1. [GENERAL.] Fines and forfeitures not specially granted or appropriated by law shall be paid into the treasury of the county where the same are incurred.*

*Subd. 2. [MUNICIPAL PROSECUTION; GROSS MISDEMEANORS.] In any case in which a city or municipal attorney prosecutes a gross misdemeanor offense, the proceeds of any fine collected by the county, municipal, or district court shall be disbursed in the same manner as though the offense was a misdemeanor prosecuted by the city or municipal attorney in county or municipal court.*

**Sec. 16. [EFFECTIVE DATE.]**

*Section 1 is effective January 1, 1984. Sections 2, 3, 4, 9, 11, and 15 are effective the day after final enactment. Sections 5, 6, 7, 8, 10, 12, 13, and 14 are effective January 1, 1984."*

Delete the title and insert:

"A bill for an act relating to local government; providing for prosecution of certain gross misdemeanors; authorizing agreements between cities and counties for the prosecution of certain offenses by county attorneys; authorizing counties pursuant to agreement with cities to engage attorneys for prosecution of misdemeanors, petty misdemeanors, and violations of municipal ordinances, charters, and regulations; establishing a formula for disposition of fine proceeds; authorizing cities to pay certain witness expenses; amending Minnesota Statutes 1982, sections 169.129; 299D.03, subdivision 5; 357.13, subdivision 1; 357.23; 388.051; 388.09; 388.18, subdivision 5; 487.25, subdivision 10; 487.33, subdivisions 1 and 5; 574.34; and 609.487, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 487."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 190, A bill for an act relating to courts; providing for the appointment of a court commissioner to solemnize marriages in Dodge and Olmstead counties; proposing new law coded in Minnesota Statutes, chapter 517.

Reported the same back with the following amendments:

Page 1, line 10, after "third" insert "or fifth"

Page 1, line 10, delete "district" and insert "districts"

Page 1, line 11, after "for" insert "Brown,"

Page 1, line 11, delete "and Olmstead" and insert ", Fillmore and Olmsted"

Page 1, line 11, after "counties" insert "respectively"

Page 1, after line 15, insert:

"Sec. 2. [EFFECTIVE DATE.]

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

Further, amend the title:

Page 1, line 3, after "in" insert "Brown,"

Page 1, line 3, after "Dodge" insert ", Fillmore"

Page 1, line 4, delete "Olmstead" and insert "Olmsted"

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. 236, A bill for an act relating to occupations and professions; regulating physicians attending the graduate school of the Mayo foundation; amending Minnesota Statutes 1982, section 147.20.

Reported the same back with the following amendments:

Page 1, line 18, after "attending" strike "the"

Page 1, line 18, strike "school" and insert "programs"

Page 1, line 19, capitalize "foundation"

Amend the title as follows:

Page 1, lines 3 and 4, delete "the graduate school of the Mayo foundation" and insert "certain graduate programs"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 260, A bill for an act relating to conciliation courts; eliminating certain obsolete provisions; amending Minnesota Statutes 1982, section 491.06, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [REPEALER.]

*Minnesota Statutes 1982, sections 491.01; 491.02; 491.03; 491.04; 491.05; 491.06; 491.07; 491.08; 492.01; 492.02; 492.03; 492.04; 492.05; 492.06; 493.01; 493.02; and 493.04; are repealed.*

Sec. 2. [EFFECTIVE DATE.]

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

Amend the title as follows:

Page 1, line 2, after "courts" insert ", traffic violations bureaus, and ordinance violations bureaus"

Page 1, line 3, delete "amending" and insert "repealing"

Page 1, line 4, delete "section 491.06, subdivision 1" and insert "chapters 491; 492; and 493"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 371, A bill for an act relating to transportation; making scheduled increases in taxes on gasoline and special fuel; delaying the effective date of changes in the disposition of the revenue from the motor vehicle excise tax; providing for the addition of designated routes in the trunk highway system; authorizing the issuance of trunk highway bonds; designating priorities for trunk highway construction and reconstruction; proposing new law coded in Minnesota Statutes, chapter 169; amending Minnesota Statutes 1982, sections 296.01, subdivision 24; 296.02; 296.14, subdivision 2; 296.18, by adding a subdivision; and 297B.09.

Reported the same back with the following amendments:

Pages 2 to 4, delete section 3 and insert:

"Sec. 3. Minnesota Statutes 1982, section 296.02, is amended to read:

296.02 [GASOLINE, EXCISE TAX.]

Subdivision 1. [TAX IMPOSED FOR MOTOR VEHICLE USE.] There is (HEREBY) imposed an excise tax (OF 13 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) is payable at the times, in the manner, and by persons specified in this chapter. *The tax is payable at the rate specified in subdivision 1b.*

(a) Notwithstanding any other provision of law to the contrary, the tax imposed on special fuel sold by a qualified service station (SHALL) *may* not exceed, or the tax on gasoline delivered to a qualified service station (SHALL) *must* be reduced to, a rate not more than (3) *three* cents per gallon above the state or provincial tax rate imposed on such products sold by a service station in a contiguous state or Canadian province located within the distance indicated in clause (b).

(b) A "qualifying service station" means a service station located within 7.5 miles, measured by the shortest route by public road, from a service station selling like product in the contiguous state or Canadian province.

(c) A qualified service station shall be allowed a credit by the supplier or distributor, or both, for the amount of reduction computed in accordance with clause (a).

A qualified service station, before receiving the credit, shall be registered with the commissioner of revenue.

Subd. 1a. [EXCEPTION.] The provisions of subdivision 1 do not apply to gasoline purchased by a transit system owned by one or more statutory or home rule charter cities or towns.

Subd. 1b. [RATES IMPOSED.] *The gasoline excise tax is imposed at the following rates:*

(a) *For the period beginning on the first day of the month following the month of final enactment of this act, or on the first day of the second month following the month of final enactment of this act if the date of final enactment of this act is within 15 days of the end of the month, and ending December 31, 1983, gasoline is taxed at the rate of 15 cents per gallon.*

(b) *For the period on and after January 1, 1984, gasoline is taxed at the rate of 16 cents per gallon.*

Subd. 2. [GASOLINE TAX IMPOSED FOR AVIATION USE.] Subject to the provisions of section 296.18, subdivision 4, there is (HEREBY) imposed an excise tax, at the same rate per gallon as the gasoline excise tax, on all aviation gasoline received, sold, stored, or withdrawn from storage in this state. This tax (SHALL BE) is payable at the times, in the manner, and by persons specified in sections 296.01 to 296.27.

Subd. 3. [EXCEPTION.] The provisions of subdivision 2 do not apply to aviation gasoline purchased and placed in the fuel tanks of an aircraft outside this state, even though (SUCH) the gasoline may be consumed within this state.

Subd. 4. [TAX NOT ON CONSUMPTION.] The tax imposed by subdivision 2 is expressly declared not to be a tax upon consumption of aviation gasoline by an aircraft.

Subd. 6. [TAX IMPOSED FOR MARINE USE.] Subject to the provisions of section 296.18, subdivision 1, there is (HEREBY) imposed an excise tax, at the same rate per gallon as the gasoline excise tax, on all marine gasoline received, sold, stored, or withdrawn from storage in this state. This tax (SHALL BE) is payable at the times, in the manner, and by persons specified in sections 296.01 to 296.27.

Subd. 7. [TAX REDUCTION FOR AGRICULTURAL ALCOHOL GASOLINE.] (THE TAX ON GASOLINE IMPOSED BY SUBDIVISION 1 SHALL BE REDUCED BY FOUR CENTS PER GALLON FOR GASOLINE WHICH IS AGRICULTURAL ALCOHOL GASOLINE AS DEFINED IN SECTION 296.01, SUBDIVISION 24, WHICH IS BLENDED BY A DISTRIBUTOR WITH ALCOHOL DISTILLED IN THIS

STATE FROM AGRICULTURAL PRODUCTS PRODUCED IN THIS STATE, AND WHICH IS USED IN PRODUCING AND GENERATING POWER FOR PROPELLING MOTOR VEHICLES USED ON THE PUBLIC HIGHWAYS OF THIS STATE. THE TAX IMPOSED BY THIS SUBDIVISION SHALL BE PAYABLE AT THE SAME TIME, AND COLLECTED IN THE SAME MANNER, AS THE TAX IMPOSED BY SUBDIVISION 1. THE REDUCTION IN GASOLINE TAXES IMPOSED BY THIS SUBDIVISION SHALL EXPIRE ON DECEMBER 31, 1984. BY THE SUPPLIER OR DISTRIBUTOR, OR BOTH, FOR THE AMOUNT OF REDUCTION COMPUTED IN ACCORDANCE WITH CLAUSE (A.)

*The tax on gasoline imposed by subdivision 1 shall be reduced by two cents per gallon beginning January 1, 1984, and continuing through June 30, 1985, and four cents per gallon beginning July 1, 1985, and continuing through June 30, 1992, for gasoline which is agricultural alcohol gasoline as defined in section 296.01, subdivision 24, which is blended by a distributor with alcohol distilled in the United States from agricultural products produced in the United States, and which is used on the public highways of this state. The tax imposed by this subdivision shall be payable at the same time, and collected in the same manner, as the tax imposed by subdivision 1."*

Page 5, line 24, strike "June 30, 1983" and insert "January 1, 1984"

Page 5, line 27, strike "June 30, 1983" and insert "December 31, 1984"

Page 6, line 9, strike "June 30, 1983" and insert "January 1, 1984"

Page 6, line 11, strike "June" and insert "December"

Page 6, line 12, strike "30" and insert "31"

Pages 7 to 12, delete section 8 and insert:

"Sec. 8. Minnesota Statutes 1982, section 473.446, subdivision 1, is amended to read:

Subdivision 1. [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 in subdivision 2, a transit tax consisting of:

(a) An amount equal to two mills times the assessed value of all such property, the proceeds of which shall be used for pay-



ment of the expenses of operating 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 174.265, 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 174.265 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.)

#### Sec. 9. [LIMITATIONS.]

*Notwithstanding the provision of Minnesota Statutes 1982, section 297B.09, as amended by section 6 of this act, the amount allocated from motor vehicle excise tax revenues to the highway user tax distribution fund may not exceed \$3,750,000 and the amount allocated from motor vehicle excise tax revenues to the transit assistance fund may not exceed \$1,250,000 for the period beginning January 1, 1984 and ending June 30, 1985. All motor vehicle excise tax revenues in excess of those amounts for that period must be deposited in the general fund."*

Page 12, line 34, delete "9" and insert "10"

Page 13, line 5, after "date" insert ", except that the tax rate which becomes effective on January 1, 1984, applies to all gasoline in distributor storage on that date"

Page 13, line 5, after "6," insert "and"

Page 13, line 5, delete ", and 8"

Amend the title as follows:

Page 1, lines 8 and 9, delete "designating priorities for trunk highway construction and reconstruction;" and insert "eliminating the authority of the metropolitan transit commission to levy a certain tax;"

Page 1, line 13, delete "and" and before the period insert "; and 473.446, 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.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 413, A bill for an act relating to the city of Edina; allowing the city to make special assessments against certain benefited property.

Reported the same back with the following amendments:

Page 1, line 11, delete "other"

Page 1, line 11, delete "Minnesota Statutes,"

Page 1, line 12, delete "chapter 429" and insert "section 429.-101, subdivisions 2 and 3"

Page 1, line 12, delete "other"

Page 1, line 25, delete "ways" and insert "rights-of-way"

Page 2, line 6, delete "or other"

Page 2, line 7, delete "public areas and facilities" and insert "and related facilities"

Page 2, line 8, after "benefited" insert "; provided that special charges may not be levied against detached, single-family housing for the operation, maintenance or repair of public parks and related facilities"

Page 2, line 14, after "removal" insert "within public rights-of-way, boulevards and sidewalks"

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 89, 166, 190, 236, 260 and 413 were read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

O'Connor introduced:

H. F. No. 614, A bill for an act relating to juveniles; authorizing release of adjudicated delinquents' names to the media; amending Minnesota Statutes 1982, section 260.161, subdivision 2, and by adding a subdivision.

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

Begich; Simoneau; Rodriguez, F., and Battaglia introduced:

H. F. No. 615, A bill for an act relating to workers' compensation; providing for a fee-for-service reimbursement system for services provided to injured workers; 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.

Rice, Begich, Simoneau and Rodriguez, F., introduced:

H. F. No. 616, A bill for an act relating to workers' compensation; providing for an exclusive state insurance agency; appropriating money; proposing new law coded as Minnesota Statutes, chapter 176A; repealing Minnesota Statutes 1982, chapter 79.

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

Nelson, D.; Munger; Otis and Nelson, K., introduced:

H. F. No. 617, A bill for an act relating to the pollution control agency; authorizing the collection of permit fees; clarifying the agency's enforcement authorities relating to air contamination; authorizing the use of certain federal funds; extending the authorization of the state wastewater treatment facility construction grants program; amending Minnesota Statutes 1982, sections 116.07, subdivision 9, and by adding a subdivision; 116.16, subdivision 10; and 116.18, subdivision 1.

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

Long, Munger, Kelly, Otis and Piper introduced:

H. F. No. 618, A bill for an act relating to game and fish; reaffirming the protected status of mourning doves; amending Minnesota Statutes 1982, 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.

Brandl; Simoneau; Clark, K.; Sviggum and Reif introduced:

H. F. No. 619, A bill for an act relating to unemployment compensation; regulating the disqualification of certain health facility workers; amending Minnesota Statutes 1982, section 268.09, subdivision 1.

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

Begich; Brinkman; Jacobs; Carlson, D., and Mann introduced:

H. F. No. 620, A bill for an act relating to taxation; abolishing the aggregate removal tax; allowing the counties of Becker, Clay, Kittson, Marshall, Norman, Polk, and Wilkin to impose an aggregate removal tax; prescribing penalties; repealing Minnesota Statutes 1982, section 298.75; Laws 1961, chapter 605; Laws 1963, chapter 475; Laws 1965, chapter 163; Laws 1977, chapters 112 and 117; and Laws 1979, chapter 273.

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

Long, McEachern, Brandl and Rodriguez, C., introduced:

H. F. No. 621, A bill for an act relating to commerce; authorizing municipalities to grant franchises for the operation of certain video game arcades; providing for the regulation of these franchises; proposing new law coded in Minnesota Statutes, chapter 465.

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

Clawson; Sarna; Wigley; Rodriguez, F., and Metzen introduced:

H. F. No. 622, A bill for an act relating to retirement; volunteer firefighters' relief associations; adding definitions; clarifying ambiguous language; amending Minnesota Statutes 1982, sections 424A.01; 424A.02; 424A.04; 424A.05; and 424A.08; proposing new law coded in Minnesota Statutes, chapter 424A.

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

Sarna, O'Connor, McEachern, Scheid and Hoberg introduced:

H. F. No. 623, A bill for an act relating to commerce; permitting the sale of certain eye glasses by persons other than optometrists; amending Minnesota Statutes 1982, section 148.56.

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

Sarna; Wigley; Clawson; Rodriguez, F., and Metzen introduced:

H. F. No. 624, A bill for an act relating to retirement; highway patrol; restating the definition of average monthly salary; amending Minnesota Statutes 1982, section 352B.08, subdivision 2.

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

Staten; Rodriguez, F.; Simoneau; Rice and Clark, K., introduced:

H. F. No. 625, A bill for an act relating to labor; providing funds for labor education; appropriating money.

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

McDonald, Schafer and Valento introduced:

H. F. No. 626, A resolution memorializing the President and the Congress of the United States to repeal the Federal Reserve Act.

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

Ogren introduced:

H. F. No. 627, A bill for an act relating to game and fish; allowing resident owners and lessees to trap fur bearing animals upon their own land without a license; amending Minnesota Statutes 1982, section 98.47, subdivision 10.

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

Ogren introduced:

H. F. No. 628, A bill for an act relating to elections; requiring representation of unorganized townships in appointment of election judges by certain county boards; amending Minnesota Statutes 1982, section 204B.21.

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

Munger; Berkelman; Carlson, D.; Kahn and Murphy introduced:

H. F. No. 629, A bill for an act relating to appropriations; directing utilization of the balance of a prior appropriation to provide a public access fishing pier and observation site in Duluth.

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

Ogren introduced:

H. F. No. 630, A bill for an act relating to motor vehicles; authorizing judicial action and collection of a fee upon dishonor of payment for registration plates, tabs, certificate, or title certificate; appropriating money; proposing new law coded in Minnesota Statutes, chapter 168.

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

Ellingson; Carlson, L., and Sarna introduced:

H. F. No. 631, A bill for an act relating to Hennepin County; authorizing employees to withdraw from participation in the Hennepin County supplemental retirement fund.

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

Heinitz introduced:

H. F. No. 632, A bill for an act relating to unemployment compensation; providing an exception for contributions and coverage for self-employed business owners; proposing new law coded in Minnesota Statutes 1982.

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

Brinkman introduced:

H. F. No. 633, A bill for an act relating to commerce; uniform commercial code; extending the time period for the perfection of or priority over certain security interests; amending Minnesota Statutes 1982, sections 336.9-301; 336.9-302; 336.9-306; and 336.9-312.

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

Gruenes, Marsh, Wenzel, McEachern and Nelson, K., introduced:

H. F. No. 634, A bill for an act relating to education; providing for a statewide laboratory school at St. Cloud; establishing committees; authorizing state aid to be paid for a laboratory school; appropriating money; proposing new law coded in Minnesota Statutes, chapter 125.

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

Wynia, Swanson, Scheid, Rice and Reif introduced:

H. F. No. 635, A bill for an act relating to health; providing for the distribution of federal funds for maternal and child health care; amending Minnesota Statutes 1982, sections 145.881, subdivision 1; and 145.882; 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.

Tunheim, Ludeman, Erickson, Sparby and Anderson, B., introduced:

H. F. No. 636, A bill for an act relating to local government; authorizing sewer and water commissions to obtain accountant services; amending Minnesota Statutes 1982, section 116A.24, subdivision 2.

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

Rodriguez, C.; Schreiber; Vellenga; Anderson, G., and Pauly introduced:

H. F. No. 637, A bill for an act relating to metropolitan transit; regulating eligibility for certain programs; requiring bidding on certain routes; regulating fares and fare policy; extending debt authority; providing for an evaluation; appropriating money; amending Minnesota Statutes 1982, sections 174.265, subdivisions 3 and 4; 473.408, subdivisions 2 and 3; 473.436, subdivision 5; 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.

Minne introduced:

H. F. No. 638, A bill for an act relating to retirement; authorizing increases in survivor benefits payable by the Hibbing police relief association; amending Laws 1967, chapter 678, section 2, as amended.

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



Anderson, B.; Sieben; Eken; Schreiber and Jennings introduced:

H. F. No. 639, A bill for an act establishing an agricultural resource energy loan guaranty program, board, and fund, and the terms of guarantees by the state of project loans in the program; appropriating money, taxes, tax increments, and other governmental charges; authorizing the issuance of state bonds; amending Minnesota Statutes 1982, sections 290.01, by adding a subdivision; 297A.44, subdivision 1; and 362A.01, subdivision 1; 362A.05; and 473F.02, subdivision 3; proposing new law coded as Minnesota Statutes, chapter 41A; proposing new law coded in Minnesota Statutes, chapter 362A.

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

Battaglia, Gustafson, Murphy, Minne and Berkelman introduced:

H. F. No. 640, A bill for an act relating to appropriations; authorizing the Arrowhead regional development commission to repay an appropriation with funds raised by a levy; amending Laws 1981, chapter 356, section 30.

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

Jacobs and Metzen introduced:

H. F. No. 641, A bill for an act relating to the legislature; reducing the number of members of the senate and house of representatives; amending Minnesota Statutes 1982, sections 2.021; and 2.031, subdivision 1; repealing Minnesota Statutes 1982, sections 2.031, subdivision 2; and 2.041 to 2.712.

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

Clawson, Norton, Knickerbocker, Hokr and Otis introduced:

H. F. No. 642, A bill for an act relating to state employees; authorizing the deduction from salaries or wages of sums of money designated by them for certain combined charitable funds; amending Minnesota Statutes 1982, section 15.375, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 309; repealing Minnesota Statutes 1982, section 15.375, subdivision 1.

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

McEachern; Rodriguez, C.; Levi; Anderson, B., and Heap introduced:

H. F. No. 643, A bill for an act relating to education; requiring the board of teaching to adopt temporary rules relating to placing provisionally licensed teachers on unrequested leaves of absence.

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

Nelson, K.; Solberg; Elioff; Levi and Burger introduced:

H. F. No. 644, A bill for an act relating to education; modifying the state aid penalty when school boards authorize or permit within the district certain violations of law; modifying the state aid penalty when school districts employ one or more teachers who do not hold a valid teaching certificate; amending Minnesota Statutes 1982, sections 124.15, subdivision 5; and 124.19, subdivision 3.

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

McEachern, Segal, Price, Schafer and Burger introduced:

H. F. No. 645, A bill for an act relating to education; changing the date school districts submit audited financial statements from June 30 to December 31; amending Minnesota Statutes 1982, section 121.908.

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

Segal; Anderson, B.; Olsen; Thiede and Price introduced:

H. F. No. 646, A bill for an act relating to education; removing a requirement for certain associations to file statements with the commissioner of education as a condition to school board membership; amending Minnesota Statutes 1982, section 123.33, subdivisions 10 and 14.

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

Segal; Anderson, B.; Solberg; Olsen and Schafer introduced:

H. F. No. 647, A bill for an act relating to education; exempting certain school aids and grants from contract approval procedures; amending Minnesota Statutes 1982, section 124.14, subdivision 1.

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 File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 201, A bill for an act relating to taxation; making administrative and technical changes to income tax and property tax refund provisions; amending Minnesota Statutes 1982, sections 13.46, subdivision 2; 176.231, subdivision 9; 290.032, subdivision 2; 290.06, subdivisions 1, 2c, 2e, as amended, and 3d; 290.068, subdivision 3; 290.077, subdivisions 1 and 4; 290.081; 290.09, subdivisions 1, 6, and 29; 290.095, subdivisions 3 and 7; 290.12, subdivision 2; 290.17, subdivision 2; 290.21, subdivision 4; 290.26, subdivision 2; 290.39, subdivision 1; 290.49, subdivision 8; 290.50, subdivisions 1 and 5; 290.53, subdivision 3a and by adding a subdivision; 290.92, subdivision 5a; 290A.03, subdivision 13; 290A.04, subdivision 3; 290A.111, subdivision 2; 290A.112, subdivision 2; and Laws 1981, Third Special Session chapter 2, article III, section 22, as amended; and article IV, section 14; and repealing Minnesota Statutes 1982, sections 136A.235; 290.01, subdivision 25; 290.07, subdivision 5a; 290.071, subdivisions 2, 3, 4, and 6; 290.26, subdivision 2a; 290.34, subdivision 3; 290.48, subdivision 6; 290A.04, subdivision 2c.

PATRICK E. FLAHAVEN, Secretary of the Senate

### CONCURRENCE AND REPASSAGE

O'Connor moved that the House concur in the Senate amendments to H. F. No. 201 and that the bill be repassed as amended by the Senate.

Onnen moved that the House refuse to concur in the Senate amendments to H. F. No. 201, 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.

A roll call was requested and properly seconded.

The question was taken on the Onnen motion and the roll was called. There were 55 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Findlay	Hoberg	Omann	Sherman
Bennett	Fjoslien	Jennings	Onnen	Stadum
Bishop	Forsythe	Johnson	Pauly	Swiggum
Blatz	Frerichs	Knickerbocker	Piepho	Thiede
Burger	Gruenes	Kvam	Quist	Uphus
Carlson, D.	Gutknecht	Levi	Redalen	Valan
Dempsey	Halberg	Ludeman	Reif	Valento
DenOuden	Haukoos	Marsh	Schafer	Waltman
Dimler	Heap	McDonald	Schreiber	Welker
Erickson	Heinitz	McKasy	Seaberg	Wigley
Evans	Himle	Olsen	Shaver	Zaffke

Those who voted in the negative were:

Anderson, B.	Eken	Larsen	Peterson	Simoneau
Anderson, G.	Elioff	Lång	Piper	Skoglund
Battaglia	Ellingson	McEachern	Price	Solberg
Beard	Graba	Metzen	Quinn	Sparby
Begich	Greenfield	Minne	Rice	Staten
Bergstrom	Gustafson	Munger	Riveness	Swanson
Berkelman	Hoffman	Murphy	Rodosovich	Tomlinson
Brandl	Jacobs	Nelson, D.	Rodriguez, C.	Turheim
Brinkman	Jensen	Nelson, K.	Rodriguez, F.	Vanasek
Carlson, L.	Kahn	Neuenschwander	St. Onge	Vellenga
Clark, J.	Kalis	Norton	Sarna	Voss
Clark, K.	Kelly	O'Connor	Scheid	Welch
Clawson	Knuth	Ogren	Schoenfeld	Welle
Cohen	Kostohryz	Osthoff	Segal	Wenzel
Coleman	Krueger	Otis	Shea	Wynia

The motion did not prevail.

The question recurred on the O'Connor motion that the House concur in the Senate amendments to H. F. No. 201 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 201, A bill for an act relating to taxation; making administrative and technical changes to income tax and property tax refund provisions; imposing a penalty; amending Minnesota Statutes 1982, sections 13.46, subdivision 2; 176.231, subdivision 9; 290.032, subdivision 2; 290.06, subdivisions 1, 2c, 2e, as amended, and 3d; 290.068, subdivision 3; 290.077, subdivisions 1 and 4; 290.081; 290.09, subdivisions 1, 6, and 29; 290.095, subdivision 7; 290.12, subdivision 2; 290.17, subdivision 2; 290.21, subdivision 4; 290.26, subdivision 2; 290.39, subdivision 1; 290.49, subdivision 8; 290.50, subdivisions 1 and 5; 290.53, subdivision 3a and by adding a subdivision; 290.531; 290.92, subdivision

5a; 290A.03, subdivision 13; 290A.04, subdivision 3; 290A.111, subdivision 2; 290A.112, subdivision 2; and Laws 1981, Third Special Session chapter 2, article IV, section 14; and repealing Minnesota Statutes 1982, sections 136A.235; 290.01, subdivision 25; 290.07, subdivision 5a; 290.071, subdivisions 2, 3, 4, and 6; 290.26, subdivision 2a; 290.34, subdivision 3; 290.48, subdivision 6; 290A.04, subdivisions 2c and 2d.

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 93 yeas and 35 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Coleman	Knuth	Osthoff	Sherman
Anderson, G.	Dimler	Kostohryz	Otis	Simoneau
Anderson, R.	Eken	Krueger	Pauly	Skoglund
Battaglia	Elioff	Larsen	Peterson	Solberg
Beard	Ellingson	Long	Piper	Sparby
Begich	Evans	McEachern	Price	Staten
Bennett	Graba	McKasy	Quinn	Swanson
Bergstrom	Greenfield	Metzen	Reif	Tomlinson
Berkelman	Gruenes	Minne	Rice	Tunheim
Blatz	Gustafson	Munger	Riveness	Valan
Brandl	Heap	Murphy	Rodosovich	Vanasek
Brinkman	Himle	Nelson, D.	Rodriguez, C.	Vellenga
Burger	Hoffman	Nelson, K.	Rodriguez, F.	Voss
Carlson, D.	Jacobs	Neuenschwander	St. Onge	Welch
Carlson, L.	Jensen	Norton	Sarna	Welle
Clark, J.	Kahn	O'Connor	Scheid	Wenzel
Clark, K.	Kalis	Ogren	Schoenfeld	Wynia
Clawson	Kelly	Olsen	Segal	
Cohen	Knickerbocker	Omann	Shea	

Those who voted in the negative were:

Dempsey	Gutknecht	Kvama	Quist	Thiede
DenOuden	Halberg	Levi	Redalen	Uphus
Erickson	Haukoos	Ludeman	Schafer	Valento
Findlay	Heinitz	Marsh	Schreiber	Waltman
Fjoslien	Hoberg	McDonald	Seaberg	Welker
Forsythe	Jennings	Onnen	Shaver	Wigley
Frerichs	Johnson	Piepho	Sviggum	Zaffke

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. 152.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 152, A bill for an act relating to conciliation courts, traffic violations bureaus, and ordinance violations bureaus; eliminating certain obsolete provisions; repealing Minnesota Statutes 1982, chapters 491; 492; and 493.

The bill was read for the first time.

Bennett moved that S. F. No. 152 and H. F. No. 260, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

## CONSENT CALENDAR

H. F. No. 252, A bill for an act relating to occupations and professions; regulating the practice of dentistry; amending Minnesota Statutes 1982, sections 150A.05, subdivision 2; and 150A.11, 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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Knickerbocker	Otis	Simoneau
Anderson, G.	Erickson	Knuth	Pauly	Skoglund
Anderson, R.	Evans	Kostohryz	Peterson	Solberg
Battaglia	Findlay	Krueger	Piepho	Sparby
Beard	Fjoslien	Kvam	Piper	Stadum
Begich	Forsythe	Larsen	Price	Staten
Bennett	Frerichs	Levi	Quian	Sviggum
Bergstrom	Graba	Long	Quist	Swanson
Berkelman	Greenfield	Ludeman	Redalen	Thiede
Bishop	Gruenes	Marsh	Reif	Tomlinson
Blatz	Gustafson	McDonald	Rice	Tunheim
Brandl	Gutknecht	McEachern	Riveness	Uphus
Brinkman	Halberg	McKasy	Rodosovich	Valan
Burger	Haukoos	Metzen	Rodriguez, C.	Valento
Carlson, D.	Heap	Minne	Rodriguez, F.	Vanasek
Carlson, L.	Heinitz	Murphy	St. Onge	Vellenga
Clark, J.	Himle	Nelson, D.	Sarna	Voss
Clark, K.	Hoberg	Nelson, K.	Schafer	Waltman
Clawson	Hoffman	Neuenschwander	Scheid	Welch
Cohen	Jacobs	Norton	Schoenfeld	Welker
Coleman	Jennings	O'Connor	Schreiber	Welle
Dempsey	Jensen	Ogren	Seaberg	Wenzel
DenOuden	Johnson	Olsen	Segal	Wigley
Dimler	Kahn	Omann	Shaver	Wynia
Eken	Kalis	Onnen	Shea	Zaffke
Elioff	Kelly	Osthoff	Sherman	

The bill was passed and its title agreed to.

S. F. No. 24, A bill for an act relating to health; removing the term "epileptic" from the Minnesota Statutes.

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:

Anderson, B.	Ellingson	Knickerbocker	Otis	Simoneau
Anderson, G.	Erickson	Knuth	Pauly	Skoglund
Anderson, R.	Evans	Kostohryz	Peterson	Solberg
Battaglia	Findlay	Krueger	Piepho	Sparby
Beard	Fjoslien	Kvam	Piper	Stadum
Begich	Forsythe	Larsen	Price	Staten
Bennett	Frerichs	Levi	Quinn	Sviggum
Bergstrom	Graba	Long	Quist	Swanson
Berkelman	Greenfield	Ludeman	Redalen	Thiede
Bishop	Gruenes	Marsh	Reif	Tomlinson
Blatz	Gustafson	McEachern	Rice	Tunheim
Brandl	Gutknecht	McKasy	Riveness	Uphus
Brinkman	Halberg	Metzen	Rodosovich	Valan
Burger	Haukoos	Minne	Rodriguez, C.	Valento
Carlson, D.	Heap	Munger	Rodriguez, F.	Vanasek
Carlson, L.	Heinitz	Murphy	St. Onge	Vellenga
Clark, J.	Himle	Nelson, D.	Sarna	Voss
Clark, K.	Hoberg	Nelson, K.	Schafer	Waltman
Clawson	Hoffman	Neuenschwander	Scheid	Welch
Cohen	Jacobs	Norton	Schoenfeld	Welker
Coleman	Jennings	O'Connor	Schreiber	Welle
Dempsey	Jensen	Ogren	Seaberg	Wenzel
DenOuden	Johnson	Olsen	Segal	Wigley
Dimler	Kahn	Omann	Shaver	Wynia
Eken	Kalis	Onnen	Shea	Zaffke
Elioff	Kelly	Osthoff	Sherman	

The bill was passed and its title agreed to.

## CALENDAR

H. F. No. 223 was reported to the House and given its third reading.

## CALL OF THE HOUSE

On the motion of Halberg and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Anderson, B.	Berkelman	Clark, J.	Ellingson	Greenfield
Anderson, G.	Bishop	Clark, K.	Erickson	Gruenes
Anderson, R.	Blatz	Clawson	Evans	Gutknecht
Battaglia	Brandl	Cohen	Findlay	Halberg
Beard	Brinkman	Coleman	Fjoslien	Haukoos
Begich	Burger	DenOuden	Forsythe	Heap
Bennett	Carlson, D.	Eken	Frerichs	Heinitz
Bergstrom	Carlson, L.	Elioff	Graba	Himle

Hoberg	Marsh	Otis	Scheid	Tomlinson
Hoffman	McEachern	Pauly	Schoenfeld	Tunheim
Jacobs	McKasy	Peterson	Schreiber	Uphus
Jennings	Metzen	Piepho	Seaberg	Valan
Jensen	Minne	Piper	Segal	Valento
Johnson	Munger	Price	Shaver	Vanasek
Kahn	Murphy	Quinn	Shea	Vellenga
Kalis	Nelson, D.	Quist	Sherman	Voss
Knickerbocker	Nelson, K.	Redalen	Simoneau	Waltman
Knuth	Neuenschwander	Reif	Skoglund	Welch
Kostohryz	Norton	Rice	Solker	Welker
Krueger	O'Connor	Riveness	Sparby	Welle
Kvam	Ogren	Rodosovich	Stadum	Wenzel
Larsen	Olsen	Rodriguez, C.	Staten	Wigley
Levi	Omann	Rodriguez, F.	Sviggum	Wynia
Long	Onnen	St. Onge	Swanson	Zaffke
Ludeman	Osthoff	Schafer	Thiede	

Vanasek 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. 223, A bill for an act relating to taxation; authorizing the assessment of personal liability of corporate or partnership officers or employees; deleting obsolete references; providing for service of summons and subpoena by mail; providing that tax liens include certain costs; providing for the filing of liens and the transcription of liens to other counties; eliminating the requirement of notification to commissioner of foreclosure in certain instances; providing for the assessment of taxes; providing time limitations for court proceedings to collect certain taxes; providing for a suspension of certain time limitations in bankruptcy cases; clarifying the classification of tax claims in estates; providing a bond requirement to secure withholding taxes; providing that the withholding tax clearance required for state contractors be expanded to include out-of-state subcontractors; amending Minnesota Statutes 1982, sections 270.06; 270.10, by adding a subdivision; 270.69, subdivisions 1, 4, 7, and by adding a subdivision; 270.70, subdivisions 1, 10, and 14; 290.-49, subdivision 6; 290.58; 290.92, subdivisions 6 and 6a; 290.97; 297A.34, subdivisions 4, 5, and by adding a subdivision; 297A.-42, subdivision 2; and 524.3-805.

The bill was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 98 yeas and 32 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Anderson, R.	Beard	Bennett	Berkelman
Anderson, C.	Battaglia	Begich	Bergstrom	Bishop



Brandl	Gustafson	Metzen	Quinn	Sparby
Brinkman	Gutknecht	Minne	Redalen	Staten
Carlson, D.	Haukoos	Munger	Rice	Swanson
Carlson, L.	Hoffman	Murphy	Riveness	Tomlinson
Clark, J.	Jacobs	Nelson, D.	Rodosovich	Tunheim
Clark, K.	Jensen	Nelson, K.	Rodriguez, C.	Valan
Clawson	Johnson	Neuenschwander	Rodriguez, F.	Vanasek
Cohen	Kahn	Norton	St. Onge	Vellenga
Coleman	Kalis	O'Connor	Sarna	Voss
Dempsey	Kelly	Ogren	Scheid	Waltman
Eken	Knickerbocker	Onnen	Schoenfeld	Welch
Elioff	Knuth	Osthoff	Seaberg	Welle
Ellingson	Kostohryz	Otis	Segal	Wenzel
Evans	Krueger	Pauly	Shea	Wigley
Findlay	Larsen	Peterson	Sherman	Wynia
Graba	Long	Piepho	Simoneau	Zaffke
Greenfield	Marsh	Piper	Skoglund	
Gruenes	McEachern	Price	Solberg	

Those who voted in the negative were:

Blatz	Frerichs	Kvam	Quist	Thiede
Burger	Halberg	Levi	Reif	Uphus
DenOuden	Heap	Ludeman	Schafer	Valento
Dimler	Heinitz	McDonald	Schreiber	Welker
Erickson	Himle	McKasy	Shaver	
Fjoslien	Hoberg	Olsen	Stadum	
Forsythe	Jennings	Omann	Svigum	

The bill was passed and its title agreed to.

H. F. No. 56 was reported to the House and given its third reading.

#### CALL OF THE HOUSE LIFTED

McEachern moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

Reif was excused for the remainder of today's session.

H. F. No. 56, A bill for an act relating to local government; providing for orderly annexations in accordance with the terms of the resolutions of local government units; amending Minnesota Statutes 1982, section 414.0325, subdivision 1.

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 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Bishop	Clark, J.	Eken	Forsythe
Anderson, G.	Blatz	Clark, K.	Elioff	Frerichs
Anderson, R.	Brandl	Clawson	Ellingson	Graba
Beard	Brinkman	Cohen	Erickson	Greenfield
Bennett	Burger	Coleman	Evans	Gruenes
Bergstrom	Carlson, D.	Dempsey	Findlay	Gustafson
Berkelman	Carlson, L.	DenOuden	Fjoslien	Gutknecht

Haukoos	Levi	Onnen	Schafer	Tomlinson
Heinitz	Long	Osthoff	Scheid	Tunheim
Himle	Ludeman	Otis	Schoenfeld	Uphus
Hoberg	Marsh	Pauly	Schreiber	Valan
Hoffman	McEachern	Peterson	Seaberg	Valento
Jacobs	McKasy	Piepho	Segal	Vanasek
Jennings	Metzen	Piper	Shaver	Vellenga
Jensen	Minne	Price	Shea	Voss
Johnson	Munger	Quinn	Sherman	Waltman
Kahn	Murphy	Quist	Simoneau	Welch
Kalis	Nelson, D.	Redalen	Skoglund	Welker
Kelly	Nelson, K.	Rice	Solberg	Welle
Knickerbocker	Neuenschwander	Riveness	Sparby	Wenzel
Knuth	Norton	Rodosovich	Stadum	Wigley
Kostohryz	O'Connor	Rodriguez, C.	Staten	Wynia
Krueger	Ogren	Rodriguez, F.	Sviggum	Zaffke
Kvam	Olsen	St. Onge	Swanson	
Larsen	Omann	Sarna	Thiede	

The bill was passed and its title agreed to:

H. F. No. 182, A bill for an act relating to the metropolitan transit commission; special fares for jobseekers; amending Minnesota Statutes 1982, section 478.408, 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 114 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Knickerbocker	Onnen	Sherman
Anderson, G.	Ellingson	Knuth	Osthoff	Simoneau
Anderson, R.	Evans	Kostohryz	Otis	Skoglund
Battaglia	Findlay	Krueger	Pauly	Solberg
Beard	Fjoslien	Larsen	Peterson	Sparby
Begich	Forsythe	Levi	Piper	Staten
Bennett	Frerichs	Long	Price	Sviggum
Bergstrom	Graba	Marsh	Quinn	Swanson
Berkelman	Greenfield	McDonald	Quist	Thiede
Bishop	Gruenes	McEachern	Rice	Tomlinson
Blatz	Gustafson	McKasy	Riveness	Tunheim
Brandl	Halberg	Metzen	Rodosovich	Valento
Brinkman	Heap	Minne	Rodriguez, C.	Vanasek
Burger	Heinitz	Munger	Rodriguez, F.	Vellenga
Carlson, D.	Himle	Murphy	St. Onge	Voss
Carlson, L.	Hoberg	Nelson, D.	Sarna	Waltman
Clark, J.	Hoffman	Nelson, K.	Scheid	Welch
Clark, K.	Jacobs	Neuenschwander	Schoenfeld	Welle
Clawson	Jensen	Norton	Schreiber	Wenzel
Cohen	Johnson	O'Connor	Seaberg	Wigley
Coleman	Kahn	Ogren	Segal	Wynia
Dimler	Kalis	Olsen	Shaver	Zaffke
Eken	Kelly	Omann	Shea	

Those who voted in the negative were:

Dempsey DenOuden Erickson Haukoos Jennings

Kvam Piepho Schafer Uphus Welker  
Ludeman Redalen Stadum Valan

The bill was passed and its title agreed to.

H. F. No. 268, A bill for an act relating to financial institutions; credit unions; removing the restrictions on the amounts that credit unions may invest in the corporate credit union; removing the borrowing restrictions of the corporate credit union; changing references to the central credit union to reflect its name change; amending Minnesota Statutes 1982, sections 52.04, subdivision 1; 52.09, subdivision 2; 52.15, subdivision 2; and 52.17, 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:

Anderson, B.	Ellingson	Knickerbocker	Otis	Skoglund
Anderson, G.	Erickson	Knuth	Pauly	Solberg
Anderson, R.	Evans	Kostohryz	Peterson	Sparby
Battaglia	Findlay	Kraeger	Piepho	Stadum
Beard	Fjoslien	Larsen	Piper	Staten
Bégich	Forsythe	Levi	Price	Sviggum
Bennett	Frerichs	Long	Quinn	Swanson
Bergström	Graba	Ludeman	Quist	Thiede
Berkelman	Greenfield	Marsh	Redalen	Tomlinson
Bishop	Gruenes	McDonald	Rice	Tunheim
Blätz	Gustafson	McEachern	Riveness	Uphus
Brandl	Gutknecht	McKasy	Rodosovich	Valan
Brinkman	Halberg	Metzen	Rodriguez, C.	Valento
Burger	Haukoos	Minne	Rodriguez, F.	Vanasek
Carlson, D.	Heap	Munger	St. Onge	Vellenga
Carlson, L.	Heinitz	Murphy	Sarna	Voss
Clark, J.	Himle	Nelson, D.	Schafer	Waltman
Clark, K.	Hoberg	Nelson, K.	Scheid	Welch
Clawson	Hoffman	Neuenschwander	Schoenfeld	Welker
Cohen	Jacobs	Norton	Schreiber	Welle
Coleman	Jennings	O'Connor	Seaberg	Wenzel
Dempsey	Jensen	Ogren	Segal	Wigley
DenOuden	Johnson	Olsen	Shaver	Wynia
Dimler	Kahn	Omann	Shea	Zaffke
Eken	Kalis	Onnen	Sherman	
Elioff	Kelly	Osthoff	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 330, A bill for an act relating to courts; providing for the appeal of various matters to the court of appeals; providing for the manner of election of court of appeals judges; amending Minnesota Statutes 1982, sections 2.724, subdivision 2; 3.737, subdivision 4; 3.751, subdivision 4; 5.08, subdivision 2; 10A.01, subdivisions 5 and 19; 14.45; 14.62, subdivision 2; 14.63; 14.64;

14.65; 14.66; 14.68; 15A.18; 16.863; 25.43, subdivision 5; 32A.09, subdivision 5; 43A.02, subdivision 25; 43A.24, subdivision 2; 43A.27, subdivision 4; 44.09, subdivision 3; 45.07; 45.17, subdivision 5; 47.54, subdivision 5; 49.18; 52.063; 56.23; 60A.05; 60A.15, subdivisions 11 and 12; 72A.27; 84.59; 88.78; 97.481, subdivision 2; 97.50, subdivision 6; 105.462; 106.631, subdivisions 5 and 6; 110A.36; 111.42; 112.82, subdivisions 1 and 2; 114.13, subdivision 4; 115.49, subdivision 5; 116.07, subdivision 7; 116.11; 116A.19, subdivision 4; 116C.65; 120.17, subdivision 3b; 122.23, subdivision 16c; 123.32, subdivision 25; 127.25, subdivision 3; 127.33; 141.29, subdivision 2; 145.698, subdivision 2; 155A.11, subdivision 2; 156A.071, subdivision 9; 161.34, subdivision 4; 168.68; 169.123, subdivision 7; 177.29, subdivision 2; 178.09, subdivision 2; 179.64, subdivision 5; 179.741, subdivision 3; 181A.10, subdivision 2; 185.15; 192A.255, subdivision 1; 197.481, subdivision 6; 204B.06, subdivisions 4 and 6; 204B.11, subdivision 1; 204B.34, subdivision 3; 204B.36, subdivision 4; 204D.02, subdivision 1; 204D.08, subdivision 6; 204D.11, subdivision 1; 209.09; 210A.01, subdivision 3; 216.25; 216B.52, subdivision 5; 231.33; 237.20; 237.27; 237.39; 244.11; 246.55; 252A.21, subdivision 1; 253B.19, subdivision 5; 253B.23, subdivision 7; 256.045, subdivisions 9 and 10; 259.32; 260.291, subdivision 2; 268.06, subdivision 20; 268.10, subdivision 8; 268.12, subdivision 13; 270.22; 270.23; 270.26; 270.68, subdivision 2; 273.16; 279.21; 282.01, subdivision 3; 290.48, subdivision 6; 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; 327B.05, subdivision 2; 340.404, subdivision 7; 340.54, subdivision 2; 351.03; 352.01, subdivision 2B; 352D.02, subdivision 1; 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; 480.054; 480.055, subdivision 1; 480.061, subdivision 8; 480.062; 480.07; 480.19; 480A.02 by adding a subdivision; 480A.06, subdivision 1; 481.02, subdivisions 3 and 6; 482.07, subdivision 8; 485.16; 487.39; 488A.01, subdivision 14; 488A.17, subdivision 12; 488A.18, subdivision 14; 488A.34, subdivision 11; 501.35; 508.29; 508A.29; 525.71; 525.714; 525.73; 548.29, subdivision 2; 558.215; 562.04; 571.64; 574.18; 582.11; 586.09; 586.11; 586.12; 589.02; 589.29; 589.30; 590.01, subdivision 1; 590.04, subdivision 3; 590.06; 595.024, subdivision 3; 595.025, subdivision 3; 609.39; 611.07, subdivisions 2 and 3; 611.071, subdivisions 1 and 2; 611.14; 611.18; 611.25; and 648.39, subdivision 1; and Laws 1982, chapter 501, section 27; repealing Minnesota Statutes 1982, sections 14.70; 80A.24, subdivision 3; 363.10; 484.63; 525.711; 525.74; and Laws 1982, chapter 501, sections 17, 18, 19, and 25.

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:

Anderson, B.	Erickson	Knuth	Otis	Skoglund
Anderson, G.	Evans	Kostohryz	Pauly	Solberg
Anderson, R.	Findlay	Krueger	Peterson	Sparby
Battaglia	Fjoslien	Kvam	Piepho	Stadum
Beard	Forsythe	Larsen	Piper	Staten
Begich	Frerichs	Levi	Price	Sviggum
Bennett	Graba	Long	Quinn	Swanson
Bergstrom	Greenfield	Ludeman	Quist	Thiede
Berkelman	Gruenes	Marsh	Redalen	Tomlinson
Bishop	Gustafson	McDonald	Rice	Tunheim
Blatz	Gutknecht	McEachern	Riveness	Uphus
Brandl	Halberg	McKasy	Rodosovich	Valan
Brinkman	Haukoos	Metzen	Rodriguez, C.	Valento
Burger	Heap	Minne	Rodriguez, F.	Vanasek
Carlson, D.	Heinitz	Munger	St. Onge	Vellenga
Carlson, L.	Himle	Murphy	Sarna	Voss
Clark, J.	Hoberg	Nelson, D.	Schafer	Waltman
Clark, K.	Hoffman	Nelson, K.	Scheid	Welch
Clawson	Jacobs	Neuenschwander	Schoenfeld	Welker
Cohen	Jennings	Norton	Schreiber	Welle
Coleman	Jensen	O'Connor	Seaberg	Wenzel
Dempsey	Johnson	Ogren	Segal	Wigley
DenOuden	Kahn	Olsen	Shaver	Wynia
Dimler	Kalis	Omann	Shea	Zaffke
Elioff	Kelly	Onnen	Sherman	
Ellingson	Knickerbocker	Osthoff	Simoneau	

The bill was passed and its title agreed to.

S. F. No. 61, A bill for an act relating to crimes; requiring operators of certain vehicles to provide insurance information to peace officers; providing penalties; increasing penalties for failure to stop at the scene of certain accidents; amending Minnesota Statutes 1982, sections 65B.67, by adding a subdivision; and 169.09, subdivisions 1, 3, 6, 7, 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 126 yeas and 0 nays as follows:

## Those who voted in the affirmative were:

Anderson, B.	Clark, K.	Greenfield	Kelly	Nelson, D.
Anderson, G.	Clawson	Gruenes	Knickerbocker	Nelson, K.
Anderson, R.	Cohen	Gustafson	Knuth	Neuenschwander
Battaglia	Coleman	Gutknecht	Kostohryz	Norton
Beard	Dempsey	Halberg	Kvam	O'Connor
Begich	DenOuden	Haukoos	Larsen	Ogren
Bennett	Dimler	Heap	Levi	Olsen
Bergstrom	Eken	Heinitz	Long	Omann
Berkelman	Elioff	Himle	Ludeman	Onnen
Bishop	Ellingson	Hoberg	Marsh	Osthoff
Blatz	Erickson	Hoffman	McDonald	Otis
Brandl	Evans	Jacobs	McEachern	Pauly
Brinkman	Findlay	Jennings	McKasy	Peterson
Burger	Fjoslien	Jensen	Metzen	Piepho
Carlson, D.	Forsythe	Johnson	Minne	Piper
Carlson, L.	Frerichs	Kahn	Munger	Price
Clark, J.	Graba	Kalis	Murphy	Quinn

Quist	Schoenfeld	Solberg	Uphus	Welle
Redalen	Schreiber	Sparby	Valan	Wenzel
Rodosovich	Seaberg	Stadum	Valento	Wigley
Rodriguez, C.	Segal	Staten	Vanasek	Wynia
Rodriguez, F.	Shaver	Sviggunn	Vellenga	Zaffke
St. Onge	Shea	Swanson	Voss	
Sarna	Sherman	Thiede	Waltman	
Schafer	Simoneau	Tomlinson	Welch	
Scheid	Skoglund	Tunheim	Welker	

The bill was passed and its title agreed to.

S. F. No. 121, A bill for an act relating to crimes; prohibiting criminal operation of a vehicle; amending Minnesota Statutes 1982, section 609.21.

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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Knickerbocker	Pauly	Sparby
Anderson, G.	Erickson	Knuth	Peterson	Stadum
Anderson, R.	Evans	Kostohryz	Piepho	Staten
Battaglia	Findlay	Kvam	Piper	Sviggunn
Beard	Fjoslien	Larsen	Price	Swanson
Begich	Forsythe	Levi	Quinn	Thiede
Bennett	Frerichs	Long	Quist	Tomlinson
Bergstrom	Graba	Ludeman	Redalen	Tunheim
Berkelman	Greenfield	Marsh	Riveness	Uphus
Bishop	Gruenes	McDonald	Rodosovich	Valan
Blatz	Gustafson	McEachern	Rodriguez, C.	Valento
Brandl	Cutknecht	McKasy	Rodriguez, F.	Vanasek
Brinkman	Halberg	Metzen	St. Onge	Vellenga
Burger	Haukoos	Minne	Sarna	Voss
Carlson, D.	Heap	Munger	Schafer	Waltman
Carlson, L.	Heinitz	Murphy	Scheid	Welch
Clark, J.	Himle	Nelson, D.	Schoenfeld	Welker
Clark, K.	Hoberg	Nelson, K.	Schreiber	Welle
Clawson	Hoffman	Neuenschwander	Seaberg	Wenzel
Cohen	Jacobs	Norton	Segal	Wigley
Coleman	Jennings	Ogren	Shaver	Wynia
Dempsey	Jensen	Olsen	Shea	Zaffke
DenOuden	Johnson	Omann	Sherman	
Dimler	Kahn	Onnen	Simoneau	
Eken	Kalis	Osthoff	Skoglund	
Elioff	Kelly	Otis	Solberg	

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 Wynia 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 THE COMMITTEE OF THE WHOLE

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

H. F. Nos. 342 and 398 which it recommended to pass.

H. F. No. 359 which it recommended progress until Thursday, March 17, 1983 retaining its place on General Orders.

H. F. No. 91 which it recommended progress and to be placed at the bottom of General Orders.

H. F. No. 381 which it recommended to pass with the following amendment offered by Otis:

Page 33, line 34, delete "31" insert "28"

Page 34, lines 4, 9, and 13, delete "31" insert "28"

Page 51, lines 6 and 7, reinstate the old language and delete the new language

Page 53, line 3, delete "21" insert "19"

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

## MOTIONS AND RESOLUTIONS

Rodriguez, F., moved that the names of Metzen and Clawson be added as authors on H. F. No. 251. The motion prevailed.

Rodriguez, F., moved that the name of Metzen be added as an author on H. F. No. 384. The motion prevailed.

Gustafson moved that the name of Rice be added as an author on H. F. No. 245. The motion prevailed.

Clawson moved that the name of Shaver be added as an author on H. F. No. 592. The motion prevailed.

Clark, J., moved that the name of Shea be stricken and the name of Coleman be added as an author on H. F. No. 337. The motion prevailed.

Fjoslien moved that the name of Metzen be stricken and the name of McDonald be added as an author on H. F. No. 156. The motion prevailed.

Vellenga moved that H. F. No. 613 be recalled from the Committee on Rules and Legislative Administration and be referred to the Committee on Energy. The motion prevailed.

Heinitz moved that the name of Bennett be added as an author on H. F. No. 632. The motion prevailed.

Jacobs moved that the name of Bennett be added as an author on H. F. No. 641. The motion prevailed.

Ogren moved that the name of Clark, K., be added as an author on H. F. No. 542. The motion prevailed.

McEachern moved that the name of Heap be stricken and the name of Fjoslien be added as an author on H. F. No. 643. The motion prevailed.

Riveness moved that the name of Scheid be stricken and the name of Swanson be added as an author on H. F. No. 318. The motion prevailed.

Heinitz moved that the name of Fjoslien be added as an author on H. F. No. 632. The motion prevailed.

McDonald, Begich, Dimler and Beard introduced:

House Concurrent Resolution No. 2, A house concurrent resolution designating the "Purple Ribbon" to commemorate Minnesota citizens who are still missing in action in Vietnam.

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 14, 1983. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker pro tem Wynia declared the House stands adjourned until 2:00 p.m., Monday, March 14, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## TWENTY-THIRD DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 14, 1983

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. Albert C. Magnuson, Redeemer Covenant Church, Brooklyn Park, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Ellingson	Knickerbocker	Osthoff	Simoneau
Anderson, G.	Erickson	Knuth	Otis	Skoglund
Anderson, R.	Evans	Kostohryz	Pauly	Solberg
Battaglia	Findlay	Krueger	Peterson	Sparby
Beard	Fjoslien	Kvam	Piepho	Stadum
Begich	Forsythe	Larsen	Piper	Staten
Bennett	Frerichs	Levi	Price	Sviggum
Bergstrom	Graba	Long	Quinn	Swanson
Berkelman	Greenfield	Ludeman	Quist	Thiede
Bishop	Gruenes	Mann	Redalen	Tomlinson
Blatz	Gustafson	Marsh	Rice	Tunheim
Brandl	Gutknecht	McDonald	Riveness	Uphus
Brinkman	Halberg	McEachern	Rodosovich	Valento
Burger	Haukoos	McKasy	Rodriguez, C.	Vanasek
Carlson, D.	Heap	Metzen	Rodriguez, F.	Vellenga
Carlson, L.	Himle	Minne	Rose	Voss
Clark, J.	Hoberg	Munger	St. Onge	Waltman
Clark, K.	Hoffman	Murphy	Sarna	Welch
Clawson	Hokr	Nelson, D.	Schafer	Welker
Cohen	Jacobs	Nelson, K.	Scheid	Welle
Coleman	Jennings	Neuenschwander	Schoenfeld	Wenzel
DenOuden	Jensen	Norton	Segal	Wigley
Dimler	Kahn	Ogren	Shaver	Wynia
Eken	Kalis	Olsen	Shea	Zaffke
Elioff	Kelly	Onnen	Sherman	Speaker Sieben

A quorum was present.

Dempsey, Heinitz, Johnson, Omann, Seaberg and Valan were excused.

Schreiber was excused until 2:25 p.m. O'Connor and Reif were excused until 2:50 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. 166, 190, 236, 413, 89, 260 and 381 and S. F. No. 152 have been placed in the members' files.

S. F. No. 152 and H. F. No. 260, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Bennett moved that S. F. No. 152 be substituted for H. F. No. 260 and that the House File be indefinitely postponed. The motion prevailed.

#### REPORTS OF STANDING COMMITTEES

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 30, A bill for an act relating to veterans affairs; providing residents of the Minnesota veterans home with a right to complain about home accommodations and services; prohibiting retaliatory eviction of residents who exercise their right to complain; proposing new law coded in Minnesota Statutes, chapter 198.

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. 31, A bill for an act relating to veterans affairs; prohibiting searches at the Minnesota veterans home except under criminal warrant; proposing new law coded in Minnesota Statutes, chapter 198.

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. 77; A bill for an act relating to horse racing; creating a Minnesota racing commission and providing for its membership, powers, and duties; authorizing the licensing of persons to operate racetracks, conduct horse racing, engage in certain occupations and conduct pari-mutuel betting on horse racing; prescribing taxes and license fees; establishing a Minnesota breeders fund; providing penalties; appropriating money; amending Minnesota Statutes, 1982, sections 38.04; 609.75, subdivision 3; and 609.761; proposing new law coded as Minnesota Statutes, chapter 240.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [240.01] [DEFINITIONS.]

*Subdivision 1. [TERMS.] For the purposes of this act the terms defined in this section have the meanings given them.*

*Subd. 2. [HORSE RACING.] "Horse racing" is any form of horse racing in which horses carry a rider or pull a sulky.*

*Subd. 3. [PERSON.] "Person" is an individual, firm, association, partnership, corporation, trustee, or legal representative, and any licensee, participant, or patron.*

*Subd. 4. [COMMISSION.] "Commission" is the Minnesota racing commission.*

*Subd. 5. [PARI-MUTUEL BETTING.] "Pari-mutuel betting" is the system of betting on horse races where those who bet on horses that finish in the position or positions for which bets are taken share in the total amounts bet, less deductions required or permitted by law.*

*Subd. 6. [BREAKAGE.] "Breakage" is the odd cents of all money to be distributed based on each dollar bet exceeding a sum equal to the next lowest multiple of ten.*

*Subd. 7. [STRAIGHT POOLS AND BETS.] "Straight pool" is a licensed pari-mutuel pool in which each ticket represents a bet to win, place, or show. A "straight bet" is a bet in a straight pool.*

*Subd. 8. [MULTIPLE POOLS AND BETS.] "Multiple pool" is a licensed pari-mutuel pool other than a straight pool. A "multiple bet" is a bet in a multiple pool.*

*Subd. 9. [LICENSED RACETRACK.] "Licensed racetrack" is a racetrack at which horse racing is conducted on the*

*premises and which holds a class A or class D license issued by the commission.*

*Subd. 10. [RACING DAY.] "Racing day" is a day assigned by the commission as a racing day, and on which racing is conducted.*

*Subd. 11. [RACING MEETING.] "Racing meeting" is a series of days in which racing days are not separated by more than five non-racing days.*

**Sec. 2. [240.02] [RACING COMMISSION.]**

*Subdivision 1. [COMMISSION CREATED.] A Minnesota racing commission is established with the powers and duties specified in this act. The commission consists of five members appointed by the governor with the advice and consent of the senate and the house acting separately. Not more than three of the members may belong to the same political party. The governor shall designate the chairman of the commission. Of the members first appointed, two are for terms expiring June 30, 1985, two are for terms expiring June 30, 1987, and one is for a term expiring June 30, 1989. After the expiration of the initial term, appointments are for terms of six years. An appointment to fill a vacancy in an unexpired term is for the remainder of the term and is with the advice and consent of the senate and the house acting separately.*

*Subd. 2. [QUALIFICATIONS.] A member of the commission must have been a resident of Minnesota for at least five years before appointment, and must have a background and experience as would qualify for membership on the commission. A member must, before taking his or her place on the commission, file a bond in the principal sum of \$100,000 payable to the state, conditioned upon the faithful performance of his or her duties. No commission member, nor any member of his or her immediate family, may hold a license issued by the commission or have a direct or indirect financial interest in a corporation, partnership, or association which holds a license issued by the commission.*

*Subd. 3. [COMPENSATION.] The compensation of commission members is \$50 per day spent on commission activities, when authorized by the commission, plus expenses in the same manner and amount as received by state employees.*

*Subd. 4. [REMOVAL; VACANCIES.] The removal of commission members and the filling of vacancies is as provided in section 15.0575.*

*Subd. 5. [ACTIONS.] The commission may sue and be sued in its own name, but no action may be brought against the*

*commission or any of its members for actions taken in good faith in the performance of their duties. The attorney general is the legal counsel for the commission.*

*Subd. 6. [HEARINGS.] All hearings conducted by the commission must be conducted in accordance with chapter 14, the administrative procedure act.*

*Subd. 7. [ANNUAL REPORT.] The commission shall once each year report to the governor and legislature on its activities, organizational structure, receipts and disbursements, and recommendations for changes in the laws relating to racing and pari-mutuel betting.*

**Sec. 3. [240.03] [COMMISSION POWERS AND DUTIES.]**

*The commission has the following powers and duties:*

- (1) to regulate horse racing in Minnesota to ensure that it is conducted in the public interest;*
- (2) to issue licenses as provided in this act;*
- (3) to enforce all laws and rules governing horse racing;*
- (4) to collect and distribute all taxes provided for in this act;*
- (5) to conduct necessary investigations and inquiries and compel the submission of information, documents, and records it deems necessary to carry out its duties;*
- (6) to supervise the conduct of pari-mutuel betting on horse racing;*
- (7) to employ and supervise personnel under this act;*
- (8) to determine the number of racing dates to be held in the state and at each track;*
- (9) to take all necessary steps to ensure the integrity of racing in Minnesota.*

**Sec. 4. [240.04] [EMPLOYEES.]**

*Subdivision 1. [EXECUTIVE SECRETARY.] The commission shall appoint an executive secretary, who is its chief administrative officer and who serves at its pleasure in the unclassified service. He shall devote full time to his duties, which are:*

(a) to take and preserve records of all proceedings before the commission, maintain its books, documents, and records, and make them available for public inspection as the commission directs;

(b) if so designated by the commission, to act as a hearing officer to conduct hearings, receive testimony and exhibits, and certify the record of proceedings to the commission;

(c) to act as the commission's chief personnel officer and supervise the employment, conduct, duties, and discipline of commission employees; and

(d) to perform other duties as directed by the commission.

**Subd. 2. [INSPECTOR OF PARI-MUTUELS.]** The commission shall employ an inspector of pari-mutuels who serves in the unclassified service at the commission's pleasure. He shall, while employed by the commission, devote full time to his duties, which are:

(a) to supervise all forms of pari-mutuel betting on horse racing in the state;

(b) to inspect all machinery;

(c) to make reports on pari-mutuel betting as the commission directs;

(d) subject to commission approval, to appoint deputy inspectors on a seasonal or part-time basis to perform duties the commission designates; and

(e) to perform other duties as directed by the commission.

**Subd. 3. [CHIEF OF SECURITY.]** The commission shall appoint a chief of racing security to serve in the unclassified service at the commission's pleasure. He shall devote full time to his duties while employed by the commission. The chief of racing security is responsible for enforcing all laws and commission rules relating to the security and integrity of racing. He and all other persons designated by the commission as security officers have free and open access to all areas of all facilities the commission licenses and may search without a search warrant any part of a licensed racetrack and the person of any licensee of the commission on the premises. The chief of security may order a licensee to take, at the licensee's expense, security measures he determines necessary to protect the integrity of racing, but such an order may be appealed to the commission. Nothing in this act prohibits law enforcement authorities and agents from entering, in the performance of their duties, a premises licensed under this act.

Subd. 4. [MEDICAL SERVICES.] *The commission shall appoint a medical officer who shall be a doctor of veterinary medicine and who serves at its pleasure in the unclassified service. He shall, while employed by the commission, devote full time to his duties, which are:*

(a) *to supervise the formulation, administration, and evaluation of all medical tests the commission's rules require or authorize;*

(b) *to advise the commission on all aspects of veterinary medicine relating to its powers and duties; and*

(c) *to supervise all personnel involved in medical testing, subject to the supervision of the executive secretary.*

*The commission may obtain medical services as required by contract with an institution which teaches animal health sciences within the state. If no medical officer is appointed, his duties may be assigned to the executive secretary.*

Subd. 5. [OTHER EMPLOYEES.] *Subject to applicable laws, the commission shall employ and assign duties to other officers, employees, and agents as it deems necessary to discharge its functions. Except as otherwise provided, they serve in the classified service.*

Subd. 6. [COMPENSATION.] *The salaries of all commission employees are determined by the commission unless otherwise prescribed by law.*

Subd. 7. [ASSISTANCE.] *The commission may request assistance from any department or agency of the state in fulfilling its duties, and shall make appropriate reimbursement for all such assistance.*

#### Sec. 5. [240.05] [LICENSES; CLASSES.]

Subdivision 1. [CLASSES.] *The commission may issue four classes of licenses:*

(a) *class A licenses, for the ownership and operation of a racetrack with horse racing on which pari-mutuel betting is conducted;*

(b) *class B licenses, for the sponsorship and management of horse racing on which pari-mutuel betting is conducted;*

(c) *class C licenses, for the privilege of engaging in certain occupations related to horse racing; and*

(d) class D licenses, for the conduct of pari-mutuel horse racing by county agricultural societies or associations.

No person may engage in any of the above activities without first having obtained the appropriate license from the commission.

Subd. 2. [FORMS.] All application forms for licenses must contain a statement to the effect that by accepting a license from the commission a licensee consents to having his property or person subject to inspection at any time by the chief of racing security or by security officers designated by the commission.

Subd. 3. [POLICY.] It is the intent of the legislature that authority granted by law to the commission to issue licenses not be construed as requiring the commission to issue any license.

## Sec. 6. [240.06] [RACETRACK LICENSES.]

Subdivision 1. [APPLICATION.] The commission may issue one or more class A licenses, but not more than one to any one person. An application for a class A license must be on a form the commission prescribes and must be accompanied by detailed plans and specifications of the track, buildings, fences, and other improvements. The application must contain:

(a) the name and address of the applicant and, if it is a corporation, the names of all officers, directors, and stockholders of the corporation and any of its holding corporations;

(b) if required by the commission, the names of any person or persons holding directly, indirectly, or beneficially an interest of any kind in the applicant or any of its holding corporations, whether the interest is financial, administrative, policy-making, or supervisory;

(c) a statement of the assets and liabilities of the applicant; and

(d) a sworn statement executed by the applicant setting forth that no officer, director, or other person with a present or future direct or indirect financial or management interest in the racetrack, to the best of the applicant's knowledge:

(1) is in default in the payment of an obligation or debt to the state under this act;

(2) has ever been convicted of a felony in a state or federal court or has a state or federal felony charge pending;

(3) is or has been connected with or engaged in any illegal business;



(4) has ever been found guilty of fraud or misrepresentation in connection with racing or breeding;

(5) has ever been found guilty of a violation of a law or rule in any racing jurisdiction for which a license revocation has been or could have been imposed; or

(6) has ever knowingly violated a rule or order of the commission or a law of Minnesota relating to racing.

**Subd. 2. [HEARINGS.]** Before granting an initial class A license application the commission shall hold one or more public hearings in the area where the racetrack is or will be located. The commission shall also request comments on the application from the city council of the city where the track is or will be located, or from the county board if it is to be located outside a municipality, and from the appropriate regional development commission or the metropolitan council, as the case may be.

**Subd. 3. [INVESTIGATION.]** Before granting an initial class A license the commission shall conduct, or request the bureau of criminal apprehension to conduct, a comprehensive background and financial investigation of the applicant and sources of financing. The commission shall by rule define the scope of preliminary and comprehensive investigations. The commission may charge an applicant an investigation fee to cover the cost of the investigation, and shall from this fee reimburse the bureau for its share of the cost of the investigation. The commission has access to all criminal history data compiled by the bureau of criminal apprehension on class A licensees and applicants.

**Subd. 4. [LICENSE ISSUANCE.]** If after considering the information received at the hearing or hearings and the comments requested under subdivision 2, the commission determines that the license will not adversely affect the public health, welfare, and safety, that the racetrack will be operated in accordance with all applicable laws and rules, that the license will not create a competitive situation that will adversely affect racing and the public interest, and that the applicant is financially able to operate a licensed racetrack, it may issue a class A license to the applicant. The license is effective until revoked or suspended by the commission or relinquished by the licensee.

**Subd. 5. [PROHIBITED LOCATIONS.]** A class A license may not be issued to any location where the operation of a racetrack is prohibited by a valid local zoning ordinance. Not more than one class A license may be issued by the commission within the seven-county metropolitan area.

**Subd. 6. [CHANGES IN OWNERSHIP OR MANAGEMENT.]** If a change in the officers, directors, stockholders, or other persons with a present or future direct or indirect fi-

nancial or management interest in the licensee, or a change of ownership of more than five percent of the licensee's stock is made after the initial application or license issuance, the applicant or licensee must notify the commission of the changes within five days of their occurrence and provide the affidavit required by subdivision 1.

**Subd. 7. [LICENSE SUSPENSION AND REVOCATION.]** The commission may revoke a class A license for a violation of law, order, or rule which in the commission's opinion adversely affects the integrity of horse racing in Minnesota, or for an intentional false statement made in a license application, or for a willful failure to pay any money required to be paid by this act.

The commission may suspend a class A license for up to one year for a violation of law, order, or rule, and may suspend a class A license indefinitely if it determines that the licensee has as an officer, director, stockholder, or other person with a direct, indirect, or beneficial interest a person who is in the commission's opinion inimical to the integrity of horse racing in Minnesota or who cannot be certified under subdivision 1, clause (d).

A license revocation or suspension under this subdivision, or a refusal to renew a class A license, is a contested case under sections 14.57 to 14.70 of the administrative procedure act, and is in addition to criminal penalties imposed for a violation of law or rule.

**Subd. 8. [WORK AREAS.]** A class A licensee must accept and provide suitable work areas for commission members, officers, employees, and agents who are directed by the commission to supervise and control racing at the licensed racetrack at no cost to the commission.

**Sec. 7. [240.07] [RACING LICENSES.]**

**Subdivision 1. [APPLICATION.]** The commission may issue one or more class B licenses for the sponsorship and management of horse racing at licensed racetracks. An application for a class B license must be on a form the commission prescribes, and must be accompanied by a bond in the principal amount of \$500,000 payable to the state of Minnesota conditioned on the licensee's payment of all fees, taxes, and other money due and payable under this act, including horse owner's purses and payouts on winning pari-mutuel tickets.

The application must contain:

(a) the name and address of the applicant and, if it is a corporation or association, the names of all officers, directors, and stockholders, including those of any of its holding companies;

(b) if required by the commission, the names of any person or persons holding, directly, indirectly, or beneficially, an interest of any kind in the applicant or any of its holding companies, whether the interest is financial, administrative, policy-making, or supervisory;

(c) a statement of the assets and liabilities of the applicant; and

(d) a sworn statement of the type described in section 6, subdivision 1, clause (d).

**Subd. 2. [HEARINGS; INVESTIGATIONS.]** Before granting an initial class B license the commission shall hold at least one public hearing on the license. Comprehensive investigations must be conducted and their costs paid in the manner prescribed by section 6, subdivision 3. The commission has access to all criminal history data compiled by the bureau of criminal apprehension on class B licensees and applicants.

**Subd. 3. [LICENSE ISSUANCE.]** If after considering the information received from the hearing and investigations, the commission determines that the applicant will conduct horse racing in accordance with all applicable laws and rules, will not adversely affect the public health, welfare, and safety, that the license will not create a competitive situation that will adversely affect racing and the public interest and is fit to sponsor and manage racing, the commission may issue a class B license. The license is for a period of one year.

**Subd. 4. [RENEWAL.]** The commission may renew a class B license without a hearing unless it determines a hearing to be necessary.

**Subd. 5. [CHANGES IN OWNERSHIP.]** If a change in the officers, directors, or other persons with a direct or indirect financial or management interest in the licensee, or a change of ownership of more than five percent of the licensee's stock is made after the initial application or license issuance, the applicant or licensee must notify the commission of the changes within five days of their occurrence and provide the affidavit required in subdivision 1.

**Subd. 6. [LICENSE SUSPENSION AND REVOCATION.]** Suspension, revocation, and refusal to renew a class B license is as provided in section 6, subdivision 7.

**Subd. 7. [MULTIPLE LICENSES.]** A person may simultaneously hold one class A and one class B license.

**Sec. 8. [240.08] [OCCUPATION LICENSES.]**

*Subdivision 1. [AUTHORITY.] The commission may issue class C occupational licenses to persons who wish to be employed in horse racing where pari-mutuel betting is conducted as:*

- (a) horse owners or lessees;*
- (b) jockeys or drivers;*
- (c) exercise workers;*
- (d) grooms;*
- (e) trainers and their assistants;*
- (f) pari-mutuel personnel;*
- (g) security officers;*

*(h) other occupations the commission by rule determines require licensing to ensure the integrity of horse racing in Minnesota.*

*Subd. 2. [APPLICATION.] An application for a class C license must be on a form the commission prescribes and must be accompanied by an affidavit of qualification that the applicant:*

*(a) is not in default in the payment of an obligation or debt to the state under this act;*

*(b) has never been convicted of a felony in a state or federal court and does not have a state or federal felony charge pending;*

*(c) is not and never has been connected with or engaged in an illegal business;*

*(d) has never been found guilty of fraud or misrepresentation in connection with racing or breeding;*

*(e) has never been found guilty of a violation of law or rule in any racing jurisdiction for which a license revocation has been or could have been imposed;*

*(f) has never knowingly violated a rule or order of the commission or a law of Minnesota relating to racing.*

*Subd. 3. [INVESTIGATIONS.] The commission shall investigate each applicant for a class C license to the extent it deems necessary, and may request the assistance of and may reimburse the bureau of criminal apprehension in investigating applicants. The commission may by rule require that an applicant*

be fingerprinted or furnish his fingerprints. Investigations must be conducted and their costs paid in the manner prescribed by section 6, subdivision 3. The commission may cooperate with national and international organizations and agencies in conducting investigations. The commission may by rule provide for examining the qualifications of an applicant for the license for which he is applying. The commission has access to all criminal history data compiled by the bureau of criminal apprehension on class C applicants and licensees.

Subd. 4. [LICENSE ISSUANCE AND RENEWAL.] If the commission determines that the applicant has sufficient qualifications for the occupation for which licensing is sought and will not adversely affect the public health, welfare, and safety or the integrity of racing in Minnesota, it may issue a class C license to the applicant. If it makes a similar finding for a renewal of a class C license it may renew the license. Class C licenses are effective for one year.

Subd. 5. [REVOCATION AND SUSPENSION.] The commission may revoke a class C license for a violation of law or rule which in the commission's opinion adversely affects the integrity of horse racing in Minnesota, or for an intentional false statement made in a license application.

The commission may suspend a class C license for up to one year for a violation of law, order or rule.

The commission may delegate to its designated agents the authority to impose suspensions of class C licenses, and the suspension may be appealed to the commission according to its rules.

A license revocation or suspension is a contested case under sections 14.57 to 14.70 of the administrative procedure act and is in addition to criminal penalties imposed for a violation of law or rule.

## Sec. 9. [240.09] [COUNTY FAIR LICENSES.]

Subdivision 1. [APPLICATION.] The commission may issue class D licenses to county agricultural societies or associations incorporated under chapter 38 to conduct and manage, on their own fairgrounds, horse racing on which pari-mutuel betting is conducted. An application for a class D license must be on a form the commission prescribes and must be accompanied by a certified copy of a resolution of the county board of the county where racing is to be conducted stating that it has reviewed the license application and does not object to it. An application for a class D license must be accompanied by detailed plans and specifications of the track, buildings, fences, and other improvements.

*Subd. 2. [OCCUPATIONAL LICENSES.] A person who participates in the management or conduct of horse racing or pari-mutuel betting for a county fair holding a class C license who is in an occupation listed in section 8, subdivision 1 must have a class C license from the commission except for active members as defined in section 349.12 of nonprofit organizations who act without compensation as concession workers or pari-mutuel clerks.*

*Subd. 3. [HEARING.] Before granting an initial application for a class D license, the commission must hold at least one public hearing in the county where the license is to be issued, and if the racetrack to be licensed is within a city, it must also request comments on the application from the city council.*

*Subd. 4. [ISSUANCE.] If after considering the information received at the hearing or hearings and considering the comments requested under subdivision 3, the commission determines that the license will not adversely affect the public health, welfare, and safety and that the racing to be licensed will be conducted in accordance with all applicable laws and rules, it may issue a class D license to the applicant. The license is for a period of one year.*

*Subd. 5. [RENEWAL.] The commission may renew a class D license without a hearing unless it determines a hearing is necessary.*

*Subd. 6. [REVOCAION AND SUSPENSION.] Revocation and suspension of class D licenses, and refusals to renew class D licenses, are as provided in section 6, subdivision 7.*

#### **Sec. 10. [240.10] [LICENSE FEES.]**

*The fee for a class A license is \$10,000 per year. The fee for a class B license is \$100 for each assigned racing day on which racing is actually conducted. The fee for a class D license is \$50 for each assigned racing day on which racing is actually conducted. Fees imposed on class B and class D licenses must be paid to the commission at the same time and in the same manner as payments due under section 15, subdivision 2.*

*The commission shall by rule establish an annual license fee for each occupation it licenses under section 8 but no annual fee for a class C license may exceed \$100.*

*License fee payments received must be paid by the commission to the state treasurer for deposit in the general fund.*

#### **Sec. 11. [240.11] [LICENSES NONTRANSFERABLE.]**

*A license issued under this act may not be transferred.*

## Sec. 12. [240.12] [LICENSE AGREEMENTS.]

*The commission may enter into agreements with comparable bodies in other racing jurisdictions for the mutual recognition of occupational licenses issued by each body. The commission may by rule provide for and may charge a fee for the registration of each license issued in another jurisdiction.*

## Sec. 13. [240.13] [PARI-MUTUEL BETTING.]

*Subdivision 1. [AUTHORIZED.] Class B and class D licenses give the licensees authority to conduct pari-mutuel betting on the results of races run at the licensed racetrack, and on other races as authorized by the commission under subdivision 6.*

*Subd. 2. [REQUIREMENTS.] A licensee conducting pari-mutuel betting must provide at the licensed track:*

*(a) the necessary equipment for issuing pari-mutuel tickets; and*

*(b) mechanical or electronic equipment for displaying information the commission requires. All mechanical or electronic devices must be approved by the commission before being used.*

*Subd. 3. [TYPES OF BETTING.] The commission shall by rule designate those types of pari-mutuel pools which are permitted at licensed racetracks, and no licensee may conduct any type of pari-mutuel pool which has not been so designated.*

*Subd. 4. [TAKEOUT: DISTRIBUTION OF WINNINGS.] A licensee conducting pari-mutuel betting must deduct from a straight pari-mutuel pool, before payments to holders of winning tickets, an amount equal to 16 percent of the total money in that pool. The licensee must deduct from a multiple pari-mutuel pool, before payments to the holders of winning tickets, an amount equal to 22 percent of the total money in that pool. The remaining money in each pool must be distributed among the holders of winning tickets in a manner the commission by rule prescribes for each type of pool. Breakage must be computed on the basis of payoffs rounded down to the next lowest increment of 20 cents, with a minimum payoff of \$2.20 on a \$2 ticket, except that the licensee may reduce the minimum payoff to \$2.10 on a \$2 ticket if there is not a sufficient amount in a pool to make a minimum payoff of \$2.20.*

*Subd. 5. [PURSES.] From the amounts deducted from all pari-mutuel pools by a licensee, an amount equal to five percent of all money in all pools must be set aside by the licensee and used for purses for races conducted by him. The commission may by rule provide for the administration and enforcement of this subdivision.*

**Subd. 6. [TELEVISED RACES.]** *The commission may by rule permit a class B or class D licensee to conduct on the premises of the licensed racetrack pari-mutuel betting on horse races run in other states and broadcast by television on the premises. All provisions of law governing pari-mutuel betting apply to pari-mutuel betting on televised races except as otherwise provided in this subdivision or in the commission's rules. Pari-mutuel pools conducted on such televised races may consist only of money bet on the premises and may not be commingled with any other pool off the premises, except that:*

*(a) the licensee may pay a fee to the person or entity conducting the race for the privileges of conducting pari-mutuel betting on the race, and*

*(b) the licensee may pay the costs of transmitting the broadcast of the race.*

*Pari-mutuel betting on a televised race may be conducted only on a racing day assigned by the commission. The takeout and taxes on pari-mutuel pools on televised races are as provided for other pari-mutuel pools. All televised races under this subdivision must comply with the interstate horse racing act of 1978 or found in United States Code, title 15, section 3001 and the following relevant sections, as amended through December 31, 1983.*

**Subd. 7. [TIME LIMIT FOR PAYMENTS.]** *The licensee must pay off on an uncashed ticket presented for payment within 90 days of the end of the racing meeting during which it was issued. A ticket not presented for payment within that period is an unredeemed ticket and shall be reported to the commission as provided in section 15, subdivision 5.*

**Subd. 8. [PROHIBITED ACTS.]** *A licensee may not accept a bet from any person under the age of 18 years; and a licensee may not accept a bet of less than \$2.*

**Sec. 14. [240.14] [RACING DAYS.]**

**Subdivision 1. [ASSIGNMENT OF RACING DAYS.]** *The commission shall assign racing days to each racetrack licensee authorized to conduct racing with pari-mutuel betting, and a licensee may conduct racing with pari-mutuel betting only on a racing day assigned by the commission. The commission may assign racing days for up to three years beyond the year in which the assignment is made. Assignments of racing days in any year must be made by July 1 of the previous year, except as provided in section 25 and except that it may assign dates after that date to a licensee whose license is issued after that date.*

**Subd. 2. [HEARING.]** *A public hearing is required before the commission may:*



- (a) make an assignment of racing days;
- (b) revises the assignment during the year; or
- (c) assigns racing days to a licensee whose license is issued after the initial assignment.

The commission may without a hearing assign one additional racing day to a licensee for each originally assigned racing day during the same racing meeting on which racing was not conducted for reasons beyond the licensee's control.

**Subd. 3. [COUNTY FAIR RACING DAYS.]** The commission may assign to a class D licensee only those racing days, not to exceed ten racing days, which coincide with the days on which the licensee's county fair is running or the weekend preceding or following the county fair.

**Subd. 4. [RESCINDING OF RACING DAYS.]** The commission may, after a public hearing, rescind one or more racing days assigned to a licensee if it determines that the licensee has not met or will not meet the terms of his license. A day or days so rescinded may be reassigned to another licensee.

#### Sec. 15. [240.15] [PAYMENTS TO STATE.]

**Subdivision 1. [TAXES IMPOSED.]** (a) There is imposed on the total amount bet on all pari-mutuel pools on each racing day a tax at the following rates:

(1) For each racing day in a calendar year on which the total amount bet, together with the total amount bet at the same licensed racetrack in all previous racing days in the same calendar year does not exceed \$48,000,000, one and three-quarters percent of the total amount bet in all pari-mutuel pools.

(2) For each racing day in a calendar year after the racing day on which the total amount bet in all pari-mutuel pools at the same licensed racetrack in the same calendar year exceeds \$48,000,000, six percent of the total amount bet in all pari-mutuel pools.

In addition to the above tax, the licensee must designate and pay to the commission a tax for deposit in the Minnesota breeders fund, at the following rates:

(1) For racing days on which the state tax under clause (a)(1) is one and three-quarters percent, one-half percent of the total amount bet in all pari-mutuel pools.

(2) For racing days on which the state tax under clause (a) (2) is six percent, one percent of the total amount bet in all pari-mutuel pools.

The taxes imposed by this clause must be paid from the amounts permitted to be withheld by a licensee under section 13, subdivision 4.

(b) The commission shall impose on each paid admission to each licensed racetrack on a racing day a tax of 40 cents. It may impose an additional admissions tax of not more than ten cents at any licensed racetrack if:

(1) the additional tax is requested by a local unit of government within whose borders the track is located,

(2) a public hearing is held on the request, and

(3) the commission finds that the local unit of government requesting the additional tax is in need of its revenue to meet extraordinary expenses caused by the racetrack.

Subd. 2. [PAYMENT.] The licensee must remit the tax to the commission or its representative within seven days of the day on which it was collected. In addition to the tax and at that time the licensee must pay to the commission or its representative a sum equal to one-half the total breakage for each racing day during the period for which the tax is paid. The payments must be accompanied by a detailed statement of the remittance on a form the commission prescribes. The commission may by rule provide for the direct deposit of required payments in the commission's account in a financial institution within the state and for determining the time of applicability of different tax rates under subdivision 1.

Subd. 3. [TAX EXCLUSIVE.] The tax imposed by subdivision 1 is in lieu of any tax or license fee, other than taxes on real property, imposed by a political subdivision and in lieu of any other sales or excise tax imposed by the state on racetrack admissions or pari-mutuel pools or pari-mutuel ticket sales.

Subd. 4. [REPORTS.] Within 100 days of the end of a racing meeting a licensee subject to the tax imposed by subdivision 1 must file with the commission a certified statement of receipts from all sources during the racing meeting and of expenses and disbursements, itemized on a form the commission prescribes after consultation with the state auditor, showing the licensee's net revenues from all sources. The statement must be prepared by a certified public accountant in accordance with generally accepted auditing standards.

*Subd. 5. [UNREDEEMED TICKETS.] Not later than 100 days after the end of a racing meeting a licensee who sells pari-mutuel tickets must remit to the commission or its representative an amount equal to the total value of unredeemed tickets from the racing meeting. The remittance must be accompanied by a detailed statement of the money on a form the commission prescribes.*

*Subd. 6. [DISPOSITION OF PROCEEDS.] The commission shall distribute all money received under this section, and all money received from license fees and fines it collects, as follows: all money designated for deposit in the Minnesota breeders fund must be paid into that fund for distribution under section 18. Revenue from an additional admissions tax imposed under subdivision 1 must be paid to the local unit of government at whose request it was imposed, at times and in a manner the commission determines. All other revenues received under this section by the commission, and all license fees, fines, and other revenue it receives, must be paid to the state treasurer for deposit in the general fund.*

**Sec. 16. [240.16] [STEWARDS.]**

*Subdivision 1. [POWERS AND DUTIES.] All horse races run at a licensed racetrack must be presided over by a board of three stewards, who must be appointees of the commission or persons approved by it. The commission shall designate one steward as chairman. At least two stewards for all races shall be employees of the commission. The commission may delegate the following duties and powers to a board of stewards:*

*(a) to insure that races are run in accordance with the commission's rules;*

*(b) to supervise the conduct of racing to insure the integrity of the sport;*

*(c) to settle disputes arising from the running of horse races, and to certify official results;*

*(d) to impose on licensees, for violation of law or commission rules, fines not exceeding \$500 and license suspensions not exceeding 30 days;*

*(e) to recommend to the commission where warranted penalties in excess of those in clause (d);*

*(f) to otherwise enforce the laws and rules of racing; and*

*(g) to perform other duties and have other powers assigned by the commission.*

*Subd. 2. [APPEALS; HEARINGS.] A ruling of a board of stewards may be appealed to the commission or be reviewed by it on its own initiative. The commission may provide for appeals to be heard by less than a quorum of the commission. A hearing on a penalty imposed by a board of stewards must be granted on request.*

*Subd. 3. [PROCEDURAL POWERS.] A board of stewards has the authority to administer oaths, issue subpoenas, order the production of documents and other evidence, and regulate the course of hearings before it, according to the commission's rules. Hearings held by a board of stewards are not subject to the provisions of the administrative procedure act except those provisions which the commission by rule makes applicable.*

*Subd. 4. [RULES.] In addition to rules under subdivision 3, the commission may promulgate rules governing the qualifications, appointment, approval, authority, removal, and compensation of stewards.*

*Subd. 5. [COSTS.] The commission may require that a licensee reimburse it for the costs of providing a state-paid steward or stewards to supervise racing at the licensee's racetrack.*

Sec. 17. [240.17] [LOCAL OPTION.]

*Subdivision 1. [CITIES.] An initial issuance of a class A license for a location in a city is not effective until it has been approved by a majority vote of the city council. Failure to act on a license within 30 days of its referral to a city council by the commission constitutes approval.*

*Subd. 2. [TOWNS.] An initial issuance of a class A license for a location in a town is not effective until it has been approved by a majority vote of the town board. Failure to act on a license within 30 days of its referral to the town board by the commission constitutes approval.*

*Subd. 3. [UNORGANIZED TERRITORY.] An issuance of a class A license for a location in unorganized territory is not effective until it has been approved by a majority vote of the county board. Failure to act on a license within 30 days of its referral to the county board by the commission constitutes approval.*

Sec. 18. [240.18] [BREEDERS FUND.]

*The commission shall establish a Minnesota breeders fund with the money paid to it under section 15, subdivision 1. The commission, after paying the costs of administering the fund, shall distribute the net proceeds as follows:*

(1) *Twenty percent of the remaining money in the fund must be expended as grants for equine research at public institutions of post-secondary learning within the state.*

(2) *After deducting the amount for (1), the balance of the fund shall be apportioned into categories corresponding with the various breeds of horses which raced at licensed Minnesota racetracks in the previous year, in proportion to each category's contribution to the fund. The funds in each category may be expended by the commission to:*

(a) *supplement purses for races held exclusively for Minnesota-bred or Minnesota-owned horses, as those terms are defined by the commission;*

(b) *pay breeders or owners awards to the breeders or owners of Minnesota-bred horses which win money at licensed racetracks in the state; and*

(c) *provide other financial incentives to encourage the horse breeding industry in Minnesota.*

*The commission shall adopt rules governing the distribution of the fund. The commission may establish advisory committees to advise it on the distribution of money under this section, provided that the members of an advisory committee shall serve without compensation.*

Sec. 19. [240.19] [CONTRACTS.]

*The commission shall by rule require that all contracts entered into by a class A, class B, or class D licensee for the provision of goods or services, including concessions contracts, be subject to commission approval. The commission may require a contract holder to submit to it documents and records the commission deems necessary to evaluate the contract.*

Sec. 20. [240.20] [APPEALS.]

*Appeals from a decision of the commission must be made in the manner prescribed by sections 14.63 to 14.68.*

Sec. 21. [240.21] [RIGHT OF INSPECTION.]

*The commission and its representatives have the right to inspect the licensed premises of a licensee and to examine his books and other records at any time without a search warrant.*

Sec. 22. [240.22] [FINES.]

*The commission may impose a fine on a licensee for a violation of its rules or of a law relating to horse racing. The fine*

*is in addition to any criminal penalty imposed for the same violation. Fines imposed by the commission must be paid to the commission which shall pay them to the state treasurer for deposit in the general fund.*

Sec. 23. [240.23] [RULEMAKING AUTHORITY.]

*The commission has the authority, in addition to all other rulemaking authority granted elsewhere in this act, to promulgate rules governing:*

*(a) the conduct of horse races held at licensed racetracks in Minnesota, including but not limited to the rules of racing, standards of entry, operation of claiming races, filing and handling of objections, carrying of weights, and declaration of official results;*

*(b) wire communications between the premises of a licensed racetrack and any place outside the premises;*

*(c) information on horse races which is sold on the premises of a licensed racetrack;*

*(d) liability insurance which it may require of all class A, class B, and class D licensees;*

*(e) the auditing of the books and records of a licensee by an auditor employed or appointed by the commission;*

*(f) emergency action plans maintained by licensed racetracks and their periodic review;*

*(g) safety, security, and sanitation of stabling facilities at licensed racetracks;*

*(h) entry fees and other funds received by a licensee in the course of conducting racing which the commission determines must be placed in escrow accounts; and*

*(i) any other aspect of horse racing or pari-mutuel betting which in its opinion affects the integrity of racing or the public health, welfare, or safety.*

*Except as provided in section 25, rules of the commission are subject to chapter 14, the administrative procedure act.*

Sec. 24. [240.24] [MEDICATION.]

*The commission shall make and enforce rules governing medication and medical testing for horses running at licensed racetracks. The rules must provide that no medication, as the com-*

*mission defines that term by rule, may be administered to a horse within 48 hours of a race it runs at a licensed racetrack. The commission shall by rule establish the qualifications for laboratories used by it as testing laboratories to enforce its rules under this section.*

**Sec. 25. [240.25] [TEMPORARY RULES AND RACING DAYS.]**

*Subdivision 1. [RULES.] The commission may promulgate temporary rules encompassing all rulemaking authority granted elsewhere in this act. Temporary rules are not subject to chapter 14, the administrative procedure act, and may be adopted without a hearing. Temporary rules are effective 15 days after adoption by the commission, and remain in effect only until February 15 of the year following the year in which this act first becomes effective. Temporary rules may be filed pursuant to section 14.38.*

*Subd. 2. [RACING DAYS.] Notwithstanding section 14, subdivision 1, the commission may assign racing days for the year in which this act is effective at any time during the year. The provisions of section 14, subdivisions 2 to 4, apply to racing days assigned under this subdivision.*

**Sec. 26. [240.26] [PROHIBITED ACTS.]**

*Subdivision 1. [ILLEGAL BETS.] No person may accept a bet as defined in section 609.75 on the premises of a licensed racetrack other than a bet made within a licensed pari-mutuel system.*

*Subd. 2. [OFF-TRACK BETS.] No person may, as part of an organized commercial activity, accept a bet off the premises of a licensed racetrack for delivery to a licensed racetrack.*

*Subd. 3. [INFLUENCING RACES.] No person may influence or attempt to influence a horse race by:*

- (a) making threats;*
- (b) offering anything of value to a person involved in the conduct of a race in return for that person's committing an illegal act or failing to perform a duty; or*
- (c) conniving with or seeking or having an understanding or agreement with an owner, jockey, driver, trainer, groom, valet, agent, or other person associated with or interested in a horse or stable of horses.*

*Subd. 4. [TAMPERING WITH HORSES.] No person may:*

(a) *on the premises of a licensed racetrack use, have in his possession with intent to use, or knowingly assist another person in using a battery or buzzer, electrical or mechanical, or other device or appliance, which can be used to affect a horse's racing condition or performance, other than an ordinary whip;*

(b) *affect or attempt to affect the racing condition or performance of a horse at a race or workout through the use of a drug or medication in violation of the commission's rules; or*

(c) *use any method, injurious or otherwise, to affect a horse's racing condition or performance at a race or workout in violation of the commission's rules.*

**Subd. 5. [REPORTING OF INFORMATION.]** *A person licensed by the commission who has information regarding a violation provision of this section must report that information promptly to the commission or an agent of the commission.*

**Subd. 6. [FALSE STATEMENT.]** *No person may knowingly make a false statement in a document or application required to be submitted to the commission or in a sworn statement to or testimony before the commission.*

**Subd. 7. [ALTERED TICKETS.]** *No person may knowingly offer for payment any pari-mutuel ticket which has been altered or any counterfeit or forged pari-mutuel ticket.*

**Sec. 27. [240.27] [PENALTIES.]**

**Subdivision 1. [FELONIES.]** *A violation of section 26, subdivision 1, 2, 3, 4, or 7 is a felony.*

**Subd. 2. [GROSS MISDEMEANORS.]** *A violation of section 26, subdivision 5 or 6, is a gross misdemeanor.*

**Subd. 3. [MISDEMEANORS.]** *A violation of any other provision of this act or of a rule or order of the commission for which another penalty is not provided is a misdemeanor.*

**Sec. 28. [240.28] [EXCLUSION OF CERTAIN PERSONS.]**

**Subdivision 1. [PERSONS EXCLUDED.]** *The commission may exclude from any and all licensed racetracks in the state a person who:*

(a) *has been convicted of a felony under the laws of any state or the United States; or*



(b) *has had a license suspended, revoked, or denied by the commission or by the racing authority of any other jurisdiction; or*

(c) *is determined by the commission, on the basis of evidence presented to it, to be a threat to the integrity of racing in Minnesota.*

*Subd. 2. [HEARING; APPEAL.] An order to exclude a person from any or all licensed racetracks in the state must be made by the commission at a public hearing of which the person to be excluded must have at least five days notice. If the person is present at the hearing, he must be permitted to show cause why he should not be excluded. An appeal of the order may be made in the same manner as other appeals under section 20.*

*Subd. 3. [NOTICE TO RACETRACKS.] Upon issuing an order excluding a person from any or all licensed racetracks, the commission shall send a copy of the order to the excluded person and to all racetracks named in it, along with other information as it deems necessary to permit compliance with the order.*

*Subd. 4. [PROHIBITIONS.] It is a gross misdemeanor for a person named in an exclusion order to enter, attempt to enter, or be on the premises of a racetrack named in the order while it is in effect, and for a person licensed to conduct racing or operate a racetrack knowingly to permit an excluded person to enter or be on the premises.*

*Subd. 5. [EXCLUSIONS BY RACETRACK.] The holder of a license to conduct racing may eject and exclude from its premises any licensee or any other person who is in violation of any state law or commission rule or order or who is a threat to racing integrity or the public safety. A person so excluded from racetrack premises may appeal his exclusion to the commission and must be given a public hearing on his appeal if he so requests. At the hearing he must be given the opportunity to show cause why he should not be so excluded. If the commission after the hearing finds that the integrity of racing and the public safety do not justify the exclusion, it shall order the racetrack making the exclusion to reinstate or readmit the person. An appeal of a commission order upholding the exclusion is governed by section 20.*

**Sec. 29. [240.29] [CONFLICT OF INTEREST.]**

*Subdivision 1. [FINANCIAL INTEREST.] No person may serve on the commission or be employed by it who has an interest in any corporation, association, or partnership which holds a license from the commission or which holds a contract to supply goods or services to a licensee or at a licensed racetrack, including concessions contracts. No member or employee of the*

*commission may own, wholly or in part, or have an interest in a horse which races at a licensed racetrack in Minnesota. No member or employee of the commission may have a financial interest in or be employed in a profession or business which the commission regulates or which conflicts with the performance of his duties as a member or employee.*

*Subd. 2. [BETTING.] No member or employee of the commission may bet or cause a bet to be made on a race at a licensed racetrack while serving on or being employed by the commission. No person appointed or approved by the commission as a steward may bet or cause a bet to be made at a licensed racetrack during a racing meeting at which he is serving as a steward. The commission shall by rule prescribe such restrictions on betting by its licensees as it deems necessary to protect the integrity of racing.*

*Subd. 3. [VIOLATION.] A violation of subdivisions 1 and 2 is grounds for removal from the commission or termination of employment. A bet made directly or indirectly by a steward in violation of subdivision 2 or by a licensee in violation of a rule made by the commission under subdivision 2 is grounds for suspension or revocation of the license.*

**Sec. 30. [240.30] [MINNESOTA-BRED OR MINNESOTA-OWNED HORSES.]**

*Each holder of a class B or class D license must declare and schedule on each racing day it conducts at least one race limited to horses which are Minnesota-bred or Minnesota-owned as those terms are defined in the commission rules unless there is not a sufficient number of such horses entered in the declared race to make up an adequate slate of entries, in which case another race may be substituted.*

**Sec. 31. Minnesota Statutes 1982, section 38.04, is amended to read:**

**38.04 [ANNUAL MEETINGS; REPORTS.]**

*Every county agricultural society shall hold an annual meeting for the election of officers and the transaction of other business on or before the third Tuesday in November, each year, at which time its secretary shall make a report of its proceedings for the preceding year; this report shall contain a statement of all transactions at its fairs, the numbers of entries, the amount and source of all moneys received, and the amount paid out for premiums and other purposes, and show in detail its entire receipts and expenditures during the year. The report must contain a separate accounting of any income received from the operation of horse racing on which pari-mutuel betting is conducted, and of the disposition of that income.*

The treasurer shall make a comprehensive report of the funds received, paid out, and on hand; and upon whose order paid. Each secretary shall cause a certified copy of his annual report to be filed with the county recorder of the county and the commissioner of agriculture on or before the first day of November, each year.

Sec. 32. Minnesota Statutes 1982, section 609.75, subdivision 3, is amended to read:

Subd. 3. [WHAT ARE NOT BETS.] The following are not bets:

(1) A contract to insure, indemnify, guarantee or otherwise compensate another for a harm or loss sustained, even though the loss depends upon chance.

(2) A contract for the purchase or sale at a future date of securities or other commodities.

(3) Offers of purses, prizes or premiums to the actual contestants in any bona fide contest for the determination of skill, speed, strength, endurance, or quality or to the bona fide owners of animals or other property entered in such a contest.

(4) The game of bingo when conducted in compliance with sections 349.11 to 349.23.

(5) A private social bet not part of or incidental to organized, commercialized, or systematic gambling.

(6) The operation of a gambling device or the conduct of a raffle as defined in section 349.26, by an organization licensed for such operation by a local unit of government pursuant to section 349.26.

(7) *Pari-mutuel betting on horse racing when conducted under chapter 240.*

Sec. 33. Minnesota Statutes 1982, section 609.761, is amended to read:

Notwithstanding sections 609.755 and 609.76, a fraternal, religious, veterans or other nonprofit organization may set up or operate a gambling device or conduct a raffle as defined in section 349.26, if licensed by the local unit of government and conducted (PURSUANT TO) *under* section 349.26, and a person may manufacture, sell or offer for sale a gambling device to the organization, *and pari-mutuel betting on horse racing may be conducted under chapter 240.*

Sec. 34. [LEGISLATIVE RACING COMMISSION.]

*Subdivision 1. [ESTABLISHMENT.] A legislative racing commission is established. The commission consists of five members of the house selected by the speaker and five members of the senate selected by the committee on rules and administration. At least one member from the house and one member from the senate shall be a member of the minority caucus.*

*Subd. 2. [SELECTION OF OFFICERS.] The commission shall select its own officers who shall serve a term of two years. The chairmanship of the commission shall alternate between a member of the house and a member of the senate.*

*Subd. 3. [DUTIES.] The commission shall continually monitor all aspects of racing and pari-mutuel betting in Minnesota for a period of three years following enactment. It shall research and analyze the need for improvements in the statutes governing racing and pari-mutuel betting and shall report its findings to the full legislature.*

#### Sec. 35. [APPROPRIATION.]

*There is appropriated from the general fund to the commission the sum of \$ . . . . ., or so much thereof as is necessary for the commission to carry out the purposes of sections 1 to 30. There is appropriated from the general fund the sum of \$ . . . . ., to carry out the purposes of section 34. Notwithstanding the provisions of section 16A.28, the appropriation is available until expended.*

#### Sec. 36. [NONAPPLICABILITY.]

*The provisions of sections 1 to 25 and 28 to 33 do not apply to horse racing on which pari-mutuel betting is not conducted.*

#### Sec. 37. [EFFECTIVE DATE.]

*This act 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 Governmental Operations.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 90, A bill for an act relating to highway traffic regulations; prescribing penalties for failure to place children under the age of four years in child passenger restraint systems when being transported on streets and highways; amending Minnesota Statutes 1982, section 169.685, subdivision 5.

Reported the same back with the following amendments:

Page 2, line 6, delete "clause" and insert "subdivision"

Page 2, line 7, before "misdemeanor" insert "petty"

Page 2, line 7, after the period insert "No penalty under clause (a) of this subdivision may be applied to a person who shows satisfactory evidence to the county court or violations bureau, in person or by mail, of having purchased or otherwise obtained the use of a child restraint system meeting federal motor vehicle safety standards, within 30 days of the violation. No fine may be imposed for a violation which is not a second or subsequent violation within a one-year period."

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. 120, A bill for an act relating to motor vehicles; providing for special license plates for amateur radio station licenses and citizen band radio operators; amending Minnesota Statutes 1982, section 168.12, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 12, after "truck" insert "or van which is taxed as a passenger automobile, or a self-propelled recreational vehicle,"

Page 2, line 4, after "truck" insert "or van which is taxed as a passenger automobile, or a self-propelled recreational vehicle,"

Page 2, line 6, after "truck" insert "or van which is taxed as a passenger automobile, or a self-propelled recreational vehicle,"

Page 2, line 10, after "truck" insert "or van which is taxed as a passenger automobile, or a self-propelled recreational vehicle,"

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. 156, A bill for an act relating to taxation; reducing the excise tax on agricultural alcohol gasoline; amending Min-

nesota Statutes 1982, section 296.02, by adding a subdivision; repealing Minnesota Statutes 1982, section 296.02, subdivision 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 296.01, subdivision 24, is amended to read:

Subd. 24. [AGRICULTURAL ALCOHOL GASOLINE.] "Agricultural alcohol gasoline" means a gasoline blend at least ten percent of which is (AGRICULTURAL ETHYL ALCOHOL OF AT LEAST 190 PROOF) *agriculturally derived fermentation ethyl alcohol of a purity of at least 99 percent, determined without regard to any added denaturants, denatured in conformity with one of the approved methods set forth by the United States Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, and derived from agricultural or forest products or other renewable resources, distilled in the United States and derived from agricultural products produced in the United States.*

Sec. 2. Minnesota Statutes 1982, section 296.02, is amended by adding a subdivision to read:

Subd. 8. [TAX REDUCTION FOR AGRICULTURAL ALCOHOL GASOLINE.] *The tax on gasoline imposed by subdivision 1 shall be reduced by two cents per gallon beginning July 1, 1983, and continuing through June 30, 1985, and four cents per gallon beginning July 1, 1985, and continuing through June 30, 1992, for gasoline which is agricultural alcohol gasoline as defined in section 296.01, subdivision 24, which is blended by a distributor with alcohol distilled in the United States from agricultural products produced in the United States, and which is used in producing and generating power for propelling motor vehicles used on the public highways of this state. The tax imposed by this subdivision shall be payable at the same time and collected in the same manner as the tax imposed by subdivision 1.*

Sec. 3. Minnesota Statutes 1982, section 296.02, is amended by adding a subdivision to read:

Subd. 9. [TAX REDUCTION FOR AGRICULTURAL ALCOHOL GASOLINE SOLD TO LOCAL GOVERNMENTS.] *The tax on gasoline imposed by subdivision 1 shall be reduced by eight cents per gallon beginning July 1, 1983, and continuing through June 30, 1992, for gasoline which is agricultural alcohol gasoline as defined in section 296.01, subdivision 24, meets the criteria established in subdivision 8, and is sold in bulk to local*

*units of government. This reduction is in lieu of the reductions provided in subdivision 8.*

Sec. 4. [REPEALER.]

*Minnesota Statutes 1982, section 296.02, subdivision 7, is repealed."*

Delete the title and insert:

"A bill for an act relating to agriculture; redefining agricultural alcohol gasoline; providing a tax reduction for agricultural alcohol gasoline; providing an additional reduction for agricultural alcohol gasoline sold to local units of government; amending Minnesota Statutes 1982, sections 296.01, subdivision 24; and 296.02, by adding subdivisions; repealing Minnesota Statutes 1982, section 296.02, subdivision 7."

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. 274, A bill for an act relating to the legislature; providing for the majority leader of the senate rather than the president of the senate to serve as chairman of the legislative coordinating commission; changing the term of the chairman of the commission from one year to two years; amending Minnesota Statutes 1982, section 3.303, 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. 283, A bill for an act relating to state property; providing for the conveyance of certain property to the city of Tracy.

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. 290, A bill for an act relating to health maintenance organizations; authorizing a local governmental unit to operate as a health maintenance organization; requiring the establishment of an advisory body to the organization; amending Minnesota Statutes 1982, sections 62D.02, subdivision 4; 62D.03, subdivisions 1 and 4; 62D.05, subdivision 1; and 62D.06, subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Local and Urban Affairs.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 313, A bill for an act relating to state lands; authorizing sale of a fractional interest in certain land in Bear Island state forest; correcting an erroneous description in a certain St. Louis County land sale authority; amending Laws 1982, chapter 434, section 2.

Reported the same back with the following amendments:

Page 1, line 23, delete "*could be devoted to state forest purposes and*"

Page 2, line 24, delete "*state forest*"

Page 2, line 24, before the period insert "*pertaining to the activities of the department*"

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. 314, A bill for an act relating to insurance; requiring insurance agents to maintain trust accounts; requiring certain disclosures in personal sales contacts; requiring disclosure of certain limitations on medicare supplement insurance coverage; prohibiting the sale of more than two medicare supplement insurance policies to an individual; requiring copies of medicare supplement and life insurance applications to be provided to applicants; requiring applications for medicare supple-



ment insurance to list health and accident insurance already maintained by applicant; providing rulemaking authority; imposing civil penalties for certain violations; providing a criminal penalty; amending Minnesota Statutes 1982, sections 60A.17, subdivisions 1, 1a, and 6c, and by adding subdivisions; 62A.31, subdivision 1; 62A.39; 62A.42; proposing new law coded in Minnesota Statutes, chapters 61A and 62A.

Reported the same back with the following amendments:

Page 3, line 4, delete "\$100" and insert "\$500"

Pages 11 and 12, delete section 4

Page 13, line 16, delete ", *except mass marketed*"

Page 13, delete line 17

Page 13, line 19, after "a" insert "*signed and completed*" and delete "*provided*" and insert "*left with*"

Page 13, line 20, delete "to"

Page 16, line 7, before "An" insert "*Notwithstanding the provisions of section 62A.38,*"

Page 16, line 23, delete ", *except mass*"

Page 16, delete line 24

Page 16, line 25, delete "*subdivision 2,*"

Page 16, line 26, after "a" insert "*signed and completed*" and delete "*provided to*" and insert "*left with*"

Renumber the sections in sequence

Further amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, line 3, delete everything before "requiring"

Page 1, line 17, delete "subdivisions" and insert "a subdivision"

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. 335, A bill for an act relating to public welfare; retroactively exempting certain health maintenance organizations from the four percent medical assistance payment reduction.

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. 341, A bill for an act relating to traffic regulations; regulating parking privileges for handicapped persons; prohibiting obstructing access to a parking space for handicapped persons; providing for signposts of limited movability designating handicapped parking space; providing for enforcement; providing penalties; amending Minnesota Statutes 1982, section 169.346.

Reported the same back with the following amendments:

Page 2, line 30, strike "and" and insert "or"

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 367, A bill for an act relating to Independent School District No. 748, Sartell, and Independent School District No. 742, St. Cloud; authorizing certain school district land to be detached and annexed; authorizing transportation and transportation aid for certain pupils.

Reported the same back with the following amendments:

Page 2, line 6, delete the comma

Page 2, delete lines 7 to 17

Page 2, line 18, delete "Subd. 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 371, A bill for an act relating to transportation; making scheduled increases in taxes on gasoline and special fuel; delaying the effective date of changes in the disposition of the revenue from the motor vehicle excise tax; providing for the addition of designated routes in the trunk highway system; authorizing the issuance of trunk highway bonds; eliminating the authority of the metropolitan transit commission to levy a certain tax; proposing new law coded in Minnesota Statutes, chapter 169; amending Minnesota Statutes 1982, sections 296.01, subdivision 24; 296.02; 296.14, subdivision 2; 296.18, by adding a subdivision; 297B.09; and 473.446, subdivision 1.

Reported the same back with the following amendments:

Page 2, line 12, strike "190" and insert "198"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 445, A bill for an act relating to the city of St. Paul; setting the maximum amounts of and other conditions for the issuance of capital improvement bonds; amending Laws 1971, chapter 773, sections 1, as amended, and 2, as amended.

Reported the same back with the following amendments:

Page 2, line 15, delete "\$10,000,000" and insert "\$10,100,000" and delete "\$11,000,000" and insert "\$10,700,000"

Page 2, line 16, delete "\$12,000,000" and insert "\$11,300,000" and delete "\$13,000,000" and insert "\$12,000,000"

Page 3, line 15, strike "three" and insert "four"

Page 3, line 18, after the period insert:

*"Prior to making an appointment to a vacancy on the capital improvement budget committee, the mayor shall consult the legislators of the senate district in which the vacancy occurs."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 463, A bill for an act relating to municipal planning and zoning; authorizing the establishment of a joint planning board; requiring the filing of copies of certain documents; amending Minnesota Statutes 1982, sections 462.3585; and 462.36, subdivision 1.

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

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 468, A bill for an act relating to education; authorizing the commissioner to approve one additional application for the part-time teaching program for fiscal year 1982 under certain conditions.

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. 488, A bill for an act relating to state government; removing the expiration date of certain advisory committees and councils; repealing certain inactive advisory councils, committees, and task forces; amending Minnesota Statutes 1982, sections 3.922, subdivision 8; 16.02, subdivision 28; 121.87, subdivision 3; 121.902, subdivisions 1 and 1a; 126.531; 145.93, subdivision 3; 148.191, subdivision 2; 148.67; 149.02; 175.007, subdivision 1; 182.656, subdivision 3; 198.055, subdivision 1; 241.64; 246.-017; 252.31; 254A.04; 256.482, subdivision 1; 256B.58; 268.12, subdivision 6; Laws 1976, chapter 314, section 3; and Laws 1980, chapter 614, section 192; repealing Minnesota Statutes 1982, sections 4.31, subdivision 5; 15.059, subdivision 5; 16.853; 16.91; 21.112, subdivision 2; 31.60, subdivisions 2 and 3; 43A.31, subdivision 4; 82.30; 84B.11; 86A.10; 115A.12, subdivision 2; 121.901; 121.938; 123.581; 124.215; 129B.09, subdivision 8; 136A.02, subdivision 6; 141.24; 144.011, subdivision 2; 144.571; 144A.17; 144A.55; 145.93, subdivision 2; 151.13, subdivision 2; 178.02;

184.23; 214.14; 222.65; 241.71; 245.84, subdivision 4; 326.41; 326.49; and 363.04, subdivisions 4, 4a, and 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 3.922, is amended to read:

3.922 [INDIAN AFFAIRS (INTERTRIBAL BOARD) COUNCIL.]

Subdivision 1. [CREATION, MEMBERSHIP.] There is created a state Indian affairs (INTERTRIBAL BOARD) *council* to consist of the following ex-officio members: The governor or a member of his official staff designated by him, the commissioner of education, the commissioner of public welfare, the commissioner of natural resources, the commissioner of human rights, the commissioner of energy, planning and development, the commissioner of corrections, the executive director of the Minnesota housing finance agency, the commissioner of iron range resources and rehabilitation, and the commissioner of health each of whom may designate a member of his staff to serve in his place, three members of the state house of representatives appointed by the speaker of the house of representatives, and three members of the state senate appointed by the committee on committees of the senate. Voting members of the (BOARD) *council* shall be: the duly elected tribal chairmen of the Fond du Lac reservation business committee; the Grand Portage reservation business committee; the Mille Lacs reservation business committee; the White Earth reservation business committee; the Bois Forte (Nett Lake) reservation business committee; the Leech Lake reservation business committee; the Red Lake tribal council; the Upper Sioux board of trustees; the Lower Sioux tribal council; the Shakopee-Mdewankanton general council; the Prairie Island tribal council; and two members to be selected pursuant to subdivision 2. The chairmen of the above Indian committees, trusts, or councils may designate in writing a member who shall have been elected at large to an office in the committee, trust, or council, to serve in his place. (BOARD) *Council* members appointed to represent the state house of representatives, the state senate or tribal governments shall no longer serve on the (BOARD) *council* at such time as they are no longer members of the bodies which they represent, and upon such circumstances, their offices shall be vacant. A member who is a designee of a tribal chairman shall cease to be a member at the end of the term of the tribal chairman who designated him. Ex-officio members or their designees on the (BOARD) *council* shall not be voting members of the (BOARD) *council*.

Subd. 2. [ADDITIONAL MEMBERS.] Two members of the (BOARD) *council* shall be elected at large by Indian resi-

dents of Minnesota who (1) are legal members and eligible voters of a federally recognized tribe in accordance with the criteria of said tribe and (2) are not members of any federally recognized tribe with a reservation in Minnesota. The election of at large members shall be in a manner prescribed by the secretary of state with the first such election for at large members to take place at a reasonable time, but no later than April 14, 1977. The manner of election, certification, and contest shall, insofar as reasonably possible, be consistent with procedures employed in general elections in the state so as to insure a fair election and ready access to the election process by eligible voters. The voting procedure shall include voting by absentee ballot. A person shall be eligible to serve as an at large member of the (BOARD) *council* if at the time of the election he is a qualified voter within the requirements of the Minnesota Constitution, Article VII and a member of a federally recognized tribe that does not have a reservation in Minnesota. The at large election described herein shall be certified and regulated by the secretary of state. The term for at large members elected in 1977 shall expire on April 20, 1981. At large elections shall be held no later than April 14, 1981, and no later than every fourth April 14 thereafter, and the term of office for at large members shall be four years commencing on the April 20 following each at large election and ending at 12:01 a.m., April 20 four years thereafter.

**Subd. 3. [COMPENSATION; EXPENSES.]** Compensation of nonlegislator members shall be as provided (FOR OTHER ADMINISTRATIVE BOARDS IN CHAPTER 15) *in section 15.059*. Expenses of the (BOARD) *council* shall be approved by two of any three members of the (BOARD) *council* designated by the (BOARD) *council* and shall then be paid in the same manner as other state expenses are paid. The commissioner of finance shall be informed in writing by the executive secretary of the names of the persons authorized to approve expenses.

**Subd. 4. [MEETINGS.]** Meetings may be called by the chairman or at the written request of five members of the (BOARD) *council*. A majority of the voting members of the (BOARD) *council* constitutes a quorum.

**Subd. 5. [OFFICERS, PERSONNEL.]** The (BOARD) *council* shall annually elect a chairman and such other officers as it may deem necessary. The chairman shall have the authority to appoint subcommittees necessary to fulfill the duties of the (BOARD) *council*. It shall also employ, and prescribe the duties of such clerks, employees, and agents as it deems necessary. The chairman shall be an ex-officio member of the state board of human rights. The appropriations and other funds of this (BOARD) *council* are subject to the provisions of chapter 16. The (BOARD) *council* shall maintain its primary office in Bemidji and shall also maintain personnel and office space in St. Paul.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 7. [STATE OFFICIALS AND DEPARTMENTS; COOPERATION.] In carrying out these objectives and to ascertain Indian needs the (BOARD) *council* shall have the right to confer with state officials and other governmental units, and to have access to such records as are necessary to obtain needed information. The (BOARD) *council* also shall have the right to call upon various state departments for such technical advice and service as are needed to fulfill the purposes of the (BOARD) *council*.

Subd. 8. [ADVISORY (COUNCIL) TASK FORCE.] (THERE IS CREATED) *The board may create an advisory (COUNCIL) task force on urban Indians to advise the board on the unique problems and concerns of Minnesota Indians who are residing in urban areas of the state. (THE COUNCIL SHALL BE) If appointed (BY) the (BOARD AND) task force shall consist of five Indians residing in the vicinity of Minneapolis, St. Paul and Duluth. At least one member of the (COUNCIL) task force shall be a resident of each of the aforementioned cities. (THE COUNCIL SHALL EXPIRE, AND) The terms, compensation and removal of members of the task force shall be as provided in section 15.059.*

Subd. 9. [ANNUAL REPORT.] The (BOARD) *council* shall make an annual report to the governor and the legislature on its activities, its findings, and its recommendations prior to November 15 in each year.

Sec. 2. Minnesota Statutes 1982, section 4.31, subdivision 5, is amended to read:

Subd. 5. The (GOVERNOR SHALL) *commissioner of administration may* appoint an advisory (COMMITTEE) *task force* of not more than 21 members, *including* at least one member from each economic development region (TO ADVISE AND MAKE RECOMMENDATIONS TO HIM AND THE DIRECTOR OF VOLUNTEER SERVICES. NOTWITHSTANDING THIS NUMERICAL LIMITATION, MEMBERS CURRENTLY SERVING ON AN ADVISORY GROUP TO THE GOVERNOR'S OFFICE OF VOLUNTEER SERVICES SHALL COMPLETE THEIR PRESCRIBED TERMS OF OFFICE; THEREAFTER, APPOINTMENTS OF SUCCESSORS SHALL BE MADE SO AS TO BE CONSISTENT WITH THE NUMERICAL LIMITATION CONTAINED IN THIS SECTION). *Expiration, membership terms, compensation, removal and filling of vacancies of members of the (ADVISORY COMMITTEE) task force shall be as provided in section 15.059 (; PROVIDED, THAT MEMBERS SHALL NOT BE ELIGIBLE FOR A PER DIEM).*



Sec. 3. Minnesota Statutes 1982, section 11A.08, subdivision 1, as amended by Laws 1982, Third Special Session, chapter 1, article II, section 3, is amended to read:

Subdivision 1. [MEMBERSHIP.] (THERE IS CREATED) *The board may create an investment advisory (COUNCIL CONSISTING) task force. If the board creates a task force it shall consist of ten members who are experienced in general investment matters and who shall be appointed by the state board; the commissioner of finance; the executive directors of each of the following: the Minnesota state retirement system, the public employees retirement association, the teachers retirement association; a retiree currently receiving benefits from the post retirement investment fund; and two public employees who are active members of funds whose assets are invested by the state board. The retiree and the public employees shall be appointed by the (GOVERNOR FOR FOUR YEAR TERMS) state board.*

Sec. 4. Minnesota Statutes 1982, section 11A.08, subdivision 4, is amended to read:

Subd. 4. [TERMS; COMPENSATION; REMOVAL; VACANCIES.] *The expiration of the task force and the membership terms, compensation and removal of members appointed by the state board, and filling of vacancies (OF SUCH MEMBERS) shall be as provided in section 15.059. (EXCEPT THAT COUNCIL MEMBERS SHALL NOT RECEIVE A PER DIEM).*

Sec. 5. Minnesota Statutes 1982, section 11A.08, subdivision 5, is amended to read:

Subd. 5. [LIABILITY; INDEMNIFICATION.] *A member of the (COUNCIL) task force 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 proceedings arising out of the performance of the member's duties, except an action brought by the state or agency thereof arising from the failure of a (COUNCIL) task force member to perform duties in the manner prescribed in section 11A.09.*

Sec. 6. Minnesota Statutes 1982, section 11A.08, subdivision 6, is amended to read:

Subd. 6. [CONFLICT OF INTEREST; ECONOMIC INTEREST STATEMENT.] *No member of the (COUNCIL) task force may participate in deliberations or vote on any matter before the (COUNCIL) task force which will or is likely to result in direct, measurable economic gain to the member. Additionally, no member of the (COUNCIL) task force appointed by the state board may participate in deliberations or vote on any matter before the (COUNCIL) task force which will or is likely to result*

in direct, measurable economic gain to his employer. Members of the (COUNCIL) *task force* shall file with the board of ethical practices an economic interest statement in a manner as prescribed by section 10A.09, subdivisions 5 and 6.

Sec. 7. Minnesota Statutes 1982, section 15.059, subdivision 6, is amended to read:

Subd. 6. [ADVISORY TASK FORCES.] *If the existence of an advisory task (FORCES CREATED AFTER JULY 1, 1975, AND GOVERNED BY THIS SUBDIVISION) force is mandated by statute, the task force shall expire on the date specified in the enabling legislation. If no expiration date is specified, the task force shall expire two years after the effective date of the act creating the advisory task force (OR THE DATE OF APPOINTMENT OF THE MEMBERS, WHICHEVER IS LATER, UNLESS A SHORTER TERM IS SPECIFIED IN STATUTE). If the existence of a task force is authorized but not mandated by statute, the task force shall expire at the pleasure of the person or group which creates the task force, or two years after the first members of the task force are appointed, whichever is sooner. A person or group with discretionary authority to create a task force may create another task force to continue the work of a task force which expires, unless prohibited by other law.*

Members of advisory task forces shall not receive the \$35 per diem specified in this section but shall receive expenses in the same manner and amount as (STATE EMPLOYEES) *provided in the commissioner's plan under section 48A.18, subdivision 2.* Members appointed to these advisory task forces shall serve until the expiration date of the advisory task force and may be removed pursuant to subdivision 4.

Sec. 8. Minnesota Statutes 1982, section 16.02, subdivision 28, is amended to read:

Subd. 28. To provide an employee assistance program comprised of training, diagnostic and referral services for state employees and their dependents. (IN CONJUNCTION WITH THE PROGRAM, THE GOVERNOR SHALL APPOINT AN ADVISORY COMMITTEE ON STATE EMPLOYEE ASSISTANCE CONSISTING OF NOT MORE THAN 15 MEMBERS. THE COMMITTEE, WHICH SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 15.059 SHALL ADVISE THE COMMISSIONER REGARDING THE OPERATIONAL POLICIES OF THE EMPLOYEE ASSISTANCE PROGRAM.)

Sec. 9. Minnesota Statutes 1982, section 16.872, is amended to read:

Subdivision 1. The commissioner of administration may accept, on behalf of the state, on such terms and conditions as the

donor may prescribe, a building to be used as (A STATE CEREMONIAL BUILDING) *the governor's residence*. (SUCH) *This building shall be used for official ceremonial functions of the state, and space shall be provided for suitable living quarters for the governor of the state.*

Subd. 2. The commissioner of administration shall maintain (SUCH) *the building in the same manner as other state buildings are maintained and shall rehabilitate, decorate, and furnish (SUCH CEREMONIAL) the building (, AND). To assist in carrying out (SUCH) decoration and furnishing (SHALL BE GUIDED BY THE STATE CEREMONIAL BUILDING COUNCIL) the commissioner may appoint an advisory task force on the governor's residence.*

Subd. 3. *If appointed the (STATE CEREMONIAL BUILDING COUNCIL) governor's residence task force consists of the following 15 members: the commissioner of administration; the spouse, or a designee of the governor; the executive director of the board of arts; the director of the Minnesota historical society; a member of the senate appointed pursuant to the rules of the senate; a member of the house of representatives appointed pursuant to the rules of the house of representatives; seven persons appointed by the governor including one in the field of higher education, one member of the American Society of Interior Designers, Minnesota chapter, one member of the American Institute of Architects, Minnesota chapter, one member of the American Society of Landscape Architects, Minnesota chapter, one member of the family that donated the ceremonial building to the state, if available, and four public members. Members of the (COUNCIL) task force serve without compensation. Expiration, membership terms, removal, and filling of vacancies for members appointed by the (GOVERNOR) commissioner are governed by section (15.0575) 15.059. The (COUNCIL) task force shall elect a chairman and a secretary from among its members.*

Subd. 4. *If created, and the powers and duties of the (COUNCIL ARE) task force shall be:*

(1) *To develop an overall restoration plan for the (STATE CEREMONIAL BUILDING) governor's residence and surrounding grounds;*

(2) *To approve alterations in the existing structure as the council deems appropriate; and*

(3) *Notwithstanding the gift acceptance procedures of sections 7.09 to 7.12, to solicit contributions for and maintain and improve the quality of furnishings for the public areas of the building by accepting gifts of, or acquiring with donated money, furnishings, objects of art, and other items that the council determines may have historical value in keeping with the period and purpose of the building.*

(GIFTS FOR THE BENEFIT OF THE STATE CEREMONIAL BUILDING AND SURROUNDING GROUNDS ARE NOT ACCEPTED BY THE STATE UNLESS ACCEPTED BY THE COUNCIL. THE COUNCIL SHALL MAINTAIN A COMPLETE INVENTORY OF ALL GIFTS AND ARTICLES RECEIVED.)

Sec. 10. Minnesota Statutes 1982, section 16.90, subdivision 4, is amended to read:

Subd. 4. The commissioner (, AFTER CONSULTATION WITH THE STATE INFORMATION SYSTEMS ADVISORY COUNCIL AND THE INTERGOVERNMENTAL INFORMATION SYSTEMS ADVISORY COUNCIL,) shall design and maintain a master plan for information systems in the state and its political subdivisions and shall report thereon to the governor and legislature at the beginning of each regular session; establish standards for information systems; maintain a library of systems and programs developed by the state and its political subdivisions for use by agencies of government; and administer the communications for the state information system.

Sec. 11. Minnesota Statutes 1982, section 16.91, is amended to read:

16.91 [STATE INFORMATION SYSTEMS ADVISORY COUNCIL.]

(TO EFFECTUATE AND FACILITATE THE PURPOSES AND PROVISIONS OF SECTIONS 16.90 TO 16.96.) The (GOVERNOR SHALL) *commissioner may* appoint a state information systems advisory (COUNCIL, WHICH SHALL) *task force* to assist the department in the development and coordination of a state information services master plan and make recommendations from time to time to the commissioner concerning the progress, direction and needs of the state's computerization effort. The (COUNCIL) *task force* shall expire and the terms, compensation and removal of members shall be as provided in section 15.059.

Sec. 12. Minnesota Statutes 1982, section 16.911, subdivision 1, is amended to read:

Subdivision 1. The (GOVERNOR SHALL) *commissioner may* appoint an intergovernmental information systems advisory (COUNCIL, TO SERVE AT HIS PLEASURE,) *task force*, consisting of 25 members. (SUCH COUNCIL) *If the commissioner appoints a task force, 14 members shall be appointed or elected officials of local governments, seven shall be representatives of state agencies, and four shall be selected from the community at large. Further, the council shall be composed of (a) two members from each of the following groups: Counties outside of the seven county metropolitan area, (COUNTIES WITHIN THE*

METROPOLITAN AREA, CITIES OF THE FIRST CLASS, MUNICIPALITIES) *cities* of the second and third class outside the metropolitan area (AND MUNICIPALITIES), *cities* of the second and third class within the metropolitan area, and *cities of the fourth class*; (b) one member from each of the following groups: The metropolitan council, an outstate regional body, (MINNESOTA HIGHER EDUCATION COORDINATING BOARD, SCHOOL DISTRICTS LOCATED IN) *counties within the metropolitan area*, cities of the first class, school districts in the metropolitan area, and school districts outside the metropolitan area; (c) one member from each of the state departments of administration, education, *energy, planning and development*, legislative auditor, *public welfare*, and revenue; (d) one member from the office of the state auditor; and (e) four members from the state community at large. To the extent permitted by available resources the commissioner shall furnish staff and other assistance as requested by the (COUNCIL) *task force*. The (COUNCIL) *task force* shall expire and the terms, compensation and removal of members shall be as provided in section 15.059.

Sec. 13. Minnesota Statutes 1982, section 21.112, subdivision 2, is amended to read:

Subd. 2. [ADVISORY SEED POTATO CERTIFICATION (COMMITTEE) TASK FORCE.] (HE SHALL) *The commissioner may* appoint an advisory seed potato certification (COMMITTEE TO CONSIST OF SIX MEMBERS, EACH OF WHOM) *task force*. *If the task force is appointed each member shall be a grower in Minnesota of certified seed potatoes (, AND SHALL SERVE WITHOUT COMPENSATION, EXCEPT HE SHALL RECEIVE HIS TRAVELING EXPENSES AND OTHER EXPENSES NECESSARY IN ATTENDING COMMITTEE MEETINGS. THE TERM OF EACH COMMITTEE MEMBER SHALL BE THREE YEARS FROM JULY 1 FOLLOWING HIS APPOINTMENT, EXCEPT THAT OF THE FIRST COMMITTEE TO BE APPOINTED, TWO MEMBERS SHALL SERVE ONE YEAR, TWO MEMBERS SHALL SERVE TWO YEARS AND TWO MEMBERS SHALL SERVE THREE YEARS. VACANCIES SHALL BE FILLED BY THE COMMISSIONER FOR THE BALANCE OF THE VACANT TERM. SAID COMMITTEE SHALL HOLD AT LEAST ONE MEETING EACH YEAR AND OTHER MEETINGS WHEN DEEMED NECESSARY BY THE COMMISSIONER). The task force shall expire, and the terms, compensation and removal of members shall be as provided in section 15.059.*

Sec. 14. Minnesota Statutes 1982, section 41.54, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] (THERE IS ESTABLISHED) *The commissioner may establish a family farm advisory (COUNCIL) task force. If the commissioner establishes*

a task force it shall be composed of seven members appointed by the commissioner (OF AGRICULTURE) as follows:

- (a) Two officers from a commercial lending institution;
- (b) One dairy farmer;
- (c) One livestock farmer;
- (d) One cash grain farmer;
- (e) One officer from a farm credit association;
- (f) One agricultural economist.

*The expiration of the task force and the terms, compensation, and removal of members shall be governed by section 15.059.*

Sec. 15. Minnesota Statutes 1982, section 43A.31, subdivision 4, is amended to read:

Subd. 4. [INSURANCE ADVISORY (COUNCIL) TASK FORCE.] The commissioner (SHALL) *may* appoint and serve as chairman of an insurance advisory (COUNCIL) *task force* consisting of (11) *12* members. (TWO) *Three* 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) *task force*. The (COUNCIL) *task force* shall advise the commissioner in (THE SELECTION OF CARRIERS) *matters relating to insurance, including the administration, design, and financing of insurance programs*. 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. 16. Minnesota Statutes 1982, section 45.17, subdivision 6, is amended to read:

Subd. 6. (THERE IS HEREBY CREATED THE BOARD OF) *The director of consumer services may appoint a residential utility consumers task force whose duties (SHALL) may include:*

(1) Establishing policy guidelines concerning the utility related activities of the commerce department's consumer services section;

(2) Reviewing and commenting upon the section's staff employment decisions related to performing the responsibilities conferred in this section; and

(3) Annually reviewing and commenting upon the consumer services section's budget of estimated expenses for utility related activities.

*If appointed* the (BOARD) *task force* shall consist of nine (VOTING) members to be appointed by the (GOVERNOR) *director*. At least one member shall represent each congressional district, and at least two members shall represent farm consumers. No more than six members shall be members of the same political party. In making appointments, the (GOVERNOR) *director* shall give consideration to individuals having a special interest in the provision of utility services to residential consumers.

The (BOARD) *task force* members shall elect from among their number a chairman and any other officers as it may deem necessary. The (BOARD) *task force* shall meet at the call of the chairman or the director. The *expiration*, terms of office, compensation, and provisions for removal and filling vacancies of members shall be as provided in section (15.0575) 15.059.

(THE DIRECTOR OF THE CONSUMER SERVICES SECTION SHALL SUBMIT AN ANNUAL BUDGET OF ESTIMATED EXPENSES TO THE BOARD FOR REVIEW AND COMMENT. THE DIRECTOR SHALL ALSO PERIODICALLY SEEK THE ADVICE OF THE BOARD CONCERNING ITS OPERATIONS RELATED TO THE RESPONSIBILITIES CONFERRED BY THIS SECTION.) The director shall (ALSO) file an annual report of the section's utility related activities with (THE BOARD AND) the legislature on or before December 31 of each year.

Sec. 17. Minnesota Statutes 1982, section 52.061, is amended to read:

52.061 [CREDIT UNION ADVISORY (COUNCIL) TASK FORCE.]

(THERE IS ESTABLISHED) *The commissioner of banks may appoint* a credit union advisory (COUNCIL) *task force* to consult with, advise, and make recommendations to the commissioner (OF BANKS) in all matters pertaining to credit unions. *If created*, the advisory (COUNCIL) *task force* shall consist of five members who shall be appointed by the commissioner (OF BANKS) and who shall be persons who have had three or more years of experience as a credit union officer, director or com-

mittee member. To aid in making a selection of the five advisory (COUNCIL) *task force* members, the Minnesota league of credit unions may submit a list of not less than 15 names; however, the commissioner (OF BANKS) shall not be limited to this list in making his selections. (THE CHAIRMAN OF THE ADVISORY COUNCIL SHALL BE ELECTED ANNUALLY BY AND FROM ITS MEMBERS. MEETINGS SHALL BE HELD AT THE TIMES AND PLACES DETERMINED BY THE CHAIRMAN AND THE COMMISSIONER OF BANKS. MEETINGS MAY BE CALLED BY EITHER THE CHAIRMAN OR THE COMMISSIONER OF BANKS. THREE MEMBERS OF THE ADVISORY COUNCIL SHALL CONSTITUTE A QUORUM. HOWEVER, AT LEAST THREE AFFIRMATIVE VOTES SHALL BE NEEDED TO PASS ANY MOTION. THE AUTHORITY AND RESPONSIBILITY OF THE ADVISORY COUNCIL SHALL BE TO ADVISE THE GOVERNOR AND THE COMMISSIONER OF BANKS ON PROBLEMS CONCERNING CREDIT UNIONS AND TO FOSTER THE INTEREST AND COOPERATION OF CREDIT UNIONS IN IMPROVING THEIR METHODS OF OPERATION.) The commissioner (OF BANKS) may review with the advisory (COUNCIL) *task force* the records of the banking division concerning the supervision, regulation, and examination of credit unions. The (COUNCIL) *task force expiration*, terms, compensation, and removal of members shall be as provided in section 15.059.

Sec. 18. Minnesota Statutes 1982, section 82.30, subdivision 1, is amended to read:

Subdivision 1. (THERE SHALL BE) *The commissioner of real estate and securities shall appoint a real estate advisory (COUNCIL OF SEVEN MEMBERS TO BE APPOINTED BY THE COMMISSIONER OF SECURITIES AND REAL ESTATE) task force. (FIVE MEMBERS) The task force shall (BE) include real estate brokers with at least five years experience as licensed real estate brokers in Minnesota and (TWO MEMBERS SHALL BE) public members. (THEY SHALL MEET AT THE CALL OF THE COMMISSIONER ON A QUARTERLY BASIS AT PUBLICIZED SESSIONS AND AT SUCH OTHER TIMES AS THE COMMISSIONER MAY DEEM NECESSARY AND) The task force may advise (AND CONSULT WITH HIM) the commissioner on all matters relating to education of licensees, prelicensing requirements, and (SUCH) other (MAJOR) policy matters relating to the administration of sections 82.17 to 82.34. The (COUNCIL) task force shall expire and the terms, compensation, and removal of members shall be as provided in section 15.059. No member of the real estate advisory (COUNCIL) task force may establish, own, operate, invest in a course designed to fulfill any requirement of Minnesota law pertaining to licenses for real estate salespersons or brokers.*



Sec. 19. Minnesota Statutes 1982, section 84.524, subdivision 1, is amended to read:

**84.524 [CITIZEN'S ADVISORY TASK FORCE ON THE BOUNDARY WATERS CANOE AREA.]**

Subdivision 1. (THERE IS CREATED) *The commissioner of natural resources may create a citizen's advisory task force on the Boundary Waters Canoe Area (, CONSISTING OF 17 MEMBERS SELECTED AS FOLLOWS). If the task force is created it shall include the following members:*

- (1) Three residents of St. Louis County (APPOINTED BY THE GOVERNOR);
- (2) Three residents of Cook County (APPOINTED BY THE GOVERNOR);
- (3) Three residents of Lake County (APPOINTED BY THE GOVERNOR); and
- (4) Eight residents of the state residing outside of the aforementioned counties (APPOINTED BY THE GOVERNOR).

(THE GOVERNOR SHALL DESIGNATE ONE OF THE APPOINTEES TO SERVE AS CHAIRMAN AND THE ADVISORY TASK FORCE MAY ELECT SUCH OTHER OFFICERS AS IT DEEMS NECESSARY.) The advisory task force shall be subject to the provisions of section 15.059 (, EXCEPT THAT THE ADVISORY TASK FORCE SHALL NOT EXPIRE UNTIL JUNE 30, 1983).

Sec. 20. Minnesota Statutes 1982, section 84.524, subdivision 2, is amended to read:

Subd. 2. (THE ADVISORY TASK FORCE SHALL CONDUCT MEETINGS AND RESEARCH INTO ALL MATTERS RELATED TO THE ESTABLISHMENT AND OPERATION OF THE BOUNDARY WATERS CANOE AREA, AND SHALL MAKE SUCH RECOMMENDATIONS TO THE UNITED STATES FOREST SERVICE AND OTHER FEDERAL AND STATE AGENCIES CONCERNED, REGARDING OPERATION OF THE AREA, AS THE ADVISORY TASK FORCE DEEMS ADVISABLE. A COPY OF EACH RECOMMENDATION SHALL BE FILED WITH THE LEGISLATIVE REFERENCE LIBRARY.) The advisory task force shall not apply for or accept funds from public or private sources other than the legislature. Subject to the availability of legislative appropriation, the advisory task force may contract for services relating to matters within its authority.

Sec. 21. Minnesota Statutes 1982, section 84B.11, subdivision 1, is amended to read:

Subdivision 1. The governor shall appoint, except for the legislative members, a citizen's (COMMITTEE) *council* on Voyageurs National Park, consisting of 16 members as follows:

Four residents of Koochiching county (, TWO OF WHOM SHALL BE APPOINTED TO TERMS ENDING JANUARY 1, 1979, AND TWO OF WHOM SHALL BE APPOINTED TO TERMS ENDING JANUARY 7, 1980);

Four residents of St. Louis county (, TWO OF WHOM SHALL BE APPOINTED TO TERMS ENDING JANUARY 7, 1980, AND TWO OF WHOM SHALL BE APPOINTED TO TERMS ENDING JANUARY 1, 1979);

Four residents of the state at large from outside Koochiching and St. Louis counties (, TWO OF WHOM SHALL BE APPOINTED TO TERMS ENDING JANUARY 1, 1979, AND TWO OF WHOM SHALL BE APPOINTED TO TERMS ENDING JANUARY 7, 1980);

Two members of the state senate to be appointed by the committee on committees;

Two members of the state house of representatives to be appointed by the speaker of the house.

The governor shall designate one of the appointees to serve as chairman and the committee may elect such other officers as it deems necessary. Members shall be appointed so as to represent differing viewpoints and interest groups on the facilities included in and around the park. Legislator members shall serve for the term of the legislative office to which they were elected. (THE COMMITTEE SHALL EXPIRE AND) The terms, compensation and removal of non-legislator members shall be as provided in section 15.059. *This section is repealed June 30, 1987.*

Sec. 22. Minnesota Statutes 1982, section 86A.10, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] *The commissioner of natural resources may appoint an outdoor recreation advisory task force. If appointed each regional development commission and the metropolitan council shall designate one of its members to serve (ON THE OUTDOOR RECREATION ADVISORY COUNCIL, WHICH IS HEREBY CREATED. THE GOVERNOR SHALL APPOINT THE CHAIRMAN OF THE COUNCIL TO SERVE AT HIS PLEASURE). The (COUNCIL) task force shall expire and the terms, compensation, and removal of members shall be as provided in section 15.059.*

Sec. 23. Minnesota Statutes 1982, section 116J.04, is amended to read:

116J.04 [ENERGY POLICY DEVELOPMENT (COUNCIL) TASK FORCE.]

(A COUNCIL OF 15 MEMBERS TO ACT IN) *The commissioner may appoint an advisory (CAPACITY) task force on energy policy development (TO THE COMMISSIONER IS CREATED). (MEMBERS SHALL BE APPOINTED BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE.) If created the task force shall include at least one member from each congressional district (AND SEVEN FROM THE STATE AT LARGE). The (COUNCIL) task force members shall broadly represent the scientific, technical, educational, business and labor fields (AND AT LEAST FOUR MEMBERS SHALL BE FROM EDUCATIONAL AND SCIENTIFIC RESEARCH INSTITUTIONS). The (COUNCIL) task force shall develop recommendations on policy for energy issues and energy needs and shall advise the commissioner on the energy related functions of the department. (THE COMMISSIONER SHALL REPORT TO THE LEGISLATURE ON THE MAJOR ENERGY POLICY RECOMMENDATIONS OF THE COUNCIL. THE COUNCIL SHALL ORGANIZE AND ELECT AMONG ITS MEMBERS SUCH OTHER OFFICERS AS IT MAY DEEM NECESSARY. THE COUNCIL SHALL MEET AT THE CALL OF THE CHAIR.) The expiration, terms, compensation, and removal of members shall be as provided by section 15.059. (THE COUNCIL MAY ADVISE THE COMMISSIONER ON THE TRANSFER OF ENERGY AGENCY PERSONNEL AND FUNCTIONS.)*

Sec. 24. Minnesota Statutes 1982, section 121.87, subdivision 1, is amended to read:

Subdivision 1. (A 25 MEMBER STATE) *The state board of education may appoint a community education advisory (COUNCIL SHALL BE ESTABLISHED) task force for the purpose of promoting the furtherance of sections 121.85 to 121.88, and the advancement of educational, recreational and social opportunity through the maximum utilization of public school facilities throughout the state of Minnesota. (THE COUNCIL SHALL BE) If appointed (BY THE GOVERNOR AND), the task force shall (CONSIST OF TWO LAY MEMBERS) include at least one member from each congressional district and (NINE) members (SELECTED AT LARGE) who (SHALL) represent government and professions most closely related to community education activities, functions and school administrative jurisdictions.*

Sec. 25. Minnesota Statutes 1982, section 121.87, subdivision 3, is amended to read:

Subd. 3. (CLERICAL, MAILING, PRINTING, AND OTHER JUSTIFIABLE EXPENSES INCURRED BY THE COUNCIL SHALL BE PAID FROM FUNDS SET ASIDE FOR THE ADMINISTRATION OF THE OFFICE OF THE DIRECTOR OF COMMUNITY EDUCATION PROGRAMS.) The (COUNCIL) *task force* shall expire and the terms, compensation, and removal of members shall be as provided in section 15.059.

Sec. 26. Minnesota Statutes 1982, section 121.901, is amended to read:

121.901 [ADVISORY (COUNCIL) TASK FORCE.]

Subdivision 1. (THERE IS CREATED) *The state board may appoint an advisory (COUNCIL) task force on uniform financial accounting and reporting standards (, COMPOSED OF 13 MEMBERS APPOINTED AS FOLLOWS). If appointed, the task force shall include the following members:*

(1) (TWO) Employees of the state department of education (APPOINTED BY THE COMMISSIONER OF EDUCATION);

(2) An employee of the office of state auditor (APPOINTED BY THE STATE AUDITOR);

(3) (ONE) A licensed certified public accountant (APPOINTED BY THE STATE BOARD OF EDUCATION);

(4) (NINE PERSONS WHO ARE REPRESENTATIVE) *Representatives* of the various size school districts in the state (AND) who are public school employees whose positions involve activities related to school financing and accounting (, APPOINTED BY THE STATE BOARD).

Professional associations composed of persons eligible to be appointed under clauses (3) and (4) may recommend nominees from their associations to the state board.

Subd. 2. The (COUNCIL) *task force* shall expire, and the terms, compensation, and removal of members shall be as provided in section 15.059. (THE STATE BOARD SHALL DETERMINE THE LENGTH OF TERMS OF THE INITIAL MEMBERS CONSISTENT WITH SECTION 15.059.)

(SUBD. 3. THE COUNCIL SHALL ANNUALLY SELECT A CHAIRMAN AND SECRETARY FROM ITS MEMBERSHIP. MEETINGS SHALL BE HELD AT THE CALL OF THE CHAIRMAN OR ANY THREE MEMBERS.)

Sec. 27. Minnesota Statutes 1982, section 121.902, subdivision 1, is amended to read:

Subdivision 1. (THE COUNCIL SHALL RECOMMEND TO THE STATE BOARD UNIFORM FINANCIAL ACCOUNTING AND REPORTING STANDARDS FOR SCHOOL DISTRICTS.) The state board shall adopt and maintain uniform financial accounting and reporting standards which are consistent with sections 121.90 to 121.92 and with generally accepted accounting principles and practices. The standards so adopted shall be known as the uniform financial accounting and reporting standards for Minnesota school districts.

Sec. 28. Minnesota Statutes 1982, section 121.902, subdivision 1a, is amended to read:

Subd. 1a. (BY JULY 1, 1982, THE COUNCIL SHALL RECOMMEND TO THE STATE BOARD UNIFORM PROPERTY ACCOUNTING AND REPORTING STANDARDS FOR AREA VOCATIONAL-TECHNICAL INSTITUTES.) The state board shall adopt and maintain uniform property accounting and reporting standards for area vocational-technical institutes to account and report individual property records for fixed assets. These standards shall include provisions for date of acquisition, historical cost, depreciated value, expected useful life, and replacement cost.

Sec. 29. Minnesota Statutes 1982, section 121.934, subdivision 1, is amended to read:

Subdivision 1. [CREATION.] (AN ADVISORY COUNCIL TO THE STATE BOARD CONSISTING OF 11 MEMBERS APPOINTED BY THE GOVERNOR IS HEREBY ESTABLISHED.) *The state board may create an elementary, secondary, and vocational computer advisory task force. Expiration, membership terms, compensation of members, removal of members, and the filling of membership vacancies shall be as provided in section 15.059. The (GOVERNOR) state board is encouraged to solicit the suggestions of (THE STATE BOARD,) the governing boards of regional management information centers (,) and school boards in selecting members of the (COUNCIL) task force.*

Sec. 30. Minnesota Statutes 1982, section 121.934, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] (THE COUNCIL SHALL BE COMPOSED OF) *If created, the task force shall include the following:*

(a) (FOUR) Representatives of school districts (, INCLUDING ONE SCHOOL DISTRICT ADMINISTRATOR FROM A RURAL SCHOOL DISTRICT, ONE SCHOOL DISTRICT ADMINISTRATOR FROM AN URBAN SCHOOL DISTRICT, ONE SCHOOL BOARD MEMBER FROM A RURAL

SCHOOL DISTRICT, AND ONE SCHOOL BOARD MEMBER FROM AN URBAN SCHOOL DISTRICT);

(b) (TWO) Representatives of regional management information center governing boards (, INCLUDING ONE MEMBER OF A REGIONAL MANAGEMENT INFORMATION CENTER BOARD FROM A REGION WHICH IS PREDOMINANTLY RURAL AND ONE MEMBER OF A REGIONAL MANAGEMENT INFORMATION CENTER BOARD FROM A REGION WHICH IS PREDOMINANTLY URBAN);

(c) (TWO) Persons employed in management positions in the private sector (, AT LEAST ONE OF WHOM IS A DATA PROCESSING MANAGER OR HOLDS AN EQUIVALENT POSITION IN THE PRIVATE SECTOR);

(d) (TWO) Persons employed in management positions in the public sector other than elementary, secondary, or vocational education (, AT LEAST ONE OF WHOM IS A DATA PROCESSING MANAGER OR HOLDS AN EQUIVALENT POSITION IN THE PUBLIC SECTOR); and

(e) (ONE PERSON) *Persons* from the general public.

All the members appointed pursuant to clauses (a), (b) and (e) shall represent different regional management information centers. Members selected pursuant to clauses (c) and (d) shall not be employees or board members of local school districts or the department of education.

Sec. 31. Minnesota Statutes 1982, section 123.581, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] Programs for in-service training for regular classroom teachers, assistant principals and principals in techniques of education of handicapped pupils shall be established in school districts designated by the state board of education. Funds for these programs shall be granted by the state board (UPON THE RECOMMENDATION OF THE ADVISORY COUNCIL FOR IN-SERVICE TRAINING IN TECHNIQUES OF EDUCATION OF HANDICAPPED PUPILS). Handicapped pupils for the purposes of this section, are those defined in section 120.03.

Sec. 32. Minnesota Statutes 1982, section 126.531, subdivision 1, is amended to read:

Subdivision 1. The (MINNESOTA INDIAN AFFAIRS INTERTRIBAL BOARD SHALL NOMINATE 15 PERSONS FOR MEMBERSHIP TO THE) *state board of education may create an American Indian language and culture education advisory task force.* (THE STATE BOARD OF EDUCATION

SHALL APPOINT NINE PERSONS FROM THOSE SO NOMINATED TO CONSTITUTE THE TASK FORCE.) *If created*, members shall include representatives of community groups, parents of children eligible to be served by the programs, American Indian administrators and teachers, persons experienced in the training of teachers for American Indian language and culture education programs, persons involved in programs for American Indian children in nonsectarian nonpublic, urban, community, tribal or alternative schools and persons knowledgeable in the field of American Indian language and culture education. Members shall be appointed so as to be representative of significant segments of the population of American Indians.

Sec. 33. Minnesota Statutes 1982, section 128A.03, is amended to read:

128A.03 [ADVISORY COUNCILS.]

Subdivision 1. The state board of education (SHALL) *may* appoint an advisory (COUNCIL) *task force* on the Minnesota school for the deaf and an advisory (COUNCIL) *task force* on the Minnesota braille and sight-saving school (. THESE COUNCILS SHALL) *to* advise the (STATE) board on policies pertaining to the control, management, and administration of these schools.

Subd. 2. (EACH ADVISORY COUNCIL SHALL CONSIST OF EIGHT MEMBERS.) *If created* the members shall be representative of the various geographic regions of the state, shall include parents or guardians of visually disabled or hearing impaired children, shall include a staff representative of the applicable school, and shall include two representatives from groups representing the interests of visually disabled or hearing impaired individuals, as applicable. All members shall have knowledge, experience and interest in the problems of visually disabled or hearing impaired children.

Subd. 3. The (COUNCILS) *task forces* shall expire and the terms, compensation and removal of members shall be as provided in section 15.059.

Sec. 34. Minnesota Statutes 1982, section 129A.02, subdivision 3, is amended to read:

Subd. 3. [CONSUMER ADVISORY COUNCIL.] To assure that consumer concerns are integral parts of the considerations of the department, the commissioner shall establish and appoint a consumer advisory council on vocational rehabilitation which shall be composed of nine members. No fewer than five members of the council shall be handicapped persons, and there shall be one person appointed to the council to represent each of the following: business, labor, education, medicine and the private rehabilitation industry. The remaining members shall be public

members. Under the direction of the commissioner, the council shall organize itself and elect a chairman and other officers as it deems appropriate. The council shall meet at the call of the chairman or the commissioner as often as necessary. The (COUNCIL SHALL EXPIRE AND THE) terms, compensation and removal of members shall be as provided in section 15.059.

Sec. 35. Minnesota Statutes 1982, section 129B.09, subdivision 8, is amended to read:

Subd. 8. [ADVISORY TASK FORCE ON EARLY CHILDHOOD AND FAMILY EDUCATION.] The council on quality education (SHALL) *may* appoint an advisory task force on early childhood and family education programs. *If appointed*, the advisory task force shall be composed of parents of young children and persons knowledgeable in the fields of health, education and welfare. A majority of the task force shall be parents of young children. (THE ADVISORY TASK FORCE SHALL ADVISE THE COUNCIL IN THE ADMINISTRATION OF THE EARLY CHILDHOOD AND FAMILY EDUCATION PROGRAMS.) The *expiration*, terms, compensation, and removal of members shall be governed by the provisions of section 15.059, subdivision 6. (THE TASK FORCE SHALL EXPIRE JUNE 30, 1983.)

Sec. 36. Minnesota Statutes 1982, section 136A.02, subdivision 6, is amended to read:

Subd. 6. (THERE IS HEREBY CREATED) *The board may create a higher education advisory (COUNCIL) task force. If created* the membership (OF WHICH) shall include the president of the University of Minnesota, the chancellor of the state university board, the chancellor of the state board for community colleges, the commissioner of education, the executive director of the Minnesota private college council, and a representative from the Minnesota association of private post-secondary schools. (THE ADVISORY COUNCIL SHALL (1) BRING TO THE ATTENTION OF THE BOARD ANY MATTERS WHICH THE COUNCIL DEEMS AS NEEDING ATTENTION OF THE BOARD, (2) MAKE RECOMMENDATIONS TO THE BOARD AS THE COUNCIL DEEMS APPROPRIATE, (3) REVIEW AND COMMENT UPON PROPOSALS AND OTHER MATTERS BEFORE THE BOARD, AND (4) PROVIDE ANY REASONABLE ASSISTANCE TO THE BOARD IN ITS EFFORT TO FULFILL RESPONSIBILITIES OF THE BOARD. THE BOARD SHALL PERIODICALLY INFORM THE COUNCIL OF ALL MATTERS UNDER CONSIDERATION BY THE BOARD AND SHALL REFER ALL PROPOSALS TO THE COUNCIL PRIOR TO TRANSMITTING SUCH PROPOSALS AS RECOMMENDATIONS TO THE GOVERNOR AND THE LEGISLATURE. THE BOARD SHALL PROVIDE TIME FOR A REPORT FROM THE ADVISORY COUNCIL AT EACH MEETING OF THE BOARD.) *The expiration of the task force*



*and the compensation, terms, and removal of members shall be as provided in section 15.059.*

The higher education advisory council shall report to the board quarterly and at such other times as the council may deem desirable. The council shall determine its meeting times, but the council shall also meet within 30 days following a request for a council meeting by the executive director of the board.

Sec. 37. Minnesota Statutes 1982, section 144.011, subdivision 2, is amended to read:

Subd. 2. [STATE HEALTH ADVISORY (COUNCIL) TASK FORCE.] *The commissioner of health may appoint a state health advisory (COUNCIL IS HEREBY CREATED TO CONSIST OF 15 MEMBERS APPOINTED BY THE GOVERNOR) task force. (NINE) If appointed, members of the (COUNCIL) task force shall be broadly representative of the licensed health professions and (SIX MEMBERS) shall (BE) also include public members as defined by section 214.02. (THE COUNCIL AND ITS MEMBERS SHALL BE GOVERNED BY THE PROVISIONS OF SECTION 15.059. THE GOVERNOR SHALL DESIGNATE A CHAIRMAN OF THE COUNCIL AND SUCH OTHER OFFICERS AS HE DEEMS NECESSARY. THE COUNCIL SHALL ADVISE THE COMMISSIONER OF HEALTH ON ANY MATTER RELATING TO THE FUNCTIONS OF THE DEPARTMENT.) The task force shall expire, and the terms, compensation, and removal of members shall be as provided in section 15.059.*

Sec. 38. Minnesota Statutes 1982, section 145.919, is amended to read:

145.919 [COMMUNITY HEALTH SERVICES ADVISORY (COMMITTEE) TASK FORCE.]

(AN ADVISORY COMMITTEE IS ESTABLISHED TO ADVISE, CONSULT WITH, AND MAKE RECOMMENDATIONS TO) The (STATE) commissioner of health *may establish an advisory task force* on matters relating to the development, maintenance, funding and evaluation of community health services. *If the task force is established, each board of health meeting the eligibility requirements of section 145.917 may appoint a member to serve on the committee. (THE TERMS SHALL BE TWO YEARS AND NO MEMBER SHALL SERVE MORE THAN THREE CONSECUTIVE TERMS. CONTINUITY OF MEMBERSHIP SHALL BE ASSURED BY HAVING AN APPROXIMATELY EQUAL NUMBER OF TERMS EXPIRE EACH YEAR. MEMBERS MAY RECEIVE A PER DIEM AND SHALL BE REIMBURSED FOR TRAVEL AND OTHER NECESSARY EXPENSES WHILE ENGAGED IN THEIR OFFICIAL DUTIES. THE COMMITTEE SHALL*

MEET AT LEAST QUARTERLY AND SPECIAL MEETINGS MAY BE CALLED BY THE CHAIRMAN OR A MAJORITY OF THE MEMBERS.) *The task force shall expire, and the terms, compensation, and removal of members shall be as provided in section 15.059.*

Sec. 39. Minnesota Statutes 1982, section 145.93, subdivision 2, is amended to read:

Subd. 2. [ADVISORY (COUNCIL) TASK FORCE.] The commissioner of health (SHALL) *may* appoint an advisory (COUNCIL TO SERVE ON A VOLUNTARY BASIS) *task force* consisting of, but not limited to, the following: one nurse; one pharmacist; one physician each from the fields of toxicology, pediatric medicine, emergency medicine, and internal medicine; and one person who has no past or present material financial interest or professional involvement in the provision of poison information or treatment services. No more than three members may be residents of the metropolitan area, as defined in section 473.02, subdivision 5; no more than one may be a resident of any single county; and none may be affiliated in any way with the currently designated poison information center. *The task force shall expire and the terms, compensation, and removal of members shall be as provided in section 15.059.*

Sec. 40. Minnesota Statutes 1982, section 145.93, subdivision 3, is amended to read:

Subd. 3. [GRANT AWARD; DESIGNATION; PAYMENTS UNDER GRANT.] Each year the commissioner shall give reasonable public notice of the availability of moneys appropriated pursuant to Laws 1980, Chapter 577, Section 2. (AFTER CONSULTING WITH THE ADVISORY COUNCIL,) The commissioner shall select as grantee a nonprofit corporation or unit of government which applies for the moneys and best fulfills the criteria specified in subdivision 4. The grantee selected shall be designated the Minnesota poison information center. Moneys appropriated under Laws 1980, Chapter 577, Section 2 shall be paid to the grantee quarterly beginning on July 1.

Sec. 41. Minnesota Statutes 1982, section 145.98, subdivision 1, is amended to read:

Subdivision 1. [CREATION; MEMBERSHIP.] (THERE IS ESTABLISHED IN THE EXECUTIVE BRANCH A COUNCIL) *The commissioner of health may appoint an advisory task force* on health promotion and wellness. Members of the (COUNCIL) *task force* shall be (APPOINTED BY THE GOVERNOR. THEY SHALL BE) experienced or interested in health promotion and wellness. There shall be (15 MEMBERS WITH) at least one member from each congressional district. (THE INITIAL MEMBERSHIP SHALL INCLUDE ALL PERSONS

HOLDING CURRENT MEMBERSHIP ON THE GOVERNOR'S COUNCIL ON HEALTH PROMOTION AND WELLNESS ESTABLISHED BY EXECUTIVE ORDER NO. 81-6. THE CHAIRPERSON SHALL BE APPOINTED BY THE GOVERNOR FROM AMONG THE MEMBERS. MEMBERS SHALL NOT RECEIVE PER DIEM PAY BUT MAY BE REIMBURSED FOR TRAVEL AND OTHER EXPENSES IN THE SAME MANNER AND AMOUNT AS STATE EMPLOYEES.) *The task force shall expire, and the terms (OF OFFICE), compensation, and removal of members shall be governed by section (15.0575) 15.059.*

Sec. 42. Minnesota Statutes 1982, section 145.98, subdivision 3, is amended to read:

Subd. 3. [POWERS.] The (COUNCIL) *task force* may solicit, receive, and disburse funds made available for health promotion and wellness. (SUBJECT TO APPROVAL BY THE COUNCIL, THE CHAIRPERSON MAY APPOINT ADVISORY COMMITTEES COMPOSED OF INDIVIDUALS WHO HAVE INTEREST OR EXPERTISE IN VARIOUS HEALTH PROMOTION AND WELLNESS FIELDS. SUBJECT TO THE AVAILABILITY OF FUNDS, THE COUNCIL MAY HIRE STAFF TO ASSIST IN ITS WORK AND CONTRACT WITH INDIVIDUALS AND ORGANIZATIONS TO ASSIST IT IN CARRYING OUT THE DUTIES OF THE COUNCIL. THE COUNCIL SHALL ASSUME THE DUTIES OF THE GOVERNOR'S COUNCIL ON HEALTH PROMOTION AND WELLNESS ESTABLISHED BY EXECUTIVE ORDER NO. 81-6, AND SECTION 15.039 SHALL APPLY TO THIS TRANSFER OF RESPONSIBILITIES.)

Sec. 43. Minnesota Statutes 1982, section 148.191, subdivision 2, is amended to read:

Subd. 2. The board is authorized to adopt and, from time to time, revise rules not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of sections 148.171 to 148.299. The board shall prescribe by rule curricula and standards for schools and courses preparing persons for licensure under sections 148.171 to 148.299. It shall conduct or provide for surveys of such schools and courses at such times as it may deem necessary. It shall approve such schools and courses as meet the requirements of sections 148.171 to 148.299 and board rules. It shall examine, license and renew the license of duly qualified applicants. It shall hold examinations at least once in each year at such time and place as it may determine. It shall by rule adopt, evaluate and periodically revise, as necessary, requirements for licensure and for registration and renewal of registration as defined in section 148.231. It shall cause the prosecution of all persons violating sections 148.171 to 148.299 and have power to incur such necessary expense therefor. It shall keep a record of all its proceedings. (THE BOARD SHALL

APPOINT AN ADVISORY TASK FORCE ON NURSING EDUCATION CONSISTING OF 11 MEMBERS FOR THE PURPOSES OF ADVISING THE BOARD ON MATTERS PERTAINING TO CAREER PROGRESSION AND THE APPROVAL AND OPERATION OF NURSING PROGRAMS, ASSISTING WITH SURVEYS OF NURSING PROGRAMS, COLLECTING NURSING EDUCATION DATA AND PROVIDING LIAISON BETWEEN THE BOARD AND NURSING EDUCATION. THREE MEMBERS SHALL BE EITHER AN ADMINISTRATOR OR SUPERVISOR IN ONE OF THE FOLLOWING TYPES OF AGENCIES AT THE TIME OF APPOINTMENT AND THROUGHOUT HIS TERM: HOSPITAL, NURSING HOME OR COMMUNITY NURSING SERVICE. THE REMAINING EIGHT MEMBERS SHALL BE EITHER AN ADMINISTRATOR OR FACULTY MEMBER IN ONE OF THE FOLLOWING TYPES OF EDUCATIONAL PROGRAMS AT THE TIME OF APPOINTMENT AND THROUGHOUT HIS TERM: NURSING ASSISTANT PROGRAM, PRACTICAL NURSING PROGRAM PREPARING FOR LICENSURE, PROFESSIONAL NURSING PROGRAM PREPARING FOR LICENSURE, OR ADVANCED NURSING PROGRAM FOR LICENSED PRACTICAL OR REGISTERED NURSES. THE TASK FORCE SHALL EXPIRE AND THE COMPENSATION AND REMOVAL OF MEMBERS SHALL BE AS PROVIDED IN SECTION 15.059.)

Sec. 44. Minnesota Statutes 1982, section 148.67, is amended to read:

#### 148.67 [PHYSICAL THERAPY COUNCIL.]

The board of medical examiners shall appoint a physical therapy council in carrying out the provisions of this law, regarding the qualifications and examination of physical therapists. The council shall consist of seven members, citizens and residents of the state of Minnesota, composed of three physical therapists, two licensed and registered doctors of medicine and surgery, one being a professor or associate or assistant professor from a program in physical therapy approved by the board of medical examiners, one aide or assistant to a physical therapist and one public member. The (COUNCIL SHALL EXPIRE, AND THE) terms, compensation and removal of members of the council shall be as provided in section 15.059.

Sec. 45. Minnesota Statutes 1982, section 148.70, is amended to read:

#### 148.70 [APPLICANTS, QUALIFICATIONS.]

It shall be the duty of the board of medical examiners (WITH THE ADVICE AND ASSISTANCE OF THE PHYSICAL THERAPY COUNCIL) to pass upon the qualifications of ap-

licants for registration, provide for and conduct all examinations following satisfactory completion of all didactic requirements, determine the applicants who successfully pass the examination, and duly register such applicants after the applicant has presented evidence satisfactory to the board that he has completed a program of education approved by the board.

Sec. 46. Minnesota Statutes 1982, section 149.02, is amended to read:

149.02 [EXAMINATION; LICENSING.]

The state commissioner of health is hereby authorized and empowered to examine, upon submission of an application therefor and fee as prescribed by the commissioner pursuant to section 144.122, all applicants for license to practice mortuary science or funeral directing and to determine whether or not the applicants possess the necessary qualifications to practice mortuary science or funeral directing. If upon examination the commissioner shall determine that an applicant is properly qualified to practice mortuary science or funeral directing, he shall grant a license to the person to practice mortuary science or funeral directing. Licenses shall expire and be renewed as prescribed by the commissioner pursuant to section 144.122.

On or after the thirty-first day of December, 1955, separate licenses as embalmer or funeral director shall not be issued, except that a license as funeral director shall be issued to those apprentices who have been registered under regulations of the commissioner as apprentice funeral directors on the first day of July, 1955, qualify by examination for licensure under such regulations as funeral directors before the first day of August, 1957. Such applicants shall file an application for license as a funeral director in the manner as is required in section 149.03 for a license in mortuary science. It shall be accompanied by a fee in an amount prescribed by the commissioner pursuant to section 144.122. However, a single license as a funeral director shall be issued to those persons whose custom, rites, or religious beliefs forbid the practice of embalming. An applicant for a single license as a funeral director under this exception shall submit to the commissioner of health two affidavits substantiating the beliefs and convictions of the applicant and shall meet any other standards for licensure as are required by law or by regulation of the commissioner. Such a funeral director shall only direct funerals for persons of his customs, rites or religious beliefs. In the case of a funeral conducted for persons of such customs, rites or religious beliefs where embalming and funeral directing is necessary according to law, such embalming and funeral directing shall be performed only by a person licensed to do so in this state.

All licensees who on the thirty-first day of December, 1955, hold licenses as embalmers only shall be granted licenses to

practice mortuary science and may renew their licenses at the times and in the manner specified by the commissioner pursuant to section 144.122.

All licensees who on the thirty-first day of December, 1955, hold licenses as funeral director only may continue to renew their licenses at the times and in the manner specified by the commissioner pursuant to section 144.122. If a licensee fails to renew, as in this chapter required, his license as a funeral director shall not thereafter be reinstated.

To assist in the holding of the examination and enforcement of the provisions of this chapter, the commissioner shall establish a committee of examiners in the mortuary sciences to which he shall appoint four examiners. Two examiners shall be licensed in mortuary science and shall have had at least five years experience immediately preceding their appointment in the preparation and disposition of dead human bodies and in the practice of mortuary science. A third examiner shall be a representative of the commissioner, and the fourth examiner shall be a full-time academic staff member of the course in mortuary science of the university of Minnesota. (THE COMMITTEE SHALL EXPIRE AND) The terms, compensation and removal of members of the committee shall be as provided in section 15.059.

Sec. 47. Minnesota Statutes 1982, section 151.13, subdivision 2, is amended to read:

Subd. 2. The board (SHALL) *may* appoint an advisory task force on continuing education, consisting of not more than ten members, to study continuing education programs and requirements and to submit its report and recommendations to the board. The task force shall expire, and the compensation and removal of members shall be as provided in section 15.059.

Sec. 48. Minnesota Statutes 1982, section 152.02, subdivision 11, is amended to read:

Subd. 11. The state board of pharmacy (SHALL) *may* appoint an advisory (COUNCIL) *task force* on controlled substances consisting of not more than 13 members (, WHO SHALL SERVE WITHOUT COMPENSATION,) to advise it in the administration of this chapter.

(COMMENCING JULY 1, 1973, SIX MEMBERS SHALL BE APPOINTED FOR A ONE YEAR TERM AND SEVEN MEMBERS SHALL BE APPOINTED FOR A TWO YEAR TERM. THEREAFTER, MEMBERS SHALL BE APPOINTED FOR TWO YEAR TERMS. FOUR OF THE MEMBERS OF THE COUNCIL) *If appointed, the task force shall (BE PHYSICIANS AS DESIGNATED BY THE STATE BOARD OF MEDICAL EXAMINERS. ONE OF THE MEM-*

BERS OF THE COUNCIL SHALL BE) *include a physician, a pharmacologist, (ONE OF THE MEMBERS OF THE COUNCIL SHALL BE) and a pharmacist (, AND). The (REMAINDER) other members* shall be from among the following: correction or law enforcement officers, judges, representatives of drug treatment or counseling facilities, former drug abusers, education, and students. (THE MEMBERS OF THE COUNCIL SHALL SELECT A CHAIRMAN FROM AMONG THEIR MEMBERSHIP, WHO MAY CALL MEETINGS OF THE COUNCIL WHEN DEEMED APPROPRIATE, AND SHALL CALL MEETINGS OF THE COUNCIL WHEN REQUESTED TO DO SO BY ANY FOUR MEMBERS OF THE COUNCIL.) *The task force shall expire, and the terms, compensation, and removal of members shall be as provided in section 15.059.*

Sec. 49. Minnesota Statutes 1982, section 155A.06, subdivision 2, is amended to read:

Subd. 2. [APPOINTMENTS.] Appointments to the council shall be made by the (GOVERNOR) *director* in accordance with section 15.0597.

Sec. 50. Minnesota Statutes 1982, section 156A.06, subdivision 1, is amended to read:

Subdivision 1. There is hereby created the water well contractors and exploratory borers advisory council, herein referred to as the "advisory council," as an advisory council to the state commissioner of health. The advisory council shall be composed of (13) *16* voting members. Of the (13) *16* voting members, one member shall be from the state department of health, appointed by the state commissioner of health; one member shall be from the department of natural resources, appointed by the commissioner of natural resources; one member shall be a member of the Minnesota geological survey of the University of Minnesota appointed by the director; two members shall be engaged in the business of exploratory boring for minerals; two public members who are not connected with the business of exploratory boring or the water well drilling industry; *one member shall be from the pollution control agency, appointed by the director of the pollution control agency; one member shall be a professional engineer; one member shall be a certified professional geologist; and* six members shall be contractors actively engaged in the water well drilling industry, not to exceed two from the seven county metropolitan area and at least four from the remainder of the state who shall be representative of different geographical regions. They shall be residents of the state of Minnesota and appointed by the commissioner of health. No appointee of the water well drilling industry shall serve *more than two* consecutive terms. The appointees to the advisory council from the water well drilling industry shall have been bona fide residents of this state for a period of at least three years prior to appointment and shall have had at least five years experience in the water well

drilling business. (THE COUNCIL SHALL NOT EXPIRE, BUT) The terms of the appointed members and the compensation and removal of all members shall be as provided in section 15.059.

Sec. 51. Minnesota Statutes 1982, section 161.1419, subdivision 1, is amended to read:

Subdivision 1. (IT IS DECLARED TO BE THE POLICY OF THE STATE AND TO BE IN THE BEST PUBLIC INTEREST FOR THE PROMOTION OF PUBLIC SAFETY, RECREATION, TRAVEL, TRADE, AND THE GENERAL WELFARE OF THE PEOPLE TO COOPERATE WITH THE FEDERAL GOVERNMENT AND WITH THE INTERSTATE MISSISSIPPI RIVER PARKWAY PLANNING COMMISSION. TO CARRY OUT SUCH POLICY AND TO AID IN THE PROMOTION AND SECUREMENT OF A SCENIC PARKWAY AND HIGHWAY FOR THE STATE OF MINNESOTA AND TO AID IN SECURING THE LOCATION OF FEDERAL PARKS WITHIN MINNESOTA A MISSISSIPPI RIVER PARKWAY COMMISSION IS CREATED. SUCH COMMISSION SHALL ALSO WORK TOWARD THE PLANNING, CONSTRUCTION, MAINTENANCE, AND IMPROVEMENT OF THE GREAT RIVER ROAD OR MISSISSIPPI RIVER PARKWAY WHICH IS TO FOLLOW GENERALLY THE COURSE OF THE MISSISSIPPI RIVER AND EXTEND FROM CANADA TO THE GULF OF MEXICO.) *The commissioner of transportation may appoint an advisory task force to assist the commissioner in work relating to the Mississippi River parkway. The task force shall expire, and the terms, compensation, and removal of members shall be as provided in section 15.059.*

Sec. 52. Minnesota Statutes 1982, section 175.007, subdivision 1, is amended to read:

Subdivision 1. The commissioner (SHALL) *may* appoint an advisory (COUNCIL) *task force* on workers' compensation (, WHICH). *If appointed it shall consist of (FIVE) an equal number of representatives of employers and (FIVE REPRESENTATIVES OF) employees (AND THREE); members representing the general public; and persons who have received or are currently receiving workers' compensation benefits under chapter 176.* The (COUNCIL) *task force* may consult with the judges of the workers' compensation court of appeals. The (COUNCIL) *task force* shall expire and the terms, compensation and removal of members shall be as provided in section 15.059.

Sec. 53. Minnesota Statutes 1982, section 178.02, is amended to read:

178.02 [APPRENTICESHIP ADVISORY (COUNCIL) TASK FORCE.]



Subdivision 1. [MEMBERS.] The commissioner of labor and industry (, HEREINAFTER CALLED THE COMMISSIONER, SHALL) *may* appoint an apprenticeship advisory (COUNCIL, HEREINAFTER REFERRED TO AS THE COUNCIL,) *task force* composed of (THREE) *an equal number of* representatives (EACH) from employer and employee organizations, and (TWO) representatives of the general public. The assistant commissioner of education responsible for vocational education or his designee shall be an *ex officio* member of the council and shall serve in an advisory capacity only.

Subd. 2. [TERMS.] The (COUNCIL) *task force* shall expire and the terms, compensation and removal of appointed members shall be as provided in section 15.059.

(SUBD. 4 [DUTIES.] THE COUNCIL SHALL MEET AT THE CALL OF THE COMMISSIONER. IT SHALL PROPOSE OCCUPATIONAL CLASSIFICATIONS FOR APPRENTICESHIP PROGRAMS; PROPOSE MINIMUM STANDARDS FOR APPRENTICESHIP PROGRAMS AND AGREEMENTS; AND ADVISE ON THE ESTABLISHMENT OF SUCH POLICIES, PROCEDURES, AND RULES AS THE COMMISSIONER DEEMS NECESSARY IN IMPLEMENTING THE INTENT OF THIS CHAPTER.)

Sec. 54. Minnesota Statutes 1982, section 182.656, is amended to read:

182.656 [OCCUPATIONAL SAFETY AND HEALTH ADVISORY (COUNCIL) TASK FORCE.]

Subdivision 1. *The commissioner of labor and industry may appoint an occupational safety and health advisory (COUNCIL CONSISTING OF 12 MEMBERS APPOINTED BY THE GOVERNOR IS CREATED) task force to advise the department. The council members shall be chosen so that (THREE) an equal number shall represent management (; THREE SHALL REPRESENT) and labor; (THREE) others shall represent occupational safety and health professions (;) and (THREE SHALL REPRESENT) the general public.*

(THE GOVERNOR SHALL DESIGNATE ONE OF THE PUBLIC MEMBERS AS CHAIRMAN. THE MEMBERS SHALL BE SELECTED UPON THE BASIS OF THEIR EXPERIENCE AND COMPETENCE IN THE FIELD OF OCCUPATIONAL SAFETY AND HEALTH. THE COMMISSIONER OF LABOR AND INDUSTRY AND THE STATE COMMISSIONER OF HEALTH SHALL BE EX OFFICIO MEMBERS AND THE COMMISSIONER OF LABOR AND INDUSTRY SHALL SERVE AS SECRETARY OF THE COUNCIL. THE COUNCIL SHALL ELECT FROM ITS MEMBERS, BY A CONCURRING VOTE OF NOT LESS THAN SIX MEMBERS,

OTHER OFFICERS AS NECESSARY TO CARRY OUT THE DUTIES THEREOF.)

Subd. 3. (A MAJORITY OF THE COUNCIL MEMBERS CONSTITUTES A QUORUM. THE COUNCIL SHALL MEET AT THE CALL OF ITS CHAIRMAN, OR UPON REQUEST OF ANY SIX MEMBERS. A TAPE RECORDING OF THE MEETING WITH THE TAPE BEING RETAINED FOR A ONE YEAR PERIOD WILL BE AVAILABLE UPON THE REQUEST AND PAYMENT OF COSTS TO ANY INTERESTED PARTY.) The (COUNCIL) *task force* shall expire and the terms, compensation, and removal of members shall be as provided in section 15.059.

Sec. 55. Minnesota Statutes 1982, section 184.23, is amended to read:

184.23 [ADVISORY (COUNCIL) TASK FORCE CREATED.]

Subdivision 1. (THERE IS CREATED A COUNCIL TO BE KNOWN AS) The *commissioner of labor and industry* may appoint an employment agency advisory (COUNCIL WHOSE DUTY SHALL BE) *task force* to advise the department as to the administration of the provisions of sections 184.21 to 184.40. (SUCH COUNCIL SHALL CONSIST OF NINE MEMBERS, APPOINTED BY THE COMMISSIONER OF LABOR AND INDUSTRY.) *If appointed*, a majority of (THOSE SELECTED) *members* shall be actually engaged as an owner or manager of an employment agency licensed by the state of Minnesota for a period of three years immediately preceding the time of their appointment.

Subd. 3. (THE COUNCIL SHALL MEET AT THE CALL OF THE COMMISSIONER AND ADVISE AND CONSULT ON ALL MAJOR POLICY MATTERS RELATING TO THE LICENSING OF AN EMPLOYMENT AGENT OR COUNSELOR. THE COUNCIL SHALL ELECT ANNUALLY FROM ITS MEMBERS A CHAIRMAN, VICE CHAIRMAN AND SECRETARY. THE COUNCIL IS ALSO AUTHORIZED TO CONDUCT ITS OWN MEETINGS AT THE CALL OF THE CHAIRMAN.) The (COUNCIL) *task force* shall expire and the terms, compensation and removal of members shall be as provided in section 15.059.

Sec. 56. Minnesota Statutes 1982, section 198.055, subdivision 1, is amended to read:

Subdivision 1. [CREATION; MEMBERS.] The *commissioner* may appoint a veterans advisory (COMMITTEE IS HEREBY ESTABLISHED. THE COMMITTEE SHALL CONSIST OF ELEVEN MEMBERS APPOINTED BY THE COM-

MISSIONER) *task force*. Organizations of veterans in this state may submit to the commissioner names of possible appointees to the committee, and the commissioner shall give consideration to such names. The commissioner shall also give consideration for appointment to persons having experience in the fields of mental and physical health services, education, vocational rehabilitation, and other fields of activity of the department of veterans affairs. (THE COMMITTEE SHALL SELECT A CHAIRMAN AND A SECRETARY. THE COMMITTEE SHALL MEET AT SUCH TIMES AS IT IS CALLED BY ITS CHAIRMAN OR THREE OF ITS MEMBERS. SIX OF THE INITIAL APPOINTMENTS TO THE COMMITTEE SHALL BE FOR TERMS ENDING WITH THE EXPIRATION OF THE TERM OF THE GOVERNOR ELECTED IN 1974; THE REMAINING FIVE MEMBERS SHALL SERVE FOR A TERM ENDING ONE YEAR AFTER THAT DATE.) The (COMMITTEE) *task force* shall expire, and the terms, compensation and removal of members shall be as provided in section 15.059. (THE COMMISSIONER OF VETERANS AFFAIRS MAY ATTEND ANY MEETING OF THE COMMITTEE AND CONSULT WITH THE MEMBERS ON MATTERS OF POLICY RELATING TO THE DEPARTMENT OF VETERANS AFFAIRS AND FURNISH SUCH INFORMATION AS MAY BE NECESSARY TO THE COMMITTEE.)

Sec. 57. Minnesota Statutes 1982, section 206.08, subdivision 3, is amended to read:

Subd. 3. [ADVISORY (COMMITTEE) TASK FORCE.] The secretary of state may appoint a nonpartisan advisory (COMMITTEE) *task force* to advise (HIM) in the examining and reporting duties prescribed in this section. *The task force shall expire, and the terms, compensation, and removal of members shall be as provided in section 15.059.*

Sec. 58. Minnesota Statutes 1982, section 214.13, subdivision 4, is amended to read:

Subd. 4. The commissioner of health shall wherever possible delegate the administration of regulation activities to a health related licensing board with the concurrence of that board. If the commissioner of health delegates this function, the licensing board shall regularly bill the commissioner of health for the cost of performing this function. The commissioner of health may establish an advisory (COUNCIL) *task force* to advise him or the appropriate health related licensing board on matters relating to the registration and regulation of an occupation. A (COUNCIL) *task force* shall have seven members appointed by the commissioner of which five are members of the registered occupation or related registered or licensed occupations, and two are public members. A (COUNCIL) *task force* shall expire, and the terms, compensation and removal of members shall be as provided in section 15.059.

Sec. 59. Minnesota Statutes 1982, section 241.64, is amended to read:

**241.64 [ADVISORY TASK FORCE.]**

Subdivision 1. [CREATION.] (WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF SECTIONS 241.61 TO 241.66,) The commissioner (SHALL) *may* appoint (A NINE MEMBER) *an* 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 *expiration*, terms, compensation, and removal of members of the advisory task force.

Subd. 2. [MEMBERSHIP.] Persons appointed shall be knowledgeable in the fields of health, law enforcement, social services or the law. (FIVE) Members (OF THE ADVISORY TASK FORCE) shall (BE) *include* representatives of community or governmental organizations which provide services to battered women, and (FOUR MEMBERS OF THE ADVISORY TASK FORCE SHALL BE) public members.

(SUBD. 3. [DUTIES.] THE ADVISORY TASK FORCE SHALL:)

((A) RECOMMEND TO THE COMMISSIONER THE NAMES OF FIVE APPLICANTS FOR THE POSITION OF PROJECT COORDINATOR.)

((B) ADVISE THE COMMISSIONER ON THE RULES PROMULGATED PURSUANT TO SECTION 241.63;)

((C) REVIEW AND COMMENT ON APPLICATIONS RECEIVED BY THE COMMISSIONER FOR DESIGNATION AS A PILOT PROGRAM AND APPLICATIONS FOR EDUCATION GRANTS; AND)

((D) ADVISE THE PROJECT COORDINATOR IN THE PERFORMANCE OF HIS DUTIES IN THE ADMINISTRATION AND COORDINATION OF THE PROGRAMS FUNDED UNDER SECTION 241.62.)

Sec. 60. Minnesota Statutes 1982, section 241.71, is amended to read:

**241.71 [CREATION OF ADVISORY TASK FORCE.]**

(WITHIN 60 DAYS AFTER JULY 1, 1981,) The commissioner of corrections (SHALL) *may* appoint an advisory task force on the woman offender in corrections. The task force shall have (AT LEAST TEN BUT) no more than 20 members and shall reflect a statewide geographical representation. The provi-

sions of section 15.059, subdivision 6, shall govern the *expiration*, terms, expenses, and removal of members of the advisory task force.

Sec. 61. Minnesota Statutes 1982, section 245.84, subdivision 4, is amended to read:

Subd. 4. The commissioner may appoint an advisory (COUNCIL) *task force* of not more than 35 members which shall advise the commissioner on grants and other child care issues. One-third of the members of the advisory council shall be parents who use child care services. The membership *expiration*, terms, compensation and removal from office of members of the advisory council shall be according to section 15.059.

Sec. 62. Minnesota Statutes 1982, section 246.017, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP, DUTIES, MEETINGS.] The commissioner of public welfare (SHALL CREATE AND ESTABLISH) *may appoint* a medical policy directional (COMMITTEE) *task force* on mental health (COMPOSED OF SEVEN) *including* members (FIVE OF WHOM) *who* are experts in their fields of medicine, mental health, mental retardation, or related sciences. (TWO) Members shall *also* be selected from social service, rehabilitation, volunteer services, nursing, hospital administration or related fields. Not more than one member shall be selected from any one field of medicine or related sciences which shall include the field of psychiatry, neurology, physiology, biochemistry, internal medicine, pediatrics, pharmacology, and psychology. *The task force shall expire, and the terms, compensation, and removal of members shall be as provided in section 15.059.*

(ONE MEMBER SHALL BE APPOINTED WHOSE TERM SHALL EXPIRE JULY 1, 1954, AND HIS SUCCESSORS THEREAFTER SHALL BE APPOINTED FOR A PERIOD OF THREE YEARS; TWO MEMBERS SHALL BE APPOINTED WHOSE TERMS EXPIRE ON JULY 1, 1955, AND THEIR SUCCESSORS SHALL BE APPOINTED FOR A TERM OF THREE YEARS; TWO MEMBERS SHALL BE APPOINTED WHOSE TERMS SHALL EXPIRE ON JULY 1, 1956, AND THEIR SUCCESSORS THEREAFTER SHALL BE APPOINTED FOR A TERM OF THREE YEARS. TWO MEMBERS SHALL BE APPOINTED WHOSE TERMS SHALL BE DETERMINED BY THE COMMISSIONER.)

(THE COMMITTEE WILL MEET AT LEAST SIX TIMES EACH YEAR AT SUCH TIMES AND IN SUCH PLACES AS THE COMMISSIONER OF PUBLIC WELFARE MAY DETERMINE. HE MAY CALL SUCH ADDITIONAL MEETINGS FROM TIME TO TIME AS HE MAY DEEM NECES-

SARY NOT EXCEEDING A MAXIMUM OF 50 MEETINGS IN ANY ONE YEAR. EACH MEMBER WILL RECEIVE THE SUM OF \$50 PER DAY FOR TIME ACTUALLY SPENT IN TRANSACTING THE BUSINESS OF THE BOARD AND SHALL BE REIMBURSED FOR EXPENSES ACTUALLY INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.)

(THE COMMITTEE SHALL ADVISE THE COMMISSIONER OF PUBLIC WELFARE AS TO ALL PHASES OF PROFESSIONAL STANDARDS INCLUDING PATIENT CARE, TRAINING OF PERSONNEL, MANAGEMENT PRACTICES, ESTABLISHMENT OF TREATMENT PROGRAMS, OBTAINING ADEQUATE STAFF, ESTABLISHMENT OF MEDICAL AND STATISTICAL RECORDS AND OPERATION OF PRACTICES IN ORDER THAT THEY BE COMPATIBLE WITH PROFESSIONAL REQUIREMENTS. THE COMMITTEE SHALL ADVISE THE COMMISSIONER OF PUBLIC WELFARE IN APPROVAL AND GUIDANCE OF RESEARCH PROJECTS AND DISTRIBUTION OF RESEARCH FUNDS. THEY SHALL ASSIST HIM IN ESTABLISHING AND MAINTAINING THE BEST POSSIBLE PRACTICES IN ALL MENTAL INSTITUTIONS.)

The commissioner of public welfare shall appoint, and unless otherwise established by law, set the salary of a licensed physician to serve as medical director to assist him in establishing and maintaining the medical policies of the department of public welfare. The commissioner may place the medical director's position in the unclassified service if the position meets the criteria of section 43A.08, subdivision 1a.

Sec. 63. Minnesota Statutes 1982, section 252.31, is amended to read:

252.31 [ADVISORY (COUNCIL) TASK FORCE.]

The commissioner of public welfare (SHALL) *may* appoint an advisory (COUNCIL OF 11 MEMBERS TO BE KNOWN AS THE ADVISORY COUNCIL) *task force* for the mentally retarded and physically handicapped. The (COUNCIL) *task force* shall advise the commissioner relative to those laws for which the commissioner is responsible to administer and enforce relating to mental retardation and physical disabilities. The (COUNCIL) *task force* shall consist of persons who are providers or consumers of service for the mentally retarded or physically handicapped, or who are interested citizens. (THE COMMISSIONER OF EDUCATION AND THE COMMISSIONER OF HEALTH OR THEIR DESIGNEES SHALL BE NON-VOTING EX OFFICIO MEMBERS AND SHALL ADVISE THE COUNCIL AS TO RULES, REGULATIONS AND SERVICES WHICH RELATE TO THE DEPARTMENTS OF

EDUCATION AND HEALTH.) The (COUNCIL) *task force* shall expire and the terms, compensation and removal of (APPOINTED) members shall be as provided in section 15.059.

Sec. 64. Minnesota Statutes 1982, section 254A.04, is amended to read:

254A.04 [CITIZENS ADVISORY (COUNCIL) TASK FORCE.]

(THERE IS HEREBY CREATED) *The commissioner may appoint* an alcohol and other drug abuse advisory (COUNCIL) *task force* to advise the department of public welfare concerning the problems of alcohol and other drug dependency and abuse (, COMPOSED OF 11 MEMBERS APPOINTED BY THE GOVERNOR). (AT LEAST FIVE) *If appointed*, members shall (BE) *include* individuals whose interests or training are in the field of alcohol dependency and abuse (;), and (AT LEAST FIVE) members whose interests or training are in the field of dependency and abuse of drugs other than alcohol. The (COUNCIL) *task force* shall expire and the terms, compensation and removal of members shall be as provided in section 15.059.

Sec. 65. Minnesota Statutes 1982, section 256.481, is amended to read:

256.481 [HANDICAPPED PERSON; DEFINITION.]

For the purposes of sections 256.481 to (256.483) ~~256.482~~ "handicapped person" means (ONE WHO, BECAUSE OF A SUBSTANTIAL PHYSICAL, MENTAL OR EMOTIONAL DISABILITY OR DYSFUNCTION REQUIRES SPECIAL SERVICES IN ORDER TO ENJOY THE BENEFITS OF OUR SOCIETY) *any person who*:

(a) *has a physical, mental, or emotional impairment which substantially limits one or more major life activities;*

(b) *has a record of such an impairment; or*

(c) *is regarded as having such an impairment.*

Sec. 66. Minnesota Statutes 1982, section 256.482, is amended to read:

256.482 [COUNCIL FOR THE HANDICAPPED.]

Subdivision 1. [ESTABLISHMENT; MEMBERS.] There is hereby established the council for the handicapped which shall consist of (30) ~~21~~ members appointed by the governor. (AT LEAST FIFTEEN COUNCIL MEMBERS SHALL BE HANDICAPPED PERSONS OR PARENTS OR GUARDIANS OF HANDICAPPED PERSONS. TWENTY MEMBERS SHALL

BE APPOINTED FROM THE GENERAL PUBLIC, AND TEN SHALL BE APPOINTED FROM ORGANIZATIONS WHICH PROVIDE SERVICES FOR THE HANDICAPPED.) *Members shall be appointed from the general public and from organizations which provide services for handicapped persons. A majority of council members shall be handicapped persons or parents or guardians of handicapped persons. There shall be at least one member of the council appointed from each of the state development regions. The commissioners of the departments of education, public welfare (AND), health, economic security, and (THE STATE COMMISSIONER OF HEALTH,) human rights and the directors of the division of vocational rehabilitation and state services for the blind or their designees shall serve as ex officio (, WITHOUT A VOTE, ON THE COUNCIL, OR SHALL DESIGNATE A REPRESENTATIVE TO THE COUNCIL) members of the council without vote. In addition, there (SHALL) may be ex officio (REPRESENTATION, WITHOUT VOTE, FROM THE PROGRAMS SERVING MENTALLY RETARDED PERSONS AND FROM THE PROGRAMS SERVING BLIND PERSONS IN THE DEPARTMENT OF PUBLIC WELFARE AND) members from other (PROGRAMS) bureaus, divisions, or sections of state departments which are directly concerned with the provision of services (FOR) to handicapped persons. (THERE SHALL BE AT LEAST ONE MEMBER OF THE COUNCIL APPOINTED FROM EACH OF THE STATE DEVELOPMENT REGIONS.)*

*The terms of members serving as of December 31, 1983, shall expire on that date. Thereafter, notwithstanding the provisions of section 15.059, each member of the council appointed by the governor shall serve a three-year term and until his or her successor is appointed and qualified, provided that of the members initially appointed to serve starting in 1984, one-third shall be appointed for one year, one-third for two years, and one-third for three years as designated by the governor. The compensation and removal of all members shall be as provided in section 15.059. The governor shall appoint a (CHAIRMAN) chair of the council from among the members appointed from the general public or handicapped persons or their parents or guardians. Vacancies shall be filled by the appointing authority for the remainder of the unexpired term. The council shall not expire (AND THE TERMS OF THE APPOINTED MEMBERS AND THE COMPENSATION AND REMOVAL OF ALL MEMBERS SHALL BE AS PROVIDED IN SECTION 15.059).*

Subd. 2. [EXECUTIVE DIRECTOR; STAFF.] The council may select an executive director of the council by a vote of a majority of all council members. The executive director shall be in the unclassified service of the state and shall (ACT AS SECRETARY TO THE COUNCIL AND SHALL PERFORM SUCH OTHER DUTIES AS THE COUNCIL MAY REQUIRE OF HIM) *provide administrative support for the council and provide administrative leadership to implement council man-*



*dates, policies, and objectives.* The (COUNCIL) *executive director* shall (APPROVE EMPLOYMENT OF SUCH CLERICAL HELP AND OTHER EMPLOYEES AS ARE NECESSARY, UPON THE RECOMMENDATION OF THE EXECUTIVE DIRECTOR) *employ and direct staff authorized according to state law and necessary to carry out council mandates, policies, activities, and objectives.* Salaries (FOR) of the executive director and staff shall be established in the manner prescribed by (CHAPTER 15A) *state law*, and the executive director and staff shall be reimbursed for (ALL) *the actual and necessary expenses incurred as a result of (HIS) their council responsibilities.*

Subd. 3. [RECEIPT OF FUNDS.] Whenever any person, firm or corporation offers to the council funds by the way of gift, grant or loan, for purposes of assisting the council to carry out its powers and duties, the council may accept such offer by majority vote and upon such acceptance the (CHAIRMAN) *chair* shall receive such 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.

Subd. 4. [ORGANIZATION; (COUNCILS AND) COMMITTEES.] The council shall organize itself in conformity with its responsibilities under sections 256.481 to (256.483) *256.482* and shall establish (COUNCILS AND) committees which shall give detailed attention to the special needs of each category of handicapped persons. The members of such (COUNCILS AND) committees shall be designated by the (CHAIRMAN) *chair* with the approval of a majority of the council (AND EACH COUNCIL OR COMMITTEE SHALL HAVE MEMBERS FROM, AND IN APPROXIMATELY THE SAME RATIO AS, THE THREE GROUPS REPRESENTED ON THE COUNCIL). (COUNCILS) *Committees* established shall include a (COUNCIL ON EMPLOYMENT WHICH SHALL CARRY OUT THE DUTIES AND RESPONSIBILITIES FORMERLY ENTRUSTED TO THE GOVERNOR'S COMMISSION ON EMPLOYMENT OF HANDICAPPED PERSONS, AND A COUNCIL ON CHILDREN WHICH SHALL CARRY OUT THE DUTIES AND RESPONSIBILITIES RELATED TO HANDICAPPED CHILDREN FORMERLY ENTRUSTED TO THE MINNESOTA ADVISORY BOARD ON HANDICAPPED, GIFTED AND EXCEPTIONAL CHILDREN) *committee on children which shall study the special needs of handicapped children and a committee on employment which shall study the special employment needs of handicapped persons: The council shall serve as liaison in Minnesota for the president's committee on employment of the handicapped and for any other organization for which it is so designated by the governor or state legislature.*

Subd. 5. [DUTIES AND POWERS.] The council shall have the following duties and powers:

(1) To advise *and otherwise aid* the governor (,); appropriate state agencies, *including but not limited to the departments of education, public welfare, economic security, human rights, and the divisions of vocational rehabilitation and services for the blind; the state legislature;* and the public on matters pertaining to public policy and the administration of programs, services and facilities for handicapped persons in Minnesota;

(2) To encourage *and assist in* the development of coordinated, interdepartmental goals and objectives and the coordination of programs, services and facilities among all state departments and private providers of service as they relate to handicapped persons;

(3) To serve as a source of information to the public regarding all services, *programs and legislation pertaining to* handicapped persons;

(4) To review and make comment to the governor, state agencies, the legislature, and the public concerning adequacy of state programs, plans and budgets for services to handicapped persons and for funding under the various federal grant programs;

(5) To research, formulate and advocate plans, programs and policies which will serve the needs of handicapped persons;

(6) To advise the (DEPARTMENT) *departments* of labor and industry and (THE STATE BOARD OF EDUCATION) *economic security* on the administration and improvement of the workers' compensation law as the law relates to programs, facilities and personnel providing assistance to injured and handicapped workers;

(7) To advise the workers' compensation division of the department of labor and industry and the workers' compensation court of appeals as to the necessity and extent of any alteration or remodeling of an existing residence or the building or purchase of a new or different residence which is proposed by a licensed architect under section 176.137.

Sec. 67. Minnesota Statutes 1982, section 256B.58, is amended to read:

256B.58 [ADMINISTRATION.]

The pilot programs shall be administered by the commissioner. The commissioner may employ staff to administer the programs. The cost of the staff shall be met solely by funds authorized to be spent for administering the programs. (THE COMMISSIONER SHALL APPOINT A SEVEN MEMBER ADVISORY

TASK FORCE TO ADVISE THE COMMISSIONER ON THE OPERATION OF THE PILOT PROGRAMS. ALL OF THE MEMBERS OF THE ADVISORY TASK FORCE SHALL BE SENIOR CITIZENS. THE COMPENSATION OF MEMBERS, THEIR REMOVAL FROM OFFICE, AND THE FILLING OF VACANCIES SHALL BE AS PROVIDED IN SECTION 15.059.)

Sec. 68. Minnesota Statutes 1982, section 268.12, subdivision 6, is amended to read:

Subd. 6. [ADVISORY COUNCILS.] The commissioner of economic security shall appoint a state advisory council and may appoint such local advisory councils as he deems advisable, composed in each case of an equal number of employer and employee representatives who shall be selected because of their vocation, employment, or affiliation, and of such members representing the general public as he may designate. (THE COMMISSIONER MAY ALSO APPOINT AN AGRICULTURAL EMPLOYMENT ADVISORY COUNCIL AND SUCH OTHER ADVISORY COUNCILS AS MAY BE FOUND NECESSARY FOR PROPER ADMINISTRATION.) Such councils shall aid the commissioner in formulating policies and discussing problems relating to the administration of sections 268.03 to 268.24 and in assuring impartiality and freedom from political influence in the solution of such problems. The (COUNCILS SHALL EXPIRE AND THE) terms, compensation and removal of members shall be as provided in section 15.059.

Sec. 69. Minnesota Statutes 1982, section 326.41, is amended to read:

326.41 [ADVISORY COUNCIL.]

The state commissioner of health shall appoint seven persons to the advisory council on plumbing code and examinations, one of whom shall be a practical master plumber, one a practical journeyman plumber, and one a representative of the commissioner. The (COUNCIL SHALL EXPIRE AND THE) terms, compensation and removal of members of *the council* shall be as provided in section 15.059.

Sec. 70. Minnesota Statutes 1982, section 326.49, is amended to read:

326.49 [ADVISORY COUNCIL.]

The department of labor and industry shall appoint seven persons, of whom one shall be a practical contracting steamfitter, one a practical journeyman steamfitter, and one a member or employee of the department, to be known as the advisory council for steamfitting examinations. The (COUNCIL SHALL

EXPIRE AND THE) terms, compensation and removal of members of the council shall be as provided in section 15.059.

Sec. 71. Minnesota Statutes 1982, section 363.04, subdivision 4, is amended to read:

Subd. 4. [(COMMITTEE) TASK FORCE, MEMBERSHIP, APPEALS.] (THERE IS HEREBY ESTABLISHED WITHIN THE DEPARTMENT) *The commissioner may appoint a human rights advisory (COMMITTEE) task force. (THE COMMITTEE SHALL SERVE IN AN ADVISORY CAPACITY TO THE COMMISSIONER. THE COMMITTEE SHALL CONSIST OF 15 MEMBERS TO BE APPOINTED BY THE GOVERNOR. MEMBERS SHALL BE APPOINTED WITH DUE REGARD TO THEIR FITNESS FOR THE EFFICIENT DISPATCH OF THE FUNCTIONS, POWERS AND DUTIES VESTED IN AND IMPOSED UPON THE COMMITTEE. THE GOVERNOR SHALL DESIGNATE FROM TIME TO TIME ONE OF THE MEMBERS AS CHAIRMAN.)*

Sec. 72. Minnesota Statutes 1982, section 363.04, subdivision 4a, is amended to read:

Subd. 4a. [TERMS; COMPENSATION; REMOVAL; VACANCIES.] *The expiration, membership terms, compensation, removal of members, and filling of vacancies on the (COMMITTEE) task force shall be as provided in section 15.059.*

Sec. 73. Minnesota Statutes 1982, section 507.09, is amended to read:

507.09 [FORMS APPROVED; AMENDMENTS.]

The several forms of deeds, mortgages, land contracts, assignments, satisfactions, and other conveyancing instruments prepared by the uniform conveyancing blanks commission and filed by the commission with the secretary of state pursuant to Laws 1929, Chapter 135, as amended by Laws 1931, Chapter 34, are approved and recommended for use in the state. Such forms shall be kept on file with and be preserved by the secretary of state as a public record. The commissioner of securities and real estate may appoint an advisory (COMMITTEE) task force on uniform conveyancing forms to recommend to the commissioner of securities and real estate amendments to existing forms or the adoption of new forms. *The task force shall expire, and the terms, compensation, and removal of members shall be as provided in section 15.059.* The commissioner of securities and real estate may adopt amended or new forms consistent with the laws of this state by rule in accordance with chapter 14.

Sec. 74. Laws 1975, chapter 235, section 2, is amended to read:

Sec. 2. This act is effective July 1, 1975 and shall expire June 30, (1983) 1987.

Sec. 75. Laws 1976, chapter 314, section 3, is amended to read:

Sec. 3. This act is effective upon final enactment. (THE BOARD SHALL EXPIRE ON JUNE 30, 1983.)

Sec. 76. Laws 1980, chapter 614, section 192, is amended to read:

Sec. 192. [EFFECTIVE DATE.] Except as otherwise provided in this act, this act is effective the day following final enactment. Section 55 is effective retroactive to April 1, 1980. Sections 87 and 88 are effective for any notice of the objects of the petition served after the day following final enactment. Sections 85 and 86 are effective for each district named in section 86 upon approval by a majority of the board of managers of the respective districts, and upon compliance with the provisions of Minnesota Statutes, section 645.021. Sections 168 to 180 are effective upon approval by resolution of the St. Paul city council. The resolution shall be adopted after published notice to the public and public hearing. Sections 37 to 39, 49, 51, 57, 60 to 68, 70 to 74, 79, 81 to 83, 89, 101 to 123, 126, 128, 135 to 145, 148, 152, and 155, are effective July 1, 1980. Section 187 is effective July 1, 1980 (AND EXPIRES JUNE 30, 1983). Pursuant to Minnesota Statutes, Section 645.023, Subdivision 1, Clause (b), section 155 is effective without local approval July 1, 1980. Section 157 is effective March 1, 1981 and applies to causes of action accruing on or after that date. Section 191, subdivision 2 is effective July 1, 1981.

Sec. 77. [TRANSITION.]

*A person or group which is given discretionary authority under this act to appoint an advisory task force may appoint any person who on the day prior to the effective date of this section was a member of an advisory group, to serve as a member of the advisory task force which replaces the advisory group. The initial appointment of former advisory group members to a successor advisory task force is not subject to the open appointments process under section 15.0597. This section is repealed 90 days after the effective date of this section.*

Sec. 78. [INTERIM STUDY.]

*During the interim between the 1983 and 1984 legislative sessions the governmental operations committees of the house of representatives and the senate shall study the status of advisory groups. Specifically the committees shall investigate the extent to which advisory task forces are created to serve the same func-*

tions as the groups abolished by this act. The committees shall hear testimony from persons aggrieved by the failure of an appointing authority to create an advisory task force. The committees shall report their findings and any recommendations for statutory changes to the house and the senate before the beginning of the 1984 legislative session.

Sec. 79. [REPEALER.]

*Minnesota Statutes 1982, sections 11A.08, subdivisions 2 and 3; 15.059, subdivision 5; 16.853; 16.911, subdivisions 2, 3, and 6; 31.60, subdivisions 2 and 3; 41.54, subdivisions 2, 3, 4, and 5; 84.524, subdivisions 3 and 4; 86A.10, subdivision 2; 121.83; 121.87, subdivision 2; 121.934, subdivisions 3, 4, 5, 6, and 7; 121.938; 123.581, subdivisions 2, 3, 4, 5, and 7; 124.215, subdivision 6; 141.24; 144.571; 144A.17; 144A.55; 145.98, subdivisions 2 and 4; 161.1419, subdivisions 2, 3, 4, 5, 6, and 7; 175.007, subdivision 2; 198.055, subdivision 2; 214.14; 222.65; 256.483; and 363.04, subdivision 5, are repealed.*

Sec. 80. [EFFECTIVE DATE.]

*Sections 1 to 79 are effective July 1, 1983."*

Amend the title as follows:

Page 1, line 2, delete "removing the expiration"

Page 1, delete lines 3 to 24 and insert:

"repealing or amending the statutory authority for certain executive branch advisory groups; providing authority for the creation of certain task forces in the executive branch; amending certain laws relating to expiration of executive branch advisory groups; amending Minnesota Statutes 1982, sections 3.922; 4.31, subdivision 5; 11A.08, subdivisions 1, as amended, 4, 5, and 6; 15.059, subdivision 6; 16.02, subdivision 28; 16.872; 16.90, subdivision 4; 16.91; 16.911, subdivision 1; 21.112, subdivision 2; 41.54, subdivision 1; 43A.31, subdivision 4; 45.17, subdivision 6; 52.061; 82.30, subdivision 1; 84.524, subdivisions 1 and 2; 84B.11, subdivision 1; 86A.10, subdivision 1; 116J.04; 121.87, subdivisions 1 and 3; 121.901; 121.902, subdivisions 1 and 1a; 121.934, subdivisions 1 and 2; 123.581, subdivision 1; 126.531, subdivision 1; 128A.03; 129A.02, subdivision 3; 129B.09, subdivision 8; 136A.02, subdivision 6; 144.011, subdivision 2; 145.919; 145.93, subdivisions 2 and 3; 145.98, subdivisions 1 and 3; 148.191, subdivision 2; 148.67; 148.70; 149.02; 151.13, subdivision 2; 152.02, subdivision 11; 155A.06, subdivision 2; 156A.06, subdivision 1; 161.1419, subdivision 1; 175.007, subdivision 1; 178.02; 182.656; 184.23; 198.055, subdivision 1; 206.08, subdivision 3; 214.13, subdivision 4; 241.64; 241.71;

245.84, subdivision 4; 246.017, subdivision 2; 252.31; 254A.04; 256.481; 256.482; 256B.58; 268.12, subdivision 6; 326.41; 326.49; 363.04, subdivisions 4 and 4a; 507.09; Laws 1975, chapter 235, section 2; Laws 1976, chapter 314, section 3; and Laws 1980, chapter 614, section 192; repealing Minnesota Statutes 1982, sections 11A.08, subdivisions 2 and 3; 15.059, subdivision 5; 16.853; 16.911, subdivisions 2, 3, and 6; 31.60, subdivisions 2 and 3; 41.54, subdivisions 2, 3, 4, and 5; 84.524, subdivisions 3 and 4; 86A.10, subdivision 2; 121.83; 121.87, subdivision 2; 121.934, subdivisions 3, 4, 5, 6, and 7; 121.938; 123.581, subdivisions 2, 3, 4, 5, and 7; 124.215, subdivision 6; 141.24; 144.571; 144A.17; 144A.55; 145.98, subdivisions 2 and 4; 161.1419, subdivisions 2, 3, 4, 5, 6, and 7; 175.007, subdivision 2; 198.055, subdivision 2; 214.14; 222.65; 256.483; and 363.04, subdivision 5."

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

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 569, A bill for an act relating to financing of jail facilities of Hennepin County; authorizing the issuance of general obligation bonds.

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

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 588, A bill for an act relating to hospitals; providing for adjustment of terms of office; changing filing dates for candidates for the hospital board; amending Minnesota Statutes 1982, section 447.32, subdivisions 1 and 4.

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

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 643, A bill for an act relating to education; requiring the board of teaching to adopt temporary rules relating to plac-

ing provisionally licensed teachers on unrequested leaves of absence.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 125.12, is amended by adding a subdivision to read:

*Subd. 1a. [NONPROVISIONAL LICENSE DEFINED.] For purposes of this section, "nonprovisional license" shall mean entrance, continuing, or life license.*

Sec. 2. Minnesota Statutes 1982, section 125.12, subdivision 6a, is amended to read:

**Subd. 6a. [NEGOTIATED UNREQUESTED LEAVE OF ABSENCE.]** The school board and the exclusive bargaining representative of the teachers may negotiate a plan providing for unrequested leave of absence without pay or fringe benefits for as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts. Failing to successfully negotiate such a plan, the provisions of subdivision 6b shall apply. *If the negotiated plan does not include provisions relating to placing provisionally licensed teachers on unrequested leaves of absence, the provisions of subdivision 6b, clause (b) relating to provisionally licensed teachers shall apply.* The provisions of section 179.72 shall not apply for the purposes of this subdivision.

Sec. 3. Minnesota Statutes 1982, section 125.12, subdivision 6b, is amended to read:

**Subd. 6b. [UNREQUESTED LEAVE OF ABSENCE.]** The school board may place on unrequested leave of absence, without pay or fringe benefits, as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts. The unrequested leave shall be effective at the close of the school year. In placing teachers on unrequested leave, the board shall be governed by the following provisions:

(a) The board may place probationary teachers on unrequested leave first in the inverse order of their employment. No teacher who has acquired continuing contract rights shall be placed on unrequested leave of absence while probationary teachers are retained in positions for which the teacher who has acquired continuing contract rights is licensed;



(b) Teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed in the inverse order in which they were employed by the school district. In the case of equal seniority, the order in which teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed shall be negotiable. *No teacher with continuing contract rights who holds a nonprovisional license in a particular area of licensure other than vocational education shall be placed on unrequested leave of absence while a teacher who only holds a provisional license in that area, as defined by state board of teaching rules, is retained by the district to teach in that area;*

(c) Notwithstanding clauses (a) and (b), if (EITHER) the placing of a probationary teacher on unrequested leave before a teacher who has acquired continuing rights, (OR) the placing of a teacher who has acquired continuing contract rights on unrequested leave before another teacher who has acquired continuing contract rights but who has greater seniority, *or the placing of a nonprovisionally licensed teacher on unrequested leave before a provisionally licensed teacher in a particular area other than vocational education* would place the district in violation of its affirmative action program, the district may retain the probationary teacher (OR), the teacher with less seniority, *or the provisionally licensed teacher;*

(d) Teachers placed on unrequested leave of absence shall be reinstated to the positions from which they have been given leaves of absence or, if not available, to other available positions in the school district in fields in which they are licensed. Reinstatement shall be in the inverse order of placement on leave of absence. The order of reinstatement of teachers who have equal seniority and who are placed on unrequested leave in the same school year shall be negotiable;

(e) No appointment of a new teacher shall be made while there is available, on unrequested leave, a teacher who is properly licensed to fill such vacancy, unless the teacher fails to advise the school board within 30 days of the date of notification that a position is available to him, that he may return to employment and that he will assume the duties of the position to which appointed on a future date determined by the board;

(f) A teacher placed on unrequested leave of absence may engage in teaching or any other occupation during the period of this leave;

(g) The unrequested leave of absence shall not impair the continuing contract rights of a teacher or result in a loss of credit for previous years of service;

(h) The unrequested leave of absence of a teacher who is placed on unrequested leave of absence prior to January 1, 1978 and who is not reinstated shall continue for a period of two years after which the right to reinstatement shall terminate. The unrequested leave of absence of a teacher who is placed on unrequested leave of absence on or after January 1, 1978 and who is not reinstated shall continue for a period of five years, after which the right to reinstatement shall terminate; provided the teacher's right to reinstatement shall also terminate if he fails to file with the board by April 1 of any year a written statement requesting reinstatement;

(i) The same provisions applicable to terminations of probationary or continuing contracts in subdivisions 3 and 4 shall apply to placement on unrequested leave of absence;

(j) Nothing in this subdivision shall be construed to impair the rights of teachers placed on unrequested leave of absence to receive unemployment compensation if otherwise eligible.

Sec. 4. Minnesota Statutes 1982, section 125.17, subdivision 1, is amended to read:

Subdivision 1. [WORDS, TERMS, AND PHRASES.] Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of the following subdivisions in this section shall be defined as follows:

(a) [TEACHERS.] The term "teacher" includes every person regularly employed, as a principal, or to give instruction in a classroom, or to superintend or supervise classroom instruction, or as placement teacher and visiting teacher. Persons regularly employed as counselors and school librarians shall be covered by these sections as teachers if licensed as teachers or as school librarians.

(b) [SCHOOL BOARD.] The term "school board" includes a majority in membership of any and all boards or official bodies having the care, management, or control over public schools.

(c) [DEMOTE.] The word "demote" means to reduce in rank or to transfer to a lower branch of the service or to a position carrying a lower salary or compensation.

(d) [NONPROVISIONAL LICENSE.] *The term "non-provisional license" includes entrance, continuing, and life licenses.*

Sec. 5. Minnesota Statutes 1982, section 125.17, subdivision 11, is amended to read:

Subd. 11. [SERVICES TERMINATED BY DISCONTINUANCE OR LACK OF PUPILS; PREFERENCE GIVEN.] Any teacher whose services are terminated on account of discontinuance of position or lack of pupils shall receive first consideration for other positions in the district for which she is qualified. In the event it becomes necessary to discontinue one or more positions, in making such discontinuance, teachers shall be discontinued in any department in the inverse order in which they were employed. *No teacher with tenure who holds a nonprovisional license in a particular area other than vocational education shall be placed on unrequested leave of absence while a teacher who only holds a provisional license in that area, as defined by state board of teaching rules, is retained by the district to teach in that area.*

Sec. 6. [EXEMPTION FROM APPLICATION.]

*The provisions of sections 1 to 5 shall not apply to any decisions relating to placing teachers on unrequested leaves of absence made by school boards prior to the effective date of this act. The provisions of this act shall not apply to those school districts that, on the effective date of this act, are governed by contractual agreements which include terms contrary to the provisions of sections 1 to 5, until the expiration of those contractual agreements.*

Sec. 7. [EFFECTIVE DATE.]

*This act shall be effective the day after final enactment."*

Delete the title and insert:

"A bill for an act relating to education; clarifying the seniority status of provisionally licensed teachers for purpose of placing teachers on unrequested leaves of absence; amending Minnesota Statutes 1982, sections 125.12, subdivisions 6a, 6b, and by adding a subdivision; and 125.17, subdivisions 1 and 11."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 30, 31, 90, 120, 274, 283, 313, 314, 341, 367, 371, 445, 463, 468, 569, 588 and 643 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 152 was read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Schoenfeld, Scheid, Schreiber, Cohen and McEachern introduced:

H. F. No. 648, A bill for an act relating to housing; prohibiting certain rent control ordinances in cities, counties, and towns; proposing new law coded in Minnesota Statutes, chapter 471.

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

Kahn, Rice, Riveness, Bishop and Ellingson introduced:

H. F. No. 649, A bill for an act relating to data processing systems; directing the legislative reference library to develop and maintain a directory of state information systems; 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.

Jacobs introduced:

H. F. No. 650, A bill for an act relating to traffic regulations; prescribing the maximum penalty for exceeding the designated maximum speed limit by not more than five miles per hour; amending Minnesota Statutes 1982, section 169.141, subdivision 2.

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

Bergstrom; Carlson, L.; Norton; Kostohryz and Burger introduced:

H. F. No. 651, A bill for an act relating to education; modifying the definitions of teachers and of supervisory and support personnel for the purpose of licensure; modifying the personnel licensed by the board of teaching and the state board of education; increasing the size of the board of teaching; adding two vocational teachers to the board of teaching; requiring the board of teaching to take into consideration vocational education teach-

er licensure requirements adopted by the state board for vocational education; requiring that rules adopted by the board of teaching shall not affect the validity of certain vocational personnel or the rights and privileges of the holders; amending Minnesota Statutes 1982, sections 125.03, subdivisions 1 and 4; 125.05, subdivisions 1 and 2; 125.08; 125.183, subdivisions 1 and 3; 125.185, subdivision 4; proposing new law coded in Minnesota Statutes, chapter 125.

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

Sarna, Metzen, Clawson, Wigley and Rodriguez, F., introduced:

H. F. No. 652, A bill for an act relating to retirement; public plans generally; providing that moneys of public pension plans are for the exclusive benefit of eligible employees and their beneficiaries; 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.

Osthoff, Minne and Metzen introduced:

H. F. No. 653, A bill for an act relating to elections; making numerous procedural changes in the election law; removing or clarifying obsolete and inappropriate language; rearranging certain provisions; amending Minnesota Statutes 1982, sections 201.061, subdivision 3; 203B.11; 203B.12, subdivision 2; 204B.21, subdivision 2; 204B.31; 204B.33; 204B.36, subdivision 2; 204C.08, subdivision 1; 204C.10, subdivision 1; 204C.12, subdivisions 3 and 4; 204C.24, subdivision 1; 204C.25; 204D.11, subdivision 5; 204D.13, subdivision 3; 205.17, subdivisions 3 and 4; 206.11; 206.19, subdivision 1; 210A.39; repealing Minnesota Statutes 1982, section 204B.06, subdivision 3.

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

Nelson, D.; Kahn; Battaglia; Carlson, D., and Shaver introduced:

H. F. No. 654, A bill for an act relating to outdoor recreation; requiring licensing of cross country skiers; creating a cross country ski trail grant-in-aid program; imposing a penalty; appropriating money for recreational purposes; 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.

Clawson, Voss, Staten, Gustafson and Jennings introduced:

H. F. No. 655, A bill for an act relating to courts; abolishing the county and probate court; transferring the jurisdiction, cases, records, and employees of that court to the district court; merging the municipal and conciliation courts with the district court in the second and fourth judicial districts; transferring the jurisdiction, cases, records, and employees of those courts to the district court; providing that municipal and probate and county judges learned in the law are district judges; providing the manner of determining whether a judicial vacancy exists; exempting certain judges from hearing certain matters; providing transitional retirement benefits; amending Minnesota Statutes 1982, sections 2.722, subdivision 1, and by adding a subdivision; 484.01; 484.545, subdivision 1; 484.69, subdivision 3; proposing new law coded in Minnesota Statutes, chapters 487, 488A, and 490; repealing Minnesota Statutes 1982, section 487.191.

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

Solberg, Elioff and Jacobs introduced:

H. F. No. 656, A bill for an act relating to intoxicating liquor; allowing the city of Marble to permit on-sales of intoxicating liquor on a certain date.

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

Anderson, G.; Kalis; Valan and Erickson introduced:

H. F. No. 657, A bill for an act relating to transportation; authorizing the commissioner to expend money for railroad acquisition by a regional railroad authority; modifying the regional railroad authority act to allow municipalities to form regional railroad authorities; allowing the expenditure of certain state funds for railroad improvement and acquisition; providing an aircraft base price for taxation purposes; amending Minnesota Statutes 1982, sections 222.50, subdivision 7; 360.531, subdivision 4; 398A.02; 398A.03; 398A.04, subdivisions 8 and 9; and Laws 1980, chapter 610, section 1, as amended.

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

Peterson, Bergstrom, Krueger, Redalen and Dimler introduced:

H. F. No. 658, A bill for an act relating to public utilities; excluding municipal electric utilities from application of chapter 216B; amending Minnesota Statutes 1982, section 216B.164, subdivisions 2 and 3.

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

Gustafson introduced:

H. F. No. 659, A bill for an act relating to housing; eliminating requirements that housing programs for urban Indians combine appropriated money with funds from other sources whenever possible; amending Minnesota Statutes 1982, section 462A.07, subdivision 15; and Laws 1978, chapter 670, section 3, subdivision 3.

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

Kelly, Osthoff, Tomlinson, Ogren and Minne introduced:

H. F. No. 660, A bill for an act relating to taxation; reducing the rate of tax on corporation income; eliminating the deduction for certain income or franchise taxes paid by corporations; eliminating the deduction for corporate capital gains; amending Minnesota Statutes 1982, sections 290.06, subdivision 1; 290.09, subdivisions 4 and 28; 290.091; 290.095, subdivision 4; and 290.16, subdivision 4; and Laws 1981, Third Special Session chapter 2, article III, section 22, as amended.

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

Sarna; Greenfield; Clark, K.; Kahn and Otis introduced:

H. F. No. 661, A bill for an act relating to counties; authorizing a jobs program.

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

Knuth, Clawson, Quinn and Knickerbocker introduced:

H. F. No. 662, A bill for an act relating to state government; regulating eligibility for qualified handicapped civil service examinations; amending Minnesota Statutes 1982, section 43A.10, subdivision 8.

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

Greenfield, Norton, Rice, Wynia and Swanson introduced:

H. F. No. 663, A bill for an act relating to the general assistance program; creating a flat grant system of payment; authorizing the commissioner of public welfare to provide by rule for the payment of reasonable fees in certain cases to persons assisting recipients in applying for benefits from federal programs; requiring general assistance recipients, with exceptions, to register for work with the department of economic security; authorizing the commissioner of public welfare to adopt temporary rules in certain cases; making various other changes in the general assistance program; authorizing the commissioner of economic security to make wage subsidy payments to certain employers and to allocate funds for certain public service jobs; authorizing the commissioner of economic security to adopt permanent and temporary rules in certain cases; amending Minnesota Statutes 1982, sections 256D.01, subdivision 1; 256D.02, subdivision 4; 256D.06, subdivision 5; 256D.09, subdivision 2; proposing new law coded in Minnesota Statutes, chapters 256D and 268; repealing Minnesota Statutes 1982, sections 256D.02, subdivision 14; and 256D.06, subdivision 1a.

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

Swanson, Riveness, Greenfield, Kostohryz and Gruenes introduced:

H. F. No. 664, A bill for an act relating to commerce; removing the statutory dollar limitations on bingo prizes; repealing Minnesota Statutes 1982, section 349.17, subdivision 4.

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



Heinitz introduced:

H. F. No. 665, A bill for an act relating to unemployment compensation; regulating benefit deductions for national guard and military reserve pay; amending Minnesota Statutes 1982, section 268.07, subdivision 2.

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

Norton; Rodriguez, F.; Begich; Reif and Simoneau introduced:

H. F. No. 666, A bill for an act relating to labor; providing funds for job training; appropriating money.

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

Blatz, Scheid, Brandl, Swanson and Reif introduced:

H. F. No. 667, A bill for an act relating to human rights; requiring employers to grant personal leave to adopting parents on the same basis as they allow personal leave for biological parents; 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.

Greenfield, Staten, Gustafson, Norton and Vanasek introduced:

H. F. No. 668, A bill for an act relating to human rights; prohibiting discrimination because of disability; providing penalties; amending Minnesota Statutes 1982, sections 363.01, subdivisions 10, 25, and by adding subdivisions; 363.02, subdivisions 1 and 5; 363.03, subdivisions 1, 3, 4, and 7; and repealing Minnesota Statutes 1982, section 363.03, subdivision 4a.

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

Begich, Battaglia, Elioff, Minne and Solberg introduced:

H. F. No. 669, A bill for an act relating to redevelopment; authorizing the financing of redevelopment projects by the iron range resources and rehabilitation board; amending Minnesota Statutes 1982, section 298.292; proposing new law coded in Minnesota Statutes, chapter 298.

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

Clawson, Swanson, Onnen, Rice and Wynia introduced:

H. F. No. 670, A bill for an act relating to public welfare; requiring new procedures for determining nursing home payment rates; requiring a moratorium on licensure or certification of new beds with certain exceptions; providing for an interagency board for quality assurance; appropriating money; amending Minnesota Statutes 1982, sections 144A.10, subdivision 6; 256B.091, subdivisions 1, 2, 4, and 8; 256B.41; 256B.47; and 256B.48; proposing new law coded in chapters 144A and 256B; repealing Minnesota Statutes 1982, 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.

Rodriguez, C.; Eken; Levi; Nelson, K., and McEachern introduced:

H. F. No. 671, A bill for an act relating to education; providing for a revised foundation aid formula; amending Minnesota Statutes 1982, sections 124.212, subdivision 1; 124.2123, by adding a subdivision; 124.2124, by adding a subdivision; 124.2125, by adding a subdivision; 124.2126, by adding a subdivision; 124.2128, by adding a subdivision; 124.2132, subdivision 1; 275.125, subdivision 9, and by adding a subdivision; repealing Minnesota Statutes 1982, sections 124.2123; 124.2124; 124.2125; 124.2126; 124.2128; and 275.125, subdivisions 6b, 6c, 6d, 7a, 7c, and 19.

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

Minne; Pauly; Evans; Anderson, G., and Begich introduced:

H. F. No. 672, A bill for an act relating to taxation; sales and use; clarifying the taxability or exempt status of certain items or transactions; providing penalties for certain operators or misuse of exemption certificates; clarifying filing dates and penalties for not timely filing or paying the tax; authorizing the filing of security and the use of sampling; providing restrictions on refunds; clarifying payments required before appeal; eliminating the fee for permits; amending Minnesota Statutes 1982, sections 297A.01, subdivisions 3, 4, and 11; 297A.05; 297A.25, subdivision 1; 297A.27, subdivision 1; 297A.275; 297A.28; 297A.31, subdivision 1; 297A.35, subdivision 1, and by adding a subdivision; and 297A.391; proposing new law coded in Minnesota Statutes, chapter 297A; repealing Minnesota Statutes 1982, section 297A.251.

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

Osthoff; Battaglia; Greenfield; Clark, J., and Kostohryz introduced:

H. F. No. 673, A bill for an act relating to elections; changing eligibility requirements and compensation for election judges; permitting time off from work for election judges; amending Minnesota Statutes 1982, sections 204B.19, subdivision 2; and 204B.31; proposing new law coded in Minnesota Statutes, chapter 204B.

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

Skoglund, Kelly, Norton, Shaver and Sherman introduced:

H. F. No. 674, A bill for an act relating to insurance; extending the insurance division revolving fund; 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 1982, sections 60A.02, subdivision 7; 60A.03, subdivision 6; 60A.17, subdivisions 1 and 6c; and 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.

Shea introduced:

H. F. No. 675, A bill for an act relating to taxation; income; imposing an income tax surtax on gross incomes in excess of specified amounts; amending Minnesota Statutes 1982, section 290.06, subdivisions 3d and 3f; proposing new law coded in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 1982, section 290.06, subdivision 2e.

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

Himle and Blatz introduced:

H. F. No. 676, A bill for an act relating to the city of Bloomington; authorizing the issuance of capital notes for certain equipment acquisitions.

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

Clawson, Simoneau, Wigley, Welch and Carlson, D., introduced:

H. F. No. 677, A bill for an act relating to retirement; guaranteeing public employees certain pension rights; 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.

Kostohryz, Hoffman, O'Connor, Price and Munger introduced:

H. F. No. 678, A bill for an act relating to outdoor recreation; authorizing the issuance of state bonds and appropriating the proceeds for the acquisition and betterment of state trails; authorizing the sale of unneeded trail land; amending Minnesota Statutes 1982, section 85.015, by adding a subdivision.

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

Vellenga and Clawson introduced:

H. F. No. 679, A bill for an act relating to elections; changing the time and day of precinct caucuses; amending Minnesota Statutes 1982, section 202A.14, subdivision 1.

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

Himle, Kelly, Tomlinson and Kvam introduced:

H. F. No. 680, A bill for an act relating to taxation; authorizing cities to impose taxes on the gross receipts from the furnishing of certain lodging; proposing new law coded in Minnesota Statutes, chapter 477A.

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

Himle and Blatz introduced:

H. F. No. 681, A bill for an act relating to liquor; authorizing employment of persons under 18 in establishments licensed to sell wine only; amending Minnesota Statutes 1982, section 340.14, subdivision 2.

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

Otis introduced:

H. F. No. 682, A bill for an act relating to ethics in government; providing for an exception to campaign expenditure limitations where a candidate's opponent does not accept state campaign funds; amending Minnesota Statutes 1982, sections 10A.25, subdivisions 2 and 10; 10A.31, subdivision 5; and 10A.32, subdivisions 3 and 3b.

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

Vellenga, Knuth, Munger and Nelson, D., introduced:

H. F. No. 683, A bill for an act relating to the environment; providing for the control of solid waste; requiring a deposit for certain beverage containers sold to consumers and payment of refund when containers are returned; requiring beverage container distributors to pay certain amounts to the commissioner of revenue; authorizing licensing of beverage container redemption centers; authorizing benefits for employees dislocated by the deposit law; imposing penalties; appropriating money; proposing new law coded in Minnesota Statutes, chapters 116F and 268.

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

Beard, Munger, Battaglia, Fjoslien and Burger introduced:

H. F. No. 684, A bill for an act relating to administrative procedures; exempting certain rules from the requirement of approval by the revisor of statutes and related procedures; amending Minnesota Statutes 1982, section 14.38, subdivision 6.

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

Clawson introduced:

H. F. No. 685, A bill for an act relating to community social services; amending the community social services act to incorporate certain programs for the mentally ill and mentally retarded and the program of day care sliding fees; amending Minnesota Statutes 1982, sections 256E.06, subdivision 2; and 256E.08, subdivision 9; repealing Minnesota Statutes 1982, section 245.87.

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

Simoneau, Begich, Rice, St. Onge and Beard introduced:

H. F. No. 686, A bill for an act relating to workers' compensation; creating a rehabilitation fund; proposing new law coded in Minnesota Statutes 1982, chapter 176.

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

Berkelman, Brinkman, Norton, Swanson and Reif introduced:

H. F. No. 687, A bill for an act relating to health, establishing minimum standards for systems of reimbursing providers of pharmaceutical goods and services to certain third-parties; proposing new law coded as Minnesota Statutes, chapter 151A.

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

Larsen, Munger, Simoneau, Rose and Nelson, D., introduced:

H. F. No. 688, A bill for an act relating to the disposal and reuse of waste tires; defining terms; establishing a waste tire recycling account in the state treasury; providing for the expenditure of money in the account; granting certain powers to counties relative to tire dumps and the disposal of waste tires; defining duties and responsibilities of the pollution control agency; authorizing certain studies; providing for the licensure and regulation of waste tire processors; imposing an excise tax supplemental to the general sales tax on the sale at retail of new tires; imposing a registration and transfer tax on certain vehicles; providing for certain tax credits; appropriating money; amending Minnesota Statutes 1982, sections 86.11, by adding a subdivision; and 290.06, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 168B.

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

Jensen introduced:

H. F. No. 689, A bill for an act relating to counties; permitting a change to appointed coroners in certain conditions; amending Minnesota Statutes 1982, section 390.005, subdivision 2.

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

Otis, Osthoff, Skoglund, Long and Clark, K., introduced:

H. F. No. 690, A bill for an act relating to taxation; property; providing for the taxation of certain cable communications property; providing for deposit of the proceeds of certain levies in special funds in the city of Minneapolis and Independent School District No. 1; amending Minnesota Statutes 1982, sections 272.02, subdivision 1; and 273.13, subdivision 4.

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

Jensen introduced:

H. F. No. 691, A bill for an act relating to taxation; providing a transitional period of exemption from the tax on aggregate materials under certain circumstances.

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

Wynia introduced:

H. F. No. 692, A bill for an act relating to retirement; permitting the purchase of prior service credit in the public employees retirement association.

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

St. Onge introduced:

H. F. No. 693, A bill for an act relating to taxation; extending tax exemption to property held for future development by certain nonprofit organizations; amending Minnesota Statutes 1982, section 272.02, subdivision 5.

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

Kelly, O'Connor, Valento, Norton and Vellenga introduced:

H. F. No. 694, A bill for an act relating to Ramsey County; providing for the membership, terms, and procedures of the medical center commission; amending Minnesota Statutes 1982, section 383A.41, subdivisions 2, 3, and 4.

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

Nelson, D.; Munger; Norton; Forsythe and Onnen introduced:

H. F. No. 695, A bill for an act relating to environment; providing a comprehensive program for recovery of solid waste; imposing taxes; imposing criminal penalties; amending Minnesota Statutes 1982, sections 116J.06, by adding subdivisions; 290.06, by adding a subdivision; 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.



Kelly and Tomlinson introduced:

H. F. No. 696, A bill for an act relating to taxation; income; exempting certain capital gain income from taxation; providing small business investment credits; amending Minnesota Statutes 1982, section 290.01, subdivision 20b, as amended, and by adding a subdivision; proposing new law coded in Minnesota Statutes 1982, chapter 290.

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

Tomlinson; Norton; Vellenga; Rodriguez, F., and Kelly introduced:

H. F. No. 697, A bill for an act relating to the city of St. Paul; providing for facilities, bonding, powers, and duties of the St. Paul port authority; amending Laws 1976, chapter 234, section 3, subdivision 1.

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

Skoglund; Cohen; Clark, J.; Levi and Rodriguez, C., introduced:

H. F. No. 698, A bill for an act relating to courts; requiring certain legal assistance programs to provide services to certain crime victims; amending Minnesota Statutes 1982, section 480.243, by adding a subdivision.

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

Scheid, O'Connor, Gustafson and Skoglund introduced:

H. F. No. 699, A bill for an act relating to taxation; providing that the homestead credit apply to the first \$54,000 market value; amending Minnesota Statutes 1982, section 273.13, subdivisions 6, 7, and 14a.

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

Osthoff introduced:

H. F. No. 700, A bill for an act relating to taxation; sales; reducing the tax on sales of manufactured homes; exempting the sale of used manufactured homes; amending Minnesota Statutes 1982, sections 297A.02, subdivision 1, as amended; and 297A.25, subdivision 1.

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

Knickerbocker, Shaver and Olsen introduced:

H. F. No. 701, A bill for an act relating to intoxicating liquor; authorizing the city of Minnetonka to issue three additional on-sale licenses.

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

Wynia, Ellingson, Erickson, Wenzel and Haukoos introduced:

H. F. No. 702, A bill for an act relating to insurance; holding companies; modifying the commissioner's jurisdiction with respect to the interests of shareholders; making miscellaneous style and form changes; amending Minnesota Statutes 1982, section 60D.02, subdivisions 1, 2, and 4; repealing Minnesota Statutes 1982, section 60D.02, subdivision 5.

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

Rodriguez, F.; Sarna; Wigley; Rice and Metzen introduced:

H. F. No. 703, A bill for an act relating to retirement; public employees retirement association; reducing the combination of age and years of service required for full retirement; amending Minnesota Statutes 1982, section 353.30, subdivision 1a.

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

Rodriguez, F.; Metzen; Wigley; Sviggum and Sarna introduced:

H. F. No. 704, A bill for an act relating to retirement; public employees retirement association; providing an additional surviving spouse optional annuity after retirement; amending Minnesota Statutes 1982, sections 353.30, subdivision 3; 353.31, 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.

Rodriguez, F.; Sarna; Wigley; Metzen and Clawson introduced:

H. F. No. 705, A bill for an act relating to retirement; public employees retirement association; increasing the retirement annuity formula for members and police and fire members; amending Minnesota Statutes 1982, sections 353.29, subdivision 3; and 353.651, subdivision 3.

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

Clawson introduced:

H. F. No. 706, A bill for an act relating to retirement; public employees retirement association; providing for refund of contributions after a layoff of 120 calendar days; amending Minnesota Statutes 1982, section 353.34, subdivision 1.

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

Cohen, Vanasek, Shea, Forsythe and Krueger introduced:

H. F. No. 707, A bill for an act relating to crimes; establishing degrees of burglary; prescribing penalties; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, section 609.58.

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

Cohen, Kalis, Marsh, Price and Gustafson introduced:

H. F. No. 708, A bill for an act relating to crimes; requiring the sentencing guidelines commission to amend the dispositional line on the sentencing guidelines grid; proposing new law coded in Minnesota Statutes, chapter 244.

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

Wenzel, Wigley, Metzen, Osthoff and Sarna introduced:

H. F. No. 709, A bill for an act relating to retirement; increasing employer and reducing employee contributions to various retirement funds; appropriating money; amending Laws 1982, Third Special Session chapter 1, article II, section 2, subdivision 1.

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

Cohen introduced:

H. F. No. 710, A bill for an act relating to unemployment compensation; providing for workers who delay filing claims due to an illness; amending Minnesota Statutes 1982, section 268.04, subdivision 2.

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

Cohen, Welch, Knickerbocker, Clawson and Halberg introduced:

H. F. No. 711, A bill for an act relating to state government; altering certain miscellaneous provisions related to financial management of state funds; authorizing the commissioner of finance and the state treasurer to take certain actions relating to the issuance, form, execution, delivery, transfer of ownership, and payment of bonds and certificates of indebtedness; appropriating the proceeds of bonds and certificates of indebtedness for the payment of certain expenses; amending Minnesota Statutes 1982, sections 16A.127, subdivisions 1 and 7; 16A.36; 16A.50; 16A.64, subdivisions 2 and 4; 16A.66, subdivisions 1, 2, and 3; and 124.46, subdivision 2; and proposing new law coded in Minnesota Statutes, chapter 16A.

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

Fjoslien, McEachern, Elioff and Ludeman introduced:

H. F. No. 712, A bill for an act relating to education; authorizing a school district to enter into agreements with one or more school districts providing for education of secondary pupils and related matters in exchange for payment of tuition to providing districts; amending Minnesota Statutes 1982, sections 122.41; 122.43; and 122.44; proposing new law coded in Minnesota Statutes, chapter 122.

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

#### HOUSE ADVISORIES

The following House Advisory was introduced:

Clark J.; Vanasek; Swanson; Onnen and Greenfield introduced:

H. A. No. 5, A proposal to study child welfare statutes and issues.

The advisory was referred to the Committee on Health and Welfare.

#### CALENDAR

H. F. No. 342, A bill for an act relating to the board of dentistry; increasing the board's powers in relation to disciplinary actions; exempting certain registered occupations from business licensing review; amending Minnesota Statutes 1982, sections 116J.70, subdivision 2a; 150A.01, by adding a subdivision; 150A.05, subdivision 2; 150A.06; 150A.08, subdivisions 1, 3; and by adding subdivisions; 150A.09; and repealing Laws 1976, chapter 263, section 6, 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 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Bergstrom	Carlson, L.	Dimler	Fjoslien
Anderson, G.	Berkelman	Clark, J.	Eken	Forsythe
Anderson, R.	Bishop	Clark, K.	Elioff	Frerichs
Battaglia	Blatz	Clawson	Ellingson	Graba
Beard	Brinkman	Cohen	Erickson	Greenfield
Begich	Burger	Coleman	Evans	Gruenes
Bennett	Carlson, D.	DenOuden	Findlay	Gustafson

Gutknecht	Larsen	Olsen	St. Onge	Tomlinson
Halberg	Levi	Onnen	Sarna	Tunheim
Haukoos	Long	Osthoff	Schafer	Uphus
Heap	Ludeman	Otis	Scheid	Valento
Himle	Mann	Pauly	Schoenfeld	Vanasek
Hoberg	Marsh	Peterson	Segal	Vellenga
Hoffman	McDonald	Piepho	Shaver	Voss
Hokr	McEachern	Piper	Shea	Waltman
Jacobs	McKasy	Price	Sherman	Welch
Jennings	Metzen	Quinn	Simoneau	Welker
Jensen	Minne	Quist	Skoglund	Welle
Kahn	Munger	Redalen	Solberg	Wenzel
Kalis	Murphy	Rice	Sparby	Wigley
Kelly	Nelson, D.	Riveness	Stadum	Wynia
Knickerbocker	Nelson, K.	Rodosovich	Staten	Zaffke
Knuth	Neuenschwander	Rodriguez, C.	Swigum	Speaker Sieben
Kostohryz	Norton	Rodriguez, F.	Swanson	
Krueger	Ogren	Rose	Thiede	

The bill was passed and its title agreed to.

H. F. No. 381, A bill for an act relating to taxation; adopting certain federal provisions relating to income taxes; updating certain references to the Internal Revenue Code; adopting certain federal provisions relating to the determination of interest rates on taxes; imposing penalties; amending Minnesota Statutes 1982, sections 270.75, subdivision 5; 290.01, subdivisions 20, 20a, as amended, 20b, as amended, 20c, and 20f; 290.05, subdivision 6; 290.068, subdivisions 3 and 4; 290.09, subdivisions 2, 7, as amended, and 29; 290.091; 290.10; 290.135, subdivision 1, as amended; 290.16, subdivisions 7 and 16; 290.17, subdivision 1; 290.26, subdivision 2; 290.37, by adding a subdivision; 290.41, subdivisions 3, 8, and by adding a subdivision; 290.45, subdivision 1; 290.48, by adding a subdivision; 290.53, subdivision 2, and by adding subdivisions; 290.92, subdivisions 7, 13, 15, and by adding a subdivision; 290.93, subdivisions 9, 10, and 11; 290.934, subdivision 4; 290.9725; 290.9726, subdivisions 5 and 6; 290.974; 290A.03, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 1982, section 290.01, subdivision 28.

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 9 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Bishop	Clawson	Findlay	Heap
Anderson, G.	Blatz	Cohen	Frerichs	Himle
Anderson, R.	Brandl	Coleman	Graba	Hoberg
Battaglia	Brinkman	Dimler	Greenfield	Hoffman
Beard	Burger	Eken	Gruenes	Hokr
Begich	Carlson, D.	Elioff	Gustafson	Jacobs
Bennett	Carlson, L.	Ellingson	Gutknecht	Jennings
Bergstrom	Clark, J.	Erickson	Halberg	Jensen
Berkelman	Clark, K.	Evans	Haukoos	Kahn

Kalis	McKasy	Peterson	Segal	Tunheim
Kelly	Metzen	Piepho	Shaver	Uphus
Knuth	Minne	Piper	Shea	Valento
Kostohryz	Munger	Price	Sherman	Vanasek
Krueger	Murphy	Quinn	Simoneau	Vellenga
Kvam	Nelson, D.	Redalen	Skoglund	Voss
Larsen	Nelson, K.	Rice	Solberg	Waltman
Levi	Neuenschwander	Riveness	Sparby	Welch
Long	Norton	Rodosovich	Stadum	Welle
Ludeman	Ogren	Rodriguez, F.	Staten	Wenzel
Mann	Onnen	Rose	Sviggum	Wynia
Marsh	Osthoff	St. Onge	Swanson	Zaffke
McDonald	Otis	Scheid	Thiede	Speaker Sieben
McEachern	Pauly	Schoenfeld	Tomlinson	

Those who voted in the negative were:

DenOuden	Forsythe	Olsen	Schafer	Wigley
Fjoslien	Knickerbocker	Rodriguez, C.	Welker	

The bill was passed and its title agreed to.

H. F. No. 398, A resolution memorializing the Secretary of Agriculture to include barley in the Payment in Kind Program.

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:

Anderson, B.	Elioff	Kelly	Onnen	Sherman
Anderson, G.	Ellingson	Knickerbocker	Osthoff	Simoneau
Anderson, R.	Erickson	Knuth	Otis	Skoglund
Battaglia	Evans	Kostohryz	Pauly	Solberg
Beard	Findlay	Krueger	Peterson	Sparby
Begich	Fjoslien	Kvam	Piepho	Stadum
Bennett	Forsythe	Larsen	Piper	Staten
Bergstrom	Graba	Levi	Price	Sviggum
Berkelman	Greenfield	Long	Quinn	Swanson
Bishop	Gruenes	Mann	Quist	Tomlinson
Blatz	Gustafson	Marsh	Redalen	Tunheim
Brandl	Gutknecht	McEachern	Rice	Uphus
Brinkman	Halberg	McKasy	Riveness	Vanasek
Burger	Haukoos	Metzen	Rodosovich	Vellenga
Carlson, D.	Heap	Minne	Rodriguez, C.	Voss
Carlson, L.	Himle	Munger	Rodriguez, F.	Waltman
Clark, J.	Hoberg	Murphy	St. Onge	Welch
Clark, K.	Hoffman	Nelson, D.	Sarna	Welle
Clawson	Hokr	Nelson, K.	Scheid	Wenzel
Cohen	Jacobs	Neuenschwander	Schoenfeld	Wigley
Coleman	Jensen	Norton	Segal	Wynia
Dimler	Kahn	Ogren	Shaver	Zaffke
Eken	Kalis	Olsen	Shea	Speaker Sieben

Those who voted in the negative were:

DenOuden	Jennings	McDonald	Schafer	Valento
Frerichs	Ludeman	Rose	Thiede	Welker

The bill was passed and its title agreed to.

Carlson, D., was excused at 2:20 p.m. Neuenschwander was excused at 3:30 p.m. Halberg and Metzen were excused at 3:45 p.m.

### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole with Sieben 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 THE 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. 190, 236 and 413 which it recommended to pass.

H. F. No. 166 which it recommended progress.

H. F. No. 91 which it recommended progress retaining its place on General Orders.

H. F. No. 89 which it recommended to pass with the following amendment offered by Skoglund and as amended by Jennings:

Page 2, line 2, after "*origin*" insert ", *age*,"

Page 2, line 30, after "*origin*" insert ", *age*,"

Amend the title:

Page 1, line 6, after "*origin*" insert ", *age*,"

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:



Skoglund moved to amend H. F. No. 89, the first engrossment, as follows:

Page 2, line 2, after "origin" insert ", old age,"

Page 2, line 30, after "origin" insert ", old age,"

Amend the title:

Page 1, line 6, after "origin" insert ", old age,"

Jennings moved to amend the Skoglund amendment to H. F. No. 89, the first engrossment, as follows:

Lines 4 and 5 of the Skoglund amendment delete "old"

In the title amendment delete "old"

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Skoglund amendment, as amended, and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Kostohryz	Peterson	Solberg
Anderson, G.	Evans	Krueger	Piepho	Sparby
Anderson, R.	Findlay	Kvam	Piper	Stadum
Battaglia	Fjoslien	Larsen	Price	Staten
Beard	Forsythe	Levi	Quinn	Swiggum
Begich	Frerichs	Long	Quist	Swanson
Bennett	Graba	Ludeman	Redalen	Thiede
Bergstrom	Greenfield	Mann	Rice	Tomlinson
Berkelman	Gruenes	Marsh	Riveness	Tunheim
Bishop	Gustafson	McDonald	Rodosovich	Uphus
Blatz	Gutknecht	McEachern	Rodriguez, C.	Valento
Brandl	Halberg	McKasy	Rodriguez, F.	Vanasck
Brinkman	Haukoos	Metzen	Rose	Vellenga
Burger	Heap	Minne	St. Onge	Voss
Carlson, L.	Himle	Munger	Sarna	Waltman
Clark, J.	Hoffman	Murphy	Schafer	Welker
Clark, K.	Hokr	Nelson, D.	Scheid	Welle
Clawson	Jacobs	Neuenschwander	Schoenfeld	Wenzel
Cohen	Jennings	Norton	Schreiber	Wigley
Coleman	Jensen	Ogren	Segal	Wynia
DenOuden	Kahn	Olsen	Shaver	Zaffke
Dimler	Kalis	Onnen	Shea	Speaker Sieben
Eken	Kelly	Osthoff	Sherman	
Elioff	Knickerbocker	Otis	Simoneau	
Ellingson	Knuth	Pauly	Skoglund	

The motion prevailed and the amendment, as amended, was adopted.

The question was taken on the McDonald motion that H. F. No. 89, as amended, be re-referred to the Committee on Judiciary and the roll was called. There were 39 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Bishop	Fjoslien	Knickerbocker	Quist	Thiede
Burger	Frerichs	Kvam	Redalen	Uphus
DenOuden	Gruenes	Levi	Rose	Valento
Dimier	Gutknecht	Ludeman	Schafer	Waltman
Elioff	Halberg	Marsh	Schreiber	Welker
Erickson	Heap	McDonald	Shaver	Wigley
Evans	Hoberg	Onnen	Stadum	Zaffke
Findlay	Jennings	Piepho	Sviggum	

Those who voted in the negative were:

Anderson, B.	Coleman	Kostohryz	Olsen	Segal
Anderson, C.	Eken	Krueger	Osthoff	Shea
Anderson, R.	Ellingson	Larsen	Otis	Sherman
Battaglia	Forsythe	Long	Pauly	Simoneau
Beard	Graba	Mann	Peterson	Skoglund
Begich	Greenfield	McEachern	Piper	Solberg
Bennett	Gustafson	McKasy	Price	Staten
Bergstrom	Haukoos	Metzen	Quinn	Tomlinson
Berkelman	Himle	Minne	Rice	Tunheim
Blatz	Hoffman	Munger	Riveness	Vanasek
Brandl	Hokr	Murphy	Rodosovich	Vellenga
Brinkman	Jacobs	Nelson, D.	Rodriguez, C.	Voss
Carlson, L.	Jensen	Nelson, K.	Rodriguez, F.	Welch
Clark, J.	Kahn	Neuenschwander	St. Onge	Welle
Clark, K.	Kalis	Norton	Sarna	Wenzel
Clawson	Kelly	O'Connor	Scheid	Wynia
Cohen	Knuth	Ogren	Schoenfeld	Speaker Sieben

The motion did not prevail.

Onnen and Elioff moved to amend H. F. No. 89, the first engrossment, as amended, as follows:

Page 1, delete line 27

Page 2, delete lines 1 and 2

Page 2, line 3, delete "*political persuasion*" and insert "*any person*"

Page 2, line 24, delete everything after "THREATS"

Page 2, line 25, delete everything before the period and insert "MADE WITH INTENT TO CAUSE FEAR FOR PERSONAL SAFETY"

Page 2, line 27, after "*fear*" insert "*for personal safety*"

Page 2, line 28, delete everything after "*person*"

Page 2, delete lines 29 and 30

Amend the title as follows:

Page 1, delete lines 4 and 5

Page 1, line 6, delete "national origin or political persuasion" and insert "for personal safety"

The question was taken on the amendment and the roll was called. There were 57 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Findlay	Kalis	Quist	Thiede
Beard	Fjoslien	Knickerbocker	Redalen	Uphus
Begich	Forsythe	Kvam	Reif	Valento
Bennett	Frerichs	Levi	Rose	Waltman
Berkelman	Gruenes	Ludeman	Schafer	Welker
Blatz	Gutknecht	Marsh	Schoenfeld	Welle
Burger	Halberg	McDonald	Schreiber	Wenzel
DenOuden	Haukoos	McKasy	Shaver	Wigley
Dimler	Heap	Olsen	Sherman	Zaffke
Elioff	Hoberg	Onnen	Sparby	
Erickson	Hokr	Pauly	Stadum	
Evans	Jennings	Piepho	Svigum	

Those who voted in the negative were:

Anderson, B.	Graba	Mann	Price	Solberg
Anderson, G.	Greenfield	McEachern	Quinn	Staten
Battaglia	Gustafson	Metzen	Rice	Tomlinson
Bergstrom	Himle	Minne	Riveness	Tunheim
Brandl	Hoffman	Murphy	Rodosovich	Vanasek
Brinkman	Jacobs	Nelson, D.	Rodriguez, C.	Vellenga
Carlson, L.	Jensen	Nelson, K.	Rodriguez, F.	Voss
Clark, J.	Kahn	Norton	St. Onge	Welch
Clark, K.	Kelly	O'Connor	Sarna	Wynia
Clawson	Knuth	Ogren	Scheid	Speaker Sieben
Cohen	Kostohryz	Osthoff	Segal	
Coleman	Krueger	Otis	Shea	
Eken	Larsen	Peterson	Simoneau	
Ellingson	Long	Piper	Skoglund	

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

Quist moved to amend H. F. No. 89, the first engrossment, as amended, as follows:

Page 2, line 2, delete "*affectional or sexual orientation*,"

Page 2, lines 29 and 30, delete "*affectional or sexual orientation*,"

Amend the title as follows:

Page 1, line 5, delete "affectional or sexual orientation,"

The question was taken on the amendment and the roll was called. There were 30 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Burger	Fjoslien	Jennings	Onnen	Swiggum
DenOuden	Frerichs	Kalis	Piepho	Thiede
Dimler	Gutknecht	Knickerbocker	Quist	Uphus
Elioff	Haukoos	Ludeman	Redalen	Valento
Erickson	Heap	McDonald	Schafer	Waltman
Findlay	Hokr	McKasy	Shaver	Zaffke

Those who voted in the negative were:

Anderson, G.	Cohen	Kostohryz	Piper	Simoneau
Anderson, R.	Coleman	Krueger	Price	Skoglund
Battaglia	Eken	Larsen	Quinn	Solberg
Beard	Ellingson	Long	Reif	Sparby
Begich	Evans	Mann	Rice	Staten
Bennett	Graba	Minne	Riveness	Swanson
Bergstrom	Greenfield	Munger	Rodosovich	Tomlinson
Berkelman	Gustafson	Murphy	Rodriguez, C.	Tunheim
Blatz	Himle	Nelson, D.	Rodriguez, F.	Vanasek
Brandl	Hoffman	Nelson, K.	Rose	Vellenga
Brinkman	Jacobs	Norton	Scheid	Voss
Carlson, L.	Jensen	Ogren	Schoenfeld	Welle
Clark, J.	Kahn	Osthoff	Schreiber	Wenzel
Clark, K.	Kelly	Otis	Segal	Wynia
Clawson	Knuth	Peterson	Sherman	Speaker Sieben

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

Thiede moved to amend H. F. No. 89, the first engrossment, as amended, as follows:

Page 2, line 31, delete "*felony and may be sentenced to imprisonment for*"

Page 2, delete lines 32 and 33 and insert "*misdemeanor.*"

Amend the title as follows:

Page 1, line 2, delete "increasing" and insert "providing"

The question was taken on the amendment and the roll was called. There were 31 yeas and 78 nays as follows:

Those who voted in the affirmative were:

DenOuden	Findlay	Frerichs	Haukoos	Kalis
Elioff	Fjoslien	Gruenes	Heap	Kvam
Erickson	Forsythe	Gutknecht	Jennings	Levi

Ludeman	Quist	Shaver	Valento	Wigley
Onnen	Redalen	Sherman	Waltman	Zaffke
Piepho	Schafer	Thiede		
Quinn	Schreiber	Uphus		

Those who voted in the negative were:

Anderson, B.	Clawson	Knuth	Osthoff	Simoneau
Anderson, G.	Cohen	Kostohryz	Otis	Skoglund
Anderson, R.	Coleman	Larsen	Peterson	Solberg
Battaglia	Eken	Long	Piper	Sparby
Beard	Ellingson	Mann	Price	Staten
Begich	Graba	Marsh	Reif	Swanson
Bennett	Greenfield	McKasy	Rice	Tomlinson
Bergstrom	Gustafson	Minne	Riveness	Tunheim
Berkelman	Himle	Munger	Rodosovich	Vanasek
Blatz	Hoffman	Murphy	Rodriguez, C.	Vellenga
Brandl	Hokr	Nelson, D.	Rodriguez, F.	Voss
Brinkman	Jacobs	Nelson, K.	Rose	Welle
Burger	Jensen	Norton	St. Onge	Wynia
Carlson, L.	Kahn	O'Connor	Scheid	Speaker Sieben
Clark, J.	Kelly	Ogren	Schoenfeld	
Clark, K.	Knickerbocker	Olsen	Segal	

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. 89, as amended, and the roll was called. There were 85 yeas and 35 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Coleman	Krueger	Pauly	Sherman
Anderson, G.	Eken	Larsen	Peterson	Simoneau
Anderson, R.	Ellingson	Long	Piper	Skoglund
Battaglia	Fjoslien	Mann	Price	Solberg
Beard	Forsythe	McEachern	Reif	Sparby
Begich	Graba	McKasy	Rice	Staten
Bergstrom	Greenfield	Minne	Riveness	Swanson
Berkelman	Gustafson	Munger	Rodosovich	Tomlinson
Bishop	Himle	Murphy	Rodriguez, C.	Tunheim
Brandl	Hoberg	Nelson, D.	Rodriguez, F.	Vanasek
Brinkman	Hoffman	Nelson, K.	Rose	Vellenga
Burger	Jacobs	Norton	St. Onge	Voss
Carlson, L.	Jensen	O'Connor	Sarna	Welch
Clark, J.	Kahn	Ogren	Scheid	Welle
Clark, K.	Kelly	Olsen	Schoenfeld	Wenzel
Clawson	Knuth	Osthoff	Segal	Wynia
Cohen	Kostohryz	Otis	Shea	Speaker Sieben

Those who voted in the negative were:

Bennett	Ferichs	Kvam	Quist	Thiede
Blatz	Gruenes	Levi	Redalen	Uphus
DenOuden	Gutknecht	Ludeman	Schafer	Valento
Dimler	Haukoos	Marsh	Schreiber	Waltman
Elioff	Heap	McDonald	Shaver	Welker
Erickson	Hokr	Onnen	Stadum	Wigley
Findlay	Jennings	Piepho	Swiggum	Zaffke

The motion prevailed.

## MOTIONS AND RESOLUTIONS

Greenfield moved that H. F. No. 471 be recalled from the Committee on Judiciary and be re-referred to the Committee on Health and Welfare. The motion prevailed.

Sviggum moved that H. F. No. 426 be recalled from the Committee on Judiciary and be re-referred to the Committee on Health and Welfare. The motion prevailed.

Otis moved that the name of Quinn be added as an author on H. F. No. 189. The motion prevailed.

Ellingson moved that the name of Rodriguez, C., be shown as chief author on H. F. No. 561. The motion prevailed.

McEachern moved that his name be stricken as an author on H. F. No. 621. The motion prevailed.

Jacobs moved that the name of Blatz be added as an author on H. F. No. 650. The motion prevailed.

Bennett moved that the name of Vellenga be added as an author on H. F. No. 261. The motion prevailed.

Himle moved that the name of Osthoff be added as an author on H. F. No. 680. The motion prevailed.

Anderson, G., moved that the name of Munger be added as an author on H. F. No. 657. The motion prevailed.

Scheid moved that the name of Olsen be added as an author on H. F. No. 699. The motion prevailed.

Solberg moved that the name of Minne be added as an author on H. F. No. 656. The motion prevailed.

Otis moved that the name of Wynia be added as an author on H. F. No. 682. The motion prevailed.

## ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, March 17, 1983. 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 17, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives





## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## TWENTY-FOURTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 17, 1983

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 Jack Donahue, Maternity of Mary Catholic Church, St. Paul, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Erickson	Knuth	Pauly	Skoglund
Anderson, G.	Evans	Kostohryz	Peterson	Solberg
Anderson, R.	Findlay	Krueger	Piepho	Sparby
Battaglia	Fjoslien	Kvam	Piper	Stadum
Beard	Forsythe	Larsen	Price	Staten
Begich	Frerichs	Levi	Quinn	Swiggum
Bennett	Graba	Long	Quist	Swanson
Bergstrom	Greenfield	Ludeman	Redalen	Thiede
Berkelman	Gruenes	Mann	Reif	Tomlinson
Bishop	Gustafson	Marsh	Rice	Tunheim
Blatz	Gutknecht	McDonald	Riveness	Uphus
Brandl	Halberg	McEachern	Rodosovich	Valan
Brinkman	Haukoos	McKasy	Rodriguez, C.	Valento
Burger	Heap	Metzen	Rodriguez, F.	Vanasek
Carlson, D.	Heinitz	Minne	Rose	Vallenga
Carlson, L.	Himle	Munger	St. Onge	Voss
Clark, J.	Hoberg	Murphy	Sarna	Waltman
Clark, K.	Hoffman	Nelson, D.	Schafer	Welch
Clawson	Hokr	Neuenschwander	Scheid	Welker
Cohen	Jacobs	Norton	Schoenfeld	Welle
Coleman	Jennings	O'Connor	Schreiber	Wenzel
Dempsey	Jensen	Ogren	Seaberg	Wigley
DenOuden	Johnson	Olsen	Segal	Wynia
Dimler	Kahn	Omann	Shaver	Zaffke
Eken	Kalis	Onnen	Shea	Speaker Sieben
Elioff	Kelly	Osthoff	Sherman	
Ellingson	Knickerbocker	Otis	Simoneau	

A quorum was present.

Nelson, K., 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. 30, 31, 274, 283, 463, 468, 569, 588, 90, 120, 313, 314, 341, 367, 371, 445, 89 and 643 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

March 11, 1983

The Honorable Harry A. Sieben, Jr.  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 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>1983</i>	<i>Date Filed</i> <i>1983</i>
25		8	March 11	March 11
65		9	March 11	March 11

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

#### REPORTS OF STANDING COMMITTEES

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 73, A bill for an act relating to agriculture; providing for regulation of apiaries; imposing a penalty; proposing

new law coded in Minnesota Statutes, chapter 19; repealing Minnesota Statutes 1982, sections 19.18 to 19.41.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [19.50] [DEFINITIONS.]

*Subdivision 1. [SCOPE.] For the purposes of sections 1 to 16 the terms defined in this section have the meanings given them.*

*Subd. 2. [APIARY.] "Apiary" means a place where a collection of one or more hives or colonies of bees or the nuclei of bees are kept.*

*Subd. 3. [ABANDONED APIARY.] "Abandoned apiary" means any apiary not regularly attended in accordance with good beekeeping practices and which constitutes a disease or parasite hazard to the beekeeping industry.*

*Subd. 4. [BEE DISEASES.] "Bee diseases" means infectious, contagious, or harmful diseases including but not limited to: American or European foulbrood, sacbrood, chalkbrood, Nosema, bee paralysis, or abnormal condition of egg, larval, pupal, or adult stages of bees.*

*Subd. 5. [BEE EQUIPMENT.] "Bee equipment" means hives, supers, frames, veils, gloves, and any apparatus, tool, machine, vehicle, or other device used in the handling, moving, or manipulating of bees, honey, wax, or hives, including containers of honey or wax which may be used in an apiary or in transporting bees and their products and apiary supplies.*

*Subd. 6. [BEEKEEPER.] "Beekeeper" means a person who keeps bees.*

*Subd. 7. [BEEKEEPING:] "Beekeeping" means the moving, raising, and producing of bees, beeswax, honey, related products, and pollination.*

*Subd. 8. [BEES.] "Bees" means any stage of the common honey bee, *Apis mellifera* (L).*

*Subd. 9. [COLONY.] "Colony" means the aggregate of worker bees, drones, the queen, and developing young bees living together as a family unit in a hive or other dwelling.*

Subd. 10. [COMMISSIONER.] "*Commissioner*" means the commissioner of agriculture or his authorized agents.

Subd. 11. [DEPARTMENT.] "*Department*" means the department of agriculture.

Subd. 12. [EXOTIC PARASITE.] "*Exotic parasite*" means any parasite harmful to bees including but not limited to: *Varroa jacobsoni*, *Tropilaelaps clareae*, or *Acarapis woodi*.

Subd. 13. [HIVE.] "*Hive*" means a frame hive, box hive, box, barrel, log gum, skep, or any other receptacle or container, natural or artificial, or any part of one, which is used as domicile for bees.

Subd. 14. [INSPECTION CERTIFICATE.] "*Inspection certificate*" means an official record, recorded on a form prescribed by the department, which shows that the apiary has been inspected by the department and which states any diseases found.

Subd. 15 [PERMIT.] "*Permit*" means a written statement of authorization to allow bees or equipment to enter the state or to move within the state.

Subd. 16. [PERSON.] "*Person*" means an individual, firm, partnership, association, corporation, or organized group of persons whether incorporated or not.

Subd. 17. [QUEEN APIARY.] "*Queen apiary*" means any apiary or premises in which queen bees are reared or kept for sale or gift.

Subd. 18. [AUTHORIZED AGENT.] "*Authorized agent*" means an individual who is not a state employee and who performs inspections under section 1 to 16 under contract with the commissioner.

## Sec. 2. [19.51] [COMMISSIONER'S DUTIES.]

Subdivision 1. [ENFORCEMENT; RULES.] *The commissioner shall enforce sections 1 to 16. The commissioner may make all necessary examinations and inspections, and adopt temporary or permanent rules necessary to enforce sections 1 to 16 promptly and effectively. The commissioner may employ classified civil service employees necessary to administer sections 1 to 16, and may contract with individuals to serve as authorized agents.*

Subd. 2. [PREVENTION OF DISEASE, EXOTIC PARASITES, EXOTIC STRAINS.] *The commissioner shall take measures necessary to prevent the introduction, spread, or dissemination of infectious diseases, exotic parasites, or exotic*

strains of honey bees and to bring actions and proceedings to enforce sections 1 to 16.

*Subd. 3. [APIARY SUPERVISOR.] An apiary supervisor shall be appointed by the commissioner. The appointment shall be made on the basis of recognized and demonstrated interest in and knowledge of apiculture or entomology covering a minimum of five years' experience in apicultural interests and bee diseases.*

**Sec. 3. [19.52] [INSPECTIONS; ACCESS TO PROPERTY; IMPEDING COMMISSIONER.]**

*Subdivision 1. [ACCESS FOR INSPECTION AND ENFORCEMENT.] The commissioner may enter upon any public or private premises at all reasonable times to inspect any apiary or other structure which contains bees, honey, bee equipment, or comb; to ascertain the existence of or treat any contagious or infectious bee disease; or to destroy diseased bees or bee equipment which are a public nuisance. The commissioner may open any hive, colony, package, or receptacle which contains, or which he has reason to believe contains, any bees, comb, bee products, used bee equipment, or anything else which is capable of transmitting infectious bee diseases or exotic parasites. The commissioner may stop pedestrians and motor vehicles when they are carrying any bees, comb, used bee equipment, or anything else which is capable of transmitting infectious diseases or parasites of bees. The commissioner may inspect at any time or place any bees, bee products, or used bee equipment shipped in or into the state.*

*Subd. 2. [IMPEDING COMMISSIONER UNLAWFUL.] If it is unlawful to deny to the commissioner access to any premises which the commissioner is authorized to enter for purposes of inspection or to resist, thwart, or hinder the commissioner in carrying out any authorized inspection, by misrepresentation, concealment of facts or conditions, or otherwise.*

**Sec. 4. [19.53] [SANITARY INSPECTION OF APIARY OR STORAGE PLACE.]**

*The commissioner may inspect the sanitary conditions of any apiary or honey house or building or portion of building or container in which honey is stored, graded, or processed. If the commissioner finds any unsanitary conditions, he shall notify the owner or operator in writing to put the honey house, building, or portion of building or container in a sanitary condition within a reasonable length of time. Any operator or owner of a honey house, building, or container who fails to obey the notice is guilty of a misdemeanor.*

Sec. 5. [19.54] [POSTING OF IDENTIFYING INFORMATION.]

*An apiary which is not located at the owner's or operator's place of residence must have posted on it in a conspicuous place the name and address of the owner or the person responsible for the apiary.*

Sec. 6. [19.55] [INSPECTION; NOTIFICATION OF DISEASES.]

*If, upon inspection of a bee colony, the commissioner finds any bee disease or exotic parasite, the commissioner shall notify the owner or operator of the bees in writing, stating the nature of the disease or parasite. The disease or parasite must be eliminated by the owner or operator within the time period ordered by the commissioner. The written notice may be served by handing a copy to the owner or operator of the apiary, by leaving a copy with an adult person residing upon the premises, or by either registered or certified mail addressed to the owner or operator of the apiary at his last known address.*

Sec. 7. [19.56] [PUBLIC NUISANCES; DESTRUCTION OF BEES.]

*Apiaries in which an existing disease or parasite cannot be successfully treated; apiaries which are affected by a disease amenable to treatment, but which have not been treated within a period of seven days after the owner received notice of the necessary treatment, as provided in section 6; apiaries having bees in hives without movable frames; and colonies of bees, queen nuclei, or shipments of used bee equipment which entered this state in violation of section 9 or which were found to be infected or infested with a bee disease, exotic parasite, or exotic strain of bee; are a public nuisance. The commissioner, after written notice to the owner or operator of the bees and equipment, may destroy, by burning or otherwise, without any remuneration to the owner, any box hives or infected or infested bees, hives, or used bee equipment which are a public nuisance under this section. The notice may be served by handing a copy to the owner or operator, by leaving a copy with an adult person residing upon the premises, or by registered or certified mail addressed to the owner or operator of the apiary at his last known address.*

Sec. 8. [19.57] [QUARANTINE.]

*It is unlawful for a person to knowingly keep in his possession, without proper treatment, a colony of bees infected or infested with any bee disease, exotic parasite, or exotic strain of honey bees, or to expose any diseased or infested colony or bee equipment so that flying bees have access to them. A person who knows that bees owned or controlled by him are affected with*

any infectious disease, exotic parasite, or exotic strain of honey bees, shall at once report that fact to the department, stating all facts known to him about the infection or infestation. Where it has been determined that disease, an exotic parasite, or an exotic strain of honey bees has been found in an apiary, the commissioner may quarantine the apiary to restrict or prevent movement of bee colonies. The commissioner shall post any quarantined apiary with a notice of quarantine and shall send a written notice to the owner or operator of the apiary. If any state is willing to accept bees or used bee equipment from a quarantined yard of bees in Minnesota, the commissioner may, after all known disease has been eliminated, issue a permit allowing the bees and used bee equipment to be moved out of the state.

**Sec. 9. [19.58] [INTERSTATE MOVEMENT OF BEES AND USED BEE EQUIPMENT.]**

*Subdivision 1. [ENTRY PERMIT.] No person may bring into this state any bees on comb or used bee equipment without an entry permit issued by the commissioner. A person who wishes to bring any bees on comb or used bee equipment into the state shall apply for an entry permit at least 60 days before the date of entry. The 60-day requirement may be waived for a hobbyist beekeeper who intends to become a resident of Minnesota and who brings ten colonies or less into the state.*

*Ten days before entry, any person required to obtain an entry permit shall furnish to the commissioner a copy of a valid certificate of inspection signed by a responsible official of the state where the bees or equipment originated. The certificate must be based on an inspection within 60 days before entry, and must show that a percentage of the shipment acceptable to the commissioner was actually inspected.*

*This subdivision does not apply to a common carrier transporting bees or used bee equipment from a point of origin outside of the state to a destination outside of the state.*

*Subd. 2. [CERTIFICATE OF INSPECTION FROM STATE OF ORIGIN.] No person may bring any combless bees, including queen bees or nuclei, into this state without a statement showing the names and addresses of the consignors or shippers, the consignees or persons to whom shipped, and the locality of origin, and a certificate of inspection signed by a responsible official of the state from which it was brought. The statement must appear clearly and legibly in a conspicuous place on the package containing the material, or on a tag or other device attached to the package or the vehicle carrying the package. The certificate of inspection must show that the official found that the materials were free from any infectious bee diseases, exotic parasites, or exotic strains of honey bees.*

**Subd. 3. [APPLICATION FOR ENTRY PERMIT.]** A person applying for an entry permit shall supply:

(a) a statement of facts relating to the disease history of the apiary from which the colonies of bees will originate as required by the commissioner;

(b) a list of locations where the colonies of bees can be inspected after they are brought into the state by county, range, township, section, and quarter section; and

(c) a statement of any convictions of the applicant for violation of any apiary law of any state or of the United States.

**Subd. 4. [EFFECT OF INSPECTION CERTIFICATES.]** A certificate of inspection from another state is prima facie evidence of the facts stated in the certificate. The commissioner may inspect any bees or used bee equipment brought into the state with a certificate of inspection from the state of origin and may subject the materials to treatment or return them to the consignor at the consignor's expense if the commissioner finds an infectious bee disease, exotic parasite, or exotic strain of bee. If the commissioner repeatedly finds foulbrood in colonies of bees shipped from another state under official certificates of inspection, the commissioner may refuse to recognize the certificate of that state until the commissioner receives satisfactory information that the inspection service in that state has corrected the situation.

**Subd. 5. [DENIAL OF PERMIT.]** The commissioner may deny a permit for just cause after five days' notice and an opportunity for the person to be heard.

**Subd. 6. [PLACEMENT OF COLONIES.]** Bee colonies for which an entry permit has been issued must be placed at the locations listed in the permit. Notice of the placement must be forwarded by the beekeeper to the commissioner within three days after the placement. Each placement of a colony of bees in an unlisted location is a separate violation of law.

**Subd. 7. [DUTY TO REPORT.]** Any person who transports or receives bees or used bee equipment knowing that the material is without a certificate of inspection or entry permit as required by this section shall report that fact promptly to the commissioner. A transporter shall report the names of the consignor and consignee and the nature of the shipment. A person receiving bees or used bee equipment shall keep them until they are released by the commissioner.

**Subd. 8. [PENALTIES.]** Any person who brings any bees or used bee equipment into the state without a certificate of inspection or entry permit as required by this section is guilty of a misdemeanor. Each shipment of bees or used bee equipment



brought into this state in violation of this section is a separate offense. Each day during which a shipment of bees or used bee equipment remains in this state in violation of this section is a separate offense.

Subd. 9. [NUISANCE; REMOVAL.] Bees and used bee equipment brought into the state in violation of this section may be declared a nuisance by the commissioner, and must be removed from the state within seven days after notification by the commissioner. If the bees and used bee equipment are not removed from the state, the commissioner may proceed as provided in section 7.

Sec. 10. [19.59] [ABANDONED APIARIES.]

An abandoned apiary is subject to quarantine. If an abandoned apiary remains abandoned for 20 days after the owner or operator has been notified by the commissioner to cease the abandonment and neglect of the apiary, the commissioner shall take possession of the apiary and proceed to sell it at public auction. A notice specifying the time and place of the auction must be served upon the owner in the manner provided for the service of process. No abandoned apiary may be sold at a public sale to the owner or operator who abandoned and neglected it. A purchaser at the public sale shall receive a certificate of purchase signed by the commissioner reciting the description of the apiary purchased and the amount paid.

After deducting the expense of the public sale and applying the unpaid balance upon all encumbrances or liens existing against the abandoned apiary sold, the balance of the proceeds shall be paid to the owner of the apiary which was sold.

Sec. 11. [19.60] [RECIPROCAL AGREEMENTS.]

A person bringing a colony of bees from another state shall pay all fees required by sections 1 to 16 unless that state has been a party to a reciprocal agreement with Minnesota as provided in this section for at least 90 days prior to the date of application for an entry permit to bring the bees into Minnesota.

The commissioner may enter into written reciprocal agreements with the responsible officials of other states having laws governing apiculture. The agreements shall provide that persons transporting bee colonies from this state have exemptions, benefits, and privileges similar to those extended to persons from the other state transporting bee colonies into Minnesota. The commissioner may withdraw from a reciprocal agreement on 30 days' notice when it is in the best interests of Minnesota.

Reciprocal agreements under this section are effective when filed in the office of the commissioner. Withdrawals must be in writing and are effective at the end of the 30-day period.

*Reciprocal agreements under this section may contain provisions denying exemptions, benefits, or privileges to persons who violate specified conditions.*

Sec. 12. [19.61] [REARING QUEEN BEES.]

*Subdivision 1. [CANDY FOR MAILING CAGES.] It is unlawful for any person who sells queen bees in this state in mailing cages to place any candy containing honey in any mailing cage.*

*Subd. 2. [INSPECTION OF APIARIES.] All queen rearing and queen mating apiaries shall be inspected at least once during each summer season by the commissioner. If upon an inspection, bee diseases are found to exist in an apiary, no queen bees may be shipped from the apiary until the commissioner declares the apiary free from bee diseases.*

Sec. 13. [19.62] [BEE MOVEMENT AND SALES.]

*It is unlawful for any person to knowingly sell or offer for sale or to remove or ship from any apiary or other premises bees, hives, or bee equipment infested with American or European foulbrood. Exceptions may be granted by the commissioner by special inspection and authorization.*

Sec. 14. [19.63] [REVOCATION OF INSPECTION CERTIFICATE.]

*An inspection certificate issued by the commissioner may be revoked for just cause.*

Sec. 15. [19.64] [REGISTRATION; FEES.]

*Subdivision 1. [REGISTRATION.] Every person who owns, leases, or possesses colonies of bees shall register the bees with the commissioner on or before July 1 of each year. The registration application shall include the name and address of the applicant, a description of the exact location and number of each of the applicant's bee colonies by county, township, range and quarter section, and other information required by the commissioner. The fee for registration under this subdivision is \$7.50.*

*Subd. 2. [INSPECTION FEE.] In addition to the annual registration fee, a person owning, leasing, or possessing 11 or more bee colonies shall pay an annual inspection fee of 17 cents for each colony of bees owned, leased, or possessed. A person owning, leasing, or possessing one to ten colonies is not required to pay an inspection fee. The inspection fee is based upon the colony count taken as of June 15 of each year, and is payable on or before June 30 each year. A penalty of 50 percent of both*

*the inspection fee and the registration fee imposed by subdivision 1 is imposed if a registrant does not apply for a registration renewal certificate before August 1 of any year.*

*Subd. 3. [INITIAL ENTRY INSPECTION FEE.] Upon initial entry into this state, beekeepers from other states desiring to locate apiaries in Minnesota shall pay in advance the required registration fee and an initial inspection fee of \$1.50 per colony of bees to be located in this state.*

*Subd. 4. [INSPECTION FEE FOR INTERSTATE SHIPMENT OF BEE COLONIES.] An interstate inspection fee of 40 cents for each colony inspected shall be paid by the owner, lessor, or possessor requesting inspection service.*

*Subd. 5. [DEPOSIT IN GENERAL FUND.] The commissioner shall deposit all fees collected under this section in the general fund.*

**Sec. 16. [19.65] [VIOLATION; PENALTY.]**

*A person who violates any provision of sections 1 to 16 is guilty of a misdemeanor. A person whose agents or representatives violate any provision of sections 1 to 16 is also guilty of a misdemeanor.*

**Sec. 17. [REPEALER.]**

*Minnesota Statutes 1982, sections 19.18; 19.19; 19.20; 19.21; 19.22; 19.23; 19.24; 19.25; 19.26; 19.27; 19.28; 19.29; 19.30; 19.31; 19.32; 19.33; 19.34; 19.35; 19.36; 19.37; 19.38; 19.40; and 19.41 are repealed."*

*With the recommendation that when so amended the bill pass.*

*The report was adopted.*

*Vanasek from the Committee on Judiciary to which was referred:*

*H. F. No. 76, A bill for an act relating to the environment; establishing an environmental response, compensation and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, economic loss, and damage to natural resources resulting from releases of hazardous substances; imposing taxes, fees, and penalties; providing for injunctive relief; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; proposing new law coded as Minnesota Statutes,*

chapter 115B; repealing Minnesota Statutes 1982, section 115A.-24, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [115B.01] [CITATION.]

*Sections 1 to 17 may be cited as the Environmental Response and Liability Act.*

Sec. 2. [115B.02] [DEFINITIONS.]

*Subdivision 1. [APPLICATION.] For the purposes of sections 1 to 17, the following terms have the meanings given them.*

*Subd. 2. [ACT OF GOD.] “Act of God” means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight.*

*Subd. 3. [AGENCY.] “Agency” means the pollution control agency.*

*Subd. 4. [DIRECTOR.] “Director” means the director of the pollution control agency.*

*Subd. 5. [FACILITY.] “Facility” means:*

*(a) Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft;*

*(b) Any watercraft of any description, or other artificial contrivance used or capable of being used as a means of transportation on water; or*

*(c) Any site or area where a hazardous substance, or a pollutant or contaminant, has been deposited, stored, disposed of, or placed, or otherwise come to be located.*

*“Facility” does not include any consumer product in consumer use.*

*Subd. 6. [FEDERAL SUPERFUND ACT.] “Federal Superfund Act” means the Comprehensive Environmental Re-*

*sponse, Compensation and Liability Act of 1980, 42 U.S.C. Section 9601 et seq.*

*Subd. 7. [FUND.] "Fund" means the environmental response, compensation and compliance fund established under section 19.*

*Subd. 8. [HAZARDOUS SUBSTANCE.] "Hazardous substance" means:*

*(a) Any commercial chemical designated pursuant to the Federal Water Pollution Control Act, under 33 U.S.C. Section 1321(b)(2)(A);*

*(b) Any hazardous air pollutant listed pursuant to the Clean Air Act, under 42 U.S.C. Section 7412; and*

*(c) Any hazardous waste.*

*"Hazardous substance" does not include natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of such synthetic gas and natural gas, nor does it include petroleum, including crude oil or any fraction thereof which is not otherwise a hazardous waste.*

*Subd. 9. [HAZARDOUS WASTE.] "Hazardous waste" means:*

*(a) Any hazardous waste as defined in section 116.06, subdivision 13, and any substance identified as a hazardous waste pursuant to rules adopted by the agency under section 116.07; and*

*(b) Any hazardous waste as defined in the Resource Conservation and Recovery Act, under 42 U.S.C. Section 6903, which is listed or has the characteristics identified under 42 U.S.C. Section 6921, not including any hazardous waste the regulation of which has been suspended by act of Congress.*

*Subd. 10. [NATURAL RESOURCES.] "Natural resources" has the meaning given it in section 116B.02, subdivision 4.*

*Subd. 11. [OWNER OF REAL PROPERTY.] "Owner of real property" means a person who has a right, title, or interest in real property which would be sufficient to hold the person liable for a release if it were a nuisance.*

*Subd. 12. [PERSON.] "Person" means any individual, partnership, association, public or private corporation or other entity including the United States government, any interstate body, the state and any agency, department or political subdivision of the state.*

**Subd. 13. [POLLUTANT OR CONTAMINANT.]** "Pollutant or contaminant" means any element, substance, compound, mixture, or agent, other than a hazardous substance, which after release from a facility and upon exposure of, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in the organisms or their offspring.

"Pollutant or contaminant" does not include natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of such synthetic gas and natural gas.

**Subd. 14. [RELEASE.]** "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment which occurred at a point in time or which continues to occur.

"Release" does not include:

(a) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, watercraft, or pipeline pumping station engine;

(b) Release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, under 42 U.S.C. Section 2014, if the release is subject to requirements with respect to financial protection established by the federal nuclear regulatory commission under 42 U.S.C. Section 2210;

(c) Release of source, byproduct or special nuclear material from any processing site designated pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, under 42 U.S.C. Section 7912(a)(1) or 7942(a); or

(d) Any release resulting from the application of fertilizer or agricultural or silvicultural chemicals, or disposal of emptied pesticide containers or residues from a pesticide as defined in section 18A.21, subdivision 25, if the containers and the residues were disposed of in a manner consistent with any instructions on the pesticide label and with common usage.

**Subd. 15. [REMEDY OR REMEDIAL ACTION.]** "Remedy" or "remedial action" means those actions consistent with permanent remedy taken instead of or in addition to removal actions in the event of a release or threatened release of a hazardous substance, or a pollutant or contaminant, into the environment, to prevent, minimize or eliminate the release in order to protect the public health or welfare or the environment.

*"Remedy" or "remedial action" includes, but is not limited to:*

*(a) Actions at the location of the release such as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous substances, pollutants or contaminants, or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, provision of alternative water supplies, and any monitoring and maintenance reasonably required to assure that these actions protect the public health and welfare and the environment; and*

*(b) The costs of permanent relocation of residents and businesses and community facilities when the agency determines that, alone or in combination with other measures, relocation is more cost effective than and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition offsite of hazardous substances, or pollutants or contaminants, or may otherwise be necessary to protect the public health or welfare.*

*"Remedy" or "remedial action" does not include offsite transport of hazardous substances, pollutants or contaminants, or contaminated materials or their storage, treatment, destruction, or secure disposition offsite unless the agency determines that these actions:*

*(1) Are more cost effective than other remedial actions;*

*(2) Will create new capacity to manage hazardous substances in addition to those located at the affected facility, in compliance with section 116.07 and subtitle C of the Solid Waste Disposal Act, 42 U.S.C. Section 6921 et seq.; or*

*(3) Are necessary to protect public health or welfare or the environment from a present or potential risk which may be created by further exposure to the continued presence of the hazardous substances, pollutants or contaminants, or contaminated materials.*

*Subd. 16. [REMOVE OR REMOVAL.] "Remove" or "removal" means:*

*(a) The cleanup or removal of a released hazardous substance, or a pollutant or contaminant, from the environment;*

*(b) Necessary actions taken in the event of a threatened release of a hazardous substance, or a pollutant or contaminant, into the environment;*

(c) *Actions necessary to monitor, test, analyze, and evaluate a release or threatened release of a hazardous substance, or a pollutant or contaminant;*

(d) *Disposal or processing of removed material; or*

(e) *Other actions necessary to prevent, minimize, or mitigate damage to the public health or welfare or to the environment, which may otherwise result from a release or threatened release.*

*"Remove" or "removal" includes, but is not limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals not otherwise provided for, action taken pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9604(b), and any emergency assistance which may be provided under the Disaster Relief Act of 1974, 42 U.S.C. Section 5121 et seq.*

*Subd. 17. [RESPOND OR RESPONSE.] "Respond" or "response" means remove, removal, remedy, and remedial action.*

*Subd. 18. [WATER.] "Water" has the meaning given to the term "waters of the state" in section 115.01, subdivision 9.*

### **Sec. 3. [115B.03] [RESPONSIBLE PERSON.]**

*Subdivision 1. [GENERAL RULE.] For the purposes of sections 1 to 17, and except as provided in subdivisions 2 and 3, a person is responsible for a release or threatened release of a hazardous substance, or a pollutant or contaminant, from a facility if the person:*

(a) *Owned or operated the facility: (1) when the hazardous substance, or pollutant or contaminant, was placed or came to be located in or on the facility; (2) when the hazardous substance, or pollutant or contaminant, was located in or on the facility but before the release; or (3) during the time of the release or threatened release;*

(b) *Owned or possessed the hazardous substance, or pollutant or contaminant, and arranged, by contract, agreement or otherwise, for the disposal, treatment or transport for disposal or treatment of the hazardous substance, or pollutant or contaminant; or*

(c) *Knew or reasonably should have known that waste he accepted for transport to a disposal or treatment facility contained a hazardous substance, or pollutant or contaminant, and either selected the facility to which it was transported or disposed of it in a manner contrary to law.*



*Subd. 2. [EMPLOYEES AND EMPLOYERS.] When a person who is responsible for a release or threatened release as provided in subdivision 1 is an employee who is acting in the scope of his employment:*

*(a) The employee is subject to liability under section 4 or 5 only if his conduct with respect to the hazardous substance was negligent under circumstances in which he knew that the substance was hazardous and that his conduct, if negligent, could result in serious harm.*

*(b) His employer shall be considered a person responsible for the release or threatened release and is subject to liability under section 4 or 5 regardless of the degree of care exercised by the employee.*

*Subd. 3. [OWNER OF REAL PROPERTY.] An owner of real property is not a person responsible for the release or threatened release of a hazardous substance from a facility in or on the property unless that person:*

*(a) was engaged in the business of generating, transporting, storing, treating, or disposing of a hazardous substance at the facility or disposing of waste at the facility, or knowingly permitted others to engage in such a business at the facility;*

*(b) knowingly permitted any person to make regular use of the facility for disposal of waste;*

*(c) knowingly permitted any person to use the facility for disposal of a hazardous substance;*

*(d) knew or reasonably should have known that a hazardous substance was located in or on the facility at the time he acquired the property and engaged in conduct by which he associated himself with the release; or*

*(e) took action which significantly contributed to the release after he knew or reasonably should have known that a hazardous substance was located in or on the property.*

**Sec. 4. [115B.04] [LIABILITY FOR RESPONSE COSTS AND NATURAL RESOURCES; LIMITATIONS AND DEFENSES.]**

*Subdivision 1. [LIABILITY.] Except as otherwise provided in subdivisions 2 to 11, and notwithstanding any other provision or rule of law, any person who is responsible for a release or threatened release of a hazardous substance from a facility is strictly liable, jointly and severally, for the following response costs and damages which result from the release or threatened*

*release or to which the release or threatened release significantly contributes:*

(a) *All reasonable and necessary costs of removal, or remedial action incurred by the state, a political subdivision of the state or the United States;*

(b) *Any other reasonable and necessary costs or expenses incurred by any person to remove a hazardous substance; and*

(c) *All damages for any injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss.*

**Subd. 2. [LIABILITY FOR POLLUTANT OR CONTAMINANT EXCLUDED.]** *There is no liability under this section for response costs or damages which result from the release of a pollutant or contaminant.*

**Subd. 3. [LIABILITY FOR A THREATENED RELEASE.]** *Liability under this section for a threatened release of a hazardous substance is limited to the recovery by the agency of reasonable and necessary response costs as provided in section 14, subdivision 6.*

**Subd. 4. [LIABILITY OF POLITICAL SUBDIVISIONS.]** *The liability of a political subdivision under this section is subject to the limits imposed under section 466.04, subdivision 1.*

**Subd. 5. [TRANSPORTATION OF HOUSEHOLD REFUSE.]** *A person who accepts only household refuse for transport to a treatment or disposal facility is not liable under this section for the release or threatened release of any hazardous substance unless he knew or reasonably should have known that the hazardous substance was present in the refuse. For the purpose of this subdivision, household refuse means garbage, trash, or septic tank sanitary wastes generated by single or multiple residences, hotels, motels, restaurants and other similar facilities.*

**Subd. 6. [DEFENSE TO CERTAIN CLAIMS BY POLITICAL SUBDIVISIONS AND PRIVATE PERSONS.]** *It is a defense to a claim by a political subdivision or private person for recovery of the costs of its response actions under this section that the hazardous substance released from the facility was placed or came to be located in the facility before April 1, 1982, and that the response actions of the political subdivision or private person were not authorized by the agency as provided in section 14, subdivision 12. This defense applies only to response costs incurred on or after July 1, 1983.*

*Subd. 7. [DEFENSE FOR INTERVENING ACTS.] It is a defense to liability under this section that the release or threatened release was caused solely by:*

- (a) An act of God;*
- (b) An act of war; or*
- (c) An act or omission of a third party.*

*"Third party" for the purposes of clause (c) does not include an employee or agent of the defendant, or a person in the chain of responsibility for the generation, transportation, storage, treatment, or disposal of the hazardous substance.*

*The defense provided in clause (c) applies only if the defendant establishes that he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of the hazardous substance in light of all relevant facts and circumstances which he knew or should have known, and that he took precautions against foreseeable acts or omissions of a third party and the consequences that could foreseeably result from those acts or omissions.*

*Subd. 8. [RELEASES SUBJECT TO CERTAIN PERMITS OR STANDARDS; FEDERAL POST-CLOSURE FUND.] It is a defense to liability under this section that:*

*(a) The release or threatened release was from a hazardous waste facility as defined under section 115A.03, for which a permit had been issued pursuant to section 116.07 or pursuant to subtitle C of the Solid Waste Disposal Act, 42 U.S.C. Section 6921 et seq., and if the hazardous substance was specifically identified in the permit and the release was within the limits allowed in the permit for release of that substance;*

*(b) The hazardous substance released was specifically identified in a federal or state permit and the release is within the limits allowed in the permit;*

*(c) The release resulted from circumstances identified and reviewed and made a part of the public record of a federal or state agency with respect to a permit issued or modified under federal or state law, and the release conformed with the permit;*

*(d) The release was any part of an emission or discharge into the air or water and the emission or discharge was subject to a federal or state permit and was in compliance with control rules or regulations adopted pursuant to state or federal law;*

*(e) The release was the introduction of any hazardous substance into a publicly owned treatment works and the substance*

was specified in, and is in compliance with, applicable pretreatment standards specified for that substance under state and federal law; or

(f) Liability has been assumed by the federal post-closure liability fund under 42 U.S.C. Section 9607(k).

**Subd. 9. [NATURAL RESOURCES.]** *It is a defense to liability under this section, for the loss of, destruction of, or injury to natural resources that:*

(a) *The natural resources were specifically identified as an irreversible and irretrievable commitment of natural resources in an approved final state or federal environmental impact statement, or other comparable approved final environmental analysis for a project or facility which was the subject of a governmental permit or license; and*

(b) *The project or facility was being operated within the terms of its permit or license.*

**Subd. 10. [RENDERING ASSISTANCE IN RESPONSE ACTIONS.]** *It is a defense to liability under this section that the response costs or damages resulted from acts taken or omitted in preparation for, or in the course of rendering care, assistance, or advice to the director or agency pursuant to section 14 or in accordance with the national hazardous substance response plan pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9605, or at the direction of an on-scene coordinator appointed under that plan, with respect to any release or threatened release of a hazardous substance.*

**Subd. 11. [BURDEN OF PROOF FOR DEFENSES.]** *Any person claiming a defense provided in subdivisions 6 to 10 has the burden to prove all elements of the defense by a preponderance of the evidence.*

**Sec. 5. [115B.05] [LIABILITY FOR ECONOMIC LOSS, DEATH, PERSONAL INJURY AND DISEASE; LIMITATIONS AND DEFENSES.]**

**Subdivision 1. [LIABILITY.]** *Except as otherwise provided in subdivisions 2 to 9, and notwithstanding any other provision or rule of law, any person who is responsible for the release of a hazardous substance from a facility is strictly liable, jointly and severally, for the following damages which result from the release or to which the release significantly contributes:*

(a) *All damages for actual economic loss resulting from such a release including:*

(1) Any injury to, destruction of, or loss of any real or personal property, including relocation costs;

(2) Any loss of use of real or personal property;

(3) Any loss of past or future income or profits resulting from injury to or destruction of real or personal property without regard to the ownership of the property; and

(b) All damages for death or personal injury or disease including:

(1) Any medical expenses, rehabilitation costs or burial expenses;

(2) Any loss of past or future income, or loss of earning capacity resulting from personal injury or disease; and

(3) Damages for physical impairment or other pain and suffering.

Subd. 2. [LIABILITY FOR POLLUTANT OR CONTAMINANT EXCLUDED.] There is no liability under this section for damages which result from the release of a pollutant or contaminant.

Subd. 3. [CERTAIN EMPLOYEE CLAIMS NOT COVERED.] Except for a third party who is subject to liability under section 176.061, subdivision 5, there is no liability under this section for the death, personal injury or disease of an employee which is compensable under chapter 176 as an injury or disease arising out of and in the course of employment.

Subd. 4. [LIABILITY OF POLITICAL SUBDIVISIONS.] The liability of a political subdivision under this section is subject to the limits imposed under section 466.04, subdivision 1.

Subd. 5. [TRANSPORTATION OF HOUSEHOLD REFUSE.] A person who accepts only household refuse for transport to a treatment or disposal facility is not liable under this section for the release or threatened release of any hazardous substance unless he knew or reasonably should have known that the hazardous substance was present in the refuse. For the purpose of this subdivision, household refuse means garbage, trash, or septic tank sanitary wastes generated by single or multiple residences, hotels, motels, restaurants and other similar facilities.

Subd. 6. [DEFENSE AVAILABLE FOR INTERVENING ACTS.] It is a defense to liability under this section that the release or threatened release was caused solely by:

(a) An act of God;

(b) An act of war; or

(c) An act or omission of a third party.

"Third party" for the purposes of clause (c) does not include an employee or agent of the defendant, or a person in the chain of responsibility for the generation, transportation, storage, treatment, or disposal of the hazardous substance.

The defense provided in clause (c) applies only if the defendant establishes that he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of the hazardous substance in light of all relevant facts and circumstances which he knew or should have known, and that he took precautions against foreseeable acts or omissions of a third party and the consequences that could foreseeably result from those acts or omissions.

Subd. 7. [RELEASES SUBJECT TO CERTAIN PERMITS OR STANDARDS; FEDERAL POST-CLOSURE FUND.] It is a defense to liability under this section that:

(a) The release or threatened release was from a hazardous waste facility as defined under section 115A.03; for which a permit had been issued pursuant to section 116.07 or pursuant to subtitle C of the Solid Waste Disposal Act, 42 U.S.C. Section 6921 et seq., and if the hazardous substance was specifically identified in the permit and the release was within the limits allowed in the permit for release of that substance;

(b) The hazardous substance released was specifically identified in a federal or state permit and the release is within the limits allowed in the permit;

(c) The release resulted from circumstances identified and reviewed and made a part of the public record of a federal or state agency with respect to a permit issued or modified under federal or state law, and the release conformed with the permit;

(d) The release was any part of an emission or discharge into the air or water and the emission or discharge was subject to a federal or state permit and was in compliance with control rules or regulations adopted pursuant to state or federal law;

(e) The release was the introduction of any hazardous substance into a publicly owned treatment works and the substance was specified in, and is in compliance with, applicable pretreatment standards specified for that substance under state and federal law; or

(f) Liability has been assumed by the federal post-closure liability fund under 42 U.S.C. Section 9607(k).

**Subd. 8. [RENDERING ASSISTANCE IN RESPONSE ACTIONS.]** *It is a defense to liability under this section that the damages resulted from acts taken or omitted in preparation for, or in the course of rendering care, assistance, or advice to the director or agency pursuant to section 16 or in accordance with the national hazardous substance response plan pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9605, or at the direction of an on-scene coordinator appointed under that plan, with respect to any release or threatened release of a hazardous substance.*

**Subd. 9. [DEFENSE FOR CERTAIN PAST ACTIONS.]** *It is a defense to liability under this section that the hazardous substance which is alleged to have caused the damages claimed by the plaintiff was placed or came to be located in or on the facility before April 1, 1982 and that the activity in which the defendant was involved with respect to the substance was not an abnormally dangerous activity.*

*For the purpose of this subdivision, the determination of whether an activity with respect to a hazardous substance was an abnormally dangerous activity shall be made by the court, which shall consider factors including:*

(1) *The character of the substance, including the tendency of the substance to cause harm if it escapes from the control of the person who has possession of it;*

(2) *The character and location of the activity in which the person was involved with respect to the substance, including:*

(a) *Whether harm to persons or property would necessarily result from the activity regardless of the reasonable precaution with which it is conducted;*

(b) *Inappropriateness of the activity to the place where it is carried out;*

(c) *The extent to which the activity is not a matter of common usage;*

(d) *Likelihood that the harm that results from the activity will be serious and;*

(e) *Whether the activity is of a type which, despite its social utility, should not be permitted without liability for serious harm resulting from its performance.*

**Subd. 10. [BURDEN OF PROOF FOR DEFENSES.]** *Any person claiming a defense provided in subdivisions 6 to 9 has the burden to prove all elements of the defense by a preponderance of the evidence.*

## Sec. 6. [115B.06] [CAUSATION.]

*In any action brought under section 5 or any other law to recover damages for death, personal injury, or disease arising out of the release of a hazardous substance, the court may not direct a verdict against the plaintiff on the issue of causation if the plaintiff produces evidence sufficient to enable a reasonable person to find that:*

(a) *the defendant is a person who is responsible for the release;*

(b) *the plaintiff was exposed to the hazardous substance;*

(c) *the release could reasonably have resulted in plaintiff's exposure to the substance in the amount and duration experienced by the plaintiff; and*

(d) *the death, injury, or disease suffered by the plaintiff is caused or significantly contributed to by exposure to the hazardous substance in an amount and duration experienced by the plaintiff.*

*Medical opinion to a reasonable medical certainty that exposure to the hazardous substance caused or significantly contributed to the death, injury, or disease is not required for the question of causation to be submitted to the trier of fact.*

*Nothing in this section shall be construed to relieve the plaintiff of the burden of proving that the defendant is a person who is responsible for the release and of proving the causal connection between the release of the hazardous substance for which the defendant is a responsible person and the plaintiff's death, injury, or disease.*

## Sec. 7. [115B.07.] [APPORTIONMENT OF LIABILITY; LIMITATION; CONTRIBUTION.]

*Subdivision 1. [RIGHT OF APPORTIONMENT; FACTORS.] Any person held jointly and severally liable under section 4 or 5 has the right at trial to have the trier of fact apportion liability among the defendants as provided in this section. The burden is on each defendant to show how his liability should be apportioned.*

*In apportioning the liability of any defendant under this section, the trier of fact shall consider the following:*

(a) *The extent to which that defendant's contribution to the release of a hazardous substance can be distinguished;*

(b) *The amount of hazardous substance involved;*



(c) *The degree of toxicity of the hazardous substance involved;*

(d) *The degree of involvement of and care exercised by the defendant in manufacturing, treating, transporting, and disposing of the hazardous substance;*

(e) *The degree of cooperation by the defendant with federal, state, or local officials to prevent any harm to the public health or the environment; and*

(f) *Knowledge by the defendant of the hazardous nature of the substance.*

*Subd. 2. [LIMITATION OF LIABILITY.] If a person is held jointly and severally liable under section 4 or 5 and establishes his proportionate share of the aggregate liability, the liability of that person shall be limited to three times his proportionate share.*

*Subd. 3. [CONTRIBUTION.] Any person held jointly and severally liable under section 4 or 5 who is required to pay more than that person's proportionate share of the aggregate liability is entitled to seek contribution from any other person liable for the damages or response costs to the extent of the other person's proportionate liability.*

**Sec. 8. [115B.08] [AGREEMENTS TO TRANSFER LIABILITY; INSURANCE AND SUBROGATION.]**

*No conveyance, indemnification, hold harmless agreement, or similar agreement shall be effective to transfer the liability imposed under sections 1 to 12 from the owner or operator of a facility or from any person who may be liable under those sections to any other person. Nothing in this section shall be construed:*

(a) *To prohibit any party who may be liable under sections 1 to 12 from entering an agreement by which that party is insured, held harmless or indemnified for part or all of that liability;*

(b) *To prohibit the enforcement of any insurance, hold harmless or indemnification agreement; or*

(c) *To bar any cause of action brought by a party who may be liable under sections 1 to 12 or by an insurer or guarantor, whether by right of subrogation or otherwise.*

**Sec. 9. [115B.09] [STATUTE OF LIMITATIONS.]**

*No person may recover pursuant to sections 1 to 12 unless the action is commenced within six years from the date when the*

*cause of action accrues. In determining when the cause of action accrues for an action to recover damages for death, personal injury or disease, the court shall consider factors including the following:*

- (a) When the plaintiff discovered the injury or loss;*
- (b) Whether a personal injury or disease had sufficiently manifested itself; and*
- (c) When the plaintiff discovered, or using due diligence should have discovered, a causal connection between the injury, disease, or loss and the release of a hazardous substance.*

**Sec. 10. [115B.10] [OTHER REMEDIES PRESERVED.]**

*Nothing in sections 1 to 12 shall be construed to abolish or diminish any remedy or affect the right of any person to bring a legal action or use any remedy available under any other provision of state or federal law, including common law, to recover for personal injury, disease, economic loss or response costs arising out of a release of any hazardous substance, or for removal or the costs of removal of that hazardous substance. Nothing in sections 1 to 12 shall be construed to limit or restrict in any way the liability of any person under any other state or federal law, including common law, for loss due to personal injury or disease, for economic loss, or for response costs arising out of any release or threatened release of a hazardous substance from a facility regardless of the time at which a hazardous substance was placed or came to be located in the facility. The provisions of sections 1 to 12 shall not be considered, interpreted, or construed in any way as reflecting a determination, in whole or in part, of policy regarding the inapplicability of strict liability, or strict liability doctrines under any other state or federal law, including common law, to activities past, present or future, relating to hazardous substances, or pollutants or contaminants, or other similar activities.*

**Sec. 11. [115B.11] [DOUBLE RECOVERY PROHIBITED.]**

*A person who recovers response costs or damages pursuant to sections 1 to 12 may not recover the same costs or damages pursuant to any other law. A person who recovers response costs or damages pursuant to any other state or federal law may not recover for the same costs or damages pursuant to sections 1 to 12.*

**Sec. 12. [115B.12] [APPLICATION OF SECTIONS 1 TO 12.]**

Sections 1 to 12 apply to any release or threatened release of a hazardous substance occurring on or after July 1, 1983, including any release which began before July 1, 1983, and continued after that date. Sections 1 to 12 do not apply to a release or threatened release which occurred wholly before July 1, 1983, regardless of the date of discovery of any injury or loss caused by the release or threatened release.

Sec. 13. [115B.13] [DISPOSITION OF FACILITIES.]

*Subdivision 1. [CLOSED DISPOSAL FACILITIES; USE OF PROPERTY.] No person shall use any property on or in which hazardous waste remains after closure of a disposal facility as defined in section 115A.03, subdivision 10, in any way that disturbs the integrity of the final cover, liners, or any other components of any containment system, or the function of the disposal facility's monitoring systems, unless the agency finds that the disturbance:*

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

*(b) Is necessary to reduce a threat to human health or the environment.*

*Subd. 2. [RECORDING OF AFFIDAVIT.] Before any transfer of ownership of any property which the owner knew or should have known was used as the site of a hazardous waste disposal facility as defined in section 115A.03, subdivision 10, or which the owner knew or should have known is subject to extensive contamination by release of a hazardous substance, the owner shall record with the county recorder of the county in which the property is located an affidavit containing a legal description of the property that discloses to any potential transferee:*

*(a) That the land has been used to dispose of hazardous waste or that the land is contaminated by a release of a hazardous substance;*

*(b) The identity, quantity, location, condition and circumstances of the disposal or contamination to the full extent known or ascertainable; and*

*(c) That the use of the property or some portion of it may be restricted as provided in subdivision 1.*

*An owner must also file an affidavit within 60 days after any material change in any matter required to be disclosed under clauses (a) to (c) with respect to property for which an affidavit has already been recorded.*

*If the owner or any subsequent owner of the property removes the hazardous substance, together with any residues, liner, and contaminated underlying and surrounding soil, that owner may record an affidavit indicating the removal of the hazardous substance.*

*Failure to record an affidavit as provided in this subdivision does not affect or prevent any transfer of ownership of the property.*

**Subd. 3. [DUTY OF COUNTY RECORDER.]** *The county recorder shall record all affidavits presented to him in accordance with subdivision 2. The affidavits shall be recorded in a manner which will assure their disclosure in the ordinary course of a title search of the subject property.*

**Subd. 4. [PENALTIES.]** (a) *Any person who knowingly violates the provisions of subdivision 1 is subject to a civil penalty in an amount determined by the court of not more than \$100,000, and shall be liable under sections 4 and 5 for any release or threatened release of any hazardous substance resulting from the violation.*

(b) *Any owner who knowingly fails to record an affidavit as required by subdivision 2 shall be liable under sections 4 and 5 for any release or threatened release of any hazardous substance from a facility located on that property.*

(c) *A civil penalty may be imposed and recovered by an action brought by a county attorney or by the attorney general in the district court of the county in which the property is located.*

(d) *Any civil fines recovered under this subdivision shall be deposited in the fund.*

**Sec. 14. [115B.14] [STATE RESPONSE TO RELEASES.]**

**Subdivision 1. [REMOVAL AND REMEDIAL ACTION.]** *Whenever there is a release or substantial threat of release from a facility of any pollutant or contaminant which presents an imminent and substantial danger to the public health, welfare, or the environment or whenever a hazardous substance is released or there is a threatened release of a hazardous substance from a facility:*

(a) *The agency may take any removal or remedial action relating to the hazardous substance, or pollutant or contaminant, which the agency deems necessary to protect the public health or welfare or the environment. Before taking any action the agency shall:*

(1) Request any responsible party known to the agency to take actions which the agency deems reasonable and necessary to protect the public health, welfare or the environment, stating the reasons for the actions, a reasonable time for beginning and completing the actions taking into account the urgency of the actions for protecting the public health, welfare and environment, and the intention of the agency to take action if the requested actions are not taken as requested;

(2) Notify the owner of real property where the facility is located or where response actions are proposed to be taken, if the owner is not a responsible party, that responsible parties have been requested to take response actions and that the owner's cooperation will be required in order for responsible parties or the agency to take those actions; and

(3) Determine that the actions requested by the agency will not be taken by any known responsible party in the manner and within the time requested.

(b) The director may take removal action which he deems necessary to protect the public health, welfare or the environment if the director determines that the release or threatened release constitutes an emergency requiring immediate action to prevent, minimize or mitigate damage to the public health, welfare or the environment. Before taking any action the director shall make reasonable efforts in light of the urgency of the action to follow the procedure provided in clause (a).

No removal action taken by any person shall be construed as an admission of liability for a release or threatened release.

Subd. 2. [OTHER ACTIONS.] Whenever the agency or director is authorized to act pursuant to subdivision 1 or whenever the agency or director has reason to believe that a release of a hazardous substance, or a pollutant or contaminant, has occurred or is about to occur, or that illness, disease, or complaints thereof may be attributable to exposure to a hazardous substance, or a pollutant or contaminant, the agency or director may undertake investigations, monitoring, surveys, testing, and other similar activities necessary or appropriate to identify the existence and extent of the release or threat thereof, the source and nature of the hazardous substances, or pollutants or contaminants, and the extent of danger to the public health or welfare or to the environment. In addition, the agency may undertake planning, legal, fiscal, economic, engineering, architectural, and other studies or investigations necessary or appropriate to plan and direct a response action, to recover the costs of the response action, and to enforce the provisions of sections 1 to 15.

Subd. 3. [DUTY TO PROVIDE INFORMATION.] Any person who the agency has reason to believe is responsible for a release or threatened release as provided in section 3, or who

is the owner of real property where the release or threatened release is located or where response actions are proposed to be taken, when requested by the agency, or any member, employee or agent thereof who is authorized by the agency, shall furnish to the agency any information which he may have or may reasonably obtain which is relevant to the release or threatened release.

**Subd. 4. [ACCESS TO INFORMATION AND PROPERTY.]** The agency or any member, employee or agent thereof authorized by the agency, upon presentation of credentials, may:

(a) Examine and copy any books, papers, records, memoranda or data of any person who has a duty to provide information to the agency under subdivision 3; and

(b) Enter upon any property, public or private, for the purpose of taking any action authorized by this section including obtaining information from any person who has a duty to provide the information under subdivision 3, conducting surveys or investigations, and taking removal or remedial action.

**Subd. 5. [CLASSIFICATION OF DATA.]** Except as otherwise provided in this subdivision, data obtained from any person pursuant to subdivision 3 or 4 is public data as defined in section 13.02. Upon certification by the subject of the data that the data relates to sales figures, processes or methods of production unique to that person, or information which would tend to affect adversely the competitive position of that person, the director shall classify the data as private or nonpublic data as defined in section 13.02. Notwithstanding any other law to the contrary, data classified as private or nonpublic under this subdivision may be disclosed when relevant in any proceeding under sections 1 to 15, or to other public agencies concerned with the implementation of sections 1 to 15.

**Subd. 6. [RECOVERY OF EXPENSES.]** Any reasonable and necessary expenses incurred by the agency or director pursuant to this section, including all response costs, and administrative and legal expenses, may be recovered in a civil action brought by the attorney general against any person who may be liable under section 4 or any other law. The agency's certification of expenses shall be prima facie evidence that the expenses are reasonable and necessary. Any expenses incurred pursuant to this section which are recovered by the attorney general pursuant to section 4 or any other law, including any award of attorneys fees, shall be deposited in the fund and may be appropriated only for additional response actions as provided in section 17, subdivision 2, clause (b) or (c).

**Subd. 7. [ACTIONS RELATING TO NATURAL RESOURCES.]** For the purpose of this subdivision, the state is the trustee of the air, water and wildlife of the state. An action

*pursuant to section 4 for damages with respect to air, water or wildlife may be brought by the attorney general in the name of the state as trustee for those natural resources. Any damages recovered by the attorney general pursuant to section 4 or any other law for injury to, or loss of natural resources resulting from the release of a hazardous substance, or a pollutant or contaminant, shall be deposited in the fund and may be appropriated only for the purposes provided in section 17, subdivision 2, clause (e).*

**Subd. 8. [ACTIONS RELATING TO PESTICIDES OR FERTILIZER OR SOIL OR PLANT AMENDMENTS.]** *When the commissioner of agriculture has reported an incident involving the release of pesticides under the provisions of section 18A.37 or the release of fertilizers or soil or plant amendments, and the agency determines that the incident constitutes a release of a hazardous substance, or a pollutant or contaminant, the agency shall authorize the commissioner, subject to the provisions of subdivision 13, to take any action which the agency would be authorized to take under subdivisions 1 to 4. Subject to the provisions of section 17, subdivision 3, the agency shall reimburse the commissioner from the fund for the reasonable and necessary expenses incurred in taking those actions and may recover any amount spent from the fund under subdivision 6.*

**Subd. 9. [ACTIONS RELATING TO OCCUPATIONAL SAFETY AND HEALTH.]** *The agency, director and the commissioner of labor and industry shall make reasonable efforts to coordinate any actions taken under this section and under sections 182.65 to 182.674 to avoid duplication or conflict of actions or requirements with respect to a release or threatened release affecting the safety of any conditions or place of employment.*

**Subd. 10. [ACTIONS RELATING TO HEALTH.]** *The agency and director shall make reasonable efforts to coordinate and consult with the commissioner of health in planning and directing response actions with respect to a release or threatened release affecting the public health. If the commissioner of health, upon the request of the agency, takes any actions authorized under this section, the agency shall reimburse the commissioner from the fund for the reasonable and necessary expenses incurred in taking those actions and may recover any amount spent from the fund under subdivision 6.*

**Subd. 11. [LIMIT ON ACTIONS BY POLITICAL SUBDIVISIONS.]** *When the agency or director has requested a person who is responsible for a release or threatened release to take any response action under subdivision 1, no political subdivision shall request or order that person to take any action which conflicts with the action requested by the agency or director.*

**Subd. 12. [AUTHORIZATION OF CERTAIN RESPONSE ACTIONS.]** *For the purpose of permitting a political subdivi-*

sion or private person to recover response costs as provided in section 4, subdivision 6, the agency may authorize the political subdivision to take removal or remedial actions or may authorize the private person to take removal actions with respect to any release of a hazardous substance which was placed or came to be located in the facility before April 1, 1982. The authorization shall be based on application of the criteria in the rules of the agency adopted under subdivision 13 or, if the rules have not been adopted, under the criteria set forth in subdivision 13 on which the rules are required to be based. The authorization shall not be inconsistent with the criteria. This subdivision shall not be construed to prohibit a political subdivision or private person from taking removal or remedial actions without the authorization of the agency.

**Subd. 13. [PRIORITIES; RULES.]** By November 1, 1983, the agency shall establish a temporary list of priorities among releases or threatened releases for the purpose of taking remedial action and, to the extent practicable consistent with the urgency of the action, for taking removal action under this section. The temporary list, with any necessary modifications, shall remain in effect until the agency adopts rules establishing state criteria for determining priorities among releases and threatened releases. The agency shall adopt the rules by July 1, 1984. After rules are adopted, a permanent priority list shall be established, and may be modified from time to time, according to the criteria set forth in the rules. Before any list is established under this subdivision the agency shall publish the list in the state register and allow 30 days for comments on the list by the public.

The temporary list and the rules required by this subdivision shall be based upon the relative risk or danger to public health or welfare or the environment, taking into account to the extent possible the population at risk, the hazardous potential of the hazardous substances at the facilities, the potential for contamination of drinking water supplies, the potential for direct human contact, the potential for destruction of sensitive ecosystems, the administrative and financial capabilities of the agency, and other appropriate factors.

All other considerations being equal, agency remedial action for any risk or danger which was created or aggravated by the action or inaction of any government entity shall take precedence over remedial action for similar risks or dangers not significantly contributed to by government action or inaction.

**Sec. 15. [115B.15] [FAILURE TO TAKE REQUESTED ACTIONS; CIVIL PENALTIES; ACTION TO COMPEL PERFORMANCE; INJUNCTIVE RELIEF.]**

**Subdivision 1. [CIVIL PENALTIES.]** Any person responsible for a release or threatened release from a facility of a pollutant or contaminant which presents an imminent and substan-



tial danger to the public health, welfare, or the environment or for a release or threatened release of a hazardous substance from a facility shall forfeit and pay to the state a civil penalty in an amount to be determined by the court of not more than \$25,000 per day for each day that the person fails to take reasonable and necessary response actions or to make reasonable progress in completing response actions requested as provided in subdivision 3.

The penalty provided under this subdivision may be recovered by an action brought by the attorney general in the name of the state in connection with an action to recover expenses of the agency under section 14, subdivision 6, or by a separate action in the district court of Ramsey County. All penalties recovered under this subdivision shall be deposited in the fund.

**Subd. 2. [ACTION TO COMPEL PERFORMANCE.]** When any person who is responsible for a release or threatened release from a facility of a pollutant or contaminant which presents an imminent and substantial danger to the public health, welfare, or the environment or for a release or threatened release of a hazardous substance from a facility, fails to take response actions or to make reasonable progress in completing response actions requested as provided in subdivision 3, the attorney general may bring an action in the name of the state to compel performance of the requested response actions. If the owner of real property where the facility is located or where response actions are proposed to be taken is not a person responsible for the release or threatened release, the owner may be joined as an indispensable party in an action to compel performance in order to assure that the requested response actions can be taken on that property by the responsible parties.

**Subd. 3. [REQUESTS FOR RESPONSE ACTIONS.]** A request for emergency removal action shall be made by the director. Other requests for response actions shall be made by the agency. A request shall be in writing, shall state the action requested, the reasons for the action, and a reasonable time by which the action must be begun and completed taking into account the urgency of the action for protection of the public health, welfare, and environment.

**Subd. 4. [INJUNCTIVE RELIEF.]** The release or threatened release of a hazardous substance, or a pollutant or contaminant, shall constitute a public nuisance and may be enjoined in an action, in the name of the state, brought by the attorney general.

**Sec. 16. [115B.16] [PURPOSES OF FUND AND TAXES.]**

In establishing the environmental response, compensation and compliance fund in section 17 and imposing taxes in section 19 it is the purpose of the legislature to:

(a) Encourage treatment and disposal of hazardous waste in a manner that adequately protects the public health and welfare and the environment;

(b) Encourage responsible parties to provide the response actions necessary to protect the public and the environment from the effects of the release of hazardous substances;

(c) Encourage the use of alternatives to land disposal of hazardous waste including resource recovery, recycling, neutralization, and reduction;

(d) Provide state agencies with the financial resources needed to prepare and implement an effective and timely state response to the release of hazardous substances, including investigation, planning, removal and remedial action;

(e) Compensate for increased governmental expenses and loss of revenue and to provide other appropriate assistance to mitigate any adverse impact on communities in which commercial hazardous waste processing or disposal facilities are located under the siting process provided in chapter 115A;

(f) Recognize the environmental and public health costs of land disposal of solid waste and of the use and disposal of hazardous substances and to place the burden of financing state hazardous waste management activities on those whose products and services contribute to hazardous waste management problems and increase the risks of harm to the public and the environment.

**Sec. 17. [115B.17] [ENVIRONMENTAL RESPONSE, COMPENSATION AND COMPLIANCE FUND.]**

*Subdivision 1. [ESTABLISHMENT.] The environmental response, compensation and compliance fund is created as an account in the state treasury and may be spent only for the purposes provided in subdivision 2.*

*Subd. 2. [PURPOSES FOR WHICH MONEY MAY BE SPENT.] Subject to appropriation by the legislature the money in the fund may be spent for any of the following purposes:*

(a) Preparation by the agency for taking removal or remedial action under section 14, including investigation, monitoring and testing activities, enforcement and compliance efforts relating to the release of hazardous substances, pollutants or contaminants under section 14 or 15;

(b) Removal and remedial actions taken or authorized by the agency or director under section 14, including related enforcement and compliance efforts under section 14 or 15, and payment of the state share of the cost of remedial action which

may be carried out under a cooperative agreement with the federal government pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9604(c)(3) for actions related to facilities other than commercial hazardous waste facilities located under the siting authority of chapter 115A;

(c) Reimbursement to any person for expenditures made between April 1, 1982 and July 1, 1983 to provide alternative water supplies deemed necessary by the agency and the department of health to protect the public health from contamination resulting from the release of a hazardous substance;

(d) Removal and remedial actions taken or authorized by the agency or director under section 14, including related enforcement and compliance efforts under section 14 or 15, and payment of the state share of the cost of remedial action which may be carried out under a cooperative agreement with the federal government pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9604(c)(3) for actions related to commercial hazardous waste facilities located under the siting authority of chapter 115A;

(e) Compensation as provided by law, after submission by the waste management board of the report required under section 115A.08, subdivision 5, to mitigate any adverse impact of the location of commercial hazardous waste processing or disposal facilities located pursuant to the siting authority of chapter 115A;

(f) Planning and implementation by the commissioner of natural resources of the rehabilitation, restoration or acquisition of natural resources to remedy injuries or losses to natural resources resulting from the release of a hazardous substance;

(g) Inspection, monitoring and compliance efforts by the agency, or by political subdivisions with agency approval, of commercial hazardous waste facilities located under the siting authority of chapter 115A;

(h) Grants by the agency or the waste management board to demonstrate alternatives to land disposal of hazardous waste including reduction, separation, pretreatment, processing and resource recovery, for education of persons involved in regulating and handling hazardous waste, and to assist counties to develop comprehensive waste management plans; and

(i) Intervention and environmental mediation by the legislative commission on waste management under chapter 115A.

**Subd. 3. [LIMIT ON CERTAIN EXPENDITURES.]** The director or agency may not spend any money under subdivision 2, clause (b) or (c) for removal or remedial actions to the extent

*that the costs of those actions may be compensated from any fund established under the Federal Superfund Act, 42 U.S.C. Section 9600 et seq. The director or agency shall determine the extent to which any of the costs of those actions may be compensated under the federal act based on the likelihood that the compensation will be available in a timely fashion. In making this determination the director or agency shall take into account:*

*(a) The urgency of the removal or remedial actions and the priority assigned under the Federal Superfund Act to the release which necessitates those actions;*

*(b) The availability of money in the funds established under the Federal Superfund Act; and*

*(c) The consistency of any compensation for the cost of the proposed actions under the Federal Superfund Act with the national contingency plan, if such a plan has been adopted under that act.*

*Subd. 4. [REVENUE SOURCES.] Revenue from the following sources shall be deposited in the environmental response, compensation and compliance fund:*

*(a) The proceeds of the taxes imposed pursuant to section 21, including interest and penalties;*

*(b) All money recovered by the state under sections 1 to 15 or under any other statute or rule related to the regulation of hazardous waste or hazardous substances, including civil penalties and money paid under any agreement, stipulation or settlement but excluding fees imposed under section 22;*

*(c) All interest attributable to investment of money deposited in the fund; and*

*(d) All money received in the form of gifts, grants, reimbursement or appropriation from any source for any of the purposes provided in subdivision 2, except federal grants.*

*Subd. 5. [RECOMMENDATION BY LCWM.] The legislative commission on waste management shall make recommendations to the standing legislative committees on finance and appropriations regarding appropriations from the fund.*

*Subd. 6. [REPORT TO LEGISLATURE.] At the end of each fiscal year, the agency shall submit to the senate finance committee, the house appropriations committee and the legislative commission on waste management a report detailing the activities for which money from the environmental response, compensation and compliance fund has been spent during that year.*

**Sec. 18. [TAXES; DEFINITIONS.]**

*Subdivision 1. [APPLICATION.] The definitions provided in this section and section 2 apply to sections 18 to 21.*

*Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of revenue.*

*Subd. 3. [GENERATOR.] "Generator" means a person who generates hazardous waste and who is required to disclose the generation of hazardous waste under the hazardous waste rules of the agency adopted under section 116.07.*

*Subd. 4. [LONG TERM CONTAINMENT.] "Long term containment" means land disposal or storage for a period of more than one year.*

*Subd. 5. [TREATMENT.] "Treatment" means any material, technique or process designed to change the physical, chemical or biological character or composition of a hazardous waste in order to: (a) neutralize it; (b) render it nonhazardous or less hazardous; (c) render it safer to transport, store or dispose of; (d) make it amenable to storage; or (e) reduce its volume.*

*Subd. 6. [WASTEWATER TREATMENT UNIT.] "Wastewater treatment unit" means a device which is part of a wastewater treatment facility subject to regulation pursuant to the Federal Clean Water Act under 33 U.S.C. Section 1317 (b) or 1342.*

**Sec. 19. [HAZARDOUS WASTE GENERATOR TAX.]**

*Subdivision 1. [TAXES IMPOSED; EXCLUSIONS.] Each generator of hazardous waste shall pay the taxes imposed by this section based upon the volume and destination of the hazardous wastes generated. The taxes imposed by this section do not apply to hazardous wastes destined for recycling or reuse or to used crankcase oil.*

*Subd. 2. [LONG TERM CONTAINMENT WITHOUT TREATMENT.] Hazardous waste destined for long term containment without treatment shall be taxed at the rate of 32 cents per gallon of liquid or \$32 per cubic yard of solid.*

*Subd. 3. [LONG TERM CONTAINMENT AFTER TREATMENT.] Hazardous waste destined for long term containment after treatment shall be taxed at the rate of 16 cents per gallon of liquid or \$16 per cubic yard of solid.*

*Subd. 4. [OTHER TREATMENT.] Hazardous waste destined for treatment, other than as provided in subdivision 5, to*

produce a material which is not hazardous, including treatment permitted by the agency in a sewage treatment works, or hazardous waste which is destined for destructive treatment by incineration shall be taxed at the rate of eight cents per gallon of liquid or \$8 per cubic yard of solid.

*Subd. 5. [ON-SITE WASTEWATER TREATMENT.] The tax imposed under this section does not apply to hazardous waste which is destined for treatment in a wastewater treatment unit to produce a material which is not hazardous before entering a public sewer system or waters of the state but the tax does apply to any residue of treatment which is a hazardous waste.*

*Subd. 6. [DISPOSITION OF PROCEEDS.] The proceeds of the taxes imposed under this section including any interest and penalties shall be deposited in the fund.*

#### Sec. 20. [SEVERABILITY.]

*If any tax imposed under section 19 is found to be invalid because of the purpose for which the proceeds were appropriated or made available under section 17, subdivision 2, the proceeds of that tax shall not be appropriated or available for the objectionable purposes, but the tax shall continue to be imposed and the proceeds shall be appropriated and made available for other purposes provided in section 17, subdivision 2.*

#### Sec. 21. [TAX ADMINISTRATION AND ENFORCEMENT.]

*Subdivision 1. [QUARTERLY REPORTS AND PAYMENTS; EXCEPTION.] By the fourteenth day following the last day of each calendar quarter beginning after December 31, 1983, every person liable for payment of a tax under section 19, except as provided in subdivision 4 of this section, shall make and file with the commissioner of revenue a report under oath, in the form and containing the information required by the commissioner. The amount of the tax due shall be remitted together with the form. The commissioner may establish rules under which a generator of a low volume of hazardous wastes may file the report and pay the tax annually.*

*Subd. 2. [AMENDED RETURNS.] A taxpayer who finds that a return filed under this section as originally filed is in error may correct the error by filing an amended return. If the taxpayer is entitled to a refund due to the correction, the amended return will serve as a claim for the refund provided it is filed no later than three years after the original return is filed.*

*Subd. 3. [EXCHANGE OF INFORMATION.] Notwithstanding the provisions of sections 116.075 or 290.61 or any other law to the contrary, the commissioner of revenue and the pollu-*

tion control agency may provide each other with the information necessary for the enforcement of section 19 and this section. Information disclosed in a return filed pursuant to this section or information exchanged between the commissioner and the agency is public unless the information is of the type determined to be for the confidential use of the agency pursuant to section 116.075 or is trade secret information classified pursuant to section 15.1673.

**Subd. 4. [PAYMENT BY OUT-OF-STATE GENERATORS.]** A generator of any hazardous waste which is generated outside of this state and is transported into this state for long term containment or treatment as described in section 19, subdivisions 2 to 4 shall pay the tax imposed by section 19 at the first point at which the hazardous wastes are received by a person in this state for storage, treatment or long term containment. The tax shall be paid to the person who first receives the wastes in this state at the time the waste is received and shall be remitted by that person to the commissioner of revenue quarterly in the form and manner provided by the commissioner.

**Subd. 5. [DUTIES OF THE AGENCY AND METROPOLITAN COUNTIES.]** The agency shall provide to the commissioner the names and addresses of all persons known to the agency who are subject to tax under section 19, together with any information which the agency possesses concerning the amount of hazardous waste generated and disposed of by those persons. Metropolitan counties required to regulate hazardous wastes under section 473.811, subdivision 5b, shall provide to the agency the data and information necessary to allow the agency to carry out its duties under this subdivision. Upon request by the commissioner, the agency shall examine returns and reports filed with the commissioner and notify the commissioner of any suspected inaccurate or fraudulent declaration or return. The agency may assist in auditing any person subject to tax under section 20 when requested by the commissioner.

**Subd. 6. [PENALTIES; ENFORCEMENT.]** The audit, penalty and enforcement provisions applicable to taxes imposed under chapter 290 apply to the taxes imposed under section 19 and those provisions shall be administered by the commissioner.

**Subd. 7. [RULES.]** The commissioner may adopt temporary and permanent rules necessary to implement the provisions of this section and section 19.

**Subd. 8. [ADMINISTRATIVE EXPENSES.]** Any amount expended by the commissioner or agency from a general fund appropriation to enforce and administer section 19 and this section shall be reimbursed to the general fund and the amount necessary to make the reimbursement is appropriated from the fund to the commissioner of finance for transfer to the general fund.

Sec. 22. [116.12] [HAZARDOUS WASTE ADMINISTRATION FEES.]

*Subdivision 1. [FEE SCHEDULES.] The agency shall establish the fees provided in subdivisions 2 and 3 in the manner provided in section 16A.128 in order to raise an amount of fees sufficient to cover the non-federally funded portion of the amount appropriated to the agency for that year for permitting, monitoring, inspection and enforcement expenses of the hazardous waste activities of the agency, excluding any amount appropriated to the agency for these purposes under section 17, subdivision 2.*

*The legislature may appropriate additional amounts which need not be raised by fees or may provide that the fees shall cover a proportion of the appropriation for the hazardous waste activities of the agency in order to assure adequate funding for the regulatory and enforcement functions of the agency related to hazardous waste. All fees collected by the agency under this section shall be deposited in the general fund.*

*Subd. 2. [HAZARDOUS WASTE GENERATOR FEE.] Each generator of hazardous waste shall pay a fee on the hazardous waste which he generates. The agency shall compute the amount of the fee due based on the hazardous waste disclosures submitted by the generators and other information available to the agency. The agency shall annually prepare a statement of the amount of the fee due from each generator. The fee shall be paid annually commencing with the first day of the calendar quarter after the date of the statement.*

*The agency may exempt generators of small quantities of hazardous wastes otherwise subject to the fee if it finds that the cost of administering a fee on those generators is excessive relative to the proceeds of the fee. The fee shall consist of a minimum fee for each generator not exempted by the agency and an additional fee which generally reflects the quantity of wastes generated by the generator.*

*If any metropolitan counties recover the costs of administering county hazardous waste regulations by charging fees, the fees charged by the agency outside of those counties shall not exceed the fees charged by those counties. The agency shall not charge a fee in any metropolitan county which charges such a fee. The agency shall impose a surcharge on the fees charged by the metropolitan counties and by the agency to reflect the agency's expenses in carrying out its statewide hazardous waste regulatory responsibilities. The surcharge imposed on the fees charged by the metropolitan counties shall be collected by the metropolitan counties in the manner in which the counties collect their generator fees. Metropolitan counties shall remit the proceeds of the surcharge to the agency by the last day of the month following the month in which they were collected.*



*Subd. 3. [FACILITY FEES.] The agency shall charge an original permit fee, a reissuance fee and an annual operator's fee for any hazardous waste facility permitted by the agency. The agency may include reasonable and necessary costs of any environmental review required under chapter 116D in the original permit fee for any hazardous waste facility.*

Sec. 23. Minnesota Statutes 1982, section 115A.24, subdivision 1, is amended to read:

Subdivision 1. [CERTIFICATE.] (EXCEPT AS PROVIDED IN SUBDIVISION 2,) By 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 board shall consider all technologies being developed in other countries as well as in the United States when it considers the alternatives to hazardous waste disposal. The certificate or certificates shall not be subject to the provisions of chapter 14 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. 24. Minnesota Statutes 1982, section 466.01, is amended by adding a subdivision to read:

*Subd. 3. For the purposes of sections 466.01 to 466.15, "release" and "hazardous substance" have the meanings given in section 2.*

Sec. 25. Minnesota Statutes 1982, section 466.04, subdivision 1, is amended to read:

Subdivision 1. [LIMITS; PUNITIVE DAMAGES.] Liability of any municipality on any claim within the scope of sections 466.01 to 466.15 shall not exceed

(a) \$100,000 when the claim is one for death by wrongful act or omission and \$100,000 to any claimant in any other case;

(b) \$300,000 for any number of claims arising out of a single occurrence (.) ;

(c) *Twice the limits provided in clauses (a) and (b) when the claim arises out of the release or threatened release of a hazardous substance, whether the claim is brought under sections 1 to 14 or under any other law.*

No award for damages on any such claim shall include punitive damages.

Sec. 26. [APPROPRIATION; COMPLEMENT.]

Subdivision 1. [APPROPRIATION TO FUND.] *The sum of \$ . . . . . is appropriated from the general fund and transferred to the environmental response, compensation and compliance fund established in section 17.*

Subd. 2. [TAX ADMINISTRATION; COMPLEMENT.] *The following sums are appropriated from the general fund to be available until June 30, 1985, for costs of administering and enforcing sections 18 and 20.*

(a) *To the commissioner of revenue . . . . .*

*The approved complement of the department of revenue is increased by . . . . . positions.*

(b) *To the pollution control agency . . . . .*

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

Subd. 3. [APPROPRIATION FOR RESPONSE ACTIONS.] *For the biennium ending June 30, 1985, and except as provided in subdivision 4, all money in the environmental response, compensation and compliance fund except any money recovered with respect to natural resources under section 14, subdivision 7, is appropriated to the pollution control agency for the purposes described in section 17, subdivision 2, clauses (a), (b) and (c).*

*Subd. 4. [RULES; PRIORITY LISTS; COMPLEMENT.] The sum of \$ . . . . . is appropriated from the environmental response, compensation and compliance fund to the pollution control agency for the cost of establishing priority lists and adopting rules as required under section 14, subdivision 13, to be available until June 30, 1984.*

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

Sec. 27. [REPEALER.]

*Minnesota Statutes 1982, section 115A.24, subdivision 2, is repealed.*

Sec. 28. [EFFECTIVE DATE.]

*Sections 14 to 21, and 26 are effective the day following final enactment. The taxes imposed by section 19 are effective January 1, 1984. The remaining sections of this act are effective July 1, 1983."*

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

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 123, A bill for an act relating to commerce; regulating debt collection practices; broadening the classification of prohibited practices; amending Minnesota Statutes 1982, section 332.37; proposing new law coded in Minnesota Statutes, chapter 332.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [332.46] [CITATION.]

*Sections 1 to 9 may be cited as the Minnesota Fair Debt Collection Practices Act.*

Sec. 2. [332.47] [DEFINITIONS.]

*Subdivision 1. [TERMS.] As used in sections 1 to 9, the following terms have the meanings given them.*

Subd. 2. [CONSUMER.] "Consumer" means any natural person obligated, or allegedly obligated to pay any debt arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes. This term includes the parent, if the consumer is a minor, or the guardian, conservator, executor, or administrator of the consumer.

Subd. 3. [CREDITOR.] "Creditor" means any person engaged in business who offers or extends credit to a consumer creating a debt, or any assignee, agent, or other person acting on behalf of a creditor.

Subd. 4. [DEBT.] "Debt" means any obligation or alleged obligation of a consumer to pay money to any creditor whether or not the obligation has been reduced to judgment.

Subd. 5. [DEBT COLLECTOR.] "Debt collector" means any collection agency as defined in section 332.31, or any creditor as defined in subdivision 3 who collects, or attempts to collect, directly or indirectly, debts owed or due, or asserted to be owed or due, to such creditor by a consumer domiciled in or located within the state of Minnesota. The term does not include the following:

- (a) a nonprofit consumer credit counseling service;
- (b) an attorney acting on behalf and in the name of a client;
- (c) a public official;
- (d) a person serving legal process;
- (e) a person acting under order of a court; or

(f) a public utility, as defined in Minnesota Statutes, section 216B.02.

Subd. 6. [LOCATION INFORMATION.] "Location information" means information concerning a consumer's place of abode, his telephone number, or his place of employment.

Subd. 7. [PERSON.] "Person" means a natural person, a partnership, an unincorporated association, a cooperative association, a joint stock association, a firm, a private corporation, a public corporation, a municipality, a business trust, or other legal entity.

Sec. 3. [332.48] [ACQUISITION OF LOCATION INFORMATION.]

*A debt collection agency in communication with any person other than the consumer, and a creditor in communication with any person other than the consumer or the consumer's spouse, for the purpose of acquiring information as to the location of a consumer shall:*

*(a) identify himself, state that he is confirming or correcting location information concerning the consumer, and, only if expressly requested, identify his employer;*

*(b) not state that the consumer owes any debt;*

*(c) not communicate with any person more than once unless requested to do so by the person or unless the debt collector reasonably believes that the earlier response is erroneous or incomplete and that the person now had correct or complete location information;*

*(d) not communicate by postcard;*

*(e) not use any language or symbol on any envelope or in the contents of any communication that indicates that the debt collector is acting as a debt collector or that the communication relates to the collection of a debt; and*

*(f) not communicate with any person other than the consumer's attorney, after the debt collector knows the consumer is represented by an attorney, with regard to the subject debt and has knowledge of, or can readily ascertain, the attorney's name and address, unless the attorney fails to respond within 15 days to a communication from the debt collector.*

#### **Sec. 4. [332.49] [COMMUNICATION IN CONNECTION WITH DEBT COLLECTION.]**

**Subdivision 1. [COMMUNICATION WITH CONSUMER.]**  
*Without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction, a debt collector may not communicate with a consumer in connection with the collection of any debt:*

*(a) at any unusual time or place or a time or place known or which should be known to be inconvenient to the consumer. In the absence of knowledge of circumstances to the contrary, a debt collector shall assume that the convenient time for communicating with a consumer is after 8:00 a.m. and before 9:00 p.m. local time at the consumer's location;*

*(b) if the debt collector knows the consumer is represented by an attorney with respect to such debt and has knowledge of, or can readily ascertain, the attorney's name and address, unless*

*the attorney fails to respond within 15 days to a communication from the debt collector, or unless the attorney consents to direct communication with the consumer; or*

*(c) at the consumer's place of employment if the debt collector knows or has reason to know that the consumer's employer prohibits the consumer from receiving such communication.*

**Subd. 2. [COMMUNICATION WITH OTHER PERSONS.]** *A debt collector may not communicate, in connection with the collection of any debt, with any person other than the consumer, the consumer's attorney, a consumer reporting agency if otherwise permitted by law, the creditor, the creditor's attorney, a collection agency, the collection agency's attorney, or the debt collector's attorney, except as reasonably necessary to acquire location information concerning the consumer in compliance with section 3, or upon prior consent of the consumer given directly to the debt collector, or upon express permission of a court of competent jurisdiction, or as reasonably necessary to effectuate a postjudgment judicial remedy.*

**Subd. 3. [CEASING COMMUNICATION.]** *If a consumer notifies a creditor other than a collection agency in writing that the consumer wishes such creditor to cease further communication with the consumer, the debt collector shall not communicate further with the consumer with respect to the debt, except:*

*(a) to advise the consumer that such creditor's further efforts are being terminated;*

*(b) to notify the consumer that such creditor may invoke specified remedies allowable by law which are ordinarily invoked by such creditor; or*

*(c) where necessary to effectuate any postjudgment judicial remedy.*

**Subd. 4. [CONSUMER DEFINED.]** *For purposes of this section, the term "consumer" includes the consumer's spouse.*

**Sec. 5. [332.50] [HARASSMENT OR ABUSE.]**

*A debt collector may not engage in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:*

*(a) The use or threat of use of violence or other criminal means to harm the physical person, reputation, or property of any person.*

(b) *The use of obscene or profane language or language the natural consequence of which is to abuse the listener or reader.*

(c) *The publication of the name of a consumer or a list of consumers who allegedly refuse to pay debts, except to a bona fide consumer reporting agency, or to a person to whom a consumer reporting agency can lawfully furnish a consumer report.*

(d) *The advertisement for sale of or threat to advertise for sale any debt to coerce payment of the debt.*

(e) *Causing a telephone to ring, or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person.*

(f) *Except as provided in section 3, the placement of telephone calls without meaningful disclosure of the caller's identity.*

**Sec. 6. [332.51] [FALSE OR MISLEADING REPRESENTATIONS.]**

*A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:*

(a) *The false representation or implication that the debt collector is vouched for, bonded by, or affiliated with the United States, the state of Minnesota, or any other unit of state or local government, including, but not limited to, the use of any badge, uniform, or facsimile thereof, or the use or employment of a sheriff, deputy sheriff, policeman, constable, University of Minnesota peace officer, highway patrolman, or any other member of a law enforcement agency acting under color of law when attempting to collect a debt, except when performing legally authorized duties.*

(b) *The false representation of the character, amount, or legal status of any debt, or of any services rendered or compensation which may be lawfully received by any debt collector in connection with the collection of a debt.*

(c) *The false representation or implication that any individual is an attorney, that any communication is from an attorney, or that action will be taken in connection with the collection of a debt by a particular attorney unless this attorney has actually been retained with respect to the debt in question or is an attorney directly employed by a creditor.*

(d) *The representation or implication that nonpayment of any debt will result in the arrest or imprisonment of any person*

or the seizure, garnishment, attachment, or sale of any property or wages of any person unless the action is lawful and the debt collector or creditor intends to take such action.

(e) The threat to take any action that cannot legally be taken or that is not intended to be taken.

(f) The false representation or implication that sale, referral, or other transfer of any interest in a debt shall cause the consumer to lose any claim or defense to payment of the debt, or to become subject to any practice prohibited by this act.

(g) The false representation or implication that the consumer committed any crime or other conduct.

(h) Communicating or threatening to communicate to any person credit information which is known or which should be known to be false, including the failure to communicate that a debt is disputed.

(i) The use or distribution of any written communication which simulates or is falsely represented to be a document authorized, issued, or approved by any court, official, or agency of the United States, state of Minnesota, or any other unit of state or local government, or which creates a false impression as to its source, authorization, or approval.

(j) The use of any false representation or deceptive means to collect or attempt to collect or to obtain information concerning a consumer.

(k) Except as provided in section 3, the failure by a creditor to disclose clearly in all communications with a consumer or a consumer's spouse made to collect a debt or to obtain information about a consumer, that the creditor is attempting to collect a debt and that any information obtained will be used for that purpose.

(l) The false representation or implication that accounts have been turned over to innocent purchasers for value.

(m) The false representation or implication that documents are legal process.

(n) The false representation or implication that documents are not legal process forms or do not require action by the consumer.

(o) The use of any business, company, or organization name other than the true name of the debt collector's business company or organization.



(p) *The false representation or implication that a debt collector operates or is employed by a consumer reporting agency.*

(q) *The designing, compiling, furnishing, or using of any form, knowing that the form will be used to create the false belief that a person other than the creditor of a consumer is participating in the collection or in the attempt to collect a debt from the consumer, when in fact the other person is not participating.*

Sec. 7. [332.52] [UNFAIR PRACTICES.]

*A debt collector may not use unfair or unconscionable means to attempt to collect any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section.*

(a) *The collection of any amount, including any interest, fee, charge, or expense incidental to the principal obligation, unless the amount is expressly authorized by the agreement creating the debt or is permitted by law.*

(b) *The intentional acceptance by a debt collector from any person of a check or other payment instrument postdated by more than five days unless the person is notified in writing not more than ten nor less than three business days prior to the deposit, of the debt collector's intent to deposit the check or instrument.*

(c) *The solicitation by a debt collector of any postdated check or other postdated payment instrument for the purpose of threatening or seeking criminal prosecution.*

(d) *Intentionally depositing or threatening to deposit any postdated check or other postdated instrument prior to the date on the check or instrument.*

(e) *Causing charges to be made to any person for any communication by concealment of the true purpose of the communication. These charges include, but are not limited to, collect telephone calls and telegram fees.*

(f) *Taking or threatening to take any nonjudicial action to effect dispossession or disablement of property if there is no present right to possession of the property; or if there is no present intention to take possession of the property; or if the property is exempt by law from dispossession or disablement.*

(g) *Communicating with a consumer regarding a debt by post card.*

(h) *Using any language or symbol, other than the debt collector's address, on any envelope when communicating with a consumer by use of the mail or by telegram, except that a debt collector may use its business name if such name does not indicate that the communication relates to the collection of a debt.*

(i) *Threatening to take any action which would first require a judgment or court order, without notifying the consumer that a judgment or court order is required and that the consumer has the right to contest.*

**Sec. 8. [332.53] [LEGAL ACTIONS BY DEBT COLLECTORS.]**

**Subdivision 1. [VENUE OF REAL PROPERTY ACTIONS.]** *Any legal action brought by any debt collector against any consumer to enforce an interest in real property securing a debt shall only be brought in the county in which all or part of the real property is located.*

**Subd. 2. [VENUE OF OTHER ACTIONS.]** *Any action brought by any debt collector against any consumer or consumers on a debt other than as described in subdivision 1 shall only be brought in a county in which one of the consumers resides at the commencement of the action or, where the transaction occurred or, if the contract is in writing, in the county in which one of the consumers signed the contract.*

**Subd. 3. [EFFECT OF ACT.]** *Nothing in this act shall be construed to authorize the bringing of legal actions by collection agencies.*

**Sec. 9. [332.54] [CIVIL LIABILITY.]**

**Subdivision 1. [AMOUNTS.]** *Any debt collector who violates any provision of this act shall be liable to the consumer and to any other aggrieved person in an amount equal to the sum of:*

(a) *any actual damages sustained as a result of the violation;*

(b) *in an individual action, liquidated damages in the amount of \$100 per violation or twice the amount of any interest, finance charge, time price differential, or similar charge claimed as part of the debt, whichever is greater;*

(c) *punitive damages as the court may allow, where the debt collector continues to knowingly engage in conduct having been found by a court to be a violation; and*

(d) the costs of the action, together with reasonable attorney's fees as determined by the court. On a finding by the court that a claim under this section was asserted in bad faith, the court may award attorney's fees and costs to the debt collector against whom the claim was asserted.

*Subd. 2. [NONLIABILITY.] A debt collector may not be held liable for a violation of this act if the debt collector shows by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid the error.*

*Subd. 3. [HOW CLAIMS ASSERTED.] A claim under this section may be asserted as a counterclaim, or setoff in an action to enforce a debt or as a cause of action.*

*Subd. 4. [LIMITATION OF ACTIONS.] A claim under this section must be asserted within one year from the date of the last communication from the debt collector, except where asserted as a counterclaim, or setoff.*

*Subd. 5. [REMEDIES CUMULATIVE.] The remedies under this section are in addition to, and do not limit any other remedies available at law or equity.*

Sec. 10. Minnesota Statutes 1982, section 332.37, is amended to read:

332.37 [PROHIBITED PRACTICES.]

No collection agency shall: (1) in collection letters or publications, or in any communication, oral or written threaten wage garnishment or legal suit by a particular lawyer, unless it has actually retained the lawyer;

(2) (USE OR EMPLOY CONSTABLES, SHERIFFS OR ANY OTHER OFFICER AUTHORIZED TO SERVE LEGAL PAPERS IN CONNECTION WITH THE COLLECTION OF A CLAIM, EXCEPT WHEN PERFORMING THEIR LEGALLY AUTHORIZED DUTIES;)

(3) use or threaten to use methods of collection which violate sections 1 to 9 or any other Minnesota law;

(4) (3) furnish legal advice or otherwise engage in the practice of law or represent that it is competent to do so;

(5) COMMUNICATE WITH DEBTORS IN A MISLEADING OR DECEPTIVE MANNER BY USING THE STATIONERY OF A LAWYER, FORMS OR INSTRUMENTS

WHICH ONLY LAWYERS ARE AUTHORIZED TO PREPARE, OR INSTRUMENTS WHICH SIMULATE THE FORM AND APPEARANCE OF JUDICIAL PROCESS;)

((6)) (4) exercise authority on behalf of a creditor to employ the services of lawyers unless the creditor has specifically authorized the agency in writing to do so and the agency's course of conduct is at all times consistent with a true relationship of attorney and client between the lawyer and the creditor;

((7) PUBLISH OR CAUSE TO BE PUBLISHED ANY LIST OF DEBTORS EXCEPT FOR CREDIT REPORTING PURPOSES, USE SHAME CARDS OR SHAME AUTOMOBILES, ADVERTISED OR THREATENED TO ADVERTISE FOR SALE ANY CLAIM AS A MEANS OF FORCEING PAYMENT THEREOF, OR USE SIMILAR DEVICES OR METHODS OF INTIMIDATION;)

((8)) (5) refuse to return any claim or claims and all valuable papers deposited with a claim or claims upon written request of the creditor, claimant or forwarder after tender of the amounts due and owing to the agency within 30 days after the request; refuse or intentionally fail to account to its clients for all money collected within 30 days from the last day of the month in which the same is collected; or, refuse or fail to furnish at intervals of not less than 90 days upon written request of the claimant or forwarder, a written report upon claims received from the claimant or forwarder;

((9)) (6) operate under a name or in a manner which implies that the agency is a branch of or associated with any department of federal, state, county or local government or an agency thereof;

((10)) (7) commingle money collected for a customer with the agency's operating funds or use any part of a customer's money in the conduct of the agency's business;

((11)) (8) transact business or hold itself out as a debt prorater, debt adjuster, or any person who settles, adjusts, prorates, pools, liquidates or pays the indebtedness of a debtor, unless there is no charge to the debtor, or the pooling or liquidation is done pursuant to court order or under the supervision of a creditor's committee;

((12)) (9) violate any of the provisions of the *Federal Fair Debt Collection Practices Act of 1977* while attempting to collect on any account, bill or other indebtedness."

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. 138, A bill for an act relating to malt beverages; requiring identification of kegs and purchasers thereof; proposing new law coded in Minnesota Statutes, chapter 340.

Reported the same back with the following amendments:

Page 1, delete lines 9 to 25 and insert:

*"Subdivision 1. [DEFINITIONS.] For purposes of this section:*

*(a) "Beer" is any intoxicating or nonintoxicating malt beverage.*

*(b) "Off-sale retailer" is a holder of a license to sell beer at retail off-sale or a holder of a combination on-sale and off-sale license, or a municipal liquor store.*

*Subd. 2. [REGISTRATION NUMBER REQUIRED.] A licensed wholesaler of beer may not sell to an off-sale retailer a keg or barrel of beer with a capacity of seven or more gallons unless the keg bears a registration number permanently attached or engraved by the manufacturer of the beer.*

*Subd. 3. [RECORD OF SALE.] An off-sale retailer who sells a keg or barrel of beer must enter the date and time of purchase, the name and address of the purchaser, and the registration number of the keg or barrel. The entry must be in a book or register maintained for the purpose by the off-sale retailer and the book or register must be retained for 90 days after the last sale recorded therein.*

*Subd. 4. [ACCESS; STATEMENTS.] Books and registers kept under subdivision 3 must be made available for inspection during regular business hours by peace officers or the commissioner or his authorized agent.*

*Subd. 5. [VIOLATIONS.] A violation of any provision of this section is a misdemeanor.*

Sec. 2. [EFFECTIVE DATE.]

*Section 1 is effective January 1, 1984."*

Delete the title and insert:

*"A bill for an act relating to malt beverages; defining terms; requiring registration numbers and records; requiring acces-*

sibility to certain records; providing a penalty; proposing new law coded in Minnesota Statutes, chapter 340."

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 157, A bill for an act relating to education; providing for active military service to be counted toward the number of years required to be eligible for the teacher early retirement incentive program; extending the date of application to March 1, 1983, for certain individuals; requiring expeditious processing of certain applications in 1983; amending Minnesota Statutes 1982, section 125.611, subdivision 1.

Reported the same back with the following amendments:

Pages 1 and 2, delete section 1 and insert:

"Section 1. Minnesota Statutes 1982, section 125.611, subdivision 1, is amended to read:

Subdivision 1. [CRITERIA.] 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 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, or at least 15 years of allowable service as defined in sections 354.05, subdivision 13; 354.092; 354.093; 354.094; 354A.011, subdivision 4; 354A.091; 354A.092; 354A.093; or 354A.094 and

(ii) 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, or at least 30 years of allowable service as defined in sections 354.05, subdivision 13; 354.092; 354.093; 354.094; 354A.011, subdivision 4; 354A.091; 354A.092; 354A.093; or 354A.094."

Page 2, line 14, delete "March" and insert "June".

Page 2, line 14, after "1983," insert "or"

Page 2, line 15, after "section 125.611" insert ", subdivision 5"

Page 2, line 15, delete "The"

Page 2, delete lines 16 and 17

Delete the title and insert:

"A bill for an act relating to education; authorizing allowable service years to be used for the teacher early retirement incentive program; amending Minnesota Statutes 1982, section 125.611, subdivision 1."

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. 167, A bill for an act relating to liquor; authorizing the city of Dilworth to issue one on-sale license to an Eagles Club.

Reported the same back with the following amendments:

Page 1, line 8, after "one" insert "club"

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 Energy to which was referred:

H. F. No. 189, A bill for an act relating to energy; requiring certain conservation investments by regulated utilities; amending Minnesota Statutes 1982, sections 116J.09; 116J.18, subdivision 1a; 216A.07, subdivision 3; 216B.03; 216B.16, subdivision 1; and 216B.241, subdivisions 1, 2, and 3.

Reported the same back with the following amendments:

Page 2, line 33, after "(m)" insert "May"

Page 3, line 26, delete "The"

Page 3, delete lines 27 and 28

Page 3, line 29, delete "*pursuant to section 116J.09, clause (m).*"

Page 4, line 3, after "*maximum*" insert "*reasonable*" delete "*practicable*"

Page 5, line 2, strike "*residential*"

Page 5, line 29, reinstate the stricken language and delete new language

Page 6, line 16, after "*utilities*" insert "*with operating revenues, in excess of \$5,000,000*"

Page 6, line 17, delete "*gross*" and insert "*their operating*"

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

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 211, A bill for an act relating to taxation; increasing the amount of reduced valuations required to be maintained as public record; allowing the commissioner discretion in apportioning levies; increasing the amount of reduction in valuation requiring an opportunity for hearing; allowing county auditors to combine legal descriptions over section lines; classifying farm rental value data; excluding certain corporations from receiving agricultural property tax valuation; providing for the assessment of certain class 3 property based upon its use; clarifying the requirements for homesteads of members of the armed forces; requiring publication of certain requirements for obtaining a homestead after the assessment date; clarifying the method of assessment for certain low income properties; providing for split classification of certain homestead property; removing special taxing districts from levy limits; allowing counties to charge for NSF checks; providing for rounding of tax amounts on tax statements; directing the use of the previous years mill rate when distributing delinquent tax proceeds; changing the date for filing list of delinquent personal property taxes; extending application of the alternate sale procedure; increasing the fee for lost deeds; removing certain exempt entities from payment of mortgage registration tax; changing the process for distributing mortgage registration tax proceeds; raising the fee for trip permits; requiring filing of an amended estate tax return in certain situations; clarifying the date interest accrues on estate tax amounts due; providing for depart-



ment action following the filing of an amended return; requiring state's share of federal credit to not be less than state's share of the estate; providing a definition of surviving spouse for estate tax purposes; requiring filing of final account to commissioner of revenue; changing the requirement for filing a declaration of estimated gross earnings tax; imposing a penalty for failure to pay estimated gross earnings tax; extending the time allowed to claim gasoline or special fuel tax refunds; changing the requirements relating to distribution of free samples of cigarettes; imposing a penalty for failure to pay the tax on wines and spirituous liquors; conforming penalties for non-payment of tax on deed to penalties imposed on other taxes; requiring payment of current taxes before a plat is recorded; amending Minnesota Statutes 1982, sections 270.10, subdivisions 1 and 3; 270.12, subdivision 3; 270.19; 272.46, subdivision 1; 273.11, subdivision 7; 273.111, subdivision 3; 273.13, subdivisions 4, 10, 16, 17, 17b, 17c, and by adding a subdivision; 275.50, subdivision 2; 276.02; 276.04; 276.10; 277.02; 282.01, subdivision 7a; 282.33, subdivision 1; 287.06; 287.08; 291.005, subdivision 1; 291.03, subdivision 1; 291.07, subdivision 1; 291.09, subdivision 3a; 291.131, subdivision 6; 291.132, subdivision 1; 291.215, subdivision 3; 295.365; 295.366, subdivision 1; 296.17, subdivisions 3 and 17; 297.03, subdivision 10; 340.485, subdivision 1, and by adding subdivisions; 340.492; 505.04; 524.3-1001; 524.3-1003; and 524.3-1204; repealing Minnesota Statutes 1982, sections 272.022; 272.023; 272.024; 273.13, subdivision 18; 273.23; 273.24; 273.28; 273.29; 273.30; 273.31; 273.34; 273.43; 273.44; 273.45; 273.52; 288.01; 288.02; 288.03; 288.04; 288.05; 291.07, subdivision 3; 473F.04; and 477A.04.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 270.10, subdivision 1, is amended to read:

Subdivision 1. [IN WRITING; APPROVAL BY ATTORNEY GENERAL.] All orders and decisions of the commissioner of revenue, or any of his subordinates, respecting any tax, assessment, or other obligation, shall be in writing, filed in the offices of the department. No order or decision *issued after June 30, 1983*, increasing or decreasing any tax, assessment, or other obligation by a sum exceeding (\$500) \$1,000 on real or personal property, or the assessed valuation thereof, or other obligation relating thereto, the result of which is to increase or decrease the total amount payable including penalties and interest, by a sum exceeding \$1,000, and no order or decision increasing or decreasing any other tax by a sum exceeding \$1,000 exclusive of penalties and interest, shall be made without the written signature or facsimile signature of the commissioner, a deputy commissioner, assistant commissioner, division director, or acting division director in each case. Written

notice of every order granting a reduction, abatement, or refundment exceeding \$5,000 of any tax exclusive of penalties and interest, shall be given within five days to the attorney general. The attorney general shall forthwith examine such order, and if he deems the same proper and legal he shall approve the same in writing, and may waive the right of appeal therefrom in behalf of the state; otherwise he shall take an appeal from the order in behalf of the state as herein provided; but written approval of the commissioner or his deputy and written notice to the attorney general, shall not be required with respect to the following orders: (1) orders reducing assessed valuation of property by reason of its classification as a homestead; (2) orders not involving refunds which have the effect only of correcting income and franchise tax assessments to conform to the amounts shown on final returns filed as provided by section 290.42, clause (6); (3) original orders for the refundment of gasoline and special fuel taxes.

Sec. 2. Minnesota Statutes 1982, section 270.10, subdivision 3, is amended to read:

Subd. 3. [REDUCTIONS, ABATEMENTS, REFUNDMENTS; STATEMENT.] The commissioner shall maintain as a public record in the department a statement of all abatements, reductions, and refundments of assessments, taxes, or other obligations granted by the department during the biennium, which require the written approval of the commissioner or his deputy, and of which written notice to the attorney general is required, under the provisions of subdivision 1; and, all reductions of assessed valuation of more than (\$50,000) \$100,000 and all reductions, refundments, or abatements of real estate tax of more than \$1,000 shall be separately shown in such statement. Such statement shall show the names of all taxpayers or other persons concerned, the original amount of each assessment, tax, or other obligation, the amount of abatement, reduction, or refundment allowed in each case, and the totals of the respective items, notwithstanding any provisions of law requiring secrecy to the contrary. The commissioner shall include in such statement the amount of all increases of taxes or assessments made by the department, classified in such manner as he may deem proper, but not showing the names of taxpayers or other persons concerned or the amounts in individual cases.

Sec. 3. Minnesota Statutes 1982, section 270.12, subdivision 3, is amended to read:

Subd. 3. (FOR TAXES LEVIED IN 1980 AND 1981, WHEN A TAXING JURISDICTION LIES IN TWO OR MORE COUNTIES, AND THE SALES RATIO STUDIES PREPARED BY THE DEPARTMENT OF REVENUE SHOW THAT THE AVERAGE LEVEL OF ASSESSMENT IN THE SEVERAL PORTIONS OF THE DISTRICT IN THE DIFFERENT COUNTIES DIFFERS BY MORE THAN 20 PER-

CENT, THE BOARD SHALL ORDER THAT THE LEVY OF THE TAXING JURISDICTION BE APPORTIONED AMONG THE PORTIONS IN THE DIFFERENT COUNTIES IN THE SAME PROPORTION AS THE ADJUSTED ASSESSED VALUE AS DETERMINED BY THE EQUALIZATION AID REVIEW COMMITTEE IN EACH PORTION IS TO THE TOTAL ADJUSTED ASSESSED VALUE, AS DETERMINED BY THE EQUALIZATION AID REVIEW COMMITTEE, OF THE TAXING JURISDICTION; IF THE STUDIES SHOW THAT THE LEVEL DIFFERS BY MORE THAN FIVE PERCENT, THE BOARD MAY ORDER THE APPORTIONMENT OF THE LEVY.) For taxes levied in (1982) 1983 and thereafter *when a taxing jurisdiction lies in two or more counties, if the sales ratio studies prepared by the department of revenue show that the (LEVEL DIFFERS) average levels of assessment in the several portions of the districts in the different counties differ by more than five percent, the board shall order the apportionment of the levy, unless one of the following factors is present, in which case the board may order the apportionment of the levy. Factors which may affect the decision to apportion include (1) if the proportion of total adjusted assessed value in one county is less than ten percent of the total adjusted assessed value in the school district and if the average level of assessment in that portion of the school district is the one which differs by more than five percent from the assessment level in any one of the other portions of the district, or (2) if significant changes have been made in the level of assessment in the taxing jurisdiction which have not been reflected in the sales ratio study, and those changes alter the assessment levels in the portions of the taxing jurisdiction so that the assessment level now differs by five percent or less, or (3) if commercial, industrial, or public utility property predominates in one county within the school district and another class of property predominates in another county within that same school district.*

*If, pursuant to this subdivision, the board apportions the levy, then that levy apportionment among the portions in the different counties shall be made in the same proportion as the adjusted assessed value as determined by the equalization aid review committee in each portion is to the total adjusted assessed value of the taxing jurisdiction.*

For the purposes of this section, the average level of assessment in a taxing jurisdiction or portion thereof shall be the aggregate assessment sales ratio. Assessed values as determined by the equalization aid review committee shall be the values as determined for the year preceding the year in which the levy to be apportioned is levied.

Actions pursuant to this subdivision shall be commenced subsequent to the annual meeting on August 15 of the state board of equalization, but notice of the action shall be given to the affected

jurisdiction and the appropriate county auditors by the following November 15.

Apportionment of a levy pursuant to this subdivision shall be considered as a remedy to be taken after equalization pursuant to subdivision 2, and when equalization within the jurisdiction would disturb equalization within other jurisdictions of which the several portions of the jurisdiction in question are a part.

Sec. 4. Minnesota Statutes 1982, section 270.19, is amended to read:

**270.19 [MUNICIPALITIES TO BE PARTY TO TAX HEARINGS.]**

Any city, town, school district, or county (all of which governmental subdivisions shall be embraced in the word "municipality" as used hereinafter) may appear at and become a party to any proceedings before the commissioner of revenue held for the purpose of equalizing or assessing any real or personal property in such municipality, or reducing the assessed valuation of any such property. For that purpose any such municipality may employ counsel and disburse money for other expenses in connection with such proceedings, on duly itemized, verified claims, which shall be audited and allowed as now provided by law for the allowance of claims against a municipality. It shall be the duty of the commissioner of revenue, at the time of such hearing, to grant the municipality, at its request, such further reasonable time as may be necessary for such municipality to prepare for further hearing. Before granting any reduction in assessed valuation exceeding (\$50,000) \$100,000, it shall be the duty of the commissioner of revenue, when any taxpayer or property owner has applied to the commissioner after June 30, 1983, for a reduction of the assessed valuation of any real or personal property in an amount exceeding (\$50,000) \$100,000, to give written notice to the officials of the municipality wherein such property is located and to permit such municipality to have reasonable opportunity to be heard at any proceedings concerning such reduction.

Sec. 5. Minnesota Statutes 1982, section 272.46, subdivision 2, is amended to read:

Subd. 2. [AUDITOR TO COMBINE LEGAL DESCRIPTIONS.] The county auditor, upon written application of any person, shall for property tax purposes only, combine legal descriptions, as defined in section 272.195, of contiguous parcels to which the applicants hold title.

*The county auditor shall not be required to combine legal descriptions over section lines in the following situations: when the parcels to be combined are located in different school districts or different taxing jurisdictions or when a combination of legal*

*descriptions would require the auditor's office to modify an existing record-keeping system.*

Sec. 6. Minnesota Statutes 1982, section 273.111, subdivision 3, is amended to read:

Subd. 3. Real estate consisting of ten acres or more shall be entitled to valuation and tax deferral under this section only if it is actively and exclusively devoted to agricultural use as defined in subdivision 6 and either (1) is the homestead of the owner, or of a surviving spouse, child, or sibling of the owner or is real estate which is farmed with the real estate which contains the homestead property, or (2) has been in possession of the applicant, his spouse, parent, or sibling, or any combination thereof, for a period of at least seven years prior to application for benefits under the provisions of Laws 1969, Chapter 1039, or (3) is the homestead of a shareholder in a family farm corporation as defined in section 500.24, notwithstanding the fact that legal title to the real estate may be held in the name of the family farm corporation. *Valuation of real estate under this section is limited to parcels the ownership of which is in noncorporate entities except for family farm corporations organized pursuant to section 500.24. Corporate entities who previously qualified for tax deferral pursuant to this section and who continue to otherwise qualify under subdivisions 3 and 6 for a period of at least three years following the effective date of this section will not be required to make payment of the previously deferred taxes, notwithstanding the provisions of subdivision 9. Sale of the land prior to the expiration of the three-year period shall result in payment of deferred taxes as follows: sale within the first year requires payment of payable 1980, 1981, and 1982 deferred taxes; sale during the second year requires payment of payable 1981 and 1982 taxes deferred; and sale at any time during the third year will require payment of payable 1983 taxes deferred. Deferred taxes shall be paid even if the land qualifies pursuant to subdivision 11a. Special assessments are payable at the end of the three-year period or at time of sale, whichever comes first.*

Sec. 7. Minnesota Statutes 1982, section 273.112, subdivision 7, is amended to read:

Subd. 7. When real property which is being, or has been, valued and assessed under this section (IS SOLD OR) no longer qualifies under subdivision 3, (THE PORTION SOLD OR) the portion which no longer qualifies (UNDER SUBDIVISION 3) shall be subject to additional taxes, in the amount equal to the difference between the taxes determined in accordance with subdivision 4, and the amount determined under subdivision 5, provided, however, that the amount determined under subdivision 5 shall not be greater than it would have been had the actual bona fide sale price of the real property at an arms length transaction been used in lieu of the market value determined under subdivi-

sion 5. (SUCH) *The additional taxes shall be extended against the property on the tax list for the current year, provided, however, that no interest or penalties shall be levied on (SUCH) the additional taxes if timely paid, and provided further, that (SUCH) the additional taxes shall only be levied with respect to the last seven years that the (SAID) property has been valued and assessed under this section.*

Sec. 8. Minnesota Statutes 1982, section 273.112, is amended by adding a subdivision to read:

*Subd. 10. When real property qualifying under subdivision 3 is sold, no additional taxes shall be extended against the property if (a) the property continues to qualify pursuant to subdivision 3 and (b) the purchaser files an application for continued deferment of taxes pursuant to subdivision 6 within 30 days after the sale.*

Sec. 9. Minnesota Statutes 1982, section 273.13, subdivision 4, is amended to read:

Subd. 4. [CLASS 3.] (a) Tools, implements and machinery of an electric generating, transmission or distribution system or a pipeline system transporting or distributing water, gas, or petroleum products or mains and pipes used in the distribution of steam or hot or chilled water for heating or cooling buildings, which are fixtures, all agricultural land, except as provided by classes 1, 3b, 3e, (ALL BUILDINGS AND STRUCTURES ASSESSED AS PERSONAL PROPERTY AND SITUATED UPON LAND OF THE STATE OF MINNESOTA OR THE UNITED STATES GOVERNMENT WHICH IS RURAL IN CHARACTER AND DEVOTED OR ADAPTABLE TO RURAL BUT NOT NECESSARILY AGRICULTURAL USE) shall constitute class 3 and shall be valued and assessed at 33-1/3 percent of the market value thereof, except as provided in clause (b). *All buildings and structures assessed as personal property and situated upon land of the state of Minnesota or the United States government which is rural in character and devoted or adaptable to rural but not necessarily agricultural use shall be assessed based upon the use made of the building or structure.* Except as provided in subdivision 5a, all real property devoted to temporary and seasonal residential occupancy for recreational purposes, and which is not devoted to commercial purposes for more than 200 days in the year preceding the year of assessment, shall be class 3 property and assessed accordingly. For this purpose, property is devoted to commercial use on a specific day if it is used, or offered for use, and a fee is charged for such use. Class 3 shall also include commercial use real property used exclusively for recreational purposes in conjunction with class 3 property devoted to temporary and seasonal residential occupancy for recreational purposes, up to a total of two acres, provided the property is not devoted to commercial recreational use for more than 200 days in the year preceding the year of

assessment and is located within two miles of the class 3 property with which it is used.

(b) Agricultural land which is classified as class 3 shall be assessed at 19 percent of its market value. Real property devoted to temporary and seasonal residential occupancy for recreation purposes which is classified as class 3 shall be assessed at 21 percent of its market value.

Sec. 10. Minnesota Statutes 1982, section 273.13, subdivision 16, is amended to read:

Subd. 16. [HOMESTEAD ESTABLISHED AFTER ASSESSMENT DATE.] (1) Any property which was not used for the purpose of a homestead on the assessment date, but which was used for the purpose of a homestead on June 1 of such year, shall constitute class 3b, class 3c or class 3cc, as the case may be, to the extent of one-half of the valuation which would have been includible in such class and one-half the homestead tax credit to which it would have been entitled had the property been used as a homestead on both such dates.

(2) Any taxpayer meeting the requirements of clause (1) must notify the county assessor, or the assessor who has the powers of the county assessor pursuant to section 273.063, in writing, prior to June 15 of such year in order to qualify thereunder.

The county assessor and the county auditor are hereby empowered to make the necessary changes on their assessment and tax records to provide for proper homestead classification and credit as provided in clauses (1) and (2).

(3) The owner of any property qualifying under this subdivision, which has not been accorded the benefits of this subdivision, regardless of whether or not the notification required in clause (2) has been timely filed, may be entitled to receive such benefits by proper application as provided in sections 270.07 or 375.192.

*The county assessor shall cause to be published in a newspaper of general circulation within the county no later than June 1 of each year a notice to the public informing them of the requirement to file an application for homestead prior to June 15.*

Sec. 11. Minnesota Statutes 1982, section 273.13, is amended by adding a subdivision to read:

Subd. 21. [LIMITATION ON HOMESTEAD CLASSIFICATION.] *In those cases where the assessor has classified property as both homestead and nonhomestead, only the values at-*

*tributable to the portion of the property classified as 3b, 3c, or 3cc shall be entitled to homestead treatment.*

*Except for buildings classified pursuant to section 273.13, subdivision 19, if the portion of a building used as the owner's homestead is separate from other dwelling units in the building, only the owner's residence plus the land attributable to the residence is to receive either the 3b, 3c, or 3cc classification.*

Sec. 12. Minnesota Statutes 1982, section 275.50, subdivision 2, is amended to read:

Subd. 2. [GOVERNMENTAL SUBDIVISION.] "Governmental subdivision" means a county, home rule charter city, statutory city, or town (OR SPECIAL TAXING DISTRICT DETERMINED BY THE DEPARTMENT OF REVENUE), except a town that has a population of less than 5,000 according to the most recent federal census, provided that the population of an incorporated municipality located within the boundaries of a town is not included in the population of the town. The term does not include school districts (OR), the metropolitan transit commission created pursuant to section 473.404, or special taxing districts as determined by the department of revenue.

Sec. 13. Minnesota Statutes 1982, section 276.02, is amended to read:

#### 276.02 [TREASURER TO BE COLLECTOR.]

The county treasurer shall be the receiver and collector of all the taxes extended upon the tax lists of the county, whether levied for state, county, city, town, school, poor, bridge, road, or other purposes and of all fines, forfeitures, or penalties received by any person or officer for the use of the county. He shall proceed to collect the same according to law and place the same when collected to the credit of the proper funds. This section shall not apply to fines and penalties accruing to municipal corporations for the violation of their ordinances which are recoverable before a city justice. *The county board shall by resolution authorize the treasurer to impose a \$10 charge for any checks returned due to insufficient funds.*

Sec. 14. Minnesota Statutes 1982, section 276.04, is amended to read:

#### 276.04 [NOTICE OF RATES; PROPERTY TAX STATEMENTS.]

On receiving the tax lists from the county auditor, the county treasurer shall, if directed by the county board, give three weeks' published notice in a newspaper specifying the rates of taxation for all general purposes and the amounts raised for each specific



purpose. He shall, whether or not directed by the county board, cause to be printed on all tax statements, or on an attachment, a tabulated statement of the dollar amount due to each taxing authority and the amount to be paid to the state of Minnesota from the parcel of real property for which a particular tax statement is prepared. The dollar amounts due the state, county, township or municipality and school district shall be separately stated but the amounts due other taxing districts, if any, may be aggregated. *The dollar amounts shall be rounded off to the nearest even whole dollar.* The property tax statements for class 2a property shall contain the same information that is required on the tax statements for real property. The county treasurer shall mail to taxpayers statements of their personal property taxes due, such statements to be mailed not later than February 15 (except in the case of Class 2a property), statements of the real property taxes due shall be mailed not later than January 31; provided, that the validity of the tax shall not be affected by failure of the treasurer to mail such statement. Such real and personal property tax statements shall contain the market value, as defined in section 272.03, subdivision 8, used in determining the tax. The statement shall show the amount attributable to section 124.2137 as "state paid agricultural credit" and the amount attributable to section 273.13, subdivisions 6 and 7 as "state paid homestead credit". The statement shall show the reduction attributable to the aid given pursuant to section 273.139 and shall indicate that the reduction is paid by the state of Minnesota. If so directed by the county board, the treasurer shall visit places in the county as he deems expedient for the purpose of receiving taxes and the county board is authorized to pay the expenses of such visits and of preparing duplicate tax lists.

Sec. 15. Minnesota Statutes 1982, section 276.10, is amended to read:

**276.10 [APPORTIONMENT AND DISTRIBUTION OF FUNDS.]**

On the settlement day in March, June, and November of each year, the county auditor and county treasurer shall distribute all undistributed funds in the treasury, apportioning them, as provided by law, and placing them to the credit of the state, town, city, school district, special district and each county fund. Within 20 days after the distribution is completed, the county auditor shall make a report of it to the state auditor in the form prescribed by the state auditor. The county auditor shall issue his warrant for the payment of moneys in the county treasury to the credit of the state, town, city, school district, or special districts on application of the persons entitled to receive them. *The county auditor may apply the mill rate from the year previous to the year of distribution when apportioning and distributing delinquent tax proceeds, provided that the composition of the previous year's mill rate between taxing districts is not*

*significantly different than that which existed for the year of the delinquency.*

Sec. 16. Minnesota Statutes 1982, section 277.02, is amended to read:

**277.02 [DELINQUENT LIST FILED IN COURT.]**

On the (TENTH) last secular day of July, of each year, the county treasurer shall make a list of all personal property taxes remaining delinquent July first, and shall immediately certify to and file the same with the clerk of the district court of his county, and upon such filing the list shall be prima facie evidence that all of the provisions of law in relation to the assessment and levy of such taxes have been complied with.

Sec. 17. Minnesota Statutes 1982, section 282.01, subdivision 7a, is amended to read:

Subd. 7a. [ALTERNATE SALE PROCEDURE.] Land located in a home rule charter or statutory city, or in a town described in section 368.01, subdivision 1, which cannot be improved because of noncompliance with local ordinances regarding minimum area, shape, frontage or access may be sold by the county auditor pursuant to this subdivision if the auditor determines that a nonpublic sale will encourage the approval of sale of the land by the city or town and promote its return to the tax rolls. *If the physical characteristics of the land indicate that its highest and best use will be achieved by combining it with an adjoining parcel and the city or town has not adopted a local ordinance governing minimum area, shape, frontage, or access, the land may also be sold pursuant to this subdivision.* The sale of land pursuant to this subdivision shall be subject to any conditions imposed by the county board pursuant to section 282.03. The governing body of the city or town may recommend to the county board conditions to be imposed on the sale. The county auditor may restrict the sale to owners of lands adjoining the land to be sold. The county auditor shall conduct the sale by sealed bid or may select another means of sale. The land shall be sold to the highest bidder but in no event shall the land be sold for less than its appraised value. All owners of land adjoining the land to be sold shall be given a written notice at least 30 days prior to the sale.

This subdivision shall be liberally construed to encourage the sale and utilization of tax-forfeited land, to eliminate nuisances and dangerous conditions and to increase compliance with land use ordinances.

Sec. 18. Minnesota Statutes 1982, section 282.33, subdivision 1, is amended to read:

Subdivision 1. Whenever an unrecorded deed from the state of Minnesota conveying tax-forfeited lands shall have been lost or destroyed, an application, in form approved by the attorney general, for a new deed may be made by the grantee or his successor in interest to the commissioner of revenue. If it appears to the commissioner of revenue that the facts stated in the petition are true, he shall issue a new deed to the original grantee, in form approved by the attorney general, with like effect as the original deed. The application shall be accompanied by a fee of (\$3) \$10, payable to the commissioner of revenue, which shall be deposited with the state treasurer and credited to the general fund.

Sec. 19. Minnesota Statutes 1982, section 287.08, is amended to read:

287.08 [TAX, HOW PAYABLE; RECEIPTS.]

The tax imposed by sections 287.01 to 287.12 shall be paid to the treasurer of the county in which the mortgaged land or some part thereof is situated at or before the time of filing the mortgage for record or registration. The treasurer shall endorse his receipt on the mortgage, countersigned by the county auditor, who shall charge the amount to the treasurer and such receipt shall be recorded with the mortgage, and such receipt of the record thereof shall be conclusive proof that the tax has been paid to the amount therein stated and authorize any county recorder to record the mortgage. Its form, in substance, shall be "registration tax hereon of \_\_\_\_\_ dollars paid." If the mortgages be exempt from taxation the endorsement shall be "exempt from registration tax," to be signed in either case by the treasurer as such, and in case of payment to be countersigned by the auditor. In case the treasurer shall be unable to determine whether a claim of exemption should be allowed, the tax shall be paid to the clerk of the district court of the county to abide the order of such court made upon motion of the county attorney, or of the claimant upon notice as required by the court. When any such mortgage covers real property situate in more than one county in this state the whole of such tax shall be paid to the treasurer of the county where the mortgage is first presented for record or registration, and the payment shall be receipted and countersigned as above provided (, AND SUCH). *When the amount of the tax is \$100 or more, the tax shall be divided and paid over by the county treasurer receiving the same, on or before the tenth day of each month after receipt thereof, to the county or counties entitled thereto in the ratio which the (ASSESSED) market value of the real property covered by the mortgage in each county bears to the (ASSESSED) market value of all the property described in the mortgage. In making such division and payment the county treasurer shall send therewith a statement giving the description of the property described in the mortgage and the (ASSESSED) market value of the part thereof situate in each county. For the purpose aforesaid, the*

treasurer of any county may require the treasurer of any other county to certify to him the (ASSESSED) *market* valuation of any tract of land in any such mortgage.

Sec. 20. Minnesota Statutes 1982, 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 the property and the Minnesota estate tax due with respect to 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 the commissioner has delegated functions under this chapter.

(8) "Internal Revenue Code" means the United States Internal Revenue Code of 1954 as amended through December 31, (1981) 1982.

(9) "Surviving spouse" means a person legally married to the decedent at time of death, either pursuant to section 517.01 for marriages contracted in Minnesota or pursuant to the governing laws in the locale where the marriage occurred.

Sec. 21. Minnesota Statutes 1982, section 291.03, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] The tax 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:

10 percent on the first \$100,000,

11 percent on the next \$500,000 or part thereof,

12 percent on the excess, 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 BE IN THE) same proportion of the maximum credit allowable under section 2011 of the Internal Revenue Code for state death taxes described herein as the Minnesota gross estate bears to the value of the federal gross estate. *The tax determined under this paragraph shall not be greater than the maximum credit allowable under section 2011 of the Internal Revenue Code.*

Sec. 22. Minnesota Statutes 1982, section 291.07, subdivision 1, is amended to read:

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)), (6), and (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)) (6) 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)) (7) liens and mortgages on property subject to taxation under this chapter which are not deductible as claims or debts of the decedent.

Sec. 23. Minnesota Statutes 1982, 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 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 14. 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 180 days of receipt of the subsequent original, amended or supplemental return.

(6) Subject to the provisions of (SECTION) *sections 291.11 and 291.215*, 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 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, 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. 24. Minnesota Statutes 1982, section 291.131, subdivision 6, is amended to read:

Subd. 6. The amount of tax not timely paid, including the amount of unpaid tax when the taxpayer elects to pay the tax in installments, together with any penalty provided by this section, shall bear interest at the rate specified in section 270.75 from the time such tax should have been paid *if no extension had been granted or election to pay the tax in installments had been made* until paid. All interest and penalty shall be added to the tax and collected as a part thereof.

Sec. 25. Minnesota Statutes 1982, section 291.132, subdivision 1, is amended to read:

Subdivision 1. The commissioner may extend the time for filing returns or making payment of the tax, without penalty, for a period not to exceed six months. In lieu of the six month extension, the commissioner may extend the time for payment of the tax, without penalty, for a period not to exceed two years if the payment of the tax would result in an undue hardship on the estate. The written request for the undue hardship extension shall be made to the commissioner no later than nine months after the death of the person from whom the transfer is made. The taxpayer may elect to pay the taxes in installments as specified in section 291.11, subdivision 1, provided that the period of time for the payment of the taxes shall not exceed five years from the expiration of the extension granted by the commissioner. Where an extension of time has been granted (**INTEREST SHALL BE PAYABLE AT THE RATE SPECIFIED IN SECTION 270.75 FROM THE DATE WHEN SUCH PAYMENT SHOULD HAVE BEEN MADE, IF NO EXTENSION HAD BEEN GRANTED, UNTIL SUCH TAX IS PAID**) *for payment, interest shall be paid at the rate specified in section 270.75 from the date when payment should have been made if no extension had been granted, until the tax is paid. When an election has been made to pay the tax in installments, interest shall be paid at the rate specified in section 270.75 from the date when payment of the tax should have been made if no election to pay the tax in installments had been made.*



Sec. 26. Minnesota Statutes 1982, section 291.215, subdivision 3, is amended to read:

Subd. 3. The personal representative shall file an amended estate tax return within 90 days after any amended estate tax return is filed pursuant to the provisions of the United States Internal Revenue Code. If no amended federal estate tax return is filed but the federal estate tax return is changed or corrected, the (CHANGE OR CORRECTION SHALL BE REPORTED TO) *personal representative shall file an amended estate tax return with the commissioner of revenue within 90 days after the final determination of the change or correction is made. (UPON RECEIPT OF AN AMENDED FEDERAL ESTATE TAX RETURN OR UPON NOTIFICATION OF ANY CHANGE OR CORRECTION MADE ON THE FEDERAL ESTATE TAX RETURN) If the personal representative fails to file an amended estate tax return, the commissioner of revenue may reassess the estate tax.*

Sec. 27. Minnesota Statutes 1982, section 295.365, is amended to read:

**295.365 [DECLARATIONS OF ESTIMATED GROSS EARNINGS TAX BY TELEGRAPH AND TELEPHONE COMPANIES.]**

Every telegraph company subject to taxation pursuant to section 295.32 and every telephone company subject to taxation pursuant to section 295.34, shall make a declaration of estimated gross earnings tax for the calendar year *if the gross earnings tax can reasonably be expected to be in excess of \$1,000.* The declaration of estimated tax shall be filed on or before March 15. The amount of estimated tax with respect to which a declaration is required shall be paid in four equal installments on or before the 15th day of March, June, September, and December. An amendment of a declaration may be filed in any interval between installment dates prescribed above but only one amendment may be filed in each such interval.

If any amendment of a declaration is filed, the amount of each remaining installment shall be the amount which would have been payable if the new estimate had been made when the first estimate for the calendar year was made, increased or decreased, as the case may be, by the amount computed by dividing

(1) the difference between (A) the amount of estimated tax required to be paid before the date on which the amendment was made, and (B) the amount of estimated tax which would have been required to be paid before such date if the new estimate had been made when the first estimate was made, by

(2) the number of installments remaining to be paid on or after the date on which the amendment is made.

The commissioner of revenue may grant a reasonable extension of time for filing any declaration but such extension shall not be for more than six months.

Sec. 28. Minnesota Statutes 1982, section 295.366, subdivision 1, is amended to read:

Subdivision 1. [ADDITION TO THE TAX.] In case of any underpayment of estimated tax by a telegraph or telephone company, except as provided in subdivision 4, there shall be added to the tax for the taxable year an amount determined at the rate specified in section 270.75 upon the amount of the underpayment (determined under subdivision 2) for the period of the underpayment (determined under subdivision 3). *For taxable years beginning after December 31, 1982, the amount in lieu of interest for that taxable year shall be the amount determined in section 270.75 for January 1 on which begins the taxable year or precedes the beginning of the taxable year.*

Sec. 29. Minnesota Statutes 1982, section 296.17, subdivision 3, is amended to read:

Subd. 3. [REFUNDS ON GASOLINE AND SPECIAL FUEL USED IN OTHER STATES.] Every person regularly or habitually operating motor vehicles upon the public highways of any other state or states and using in said motor vehicles gasoline or special fuel purchased or obtained in this state, shall be allowed a credit or refund equal to the tax on said gasoline or special fuel paid to this state on the gasoline or special fuel actually used in the other state or states. No credit or refund shall be allowed under this subdivision for taxes paid to any state which imposes a tax upon gasoline or special fuel purchased or obtained in this state and used on the highways of such other state, and which does not allow a similar credit or refund for the tax paid to this state on gasoline or special fuel purchased or acquired in such other state and used on the highways of this state. Every person claiming a credit or refund under this subdivision shall file, within 30 days after the tax to such other state, or states, is paid, a report in such form as may be prescribed by the commissioner, together with such proof of the payment of the tax, and of the fact that it was paid on gasoline or special fuel purchased or obtained within this state as the commissioner may require. *The claimant may file up to six months from the date the tax was paid to another state but any refund applied for after 30 days from date of payment shall be reduced by five percent for each 30-day period or portion thereof following the initial 30-day period.*

Sec. 30. Minnesota Statutes 1982, section 296.17, subdivision 17, is amended to read:

Subd. 17. [TRIP PERMITS AND TEMPORARY AUTHORIZATIONS.] (a) A motor carrier may obtain a trip permit which shall authorize an unlicensed motor carrier to operate a commercial motor vehicle in Minnesota for a period of five consecutive days beginning and ending on the dates specified on the face of the permit. The fee for such permit shall be (\$5) \$15. Fees for trip permits shall be in lieu of the road tax otherwise assessable against such motor carrier on account of such commercial motor vehicle operating therewith, and no reports of mileage shall be required with respect to such vehicle.

The above permit shall be issued in lieu of license if in the course of the motor carrier's operations he operates on Minnesota highways no more than three times in any one calendar year.

(b) Whenever the commissioner is satisfied that unforeseen or uncertain circumstances have arisen which requires a motor carrier to operate in this state a commercial motor vehicle for which neither a trip permit pursuant to clause (a) of this subdivision nor a license pursuant to subdivisions 7 to 22 has yet been obtained, and if the commissioner is satisfied that prohibition of such operation would cause undue hardship, the commissioner may provide the motor carrier with temporary authorization for the operation of such vehicle. A motor carrier receiving temporary authorization pursuant to this subdivision shall perfect the same either by obtaining a trip permit or a license, as the case may be, for the vehicle at the earliest practicable time.

Sec. 31. Minnesota Statutes 1982, section 297.03, subdivision 10, is amended to read:

Subd. 10. [DISTRIBUTION OF FREE SAMPLE PACKAGES.] The commissioner may authorize distribution in Minnesota of free packages of cigarettes without affixing stamps to said packages by the following persons provided that monthly reports and payment of a tax at the same rates prescribed by section 297.02, subdivision 1, shall be made directly to the commissioner (IN THE MANNER AND) under the terms provided for by (HIM) *the commissioner*:

(1) Any manufacturer, providing such packages contain not more than (TEN) 20 cigarettes each;

(2) Any person engaged as a common carrier in the transportation of persons, who purchases packages of cigarettes from a manufacturer for distribution without charge, provided that no such package shall contain more than (TEN) 20 cigarettes.

*All packages distributed pursuant to this section shall be marked "Complimentary—Not For Sale." The commissioner*

*shall promulgate rules providing for the procedures to be complied with by any person distributing free sample packages.*

Sec. 32. Minnesota Statutes 1982, section 340.485, subdivision 1, is amended to read:

Subdivision 1. [MANNER AND TIME OF PAYMENT; PENALTIES; DEPOSIT OF TAX PROCEEDS.] The tax on wines and spirituous liquors, on which the excise tax has not been previously paid, shall be paid to the commissioner of revenue by persons having on file with the commissioner of revenue a sufficient bond as provided in subdivision 2 on or before the tenth day of the month following the month in which the first sale is made in this state by a licensed manufacturer or wholesaler. Every such person liable for any tax on wines or spirituous liquors imposed by section 340.47 shall file with the commissioner of revenue on or before the tenth day of the month following first sale in this state by a licensed manufacturer or wholesaler a return in such form and showing such information as the commissioner of revenue shall by rule prescribe, and shall keep records and render reports as the commissioner of revenue shall by rule prescribe. (IF THE EXCISE TAX IS NOT PAID WHEN DUE, THERE SHALL BE ADDED TO THE TAX AN AMOUNT EQUIVALENT TO FIVE PERCENT PER MONTH FROM THE DATE THE TAX BECAME DUE UNTIL PAID. IF ANY PERSON FILES A FALSE OR FRAUDULENT RETURN, THERE SHALL BE ADDED TO THE TAX A SUM EQUIVALENT TO 100 PERCENT OF THE AMOUNT OF THE TAX EVADED OR ATTEMPTED TO BE EVADED.) Any person liable for any tax on wines or spirituous liquors not having on file a sufficient bond shall pay the tax within 24 hours after first sale in this state. The commissioner of revenue shall pay all moneys received in the general fund. The commissioner of revenue may certify to the commissioner of public safety any failure to pay taxes when due as a violation of a statute relating to the sale of intoxicating liquor for possible revocation or suspension of license under section 340.135.

*If any person fails to pay the tax within the time specified or within 30 days after final determination of an appeal to the Minnesota tax court relating thereto, there shall be added a penalty equal to ten percent of the amount so remaining unpaid. The penalty shall be collected as part of the tax, and the amount of the tax not timely paid, together with the penalty, shall bear interest at the rate specified in section 270.75 from the time the tax should have been paid until paid.*

Sec. 33. Minnesota Statutes 1982, section 340.485, is amended by adding a subdivision to read:

Subd. 5. [FAILURE TO FILE RETURN; PENALTY.] *In case of any failure to make and file a return as required by this chapter within the time prescribed by law or prescribed by the*

*commissioner in pursuance of law, unless it is shown that the failure is not due to wilful neglect, there shall be added to the tax in lieu of the ten percent specific penalty provided in subdivision 1: ten percent if the failure is for not more than 30 days with an additional five percent for each additional 30 days or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate. The amount added to any tax shall be collected at the same time and in the same manner and as a part of the tax, and the amount of tax together with the amount added shall bear interest at the rate specified in section 270.75 from the time the tax should have been paid until paid unless the tax has been paid before the discovery of the neglect, in which case the amount added shall be collected in the same manner as the tax.*

*For the purposes of this subdivision, the amount of any taxes required to be shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credit against the tax which may be claimed upon the return.*

Sec. 34. Minnesota Statutes 1982, section 340.485, is amended by adding a subdivision to read:

**Subd. 6. [INTENT TO EVADE TAX; FAILURE TO FILE OR FILING FALSE RETURN; PENALTY.]** *Where any person, with intent to evade the tax, fails to file any return required or shall with intent file a false or fraudulent return, there shall also be imposed upon the person an additional penalty equal to 50 percent of any tax (less any amount paid on the basis of the false or fraudulent return) found due for the period to which the return related. The penalty imposed by this subdivision shall be collected as part of the tax and shall be in addition to any other penalties provided by law.*

Sec. 35. Minnesota Statutes 1982, section 340.492, is amended to read:

**340.492 [MANNER AND TIME OF PAYMENT; PENALTIES; DEPOSIT OF TAX PROCEEDS.]**

**Subdivision 1. [FILING DATE; TIME OF PAYMENT.]** The commissioner of revenue shall issue rules adopting the reporting method for paying and collecting the excise tax on fermented malt beverages. The rules shall require reports to be filed with and the excise tax to be paid to the commissioner on or before the fifteenth day of the month following the month in which the importation into or the first sale is made in this state, whichever first occurs. If the excise tax is not paid when due, there shall be added to the amount of the tax as penalty a sum equivalent to ten percent thereof, and in addition thereto interest on the tax and penalty at the rate of 20 percent per annum, adjusted

as provided in section 270.75, from the date the tax became due until paid. The commissioner shall deposit all moneys received in the funds as provided by section 340.47, subdivision 2.

*Subd. 2. [FAILURE TO FILE RETURN.] In case of any failure to make and file a return as required by this chapter within the time prescribed by law or prescribed by the commissioner in pursuance of law, unless it is shown that the failure is not due to wilful neglect, there shall be added to the tax in lieu of the ten percent specific penalty provided in subdivision 1: ten percent if the failure is for not more than 30 days with an additional five percent for each additional 30 days or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate. The amount added to any tax shall be collected at the same time and in the same manner and as a part of the tax, and the amount of tax together with the amount added shall bear interest at the rate specified in section 270.75 from the time the tax should have been paid until paid unless the tax has been paid before the discovery of the neglect, in which case the amount added shall be collected in the same manner as the tax.*

*For purposes of this subdivision, the amount of any taxes required to be shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credit against the tax which may be claimed upon the return.*

*Subd. 3. [INTENT TO EVADE TAX; FAILURE TO FILE OR FILING FALSE RETURN.] Where any person, with intent to evade the tax, fails to file any return required or shall with such intent file a false or fraudulent return, there shall also be imposed upon the person an additional penalty equal to 50 percent of any tax (less any amount paid on the basis of the false or fraudulent return) found due for the period to which the return related. The penalty imposed by this subdivision shall be collected as part of the tax and shall be in addition to any other penalties provided by law.*

Sec. 36. Minnesota Statutes 1982, section 505.04, is amended to read:

505.04. [RECORDING.]

Every plat, when duly certified, signed, and acknowledged, as provided in section 505.03, and upon presentation of a certificate from the county auditor that the current year's taxes have been paid, shall be filed and recorded in the office of the county recorder.

Sec. 37. Minnesota Statutes 1982, section 524.3-1001, is amended to read:

524.3-1001 [FORMAL PROCEEDINGS TERMINATING ADMINISTRATION; TESTATE OR INTESTATE; ORDER OF DISTRIBUTION, DECREE, AND GENERAL PROTECTION.]

(a) (1) A personal representative or any interested person may petition for an order of complete settlement of the estate. The personal representative may petition at any time, and any other interested person may petition after one year from the appointment of the original personal representative except that no petition under this section may be entertained until the time for presenting claims which arose prior to the death of the decedent has expired. The petition may request the court to determine testacy, if not previously determined, to consider the final account or compel or approve an accounting and distribution, to construe any will or determine heirs and adjudicate the final settlement and distribution of the estate. After notice to all interested persons, *submission of a copy of the final account to the commissioner of revenue*, and hearing the court may enter an order or orders, on appropriate conditions, determining the persons entitled to distribution of the estate, and, as circumstances require, approving settlement and directing or approving distribution of the estate and discharging the personal representative from further claim or demand of any interested person.

(2) In such petition for complete settlement of the estate, the petitioner may apply for a decree. Upon the hearing, if in the best interests of interested persons, the court may issue its decree which shall determine the persons entitled to the estate and assign the same to them in lieu of ordering the assignment by the personal representative. The decree shall name the heirs and distributees, state their relationship to the decedent, describe the property, and state the proportions or part thereof to which each is entitled. In the estate of a testate decedent, no heirs shall be named in the decree unless all heirs be ascertained.

(3) In solvent estates, the hearing may be waived by written consent to the proposed account and decree of distribution or order of distribution by all heirs or distributees, and *submission of a copy of the final account to the commissioner of revenue*. The court may then enter its order allowing the account and issue its decree or order of distribution.

(4) Where a decree or order for distribution is issued, the personal representative shall not be discharged until all property is paid or transferred to the persons entitled thereto, and has otherwise fully discharged his trust. If objections are filed with the court by the commissioner of revenue, no discharge shall be issued until the objections are determined. If no objection is filed, the court shall have the power to settle and distribute the estate and discharge the personal representative without regard to tax obligations.

(b) If one or more heirs or devisees were omitted as parties in, or were not given notice of, a previous formal testacy proceeding, the court, on proper petition for an order of complete settlement of the estate under this section, and after notice to the omitted or unnotified persons and other interested parties determined to be interested on the assumption that the previous order concerning testacy is conclusive as to those given notice of the earlier proceeding, may determine testacy as it affects the omitted persons and confirm or alter the previous order of testacy as it affects all interested persons as appropriate in the light of the new proofs. In the absence of objection by an omitted or unnotified person, evidence received in the original testacy proceeding shall constitute prima facie proof of due execution of any will previously admitted to probate, or of the fact that the decedent left no valid will if the prior proceedings determined this fact.

Sec. 38. Minnesota Statutes 1982, section 524.3-1003, is amended to read:

524.3-1003. [CLOSING ESTATES; BY SWORN STATEMENT OF PERSONAL REPRESENTATIVE.]

(a) Unless prohibited by order of the court and except for estates being administered in supervised administration proceedings, a personal representative may close an estate by filing with the court no earlier than six months after the date of original appointment of a general personal representative for the estate, a statement stating that he, or a prior personal representative whom he has succeeded, has or have:

(1) published notice to creditors and that the first publication occurred more than six months prior to the date of the statement;

(2) fully administered the estate of the decedent by making payment, settlement or other disposition of all claims which were presented, expenses of administration and estate and other taxes, except as specified in the statement, and that the assets of the estate have been inventoried and distributed to the persons entitled. If any claims, expenses or taxes remain undischarged, the statement shall state in detail other arrangements which have been made to accommodate outstanding liabilities; and

(3) sent a copy thereof to the commissioner of revenue and to all distributees of the estate and to all creditors or other claimants of whom he is aware whose claims are neither paid nor barred and has furnished a full account in writing of his administration to the distributees whose interests are affected thereby.



(b) If no proceedings involving the personal representative are pending in the court one year after the closing statement is filed, the appointment of the personal representative terminates. Letters of appointment remain in full force until one year after the filing of the closing statement at which time the authority of the personal representative shall terminate.

Sec. 39. Minnesota Statutes 1982, section 524.3-1204, is amended to read:

524.3-1204 [SMALL ESTATES; CLOSING BY SWORN STATEMENT OF PERSONAL REPRESENTATIVE.]

(a) Unless prohibited by order of the court and except for estates being administered by supervised personal representatives, a personal representative may close an estate administered under the summary procedures of section 524.3-1203 by filing with the court, at any time after disbursement and distribution of the estate, a statement stating that:

(1) to the best knowledge of the personal representative, the entire estate, less liens and encumbrances, did not exceed an exempt homestead as provided for in section 525.145, the allowances provided for in section 525.15, costs and expenses of administration, reasonable funeral expenses, and reasonable, necessary medical and hospital expenses of the last illness of the decedent;

(2) the personal representative has fully administered the estate by disbursing and distributing it to the persons entitled thereto; and

(3) the personal representative has sent a copy of the closing statement to the commissioner of revenue and to all distributees of the estate and to all creditors or other claimants of whom he is aware whose claims are neither paid nor barred and has furnished a full account in writing of his administration to the distributees whose interests are affected.

(b) If no actions or proceedings involving the personal representative are pending in the court one year after the closing statement is filed, the appointment of the personal representative terminates.

(c) A closing statement filed under this section has the same effect as one filed under section 524.3-1003.

Sec. 40. [REPEALER.]

(a) Minnesota Statutes 1982, sections 272.022; 272.023; 272.024; 273.13, subdivision 18; 273.23; 273.24; 273.28; 273.29;

273.30; 273.31; 273.34; 273.44; 273.45; 273.52; 288.01; 288.02; 288.03; 288.04; 288.05; 473F.04; and 477A.04, are repealed.

(b) *Minnesota Statutes 1982, section 291.07, subdivision 3, is repealed.*

Sec. 41. [EFFECTIVE DATE.]

*Sections 1, 2, 4, 5, 10, 13, 17, and 18 are effective July 1, 1983. Sections 3, 6, 9, 12, and 14 are effective for taxes levied in 1983 and thereafter, payable in 1984 and thereafter. Sections 16, 29, 30, and 40, clause (a) are effective the day after final enactment. Section 11 is effective for taxes levied in 1984 and thereafter, payable in 1985 and thereafter. Sections 19, 28, 31, 32, 33, 34, and 35 are effective August 1, 1983. Section 20 is effective for estates of decedents dying after December 31, 1981. Sections 21, 22, 23, 24, 25, 26, 37, 38, 39, and 40, clause (b) are effective for estates of decedents dying on or after July 1, 1983. Section 27 is effective January 1, 1983. Section 36 is effective for plats filed after July 1, 1983."*

Delete the title and insert:

"A bill for an act relating to taxation; increasing the amount of reduced valuations required to be maintained as public record; allowing the commissioner discretion in apportioning levies; increasing the amount of reduction in valuation requiring an opportunity for hearing; allowing county auditors to combine legal descriptions over section lines; excluding certain corporations from receiving agricultural property tax valuation; providing for continued deferred assessment of open space property after certain sales; providing for the assessment of certain class 3 property based upon its use; requiring publication of certain requirements for obtaining a homestead after the assessment date; providing for split classification of certain homestead property; removing special taxing districts from levy limits; allowing counties to charge for NSF checks; providing for rounding of tax amounts on tax statements; allowing the use of the previous year's mill rate in certain cases when distributing delinquent tax proceeds; changing the date for filing list of delinquent personal property taxes; extending application of the alternate sale procedure; increasing the fee for lost deeds; changing the process for distributing mortgage registration tax proceeds; raising the fee for trip permits; requiring filing of an amended estate tax return in certain situations; clarifying the date interest accrues on estate tax amounts due; providing for department action following the filing of an amended return; requiring state's share of federal credit to not be less than state's share of the estate; providing a definition of surviving spouse for estate tax purposes; requiring filing of final account to commissioner of revenue; changing the requirement for filing a declaration of estimated gross earnings tax; imposing a penalty for failure to pay estimated gross earnings

tax; extending the time allowed to claim gasoline or special fuel tax refunds; changing the requirements relating to distribution of free samples of cigarettes; imposing a penalty for failure to pay the tax on wines and spirituous liquors; conforming penalties for nonpayment of tax on deed to penalties imposed on other taxes; requiring payment of current taxes before a plat is recorded; amending Minnesota Statutes 1982, sections 270.10, subdivisions 1 and 3; 270.12, subdivision 3; 270.19; 272.46, subdivision 2; 273.111, subdivision 3; 273.112, subdivision 7, and by adding a subdivision; 273.13, subdivisions 4 and 16, and by adding a subdivision; 275.50, subdivision 2; 276.02; 276.04; 276.10; 277.02; 282.01, subdivision 7a; 282.33, subdivision 1; 287.08; 291.005, subdivision 1; 291.03, subdivision 1; 291.07, subdivision 1; 291.09, subdivision 3a; 291.131, subdivision 6; 291.132, subdivision 1; 291.215, subdivision 3; 295.365; 295.366, subdivision 1; 296.17, subdivisions 3 and 17; 297.03, subdivision 10; 340.485, subdivision 1, and by adding subdivisions; 340.492; 505.04; 524.3-1001; 524.3-1003; and 524.3-1204; repealing Minnesota Statutes 1982, sections 272.022; 272.023; 272.024; 273.13, subdivision 18; 273.23; 273.24; 273.28; 273.29; 273.30; 273.31; 273.34; 273.44; 273.45; 273.52; 288.01; 288.02; 288.03; 288.04; 288.05; 291.07, subdivision 3; 473F.04; and 477A.04."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 218, A bill for an act relating to crimes; expanding the rights of victims of crime; affirming the right of victims to bring civil 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; requiring criminal justice agencies to inform victims of financial assistance and social services; providing for minimal victim participation in the criminal process; providing penalties; amending Minnesota Statutes 1982, sections 241.26, subdivisions 5 and 6; 243.23, subdivision 3; 571.55, by adding a subdivision; 609.498; and 631.425, subdivision 5; proposing new law coded as Minnesota Statutes, chapter 611A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"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. Sections 1 to 17 are 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. [TERMS DEFINED.] For the purposes of sections 1 to 17, 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 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 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.] "Crime against the person" means any of the following crimes, whether alleged or proved to have been committed by an adult or juvenile: murder in the first, second, or third degree; manslaughter in the first or second degree; adulteration of a substance or distribution of an adulterated substance in violation of section 609.687; assault in the first, second, third, or fourth degree; simple robbery; aggravated robbery; false imprisonment; criminal sexual conduct in the first, second, third, or fourth degree; intrafamilial sexual abuse in the first, second, third, or fourth degree; arson in the first degree; incest; and kidnapping or burglary as defined under section 609.58, subdivision 2, clauses (1)(b) and (2). For the purposes of section 5, "crime against the person" also includes any act which would be a crime against the person 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 against the person but for the fact the act was alleged or found to have been committed by a juvenile.

Subd. 4. [DISPOSITION.] "Disposition" means:

(a) stay of imposition or execution of sentence;

(b) *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 pretrial diversion program;*

(c) *juvenile court dispositions authorized by sections 260.181 to 260.193; or*

(d) *commitment of a convicted person to the state commissioner of corrections or pursuant to sections 609.105, subdivision 3.*

*For the purposes of restitution, "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.]** *"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 prosecuting attorney that the person will be charged in 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.]** *"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.]** *For purposes of sections 7 and 8 "victim" means a natural person who is the victim of a crime as defined by subdivision 3. For purposes of all other sections of this act "victim" means any natural person who is the victim of any crime as defined by subdivision 2. 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.]** *"Juvenile" means an individual under 18 years of age at the time he or she allegedly committed a crime.*

**Subd. 9. [RESTITUTION.]** *"Restitution" means money payment or any other form of compensation made by the offender to one or more victims of his or her crime.*

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 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, 1984.*

*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 of them.*

Sec. 4. Minnesota Statutes 1982, 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);*

(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;*

(c) intentionally prevents or dissuades or attempts to prevent or dissuade, by means of force or threats of injury to person or damage to property, a person from providing information to law enforcement authorities concerning a crime; or

(d) intentionally threatens to cause injury to person, family, or damage to 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. [PENALTY.] 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 prevents or dissuades or attempts to prevent or dissuade by means of any act described in section 609.27, subdivision 1, clause (3), (4), or (5), a person from providing information to law enforcement authorities concerning a crime.

Subd. 4. [SENTENCE.] 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. [RIGHT.] Victims have the right to bring against the offender all civil actions for legal and equitable relief authorized by the common law of this state. Any victim of a crime against the person may bring an action for three times the total amount of the special 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 compensatory or punitive damages by the victim in any case where compensatory or punitive damages would otherwise be allowable by law.

Subd. 2. [SURVIVAL OF ACTION.] If the victim is deceased, or otherwise legally incompetent to commence or con-

*tinue with the action described by subdivision 1, the victim's surviving spouse, next of kin, or legal representative of his or her 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 for it in a form and with sureties as the court may require.*

**Sec. 6. [611A.041] [RIGHT TO NOTICE IN MISDEMEANOR CASES.]**

*Crime victim crisis centers, programs for battered women, and programs for victims of sexual attack have the right to have available to them the following information:*

*In misdemeanor cases, a list prepared by the clerk of the municipal or county court of persons scheduled for sentencing for crimes against the person, containing the date and time scheduled for each sentencing hearing. This list shall be made available on a weekly basis to the victims services programs in the city at least five days before the earliest scheduled sentencing date on the list. The court shall not be required to revise the list if scheduled hearing dates or times are changed, but the victims services programs may obtain information on schedule changes by telephoning the clerk of the municipal or county court.*

*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, any city attorney, any court, any program for battered women, program for victims of sexual attack, or crime victim crisis center, or any employee, servant, or agent of any of these entities.*

**Sec. 7. [611A.031] [PLEA AGREEMENTS; NOTIFICATION.]**

*Subdivision 1. [PLEA AGREEMENTS; NOTIFICATION OF VICTIM.] Prior to a final disposition pursuant to a plea agreement recommendation, a prosecuting attorney shall do all of the following:*

*(a) Inform the victim of the offense or count to which the recommendation pertains that the prosecuting attorney has entered into discussions with the defendant or the attorney for the defendant concerning the possibility of a plea agreement;*



(b) *Inform the victim of the contents of the plea agreement recommendation;*

(c) *Inform the victim of his right to be present at the sentencing hearing and to express in writing any objection he has to the agreement or to the proposed disposition. If the victim is not present when the court considers the recommendation, but has communicated his objections to the prosecuting attorney, the prosecuting authority shall make these objections known to the court.*

*Subd. 2. [NOTIFICATION DUTIES.] A prosecuting authority satisfies the requirements of this section pertaining to informing and notifying the victim of the offense by notifying:*

(a) *The victim's next of kin, if the victim is deceased or his legal guardian or guardian ad litem if the victim is under 18 years of age;*

(b) *The three victims the prosecuting authority believes to have suffered the most, if there are more than three victims of the offense.*

*Subd. 3. [LIABILITY EXCEPTION.] 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, any county attorney, or court. No criminal defendant shall be entitled to any relief because of a prosecuting attorney's failure to notify a victim under this section. The defendant shall be entitled to any relief because of failure to notify a victim under this section.*

Sec. 8. Minnesota Statutes 1982, section 609.115, subdivision 1, is amended to read:

Subdivision 1. When a defendant has been convicted of a misdemeanor, gross misdemeanor, or felony the court may, and when the defendant has been convicted of a felony crime against the person 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. 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.

*If the crime of which the defendant is convicted in criminal court, or found admitted or proven true by juvenile court, is a felony crime against the person, the officer conducting the pre-*

*sentence 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 officer shall also inform the victim of a felony crime against the person of his right to personally appear at the sentencing or juvenile court disposition and to object in writing to the court, prior to the time of sentencing or juvenile court disposition to the proposed sentence or juvenile dispositional alternative, or to the terms of the proposed plea agreement. Failure of the probation, court services, or other 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, court, or other officer to comply with this section or failure of a victim of a felony crime against the person to respond to an officer conducting a presentence investigation does not entitle a defendant to withdraw a plea of guilty.*

*The presentence investigation report shall also include the following information relating to a victim or victims of a felony 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 officer conducting the presentence investigation 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.*

When a defendant has been convicted of a felony, and before sentencing, the court shall cause a sentencing worksheet to be completed to facilitate the application of the Minnesota sentencing guidelines. If a presentence investigation is ordered by the court, the worksheet shall be submitted as part of the presentence investigation report. If a presentence investigation is not ordered by the court, the worksheet shall nonetheless be submitted.

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.

**Sec. 9. [611A.042] [VICTIM'S RIGHT TO EXPRESS WRITTEN OPINION.]**

*Subdivision 1. [VICTIM'S RIGHT TO APPEAR.] The victim of a crime committed by an adult, or by a juvenile prosecuted as an adult pursuant to a reference for prosecution, has the right to be present at the offender's sentencing hearing, and has the right to have an advocate present with him. This section does not establish a right to an advocate for the victim at public expense.*

*Subd. 2. [VICTIM'S RIGHT TO RECOMMEND SENTENCE.] A victim may send a written recommendation to the court stating what sentence or other disposition the victim would recommend in a juvenile court or other court case. To be considered by the court, the recommendation must be received by the appropriate court at least three days prior to sentencing or disposition, excluding Saturdays, Sundays, and legal holidays. The clerk of court shall provide the prosecutor and the offender a copy of the victim's recommendation at least 24 hours before the sentencing or juvenile disposition hearing.*

*Subd. 3. [COURT'S DUTIES.] The court shall consider the victim's objections and recommendations except for any matters not already proven or admitted by the offender and except for recommendations for dispositions or sentences which are not authorized by law.*

**Sec. 10. [611A.043] [VICTIM'S RIGHT TO REQUEST RESTITUTION.]**

*Subdivision 1. [REQUEST PROCEDURES.] A victim of a crime has the right to request that monetary restitution be considered as part of the disposition of a criminal charge or juvenile delinquency proceeding against the offender. The request for restitution shall be made by the victim in writing in affidavit form, stating the victim's unreimbursed loss of wages*

and amount of unreimbursed costs incurred for medical and hospital care for the injury or harm suffered, the market value of any property the victim has lost as a result of the crime which has not been recovered, the estimated dollar amount of any property damage or loss of use of property as a result of the crime, the total dollar amount of restitution claimed, and the reasons justifying this amount. In order to be considered by the court, the request must be received by the clerk of the appropriate court at least three days, excluding Saturdays, Sundays, and legal holidays, before the sentencing or dispositional hearing. The clerk of court shall provide copies of this request to the prosecutor and the offender at least 24 hours before the sentencing or dispositional hearing.

*Subd. 2. [COURT DECISION.]* The court shall order or deny restitution at the hearing at which disposition concerning a crime is made, and the court shall state on the record its reasons for its decision on restitution if a request for restitution has been made by a victim in compliance with this section or by the prosecuting attorney.

*Subd. 3. [RESTITUTION PROCEDURES.]* 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 the county, municipal, or district court of the county wherein the restitution is to be paid. The court shall retain jurisdiction to modify the restitution order during the probationary period. However, the court may not, during the probationary period, increase the amount of restitution or accelerate the restitution payment schedule from the original order.

*Subd. 4. [EFFECT OF ORDER FOR RESTITUTION.]* 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.

*Subd. 5. [RULES.]* 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.

*Subd. 6. [CONCLUSIVE PROOF OF JUDGMENTS.]* 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 sections 5, 11, and 13.*

*Subd. 7. [REPARATIONS BOARD.] If a crime victim has applied for reparations pursuant to 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. 11. Minnesota Statutes 1982, section 241.26, subdivision 5, is amended to read:

Subd. 5. [EARNINGS; WORK RELEASE ACCOUNT.] The net earnings of each inmate participating in a 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. 12. Minnesota Statutes 1982, 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. 13. Minnesota Statutes 1982, 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. 14. Minnesota Statutes 1982, 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. 15. Minnesota Statutes 1982, 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. 16. [611A.044] [RIGHT TO NOTICE OF RELEASE.]**

*The commissioner of corrections or other custodial authority shall make a good faith effort to notify the victim of the scheduled release of the offender from imprisonment or incarceration, other than work release, prior to the release if the victim has mailed to the commissioner of corrections or to the head of the facility in which the offender is confined a written request for this notice. The commissioner or other custodial authority shall be deemed to have made a good faith effort to comply with this section if he mails the notice of impending release to the victim at the address which the victim has most recently provided in writing to the commissioner or other custodial authority.*

**Sec. 17. [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**

**Minnesota Statutes  
1982**

**VICTIM PROGRAMS  
PROGRAM TO AID VICTIMS  
OF 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.802**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. 18. [EFFECTIVE DATE.]

*Sections 1 to 17 are effective August 1, 1983, and apply to crimes committed on or after that date."*

Amend the title as follows:

Page 1, line 8, delete "criminal"

Page 1, line 9, delete everything before "financial" and insert "development of a plan for notifying crime victims about available"

Page 1, line 10, delete "minimal"

Page 1, line 15, before "609.498;" insert "609.115, subdivision 1;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 226, A bill for an act relating to civil actions; authorizing pledges and members of student organizations to maintain actions for self-damages; proposing new law coded in Minnesota Statutes, chapter 127.

Reported the same back with the following amendments:

Page 1, line 23, delete "Minnesota Statutes,"

Page 2, line 7, delete "physical" and insert "bodily"

Page 2, line 12, before "substantial" insert "reasonably foreseeable" delete "danger to his" and insert "bodily harm or death"

Page 2, line 13, delete "life or health"

Page 2, line 16, delete "physical" and insert "bodily"

Page 2, after line 25, insert:

*"Subd. 3. [ACTION FOR WRONGFUL DEATH.] If the pledge or member dies as a result of the acts or conduct described in subdivision 1, an action for wrongful death may be brought pursuant to section 573.02."*

Renumber the subdivisions accordingly

Page 2, line 31, delete the comma and insert a period

Page 2, delete lines 32 and 33

Page 3, line 3, delete "*clauses (a), (b), and (c)*"

Page 3, line 6, delete "*Minnesota Statutes,*"

Page 3, line 8, delete "*Section 1*" and insert "*This act*"

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. 289, A bill for an act relating to the city of St. Paul; authorizing the city to permit, by ordinance, the use of an "on-sale" liquor license issued by the city at the Highland Park and Phalen Park club houses.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 290, A bill for an act relating to health maintenance organizations; authorizing a local governmental unit to operate as a health maintenance organization; requiring the establishment of an advisory body to the organization; amending Minnesota Statutes 1982, sections 62D.02, subdivision 4; 62D.03, subdivisions 1 and 4; 62D.05, subdivision 1; and 62D.06, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 15, after "*governmental unit*" insert "*as defined in subdivision 11*"

Page 1, after line 21, insert

"Sec. 2. Minnesota Statutes 1982, section 62D.02, is amended by adding a subdivision to read:

*Subd. 11. "Local governmental unit" means any statutory or home rule charter city or county."*

Renumber subsequent sections.

Further amend the title:

Page 1, line 7, after "subdivision 4" insert ", and by adding a subdivision"

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. 315, A bill for an act relating to public welfare; defining persons responsible for a child's care under the child abuse reporting law; amending Minnesota Statutes 1982, section 626.556, subdivisions 2 and 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 626.556, subdivision 1, is amended to read:

Subdivision 1. [PUBLIC POLICY.] The legislature hereby declares that the public policy of this state is to protect children whose health or welfare may be jeopardized through physical abuse, neglect or sexual abuse; to strengthen the family and make the home, *school, and community* safe for children (THROUGH IMPROVEMENT OF PARENTAL AND GUARDIAN CAPACITY FOR) *by promoting* responsible child care *in all settings*; and to provide, *when necessary*, a safe temporary or permanent home environment for physically or sexually abused children.

In addition, it is the policy of this state to require the reporting of suspected neglect, physical or sexual abuse of children *in the home, school, and community settings*; to provide for the voluntary reporting of abuse or neglect of children; to require the in-

vestigation of such reports; and to provide protective and counseling services in appropriate cases.

Sec. 2. Minnesota Statutes 1982, 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) a 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 609.364 to 609.3644. 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) "*Person responsible for the child's care*" means a parent, guardian, teacher, school administrator, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, baby sitting, counseling, teaching, and coaching.

((B)) (c) "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; *nor shall anything in this section be construed to impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, and medical care, a duty to provide such care.*

((C)) (d) "Physical abuse" means:

(i) Any physical injury *intentionally* 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)) (e) "Report" means any report received by the local welfare agency, police department or county sheriff pursuant to this section.

((E)) (f) "Facility" means a day care facility or a residential facility as defined in section 245.782.

((F)) (g) "Operator" means an operator or agency as defined in section 245.782.

Sec. 3. Minnesota Statutes 1982, section 626.556, subdivision 7, is amended to read:

Subd. 7. [REPORT.] An oral report shall be made immediately by telephone or otherwise. An oral report made by a person required under subdivision 3 to report shall be followed as soon as possible by a report in writing to the appropriate police department, the county sheriff or local welfare agency. Any report shall be of sufficient content to identify the child, the (PARENT, GUARDIAN, OR OTHER) person responsible for his care, the nature and extent of the child's injuries and the name and address of the reporter. Written reports received by a police department or the county sheriff shall be forwarded immediately to the local welfare agency. The police department or the county sheriff may keep copies of reports received by them. Copies of written reports received by a local welfare department shall be forwarded immediately to the local police department or the county sheriff.

A written copy of a report maintained by personnel of agencies, other than welfare or law enforcement agencies, which are subject to chapter 13 shall be confidential. An individual subject of the report may obtain access to the original report as provided by subdivision 11.

Sec. 4. Minnesota Statutes 1982, section 626.556, subdivision 10, is amended to read:

Subd. 10. [DUTIES OF LOCAL WELFARE AGENCY UPON RECEIPT OF A REPORT.] *If the report alleges neglect, physical abuse, or sexual abuse by a parent, guardian, or individual functioning within the family unit as a person responsible for a child's care, the local welfare agency shall immediately investigate and offer protective social services for purposes of preventing further abuses, safeguarding and enhancing the welfare of the abused or neglected minor, and preserving family life whenever possible. When necessary the local welfare agency shall seek authority to remove the child from the custody of his parent, guardian or adult with whom he is living. In performing any of these duties, the local welfare agency shall maintain appropriate records. If the report alleges neglect, physical abuse, or sexual abuse by an individual functioning outside the family unit as a person responsible for a child's care in a setting other than a facility licensed pursuant to sections 245.781 to 245.812, the local welfare agency shall immediately notify the appro-*

*priate law enforcement agency and shall offer appropriate social services for the purpose of safeguarding and enhancing the welfare of the abused or neglected minor.*

Sec. 5. [EFFECTIVE DATE.]

*This act is effective July 1, 1983."*

Further, delete the title and insert:

"A bill for an act relating to public welfare; defining persons responsible for a child's care under the child abuse reporting law; amending Minnesota Statutes 1982, section 626.556, subdivisions 1, 2, 7, and 10."

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

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 316, A bill for an act relating to insurance; accident and health; extending the period of time during which group coverage is in force for terminated employees who elect this coverage; amending Minnesota Statutes 1982, section 62A.17, subdivisions 2 and 5.

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

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 318, A bill for an act relating to local government; regulating kinds of and charges for water and sewer facilities and services; amending Minnesota Statutes 1982, section 444.075, subdivisions 1 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. 397, A bill for an act relating to economic development; creating the foreign trade agency to promote state economic growth; appropriating money; and proposing new law coded in Minnesota Statutes, chapter 116J.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [FINDINGS.]

*The legislature of the state of Minnesota finds that there is a potential for state economic growth in the area of international trading of Minnesota goods and services; that in particular small- and medium-sized export companies need financial assistance and marketing information; that it is in the best interests of the state and within the public purpose that the state take a more active part in developing and assisting export trade; and that for the state to become involved in foreign trade will stimulate the state economy and provide needed employment for persons in Minnesota.*

Sec. 2. [45.20] [DEFINITIONS.]

*Subdivision 1. [SCOPE.] For the purposes of sections 1 to 6 the following terms have the meanings given them.*

*Subd. 2. [AGENCY.] “Agency” means the Minnesota export agency.*

*Subd. 3. [OFFICE.] “Office” means the export information office.*

Sec. 3. [45.21] [FOREIGN TRADE AGENCY.]

*Subdivision 1. [CREATION; PURPOSE.] There is created the state foreign trade agency within the department of commerce. Its purpose is to promote state economic development by encouraging and supporting small- and medium-sized trading companies to export goods and services. There shall be two divisions in the foreign trade agency known as the export information office and the agency.*

Sec. 4. [45.22] [EXECUTIVE DIRECTOR; STAFF.]

*Subdivision 1. [APPOINTMENT.] The governor shall appoint an executive director of the foreign trade agency. The executive director shall be knowledgeable and responsive to both public and private sector concerns relating to foreign trade and economic development. The executive director shall provide staff who shall serve in the classified service of the state civil service and who shall be assigned to work for the foreign trade agency*

on a continuing basis. The foreign trade agency may request staff support from all other agencies of state government as needed for the execution of its responsibilities. The executive director may hire consultants as needed who shall serve at his or her pleasure in the unclassified service of the state civil service. Other matters relating to the executive director are governed by section 15.06.

Subd. 2. [DUTIES.] The executive director shall administer the foreign trade agency. In addition to other duties delegated by the commissioner of the department of commerce, the executive director shall:

(1) assist public and private universities or colleges to develop undergraduate or graduate level education programs to train persons in the knowledge of export trading; and

(2) coordinate the current international trading activities of various state and local agencies and organizations.

Sec. 5. [45.23] [EXPORT INFORMATION OFFICE.]

Subdivision 1. [PURPOSE; DUTIES.] The export information office of the foreign trade agency shall:

(1) create a world-wide network of foreign communication offices to coordinate foreign trade information and activities and to promote tourism;

(2) compile foreign trade information available from the United States department of commerce and other experienced private sources into readily consumable marketing information;

(3) create a program to assess the potential of foreign investment in Minnesota and promote foreign investment if beneficial to the state;

(4) disseminate to Minnesota businesses, upon direction of the advisory board, collected market information that relates to potential exporting, and to export trading companies, export management companies, and other interested persons; and

(5) prepare a list of firms that provide export support services and disseminate the list to potential exporters to assist their future endeavors.

Subd. 2. [ADVISORY BOARD.] (a) The governor shall appoint an advisory board to establish policy and program goals for the office. The board shall ensure that the two functions of the information division, data collection and marketing outreach, are adequately performed.



(b) *There shall be 13 members of the advisory board appointed by the governor with the advice and consent of the senate. The board shall include the director of the office and board members from the following areas and in the following numbers:*

(1) *two members from export trading or management companies;*

(2) *one member with international finance experience;*

(3) *four members from small- or medium-sized manufacturing processing companies;*

(4) *one member with international transportation experience;*

(5) *two members from state government; and*

(6) *two members with knowledge of international law.*

*Terms, compensation, and removal of board members are governed by section 15.059.*

*Subd. 3. [DIRECTOR.] The governor shall appoint a director of the export information office. Matters relating to the director that are not specifically addressed in this section are governed by section 15.06.*

**Sec. 6. [45:24] [MINNESOTA EXPORT AGENCY.]**

*Subdivision 1. [CREATION; PURPOSE.] The Minnesota export agency is created to aid and facilitate the financing of exports from the state of Minnesota.*

*Subd. 2. [POWERS.] The Minnesota export agency has the power and authority to perform general banking functions and may:*

(a) *lend money; accept bills and drafts; issue, negotiate, and confirm letters of credit;*

(b) *purchase, discount, rediscount, sell, and negotiate notes, draft trade acceptances, bankers acceptances, and other instruments of indebtedness;*

(c) *guarantee indebtedness;*

(d) *insure, co-insure, and reinsure against commercial and foreign credit risks;*

(e) *sue and be sued;*

(f) enter into agreements and transactions with any person, partnership, or corporation, both foreign and domestic, state, federal, and foreign governments and governmental agencies;

(g) acquire and hold personal and real property pursuant to the extension of credit, the providing of insurance, and the granting of guarantees;

(h) borrow money through the issuance of bonds, debentures, notes, and other certificates of indebtedness to the state treasurer, state, federal, and foreign government agencies and financial institutions;

(i) pledge and appropriate collateral;

(j) charge interest and fees;

(k) provide administrative, consultive, and technical services to assist in the financing of exports;

(l) prepare and receive reports regarding credit, insurance, and guarantees in respect of export finance; and

(m) perform all necessary and appropriate operations, administration, processing, and marketing functions related to its general banking functions.

Subd. 3. [STOCK.] The agency shall have capital stock in the amount of \$10,000,000 subscribed by the state. Payment for the stock subscription shall be made by the state treasurer.

Subd. 4. [PRESIDENT AND BOARD OF DIRECTORS.] The governor shall appoint, upon advice and consent of the senate, a president of the agency and a six-member board of directors. The six members shall be as follows: the commissioner of finance, three members with experience in international financing, one private exporter, and one attorney with experience in international law. Members of the board shall be compensated at the rate of \$100 per day spent on board activities, when authorized by the board, plus expenses in the same manner and amount as authorized by the commissioner's plan adopted pursuant to section 43A.18, subdivision 2. The commissioner of finance shall suffer no loss in compensation or benefits from the state as a result of service on the board. Membership terms and removals are governed by section 15.0575. Board members shall perform their duties in a nonselfserving manner and in compliance with section 10A.07.

Subd. 5. [ANNUAL REPORT.] The president and the board of directors shall submit to the governor an annual report on the activities of the agency.

*Subd. 6. [LIABILITY LIMITATION.] The agency may not have at any one time aggregate funded or unfunded liabilities greater than ten times its stated capital, undivided profits, or reserves.*

*Subd. 7. [LOANS, INSURANCE, AND GUARANTEES.] (a) The agency may provide loans, insurance, and guarantees to the following extent:*

- (1) direct loans may not exceed \$40,000,000;*
- (2) insurance may not be provided in excess of \$40,000,000;*
- (3) guarantees may not exceed \$20,000,000.*

*The agency may not provide to any one person a loan, insurance, or guarantee in excess of \$500,000.*

*(b) The policy of the agency is to provide loans, insurance, and guarantees for export credits that would otherwise not be made and that the president and the board deem to represent a reasonable risk and have a sufficient likelihood of repayment.*

*(c) The agency shall make direct loans to Minnesota exporters and purchasers of Minnesota products on both fixed and floating interest rate terms, with short-, medium-, and long-term maturities. Interest and maturity for loans shall be provided as the president and board deem appropriate and in cases with the greatest likelihood of repayment.*

*(d) The agency shall contract with commercial banks within the state for the purchase of loans from the agency. The agency shall provide insurance on all loans purchased by commercial banks and shall use its best efforts to procure loan commitments in the amount of \$50,000,000 within the first year of its existence.*

*(e) The agency shall insure, co-insure, or reinsure loans purchased by commercial banks up to 85 percent of the principal amount of the loan.*

*(f) The agency shall contract with private insurers to provide insurance for country and commercial risk up to \$50,000,000 within the first year.*

*(g) The agency shall guarantee the indebtedness for which insurance is unavailable but which is deemed to have a reasonable likelihood of being repaid.*

*(h) Losses incurred by the agency that relate to its loan, insurance, or guarantee activities must first be borne by the agency to the extent it has retained earnings or reserves. Losses*

*in excess of earnings or reserves shall be borne by the state treasurer. The state treasurer shall reimburse the agency for the losses and the funds shall be used to replenish the capital account of the agency to the extent that its ratio of total liabilities to capital is not in excess of ten to one.*

Sec. 7. [APPROPRIATION.]

*The sum of \$ . . . . . is appropriated from the general fund to the foreign trade agency for the purpose of fulfilling the duties described in . . . . . This appropriation remains available until expended.*

Sec. 8. [EFFECTIVE DATE.]

*Sections 1 to 5 are effective . . . . ."*

Amend the title as follows:

Page 1, line 3, after the semicolon insert "creating the Minnesota export agency and the export information office;"

Page 1, line 5, delete "116J" and insert "45"

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.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 419, A bill for an act relating to insurance; fire; requiring the insured, in case of loss, to show the damaged property and related records to the company and consent to be examined under oath; providing for the exchange of information on losses or potential losses between companies and authorized persons; amending Minnesota Statutes 1982, sections 65A.01, subdivision 3; and 299F.054, subdivisions 1, 2, 4, and by adding a subdivision.

Reported the same back with the following amendments:

Page 5, line 28, after "and" insert "*after being informed that he has a right to counsel and that his answers may be used against him in later civil or criminal proceedings, the insured shall*"

Page 5, line 31, after "documents" insert "*reasonably related to the loss*"

Page 8, after line 31, insert: "*Any authorized person not furnishing the information requested shall notify the insurance company of the reasons why the information cannot be furnished within 30 days of the request therefor.*"

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. 451, A bill for an act relating to liquor; authorizing the city of Long Prairie to issue one on-sale license to a Moose Lodge.

Reported the same back with the following amendments:

Page 1, line 9, after "one" insert "club"

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. 455, A bill for an act relating to the operation of state government; creating the department of business and commerce; providing for appointment of a commissioner of business and commerce; prescribing his powers and duties; transferring certain powers and duties from the commissioners of administration, banks, energy, planning and development, insurance, securities and real estate, and the director of the office of consumer services, to the commissioner of business and commerce; transferring certain powers and duties from the chairman of the commerce commission to the commissioner of business and commerce; transferring certain powers and duties from the director of the office of consumer services to the commissioners of business and commerce and health and the attorney general; eliminating certain positions and divisions in the department of commerce; amending Minnesota Statutes 1982, sections 15.06, subdivision 1; 15A.081, subdivision 1; 43A.08, subdivision 1a; 45.034; 45.04; 45.05; 45.06; 45.07; 45.071, subdivision 2; 45.08, subdivision 3, and by adding a subdivision; 45.17, subdivisions 1, 2, 3, 4, 5, 7; and by adding a subdivision; 116J.03, subdivision 1; 116J.31; 144A.53, subdivision 4; 155A.03, by adding a subdivision; 155A.05; 155A.18; 214.04, subdivision 1; 214.14, subdivision 1; 325E.09, subdivision 4a; 325F.09; 325F.11; proposing new law coded in Minnesota Statutes, chapters 45; and 116J.57; repealing Minnesota Statutes 1982, sections 45.01; 45.02; 45.021;

45.03; 45.031; 45.032; 45.033; 45.15; 45.16; 45.17, subdivision 6; 155A.03, subdivision 10; and 155A.17.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [45.011] [DEPARTMENT ESTABLISHED; FUNCTIONS.]

*A department of business and commerce is created as the principal agency of the state for the promotion, regulation, and development of business and commerce in Minnesota.*

Sec. 2. [45.012] [COMMISSIONER.]

*The department of business and commerce is under the supervision and control of the commissioner of business and commerce. The commissioner is appointed by the governor in the manner provided by section 15.06.*

Sec. 3. [45.013] [EXECUTIVE COMMISSIONERS; ASSISTANT COMMISSIONERS; ASSISTANT TO THE COMMISSIONER.]

*The commissioner of business and commerce may appoint four executive commissioners, five assistant commissioners, and an assistant to the commissioner. Those positions, as well as that of a confidential secretary, are unclassified. The commissioner may appoint other employees in the classified service necessary to carry out the duties and responsibilities entrusted to the commissioner as provided in chapter 43A.*

Sec. 4. [POWERS AND DUTIES; TRANSFER.]

*Subdivision 1. [COMMERCE COMMISSION; COMMERCE DEPARTMENT; COMMISSIONERS OF BANKS, INSURANCE, SECURITIES, AND REAL ESTATE.] The commissioner of business and commerce is the successor to the commerce commission, the commissioners of banks, insurance, and securities and real estate, the banking, insurance, and securities and real estate divisions, and the department of commerce as previously constituted. All powers, duties, and functions previously vested in or imposed on those individuals, divisions, or department of state government are transferred to, vested in, and imposed on the commissioner of business and commerce. The commerce commission, the positions of commissioner of banks, commissioner of insurance, and commissioner of securities and real estate, the banking, insurance, and securities and real estate divisions, and the department of commerce, as previously constituted, are abolished.*

*Subd. 2. [DEPARTMENT OF ENERGY, PLANNING AND DEVELOPMENT; BUSINESS DEVELOPMENT.] For the purposes of promoting and developing commerce and industry in the state, the commissioner of business and commerce is the successor to the business development division of the department of energy, planning and development. All powers, duties, and functions previously vested in or imposed on the commissioner of energy, planning and development by sections 116J.58 to 116J.91 are transferred to, vested in, and imposed on the commissioner of business and commerce.*

*Subd. 3. [CABLE COMMUNICATIONS BOARD.] For the purposes of providing administrative support and staffing to the cable communications board, the commissioner of business and commerce is the successor to the commissioner of administration. All powers, duties, and functions previously vested in or imposed on the commissioner of administration or the department of administration by chapter 238, are transferred to, vested in, and imposed on the commissioner of business and commerce.*

**Sec. 5. [45.023] [RULES.]**

*The commissioner of business and commerce may adopt, amend, suspend, or repeal rules, including temporary rules, in accordance with chapter 14, and as otherwise provided by law, whenever necessary or proper in discharging the commissioner's official responsibilities.*

**Sec. 6. [45.024] [HEARINGS.]**

*Subdivision 1. [GENERAL.] In any case in which the commissioner of business and commerce is required by law to conduct a hearing, the hearing must be conducted in accordance with chapter 14 and other applicable laws, if any.*

*Subd. 2. [DELEGATION.] The commissioner of business and commerce may delegate to one or more of his executive commissioners the exercise of his statutory powers and duties, including the authority to decide and issue final orders in contested cases, rulemaking proceedings, and other hearings held under chapter 14.*

**Sec. 7. [TRANSFER OF POWERS FROM THE DEPARTMENT OF COMMERCE AND COMMERCE COMMISSION TO THE COMMISSIONER OF COMMERCE AND BUSINESS.]**

*Subdivision 1. [AUTHORIZATION.] The commissioner of business and commerce, as successor to the commerce commission, and the commissioners of banks, insurance, and securities and real estate divisions, and the department of commerce as previously constituted is a continuation of the former authorities*

*and not a new authority for the purpose of succession to all the rights, powers, duties, and obligations of those agencies as they were constituted immediately prior to the effective date of this act.*

*Subd. 2. [EFFECT OF RULES TRANSFERRED.] All rules previously adopted under the authority of a power, duty, or responsibility transferred by this act to the commissioner of business and commerce remain in full force until modified or repealed in accordance with law by the commissioner.*

*Subd. 3. [EFFECT OF PENDING PROCEEDINGS.] Any proceeding, court action, prosecution, or other business or matter pending on the effective date of this act and undertaken or commenced by any of the agencies referred to in subdivision 1 under the authority of any power, duty, or responsibility transferred by this act to the commissioner of business and commerce may be conducted and completed by the commissioner in the same manner, under the same terms and conditions, and with the same effect as though no transfer was made.*

*Subd. 4. [TRANSFER OF CUSTODY OF DOCUMENTS.] Every individual responsible under law for administration of any function transferred by this act to the commissioner of business and commerce shall, upon request by the commissioner or by any of his designated employees, transfer custody of all books, maps, plans, papers, records, contracts, and other documents relating to the transferred function and necessary or convenient for the proper discharge of the commissioner's new duties. The transfer must be made in accordance with the directions of the commissioner or his designated employee.*

*Subd. 5. [APPROPRIATIONS.] All unexpended and unencumbered funds appropriated to any of the agencies referred to in subdivision 1 for the purpose of performing any of the functions, powers, or duties which are transferred by this act to the commissioner of business and commerce are transferred to the commissioner.*

*Subd. 6. [TRANSFER OF POSITIONS.] All classified and unclassified positions in the commerce commission and the department of commerce are transferred to the department of business and commerce. Personnel changes are effective on the effective date of this act. 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.*

**Sec. 8.** Minnesota Statutes 1982, section 45.034, is amended to read:



**45.034 [PREPARATION OF DEPARTMENTAL BUDGET.]**

The budget estimates prescribed by section 16A.10, subdivisions 1 and 2, shall be prepared and submitted by the (COMMISSION) *commissioner of business and commerce* in respect of the department of *business and commerce* (AND ALL OF ITS CONSTITUENT DIVISIONS).

Sec. 9. Minnesota Statutes 1982, section 45.04, is amended to read:

**45.04 [BANK APPLICATIONS.]**

Subdivision 1. [FILING; FEE; HEARING.] The incorporators of (ANY) a bank proposed to be organized under the laws of this state shall execute and acknowledge (AN) a written application (, IN WRITING), in the form prescribed by the (DEPARTMENT) *commissioner of business and commerce* (,) and (SHALL) file (THE SAME) *it* in (ITS) *the commissioner's* office (, WHICH). *The* application (SHALL) *must* be signed by two or more of the incorporators (, REQUESTING) and request a certificate authorizing the proposed bank to transact business at the place and in the name stated in the application. At the time of filing the application, the applicant shall pay a \$1,000 filing fee (OF \$1,000, WHICH SHALL BE PAID INTO THE STATE TREASURY AND CREDITED) to the general fund (AND SHALL PAY TO THE COMMISSIONER OF BANKS THE SUM OF) and a \$500 (AS A) *investigation* fee (FOR INVESTIGATING THE APPLICATION), which shall be turned over by (HIM) *the commissioner* to the state treasurer and credited (BY THE TREASURER) to the general fund of the state. Thereupon the (COMMISSION) *commissioner* shall fix a time, within 60 days after the filing of the application, for a hearing (AT ITS OFFICE AT THE STATE CAPITOL, AT WHICH HEARING IT SHALL) *to* decide whether or not the application (SHALL) *will* be granted. A notice of the hearing (SHALL) *must* be published in the form prescribed by the (COMMISSION) *commissioner* in some newspaper published in the municipality in which the proposed bank is to be located, and if there be no such newspaper, then at the county seat of the county in which the bank is proposed to be located. The notice (SHALL) *must* be published once, at the expense of the applicants, not less than 30 days prior to the date of the hearing. At the hearing the (COMMISSION) *commissioner* shall consider the application and hear the applicants and (SUCH) witnesses (AS MAY) *that* appear in favor of or against the granting of the application of the proposed bank.

Subd. 2. [APPROVAL, DISAPPROVAL.] If, upon the hearing, it (SHALL APPEAR) *appears* to the (COMMISSION) *commissioner* that the application should be granted, (IT) *he* shall, not later than 90 days after the hearing, and after the appli-

cants have otherwise complied with the provisions of law applicable to the organization of a bank, including the provisions herein contained, make and file in (THE) *his* office (OF THE COMMISSIONER OF BANKS ITS) *a written order* (, IN WRITING,) directing (HIM TO ISSUE) the *issuance of a certificate of authorization* as provided by law. If the certificate of authorization is not activated within a period of 12 months from date of (DIRECTIVE TO THE COMMISSIONER OF BANKS) *issuance*, the (DEPARTMENT OF COMMERCE) *commissioner* may upon *written notice* (IN WRITING) to the applicants request a new hearing. If the (COMMISSION SHALL DECIDE) *commissioner decides* that the application should not be granted, (IT) *he* shall deny the application and make (ITS) *a written order* (, IN WRITING,) to that effect, (AND) file (THE SAME) *it* in (THE) *his* office (OF THE COMMISSIONER OF BANKS), and forthwith give notice thereof by certified mail to one of the incorporators named in the application for the proposed bank, addressed to the incorporator at the address stated in the application (, AND). Thereupon the commissioner (OF BANKS) shall refuse to issue the certificate of authorization (, WHICH IS PRESCRIBED BY LAW,) to the proposed bank.

Sec. 10. Minnesota Statutes 1982, section 45.05, is amended to read:

45.05 [NOTICE AND HEARING, WHEN NOT GIVEN.]

The (DEPARTMENT) *commissioner of business and commerce* may, at (ITS) *his* discretion, dispense with the notice and hearing provided for by section 45.04 (IN CASES WHERE) *if* application is made for the incorporation of a new bank to take over the assets of one or more existing banks (,) or (WHERE) *if* the application contemplates the reorganization of a national bank into a state bank in the same locality (; PROVIDED, THIS ACT SHALL NOT INCREASE THE NUMBER OF BANKS IN THE COMMUNITY AFFECTED).

Sec. 11. Minnesota Statutes 1982, section 45.06, is amended to read:

45.06 [EXPENSES OF ORGANIZATION AND INCORPORATION OF BANKS LIMITED.]

The expenses of organization and incorporation to be paid by (ANY SUCH BANKS SHALL) *a bank may* not exceed the statutory fees for filing applications as provided in section 45.04 and the necessary legal expenses incurred incident to drawing articles of incorporation, publication, and recording (THEREOF, AND). The incorporators shall, prior to the issuance of the certificate of authorization (PROVIDED FOR BY LAW), file with the commissioner (OF BANKS) a verified statement showing

the total amount of expense incurred in the organization of the bank (AND) to be paid by it after commencing operation.

Sec. 12. Minnesota Statutes 1982, section 45.07, is amended to read:

45.07 [CHARTERS ISSUED, CONDITIONS.]

If the applicants are of good moral character and financial integrity, if there is a reasonable public demand for this bank in this location, if the organization expenses being paid by the subscribing shareholders do not exceed the necessary legal expenses incurred in drawing incorporation papers and the publication and the recording thereof, as required by law, if the probable volume of business in this location is sufficient to insure and maintain the solvency of the new bank and the solvency of the then existing bank or banks in the locality without endangering the safety of any bank in the locality as a place of deposit of public and private money, and if the (DEPARTMENT) *commissioner of business and commerce* is satisfied that the proposed bank will be properly and safely managed, the application (SHALL) *must* be granted; otherwise it (SHALL) *must* be denied. In case of the denial of the application, the (DEPARTMENT) *commissioner of business and commerce* shall specify the grounds for the denial and the supreme court, upon petition of (ANY) *a person aggrieved*, may review by certiorari (ANY SUCH ORDER OR) *the determination (OF THE DEPARTMENT OF COMMERCE)*.

Sec. 13. Minnesota Statutes 1982, section 45.071, subdivision 2, is amended to read:

Subd. 2. [APPLICATION FOR INSURANCE; UNINSURED BANKS.] Notwithstanding (THE PROVISIONS OF) subdivision 1, a bank which does not have insurance of its deposits or a commitment for insurance of its deposits by the federal deposit insurance corporation, an agency of this state, or a federal agency established for the purpose of insuring deposits in banks or collateral security deposited under section 48.74 (UPON THE EFFECTIVE DATE OF LAWS 1982, CHAPTER 473, SECTIONS 1 TO 29) *on March 19, 1982* must apply for insurance of deposits not later than July 1, 1983. A bank subject to this subdivision which has been denied a commitment for insurance of its deposits shall either dissolve, merge, or consolidate with another bank which is insured or apply in writing within 30 days of denial to the commissioner of (BANKS) *business and commerce* for additional time to obtain an insurance commitment. The commissioner (OF BANKS) shall grant additional time to obtain the insurance commitment upon satisfactory evidence that the bank has made or is making a substantial effort to achieve the conditions precedent to issuance of the commitment. Additional time shall not extend later than July 1, 1984.

Sec. 14. Minnesota Statutes 1982, section 45.08, subdivision 3, is amended to read:

Subd. 3. [DEPARTMENT.] (THE WORD) "Department" means the department of *business and commerce* of the state of Minnesota.

Sec. 15. Minnesota Statutes 1982, section 45.08, is amended by adding a subdivision to read:

Subd. 4. [COMMISSIONER.] "*Commissioner*" means the *commissioner of business and commerce*.

Sec. 16. Minnesota Statutes 1982, section 45.17, subdivision 1, is amended to read:

**45.17 [REPRESENTATION OF CONSUMER INTEREST IN PUBLIC UTILITY MATTERS.]**

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the *following* terms (DEFINED IN THIS SUBDIVISION SHALL APPLY) *have the meanings given them*:

(1) "Public utility" means a publicly or privately owned entity engaged in supplying utility services to residential utility consumers in this state or to another public utility for ultimate distribution to residential utility consumers in this state and whose rates or charges are subject to approval by the public utilities commission or (ANY) *an* agency of the federal government (PROVIDED THAT). No municipal or cooperative utility shall be considered a "public utility" for the purposes of this clause.

(2) ("CONSUMER SERVICES SECTION" MEANS THE CONSUMER SERVICES SECTION OF THE DEPARTMENT OF COMMERCE.)

((3)) "Residential utility consumer" or "consumer" means a person who uses utility services at his residence in this state and who is billed by or pays a public utility for these services.

((4)) (3) "Utility services" means electricity, natural gas, or telephone services distributed to residential utility consumers by a public utility.

Sec. 17. Minnesota Statutes 1982, section 45.17, subdivision 2, is amended to read:

Subd. 2. [DUTIES.] The (CONSUMER SERVICES SECTION SHALL BE) *attorney general* is responsible for representing and furthering the interests of residential utility con-

sumers through participation in matters before the public utilities commission involving utility rates and adequacy of utility services to residential utility consumers. The (CONSUMER SERVICES SECTION) *attorney general* shall expend a reasonable portion of (ITS) *his* efforts among all three kinds of utility services and shall identify and promote the needs of each class of residential consumers with respect to each of the utility services.

Sec. 18 Minnesota Statutes 1982, section 45.17, subdivision 3, is amended to read:

Subd. 3. [RIGHT OF INTERVENTION.] Subject to the limitations of subdivision 2, the (CONSUMER SERVICES SECTION) *attorney general* may intervene as of right or participate as an interested party in matters pending before the public utilities commission which affect the distribution by a public utility of utility services to residential utility consumers. The right of the (CONSUMER SERVICES SECTION) *attorney general* to participate or intervene (SHALL IN NO WAY) *does not* affect the obligation of the public utilities commission to protect the public interest.

Sec. 19. Minnesota Statutes 1982, section 45.17, subdivision 4, is amended to read:

Subd. 4. [NOTICE; PROCEDURES.] The public utilities commission shall give reasonable notice to the (CONSUMER SERVICES SECTION) *attorney general* of any matter scheduled to come before the commission affecting a public utility's rates or adequacy of services to residential utility consumers. Rules of the commission governing procedures before the commission (SHALL) apply to the (CONSUMER SERVICES SECTION) *attorney general* and (ITS) *his* employees or representatives. The (CONSUMER SERVICES SECTION SHALL HAVE) *attorney general has* the same rights and privileges accorded other intervenors or participants in matters pending before the commission.

Sec. 20. Minnesota Statutes 1982, section 45.17, subdivision 5, is amended to read:

Subd. 5. [APPEALS.] The (CONSUMER SERVICES SECTION) *attorney general* shall be deemed to have an interest sufficient to maintain, intervene as of right in, or otherwise participate in any civil action in the trial courts or supreme court of this state for the review or enforcement of any public utilities commission action which affects a public utility's rates or adequacy of service to residential utility consumers.

Sec. 21. Minnesota Statutes 1982, section 45.17, subdivision 6, is amended to read:

Subd. 6. [RESIDENTIAL UTILITY CONSUMER BOARD.] There is (HEREBY) created the board of residential utility consumers whose duties (SHALL) include:

(1) Establishing policy guidelines concerning the utility related activities of the (COMMERCE DEPARTMENT'S CONSUMER SERVICES SECTION) *residential utility consumer unit*;

(2) Reviewing and commenting upon the (SECTION'S) *residential utility consumer unit's* staff employment decisions related to performing the responsibilities conferred in this section; and

(3) Annually reviewing and commenting upon the (CONSUMER SERVICES SECTION'S) *attorney general's* budget of estimated expenses for utility related activities.

The board shall consist of nine voting members to be appointed by the governor. At least one member shall represent each congressional district, and at least two members shall represent farm consumers. No more than six members shall be members of the same political party. In making appointments, the governor shall give consideration to individuals having a special interest in the provision of utility services to residential consumers.

The board members shall elect from among their number a chairman and any other officers (AS) it (MAY DEEM) *deems* necessary. The board shall meet at the call of the chairman or the (DIRECTOR) *attorney general*. The terms of office, compensation, and provisions for removal and filling vacancies of members shall be as provided in section 15.0575.

The (DIRECTOR OF THE CONSUMER SERVICES SECTION) *attorney general* shall submit an annual budget of estimated expenses of the *residential utility consumer unit* to the board for review and comment. The (DIRECTOR) *attorney general* shall (ALSO) periodically seek the advice of the board concerning (ITS) *his* operations related to the responsibilities conferred by this section. The (DIRECTOR) *attorney general* shall (ALSO) file an annual report of (THE SECTION'S) *his* utility related activities with the board and the legislature on or before December 31 of each year.

Sec. 22. Minnesota Statutes 1982, section 45.17, subdivision 7, is amended to read:

Subd. 7. [INTERVENTION IN FEDERAL PROCEEDINGS.] The (CONSUMER SERVICES SECTION) *attorney general* shall represent and further the interests of residential utility consumers through participation as an intervenor or interested party in federal proceedings relating to the regulation

of: (a) wholesale rates for energy delivered through interstate facilities; or (b) fuel used in generation of electricity or the manufacture of gas. The (CONSUMER SERVICES SECTION) attorney general may maintain, intervene in, or otherwise participate in (ANY) civil actions relating to the federal proceedings. In performing its duties pursuant to this subdivision, the section shall follow the guidelines established pursuant to subdivision 6, clause (1).

Sec. 23. Minnesota Statutes 1982, section 45.17, is amended by adding a subdivision to read:

*Subd. 8. [ADDITIONAL POWERS.] The power granted by this section is in addition to powers otherwise provided by law to the attorney general.*

Sec. 24. [TRANSFER OF POWERS FROM THE CONSUMER SERVICES SECTION TO THE ATTORNEY GENERAL.]

*Subdivision 1. [AUTHORIZATION.] The attorney general, as successor to the director of the consumer services section of the department of commerce in the administration of sections 45.16 and 45.17, subdivisions 1 to 5 and 7, and the supervision of the complaint unit and utility unit of the office of consumer services, is a continuation of the former authority and not a new authority for the purpose of succession to all the rights, powers, duties, and obligations of the consumer services director as they were constituted immediately prior to the effective date of this act.*

*Subd. 2. [EFFECT OF RULES TRANSFERRED.] All rules previously adopted under the authority of a power, duty, or responsibility transferred by this act to the attorney general remain in full force until modified or repealed in accordance with law by the attorney general.*

*Subd. 3. [EFFECT OF PENDING PROCEEDINGS.] Any proceeding, court action, prosecution, or other business or matter pending on the effective date of this act and undertaken or commenced by the consumer services director under the authority of any power, duty, or responsibility transferred by this act to the attorney general may be conducted and completed by the commissioner in the same manner, under the same terms and conditions, and with the same effect as though no transfer was made.*

*Subd. 4. [TRANSFER OF CUSTODY OF DOCUMENTS.] Every individual responsible under law for administration of any function transferred by this act to the attorney general shall, upon request by the attorney general or by any of his designated employees, transfer custody of all books, maps, plans, papers, records, contracts, and other documents relating to the trans-*

*ferred function and necessary or convenient for the proper discharge of the attorney general's new duties. The transfer must be made in accordance with the directions of the attorney general or his designated employee.*

*Subd. 5. [APPROPRIATIONS.] All unexpended and unencumbered funds appropriated to the consumer services section for the purpose of performing any of the functions, powers, or duties which are transferred by this act to the attorney general are transferred to the attorney general.*

*Subd. 6. [TRANSFER OF POSITIONS.] All classified positions in the consumer services section not covered by section 34, subdivision 6, are transferred to the attorney general. Personnel changes are effective on the effective date of this act. 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.*

Sec. 25. Minnesota Statutes 1982, section 15.06, subdivision 1, is amended to read:

Subdivision 1. [APPLICABILITY.] This section applies to the following departments or agencies: the departments of administration, agriculture, *business and commerce*, corrections, economic development, economic security, education, finance, health, human rights, labor and industry, natural resources, personnel, public safety, public welfare, revenue, transportation, and veterans affairs; (THE BANKING, INSURANCE AND SECURITIES DIVISIONS AND THE CONSUMER SERVICES SECTION OF THE DEPARTMENT OF COMMERCE;) the energy, housing finance and pollution control agencies; the office of commissioner of iron range resources and rehabilitation; the bureau of mediation services; and their successor departments and agencies. The heads of the foregoing departments or agencies are referred to in this section as "commissioners."

Sec. 26. Minnesota Statutes 1982, section 15A.081, subdivision 1, is amended to read:

Subdivision 1. The following salaries or salary ranges are provided for the below listed employees in the executive branch of government:



	Salary or Range		
	Effective	Effective	Effective
	July 1, 1979	July 1, 1980	July 1, 1981
Administration, department of commissioner .....	\$44,000	\$47,000	
Administrative hearings office chief hearing examiner .....	38,000	40,000	
Agriculture, department of commissioner .....	38,000	40,000	
<i>Business and Commerce,</i> department of commissioner (OF BANKS) .....	(34,000)	(36,500)	
(COMMISSIONER OF INSURANCE) .....	(34,000)	(36,500)	
(COMMISSIONER OF SECURITIES AND REAL ESTATE) .....	(34,000)	(36,500)	
(DIRECTOR OF CONSUMER SERVICES) .....	(28,000)	(30,000)	
Community college system chancellor .....	44,000	46,000	
Corrections, department of commissioner .....	42,000	45,000	
ombudsman .....	33,000	35,000	
Economic security, department of commissioner .....	43,000	45,000	
Education, department of commissioner .....	43,000	45,000	
Energy, planning and development, department of commissioner .....			46,000

	July 1, 1979	July 1, 1980	July 1, 1981
	\$	\$	\$
Finance, department of commissioner	48,000	50,000	
Health, department of commissioner	47,000	49,000	
Higher education coordinating board executive director	40,000	42,000	
Housing finance agency executive director	39,000	41,000	
Human rights, department of commissioner	31,000	33,000	
Indian affairs board executive director	27,000	29,000	
Iron range resources and rehabilitation board commissioner	30,000	31,000	
Labor and industry, department of commissioner	38,000	40,000	
judge of the workers' compensation court of appeals	38,000	40,000	
Mediation services, bureau of director	36,000	38,000	
Natural resources, department of commissioner	44,000	47,000	
Personnel, department of commissioner	44,000	47,000	
Pollution control agency director	38,000	40,000	
Public safety, department of commissioner	38,000	41,000	

	July 1, 1979	July 1, 1980	July 1, 1981
	\$	\$	\$
Public service, department of commissioner, public utilities commission .....	34,000	36,000	
director .....	34,000	36,000	
Public welfare, department of commissioner .....	44,000	48,000	
Revenue, department of commissioner .....	44,000	47,000	
State university system chancellor .....	44,000	46,000	
Transportation, department of commissioner .....	44,000	48,000	
Transportation, regulation board, board member .....		32,000	
Veterans affairs, department of commissioner .....	31,000	33,000	

Sec. 27. Minnesota Statutes 1982, section 43A.08, subdivision 1a, is amended to read:

Subd. 1a. [ADDITIONAL UNCLASSIFIED POSITIONS.] Appointing authorities for the following agencies may designate additional unclassified positions (PURSUANT) *according* to this subdivision: the departments of administration; agriculture; *business and commerce*; corrections; economic security; education; employee relations; energy, planning and development; finance; health; human rights; labor and industry; natural resources; public safety; public service; public welfare; revenue; transportation; and veterans affairs; (THE BANKING, SECURITIES AND REAL ESTATE, INSURANCE AND CONSUMER SERVICES DIVISIONS OF THE DEPARTMENT OF COMMERCE;) the housing finance and pollution control agencies; the state board of investment; and the offices of the secretary of state, state auditor, and state treasurer.

A position designated by an appointing authority (PURSUANT) *according* to this subdivision must meet the following standards and criteria:

(a) the designation of the position would not be contrary to (THE PROVISIONS OF) other law relating specifically to that agency;

(b) the person occupying the position would report directly to the agency head or deputy agency head and would be designated as part of the agency head's management team;

(c) the duties of the position would involve significant discretion and substantial involvement in the development, interpretation, and implementation of agency policy;

(d) the duties of the position would not require primarily personnel, accounting, or other technical expertise where continuity in the position would be important;

(e) there would be a need for the person occupying the position to be accountable to, loyal to, and compatible with the governor and the agency head, or the employing constitutional officer;

(f) the position would be at the level of division or bureau director or assistant to the agency head; and

(g) the commissioner has approved the designation as being consistent with the standards and criteria in this subdivision.

Sec. 28. Minnesota Statutes 1982, section 116J.03, subdivision 1, is amended to read:

Subdivision 1. [SCOPE.] As used in sections 116J.05 to 116J.35; 116J.41 to 116J.54; (116J.58 TO 116J.91;) 299A.03; and 299A.04, the terms defined in this section have the meaning given them.

Sec. 29. Minnesota Statutes 1982, section 116J.31, is amended to read:

#### 116J.31 [ENERGY AUDITS.]

The commissioner (, 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) *title 42, section 8211, et seq.* The (CONSUMER SERVICES DIVISION AND THE) attorney general (ARE AUTHORIZED TO) *may* release information on consumer complaints about the operation of the program to the commissioner.

#### Sec. 30. [116J.57] [DEFINITIONS.]

*Subdivision 1. [TERMS.] For purposes of sections 116J.58 to 116J.91, the terms defined in this section have the meanings given.*

*Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of business and commerce.*

*Subd. 3. [DEPARTMENT.] "Department" means the department of business and commerce.*

Sec. 31. Minnesota Statutes 1982, section 144A.53, subdivision 4, is amended to read:

Subd. 4. [REFERRAL OF COMPLAINTS.] If a complaint received by the director relates to a matter more properly within the jurisdiction of an occupational licensing board (, THE OFFICE OF CONSUMER SERVICES) or (ANY) other governmental agency, the director shall forward the complaint to that agency and shall inform the complaining party of the forwarding. The agency shall promptly act in respect to the complaint, and shall inform the complaining party and the director of its disposition. If a governmental agency receives a complaint which is more properly within the jurisdiction of the director, it shall promptly forward the complaint to the director, and shall inform the complaining party of the forwarding. If the director has reason to believe that (ANY) an official or employee of an administrative agency or health facility has acted in a manner warranting criminal or disciplinary proceedings, he shall refer the matter to the state commissioner of health, the commissioner of public welfare, an appropriate prosecuting authority, or (ANY) other appropriate agency.

Sec. 32. Minnesota Statutes 1982, section 155A.03, is amended by adding a subdivision to read:

*Subd. 13. [COMMISSIONER.] "Commissioner" means the commissioner of business and commerce.*

Sec. 33. Minnesota Statutes 1982, section 155A.05, is amended to read:

155A.05 [RULES.]

The (DIRECTOR) *commissioner* shall develop and adopt rules to carry out (THE PROVISIONS OF) sections 155A.01 to 155A.18 (BY DECEMBER 31, 1982, PURSUANT) *according* to chapter 14. For purposes of sections 155A.01 to 155A.18, the (DIRECTOR) *commissioner* may adopt temporary rules, (PURSUANT) *according* to sections 14.29 to 14.36. (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) a renewal license issued by the (DIRECTOR) commissioner within one year after July 1, 1981, 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.

**Sec. 34. [TRANSFER OF POWERS RELATING TO THE REGULATION OF THE PRACTICE OF COSMETOLOGY FROM THE OFFICE OF CONSUMER SERVICES TO THE COMMISSIONER OF BUSINESS AND COMMERCE.]**

*Subdivision 1. [AUTHORIZATION.] The commissioner of business and commerce, as successor to the director of the consumer services section of the department of commerce in the administration of chapter 155A, is a continuation of the former authority and not a new authority for the purpose of succession to all the rights, powers, duties, and obligations of the consumer services director as they were constituted immediately prior to the effective date of this act.*

*Subd. 2. [EFFECT OF RULES TRANSFERRED.] All rules previously adopted under the authority of a power, duty, or responsibility transferred by this act to the commissioner of business and commerce shall remain in full force until modified or repealed in accordance with law by the commissioner.*

*Subd. 3. [EFFECT OF PENDING PROCEEDINGS.] Any proceeding, court action, prosecution, or other business or matter pending on the effective date of this act and undertaken or commenced by the consumer services director under the authority of any power, duty, or responsibility transferred by this act to the commissioner of business and commerce may be conducted and completed by the commissioner in the same manner, under the same terms and conditions, and with the same effect as though no transfer was made.*

*Subd. 4. [TRANSFER OF CUSTODY OF DOCUMENTS.] Every individual responsible under law for administration of any function transferred by this act to the commissioner of business and commerce shall, upon request by the commissioner or by any of his designated employees, transfer custody of all books, maps, plans, papers, records, contracts, and other documents relating to the transferred function and necessary or convenient for the proper discharge of the commissioner's new duties. The transfer must be made in accordance with the directions of the commissioner or his designated employee.*

*Subd. 5. [APPROPRIATIONS.] All unexpended and unencumbered funds appropriated to the consumer services section for the purpose of performing any of the functions, powers, or*

*duties which are transferred by this act to the commissioner of business and commerce are transferred to the commissioner.*

*Subd. 6. [TRANSFER OF POSITIONS.] All classified and unclassified positions in the cosmetology unit of the office of consumer services are transferred to the department of business and commerce. Personnel changes are effective on the effective date of this act. 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.*

Sec. 35. Minnesota Statutes 1982, section 155A.18, is amended to read:

155A.18 [PRIOR LICENSES.]

All licenses which were issued by the (BOARD OF COSMETOLOGY) *director of the office of consumer services* under chapter (155) 155A, shall continue in effect under the (OFFICE OF CONSUMER SERVICES) *commissioner* until the licenses expire.

Sec. 36. Minnesota Statutes 1982, section 214.04, subdivision 1, is amended to read:

Subdivision 1. The commissioner of administration with respect to the board of electricity, the commissioner of education with respect to the board of teaching, the commissioner of public safety with respect to the board of private detective and protective agent services and the board of peace officer standards and training, and the commissioner of revenue with respect to the board of assessors, shall provide suitable offices and other space, joint conference and hearing facilities, examination rooms, and the following administrative support services: purchasing service, accounting service, advisory personnel services, consulting services relating to evaluation procedures and techniques, data processing, duplicating, mailing services, automated printing of license renewals, and such other similar services of a housekeeping nature as are generally available to other agencies of state government. Investigative services shall be provided the boards by employees of the office of attorney general. The commissioner of health with respect to the health related licensing boards and the (CHAIRMAN OF THE) *commissioner of business and commerce* (COMMISSION) with respect to the remaining nonhealth related licensing boards shall provide the above facilities and services at a central location for the health related and remaining nonhealth related licensing boards. The legal and investigative services for the boards shall be provided by employees of the attorney general assigned to the departments servicing the boards. Notwithstanding the foregoing, the attorney general shall not be precluded by this section from

assigning other attorneys to service a board if necessary in order to insure competent and consistent legal representation. Persons providing legal and investigative services shall to the extent practicable provide the services on a regular basis to the same board or boards.

Sec. 37. Minnesota Statutes 1982, section 214.14, subdivision 1, is amended to read:

Subdivision 1. There is established a human services occupations advisory council to assist the commissioner of health in formulating policies and rules (PURSUANT) *according to* section 214.13. The commissioner shall determine the duties of the council, shall establish procedures for the proper functioning of the council including, but not limited to the following: the method of selection of membership, the selection of a committee chairman and methods of communicating recommendations and advice to the commissioner for his consideration. Each of the health related licensing boards, the state examining committee for physical therapists, (THE CONSUMER SERVICES SECTION OF THE DEPARTMENT OF COMMERCE,) the state comprehensive health planning advisory council and the higher education coordinating board shall have a representative selected by the boards (OR SECTION), *committee, or council*. The governor shall appoint the remaining members who shall not exceed 11 and shall include six persons broadly representative of human services, particularly human services professions not presently credentialed (PURSUANT) *according to* existing law, and five public members. The committee shall expire and the terms of the appointed members and the compensation and removal of all members shall be as provided in section 15.059.

Sec. 38. Minnesota Statutes 1982, section 325E.09, subdivision 4a, is amended to read:

Subd. 4a. For the purposes of this section, octane rating shall be determined in the manner described in the American Society for Testing and Materials (ASTM) "Standard Specification for Gasoline", D439-71 or such other manner as prescribed by the director of (CONSUMER SERVICES BY REGULATIONS) *the department of public service in accordance with applicable rules*, adopted (PURSUANT) *according to* the Administrative (PROCEDURES) *Procedure Act*. (SUCH REGULATIONS SHALL) *The rules must only be (PROMULGATED) adopted to place Laws 1973, Chapter 687 in accordance with regulations promulgated by a federal agency.*

Sec. 39. Minnesota Statutes 1982, section 325F.09, is amended to read:

325F.09 [DEFINITIONS.]



- (a) "Child" means any person less than 14 years of age;
- (b) A toy presents an electrical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture may cause personal injury or illness by electrical shock or electrocution;
- (c) A toy presents a mechanical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness:
- (1) from fracture, fragmentation, or disassembly of the article;
  - (2) from propulsion of the article or any part or accessory thereof;
  - (3) from points or other protrusions, surfaces, edges, openings, or closures;
  - (4) from moving parts;
  - (5) from lack or insufficiency of controls to reduce or stop motion;
  - (6) as a result of self-adhering characteristics of the article;
  - (7) because the article or any part or accessory thereof may be aspirated or ingested;
  - (8) because of instability;
  - (9) from stuffing material which is not free of dangerous or harmful substances; or
  - (10) because of any other aspect of the article's design or manufacture.
- (d) A toy presents a thermal hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness because of heat as from heated parts, substances, or surfaces.
- (e) "Toxic" means able to produce personal injury or illness to a person through ingestion, inhalation, or absorption through any body surface and can apply to any substance other than a radioactive substance.

(f) "Flammable" means having a flash point up to 80 degrees Fahrenheit as determined by the Tagliabue Open Cup Tester. The flammability of solids and of the contents of self-pressurized containers shall be determined by methods generally recognized as applicable to the materials or containers and established by (REGULATIONS) *rules* issued by the (DIRECTOR) *commissioner*.

(g) A toy presents a hazard of asphyxiation or suffocation if, in normal use or when subject to reasonable foreseeable damage or abuse, its design, manufacture or storage presents a risk of personal injury or illness from interference with normal breathing.

(h) ("DIRECTOR") "*Commissioner*" means the (DIRECTOR) *commissioner* of the (CONSUMER SERVICES SECTION OF THE) department of (COMMERCE) *health*.

(i) "Inspector" means an inspector of the (CONSUMER SERVICES SECTION OF THE) department of (COMMERCE) *health*.

Sec. 40. Minnesota Statutes 1982, section 325F.11, is amended to read:

**325F.11 [TESTING OF ARTICLES TO DETERMINE AND INSURE COMPLIANCE.]**

The (DIRECTOR) *commissioner* or an authorized and qualified employee or inspector, may undertake or provide for testing of toys and other articles as he deems necessary to determine their safety and fitness for commerce in this state in compliance with (THE PROVISIONS OF) sections 325F.08 to 325F.18. The (DIRECTOR) *commissioner* may contract or otherwise arrange with any testing facility, public or private, for testing and reporting the results. The (DIRECTOR) *commissioner* may, by (REGULATION) *rule*, require that any toy or other article within the provisions of sections 325F.08 to 325F.18 be adequately tested by (THE CONSUMER SERVICES SECTION,) a reputable testing facility, or the manufacturer or distributor of the article, and that the certified results of the test be filed with the (DIRECTOR) *commissioner* before the sale, distribution, or other movement in commerce within this state of the toys or articles. The (DIRECTOR) *commissioner* may by (REGULATION) *rule* provide for penalties for the failure to provide test results.

**Sec. 41. [INSTRUCTIONS TO REVISOR.]**

*Subdivision 1. The revisor of statutes shall substitute the term "commissioner of business and commerce" or "commissioner" or "department" or similar terms as appropriate for the*

following terms and similar terms, as necessary to reflect the transfers of powers, duties, and responsibilities prescribed by sections 1 to 40:

(a) "commerce commission" meaning the state commerce commission, "department of commerce," or "commerce department" where those terms appear in Minnesota Statutes;

(b) "commissioner of banks," "commissioner of banking," or "banking commissioner" where those terms appear in Minnesota Statutes;

(c) "commissioner of insurance" or "insurance commissioner" where those terms appear in Minnesota Statutes;

(d) "commissioner of securities and real estate" where that term appears in Minnesota Statutes;

(e) "division" where that term appears in chapters 46 to 59A, and "banking division" or "division of banking" where those terms appear in Minnesota Statutes;

(f) "division of insurance," "insurance division," "department of insurance," or "insurance department" where those terms appear in Minnesota Statutes;

(g) "department of securities and real estate," "securities and real estate department," "securities and real estate division," or "division of securities and real estate" where those terms appear in Minnesota Statutes;

(h) "department of administration" or "commissioner of administration" where those terms appear in chapter 238; and

(i) "director of office of consumer services," "office of consumer services," "consumer services section," where those terms appear in chapter 155A.

Subd. 2. The revisor of statutes shall renumber each section specified in column A with the numbers set forth in column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering.

Column A	Column B
45.04	46.041
45.05	46.042
45.06	46.043

45.07	46.044
45.071	46.045
45.08	46.046
45.17	8.32
116J.57	57.01
116J.58	57.02
116J.59	57.03
116J.60	57.04
116J.61	57.05
116J.62	57.06
116J.63	57.07
116J.64	57.08
116J.65	57.09
116J.66	57.10
116J.67	57.11
116J.68	57.12
116J.69	57.13
116J.70	57.14
116J.71	57.15
116J.72	57.16
116J.73	57.17
116J.74	57.18
116J.75	57.19
116J.76	57.20
116J.77	57.21

116J.78	57.22
116J.79	57.23
116J.80	57.24
116J.81	57.25
116J.82	57.26
116J.83	57.27
116J.84	57.28
116J.85	57.29
116J.86	57.30
116J.87	57.31
116J.88	57.32
116J.89	57.33
116J.90	57.34
116J.91	57.35

**Sec. 42. [REPEALER.]**

*Minnesota Statutes 1982, sections 45.01; 45.02; 45.021; 45.03; 45.031; 45.032; 45.033; 45.15; 45.16; 155A.03, subdivision 10; and 155A.17 are repealed.*

**Sec. 43. [EFFECTIVE DATE.]**

*Sections 1 to 42 are effective July 1, 1983."*

Delete the title and insert:

"A bill for an act relating to the operation of state government; creating the department of business and commerce; providing for appointment of a commissioner of business and commerce; prescribing his powers and duties; transferring certain powers and duties from the commissioners of administration, banks, energy, planning and development, insurance, securities and real estate, and the director of the office of consumer services, to the commissioner of business and commerce; transferring certain powers and duties from the chairman of the commerce commission to the commissioner of business and com-

merce; transferring certain powers and duties from the director of the office of consumer services to the commissioners of business and commerce and health and the attorney general; eliminating certain positions and divisions in the department of commerce; amending Minnesota Statutes 1982, sections 15.06, subdivision 1; 15A.081, subdivision 1; 43A.08, subdivision 1a; 45.034; 45.04; 45.05; 45.06; 45.07; 45.071, subdivision 2; 45.08, subdivision 3, and by adding a subdivision; 45.17, subdivisions 1, 2, 3, 4, 5, 6, 7, and by adding a subdivision; 116J.03, subdivision 1; 116J.31; 144A.53, subdivision 4; 155A.03, by adding a subdivision; 155A.05; 155A.18; 214.04, subdivision 1; 214.14, subdivision 1; 325E.09, subdivision 4a; 325F.09; 325F.11; proposing new law coded in Minnesota Statutes, chapters 45; and 116J.57; repealing Minnesota Statutes 1982, sections 45.01; 45.02; 45.021; 45.03; 45.031; 45.032; 45.033; 45.15; 45.16; 155A.03, subdivision 10; and 155A.17."

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

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 478, A bill for an act relating to agriculture; appropriating money for the Minnesota barley improvement association; providing for repayment to the state.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 528, A bill for an act relating to local government; permitting the city of Big Falls and part of Koochiching County to join a hospital district.

Reported the same back with the following amendments:

Page 1, lines 9 and 14, delete "join" and insert "request the annexation of"

Page 1, after line 22, insert:

*"The annexation shall not be requested unless approved by a majority of the electors of the city of Big Falls and of the un-*

*organized townships voting together at a regular or special election."*

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. 535, A bill for an act relating to agriculture; appropriating money for the Minnesota Corn Growers Association; providing for repayment to the state.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 542, A bill for an act relating to the organization and operation of state government; requiring the preparation of a tax expenditure budget; appropriating money; proposing new law coded in Minnesota Statutes, chapter 270.

Reported the same back with the following amendments:

Page 2, line 3, delete *"on or before March 1 of each odd-numbered year"* and insert *"as a supplement to the governor's budget and at the same time as provided for submission of the budget pursuant to section 16A.11, subdivision 1"*

Page 2, after line 20, insert:

*"Subd. 4. [REVENUE ESTIMATES; LEGISLATIVE BILLS.] Upon reasonable notice from the chairman of the house or senate tax committee that a bill is scheduled for hearing, the department of revenue shall prepare an estimate of the effect on the state's tax revenues which would result from the passage of a legislative bill establishing, extending, or restricting a tax expenditure. These revenue estimates shall contain the same information as provided in subdivision 3 for expenditure items contained in the tax expenditure budget, as appropriate."*

Page 2, line 21, delete "4" and insert "5"

Page 2, line 24, delete *"preferential"* and insert *"gross income definition,"*

Page 3, line 1, delete everything after the period

Page 3, delete line 2

Page 3, line 6, delete "*The department of revenue*"

Page 3, delete lines 7 to 9

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

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 561, A bill for an act relating to metropolitan government; providing for the metropolitan transit commission property tax; amending Minnesota Statutes 1982, section 473.-446, subdivision 1.

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. 576, A bill for an act relating to insurance; health and accident; providing coverage for adopted children from the date of placement for adoption; proposing new law coded in Minnesota Statutes, chapter 62A.

Reported the same back with the following amendments:

Page 1, line 9, after "*individual*" insert "*or group*"

Page 1, line 10, after "*chapter*" insert "*or chapter 64A*"

Page 1, line 15, after "*insured*" insert "*, subscriber, or enrollee*"

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. 47, A bill for an act relating to game and fish; requiring a pheasant stamp; establishing a fee and providing for the use of revenue; allowing multiple sale of stamps with a single issuing fee; amending Minnesota Statutes 1982, section 98.50, subdivision 5; proposing new law coded in Minnesota Statutes, chapter 97.

Reported the same back with the recommendation that 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:

S. F. No. 186, A resolution memorializing the President and Congress to freeze natural gas prices under the Natural Gas Policy Act of 1978 for two years.

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 73, 123, 138, 157, 167, 211, 218, 226, 289, 290, 316, 318, 419, 451, 528, 561 and 576 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. No. 186 was read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Wynia, Skoglund, Quinn and Knickerbocker introduced:

H. F. No. 713, A bill for an act relating to insurance; requiring mandatory no-fault automobile underinsurance coverage; providing for notice of settlement of claims to underinsurance carriers; amending Minnesota Statutes 1982, section 65B.49, by adding a subdivision.

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

Peterson, Ogren and Wenzel introduced:

H. F. No. 714, A bill for an act relating to public utilities; directing 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.

Price; Nelson, K.; McEachern; Hoffman and Gruenes introduced:

H. F. No. 715, A bill for an act relating to education; authorizing the higher education coordinating board to provide supplemental and additional loans; clarifying certain provisions of student loan programs; making technical corrections; amending Minnesota Statutes 1982, sections 136A.14; 136A.141; 136A.15; 136A.16; 136A.17; proposing new law coded in Minnesota Statutes, chapter 136A; repealing Minnesota Statutes 1982, section 136A.161.

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

Brandl; Nelson, K.; Welch; Erickson and Jennings introduced:

H. F. No. 716, A bill for an act relating to education; establishing the basis upon which financial stipends for scholarships and grants-in-aid are determined; amending Minnesota Statutes 1982, section 136A.121.

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

Scheid and Schreiber introduced:

H. F. No. 717, A bill for an act relating to fair campaign practices; permitting certain limitations on campaign activities of local government employees; amending Minnesota Statutes 1982, section 210A.081.

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

Brandl, Scheid and Osthoff introduced:

H. F. No. 718, A bill for an act relating to taxation; property; providing a declining maximum homestead credit; amending Minnesota Statutes 1982, section 273.13, subdivisions 6, 7, 14a, and by adding a subdivision.

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

Dimler introduced:

H. F. No. 719, A bill for an act relating to retirement; basing the annuities of retired judges upon the current salaries for active judges; amending Minnesota Statutes 1982, section 490.102, subdivision 2.

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

Kahn; Carlson, L.; Welch; Nelson, K., and Carlson, D., introduced:

H. F. No. 720, A bill for an act relating to education; providing for computer and related services to aid education; providing for the transfer of duties and property of the Minnesota education consulting consortium; repealing Minnesota Statutes 1982, sections 120.81 and 120.82.

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

Begich; Brinkman; Elioff, Metzen and Battaglia introduced:

H. F. No. 721, A bill for an act relating to the city of Babbitt; 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.

Jacobs, Eken, Redalen, Wigley and Battaglia introduced:

H. F. No. 722, A bill for an act relating to communications; defining terms; requiring access by cable communications companies; imposing conditions of access; limiting certain actions of property owners; allowing appeal; 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.

Greenfield, Swanson, Brandl and Anderson, R., introduced:

H. F. No. 723, A bill for an act relating to public welfare; authorizing a prospective payment system for inpatient hospital service under the medical assistance and general assistance medical care programs; establishing an appeals board; defining "emergency services" for purposes of medical assistance outpatient services; amending Minnesota Statutes 1982, section 256B.02, subdivision 8; proposing new law coded in Minnesota Statutes, chapter 256.

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

Elioff introduced:

H. F. No. 724, A bill for an act relating to health; directing the commissioner of health to revise rules regulating supervised living facilities; directing the commissioner of public welfare to revise certain rules for residential living facilities; amending Minnesota Statutes 1982, sections 144.56, subdivision 4; and 245.802, by adding a subdivision.

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

Kalis, Sviggum and Jensen introduced:

H. F. No. 725, A bill for an act relating to transportation; classifying right-of-way appraisals as confidential data; regulating the conveyancing and leasing of certain rights-of-way; providing that the consideration to be paid upon reconveyance be equal to the estimated current market value of the property reconveyed; authorizing the acquisition of fee title under certain conditions; authorizing the lease of certain easements and providing for the distribution of rents; providing for the alteration of public drainage systems affecting trunk highways; authorizing fees for and the services of a licensed real estate broker for disposing of right-of-way; authorizing the commissioner to convey land to a utility under certain circumstances; amending Minnesota Statutes 1982, sections 13.50, subdivision 1; 161.202, subdivision 4; 161.241, subdivision 4; 161.28, subdivision 1; 161.43; 161.44, subdivisions 2 and 9, and by adding a subdivision; 161.46, subdivision 4; and proposing new law coded in Minnesota Statutes, chapter 161.

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

Clark, J.; Greenfield; Solberg; Neuenschwander and Forsythe introduced:

H. F. No. 726, A bill for an act relating to public welfare; establishing a demonstration project, subject to local approval, for providing mental health and chemical dependency services in the counties of Aitkin, Itasca, and Koochiching; proposing new law coded in Minnesota Statutes, chapter 246.

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

Knuth, Kostohryz, Quinn, Greenfield and Shaver introduced:

H. F. No. 727, A resolution memorializing the President and Congress of the United States to provide medical care for former members of the military forces who were exposed to atomic radiation in the course of their duties.

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

Anderson, R., and Evans introduced:

H. F. No. 728, A bill for an act relating to establishing at the Fergus Falls State Hospital a nursing care home for veterans; authorizing issuance of state bonds; appropriating money; proposing new law coded in Minnesota Statutes, chapter 198.

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

Carlson, D.; Vanasek; Battaglia; Fjoslien and Long introduced:

H. F. No. 729, A bill for an act relating to natural resources; requiring due consideration of town officer recommendations when local approval of acquisition of wildlife lands is required by law; amending Minnesota Statutes 1982, section 97.481, subdivision 2.

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

Segal, Vanasek, Sparby, Kelly and Bishop introduced:

H. F. No. 730, A bill for an act relating to drivers licenses; prohibiting the operation of a motor vehicle in this state by either a resident or nonresident whose license has been revoked, suspended, or cancelled until Minnesota driving privileges are reinstated; amending Minnesota Statutes 1982, section 171.20, subdivision 2; repealing Minnesota Statutes 1982, section 171.181, subdivision 2.

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

Anderson, B.; Schreiber; Heinitz; Ellingson and Scheid introduced:

H. F. No. 731, A bill for an act relating to education; authorizing school districts to charge fees for certain make up courses; amending Minnesota Statutes 1982, section 120.73, subdivision 1.

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

Ludeman, Stadum, Welker, Schafer and McDonald introduced:

H. F. No. 732, A bill for an act relating to labor; providing for the freedom to work; regulating public employee labor relations; amending Minnesota Statutes 1982, sections 179.10, subdivision 1; 179.16, subdivision 1; 179.63, subdivisions 6 and 16; 179.64; 179.65; 179.66; 179.68; 179.69; 179.70; 179.71; 179.72, subdivisions 3 and 10; 179.74; 179.741, subdivisions 2, 3, and 4; 179.743; proposing new law coded in Minnesota Statutes, chapter 179; repealing Minnesota Statutes 1982, sections 179.63, subdivision 12; 179.67; 179.691; 179.692; and 179.742.

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

Munger; Battaglia; Beard; Carlson, D., and Krueger introduced:

H. F. No. 733, A bill for an act relating to mining; including peat within the provisions of mineland reclamation laws; amending Minnesota Statutes 1982, sections 93.44; 93.46, subdivisions 2 and 6; proposing new law coded in Minnesota Statutes, chapter 93.

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

Ogren, Munger and Greenfield introduced:

H. F. No. 734, A bill for an act relating to public welfare; exempting a portion of homestead property from claims filed to recover state hospital costs or medical assistance payments; amending Minnesota Statutes 1982, sections 246.53, subdivision 2; and 256B.15.

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

Quinn, Simoneau, Sieben and Wynia introduced:

H. F. No. 735, A bill for an act relating to insurance; providing for certain unfair or deceptive acts or practices; prescribing penalties; amending Minnesota Statutes 1982, section 72A.20, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 72A; repealing Minnesota Statutes 1982, section 72A.20, subdivision 12.

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

Schafer introduced:

H. F. No. 736, A resolution memorializing the President and Congress of the United States to provide medical care for former members of the military forces who were exposed to atomic radiation in the course of their duties.

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

Norton; Clark, J.; Ogren and Coleman introduced:

H. F. No. 737, A bill for an act relating to the collection and dissemination of data; requiring the bureau of criminal apprehension to compile criminal history data relating to misdemeanor assaults; requiring law enforcement agencies to collect and furnish misdemeanor assault data to the bureau; proposing new law coded in Minnesota Statutes, chapter 299C.

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

Schafer introduced:

H. F. No. 738, A bill for an act relating to counties; permitting counties to issue notes to finance purchase of necessary capital equipment; amending Minnesota Statutes 1982, section 373.01, by adding a subdivision.

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

O'Connor and Ogren introduced:

H. F. No. 739, A bill for an act relating to state departments and agencies; abolishing the cable communications board; eliminating state regulation of certain agreements between municipalities and cable service providers; repealing Minnesota Statutes 1982, chapter 238.

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

Clark, J.; Forsythe; Rice; Vanasek and Anderson, R., introduced:

H. F. No. 740, A bill for an act relating to public improvements; authorizing the planning for and construction of a high security detention facility for female inmates; authorizing issuance of state bonds; appropriating money.

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

Dempsey and Vanasek introduced:

H. F. No. 741, A bill for an act relating to real estate; regulating the duties of a county recorder; amending Minnesota Statutes 1982, sections 386.31; and 386.36.

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

Swanson, Greenfield, Reif, Wynia and Heinritz introduced:

H. F. No. 742, A bill for an act relating to welfare; proposing a moratorium on new construction and new certification of nursing home beds; providing a limit on inpatient chemical dependency treatment; requiring a second medical opinion prior to reimbursement for certain elective surgeries; making medi-



care certification a condition of medical assistance reimbursement; amending Minnesota Statutes 1982, sections 256.045, subdivision 3; 256.966, subdivision 1; 256.968; 256B.02, subdivision 8; 256B.03, subdivision 2, as amended; 256B.04, by adding a subdivision; 256B.061; 256B.064, subdivision 2; 256B.27, subdivisions 3 and 4; and 256B.48, by adding a subdivision; and Laws 1981, chapter 360, article II, section 54, as amended.

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

Minne and Ellingson introduced:

H. F. No. 743, A bill for an act relating to data privacy; prohibiting the dissemination of data regarding a person's age or birthdate for use in mailing lists; amending Minnesota Statutes 1982, section 13.05, by adding a subdivision.

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

Solberg, Gustafson and Forsythe introduced:

H. F. No. 744, A bill for an act relating to motor vehicles; providing for special, free license plates for recipients of the congressional medal of honor; proposing new law coded in Minnesota Statutes, chapter 168.

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

Berkelman, Simoneau, Blatz, Fjoslien and Rodosovich introduced:

H. F. No. 745, A bill for an act relating to the administrative procedure act; clarifying the duties of the revisor of statutes with respect to approving the form of administrative rules; requiring the chief hearing examiner and attorney general to send statements of reasons for disapproving rules to the revisor; increasing the six month time period for adopting a rule under certain circumstances; applying the six month adoption deadline to rules adopted without public hearing; clarifying other provisions of the act; amending Minnesota Statutes 1982, sections 14.07; 14.08; 14.14, subdivision 1; 14.15, subdivisions 3 and 4; 14.17; 14.18; 14.19; 14.21; 14.22; 14.26; 14.32; and 14.47, subdivisions 1 and 5.

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

Coleman, Piper, Welle, Knuth and Pauly introduced:

H. F. No. 746, A bill for an act relating to elections; providing for experimental mail elections; proposing new law coded in Minnesota Statutes, chapter 204B.

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

Hoberg introduced:

H. F. No. 747, A bill for an act relating to the city of Moorhead; restoring an excess payment; appropriating money; repealing Laws 1965, chapters 66 and 312.

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

Begich, Murphy, Beard and O'Connor introduced:

H. F. No. 748, A bill for an act relating to public employment; providing rights for certain part-time employees; amending the definition of supervisory employee; authorizing recognition of legal strikes by non-members of bargaining units; specifying the relationship between collective bargaining agreements and arbitration awards and municipal charters and ordinances; amending Minnesota Statutes 1982, sections 179.63, subdivisions 7 and 9; 179.64, by adding a subdivision; 179.66, subdivision 5; 179.71, subdivision 3; and 179.72, subdivision 7.

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

Anderson, R., introduced:

H. F. No. 749, A bill for an act relating to the city of Fergus Falls; authorizing the city to issue general obligations to finance a solid waste disposal facility.

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

Scheid, Ellingson, Otis and Schreiber introduced:

H. F. No. 750, A bill for an act relating to taxation; property; expanding the purposes for which a certain levy may be used; providing that the county board expend the funds raised by the levy; amending Minnesota Statutes 1982, sections 450.23; 450.24; and 450.25; proposing new law coded in Minnesota Statutes, chapter 450.

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

Clark, J.; Kalis; Vanasek; Welker and Voss introduced:

H. F. No. 751, A bill for an act relating to energy; simplifying hydropower lease procedures; amending Minnesota Statutes 1982, sections 105.482, subdivision 8; 272.02, by adding a subdivision; 273.19, by adding a subdivision; and 295.44, subdivision 1; repealing Minnesota Statutes 1982, section 295.44, subdivisions 2, 3, and 4.

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

Simoneau, Begich and Rice introduced:

H. F. No. 752, A bill for an act relating to workers' compensation; providing for increased liability for the workers' compensation reinsurance association; amending Minnesota Statutes 1982, section 79.34, subdivision 2.

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

Schafer; Nelson, K.; Tunheim; Levi and McEachern introduced:

H. F. No. 753, A bill for an act relating to education; authorizing a school district to levy for the costs of providing cooperative programs; providing for an equalized aid; amending Minnesota Statutes 1982, section 275.125, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 124.

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

Bergstrom and Quinn introduced:

H. F. No. 754, A bill for an act relating to taxation; extending Class 3 property to certain property owned by certain fraternal beneficiary societies or associations for community service; amending Minnesota Statutes 1982, section 273.13, subdivision 4.

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

Greenfield; Clark, J.; Clark, K., and Olsen introduced:

H. F. No. 755, A bill for an act relating to public welfare; continuing to allow personal care attendants' services as services under medical assistance; amending Minnesota Statutes 1982, section 256B.02, subdivision 8.

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

Rodosovich, by request, introduced:

H. F. No. 756, A bill for an act relating to notaries public; changing the term of office; increasing the required bond amount; amending Minnesota Statutes 1982, section 359.02.

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

DenOuden introduced:

H. F. No. 757, A bill for an act relating to elections; exempting candidates for soil and water conservation supervisor from payment of filing fees; amending Minnesota Statutes 1982, section 204B.11, subdivision 1.

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

Begich, Battaglia, Elioff, Rose and St. Onge introduced:

H. F. No. 758, A bill for an act relating to mining; extending the time period within which certain idle open pit mines must be fenced; amending Minnesota Statutes 1982, section 180.03, subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Simoneau introduced:

H. F. No. 759, A bill for an act relating to retirement; authorizing the purchase of prior service credit in the Minnesota state retirement system by certain employees or former employees of joint legislative agencies or commissions.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Rodriguez, F.; Clawson; Wigley; Sarna and Metzen introduced:

H. F. No. 760, A bill for an act relating to retirement; making various administrative and clarifying amendments to laws governing the Minnesota state retirement system and other retirement plans administered by the system; amending Minnesota Statutes 1982, sections 352.01, subdivisions 11, 16, and 17; 352.021, subdivision 5; 352.113, subdivisions 2, 4, and 6; 352.115, subdivision 8; 352.12, subdivisions 3, 4, and 10; 352.15, subdivision 1; 352.22, subdivision 3; 352.93, subdivision 1; 352.95, subdivisions 4 and 5; 352B.01, subdivisions 3, 9, and 10; 352B.02, subdivision 1; 352B.03, subdivision 2; 352B.05; 352B.07; 352B.071; 352B.08, subdivision 1; 352B.105; 352B.11, subdivisions 1, 4, and by adding a subdivision; 352B.30, subdivision 1; 352D.015, subdivision 9; 352D.02, subdivision 3; 352D.04, subdivision 1; and 490.124, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 352B; repealing Minnesota Statutes 1982, sections 352.041, subdivision 6; 352.115, subdivisions 4 and 5; 352.118; 352.1191; 352.22, subdivision 4; 352.71; 352.93, subdivisions 5 and 6; 352B.01, subdivision 8; 352B.02, subdivision 2; 352B.06; 352B.13; 352B.261; and 352B.262.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Rodriguez, F.; Sarna; Wigley; Clawson and Metzen introduced:

H. F. No. 761, A bill for an act relating to retirement; defining and providing for the payment of disability benefits to members of the teachers retirement association for occupational disability; amending Minnesota Statutes 1982, sections 354.05, by adding a subdivision; and 354.48, subdivisions 1, 2, 3, 4, 6, and 10.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Brandl, Rodosovich, Vanasek, Quist and Forsythe introduced:

H. F. No. 762, A bill for an act relating to welfare; changing laws relating to child support enforcement; amending Minnesota Statutes 1982, sections 256.87, subdivision 1a, and by adding subdivisions; 257.55, subdivision 1; 257.58; 257.59, subdivision 1; 257.60; 257.62, subdivision 1, and by adding subdivisions; 257.64, subdivision 1; 257.65; 257.66, subdivisions 3 and 4; 257.69, subdivision 2; 518.10; 518.551, subdivisions 1, 5, and 6; 518.611, subdivisions 1 and 4, and by adding subdivisions; 518.64, subdivision 2; 518.645; 518B.01, subdivisions 2 and 6; 518C.17, subdivision 1; and 548.09; proposing new law coded in Minnesota Statutes, chapters 257 and 518; repealing Minnesota Statutes 1982, sections 256.87, subdivision 2; 256.872; 256.873; 256.876; and 518.551, subdivisions 2, 3, and 4.

The bill was read for the first time and referred to the Committee on Judiciary.

Ellingson introduced:

H. F. No. 763, A bill for an act relating to game and fish; removing the limitation on use of muzzle loading firearms to public lands only; amending Minnesota Statutes 1982, section 100.27, subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Ellingson introduced:

H. F. No. 764, A bill for an act relating to retirement; qualifying park district police for certain pension aids; amending Minnesota Statutes 1982, section 69.011, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Reif, Simoneau, Brandl, Swanson and Haukoos introduced:

H. F. No. 765, A bill for an act relating to insurance; health and accident; allowing insurers to negotiate and contract for alternative rates of payment; allowing insurers to limit payments to providers who contract for alternative rates with the agreement of policyholders; amending Minnesota Statutes 1982, sections 62A.03, by adding a subdivision; 62A.10, by adding a subdivision; 62A.11, subdivision 5; 62C.14, subdivision 3; and 72A.20, subdivision 15.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Price; McEachern; Anderson, B.; Héap and Graba introduced:

H. F. No. 766, A bill for an act relating to education; establishing aid for certain adult vocational education programs; amending Minnesota Statutes 1982, section 124.572, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 124.

The bill was read for the first time and referred to the Committee on Education.

McEachern, Shea, Graba, Redalen and Levi introduced:

H. F. No. 767, A bill for an act relating to local government aids; changing the formula for distribution to cities; amending Minnesota Statutes 1982, sections 477A.011, subdivision 5; and 477A.013.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Clawson, Welch, Wynia, Hokr and Gutknecht introduced:

H. F. No. 768, A bill for an act relating to state departments and agencies; authorizing a study by the department of energy, planning and development of a possible merger of the departments of health and public welfare into a new state department to be called the department of human services; appropriating money.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Skoglund, Brandl, Sieben and Anderson, G., introduced:

H. F. No. 769, A bill for an act relating to metropolitan government; extending the time for design selection for noise suppression equipment at the international airport.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Eken; Anderson, B.; Nelson, K.; DenOuden and Fjoslien introduced:

H. F. No. 770, A bill for an act relating to education; establishing an interdistrict cooperation aid and levy authority for districts meeting certain requirements; appropriating money; amending Minnesota Statutes 1982, section 275.125, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 124.

The bill was read for the first time and referred to the Committee on Education.

Nelson, K., introduced:

H. F. No. 771, A bill for an act relating to education; authorizing disaster or emergency reimbursements and metropolitan agricultural preserve reductions to be subtracted from a school district's minimum guarantee for minimum aid; amending Minnesota Statutes 1982, section 124.2126, subdivision 3.

The bill was read for the first time and referred to the Committee on Education.

Nelson, K.; Bergstrom and Levi introduced:

H. F. No. 772, A bill for an act relating to education; modifying payment application dates for aid for limited English proficiency programs; amending Minnesota Statutes 1982, section 124.273, subdivision 4.

The bill was read for the first time and referred to the Committee on Education.

Staten, Greenfield, Otis, Minne and Clark, K., introduced:

H. F. No. 773, A bill for an act relating to public utilities; specifying public utilities commission jurisdiction; amending Minnesota Statutes 1982, section 325E.015, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Hoberg and Osthoff introduced:

H. F. No. 774, A bill for an act relating to crimes; prohibiting assaulting a peace officer; prescribing penalties; amending Minnesota Statutes 1982, 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 Judiciary.



Redalen, Osthoff, Tomlinson and Evans introduced:

H. F. No. 775, A bill for an act relating to real estate; providing that municipalities may require the 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 Judiciary.

Staten; Greenfield; Welch; Clark, K., and Clark, J., introduced:

H. F. No. 776, A bill for an act relating to public welfare; providing guidelines for considering race and ethnic origin in foster care and adoption placement; requiring recruitment, periodic review, reporting, and recordkeeping; providing for a voluntary task force; amending Minnesota Statutes 1982, sections 257.01; 257.071, subdivision 2, and by adding subdivisions; 259.28; 260.181, subdivision 3; 260.191, subdivision 1; 260.192; and 260.242, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 257 and 259.

The bill was read for the first time and referred to the Committee on Health and Welfare.

McDonald and Dimler introduced:

H. F. No. 777, A bill for an act relating to Carver County; authorizing the county to finance sewage disposal systems on behalf of cities and towns in the county by the issuance of county general obligation bonds.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Nelson, K.; Segal; Bergstrom; Schafer and Levi introduced:

H. F. No. 778, A bill for an act relating to education; providing a limit of 180 hours per pupil for determining state aid for summer school; amending Minnesota Statutes 1982, section 124.17, subdivision 2d.

The bill was read for the first time and referred to the Committee on Education.

**Tunheim introduced:**

**H. F. No. 779, A bill for an act relating to liquor; authorizing the city of Roseau to issue one on-sale license to an Eagles Club.**

The bill was read for the first time and referred to the Committee on Regulated Industries.

**Neuenschwander introduced:**

**H. F. No. 780, A bill for an act relating to elections; including certain transportation expenses in the list of noncampaign disbursements; amending Minnesota Statutes 1982, section 10A.01, subdivision 10c.**

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

**Sviggum introduced:**

**H. F. No. 781, A bill for an act relating to housing and re-development; providing for the appointment of commissioners of multi-county authorities; amending Minnesota Statutes 1982, section 462.428, subdivision 2.**

The bill was read for the first time and referred to the Committee on Energy.

**Vanasek; Clark, J.; Levi; Riveness and Bennett introduced:**

**H. F. No. 782, A bill for an act relating to crimes; providing for increases in maximum authorized fines for crimes and petty misdemeanors; amending Minnesota Statutes 1982, sections 609.02, subdivisions 3, 4, and 4a; and 609.03; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, sections 609.031 and 609.032.**

The bill was read for the first time and referred to the Committee on Judiciary.

**Metzen; Carlson, L.; Riveness; Mann and Sieben introduced:**

**H. F. No. 783, A bill for an act relating to insurance; health and accident; requiring health maintenance organizations to provide chiropractic care equivalent to that provided by health insurance; amending Minnesota Statutes 1982, sections 62A.15; and 62D.02, subdivision 7.**

The bill was read for the first time and referred to the Committee on Health and Welfare.

Stadum, Wenzel, Valan, Frerichs and Johnson introduced:

H. F. No. 784, A bill for an act relating to agriculture; providing for state guaranteed crop planting loans; appropriating money; proposing new law coded in Minnesota Statutes, chapter 41.

The bill was read for the first time and referred to the Committee on Agriculture.

Clawson; Wigley; Rodriguez, F.; Metzen and Sarna introduced:

H. F. No. 785, A bill for an act relating to retirement; public employees funds generally; increasing interest rates paid on refunds and rates required for repayment of refunds and other payments to the funds; amending Minnesota Statutes 1982, sections 3A.03, subdivision 2; 352.029, subdivision 4; 352.04, subdivision 8; 352.12, subdivision 1; 352.22, subdivision 2; 352.23; 352.27; 352.271; 352B.11, subdivisions 1, 3, and 4; 352C.09, subdivision 2; 353.01, subdivision 16; 353.27, subdivision 12; 353.28, subdivision 5; 353.32, subdivision 1; 353.34, subdivision 2; 353.35; 353.36, subdivision 2; 354.47, subdivision 1; 354.49, subdivisions 2 and 3; 354.50, subdivision 2; 354.51, subdivisions 4 and 5; 354.52, subdivision 4; 354.53, subdivision 1; 354.532, subdivision 3; 354A.093; 354A.35, subdivision 1; 354A.37, subdivisions 3 and 4; 354A.38, subdivision 3; 422A.09, subdivision 3; 422A.11, subdivision 2; 422A.16, subdivision 5; and 422A.221, subdivision 2; repealing Minnesota Statutes 1982, section 354.49, subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sarna, Battaglia, Bennett, Munger and Osthoff introduced:

H. F. No. 786, A bill for an act relating to game and fish; designation of experimental and specialized fishing waters; notice of netting season; licensing fishing guides; fishing license surcharge and fees; establishing a sport fishing improvement account and joint select committee on sport fisheries; advisory committee; restricting the use of tip-ups; amending Minnesota Statutes 1982, sections 84.027, subdivision 2; 97.48, subdivision 26, and by adding a subdivision; 97.49, by adding a subdivision; 97.53, by adding a subdivision; 98.46, subdivision 5; and 101.42, subdivision 20; proposing new law coded in Minnesota Statutes, chapters 98 and 101.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Skoglund, Forsythe, Tomlinson, Otis and Wynia introduced:

H. F. No. 787, A bill for an act relating to metropolitan government; regulating the organization, duties, and powers of the metropolitan mosquito control district and commission; amending Minnesota Statutes 1982, sections 473.702; 473.703, subdivision 9; 473.704, subdivision 13; 473.711, subdivision 2; 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.

Ogren; Sarna; Anderson, R.; Norton and O'Connor introduced:

H. F. No. 788, A bill for an act relating to economic development; creating the Minnesota enterprise agency; creating the Minnesota enterprise fund; transferring certain powers from the department of energy, planning and development; abolishing the small business finance agency; appropriating money; amending Minnesota Statutes 1982, section 116J.90, subdivision 5; proposing new law coded as chapter 266.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Simoneau; Clark, K.; Neuenschwander; Evans and Norton introduced:

H. F. No. 789, A bill for an act relating to government operations; creating the Minnesota loan guarantee agency; authorizing guarantees of mortgage-backed securities and of other securities backed by eligible loans; prescribing agency functions and duties; authorizing the issuance of capital certificates; authorizing the acceptance of state investment board funds to finance small business investment corporations; appropriating money; proposing new law coded as Minnesota Statutes, chapter 462D.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Ellingson, Vanasek and Norton introduced:

H. F. No. 790, A bill for an act relating to property exempt from attachment, garnishment, or levy of execution; requiring notice to judgment debtors prior to delivery of funds owed to the judgment debtor by any third party to satisfy a creditor's claim; providing for an exemption notice within certain time limits; providing penalties for failure to send the exemption notice; clarification of certain exempt funds; providing for an increase in the amount of household goods exempt; amending Minnesota Statutes 1982, sections 550.041; 550.14; 550.141, by adding a subdivision; 550.37, subdivisions 4, 13, 14, 19, 20, and 24; 571.41, subdivision 5, and by adding subdivisions; and 571.67.

The bill was read for the first time and referred to the Committee on Judiciary.

Schoenfeld; Redalen; Anderson, G., and Valan introduced:

H. F. No. 791, A bill for an act relating to taxation; modifying the definition of market value; amending Minnesota Statutes 1982, section 272.03, subdivision 8.

The bill was read for the first time and referred to the Committee on Taxes.

#### HOUSE ADVISORIES

The following House Advisories were introduced:

Wenzel; Carlson, D.; Uphus; Sieben and Brinkman introduced:

H. A. No. 6, A proposal to study the impact of adopting federal milkhouse standards.

The advisory was referred to the Committee on Agriculture.

Kelly, Coleman, McKasy, Staten and Clark, J., introduced:

H. A. No. 7, A proposal to study prosecutorial charging and plea negotiation practices.

The advisory was referred to the Committee on Judiciary.

## 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. 46, A bill for an act memorializing the President and Congress to repeal the Secretary of Agriculture's authority to deduct 50 cents per hundredweight from milk producer payments.

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. 364, A bill for an act relating to state lands; conveying certain state lands to the city of St. Cloud.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Gruenes moved that the House concur in the Senate amendments to H. F. No. 364 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 364, A bill for an act relating to state lands; conveying certain state lands to the city of St. Cloud.

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:

Anderson, B.	Bennett	Brinkman	Coleman	Erickson
Anderson, G.	Bergstrom	Carlson, L.	Dempsey	Evans
Anderson, R.	Berkelman	Clark, J.	DenOuden	Findlay
Battaglia	Bishop	Clark, K.	Dimler	Fjoslien
Beard	Blatz	Clawson	Eken	Forsythe
Begich	Brandl	Cohen	Elioff	Frerichs

Graba	Kelly	Norton	Rodriguez, F.	Swanson
Greenfield	Knickerbocker	O'Connor	Rose	Thiede
Gruenes	Knuth	Ogren	St. Onge	Tomlinson
Gustafson	Kostohryz	Olsen	Sarna	Tunheim
Gutknecht	Kvam	Onnen	Schafer	Uphus
Halberg	Larsen	Osthoff	Scheid	Valan
Haukoos	Levi	Otis	Schoenfeld	Valento
Heap	Long	Pauly	Schreiber	Vanasek
Heinitz	Ludeman	Peterson	Seaberg	Vellenga
Himle	Mann	Piepho	Segal	Voss
Hoberg	Marsh	Piper	Shea	Waltman
Hoffman	McDonald	Price	Sherman	Welch
Hokr	McEachern	Quinn	Simoneau	Welker
Jacobs	McKasy	Quist	Skoglund	Welle
Jennings	Metzen	Redalen	Solberg	Wenzel
Jensen	Minne	Reif	Sparby	Wigley
Johnson	Munger	Rice	Stadum	Wynia
Kahn	Murphy	Rodosovich	Staten	Zaffke
Kalis	Neuenschwander	Rodriguez, C.	Sviggum	Speaker Sieben

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. 31, 73, 221, 233, 237, 253, 269, 270 and 271.

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. 322, 325, 351 and 421.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 31, A bill for an act relating to motor vehicles; providing for special license plates for amateur radio station licensees; providing for personalized license plates for motorcycles; amending Minnesota Statutes 1982, section 168.12, subdivisions 2 and 2a.

The bill was read for the first time and referred to the Committee on Transportation.

S. F. No. 73, A bill for an act relating to Dakota County; fixing the conditions for certain land transfers.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 221, A bill for an act relating to state property; providing for the conveyance of certain property to the city of Tracy.

The bill was read for the first time.

Ludeman moved that S. F. No. 221 and H. F. No. 283, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 233, A bill for an act relating to probate; requiring annual reports on the personal well-being of wards or conservatees; amending Minnesota Statutes 1982, section 525.58, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 237, A bill for an act relating to St. Louis County; allowing the county board to abate property taxes in certain instances.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 253, A bill for an act relating to public welfare; retroactively exempting certain health maintenance organizations from the four percent medical assistance payment reduction.

The bill was read for the first time and referred to the Committee on Appropriations.

S. F. No. 269, A bill for an act relating to trusts; clarifying the time limits and applicable interest rates for certain employee trusts; amending Minnesota Statutes 1982, sections 334.01; and 501.11.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 270, A bill for an act relating to financing of jail facilities of Hennepin County; authorizing the issuance of general obligation bonds.

The bill was read for the first time.



Clark, J., moved that S. F. No. 270 and H. F. No. 569, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 271, A bill for an act relating to Hennepin County; providing for the conduct of a public safety communications service; repealing Laws 1947, chapter 371, as amended.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 322, A bill for an act relating to soil and water conservation districts; authorizing annual audits by certified public accountants; amending Minnesota Statutes 1982, section 40.06, subdivision 4.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 325, A bill for an act relating to state lands; authorizing sale of a fractional interest in certain land in Bear Island state forest; correcting an erroneous description in a certain St. Louis County land sale authority; amending Laws 1982, chapter 434, section 2.

The bill was read for the first time.

Battaglia moved that S. F. No. 325 and H. F. No. 313, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 351, A bill for an act relating to state government; regulating eligibility for qualified handicapped civil service examinations; amending Minnesota Statutes 1982, section 43A.10, subdivision 8.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 421, A bill for an act relating to traffic regulations; regulating parking privileges for handicapped persons; prohibiting obstructing access to a parking space for handicapped persons; providing for signposts of limited movability designating handicapped parking space; providing for enforcement; providing penalties; amending Minnesota Statutes 1982, section 169.346.

The bill was read for the first time.

Berkelman moved that S. F. No. 421 and H. F. No. 341, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

Dempsey was excused for the remainder of today's session.

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 today, Thursday, March 17, 1983, immediately preceding the Consent Calendar:

H. F. No. 371.

SPECIAL ORDERS

H. F. No. 371 was reported to the House.

Jensen moved to amend H. F. No. 371, the third engrossment, as follows:

Page 8, line 31, delete "*Section 7 is*" and insert "*Sections 10 and 11 are*"

The motion prevailed and the amendment was adopted.

Jensen and Carlson, D., moved to amend H. F. No. 371, the third engrossment, as amended, as follows:

Page 1, after line 16, add sections to read:

"Section 1. Minnesota Statutes 1982, section 161.081, is amended to read:

161.081 [HIGHWAY USER TAX, DISTRIBUTION OF PORTION OF PROCEEDS.]

Pursuant to article 14, section 5, of the constitution, five percent of the net highway user tax distribution fund is set aside, and apportioned as follows:

- (1) (60) 53 percent to the trunk highway fund;
- (2) (31) 39 percent to a separate account in the county state-aid highway fund to be known as the county turnback account, which account in the state treasury is hereby created;
- (3) (9) 8 percent to a separate account in the municipal state-aid street fund to be known as the municipal turnback account, which account in the state treasury is hereby created.

Sec. 2. Minnesota Statutes 1982, section 161.082, subdivision 2a, is amended to read:

Subd. 2a. An amount equal to (32) 22 percent of the county turnback account (SHALL) *must* be expended, within counties having two or more towns, on town road bridge structures that are 10 feet or more in length and on town road culverts that replace existing town road bridges. The expenditures on (SUCH) bridge structures and culverts may be on a matching basis, and if on a matching basis, not more than 90 percent of the cost of (ANY SUCH) a bridge structure (SHALL) or culvert may be paid from the county turnback account.

*An amount equal to 30 percent of the county turnback account must be set aside as a town road account and distributed as provided in section 3 of this act.*

### Sec. 3. [162.081] [TOWN ROAD ACCOUNT.]

Subdivision 1. [ACCOUNT CREATED.] *A town road account is created in the county state-aid highway fund, consisting of 30 percent of the county turnback account as provided in section 161.082.*

Subd. 2. [FORMULA.] *Funds in the town road account must be apportioned to each county so that each county receives the percentage that the total miles of town road in the county bears to the total miles of town roads in the state.*

Subd. 3. [APPORTIONMENT.] *When the commissioner determines the amount of money to be apportioned to each county under section 162.07, he shall also determine the amounts in the town road account to be apportioned under subdivision 2. The apportionment under subdivision 2 must be included in the statement sent to the commissioner of finance and the county auditor and county engineer of each county under section 162.08, subdivision 2. The amounts so apportioned and allocated to each county from the town road account must be paid by the state to the treasurer of each county at the same time that payments are made under section 162.08, subdivision 2.*

Subd. 4. [PURPOSES.] *Money apportioned to a county from the town road account must be distributed to the treasurer of each town within the county, according to a distribution formula adopted by the county board. The formula must take into account each town's levy for road and bridge purposes, its population and town road mileage, and other factors as the county board deems advisable in the interests of achieving equity among the towns. Distribution of town road funds to the treasurer of the towns must be made within 30 days of the receipt of the funds by the county treasurer. Distribution of funds to town treasurers in a county which has not adopted a distribution formula under this subdivision must be made according to a formula prescribed by the commissioner by rule.*

*Money distributed to a town under this subdivision may be expended by the town only for the construction and reconstruction of town roads within the town."*

Renumber the remaining sections

Page 8, line 22, delete "6" and insert "9"

Page 8, line 32, delete "2 and 3" and insert "5 and 6"

Page 9, line 3, delete "1, 6 and 7" and insert "4, 9 and 12"

Page 9, line 4, after the period insert "*Sections 1 to 3 are effective on the effective date provided for sections 5 and 6 for apportionments made after that date.*"

Further, amend the title as follows:

Page 1, line 9, after the semi-colon insert "creating a town road account in the county state-aid highway fund; providing for the apportionment of five percent of the net highway user tax distribution fund;"

Page 1, line 10, delete "chapter" and insert "chapters 162 and"

Page 1, line 11, after "sections" insert "161.081; 161.082, subdivision 2a;"

The motion prevailed and the amendment was adopted.

Kalis and Fjoslien moved to amend H. F. No. 371, the third engrossment, as amended, as follows:

Page 2, line 9, delete "*GASOHOL*"

Page 2, line 10, delete "*or "gasohol" "*

Page 2, line 11, delete "*denatured*"

Page 2, line 11, strike "*agricultural*" and insert "*agriculturally derived fermentation*"

Page 2, line 12, strike "*at least*"; delete "*198*"; strike "*proof*" and insert: "*a purity of at least 99 percent, determined without regard to any added denaturants, denatured in conformity with one of the approved methods set forth by the United States Department of Treasury, Bureau of Alcohol, Tobacco and Firearms, and derived from agricultural or forest products or other renewable resources, distilled in the United States and derived from agricultural products produced in the United States*"

Page 4, line 17, delete "January 1, 1984" and insert "July 1, 1983"

The motion prevailed and the amendment was adopted.

DenOuden moved to amend H. F. No. 371, the third engrossment, as amended, as follows:

Page 2, lines 23 to 36 strike the old language and delete the new language

Page 3, strike lines 1 to 6

The motion did not prevail and the amendment was not adopted.

McDonald, Dempsey, DenOuden and Ludeman moved to amend H. F. No. 371, the third engrossment, as amended, as follows:

Page 8, after line 29, insert:

*"Sec. 10. Notwithstanding any other law to the contrary, the provisions of sections 177.43 and 177.44 shall not apply nor be enforced on any project financed in whole from the highway user tax distribution fund from the day after final enactment of this act until January 1, 1986."*

Renumber the remaining sections

Amend the title accordingly

A roll call was requested and properly seconded.

#### POINT OF ORDER

Simoneau raised a point of order pursuant to rule 3.9 that the amendment was not in order. The Speaker ruled the point of order not well taken and the amendment in order.

The question recurred on the amendment and the roll was called. There were 45 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Bishop	Forsythe	Jennings	Piepho	Stadum
Blatz	Frerichs	Johnson	Quist	Sviggum
Burger	Gutknecht	Kvam	Redalen	Thiede
DenOuden	Halberg	Levi	Reif	Uphus
Dimler	Haukoos	Ludeman	Rose	Valan
Erickson	Heap	McDonald	Schafer	Waltman
Evans	Heinitz	Omann	Schreiber	Welker
Findlay	Hoberg	Onnen	Seaberg	Wigley
Fjoslien	Hokr	Pauly	Shaver	Zaffke

Those who voted in the negative were:

Anderson, G.	Ellingson	McEachern	Quinn	Staten
Battaglia	Graba	McKasy	Rice	Swanson
Beard	Greenfield	Metzen	Riveness	Tomlinson
Begich	Gustafson	Minne	Rodosovich	Tunheim
Bennett	Hoffman	Munger	Rodriguez, C.	Valento
Bergstrom	Jacobs	Murphy	Rodriguez, F.	Vanasek
Berkelman	Jensen	Nelson, D.	St. Onge	Vellenga
Brandl	Kahn	Neuenschwander	Sarna	Voss
Brinkman	Kelly	Norton	Scheid	Welch
Carlson, L.	Knickerbocker	O'Connor	Schoenfeld	Welle
Clark, J.	Knuth	Ogren	Segal	Wenzel
Clark, K.	Kostohryz	Olsen	Shea	Wynia
Clawson	Krueger	Osthoff	Sherman	Speaker Sieben
Cohen	Larsen	Otis	Simoneau	
Coleman	Long	Peterson	Skoglund	
Eken	Mann	Piper	Solberg	
Elioff	Marsh	Price	Sparby	

The motion did not prevail and the amendment was not adopted.

Frerichs moved to amend H. F. No. 371, the third engrossment, as amended, as follows:

Page 5, line 17, to page 7, line 12, delete Section 6

Page 8, lines 20 to 29, delete Section 9

Renumber the remaining sections

Amend the title:

Page 1, line 13, delete "297.09;"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 57 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Frerichs	Kvam	Redalen	Thiede
Bennett	Cruenes	Levi	Reif	Uphus
Bishop	Gutknecht	Ludeman	Rose	Valan
Blatz	Haukoos	Marsh	Schafer	Valento
Burger	Heap	McDonald	Schoenfeld	Voss
DenOuden	Heinitz	McKasy	Schreiber	Waltman
Dimler	Himle	Olsen	Seaberg	Welker
Erickson	Hoberg	Omann	Shaver	Wigley
Evans	Hokr	Onnen	Shea	Zaffke
Findlay	Jennings	Pauly	Sherman	
Fjoslien	Johnson	Piepho	Stadum	
Forsythe	Knickerbocker	Quist	Sviggum	

Those who voted in the negative were:

Anderson, B.	Coleman	Krueger	Peterson	Solberg
Anderson, G.	Eken	Larsen	Piper	Sparby
Battaglia	Elioff	Long	Pice	Staten
Beard	Craba	Mann	Quinn	Swanson
Begich	Greenfield	Metzen	Rice	Tomlinson
Berkeiman	Gustafson	Minne	Rivness	Tunheim
Brandl	Hoffman	Murphy	Rodosovich	Vanasek
Brinkman	Jacobs	Nelson, D.	Rodriguez, F.	Vellenga
Carlson, D.	Jensen	Neuenschwander	St. Onge	Welch
Carlson, L.	Kahn	Norton	Sarna	Welle
Clark, J.	Kalis	O'Connor	Scheid	Wenzel
Clark, K.	Kelly	Ogren	Segal	Wynia
Clawson	Knuth	Osthoff	Simoneau	Speaker Sieben
Cohen	Kostohryz	Otis	Skoglund	

The motion did not prevail and the amendment was not adopted.

Schreiber moved to amend H. F. No. 371, the third engrossment, as amended, as follows:

Page 5, line 25, delete "91.7" and insert "80"

Page 5, line 26, delete "1984" and insert "1983"

Page 6, line 10, delete "6.2" and insert "15"

Page 6, line 14, delete "2.1" and insert "5"

Page 8, lines 20 to 29, delete Section 9

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 60 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Forsythe	Johnson	Piepho	Sherman
Bennett	Frerichs	Knickerbocker	Quist	Stadum
Bishop	Cruenea	Kvam	Redalen	Sviglum
Blatz	Gutknecht	Levi	Reif	Thiede
Burger	Halberg	Ludeman	Rodosovich	Uphus
Carlson, D.	Haukoos	Marsh	Rose	Valan
DenOuden	Heap	McDonald	Schafer	Valento
Dimler	Heinitz	McKasy	Schoenfeld	Voss
Erickson	Himle	Olsen	Schreiber	Waltman
Evans	Hoberg	Omann	Seaberg	Welker
Findlay	Hokr	Onnen	Shaver	Wigley
Fjoslien	Jennings	Pauly	Shea	Zaffke

Those who voted in the negative were:

Anderson, G.	Eken	Krueger	Otis	Skoglund
Battaglia	Elioff	Larsen	Peterson	Solberg
Beard	Ellingson	Long	Piper	Sparby
Begich	Graba	Mann	Price	Staten
Bergstrom	Greenfield	McEachern	Quinn	Swanson
Berkelman	Gustafson	Metzen	Rice	Tomlinson
Brandl	Hoffman	Minne	Riveness	Tunheim
Brinkman	Jacobs	Murphy	Rodriguez, C.	Vanasek
Carlson, L.	Jensen	Nelson, D.	Rodriguez, F.	Vellenga
Clark, J.	Kahn	Neuenschwander	St. Onge	Wenzel
Clark, K.	Kalis	Norton	Sarna	Wynia
Clawson	Kelly	O'Connor	Scheid	Speaker Sieben
Cohen	Knuth	Ogren	Segal	
Coleman	Kostohryz	Osthoff	Simoneau	

The motion did not prevail and the amendment was not adopted.

Kalis and Fjoslien moved to amend H. F. No. 371, the third engrossment, as amended, as follows:

Page 4, after line 26, insert:

*"Subd. 8. [TAX REDUCTION FOR AGRICULTURAL ALCOHOL GASOLINE SOLD IN BULK TO LOCAL GOVERNMENTS.] The tax on gasoline imposed by subdivision 1 shall be reduced by eight cents per gallon beginning January 1, 1984, and continuing through June 30, 1992, for gasoline which is agricultural alcohol gasoline as defined in section 296.01, subdivision 24, meets the criteria established in subdivision 7, and is sold in bulk to local units of government. This reduction is in lieu of the reductions provided in subdivision 7."*

The motion prevailed and the amendment was adopted.

H. F. No. 371 was read for the third time, as amended.

#### UNANIMOUS CONSENT

Jensen requested unanimous consent to offer an amendment. The request was granted.

Jensen moved to amend H. F. No. 371, the third engrossment, as amended, as follows:

Page 5, line 26, delete "1984" and insert "1983"

The motion prevailed and the amendment was adopted.

H. F. No. 371, A bill for an act relating to transportation; making scheduled increases in taxes on gasoline and special fuel; delaying the effective date of changes in the disposition of the



revenue from the motor vehicle excise tax; providing for the addition of designated routes in the trunk highway system; authorizing the issuance of trunk highway bonds; eliminating the authority of the metropolitan transit commission to levy a certain tax; creating a town road account in the county state-aid highway fund; providing for the apportionment of five percent of the net highway user tax distribution fund; proposing new law coded in Minnesota Statutes, chapters 162 and 169; amending Minnesota Statutes 1982, sections 161.081; 161.082, subdivision 2a; 296.01, subdivision 24; 296.02; 296.14, subdivision 2; 296.18, by adding a subdivision; 297B.09; and 473.446, 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 77 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eken	Long	Quinn	Sparby
Anderson, G.	Elioff	Mann	Redalen	Staten
Battaglia	Ellingson	Metzen	Reif	Swanson
Beard	Graba	Minne	Rice	Tomlinson
Begich	Greenfield	Munger	Riveness	Tunheim
Bergstrom	Gustafson	Murphy	Rodosovich	Vanasek
Berkelman	Hoffman	Nelson, D.	Rodriguez, C.	Vellenga
Brandl	Jacobs	Neuenschwander	Rodriguez, F.	Voss
Brinkman	Jensen	O'Connor	St. Onge	Welch
Carlson, D.	Johnson	Ogren	Sarna	Welle
Carlson, L.	Kahn	Osthoff	Schreiber	Wenzel
Clark, J.	Kalis	Otis	Segal	Wynia
Clark, K.	Kelly	Pauly	Shea	Speaker Sieben
Clawson	Knuth	Peterson	Simoneau	
Coleman	Krueger	Piper	Skoglund	
Dimler	Larsen	Price	Solberg	

Those who voted in the negative were:

Anderson, R.	Frerichs	Knickerbocker	Omamm	Stadum
Bishop	Gruenes	Kostohryz	Onnen	Sviggum
Blatz	Gutknecht	Kvam	Piepho	Thiede
Burger	Halberg	Levi	Quist	Uphus
Cohen	Haukoos	Ludeman	Rose	Valan
DenOuden	Heap	Marsh	Schafer	Valento
Erickson	Heinitz	McDonald	Scheid	Waltman
Evans	Himle	McEachern	Schoenfeld	Welker
Findlay	Hoberg	McKasy	Seaberg	Wigley
Fjoslien	Hokr	Norton	Shaver	Zaffke
Forsythe	Jennings	Olsen	Sherman	

The bill was passed, as amended, and its title agreed to.

Anderson, B., was excused for the remainder of today's session.

## CONSENT CALENDAR

S. F. No. 152, A bill for an act relating to conciliation courts, traffic violations bureaus, and ordinance violations bureaus; eliminating certain obsolete provisions; repealing Minnesota Statutes 1982, chapters 491; 492; and 493.

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:

Anderson, G.	Forsythe	Kvam	Piper	Sparby
Anderson, R.	Frerichs	Larsen	Price	Stadum
Battaglia	Graba	Levi	Quinn	Staten
Beard	Greenfield	Long	Quist	Sviggum
Begich	Gruenes	Ludeman	Redalen	Swanson
Bennett	Gustafson	Mann	Reif	Thiede
Berkelman	Gutknecht	Marsh	Rice	Tomlinson
Blatz	Halberg	McDonald	Riveness	Tunheim
Brandl	Haukoos	McEachern	Rodovich	Uphus
Brinkman	Heap	McKasy	Rodriguez, C.	Valan
Carlson, D.	Heinitz	Metzen	Rodriguez, F.	Valento
Carlson, L.	Himle	Minne	Rose	Vanasek
Clark, J.	Hoberg	Munger	St. Onge	Vellenga
Clark, K.	Hoffman	Murphy	Sarna	Voss
Clawson	Hokr	Nelson, D.	Schafer	Waltman
Cohen	Jacobs	Neuenschwander	Scheid	Welker
Coleman	Jennings	Norton	Schoenfeld	Welle
DenOuden	Jensen	O'Connor	Schreiber	Wenzel
Dimler	Johnson	Ogren	Seaberg	Wigley
Eken	Kahn	Olsen	Segal	Wynia
Elioff	Kalis	Omann	Shaver	Zaffke
Ellingson	Kelly	Onnen	Shea	Speaker Sieben
Erickson	Knickerbocker	Osthoff	Sherman	
Evans	Knuth	Otis	Simoneau	
Findlay	Kostohryz	Pauly	Skoglund	
Fjoslien	Krueger	Piepho	Solberg	

The bill was passed and its title agreed to.

H. F. No. 120 was reported to the House.

Brinkman moved that H. F. No. 120 be continued on the Consent Calendar. The motion prevailed.

H. F. No. 274, A bill for an act relating to the legislature; providing for the majority leader of the senate rather than the president of the senate to serve as chairman of the legislative coordinating commission; changing the term of the chairman of the commission from one year to two years; amending Minnesota Statutes 1982, section 3.303, 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 72 yeas and 53 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Larsen	Piper	Skoglund
Anderson, R.	Ellingson	Long	Price	Solberg
Battaglia	Graba	Mann	Quinn	Sparby
Beard	Greenfield	McEachern	Rice	Staten
Begich	Gustafson	Metzen	Riveness	Swanson
Bergstrom	Hoberg	Minne	Rodosovich	Tomlinson
Brandl	Hoffman	Munger	Rodriguez, C.	Tunheim
Brinkman	Jacobs	Murphy	Rodriguez, F.	Vanasek
Carlson, L.	Jensen	Nelson, D.	St. Onge	Welle
Clark, J.	Kahn	Neuenschwander	Sarna	Wenzel
Clark, K.	Kalis	Norton	Scheid	Wynia
Clawson	Kelly	Ogren	Schoenfeld	Speaker Sieben
Cohen	Knuth	Osthoff	Segal	
Coleman	Kostohryz	Otis	Shea	
Eken	Krueger	Peterson	Simoneau	

Those who voted in the negative were:

Bennett	Forsythe	Knickerbocker	Piepho	Swiggum
Bishop	Frerichs	Kvam	Quist	Thiede
Blatz	Gruenes	Levi	Redalen	Uphus
Burger	Halberg	Ludeman	Reif	Valan
Carlson, D.	Haukoos	Marsh	Rose	Valento
DenOuden	Heap	McDonald	Schafer	Waltman
Dimler	Heinitz	McKasy	Schreiber	Welker
Erickson	Himle	Olsen	Seaberg	Wigley
Evans	Hokr	Omann	Shaver	Zaffke
Findlay	Jennings	Onnen	Sherman	
Fjoslien	Johnson	Pauly	Stadum	

The bill was passed and its title agreed to.

H. F. No. 468 was reported to the House.

McEachern moved that H. F. No. 468 be continued on the Consent Calendar. The motion prevailed.

Ogren was excused for the remainder of today's session.

## CALENDAR

H. F. No. 89 was reported to the House and given its third reading.

Onnen moved that H. F. No. 89 be re-referred to the Committee on Judiciary.

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:

Anderson, G.	Findlay	Kostohryz	Peterson	Skoglund
Anderson, R.	Fjoslien	Krueger	Piepho	Solberg
Battaglia	Forsythe	Kvam	Piper	Sparby
Beard	Frerichs	Larsen	Price	Stadum
Begich	Graba	Levi	Quinn	Staten
Bennett	Greenfield	Long	Quist	Sviggum
Bergstrom	Gruenes	Ludeman	Redalen	Swanson
Berkelman	Gustafson	Mann	Reif	Thiede
Bishop	Gutknecht	Marsh	Rice	Tomlinson
Blatz	Halberg	McDonald	Riveness	Tunheim
Brandl	Haukoos	McEachern	Rodosovich	Uphus
Brinkman	Heap	McKasy	Rodriguez, C.	Valan
Burger	Heinitz	Metzen	Rodriguez, F.	Valento
Carlson, L.	Himle	Minne	Rose	Vanasek
Clark, J.	Hoberg	Munger	St. Onge	Voss
Clark, K.	Hoffman	Murphy	Sarna	Waltman
Clawson	Hokr	Nelson, D.	Schafer	Welch
Cohen	Jacobs	Neuenschwander	Scheid	Welker
Coleman	Jennings	Norton	Schoenfeld	Welle
DenOuden	Jensen	O'Connor	Schreiber	Wenzel
Dimler	Johnson	Olsen	Seaberg	Wigley
Eken	Kahn	Omann	Segal	Wynia
Elioff	Kalis	Onnen	Shaver	Zaffke
Ellingson	Kelly	Osthoff	Shea	Speaker Sieben
Erickson	Knickerbocker	Otis	Sherman	
Evans	Knuth	Pauly	Simoneau	

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 Onnen motion and the roll was called.

Ludeman moved that those not voting be excused from voting. The motion did not prevail.

There were 73 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Elioff	Heap	Levi	Quist
Battaglia	Erickson	Heinitz	Ludeman	Redalen
Beard	Evans	Himle	Marsh	Reif
Begich	Findlay	Hoberg	McDonald	Rose
Bennett	Fjoslien	Hokr	McKasy	St. Onge
Bishop	Forsythe	Jennings	Neuenschwander	Schafer
Blatz	Frerichs	Johnson	Olsen	Schoenfeld
Brinkman	Graba	Kalis	Omann	Schreiber
Burger	Gruenes	Knickerbocker	Onnen	Seaberg
Carlson, D.	Gutknecht	Knuth	Pauly	Shaver
DenOuden	Halberg	Krueger	Piepho	Sherman
Dimler	Haukoos	Kvam	Quinn	Solberg

Sparby  
Stadum  
Sviggum

Thiede  
Tunheim  
Uphus

Valan  
Valento  
Waltman

Welker  
Wenzel  
Wigley

Zaffke

Those who voted in the negative were:

Anderson, G.  
Bergstrom  
Berkelman  
Brandl  
Carlson, L.  
Clark, J.  
Clark, K.  
Clawson  
Cohen  
Coleman  
Eken  
Ellingson

Greenfield  
Gustafson  
Hoffman  
Jacobs  
Jensen  
Kahn  
Kelly  
Kostohryz  
Larsen  
Long  
Mann  
McEachern

Metzen  
Minne  
Munger  
Murphy  
Nelson, D.  
Norton  
O'Connor  
Osthoff  
Otis  
Peterson  
Piper  
Price

Rice  
Riveness  
Rodosovich  
Rodriguez, C.  
Rodriguez, F.  
Scheid  
Segal  
Shea  
Simoneau  
Skoglund  
Staten  
Swanson

Tomlinson  
Vanasek  
Vellenga  
Voss  
Welch  
Welle  
Wynia  
Speaker Sieben

The motion prevailed and H. F. No. 89 was re-referred to the Committee on Judiciary.

H. F. No. 190, A bill for an act relating to courts; providing for the appointment of a court commissioner to solemnize marriages in Brown, Dodge, Fillmore and Olmsted counties; 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 120 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, G.  
Anderson, R.  
Battaglia  
Beard  
Begich  
Bennett  
Berkelman  
Bishop  
Blatz  
Brandl  
Brinkman  
Burger  
Carlson, D.  
Carlson, L.  
Clark, J.  
Clark, K.  
Clawson  
Cohen  
Coleman  
DenOuden  
Dimler  
Eken  
Elioff  
Erickson

Evans  
Findlay  
Fjoslien  
Frerichs  
Graba  
Greenfield  
Gruenes  
Gustafson  
Gutknecht  
Halberg  
Haukoos  
Heap  
Heinitz  
Himle  
Hoberg  
Hoffman  
Hokr  
Jacobs  
Jennings  
Jensen  
Johnson  
Kahn  
Kalis  
Kelly

Knickerbocker  
Knuth  
Kostohryz  
Krueger  
Kvam  
Larsen  
Levi  
Ludeman  
Mann  
Marsh  
McDonald  
McEachern  
McKasy  
Metzen  
Minne  
Munger  
Murphy  
Nelson, D.  
Neuenschwander  
Norton  
O'Connor  
Olsen  
Omman  
Onnen

Pauly  
Peterson  
Piepho  
Piper  
Price  
Quinn  
Quist  
Redalen  
Reif  
Rice  
Riveness  
Rodosovich  
Rodriguez, C.  
Rodriguez, F.  
Rose  
St. Onge  
Sarna  
Schafer  
Scheid  
Schoenfeld  
Schreiber  
Seaberg  
Segal  
Shaver

Shea  
Sherman  
Simoneau  
Skoglund  
Solberg  
Sparby  
Stadum  
Sviggum  
Swanson  
Thiede  
Tomlinson  
Tunheim  
Uphus  
Valan  
Valento  
Vanasek  
Vellenga  
Waltman  
Welch  
Welker  
Wenzel  
Wigley  
Zaffke  
Speaker Sieben

Those who voted in the negative were:

Osthoff                      Staten

The bill was passed and its title agreed to.

H. F. No. 236, A bill for an act relating to occupations and professions; regulating physicians attending certain graduate programs; amending Minnesota Statutes 1982, section 147.20.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Findlay	Kostohryz	Peterson	Skoglund
Anderson, R.	Fjoslien	Krueger	Piepho	Sparby
Battaglia	Forsythe	Kvam	Piper	Stadum
Beard	Frerichs	Larsen	Price	Staten
Begich	Graha	Levi	Quinn	Sviggum
Bennett	Greenfield	Long	Quist	Swanson
Bergstrom	Gruenes	Ludeman	Redalen	Thiede
Berkelman	Gustafson	Mann	Reif	Tomlinson
Bishop	Gutknecht	Marsh	Rice	Tunheim
Blatz	Halberg	McDonald	Riveness	Uphus
Brandl	Haukoos	McEachern	Rodosovich	Valan
Brinkman	Heap	McKasy	Rodriguez, C.	Valento
Burger	Heinitz	Metzen	Rodriguez, F.	Vanasek
Carlson, D.	Himle	Minne	Rose	Vellenga
Carlson, L.	Hoberg	Munger	St. Onge	Waltman
Clark, J.	Hoffman	Murphy	Sarna	Welch
Clark, K.	Hokr	Nelson, D.	Schafer	Welker
Clawson	Jacobs	Neuenschwander	Scheid	Welle
Cohen	Jennings	Norton	Schoenfeld	Wenzel
Coleman	Jensen	O'Connor	Schreiber	Wigley
DenOuden	Johnson	Olsen	Seaberg	Wynia
Eken	Kahn	Omann	Segal	Zaffke
Elioff	Kalis	Onnen	Shaver	Speaker Sieben
Ellingson	Kelly	Osthoff	Shea	
Erickson	Knickerbocker	Otis	Sherman	
Evans	Knuth	Pauly	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 413, A bill for an act relating to the city of Edina; allowing the city to make special assessments against certain benefited property.

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:

Anderson, G.	Evans	Knuth	Pauly	Simoneau
Anderson, R.	Findlay	Kostohryz	Peterson	Skoglund
Battaglia	Fjoslien	Krueger	Piepho	Solberg
Beard	Forsythe	Kvam	Piper	Sparby
Begich	Frerichs	Larsen	Price	Stadum
Bennett	Graba	Levi	Quinn	Staten
Bergstrom	Greenfield	Long	Quist	Sviggum
Berkelman	Gruenes	Ludeman	Redalen	Swanson
Bishop	Gustafson	Mann	Reif	Thiede
Blatz	Gutknecht	Marsh	Rice	Tomlinson
Brandl	Halberg	McDonald	Riveness	Tunheim
Brinkman	Haukoos	McEachern	Rodosovich	Uphus
Burger	Heap	McKasy	Rodriguez, C.	Valan
Carlson, D.	Heinitz	Metzen	Rodriguez, F.	Valento
Carlson, L.	Himle	Minne	Rose	Vanasek
Clark, J.	Hoberg	Munger	St. Onge	Vellenga
Clark, K.	Hoffman	Murphy	Sarna	Waltman
Clawson	Hokr	Nelson, D.	Schafer	Welch
Cohen	Jacobs	Neuenschwander	Scheid	Welker
Coleman	Jennings	Norton	Schoenfeld	Welle
DenOuden	Jensen	O'Connor	Schreiber	Wenzel
Dimler	Johnson	Olsen	Seaberg	Wigley
Eken	Kahn	Omann	Segal	Wynia
Elioff	Kalis	Onnen	Shaver	Zaffke
Ellingson	Kelly	Osthoff	Shea	Speaker Sieben
Erickson	Knickerbocker	Otis	Sherman	

The bill was passed and its title agreed to.

### GENERAL ORDERS

Eken moved that the bills on General Orders for today be continued. The motion prevailed.

### MOTIONS AND RESOLUTIONS

Brinkman moved that S. F. No. 31 be recalled from the Committee on Transportation and together with H. F. No. 120, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

Vanasek moved that H. F. No. 314, now on General Orders, be re-referred to the Committee on Judiciary. The motion prevailed.

Eken moved that the names of Kelly, Otis and Berkelman be added as authors on H. F. No. 191. The motion prevailed.

Hoberg moved that the names of Bennett and Vanasek be added as authors on H. F. No. 774. The motion prevailed.

Hoberg moved that the names of Valan and Bishop be added as authors on H. F. No. 747. The motion prevailed.

Coleman moved that the name of Long be added as an author on H. F. No. 532. The motion prevailed.

Hoberg moved that the name of Evans be added as an author on H. F. No. 774. The motion prevailed.

Kelly moved that the name of Blatz be added as an author on H. F. No. 696. The motion prevailed.

O'Connor moved that the name of Piepho be added as an author on H. F. No. 739. The motion prevailed.

Anderson, R., moved that the name of Fjoslien be added as an author on H. F. No. 728. The motion prevailed.

Solberg moved that the name of Fjoslien be added as an author on H. F. No. 744. The motion prevailed.

Minne moved that the names of Osthoff and Blatz be added as authors on H. F. No. 743. The motion prevailed.

Jennings introduced:

House Concurrent Resolution No. 3, A house concurrent resolution adopting a limitation upon spending and revenue for the fiscal biennium.

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 21, 1983. 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 21, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## TWENTY-FIFTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 21, 1983

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 R. Malm, Our Savior's Lutheran Church, Kiester, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Ellingson	Kelly	Osthoff	Sherman
Anderson, C.	Erickson	Knickerbocker	Otis	Skoglund
Anderson, R.	Evans	Knuth	Pauly	Solberg
Battaglia	Findlay	Kostohryz	Peterson	Sparby
Beard	Fjoslien	Krueger	Piepho	Stadum
Begich	Forsythe	Kvam	Piper	Sviggum
Bennett	Frerichs	Larsen	Price	Swanson
Bergstrom	Graba	Levi	Quinn	Thiede
Berkelman	Greenfield	Long	Quist	Tomlinson
Bishop	Gruenes	Ludeman	Redalen	Tunheim
Blatz	Gustafson	McDonald	Reif	Uphus
Brandl	Gutknecht	McEachern	Rice	Valan
Brinkman	Halberg	McKasy	Riveness	Valento
Burger	Haukoos	Metzen	Rodosovich	Vanasek
Carlson, D.	Heap	Minne	Rodriguez, F.	Vellenga
Carlson, L.	Heinitz	Munger	Rose	Voss
Clark, J.	Himle	Murphy	St. Onge	Waltman
Clark, K.	Hoberg	Nelson, D.	Sarna	Welch
Clawson	Hoffman	Nelson, K.	Schafer	Welker
Cohen	Hokr	Neuenschwander	Scheid	Welle
Coleman	Jacobs	Norton	Schoenfeld	Wenzel
Dempsey	Jennings	O'Connor	Schreiber	Wigley
DenOuden	Jensen	Ogren	Seaberg	Wynia
Dimler	Johnson	Olsen	Segal	Zaffke
Eken	Kahn	Omann	Shaver	Speaker Sieben
Elloff	Kalis	Onnen	Shea	

A quorum was present.

Mann; Marsh; Rodriguez, C.; Simoneau and Staten 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. Nos. 289, 316, 318, 561, 73, 123, 157, 218, 226, 290, 419, 451, 528, 576, 167, 138, 211 and 371 and S. F. Nos. 31, 73, 221, 233, 237, 253, 269, 270, 271, 322, 325, 351 and 421 have been placed in the members' files.

S. F. No. 31 and H. F. No. 120, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Brinkman moved that the rules be so far suspended that S. F. No. 31 be substituted for H. F. No. 120 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 221 and H. F. No. 283, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Ludeman moved that S. F. No. 221 be substituted for H. F. No. 283 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 325 and H. F. No. 313, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Battaglia moved that S. F. No. 325 be substituted for H. F. No. 313 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 421 and H. F. No. 341, 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. 421 be substituted for H. F. No. 341 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 270 and H. F. No. 569, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Clark, J., moved that S. F. No. 270 be substituted for H. F. No. 569 and that the House File be indefinitely postponed. The motion prevailed.

## REPORTS OF STANDING COMMITTEES

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 77, A bill for an act relating to horse racing; creating a Minnesota racing commission and providing for its membership, powers, and duties; authorizing the licensing of persons to operate racetracks, conduct horse racing, engage in certain occupations and conduct pari-mutuel betting on horse racing; prescribing taxes and license fees; establishing a Minnesota breeders fund; providing penalties; appropriating money; amending Minnesota Statutes 1982, sections 38.04; 609.75, subdivision 3; and 609.761; proposing new law coded as Minnesota Statutes, chapter 240.

Reported the same back with the following amendments:

Page 2, line 23, delete "five" and insert "nine"

Page 2, line 25, delete "three" and insert "five"

Page 2, line 26, after the period insert "At least one member shall be from each congressional district."

Page 2, line 28, after "appointed," delete "two" and insert "three" and after "1985," delete "two" and insert "three"

Page 2, line 29, delete "one is for a term" and insert "three are for terms"

Page 3, line 13, delete "received by state employees" and insert "provided in the commissioner's plan adopted according to section 43A.18, subdivision 2"

Page 3, line 15, delete "and the filling of vacancies"

Page 3, delete lines 22 to 24

Page 3, line 25, delete "7" and insert "6"

Page 4, line 22, after "officer" insert "in hearings which need not be conducted under the Administrative Procedure Act"

Page 5, line 3, delete "on a seasonal or part-time basis"

Page 6, line 6, delete everything after the period

Page 6, delete line 7

Page 6, line 8, delete "salaries" and insert "compensation"

Page 6, line 9, delete everything after "employees"

Page 6, line 10, delete everything before the period and insert "shall be as provided in chapter 43A"

Page 8, line 15, delete everything after the period

Page 8, line 16, delete everything through the period

Page 9, line 1, delete "Not more than one"

Page 9, delete lines 2 and 3

Page 24, line 1, delete "section 25" and insert "this act"

Page 28, after line 34, insert:

"Sec. 32. Minnesota Statutes 1982, section 273.76, is amended by adding a subdivision to read:

*Subd. 9. [LICENSED RACETRACKS; TREATMENT UNDER TAX INCREMENT.] No revenues derived from tax increment shall be used to pay the cost of redevelopment, or providing public improvements or facilities, or other public costs in connection with the construction or development of a licensed racetrack as defined in section 1. If a licensed racetrack is located wholly or partly within the boundaries of a tax increment district, no portion of the assessed value of the racetrack shall be included in the district's captured assessed value. Notwithstanding the provisions of section 273.78, this subdivision shall apply to tax increment district or project, regardless of whether the tax increment was certified before August 1, 1979."*

Page 29, delete lines 32 to 36

Page 30, delete lines 1 to 12

Page 30, line 17, delete "There is appropriated from the general fund"

Page 30, delete line 18

Renumber the remaining sections

Amend the title as follows:

Page 1, line 10, after "38.04;" insert "273.76, by adding a subdivision;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 89, A bill for an act relating to crimes; increasing penalties for certain crimes when committed with intent to cause fear because of race, color, religion, sex, physical or mental handicap, affectional or sexual orientation, national origin, age, or political persuasion; amending Minnesota Statutes 1982, sections 609.595, subdivision 1; and 609.713.

Reported the same back with the following amendments:

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 1982, section 609.02, is amended by adding a subdivision to read:

*Subd. 11. [THREAT.] For purposes of section 609.713, subdivision 2, "threat" means a declaration of an intention to injure another or the property of another by some unlawful means. The term "threat" does not include statements made under circumstances not reasonably likely to cause fear of criminal damage to property or bodily injury to the person threatened or other person intended to receive the threat."*

Page 2, line 26, after "property" insert "not within the prohibitions of subdivision 1"

Page 2, line 31, delete "felony" and insert "gross misdemeanor" and delete "to"

Page 2, line 32, delete "imprisonment", delete "five years", and insert "one year"

Page 2, line 33, delete "\$5,000" and insert "\$1,000"

Re-number the sections

Amend the title as follows:

Page 1, line 7, after "sections" insert "609.02, by adding a subdivision;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Beigich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 194, A bill for an act relating to labor; creating an exemption from state minimum wage for certain live-in child care county employees; amending Minnesota Statutes 1982, section 177.23, subdivision 7.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 334, A bill for an act relating to education; establishing a board of directors for two year post-secondary education; 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 board of directors of two year post-secondary education; appropriating money; proposing new law coded as Minnesota Statutes, chapter 136B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 136.03, is amended to read:

136.03 [MANAGEMENT OF STATE UNIVERSITIES.]

The state universities shall be under the management, jurisdiction, and control of the state university board; and it shall have and possess all of the powers, jurisdiction, and authority, and shall perform all of the duties by them possessed and performed on and prior to April 1, 1901, except as hereinafter stated. *Notwithstanding the provisions of sections 136.01, 136.015, and 136.017, the state university board, as it deems necessary, may close state universities under its jurisdiction in accordance with the notice and hearing requirements of chapter 14 relating to the adoption of controversial rules.*

Sec. 2. [136.031] [CARRY OVER AUTHORITY.]

*The state university board is authorized to carry over the net unappropriated fund balance as of June 30 of the first year of a biennium into the second year of the biennium. The board may carry over two percent of the net unappropriated fund balance as of June 30 of the second year of a biennium into the following biennium. These moneys shall not be taken into account in determining state appropriations.*

Sec. 3. Minnesota Statutes 1982, section 136.11, subdivision 1, is amended to read:

Subdivision 1. [TUITION.] There shall be a charge for tuition to students in state universities. The board shall fix rates of tuition for the various instructional programs, including in-service education courses, general adult education programs, summer session programs, off-campus courses, institutes, and projects. *The board is authorized to set the tuition rate at whatever level it deems appropriate, providing that the rate does not fall below the tuition level total determined by the state tuition policy.* The board may waive tuition for persons under the age of 21 who are under the guardianship of the commissioner of public welfare, provided that those persons are qualified for admission to the state universities and that those persons contribute toward their expenses by gainful employment if they are physically able to work. The board may continue to waive tuition for persons removed from the guardianship of the commissioner of public welfare until they reach the age of 21 provided those persons were under the guardianship of the commissioner of public welfare when they reached the age of 18, are qualified for admission to the state universities, and contribute toward their expenses by gainful employment if they are physically able to work. The state university board may waive tuition on instructional programs, institutes, courses, or projects when the sponsor pays all costs.

Nonresident students shall pay an additional tuition fee to be determined by the board. Resident status shall be determined at the time of each registration according to the criteria set forth in rules which the state university board shall establish. The rules shall not be subject to the requirements of the administrative procedure act or of any other law requiring notice, hearing, or the approval of the attorney general before adoption.

Any student who registers for a term of instruction later than the stipulated date for registration may be charged a late registration fee according to the rules to be established by the board.

All tuition receipts are appropriated to the board for the operation of the state university system, subject to budgetary control by the commissioner of finance.

Sec. 4. Minnesota Statutes 1982, section 136.144, is amended to read:

**136.144 [PROMOTION OF UNIVERSITY; ACCEPTANCE OF GIFTS.]**

The board may receive and accept on behalf of the state and for the state universities any gift, bequest, devise, endowment, or grant in the form of cash which any person, firm, corporation, association, or governmental agency may make to the board by will, deed, gift, or otherwise to carry out the purposes of section 136.143. Unless otherwise so expressed in the terms of the gift, bequest, devise, endowment, or grant, moneys so received are not subject to the laws requiring budgeting, allotment, and encumbrance as provided in chapter 16A, or otherwise. (SUCH) Moneys shall be deposited in the state treasury and are hereby appropriated to the board for use in accordance with this section. *These moneys shall not be taken into account in determining appropriations or allocations.*

Sec. 5. Minnesota Statutes 1982, section 136.62, is amended by adding a subdivision to read:

*Subd. 7. [CLOSING AUTHORITY.] Notwithstanding the provisions of sections 136.60 and 136.602 the board, as it deems necessary, may close community colleges under its jurisdiction in accordance with the notice and hearing requirements of chapter 14 relating to the adoption of controversial rules.*

Sec. 6. Minnesota Statutes 1982, section 136.63, subdivision 1a, is amended to read:

*Subd. 1a. The state board for community colleges shall prescribe the courses of study including undergraduate academic programs, training in semi-professional and technical fields, and adult education, conditions of admission, fees and tuition to be paid by students, requirements for graduation, and such suitable rules and regulations necessary for the operation of such community colleges. Rules and regulations so prescribed shall not be subject to the requirements of the administrative procedure act or any other law requiring notice, hearing or the approval of the attorney general prior to adoption. The board is authorized to set the tuition rate at whatever level it deems appropriate, providing that the rate does not fall below the tuition level total determined by the state tuition policy.*

Sec. 7. Minnesota Statutes 1982, section 136.67, is amended by adding a subdivision to read:

*Subd. 5. [CARRY OVER AUTHORITY.] The community college board is authorized to carry over the net unappropriated fund balance as of June 30 of the first year of a biennium into the second year of the biennium. The board may carry over two*



percent of the net unappropriated fund balance as of June 30 of the second year of a biennium into the following biennium. These moneys shall not be taken into account in determining state appropriations.

**Sec. 8. [136B.01] [ESTABLISHMENT OF BOARD OF VOCATIONAL TECHNICAL EDUCATION.]**

*Subdivision 1. [ESTABLISHMENT.] There is established a state board of vocational technical education which shall have regulatory and governing responsibilities for post-secondary vocational education and AVTI adult vocational programs and joint regulatory authority with the board of education for secondary vocational education and non-AVTI adult vocational education. For the purpose of receiving federal vocational funds the board is designated the sole state agency for vocational education. The board shall be created by July 1, 1983, but shall not assume full responsibility for the governance of the programs enumerated above until January 1, 1984.*

*Subd. 2. [PROCEDURES FOR IMPLEMENTATION.] The board of vocational technical education shall develop procedures for implementing the transfer to be made pursuant to subdivision 1 of this section by October 1, 1983, with the advice and consultation of the districts, boards, and state agencies who will be affected by the transfer. The procedures shall include at least: statutory changes needed to implement the transfer; revisions in the budget process, transfer of employee positions and employee contract obligations, transfer of property and funds, and transfer of state legal obligations.*

*Subd. 3. [COMPOSITION AND SELECTION.] The board of vocational technical education shall consist of 11 members, one from each congressional district, to be appointed by the governor with the advice and consent of the senate, and three members to represent the state at large, to be appointed by the governor with the advice and consent of the senate. Ten shall be selected for their knowledge of an interest in vocational technical education, and one shall be a full-time post-secondary vocational education student or shall have been a full-time post-secondary vocational education student within one year before appointment to the board. Priority shall be given to applicants based on their knowledge of and interest in agriculture, business, industry, labor, or economic development. No member of the board shall be an employee of or receiving compensation from a vocational education institution or program, public or private, while serving on the board.*

*Subd. 4. [TERMS.] The membership terms, compensation, removal of members, and filling of vacancies on the board of vocational technical education shall be as provided in section 15-0575, except that the terms of the members of the first board*

shall be subject to the provisions of subdivision 5 of this section and the term of the student member shall be two years.

**Subd. 5. [FIRST STATE BOARD OF VOCATIONAL TECHNICAL EDUCATION.]** *The first board of vocational technical education appointed by the governor with the advice and consent of the senate shall consist of two members with terms ending on the first Monday in January, 1988; three members with terms ending on the first Monday in January, 1987; three members with terms ending on the first Monday in January, 1986; and three members with terms ending on the first Monday in January, 1985.*

**Subd. 6. [ADMINISTRATION.]** *The board of vocational technical education shall elect a president, a secretary, and other officers as it may desire. It shall fix its meeting dates and places. The commissioner of administration shall provide the board with appropriate offices.*

**Sec. 9. [136B.02] [POWERS AND DUTIES OF THE BOARD OF VOCATIONAL TECHNICAL EDUCATION FOR POST-SECONDARY AND AVTI ADULT VOCATIONAL EDUCATION.]**

**Subdivision 1. [GENERAL.]** *The board shall possess all powers necessary and incident to the management, jurisdiction, and governance of post-secondary vocational and AVTI adult vocational programs and all state property pertaining thereto. These powers shall include, but are not limited to, those enumerated in this section.*

**Subd. 2. [APPOINTMENT OF CHANCELLOR.]** *The board of vocational technical education shall appoint a chancellor of vocational technical education who shall serve at the pleasure of the board. The chancellor shall be qualified by training and experience in the field of education, vocational education, or administration.*

**Subd. 3. [STATE PERSONNEL.]** *The board of vocational technical education shall employ all state personnel necessary for the performance of its duties. The board shall organize its employees in a manner it deems proper and shall establish personnel policies for them in compliance with chapter 43A. These policies shall include salary plans for personnel who are not subject to negotiated salary agreements and shall set the salary of the chancellor subject to the provisions of section 15A.081.*

**Subd. 4. [BUDGET REQUESTS.]** *The board shall review and approve, disapprove, or modify the biennial budget requests for post-secondary and AVTI adult vocational education operations and facilities submitted by the chancellor and shall submit the approved biennial budget requests to the governor.*

*Subd. 5. [PLANNING.] The board of vocational technical education shall develop a long-range plan for post-secondary and AVTI adult vocational education which shall include plans and objectives for programs, facilities, use of resources, and a mission statement. The plan shall be developed with the advice of representatives of local school boards and appropriate agencies. The board shall evaluate this plan on a biennial basis to determine the success of vocational education in meeting its objectives.*

*Subd. 6. [MINIMUM STANDARDS.] The board of vocational technical education shall establish minimum standards for:*

- (a) personnel appointments pursuant to subdivision 3; and*
- (b) financial accounting and auditing procedures which are consistent with generally accepted accounting principles and practices.*

*Subd. 7. [RULEMAKING.] The board of vocational technical education shall prescribe conditions of admission, fees, and tuition to be paid by students, courses of study, and other rules necessary for the operation of post-secondary and AVTI adult vocational education. The board is authorized to set the tuition rate at whatever level it deems appropriate, providing that the rate does not fall below the total tuition level determined by the state tuition policy. The board may retain rules in effect at the time it assumes authority and where it does retain rules, these shall not be subject to the requirements of the administrative procedure act or any other law requiring notice, hearing, or the approval of the attorney general prior to adoption.*

*Subd. 8. [PROGRAMS OF STUDY.] The board of vocational technical education shall approve, disapprove, and coordinate post-secondary and AVTI adult vocational education programs. It may add, eliminate, transfer, or change programs as it deems necessary. The board shall consider the integrated services of secondary, post-secondary, and adult education when it reviews intermediate district programs.*

*Subd. 9. [RESCISSION OF PETITIONS.] The state board of vocational technical education may rescind approval of a petition by an independent or special school district to establish an area vocational-technical school in accordance with the notice and hearing requirements of chapter 14 relating to the adoption of controversial rules. Upon rescission of state board approval, the independent or special district shall cease operation of the area vocational-technical school and shall no longer be eligible for allocation of state appropriations.*

*Subd. 10. [CONTRACTS; COOPERATIVE AGREEMENTS.] The board of vocational education may enter into*

*contracts or cooperative agreements with the state board of education, higher education governing boards, educational institutions, or appropriate state agencies for the provision of educational services.*

*Subd. 11. [REORGANIZATION.] The board of vocational technical education, with the consent and approval of the local school boards affected, is authorized to approve the merger or reorganization of two or more AVTIs or to establish regional service areas for post-secondary and AVTI adult vocational programs for the purpose of increased efficiency in budgeting, use of personnel, placement of programs, student access, and other needs as determined by the board. In approving the merger or reorganization of two or more AVTIs, the board shall comply with the notice and hearing requirements of chapter 14 relating to the adoption of controversial rules.*

*Subd. 12. [FUNDING.] The state board of vocational technical education shall have responsibility for the allocation of all state and federal funds for the purpose of post-secondary and AVTI adult vocational programs. Moneys received from federal sources other than as provided in chapter 124, and moneys received from other sources, not including the state, shall not be taken into account in determining appropriations or allocations.*

*Subd. 13 [SHORT-TERM PROGRAMS.] The board of vocational technical education shall have the authority to authorize programs of two years or less when such programs are for a fixed period of time, will not become an ongoing part of curriculum offerings, and are a part of an economic development program.*

*Subd. 14. [LICENSURE.] The state board of vocational technical education is authorized to promulgate rules for the licensure of post-secondary and AVTI adult vocational personnel. The board of teaching shall issue the licenses.*

*Subd. 15. [DEGREES AND CERTIFICATES.] The board of vocational technical education shall prescribe the requirements for graduation and completion of courses of study for post-secondary and AVTI adult vocational education and shall have the authority to award appropriate certificates and degrees.*

**Sec. 10. [136B.03] [POWERS AND DUTIES OF THE BOARD OF EDUCATION FOR SECONDARY AND NON-AVTI ADULT VOCATIONAL EDUCATION.]**

*Subdivision 1. [GENERAL.] The board of education shall possess all powers necessary and incident to the management and jurisdiction of secondary and non-AVTI adult vocational education programs and all state property pertaining thereto.*

*These powers shall include, but are not limited to, those enumerated in this section.*

*Subd. 2. [BUDGET REQUESTS.] The board of education shall review and approve, disapprove, or modify the biennial budget requests for secondary and non-AVTI adult vocational education operations and facilities submitted by the local school boards and shall submit the approved biennial budget requests to the governor.*

*Subd. 3. [CONTRACTS; COOPERATIVE AGREEMENTS.] The board of education may enter into contracts or cooperative agreements with the state board of vocational technical education, other higher education governing boards, educational institutions, or appropriate state agencies for the provision of educational services.*

*Subd. 4. [REORGANIZATION.] The board of education may establish regional service areas for secondary and non-AVTI adult vocational education.*

*Subd. 5. [PLANNING.] The board of education shall develop a long-range plan for secondary and non-AVTI adult vocational education which shall include plans and objectives for programs, facilities, use of resources, and a mission statement. The plan shall be developed with the advice of representatives of local school boards, the state board of vocational technical education, and appropriate agencies. The board shall evaluate this plan on a biennial basis to determine the success of vocational education in meeting its objectives.*

**Sec. 11. [136B.04] [POWER AND DUTY OF THE BOARD FOR VOCATIONAL TECHNICAL EDUCATION FOR SECONDARY AND NON-AVTI ADULT VOCATIONAL EDUCATION.]**

*The state board of vocational technical education shall have responsibility for receiving all state and federal funds for the purpose of secondary and non-AVTI adult vocational programs. All state and federal funds for secondary and non-AVTI adult vocational programs shall be reallocated to the state board of education for allocation to local school boards. The state board of education shall have the authority for allocating these funds in accordance with section 10.*

**Sec. 12. [136B.05] [JOINT AUTHORITY OF THE BOARD OF EDUCATION AND THE BOARD OF VOCATIONAL TECHNICAL EDUCATION FOR SECONDARY AND NON-AVTI ADULT VOCATIONAL EDUCATION.]**

*Subdivision 1 [RULEMAKING.] The board of vocational technical education and the board of education shall jointly*

*prescribe courses of study and other rules necessary for the operation of secondary and non-AVTI adult vocational education and shall have the final approval, disapproval, and coordination of programs.*

*Subd. 2. [LICENSURE.] The state board of vocational technical education and the board of education shall jointly promulgate rules for the licensure of secondary and non-AVTI adult vocational personnel. The board of teaching shall issue the licenses.*

**Sec. 13. [136B.06] [AUTHORITY OF LOCAL SCHOOL BOARDS FOR POST-SECONDARY AND AVTI ADULT VOCATIONAL EDUCATION.]**

*Subdivision 1. [PERSONNEL.] Local school boards shall have the authority to employ the necessary staff to carry out duties related to post-secondary and AVTI adult vocational technical education. The directors of AVTIs shall be appointed by the local boards.*

*Subd. 2. [FINANCE.] The local school boards shall prepare budgets in cooperation with the state board of vocational education, and submit these to the state board. The local board shall approve all expenditures.*

*Subd. 3. [PROGRAMS.] The local school board shall have responsibility for maintaining the quality and efficiency of all post-secondary and AVTI adult vocational programs operating under its jurisdiction. Local school boards in cooperation with the state board shall be responsible for the assessment of local, regional, and state employment needs and revise program offerings to meet these needs.*

*Subd. 4. [FACILITIES AND EQUIPMENT.] The local school board shall operate all facilities and equipment and have the responsibility to maintain facilities and equipment.*

**Sec. 14. [136.B.07] [AUTHORITY OF LOCAL SCHOOL BOARDS FOR SECONDARY AND NON-AVTI ADULT VOCATIONAL EDUCATION.]**

*Subdivision 1. [PERSONNEL.] Local school boards shall have the authority to employ the necessary staff to carry out duties related to secondary and non-AVTI adult vocational technical education. Secondary and non-AVTI adult vocational directors shall be appointed by the local boards.*

*Subd. 2. [FINANCE.] The local school boards shall prepare budgets for secondary and non-AVTI adult vocational education and submit these to the state board of education. The local*

board shall approve all expenditures, consistent with the state board approved budget.

*Subd. 3. [PROGRAMS.] The local school board shall have responsibility for the quality and efficiency of all secondary and non-AVTI adult vocational programs operating under its jurisdiction and the authority to approve programs subject to the final joint approval of the board of vocational technical education and the board of education. Local school boards in cooperation with the state boards shall be responsible for the assessment of local, regional, and state employment needs and revise program offerings to meet these needs.*

*Subd. 4. [FACILITIES AND EQUIPMENT.] The local school board shall operate all facilities and equipment and have the responsibility to maintain facilities and equipment related to secondary and non-AVTI adult vocational education.*

**Sec. 15. [136B.08] [AUTHORITY OF INTERMEDIATE SCHOOL BOARDS.]**

*Subdivision 1. [PERSONNEL.] Boards of intermediate school districts established pursuant to Laws 1967, chapter 822; Laws 1969, chapter 775; or Laws 1969, chapter 1060, shall have the authority to employ the necessary staff to carry out duties related to secondary, post-secondary, and adult vocational technical education. The intermediate board shall have authority to employ personnel for special education services and educational services for low incidence populations offered by the intermediate district. The superintendent of the intermediate district shall be appointed by the intermediate board.*

*Subd. 2. [FINANCE.] The intermediate board shall prepare budgets in cooperation with the state board of education and the state board of vocational technical education and submit these to the state boards. The intermediate board shall approve all expenditures consistent with the state board approved budget.*

*Subd. 3. [PROGRAMS.] The intermediate board shall have the responsibility for maintaining the quality and efficiency of all programs operating under its jurisdiction. Intermediate boards, in cooperation with the state board of education and the state board of vocational education, shall be responsible for the assessment of local, regional, and state employment needs and revise program offerings to meet these needs.*

*Subd. 4. [FACILITIES AND EQUIPMENT.] The intermediate board shall operate all facilities and equipment within its jurisdiction and have the responsibility to maintain facilities and equipment.*

**Sec. 16. [136B.09.] [AUTHORITY OF THE CHANCELLOR.]**

*Subdivision 1. [APPOINTMENTS.] The chancellor shall have the authority to appoint state board staff necessary to carry out the duties of the chancellor's office. Senior officers and other professional employees shall serve at the pleasure of the chancellor in the unclassified service of the state civil service. All other employees shall be in the classified civil service.*

*Subd. 2. [BARGAINING REPRESENTATIVE.] The chancellor or a representative of the chancellor shall consult with the commissioner of employee relations, who shall represent the state in all employment contract negotiations with the bargaining representatives of the employees, pursuant to the provisions of chapter 43 and sections 179.61 to 179.76.*

**Sec. 17. [136B.10] [EFFECT OF TRANSFER TO BOARD OF VOCATIONAL TECHNICAL EDUCATION.]**

*Subdivision 1. [TRANSFER OF FUNCTIONS.] In accordance with the provisions of sections 8 to 22, the powers, duties, and functions of the state board for vocational education relating to post-secondary and AVTI adult vocational technical education are transferred to the board of vocational technical education.*

*Subd. 2. [TRANSFER NOT TO AFFECT LEGAL ACTION.] The transfer of powers, duties, and functions as provided in sections 8 to 22 shall not affect any action or proceeding, whether administrative, civil, or criminal, pending at the time of the transfer. The action shall be prosecuted or defended in the name of the board of vocational technical education. The board, upon application to the appropriate court, shall be substituted as a party to the action or proceeding.*

*Subd. 3. [TRANSFER OF PROPERTY.] To the extent possible, all books, maps, plans, papers, records, furniture, and property of every description related to post-secondary and AVTI adult vocational education within the jurisdiction and control of the state board for vocational education and the state board of education shall be turned over to the board of vocational technical education and it is authorized to assume possession of them.*

*Subd. 4. [TRANSFER OF FUNDS.] The unencumbered and unexpended balance of all funds appropriated to the state board for vocational education for post-secondary and AVTI adult vocational education shall be transferred and reappropriated to the board of vocational technical education. All secondary, post-secondary, and adult state and federal aids available to the state board for vocational education shall be granted to the board of vocational technical education.*



*Subd. 5. [TRANSFER OF STATUTORY REFERENCE.] Whenever a person or authority whose powers, duties, and functions are transferred hereunder is referred to in any statute, contract, or document, the designation shall be deemed to refer to the board of vocational technical education, department, or officer to which the powers, duties, and functions have been transferred.*

**Sec. 18. [PLAN FOR COOPERATION.]**

*Subdivision 1. [PLAN.] For increased financial efficiency and effectiveness in serving their community and in responding to changing enrollment needs, each AVTI and community college located in the same community shall jointly develop a plan for cooperation. The institutions included are those located in Thief River Falls, Hibbing, Brainerd, Willmar, Rochester, Austin, White Bear Lake, Minneapolis, and Anoka County.*

*Subd. 2. [CONTENTS OF PLAN.] Each plan shall propose a strategy for sharing of facilities, personnel, and resources. These strategies may include campus mergers, reorganizations, discontinuance of programs, changes in governance, and other such methods. Each plan shall identify estimated savings and the manner in which the savings will be achieved. Each plan shall include a proposal for the use of 50 percent of the estimated savings, pursuant to subdivision 3.*

*Subd. 3. [SUBMISSION OF PLANS TO CHANCELLORS.] Each plan shall be submitted to the chancellors of community colleges and vocational technical education by October 1, 1983. The chancellors shall review the plans and approve or disapprove them. A disapproved plan shall be returned to the institutions where it shall be modified and resubmitted to the chancellors. Following the approval of the chancellors, the institutions shall be permitted to retain 50 percent of their demonstrated savings.*

*Subd. 4. [REVIEW AND COMMENT.] By December 1, 1983, the chancellors shall submit all approved plans to the higher education coordinating board for review and comment. The higher education coordinating board and the chancellors shall report on the plans to the legislature by January 1, 1984.*

**Sec. 19. [EXISTING RULES.]**

*Rules promulgated prior to the establishment of the board of vocational technical education relating to post-secondary and adult vocational education shall remain in effect until new rules are promulgated by the board.*

**Sec. 20. [REPEALER.]**

*Minnesota Statutes 1982, sections 121.11, subdivision 1; 121.217; 121.902, subdivision 1a; and 124.53 are repealed.*

**Sec. 21. [APPROPRIATION.]**

*The sum of \$150,000 is appropriated from the general fund to the board of vocational education for the purpose of implementing the provisions of this act and shall be available until June 30, 1984.*

**Sec. 22. [EFFECTIVE DATE.]**

*Sections 1 to 16, and 18 to 20 are effective the day following final enactment. Sections 17 and 21 are effective on July 1, 1983."*

Delete the title and insert:

"A bill for an act relating to education; clarifying authority of post-secondary institution governing boards; authorizing governing boards to close institutions and eliminate programs; providing that moneys received by boards or institutions from outside sources shall not be taken into account in determining state appropriations; authorizing governing boards to set tuition rates at any level equal to or above that determined by state tuition policy; authorizing governing boards to carry over an unappropriated fund balance from the first to the second year of a biennium; authorizing governing boards to carry over a limited amount of an unappropriated fund balance from one biennium to the next; establishing a board of vocational technical education; transferring powers, duties, and functions from school districts, school boards, and the state board for vocational education to the board of vocational technical education; appropriating money; amending Minnesota Statutes 1982, sections 136.03; 136.11, subdivision 1; 136.144; 136.62, by adding a subdivision; 136.63, subdivision 1a; 136.67, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 136 and 136B; repealing Minnesota Statutes 1982, sections 121.11, subdivision 1; 121.217; 121.902, subdivision 1a; and 124.53."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 365, A bill for an act relating to health care facilities; clarifying the rights and responsibilities of patients and residents; amending Minnesota Statutes 1982, section 144.651.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 144.651, is amended to read:

**144.651 [PATIENTS AND RESIDENTS OF HEALTH CARE FACILITIES; BILL OF RIGHTS.]**

*Subdivision 1. [LEGISLATIVE INTENT.]* It is the intent of the legislature and the purpose of this section to promote the interests and well being of the patients and residents of health care facilities. No health care facility may require a patient or resident to waive these rights as a condition of admission to the facility. Any guardian or conservator of a patient or resident or, in the absence of a guardian or conservator, an interested person, may seek enforcement of these rights on behalf of a patient or resident. It is the intent of this section that every patient's civil and religious liberties, including the right to independent personal decisions and knowledge of available choices, shall not be infringed and that the facility shall encourage and assist in the fullest possible exercise of these rights.

*Subd. 2. [DEFINITIONS.]* For the purposes of this section, "patient" means a person who is admitted to an acute care inpatient facility for a continuous period longer than 24 hours, for the purpose of diagnosis or treatment bearing on the physical or mental health of that person. "Resident" means a person who is admitted to a non-acute care facility including extended care facilities, nursing homes, and board and care homes for care required because of prolonged mental or physical illness or disability, recovery from injury or disease, or advancing age.

*Subd. 3. [PUBLIC POLICY DECLARATION.]* It is declared to be the public policy of this state that the interests of each patient and resident be protected by a declaration of a patients' bill of rights which shall include but not be limited to the (FOLLOWING:)

(1) EVERY PATIENT AND RESIDENT SHALL HAVE THE RIGHT TO CONSIDERATE AND RESPECTFUL CARE;)

(2) EVERY PATIENT AND RESIDENT CAN REASONABLY EXPECT TO OBTAIN FROM HIS PHYSICIAN OR THE RESIDENT PHYSICIAN OF THE FACILITY COMPLETE AND CURRENT INFORMATION CONCERNING HIS DIAGNOSIS, TREATMENT AND PROGNOSIS IN TERMS AND LANGUAGE THE PATIENT CAN REASONABLY BE EXPECTED TO UNDERSTAND. IN CASES IN WHICH IT IS NOT MEDICALLY ADVISABLE TO GIVE

THE INFORMATION TO THE PATIENT OR RESIDENT THE INFORMATION MAY BE MADE AVAILABLE TO THE APPROPRIATE PERSON IN HIS BEHALF;)

((3) EVERY PATIENT AND RESIDENT SHALL HAVE THE RIGHT TO KNOW BY NAME AND SPECIALTY, IF ANY, THE PHYSICIAN RESPONSIBLE FOR COORDINATION OF HIS CARE;)

((4) EVERY PATIENT AND RESIDENT SHALL HAVE THE RIGHT TO EVERY CONSIDERATION OF HIS PRIVACY AND INDIVIDUALITY AS IT RELATES TO HIS SOCIAL, RELIGIOUS, AND PSYCHOLOGICAL WELL BEING;)

((5) EVERY PATIENT AND RESIDENT SHALL HAVE THE RIGHT TO RESPECTFULNESS AND PRIVACY AS IT RELATES TO HIS MEDICAL CARE PROGRAM. CASE DISCUSSION, CONSULTATION, EXAMINATION, AND TREATMENT ARE CONFIDENTIAL AND SHOULD BE CONDUCTED DISCREETLY;)

((6) EVERY PATIENT AND RESIDENT SHALL HAVE THE RIGHT TO EXPECT THE FACILITY TO MAKE A REASONABLE RESPONSE TO HIS REQUESTS;)

((7) EVERY PATIENT AND RESIDENT SHALL HAVE THE RIGHT TO OBTAIN INFORMATION AS TO ANY RELATIONSHIP OF THE FACILITY TO OTHER HEALTH CARE AND RELATED INSTITUTIONS INSOFAR AS HIS CARE IS CONCERNED;)

((8) EVERY PATIENT AND RESIDENT SHALL HAVE THE RIGHT TO EXPECT REASONABLE CONTINUITY OF CARE WHICH SHALL INCLUDE BUT NOT BE LIMITED TO WHAT APPOINTMENT TIMES AND PHYSICIANS ARE AVAILABLE;)

((9) EVERY RESIDENT SHALL BE FULLY INFORMED, PRIOR TO OR AT THE TIME OF ADMISSION AND DURING HIS STAY, OF SERVICES AVAILABLE IN THE FACILITY, AND OF RELATED CHARGES INCLUDING ANY CHARGES FOR SERVICES NOT COVERED UNDER MEDICARE OR MEDICAID OR NOT COVERED BY THE FACILITY'S BASIC PER DIEM RATE;)

((10) EVERY PATIENT AND RESIDENT SHALL BE AFFORDED THE OPPORTUNITY TO PARTICIPATE IN THE PLANNING OF HIS MEDICAL TREATMENT AND TO REFUSE TO PARTICIPATE IN EXPERIMENTAL RESEARCH;)

((11) NO RESIDENT SHALL BE ARBITRARILY TRANSFERRED OR DISCHARGED BUT MAY BE TRANSFERRED OR DISCHARGED ONLY FOR MEDICAL REASONS, FOR HIS OR OTHER RESIDENTS' WELFARE, OR FOR NONPAYMENT FOR STAY UNLESS PROHIBITED BY THE WELFARE PROGRAMS PAYING FOR THE CARE OF THE RESIDENT, AS DOCUMENTED IN THE MEDICAL RECORD. REASONABLE ADVANCE NOTICE OF ANY TRANSFER OR DISCHARGE MUST BE GIVEN TO A RESIDENT;)

((12) EVERY RESIDENT MAY MANAGE HIS PERSONAL FINANCIAL AFFAIRS, OR SHALL BE GIVEN AT LEAST A QUARTERLY ACCOUNTING OF FINANCIAL TRANSACTIONS ON HIS BEHALF IF HE DELEGATES THIS RESPONSIBILITY IN ACCORDANCE WITH THE LAWS OF MINNESOTA TO THE FACILITY FOR ANY PERIOD OF TIME;)

((13) EVERY RESIDENT SHALL BE ENCOURAGED AND ASSISTED, THROUGHOUT HIS PERIOD OF STAY IN A FACILITY, TO UNDERSTAND AND EXERCISE HIS RIGHTS AS A PATIENT AND AS A CITIZEN, AND TO THIS END, HE MAY VOICE GRIEVANCES AND RECOMMEND CHANGES IN POLICIES AND SERVICES TO FACILITY STAFF AND OUTSIDE REPRESENTATIVES OF HIS CHOICE, FREE FROM RESTRAINT, INTERFERENCE, COERCION, DISCRIMINATION OR REPRISAL;)

((14) EVERY RESIDENT SHALL BE FREE FROM MENTAL AND PHYSICAL ABUSE, AND FREE FROM CHEMICAL AND PHYSICAL RESTRAINTS, EXCEPT IN EMERGENCIES, OR AS AUTHORIZED IN WRITING BY HIS PHYSICIAN FOR A SPECIFIED AND LIMITED PERIOD OF TIME, AND WHEN NECESSARY TO PROTECT THE RESIDENT FROM INJURY TO HIMSELF OR TO OTHERS;)

((15) EVERY PATIENT AND RESIDENT SHALL BE ASSURED CONFIDENTIAL TREATMENT OF HIS PERSONAL AND MEDICAL RECORDS, AND MAY APPROVE OR REFUSE THEIR RELEASE TO ANY INDIVIDUAL OUTSIDE THE FACILITY, EXCEPT AS OTHERWISE PROVIDED BY LAW OR A THIRD PARTY PAYMENT CONTRACT;)

((16) NO RESIDENT SHALL BE REQUIRED TO PERFORM SERVICES FOR THE FACILITY THAT ARE NOT INCLUDED FOR THERAPEUTIC PURPOSES IN HIS PLAN OF CARE;)

((17) EVERY RESIDENT MAY ASSOCIATE AND COMMUNICATE PRIVATELY WITH PERSONS OF HIS CHOICE,

AND SEND AND RECEIVE HIS PERSONAL MAIL UNOPENED, UNLESS MEDICALLY CONTRAINDICATED AND DOCUMENTED BY HIS PHYSICIAN IN THE MEDICAL RECORD;)

((18) EVERY RESIDENT MAY MEET WITH REPRESENTATIVES AND PARTICIPATE IN ACTIVITIES OF COMMERCIAL, RELIGIOUS, AND COMMUNITY GROUPS AT HIS DISCRETION; PROVIDED, HOWEVER, THAT THE ACTIVITIES SHALL NOT INFRINGE UPON THE RIGHT TO PRIVACY OF OTHER RESIDENTS;)

((19) EVERY RESIDENT MAY RETAIN AND USE HIS PERSONAL CLOTHING AND POSSESSIONS AS SPACE PERMITS, UNLESS TO DO SO WOULD INFRINGE UPON RIGHTS OF OTHER PATIENTS OR RESIDENTS, AND UNLESS MEDICALLY CONTRAINDICATED AND DOCUMENTED BY HIS PHYSICIAN IN THE MEDICAL RECORD;)

((20) EVERY RESIDENT, IF MARRIED, SHALL BE ASSURED PRIVACY FOR VISITS BY HIS OR HER SPOUSE AND IF BOTH SPOUSES ARE RESIDENTS OF THE FACILITY, THEY SHALL BE PERMITTED TO SHARE A ROOM, UNLESS MEDICALLY CONTRAINDICATED AND DOCUMENTED BY THEIR PHYSICIANS IN THE MEDICAL RECORD;)

((21) EVERY PATIENT OR RESIDENT SHALL BE FULLY INFORMED, PRIOR TO OR AT THE TIME OF ADMISSION AND DURING HIS STAY AT A FACILITY, OF THE RIGHTS AND RESPONSIBILITIES SET FORTH IN THIS SECTION AND OF ALL RULES GOVERNING PATIENT CONDUCT AND RESPONSIBILITIES; AND)

((22) EVERY PATIENT OR RESIDENT SUFFERING FROM ANY FORM OF BREAST CANCER SHALL BE FULLY INFORMED, PRIOR TO OR AT THE TIME OF ADMISSION AND DURING HER STAY, OF ALL ALTERNATIVE EFFECTIVE METHODS OF TREATMENT OF WHICH THE TREATING PHYSICIAN IS KNOWLEDGEABLE, INCLUDING SURGICAL, RADIOLOGICAL, OR CHEMOTHERAPEUTIC TREATMENTS OR COMBINATIONS OF TREATMENTS AND THE RISKS ASSOCIATED WITH EACH OF THOSE METHODS) *rights specified in this section.*

*Subd. 4 [INFORMATION ABOUT RIGHTS.] Patients and residents shall, at admission, be told that there are legal rights for their protection during their stay at the facility and that these are described in an accompanying written statement of the applicable rights and responsibilities set forth in this section. Reasonable arrangements shall be made for those with*

communication impairments and those who speak a language other than English. Current facility policies, inspection findings of state and local health authorities, and further explanation of the written statement of rights shall be available to patients, residents, their guardians or their chosen representatives upon reasonable request to the administrator or other designated staff person.

Subd. 5. [COURTEOUS TREATMENT.] Patients and residents have the right to be treated with courtesy and respect for their individuality by employees of or persons providing service in a health care facility.

Subd. 6. [APPROPRIATE HEALTH CARE.] Patients and residents shall have the right to medical and personal care based on individual needs to achieve their highest level of physical and mental functioning. This right is limited where the service is not reimbursable by public or private resources.

Subd. 7. [PHYSICIAN'S IDENTITY.] Patients and residents shall have or be given, in writing, the name, business address, telephone number, and specialty, if any, of the physician responsible for coordination of their care. In cases where it is medically inadvisable, as documented by the attending physician in a patient's or resident's care record, the information shall be given to the patient's or resident's guardian or other person designated by the patient or resident as his or her representative.

Subd. 8. [RELATIONSHIP WITH OTHER HEALTH SERVICES.] Patients and residents shall upon request be informed, in writing, of any health care services which are provided to those patients or residents by individuals, corporations, or organizations other than their facility. Information shall include the name of the outside provider, the address, and a description of the service which may be rendered. In cases where it is medically inadvisable, as documented by the attending physician in a patient's or resident's care record, the information shall be given to the patient's or resident's guardian or other person designated by the patient or resident as his or her representative.

Subd. 9. [INFORMATION ABOUT TREATMENT.] Patients and residents shall be given by their physicians complete and current information concerning their diagnosis, treatment, alternatives, and prognosis as required by the physician's legal duty to disclose. This information shall be in terms and language the patients or residents can reasonably be expected to understand. Patients and residents may be accompanied by a family member or other chosen representative. This information shall include the likely medical or psychological results of the treatment and its alternatives. In cases where it is medically inadvisable, as documented by the attending physician in a patient's

or resident's medical record, the information shall be given to the patient's or resident's guardian or other person designated by the patient or resident as his or her representative. Individuals have the right to refuse this information.

**Subd. 10. [PARTICIPATION IN PLANNING TREATMENT.]** Patients and residents shall have the right to participate in the planning of their health care. This right includes the opportunity to discuss treatment and alternatives with individual caregivers, the opportunity to request and participate in formal care conferences, and the right to include a family member or other chosen representative. In the event that the patient or resident cannot be present, a family member or other representative chosen by the patient or resident may be included in such conferences.

**Subd. 11. [CONTINUITY OF CARE.]** Patients and residents shall have the right to be cared for with reasonable regularity and continuity of staff assignment as far as facility policy allows.

**Subd. 12. [RIGHT TO REFUSE CARE.]** Competent patients and residents shall have the right to refuse treatment, including medication, or dietary restrictions and be given the likely medical or psychological results of the refusal, with documentation in the individual medical record. In cases where a patient or resident is incapable of understanding the circumstances but has not been adjudicated incompetent, or when legal requirements limit the right to refuse treatment, the conditions and circumstances shall be fully documented by the attending physician in the patient's or resident's medical record.

**Subd. 13. [EXPERIMENTAL RESEARCH.]** Written, informed consent must be obtained prior to a patient's or resident's participation in experimental research. Patients and residents have the right to refuse participation. Both consent and refusal shall be documented in the individual care record.

**Subd. 14. [FREEDOM FROM ABUSE.]** Patients and residents shall be free from mental and physical abuse as defined in the Vulnerable Adults Protection Act. "Abuse" means any act which constitutes assault, sexual exploitation, or criminal sexual conduct as described in section 626.557, subdivision 2d, or the intentional and nontherapeutic infliction of physical pain or injury, or any persistent course of conduct intended to produce mental or emotional distress. Every patient and resident shall also be free from nontherapeutic chemical and physical restraints, except in fully documented emergencies, or as authorized in writing after examination by a patient's or resident's physician for a specified and limited period of time, and only when necessary to protect the resident from self-injury or injury to others.



*Subd. 15. [TREATMENT PRIVACY.] Patients and residents shall have the right to respectfulness and privacy as it relates to their medical and personal care program. Case discussion, consultation, examination, and treatment are confidential and shall be conducted discreetly. Privacy shall be respected during toileting, bathing, and other activities of personal hygiene, except as needed for patient or resident safety or assistance.*

*Subd. 16. [CONFIDENTIALITY OF RECORDS.] Patients and residents shall be assured confidential treatment of their personal and medical records, and may approve or refuse their release to any individual outside the facility. Patients and residents shall be notified when records, other than medical records, are requested by any individual outside the facility and may select someone to accompany them when the records or information are the subject of a personal interview. Copies of records and written information from the records shall be made available in accordance with this subdivision and section 144.335. This right does not apply to complaint investigations and inspections by the department of health, where required by third party payment contracts, or where otherwise provided by law.*

*Subd. 17. [DISCLOSURE OF SERVICES AVAILABLE.] Patients and residents shall be informed, prior to or at the time of admission and during their stay, of services which are included in the facility's basic per diem or daily room rate and that other services are available at additional charges. Facilities shall make every effort to assist patients and residents in obtaining information regarding whether the medicare or medical assistance program will pay for any or all of the aforementioned services.*

*Subd. 18. [RESPONSIVE SERVICE.] Patients and residents shall have the right to a prompt and reasonable response to their questions and requests.*

*Subd. 19. [PERSONAL PRIVACY.] Patients and residents shall have the right to every consideration of their privacy, individuality, and cultural identity as related to their social, religious, and psychological well-being. Facility staff shall respect the privacy of a resident's room by knocking on the door and seeking consent before entering, except in an emergency or where clearly inadvisable.*

*Subd. 20. [GRIEVANCES.] Patients and residents shall be encouraged and assisted, throughout their stay in a facility, to understand and exercise their rights as patients, residents, and citizens. Patients and residents may voice grievances and recommend changes in policies and services to facility staff and others of their choice, free from restraint, interference, coercion, discrimination, or reprisal, including threat of discharge. Notice of the facility's grievance procedure, as well as addresses and telephone numbers for the office of health facility complaints and the area nursing home ombudsman pursuant to the*

*Older Americans Act, section 307(a)(12) shall be posted in a conspicuous place.*

*Subd. 21. [COMMUNICATION PRIVACY.] Patients and residents may associate and communicate privately with persons of their choice and enter and, except as provided by the Minnesota Commitment Act, leave the facility as they choose. Patients and residents shall have access, at their expense, to writing instruments, stationery, and postage. Personal mail shall be sent without interference and received unopened unless medically or programmatically contraindicated and documented by the physician in the medical record. There shall be access to a telephone where patients and residents can make and receive calls as well as speak privately. Facilities which are unable to provide a private area shall make reasonable arrangements to accommodate the privacy of patients' or residents' calls. This right is limited where medically inadvisable, as documented by the attending physician in a patient's or resident's care record. Where programmatically limited by a facility abuse prevention plan pursuant to section 626.557, subdivision 14, clause 2, this right shall also be limited accordingly.*

*Subd. 22. [PERSONAL PROPERTY.] Patients and residents may retain and use their personal clothing and possessions as space permits, unless to do so would infringe upon rights of other patients or residents, and unless medically or programmatically contraindicated for documented medical, safety, or programmatic reasons. The facility must either maintain a central locked depository or provide individual locked storage areas in which residents may store their valuables for safekeeping. The facility may, but is not required to, provide compensation for or replacement of lost or stolen items.*

*Subd. 23. [SERVICES FOR THE FACILITY.] Patients and residents shall not perform labor or services for the facility unless those activities are included for therapeutic purposes and appropriately goal-related in their individual medical record.*

*Subd. 24. [CHOICE OF SUPPLIER.] A resident may purchase or rent goods or services not included in the per diem rate from a supplier of his or her choice unless otherwise provided by law. The supplier shall ensure that these purchases are sufficient to meet the medical or treatment needs of the resident.*

*Subd. 25. [FINANCIAL AFFAIRS.] Competent residents may manage their personal financial affairs, or shall be given at least a quarterly accounting of financial transactions on their behalf if they delegate this responsibility in accordance with the laws of Minnesota to the facility for any period of time.*

*Subd. 26. [RIGHT TO ASSOCIATE.] Residents may meet with visitors and participate in activities of commercial, religious, political, as defined in section 203B.11 and community*

*groups without interference at their discretion if the activities do not infringe on the right to privacy of other residents or are not programmatically contraindicated. This includes the right to join with other individuals within and outside the facility to work for improvements in long-term care.*

**Subd. 27. [ADVISORY COUNCILS.]** *Residents and their families shall have the right to organize, maintain, and participate in resident advisory and family councils. Each facility shall provide assistance and space for meetings. Council meetings shall be afforded privacy, with staff or visitors attending only upon the council's invitation. A staff person shall be designated the responsibility of providing this assistance and responding to written requests which result from council meetings. Resident and family councils shall be encouraged to make recommendations regarding facility policies.*

**Subd. 28. [MARRIED RESIDENTS.]** *Residents, if married, shall be assured privacy for visits by their spouses and, if both spouses are residents of the facility, they shall be permitted to share a room, unless medically contraindicated and documented by their physicians in the medical records.*

**Subd. 29. [TRANSFERS AND DISCHARGES.]** *Residents shall not be arbitrarily transferred or discharged. Residents must be notified, in writing, of the proposed discharge or transfer and its justification no later than 30 days before discharge from the facility and seven days before transfer to another room within the facility. This notice shall include the resident's right to contest the proposed action, with the address and telephone number of the area nursing home ombudsman pursuant to the Older Americans Act, section 307(a)(12). The resident, informed of this right, may choose to relocate before the notice period ends. The notice period may be shortened in situations outside the facility's control, such as a determination by utilization review, the accommodation of newly-admitted residents, a change in the resident's medical or treatment program, the resident's own or another resident's welfare, or nonpayment for stay unless prohibited by the public program or programs paying for the resident's care, as documented in the medical record. Facilities shall make a reasonable effort to accommodate new residents without disrupting room assignments.*

**Sec. 2.** Minnesota Statutes 1982, section 144.652, is amended to read:

**144.652 [(POLICY STATEMENT) BILL OF RIGHTS NOTICE TO PATIENT OR RESIDENT; VIOLATION.]**

**Subdivision 1. [DISTRIBUTION; POSTING.] (THE POLICY STATEMENT CONTAINED IN)** *Except as provided be-*

*law*, section 144.651 shall be posted conspicuously in a public place in all facilities licensed under the provisions of sections 144.50 to 144.58, or 144A.02 (OR ANY LAW PROVIDING FOR THE LICENSURE OF NURSING HOMES). Copies of the (POLICY STATEMENT) *law* shall be furnished the patient or resident and the patient or resident's guardian or conservator upon admittance to the facility. *Facilities providing services to patients may delete section 144.651, subdivisions 24 to 29, from copies posted or distributed to patients with appropriate notation that residents have additional rights under law.* The policy statement shall include the address and telephone number of the board of medical examiners and/or the name and phone number of the person within the facility to whom inquiries about the medical care received may be directed. The notice shall include a brief statement describing how to file a complaint with the (NURSING HOME COMPLAINT TEAM OF THE HEALTH DEPARTMENT OR ANY DIVISION OR AGENCY OF STATE GOVERNMENT WHICH SUCCEEDS IT) *office of health facility complaints established pursuant to section 144A-52 concerning a violation of section 144.651 or any other state statute or rule. This notice shall include the address and phone number of the office of health facility complaints.*

*Subd. 2. [CORRECTION ORDER; EMERGENCIES.] A substantial violation of the rights of any patient or resident as defined in section 144.651, shall be grounds for issuance of a correction order pursuant to section 144.653 or 144A.10. The issuance or nonissuance of a correction order shall not preclude, diminish, enlarge, or otherwise alter private action by or on behalf of a patient or resident to enforce any unreasonable violation of his rights. Compliance with the provisions of section 144.651 shall not be required whenever emergency conditions, as documented by the attending physician in a patient's medical record or a resident's care record, indicate immediate medical treatment, including but not limited to surgical procedures, is necessary and it is impossible or impractical to comply with the provisions of section 144.651 because delay would endanger the patient's or resident's life, health, or safety."*

Delete the title and insert:

"A bill for an act relating to health care facilities; clarifying the rights and responsibilities of patients and residents; amending Minnesota Statutes 1982, sections 144.651; and 144.652."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 422, A bill for an act relating to state government; regulating judicial branch salaries; amending Minnesota Statutes 1982, section 15A.083, subdivisions 1 and 2.

Reported the same back with the following amendments:

Page 1, line 16, fill in the blank with "75,000"

Page 1, line 18, fill in the blank with "70,000"

Page 1, line 20, fill in the blank with "67,500"

Page 1, line 25, fill in the blank with "62,500"

Page 2, line 3, fill in the blank with "40,000"

Page 2, line 15, fill in the blank with "62,500"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Begin from the Committee on Labor-Management Relations to which was referred:

H. F. No. 459, A bill for an act relating to labor; providing for fair labor standards; defining "employee"; reenacting Minnesota Statutes, section 177.25, subdivision 1; amending Minnesota Statutes, section 177.23, subdivision 7; amending Laws 1981, chapter 289, section 3.

Reported the same back with the following amendments:

Page 1, line 17, delete "up"

Page 1, line 18, delete "to" and after "two" insert "or less"

Page 1, line 22, delete "per week"

Page 1, line 23, delete "per week"

Page 1, line 25, after "wage" insert "per week"

Page 3, after line 23, insert:

"Sec. 4. [EFFECTIVE DATE.]

*The provisions of sections 1 to 3 shall be effective July 1, 1983."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 460, A bill for an act relating to labor; deleting an exclusion from protection for prompt payment of wages; amending Minnesota Statutes 1982, section 181.16.

Reported the same back with the following amendments:

Page 1, after line 17, insert:

"Sec. 2. [EFFECTIVE DATE.]

*The provisions of section 1 shall be effective the day after 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. 496, A bill for an act relating to public welfare; establishing a formula for apportioning among counties the cost of federal fiscal sanctions resulting from quality control errors in the aid to families with dependent children, medical assistance, and food stamp programs; amending Minnesota Statutes 1982, section 256.01, subdivision 2.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 599, A bill for an act relating to labor; regulating fair labor standards record keeping; amending Minnesota Statutes 1982, sections 177.27, subdivision 2; 177.30; 177.31; and 177.32, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 20, strike "his" and insert "an"

Page 2, line 27, delete "maintain records as required"

Page 2, line 28, delete "by" and insert "fulfill the posting requirements of"

Page 2, line 29, delete "maintaining records required"

Page 2, line 30, delete "by" and insert "the posting requirements of"

Further, amend the title:

Page 1, line 3, after the semicolon insert "changing the civil and criminal penalties on employers for violations of the record keeping and posting requirements of the fair labor standards act;"

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. 96, A bill for an act relating to the northeast Minnesota economic protection trust fund; abolishing the trust board; authorizing increased current expenditures; providing for administration of the fund; appropriating money; amending Minnesota Statutes 1982, sections 298.292; 298.293; 298.294; 298.296; 298.297; and 298.298; and Laws 1982, Second Special Session chapter 2, section 14; repealing Minnesota Statutes 1982, section 298.295.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 89, 194, 365, 459, 460 and 599 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 31, 221, 325, 421, 270 and 96 were read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Stadum introduced:

H. F. No. 792, A bill for an act relating to the city of Crookston; providing for membership in the public employees police and fire fund by a certain police officer.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Schreiber introduced:

H. F. No. 793, A bill for an act relating to retirement; public employees retirement association; optional annuity election for disabled member.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Osthoff introduced:

H. F. No. 794, A bill for an act relating to the legislature; enacting the present legislative apportionment into statutory form with minor alterations; amending Minnesota Statutes 1982, sections 2.021; 2.031; proposing new law coded in Minnesota Statutes, chapter 2; and repealing Minnesota Statutes 1982, sections 2.041 to 2.712.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Rodriguez, F., introduced:

H. F. No. 795, A bill for an act relating to motor vehicles; protecting personal information on motor vehicle registration forms; amending Minnesota Statutes 1982, section 168.34.

The bill was read for the first time and referred to the Committee on Transportation.



Voss, Battaglia, Bishop, Valan and Cohen introduced:

H. F. No. 796, A bill for an act relating to open space and recreation; authorizing the issuance of state bonds and expenditure of the proceeds to acquire and better regional recreation open space lands by the metropolitan council and metropolitan area local governmental units; appropriating money.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Heinitz, Heap, Shaver and Schreiber introduced:

H. F. No. 797, A bill for an act relating to elections; changing certain election campaign committee reporting requirements in Hennepin County; amending Laws 1980, chapter 362, sections 3, subdivision 2; 8, subdivision 1, and by adding a subdivision; and 14, subdivision 5.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Burger introduced:

H. F. No. 798, A bill for an act relating to tax-forfeited land; authorizing the sale of a certain tract within the city of Orono.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Voss, Norton, Otis, Piper and Fjoslien introduced:

H. F. No. 799, A bill for an act relating to state government; reorganizing the energy regulation functions in state government; creating an energy department; creating an energy coordination board; creating an energy partnership; creating an intervention office; appropriating money; amending Minnesota Statutes 1982, sections 116C.03, subdivision 2; 116J.09; and 116J.10; proposing new law coded in Minnesota Statutes, chapters 116H and 216B; repealing Minnesota Statutes 1982, sections 116J.28 and 268.37.

The bill was read for the first time and referred to the Committee on Energy.

Segal, Cohen, Eken, Jennings and Sieben introduced:

H. F. No. 800, A resolution memorializing the President and Secretary of State of the United States to protest discrimination against Soviet Jews and seek an end to restrictions on their emigration.

The bill was read for the first time and referred to the Committee on Judiciary.

Brinkman, Heinritz, Kvam, Welle and Metzen introduced:

H. F. No. 801, A bill for an act relating to financial institutions; authorizing electronic financial terminals at locations other than retail locations established by persons other than retailers; amending Minnesota Statutes 1982, sections 47.62, subdivision 1; and 47.64, subdivision 3; repealing Minnesota Statutes 1982, section 47.61, subdivision 5.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Forsythe, Bishop, Vanasek, Norton and Olsen introduced:

H. F. No. 802, A bill for an act relating to marriage dissolution; clarifying factors to be considered in modifying a child support order; amending Minnesota Statutes 1982, section 518.64, subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Cohen, Long and Vellenga introduced:

H. F. No. 803, A bill for an act relating to taxation; property tax refunds; redefining rent constituting property taxes; amending Minnesota Statutes 1982, section 290A.03, subdivisions 11 and 13.

The bill was read for the first time and referred to the Committee on Taxes.

Cohen introduced:

H. F. No. 804, A bill for an act relating to courts; providing for transcript fees in the second judicial district; amending Minnesota Statutes 1982, section 486.06; proposing new law coded in Minnesota Statutes, chapter 486.

The bill was read for the first time and referred to the Committee on Judiciary.

Reif and Forsythe introduced:

H. F. No. 805, A resolution memorializing the Commission on Wartime Relocation and Internment of Civilians to recommend to the United States Congress to provide adequate compensation to internees.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Clawson introduced:

H. F. No. 806, A bill for an act relating to vulnerable adults; refining the Vulnerable Adults Reporting Act; specifying reporting requirements; specifying access to reports; preventing record destruction; amending Minnesota Statutes 1982, section 626.557, subdivisions 2, 3, 4, 10, 12, 14, and by adding a subdivision; repealing Minnesota Statutes 1982, section 626.557, subdivision 12a.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Tunheim; Kalis; Anderson, B., and Valan introduced:

H. F. No. 807, A bill for an act relating to agriculture; regulating commerce in seeds; establishing a seed laboratory for the regulatory and service testing of seeds; appropriating money; imposing penalties; proposing new law coded in Minnesota Statutes, chapter 21; repealing Minnesota Statutes 1982, sections 21.47 to 21.58.

The bill was read for the first time and referred to the Committee on Agriculture.

Sparby, Wynia, Kalis, Valan and Tunheim introduced:

H. F. No. 808, A bill for an act relating to public welfare; setting a durational residency requirement for general assistance eligibility; amending Minnesota Statutes 1982, section 256D.03, subdivision 1.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Ogren introduced:

H. F. No. 809; A bill for an act relating to natural resources; authorizing the marking of canoe and boating routes on the Pine river; amending Minnesota Statutes 1982, section 85.32, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Voss, Osthoff, Shaver, Berkelman and Heinitz introduced:

H. F. No. 810, A bill for an act relating to no-fault automobile insurance; clarifying legislative intent concerning stacking of insurance policies; establishing tort threshold limitations on uninsured motorist coverage; amending Minnesota Statutes 1982, sections 65B.47, by adding a subdivision; and 65B.49, subdivision 4.

The bill was read for the first time and referred to the Committee on Judiciary.

Ogren introduced:

H. F. No. 811, A bill for an act relating to taxation; limiting the reduced assessment and reimbursement for certain structures used for housing; amending Minnesota Statutes 1982, section 273.13, subdivisions 17, 17b, and 17c.

The bill was read for the first time and referred to the Committee on Taxes.

Clark, K., by request, introduced:

H. F. No. 812, A bill for an act relating to motor vehicles; providing for personalized license plates for motorcycles; amending Minnesota Statutes 1982, section 168.12, subdivision 2a.

The bill was read for the first time and referred to the Committee on Transportation.

Hoffman, Price, Jensen, Mann and Bergstrom introduced:

H. F. No. 813, A bill for an act relating to traffic regulations; prohibiting operation of certain vehicles painted the color of school buses; requiring display of two numbered license plates on farm trucks; requiring that when protective headgear is required that it comply with standards established by the commissioner of public safety; amending Minnesota Statutes 1982, sections 169.44, subdivision 8; 169.79; and 169.974, subdivisions 2 and 6; and repealing Minnesota Statutes 1982, section 169.672.

The bill was read for the first time and referred to the Committee on Transportation.

Hoffman, Olsen, Jensen, Mann and Schreiber introduced:

H. F. No. 814, A bill for an act relating to highway traffic regulations; clarifying certain bumper requirements; restricting the height of bumpers on certain vehicles; amending Minnesota Statutes 1982, section 169.73.

The bill was read for the first time and referred to the Committee on Transportation.

Rodriguez, F.; Clawson and Wigley introduced:

H. F. No. 815, A bill for an act relating to retirement; modifying a limitation on public employee retirement annuities; amending Minnesota Statutes 1982, section 356.61.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Ellingson and Brandl introduced:

H. F. No. 816, A bill for an act relating to data privacy; providing procedures for protection of certain mental health center data; amending Minnesota Statutes 1982, section 13.46, subdivision 2, and by adding subdivisions.

The bill was read for the first time and referred to the Committee on Judiciary.

Clark, K., introduced:

H. F. No. 817, A bill for an act relating to fuel assistance programs; providing payment plans for certain natural gas customers; providing protection from disconnection; proposing new law coded in Minnesota Statutes, chapter 268.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Skoglund; Clark, J.; Nelson, K.; Greenfield and Sarna introduced:

H. F. No. 818, A bill for an act relating to the city of Minneapolis; abolishing the office of comptroller-treasurer in the city of Minneapolis.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Munger; Sieben; Rice; Carlson, D., and Norton introduced:

H. F. No. 819, A bill for an act relating to state government; reorganizing functions related to water; abolishing the water planning board, the southern Minnesota rivers basin board, and the water resources board; transferring duties to the environmental quality board; appropriating money; amending Minnesota Statutes 1982, sections 40.072, subdivision 3; 112.35, subdivision 4; 473.877, subdivision 2; and 473.878, subdivisions 5, 7, and 8; proposing new law coded in Minnesota Statutes, chapter 116C; repealing Minnesota Statutes 1982, sections 105.71; 105.72; 105.73; 105.74; 105.75; 105.751; 105.76; 105.77; 105.78; 105.79; and chapter 114A.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Welch; Munger; Ogren; Carlson, D., and Shaver introduced:

H. F. No. 820, A bill for an act relating to recreational vehicles; requiring a three-year registration fee for three-wheel off-road vehicles; requiring rules by the commissioner of natural resources; providing for local ordinances; requiring safety certificates of youthful operators; prescribing penalties; creating a three-wheel off-road vehicle account in the state treasury; appropriating funds; amending Minnesota Statutes 1982, section 84.90, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 84.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Clark, J.; St. Onge; Anderson, R.; Beard and Knuth introduced:

H. F. No. 821, A bill for an act relating to mental health; authorizing county boards to allocate mental health funds; providing the commissioner of public welfare with rulemaking and standard-setting authority for mental health services; providing for the establishment of community mental health centers; defining community mental health center; authorizing funding for mental health services; providing for the establishment of mental health center boards; establishing additional responsibilities of the commissioner of public welfare for mental health services; authorizing the commissioner of public welfare to receive and expend federal mental health funds and establish a statewide plan for all services and facilities for the mentally ill; providing medical assistance coverage for outpatient mental health services; amending Minnesota Statutes 1982, sections 245.61; 245.62; 245.63; 245.66; 245.69, subdivision 1; 245.71; 245.711, subdivision 2; and 256B.02, subdivision 8; repealing Minnesota Statutes 1982, sections 245.64 and 245.70.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Thiede introduced:

H. F. No. 822, A bill for an act relating to education; providing reduction of state aids to districts where basic maintenance and transportation levies exceed formula revenue; amending Minnesota Statutes 1982, section 275.125, subdivisions 2e and 5b; proposing new law coded in Minnesota Statutes, chapter 124.

The bill was read for the first time and referred to the Committee on Education.

Wenzel; Sieben; Carlson, D.; Peterson and Sparby introduced:

H. F. No. 823, A bill for an act relating to agriculture; providing for the development of the state's agricultural resources through an agricultural resource energy loan guaranty program, board, and fund, and the terms of guaranties by the state of project loans in the program; appropriating money, taxes, tax increments, and other governmental charges; authorizing the issuance of state bonds; amending Minnesota Statutes 1982, sections 290.01, by adding a subdivision; 297A.44, subdivision 1; 362A.01, subdivision 1; 362A.05; and 473F.02, subdivision 3; proposing new law coded as Minnesota Statutes, chapter 41A; proposing new law coded in Minnesota Statutes, chapter 362A.

The bill was read for the first time and referred to the Committee on Agriculture.

Wenzel; Sieben; Carlson, D.; Peterson and Sparby introduced:

H. F. No. 824, A bill for an act relating to agriculture; authorizing participation in an upper midwest agricultural consortium; authorizing agricultural processing and research projects; appropriating money; proposing new law coded in Minnesota Statutes, chapters 4 and 17.

The bill was read for the first time and referred to the Committee on Agriculture.

Simoneau introduced:

H. F. No. 825, A bill for an act relating to workers' compensation; regulating the assigned risk plan; amending Minnesota Statutes 1982, section 79.251; proposing new law coded in Minnesota Statutes, chapter 79; repealing Minnesota Statutes 1982, section 79.63.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Jacobs introduced:

H. F. No. 826, A bill for an act relating to motor vehicles; abolishing vehicle weight limitation for handicapped persons to obtain special plates; amending Minnesota Statutes 1982, section 168.021, subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation.

Simoneau introduced:

H. F. No. 827, A bill for an act relating to workers' compensation; providing an application fee for self-insurers; amending Minnesota Statutes 1982, section 176.181, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.



Voss introduced:

H. F. No. 828, A bill for an act relating to energy; providing an omnibus energy policy; appropriating money; amending Minnesota Statutes 1982, sections 116J.27, subdivisions 2, 6, and by adding a subdivision; 116J.31; 116J.36; 453.54, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 116J and 216B; repealing Minnesota Statutes 1982, section 116J.27, subdivisions 5 and 7.

The bill was read for the first time and referred to the Committee on Energy.

Skoglund, Sieben, Cohen, Schreiber and Rodriguez, C., introduced:

H. F. No. 829, A bill for an act relating to metropolitan government; regulating airport development; amending Minnesota Statutes 1982, section 473.611, subdivision 5.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Voss, Coleman, Knuth, McDonald and Price introduced:

H. F. No. 830, A bill for an act relating to manufactured homes; clarifying the prohibition of net listing agreements; adding an appeals provision; correcting cross-references; amending Minnesota Statutes 1982, section 327B.01, subdivisions 11 and 14; 327B.04, subdivision 4; 327B.05, subdivisions 1 and 2, and by adding a subdivision; and 327B.09, subdivisions 1 and 4.

The bill was read for the first time and referred to the Committee on Energy.

Jacobs introduced:

H. F. No. 831, A bill for an act relating to real property; requiring certification by the municipality prior to transfer by the county auditor of certain unplatted properties; amending Minnesota Statutes 1982, section 272.162, subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Nelson, D.; McEachern and Nelson, K., introduced:

H. F. No. 832, A bill for an act relating to education; establishing a financial assistance program for persons entering the mathematics, science, and certain other teaching professions; establishing summer institutes for mathematics and science teachers.

The bill was read for the first time and referred to the Committee on Education.

Solberg; Neuenschwander; Olsen; Nelson, K., and Minne introduced:

H. F. No. 833, A bill for an act relating to Independent School District No. 319, Nashwauk-Keewatin; authorizing a transfer of funds to reduce the operating debt.

The bill was read for the first time and referred to the Committee on Education.

Blatz, Eken, Heinitz, Beard and McEachern introduced:

H. F. No. 834, A bill for an act relating to health; requiring ophthalmic dispensers to have licenses; establishing a board of ophthalmic dispensers; setting a penalty; appropriating money; amending Minnesota Statutes 1982, section 214.01, subdivision 2; 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.

Wigley, Kalis, Piepho and Quist introduced:

H. F. No. 835, A bill for an act relating to Blue Earth County; providing for the taxation of the Rapidan Dam power generating facility.

The bill was read for the first time and referred to the Committee on Taxes.

Clawson introduced:

H. F. No. 836, A bill for an act relating to the legislative reference library; permitting the library to require certain identification of documents deposited; amending Minnesota Statutes 1982, sections 3.195; and 3.302, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Segal; Rodriguez, C.; Mann; McKasy and Pauly introduced:

H. F. No. 837, A bill for an act relating to transportation; providing for a unique registration category and special license plates for commuter vans; defining ridesharing arrangement and other terms; clarifying taxation, licensing, and vehicle use requirements in ridesharing arrangements; excluding certain ridesharing arrangements from the provisions of chapter 176 governing workers' compensation; clarifying employers' liability under workers' compensation for a ridesharing arrangement; excluding participation in a ridesharing arrangement from overtime compensation and the payment of minimum wages as defined in chapter 177; excluding payments other than salary to drivers in ridesharing arrangements from the definition of gross income; excluding motor vehicles participating in ridesharing arrangements from the definition of commercial motor vehicle; deleting the requirement to transfer rideshare program development from the commissioner of transportation; amending Minnesota Statutes 1982, sections 169.01, by adding a subdivision; 174.257, by adding subdivisions; 176.041; 176.051, by adding subdivisions; 290.08, by adding a subdivision; 296.17; and Laws 1981, chapter 363, section 55, subdivision 2; proposing new law coded in Minnesota Statutes, chapters 168 and 177.

The bill was read for the first time and referred to the Committee on Transportation.

Graba, Sarna, Jensen and Wigley introduced:

H. F. No. 838, A bill for an act relating to transportation; conforming with federal requirements allowing a state authority to exercise jurisdiction over intrastate transportation provided by rail carrier; amending Minnesota Statutes 1982, sections 218.031, subdivision 1; 218.041, subdivision 2; and 218.071, subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation.

Minne introduced:

H. F. No. 839, A bill for an act relating to retirement; providing that certain teaching days shall be counted for purposes of calculating service credit.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Levi, Kostohryz, Knuth, Hoffman and Reif introduced:

H. F. No. 840, A bill for an act relating to education; granting certain powers to Special Intermediate School District No. 916; amending Laws 1969, chapter 775, section 3, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Welker, Simoneau, Heinitz and Welch introduced:

H. F. No. 841, A bill for an act relating to health; exempting certain drivers of basic life support transportation vehicles from certain requirements; amending Minnesota Statutes 1982, section 144.804, subdivision 1.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Johnson, Waltman, Uphus and Redalen introduced:

H. F. No. 842, A bill for an act relating to local government aids; changing the formula for aid distributions to towns; amending Minnesota Statutes 1982, sections 477A.011, subdivisions 2, 4, 5, 7, 9, 10, and 11; and 477A.013.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Krueger, Graba, Vellenga and Valan introduced:

H. F. No. 843, A bill for an act relating to education; permitting the continued development and implementation of a low-power television transmission system for certain school districts; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

Bergstrom introduced:

H. F. No. 844, A bill for an act relating to communications; restricting formation of joint cable communications commissions; clarifying joint cable communications commission; providing for notification of certain schools during cable service franchising; amending Minnesota Statutes 1982, sections 238.02, subdivision 14; 238.08, subdivision 5; 238.09, subdivision 6, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Clark, K., and Greenfield introduced:

H. F. No. 845, A bill for an act relating to public welfare; establishing standards for disregarding certain income and assets in the case of totally disabled persons for purposes of receiving medical assistance; amending Minnesota Statutes 1982, Section 256B.06, by adding a subdivision.

The bill was read for the first time and 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. 215, A bill for an act relating to local government; authorizing flood control projects by the city of Rochester, Olmsted County and the Olmsted county soil conservation district.

PATRICK E. FLAHAVEN, Secretary of the Senate

### CONCURRENCE AND REPASSAGE

Frerichs moved that the House concur in the Senate amendments to H. F. No. 215 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 215, A bill for an act relating to local government; authorizing flood control projects by the city of Rochester, Olmsted County and the Olmsted county soil and water conservation district.

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:

Anderson, B.	Begich	Bishop	Burger	Cohen
Anderson, G.	Bennett	Blatz	Carlson, L.	Coleman
Battaglia	Bergstrom	Brandl	Clark, J.	Dempsey
Beard	Berkelman	Brinkman	Clark, K.	DenOuden

Dimler	Hokr	Minne	Redalen	Stadum
Eken	Jacobs	Munger	Reif	Sviggum
Elioff	Jennings	Murphy	Rice	Swanson
Ellingson	Jensen	Nelson, D.	Riveness	Thiede
Evans	Johnson	Nelson, K.	Rodosovich	Tomlinson
Findlay	Kahn	Neuenschwander	Rodriguez, F.	Tunheim
Fjoslien	Kalis	Norton	Rose	Uphus
Forsythe	Kelly	O'Connor	St. Onge	Valan
Frerichs	Knickerbocker	Ogren	Sarna	Valento
Craba	Knuth	Olsen	Schafer	Vanasek
Greenfield	Kostohryz	Omann	Scheid	Vellenga
Gruenes	Krueger	Onnen	Schoenfeld	Voss
Gustafson	Kvam	Osthoff	Schreiber	Waltman
Gutknecht	Larsen	Otis	Seaberg	Welch
Halberg	Levi	Pauly	Segal	Welker
Haukoos	Long	Peterson	Shaver	Welle
Heap	Ludeman	Piepho	Shea	Wenzel
Heinitz	McDonald	Piper	Sherman	Wigley
Himle	McEachern	Price	Skoglund	Wynia
Hoberg	McKasy	Quinn	Solberg	Zaffke
Hoffman	Metzen	Quist	Sparby	Speaker Sieben

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. 68, A bill for an act relating to local government; setting the dollar amount of contracts subject to the open bidding law; amending Minnesota Statutes 1982, section 471.345, subdivisions 3, 4, and 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Berkelman moved that the House concur in the Senate amendments to H. F. No. 68 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 68, A bill for an act relating to local government; setting the dollar amount of contracts subject to the open bidding law; amending Minnesota Statutes 1982, section 471.345, subdivisions 3, 4, and 5.

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 123 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Knickerbocker	Peterson	Solberg
Anderson, G.	Findlay	Knuth	Piepho	Sparby
Anderson, R.	Fjoslien	Kostohryz	Piper	Stadum
Battaglia	Forsythe	Krueger	Price	Swiggum
Beard	Frerichs	Kvam	Quinn	Swanson
Begich	Graba	Larsen	Quist	Thiede
Bennett	Greenfield	Levi	Redalen	Tomlinson
Bergstrom	Gruenes	Long	Reif	Tunheim
Berkelman	Gustafson	Ludeman	Rice	Uphus
Blatz	Gutknecht	McDonald	Riveness	Valan
Brandl	Halberg	McEachern	Rodosovich	Valento
Brinkman	Haukoos	Metzen	Rodriguez, F.	Vanasek
Burger	Heap	Munger	Rose	Vallenga
Carlson, L.	Heinitz	Murphy	St. Onge	Voss
Clark, J.	Himle	Nelson, D.	Sarna	Waltman
Clark, K.	Hoberg	Nelson, K.	Schafer	Welch
Cohen	Hoffman	Neuenschwander	Scheidt	Welker
Coleman	Hokr	Norton	Schoenfeld	Welle
Dempsey	Jacobs	O'Connor	Schreiber	Wenzel
DenOuden	Jennings	Ogren	Seaberg	Wigley
Dimler	Jensen	Olsen	Segal	Wynia
Eken	Johnson	Omamn	Shaver	Zaffke
Elioff	Kahn	Onnen	Shea	Speaker Sieben
Ellingson	Kalis	Otis	Sherman	
Erickson	Kelly	Pauly	Skoglund	

Those who voted in the negative were:

Minne                      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 Senate Files, herewith transmitted:

S. F. Nos. 68, 161, 207 and 224.

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. 267.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 68, A bill for an act relating to elections; fair campaign practices; providing a penalty for denial of access to cer-

tain dwellings; amending Minnesota Statutes 1982, section 210A.43, subdivision 4.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

S. F. No. 161, A bill for an act relating to the city of Minneapolis; changing the position of cable communications officer to the unclassified service; amending Laws 1969, chapter 937, section 1, subdivision 9, as amended.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 207, A bill for an act relating to Independent School District No. 466; permitting the sale of certain land subject to agreed conditions.

The bill was read for the first time and referred to the Committee on Education.

S. F. No. 224, A bill for an act relating to local government; permitting the city of Big Falls and part of Koochiching County to join a hospital district.

The bill was read for the first time.

Neuenschwander moved that S. F. No. 224 and H. F. No. 528, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 267, A bill for an act relating to taxation; increasing the amount of reduced valuations required to be maintained as public record; allowing the commissioner discretion in apportioning levies; increasing the amount of reduction in valuation requiring an opportunity for hearing; allowing county auditors to combine legal descriptions over section lines; classifying farm rental value data; excluding certain corporations from receiving agricultural property tax valuation; providing for continuation of open space treatment; providing for the assessment of certain class 3 property based upon its use; requiring publication of certain requirements for obtaining a homestead after the assessment date; removing special taxing districts from levy limits; allowing counties to charge for NSF checks; providing for rounding of tax amounts on tax statements; directing the use of the previous years mill rate when distributing delinquent tax proceeds; changing the date for filing list of delinquent personal property taxes; extending application of the alternate sale procedure; increasing the fee for lost deeds; changing the process for distributing mortgage registration tax proceeds;



raising the fee for trip permits; requiring filing of an amended estate tax return in certain situations; clarifying the date interest accrues on estate tax amounts due; providing for department action following the filing of an amended return; requiring state's share of federal credit to not be less than state's share of the estate; providing a definition of surviving spouse for estate tax purposes; requiring filing of final account to commissioner of revenue; changing the requirement for filing a declaration of estimated gross earnings tax; imposing a penalty for failure to pay estimated gross earnings tax; extending the time allowed to claim gasoline or special fuel tax refunds; changing the requirements relating to distribution of free samples of cigarettes; imposing a penalty for failure to pay the tax on wines and spirituous liquors; conforming penalties for nonpayment of tax on beer to penalties imposed on other taxes; delaying implementation of the assessment penalty; requiring payment of current taxes before a plat is recorded; amending Minnesota Statutes 1982, sections 270.10, subdivisions 1 and 3; 270.12, subdivision 3; 270.19; 272.46, subdivision 2; 273.11, subdivision 7; 273.111, subdivision 3; 273.112, subdivision 7, and by adding a subdivision; 273.13, subdivisions 4, and 16; 275.50, subdivision 2; 276.02; 276.04; 276.10; 277.02; 282.01, subdivision 7a; 282.33, subdivision 1; 287.08; 291.005, subdivision 1; 291.03, subdivision 1; 291.07, subdivision 1; 291.09, subdivision 3a; 291.131, subdivision 6; 291.132, subdivision 1; 291.215, subdivision 3; 295.365; 295.366, subdivision 1; 296.17, subdivisions 3 and 17; 297.03, subdivision 10; 340.485, subdivision 1, and by adding subdivisions; 340.492; 477A.04; 505.04; repealing Minnesota Statutes 1982, sections 272.022; 272.023; 272.024; 273.13, subdivision 18; 273.23; 273.24; 273.28; 273.29; 273.30; 273.31; 273.34; 273.44; 273.45; 273.52; 288.01; 288.02; 288.03; 288.04; 288.05; 291.07, subdivision 3; and 473F.04.

The bill was read for the first time.

Scheid moved that S. F. No. 267 and H. F. No. 211, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

### CONSENT CALENDAR

H. F. No. 468, A bill for an act relating to education; authorizing the commissioner to approve one additional application for the part-time teaching program for fiscal year 1982 under certain conditions.

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:

Anderson, B.	Erickson	Knuth	Pauly	Sollberg
Anderson, G.	Evans	Kostohryz	Peterson	Sparby
Anderson, R.	Findlay	Krueger	Piepho	Stadum
Battaglia	Fjoslien	Kvam	Piper	Swiggum
Beard	Forsythe	Larsen	Price	Swanson
Begich	Graba	Levi	Quinn	Thiede
Bennett	Greenfield	Long	Quist	Tunheim
Bergstrom	Gruenes	Ludeman	Redalen	Uphus
Berkelman	Gustafson	McDonald	Reif	Valan
Bishop	Gutknecht	McEachern	Rice	Valento
Blatz	Halberg	McKasy	Riveness	Vanasek
Brandl	Haukoos	Metzen	Rodosovich	Vellenga
Brinkman	Heap	Minne	Rodriguez, F.	Voss
Burger	Heinitz	Munger	Rose	Wattman
Carlson, D.	Himle	Murphy	St. Onge	Welch
Carlson, L.	Hoberg	Nelson, D.	Sarna	Welker
Clark, J.	Hoffman	Nelson, K.	Schafer	Welle
Clark, K.	Hokr	Neuenschwander	Scheid	Wenzel
Cohen	Jacobs	Norton	Schoenfeld	Wigley
Coleman	Jennings	O'Connor	Schreiber	Wynia
Dempsey	Jensen	Ogren	Seaberg	Zaifke
DenOuden	Johnson	Olsen	Segal	Speaker Sieben
Dimler	Kahn	Omann	Shaver	
Eken	Kalis	Onnen	Shea	
Elioff	Kelly	Osthoff	Sherman	
Ellingson	Knickerbocker	Otis	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 167, A bill for an act relating to liquor; authorizing the city of Dilworth to issue one on-sale license to an Eagles Club.

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:

Anderson, B.	Cohen	Haukoos	Kvam	Olsen
Anderson, G.	Coleman	Heap	Larsen	Omann
Anderson, R.	Dempsey	Heinitz	Levi	Onnen
Battaglia	Dimler	Himle	Long	Osthoff
Beard	Eken	Hoberg	Ludeman	Otis
Begich	Elioff	Hoffman	McDonald	Pauly
Bennett	Ellingson	Hokr	McEachern	Peterson
Bergstrom	Evans	Jacobs	McKasy	Piepho
Berkelman	Findlay	Jennings	Metzen	Piper
Bishop	Fjoslien	Jensen	Minne	Price
Blatz	Forsythe	Johnson	Munger	Quinn
Brandl	Frerichs	Kahn	Murphy	Quist
Brinkman	Graba	Kalis	Nelson, D.	Redalen
Burger	Greenfield	Kelly	Nelson, K.	Reif
Carlson, D.	Gruenes	Knickerbocker	Neuenschwander	Rice
Carlson, L.	Gustafson	Knuth	Norton	Riveness
Clark, J.	Gutknecht	Kostohryz	O'Connor	Rodosovich
Clark, K.	Halberg	Krueger	Ogren	Rodriguez, F.

Rose	Seaberg	Stadum	Valan	Welle
St. Onge	Segal	Sviggum	Valento	Wenzel
Sarna	Shaver	Swanson	Vanasek	Wigley
Schafer	Shea	Thiede	Voss	Wynia
Scheid	Sherman	Tomlinson	Waltman	Zaffke
Schoenfeld	Skoglund	Tunheim	Welch	Speaker Sieben
Schreiber	Sparby	Uphus	Welker	

Those who voted in the negative were:

DenOuden      Erickson

The bill was passed and its title agreed to.

H. F. No. 289 was reported to the House.

O'Connor moved to amend H. F. No. 289, as follows:

Page 1, line 13, after "on" delete "either of" and after "as the" delete "Highland Park and the"

Page 1, line 14, delete "houses" and insert "house"

Amend the title:

Page 1, line 4, delete "Highland Park"

Page 1, line 5, delete "and"

Page 1, line 5, delete "houses" and insert "house"

O'Connor moved that H. F. No. 289 be continued. The motion prevailed.

H. F. No. 451, A bill for an act relating to liquor; authorizing the city of Long Prairie to issue one on-sale license to a Moose Lodge.

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 2 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Berkelman	Clark, J.	Ellingson	Gruenes
Anderson, G.	Bishop	Clark, K.	Evans	Gutknecht
Anderson, R.	Blatz	Cohen	Findlay	Halberg
Battaglia	Brandl	Coleman	Fjoslien	Haukoos
Beard	Brinkman	Dempsey	Forsythe	Heap
Begich	Burger	Dimler	Frerichs	Heinitz
Bennett	Carlson, D.	Eken	Graba	Himle
Bergstrom	Carlson, L.	Elioff	Greenfield	Hoberg

Hoffman	McDonald	Otis	Schoenfeld	Valan
Hokr	McEachern	Pauly	Schreiber	Valento
Jacobs	McKasy	Peterson	Seaberg	Vanasek
Jennings	Metzen	Piepho	Segal	Vellenga
Jensen	Minne	Piper	Shaver	Voss
Johnson	Munger	Price	Shea	Waltman
Kahn	Murphy	Quinn	Sherman	Welch
Kalis	Nelson, D.	Quist	Skoglund	Welker
Kelly	Nelson, K.	Redalen	Solberg	Welle
Knickerbocker	Neuenschwander	Rice	Sparby	Wenzel
Knuth	Norton	Rodosovich	Stadum	Wigley
Kostohryz	O'Connor	Rodriguez, F.	Sviggum	Wynia
Krueger	Ogren	Rose	Swanson	Speaker Sieben
Kvam	Olsen	St. Onge	Thiede	
Larsen	Omann	Sarna	Tomlinson	
Levi	Onnen	Schafer	Tunheim	
Ludeman	Osthoff	Scheid	Uphus	

Those who voted in the negative were:

DenOuden      Erickson

The bill was passed and its title agreed to.

Valan was excused at 4:10 p.m. Stadum was excused at 4:20 p.m. Halberg 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 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 THE 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. 166, 30, 31, 367, 445, 463, 218, 226, 316, 561 and 576 which it recommended to pass.

S. F. Nos. 325, 421 and 270 which it recommended to pass.

H. F. Nos. 588, 73, 123, 157, 290 and 318 which it recommended progress.

S. F. No. 186 which it recommended progress.

H. F. Nos. 359 and 91 which it recommended progress retaining its place on General Orders.

H. F. No. 138 which it recommended progress until Monday, March 28, 1983.

H. F. No. 90 which it recommended to pass with the following amendment offered by Frerichs:

Page 2, line 14, after the period insert "*A fine for a violation of this subdivision which is a petty misdemeanor may not exceed \$25.*"

H. F. No. 643 which it recommended to pass with the following amendment offered by McEachern:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 125.12 is amended by adding a subdivision to read:

*Subd. 1a. [NONPROVISIONAL LICENSE DEFINED.] For purposes of this section, "nonprovisional license" shall mean an entrance, continuing, or life license.*

Sec. 2. Minnesota Statutes 1982, section 125.12, subdivision 6a, is amended to read:

Subd. 6a. [NEGOTIATED UNREQUESTED LEAVE OF ABSENCE.] The school board and the exclusive bargaining representative of the teachers may negotiate a plan providing for unrequested leave of absence without pay or fringe benefits for as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts. Failing to successfully negotiate such a plan, the provisions of subdivision 6b shall apply. *The negotiated plan shall not include provisions which would result in the exercise of seniority by a teacher holding a provisional license, other than a vocational education license, contrary to the provisions of subdivision 6b, clause (c), or the reinstatement of a teacher holding a provisional license, other than a vocational education license, contrary to the provisions of subdivision 6b, clause (e).* The provisions of section 179.72 shall not apply for the purposes of this subdivision.

Sec. 3. Minnesota Statutes 1982, section 125.12, subdivision 6b, is amended to read:

Subd. 6b. [UNREQUESTED LEAVE OF ABSENCE.] The school board may place on unrequested leave of absence, without pay or fringe benefits, as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts. The unrequested leave shall be effective at the close of the

school year. In placing teachers on unrequested leave, the board shall be governed by the following provisions:

(a) The board may place probationary teachers on unrequested leave first in the inverse order of their employment. No teacher who has acquired continuing contract rights shall be placed on unrequested leave of absence while probationary teachers are retained in positions for which the teacher who has acquired continuing contract rights is licensed;

(b) Teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed in the inverse order in which they were employed by the school district. In the case of equal seniority, the order in which teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed shall be negotiable;

(c) *Notwithstanding the provisions of clause (b), no teacher shall be entitled to exercise any seniority when that exercise results in that teacher being retained by the district in a field for which the teacher holds only a provisional license, as defined by the board of teaching, unless that exercise of seniority results in the placement on unrequested leave of absence of another teacher who also holds a provisional license in the same field. The provisions of this clause shall not apply to vocational education licenses;*

((C)) (d) *Notwithstanding clauses (a) (AND), (b) and (c), if (EITHER) the placing of a probationary teacher on unrequested leave before a teacher who has acquired continuing rights, (OR) the placing of a teacher who has acquired continuing contract rights on unrequested leave before another teacher who has acquired continuing contract rights but who has greater seniority, or the restriction imposed by the provisions of clause (c) would place the district in violation of its affirmative action program, the district may retain the probationary teacher (OR), the teacher with less seniority, or the provisionally licensed teacher;*

((D)) (e) Teachers placed on unrequested leave of absence shall be reinstated to the positions from which they have been given leaves of absence or, if not available, to other available positions in the school district in fields in which they are licensed. Reinstatement shall be in the inverse order of placement on leave of absence. *No teacher shall be reinstated to a position in a field in which the teacher holds only a provisional license, other than a vocational education license, while another teacher who holds a nonprovisional license in the same field remains on unrequested leave. The order of reinstatement of teachers who have equal seniority and who are placed on unrequested leave in the same school year shall be negotiable;*

((E)) (f) No appointment of a new teacher shall be made while there is available, on unrequested leave, a teacher who is properly licensed to fill such vacancy, unless the teacher fails to advise the school board within 30 days of the date of notification that a position is available to him, that he may return to employment and that he will assume the duties of the position to which appointed on a future date determined by the board;

((F)) (g) A teacher placed on unrequested leave of absence may engage in teaching or any other occupation during the period of this leave;

((G)) (h) The unrequested leave of absence shall not impair the continuing contract rights of a teacher or result in a loss of credit for previous years of service;

((H)) (i) The unrequested leave of absence of a teacher who is placed on unrequested leave of absence prior to January 1, 1978 and who is not reinstated shall continue for a period of two years after which the right to reinstatement shall terminate. The unrequested leave of absence of a teacher who is placed on unrequested leave of absence on or after January 1, 1978 and who is not reinstated shall continue for a period of five years, after which the right to reinstatement shall terminate; provided the teacher's right to reinstatement shall also terminate if he fails to file with the board by April 1 of any year a written statement requesting reinstatement;

((I)) (j) The same provisions applicable to terminations of probationary or continuing contracts in subdivisions 3 and 4 shall apply to placement on unrequested leave of absence;

((J)) (k) Nothing in this subdivision shall be construed to impair the rights of teachers placed on unrequested leave of absence to receive unemployment compensation if otherwise eligible.

Sec. 4. Minnesota Statutes 1982, section 125.17, subdivision 1, is amended to read:

Subdivision 1. [WORDS, TERMS, AND PHRASES.] Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of the following subdivisions in this section shall be defined as follows:

(a) [TEACHERS.] The term "teacher" includes every person regularly employed, as a principal, or to give instruction in a classroom, or to superintend or supervise classroom instruction, or as placement teacher and visiting teacher. Persons regularly employed as counselors and school librarians shall be covered by these sections as teachers if licensed as teachers or as school librarians.

(b) [SCHOOL BOARD.] The term "school board" includes a majority in membership of any and all boards or official bodies having the care, management, or control over public schools.

(c) [DEMOTE.] The word "demote" means to reduce in rank or to transfer to a lower branch of the service or to a position carrying a lower salary or compensation.

(d) [NONPROVISIONAL LICENSE.] *For purposes of this section, "nonprovisional license" shall mean an entrance, continuing, or life license.*

Sec. 5. Minnesota Statutes 1982, section 125.17, subdivision 11, is amended to read:

Subd. 11. [SERVICES TERMINATED BY DISCONTINUANCE OR LACK OF PUPILS; PREFERENCE GIVEN.]

(a) Any teacher whose services are terminated on account of discontinuance of position or lack of pupils shall receive first consideration for other positions in the district for which she is qualified. In the event it becomes necessary to discontinue one or more positions, in making such discontinuance, teachers shall be discontinued in any department in the inverse order in which they were employed.

(b) *Notwithstanding the provisions of clause (a), no teacher shall be entitled to exercise any seniority when that exercise results in that teacher being retained by the district in a field for which the teacher holds only a provisional license, as defined by the board of teaching, unless that exercise of seniority results in the termination of services, on account of discontinuance of position or lack of pupils, of another teacher who also holds a provisional license in the same field. The provisions of this clause shall not apply to vocational education licenses.*

(c) *Notwithstanding the provisions of clause (a), no teacher shall be reinstated to a position in a field in which the teacher holds only a provisional license, other than a vocational education license, while another teacher who holds a nonprovisional license in the same field is available for reinstatement.*

Sec. 6. Laws 1974, chapter 237, section 1, is amended to read:

Section 1. [INDEPENDENT SCHOOL DISTRICT NO. 709; TERMINATION OF TEACHING POSITIONS.] Independent School District No. 709, St. Louis county, and the exclusive representative of teachers as defined by Minnesota Statutes, 1973 Supplement, Section 179.63, Subdivision 13, may enter into a written agreement with respect to the termination of such teachers due to discontinuance of position or lack of pupils within the school district, which may include a method, system



or scheme other than that provided by Minnesota Statutes, Section 125.17, Subdivision 11, or any act amendatory thereof. *The written agreement entered into pursuant to this section shall not include provisions allowing a teacher to exercise any seniority when that exercise results in the teacher being retained by the district in a field for which the teacher holds only a provisional license, as defined by the board of teaching, other than vocational education license, unless that exercise of seniority results in the termination of services, on account of discontinuance of position or lack of pupils, of another teacher who also holds a provisional license in the same field. In addition, the written agreement entered into pursuant to this section shall not include provisions allowing a teacher to be reinstated to a position in a field in which the teacher holds only a provisional license, other than a vocational education license, while another teacher who holds a nonprovisional license in the same field is available for reinstatement.*

Sec. 7. [EXEMPTION FROM APPLICATION.]

*The provisions of sections 1 to 6 shall not apply to any final decisions relating to placing teachers, as defined in Minnesota Statutes 1982, section 125.12, subdivision 1, on unrequested leaves of absence or, in the case of cities of the first class, termination of services of teachers, as defined in Minnesota Statutes 1982, section 125.17, subdivision 1, on account of discontinuance of position or lack of pupils made by school boards prior to the effective date of this act. The provisions of this act shall not apply to any school district that, on the effective date of this act, is governed by a contractual agreement which includes specific terms explicitly allowing the exercise of seniority rights by teachers holding provisional licenses, the results of which would be contrary to the provisions of this act, until the expiration of that contractual agreement. All contractual agreements entered into after the effective date of this act shall be consistent with this act.*

Sec. 8. [EFFECTIVE DATE.]

*This act shall be effective the day after final enactment."*

Delete the title and insert:

"A bill for an act relating to education; modifying the exercise of seniority by licensed teachers in certain circumstances; amending Minnesota Statutes 1982, sections 125.12, subdivisions 6a and 6b, and by adding a subdivision; and 125.17, subdivisions 1 and 11; and Laws 1974, chapter 237, section 1."

H. F. No. 419 which it recommended to pass with the following amendment offered by Kalis:

Page 7, after line 26, insert:

"Sec. 2. Minnesota Statutes 1982, section 65A.26, is amended to read:

**65A.26 [HAIL INSURANCE, POLICIES, LOSS ADJUSTMENT.]**

Every policy of insurance against damage by hail issued by any company, however organized, (SHALL) *must* provide as follows: "in case of loss under this policy, and failure of the parties to agree as to the amount of (SUCH) *the* loss, it is mutually agreed that (SUCH AMOUNT SHALL BE REFERRED TO THREE DISINTERESTED PERSONS), *on written demand of either party*, the company and the insured each (CHOOSING ONE OUT OF THREE PERSONS NAMED BY THE OTHER, THE THIRD BEING SELECTED BY SUCH TWO) *shall select a competent appraiser and notify the other of the appraiser selected within ten days of the demand. The appraisers shall first select a competent and disinterested umpire; and, failing for ten days to agree upon the umpire, then, on request of either appraiser, the umpire shall be selected by a judge of a court of record in the state in which the property covered is located. By mutual agreement the two appraisers may agree to have the umpire selected by a judge of a court of record and waive the ten-day provision.*

*The appraisers and the umpire shall then appraise the loss. An award in writing of any two of these persons determines the amount of loss. The written award of a majority of (SUCH) these referees (SHALL BE) is final and conclusive upon the parties as to amount of loss, and (SUCH REFERENCE) this selection, unless waived by the parties, (SHALL BE) is a condition precedent to any right of action to recover for (SUCH) a loss (, AND). No suit for the recovery of any claim by virtue of this policy (SHALL) *may* be sustained unless commenced within one year after the loss occurred (, ) ."* (AND SHALL) *The policy must also provide the form, manner, and length of notice to be given to the company by the insured of any loss sustained.*

Sec. 2. Minnesota Statutes 1982, section 66A.29, is amended to read:

**66A.29 [ARBITRATION REQUIRED.]**

Every policy (SHALL) *must* provide as follows: "In case of loss under this policy, and failure of the parties to agree as to the amount of (SUCH) *the* loss, it is mutually agreed that (SUCH AMOUNT SHALL BE REFERRED TO THREE DISINTERESTED PERSONS), *on written demand of either party*, the company and the insured each (CHOOSING ONE OUT OF THREE PERSONS NAMED BY THE OTHER, THE THIRD BEING SELECTED BY SUCH TWO) *shall select a competent*

*appraiser and notify the other of the appraiser selected within ten days of the demand. The appraisers shall first select a competent and disinterested umpire; and, failing for ten days to agree upon the umpire, then, on request of either appraiser, the umpire shall be selected by a judge of a court of record in the state in which the property covered is located. By mutual agreement the two appraisers may agree to have the umpire selected by a judge of a court of record and waive the ten-day provision.*

*The appraisers and the umpire shall then appraise the loss. An award in writing of any two of these persons determines the amount of loss. The written award of a majority of (SUCH) these referees (SHALL BE) is final and conclusive upon the parties as to the amount of loss, and (SUCH REFERENCE) this selection, unless waived by the parties, (SHALL BE) is a condition precedent to any right of action to recover for (SUCH) a loss (, AND). No suit for the recovery of any claim by virtue of this policy (SHALL) may be sustained unless commenced within six months after the loss occurred (;).” (AND SHALL) The policy must also provide the form, manner, and length of notice to be given to the company by the insured of any loss sustained.”*

Renumber the sections

Amend the title as follows:

Page 1, line 2, after “fire;” insert “hail;”

Page 1, line 7, after the semi-colon insert “providing for the appraisal of losses; specifying the procedure to be used in selecting appraisers;”

Page 1, line 8, after “3;” insert “65A.26; 65A.29;”

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. 31 and the roll was called. There were 95 yeas and 27 nays as follows:

Those who voted in the affirmative were:

Anderson, B.  
Anderson, G.

Battaglia  
Beard

Begich  
Bergstrom

Berkelman  
Bishop

Brandl  
Brinkman

Burger	Himle	Ludeman	Peterson	Shaver
Carlson, L.	Hoberg	McEachern	Piepho	Shea
Clark, J.	Hoffman	Metzen	Piper	Skoglund
Clark, K.	Jacobs	Minne	Price	Solberg
Cohen	Jennings	Murphy	Quinn	Sparby
Coleman	Jensen	Nelson, D.	Reif	Swanson
Eken	Johnson	Nelson, K.	Rice	Tomlinson
Elioff	Kahn	Neuenschwander	Riveness	Tunheim
Ellingson	Kalis	Norton	Rodosovich	Valan
Fjoslien	Kelly	O'Connor	Rodriguez, F.	Vanasek
Forsythe	Knickerbocker	Ogren	Rose	Vellenga
Graba	Knuth	Olsen	St. Onge	Voss
Greenfield	Kostohryz	Omann	Sarna	Welch
Gruenes	Krueger	Onnen	Scheid	Wenzel
Gustafson	Larsen	Osthoff	Schoenfeld	Wigley
Heap	Levi	Otis	Seaberg	Zaffke
Heinitz	Long	Pauly	Segal	Speaker Sieben

Those who voted in the negative were:

Bennett	Erickson	Hokr	Sherman	Waltman
Blatz	Evans	Kvam	Stadum	Welker
Carlson, D.	Findlay	McKasy	Sviggum	Welle
Dempsey	Frerichs	Quist	Thiede	
DenOuden	Gutknecht	Redalen	Uphus	
Dimler	Haukoos	Schafer	Valento	

The motion prevailed.

The question was taken on the Anderson, G., motion to re-refer H. F. No. 90, as amended, to the Committee on Judiciary and the roll was called. There were 55 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Frerichs	Jacobs	Ogren	Sviggum
Bennett	Graba	Jennings	Onnen	Swanson
Bishop	Gruenes	Johnson	Piepho	Thiede
Burger	Gutknecht	Krueger	Redalen	Valan
Carlson, D.	Halberg	Kvam	Rose	Valento
Dempsey	Haukoos	Levi	St. Onge	Voss
DenOuden	Heap	Ludeman	Sarna	Waltman
Erickson	Heinitz	McDonald	Shaver	Welch
Evans	Himle	McEachern	Sherman	Welker
Findlay	Hoberg	Neuenschwander	Sparby	Wigley
Fjoslien	Hokr	O'Connor	Stadum	Zaffke

Those who voted in the negative were:

Anderson, R.	Cohen	Kalis	Nelson, D.	Quist
Battaglia	Coleman	Kelly	Nelson, K.	Reif
Beard	Dimler	Knickerbocker	Norton	Rice
Begich	Eken	Knuth	Olsen	Riveness
Berkelman	Elioff	Kostohryz	Omann	Rodosovich
Blatz	Ellingson	Larsen	Osthoff	Rodriguez, F.
Brandl	Forsythe	Long	Otis	Scheid
Brinkman	Greenfield	McKasy	Pauly	Schoenfeld
Carlson, L.	Gustafson	Metzen	Peterson	Schreiber
Clark, J.	Hoffman	Minne	Piper	Seaberg
Clark, K.	Jensen	Munger	Price	Segal
Clawson	Kahn	Murphy	Quinn	Shea

Skoglund	Tunheim	Vellenga	Wynia	Speaker Sieben
Solberg	Uphus	Welle		
Tomlinson	Vanasek	Wenzel		

The motion did not prevail.

The question was taken on the motion to recommend passage of H. F. No. 90, as amended, and the roll was called. There were 71 yeas and 52 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Long	Price	Solberg
Anderson, R.	Forsythe	McKasy	Quinn	Swanson
Battaglia	Graba	Metzen	Quist	Tomlinson
Beard	Greenfield	Minne	Reif	Tunheim
Berkelman	Gruenes	Munger	Rice	Uphus
Blatz	Gustafson	Murphy	Riveness	Vanasek
Brandl	Hoffman	Nelson, D.	Rodosovich	Vellenga
Burger	Jensen	Nelson, K.	Rodriguez, F.	Welle
Carlson, L.	Kalis	Norton	Scheid	Wenzel
Clark, J.	Kelly	Olsen	Schoenfeld	Wynia
Clark, K.	Knickerbocker	Osthoff	Schreiber	Speaker Sieben
Cohen	Knuth	Otis	Seaberg	
Coleman	Kostohryz	Pauly	Segal	
Dimler	Krueger	Peterson	Shea	
Eken	Larsen	Piper	Skoglund	

Those who voted in the negative were:

Anderson, G.	Frerichs	Kvam	Redalen	Valan
Bennett	Gutknecht	Levi	Rose	Valento
Bishop	Halberg	Ludeman	St. Onge	Voss
Carlson, D.	Haukoos	McDonald	Sarna	Waltman
Dempsey	Heap	McEachern	Schafer	Welch
DenOuden	Heinitz	Neuenschwander	Shaver	Welker
Elioff	Himle	O'Connor	Sherman	Wigley
Erickson	Hoberg	Ogren	Sparby	Zaffke
Evans	Jacobs	Omann	Stadum	
Findlay	Jennings	Onnen	Sviggum	
Fjoslien	Johnson	Piepho	Thiede	

The motion prevailed.

## MOTIONS AND RESOLUTIONS

Sviggum moved that the name of Findlay be added as an author on H. F. No. 285. The motion prevailed.

Fjoslien moved that the name of Findlay be added as an author on H. F. No. 329. The motion prevailed.

Anderson, R., moved that the name of Rodriguez, F., be added as an author on H. F. No. 257. The motion prevailed.

Heinitz and Metzen moved that their names be stricken as authors on H. F. No. 269. The motion prevailed.

Minne moved that the name of Otis be added as an author on H. F. No. 743. The motion prevailed.

Bergstrom moved that the name of Findlay be added as an author on H. F. No. 130. The motion prevailed.

Dempsey moved that the name of Berkelman be added as an author on H. F. No. 421. The motion prevailed.

Clark, K., moved that the name of Elioff be added as an author on H. F. No. 845. The motion prevailed.

Nelson, D., moved that the names of Levi and Olsen be added as authors on H. F. No. 832. The motion prevailed.

Rodriguez, F., moved that the names of Rodosovich; Coleman; Clark, K., and Wigley be added as authors on H. F. No. 795. The motion prevailed.

Rodriguez, F., moved that the names of Sarna and Metzen be added as authors on H. F. No. 815. The motion prevailed.

Piper moved that S. F. No. 186, now on General Orders, be referred to the Committee on Rules and Legislative Administration. The motion prevailed.

Wenzel, Valan, Mann, McEachern and Findlay introduced:

House Resolution No. 3, A house resolution proclaiming March 21, 1983, to be "Agriculture Day" in Minnesota.

#### SUSPENSION OF RULES

Wenzel 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 proclaiming March 21, 1983, to be "Agriculture Day" in Minnesota.

*Whereas*, Minnesota is among the nation's leading states in agricultural production and cash receipts from agricultural products and livestock; and

*Whereas*, agriculture and its related industries provide approximately one-third of the state's employment opportunities and 40 percent of the gross state product; and

*Whereas*, the value of Minnesota farm production last year exceeded 7.5 billion dollars, with more than double that amount generated due to related marketing, processing, packaging, and distribution; and

*Whereas*, Minnesota ranks among the nation's top five states in agricultural cash receipts, crop marketing, and the production of oats, sweet corn, wild rice, turkeys, wheat, sugar beets, dairy products, and livestock; and

*Whereas*, the future of Minnesota's farms and agricultural industries remains the key to the future of the state economy as a whole; *Now, Therefore*,

*Be It Resolved* by the House of Representatives of the State of Minnesota that March 21 is proclaimed to be Agriculture Day in Minnesota. The House of Representatives recognizes the critical nature of the agricultural economy and the challenging and complex problems being faced by our state farmers and agribusinesses and reaffirms its commitment to maintaining and improving the vitality of agriculture in our state.

*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 that it be presented to representatives of the appropriate agricultural organizations and industries.

Wenzel moved that House Resolution No. 3 be now adopted. The motion prevailed and House Resolution No. 3 was adopted.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, March 24, 1983. 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 24, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives





STATE OF MINNESOTA

SEVENTY-THIRD SESSION - 1983

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TWENTY-SIXTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 23, 1983

The Senate met on Wednesday, March 23, 1983, which was the Twenty-sixth Legislative Day of the Seventy-third Session of the Minnesota State Legislature. The House of Representatives did not meet on this date.



## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## TWENTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 24, 1983

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 David Halaas, Osakis Lutheran Church, Osakis, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Ellingson	Knuth	Osthoff	Sherman
Anderson, C.	Erickson	Kostohryz	Otis	Skoglund
Anderson, R.	Evans	Krueger	Pauly	Solberg
Battaglia	Findlay	Kvam	Peterson	Sparby
Beard	Fjoslien	Larsen	Piepho	Stadum
Begich	Forsythe	Levi	Piper	Staten
Bennett	Frerichs	Long	Quinn	Swiggum
Bergstrom	Graba	Ludeman	Quist	Swanson
Berkelman	Greenfield	Mann	Redalen	Thiede
Bishop	Gruenes	Marsh	Reif	Tomlinson
Blatz	Gustafson	McDonald	Rice	Tunheim
Brandl	Gutknecht	McEachern	Riveness	Uphus
Brinkman	Halberg	McKasy	Rodosovich	Valan
Burger	Haukoos	Metzen	Rodriguez, C.	Valento
Carlson, D.	Heap	Minne	Rodriguez, F.	Vellenga
Carlson, L.	Heinitz	Munger	Rose	Voss
Clark, J.	Himle	Murphy	St. Onge	Waltman
Clark, K.	Hoffman	Nelson, D.	Sarna	Welch
Clawson	Hokr	Nelson, K.	Schafer	Welker
Cohen	Jacobs	Neuenschwander	Scheid	Welle
Coleman	Jennings	Norton	Schoenfeld	Wenzel
Dempsey	Jensen	O'Connor	Schreiber	Wigley
DenOuden	Johnson	Ogren	Seaberg	Wynia
Dimler	Kalis	Olsen	Segal	Speaker Sieben
Eken	Kelly	Omann	Shaver	
Elioff	Knickerbocker	Onnen	Shea	

A quorum was present.

Hoberg, Kahn, Price, Simoneau, Vanasek and Zaffke were excused.

The Chief Clerk proceeded to read the Journals of the preceding days. Kelly 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. 194, 89, 365, 459, 460, 599, 90, 419 and 643 and S. F. Nos. 68, 161, 207, 224 and 267 have been placed in the members' files.

S. F. No. 224 and H. F. No. 528, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Neuenschwander moved that S. F. No. 224 be substituted for H. F. No. 528 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 267 and H. F. No. 211, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Scheid moved that the rules be so far suspended that S. F. No. 267 be substituted for H. F. No. 211 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

March 23, 1983

The Honorable Harry A. Sieben, Jr.  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 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 1983	Date Filed 1983
24		10	March 23	March 23
113		11	March 23	March 23
121		12	March 23	March 23
195		13	March 23	March 23

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

### REPORTS OF STANDING COMMITTEES

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 76, A bill for an act relating to the environment; establishing an environmental response, compensation and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, economic loss, and damage to natural resources resulting from releases of hazardous substances; imposing taxes, fees, and penalties; providing for injunctive relief; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; proposing new law coded as Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1982, section 115A.24, subdivision 2.

Reported the same back with the following amendments:

Page 30, line 24, delete "21" and insert "19"

Page 31, line 19, after "disposal" insert ", land treatment"

Page 31, line 36, delete the second "or" and insert a comma

Page 32, line 1, before the period insert "*, to hazardous waste which is generated as a result of any removal or remedial action, or to hazardous waste which meets applicable pretreatment standards or compliance schedules and is discharged to a public sewage treatment works*"

Page 32, line 19, delete "a" and insert "*an on-site*"

Page 32, after line 25, insert:

*"Subd. 7. [REVIEW OF TAX BY LCWM.] After the waste management board submits the plan required under section 115A.11 to the legislative commission on waste management, the commission shall review the taxes and tax rates imposed under this section in light of the objectives and recommendations of the plan, and shall recommend to the standing tax committees of both houses of the legislature any changes in the taxes or tax rates which are needed to assist or encourage implementation of the strategies adopted by the state for management of hazardous waste."*

Page 32, delete lines 35 and 36

Page 33, delete lines 1 to 16 and insert:

*"Subdivision 1. [ANNUAL RETURNS.] Every generator of hazardous waste subject to taxation pursuant to section 19 shall file a return relating to the tax due for the preceding calendar year with the commissioner of revenue by April 15 each year, in the form prescribed by the commissioner. Payment of the tax, to the extent not paid in full pursuant to subdivisions 2 and 3, shall be submitted with the return.*

*Subd. 2. [DECLARATIONS OF ESTIMATED TAX.] For 1983, every generator of hazardous waste required to pay a tax pursuant to section 19 shall make a declaration of estimated hazardous waste generated for the last six months of calendar 1983 if the tax can reasonably be estimated to exceed \$500. The declaration of the estimated tax shall be filed by October 15, 1983. The amount of estimated tax with respect to which a declaration is required shall be paid in two equal installments by October 15, 1983 and January 15, 1984. For 1984 and subsequent years, every generator of hazardous waste required to pay a tax pursuant to section 19 shall make a declaration of estimated hazardous waste generated for the calendar year if the tax can reasonably be expected to be in excess of \$1,000. The declaration of estimated tax shall be filed by March 15. The amount of estimated tax with respect to which a declaration is required shall be paid in four equal installments on or before the 15th day of March, June, September, and December.*

*An amendment of a declaration may be filed in any interval between installment dates prescribed above but only one amendment may be filed in each interval. If an amendment of a declaration is filed, the amount of each remaining installment shall be the amount which would have been payable if the new estimate had been made when the first estimate for the calendar year was made, increased or decreased, as the case may be, by the amount computed by dividing*

(1) the difference between (A) the amount of estimated tax required to be paid before the date on which the amendment was made, and (B) the amount of estimated tax which would have been required to be paid before that date if the new estimate had been made when the first estimate was made, by

(2) the number of installments remaining to be paid on or after the date on which the amendment is made.

The commissioner of revenue may grant a reasonable extension of time for filing any declaration but the extension shall not be for more than six months.

**Subd. 3. [FAILURE TO PAY ESTIMATED TAX.]** (a) In case of any underpayment of estimated tax required by this section, except as provided in clause (b), there shall be added to the tax for the taxable year an amount determined at the rate specified in section 270.75, subdivision 4, upon the amount of the underpayment for the period of the underpayment.

For purposes of this subdivision, the amount of the underpayment shall be the excess of

(1) the amount of the installment, over

(2) the amount, if any, of the installment paid on or before the last date prescribed for payment.

The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier:

(1) April 15, or

(2) With respect to any portion of the underpayment, the date on which the portion is paid. For purposes of this paragraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent the payment exceeds the amount of the installment determined under this subdivision for the installment date.

(b) Notwithstanding the provisions of clause (a), 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 the installment equals or exceeds the amount which would have been required to be paid on or before that date if the estimated tax were the lesser of:

(1) For 1985 and thereafter, the tax shown on the return of the taxpayer for the preceding year or, for 1984, twice the amount of the tax shown for 1983; or

(2) *Eighty percent of the actual liability for the year.*

*Subd. 4. [REFUNDS OF OVERPAYMENTS OF ESTIMATED TAX.] Refunds of overpayments of estimated tax shall be made as provided in section 290.936."*

Renumber the remaining subdivisions

Page 33, line 18, delete everything after "of"

Page 33, line 19, delete "contrary, the commissioner of revenue and" and insert "section 116.075,"

Page 33, line 20, delete "each other" and insert "the commissioner of revenue"

Page 33, line 22, delete "or" and insert "is public."

Page 33, line 27, delete "15.1673" and insert "13.37" and after the period insert "Information obtained in the course of an audit of the taxpayer by the department of revenue shall be nonpublic or private data to the extent that it is not directly divulged in a return of the tax."

Page 36, line 8, delete "permit" and insert "application"

Page 36, line 9, delete "permitted" and insert "regulated"

Page 39, line 1, delete everything after the period

Page 39, line 2, delete "January 1, 1984."

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 Judiciary to which was referred:

H. F. No. 114, A bill for an act relating to crimes; prohibiting promotion of minors to engage in sexual performance; prohibiting dissemination and possession of works depicting minors in sexual performance; providing penalties; amending Minnesota Statutes 1982, sections 617.246; 617.247, subdivision 4; repealing Minnesota Statutes 1982, section 617.247, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:



"Section 1. Minnesota Statutes 1982, section 609.342, is amended to read:

**609.342 [CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE.]**

A person is guilty of criminal sexual conduct in the first degree and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$20,000, or both, if he engages in sexual penetration with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to cause the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(c) Circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another; or

(d) The actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit; or

(e) The actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) The actor uses force or coercion to accomplish sexual penetration; or

(ii) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; or

(f) The actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) An accomplice uses force or coercion to cause the complainant to submit; or

(ii) An accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit.

Sec. 2. Minnesota Statutes 1982, section 609.343, is amended to read:

**609.343 [CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE.]**

A person is guilty of criminal sexual conduct in the second degree and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$15,000, or both, if he engages in sexual contact with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced; or

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to cause the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(c) Circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another; or

(d) The actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the dangerous weapon to cause the complainant to submit; or

(e) The actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) The actor uses force or coercion to accomplish the sexual contact; or

(ii) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; or

(f) The actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) An accomplice uses force or coercion to cause the complainant to submit; or

(ii) An accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit.

Sec. 3. Minnesota Statutes 1982, section 609.344, is amended to read:

**609.344 [CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE.]**

A person is guilty of criminal sexual conduct in the third degree and may be sentenced to imprisonment for not more than ten years, or to payment of a fine of not more than \$10,000, or both, if he engages in sexual penetration with another person and any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense; or

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 24 months older than the complainant. In any such case it shall be an affirmative defense, which must be proved by a preponderance of the evidence, that the actor believes the complainant to be 16 years of age or older. If the actor in such a case is no more than 48 months but more than 24 months older than the complainant, he may be sentenced to imprisonment for not more than five years. Consent by the complainant is not a defense; or

(c) The actor uses force or coercion to accomplish the penetration; or

(d) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless.

Sec. 4. Minnesota Statutes 1982, section 609.345, is amended to read:

**609.345 [CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.]**

A person is guilty of criminal sexual conduct in the fourth degree and may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than \$5,000, or both, if he engages in sexual contact with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced; or

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a position of authority over the complainant and uses this authority to cause the complainant to submit. In any such case, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor believes the complainant to be 16 years of age or older; or

(c) The actor uses force or coercion to accomplish the sexual contact; or

(d) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless.

Sec. 5. Minnesota Statutes 1982, section 609.364, subdivision 2, is amended to read:

Subd. 2. [ACTOR.] "Actor" means (AN ADULT) a person accused of intrafamilial sexual abuse.

Sec. 6. Minnesota Statutes 1982, section 609.3641, subdivision 2, is amended to read:

Subd. 2. [PENALTY.] A person convicted under subdivision 1, clause (1), may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$20,000, or both. Except when imprisonment is required by section 609.346, the court may stay imposition or execution of sentence if it finds that a stay is in the best interest of the complainant or the family unit. A person convicted under subdivision 1, clause (2), may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$20,000, or both.

Sec. 7. Minnesota Statutes 1982, section 609.3642, subdivision 2, is amended to read:

Subd. 2. [PENALTY.] A person convicted under subdivision 1, clause (1), 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. Except when imprisonment is required by section 609.346, the court may stay imposition or execution of the sentence if it finds that a stay is in the best interest of the complainant or the family unit. A person convicted under subdivision 1, clause (2), 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.

Sec. 8. Minnesota Statutes 1982, section 609.3643, subdivision 2, is amended to read:

Subd. 2. [PENALTY.] A person convicted under subdivision 1, clause (1), may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both. Except when imprisonment is required by section 609.346, the court may stay imposition or execution of the sentence if it finds that a stay is in the best interest of the complainant or the family unit. A person convicted under subdivision 1, clause (2), may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both.

Sec. 9. Minnesota Statutes 1982, section 609.3644, subdivision 2, is amended to read:

Subd. 2. [PENALTY.] A person convicted under subdivision 1, clause (1), may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both. Except when imprisonment is required by section 609.346, the court may stay imposition or execution of the sentence if it finds that a stay is in the best interest of the complainant or the family unit. A person convicted under subdivision 1, clause (2), may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.

Sec. 10. Minnesota Statutes 1982, section 617.241, is amended to read:

617.241 [OBSCENE MATERIALS; DISTRIBUTION PROHIBITED; PENALTY.]

It is unlawful for any person knowingly to exhibit, sell, print, offer to sell, give away, circulate, publish, distribute, or attempt to distribute any obscene book, magazine, pamphlet, paper, writing, card, advertisement, circular, print, picture, photograph, motion picture film, play, image, instrument, statue, drawing, or other article which is obscene. "Obscene" for the purpose of this section, is defined as follows: Whether to the average person, applying contemporary community standards, the dominant

theme of the material taken as a whole appeals to prurient interests.

Any person violating any provision of this section (SHALL BE FINED UP TO \$5,000 FOR THE FIRST OFFENSE AND UP TO \$10,000 FOR THE SECOND OR A SUBSEQUENT OFFENSE.) *is guilty of a felony and is punishable as follows:*

(a) *For a first conviction, the person may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both;*

(b) *For a second or subsequent conviction, the person may be sentenced to imprisonment for not more than ten years, or to payment of a fine of not more than \$10,000, or both.*

Sec. 11. Minnesota Statutes 1982, section 617.246, is amended to read:

**617.246 [PROHIBITING (PROMOTION) USE OF MINORS (TO ENGAGE) IN (OBSCENE WORKS) SEXUAL PERFORMANCE; POSSESSION, DISSEMINATION OF MATERIALS DEPICTING MINORS IN SEXUAL PERFORMANCE.]**

*Subdivision 1. [PURPOSE.] For purposes of this section, the legislature finds that all persons who participate in the production, dissemination, or utilization of works depicting minors in sexual performance are equally culpable in creating and maintaining an industry and an environment which sexually exploits minors. Therefore, it is the legislative intent to provide for the same penalties for all crimes in this section related to minors in sexual performance. The legislature intends that a court may, in determining the amount of any fine to be imposed, consider the amount of financial remuneration the defendant received as a result of the crime.*

Subd. (1) 2. [DEFINITIONS.] (a) For the purpose of this section, the terms defined in this subdivision shall have the meanings given them.

(b) "Minor" means any person who has not attained his or her 18th birthday.

(c) "Promote" means to produce, direct, publish, manufacture, issue, or advertise.

(d) "Sexual performance" means any play, dance or other exhibition presented before an audience or for purposes of visual or mechanical reproduction which depicts (PATENTLY OFFENSIVE) sexual conduct as defined by clause ((F)) (e).

(e) ("AN OBSCENE WORK" IS A PICTURE, A FILM, PHOTOGRAPH, NEGATIVE, SLIDE, DRAWING OR SIMILAR VISUAL REPRESENTATION DEPICTING A MINOR, WHICH TAKEN AS A WHOLE APPEALS TO PEDOPHILES OR TO THE PRURIENT INTEREST IN SEX OF THE AVERAGE PERSON, WHICH PORTRAYS PATENTLY OFFENSIVE SEXUAL CONDUCT AND WHICH, TAKEN AS A WHOLE, DOES NOT HAVE SERIOUS LITERARY, ARTISTIC, POLITICAL OR SCIENTIFIC VALUE. IN DETERMINING WHETHER OR NOT A WORK IS AN OBSCENE WORK THE TRIER OF THE FACT MUST FIND: (I) THAT THE AVERAGE PERSON, APPLYING CONTEMPORARY COMMUNITY STANDARDS WOULD FIND THAT THE WORK, TAKEN AS A WHOLE APPEALS TO PEDOPHILES OR TO THE PRURIENT INTEREST IN SEX OF THE AVERAGE PERSON; AND (II) THAT THE WORK DEPICTS PATENTLY OFFENSIVE SEXUAL CONDUCT SPECIFICALLY DEFINED BY CLAUSE (F); AND (III) THAT THE WORK, TAKEN AS A WHOLE, LACKS SERIOUS LITERARY, ARTISTIC, POLITICAL OR SCIENTIFIC VALUE.)

((F)) "(PATENTLY OFFENSIVE) Sexual conduct" (INCLUDES) *means* any of the following (DEPICTED SEXUAL CONDUCT) if the depiction involves a minor:

(i) An act of sexual intercourse, normal or perverted, actual or simulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal.

(ii) Sadoomasochistic abuse, meaning flagellation (OR), torture, or similar demeaning acts inflicted by or upon a person who is nude or clad in undergarments or in a revealing costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

(iii) Masturbation or lewd exhibitions of the genitals (INCLUDING ANY EXPLICIT, CLOSE UP REPRESENTATION OF A HUMAN GENITAL ORGAN).

(iv) (PHYSICAL CONTACT) *Sexual intercourse* or simulated (PHYSICAL CONTACT WITH) *sexual intercourse exhibiting* the clothed or unclothed pubic areas or buttocks of a human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals (IN AN ACT OF APPARENT SEXUAL STIMULATION OR GRATIFICATION).

(f) "*Work*" *means* an original or reproduction of a picture, film, photograph, negative, slide, video tape, or drawing.

Subd. (2) 3. [USE OF MINOR.] It is unlawful for a person to promote, employ, use or permit a minor to engage in or assist

others to engage in posing or modeling alone or with others in any sexual performance (FOR PURPOSES OF PREPARING AN OBSCENE WORK) if the person knows or has reason to know that the conduct intended is sexual performance.

(A VIOLATION OF THIS SUBDIVISION IS A FELONY.) Any person who violates this subdivision is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.

Subd. (3) 4. [OPERATION OR OWNERSHIP OF BUSINESS.] A person who owns or operates a business in which (AN OBSCENE) a work depicting a minor in a sexual performance, as defined in this section, is disseminated, and who knows the content and character of the (OBSCENE) work disseminated, is guilty of a felony and may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than \$5,000, or both.

Subd. (4) 5. [DISSEMINATION.] A person who, knowing or with reason to know its content and character, disseminates (FOR PROFIT AN OBSCENE) a work depicting a minor in sexual performance, as defined in this section, is guilty of a felony and may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than \$5,000, or both.

Subd. 6. [POSSESSION.] A person who has in his possession a work depicting a minor in sexual performance, knowing or with reason to know its content and character and that an actual minor is an actor or photographic subject in it is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.

Subd. 7. [CONSENT; MISTAKE.] Neither consent to sexual performance by a minor or his parent, guardian, or custodian nor mistake as to the minor's age is a defense to a charge of violation of this section.

Subd. 8. [SECOND OFFENSE.] If a person is convicted of a second or subsequent violation of this section or is convicted of a violation of this section following a conviction under section 617.247 within 15 years of the prior conviction, the court shall order a psychiatric examination of the person. The examiner shall report to the court whether psychiatric treatment of the person is necessary.

Subd. 9. [EXCEPTION.] Subdivisions 4 to 6 do not apply to peace officers, court personnel, or attorneys in the performance of their official duties, nor to licensed physicians, psychologists, or social workers certified by the Academy of Certified



*Social Workers or persons acting at the direction of a licensed physician, psychologist, or of a social worker certified by the Academy of Certified Social Workers in the course of a bona fide treatment or professional education program.*

Sec. 12. [REPEALER.]

*Minnesota Statutes 1982, section 617.247 is repealed.*

Sec. 13. [EFFECTIVE DATE.]

*Sections 1 to 12 are effective May 1, 1983, and apply to crimes committed on or after that date."*

Amend the title as follows:

Page 1, line 6, after "sections" insert "609.342; 609.343; 609.344; 609.345; 609.364, subdivision 2; 609.3641, subdivision 2; 609.3642, subdivision 2; 609.3643, subdivision 2; 609.3644, subdivision 2; 617.241;"

Page 1, line 6, delete "617.247,"

Page 1, line 7, delete "subdivision 4;"

Page 1, line 8, delete ", subdivision 3"

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. 140, A bill for an act relating to public utilities; requiring utilities to consider customer schedule needs when reading nonaccessible meters; 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.075] [PUBLIC UTILITY METER READING; ACCOMMODATION OF CUSTOMER SCHEDULING NEEDS.]

*Notwithstanding any other provision of rule or policy to the contrary, every public utility providing natural gas or electricity at retail shall make a reasonable effort to obtain readings at least once every 18 months from nonaccessible meters. Readings shall be obtained at times that meet the needs of customer schedules.*

*Utilities shall make a reasonable effort to provide evening and weekend meter reading service at no extra charge to a customer whose work or other schedule makes a business hour reading of meters a hardship.*

*A utility may also allow a customer to self-read the customer's meter for periods of time not to exceed 18 months, provided that the customer is reminded periodically of the potentially serious financial consequences of errors in self-reading.*

*A utility may terminate service to a customer who refuses to allow a utility company employee access to a nonaccessible meter for a period of 18 months or more."*

Amend the title as follows:

Page 1, line 2, after "requiring" insert "public"

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. 149, A bill for an act relating to natural resources; clarifying the hunting of certain animals with dogs; amending Minnesota Statutes 1982, section 98.46, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 21, strike the semicolon and insert a period

Page 1, lines 22 to 24, strike the old language and delete the new language

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. 239, A bill for an act relating to liquor; extending the date for requiring dram shop insurance; requiring an assigned risk plan and specifying rule making authority of the commissioner of insurance in regard thereto; amending Minnesota Statutes 1982, sections 340.11, subdivision 21; and 340.353, subdivision 8; and Laws 1982, chapter 528, section 9.

Reported the same back with the following amendments:

Page 1, line 21, strike "per" and insert "*for the preceding*"

Page 1, line 23, strike "per" and insert "*for the preceding*"

Page 2, line 25, after "establish" strike old language and delete new language

Page 2, lines 26 to 36, strike old language and delete new language and insert "*a program to assist licensees in obtaining insurance coverage. The program shall include a committee appointed by the commissioner of insurance of a representative group of insurance carriers and producers. The commissioner of insurance shall serve as an ex officio member of the committee. The committee shall review and act upon all properly executed applications requesting liquor liability market assistance. The market assistance program shall be established by the commissioner of insurance by August 1, 1983, and shall continue to function so long as its services are deemed by the commissioner of insurance to be necessary to relieve perceived availability problems in the liquor liability insurance market. If the committee finds that it cannot assist in securing insurance coverage it shall notify the applicant in writing with a full explanation and recommendation for enhancing its ability to secure insurance. The commissioner of insurance shall, if necessary, establish an assigned risk plan pursuant to subdivision 22.*"

Page 3, delete lines 1 to 8 and insert:

"Sec. 2. Minnesota Statutes 1982, section 340.11, is amended by adding a subdivision to read:

*Subd. 22. [ASSIGNED RISK PLAN.] (1) The purpose of the assigned risk plan is to provide coverage required by subdivision 21 to persons rejected pursuant to this subdivision.*

*(2) An insurer that refuses to write the coverage required by subdivision 21 shall furnish the applicant with a written notice of refusal. The rejected applicant shall file a copy of the notice of refusal with the commissioner of public safety and with the assigned risk plan at the time of application for coverage under the plan.*

*(3) The commissioner of insurance may enter into service contracts as necessary or beneficial to accomplish the purposes of the assigned risk plan including servicing of policies or contracts of coverage, data management, and assessment collections. Services related to the administration of policies or contracts of coverages shall be performed by one or more qualified insurance companies licensed pursuant to section 60A.06, subdivision 1, clause (13) or a qualified vendor of risk management services. A qualified insurer or vendor of risk management services shall possess sufficient financial, professional, administrative, and*

personnel resources to provide the services required for operation of the plan. The cost of all services contracted for shall be an obligation of the assigned risk plan.

(4) The commissioner of insurance may assess all insurers licensed pursuant to section 60A.06, subdivision 1, clause (13) an amount sufficient to fully fund the obligations of the assigned risk plan, if the commissioner of insurance determines that the assets of the assigned risk plan are insufficient to meet its obligations. The assessment of each insurer shall be in a proportion equal to the proportion which the amount of insurance written as reported on page 14 of the annual statement under line 5, commercial multi-peril, and line 17, other liability, during the preceding calendar year by that insurer bears to the total written by all such carriers for such lines.

(5) Policies and contracts of coverage issued pursuant to this subdivision shall contain the usual and customary provisions of liability insurance policies, and shall contain the minimum coverage required by subdivision 21 or the local governing unit.

(6) Assigned risk policies and contracts of coverage shall be subject to premium tax pursuant to section 60A.15.

(7) Insureds served by the assigned risk plan shall be charged premiums based upon a rating plan approved by the commissioner of insurance. Assigned risk premiums shall not be lower than rates generally charged by insurers for the business. The commissioner of insurance shall fix the compensation received by the agent of record.

(8) The commissioner of insurance shall adopt rules, including temporary rules, as may be necessary to implement this subdivision. The rules may include:

(a) appeal procedures from actions of the assigned risk plan;

(b) formation of an advisory committee composed of insurers, vendors of risk management services and licensees, to advise the commissioner of insurance regarding operation of the plan; and

(c) applicable rating plans and rating standards."

Renumber the sections

Further, amend the title:

Page 1, line 7, after "21" insert ", and 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. 243, A bill for an act relating to governmental operations; imposing new duties on the small business finance agency; creating a small business job creation incentive program; providing for disbursement of funds to certain small businesses; appropriating money; amending Minnesota Statutes 1982, section 116J.88, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116J.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [268A.01] [PURPOSE.]

*The prolonged recession has caused hardship for thousands of people in the state and has undermined the strength of Minnesota's economy. To address the social consequences of long-term unemployment and resulting poverty, this act seeks to create meaningful employment opportunities which provide workers income sufficient to meet basic needs, and to assure basic necessities to people who cannot work. To serve these purposes this act provides.*

*(1) For a small business job creation incentive program to provide training, create jobs, and facilitate economic development in Minnesota by providing job creation incentives to small business employers in the private sector;*

*(2) For a public service jobs program to provide meaningful employment and a liveable wage to workers in the event that the private sector jobs program does not create enough jobs to meet the needs of all qualified workers; and to provide a means for persons who would otherwise be receiving general assistance grants to earn more than these grants would provide; and*

*(3) A program of general assistance grants to provide for the basic needs of persons who are not able to find work through any means, including the programs created by this act.*

Sec. 2. [268A.02] [DEFINITIONS.]

*Subdivision 1. [SCOPE.] Each term defined in this section has the meaning given it whenever used in sections 1 to 16, unless the context clearly indicates otherwise.*

**Subd. 2. [BUSINESS REVIEW COMMITTEE.]** "Business review committee" means a group of seven persons appointed by the private industry council for each service delivery area under the Job Training Partnership Act. The committee shall be composed of: four representatives of the business community; one representative of a government or nonprofit job training or placement agency; one representative of a labor organization certified under state or federal law; and one representative of community-based nonprofit organizations representing economically disadvantaged people. The program administrator may designate a business review committee to serve until the private industry council appoints a business review committee.

**Subd. 3. [COMMISSIONER.]** "Commissioner" means the commissioner of economic security.

**Subd. 4. [DEPARTMENT.]** "Department" means the department of economic security.

**Subd. 5. [ECONOMICALLY DISADVANTAGED PERSON.]** "Economically disadvantaged person" means a person who is economically disadvantaged as defined in section 4 of the Job Training Partnership Act.

**Subd. 6. [ELIGIBLE NONPROFIT AGENCY.]** "Eligible nonprofit agency" means an organization exempt from taxation under section 501(c)(3) of the Federal Internal Revenue Code.

**Subd. 7. [ELIGIBLE SMALL BUSINESS.]** "Eligible small business" means a small business as defined in section 645-445 whose primary place of business is in Minnesota, except that it shall include businesses which are not organized for profit.

**Subd. 8. [ELIGIBLE JOB APPLICANT.]** "Eligible job applicant" means a person who is a member of a household in which every person (1) is unemployed; and (2) is not receiving unemployment compensation or workers' compensation.

**Subd. 9. [GRANTS ADMINISTRATOR.]** "Grants administrator" means the commissioner of economic security.

**Subd. 10. [LOCAL AGENCY.]** "Local agency" has the meaning assigned to it in section 256D.02, subdivision 12.

**Subd. 11. [PROGRAM ADMINISTRATOR.]** "Program administrator" means (1) the administrative entity in each service delivery area, as determined by the governor, which administers the Job Training Partnership Act; and (2) a job training or placement agency with proven effectiveness, designated

by the commissioner of economic security. An Indian reservation may be a program administrator if it meets the criteria of clause (1) or (2). The commissioner of economic security shall designate the CETA prime sponsor in an area, or another job training or placement agency with proven effectiveness, as the "program administrator" until the administrative entity under the Job Training Partnership Act certifies to the commissioner that it is ready to assume the duties assigned to it by this act.

*Subd. 12. [JOB TRAINING PARTNERSHIP ACT.] "Job Training Partnership Act" means the federal Job Training Partnership Act of 1982, in Statutes at Large, volume 92, page 1322.*

*Subd. 13. [SERVICE DELIVERY AREA.] "Service delivery area" means an area designated as a service delivery area under the Job Training Partnership Act.*

### SMALL BUSINESS JOB CREATION INCENTIVE PROGRAM

#### Sec. 3. [268A.03] [ALLOCATION OF FUNDS.]

(a) Eighty percent of the funds available for allocation to program administrators under section 11 and all of the funds available for allocation to program administrators under section 12 shall be allocated among service delivery areas as follows: each service delivery area shall be eligible to receive that proportion of the funds available under this clause which equals the number of unemployed persons in the service delivery area divided by the total number of unemployed persons in the state.

(b) Twenty percent of the funds available for allocation to program administrators under section 11 shall be allocated at the discretion of the grants administrator to program administrators (1) who will maximize the use of the funds through coordination with other programs and state, local, and federal agencies, through the use of matching funds or through the involvement of low-income constituent groups; (2) who have demonstrated need beyond the allocation available under clause (1); or (3) who have demonstrated outstanding performance in job creation.

(c) The grants administrator shall not disburse funds available under section 11 to a program administrator until the program administrator has submitted an application to the grants administrator documenting that the funds will be used in the manner required by sections 1 to 11. The grants administrator shall approve or disapprove all applications based on the criteria established in sections 1 to 11.

#### Sec. 4. [268A.04] [ALLOCATION WITHIN SERVICE DELIVERY AREA.]

*Subdivision 1. [SMALL BUSINESS ELIGIBILITY.] Allocation of funds available under section 11 among eligible small businesses within a service delivery area shall be determined by the business review committee in each service delivery area. Funds shall be disbursed only pursuant to a written contract between the program administrator and the business. This agreement shall contain assurances that:*

*(a) Funds received by a business shall be used only as permitted under sections 1 to 11;*

*(b) The business has submitted a financial plan to the review committee demonstrating that, with the funds provided under this section, the business is likely to succeed and continue to employ persons hired under the job creation incentive program;*

*(c) The business will use funds exclusively for compensation of persons from the pool of applicants referred by the program administrator;*

*(d) The business will pay persons employed with funds provided under this section at the usual and customary wage, and that the business will provide employees hired with these funds the same fringe benefits and other terms and conditions of employment as other employees of the business who do comparable work;*

*(e) The business has a training plan which ensures that persons employed under the job creation incentive program will be employed on a long-term basis with the business if the business succeeds;*

*(f) The incentive funds are necessary to allow the business to begin, or to employ additional people;*

*(g) The business will cooperate with all relevant groups in collecting data to assess the result of the job incentive program;*

*(h) The business has submitted a plan to the administrator describing the duties and proposed compensation of each employee proposed to be hired under the job incentive program;*

*(i) The business is in compliance with all applicable health, safety, and environmental standards;*

*(j) The business will not terminate, layoff, or reduce the working hours of an employee for the purpose of hiring an individual with funds available under section 11. Also, the business shall not hire an individual with funds available under section 11 if any other person is on layoff from the same or a substantially equivalent job; and*



(k) *The business will not use funds in a manner that violates an applicable collective bargaining agreement.*

*Subd. 2. [PRIORITIES.] In selecting businesses which are eligible under subdivision 1, the business review committee shall give priority to businesses which meet one or more of the following criteria:*

(a) *have a record of growth or potential for future growth and job creation, and are labor intensive;*

(b) *use local and Minnesota resources;*

(c) *are owned by women and racial minorities;*

(d) *involve new technology;*

(e) *produce energy conserving materials or services, or are involved in development of renewable sources of energy;*

(f) *are cooperatives organized under chapter 308 and businesses which are not organized for profit; and*

(g) *are existing prior to the implementation of this act and would be able to hire and train persons under the act in a manner that would result in benefits to the business and the persons hired.*

*Subd. 3. [LIMITS.] A maximum of \$5 per hour for each person hired with funds available under section 11 may be disbursed under this section for a maximum of 1,040 hours over no more than 26 weeks per employee.*

**Sec. 5. [268A.05] [PAYBACK.]**

*A business receiving funds under this program shall repay 50 percent of the amount initially received without interest.*

*Beginning one year after a business receives funds from the program administrator, the business shall begin to make payments. Payments shall be according to a schedule agreed to by the program administrator and the business prior to the disbursement of the funds. The schedule may be modified by mutual agreement of the parties. However, payments shall be completed within three years of the initial disbursement of funds. The program administrator shall forward payments received under this section to the grants administrator on a monthly basis. The grants administrator shall deposit these payments in the small business job creation incentive revolving account.*

*If at the end of one year after the time of initial employment a business has not retained an employee, except for reasons of*

*business financial distress or the employee voluntarily leaving the job, the business shall repay 100 percent of the funds received for the employee.*

**Sec. 6. [268A.06] [PROGRAM ADMINISTRATOR.]**

*Subdivision 1. [APPLICANTS.] The program administrators in each service delivery area shall publicize the small business job creation incentive program and accept and screen job applications. The program administrator shall refer qualified eligible applicants to businesses which have received the approval of the business review committee.*

*Subd. 2. [JOB ENTRY SKILLS.] The program administrator shall provide or arrange for the provision of appropriate job entry skills including language skills, training, and support services to job applicants before referring them to employers and during the employment period.*

*Subd. 3. [CHILD CARE.] The program administrator shall advise each eligible job applicant of the availability of licensed day care listings and subsidies. Each person hired full time under the job creation incentive program shall be provided with lists of locally available licensed day care sites. The program administrator may contract with an existing agency to provide this service. A subsidy for payment of child-care costs shall be provided by the program administrator to those persons determined eligible pursuant to standards determined by the commissioner. This section is exempt from the rulemaking provisions of sections 14.05 to 14.70.*

*Subd. 4. [OTHER RESOURCES.] The program administrator shall coordinate and publicize the resources of local educational and training institutions to assure that applicants receive training needed to qualify for jobs which are available under the program.*

*Subd. 5. [AID TO BUSINESSES.] The program administrator shall assist businesses in completing the forms, training plans, and other prerequisites for participation in the program.*

**Sec. 7. [268A.07] [DUTIES OF OTHER AGENCIES.]**

*Subdivision 1. [SMALL BUSINESS FINANCE AGENCY.] The small business finance agency shall publicize the small business job creation incentive program, and shall provide assistance as requested by program administrators and business review committees in the screening of businesses and the collection of data.*

*Subd. 2. [EDUCATION AGENCIES.] The state board of education shall review its policies for postsecondary vocational*

*education to assure that the programs serve the training needs of economically disadvantaged persons. District cooperative vocational centers shall cooperate with the program administrators in its service delivery area and shall use available resources to provide customized short-term training programs which the job applicant administrator determines are needed for an applicant to obtain a position which is available under the small business job creation incentive program. Any such customized training program which is one year or less in duration, and which is designed to train persons for specific employment positions in businesses certified to participate in the small business job creation incentive program may be implemented without prior approval from any other state agency, including the higher education coordinating board.*

*Subd. 3. [DEPARTMENT OF PUBLIC WELFARE.] The department of public welfare shall provide to each program administrator lists of currently licensed local day care sites, updated quarterly.*

**Sec. 8. [268A.08] [WIN DEMONSTRATION PROJECT.]**

*In order to maximize the opportunity for recipients of aid to families with dependent children to take full advantage of the jobs created by sections 1 to 11, the commissioner of public welfare is authorized to establish a WIN-demonstration project as part of the small business jobs creation incentive program. All recipients of aid to families with dependent children may participate regardless of whether they are mandated work registrants. Persons required to register for WIN who participate in the WIN-demonstration project will be required to participate in the WIN-demonstration orientation. Those WIN-demonstration participants not covered by employer medical plans will continue to be eligible for medical assistance, and all participants shall continue to be eligible for other services provided under the aid to families with dependent children program. The commissioner of public welfare may adopt rules, including temporary rules for the implementation of this section.*

**Sec. 9. [268A.09] [RULES.]**

*The commissioner of economic security may adopt rules governing the process of disbursing funds under section 3 and the process of businesses repaying these funds under section 5. These rules are not subject to sections 14.05 to 14.70 of the Administrative Procedure Act.*

**Sec. 10. [268A.10] [SMALL BUSINESS JOB CREATION INCENTIVE REVOLVING ACCOUNT.]**

*The small business creation incentive revolving account is established in the state treasury. All payments from businesses pursuant to section 5 shall be deposited in this account, and all funds in the account shall be annually appropriated to the commissioner of economic security for the purpose of making disbursements pursuant to section 3.*

Sec. 11. [APPROPRIATION.]

*To the extent permissible under federal law, the commissioner of economic security shall use funds available under the Job Training Partnership Act to fund the small business job creation program. The commissioner may also apply for gifts and grants, including matching grants, for the program, and shall deposit funds received in the revolving account. Gift and grant funds may be distributed as specified by the person making the gift or grant. The sum of \$ . . . . . is appropriated from the general fund to the small business job creation incentive revolving account for purposes of sections 1 to 10. This sum shall be available until June 30, 1985. Ninety-eight percent of the amount appropriated from the general fund shall be disbursed to program administrators, according to section 3. The remaining two percent shall be used by the commissioner for administrative purposes. Of the funds disbursed to each program administrator at least 80 percent shall be disbursed to qualifying businesses under section 4. Up to five percent may be disbursed to the program administrators for administrative purposes. Up to 15 percent may be disbursed to the program administrators for provision of child-care information and subsidies pursuant to section 6, and for provision of other support services to persons employed under the small business job creation program.*

*By October 1, 1984, the program administrator of each service delivery area shall submit to the grants administrator a spending plan establishing that funds allocated to the service delivery area under section 3, clause (a) will be used by July 1, 1985, in the manner required by sections 1 to 10. Any funds allocated to the service delivery area for which there is no spending plan approved by the grants administrator shall cancel back to the small business job creation incentive revolving account on November 1, 1984, and may be reallocated by the grants administrator to program administrators who meet the qualifications of section 3, clause (b).*

**PUBLIC SERVICE JOBS PROGRAM**

Sec. 12. [PUBLIC SERVICE JOBS PROGRAMS.]

*Subdivision 1. [PROJECTS.] The commissioner shall allocate the funds appropriated in subdivision 5 to state agencies, counties, cities, towns, school districts, and nonprofit agencies who sponsor public service jobs. The sponsoring unit shall pro-*

*vide the administration, supervision, supplies, and materials for all jobs.*

*Subd. 2. [PERMISSIBLE EXPENDITURES.] All money appropriated for jobs under this subdivision shall be expended for wages and benefits for eligible job applicants, except (a) that an amount not to exceed two percent of the appropriation shall be available to reimburse the department of economic security for its actual cost of administering the program; and (b) an amount not to exceed seven percent of the appropriation may be used by the commissioner of economic security to provide child-care subsidies to persons hired under the program who are determined eligible under standards determined by the commissioner. These standards shall not be subject to the Administrative Procedure Act.*

*The commissioner shall assure that eligible job applicants are aware of the availability of licensed day care listings and subsidies and that persons hired under the public services job program are provided with lists of locally available licensed day care sites.*

*Subd. 3. [WAGES.] A maximum of \$5 per hour for a maximum of 1,040 hours for each person hired under this section may be disbursed to a sponsoring unit of government or nonprofit agency.*

*Subd. 4. [LIMITS.] The sponsoring unit of a government or nonprofit agency may not terminate, layoff, or reduce the working hours of an employee for the purpose of hiring an individual with funds available under this section. The sponsoring unit may not hire an individual with funds available under this act if any other person is on layoff from the same or a substantially equivalent job.*

*Subd. 5. [EMPLOYER CERTIFICATION.] In order to qualify as an eligible employer, a government or nonprofit agency must certify to the employment administrator that each job created and funded under this section:*

*(1) will result in an increase in employment opportunities over those which would otherwise be available;*

*(2) will not result in the displacement of currently employed workers, including partial displacement such as reduction in hours of nonovertime work, wages, or employment benefits; and*

*(3) will not impair existing contracts for service or result in the substitution of program funds for other funds in connection with work that would otherwise be performed.*

*Subd. 6. [APPROPRIATION.] The sum of \$ . . . . . is appropriated to the commissioner of economic security for purposes of creating jobs under this section.*

### GENERAL ASSISTANCE

#### Sec. 13. [JOB REFERRAL.]

*The commissioner of public welfare shall refer persons subject to section 15 to the department of economic security for referral to jobs available under the small business job creation incentive program and under the public service jobs program created by sections 1 to 12.*

Sec. 14. Minnesota Statutes 1982, section 256D.09, is amended by adding a subdivision to read:

*Subd. 3. Notwithstanding any other provision of sections 256D.01 to 256D.21, the commissioner of public welfare may provide by rule for the payment of all or a part of a recipient's grant pursuant to a grant diversion agreement entered into by the commissioner of public welfare with the commissioner of economic security. Any rule adopted by the commissioner shall establish the maximum and minimum length of grant diversion agreements, and shall provide that any grant diversion agreement entered into provide that the recipient be paid at least the usual and customary wage, and that the total of the net monthly wages paid the recipient and any part of the grant retained by the recipient be at least 150 percent of the recipient's monthly grant. During the term of the grant diversion agreement, the recipient shall retain his full general assistance medical care benefits to the extent that medical care coverage is not provided by his employer.*

#### Sec. 15. [256D.111] [REGISTRATION FOR WORK; DISQUALIFICATION.]

*Subdivision 1. Every adult person who is a recipient of general assistance and who is not employed shall be required, unless exempt in accordance with the provisions of subdivision 2, to register for employment services with the department of economic security, comply with the reporting and job search provisions of section 268.08, subdivision 1, and accept any offer of suitable employment. A job created under sections 1 to 12 shall be considered suitable employment.*

*Subd. 2. No person shall be required to register for employment services with the department of economic security and comply with the other requirements of subdivision 1 if he is:*

*(a) A person who is suffering from a permanent or temporary illness, injury, or incapacity which is medically certified*

and which prevents the person from obtaining or retaining employment;

(b) A person whose presence in the home on a substantially continuous basis is required because of the certified illness, injury, or incapacity or the age of another member of the household;

(c) A person who has been placed in a licensed or certified facility for purposes of physical or mental health or rehabilitation, if the placement is based on illness or incapacity, and is pursuant to a plan developed or approved by the local agency through its director or designated representative;

(d) A person who resides in a shelter facility described in section 256D.05, subdivision 3;

(e) A person not described in clause (a) or (c) who is diagnosed by a licensed physician or licensed consulting psychologist as mentally retarded or mentally ill, which condition prevents the person from obtaining or retaining employment;

(f) A person who has an application pending for the social security disability program or the program of supplemental security income for the aged, blind, and disabled, or who has been terminated from either program and has an appeal from that termination pending;

(g) A person who is unable to obtain or retain employment because his advanced age significantly affects his ability to seek or engage in substantial work;

(h) A person who has been referred to, has applied for, or is in a work training, work experience, vocational rehabilitation, or other employment related educational program, provided that the period of time such person is exempted pursuant to this clause, while awaiting acceptance into such program, shall not exceed two months; or

(i) An adult member of a household with children in which another adult is employed full time or has registered for employment services with the department of economic security or been accepted in a work training program.

Subd. 3. Any person required by the local agency to register in accordance with the provisions of subdivision 1 shall be entitled, prior to grant reduction, suspension, or termination, to a hearing pursuant to the provisions of section 256D.10 on the issue of whether such person comes within the exemptions contained in subdivision 2.

*Subd. 4. No notice of grant reduction, suspension, or termination on the ground that a recipient has failed to comply with the requirements of subdivision 1 shall be given by the local agency pursuant to section 256D.10 until the commissioner of economic security certifies in writing to the local agency that the recipient has been finally determined, in accordance with the notice, hearing, and appeal rights and procedures of section 268.10, to have failed to comply with the requirements of subdivision 1. A final determination, if made in accordance with such procedures, shall be binding upon the local agency and the recipient.*

*Subd. 5. The commissioner of public welfare shall adopt rules, and is authorized to adopt temporary rules:*

*(a) Providing for a reasonable period of disqualification from the receipt of general assistance for a recipient who is not exempt pursuant to subdivision 2 and who has been finally determined pursuant to the procedure prescribed in subdivision 4 to have failed to comply with the requirements of subdivision 1, which period of disqualification for the first failure to comply shall not exceed one month;*

*(b) Providing for the use of vouchers or vendor payments with respect to the family of a recipient described in clause (a); and*

*(c) Providing that at the time of the approval of an application for general assistance, the local agency give to the recipient a written notice in plain and simple to understand language describing the recipient's job registration, search and acceptance obligations under this section, and the period of disqualification that will be imposed for a failure to comply with those obligations.*

Sec. 16. [APPROPRIATION.]

*The sum of \$ . . . . . is appropriated from the general fund to the commissioner of public welfare for purposes of sections 13 and 14."*

Delete the title and insert:

*"A bill for an act relating to job creation; establishing a small business job creation incentive program; establishing a public service jobs program; requiring general assistance recipients, with exceptions, to register for work; appropriating money; amending Minnesota Statutes 1982, section 256D.09, by adding a subdivision; proposing new law coded as Minnesota Statutes, chapter 268A; proposing new law coded in Minnesota Statutes, chapter 256D."*



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 Judiciary to which was referred:

H. F. No. 314, A bill for an act relating to insurance; requiring certain disclosures in personal sales contacts; requiring disclosure of certain limitations on medicare supplement insurance coverage; prohibiting the sale of more than two medicare supplement insurance policies to an individual; requiring copies of medicare supplement and life insurance applications to be provided to applicants; requiring applications for medicare supplement insurance to list health and accident insurance already maintained by applicant; providing rulemaking authority; imposing civil penalties for certain violations; providing a criminal penalty; amending Minnesota Statutes 1982, sections 60A.17, subdivisions 1, 1a, and 6c, and by adding a subdivision; 62A.31, subdivision 1; 62A.39; 62A.42; proposing new law coded in Minnesota Statutes, chapters 61A and 62A.

Reported the same back with the following amendments:

Page 11, line 18, delete "a subdivision" and insert "subdivisions"

Page 11, after line 18, insert:

*"Subd. 17. [PREMIUMS.] All premiums or other monies received by an agent from an insured or applicant for insurance shall be forthwith deposited directly in a checking, savings, or other similar account maintained by the agent or his agency, unless such monies are forwarded directly to the designated insurer."*

Amend the title as follows:

Page 1, line 3, after "contacts;" insert "requiring direct deposit of premiums;"

Page 1, line 15, delete "a"

Page 1, line 16, delete "subdivision" and insert "subdivisions"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 325, A bill for an act relating to real property; revising and clarifying certain provisions relating to the registration of real property; amending Minnesota Statutes 1982, sections 508.03; 508.06; 508.08; 508.16, subdivision 2; 508.22; 508.23, by adding a subdivision; 508.24, subdivision 2; 508.25; 508.35; 508.36; 508.47, subdivision 6; 508.48; 508.49; 508.50; 508.55; 508.60; 508.62; 508.65; 508.71; 508.82; 508A.01, subdivision 1; 508A.06; 508A.17, subdivision 1; 508A.25; 508A.35; 508A.47, subdivision 6; 508A.48; 508A.49; 508A.50; 508A.55; 508A.62; 508A.65; 508A.71; 508A.82; proposing new law coded in Minnesota Statutes, chapters 508 and 508A; repealing Minnesota Statutes 1982, sections 508.41; 508.42; 508A.41; and 508A.42.

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. 417, A bill for an act relating to advertising devices; authorizing produce vendors to locate a sign on farm homestead property; amending Minnesota Statutes 1982, section 173.08, subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Voss from the Committee on Energy to which was referred:

H. F. No. 441, A bill for an act relating to the housing finance agency; increasing the maximum permissible return to certain mortgagors; increasing the maximum rehabilitation loan amount; combining certain bonding categories; clarifying other agency duties and powers; amending Minnesota Statutes 1982, sections 462A.03, subdivision 13; 462A.05, subdivisions 14a and 18; 462A.06, subdivision 8; 462A.09; 462A.21, subdivision 4b; and 462A.22, subdivisions 1 and 5; repealing Minnesota Statutes 1982, section 462A.22, subdivision 1a.

Reported the same back with the following amendments:

Page 2, after line 4, insert:

"Sec. 2. Minnesota Statutes 1982, section 462A.05, subdivision 4, is amended to read:

Subd. 4. It may purchase and enter into commitments for the purchase of eligible securities, *certificates of deposits, time deposits, or existing mortgage loans from banks, savings and loan associations, insurance companies, or other financial intermediaries*, provided that the agency shall first determine that the proceeds of such (SECURITIES) *instruments* will be utilized for the purpose of *making loans for residential housing (FOR OCCUPANCY BY PERSONS OR FAMILIES OF LOW AND MODERATE INCOME) as defined in section 462A.03, subdivision 7.*

Sec. 3. Minnesota Statutes 1982, section 462A.05, subdivision 9, is amended to read:

Subd. 9. It may invest any funds not required for immediate disbursement in (DIRECT OBLIGATIONS OF THE UNITED STATES GOVERNMENT OR IN OBLIGATIONS THE PRINCIPAL OF AND INTEREST ON WHICH ARE GUARANTEED BY THE UNITED STATES GOVERNMENT OR AN AGENCY THEREOF) *accordance with the provisions of section 462A.18, subdivision 2."*

Page 3, after line 23, insert:

"Sec. 6. Minnesota Statutes 1982, section 462A.05, is amended by adding a subdivision to read:

*Subd. 22. It may make or participate in the making and enter into commitments for the making of loans to any banking institution, savings and loan association, or other lender approved by the members, organized under the laws of this or any other state or of the United States having an office in this state, notwithstanding the provisions of section 462A.03, subdivision 13, if it first determines that the proceeds of such loans will be utilized for the purpose of making loans to or for the benefit of eligible persons and families as provided and in accordance with sections 462A.01 to 462A.24. Loans pursuant to this subdivision shall be secured, repaid, and bear interest at the rate as determined by the members."*

Page 3, lines 29 to 31, delete the new language and insert *"in one or more loans. The agency may, in connection with such a sale, retain the right or obligation to collect the principal and interest on the loan, to enter into commitments for timely remittal of the principal and interest, or to provide any other services as described in the"*

Page 4, lines 9 to 11, delete the new language and after the period insert *"If, for any reason, whether existing at the date of issue of any bonds or notes or at the date of making or purchasing any loan or securities from the proceeds or thereafter, the interest on any bonds or notes shall be or become subject to federal income taxation, this shall not impair or affect the validity or the provisions made for the security of the bonds or*

*notes. The agency may make such covenants and take or cause to be taken such actions as are in its judgment necessary or desirable to comply with conditions established by federal law or regulations for the exemption of interest on its obligations. The agency may refrain from compliance with such conditions if in its judgment this would serve the purposes and policies set forth in this chapter with respect to any particular issue of bonds or notes, unless this would violate covenants made by the agency."*

Page 4, line 17, reinstate "(; PROVIDED THAT)"

Page 4, line 25, before the period insert "*(i) the aggregate price at which an issue of notes or bonds is initially offered by underwriters to investors, as set forth in the agency's official statement with respect to the offering, shall not exceed by more than three percent the aggregate price paid by the underwriters to the agency at the time of delivery; (ii) the commission paid by the agency to an underwriter or agent for placing an issue of notes or bonds with investors shall not exceed three percent of the aggregate price at which the issue is offered to investors as set forth in the agency's offering statement; and (iii) the spread or commission shall be an amount determined by the agency to be reasonable in the light of the risk assumed and the expenses of issuance, if any, required to be paid by the underwriters or agent"*

Page 5, after line 8, insert:

"Sec. 10. Minnesota Statutes 1982, section 462A.21, is amended by adding a subdivision to read:

*Subd. 8a. It may establish a multifamily development assistance fund, on terms and conditions it deems advisable, to be used in connection with the financing of multifamily developments (a) to make loans, with or without interest, pursuant to section 462A.05, subdivisions 1 and 3, or (b) to make payments into accounts of the agency for the purpose of making payments required by a resolution for the issuance of its notes or bonds, as permitted by section 462A.10, subdivision 4."*

Page 5, after line 31, insert:

"Sec. 13. Minnesota Statutes 1982, section 462C.07, subdivision 1, is amended to read:

Subdivision 1. To finance programs or developments described in any plan the city may, upon approval of the program as provided in section 462C.04, subdivision 2, issue and sell revenue bonds or obligations which shall be payable exclusively from the revenues of the programs or developments. In the purchase or making of single family housing loans and the purchase or making of multifamily housing loans and the is-

suance of revenue bonds or other obligations the city may exercise within its corporate limits, any of the powers the Minnesota housing finance agency may exercise under chapter 462A, without limitation under the provisions of chapter 475 (, AND THE REVENUE BONDS OR OTHER OBLIGATIONS MAY BE SOLD AT 97 PERCENT OR MORE OF THEIR PRINCIPAL AMOUNT, NOTWITHSTANDING THE PROVISIONS OF SECTION 462A.09)."

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to housing; increasing the maximum permissible return to certain mortgagors; increasing the maximum amount of housing finance agency rehabilitation loans; combining certain bonding categories; clarifying other housing finance agency duties and powers; modifying certain duties and powers of issuers of local housing revenue bonds; amending Minnesota Statutes 1982, sections 462A.03, subdivision 13; 462A.05, subdivisions 4, 9, 14a, 18, and by adding a subdivision; 462A.06, subdivision 8; 462A.09; 462A.21, subdivision 4b, and by adding a subdivision; 462A.22, subdivisions 1 and 5; and 462C.07, subdivision 1; repealing Minnesota Statutes 1982, section 462A.22, subdivision 1a."

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 462, A bill for an act relating to St. Louis County; limiting compensation of elected county officers.

Reported the same back with the following amendments:

Page 1, line 9, after "for" insert "accumulated"

Page 1, line 9, before the period insert "upon leaving office"

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. 523, A bill for an act relating to public utilities; defining scope of independent telephone companies accountable

under chapter 237; amending Minnesota Statutes 1982, section 237.01, subdivision 3.

Reported the same back with the following amendments:

Page 1, line 12, after "301" insert "or 302A"

Page 1, after line 13, insert:

"Sec. 2. [EFFECTIVE DATE.]

*This act is effective on the day following final enactment. This act is effective in respect to applications for independent telephone company rate changes pending before the commission on the effective date of this act and no refunds of increased independent telephone company rates ordered after the effective date of this act shall be necessary, unless the independent telephone company elects to be subject to rate regulation on or before 60 days after the effective date of this act."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 529, A bill for an act relating to crimes; providing that acquittal or conviction of the crime of kidnapping does not bar conviction for any other crime committed during the time of the victim's confinement; amending Minnesota Statutes 1982, section 609.035; proposing new law coded in Minnesota Statutes, chapter 609.

Reported the same back with the following amendments:

Page 1, delete lines 20 to 23 and insert:

"Sec. 2. Minnesota Statutes 1982, section 609.25, is amended to read:

609.25 [KIDNAPPING.]

Subdivision 1. [ACTS CONSTITUTING.] Whoever, for any of the following purposes, confines or removes from one place to another, any person without his consent or, if he is under the age of 16 years, without the consent of his parents or other legal custodian, is guilty of kidnapping and may be sentenced as provided in subdivision 2:

(1) To hold for ransom or reward for release, or as shield or hostage; or

(2) To facilitate commission of any felony or flight thereafter; or

(3) To commit great bodily harm or to terrorize the victim or another; or

(4) To hold in involuntary servitude.

*Subd. 2. [MULTIPLE CONVICTION; KIDNAPPING.] A prosecution for or conviction of the crime of kidnapping is not a bar to prosecution for or conviction of any other crime committed during the kidnapping, except for a lesser included offense of the crime of kidnapping.*

Subd. (2) 3. [SENTENCE.] Whoever violates subdivision 1 may be sentenced as follows:

(1) If the victim is released in a safe place without great bodily harm, to imprisonment for not more than 20 years or to payment of a fine of not more than \$20,000, or both; or

(2) If the victim is not released in a safe place or if the victim suffers great bodily harm during the course of the kidnapping to imprisonment for not more than 40 years or to payment of a fine of not more than \$40,000, or both."

Further, amend the title as follows:

Page 1, line 6, delete "section" and insert "sections"

Page 1, line 6, delete "; proposing new law"

Page 1, delete line 7, and insert "and 609.25."

With the recommendation that when so amended the bill pass:

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 530, A bill for an act relating to crimes; providing that prosecution or acquittal of a crime in another jurisdiction is not a bar to prosecution in this state when the act or omission constitutes a crime in the other jurisdiction and this state; amending Minnesota Statutes 1982, section 609.045.

Reported the same back with the following amendments:

Page 1, delete lines 13 to 17 and insert:

"If (AN ACT OR OMISSION CONSTITUTES) *criminal activity involves acts or omissions in this state which constitutes a crime under (BOTH) the laws of this state and acts or omissions which constitute a crime under the laws of another jurisdiction, a conviction or acquittal of such crime in the other jurisdiction (BARS) shall not bar prosecution for the crime in this state unless the elements of both law and fact are identical.*"

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. 541, A bill for an act relating to occupations and professions; authorizing the commissioner of public safety to provide administrative support services to the board of peace officer standards and training; amending Minnesota Statutes 1982, section 214.04, subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Judiciary.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 617, A bill for an act relating to the pollution control agency; authorizing the collection of permit fees; clarifying the agency's enforcement authorities relating to air contamination; authorizing the use of certain federal funds; extending the authorization of the state wastewater treatment facility construction grants program; amending Minnesota Statutes 1982, sections 116.07, subdivision 9, and by adding a subdivision; 116.16, subdivision 10; and 116.18, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 15, after "*may*" insert "*collect permit fees and shall*"

Page 1, line 19, after "*permits*" insert "*pursuant to agency rules*"

Page 1, line 19, after the period insert "*Permit fees shall not include the costs of litigation.*"

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. 656, A bill for an act relating to intoxicating liquor; allowing the city of Marble to permit on-sales of intoxicating liquor on a certain date.

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:

H. F. No. 684, A bill for an act relating to administrative procedures; exempting certain rules from the requirement of approval by the revisor of statutes and related procedures; amending Minnesota Statutes 1982, section 14.38, subdivision 6.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 694, A bill for an act relating to Ramsey County; providing for the membership, terms, and procedures of the medical center commission; amending Minnesota Statutes 1982, section 383A.41, subdivisions 2, 3, and 4.

Reported the same back with the following amendments:

Page 1, line 14, strike "one" and insert "two"

Page 2, line 19, after the period insert "*The citizen members shall reside in Ramsey County.*"

Page 3, line 4, strike "\$35" and insert "\$50"

Page 3, line 5, strike "\$1,000" and insert "\$1,300"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 711, A bill for an act relating to state government; altering certain miscellaneous provisions related to financial management of state funds; authorizing the commissioner of finance and the state treasurer to take certain actions relating to the issuance, form, execution, delivery, transfer of ownership, and payment of bonds and certificates of indebtedness; appropriating the proceeds of bonds and certificates of indebtedness for the payment of certain expenses; amending Minnesota Statutes 1982, sections 16A.127, subdivisions 1 and 7; 16A.36; 16A.50; 16A.64, subdivisions 2 and 4; 16A.66, subdivisions 1, 2, and 3; and 124.46, subdivision 2; 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. Minnesota Statutes 1982, section 16A.127, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section the following terms shall have the meanings given them:

(a) "State agency" means a state department, board, council, committee, authority, commission or other entity in the executive branch of state government;

(b) "Nongeneral fund moneys" means any moneys any state agency is authorized to receive and expend from a source other than the general fund;

(c) "Statewide indirect costs" means all operating costs incurred by the state treasurer and (THE) *all* departments (OF ADMINISTRATION, FINANCE AND PERSONNEL) *and agencies* which are attributable to the provision of services to any *other* state agency;

(d) "Commissioner" means the commissioner of finance.

Sec. 2. Minnesota Statutes 1982, section 16A.127, subdivision 7, is amended to read:

Subd. 7. [LEGISLATIVE AUDITOR.] Unless otherwise specified by law, a state agency whose financial affairs are audited by the legislative auditor, *and whose funds are not administered by the state treasurer*, shall transfer to the general fund that portion of the cost of the audit applicable to the moneys received by the agency from sources other than the general fund. The collection by the legislative auditor of the cost of an audit may be waived in whole or in part by the legislative audit commission upon recommendation by the legislative auditor.

Sec. 3. Minnesota Statutes 1982, section 16A.36, is amended to read:

**16A.36 [GRANTS FROM UNITED STATES, USE.]**

All funds received by the state from the government of the United States as grants in aid for the financing of aid to dependent children, or for maternal and child health services, or for the care of crippled children, or for the care of neglected children and child welfare generally, or for vocational rehabilitation, or for the extension of public health services, or for any other public assistance or public welfare purpose shall be used solely for the purpose for which the grant was made. Any interest or income arising from the funds so granted shall be (ACCREDITED) *credited* by the state treasurer to the particular account for which the grant was made and used solely for the purpose of that grant, or repaid to the United States Treasury (AS) *if* the proper authorities or the government of the United States (MAY) *so* require, or *otherwise shall be credited to the general fund.*

Sec. 4. Minnesota Statutes 1982, section 16A.50, is amended to read:

**16A.50 [REPORT TO LEGISLATURE.]**

On or before (NOVEMBER 15) *December 31* of each year the commissioner of finance shall prepare and submit to the legislature and make available to the public a financial report covering the operations of all state funds during the preceding fiscal year. The report shall contain financial statements and disclosures which present the state's financial position and the fiscal results of state operations. This report shall be in conformity with generally accepted accounting principles.

Sec. 5. Minnesota Statutes 1982, section 16A.64, subdivision 2, is amended to read:

Subd. 2. The bonds shall be issued and sold (UPON SEALED BIDS UPON SUCH NOTICE,) at such times *and price*, in such form and denominations, bearing interest at such rate or rates, maturing on such dates, either without option of prior payment or subject to prepayment upon such notice and at such times and prices, payable at such bank or banks, within or without the state, with such provisions for registration, conversion, and exchange and for the issuance of notes in anticipation of the sale and delivery of definitive bonds, and in accordance with such further (REGULATIONS) *provisions*, as the commissioner of finance shall determine, subject to the approval of the attorney general (but not subject to the provisions of sections 14.02, 14.04 to 14.36, 14.38, 14.44 to 14.45, and 14.57 to 14.62). Each bond shall mature within 20 years from its date of issue (, SHALL

BE SOLD AT NOT LESS THAN PAR PLUS ACCRUED INTEREST,) and shall be executed by the commissioner of finance and attested by the state treasurer under their official seals. The (SIGNATURE OF ONE) *signatures* of these officers on the face of any bond *and on the interest coupons appurtenant to it*, and their seals, (AND THE SIGNATURE OF BOTH OFFICERS ON THE INTEREST COUPONS APPURTENANT TO ANY BOND,) may be printed, lithographed, stamped, (OR) engraved, *or otherwise reproduced* thereon. *Each bond shall be authenticated by the manual signature on its face of one of the officers or a person authorized to sign on behalf of a bank or trust company designated by the commissioner to act as registrar or other authenticating agent.*

Sec. 6. Minnesota Statutes 1982, section 16A.64, subdivision 4, is amended to read:

Subd. 4. All expenses incidental to the sale, printing, execution, and delivery of bonds pursuant to this section, including, but not limited to, actual and necessary travel and subsistence expenses of state officers and employees for such purposes, shall be paid from the Minnesota state building fund, and the amounts necessary therefore are appropriated from said fund (; PROVIDED THAT IF ANY AMOUNT IS SPECIFICALLY APPROPRIATED FOR THIS PURPOSE IN AN ACT AUTHORIZING THE ISSUANCE OF BONDS PURSUANT TO THIS SECTION, SUCH EXPENSES SHALL BE FIRST PAID TO THE EXTENT POSSIBLE FROM THE AMOUNT SO APPROPRIATED).

Sec. 7. Minnesota Statutes 1982, section 16A.66, subdivision 1, is amended to read:

Subdivision 1. For the purpose of refunding state bonds of any series heretofore or hereafter authorized, *including interest on them*, the commissioner of finance may with approval by resolution of the executive council issue bonds of the state of Minnesota (IN A MAXIMUM AMOUNT EQUAL TO THE OUTSTANDING PRINCIPAL AMOUNT OF THE BONDS TO BE REFUNDED,) in the manner and upon the terms and conditions prescribed in this section and in the Constitution, Article XI, Section 7. For the prompt and full payment of all such refunding bonds and the interest thereon the full faith and credit and taxing powers of the state are irrevocably pledged. The proceeds of such bonds shall be credited to the state bond fund created by the Constitution, and within that fund to such separate bookkeeping account as shall have been created for the payment of the bonds to be refunded and the interest thereon, *and shall be credited only against the tax otherwise required by the Constitution to be levied with respect to the refunded bonds.*

Sec. 8. Minnesota Statutes 1982, section 16A.66, subdivision 2, is amended to read:

Subd. 2. Unless otherwise expressly provided in the law authorizing the issuance of any series of bonds, such authorization shall include authorization to the commissioner to issue refunding bonds (IN A MAXIMUM PRINCIPAL AMOUNT EQUAL TO THE PRINCIPAL AMOUNT THEREOF OUTSTANDING AT ANY TIME,) for the purpose of refunding the same in the manner and upon the terms and conditions prescribed in this section. Any act directing the issuance of bonds for any purpose shall, together with this section, constitute complete authority for the issuance of bonds to refund the same, and such refunding bonds shall not be subject to the restrictions or limitations contained in any other law.

Sec. 9. Minnesota Statutes 1982, section 16A.66, subdivision 3, is amended to read:

Subd. 3. Such refunding bonds shall be issued and sold (UPON SEALED BIDS, OR MAY BE SOLD DIRECTLY TO THE STATE BOARD OF INVESTMENT WITHOUT BIDS) *under provisions determined by the commissioner in accordance with section 16A.64*, or may be exchanged for bonds refunded by agreement with the holders thereof, and shall be prepared, executed, and delivered, and when issued shall be secured, in the same manner in all respects as provided by law and the Constitution for the bonds refunded thereby. The proceeds of the bonds may be deposited, invested, and applied to accomplish the refunding in the manner and upon the conditions provided in section 475.67, subdivisions 5 to (11) 10. The interest rate on refunding bonds may exceed that on the bonds refunded when in the judgment of the commissioner and council refunding is nevertheless necessary or desirable for the purpose of extending the maturities and reducing the annual *amount of the* property tax or other funds needed to pay and secure the bonds and interest (, IN LIEU OF THE REVENUES PRIMARILY APPROPRIATED FOR THEIR PAYMENT).

Sec. 10. [16A.672] [BONDS AND CERTIFICATES OF INDEBTEDNESS.]

*Subdivision 1. [IN GENERAL.] Notwithstanding any contrary provision of other law, the commissioner of finance and the state treasurer shall have the powers specified in this section with respect to the issuance, form, execution, delivery, registration of transfer and exchange, and payment of bonds and certificates of indebtedness heretofore or hereafter authorized to be issued or issued by the state.*

*Subd. 2. [FORM OF OBLIGATIONS.] The bonds or certificates of indebtedness may be issued in bearer form with interest coupons attached, with or without provision for registration as to principal only, or in fully registered form, in one or more denominations, and with provisions for conversion of form, exchange of denominations, and transfer of ownership as*

prescribed by the commissioner of finance. All bonds and certificates of indebtedness, when issued according to orders of the commissioner of finance, shall be securities within the meaning of sections 336.8-101 to 336.8-408, and the commissioner of finance and the state treasurer may do on behalf of the state all acts and things which are permitted or required of issuers of securities under sections 336.8-101 to 336.8-408 and are consistent with the orders. The bonds or certificates of indebtedness may be printed, lithographed, or otherwise reproduced in the style and form the commissioner prescribes, but the form shall state in a general way the purpose for which they are issued and the security provided for their payment.

**Subd. 3. [EXECUTION OF OBLIGATIONS.]** *The bonds and certificates of indebtedness shall be executed by the commissioner of finance and attested by the state treasurer under their official seals. Facsimile signatures and seals of either or both of these officers may, as the commissioner of finance deems appropriate, be printed, lithographed, stamped, engraved, or otherwise reproduced. Every bond and certificate issued, whether initially or upon transfer, exchange, or replacement, shall be manually signed on its face by one of these officers, or by a duly authorized representative of a bank or trust company designated by order of the commissioner of finance, whether at or after the time of initial issue, as registrar or otherwise as agent of the state to authenticate it.*

**Subd. 4. [DELIVERY OF OBLIGATIONS.]** *The commissioner of finance may appoint a bank or trust company within or outside the state to act as delivery agent on behalf of the state, and to deliver the bonds or certificates of indebtedness to the initial purchaser upon payment therefor.*

**Subd. 5. [REGISTRAR.]** *The commissioner of finance, in the order for the issuance of any bonds or certificates of indebtedness, may designate a corporate registrar to perform on behalf of the state the duties of a registrar as set forth in sections 336.8-101 to 336.8-408, including but not limited to authentication and delivery upon initial issuance and upon registration of transfer, exchange, or conversion into another form. Any registrar shall be an incorporated bank or trust company, within or outside the state, authorized by the laws of the United States or of the state in which it is located to perform these duties.*

**Subd. 6. [PAYMENT OF OBLIGATIONS.]** *The order authorizing the issuance of any bonds or certificates of indebtedness may provide for the payment of principal and interest in the manner and by the means the commissioner deems necessary to ensure full and prompt payment when due, and may provide for the payment at the office of a bank or trust*

company within or outside the state. In the case of fully registered bonds or certificates of indebtedness, the order may provide that the interest coming due on any interest payment date shall be payable to the person or entity who is the registered owner on the bond or certificate register on a specified date preceding the interest payment date, by check, draft, or other transfer to the order of the registered owner.

**Subd. 7. [AGREEMENTS.]** The commissioner of finance may enter into agreements containing terms which are necessary or desirable to carry out the authority given him in this section, pursuant to applicable orders of the commissioner. The agreements may provide for the payment of compensation for services to be performed and expenses to be incurred on behalf of the state, and may provide for their payment from the proceeds of the bonds or certificates of indebtedness, or from other money appropriated to the commissioner of finance, or from charges to be imposed on the holders of bonds or certificates of indebtedness, or from a combination of these sources. As much of the proceeds of the bonds or certificates as necessary is appropriated for this purpose.

**Subd. 8. [APPROPRIATION.]** There is appropriated annually to the commissioner of finance from the general fund in the state treasury an amount of money sufficient to pay when due all compensation and expenses due to registrars, delivery agents, and paying agents for state bonds and certificates of indebtedness under the terms of agreements entered into according to subdivision 7.

**Subd. 9. [APPROVAL BY ATTORNEY GENERAL.]** No agreement described in subdivision 7 shall become effective until it has been approved as to form and execution by the state attorney general or his designee.

**Subd. 10. [REGISTRATION DATA PRIVATE.]** All information contained in any register maintained by the state treasurer or a corporate registrar with respect to the ownership of state bonds or certificates of indebtedness constitutes non-public data as defined in section 13.02, subdivision 9, or private data on individuals as defined in section 13.02, subdivision 12. The information is not public and is accessible only to the individual, corporation, or other entity which is the subject of it, except as disclosure (a) is necessary for the performance of the duties of the registrar, the state commissioner of finance, the state treasurer, or the state legislative auditor, or (b) is requested by an authorized representative of the state commissioner of revenue or attorney general or of the commissioner of internal revenue of the United States for the purpose of ascertaining the application of any estate, inheritance, or other tax, or (c) is required under section 13.03, subdivision 4.

Sec. 11. Minnesota Statutes 1982, section 124.46, subdivision 2, is amended to read:

Subd. 2. Upon receipt of each such certification, subject to authorization as provided in subdivision 4, the commissioner of finance shall from time to time as needed issue and sell state of Minnesota school loan bonds in the aggregate principal amount stated in the commissioner's certificate, for the prompt and full payment of which, with the interest thereon, the full faith, credit, and taxing powers of the state are hereby irrevocably pledged, and shall credit the net proceeds of their sale to the purposes for which they are appropriated by section 124.40, subdivision 1. Such bonds shall be issued and sold at (NOT LESS THAN THEIR PAR VALUE) *such price*, in such manner, in such number of series, at such times, and in such form and denominations, shall bear such dates of issue and of maturity, either without option of prior redemption or subject to prepayment upon such notice and at such times and prices, shall bear interest at such rate or rates and payable at such intervals, shall be payable at such bank or banks within or without the state, with such provisions for registration, conversion, and exchange, and for the issuance of notes in anticipation of the sale and delivery of definitive bonds, and in accordance with such further (REGULATIONS) *provisions* as the commissioner of finance shall determine subject to the limitations stated in this subdivision (but not subject to the provisions of sections 14.02, 14.04 to 14.36, 14.38, 14.44 to 14.45, and 14.57 to 14.62). The maturity date shall in no case be (LESS THAN TEN OR) more than 20 years after the date of issue of any bond and the principal amounts and due dates shall conform as near as may be with the commissioner's estimates of dates and amounts of payments to be received on debt service and capital loans. The bonds *and any interest coupons appurtenant to them* shall be executed by the commissioner of finance and attested by the state treasurer under their official seals. The (SIGNATURE) *signatures* of (ONE OF) these officers (ON THE FACE OF ANY BOND,) and their seals (, AND THE SIGNATURES OF BOTH OFFICERS ON THE INTEREST COUPONS APPURTENANT TO ANY BOND,) may be printed, lithographed, stamped, (OR) engraved, *or otherwise reproduced* thereon. *Each bond shall be authenticated by the manual signature on its face of one of the officers or a person authorized to sign on behalf of a bank or trust company designated by the commissioner to act as registrar or other authenticating agent.* The commissioner of finance is authorized and directed to ascertain and certify to purchasers of the bonds the performance and existence of all acts, conditions, and things necessary to make them valid and binding general obligations of the state of Minnesota in accordance with their terms.

Sec. 12. [EFFECTIVE DATE.]

*This act is effective the day after final enactment."*



With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 716, A bill for an act relating to education; establishing the basis upon which financial stipends for scholarships and grants-in-aid are determined; amending Minnesota Statutes 1982, section 136A.121.

Reported the same back with the following amendments:

Page 2, lines 4 and 5, strike "is a graduate of a secondary school or its equivalent and"

Page 3, after line 8, insert the following:

*"The minimum financial stipend awarded shall be \$100."*

Page 3, after line 30, insert the following:

*"The minimum financial stipend awarded shall be \$100."*

Page 3, line 36, delete "beginning in the 1986-1987"

Page 4, line 1, delete "school year,"

Page 4, line 4, delete "Prior to"

Page 4, delete lines 5 to 7

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. 733, A bill for an act relating to mining; including peat within the provisions of mineland reclamation laws; amending Minnesota Statutes 1982, sections 93.44; 93.46, subdivisions 2 and 6; proposing new law coded in Minnesota Statutes, chapter 93.

Reported the same back with the following amendments:

Page 2, line 21, delete "*having a planned*"

Page 2, line 22, delete "*duration of ten years or less and*"

Page 2, line 25, delete "*of ten years duration or less and*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 747, A bill for an act relating to the city of Moorhead; restoring an excess payment; appropriating money; repealing Laws 1965, chapters 66 and 312.

Reported the same back with the following amendments:

Page 1, lines 8 and 9, delete "\$27,000" and insert "\$23,587"

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. 758, A bill for an act relating to mining; extending the time period within which certain idle open pit mines must be fenced; amending Minnesota Statutes 1982, section 180.03, subdivision 2.

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 Judiciary to which was referred:

S. F. No. 50, A bill for an act relating to crimes; providing for new crimes relating to abuse of children; establishing willful and unlawful restraint as a crime; establishing malicious punishment as a crime; establishing neglect as a crime; providing penalties; amending Minnesota Statutes 1982, sections 260.315; 609.255; and 626.556, subdivision 12; 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 1982, section 260.315, is amended to read:

**260.315 [CONTRIBUTING TO NEGLECT OR DELINQUENCY.]**

Any person who by act, word or omission encourages, causes or contributes to the neglect or delinquency of a child (, AND SUCH ACT, WORD OR OMISSION IS NOT BY OTHER PROVISIONS OF LAW DECLARED TO BE A FELONY, SHALL BE) is guilty of a misdemeanor.

Sec. 2. Minnesota Statutes 1982, section 609.255, is amended to read:

**609.255 [FALSE IMPRISONMENT.]**

*Subdivision 1. [DEFINITION.] As used in this section, the following term has the meaning given it unless specific content indicates otherwise.*

*(a) "Caretaker" means an individual who has responsibility for the care of a child as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a child.*

*Subd. 2. [INTENTIONAL RESTRAINT.] Whoever, knowing he has no lawful authority to do so, intentionally confines or restrains a child not his own under the age of 18 years without his parent's or legal custodian's consent, or any other person without his consent, is guilty of false imprisonment and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$3,000, or both.*

*Subd. 3. [UNREASONABLE RESTRAINT OF CHILDREN.] A parent, legal guardian, or caretaker who intentionally subjects a child under the age of 18 years to unreasonable physical confinement or restraint by means including but not limited to, tying, locking, caging, or chaining for a prolonged period of time and in a cruel manner which is excessive under the circumstances and which results in substantial emotional harm, is guilty of unreasonable restraint of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both. If the confinement or restraint results in substantial bodily harm, that person may be sentenced to imprisonment for not more than three years or to payment of not more than \$3,000, or both.*

Sec. 3. [609.376] [DEFINITIONS.]

*Subdivision 1. [TERMS DEFINED.] For the purposes of sections 3 to 6, the following terms have the meanings given unless specific content indicates otherwise.*

*Subd. 2. [CHILD.] "Child" means any person under the age of 18 years.*

*Subd. 3. [CARETAKER.] "Caretaker" means an individual who has responsibility for the care of a child as a result of a family relationship or who has assumed responsibility for all or a portion of the care of a child.*

*Subd. 4. [COMPLAINANT.] "Complainant" means a person alleged to have been a victim of a violation of section 609.255, subdivision 3, section 4, or section 5, but need not be the person who signs the complaint.*

Sec. 4. [609.377] [MALICIOUS PUNISHMENT OF A CHILD.]

*A parent, legal guardian, or caretaker who, by an intentional act or a series of intentional acts, evidences unreasonable force or cruelty which causes substantial emotional harm to a child is guilty of malicious punishment of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both. If the punishment results in substantial bodily harm, that person may be sentenced to imprisonment for not more than 3 years or to payment of not more than \$3,000, or both.*

Sec. 5. [609.378] [NEGLECT OF A CHILD.]

*(a) A parent, legal guardian, or caretaker who willfully deprives a child of necessary food, clothing, shelter, health care, or supervision appropriate to the child's age, when the parent, guardian, or caretaker is reasonably able to make the necessary provisions and which deprivation substantially harms the child's physical or emotional health, or (b) a parent, legal guardian, or foster parent who knowingly permits the continuing physical or sexual abuse of a child is guilty of neglect of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.*

*If a parent, guardian, or caretaker responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, this treatment shall constitute "health care" as used in clause (a) of this section.*

Sec. 6. [609.379] [PERMITTED ACTIONS.]

*Subdivision 1. [REASONABLE FORCE.] Reasonable force may be used upon or toward the person of a child without the child's consent when the following circumstance exists or the actor reasonably believes it to exist:*

*When used by a parent, legal guardian, teacher, or other caretaker of a child or pupil, in the exercise of lawful authority, to restrain or correct the child or pupil.*

*Subd. 2. [APPLICABILITY.] This section applies to sections 1 to 5 and section 626.556, subdivision 12.*

**Sec. 7. [609.38] [STAYED SENTENCE.]**

*For any violation of section 609.255, subdivision 3, section 4, or section 5 for which the sentencing guidelines establish a presumptive executed sentence, the court shall stay imposition or execution of the sentence if it finds that a stay is in the best interest of the complainant or the family unit and that the defendant is willing to participate in any necessary or appropriate treatment. In determining an appropriate sentence when there is a family relationship between the complainant and the defendant, the court shall be guided by the policy of preserving and strengthening the family unit whenever possible.*

**Sec. 8. Minnesota Statutes 1982, section 626.556, subdivision 12, is amended to read:**

**Subd. 12. [DUTIES OF FACILITY OPERATORS.]** Any operator, employee, or volunteer worker at any facility who intentionally neglects, physically abuses, or sexually abuses any child in the care of that facility may be charged with a violation of (SECTION 609.23) sections 2, 4 or 5. Any operator of a facility who knowingly permits conditions to exist which result in neglect, physical abuse, or sexual abuse of a child in the care of that facility may be charged with a violation of section 609.23 or section 5.

**Sec. 9. [EFFECTIVE DATE.]**

*Sections 1 to 8 are effective August 1, 1983 and apply to crimes committed on or after that date."*

**Delete the title and insert:**

**"A bill for an act relating to crimes; providing for new crimes relating to abuse of children; establishing willful and unlawful restraint as a crime; establishing malicious punishment as a crime; establishing neglect as a crime; providing penalties; amending Minnesota Statutes 1982, sections 260.315; 609.255; and 626.556, subdivision 12; proposing new law coded in Minnesota Statutes, chapter 609."**

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

S. F. No. 233, A bill for an act relating to probate; requiring annual reports on the personal well-being of wards or conservatees; amending Minnesota Statutes 1982, section 525.58, by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

S. F. No. 269, A bill for an act relating to trusts; clarifying the time limits and applicable interest rates for certain employee trusts; amending Minnesota Statutes 1982, sections 334.01; and 501.11.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 114, 140, 149, 239, 314, 325, 417, 441, 462, 523, 529, 530, 617, 656, 684, 694, 733 and 758 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 224, 267, 50, 233 and 269 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Stadum, Ludeman, Heap, Welker and Valan introduced:

H. F. No. 846, A bill for an act relating to taxation; allowing a credit against corporate income taxes for workers' compensation and unemployment compensation premiums; amending Minnesota Statutes 1982, sections 290.06, by adding a subdivision; and 290.09, subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

Carlson, L., introduced:

H. F. No. 847, A bill for an act relating to tort liability; providing for parallel exceptions for unimproved property of the state and municipalities; amending Minnesota Statutes 1982, section 466.03, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Norton; Clark, K.; Greenfield; Anderson, R., and Wynia introduced:

H. F. No. 848, A bill for an act relating to public welfare; entitling certain low income families to child care at reduced rates; amending Minnesota Statutes 1982, sections 245.83; 245.84, subdivisions 1, 2, and 5; 245.85; 245.86; and 245.87.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Fjoslien introduced:

H. F. No. 849, A bill for an act relating to state lands; authorizing the sale of a certain lakeshore lot in Douglas County.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Brandl, Osthoff, Gustafson and Minne introduced:

H. F. No. 850, A bill for an act relating to taxation; providing a method for distributing state money to municipalities; establishing a levy limit base; amending Minnesota Statutes 1982, sections 275.51, by adding a subdivision; 477A.011, by adding subdivisions; and 477A.012; proposing new law coded in Minnesota Statutes, chapters 275 and 477A; repealing Minnesota Statutes 1982, sections 275.51, subdivision 3e; 477A.011, subdivisions 4, 5, 9, and 10; and 477A.013.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Graba, Krueger, Erickson, Valan and Kalis introduced:

H. F. No. 851, A bill for an act relating to agriculture; making certain changes in the family farm security loan program; amending Minnesota Statutes 1982, sections 16.02, subdivision 14; 41.52, by adding a subdivision; 41.53, subdivision 2; 41.54, subdivision 2; 41.55; 41.56, subdivisions 2, 4, 5, and by adding subdivisions; 41.57, subdivisions 2 and 3; 41.58, subdivision 1; 41.59, subdivisions 1, 2, and 3; 41.61, subdivision 1; 48.19, by adding a subdivision; and 287.04; proposing new law coded in Minnesota Statutes, chapter 15.

The bill was read for the first time and referred to the Committee on Agriculture.

Forsythe, Brandl, Welch, Reif and Berkelman introduced:

H. F. No. 852, A bill for an act relating to public welfare; providing for a state contract with an insuring agent to administer the medical assistance program; requiring the commissioner of public welfare to submit a request for proposals to the commissioner of administration to commence the bidding procedures on the insurance contract; providing for training or other assistance for affected public employees; transferring money; appropriating money; 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.



Clawson, Gustafson, Norton, McKasy and Dempsey introduced:

H. F. No. 853, A bill for an act relating to the court system; removing obsolete references to justice of the peace and magistrate; amending Minnesota Statutes 1982, sections 72A.12, subdivision 5; 72A.30; 88.645; 88.78; 97.50, subdivisions 1 and 7; 115.32, subdivision 3; 127.09; 144.12, subdivision 1; 168.46; 169.42, subdivision 5; 169.91; 169.95; 169.965, subdivision 3; 169.966, subdivision 3; 169.971, subdivision 4; 171.08; 171.16, subdivision 1; 181.09; 181.17; 219.32; 219.97, subdivision 13; 290.58; 297A.42, subdivision 2; 299F.40, subdivision 5; 340.85, subdivision 2; 340.91; 345.02; 345.03; 345.14; 346.03; 346.04; 346.09, subdivision 1; 347.04; 351.03; 357.12; 357.16; 357.22; 357.27; 358.15; 359.061; 359.11; 361.27, subdivision 2; 365.52; 366.20; 367.11; 367.25, subdivision 1; 368.01, subdivision 20; 373.09; 390.15; 390.20; 390.31, subdivision 2; 390.33, subdivisions 2 and 6; 395.23; 412.02, subdivision 1; 412.021, subdivision 2; 412.023, subdivision 5; 412.111; 412.861, subdivision 3; 473.608, subdivision 17; 485.07; 488A.021, subdivision 4; 488A.09, subdivision 7; 488A.19, subdivision 5; 490.18; 492.02, subdivision 3; 509.04; 514.29; 514.34; 542.05; 549.03; 550.17; 571.50; 571.58; 571.64; 574.18; 574.20; 574.35; 588.01, subdivision 3; 593.21; 609.27, subdivision 1; 609.415, subdivision 1; 609.66, subdivision 1; 611.07, subdivision 1; 611.17; 611.18; 617.27; 624.62; 625.01; 625.02; 625.03; 625.04; 625.05; 625.06; 625.07; 625.08; 625.09; 625.10; 625.11; 625.12; 625.13; 625.14; 625.15; 625.17; 625.18; 626.04; 626.05, subdivision 1; 626.06; 625.09; 626.11; 626.14; 626.15; 626.17; 626.66; 629.03; 629.13; 629.14; 629.15; 629.16; 629.17; 629.18; 629.23, subdivision 3; 629.31; 629.36; 629.363; 629.364; 629.39; 629.401; 629.403; 629.41; 629.44; 629.45; 629.53; 629.54; 629.55; 629.60; 629.62; 630.17; 630.37; 631.04; 636.08; 641.07; 641.25; and 648.39, subdivisions 2 and 3; repealing Minnesota Statutes 1982, sections 357.14; 367.03, subdivision 4; 367.21; 388.02; 412.02, subdivision 5; 412.171; 487.01, subdivision 8; 488A.283; 488A.284; 492.02, subdivision 2; 542.15; 549.16; 599.21; 599.24; 609.46; 629.56; 629.66; and 629.71.

The bill was read for the first time and referred to the Committee on Judiciary.

O'Connor; Nelson, K.; Otis; Redalen and McDonald introduced:

H. F. No. 854, A bill for an act relating to utilities; specifying the commission's authority over the availability of submetering; 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.

Norton, Dempsey, Ellingson, Halberg and Gustafson introduced:

H. F. No. 855, A bill for an act relating to contracts; prohibiting the enforcement of indemnification agreements in construction contracts; proposing new law coded as Minnesota Statutes, chapter 337.

The bill was read for the first time and referred to the Committee on Judiciary.

Osthoff introduced:

H. F. No. 856, 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 for prior service as a legislative employee.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Brandl; Kahn; Eken; Nelson, K., and Himle introduced:

H. F. No. 857, A bill for an act relating to labor; establishing the job skills partnership; creating a board; appropriating money; proposing new law coded as Minnesota Statutes, chapter 116K.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Riveness, Omann, Piper, Sviggum and Battaglia introduced:

H. F. No. 858, A bill for an act relating to veterans; clarifying eligibility for certain educational programs; standardize the definition of "veteran"; improve management of grant program; coordinate program with federal law; amending Minnesota Statutes 1982, section 197.75; proposing new law coded in Minnesota Statutes, chapter 197; repealing Minnesota Statutes 1982, sections 197.09; 197.10; and 197.11.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Kostohryz, Piper, Sviggum, Burger and Greenfield introduced:

H. F. No. 859, A bill for an act relating to the military; redefining categories of service; restricting state liability for workers' compensation claims, tort claims, and special compensation payments; clarifying applicability of state's uniform code of military justice; reenacting the authority of the adjutant general to repair regimental battle flags; amending Minnesota Statutes 1982, sections 3.732, subdivision 1; 176.011, subdivision 9; 190.05, subdivision 5, and by adding subdivisions; 192.38; 192A.015; and 192A.02, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 190.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Voss, Beard and Levi introduced:

H. F. No. 860, A bill for an act relating to elections; providing for the preparation and availability of correct precinct lists; amending Minnesota Statutes 1982, section 201.091, subdivision 2.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Otis introduced:

H. F. No. 861, A bill for an act relating to metropolitan government; regulating transit commission debt; amending Minnesota Statutes 1982, section 473.436, subdivision 5.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Otis introduced:

H. F. No. 862, A bill for an act relating to insurance; accident and health; providing coverage for ambulatory mental health services provided by a licensed psychologist; amending Minnesota Statutes 1982, section 62A.152, subdivision 2.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Otis introduced:

H. F. No. 863, A bill for an act relating to public utilities; providing for the purchase of power from electrical utilities by firm power producers at certain costs under certain circumstances; making certain technical changes; amending Minnesota Statutes 1982, section 216B.164.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Clark, K., introduced:

H. F. No. 864, A bill for an act relating to the housing finance agency; proposing an innovative housing loan program; appropriating money; amending Minnesota Statutes 1982, sections 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 Energy.

Clark, K., and Munger introduced:

H. F. No. 865, A bill for an act relating to the environment; protecting communities from toxic substances and harmful physical agents; requiring information to be given to local fire departments; providing a penalty; 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.

Ogren introduced:

H. F. No. 866, A bill for an act relating to economic development; naming the department of energy, planning and development an assignee of the rights of a state funded community development corporation; updating and rearranging the Minnesota area redevelopment act to reflect current practices; amending Minnesota Statutes 1982, sections 116J.65, by adding a subdivision; 472.02, subdivisions 1 and 3; 472.03; 472.04, subdivisions 1 and 4; 472.06; 472.07; 472.08; 472.09; 472.12; 472.125; 472.13; 472.14; and 472.15; repealing Minnesota Statutes 1982, sections 472.02, subdivision 2; 472.04, subdivisions 5 and 6; 472.05; 472.10; and 472.11.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Kahn, Erickson and Wynia introduced:

H. F. No. 867, A bill for an act relating to communications; establishing the Minnesota state information systems and communications council; prescribing its powers and duties; transferring duties of other state agencies; providing for potential purchase of certain equipment by state employees; appropriating money; amending Minnesota Statutes 1982, sections 10A.01, subdivision 18; 16.02, subdivision 2a; 16.125, subdivision 2; 16.90, subdivision 1; 16.911; 16.94; 16.95; 121.934, subdivision 7; 238.01; and 238.04, subdivisions 1 and 7; proposing new law coded in Minnesota Statutes, chapters 16; 16B; and 116J; repealing Minnesota Statutes 1982, sections 16.90, subdivisions 3 and 4; 16.91; 16.955; 116J.42, subdivision 8; and 238.05, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Nelson, K., and Sieben introduced:

H. F. No. 868, A bill for an act relating to education; providing for Indian scholarships; amending Minnesota Statutes 1982, section 124.48.

The bill was read for the first time and referred to the Committee on Education.

Gustafson introduced:

H. F. No. 869, A bill for an act relating to Independent School District No. 709; providing for withdrawal of clerical workers from civil service; amending Laws 1967, chapter 252, section 2, as amended.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Rodosovich, Clawson, Coleman and Knuth introduced:

H. F. No. 870, A bill for an act relating to state government; authorizing the commissioner of the department of economic security to adopt permanent or temporary rules; proposing new law coded in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1982, section 268.12, subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Clark, J., introduced:

H. F. No. 871, A bill for an act relating to courts; providing for additional judges in the fourth judicial district; amending Minnesota Statutes 1982, section 2.722, subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Sparby, Schoenfeld, Valan and Kalis introduced:

H. F. No. 872, A bill for an act relating to agriculture; making certain changes in the law relating to establishing a fertilizer inspection fund; prescribing penalties; appropriating money; amending Minnesota Statutes 1982, sections 17.713, subdivision 7; 17.714, subdivision 1; 17.715, subdivision 1; 17.717, subdivision 1; 17.718, subdivision 1; 17.725, subdivisions 1 and 2; and 17.728, subdivision 4, and by adding a subdivision; repealing Minnesota Statutes 1982, section 17.717, subdivisions 3, 4, 5, and 6.

The bill was read for the first time and referred to the Committee on Agriculture.

Voss, Vanasek, Jacobs and Sieben introduced:

H. F. No. 873, A bill for an act relating to negligence; removing bars to actions in certain cases; amending Minnesota Statutes 1982, section 604.06.

The bill was read for the first time and referred to the Committee on Judiciary.

Anderson, B.; McEachern and Segal introduced:

H. F. No. 874, A bill for an act relating to libraries; consolidating provisions for county libraries and city libraries; defining misuse of library materials; prescribing a penalty; restricting tort liability for public libraries; correcting internal references; amending Minnesota Statutes 1982, sections 134.07; 134.08; 134.09; 134.10; 134.11; 134.12; 134.13; 134.14; 134.15; 134.30; 134.32, subdivisions 1 and 7; 134.351, subdivisions 3 and 7; 134.353; 134.36; 375.335; 466.01, subdivision 1; 648.39, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 134; repealing Minnesota Statutes 1982, sections 134.03; 134.06; 134.16; 134.19; 134.352; and 375.33.

The bill was read for the first time and referred to the Committee on Education.

Blatz introduced:

H. F. No. 875, A bill for an act relating to the city of Bloomington; permitting the establishment of special service districts; providing taxing and other financial authority for Bloomington.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Sparby, Tunheim, Eken, St. Onge and Graba introduced:

H. F. No. 876, A bill for an act relating to Northwest Minnesota Multi-County Housing and Redevelopment Authority; providing for per diem compensation for attendance of commissioners at meetings.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Dempsey introduced:

H. F. No. 877, A bill for an act relating to marriage dissolution; requiring mediation prior to contested hearings on child custody or visitation; proposing new law coded in Minnesota Statutes, chapter 518.

The bill was read for the first time and referred to the Committee on Judiciary.

Dempsey, Schafer and Findlay introduced:

H. F. No. 878, A bill for an act relating to probate; changing the time for closing certain estates; amending Minnesota Statutes 1982, section 524.3-1003.

The bill was read for the first time and referred to the Committee on Judiciary.

Welch, Bergstrom, Larsen, Rose and Knickerbocker introduced:

H. F. No. 879, A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 2, to set the number of members of the senate and house of representatives at four senators and eight representatives times the number of congressional districts.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Clawson, Eken, Frerichs, Sviggum and Welch introduced:

H. F. No. 880, A bill for an act relating to public welfare; establishing an experimental block grant program for treatment services for mentally ill and chemically dependent persons in certain counties; appropriating money; 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.

Dempsey introduced:

H. F. No. 881, A bill for an act relating to marriage and dissolution; providing mandatory mediation in dissolutions; proposing new law coded in Minnesota Statutes, chapter 518.

The bill was read for the first time and referred to the Committee on Judiciary.

Wynia, Clawson, Schreiber, Rice and Swanson introduced:

H. F. No. 882, A bill for an act relating to public welfare; permitting reimbursement under the medical assistance program for developmental achievement and semi-independent living services provided to certain mentally retarded and cerebral palsied persons; amending Minnesota Statutes 1982, sections 256B.02, subdivisions 7 and 8; and 256B.03, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Dimler; McDonald; Jensen; Rodriguez, C., and Schreiber introduced:

H. F. No. 883, A bill for an act relating to metropolitan government; providing procedures for solid waste disposal site selection; amending Minnesota Statutes 1982, section 473.833, subdivision 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.



Solberg, Neuenschwander, Ogren, Zaffke and Anderson, R., introduced:

H. F. No. 884, A bill for an act relating to economic development; regulating loans of the small business finance agency; amending Minnesota Statutes 1982, sections 116J.88, subdivision 4; and 116J.90, subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Staten, Simoneau, Skoglund, Rice and Clark, K., introduced:

H. F. No. 885, A bill for an act relating to metropolitan government; clarifying the metropolitan sports facility commission's power to enter into use agreements; amending Minnesota Statutes 1982, section 473.556, subdivision 12.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Schreiber, Coleman, Kostohryz, Dempsey and Dimler introduced:

H. F. No. 886, A bill for an act relating to motor vehicles; providing for registration, taxation, and special license plates for classic motorcycles; proposing new law coded in Minnesota Statutes, chapter 168.

The bill was read for the first time and referred to the Committee on Transportation.

Jacobs, Larsen, Segal and Bennett introduced:

H. F. No. 887, A bill for an act relating to occupations and professions; regulating and licensing builders and contractors; proposing new law coded in Minnesota Statutes, chapter 326.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Norton; Rodriguez, F.; Vellenga; Osthoff and Kelly introduced:

H. F. No. 888, A bill for an act relating to retirement; survivor benefits payable by teachers retirement funds in cities of the first class; amending Minnesota Statutes 1982, sections 354A.32; and 354A.35, subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Rodriguez, F.; Norton; Osthoff; Vellenga and Kelly introduced:

H. F. No. 889, A bill for an act relating to retirement; altering the reduction factor for early retirement and establishing a rule of 90 for teachers retirement associations in cities of the first class; authorizing the St. Paul Teachers Retirement Fund Association to amend its bylaws accordingly; amending Minnesota Statutes 1982, section 354A.31, subdivision 6.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Levi, Hoffman, Price and Beard introduced:

H. F. No. 890, A bill for an act relating to Washington County; authorizing the county to finance sewage disposal systems on behalf of cities and towns in the county by the issuance of county general obligation bonds.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Rodriguez, F., and Sarna introduced:

H. F. No. 891, A bill for an act relating to retirement; teachers; definitions, coordination with social security benefits, and various administrative changes; amending Minnesota Statutes 1982, sections 354.05, subdivisions 2 and 35; 354.44, subdivision 5; 354.52, subdivision 4; and 354.63, subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Knuth, Quinn, Rodosovich, Shaver and Sviggum introduced:

H. F. No. 892, A bill for an act relating to veterans; authorizing the commissioner of veterans affairs to accept gifts; revising the procedure for purchasing veterans grave markers; authorizing an imprest cash fund at veterans homes; providing for the disposal of abandoned property of veterans at veterans homes; amending Minnesota Statutes 1982, section 197.23; proposing new law coded in Minnesota Statutes, chapter 198; and repealing Minnesota Statutes 1982, section 198.055.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Ellingson introduced:

H. F. No. 893, A bill for an act relating to real property; limiting the homestead exemption; amending Minnesota Statutes 1982, sections 510.01; and 510.04.

The bill was read for the first time and referred to the Committee on Taxes.

Ellingson, Vanasek and Dempsey introduced:

H. F. No. 894, A bill for an act relating to collection and dissemination of data; classifying government data as public, private, and nonpublic; clarifying issues relating to classifications of data, access to data, the effect of death of individuals on classifications, and the temporary classification of data; refining provisions of the data practice act; amending Minnesota Statutes 1982, sections 13.02, subdivision 8; 13.03, subdivisions 2, 3, and 4, and by adding subdivisions; 13.04, subdivisions 2 and 3; 13.05, subdivisions 3, 7, and 9; 13.06, subdivisions 1 and 6; 13.31, subdivision 2; 13.43, subdivision 2; 13.44; 13.67; and proposing new law coded in Minnesota Statutes, chapter 13.

The bill was read for the first time and referred to the Committee on Judiciary.

Gruenes and Marsh introduced:

H. F. No. 895, A bill for an act relating to retirement; St. Cloud firefighters; refund of contributions and membership requirement; amending Laws 1961, chapter 343, section 19; and Laws 1974, chapter 382, section 3, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Erickson and Battaglia introduced:

H. F. No. 896, A bill for an act relating to transportation; providing for the inclusion of former municipal state-aid streets in the county state-aid highway system; amending Minnesota Statutes 1982, section 162.02, subdivision 1, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Skoglund, Scheid, Osthoff, Vanasek and Onnen introduced:

H. F. No. 897, A bill for an act relating to taxation; providing for a freeze on property taxes paid on homesteads owned by certain elderly persons; appropriating money; proposing new law coded in Minnesota Statutes, chapter 273.

The bill was read for the first time and referred to the Committee on Taxes.

Ellingson, Greenfield and Clark, J., introduced:

H. F. No. 898, A bill for an act relating to courts; authorizing the appointment of court referees; removing term of office restrictions for district court judges assigned to the family court division of the fourth judicial district; amending Minnesota Statutes 1982, sections 260.031, subdivision 1; 484.65, subdivisions 1, 4, 5, and 6; and 484.70, subdivision 1; repealing Minnesota Statutes 1982, section 260.019, subdivision 3.

The bill was read for the first time and referred to the Committee on Judiciary.

Ellingson, Greenfield and Clark, J., introduced:

H. F. No. 899, A bill for an act relating to courts; permitting the establishment of compulsory nonbinding arbitration programs for use in civil proceedings; proposing new law coded in Minnesota Statutes, chapter 484.

The bill was read for the first time and referred to the Committee on Judiciary.

Ellingson introduced:

H. F. No. 900, A bill for an act relating to acknowledgement of instruments; providing that legal documents can be signed and certified to be true under penalty of perjury in lieu of acknowledgement in the presence of a notary public; prescribing penalties; amending Minnesota Statutes 1982, section 609.48, subdivision 1, and by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 358.

The bill was read for the first time and referred to the Committee on Judiciary.

Battaglia, Sarna, Begich, Vanasek and Munger introduced:

H. F. No. 901, A bill for an act relating to game and fish; enlarging upon the waters which may be managed as experimental waters for fisheries purposes; amending Minnesota Statutes 1982, section 97.48, subdivision 26.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Schreiber, Tomlinson, Redalen, Scheid and Dempsey introduced:

H. F. No. 902, A bill for an act relating to taxation; altering the property tax treatment of farm homes; changing the agricultural mill rate credit; changing the classification ratios on certain property; amending Minnesota Statutes 1982, sections 124.2137, subdivision 1; and 273.13, subdivisions 4, 6, 6a, and 7.

The bill was read for the first time and referred to the Committee on Taxes.

Clawson introduced:

H. F. No. 903, A bill for an act relating to insurance; removing obsolete statutory provisions regulating assessment benefit associations; repealing Minnesota Statutes 1982, sections 63.01 to 63.35.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Anderson, G.; Kalis; Begich; Elioff and Wigley introduced:

H. F. No. 904, A bill for an act relating to transportation; establishing collective rate-making procedure for motor vehicle carriers; amending Minnesota Statutes 1982, section 221.041, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Rodriguez, C.; Vellenga and Brandl introduced:

H. F. No. 905, A bill for an act relating to waste disposal; providing for a co-composting study; appropriating money; amending Minnesota Statutes 1982, section 473.153, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Carlson, L.; Reif; Heinitz; Welch and Swanson introduced:

H. F. No. 906, A bill for an act relating to health services; establishing voluntary and contingent mandatory systems for health service provider reporting or disclosure of prices; appropriating money; proposing new law coded in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 1982, section 144.705.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Reif and Levi introduced:

H. F. No. 907, A bill for an act relating to retirement; White Bear Lake volunteer firefighters; providing for incentive benefit amounts, validating prior actions; repealing Laws 1971, chapter 214; Laws 1979, chapter 201, sections 30 and 31; Laws 1981, chapter 224, section 257.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Brandl, Ogren, Skoglund, Otis and Scheid introduced:

H. F. No. 908, A bill for an act relating to taxation; income; providing a credit for sales tax paid by low income taxpayers; amending Minnesota Statutes 1982, section 290.06, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Battaglia, Begich, Elioff and Solberg introduced:

H. F. No. 909, A bill for an act relating to the range association of municipalities and schools; defining its permitted area; amending Minnesota Statutes 1982, section 471.58.

The bill was read for the first time and referred to the Committee on Education.

Jacobs, St. Onge and Brinkman introduced:

H. F. No. 910, A bill for an act relating to intoxicating liquor; authorizing off-sale licensees to dispense samples of wine, liqueurs and cordials; amending Minnesota Statutes 1982, section 340.11, subdivision 15.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Sarna; Rodriguez, F.; Metzen; Clark, K., and Wigley introduced:

H. F. No. 911, A bill for an act relating to retirement; the Minneapolis police relief association; board membership; sources and uses of funds; member contributions; amending Laws 1949, Chapter 406, Sections 1, Subdivision 1, as amended; 3, as amended; 4, Subdivisions 2 and 3, as amended; 5, Subdivisions 1, 3, and 5, as amended; and 6, Subdivision 3, as amended; Laws 1953, Chapter 127, Sections 1, Subdivisions 1, as amended, and 4, and by adding a subdivision; and Laws 1965, Chapter 493, Section 5; and Minnesota Statutes 1982, section 423A.01, subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sarna, O'Connor, Quinn, Metzen and Wigley introduced:

H. F. No. 912, A bill for an act relating to retirement; providing for payment of the costs of Medicare Plan B supplemental medical coverage for retirees of the Minnesota state retirement system; 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.

Minne, Osthoff, Ogren and Otis introduced:

H. F. No. 913, A bill for an act relating to elections; adopting court ordered congressional redistricting plan with minor adjustments; proposing new law coded in Minnesota Statutes, chapter 2; repealing Minnesota Statutes 1982, sections 2.741 to 2.811.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Knuth, Osthoff, Vellenga, Rose and Cohen introduced:

H. F. No. 914, A bill for an act relating to Ramsey County; reinstating a provision relating to mandatory retirement age for military veterans; amending Minnesota Statutes 1982, section 383A.30.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Clark, K.; Staten; Segal and Norton introduced:

H. F. No. 915, A bill for an act relating to state government; establishing an office of youth services advocate; providing for a youth services advisory council; establishing a special account to receive a portion of fees collected for processing birth records; appropriating money; amending Minnesota Statutes 1982, section 144.26, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 257.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Beard, Sarna, Eken, Stadum and Bishop introduced:

H. F. No. 916, A bill for an act relating to economic development; creating a preference for Minnesota residents in the awarding of public contracts; creating a preference for Minnesota labor and materials; amending Minnesota Statutes 1982, section 16.073; proposing new law coded in Minnesota Statutes, chapter 16.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Ellingson, Vanasek and Halberg introduced:

H. F. No. 917, A bill for an act relating to mortgage registry tax; providing for a valid and recordable security in a variable debt instrument; waiving mortgage registry tax for chapter 518 instruments; amending Minnesota Statutes 1982, section 287.03.

The bill was read for the first time and referred to the Committee on Judiciary.

Vellenga, Segal, Vanasek, Bennett and Dempsey introduced:

H. F. No. 918, A bill for an act relating to highway traffic regulations; providing for limitations on persons who must be brought to detoxification facilities; providing for commitment of certain driving-while-intoxicated offenders; providing for withholding of driving privileges until detoxification costs are paid; amending Minnesota Statutes 1982, section 169.1231.

The bill was read for the first time and referred to the Committee on Judiciary.



Gustafson, Larsen, Piepho, Sarna and St. Onge introduced:

H. F. No. 919, A bill for an act relating to occupations and professions; providing an exemption from a licensing requirement administered by the board of electricity; amending Minnesota Statutes 1982, section 326.242, subdivision 12.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Kvam, Jennings, Heinitz, Wynia and Vanasek introduced:

H. F. No. 920, A bill for an act relating to elections; requiring the secretary of state to include a fiscal impact statement on the ballot for a proposed constitutional amendment; amending Minnesota Statutes 1982, section 204D.15, subdivision 1.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Zaffke, Ogren, Tomlinson, Shaver and Solberg introduced:

H. F. No. 921, A bill for an act relating to taxation; motor vehicle registration tax; motor vehicle excise tax; providing for refund of tax on certain vehicles that are replaced or the purchase price refunded; appropriating money; proposing new law coded in Minnesota Statutes, chapters 168 and 297B.

The bill was read for the first time and referred to the Committee on Taxes.

St. Onge, Metzen and Clawson introduced:

H. F. No. 922, A bill for an act relating to retirement; teachers variable annuity fund transfers and repayments; amending Minnesota Statutes 1982, section 354.146, subdivision 1; and by adding subdivisions.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Stadum, Johnson and Valan introduced:

H. F. No. 923, A bill for an act relating to workers' compensation; altering benefits if there is a safety violation; 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.

Coleman, Bergstrom, Scheid and Welle introduced:

H. F. No. 924, A bill for an act relating to motor vehicles; allocating funds credited to the trunk highway fund and to the general fund; increasing the fee for certain reinstatement of driver's license following revocation; establishing the alcohol problem assessment fund; appropriating money; amending Minnesota Statutes 1982, sections 171.26; and 171.29, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Brinkman, Mann and Omann introduced:

H. F. No. 925, A bill for an act relating to commerce; restricting the collateral which may be taken by a farm implement manufacturer as security for equipment sold to dealers; amending Minnesota Statutes 1982, section 336.9-203; proposing new law coded in Minnesota Statutes, chapter 325E.

The bill was read for the first time and referred to the Committee on Judiciary.

Coleman, Scheid and Welle introduced:

H. F. No. 926, A bill for an act relating to highway traffic regulations; providing a penalty for the operation of a vehicle in a manner that endangers or is likely to endanger persons or property; amending Minnesota Statutes 1982, section 169.13, subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Blatz introduced:

H. F. No. 927, A bill for an act relating to education; providing for the distribution of the proceeds from rentals of school buildings; amending Minnesota Statutes 1982, section 123.36, subdivision 10.

The bill was read for the first time and referred to the Committee on Education.

Anderson, B.; Nelson, K.; McEachern; Levi and Olsen introduced:

H. F. No. 928, A bill for an act relating to education; requiring the higher education coordinating board to study and report on teacher education programs; requesting higher education governing boards and institutions to cooperate in the study.

The bill was read for the first time and referred to the Committee on Education.

Osthoff, Heap, Battaglia, Ellingson and Frerichs introduced:

H. F. No. 929, A bill for an act relating to animals; providing for the welfare of certain pets and companion animals; imposing penalties; proposing new law coded in Minnesota Statutes, chapter 346.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Seaberg, Clawson, Bishop, McKasy and Vanasek introduced:

H. F. No. 930, A bill for an act relating to courts; establishing a court of appeals judicial nominating commission; providing for membership and terms of office of the commission; providing a nomination procedure for selection of qualified persons to fill court of appeals vacancies; 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.

Seaberg, Clawson, Bishop, McKasy and Vanasek introduced:

H. F. No. 931, A bill for an act relating to courts; establishing a supreme court judicial nominating commission; providing for membership and terms of office of the commission; providing a nomination procedure for selection of qualified persons to fill supreme court vacancies; 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.

Seaberg, Clawson, Bishop, McKasy and Vanasek introduced:

H. F. No. 932, A bill for an act relating to courts; establishing judicial nominating commissions in each judicial district in the state; providing for membership and terms of office of commissions; providing a nomination procedure for selection of qualified persons to fill vacancies on trial courts; 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.

Brandl, Greenfield, Wynia, Sviggum and Onnen introduced:

H. F. No. 933, A bill for an act relating to public welfare; establishing a medical assistance social health maintenance organization demonstration project; 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.

Rodriguez, F.; Cohen; Osthoff; Voss and Kostohryz introduced:

H. F. No. 934, A bill for an act relating to Ramsey County; providing for a purchase preference for American made materials; proposing new law coded in Minnesota Statutes, chapter 383A.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Cohen; Clark, J.; Bishop; Seaberg and Gustafson introduced:

H. F. No. 935, 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 1982, sections 480.059, subdivision 7; 611.14; and 629.404, subdivision 2; proposing new law coded as Minnesota Statutes, chapter 629A; repealing Minnesota Statutes 1982, sections 629.01 to 629.29.

The bill was read for the first time and referred to the Committee on Judiciary.

Shaver, Zaffke, Uphus, Pauly and Bishop introduced:

H. F. No. 936, 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 1982, sections 10.30; 60B.26, subdivision 1; 62A.22; 70A.02, subdivision 2; 84.089, subdivision 3; 181.80; 251.043, subdivision 3; 256.482, subdivision 5; 257.34, subdivision 1; 393.07, subdivision 7; proposing new law coded as Minnesota Statutes, chapter 176A; repealing Minnesota Statutes 1982, chapter 176.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Osthoff, Schreiber, Dempsey and Graba introduced:

H. F. No. 937, A bill for an act relating to taxation; repealing the rent capitalization method used in assessing agricultural land; amending Minnesota Statutes 1982, section 273.11, subdivision 1; repealing Minnesota Statutes 1982, section 273.11, subdivision 7.

The bill was read for the first time and referred to the Committee on Taxes.

Heinitz, Shaver and Heap introduced:

H. F. No. 938, A bill for an act relating to the city of Plymouth; giving the city the powers of a port authority.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Kalis, Brinkman, Wigley and Berkelman introduced:

H. F. No. 939, A bill for an act relating to insurance; hail; providing for the appraisal of losses; specifying the procedure to be used in selecting appraisers; amending Minnesota Statutes 1982, sections 65A.26; and 66A.29.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Bennett, Johnson, Omann, Burger and Gutknecht introduced:

H. F. No. 940, A bill for an act relating to workers' compensation; changing benefits; providing for rehabilitation; requiring notices of injury; providing for the release of medical data; regulating supplemental benefits; providing for benefit adjustments; providing for various studies; defining terms; providing for continuance of certain insurance coverages; amending Minnesota Statutes 1982, sections 62A.10, subdivision 10; 62C.14, by adding a subdivision; 62D.10, by adding a subdivision; 176.011, subdivision 3, and by adding subdivisions; 176.021, subdivision 3; 176.111, subdivision 18; 176.131, subdivisions 1, 1a, 8, and 10; 176.132, subdivisions 1 and 2; 176.221, subdivisions 1, 2, and 3; 176.235, by adding a subdivision; 176.641; and 176.645, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 176; repealing Minnesota Statutes 1982, sections 176.011, subdivisions 14 and 18; 176.021, subdivision 3a; 176.095; 176.101; 176.102; 176.105; 176.111; 176.152; and 176.235, subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Heap, Findlay, Dimler, Waltman and Seaberg introduced:

H. F. No. 941, A bill for an act relating to workers' compensation; changing benefits; providing for rehabilitation; requiring notices of injury; providing for the release of medical data; regulating supplemental benefits; providing for benefit adjustments; providing for various studies; defining terms; providing for continuance of certain insurance coverages; amending Minnesota Statutes 1982, sections 62A.10, subdivision 10; 62C.14, by adding a subdivision; 62D.10, by adding a subdivision; 176.011, subdivision 3, and by adding subdivisions; 176.021, subdivision 3; 176.111, subdivision 18; 176.131, subdivisions 1, 1a, 8, and 10; 176.132, subdivisions 1 and 2; 176.221, subdivisions 1, 2, and 3; 176.235, by adding a subdivision; 176.641; and 176.645, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 176; repealing Minnesota Statutes 1982, sections 176.011, subdivisions 14 and 18; 176.021, subdivision 3a; 176.095; 176.101; 176.102; 176.105; 176.111; 176.152; and 176.235, subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Stadum, Valan, Wenzel, Blatz and Brinkman introduced:

H. F. No. 942, A bill for an act relating to taxation; income; exempting gains from sales of agricultural land made in anticipation of foreclosure; amending Minnesota Statutes 1982, sections 290.01, subdivision 20b, as amended; and 290.16, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Welle, Berkelman, Erickson, Piper and Redalen introduced:

H. F. No. 943, A bill for an act relating to the environment; creating safety zones to protect public water supplies and agricultural processing facilities from the potential harm associated with the processing of hazardous wastes; amending Minnesota Statutes 1982, section 115A.09, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Peterson, Sarna, Jacobs, Redalen and Schoenfeld introduced:

H. F. No. 944, A bill for an act relating to taxation; liquor excise; providing a reduced tax on liquor made in Minnesota from Minnesota products; amending Minnesota Statutes 1982, section 340.47, subdivisions 1, 1a, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Anderson, G.; Mann; Kalis and Jensen introduced:

H. F. No. 945, A bill for an act relating to agriculture; implementing an executive order transferring the state soil and water conservation board from the department of natural resources to the department of agriculture; amending Minnesota Statutes 1982, section 40.03.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Sparby, Wenzel, Valan, Vanasek and Clawson introduced:

H. F. No. 946, A bill for an act relating to state government; implementing an executive order transferring the state soil and water conservation board from the department of natural resources to the department of agriculture; amending Minnesota Statutes 1982, section 40.03.

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:

H. F. No. 121, A bill for an act relating to state historic sites; designating the old administration building at the Minnesota Veterans Home and the Longfellow House in Minneapolis as state historic sites; amending Minnesota Statutes 1982, section 138.53, by adding a subdivision; and section 138.56, by adding a subdivision.

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. 56, A bill for an act relating to local government; providing for orderly annexations in accordance with the terms of the resolutions of local government units; amending Minnesota Statutes 1982, section 414.0325, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

### CONCURRENCE AND REPASSAGE

McEachern moved that the House concur in the Senate amendments to H. F. No. 56 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 56, A bill for an act relating to local government; providing for orderly annexations in accordance with the terms



of the resolutions of local government units; amending Minnesota Statutes 1982, section 414.0325, 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 112 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Knickerbocker	Omann	Sherman
Anderson, G.	Evans	Knuth	Onnen	Skoglund
Battaglia	Findlay	Kostohryz	Osthoff	Solberg
Beard	Fjoslien	Krueger	Otis	Sparby
Begich	Forsythe	Kvam	Pauly	Stadum
Bennett	Graba	Larsen	Peterson	Sviggum
Bergstrom	Greenfield	Levi	Piepho	Swanson
Berkelman	Gruenes	Ludeman	Piper	Thiede
Bishop	Gustafson	Mann	Quinn	Tomlinson
Blatz	Gutknecht	Marsh	Quist	Tunheim
Brandl	Halberg	McDonald	Redalen	Uphus
Brinkman	Haukoos	McEachern	Reif	Valan
Burger	Heap	McKasy	Riveness	Valento
Carlson, D.	Heinitz	Metzen	Rodosovich	Waltman
Carlson, L.	Himle	Minne	Rodriguez, C.	Welch
Clark, J.	Hoffman	Munger	Rodriguez, F.	Welker
Clark, K.	Hokr	Murphy	Rose	Welle
Coleman	Jacobs	Nelson, D.	St. Onge	Wenzel
Dempsey	Jennings	Nelson, K.	Schafer	Wigley
DenOuden	Jensen	Norton	Scheid	Speaker Sieben
Dimler	Johnson	O'Connor	Schreiber	
Eken	Kalis	Ogren	Shaver	
Etioff	Kelly	Olsen	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. 371, A bill for an act relating to transportation; making scheduled increases in taxes on gasoline and special fuel; delaying the effective date of changes in the disposition of the revenue from the motor vehicle excise tax; providing for the addition of designated routes in the trunk highway system; authorizing the issuance of trunk highway bonds; eliminating the authority of the metropolitan transit commission to levy a certain tax; creating a town road account in the county state-aid highway fund; providing for the apportionment of five percent of the net highway user tax distribution fund; proposing new law coded in Minnesota Statutes, chapters 162 and 169; amending Minnesota Statutes 1982, sections 161.081; 161.082, sub-

division 2a; 296.01, subdivision 24; 296.02; 296.14, subdivision 2; 296.18, by adding a subdivision; 297B.09; and 473.446, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Jensen moved that the House refuse to concur in the Senate amendments to H. F. No. 371, 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. 107, 153, 254, 327, 337, 444 and 455.

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. 200.

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. 323.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 107, A bill for an act relating to agriculture; providing for regulation of apiaries; imposing penalties; proposing new law coded in Minnesota Statutes, chapter 19; repealing Minnesota Statutes 1982, sections 19.18 to 19.41.

The bill was read for the first time.

Fjoslien moved that S. F. No. 107 and H. F. No. 73, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 153, A bill for an act relating to the city of Bemidji; authorizing the granting of property tax exemption to property held for future development by certain nonprofit organizations.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 254, A bill for an act relating to public welfare; providing for medical assistance payment for certain nutritional supplements; requiring temporary rules for prospective hospital payment; amending Minnesota Statutes 1982, section 256B.02, subdivision 8.

The bill was read for the first time and referred to the Committee on Health and Welfare.

S. F. No. 327, A bill for an act relating to Independent School District No. 748, Sartell, and Independent School District No. 742, St. Cloud; authorizing certain school district land to be detached and annexed; authorizing transportation and transportation aid for certain pupils.

The bill was read for the first time.

Gruenes moved that S. F. No. 327 and H. F. No. 367, now on the Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 337, A bill for an act relating to drivers' licenses; requiring licenses of a distinguishing color for persons under 19 years of age; amending Minnesota Statutes 1982, section 171.07, subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation.

S. F. No. 444, A bill for an act relating to taxation; requiring notice of estimated mill rate increases likely to result from bond issue submitted to electors; amending Minnesota Statutes 1982, section 475.59.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 455, A bill for an act relating to nonprofit corporations; providing for approval of certain actions by boards of directors without formal board meetings; amending Minnesota Statutes 1982, section 317.20, subdivision 12.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

S. F. No. 200, A bill for an act relating to intoxicating liquor; authorizing the use of wine catalogs by off-sale dealers; amending Minnesota Statutes 1982, section 340.15, subdivision 1.

The bill was read for the first time and referred to the Committee on Regulated Industries.

S. F. No. 323, A bill for an act relating to retirement; extending the reporting date required in connection with state aid distribution; amending Minnesota Statutes 1982, sections 69.011, subdivision 2; and 69.051, subdivisions 1 and 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

### CONSENT CALENDAR

S. F. No. 31, A bill for an act relating to motor vehicles; providing for special license plates for amateur radio station licensees; providing for personalized license plates for motorcycles; amending Minnesota Statutes 1982, section 168.12, subdivisions 2 and 2a.

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:

Anderson, B.	DenOuden	Jensen	Nelson, K.	Sarna
Anderson, G.	Dimler	Johnson	Norton	Schafer
Anderson, R.	Eken	Kalis	O'Connor	Scheid
Battaglia	Elioff	Kelly	Ogren	Schoenfeld
Beard	Erickson	Knickerbocker	Olsen	Schreiber
Begich	Evans	Knuth	Omann	Seaberg
Bennett	Findlay	Kostohryz	Onnen	Segal
Bergstrom	Fjoslien	Krueger	Osthoff	Shaver
Berkelman	Forsythe	Kvam	Otis	Sherman
Bishop	Graba	Larsen	Pauly	Skogliund
Blatz	Greenfield	Levi	Peterson	Solberg
Brandl	Gruenes	Ludeman	Piepho	Sparby
Brinkman	Gustafson	Mann	Piper	Stadum
Burger	Gutknecht	Marsh	Quinn	Sviggum
Carlson, D.	Halberg	McDonald	Quist	Swanson
Carlson, L.	Haukoos	McEachern	Redalen	Thiede
Clark, J.	Heinitz	McKasy	Reif	Tomlinson
Clark, K.	Himle	Metzen	Rodosovich	Tunheim
Clawson	Hoffman	Minne	Rodriguez, C.	Uphus
Cohen	Hokr	Munger	Rodriguez, F.	Valan
Coleman	Jacobs	Murphy	Rose	Valento
Dempsey	Jennings	Nelson, D.	St. Onge	Vellenga

Voss  
Waltman

Welch  
Welker

Welle  
Wenzel

Wigley  
Wynia

Speaker Sieben

Those who voted in the negative were:

Shea

The bill was passed and its title agreed to.

S. F. No. 221, A bill for an act relating to state property; providing for the conveyance of certain property to the city of Tracy.

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:

Anderson, B.	Elioff	Knuth	Otis	Skoglund
Anderson, G.	Erickson	Kostohryz	Pauly	Solberg
Anderson, R.	Evans	Krueger	Peterson	Sparby
Battaglia	Findlay	Kvam	Piepho	Stadum
Beard	Fjoslien	Larsen	Piper	Sviggum
Begich	Forsythe	Levi	Quinn	Swanson
Bennett	Frerichs	Long	Quist	Thiede
Bergstrom	Graba	Ludeman	Redalen	Tomlinson
Berkelman	Greenfield	Mann	Reif	Tunheim
Bishop	Gruenes	Marsh	Rice	Uphus
Blatz	Gustafson	McDonald	Riveness	Valan
Brandl	Gutknecht	McKasy	Rodosovich	Valento
Brinkman	Halberg	Metzen	Rodriguez, C.	Vellenga
Burger	Haukoos	Minne	Rodriguez, F.	Voss
Carlson, D.	Heinitz	Munger	Rose	Waltman
Carlson, L.	Himle	Murphy	St. Onge	Welch
Clark, J.	Hoffman	Nelson, D.	Schafer	Welker
Clark, K.	Hokr	Nelson, K.	Scheid	Welle
Clawson	Jacobs	Norton	Schoenfeld	Wenzel
Cohen	Jennings	O'Connor	Schreiber	Wigley
Coleman	Jensen	Ogren	Seaberg	Wynia
Dempsey	Johnson	Olsen	Segal	Speaker Sieben
DenOuden	Kalis	Omann	Shaver	
Dimler	Kelly	Onnen	Shea	
Eken	Knickerbocker	Osthoff	Sherman	

The bill was passed and its title agreed to.

H. F. No. 289, A bill for an act relating to the city of St. Paul; authorizing the city to permit, by ordinance, the use of an "on-sale" liquor license issued by the city at the Highland Park and Phalen Park club houses.

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 5 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Kostohryz	Otis	Skoglund
Anderson, G.	Findlay	Krueger	Pauly	Solberg
Anderson, R.	Fjoslien	Larsen	Peterson	Sparby
Battaglia	Forsythe	Levi	Piepho	Stadum
Beard	Frerichs	Long	Piper	Swiggum
Begich	Graba	Ludeman	Quinn	Swanson
Bennett	Greenfield	Mann	Quist	Tomlinson
Bergstrom	Gruenes	Marsh	Redalen	Tunheim
Berkelman	Gustafson	McDonald	Reif	Valan
Bishop	Gutknecht	McEachern	Rice	Valento
Blatz	Halberg	McKasy	Riveness	Vellenga
Brandl	Haukoos	Metzen	Rodosovich	Voss
Brinkman	Heinitz	Minne	Rodriguez, C.	Waltman
Burger	Himle	Munger	Rodriguez, F.	Welch
Carlson, D.	Hoffman	Murphy	Rose	Welker
Carlson, L.	Hokr	Nelson, D.	St. Onge	Welle
Clark, J.	Jacobs	Nelson, K.	Scheid	Wenzel
Clark, K.	Jennings	Norton	Schoenfeld	Wigley
Clawson	Jensen	O'Connor	Schreiber	Wynia
Coleman	Johnson	Ogren	Seaberg	Speaker Sieben
Dempsey	Kalis	Olsen	Segal	
Dimler	Kelly	Omam	Shaver	
Eken	Knickerbocker	Onnen	Shea	
Elioff	Knuth	Osthoff	Sherman	

Those who voted in the negative were:

DenOuden	Erickson	Kvam	Schafer	Thiede
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The bill was passed and its title agreed to.

H. F. No. 194, A bill for an act relating to labor; creating an exemption from state minimum wage for certain live-in child care county employees; amending Minnesota Statutes 1982, section 177.23, 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 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Bishop	Clawson	Evans	Gutknecht
Anderson, G.	Blatz	Cohen	Findlay	Halberg
Anderson, R.	Brandl	Coleman	Fjoslien	Haukoos
Battaglia	Brinkman	Dempsey	Forsythe	Heap
Beard	Burger	DenOuden	Frerichs	Heinitz
Begich	Carlson, D.	Dimler	Graba	Himle
Bennett	Carlson, L.	Eken	Greenfield	Hoffman
Bergstrom	Clark, J.	Elioff	Gruenes	Hokr
Berkelman	Clark, K.	Erickson	Gustafson	Jacobs

Jennings	McDonald	Pauly	Scheid	Tunheim
Jensen	McEachern	Peterson	Schoenfeld	Uphus
Johnson	McKasy	Piepho	Schreiber	Valan
Kalis	Metzen	Piper	Seaberg	Valento
Kelly	Minne	Quinn	Segal	Vellenga
Knickerbocker	Munger	Quiet	Shaver	Voss
Knuth	Murphy	Redalen	Shea	Waltman
Kostohryz	Nelson, D.	Reif	Sherman	Welch
Krueger	Nelson, K.	Rice	Skoglund	Welker
Kvam	O'Connor	Rivencss	Solberg	Welle
Larsen	Ogren	Rodosovich	Sparby	Wenzel
Levi	Olsen	Rodriguez, C.	Stadum	Wigley
Long	Omann	Rodriguez, F.	Sviggum	Wynia
Ludeman	Onnen	Rose	Swanson	Speaker Sieben
Mann	Osthoff	St. Onge	Thiede	
Marsh	Otis	Schafer	Tomlinson	

The bill was passed and its title agreed to.

### CALENDAR

H. F. No. 166, A bill for an act relating to local government; providing for prosecution of certain gross misdemeanors; authorizing agreements between cities and counties for the prosecution of certain offenses by county attorneys; authorizing counties pursuant to agreement with cities to engage attorneys for prosecution of misdemeanors, petty misdemeanors, and violations of municipal ordinances, charters, and regulations; establishing a formula for disposition of fine proceeds; authorizing cities to pay certain witness expenses; amending Minnesota Statutes 1982, sections 169.129; 299D.03, subdivision 5; 357.13, subdivision 1; 357.23; 388.051; 388.09; 388.18, subdivision 5; 487.25, subdivision 10; 487.33, subdivisions 1 and 5; 574.34; and 609.487, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 487.

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:

Anderson, B.	Carlson, L.	Forsythe	Jennings	McDonald
Anderson, G.	Clark, J.	Frerichs	Jensen	McEachern
Anderson, R.	Clark, K.	Graba	Johnson	McKasy
Battaglia	Clawson	Greenfield	Kelly	Metzen
Beard	Cohen	Gruenes	Knickerbocker	Minne
Begich	Coleman	Gustafson	Knuth	Munger
Bennett	Dempsey	Gutknecht	Kostohryz	Murphy
Bergstrom	DenOuden	Halberg	Krueger	Nelson, D.
Berkelman	Dimler	Haukoos	Kvam	Nelson, K.
Bishop	Eken	Heap	Larsen	Norton
Blatz	Elioff	Heinitz	Levi	O'Connor
Brandl	Erickson	Himle	Long	Ogren
Brinkman	Evans	Hoffman	Ludeman	Olsen
Burger	Findlay	Hokr	Mann	Omann
Carlson, D.	Fjoslien	Jacobs	Marsh	Onnen

Osthoff	Rice	Schreiber	Staten	Voss
Otis	Riveness	Seaberg	Sviggum	Waltman
Pauly	Rodosovich	Segal	Swanson	Welch
Peterson	Rodriguez, C.	Shaver	Thiede	Welker
Piepho	Rodriguez, F.	Shea	Tomlinson	Welle
Piper	Rose	Sherman	Tunheim	Wenzel
Quinn	St. Onge	Skoglund	Uphus	Wigley
Quist	Schafer	Solberg	Valan	Wynia
Redalen	Scheid	Sparby	Valento	Speaker Sieben
Reif	Schoenfeld	Stadum	Vellenga	

The bill was passed and its title agreed to.

H. F. No. 30, A bill for an act relating to veterans affairs; providing residents of the Minnesota veterans home with a right to complain about home accommodations and services; prohibiting retaliatory eviction of residents who exercise their right to complain; proposing new law coded in Minnesota Statutes, chapter 198.

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 2 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Kostohryz	Pauly	Solberg
Anderson, G.	Erickson	Krueger	Peterson	Sparby
Anderson, R.	Evans	Kvam	Piepho	Stadum
Battaglia	Findlay	Larsen	Piper	Staten
Beard	Fjoslien	Levi	Quinn	Sviggum
Begich	Forsythe	Long	Quist	Swanson
Bennett	Frerichs	Ludeman	Redalen	Thiede
Bergstrom	Graba	Mann	Reif	Tomlinson
Berkelman	Greenfield	Marsh	Rice	Tunheim
Bishop	Gruenes	McEachern	Riveness	Uphus
Blatz	Gustafson	McKasy	Rodosovich	Valan
Brandl	Gutknecht	Metzen	Rodriguez, C.	Valento
Brinkman	Halberg	Minne	Rodriguez, F.	Vellenga
Burger	Haukoos	Munger	Rose	Voss
Carlson, D.	Heap	Murphy	St. Onge	Waltman
Carlson, L.	Heinitz	Nelson, D.	Schafer	Welch
Clark, J.	Himle	Nelson, K.	Scheid	Welle
Clark, K.	Hoffman	Norton	Schoenfeld	Wenzel
Clawson	Hokr	O'Connor	Schreiber	Wigley
Cohen	Jacobs	Ogren	Seaberg	Wynia
Coleman	Jennings	Olsen	Segal	Speaker Sieben
Dempsey	Johnson	Omann	Shaver	
DenOuden	Kelly	Onnen	Shea	
Dimler	Knickerbocker	Osthoff	Sherman	
Eken	Knuth	Otis	Skoglund	

Those who voted in the negative were:

McDonald      Welker

The bill was passed and its title agreed to.



H. F. No. 31, A bill for an act relating to veterans affairs; prohibiting searches at the Minnesota veterans home except under criminal warrant; proposing new law coded in Minnesota Statutes, chapter 198.

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 83 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dempsey	Knickerbocker	O'Connor	Schoenfeld
Anderson, G.	Eken	Knuth	Ogren	Seaberg
Anderson, R.	Elioff	Kostohryz	Olsen	Shea
Battaglia	Findlay	Krueger	Omann	Skoglund
Beard	Fjoslien	Larsen	Osthoff	Solberg
Begich	Forsythe	Levi	Peterson	Sparby
Berkelman	Greenfield	Long	Piepho	Stadum
Bishop	Cruenes	Ludeman	Piper	Swanson
Brinkman	Gustafson	Mann	Quinn	Tunheim
Burger	Heinitz	McEachern	Quist	Valan
Carlson, D.	Himle	Metzen	Rice	Vellenga
Carlson, L.	Hoffman	Minne	Riveness	Voss
Clark, J.	Jacobs	Munger	Rodosovich	Welch
Clark, K.	Jennings	Murphy	Rodriguez, F.	Wenzel
Clawson	Jensen	Nelson, D.	St. Onge	Speaker Sieben
Cohen	Kalis	Nelson, K.	Sarna	
Coleman	Kelly	Neuenschwander	Scheid	

Those who voted in the negative were:

Bennett	Graba	McDonald	Schreiber	Welker
Blatz	Gutknecht	McKasy	Sherman	Welle
DenOuden	Haukoos	Onnen	Sviggum	Wynia
Dimler	Hokr	Redalen	Thiede	
Erickson	Johnson	Reif	Uphus	
Evans	Kvam	Rose	Valento	
Frerichs	Marsh	Schafer	Waltman	

The bill was passed and its title agreed to.

H. F. No. 90 was reported to the House and given its third reading.

Skoglund moved that H. F. No. 90 be continued. The motion prevailed.

S. F. No. 325, A bill for an act relating to state lands; authorizing sale of a fractional interest in certain land in Bear Island state forest; correcting an erroneous description in a certain St. Louis County land sale authority; amending Laws 1982, chapter 434, 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 116 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Findlay	Larsen	Piper	Stadum
Anderson, G.	Fjoslien	Levi	Quinn	Staten
Battaglia	Forsythe	Long	Quist	Sviggum
Beard	Frerichs	Ludeman	Redalen	Swanson
Begich	Graba	Mann	Reif	Thiede
Bennett	Greenfield	Marsh	Rice	Tomlinson
Berkelman	Gruenes	McDonald	Rodosovich	Tunheim
Bishop	Gustafson	McEachern	Rodriguez, C.	Uphus
Blatz	Gutknecht	McKasy	Rodriguez, F.	Valan
Brinkman	Haukoos	Metzen	Rose	Valento
Burger	Heap	Minne	St. Onge	Vellenga
Carlson, D.	Heinitz	Munger	Sarna	Voss
Carlson, L.	Himle	Murphy	Schafer	Waltman
Clark, J.	Hoffman	Nelson, D.	Scheid	Weich
Clark, K.	Hokr	Nelson, K.	Schoenfeld	Welker
Clawson	Jacobs	Neuenschwander	Schreiber	Welle
Cohen	Jennings	O'Connor	Seaberg	Wenzel
Coleman	Jensen	Ogren	Segal	Wigley
Dempsey	Johnson	Olsen	Shaver	Wynia
DenOuden	Kelly	Omamm	Shea	Speaker Sieben
Dimler	Knuth	Onnen	Sherman	
Elioff	Kostohryz	Osthoff	Skoglund	
Erickson	Krueger	Peterson	Solberg	
Evans	Kvam	Piepho	Sparby	

The bill was passed and its title agreed to.

S. F. No. 421, A bill for an act relating to traffic regulations; regulating parking privileges for handicapped persons; prohibiting obstructing access to a parking space for handicapped persons; providing for signposts of limited movability designating handicapped parking space; providing for enforcement; providing penalties; amending Minnesota Statutes 1982, section 169.346.

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:

Anderson, B.	Blatz	Coleman	Graba	Jacobs
Anderson, G.	Brandl	Dempsey	Greenfield	Jennings
Anderson, R.	Brinkman	DenOuden	Gruenes	Jensen
Battaglia	Burger	Eken	Gustafson	Johnson
Beard	Carlson, D.	Elioff	Gutknecht	Kalis
Begich	Carlson, L.	Erickson	Haukoos	Kelly
Bennett	Clark, J.	Evans	Heinitz	Knickerbocker
Bergstrom	Clark, K.	Findlay	Himle	Knuth
Berkelman	Clawson	Fjoslien	Hoffman	Kostohryz
Bishop	Cohen	Forsythe	Hokr	Krueger

Kvam	Nelson, K.	Quinn	Schreiber	Tunheim
Larsen	Neuenschwander	Quist	Seaberg	Uphus
Levi	Norton	Redalen	Segal	Valan
Long	O'Connor	Reif	Shea	Valento
Ludeman	Ogren	Rice	Sherman	Vellenga
Mann	Olsen	Rodosovich	Skoglund	Waltman
Marsh	Omnn	Rodriguez, C.	Solberg	Welch
McEachern	Onnen	Rodriguez, F.	Sparby	Welker
McKasy	Osthoff	Rose	Stadum	Welle
Metzen	Otis	St. Onge	Staten	Wenzel
Minne	Pauly	Sarna	Sviggum	Wigley
Munger	Peterson	Schafer	Swanson	Wynia
Murphy	Piepho	Scheid	Thiede	Speaker Sieben
Nelson, D.	Piper	Schoenfeld	Tomlinson	

The bill was passed and its title agreed to.

H. F. No. 445, A bill for an act relating to the city of St. Paul; setting the maximum amounts of and other conditions for the issuance of capital improvement bonds; amending Laws 1971, chapter 773, sections 1, as amended, and 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 86 yeas and 30 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Eken	Larsen	Otis	Skoglund
Battaglia	Elloff	Long	Pauly	Solberg
Beard	Evans	Mann	Peterson	Sparby
Begich	Forsythe	Marsh	Piper	Staten
Bennett	Greenfield	McEachern	Quinn	Swanson
Bergstrom	Gustafson	McKasy	Rice	Tomlinson
Berkelman	Gutknecht	Metzen	Riveness	Tunheim
Bishop	Halberg	Minne	Rodosovich	Valan
Brandl	Himle	Munger	Rodriguez, C.	Vellenga
Brinkman	Hoffman	Murphy	Rodriguez, F.	Welch
Burger	Jacobs	Nelson, D.	Rose	Welle
Carlson, L.	Jennings	Nelson, K.	St. Onge	Wenzel
Clark, J.	Jensen	Neuenschwander	Sarna	Wynia
Clark, K.	Kalis	Norton	Scheid	Speaker Sieben
Clawson	Kelly	O'Connor	Schoenfeld	
Cohen	Knuth	Ogren	Seaberg	
Coleman	Kostohryz	Olsen	Segal	
Dempsey	Krueger	Osthoff	Shea	

Those who voted in the negative were:

Blatz	Gruenes	Kvam	Redalen	Sviggum
DenOuden	Haukoos	Ludeman	Reif	Thiede
Dimler	Heinitz	McDonald	Schafer	Valento
Erickson	Hokr	Onnen	Schreiber	Waltman
Findlay	Johnson	Piepho	Shaver	Welker
Fjoslien	Knickerbocker	Quist	Stadum	Wigley

The bill was passed and its title agreed to.

H. F. No. 463, A bill for an act relating to municipal planning and zoning; authorizing the establishment of a joint planning board; requiring the filing of copies of certain documents; amending Minnesota Statutes 1982, sections 462.3585; and 462.36, 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 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eken	Kostohryz	Onnen	Segal
Anderson, G.	Elioff	Krueger	Osthoff	Shaver
Anderson, R.	Erickson	Kvam	Otis	Shea
Battaglia	Evans	Larsen	Pauly	Sherman
Beard	Findlay	Levi	Peterson	Skoglund
Begich	Fjoslien	Long	Piepho	Sparby
Bennett	Forsythe	Ludeman	Piper	Stadum
Bergstrom	Greenfield	Mann	Quinn	Staten
Berkelman	Gruenes	Marsh	Quist	Sviggum
Bishop	Gustafson	McDonald	Redalen	Swanson
Blatz	Cutknecht	McEachern	Reif	Thiede
Brandl	Halberg	McKasy	Rice	Tomlinson
Brinkman	Haukoos	Metzen	Riveness	Tunheim
Burger	Himle	Minne	Rodosovich	Valan
Carlson, D.	Hoffman	Munger	Rodriguez, C.	Valento
Carlson, L.	Hokr	Murphy	Rodriguez, F.	Vellenga
Clark, J.	Jacobs	Nelson, D.	Rose	Waltman
Clark, K.	Jennings	Nelson, K.	St. Onge	Welch
Clawson	Jensen	Neuenschwander	Sarna	Welker
Cohen	Johnson	Norton	Schafer	Welle
Coleman	Kalis	O'Connor	Scheid	Wenzel
Dempsey	Kelly	Ogren	Schoenfeld	Wigley
DenOuden	Knickerbocker	Olsen	Schreiber	Wynia
Dimler	Knuth	Omann	Seaberg	Speaker Sieben

The bill was passed and its title agreed to.

S. F. No. 270, A bill for an act relating to financing of jail facilities of Hennepin County; authorizing the issuance of general obligation bonds.

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:

Anderson, B.	Begich	Blatz	Carlson, L.	Coleman
Anderson, G.	Bennett	Brandl	Clark, J.	Dempsey
Anderson, R.	Bergstrom	Brinkman	Clark, K.	DenOuden
Battaglia	Berkelman	Burger	Clawson	Dimler
Beard	Bishop	Carlson, D.	Cohen	Eken

Elioff	Kalis	Murphy	Reif	Sparby
Erickson	Kelly	Nelson, D.	Rice	Stadum
Evans	Knickerbocker	Nelson, K.	Riveness	Staten
Findlay	Knuth	Neuenschwander	Rodosovich	Swiggum
Fjoslien	Kostohryz	Norton	Rodriguez, C.	Swanson
Forsythe	Krueger	O'Connor	Rodriguez, F.	Thiede
Graba	Kvam	Ogren	Rose	Tomlinson
Greenfield	Larsen	Olsen	St. Onge	Uphus
Gruenes	Levi	Omann	Sarna	Valan
Gustafson	Long	Onnen	Schafer	Valento
Halberg	Ludeman	Osthoff	Scheid	Vellenga
Haukoos	Mann	Otis	Schoenfeld	Waltman
Heinitz	Marsh	Pauly	Schreiber	Welch
Himle	McDonald	Peterson	Seaberg	Welker
Hoffman	McEachern	Piepho	Segal	Welle
Jacobs	McKasy	Piper	Shaver	Wenzel
Jennings	Metzen	Quinn	Shea	Wigley
Jensen	Minne	Quist	Sherman	Wynia
Johnson	Munger	Redalen	Skoglund	Speaker Sieben

The bill was passed and its title agreed to.

Osthoff was excused for the remainder of today's session.

H. F. No. 643 was reported to the House and given its third reading.

McEachern moved that H. F. No. 643 be re-referred to the Committee on Education. The motion prevailed.

H. F. No. 218, A bill for an act relating to crimes; expanding the rights of victims of crime; affirming the right of victims to bring civil 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; requiring development of a plan for notifying crime victims about available financial assistance and social services; providing for victim participation in the criminal process; providing penalties; amending Minnesota Statutes 1982, sections 241.26, subdivisions 5 and 6; 243.23, subdivision 3; 571.55, by adding a subdivision; 609.115, subdivision 1; 609.498; and 631.425, subdivision 5; proposing new law coded as Minnesota Statutes, chapter 611A.

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:

Anderson, B.	Begich	Blatz	Carlson, L.	Coleman
Anderson, G.	Bennett	Brandl	Clark, J.	Dempsey
Anderson, R.	Bergstrom	Brinkman	Clark, K.	DenOuden
Battaglia	Berkelman	Burger	Clawson	Dimler
Beard	Bishop	Carlson, D.	Cohen	Eken

Elioff	Johnson	Murphy	Riveness	Staten
Erickson	Kalis	Nelson, D.	Rodosovich	Sviggum
Evans	Kelly	Nelson, K.	Rodriguez, C.	Swanson
Findlay	Knickerbocker	Neuenschwander	Rodriguez, F.	Thiede
Fjoslien	Knuth	Norton	Rose	Tomlinson
Forsythe	Kostohryz	O'Connor	St. Onge	Tunheim
Frerichs	Krueger	Ogren	Sarna	Valan
Graba	Kvam	Olsen	Schafer	Valento
Greenfield	Larsen	Omamn	Scheid	Vellenga
Gruenes	Levi	Onnen	Schoenfeld	Voss
Gustafson	Long	Otis	Schreiber	Waltman
Gutknecht	Ludeman	Pauly	Seaberg	Welch
Halberg	Mann	Peterson	Segal	Welker
Haukoos	Marsh	Piepho	Shaver	Welle
Heap	McDonald	Piper	Shea	Wenzel
Himle	McEachern	Quinn	Sherman	Wigley
Hoffman	McKasy	Quist	Skoglund	Wynia
Jacobs	Metzen	Redalen	Solberg	Speaker Sieben
Jennings	Minne	Reif	Sparby	
Jensen	Munger	Rice	Stadum	

The bill was passed and its title agreed to.

H. F. No. 226, A bill for an act relating to civil actions; authorizing pledges and members of student organizations to maintain actions for self-damages; proposing new law coded in Minnesota Statutes, chapter 127.

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 4 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eken	Kelly	Olsen	Segal
Anderson, G.	Elioff	Knickerbocker	Omamn	Shaver
Anderson, R.	Erickson	Knuth	Onnen	Shea
Battaglia	Evans	Kostohryz	Otis	Sherman
Beard	Findlay	Krueger	Pauly	Skoglund
Begich	Fjoslien	Kvam	Peterson	Sparby
Bennett	Forsythe	Larsen	Piepho	Staten
Bergstrom	Frerichs	Levi	Piper	Sviggum
Berkelman	Graba	Long	Quinn	Swanson
Bishop	Greenfield	Mann	Quist	Thiede
Blatz	Gruenes	Marsh	Redalen	Tomlinson
Brandl	Gustafson	McDonald	Reif	Tunheim
Brinkman	Gutknecht	McEachern	Rice	Uphus
Burger	Halberg	McKasy	Riveness	Valan
Carlson, D.	Haukoos	Metzen	Rodosovich	Valento
Carlson, L.	Heap	Minne	Rodriguez, C.	Vellenga
Clark, J.	Heinitz	Munger	Rodriguez, F.	Voss
Clark, K.	Himle	Murphy	Rose	Waltman
Clawson	Hoffman	Nelson, D.	St. Onge	Welch
Cohen	Jacobs	Nelson, K.	Sarna	Welle
Coleman	Jennings	Neuenschwander	Scheid	Wenzel
Dempsey	Jensen	Norton	Schoenfeld	Wigley
DenOuden	Johnson	O'Connor	Schreiber	Wynia
Dimler	Kalis	Ogren	Seaberg	Speaker Sieben

Those who voted in the negative were:

Ludeman      Schafer      Stadum      Welker

The bill was passed and its title agreed to.

H. F. No. 316, A bill for an act relating to insurance; accident and health; extending the period of time during which group coverage is in force for terminated employees who elect this coverage; amending Minnesota Statutes 1982, section 62A.17, subdivisions 2 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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Knickerbocker	Omann	Shaver
Anderson, G.	Erickson	Knuth	Onnen	Shea
Anderson, R.	Evans	Kostohryz	Otis	Sherman
Battaglia	Findlay	Krueger	Pauly	Skoglund
Beard	Fjoslien	Kvam	Peterson	Solberg
Begich	Forsythe	Larsen	Piepho	Sparby
Bennett	Frerichs	Levi	Piper	Stadum
Bergstrom	Graba	Long	Quinn	Staten
Berkelman	Greenfield	Ludeman	Quist	Sviggum
Bishop	Gruenes	Mann	Redalen	Swanson
Blatz	Gustafson	Marsh	Reif	Thiede
Brandl	Gutknecht	McDonald	Rice	Tomlinson
Brinkman	Halberg	McEachern	Riveness	Tunheim
Burger	Haukoos	McKasy	Rodosovich	Valan
Carlson, D.	Heap	Metzen	Rodriguez, C.	Valento
Carlson, L.	Heinitz	Minne	Rodriguez, F.	Vellenga
Clark, J.	Himle	Munger	Rose	Voss
Clark, K.	Hoffman	Murphy	St. Onge	Waltman
Clawson	Hokr	Nelson, D.	Sarna	Welch
Cohen	Jacobs	Nelson, K.	Schafer	Welker
Coleman	Jennings	Neuenschwander	Scheid	Welle
Dempsey	Jensen	Norton	Schoenfeld	Wenzel
DenOuden	Johnson	O'Connor	Schreiber	Wigley
Dimler	Kalis	Ogren	Seaberg	Wynia
Eken	Kelly	Olsen	Segal	Speaker Sieben

The bill was passed and its title agreed to.

Solberg was excused for the remainder of today's session.

H. F. No. 419, A bill for an act relating to insurance; fire; hail, requiring the insured, in case of loss, to show the damaged property and related records to the company and consent to be examined under oath; providing for the exchange of information on losses or potential losses between companies and authorized persons; providing for the appraisal of losses; specifying the procedure to be used in selecting appraisers; amending Minne-

sota Statutes 1982, sections 65A.01, subdivision 3; 65A.26; 65A.-29; and 299F.054, subdivisions 1, 2, 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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Knickerbocker	Omann	Shaver
Anderson, G.	Erickson	Knuth	Onnen	Shea
Anderson, R.	Evans	Kostohryz	Otis	Sherman
Battaglia	Findlay	Krueger	Pauly	Skoglund
Beard	Fjoslien	Kvam	Peterson	Sparby
Begich	Forsythe	Larsen	Piepho	Stadum
Bennett	Frerichs	Levi	Piper	Stafen
Bergstrom	Graba	Long	Quinn	Sviggum
Berkelman	Greenfield	Ludeman	Quist	Swanson
Bishop	Gruenes	Mann	Redalen	Thiede
Blatz	Gustafson	Marsh	Reif	Tomlinson
Brandl	Gutknecht	McDonald	Rice	Tunheim
Brinkman	Halberg	McEachern	Riveness	Uphus
Burger	Haukoos	McKasy	Rodosovich	Valan
Carlson, D.	Heap	Metzen	Rodriguez, C.	Valento
Carlson, L.	Heinitz	Minne	Rodriguez, F.	Vellenga
Clark, J.	Himle	Munger	Rose	Voss
Clark, K.	Hoffman	Murphy	St. Onge	Waltman
Clawson	Hokr	Nelson, D.	Sarna	Welch
Cohen	Jacobs	Nelson, K.	Schafer	Welker
Coleman	Jennings	Neuenschwander	Scheid	Welle
Dempsey	Jensen	Norton	Schoenfeld	Wenzel
DenOuden	Johnson	O'Connor	Schreiber	Wigley
Dimler	Kalis	Ogren	Seaberg	Wynia
Eken	Kelly	Olsen	Segal	Speaker Sieben

The bill was passed and its title agreed to.

H. F. No. 561 was reported to the House and given its third reading.

#### UNANIMOUS CONSENT

Rodriguez, C., requested unanimous consent to offer an amendment. The request was granted.

Rodriguez, C., moved to amend H. F. No. 561 as follows:

Page 2, line 3, after "issued" insert "*or to be issued*"

Page 2, line 18, delete "*the day after final enactment*"

Page 2, after line 20, insert:



“Sec. 3. [EFFECTIVE DATE.]

*This act is effective the day following final enactment.”*

The motion prevailed and the amendment was adopted.

H. F. No. 561, A bill for an act relating to metropolitan government; providing for the metropolitan transit commission property tax; amending Minnesota Statutes 1982, section 473-446, 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 115 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eken	Knuth	Onnen	Shaver
Anderson, G.	Elioff	Kostohryz	Otis	Shea
Anderson, R.	Erickson	Krueger	Pauly	Sherman
Battaglia	Evans	Kvam	Peterson	Skoglund
Beard	Findlay	Larsen	Piepho	Sparby
Begich	Fjoslien	Levi	Piper	Stadum
Bennett	Graba	Long	Quinn	Staten
Bergstrom	Greenfield	Mann	Quist	Sviggum
Berkelman	Gruenes	Marsh	Redalen	Swanson
Bishop	Gustafson	McEachern	Reif	Tomlinson
Blatz	Halberg	McKasy	Riveness	Tunheim
Brandl	Haukoos	Metzen	Rodosovich	Uphus
Brinkman	Heap	Minne	Rodriguez, C.	Valan
Burger	Heinitz	Munger	Rodriguez, F.	Valento
Carlson, D.	Himle	Murphy	Rose	Vellenga
Carlson, L.	Hoffman	Nelson, D.	St. Onge	Voss
Clark, J.	Hokr	Nelson, K.	Sarna	Waltman
Clark, K.	Jacobs	Neuenschwander	Schafer	Welch
Clawson	Jensen	Norton	Scheid	Welle
Cohen	Johnson	O'Connor	Schoenfeld	Wenzel
Coleman	Kalis	Ogren	Schreiber	Wigley
Dempsey	Kelly	Olsen	Seaberg	Wynia
Dimler	Knickerbocker	Omann	Segal	Speaker Sieben

Those who voted in the negative were:

DenOuden	Frerichs	Jennings	McDonald	Welker
Forsythe	Gutknecht	Ludeman	Thiede	

The bill was passed, as amended, and its title agreed to.

H. F. No. 576, A bill for an act relating to insurance; health and accident; providing coverage for adopted children from the date of placement for adoption; proposing new law coded in Minnesota Statutes, chapter 62A.

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:

Anderson, B.	Ellingson	Knickerbocker	Omannon	Sherman
Anderson, G.	Erickson	Knuth	Onnen	Skoglund
Anderson, R.	Evans	Kostohryz	Otis	Sparby
Battaglia	Findlay	Krueger	Pauly	Stadum
Beard	Fjoslien	Kvam	Peterson	Staten
Bennett	Forsythe	Larsen	Piepho	Sviggum
Bergstrom	Frerichs	Levi	Piper	Swanson
Berkelman	Graba	Long	Quinn	Thiede
Bishop	Greenfield	Ludeman	Quist	Tomlinson
Blatz	Gruenes	Mann	Redalen	Tunheim
Brandl	Gustafson	Marsh	Reif	Uphus
Brinkman	Gutknecht	McDonald	Rivness	Valan
Burger	Halberg	McEachern	Rodosovich	Valento
Carlson, D.	Haukoos	McKasy	Rodriguez, C.	Vellenga
Carlson, L.	Heap	Metzen	Rodriguez, F.	Voss
Clark, J.	Heinitz	Minne	Rose	Waltman
Clark, K.	Himle	Munger	St. Onge	Welch
Clawson	Hoffman	Murphy	Sarna	Welker
Cohen	Hokr	Nelson, D.	Schafer	Welle
Coleman	Jacobs	Nelson, K.	Scheid	Wenzel
Dempsey	Jennings	Neuenschwander	Schoenfeld	Wigley
DenOuden	Jensen	Norton	Schreiber	Wynia
Dimler	Johnson	O'Connor	Seaberg	Speaker Sieben
Eken	Kalis	Ogren	Segal	
Elioff	Kelly	Olsen	Shaver	

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. 371:

Jensen; Rice; Anderson, G.; Carlson, D., and Schreiber.

Erickson was excused at 3:15 p.m. Knickerbocker was excused at 3:30 p.m. Norton was 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 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 THE 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. 290 and 365 which it recommended to pass.

H. F. Nos. 588, 123, 318, 89 and 460 which it recommended progress.

H. F. No. 91 which it recommended progress retaining its place on General Orders.

H. F. No. 359 which it recommended to pass with the following amendment offered by Norton:

Pages 2 and 3, delete Section 5 and renumber subsequent sections

Page 3, line 20, delete "11" and insert "10"; delete everything after the period

Page 3, delete lines 21 to 23

Page 3, line 24, delete the new language

Page 5, line 31, delete "11" and insert "10"

Page 6, line 14, delete "11" and insert "10"

Page 6, lines 20 to 24, delete the new language

Page 11, line 29, delete "11" and insert "10"; and delete everything after the period

Page 11, lines 30 to 33, delete the new language

Page 17, line 10, delete "11" and insert "10"; and delete everything after "10"

Page 17, delete lines 11 to 13

Page 17, line 14, delete "senate"

Page 17, line 33, delete "11," and insert "10"

Page 17, delete lines 34 to 36

Page 18, delete line 1

Page 18, line 2, delete everything before the period

Page 18, after line 22, insert:

"Sec. 28. [REPEALER.]

*Minnesota Statutes 1982, section 11A.07, subdivision 3, is repealed."*

Page 18, delete line 24

Page 18, line 25, delete everything before "this"

Page 18, line 25, delete "are" and insert "is"

Amend the title as follows:

Page 1, line 5, delete everything after the semicolon

Page 1, delete line 6

Page 1, line 12, delete "11A.07, subdivision 3;"

Page 1, line 22, after "15" insert "; repealing Minnesota Statutes 1982, section 11A.07, subdivision 3"

H. F. No. 157 which it recommended to pass with the following amendment offered by Carlson, L.:

Page 1, line 20, after "354.094;" insert "354.53; 354.531; 354.66;"

Page 1, line 21, delete "or" and after "354A.094" insert "; or Laws 1982, Chapter 578, Article II, Section 1"

Page 2, line 3, after "354.094;" insert "354.53; 354.531; 354.66;"

Page 2, line 4, delete "or"

Page 2, line 5, after "354A.094" insert "; or Laws 1982, Chapter 578, Article II, Section 1"

S. F. No. 267 which it recommended to pass with the following amendments:

Offered by Scheid:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 270.10, subdivision 1, is amended to read:

Subdivision 1. [IN WRITING; APPROVAL BY ATTORNEY GENERAL.] All orders and decisions of the commissioner of revenue, or any of his subordinates, respecting any tax, assessment, or other obligation, shall be in writing, filed in the offices of the department. No order or decision *issued after June 30, 1983*, increasing or decreasing any tax, assessment, or other obligation by a sum exceeding (\$500) *\$1,000* on real or personal property, or the assessed valuation thereof, or other obligation relating thereto, the result of which is to increase or decrease the total amount payable including penalties and interest, by a sum exceeding \$1,000, and no order or decision increasing or decreasing any other tax by a sum exceeding \$1,000 exclusive of penalties and interest, shall be made without the written signature or facsimile signature of the commissioner, a deputy commissioner, assistant commissioner, division director, or acting division director in each case. Written notice of every order granting a reduction, abatement, or refundment exceeding \$5,000 of any tax exclusive of penalties and interest, shall be given within five days to the attorney general. The attorney general shall forthwith examine such order, and if he deems the same proper and legal he shall approve the same in writing, and may waive the right of appeal therefrom in behalf of the state; otherwise he shall take an appeal from the order in behalf of the state as herein provided; but written approval of the commissioner or his deputy and written notice to the attorney general, shall not be required with respect to the following orders: (1) orders reducing assessed valuation of property by reason of its classification as a homestead; (2) orders not involving refunds which have the effect only of correcting income and franchise tax assessments to conform to the amounts shown on final returns filed as provided by section 290.42, clause (6); (3) original orders for the refundment of gasoline and special fuel taxes.

Sec. 2. Minnesota Statutes 1982, section 270.10, subdivision 3, is amended to read:

Subd. 3. [REDUCTIONS, ABATEMENTS, REFUNDMENTS; STATEMENT.] The commissioner shall maintain as a public record in the department a statement of all abatements, reductions, and refundments of assessments, taxes, or other obligations granted by the department during the biennium, which require the written approval of the commissioner or his deputy, and of which written notice to the attorney general is required, under the provisions of subdivision 1; and, all reductions of assessed valuation of more than (\$50,000) *\$100,000* and all reductions, refundments, or abatements of real estate tax of more than \$1,000 shall be separately shown in such statement. Such statement shall show the names of all taxpayers or other persons concerned, the original amount of each assessment, tax, or other obligation, the amount of abatement, reduction, or re-

fundment allowed in each case, and the totals of the respective items, notwithstanding any provisions of law requiring secrecy to the contrary. The commissioner shall include in such statement the amount of all increases of taxes or assessments made by the department, classified in such manner as he may deem proper, but not showing the names of taxpayers or other persons concerned or the amounts in individual cases.

Sec. 3. Minnesota Statutes 1982, section 270.12, subdivision 3, is amended to read:

Subd. 3. (FOR TAXES LEVIED IN 1980 AND 1981, WHEN A TAXING JURISDICTION LIES IN TWO OR MORE COUNTIES, AND THE SALES RATIO STUDIES PREPARED BY THE DEPARTMENT OF REVENUE SHOW THAT THE AVERAGE LEVEL OF ASSESSMENT IN THE SEVERAL PORTIONS OF THE DISTRICT IN THE DIFFERENT COUNTIES DIFFERS BY MORE THAN 20 PERCENT, THE BOARD SHALL ORDER THAT THE LEVY OF THE TAXING JURISDICTION BE APPORTIONED AMONG THE PORTIONS IN THE DIFFERENT COUNTIES IN THE SAME PROPORTION AS THE ADJUSTED ASSESSED VALUE AS DETERMINED BY THE EQUALIZATION AID REVIEW COMMITTEE IN EACH PORTION IS TO THE TOTAL ADJUSTED ASSESSED VALUE, AS DETERMINED BY THE EQUALIZATION AID REVIEW COMMITTEE, OF THE TAXING JURISDICTION; IF THE STUDIES SHOW THAT THE LEVEL DIFFERS BY MORE THAN FIVE PERCENT, THE BOARD MAY ORDER THE APPORTIONMENT OF THE LEVY.) For taxes levied in (1982) 1983 and thereafter *when a taxing jurisdiction lies in two or more counties, if the sales ratio studies prepared by the department of revenue show that the (LEVEL DIFFERS) average levels of assessment in the several portions of the districts in the different counties differ by more than five percent, the board shall order the apportionment of the levy, unless one of the following factors is present, in which case the board may order the apportionment of the levy. Factors which may affect the decision to apportion include (1) if the proportion of total adjusted assessed value in one county is less than ten percent of the total adjusted assessed value in the school district and if the average level of assessment in that portion of the school district is the one which differs by more than five percent from the assessment level in any one of the other portions of the district, or (2) if significant changes have been made in the level of assessment in the taxing jurisdiction which have not been reflected in the sales ratio study, and those changes alter the assessment levels in the portions of the taxing jurisdiction so that the assessment level now differs by five percent or less, or (3) if commercial, industrial, or public utility property predominates in one county within the school district and another class of property predominates in another county within that same school district.*

*If, pursuant to this subdivision, the board apportions the levy, then that levy apportionment among the portions in the different counties shall be made in the same proportion as the adjusted assessed value as determined by the equalization aid review committee in each portion is to the total adjusted assessed value of the taxing jurisdiction.*

For the purposes of this section, the average level of assessment in a taxing jurisdiction or portion thereof shall be the aggregate assessment sales ratio. Assessed values as determined by the equalization aid review committee shall be the values as determined for the year preceding the year in which the levy to be apportioned is levied.

Actions pursuant to this subdivision shall be commenced subsequent to the annual meeting on August 15 of the state board of equalization, but notice of the action shall be given to the affected jurisdiction and the appropriate county auditors by the following November 15.

Apportionment of a levy pursuant to this subdivision shall be considered as a remedy to be taken after equalization pursuant to subdivision 2, and when equalization within the jurisdiction would disturb equalization within other jurisdictions of which the several portions of the jurisdiction in question are a part.

Sec. 4. Minnesota Statutes 1982, section 270.19, is amended to read:

**270.19 [MUNICIPALITIES TO BE PARTY TO TAX HEARINGS.]**

Any city, town, school district, or county (all of which governmental subdivisions shall be embraced in the word "municipality" as used hereinafter) may appear at and become a party to any proceedings before the commissioner of revenue held for the purpose of equalizing or assessing any real or personal property in such municipality, or reducing the assessed valuation of any such property. For that purpose any such municipality may employ counsel and disburse money for other expenses in connection with such proceedings, on duly itemized, verified claims, which shall be audited and allowed as now provided by law for the allowance of claims against a municipality. It shall be the duty of the commissioner of revenue, at the time of such hearing, to grant the municipality, at its request, such further reasonable time as may be necessary for such municipality to prepare for further hearing. Before granting any reduction in assessed valuation exceeding (\$50,000) \$100,000, it shall be the duty of the commissioner of revenue, when any taxpayer or property owner has applied to the commissioner after June 30, 1983, for a reduction of the assessed valuation of any real or personal property in an amount exceeding (\$50,000) \$100,000;

to give written notice to the officials of the municipality wherein such property is located and to permit such municipality to have reasonable opportunity to be heard at any proceedings concerning such reduction.

Sec. 5. Minnesota Statutes 1982, section 272.46, subdivision 2, is amended to read:

Subd. 2. [AUDITOR TO COMBINE LEGAL DESCRIPTIONS.] The county auditor, upon written application of any person, shall for property tax purposes only, combine legal descriptions, as defined in section 272.195, of contiguous parcels to which the applicants hold title.

*The county auditor shall not be required to combine legal descriptions over section lines in the following situations: when the parcels to be combined are located in different school districts or different taxing jurisdictions or when a combination of legal descriptions would require the auditor's office to modify an existing record-keeping system.*

Sec. 6. Minnesota Statutes 1982, section 273.111, subdivision 3, is amended to read:

Subd. 3. Real estate consisting of ten acres or more shall be entitled to valuation and tax deferment under this section only if it is actively and exclusively devoted to agricultural use as defined in subdivision 6 and either (1) is the homestead of the owner, or of a surviving spouse, child, or sibling of the owner or is real estate which is farmed with the real estate which contains the homestead property, or (2) has been in possession of the applicant, his spouse, parent, or sibling, or any combination thereof, for a period of at least seven years prior to application for benefits under the provisions of Laws 1969, Chapter 1039, or (3) is the homestead of a shareholder in a family farm corporation as defined in section 500.24, notwithstanding the fact that legal title to the real estate may be held in the name of the family farm corporation. *Valuation of real estate under this section is limited to parcels the ownership of which is in noncorporate entities except for family farm corporations organized pursuant to section 500.24. Corporate entities who previously qualified for tax deferment pursuant to this section and who continue to otherwise qualify under subdivisions 3 and 6 for a period of at least three years following the effective date of this section will not be required to make payment of the previously deferred taxes, notwithstanding the provisions of subdivision 9. Sale of the land prior to the expiration of the three-year period shall result in payment of deferred taxes as follows: sale within the first year requires payment of payable 1980, 1981, and 1982 deferred taxes; sale during the second year requires payment of payable 1981 and 1982 taxes deferred; and sale at any time during the third year will require payment of payable 1983 taxes deferred.*



*Deferred taxes shall be paid even if the land qualifies pursuant to subdivision 11a. Special assessments are payable at the end of the three-year period or at time of sale, whichever comes first.*

Sec. 7. Minnesota Statutes 1982, section 273.112, subdivision 7, is amended to read:

Subd. 7. When real property which is being, or has been, valued and assessed under this section (IS SOLD OR) no longer qualifies under subdivision 3, (THE PORTION SOLD OR) the portion which no longer qualifies (UNDER SUBDIVISION 3) shall be subject to additional taxes, in the amount equal to the difference between the taxes determined in accordance with subdivision 4, and the amount determined under subdivision 5, provided, however, that the amount determined under subdivision 5 shall not be greater than it would have been had the actual bona fide sale price of the real property at an arms length transaction been used in lieu of the market value determined under subdivision 5. (SUCH) *The* additional taxes shall be extended against the property on the tax list for the current year, provided, however, that no interest or penalties shall be levied on (SUCH) *the* additional taxes if timely paid, and provided further, that (SUCH) *the* additional taxes shall only be levied with respect to the last seven years that the (SAID) property has been valued and assessed under this section.

Sec. 8. Minnesota Statutes 1982, section 273.112, is amended by adding a subdivision to read:

*Subd. 10. When real property qualifying under subdivision 3 is sold, no additional taxes shall be extended against the property if (a) the property continues to qualify pursuant to subdivision 3 and (b) the purchaser files an application for continued deferment of taxes pursuant to subdivision 6 within 30 days after the sale.*

Sec. 9. Minnesota Statutes 1982, section 273.13, subdivision 4, is amended to read:

Subd. 4. [CLASS 3.] (a) Tools, implements and machinery of an electric generating, transmission or distribution system or a pipeline system transporting or distributing water, gas, or petroleum products or mains and pipes used in the distribution of steam or hot or chilled water for heating or cooling buildings, which are fixtures, all agricultural land, except as provided by classes 1, 3b, 3e, (ALL BUILDINGS AND STRUCTURES ASSESSED AS PERSONAL PROPERTY AND SITUATED UPON LAND OF THE STATE OF MINNESOTA OR THE UNITED STATES GOVERNMENT WHICH IS RURAL IN CHARACTER AND DEVOTED OR ADAPTABLE TO RURAL BUT NOT NECESSARILY AGRICULTURAL USE) shall

constitute class 3 and shall be valued and assessed at 33-1/3 percent of the market value thereof, except as provided in clause (b). *All buildings and structures assessed as personal property and situated upon land of the state of Minnesota or the United States government which is rural in character and devoted or adaptable to rural but not necessarily agricultural use shall be assessed based upon the use made of the building or structure.* Except as provided in subdivision 5a, all real property devoted to temporary and seasonal residential occupancy for recreational purposes, and which is not devoted to commercial purposes for more than 200 days in the year preceding the year of assessment, shall be class 3 property and assessed accordingly. For this purpose, property is devoted to commercial use on a specific day if it is used, or offered for use, and a fee is charged for such use. Class 3 shall also include commercial use real property used exclusively for recreational purposes in conjunction with class 3 property devoted to temporary and seasonal residential occupancy for recreational purposes, up to a total of two acres, provided the property is not devoted to commercial recreational use for more than 200 days in the year preceding the year of assessment and is located within two miles of the class 3 property with which it is used.

(b) Agricultural land which is classified as class 3 shall be assessed at 19 percent of its market value. Real property devoted to temporary and seasonal residential occupancy for recreation purposes which is classified as class 3 shall be assessed at 21 percent of its market value.

Sec. 10. Minnesota Statutes 1982, section 273.13, subdivision 16, is amended to read:

Subd. 16. [HOMESTEAD ESTABLISHED AFTER ASSESSMENT DATE.] (1) Any property which was not used for the purpose of a homestead on the assessment date, but which was used for the purpose of a homestead on June 1 of such year, shall constitute class 3b, class 3c or class 3cc, as the case may be, to the extent of one-half of the valuation which would have been includible in such class and one-half the homestead tax credit to which it would have been entitled had the property been used as a homestead on both such dates.

(2) Any taxpayer meeting the requirements of clause (1) must notify the county assessor, or the assessor who has the powers of the county assessor pursuant to section 273.063, in writing, prior to June 15 of such year in order to qualify thereunder.

The county assessor and the county auditor are hereby empowered to make the necessary changes on their assessment and tax records to provide for proper homestead classification and credit as provided in clauses (1) and (2).

(3) The owner of any property qualifying under this subdivision, which has not been accorded the benefits of this subdivision, regardless of whether or not the notification required in clause (2) has been timely filed, may be entitled to receive such benefits by proper application as provided in sections 270.07 or 375.192.

*The county assessor shall cause to be published in a newspaper of general circulation within the county no later than June 1 of each year a notice to the public informing them of the requirement to file an application for homestead prior to June 15.*

Sec. 11. Minnesota Statutes 1982, section 273.13, is amended by adding a subdivision to read:

*Subd. 21. [LIMITATION ON HOMESTEAD CLASSIFICATION.] In those cases where the assessor has classified property as both homestead and nonhomestead, only the values attributable to the portion of the property classified as 3b, 3c, or 3cc shall be entitled to homestead treatment.*

*Except for buildings classified pursuant to section 273.13, subdivision 19, if the portion of a building used as the owner's homestead is separate from other dwelling units in the building, only the owner's residence plus the land attributable to the residence is to receive either the 3b, 3c, or 3cc classification.*

Sec. 12. Minnesota Statutes 1982, section 275.50, subdivision 2, is amended to read:

Subd. 2. [GOVERNMENTAL SUBDIVISION.] "Governmental subdivision" means a county, home rule charter city, statutory city, or town (OR SPECIAL TAXING DISTRICT DETERMINED BY THE DEPARTMENT OF REVENUE), except a town that has a population of less than 5,000 according to the most recent federal census, provided that the population of an incorporated municipality located within the boundaries of a town is not included in the population of the town. The term does not include school districts (OR), the metropolitan transit commission created pursuant to section 473.404, or special taxing districts as determined by the department of revenue.

Sec. 13. Minnesota Statutes 1982, section 276.02, is amended to read:

#### 276.02 [TREASURER TO BE COLLECTOR.]

The county treasurer shall be the receiver and collector of all the taxes extended upon the tax lists of the county, whether levied for state, county, city, town, school, poor, bridge, road, or other purposes and of all fines, forfeitures, or penalties received by any person or officer for the use of the county. He shall proceed to collect the same according to law and place the

same when collected to the credit of the proper funds. This section shall not apply to fines and penalties accruing to municipal corporations for the violation of their ordinances which are recoverable before a city justice. *The county board shall by resolution authorize the treasurer to impose a \$10 charge for any checks returned due to insufficient funds.*

Sec. 14. Minnesota Statutes 1982, section 276.04, is amended to read:

**276.04 [NOTICE OF RATES; PROPERTY TAX STATEMENTS.]**

On receiving the tax lists from the county auditor, the county treasurer shall, if directed by the county board, give three weeks' published notice in a newspaper specifying the rates of taxation for all general purposes and the amounts raised for each specific purpose. He shall, whether or not directed by the county board, cause to be printed on all tax statements, or on an attachment, a tabulated statement of the dollar amount due to each taxing authority and the amount to be paid to the state of Minnesota from the parcel of real property for which a particular tax statement is prepared. The dollar amounts due the state, county, township or municipality and school district shall be separately stated but the amounts due other taxing districts, if any, may be aggregated. *The dollar amounts shall be rounded off to the nearest even whole dollar.* The property tax statements for class 2a property shall contain the same information that is required on the tax statements for real property. The county treasurer shall mail to taxpayers statements of their personal property taxes due, such statements to be mailed not later than February 15 (except in the case of Class 2a property), statements of the real property taxes due shall be mailed not later than January 31; provided, that the validity of the tax shall not be affected by failure of the treasurer to mail such statement. Such real and personal property tax statements shall contain the market value, as defined in section 272.03, subdivision 8, used in determining the tax. The statement shall show the amount attributable to section 124.2137 as "state paid agricultural credit" and the amount attributable to section 273.13, subdivisions 6 and 7 as "state paid homestead credit". The statement shall show the reduction attributable to the aid given pursuant to section 273.139 and shall indicate that the reduction is paid by the state of Minnesota. If so directed by the county board, the treasurer shall visit places in the county as he deems expedient for the purpose of receiving taxes and the county board is authorized to pay the expenses of such visits and of preparing duplicate tax lists.

Sec. 15. Minnesota Statutes 1982, section 276.10, is amended to read:

**276.10 [APPORTIONMENT AND DISTRIBUTION OF FUNDS.]**

On the settlement day in March, June, and November of each year, the county auditor and county treasurer shall distribute all undistributed funds in the treasury, apportioning them, as provided by law, and placing them to the credit of the state, town, city, school district, special district and each county fund. Within 20 days after the distribution is completed, the county auditor shall make a report of it to the state auditor in the form prescribed by the state auditor. The county auditor shall issue his warrant for the payment of moneys in the county treasury to the credit of the state, town, city, school district, or special districts on application of the persons entitled to receive them. *The county auditor may apply the mill rate from the year previous to the year of distribution when apportioning and distributing delinquent tax proceeds, provided that the composition of the previous year's mill rate between taxing districts is not significantly different than that which existed for the year of the delinquency.*

Sec. 16. Minnesota Statutes 1982, section 277.02, is amended to read:

**277.02 [DELINQUENT LIST FILED IN COURT.]**

On the (TENTH) last secular day of July, of each year, the county treasurer shall make a list of all personal property taxes remaining delinquent July first, and shall immediately certify to and file the same with the clerk of the district court of his county, and upon such filing the list shall be prima facie evidence that all of the provisions of law in relation to the assessment and levy of such taxes have been complied with.

Sec. 17. Minnesota Statutes 1982, section 282.01, subdivision 7a, is amended to read:

Subd. 7a. [ALTERNATE SALE PROCEDURE.] Land located in a home rule charter or statutory city, or in a town described in section 368.01, subdivision 1, which cannot be improved because of noncompliance with local ordinances regarding minimum area, shape, frontage or access may be sold by the county auditor pursuant to this subdivision if the auditor determines that a nonpublic sale will encourage the approval of sale of the land by the city or town and promote its return to the tax rolls. *If the physical characteristics of the land indicate that its highest and best use will be achieved by combining it with an adjoining parcel and the city or town has not adopted a local ordinance governing minimum area, shape, frontage, or access, the land may also be sold pursuant to this subdivision.* The sale of land pursuant to this subdivision shall be subject to any conditions imposed by the county board pursuant to section 282.03.

The governing body of the city or town may recommend to the county board conditions to be imposed on the sale. The county auditor may restrict the sale to owners of lands adjoining the land to be sold. The county auditor shall conduct the sale by sealed bid or may select another means of sale. The land shall be sold to the highest bidder but in no event shall the land be sold for less than its appraised value. All owners of land adjoining the land to be sold shall be given a written notice at least 30 days prior to the sale.

This subdivision shall be liberally construed to encourage the sale and utilization of tax-forfeited land, to eliminate nuisances and dangerous conditions and to increase compliance with land use ordinances.

Sec. 18. Minnesota Statutes 1982, section 282.33, subdivision 1, is amended to read:

Subdivision 1. Whenever an unrecorded deed from the state of Minnesota conveying tax-forfeited lands shall have been lost or destroyed, an application, in form approved by the attorney general, for a new deed may be made by the grantee or his successor in interest to the commissioner of revenue. If it appears to the commissioner of revenue that the facts stated in the petition are true, he shall issue a new deed to the original grantee, in form approved by the attorney general, with like effect as the original deed. The application shall be accompanied by a fee of (~~\$3~~) \$10, payable to the commissioner of revenue, which shall be deposited with the state treasurer and credited to the general fund.

Sec. 19. Minnesota Statutes 1982, section 287.08, is amended to read:

#### 287.08 [TAX, HOW PAYABLE; RECEIPTS.]

The tax imposed by sections 287.01 to 287.12 shall be paid to the treasurer of the county in which the mortgaged land or some part thereof is situated at or before the time of filing the mortgage for record or registration. The treasurer shall endorse his receipt on the mortgage, countersigned by the county auditor, who shall charge the amount to the treasurer and such receipt shall be recorded with the mortgage, and such receipt of the record thereof shall be conclusive proof that the tax has been paid to the amount therein stated and authorize any county recorder to record the mortgage. Its form, in substance, shall be "registration tax hereon of . . . . . dollars paid." If the mortgages be exempt from taxation the endorsement shall be "exempt from registration tax," to be signed in either case by the treasurer as such, and in case of payment to be countersigned by the auditor. In case the treasurer shall be unable to determine whether a claim of exemption should be allowed, the tax

shall be paid to the clerk of the district court of the county to abide the order of such court made upon motion of the county attorney, or of the claimant upon notice as required by the court. When any such mortgage covers real property situate in more than one county in this state the whole of such tax shall be paid to the treasurer of the county where the mortgage is first presented for record or registration, and the payment shall be receipted and countersigned as above provided (, AND SUCH). *When the amount of the tax is \$100 or more, the tax shall be divided and paid over by the county treasurer receiving the same, on or before the tenth day of each month after receipt thereof, to the county or counties entitled thereto in the ratio which the (ASSESSED) market value of the real property covered by the mortgage in each county bears to the (ASSESSED) market value of all the property described in the mortgage. In making such division and payment the county treasurer shall send therewith a statement giving the description of the property described in the mortgage and the (ASSESSED) market value of the part thereof situate in each county. For the purpose aforesaid, the treasurer of any county may require the treasurer of any other county to certify to him the (ASSESSED) market valuation of any tract of land in any such mortgage.*

Sec. 20. Minnesota Statutes 1982, 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 the property and the Minnesota estate tax due with respect to 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 the commissioner has delegated functions under this chapter.

(8) "Internal Revenue Code" means the United States Internal Revenue Code of 1954 as amended through December 31, (1981) 1982.

(9) *"Surviving spouse" means a person legally married to the decedent at time of death, either pursuant to section 517.01 for marriages contracted in Minnesota or pursuant to the governing laws in the locale where the marriage occurred.*

Sec. 21. Minnesota Statutes 1982, section 291.03, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] The tax 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:

10 percent on the first \$100,000,

11 percent on the next \$500,000 or part thereof,

12 percent on the excess, 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 SUB-



JECT TO FEDERAL ESTATE TAX; PROVIDED THAT WHERE THE DECEDENT IS A NONRESIDENT THE TAX SHALL BE IN THE) same proportion of the maximum credit allowable under section 2011 of the Internal Revenue Code for state death taxes described herein as the Minnesota gross estate bears to the value of the federal gross estate. *The tax determined under this paragraph shall not be greater than the maximum credit allowable under section 2011 of the Internal Revenue Code.*

Sec. 22. Minnesota Statutes 1982, section 291.07, subdivision 1, is amended to read:

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),) (6), and (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 re-computed 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)) (6) 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)) (7) liens and mortgages on property subject to taxation under this chapter which are not deductible as claims or debts of the decedent.

Sec. 23. Minnesota Statutes 1982, 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 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 14. 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 180 days of receipt of the subsequent original, amended or supplemental return.

(6) Subject to the provisions of (SECTION) *sections 291.11 and 291.215*, 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 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, 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. 24. Minnesota Statutes 1982, section 291.131, subdivision 6, is amended to read:

Subd. 6. The amount of tax not timely paid, including the amount of unpaid tax when the taxpayer elects to pay the tax in installments, together with any penalty provided by this section, shall bear interest at the rate specified in section 270.75 from the time such tax should have been paid *if no extension had been granted or election to pay the tax in installments had been made* until paid. All interest and penalty shall be added to the tax and collected as a part thereof.

Sec. 25. Minnesota Statutes 1982, section 291.132, subdivision 1, is amended to read:

Subdivision 1. The commissioner may extend the time for filing returns or making payment of the tax, without penalty, for a period not to exceed six months. In lieu of the six month

extension, the commissioner may extend the time for payment of the tax, without penalty, for a period not to exceed two years if the payment of the tax would result in an undue hardship on the estate. The written request for the undue hardship extension shall be made to the commissioner no later than nine months after the death of the person from whom the transfer is made. The taxpayer may elect to pay the taxes in installments as specified in section 291.11, subdivision 1, provided that the period of time for the payment of the taxes shall not exceed five years from the expiration of the extension granted by the commissioner. Where an extension of time has been granted (**INTEREST SHALL BE PAYABLE AT THE RATE SPECIFIED IN SECTION 270.75 FROM THE DATE WHEN SUCH PAYMENT SHOULD HAVE BEEN MADE, IF NO EXTENSION HAD BEEN GRANTED, UNTIL SUCH TAX IS PAID**) *for payment, interest shall be paid at the rate specified in section 270.75 from the date when payment should have been made if no extension had been granted, until the tax is paid. When an election has been made to pay the tax in installments, interest shall be paid at the rate specified in section 270.75 from the date when payment of the tax should have been made if no election to pay the tax in installments had been made.*

Sec. 26. Minnesota Statutes 1982, section 291.215, subdivision 3, is amended to read:

Subd. 3. The personal representative shall file an amended estate tax return within 90 days after any amended estate tax return is filed pursuant to the provisions of the United States Internal Revenue Code. If no amended federal estate tax return is filed but the federal estate tax return is changed or corrected, the (**CHANGE OR CORRECTION SHALL BE REPORTED TO**) *personal representative shall file an amended estate tax return with the commissioner of revenue within 90 days after the final determination of the change or correction is made. (UPON RECEIPT OF AN AMENDED FEDERAL ESTATE TAX RETURN OR UPON NOTIFICATION OF ANY CHANGE OR CORRECTION MADE ON THE FEDERAL ESTATE TAX RETURN) If the personal representative fails to file an amended estate tax return, the commissioner of revenue may reassess the estate tax.*

Sec. 27. Minnesota Statutes 1982, section 295.365, is amended to read:

**295.365 [DECLARATIONS OF ESTIMATED GROSS EARNINGS TAX BY TELEGRAPH AND TELEPHONE COMPANIES.]**

Every telegraph company subject to taxation pursuant to section 295.32 and every telephone company subject to taxation pursuant to section 295.34, shall make a declaration of estimated gross earnings tax for the calendar year *if the gross earnings*

*tax can reasonably be expected to be in excess of \$1,000.* The declaration of estimated tax shall be filed on or before March 15. The amount of estimated tax with respect to which a declaration is required shall be paid in four equal installments on or before the 15th day of March, June, September, and December. An amendment of a declaration may be filed in any interval between installment dates prescribed above but only one amendment may be filed in each such interval.

If any amendment of a declaration is filed, the amount of each remaining installment shall be the amount which would have been payable if the new estimate had been made when the first estimate for the calendar year was made, increased or decreased, as the case may be, by the amount computed by dividing.

(1) the difference between (A) the amount of estimated tax required to be paid before the date on which the amendment was made, and (B) the amount of estimated tax which would have been required to be paid before such date if the new estimate had been made when the first estimate was made, by

(2) the number of installments remaining to be paid on or after the date on which the amendment is made.

The commissioner of revenue may grant a reasonable extension of time for filing any declaration but such extension shall not be for more than six months.

Sec. 28. Minnesota Statutes 1982, section 295.366, subdivision 1, is amended to read:

Subdivision 1. [ADDITION TO THE TAX.] In case of any underpayment of estimated tax by a telegraph or telephone company, except as provided in subdivision 4, there shall be added to the tax for the taxable year an amount determined at the rate specified in section 270.75 upon the amount of the underpayment (determined under subdivision 2) for the period of the underpayment (determined under subdivision 3). *For taxable years beginning after December 31, 1982, the amount in lieu of interest for that taxable year shall be the amount determined in section 270.75 for January 1 on which begins the taxable year or precedes the beginning of the taxable year.*

Sec. 29. Minnesota Statutes 1982, section 296.17, subdivision 3, is amended to read:

Subd. 3. [REFUNDS ON GASOLINE AND SPECIAL FUEL USED IN OTHER STATES.] Every person regularly or habitually operating motor vehicles upon the public highways of any other state or states and using in said motor vehicles gasoline or special fuel purchased or obtained in this state, shall be allowed a credit or refund equal to the tax on said gasoline or

special fuel paid to this state on the gasoline or special fuel actually used in the other state or states. No credit or refund shall be allowed under this subdivision for taxes paid to any state which imposes a tax upon gasoline or special fuel purchased or obtained in this state and used on the highways of such other state, and which does not allow a similar credit or refund for the tax paid to this state on gasoline or special fuel purchased or acquired in such other state and used on the highways of this state. Every person claiming a credit or refund under this subdivision shall file, within 30 days after the tax to such other state, or states, is paid, a report in such form as may be prescribed by the commissioner, together with such proof of the payment of the tax, and of the fact that it was paid on gasoline or special fuel purchased or obtained within this state as the commissioner may require. *The claimant may file up to six months from the date the tax was paid to another state but any refund applied for after 30 days from date of payment shall be reduced by five percent for each 30-day period or portion thereof following the initial 30-day period.*

Sec. 30. Minnesota Statutes 1982, section 296.17, subdivision 17, is amended to read:

Subd. 17. [TRIP PERMITS AND TEMPORARY AUTHORIZATIONS.] (a) A motor carrier may obtain a trip permit which shall authorize an unlicensed motor carrier to operate a commercial motor vehicle in Minnesota for a period of five consecutive days beginning and ending on the dates specified on the face of the permit. The fee for such permit shall be (\$5) \$15. Fees for trip permits shall be in lieu of the road tax otherwise assessable against such motor carrier on account of such commercial motor vehicle operating therewith, and no reports of mileage shall be required with respect to such vehicle.

The above permit shall be issued in lieu of license if in the course of the motor carrier's operations he operates on Minnesota highways no more than three times in any one calendar year.

(b) Whenever the commissioner is satisfied that unforeseen or uncertain circumstances have arisen which requires a motor carrier to operate in this state a commercial motor vehicle for which neither a trip permit pursuant to clause (a) of this subdivision nor a license pursuant to subdivisions 7 to 22 has yet been obtained, and if the commissioner is satisfied that prohibition of such operation would cause undue hardship, the commissioner may provide the motor carrier with temporary authorization for the operation of such vehicle. A motor carrier receiving temporary authorization pursuant to this subdivision shall perfect the same either by obtaining a trip permit or a license, as the case may be, for the vehicle at the earliest practicable time.

Sec. 31. Minnesota Statutes 1982, section 297.03, subdivision 10, is amended to read:

**Subd. 10. [DISTRIBUTION OF FREE SAMPLE PACKAGES.]** The commissioner may authorize distribution in Minnesota of free packages of cigarettes without affixing stamps to said packages by the following persons provided that monthly reports and payment of a tax at the same rates prescribed by section 297.02, subdivision 1, shall be made directly to the commissioner (IN THE MANNER AND) under the terms provided for by (HIM) *the commissioner*:

(1) Any manufacturer, providing such packages contain not more than (TEN) 20 cigarettes each;

(2) Any person engaged as a common carrier in the transportation of persons, who purchases packages of cigarettes from a manufacturer for distribution without charge, provided that no such package shall contain more than (TEN) 20 cigarettes.

*All packages distributed pursuant to this section shall be marked "Complimentary—Not For Sale." The commissioner shall promulgate rules providing for the procedures to be complied with by any person distributing free sample packages.*

Sec. 32. Minnesota Statutes 1982, section 340.485, subdivision 1, is amended to read:

**Subdivision 1. [MANNER AND TIME OF PAYMENT; PENALTIES; DEPOSIT OF TAX PROCEEDS.]** The tax on wines and spirituous liquors, on which the excise tax has not been previously paid, shall be paid to the commissioner of revenue by persons having on file with the commissioner of revenue a sufficient bond as provided in subdivision 2 on or before the tenth day of the month following the month in which the first sale is made in this state by a licensed manufacturer or wholesaler. Every such person liable for any tax on wines or spirituous liquors imposed by section 340.47 shall file with the commissioner of revenue on or before the tenth day of the month following first sale in this state by a licensed manufacturer or wholesaler a return in such form and showing such information as the commissioner of revenue shall by rule prescribe, and shall keep records and render reports as the commissioner of revenue shall by rule prescribe. (IF THE EXCISE TAX IS NOT PAID WHEN DUE, THERE SHALL BE ADDED TO THE TAX AN AMOUNT EQUIVALENT TO FIVE PERCENT PER MONTH FROM THE DATE THE TAX BECAME DUE UNTIL PAID. IF ANY PERSON FILES A FALSE OR FRAUDULENT RETURN, THERE SHALL BE ADDED TO THE TAX A SUM EQUIVALENT TO 100 PERCENT OF THE AMOUNT OF THE TAX EVADED OR ATTEMPTED TO BE EVADED.) Any person liable for any tax on wines or spirituous liquors not

having on file a sufficient bond shall pay the tax within 24 hours after first sale in this state. The commissioner of revenue shall pay all moneys received in the general fund. The commissioner of revenue may certify to the commissioner of public safety any failure to pay taxes when due as a violation of a statute relating to the sale of intoxicating liquor for possible revocation or suspension of license under section 340.135.

*If any person fails to pay the tax within the time specified or within 30 days after final determination of an appeal to the Minnesota tax court relating thereto, there shall be added a penalty equal to ten percent of the amount so remaining unpaid. The penalty shall be collected as part of the tax, and the amount of the tax not timely paid, together with the penalty, shall bear interest at the rate specified in section 270.75 from the time the tax should have been paid until paid.*

Sec. 33. Minnesota Statutes 1982, section 340.485, is amended by adding a subdivision to read:

*Subd. 5. [FAILURE TO FILE RETURN; PENALTY.] In case of any failure to make and file a return as required by this chapter within the time prescribed by law or prescribed by the commissioner in pursuance of law, unless it is shown that the failure is not due to wilful neglect, there shall be added to the tax in lieu of the ten percent specific penalty provided in subdivision 1: ten percent if the failure is for not more than 30 days with an additional five percent for each additional 30 days or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate. The amount added to any tax shall be collected at the same time and in the same manner and as a part of the tax; and the amount of tax together with the amount added shall bear interest at the rate specified in section 270.75 from the time the tax should have been paid until paid unless the tax has been paid before the discovery of the neglect, in which case the amount added shall be collected in the same manner as the tax.*

*For the purposes of this subdivision, the amount of any taxes required to be shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credit against the tax which may be claimed upon the return.*

Sec. 34. Minnesota Statutes 1982, section 340.485, is amended by adding a subdivision to read:

*Subd. 6. [INTENT TO EVADE TAX; FAILURE TO FILE OR FILING FALSE RETURN; PENALTY.] Where any person, with intent to evade the tax, fails to file any return required or shall with intent file a false or fraudulent return, there shall also be imposed upon the person an additional penalty equal to*



*50 percent of any tax (less any amount paid on the basis of the false or fraudulent return) found due for the period to which the return related. The penalty imposed by this subdivision shall be collected as part of the tax and shall be in addition to any other penalties provided by law.*

Sec. 35. Minnesota Statutes 1982, section 340.492, is amended to read:

**340.492 [MANNER AND TIME OF PAYMENT; PENALTIES; DEPOSIT OF TAX PROCEEDS.]**

*Subdivision 1. [FILING DATE; TIME OF PAYMENT.] The commissioner of revenue shall issue rules adopting the reporting method for paying and collecting the excise tax on fermented malt beverages. The rules shall require reports to be filed with and the excise tax to be paid to the commissioner on or before the fifteenth day of the month following the month in which the importation into or the first sale is made in this state, whichever first occurs. If the excise tax is not paid when due, there shall be added to the amount of the tax as penalty a sum equivalent to ten percent thereof, and in addition thereto interest on the tax and penalty at the rate of 20 percent per annum, adjusted as provided in section 270.75, from the date the tax became due until paid. The commissioner shall deposit all moneys received in the funds as provided by section 340.47, subdivision 2.*

*Subd. 2. [FAILURE TO FILE RETURN.] In case of any failure to make and file a return as required by this chapter within the time prescribed by law or prescribed by the commissioner in pursuance of law, unless it is shown that the failure is not due to wilful neglect, there shall be added to the tax in lieu of the ten percent specific penalty provided in subdivision 1: ten percent if the failure is for not more than 30 days with an additional five percent for each additional 30 days or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate. The amount added to any tax shall be collected at the same time and in the same manner and as a part of the tax, and the amount of tax together with the amount added shall bear interest at the rate specified in section 270.75 from the time the tax should have been paid until paid unless the tax has been paid before the discovery of the neglect, in which case the amount added shall be collected in the same manner as the tax.*

*For purposes of this subdivision, the amount of any taxes required to be shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credit against the tax which may be claimed upon the return.*

*Subd. 3. [INTENT TO EVADE TAX; FAILURE TO FILE OR FILING FALSE RETURN.] Where any person, with intent to evade the tax, fails to file any return required or shall with such intent file a false or fraudulent return, there shall also be imposed upon the person an additional penalty equal to 50 percent of any tax (less any amount paid on the basis of the false or fraudulent return) found due for the period to which the return related. The penalty imposed by this subdivision shall be collected as part of the tax and shall be in addition to any other penalties provided by law.*

Sec. 36. Minnesota Statutes 1982, section 505.04, is amended to read:

505.04 [RECORDING.]

Every plat, when duly certified, signed, and acknowledged, as provided in section 505.03, and upon presentation of a certificate from the county auditor that the current year's taxes have been paid, shall be filed and recorded in the office of the county recorder.

Sec. 37. Minnesota Statutes 1982, section 524.3-1001, is amended to read:

524.3-1001 [FORMAL PROCEEDINGS TERMINATING ADMINISTRATION; TESTATE OR INTESTATE; ORDER OF DISTRIBUTION, DECREE, AND GENERAL PROTECTION.]

(a) (1) A personal representative or any interested person may petition for an order of complete settlement of the estate. The personal representative may petition at any time, and any other interested person may petition after one year from the appointment of the original personal representative except that no petition under this section may be entertained until the time for presenting claims which arose prior to the death of the decedent has expired. The petition may request the court to determine testacy, if not previously determined, to consider the final account or compel or approve an accounting and distribution, to construe any will or determine heirs and adjudicate the final settlement and distribution of the estate. After notice to all interested persons, *submission of a copy of the final account to the commissioner of revenue*, and hearing the court may enter an order or orders, on appropriate conditions, determining the persons entitled to distribution of the estate, and, as circumstances require, approving settlement and directing or approving distribution of the estate and discharging the personal representative from further claim or demand of any interested person.

(2) In such petition for complete settlement of the estate, the petitioner may apply for a decree. Upon the hearing, if in

the best interests of interested persons, the court may issue its decree which shall determine the persons entitled to the estate and assign the same to them in lieu of ordering the assignment by the personal representative. The decree shall name the heirs and distributees, state their relationship to the decedent, describe the property, and state the proportions or part thereof to which each is entitled. In the estate of a testate decedent, no heirs shall be named in the decree unless all heirs be ascertained.

(3) In solvent estates, the hearing may be waived by written consent to the proposed account and decree of distribution or order of distribution by all heirs or distributees, and *submission of a copy of the final account to the commissioner of revenue*. The court may then enter its order allowing the account and issue its decree or order of distribution.

(4) Where a decree or order for distribution is issued, the personal representative shall not be discharged until all property is paid or transferred to the persons entitled thereto, and has otherwise fully discharged his trust. If objections are filed with the court by the commissioner of revenue, no discharge shall be issued until the objections are determined. If no objection is filed, the court shall have the power to settle and distribute the estate and discharge the personal representative without regard to tax obligations.

(b) If one or more heirs or devisees were omitted as parties in, or were not given notice of, a previous formal testacy proceeding, the court, on proper petition for an order of complete settlement of the estate under this section, and after notice to the omitted or unnotified persons and other interested parties determined to be interested on the assumption that the previous order concerning testacy is conclusive as to those given notice of the earlier proceeding, may determine testacy as it affects the omitted persons and confirm or alter the previous order of testacy as it affects all interested persons as appropriate in the light of the new proofs. In the absence of objection by an omitted or unnotified person, evidence received in the original testacy proceeding shall constitute prima facie proof of due execution of any will previously admitted to probate, or of the fact that the decedent left no valid will if the prior proceedings determined this fact.

Sec. 38. Minnesota Statutes 1982, section 524.3-1003, is amended to read:

**524.3-1003 [CLOSING ESTATES; BY SWORN STATEMENT OF PERSONAL REPRESENTATIVE.]**

(a) Unless prohibited by order of the court and except for estates being administered in supervised administration proceedings, a personal representative may close an estate by filing with

the court no earlier than six months after the date of original appointment of a general personal representative for the estate, a statement stating that he, or a prior personal representative whom he has succeeded, has or have:

(1) published notice to creditors and that the first publication occurred more than six months prior to the date of the statement;

(2) fully administered the estate of the decedent by making payment, settlement or other disposition of all claims which were presented, expenses of administration and estate and other taxes, except as specified in the statement, and that the assets of the estate have been inventoried and distributed to the persons entitled. If any claims, expenses or taxes remain undischarged, the statement shall state in detail other arrangements which have been made to accommodate outstanding liabilities; and

(3) sent a copy thereof to *the commissioner of revenue* and to all distributees of the estate and to all creditors or other claimants of whom he is aware whose claims are neither paid nor barred and has furnished a full account in writing of his administration to the distributees whose interests are affected thereby.

(b) If no proceedings involving the personal representative are pending in the court one year after the closing statement is filed, the appointment of the personal representative terminates. Letters of appointment remain in full force until one year after the filing of the closing statement at which time the authority of the personal representative shall terminate.

Sec. 39. Minnesota Statutes 1982, section 524.3-1204, is amended to read:

**524.3-1204 [SMALL ESTATES; CLOSING BY SWORN STATEMENT OF PERSONAL REPRESENTATIVE.]**

(a) Unless prohibited by order of the court and except for estates being administered by supervised personal representatives, a personal representative may close an estate administered under the summary procedures of section 524.3-1203 by filing with the court, at any time after disbursement and distribution of the estate, a statement stating that:

(1) to the best knowledge of the personal representative, the entire estate, less liens and encumbrances, did not exceed an exempt homestead as provided for in section 525.145, the allowances provided for in section 525.15, costs and expenses of administration, reasonable funeral expenses, and reasonable, necessary medical and hospital expenses of the last illness of the decedent;

(2) the personal representative has fully administered the estate by disbursing and distributing it to the persons entitled thereto; and

(3) the personal representative has sent a copy of the closing statement to the commissioner of revenue and to all distributees of the estate and to all creditors or other claimants of whom he is aware whose claims are neither paid nor barred and has furnished a full account in writing of his administration to the distributees whose interests are affected.

(b) If no actions or proceedings involving the personal representative are pending in the court one year after the closing statement is filed, the appointment of the personal representative terminates.

(c) A closing statement filed under this section has the same effect as one filed under section 524.3-1003.

#### Sec. 40. [REPEALER.]

(a) *Minnesota Statutes 1982, sections 272.022; 272.023; 272.024; 273.13, subdivision 18; 273.23; 273.24; 273.28; 273.29; 273.30; 273.31; 273.34; 273.44; 273.45; 273.52; 288.01; 288.02; 288.03; 288.04; 288.05; 473F.04; and 477A.04, are repealed.*

(b) *Minnesota Statutes 1982, section 291.07, subdivision 3, is repealed.*

#### Sec. 41. [EFFECTIVE DATE.]

*Sections 1, 2, 4, 5, 10, 13, 17, and 18 are effective July 1, 1983. Sections 3, 6, 9, 12, and 14 are effective for taxes levied in 1983 and thereafter, payable in 1984 and thereafter. Sections 16, 29, 30, and 40, clause (a) are effective the day after final enactment. Section 11 is effective for taxes levied in 1984 and thereafter, payable in 1985 and thereafter. Sections 19, 28, 31, 32, 33, 34, and 35 are effective August 1, 1983. Section 20 is effective for estates of decedents dying after December 31, 1981. Sections 21, 22, 23, 24, 25, 26, 37, 38, 39, and 40, clause (b) are effective for estates of decedents dying on or after July 1, 1983. Section 27 is effective January 1, 1983. Section 36 is effective for plats filed after July 1, 1983."*

Delete the title and insert:

"A bill for an act relating to taxation; increasing the amount of reduced valuations required to be maintained as public record; allowing the commissioner discretion in apportioning levies; increasing the amount of reduction in valuation requiring an opportunity for hearing; allowing county auditors to combine legal descriptions over section lines; excluding certain corpora-

tions from receiving agricultural property tax valuation; providing for continued deferred assessment of open space property after certain sales; providing for the assessment of certain class 3 property based upon its use; requiring publication of certain requirements for obtaining a homestead after the assessment date; providing for split classification of certain homestead property; removing special taxing districts from levy limits; allowing counties to charge for NSF checks; providing for rounding of tax amounts on tax statements; allowing the use of the previous year's mill rate in certain cases when distributing delinquent tax proceeds; changing the date for filing list of delinquent personal property taxes; extending application of the alternate sale procedure; increasing the fee for lost deeds; changing the process for distributing mortgage registration tax proceeds; raising the fee for trip permits; requiring filing of an amended estate tax return in certain situations; clarifying the date interest accrues on estate tax amounts due; providing for department action following the filing of an amended return; requiring state's share of federal credit to not be less than state's share of the estate; providing a definition of surviving spouse for estate tax purposes; requiring filing of final account to commissioner of revenue; changing the requirement for filing a declaration of estimated gross earnings tax; imposing a penalty for failure to pay estimated gross earnings tax; extending the time allowed to claim gasoline or special fuel tax refunds; changing the requirements relating to distribution of free samples of cigarettes; imposing a penalty for failure to pay the tax on wines and spirituous liquors; conforming penalties for nonpayment of tax on deed to penalties imposed on other taxes; requiring payment of current taxes before a plat is recorded; amending Minnesota Statutes 1982, sections 270.10, subdivisions 1 and 3; 270.12, subdivision 3; 270.19; 272.46, subdivision 2; 273.111, subdivision 3; 273.112, subdivision 7, and by adding a subdivision; 273.13, subdivisions 4 and 16, and by adding a subdivision; 275.50, subdivision 2; 276.02; 276.04; 276.10; 277.02; 282.01, subdivision 7a; 282.33, subdivision 1; 287.08; 291.005, subdivision 1; 291.03, subdivision 1; 291.07, subdivision 1; 291.09, subdivision 3a; 291.131, subdivision 6; 291.132, subdivision 1; 291.215, subdivision 3; 295.365; 295.366, subdivision 1; 296.17, subdivisions 3 and 17; 297.03, subdivision 10; 340.485, subdivision 1, and by adding subdivisions; 340.492; 505.04; 524.3-1001; 524.3-1003; and 524.3-1204; repealing Minnesota Statutes 1982, sections 272.022; 272.023; 272.024; 273.13, subdivision 18; 273.23; 273.24; 273.28; 273.29; 273.30; 273.31; 273.34; 273.44; 273.45; 273.52; 288.01; 288.02; 288.03; 288.04; 288.05; 291.07, subdivision 3; 473F.04; and 477A.04."

Offered by Osthoff and Schreiber:

Page 6, after line 14, insert:

"Sec. 5. Minnesota Statutes 1982, section 272.03, subdivision 1, is amended to read:

Subdivision 1. [REAL PROPERTY.] (a) For the purposes of taxation, "real property" includes the land itself, *rails and ties annexed to the land*, and all buildings, structures, and improvements or other fixtures on it, and all rights and privileges belonging or appertaining to it, and all mines, minerals, quarries, fossils, and trees on or under it.

(b) A building or structure shall include the building or structure itself, together with all improvements or fixtures annexed to the building or structure, which are integrated with and of permanent benefit to the building or structure, regardless of the present use of the building, and which cannot be removed without substantial damage to itself or to the building or structure.

(c) (i) The term real property shall not include tools, implements, machinery, and equipment attached to or installed in real property for use in the business or production activity conducted thereon, regardless of size, weight or method of attachment.

(ii) The exclusion provided in clause (c) (i) shall not apply to machinery and equipment includable as real estate by clauses (a) and (b) even though such machinery and equipment is used in the business or production activity conducted on the real property if and to the extent such business or production activity consists of furnishing services or products to other buildings or structures which are subject to taxation under this chapter."

Page 33, line 16, delete "5, 10, 13, 17, and 18" and insert "6, 11, 14, 18, and 19"

Page 33, line 17, delete "6, 9, 12, and 14" and insert "7, 10, 13, and 15"

Page 33, line 19, delete "16, 29, 30, and 40" and insert "5, 17, 30, 31, and 41"

Page 33, line 20, delete "11" and insert "12"

Page 33, line 22, delete "19, 28, 31, 32, 33, 34, and 35" and insert "20, 29, 32, 33, 34, 35, and 36"

Page 33, line 23, delete "20" and insert "21"

Page 33, line 24, delete "21,"

Page 33, line 24, delete "37" and insert "27"

Page 33, line 25, delete "and 40" and insert "40, and 41"

Page 33, line 26, delete "27" and insert "28"

Page 33, line 27, delete "36" and insert "37"

Re-number the sections

Amend the title as follows:

Page 34, after line 6, insert "clarifying the definition of real property for ad valorem purposes;"

Page 34, line 47, after "270.19;" insert "272.03, subdivision 1;"

H. F. No. 459 which it recommended progress with the following amendment offered by Rodriguez, F.:

Amend the title:

Page 1, line 5, after "Statutes" insert "1982"

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 motion to recommend passage of H. F. No. 157, as amended, and the roll was called. There were 72 yeas and 41 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Clawson	Kostohryz	Piper	Staten
Anderson, G.	Cohen	Krueger	Quinn	Swanson
Anderson, R.	Coleman	Larsen	Rice	Thiede
Battaglia	Elioff	Mann	Riveness	Tomlinson
Beard	Ellingson	McEachern	Rodosovich	Valan
Begich	Graba	Metzen	Rodriguez, F.	Vellenga
Bennett	Greenfield	Minne	Rose	Voss
Bergstrom	Gruenes	Munger	St. Onge	Welch
Berkelman	Gustafson	Murphy	Sarna	Welle
Brandl	Hoffman	Nelson, K.	Scheid	Wenzel
Brinkman	Jacobs	Norton	Schoenfeld	Wynia
Carlson, D.	Jensen	O'Connor	Segal	Speaker Sieben
Carlson, L.	Kalis	Ogren	Skoglund	
Clark, J.	Kelly	Otis	Sparby	
Clark, K.	Knuth	Peterson	Stadum	

Those who voted in the negative were:

Bishop	DenOuden <sup>o</sup>	Fjoslien	Heap	Johnson
Blatz	Dimler	Frerichs	Heinitz	Kvam
Burger	Evans	Gutknecht	Hokr	Ludeman
Dempsey	Findlay	Haukoos	Jennings	Marsh



McDonald	Onnen	Schafer	Tunheim	Wigley
McKasy	Pauly	Schreiber	Uphus	
Nelson, D.	Piepho	Seaberg	Valento	
Olsen	Quist	Shaver	Waltman	
Omann	Redalen	Sviggum	Welker	

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 that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 5 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 371, A bill for an act relating to transportation; making scheduled increases in taxes on gasoline and special fuel; delaying the effective date of changes in the disposition of the revenue from the motor vehicle excise tax; providing for the addition of designated routes in the trunk highway system; authorizing the issuance of trunk highway bonds; eliminating the authority of the metropolitan transit commission to levy a certain tax; creating a town road account in the county state-aid highway fund; providing for the apportionment of five percent of the net highway user tax distribution fund; proposing new law coded in Minnesota Statutes, chapters 162 and 169; amending Minnesota Statutes 1982, sections 161.081; 161.082, subdivision 2a; 296.01, subdivision 24; 296.02; 296.14, subdivision 2; 296.18, by adding a subdivision; 297B.09; and 473.446, subdivision 1.

The Senate has appointed as such committee Messrs. Purfeerst; Johnson, D. J.; Peterson, C. C.; Novak and Waldorf.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

### MOTIONS AND RESOLUTIONS

Carlson, D., moved that H. F. No. 338 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Otis moved that the name of Sherman be stricken and the name of Munger be added as an author on H. F. No. 300. The motion prevailed.

Kelly moved that the name of Gustafson be added as an author on H. F. No. 696. The motion prevailed.

Thiede moved that the name of Wenzel be added as an author on H. F. No. 395. The motion prevailed.

Osthoff moved that the name of Sparby be added as an author on H. F. No. 700. The motion prevailed.

Scheid moved that the name of Otis be stricken as an author on H. F. No. 750. The motion prevailed.

Nelson, K., moved that the names of Jennings, Evans and Graba be added as authors on H. F. No. 868. The motion prevailed.

Anderson, B., moved that the name of Olsen be added as an author on H. F. No. 874. The motion prevailed.

Dempsey moved that the name of Berkelman be added as an author on H. F. Nos. 877 and 881. The motion prevailed.

Erickson moved that the name of Beard be added as an author on H. F. No. 896. The motion prevailed.

Nelson, D., moved that the name of Knuth be added as an author on H. F. No. 617. The motion prevailed.

Kelly moved that the name of McKasy be added as an author on H. F. No. 696. The motion prevailed.

Rodriguez, F., moved that the names of Clawson, Metzen and Olsen be added as authors on H. F. No. 891. The motion prevailed.

Anderson, R., moved that the name of Jacobs be added as an author on H. F. No. 475. The motion prevailed.

Ellingson moved that the name of Olsen be added as an author on H. F. Nos. 894, 898 and 899. The motion prevailed.

Sparby moved that the name of Valan be stricken and the name of Carlson, D., be added as an author on H. F. No. 946. The motion prevailed.

Gustafson moved that the name of Solberg be shown as chief author and the name of Gustafson be shown as second author on H. F. No. 99. The motion prevailed.

Erickson, Larsen, Uphus, Frerichs and Piper introduced:

House Resolution No. 4, A house resolution congratulating the Future Farmers of America on their work and accomplishments.

The resolution was referred to the Committee on Agriculture.

Schafer and Dempsey introduced:

House Resolution No. 5, A house resolution congratulating the girls basketball team from Henderson High School for winning the 1983 Class A State High School Girls Basketball Championship.

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 28, 1983. 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 28, 1983.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**



## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## TWENTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 28, 1983

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 Edwin Hollen, St. Louis Park Assembly of God, St. Louis Park, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Ellingson	Knuth	Otis	Sherman
Anderson, G.	Erickson	Krueger	Pauly	Simoneau
Anderson, R.	Evans	Kvam	Peterson	Skoglund
Battaglia	Findlay	Larsen	Piepho	Solberg
Beard	Fjoslien	Levi	Piper	Sparby
Begich	Forsythe	Long	Price	Stadum
Bennett	Frerichs	Ludeman	Quinn	Staten
Bergstrom	Graba	Mann	Quist	Sviggum
Berkelman	Greenfield	Marsh	Redalen	Swanson
Bishop	Gruenes	McDonald	Reif	Thiede
Blatz	Gustafson	McEachern	Rice	Tomlinson
Brandl	Guiknecht	McKasy	Riveness	Tunheim
Brinkman	Haukoos	Metzen	Rodosovich	Uphus
Burger	Heap	Minne	Rodriguez, C.	Valan
Carlson, D.	Heinitz	Munger	Rodriguez, F.	Valento
Carlson, L.	Himle	Murphy	Rose	Vanasek
Clark, J.	Hoffman	Nelson, D.	St. Onge	Vellenga
Clark, K.	Hokr	Nelson, K.	Sarna	Voss
Clawson	Jacobs	Neuenschwander	Schafer	Waltman
Cohen	Jennings	Norton	Scheid	Welch
Coleman	Jensen	O'Connor	Schoenfeld	Welker
Dempsey	Johnson	Ogren	Schreiber	Welle
DenOuden	Kahn	Olsen	Seaberg	Wenzel
Dimler	Kalis	Omann	Segal	Wigley
Eken	Kelly	Onnen	Shaver	Wynia
Elioff	Knickerbocker	Osthoff	Shea	Speaker Sieben

A quorum was present.

Hoberg and Zaffke were excused.

Halberg was excused until 2:20 p.m. Kostohryz was excused until 3:30 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Metzner 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. 325, 417, 656, 684, 758, 114, 149, 441, 462, 523, 529, 530, 617, 694, 733, 157, 239, 314, 459, 140, 561 and 359 and S. F. Nos. 107, 153, 254, 327, 337, 444, 455, 200, 323, 50 and 267 have been placed in the members' files.

S. F. No. 327 and H. F. No. 367, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Gruenes moved that S. F. No. 327 be substituted for H. F. No. 367 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 107 and H. F. No. 73, 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. 107 be substituted for H. F. No. 73 and that the House File be indefinitely postponed. The motion prevailed.

#### REPORTS OF STANDING COMMITTEES

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 74, A bill for an act relating to notaries public; increasing the fees they may charge; amending Minnesota Statutes 1982, section 357.17.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 77, A bill for an act relating to horse racing; creating a Minnesota racing commission and providing for its membership, powers, and duties; authorizing the licensing of persons

to operate racetracks, conduct horse racing, engage in certain occupations and conduct pari-mutuel betting on horse racing; prescribing taxes and license fees; establishing a Minnesota breeders fund; providing penalties; appropriating money; amending Minnesota Statutes 1982, sections 38.04; 273.76, by adding a subdivision; 609.75, subdivision 3; and 609.761; proposing new law coded as Minnesota Statutes, chapter 240.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 86, A bill for an act relating to veterans; providing funds for the Vietnam era veterans downpayment assistance program administered by the Minnesota housing finance agency; 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.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 88, A bill for an act relating to retirement; repealing obsolete investment language applicable to third and fourth class city police relief associations; repealing Minnesota Statutes 1982, sections 423.389 and 423.60.

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. 132, A bill for an act relating to state lands; authorizing the sale and conveyance of a certain tract of tax-forfeited land by Sherburne County.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [CONVEYANCE OF TAX-FORFEITED LAND IN SHERBURNE COUNTY.]**

*Notwithstanding the provisions of section 282.018, or any other contrary provision of chapter 282, Sherburne county, with the approval of the commissioner of natural resources, may sell, at public or private sale, and at the appraised value, a lakeshore lot described as: Lot 40, Block 1, Second Fremont Lake Shores Addition to the City of Zimmerman. The property shall be appraised as provided in chapter 282, and if sold at public sale, shall be sold and conveyed as provided in that chapter. If sold at private sale, the property shall be sold and conveyed as far as practicable as provided in chapter 282.*

**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.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 189, A bill for an act relating to energy; requiring certain conservation investments by regulated utilities; amending Minnesota Statutes 1982, sections 116J.09; 116J.18, subdivision 1a; 216A.07, subdivision 3; 216B.03; 216B.16, subdivision 1; and 216B.241, subdivisions 1, 2, and 3.

Reported the same back with the following amendments:

Page 2, line 32, delete "; and" and insert "."

Page 2, line 33, delete "(m)" and insert "Further, the commissioner"

Page 5, line 11, after "biomass" insert "providing such device or method conforms with national or state performance and quality standards whenever applicable"

Page 5, line 31, delete the new language and restore the old language.

Page 6, line 7, delete the new language and restore the old language

Page 6, line 12, delete "Notwithstanding the"



Page 6, line 13, delete "above,"; after "shall" insert "nevertheless"; delete "all" and insert "every"; delete "utilities" and insert "utility"

Page 6, line 14, delete "annually expend"

Page 6, delete lines 15 to 18

Page 6, line 19, delete "live in multi-family housing" and insert "operate one or more programs, under periodic review by the commission, which make significant investments in and expenditures for energy conservation improvements. The commission shall give special consideration to the needs of renters and low income families and individuals. Provisions of the previous sentences shall expire on January 1, 1993"

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. 213, A bill for an act relating to the city of St. Paul; providing for the reinstatement of St. Paul policeman's pension fund benefits in certain circumstances.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Laws 1955, chapter 151, section 13; as amended by Laws 1963, chapter 271, section 7; Laws 1971, chapter 549, section 2; and Laws 1980, chapter 600, section 14, is amended to read:

Sec. 13. The association shall pay a pension to the surviving spouse or any child under 18 years of age of any pensioned and retired member, or to the surviving spouse or any child under 18 years of age of any member who dies while in the service of the city police department, or to the surviving spouse or any child under 18 years of age of any member who, after being a member of the city police department for not less than 20 years, severs his or her connection with the department, and dies before attaining the age of 50 years. The association shall pay to any such surviving spouse a pension of 20 units per month. The association shall pay to any such child under 18 years of age a pension of five units per month until the child attains the age of 18 years, provided, however, that if such child is married at the time of the death of the member or marries or becomes legally adopted after the death of the member, the child shall

not be entitled to such benefits. If the surviving spouse and children reside together, the pension payable to the children shall be paid to the surviving spouse and shall be used for the support of the children. If a surviving spouse remarries, the pension immediately ceases and the association shall not make any further pension payments; *provided further that if the remarriage terminates for any reason, the surviving spouse, whose benefit terminated solely because of remarriage, shall be entitled upon reapplication to a surviving spouse's benefit; provided, however, that this person shall not be entitled to retroactive payments for any period of time prior to the effective date of this act or reapplication, whichever is later.* For purposes of this section, all provisions governing a child under 18 shall be extended to include a full time student under the age of 23.

**Sec. 2. [EFFECTIVE DATE.]**

*Section 1 is effective the day after compliance with section 645.021, subdivision 3, by the governing body of the city of St. Paul."*

Amend the title as follows:

Page 1, line 4, after "circumstances" insert "; amending Laws 1955, chapter 151, section 13, as amended"

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. 231, A bill for an act relating to motor vehicles; increasing the time allowed to complete certain activities involving motor vehicle transfers to 21 days; amending Minnesota Statutes 1982, sections 168.092, subdivision 1; 168.101, subdivision 2; 168.15; 168.30; 168.31, subdivision 3; and 168A.30, subdivision 2.

Reported the same back with the following amendments:

Pages 1 to 5, delete sections 2 to 6

Amend the title as follows:

Page 1, line 5, delete "sections" and insert "section" and delete the semicolon and insert a period

Page 1, delete lines 6 and 7

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. 257, A bill for an act relating to motor vehicles; providing for special license plates for certain motor vehicles owned by certain members of the Minnesota national guard; imposing fees; appropriating money; amending Minnesota Statutes 1982, section 168.12, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 16, delete "*motorcycle, recreational vehicle,*"

Page 2, line 25, insert "*50,000*" in the blank

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. 277, A bill for an act relating to the city of Virginia; authorizing increases in service pensions and survivor benefits for certain retired members and survivors of the Virginia fire-fighter's relief association.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 282, A bill for an act relating to Independent School District No. 466; permitting the sale of certain land subject to agreed conditions.

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. 396, A bill for an act relating to retirement; authorizing benefit increases for retired Eveleth police officers, firefighters, and surviving spouses.

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. 397, A bill for an act relating to economic development; creating the foreign trade agency to promote state economic growth; creating the Minnesota export agency and the export information office; appropriating money; and proposing new law coded in Minnesota Statutes, chapter 45.

Reported the same back with the following amendments:

Delete everthing after the enacting clause and insert:

**"Section 1. [FINDINGS.]**

*The legislature of the state of Minnesota finds that there is a potential for state economic growth in the area of international trading of Minnesota goods and services; that in particular small- and medium-sized export companies need financial assistance and marketing information; that it is in the best interests of the state and within the public purpose that the state take a more active part in developing and assisting export trade; and that for the state to become involved in foreign trade will stimulate the state economy and provide needed employment for persons in Minnesota.*

**Sec. 2. [45.20] [DEFINITIONS.]**

*Subdivision 1. [SCOPE.] For the purposes of sections 1 to 6 the following terms have the meanings given them.*

*Subd. 2. [AGENCY.] "Agency" means the Minnesota export agency.*

*Subd. 3. [OFFICE.] "Office" means the export information office.*

Subd. 4. [PRE-EXPORT.] *"Pre-export" means that period of time between the formation of a sale and the actual shipment of the goods.*

Sec. 3. [45.21] [FOREIGN TRADE AGENCY.]

Subdivision 1. [CREATION; PURPOSE.] *There is created the state foreign trade agency within the department of commerce. Its purpose is to promote state economic development by encouraging and supporting small- and medium-sized exporting companies in their efforts to export goods and services. There shall be two divisions in the foreign trade agency known as the export information office and the Minnesota export finance authority.*

Sec. 4. [45.22] [EXECUTIVE DIRECTOR; STAFF.]

Subdivision 1. [APPOINTMENT.] *The governor shall appoint an executive director of the foreign trade agency. The executive director shall be knowledgeable and responsive to both public and private sector concerns relating to foreign trade and economic development. The executive director shall provide staff who shall serve in the classified service of the state civil service and who shall be assigned to work for the foreign trade agency on a continuing basis. The foreign trade agency may request staff support from all other agencies of state government as needed for the execution of its responsibilities. The executive director may hire consultants as needed who shall serve at his or her pleasure in the unclassified service of the state civil service. Other matters relating to the executive director are governed by section 15.06.*

Subd. 2. [DUTIES.] *The executive director shall administer the foreign trade agency. In addition to other duties delegated by the commissioner of the department of commerce, the executive director shall:*

(1) *assist public and private universities or colleges to develop undergraduate or graduate level education programs to train persons in the knowledge of export trading;*

(2) *coordinate the current international trading activities of various state and local agencies and organizations; and*

(3) *to the extent possible, be supportive to the states tourism promotion efforts.*

Sec. 5. [45.23] [EXPORT INFORMATION OFFICE.]

Subdivision 1. [PURPOSE; DUTIES.] *The export information office of the foreign trade agency shall:*

(1) create a world-wide foreign communication network to coordinate foreign trade information and activities;

(2) compile foreign trade information available from among other places the United States department of commerce and private sources and produce readily consumable marketing information;

(3) create a program to assess the potential of international investment in Minnesota and promote international investment which results in the infusion of new capital and the creation of new jobs to the benefit of the state;

(4) disseminate to Minnesota businesses, upon direction of the advisory board, collected market information that relates to potential exporting, and to export trading companies, export management companies, and other interested persons; and

(5) prepare a list of firms that provide export support services and disseminate the list to potential exporters to assist their endeavors.

Subd. 2. [ADVISORY BOARD.] (a) The governor shall appoint an advisory board to establish policy and program goals for the office. The board shall ensure that the two functions of the information division, data collection, and marketing outreach, are adequately performed.

(b) There shall be 15 members of the advisory board appointed by the governor with the advice and consent of the senate. The board shall include the director of the office and board members from the following areas and in the following numbers:

(1) two members from export trading or management companies;

(2) one member with international finance experience;

(3) four members from small- or medium-sized manufacturing processing companies;

(4) one member with international transportation experience;

(5) two members from state government;

(6) two members with knowledge of international law; and

(7) two members from an agriculture promotion council.

*Terms, compensation, and removal of board members are governed by section 15.059.*

*Subd. 3. [DIRECTOR.] The governor shall appoint a director of the export information office. Matters relating to the director that are not specifically addressed in this section are governed by section 15.06.*

**Sec. 6. [45.24] [MINNESOTA EXPORT FINANCE AUTHORITY.]**

*Subdivision 1. [CREATION; PURPOSE.] The Minnesota export finance authority is created to aid and facilitate the financing of exports from the state of Minnesota. The finance authority powers shall be used exclusively to meet the pre-export credit needs of Minnesota exporters.*

*Subd. 2. [POWERS.] The Minnesota export finance authority has the power and authority to perform the following functions and may:*

*(1) insure, co-insure, and guarantee against commercial pre-export credit risks;*

*(2) sue and be sued;*

*(3) enter into agreements and transactions with any person, partnership, or corporation, both foreign and domestic, state, federal, and foreign governments and governmental agencies;*

*(4) acquire and hold personal and real property pursuant to the provisions of insurance and the granting of guarantees;*

*(5) pledge and appropriate collateral;*

*(6) charge premiums, interest, and fees;*

*(7) provide administrative, consultive, and technical services to assist in the financing of exports;*

*(8) prepare and receive reports regarding credit, insurance, and guarantees with respect to export finance;*

*(9) perform all necessary and appropriate operations, administration, processing, and marketing functions related to the authority's functions; and*

*(10) promulgate such rules and regulations as are necessary to carry out responsibilities under this act.*

*Subd. 3. [CAPITAL.] The Minnesota export finance authority shall have working capital in the amount of \$2,000,000 appropriated by the state from the general fund.*

*Subd. 4. [PRESIDENT AND BOARD OF DIRECTORS.] The governor shall appoint, upon the advice and consent of the senate, a president of the finance authority. The governor shall also appoint six members to the authority's board of directors. The six members shall be as follows: three members with experience in international finance; two private exporters; and one attorney with experience in international law. The president of the finance authority shall also serve on the board. Members of the board shall be compensated at the rate of \$100 per day spent on board activities, when authorized by the board, plus expenses in the same manner and amount as authorized by the commissioner's plan adopted pursuant to section 43A.18, subdivision 2. Membership terms and removals are governed by section 15.0575. Board members shall perform their duties in a nonself-serving manner and in compliance with section 10A.07.*

*Subd. 5. [ANNUAL REPORT.] The president and board of directors shall submit to the governor an annual report on the activities of the finance authority.*

*Subd. 6. [LIABILITY LIMITATION.] The Minnesota export finance authority may not have at any one time net liabilities greater than four times its capital and reserves.*

*Subd. 7. [INSURANCE AND GUARANTEES.] The Minnesota export finance authority may provide insurance and guarantees to the following extent:*

*(1) the finance authority may not provide to any one person insurance or guarantees in excess of \$250,000;*

*(2) the policy of the agency is to provide insurance and guarantees for export credits that would otherwise not be made and that the president and the board deem to represent a reasonable risk and have a sufficient likelihood of repayment;*

*(3) the finance authority shall contract with, among others, the Foreign Credit Insurance Association, the U.S. Export-Import Bank, and private insurers to secure reinsurance for country and commercial risks for the finance authority's insurance program;*

*(4) losses incurred by the finance authority that relate to its insurance or guarantee activities shall be solely borne by the finance authority to the extent of its capital and reserves.*

**Sec. 7. [APPROPRIATION.]**



*The sum of \$ . . . . . is appropriated from the general fund to the foreign trade agency for the purpose of fulfilling the duties described in . . . . . This appropriation remains available until expended.*

Sec. 8. [EFFECTIVE DATE.]

*Sections 1 to 6 are effective . . . . ."*

Amend the title:

Page 1, line 4, delete "agency" and insert "finance authority"

With the recommendation that when so amended the bill pass 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. 455, A bill for an act relating to the operation of state government; creating the department of business and commerce; providing for appointment of a commissioner of business and commerce; prescribing his powers and duties; transferring certain powers and duties from the commissioners of administration, banks, energy, planning and development, insurance, securities and real estate, and the director of the office of consumer services, to the commissioner of business and commerce; transferring certain powers and duties from the chairman of the commerce commission to the commissioner of business and commerce; transferring certain powers and duties from the director of the office of consumer services to the commissioners of business and commerce and health and the attorney general; eliminating certain positions and divisions in the department of commerce; amending Minnesota Statutes 1982, sections 15.06, subdivision 1; 15A.081, subdivision 1; 43A.08, subdivision 1a; 45.034; 45.04; 45.05; 45.06; 45.07; 45.071, subdivision 2; 45.08, subdivision 3, and by adding a subdivision; 45.17, subdivisions 1, 2, 3, 4, 5, 6, 7, and by adding a subdivision; 116J.03, subdivision 1; 116J.31; 144A.53, subdivision 4; 155A.03, by adding a subdivision; 155A.05; 155A.18; 214.04, subdivision 1; 214.14, subdivision 1; 325E.09, subdivision 4a; 325F.09; 325F.11; proposing new law coded in Minnesota Statutes, chapters 45; and 116J.57; repealing Minnesota Statutes 1982, sections 45.01; 45.02; 45.021; 45.03; 45.031; 45.032; 45.033; 45.15; 45.16; 155A.03, subdivision 10; and 155A.17.

Reported the same back with the following amendments:

Page 11, line 6, strike "BOARD" and insert "TASK FORCE"; strike "There is" and insert "The attorney general may appoint"

Page 11, line 7, strike "created the board of" and insert "a"; after "consumers" insert "task force"

Page 11, line 8, after "(SHALL)" insert "may"

Page 11, line 18, strike "board" and insert "task force"; strike "voting"

Page 11, line 19, strike "governor" and insert "attorney general"

Page 11, line 23, strike "governor" and insert "attorney general"

Page 11, line 26, strike "board" and insert "task force"

Page 11, line 28, strike "board" and insert "task force"

Page 11, line 31, strike "15.0575" and insert "15.059"

Page 11, lines 32 to 36, delete all new language and strike all old language

Page 12, strike line 1

Page 12, line 2, strike "section."

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. 458, A bill for an act relating to health; adding a factor for determining whether to regulate a human services occupation; requiring a surcharge on health related licensing board licenses; changing health related licensing board rule review authority; allowing certain practices under rule authority; changing the composition of the human services occupations advisory council; appropriating money; amending Minnesota Statutes 1982, sections 214.001, subdivision 2; 214.06, subdivision 1; 214.13, subdivisions 2 and 3; and 214.14, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 214.001, subdivision 2, is amended to read:

Subd. 2. The legislature declares that no regulation shall hereafter be imposed upon any occupation unless required for the safety and well being of the citizens of the state. In evaluating whether an occupation shall hereafter be regulated, the following factors shall be considered:

(a) Whether the unregulated practice of an occupation may harm or endanger the health, safety and welfare of citizens of the state and whether the potential for harm is recognizable and not remote;

(b) Whether the practice of an occupation requires specialized skill or training and whether the public needs and will benefit by assurances of initial and continuing occupational ability; (AND)

(c) Whether the citizens of this state are or may be effectively protected by other means; and

(d) *Whether the overall cost effectiveness and economic impact would be positive for citizens of the state.*

Sec. 2. Minnesota Statutes 1982, section 214.06, subdivision 1, is amended to read:

Subdivision 1. (NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE COMMISSIONER OF HEALTH AS AUTHORIZED BY SECTION 214.13, ALL HEALTH RELATED LICENSING BOARDS AND ALL NON-HEALTH RELATED LICENSING BOARDS SHALL BY RULE, WITH THE APPROVAL OF THE COMMISSIONER OF FINANCE, ADJUST ANY FEE WHICH THE BOARD IS EMPOWERED TO ASSESS A SUFFICIENT AMOUNT SO THAT THE TOTAL FEES COLLECTED BY EACH BOARD WILL AS CLOSELY AS POSSIBLE EQUAL ANTICIPATED EXPENDITURES DURING THE FISCAL BIENNIUM, INCLUDING THE PORTION OF THE GENERAL SUPPORT COSTS AND STATEWIDE INDIRECT COSTS OF THE DEPARTMENT PROVIDING ADMINISTRATIVE SUPPORT SERVICES TO THE BOARD THAT IS ATTRIBUTABLE TO THE BOARD. EXAMINATION FEES, IF ANY, SHALL BE SET BY RULE SO THAT THE TOTAL AMOUNT OF ANNUAL EXAMINATION FEE INCOME APPROXIMATELY MEETS THE ANTICIPATED COST OF ADMINISTERING THE EXAMINATIONS DURING THE FISCAL BIENNIUM. FEE ADJUSTMENTS AUTHORIZED UNDER THIS SUBDIVISION MAY BE MADE WITHOUT A PUBLIC HEARING WHEN THE TOTAL FEES ESTIMATED TO BE RECEIVED DURING THE BIENNIUM WILL NOT EXCEED 110 PERCENT OF THE SUM OF ALL DIRECT APPROPRIATIONS,

TRANSFERS IN, AND SALARY SUPPLEMENTS TO THE BOARD FOR THE BIENNIUM. ALL FEES RECEIVED SHALL BE DEPOSITED WITH THE STATE TREASURER AND CREDITED TO THE GENERAL FUND) *Notwithstanding any law to the contrary, the commissioner of health, for occupations registered pursuant to section 214.13, all health related licensing boards and all nonhealth related licensing boards shall, by rule and in accordance with this subdivision, set and adjust fees which they are authorized to assess. These fees must be set and adjusted so that the total amounts collected by the commissioner and each board will, as closely as possible, equal the relevant anticipated biennial expenditures of each, including the relevant portions of general support costs and statewide indirect costs of any department which provides administrative support services to the commissioner or board. The total amounts collected by the commissioner and each health related licensing board must also include an amount set by the commissioner as representing the commissioner's or board's percentage of the total anticipated biennial occupational registration and health related licensing board expenditures as applied to the total anticipated biennial expenditures associated with the commissioner's discharge of the relevant responsibilities of sections 214.13 and 214.14. The total amount collected from each health related licensing board and each occupation registered pursuant to section 214.13 for the purposes of the commissioner's responsibilities in sections 214.13 and 214.14 shall not exceed five percent of each board's and registered occupation's total anticipated biennial expenditures. Any examination fees must be set and adjusted so that the relevant total amount collected will, as closely as possible, equal the anticipated biennial expenditures associated with administering examinations. The setting or adjusting of any fee under this subdivision is exempt from the definition of "rule" in section 14.02, subdivision 4, when the resulting total receipts of the commissioner or board will not exceed 110 percent of the sum of all relevant biennial direct appropriations, transfers, and salary supplements. These fees must be reviewed at least once every six months, and any new fees or adjustments must be approved by the commissioner of finance prior to adoption. All fees received must be deposited with the state treasurer and credited to the general fund.*

Sec. 3. Minnesota Statutes 1982, section 214.13, subdivision 1, is amended to read:

Subdivision 1. The commissioner of health shall promote the recognition of human services occupations useful in the effective delivery of human services. The commissioner shall coordinate the development of a credentials policy among the health related licensing boards consistent with section 214.001. The commissioner shall, consistent with section 214.001, establish procedures for the identification of human services occupations not now credentialed by the state, recommend appropriate regulatory modes, and promulgate by rule standards and procedures

relating to the credentialing of persons practicing in the affected occupations. *At the time of submission of a letter of intent to enter the credentialing process, an occupational applicant group shall pay a fee of \$1,000 to the commissioner. The fee is non-refundable and must be deposited with the state treasurer and credited to the general fund. The commissioner may require an occupational applicant group to submit information relating to, and to recommend and justify regulatory modes and standards consistent with, the provisions of section 214.001. If the commissioner determines that credentialing of an occupation is appropriate, the commissioner is empowered only to register the occupation. Before promulgating any rules resulting in registration for an occupation the commissioner shall consult with state boards or agencies charged with regulating similar occupations in order to define the scope and range of practice for the registered occupation and the degree of supervision required. As used in this section and section 214.14 registration shall be defined as in section 214.001, subdivision 3, clause (c).*

Sec. 4. Minnesota Statutes 1982, section 214.13, subdivision 2, is amended to read:

Subd. 2. Before promulgating any rules regulating a specific occupation under this section, the commissioner shall determine whether a substantial number of persons in that occupation will be employed by an employer who is regulated by or funded through another state agency. If the commissioner so determines, then he must submit the proposed rules to the head or governing board of that agency for review and (APPROVAL) *comment*. The agency shall review the rules to insure compliance with laws which are administered or enforced by that agency. (THE RULES MUST HAVE RECEIVED THE APPROVAL OF THAT AGENCY BEFORE PROMULGATION) *Agency comment shall be forwarded to the commissioner within 90 days of receiving the proposed rules.*

Sec. 5. Minnesota Statutes 1982, section 214.13, subdivision 3, is amended to read:

Subd. 3. Rules promulgated by the commissioner pursuant to subdivision 1 may include procedures and standards relating to the registration requirement, the scope of authorized practice, fees, supervision required, continuing education, career progression and disciplinary matters. These rules shall not be in conflict with provisions of chapter 214 and Laws 1976, Chapter 222, Sections 1 to 7. *Notwithstanding any law to the contrary, persons practicing under the authority of the rules promulgated by the commissioner shall not, for a period of four years after the effective date of the rules, be subject to any action by a health related licensing board for violation of the board's laws or rules provided the person's practice or conduct is authorized by the rules promulgated by the commissioner. Three years after the effective date of the commissioner's rules, the commissioner shall make*

*a report to the legislature on the usefulness of the new occupational group, any problems encountered in administering the regulation of the group, and any necessary statutory changes recommended to continue, discontinue, or modify the regulation of the group.*

Sec. 6. Minnesota Statutes 1982, section 214.13, subdivision 4, is amended to read:

Subd. 4. The commissioner of health shall wherever possible delegate the administration of regulation activities to a health related licensing board with the concurrence of that board. If the commissioner of health delegates this function, the licensing board (SHALL) *may* regularly bill the commissioner of health for the cost of performing this function *or the licensing board may directly set and charge fees in accordance with the provisions of section 214.06.* The commissioner of health may establish an advisory council to advise him or the appropriate health related licensing board on matters relating to the registration and regulation of an occupation. A council shall have seven members appointed by the commissioner of which five are members of the registered occupation or related registered or licensed occupations, and two are public members. A council shall expire, and the terms, compensation and removal of members shall be as provided in section 15.059.

Sec. 7. Minnesota Statutes 1982, section 214.13, subdivision 5, is amended to read:

Subd. 5. The commissioner of health shall exercise care to prevent the proliferation of unessential registered human services occupations. If in evaluating a currently unregistered occupation the commissioner determines that registration of the occupation is not appropriate, but that implementation of another mode as set forth in section 214.001, subdivision 3, is appropriate the commissioner shall promptly so report to the legislature. *For a period of two years after a determination by the commissioner as to the appropriate regulatory mode, if any, for an occupational applicant group, the same or substantially equivalent group may not submit a letter of intent to enter the credentialing process, unless invited to do so by the commissioner.*

Sec. 8. Minnesota Statutes 1982, section 214.14, subdivision 1, is amended to read:

Subdivision 1. There is established a human services occupations advisory council to assist the commissioner of health in formulating policies and rules pursuant to section 214.13. The commissioner shall determine the duties of the council (,) *and shall establish procedures for the proper functioning of the council including, but not limited to the following: the method of*

selection of membership, the selection of a committee chairman and methods of communicating recommendations and advice to the commissioner for his consideration. (EACH OF THE HEALTH RELATED LICENSING BOARDS, THE STATE EXAMINING COMMITTEE FOR PHYSICAL THERAPISTS, THE CONSUMER SERVICES SECTION OF THE DEPARTMENT OF COMMERCE, THE STATE COMPREHENSIVE HEALTH PLANNING ADVISORY COUNCIL AND THE HIGHER EDUCATION COORDINATING BOARD SHALL HAVE A REPRESENTATIVE SELECTED BY THE BOARDS OR SECTION. THE GOVERNOR SHALL APPOINT THE REMAINING MEMBERS WHO SHALL NOT EXCEED 11 AND SHALL INCLUDE SIX PERSONS BROADLY REPRESENTATIVE OF HUMAN SERVICES, PARTICULARLY HUMAN SERVICES PROFESSIONS NOT PRESENTLY CREDENTIALLED PURSUANT TO EXISTING LAW, AND FIVE PUBLIC MEMBERS.) *The council shall consist of no more than 15 members. Thirteen members shall be appointed by the governor, one of whom the governor shall designate as chairman. Four members shall represent currently licensed or registered human services occupations, two members shall represent human services occupations which are not currently regulated, two members shall represent licensed health care facilities which can include a health maintenance organization as defined in section 62D.02, one member shall represent the higher education coordinating board, one member shall represent the statewide health planning agency, one member shall represent a third party payer of health care costs, and two members shall be public members as defined by section 214.02. The (COMMITTEE) council shall expire and the terms of the appointed members and the compensation and removal of all members shall be as provided in section 15.059.*

*The commissioner may appoint two temporary voting members whose terms would not exceed 12 months. In order to systematically involve those who would be most directly affected by a decision to credential a particular applicant group, and who are not represented already on the advisory council, the commissioner may appoint a representative or representatives from the licensed or registered human services occupations or from the state agencies to serve as temporary voting members. Temporary voting members shall be added to the board for the purposes of study and recommendation of appropriate regulatory modes. Compensation and removal shall be as provided in section 15.059.*

#### Sec. 9. [APPROPRIATION.]

*The sum of \$ . . . . . is appropriated from the general fund to the commissioner of health for the purposes of administering sections 1 to 8. This appropriation is available until expended.*

#### Sec. 10. [EFFECTIVE DATE.]

*This act is effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to health; adding a factor for determining whether to regulate a human services occupation; requiring a surcharge on health related licensing board licenses; changing health related licensing board rule review authority; allowing certain practices under rule authority; changing the composition of the human services occupations advisory council; appropriating money; amending Minnesota Statutes 1982, sections 214.001, subdivision 2; 214.06, subdivision 1; 214.13, subdivisions 1, 2, 3, 4, and 5; and 214.14, 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.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 482, A bill for an act relating to open meetings; requiring availability of certain materials; prescribing penalties; amending Minnesota Statutes 1982, section 471.705, subdivision 2; and by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 12, after "are" insert "*prepared or distributed by or at the direction of the governing body or its employees and which are*"

Page 1, line 20, delete the second "not" and insert "*other than*"

Page 1, line 21, after "public" insert "*, or to materials relating to the agenda items of a closed meeting held in accordance with the procedures in subdivision 1a or other law permitting the closing of meetings*"

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. 497, A bill for an act relating to public welfare; allowing the state to require an advance from the county agency for the county share of medical assistance and general assistance medical care; amending Minnesota Statutes 1982, sections



256B.041, subdivisions 2 and 5; and 256D.03, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 6, delete "*that succeeding*" and insert "*each*"

Page 2, line 19, delete "*the day following final enactment*" and insert "*January 1, 1984*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations:

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 511, A bill for an act relating to labor; creating an exemption to the minimum wage overtime provisions for silo builders; amending Minnesota Statutes 1982, section 177.25, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 11, after "*of*" insert "*on-*"

Page 1, line 11, after "*silos*" insert "*or the installation of pertinent equipment*"

Page 1, after line 15 insert:

"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. 531, A bill for an act relating to motor vehicles; authorizing the issuance of personalized license plates for motorcycles; amending Minnesota Statutes 1982, section 168.12, subdivision 2a.

Reported the same back with the following amendments:

Page 2, line 11, after the word "vehicle" insert "*authorized to use a license plate of similar size,*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 552, A bill for an act relating to elections; recodifying the municipal elections law; amending Minnesota Statutes 1982, sections 205.02; 205.07, subdivision 1; 205.10; 205.13; 205.16; 205.17; 205.20; and 205.84; proposing new law coded in Minnesota Statutes, chapter 205; repealing Minnesota Statutes 1982, sections 205.03; 205.04; 205.11; 205.14; 205.15; 205.19; and 205.21.

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. 553, A bill for an act relating to elections; changing certain election procedures, requirements, and time limits; amending Minnesota Statutes 1982, sections 201.071, subdivision 1; 203B.02, subdivision 1; 203B.04, subdivision 1; 203B.21, subdivisions 1 and 2; 204B.12, subdivision 1; 204B.19, subdivision 1; 204B.21, subdivision 1; 204B.27, subdivision 1; 204B.34, subdivision 1; 204B.35, subdivision 4; 204C.32, subdivision 2; 204C.33, subdivision 2; 204D.06; 204D.11, subdivisions 1 and 5; 204D.14; 204D.15, subdivision 2; 205.03, subdivisions 1 and 3; repealing Minnesota Statutes 1982, sections 201.091, subdivision 6; and 204B.12, subdivision 2.

Reported the same back with the following amendments:

Page 2, line 4, delete "*(year optional)*"

Page 3, delete lines 9 to 17

Page 5, after line 32, insert:

"Sec. 11. Minnesota Statutes 1982, section 204C.03, is amended by adding a subdivision to read:

*Subd. 4. [STATE GOVERNMENT.] No state agency, board, commission, department, or committee shall conduct a public meeting on the day of the state primary or general election.*

Sec. 12. Minnesota Statutes 1982, section 204C.05, subdivision 1, is amended to read:

Subdivision 1. [OPENING AND CLOSING TIMES.] Except as otherwise provided in this section, at the state primary and the state general election the hours for voting in every precinct in the state shall begin at 7:00 a.m. and shall extend continuously until 8:00 p.m. (BY RESOLUTION ADOPTED 30 DAYS BEFORE THE STATE PRIMARY OR STATE GENERAL ELECTION, THE GOVERNING BODY OF A MUNICIPALITY OF LESS THAN 1,000 INHABITANTS, LOCATED ENTIRELY OUTSIDE THE METROPOLITAN AREA AS DEFINED IN SECTION 473.121, SUBDIVISION 2, MAY FIX A LATER TIME FOR VOTING TO BEGIN. IF A LATER TIME IS ESTABLISHED, IT SHALL NOT BE LATER THAN 9:00 A.M. FOR THE STATE GENERAL ELECTION, NOR LATER THAN 5:00 P.M. FOR A STATE PRIMARY. A RESOLUTION ADOPTED PURSUANT TO THIS SUBDIVISION SHALL BE EFFECTIVE FOR ALL ENSUING STATE PRIMARIES OR STATE GENERAL ELECTIONS UNTIL REVOKED.)"

Page 7, line 17, strike "[UNCONTESTED OFFICES.] Non-partisan" and insert "[ORDER OF OFFICES.] *The offices of justice and chief justice of the supreme court and judge of the court of appeals shall precede all other offices on the canary ballot with contested offices appearing before offices for which there is only one candidate. All other*"

Page 7, line 18, after "all" insert "other"

Page 8, after line 17, insert:

"Sec. 22. Minnesota Statutes 1982, section 209.02, subdivision 4, is amended to read:

Subd. 4. [NOTICE OF CONTEST, HOW SERVED.] Service of the notice of contest shall be made in the same manner as provided for the service of summons in civil actions. In all cases (TWO COPIES) *one copy* of the notice shall be furnished the official authorized to issue the certificate of election at the time of service upon him, and (THE OFFICIAL SHALL SEND) one copy (THEREOF) *shall be sent* by certified mail to the contestee at his last known address. (IF THE SHERIFF IS UNABLE TO MAKE PERSONAL OR SUBSTITUTED SERVICE UPON THE CONTESTEE, THEN THE AFFIDAVIT OF THE SHERIFF TO THAT EFFECT AND THE AFFIDAVIT OF THE OFFICIAL AUTHORIZED TO ISSUE THE CER-

TIFICATE OF ELECTION THAT HE SENT A COPY TO THE CONTESTEE BY CERTIFIED MAIL TO HIS LAST KNOWN ADDRESS SHALL BE SUFFICIENT TO CONFER JURISDICTION UPON THE PROPER COURT TO HEAR AND DETERMINE THE CONTEST.)”

Page 8, line 19, delete “*subdivision*” and insert “*subdivisions*”

Page 8, line 19, after “6” insert “and 7”

Page 8, line 20, delete “and”

Page 8, line 20, after “*subdivision 2*” insert “; and 204B.36, *subdivision 5*”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete “*subdivisions 1 and*” and insert “*subdivision*”

Page 1, line 9, after the first semicolon insert “204C.03, by adding a subdivision; 204C.05, subdivision 1;”

Page 1, line 12, after the semicolon insert “and 209.02, subdivision 4;”

Page 1, line 13, delete “*subdivision 6*” and insert “*subdivisions 6 and 7*”

Page 1, line 13, after the semicolon delete “and”

Page 1, line 14, after “*subdivision 2*” insert “; and 204B.36, *subdivision 5*”

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. 555, A bill for an act relating to agriculture; providing for the promotion of Minnesota agricultural products; appropriating money; amending Minnesota Statutes 1982, section 17.101.

Reported the same back with the following amendments:

Page 2, line 5, delete “*ethehol*” and insert “*ethanol*”

Page 2, line 13, delete "*In addition to*"

Page 2, delete lines 14 and 15

Page 2, line 16, delete "*organizations*" and insert "*In order to carry out the duties in subdivision 1, the commissioner, in addition to whatever other resources the department may commit, shall make grants and enter into contracts to fulfill the obligations of subdivision 1. The commissioner may contract with, among others, agricultural commodity organizations and agriculture related businesses to fulfill the duties*"

Page 2, line 26, delete "60" and insert "75"

Page 2, line 27, before "No" insert "*In any biennium,*"

Page 3, lines 4 and 15, insert "1,600,000" in the blank spaces

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. 564, A bill for an act relating to the state board of investment; modifying the procedures for purchase and sale of securities; expanding and regulating the membership of the investment advisory council; abolishing certain restrictions on stock investments; modifying procedures for the mortality adjustments for the post-retirement investment fund; authorizing additional investment alternatives; amending Minnesota Statutes 1982, sections 11A.07, subdivision 4; 11A.08, subdivision 1, as amended; 11A.17, subdivision 4; 11A.18, subdivisions 5, 9, and 11; 11A.24, subdivisions 1, 5, and 6.

Reported the same back with the following amendments:

Page 2, line 7, after "bids" insert "."

Page 2, line 14, before "*subject*" insert "*The policy is*"

Amend the title as follows:

Page 1, line 4, delete "expanding and regulating" 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. 572, A bill for an act relating to economic development; creating the office of tourism; appropriating money; amending Minnesota Statutes 1982, sections 116J.58, subdivisions 2 and 3; 116J.59; 116J.60; 116J.61; and 116J.63.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [4.50] [OFFICE OF TOURISM.]

*Subdivision 1. [CREATION; PURPOSE.] To more effectively market, advertise, coordinate, and promote the tourism industry in the state of Minnesota, there is created the office of tourism.*

*Subd. 2. [POLICY AND ADMINISTRATION OF OFFICE.] The governor may, by executive order, assign the office of tourism to any part of the executive branch which in his or her judgment is best able to foster the development of tourism in Minnesota. That part of the executive branch assigned the office of tourism shall be responsible for policy, direction, and general administration of the office.*

*Subd. 3. [DEFINITIONS.] For the purpose of sections 1 to 8, the following terms have the meanings given them.*

(a) "Director" means the director of tourism.

(b) "Office" means the office of tourism.

Sec. 2. [TRANSFER OF ACTIVITIES AND POWERS.]

(a) *Notwithstanding any law to the contrary, the commissioners of the departments of administration, finance, and employee relations shall identify all activities, personnel, and funds directly associated with the promotion and marketing of tourism in various state departments, agencies, and offices. The commissioner of administration shall recommend the transfer of these identified activities, personnel, and funds to the legislature by January 1, 1984.*

(b) *The director of the office of tourism is the successor to the tourism division of the department of energy, planning and development. All powers, duties, and functions heretofore vested in or imposed on the department of energy, planning and development or the commissioner of energy, planning and development that relate to the promotion and development of tourism*

*in the state are transferred, vested in, and imposed on the office and director of tourism pursuant to section 15.039.*

Sec. 3. [4.51] [DIRECTOR.]

*Subdivision 1. [APPOINTMENT.] The office of tourism shall be under the supervision and control of a director of tourism who shall be appointed by the governor or his or her designee in the manner provided by section 15.06, and who shall serve in the unclassified service. The director may appoint a confidential secretary who shall be in the unclassified service.*

*Subd. 2. [POWERS AND DUTIES.] The director shall:*

*(1) publish, disseminate, and distribute informational and promotional literature;*

*(2) promote and encourage the expansion and development of international tourism marketing;*

*(3) advertise and disseminate information about travel opportunities in the state of Minnesota;*

*(4) aid various local communities to improve their tourism marketing programs;*

*(5) coordinate and implement a comprehensive state tourism marketing program that takes into consideration all public and private businesses and attractions;*

*(6) conduct market research and analysis to improve marketing techniques in the area of tourism;*

*(7) investigate and study conditions affecting Minnesota's tourism industry, collect and disseminate information, and engage in technical studies, scientific investigations, and statistical research and educational activities necessary or useful for the proper execution of the powers and duties of the director in promoting and developing Minnesota's tourism industry, both within and outside the state;*

*(8) apply for, accept, receive, and expend any funds for the promotion of tourism in Minnesota. All moneys received by the director under this subdivision shall be deposited in the state treasury and are appropriated to the director for the purposes for which the moneys have been received. The money shall not cancel and shall be available until expended; and*

*(9) plan and conduct information and publicity programs to attract tourists, visitors, and other interested persons from outside the state to this state; encourage and coordinate efforts of other public and private organizations or groups of citizens to*

*publicize facilities and attractions in this state; and work with representatives of the hospitality and tourism industry to carry out its programs.*

**Sec. 4. [4.52] [PROMOTIONAL CONTRACTS.]**

*In order to best carry out his or her duties and responsibilities and to serve the people of the state in the promotion of tourism, the director may engage in programs and projects jointly with a private person, firm, corporation, or association and may enter into contracts under terms to be mutually agreed upon to carry out the programs and projects, not including acquisition of land or buildings. Contracts may be negotiated and are not subject to the provisions of chapter 16, insofar as the provisions relate to competitive bidding.*

**Sec. 5. [4.53] [DIRECTOR MAY ENTER INTO PROJECT AGREEMENTS.]**

*The director may enter into project agreements with organizations or corporations for the purpose of developing tourism in the state. If in the judgment of the director a project will make a meaningful contribution to the tourism development of the state, he or she may enter into local or regional agreements.*

**Sec. 6. [4.54] [IMPREST FUNDS, USE.]**

*The director of tourism may use the money in the imprest fund of his or her office in order to facilitate and expedite its business particularly in the making of advances of money to officers and employees of the office for the purpose of defraying the expenses of travel, subsistence, and other similar expenses, and in meeting emergencies, and in accordance with requirements prescribed by the commissioner of finance. The imprest fund shall be reimbursed for all money advanced in the manner prescribed by the rules of the commissioner of administration.*

**Sec. 7. [4.55] [PROMOTIONAL EXPENSES.]**

*In the promotion of tourism for the state of Minnesota, the director of tourism may expend from money appropriated by the legislature for these purposes in the same manner as private persons, firms, corporations, and associations make expenditures for these purposes. For purpose of allotment, encumbrance, and disbursement all transactions for promotional purposes shall be coded under the commissioner of finance's object of expenditure code for advertising. The encumbrance shall be made on a miscellaneous encumbrance requisition. An expenditure for food, lodging, or travel is not to be governed by travel rules of the commissioner of administration.*



**Sec. 8. [4.56] [SALE OF PAMPHLETS AND PUBLICATIONS; FEES; ADVERTISING.]**

*Subdivision 1. [SALE.] The director may sell reports, publications, or related publicity or promotional material of the office that in his or her judgment should not be supplied gratis to those who wish to employ them in the conduct of their business.*

*Subd. 2. [FEES; DEPOSIT OF FEES.] The director shall recommend a schedule of fees pursuant to section 16A.128 to be charged for these materials and for services rendered by the office in furnishing them. The fees prescribed by the director shall be commensurate with the distribution objective of the office for the material produced or with the cost of furnishing the services. Fees for materials and services shall be deposited in the general fund.*

*Subd. 3. [ADVERTISING; REVENUE.] Office publications may contain advertising and may receive advertising revenue from profit and nonprofit organizations, associations, individuals, and corporations, and other state, federal, or local government agencies. Advertising revenues shall be deposited in the general fund. The director shall set advertising rates and fees commensurate with services rendered and distribution objectives.*

**Sec. 9. [APPROPRIATION.]**

*There is appropriated from the general fund in the state treasury to the director of the office of tourism the sum of \$11,797,400 for the biennium ending July 1, 1985, for the purposes of advertising and promotion. \$2,050,000 of this appropriation is allocated as follows:*

*\$100,000 for fiscal year 1984 and \$105,000 for fiscal year 1985 shall be provided to each of the six Minnesota tourism regions, for the purpose of purchasing media space and time and marketing specific geographic areas within each region. None of these funds shall be used for any type of administrative, salary, or overhead costs of the region. Ten percent of the total regional funding shall be withheld pending final audit each year to assure adherence to the goals of the program.*

*\$400,000 for fiscal year 1984 and \$420,000 for fiscal year 1985 shall be provided for state involvement in projects sponsored by nonprofit organizations including, but not limited to, chambers of commerce, historical societies, arts organizations, centennial commissions, and resort associations, with a maximum state involvement of \$10,000 in each project. Applicants are required to submit detailed marketing plans to accomplish their goals and are required to have specific evaluation criteria as part of their overall programs.*

*In order to promote tourism, trade, and cultural enrichment, the director shall arrange for the exhibition of art collections and historical displays from other nations in the state capitol and in other public buildings throughout the state of Minnesota. The director of tourism shall cooperate with the state historical society in implementing this cultural exchange program and may enter into any contracts or joint ventures which are necessary to achieve the objectives of this paragraph. Not more than \$100,000 may be expended from this appropriation for this purpose.*

Sec. 10. [EFFECTIVE DATE.]

*Sections 1 to 9 are effective July 1, 1983."*

Delete the title and insert:

"A bill for an act relating to economic development; creating the office of tourism; assigning powers and duties; appropriating money; proposing new law coded in Minnesota Statutes, chapter 4."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 581, A bill for an act relating to counties; providing for the formal extinction of certain abandoned interests in county highways; amending Minnesota Statutes 1982, section 163.11, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 23, before the period insert "*and with the local governing body of any organized township or municipality*"

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. 597, A bill for an act relating to retirement; adding a correctional employees plan member to the state retirement system board; consolidating and eliminating obsolete language;

amending Minnesota Statutes 1982; sections 352.03, subdivision 1; and 352B.29.

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. 601, A bill for an act relating to retirement; miscellaneous amendments to the law governing the public employees retirement association; amending Minnesota Statutes 1982, sections 353.27, subdivisions 4 and 12; 353.28, subdivision 5; 353.29, subdivisions 6 and 8; 353.32, subdivision 1; 353.33, subdivision 5; and 353.34, subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 608, A bill for an act relating to insurance; accident and health; exempting administrators of self insured health plans established by collective bargaining agreement from certain regulatory provisions; amending Minnesota Statutes 1982, section 60A.23, subdivision 8.

Reported the same back with the following amendments:

Page 1, line 24, delete the semi-colon and after "or" insert "(f)"

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. 609, A bill for an act relating to commerce; motor vehicle sales and distribution; requiring certain payments to be made upon termination of motor vehicle franchises; amending Minnesota Statutes 1982, section 80E.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.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 624, A bill for an act relating to retirement; highway patrol; restating the definition of average monthly salary; amending Minnesota Statutes 1982, section 352B.08, subdivision 2.

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. 638, A bill for an act relating to retirement; authorizing increases in survivor benefits payable by the Hibbing police relief association; amending Laws 1967, chapter 678, section 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.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 653, A bill for an act relating to elections; making numerous procedural changes in the election law; removing or clarifying obsolete and inappropriate language; rearranging certain provisions; amending Minnesota Statutes 1982, sections 201.061, subdivision 3; 203B.11; 203B.12, subdivision 2; 204B.21, subdivision 2; 204B.31; 204B.33; 204B.36, subdivision 2; 204C.08, subdivision 1; 204C.10, subdivision 1; 204C.12, subdivisions 3 and 4; 204C.24, subdivision 1; 204C.25; 204D.11, subdivision 5; 204D.13, subdivision 3; 205.17, subdivisions 3 and 4; 206.11; 206.19, subdivision 1; 210A.39; repealing Minnesota Statutes 1982, section 204B.06, subdivision 3.

Reported the same back with the following amendments:

Page 4, delete lines 8 to 23

Page 8, line 19, delete "judge" and insert "judges"

Page 10, after line 7, insert:

"Sec. 14. Minnesota Statutes 1982, section 204C.35, is amended to read:

204C.35 [LEGISLATIVE AND JUDICIAL RACES (; AUTOMATIC RECOUNTS).]

*Subdivision 1.* [AUTOMATIC RECOUNTS.]

In a state primary when the difference between the votes cast for the candidates for nomination to a legislative office or to a district, county, or county municipal court judicial office is 100 or less, the difference is less than ten percent of the total number of votes counted for that nomination, and the difference determines the nomination, the canvassing board with responsibility for declaring the results for that office shall recount the vote. In a state general election when the difference between the votes of a candidate who would otherwise be declared elected to a legislative office or to a district, county, or county municipal court judicial office and the votes of any other candidate for that office is 100 or less, the canvassing board shall recount the votes. A recount shall not delay any other part of the canvass. The results of the recount shall be certified by the canvassing board as soon as possible. Time for notice of a contest for an office which is recounted pursuant to this section shall begin to run upon certification of the results of the recount by the canvassing board. A losing candidate may waive a recount required pursuant to this section by filing a written notice of waiver with the canvassing board.

*Subd. 2.* [OPTIONAL RECOUNT.] *A losing candidate for nomination or election to a legislative office or to a district, county or county municipal court judicial office may request a recount in a manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by this section. The votes shall be recounted as provided in this section if the candidate files a request during the time for filing notice of contest of the primary or election for which a recount is sought. The requesting candidate shall file with the filing officer a bond, cash or surety in an amount set by the filing officer for the payment of the recount expenses.*

Sec. 15. [204C.361] [RULES FOR RECOUNTS.]

*The secretary of state shall adopt rules according to the administrative procedures act establishing uniform recount procedures. All recounts provided for by sections 204C.35 and 204C.36 shall be conducted in accordance with these rules."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the first semicolon delete "204B.21, subdivision 2;"

Page 1, line 10, before "204D.11" insert "204C.35;"

Page 1, line 13, after the semicolon insert "proposing new law coded in Minnesota Statutes 1982, chapter 204C;"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Beginch from the Committee on Labor-Management Relations to which was referred:

H. F. No. 666, A bill for an act relating to labor; providing funds for job training; 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.

Beginch from the Committee on Labor-Management Relations to which was referred:

H. F. No. 667, A bill for an act relating to human rights; requiring employers to grant personal leave to adopting parents on the same basis as they allow personal leave for biological parents; proposing new law coded in Minnesota Statutes, chapter 363.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [181.92] [LEAVES FOR ADOPTIVE PARENTS.]

*An employer which permits paternity or maternity time off to biological parents shall grant time off with or without pay to an adoptive parent for a minimum of four weeks at the time an adoptive child is placed in the adoptive parents' home. An employer shall not penalize an employee for requesting or obtaining time off according to this section."*

Delete the title and insert:

"A bill for an act relating to employment; providing leaves of absence for adoptive parents; proposing new law coded in Minnesota Statutes, chapter 181."

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. 673, A bill for an act relating to elections; changing eligibility requirements and compensation for election judges; permitting time off from work for election judges; amending Minnesota Statutes 1982, sections 204B.19, subdivision 2; and 204B.31; proposing new law coded in Minnesota Statutes, chapter 204B.

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. 73, A bill for an act relating to Dakota County; fixing the conditions for certain land transfers.

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. 128, A bill for an act relating to state monuments; adding the Governor Floyd B. Olson Monument in Hennepin County to the list of state monuments; amending Minnesota Statutes 1982, section 138.585, 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.

Eken from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 186, A resolution memorializing the President and Congress to freeze natural gas prices under the Natural Gas Policy Act of 1978 for two years.

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. 351, A bill for an act relating to state government; regulating eligibility for qualified handicapped civil service examinations; amending Minnesota Statutes 1982, section 43A.-10, subdivision 8.

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. 2, A house concurrent resolution designating the "Purple Ribbon" to commemorate Minnesota citizens who are still missing in action in Vietnam.

Reported the same back with the following amendments:

Page 1, line 23, delete "Purple" and insert "Red" in both places

Page 2, delete lines 1 to 4

Amend the title as follows:

Page 1, line 2, delete "Purple" and insert "Red"

With the recommendation that when so amended the resolution be adopted.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 74, 88, 132, 189, 213, 231, 277, 282, 396, 482, 511, 552, 553, 564, 581, 597, 601, 608, 609, 624, 638, 653, 667 and 673 were read for the second time.



## SECOND READING OF SENATE BILLS

S. F. Nos. 327, 107, 73, 128, 186 and 351 were read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Rodriguez, C., introduced:

H. F. No. 947, A bill for an act relating to courts; increasing mileage allowances for jurors; amending Minnesota Statutes 1982, section 593.48.

The bill was read for the first time and referred to the Committee on Appropriations.

Norton, Knickerbocker, Neuenschwander and Rodosovich introduced:

H. F. No. 948, A bill for an act relating to state departments and agencies; transferring the planning functions of the department of energy, planning and development to a newly created state planning agency; providing a director; establishing an advisory committee; amending Minnesota Statutes 1982, sections 116J.03, subdivision 1; and 116J.42; proposing new law coded as Minnesota Statutes, chapter 116K; repealing Minnesota Statutes 1982, sections 116J.02, subdivision 1; 116J.41; 116J.46; and 116J.47.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Carlson, D., introduced:

H. F. No. 949, A bill for an act relating to state government; abolishing the planning function of the department of energy, planning and development; reassigning planning functions; creating a planning office within the executive branch; amending Minnesota Statutes 1982, sections 116J.10; and 160.265, subdivision 1; proposing new law coded in Minnesota Statutes, chapters 4; 84; 85; 116J; and 241; repealing Minnesota Statutes 1982, sections 116J.02, subdivision 1; and 116J.40 to 116J.54.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Wenzel introduced:

H. F. No. 950, A bill for an act relating to state government; governing compensation of members of boards, councils, and committees who are public employees; amending Minnesota Statutes 1982, sections 15.059, subdivision 3; and 214.09, subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Wenzel introduced:

H. F. No. 951, A bill for an act relating to state government; governing compensation of members of boards, councils, and committees who are public employees; amending Minnesota Statutes 1982, sections 15.059, subdivision 3; and 214.09, subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Quist, Piepho, Wigley, Dempsey and Zaffke introduced:

H. F. No. 952, A bill for an act relating to soil and water conservation; changing provisions for election of district supervisors; amending Minnesota Statutes 1982, section 40.04, subdivision 12.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Battaglia, Begich and Elioff introduced:

H. F. No. 953, A bill for an act relating to the city of Silver Bay; 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.

Sarna; Nelson, K.; Rice; Staten and Clark, K., introduced:

H. F. No. 954, A bill for an act relating to the Minneapolis park and recreation board; providing for the appointment of various employees; amending Laws 1969, chapter 1024, sections 1 and 2.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Staten; Ogren; Rodriguez, F.; Clark, K., and Norton introduced:

H. F. No. 955, A bill for an act relating to state contracts; providing for an increase in small business set-aside awards; providing for subcontracting of state construction contracts in certain cases; requiring a staff complement sufficient to facilitate the set-aside program; providing for a small business procurement advisory council; requiring the commissioner of administration to promulgate rules; providing for certain reports to the governor, legislature, and small business procurement advisory council; limiting the local purchasing authority of state departments and agencies; amending Minnesota Statutes 1982, sections 16.083, subdivisions 1, 4, and by adding a subdivision; 16.084; 16.085; 16.086, subdivision 1; and 16.28.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Haukoos, Schreiber, Onnen, Dempsey and Blatz introduced:

H. F. No. 956, A bill for an act relating to taxation; requiring certain information on income tax forms; amending Minnesota Statutes 1982, section 290.39, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Knuth; Carlson, D.; Battaglia; Otis and Shaver introduced:

H. F. No. 957, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to convey to private persons, under certain circumstances, road easements across railroad rights-of-way acquired for trail purposes; proposing new law coded in Minnesota Statutes, chapter 84.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Rodosovich, Scheid, Elioff, Berkelman and Blatz introduced:

H. F. No. 958, A bill for an act relating to long term care; requiring the commissioners of health and public welfare to prepare a report to the legislature.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Quist, Begich, Kalis, Thiede and Battaglia introduced:

H. F. No. 959, A bill for an act relating to commerce; authorizing certain retailers of motor vehicle fuel to compute sales by the half-gallon; proposing new law coded in Minnesota Statutes 1982, section 325E.095.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Neuenschwander; Anderson, G.; Haukoos and Hoffman introduced:

H. F. No. 960, A bill for an act relating to motor vehicles; exempting certain vehicles from license fees; authorizing the use of certain state department vehicles without uniform coloring or marking; amending Minnesota Statutes 1982, sections 16.75, subdivision 7; and 168.012, subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation.

Swanson, Osthoff, Olsen, Brandl and Blatz introduced:

H. F. No. 961, 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 1982, section 297A.25, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Greenfield, Swanson, Wynia and Reif introduced:

H. F. No. 962, A bill for an act relating to general assistance medical care; extending the ceiling on payment increases; adjusting the base year for payments to vendors; clarifying eligibility standards; adding services; eliminating free choice of vendor; authorizing counties to contract for services on a pre-paid basis; eliminating the power of the commissioner of public welfare to rateably reduce payments to providers; prohibiting recipient copayments; authorizing promulgation of rules; setting standards for payments to counties for hospitalization of certain persons; amending Minnesota Statutes 1982, sections 256.966, subdivision 1; 256.967; 256D.03, subdivisions 3, 4, and by adding subdivisions; and 261.23.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Cohen, Rose, Scheid, Jacobs and Reif introduced:

H. F. No. 963, A bill for an act relating to metropolitan government; giving the metropolitan transit commission power to regulate the operation of taxicabs within the seven county metropolitan area; amending Minnesota Statutes 1982, section 473.405, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 473.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Greenfield, Clawson, Wynia and Staten introduced:

H. F. No. 964, A bill for an act relating to public welfare; setting eligibility criteria for community social services; requiring information from users to be included in the planning process; prescribing duties of the commissioner; amending Minnesota Statutes 1982, sections 256E.03, subdivision 2; 256E.05, subdivision 3; and 256E.09, subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Krueger, Beard, Eken, Stadum and Bishop introduced:

H. F. No. 965, A bill for an act relating to taxation; sales; providing an exemption for sales by community service organizations; amending Minnesota Statutes 1982, section 297A.25, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Neuenschwander, Minne, Solberg, Ogren and Marsh introduced:

H. F. No. 966, A bill for an act relating to taxation; sales and use; providing a reduced tax rate for certain purchases of logging equipment; amending Minnesota Statutes 1982, sections 297A.01, by adding a subdivision; 297A.02, subdivision 2, as amended; and 297A.14, as amended.

The bill was read for the first time and referred to the Committee on Taxes.

Wenzel, Krueger, Valan, Graba and Shea introduced:

H. F. No. 967, A bill for an act relating to taxation; income; increasing the income limitation for purposes of the farm loss modification; amending Minnesota Statutes 1982, section 290.09, subdivision 29.

The bill was read for the first time and referred to the Committee on Taxes.

Neuenschwander introduced:

H. F. No. 968, A bill for an act relating to game and fish; licensing and record keeping by certain licensees; amending Minnesota Statutes 1982, sections 98.46, subdivision 5; and 98.51, subdivisions 2, 3, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Quist, Heinitz, Burger, Dempsey and Piepho introduced:

H. F. No. 969, A bill for an act relating to workers' compensation; providing for comprehensive changes based on the Florida law; proposing new law coded as Minnesota Statutes, chapter 176A; repealing Minnesota Statutes 1982, chapter 176.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Haukoos, Norton, Clawson, Dempsey and Clark, K., introduced:

H. F. No. 970, A bill for an act relating to courts; authorizing juvenile courts to require parents or guardians of certain juveniles to participate in treatment programs; amending Minnesota Statutes 1982, sections 260.185, subdivision 1; 260.194, subdivision 1; and 260.195, subdivision 3.

The bill was read for the first time and referred to the Committee on Judiciary.

Brinkman introduced:

H. F. No. 971, A bill for an act relating to insurance; authorizing insurers to renew property insurance policies through the use of renewal certificates; amending Minnesota Statutes 1982, section 65A.08, subdivision 6.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Wenzel, Sherman, Begich, Gustafson and Sieben introduced:

H. F. No. 972, A bill for an act relating to education; requiring school districts to expend at least two percent of total operating expenditures for extracurricular and co-curricular activities; proposing new law coded in Minnesota Statutes, chapter 120.

The bill was read for the first time and referred to the Committee on Education.

Segal, Sarna, Heap, Ogren and Forsythe introduced:

H. F. No. 973, A bill for an act relating to commerce; securities and real estate; modifying the definitions of "investment adviser" and "franchise"; clarifying the definition of "trust account"; defining and regulating investment adviser representatives; expanding the regulation of investment advisers; exempting certain persons from the definition of real estate broker; modifying real estate education requirements; providing for the suspension of a broker's or salesperson's license pending a hearing; continuing the existence of the real estate advisory council; clarifying the intent of certain language relating to the real estate education, research, and recovery fund; modifying an exemption from the registration and annual report requirements for social and charitable organizations; repealing the corporate take-over act; amending Minnesota Statutes 1982, sections 80A.02; 80A.04, subdivisions 2 and 3; 80A.07, subdivisions 1 and 3, and by adding a subdivision; 80A.09, subdivision 1; 80A.14, subdivisions 8, 9, and by adding a subdivision; 80C.01, subdivision 4; 82.17, subdivisions 4 and 6; 82.18; 82.22, subdivisions 6, 8, and 10; 82.27, subdivision 3; 82.30; 82.34, subdivision 7; 309.515, subdivision 1; repealing Minnesota Statutes 1982, sections 80B.01 to 80B.13; and 82.22, subdivisions 7 and 9.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Greenfield, Wynia, Welch, Kelly and Reif introduced:

H. F. No. 974, A bill for an act relating to insurance; requiring utilization controls to contain health care costs; proposing new law coded in Minnesota Statutes, chapter 62A.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Waltman, Wenzel, Brinkman and Redalen introduced:

H. F. No. 975, A bill for an act relating to agriculture; providing income tax incentives to landowners who sell or lease agricultural land to eligible beginning farmers; amending Minnesota Statutes 1982, section 290.01, subdivisions 20a, as amended, and 20b, as amended; proposing new law coded in Minnesota Statutes, chapter 290.

The bill was read for the first time and referred to the Committee on Agriculture.

Knuth; Clark, K.; Heinitz; Quinn and Norton introduced:

H. F. No. 976, A bill for an act relating to state government; providing for a permanent job sharing program; amending Minnesota Statutes 1982, sections 43A.42; 43A.43, subdivision 2; amending Laws 1981, chapter 210, section 55, as amended.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Rodriguez, C., introduced:

H. F. No. 977, A bill for an act relating to liquor; authorizing the city of Farmington to issue a club-on-sale license to an Eagles Club.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Bishop, Kalis, Gutknecht, Sparby and Schafer introduced:

H. F. No. 978, A bill for an act relating to taxation; aggregate removal tax; making the tax optional for each county; amending Minnesota Statutes 1982, section 298.75, subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Taxes.



Carlson, D., introduced:

H. F. No. 979, A bill for an act relating to state lands; establishing policies and priorities governing the acquisition, management, retention, and disposal of various categories of state lands under the control of the department of natural resources; indexing state payments in lieu of taxes for inflation; increasing taxes on cigarettes and tobacco products; establishing a land adjustment revolving account; amending Minnesota Statutes 1982, sections 84.027, by adding a subdivision; 84.0272; 84.029, subdivision 2; 84.03; 84.033; 85.32, subdivision 2; 86.03; 86.10, subdivision 1; 86.11, subdivision 1; 86.41; 86A.05, subdivisions 8 and 9; 86A.07, subdivisions 1 and 3; 86A.08, subdivision 1; 97.48, subdivisions 8, 13, and 15; 97.481, subdivision 1; 104.37, subdivision 2; 105.391, subdivision 3; 297.02, subdivision 1; 297.13, subdivision 1; 297.22; 297.32, subdivisions 1 and 2; 477A.11, subdivision 1; and 477A.12; proposing new law coded in Minnesota Statutes, chapters 84 and 94; repealing Minnesota Statutes 1982, section 105.39, subdivision 4.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Carlson, D., introduced:

H. F. No. 980, A bill for an act relating to state departments and agencies; abolishing the department of public service; transferring its powers and duties to the department of commerce or the department of agriculture; amending Minnesota Statutes 1982, sections 216A.01; 216A.035; 216B.02, subdivisions 7 and 8; 237.02; and 239.01; repealing Minnesota Statutes 1982, sections 216A.06; 216A.07; and 216A.095.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Carlson, D., introduced:

H. F. No. 981, A bill for an act relating to state government; abolishing the environmental quality board and transferring its powers and duties to the pollution control agency; amending Minnesota Statutes 1982, sections 116C.02; and 116C.52, subdivision 2; repealing Minnesota Statutes 1982, sections 116C.01; 116C.03; 116C.24, subdivisions 2 and 3; and 116C.25.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Carlson, D., introduced:

H. F. No. 982, A bill for an act relating to the town of Windemere; permitting the town to have the powers of a metropolitan area town.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Krueger, Simoneau, Beard, Bishop and Seaberg introduced:

H. F. No. 983, A bill for an act relating to commerce; providing an employee lien for accrued vacation and holiday pay; amending Minnesota Statutes 1982, section 514.59.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Wigley, Eken, Mann, Kalis and Kvam introduced:

H. F. No. 984, A bill for an act relating to agriculture; requiring certain professional farm managers to obtain licenses from the commissioner of agriculture; imposing 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.

Schafer introduced:

H. F. No. 985, A bill for an act relating to retirement; teachers retirement association; reducing the actuarial reduction for early retirement and adopting the rule of 90; amending Minnesota Statutes 1982, section 354.44, subdivision 6.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Schafer and DenOuden introduced:

H. F. No. 986, A bill for an act relating to education; modifying the terms of a teacher's probationary period of employment to be the same as the terms of a teacher's probationary period in cities of the first class; amending Minnesota Statutes 1982, section 125.12, subdivision 3.

The bill was read for the first time and referred to the Committee on Education.

Bergstrom, Rose, Jacobs, Bennett and Peterson introduced:

H. F. No. 987, A bill for an act relating to public utilities; providing for additional investment authority of bond proceeds; amending Minnesota Statutes 1982, section 216B.49, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Gustafson introduced:

H. F. No. 988, A bill for an act relating to the organization and operation of state government; requiring the preparation of a tax expenditure budget; appropriating money; proposing new law coded in Minnesota Statutes, chapter 270.

The bill was read for the first time and referred to the Committee on Taxes.

McKasy, Halberg, Vanasek and Dempsey introduced:

H. F. No. 989, A bill for an act relating to real estate; providing for notices to cancel contracts for deed; amending Minnesota Statutes 1982, section 559.21, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Clark, J., introduced:

H. F. No. 990, A bill for an act relating to crimes; increasing the penalty for assault in the fourth degree; amending Minnesota Statutes 1982, section 609.224.

The bill was read for the first time and referred to the Committee on Judiciary.

Otis, O'Connor and Gustafson introduced:

H. F. No. 991, A bill for an act relating to taxation; providing for the valuation of limited equity cooperative apartments; amending Minnesota Statutes 1982, 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.

Wenzel introduced:

H. F. No. 992, A bill for an act relating to local government; regulating township levies in Crow Wing County; repealing Laws 1941, chapter 451.

The bill was read for the first time and referred to the Committee on Taxes.

Segal, Eken, Sviggum, Rose and Sieben introduced:

H. F. No. 993, A bill for an act relating to public employees; authorizing a dues check off for members of the Public Employees Pension Service Association; amending Minnesota Statutes 1982, section 179.65, subdivision 5.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Coleman, Staten, Gustafson, McKasy and Norton introduced:

H. F. No. 994, A bill for an act relating to mediation; providing for mediation of disputes; amending Minnesota Statutes 1982, section 595.02; proposing new law coded in Minnesota Statutes, chapter 572.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Eken introduced:

H. F. No. 995, A bill for an act relating to intoxicating liquor; authorizing Clearwater County to issue an off-sale license in Itasca Township.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Norton, Cohen, Vellenga, O'Connor and Kelly introduced:

H. F. No. 996, A bill for an act relating to the city of St. Paul; authorizing the Port Authority of St. Paul to acquire and operate a district heating system.

The bill was read for the first time and referred to the Committee on Energy.

Cohen introduced:

H. F. No. 997, A bill for an act relating to intoxicating liquor; authorizing the sale of miniature containers; proposing new law coded in Minnesota Statutes, chapter 340.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Cohen introduced:

H. F. No. 998, A bill for an act relating to retirement; authorizing retired St. Paul health bureau employees to rescind previously elected options and elect coverage under the public employees retirement association.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Kelly introduced:

H. F. No. 999, A bill for an act relating to crimes; changing the penalty for the theft of controlled substances; amending Minnesota Statutes 1982, section 609.52, subdivision 3.

The bill was read for the first time and referred to the Committee on Judiciary.

Kalis; Vanasek; Eken; Carlson, D., and Schreiber introduced:

H. F. No. 1000, A bill for an act relating to communications; removing restrictions on telecast agreements for games at metropolitan sports facilities; repealing Minnesota Statutes 1982, section 473.568.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Price, Heap, Larsen, Bergstrom and Kostohryz introduced:

H. F. No. 1001, A bill for an act relating to education; severance pay plans for teachers; authorizing school districts to make a property tax levy for severance pay; authorizing equalization aid for the severance pay levy; amending Minnesota Statutes 1982, section 275.125, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 124 and 125.

The bill was read for the first time and referred to the Committee on Education.

Carlson, D., introduced:

H. F. No. 1002, A bill for an act relating to retirement; transportation department pilots retirement age and disability benefits; amending Minnesota Statutes 1982, section 352.86, subdivisions 1, 2, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Tunheim introduced:

H. F. No. 1003, A bill for an act relating to transportation; transferring certain rules to the transportation regulation board; providing that certain fees and fine money be credited to the trunk highway fund; modifying certain laws relating to the regulation of building movers; prescribing penalties; amending Minnesota Statutes 1982, sections 174A.02, subdivision 2; 174A.06; 221.061; 221.071; 221.131; 221.296, subdivision 5; 221.64; 221.81; proposing new law coded in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1982, section 160.26, subdivision 3.

The bill was read for the first time and referred to the Committee on Transportation.

Rice, Heinitz, Metzen, Stadum and Brinkman introduced:

H. F. No. 1004, 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.

Osthoff introduced:

H. F. No. 1005, A bill for an act relating to taxation; extending the duration of the income tax surcharge; extending the duration of the six percent sales and use tax; amending Minnesota Statutes 1982, sections 290.06, subdivision 2e, as amended; 297A.02, as amended; 297A.03, subdivision 2, as amended; 297A.14, as amended; repealing Laws 1982, Third Special Session chapter 1, article V, section 4.

The bill was read for the first time and referred to the Committee on Taxes.

## HOUSE ADVISORIES

The following House Advisory was introduced:

Anderson, B., introduced:

H. A. No. 8, A proposal to study ways of increasing agricultural commodity prices and farm incomes.

The advisory was referred to the Committee on Agriculture.

## 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. 10, A Senate Concurrent Resolution relating to adjournment for more than three days.

PATRICK E. FLAHAVER, Secretary of the Senate

## SUSPENSION OF RULES

Eken moved that the rules be so far suspended that Senate Concurrent Resolution No. 10 be now considered and be placed upon its adoption. The motion prevailed.

## SENATE CONCURRENT RESOLUTION NO. 10

A Senate concurrent resolution relating to adjournment for more than three days.

*Be It Resolved* by the Senate of the State of Minnesota, the House of Representatives concurring therein:

1. Upon its adjournment on Wednesday, March 30, 1983, the Senate may set its next day of meeting for Monday, April 4, 1983.

2. Upon its adjournment on Wednesday, March 30, 1983, the House of Representatives may set its next day of meeting for Monday, April 4, 1983.

3. Pursuant to the Minnesota Constitution, Article IV, Section 12, the Senate and House of Representatives each consent to the adjournment of the other for more than three days.

Eken moved that Senate Concurrent Resolution No. 10 be now adopted. The motion prevailed and the resolution was adopted.

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. 182, A bill for an act relating to the metropolitan transit commission; special fares for jobseekers; amending Minnesota Statutes 1982, section 473.408, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Riveness moved that the House concur in the Senate amendments to H. F. No. 182 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 182, A bill for an act relating to the metropolitan transit commission; providing for special fares for jobseekers; amending Minnesota Statutes 1982, section 473.408, subdivision 5, and 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 107 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Coleman	Jacobs	Neuenschwander	Sarna
Anderson, G.	Dempsey	Jensen	Norton	Scheid
Anderson, R.	Dimler	Kahn	O'Connor	Schoenfeld
Battaglia	Eken	Kalis	Ogren	Schreiber
Beard	Elioff	Kelly	Olsen	Seaberg
Begich	Erickson	Knickerbocker	Omann	Segal
Bennett	Evans	Knuth	Onnen	Shaver
Bergstrom	Findlay	Krueger	Otis	Shea
Berkelman	Fjoslien	Larsen	Pauly	Sherman
Bishop	Forsythe	Levi	Peterson	Simoneau
Blatz	Graba	Mann	Piper	Skoglund
Brandl	Greenfield	Marsh	Price	Solberg
Brinkman	Gruenes	McEachern	Quinn	Staten
Burger	Gustafson	McKasy	Reif	Sviggum
Carlson, D.	Gutknecht	Metzen	Riveness	Swanson
Carlson, L.	Heap	Minne	Rodosovich	Tomlinson
Clark, J.	Heinitz	Munger	Rodriguez, C.	Tunheim
Clark, K.	Hinle	Murphy	Rodriguez, F.	Valento
Clawson	Hoffman	Nelson, D.	Rose	Vanasek
Cohen	Hokr	Nelson, K.	St. Onge	Vellenga



Voss  
Waltman

Welch  
Welle

Wenzel

Wynia

Speaker Sieben

Those who voted in the negative were:

DenOuden  
Frerichs  
Haukoos  
Jennings

Johnson  
Kvam  
Ludeman  
Piepho

Quist  
Redalen  
Schafer  
Stadum

Thiede  
Uphus  
Valan  
Welker

Wigley

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. 81.

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. 101.

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. 164, 201, 552 and 589.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 81, A bill for an act relating to retirement; repealing obsolete investment language applicable to third and fourth class city police relief associations; repealing Minnesota Statutes 1982, sections 423.389 and 423.60.

The bill was read for the first time.

Rodosovich moved that S. F. No. 81 and H. F. No. 88, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 101, A bill for an act relating to the city of St. Paul; providing for the reinstatement of St. Paul policeman's pension fund benefits in certain circumstances; amending Laws 1955, chapter 151, section 13, as amended.

The bill was read for the first time.

O'Connor moved that S. F. No. 101 and H. F. No. 213, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 164, A bill for an act relating to state government; removing the requirement of senate confirmation for appointment to certain state agencies; limiting terms of certain holdover appointees; formulating a procedure for senate and house confirmations; changing a time requirement for filing a statement of economic interest in certain cases; amending Minnesota Statutes 1982, sections 1.33; 3.9223, subdivision 1; 10A.09, subdivisions 1 and 3; 14.48; 15.0575, subdivision 2; 15.0597, subdivision 6; 15.06, subdivisions 2 and 5; 15.50, subdivision 1; 40.03, subdivision 1; 85A.01, subdivision 1; 105.401, subdivision 1; 115A.05, subdivision 2; 116E.02, subdivision 1; 116J.04; 121.82, subdivision 1; 121.844, subdivision 1; 182.664, subdivision 1; 250.05, subdivision 2; 299B.05, subdivision 1; 414.01, subdivision 2; 473.123, subdivision 4; 473.141, subdivision 3; 490.15, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 15; repealing Minnesota Statutes 1982, section 11A.07, subdivision 3.

The bill was read for the first time.

Norton moved that S. F. No. 164 and H. F. No. 359, now on the Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 201, A bill for an act relating to intoxicating liquor; authorizing off-sale licensees to dispense samples of wine, liqueurs and cordials; amending Minnesota Statutes 1982, section 340.11, subdivision 15.

The bill was read for the first time and referred to the Committee on Regulated Industries.

S. F. No. 552, A bill for an act relating to corrections; clarifying the duties of the clerk of court with respect to preparation of necessary commitment papers when a person is sentenced for a felony or gross misdemeanor to the custody of the commissioner of corrections or to the superintendent of a work house or work farm; amending Minnesota Statutes 1982, section 243.-49.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 589, A bill for an act relating to labor; deleting an exclusion from protection for prompt payment of wages; amending Minnesota Statutes 1982, section 181.16.

The bill was read for the first time.

Rodriguez, F., moved that S. F. No. 589 and H. F. No. 460, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

### CONSENT CALENDAR

S. F. No. 224, A bill for an act relating to local government; permitting the city of Big Falls and part of Koochiching County to join a hospital district.

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:

Anderson, B.	Elioff	Knickerbocker	Onnen	Shea
Anderson, G.	Erickson	Knuth	Otis	Sherman
Anderson, R.	Evans	Krueger	Pauly	Simoneau
Battaglia	Findlay	Kvam	Peterson	Skoglund
Beard	Fjoslien	Larsen	Piepho	Solberg
Begich	Forsythe	Levi	Piper	Stadium
Bennett	Frerichs	Long	Price	Sviggum
Bergstrom	Graba	Ludeman	Quinn	Swanson
Berkelman	Greenfield	Mann	Quist	Thiede
Bishop	Gruenes	Marsh	Redalen	Tomlinson
Blatz	Gustafson	McDonald	Reif	Tunheim
Brandl	Gutknecht	McEachern	Riveness	Uphus
Brinkman	Haukoos	McKasy	Rodosovich	Valan
Burger	Heap	Metzen	Rodriguez, C.	Valento
Carlson, D.	Heinitz	Minne	Rodriguez, F.	Vanasek
Carlson, L.	Himle	Munger	Rose	Vellenga
Clark, J.	Hoffman	Murphy	St. Onge	Voss
Clark, K.	Hokr	Nelson, D.	Sarna	Waltman
Clawson	Jacobs	Nelson, K.	Schafer	Welch
Cohen	Jennings	Neuenschwander	Scheid	Welker
Coleman	Jensen	Norton	Schoenfeld	Welle
Dempsey	Johnson	O'Connor	Schreiber	Wenzel
DenOuden	Kahn	Ogren	Seaberg	Wigley
Dimler	Kalis	Olsen	Segal	Wynia
Eken	Kelly	Omann	Shaver	Speaker Sieben

The bill was passed and its title agreed to.

H. F. No. 140, A bill for an act relating to public utilities; requiring public utilities to consider customer schedule needs when reading nonaccessible meters; 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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Krueger	Peterson	Skoglund
Anderson, G.	Evans	Kvam	Piepho	Solberg
Anderson, R.	Findlay	Larsen	Piper	Sparby
Battaglia	Fjoslien	Levi	Price	Stadium
Beard	Forsythe	Long	Quinn	Staten
Begich	Frerichs	Ludeman	Quist	Sviggum
Bennett	Graba	Mann	Redalen	Swanson
Bergstrom	Greenfield	Marsh	Reif	Thiede
Berkelman	Gruenes	McDonald	Rice	Tomlinson
Bishop	Gustafson	McEachern	Riveness	Tunheim
Blatz	Gutknecht	McKasy	Rodosovich	Uphus
Brandl	Haukoos	Metzen	Rodriguez, C.	Valan
Brinkman	Heap	Minne	Rodriguez, F.	Valento
Burger	Heinitz	Munger	Rose	Vanasek
Carlson, D.	Himle	Murphy	St. Onge	Vellenga
Carlson, L.	Hoffman	Nelson, D.	Sarna	Voss
Clark, J.	Hokr	Nelson, K.	Schafer	Waltman
Clark, K.	Jacobs	Neuenschwander	Scheid	Welch
Clawson	Jennings	Norton	Schoenfeld	Welker
Cohen	Jensen	O'Connor	Schreiber	Welle
Coleman	Johnson	Ogren	Seaberg	Wenzel
Dempsey	Kahn	Olsen	Segal	Wigley
DenOuden	Kalis	Omann	Shaver	Wynia
Dimler	Kelly	Onnen	Shea	Speaker Sieben
Eken	Knickerbocker	Otis	Sherman	
Elioff	Knuth	Pauly	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 656, A bill for an act relating to intoxicating liquor; allowing the City of Marble to permit on-sales of intoxicating liquor on a certain date.

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:

Anderson, B.	Blatz	Coleman	Frerichs	Hoffman
Anderson, G.	Brandl	Dempsey	Graba	Hokr
Anderson, R.	Brinkman	Dimler	Greenfield	Jacobs
Battaglia	Burger	Eken	Gruenes	Jennings
Beard	Carlson, D.	Elioff	Gustafson	Jensen
Begich	Carlson, L.	Ellingson	Gutknecht	Johnson
Bennett	Clark, J.	Evans	Haukoos	Kalis
Bergstrom	Clark, K.	Findlay	Heap	Kelly
Berkelman	Clawson	Fjoslien	Heinitz	Knickerbocker
Bishop	Cohen	Forsythe	Himle	Knuth

Krueger	Nelson, D.	Quinn	Seaberg	Valan
Kvam	Nelson, K.	Quist	Segal	Valento
Larsen	Neuenschwander	Redalen	Shaver	Vanasek
Levi	Norton	Reif	Shea	Vellenga
Long	O'Connor	Rice	Sherman	Voss
Ludeman	Ogren	Riveness	Simoneau	Waltman
Mann	Olsen	Rodosovich	Skoglund	Welch
Marsh	Omann	Rodriguez, C.	Solberg	Welker
McDonald	Onnen	Rodriguez, F.	Stadum	Welle
McEachern	Otis	Rose	Staten	Wenzel
McKasy	Pauly	St. Onge	Sviggum	Wigley
Metzen	Peterson	Sarna	Swanson	Wynia
Minne	Piepho	Scheid	Thiede	Speaker Sieben
Munger	Piper	Schoenfeld	Tomlinson	
Murphy	Price	Schreiber	Tunheim	

Those who voted in the negative were:

DenOuden	Erickson	Schafer	Uphus
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The bill was passed and its title agreed to.

H. F. No. 684, A bill for an act relating to administrative procedures; exempting certain rules from the requirement of approval by the revisor of statutes and related procedures; amending Minnesota Statutes 1982, section 14.38, 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 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Knuth	Pauly	Simoneau
Anderson, G.	Erickson	Krueger	Peterson	Skoglund
Anderson, R.	Evans	Kvam	Piepho	Solberg
Battaglia	Findlay	Larsen	Piper	Stadum
Beard	Fjoslien	Levi	Price	Staten
Begich	Forsythe	Long	Quinn	Sviggum
Bennett	Frerichs	Mann	Quist	Swanson
Bergstrom	Graba	Marsh	Redalen	Thiede
Berkelman	Greenfield	McDonald	Reif	Tomlinson
Bishop	Gruenes	McEachern	Rice	Tunheim
Blatz	Gustafson	McKasy	Riveness	Valan
Brandl	Gutknecht	Metzen	Rodosovich	Valento
Brinkman	Haukoos	Minne	Rodriguez, C.	Vanasek
Burger	Heap	Munger	Rodriguez, F.	Vellenga
Carlson, D.	Heinitz	Murphy	Rose	Voss
Carlson, L.	Himle	Nelson, D.	St. Onge	Waltman
Clark, J.	Hoffman	Nelson, K.	Sarna	Welch
Clark, K.	Hokr	Neuenschwander	Schafer	Welker
Clawson	Jacobs	Norton	Scheid	Welle
Cohen	Jennings	O'Connor	Schoenfeld	Wenzel
Coleman	Jensen	Ogren	Schreiber	Wigley
Dempsey	Johnson	Olsen	Seaberg	Wynia
DenOuden	Kahn	Omann	Segal	Speaker Sieben
Dimler	Kalis	Onnen	Shaver	
Eken	Kelly	Osthoff	Shea	
Elioff	Knickerbocker	Otis	Sherman	

Those who voted in the negative were:

Ludeman

The bill was passed and its title agreed to.

H. F. No. 758, A bill for an act relating to mining; extending the time period within which certain idle open pit mines must be fenced; amending Minnesota Statutes 1982, section 180.03, 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Kvam	Peterson	Skoglund
Anderson, G.	Evans	Larsen	Piepho	Solberg
Anderson, R.	Findlay	Levi	Pipér	Stadum
Battaglia	Fjoslien	Long	Price	Staten
Beard	Forsythe	Ludeman	Quinn	Sviggum
Begich	Frerichs	Mann	Quist	Swanson
Bennett	Graba	Marsh	Redalen	Thiede
Bergstrom	Greenfield	McDonald	Reif	Tomlinson
Berkelman	Gruenes	McEachern	Rice	Tunheim
Bishop	Gustafson	McKasy	Riveness	Uphus
Blatz	Gutknecht	Metzen	Rodosovich	Valan
Brandl	Haukoos	Minne	Rodriguez, C.	Valento
Brinkman	Heap	Munger	Rodriguez, F.	Vanasek
Burger	Heinitz	Murphy	Rose	Vellenga
Carlson, D.	Himle	Nelson, D.	St. Onge	Voss
Carlson, L.	Hoffman	Nelson, K.	Sarna	Waltman
Clark, J.	Hokr	Neuenschwander	Schafer	Welch
Clark, K.	Jacobs	Norton	Scheid	Welker
Clawson	Jennings	O'Connor	Schoenfeld	Welle
Cohen	Jensen	Ogren	Schreiber	Wenzel
Coleman	Johnson	Olsen	Seaberg	Wigley
Dempsey	Kalis	Omann	Segal	Wynia
DenOuden	Kelly	Onnen	Shaver	Speaker, Sieben
Dimler	Knickerbocker	Osthoff	Shea	
Eken	Knuth	Otis	Sherman	
Elioff	Krueger	Pauly	Simoneau	

The bill was passed and its title agreed to.

## CALENDAR

H. F. No. 90, A bill for an act relating to highway traffic regulations; prescribing penalties for failure to place children under the age of four years in child passenger restraint systems when being transported on streets and highways; amending Minnesota Statutes 1982, section 169.685, 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 88 yeas and 38 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Forsythe	Larsen	Pauly	Shea
Battaglia	Graba	Long	Peterson	Simoneau
Beard	Greenfield	Mann	Piper	Skoglund
Begich	Gruenes	McDonald	Price	Solberg
Bennett	Gustafson	McKasy	Quinn	Staten
Bergstrom	Gutknecht	Metzen	Quist	Swanson
Berkelman	Halberg	Minne	Reif	Tomlinson
Bishop	Haukoos	Munger	Rice	Tunheim
Blatz	Himle	Murphy	Riveness	Valan
Brandl	Hoffman	Nelson, D.	Rodosovich	Vanasek
Carlson, L.	Jensen	Nelson, K.	Rodriguez, C.	Veilenga
Clark, J.	Kahn	Neuenschwander	Rodriguez, F.	Welch
Clark, K.	Kalis	Norton	Rose	Welle
Cohen	Kelly	O'Connor	Scheid	Wenzel
Coleman	Knickerbocker	Ogren	Schoenfeld	Wynia
Dimler	Knuth	Olsen	Schreiber	Speaker Sieben
Eken	Krueger	Osthoff	Seaberg	
Ellingson	Kvam	Otis	Segal	

Those who voted in the negative were:

Anderson, B.	Findlay	Levi	Sarna	Uphus
Anderson, G.	Fjoslien	Ludeman	Schafer	Valento
Burger	Frerichs	Marsh	Shaver	Voss
Dempsey	Heap	McEachern	Sherman	Waltman
DenOuden	Heinitz	Onnen	Sparby	Welker
Elioff	Jacobs	Piepho	Stadum	Wigley
Erickson	Jennings	Redalen	Sviggum	
Evans	Johnson	St. Onge	Thiede	

The bill was passed and its title agreed to.

H. F. No. 157, A bill for an act relating to education; authorizing allowable service years to be used for the teacher early retirement incentive program; amending Minnesota Statutes 1982, section 125.611, 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 103 yeas and 22 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Begich	Brinkman	Clark, K.	Elioff
Anderson, G.	Bennett	Burger	Cohen	Erickson
Anderson, R.	Bergstrom	Carlson, D.	Coleman	Evans
Battaglia	Berkelman	Carlson, L.	Dimler	Forsythe
Beard	Brandl	Clark, J.	Eken	Graba

Greenfield	Larsen	Ogren	St. Onge	Swiggum
Gruenes	Levi	Omann	Sarna	Swanson
Gustafson	Ludeman	Osthoff	Scheid	Tomlinson
Gutknecht	Mann	Otis	Schoenfeld	Tunheim
Halberg	Marsh	Peterson	Schreiber	Uphus
Heap	McDonald	Piper	Seaberg	Valan
Himle	McEachern	Price	Segal	Valento
Hoffman	McKasy	Quinn	Shaver	Vanasek
Jacobs	Metzen	Quist	Shea	Vellenga
Jensen	Minne	Redalen	Sherman	Voss
Johnson	Munger	Reif	Simoneau	Welle
Kalis	Murphy	Rice	Skoglund	Wenzel
Kelly	Nelson, K.	Riveness	Solberg	Wynia
Knickerbocker	Neuenschwander	Rodosovich	Sparby	Speaker Sieben
Knuth	Norton	Rodriguez, F.	Stadum	
Krueger	O'Connor	Rose	Staten	

Those who voted in the negative were:

Bishop	Fjoslien	Kahn	Piepho	Welker
Blatz	Frerichs	Kvam	Rodriguez, C.	Wigley
Dempsey	Haukoos	Nelson, D.	Schafer	
DenOuden	Heinitz	Onnen	Thiede	
Findlay	Jennings	Pauly	Waltman	

The bill was passed and its title agreed to.

S. F. No. 267, A bill for an act relating to taxation; increasing the amount of reduced valuations required to be maintained as public record; allowing the commissioner discretion in apportioning levies; increasing the amount of reduction in valuation requiring an opportunity for hearing; allowing county auditors to combine legal descriptions over section lines; classifying farm rental value data; excluding certain corporations from receiving agricultural property tax valuation; providing for continuation of open space treatment; providing for the assessment of certain class 3 property based upon its use; requiring publication of certain requirements for obtaining a homestead after the assessment date; removing special taxing districts from levy limits; allowing counties to charge for NSF checks; providing for rounding the tax amounts on tax statements; directing the use of the previous years mill rate when distributing delinquent tax proceeds; changing the date for filing list of delinquent personal property taxes; extending application of the alternate sale procedure; increasing the fee for lost deeds; changing the process for distributing mortgage registration tax proceeds; raising the fee for trip permits; requiring filing of an amended estate tax return in certain situations; clarifying the date interest accrues on estate tax amounts due; providing for department action following the filing of an amended return; requiring state's share of federal credit to not be less than state's share of the estate; providing a definition of surviving spouse for estate tax purposes; requiring filing of final account to commissioner of revenue; changing the requirement for filing a declaration of estimated gross earnings tax; imposing a penalty for failure to pay estimated gross earnings tax; extending the time allowed to claim gasoline or special fuel tax refunds; changing the requirements relating to distribution of free samples of cigarettes;



imposing a penalty for failure to pay the tax on wines and spirituous liquors; conforming penalties for nonpayment of tax on beer to penalties imposed on other taxes; delaying implementation of the assessment penalty; requiring payment of current taxes before a plat is recorded; amending Minnesota Statutes 1982, sections 270.10, subdivisions 1 and 3; 270.12, subdivision 3; 270.19; 272.46, subdivision 2; 273.11, subdivision 7; 273.111, subdivision 3; 273.112, subdivision 7, and by adding a subdivision; 273.13, subdivisions 4, and 16; 275.50, subdivision 2; 276.02; 276.04; 276.10; 277.02; 282.01, subdivision 7a; 282.33, subdivision 1; 287.08; 291.005, subdivision 1; 291.03, subdivision 1; 291.07, subdivision 1; 291.09, subdivision 3a; 291.131, subdivision 6; 291.132, subdivision 1; 291.215, subdivision 3; 295.365; 295.366, subdivision 1; 296.17, subdivisions 3 and 17; 297.03, subdivision 10; 340.485, subdivision 1, and by adding subdivisions; 340.492; 477A.04; 505.04; repealing Minnesota Statutes 1982, sections 272.022; 272.023; 272.024; 273.13, subdivision 18; 273.23; 273.24; 273.28; 273.29; 273.30; 273.31; 273.34; 273.44; 273.45; 273.52; 288.01; 288.02; 288.03; 288.04; 288.05; 291.07, subdivision 3; and 473F.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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Knickerbocker	Otis	Simoneau
Anderson, G.	Erickson	Knuth	Pauly	Skoglund
Anderson, R.	Evans	Krueger	Peterson	Solberg
Battaglia	Findlay	Kvam	Piepho	Sparby
Beard	Fjoslien	Larsen	Piper	Stadum
Begich	Forsythe	Levi	Price	Staten
Bennett	Frerichs	Ludeman	Quinn	Sviggum
Bergstrom	Graba	Mann	Quist	Swanson
Berkelman	Greenfield	Marsh	Redalen	Thiede
Bishop	Gruenes	McDonald	Reif	Tomlinson
Blatz	Gustafson	McEachern	Rice	Tunheim
Brandl	Gutknecht	McKasy	Rodosovich	Uphus
Brinkman	Halberg	Metzen	Rodriguez, C.	Valan
Burger	Haukoos	Minne	Rodriguez, F.	Valento
Carlson, D.	Heap	Munger	Rose	Vanasek
Carlson, L.	Heinitz	Murphy	St. Onge	Vellenga
Clark, J.	Himle	Nelson, D.	Sarna	Voss
Clark, K.	Hoffman	Nelson, K.	Schafer	Waltman
Clawson	Hokr	Neuenschwander	Scheid	Welker
Cohen	Jacobs	Norton	Schoenfeld	Welle
Coleman	Jennings	O'Connor	Schreiber	Wenzel
Dempsey	Jensen	Ogren	Seaberg	Wigley
DenOuden	Johnson	Olsen	Segal	Wynia
Dimler	Kahn	Omann	Shaver	Speaker Sieben
Eken	Kalis	Onnen	Shea	
Elioff	Kelly	Osthoff	Sherman	

The bill was passed and its title agreed to.

H. F. No. 290, A bill for an act relating to health maintenance organizations; authorizing a local governmental unit to operate as a health maintenance organization; requiring the establishment of an advisory body to the organization; amending Minnesota Statutes 1982, sections 62D.02, subdivision 4, and by adding a subdivision; 62D.03, subdivisions 1 and 4; 62D.05, subdivision 1; and 62D.06, 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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Knickerbocker	Osthoff	Shea
Anderson, G.	Erickson	Knuth	Otis	Sherman
Anderson, R.	Evans	Krueger	Pauly	Simoneau
Battaglia	Findlay	Kvam	Peterson	Skoglund
Beard	Fjoslien	Larsen	Piepho	Solberg
Begich	Forsythe	Levi	Piper	Stadum
Bennett	Frerichs	Long	Price	Staten
Bergstrom	Graba	Ludeman	Quinn	Sviggum
Berkelman	Greenfield	Mann	Quist	Swanson
Bishop	Gruenes	Marsh	Redalen	Thiede
Blatz	Gustafson	McDonald	Reif	Tomlinson
Brandl	Gutknecht	McEachern	Rice	Tunheim
Brinkman	Halberg	McKasy	Riveness	Uphus
Burger	Haukoos	Metzen	Rodosovich	Valan
Carlson, D.	Heap	Minne	Rodriguez, C.	Valento
Carlson, L.	Heinitz	Munger	Rodriguez, F.	Vanasek
Clark, J.	Himle	Murphy	Rose	Vellenga
Clark, K.	Hoffman	Nelson, D.	St. Onge	Voss
Clawson	Hokr	Nelson, K.	Sarna	Waltman
Cohen	Jacobs	Neuenschwander	Schafer	Welch
Coleman	Jennings	Norton	Scheid	Welker
Dempsey	Jensen	O'Connor	Schoenfeld	Welle
DenOuden	Johnson	Ogren	Schreiber	Wenzel
Dimler	Kahn	Olsen	Seaberg	Wigley
Eken	Kalis	Omann	Segal	Wynia
Elioff	Kelly	Onnen	Shaver	Speaker Sieben

The bill was passed and its title agreed to.

H. F. No. 365, A bill for an act relating to health care facilities; clarifying the rights and responsibilities of patients and residents; amending Minnesota Statutes 1982, sections 144.651; and 144.652.

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:

Anderson, B.	Erickson	Krueger	Peterson	Soiberg
Anderson, C.	Evans	Kvam	Piepho	Sparby
Anderson, R.	Findlay	Larsen	Piper	Stadum
Battaglia	Fjoslien	Levi	Price	Staten
Beard	Forsythe	Long	Quinn	Sviggum
Begich	Frerichs	Ludeman	Quist	Swanson
Bennett	Graba	Mann	Redalen	Thiede
Bergstrom	Greenfield	Marsh	Reif	Tomlinson
Berkelman	Gruenes	McDonald	Rice	Tunheim
Bishop	Gustafson	McEachern	Riveness	Uphus
Blatz	Gutknecht	McKasy	Rodosovich	Valan
Brandl	Halberg	Metzen	Rodriguez, C.	Valento
Brinkman	Haukoos	Minne	Rodriguez, F.	Vanasek
Burger	Heap	Munger	Rose	Vellenga
Carlson, D.	Heinitz	Murphy	St. Onge	Voss
Carlson, L.	Himle	Nelson, D.	Sarna	Waltman
Clark, J.	Hoffman	Nelson, K.	Schafer	Welch
Clark, K.	Hokr	Neuenschwander	Scheid	Welker
Clawson	Jacobs	Norton	Schoenfeld	Welle
Cohen	Jennings	O'Connor	Schreiber	Wenzel
Coleman	Jensen	Ogren	Seaberg	Wigley
Dempsey	Johnson	Olsen	Segal	Wynia
DenOuden	Kahn	Omann	Shaver	Speaker Sieben
Dimler	Kalis	Onnen	Shea	
Eken	Kelly	Osthoff	Sherman	
Elioff	Knickerbocker	Otis	Simoneau	
Ellingson	Knuth	Pauly	Skoglund	

The bill was passed and its title agreed to.

Heinitz was excused at 3:30 p.m. Clawson was 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 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 THE 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. 599, 114, 149, 314, 325, 417, 441, 462, 523, 529, 530, 617 and 694 which it recommended to pass.

S. F. No. 269 which it recommended to pass.

H. F. Nos. 89 and 239 which it recommended progress.

S. F. No. 233 which it recommended progress.

H. F. Nos. 91, 588 and 123 which it recommended progress retaining their places on General Orders.

H. F. No. 138 which it recommended progress until Monday, April 4, 1983.

H. F. No. 733 which it recommended progress until Thursday, April 7, 1983.

S. F. No. 107 which it recommended to pass with the following amendment offered by Fjoslien :

Page 3, line 22, delete everything after the period

Page 3, delete line 23

Page 3, line 24, delete everything through "a"

Page 3, line 22, after the period insert, "*The appointment shall be made on the basis of recognized and*"

Page 5, line 17, after "bee" insert a semicolon

H. F. No. 318 which it recommended to pass with the following amendment offered by Riveness :

Page 2, line 5, after the period insert "*The authority granted in clause (iii) to cities which have territory within a watershed which has adopted a watershed plan pursuant to section 473.878 shall be exercised, with respect to facilities acquired following the adoption of the watershed plan, only for facilities which are not inconsistent with the watershed plan. The authority granted in clause (iii) to cities which have adopted local water management plans pursuant to section 473.879 shall be exercised, with respect to facilities acquired following the adoption of a local plan, only for facilities which are not inconsistent with the local plan.*"

H. F. No. 459 which it recommended to pass with the following amendment offered by Rodriguez, F. :

Page 2, line 2, delete "hand field work or"

Page 2, line 2, after "detasseling" insert "*or hand field work when one or both of that minor hand field worker's parents or physical custodians are also hand field workers*"

S. F. No. 96 which it recommended progress with the following amendment offered by Carlson, D., and Kahn :

Page 6, line 2, after the second "the" insert "governor with the advice of the" and after the second "of" insert "the"

Page 6, line 3, after "rehabilitation" insert "board"

Page 6, line 4, reinstate the stricken language and delete the new language

Page 6, line 5, reinstate "the" and "of"

Page 6, reinstate lines 6 to 9

Page 6, line 10, reinstate "evaluated by the technical advisory committee"

Page 6, line 10, strike "with respect to"

Page 6, lines 11 and 12, strike the old language and delete the new language

Page 6, line 13, delete "objectives of the proposal"

Page 6, lines 17 and 18, delete the new language

S. F. No. 50 which it recommended to pass with the following amendment offered by Staten:

Page 3, after line 25, insert: "No person shall be charged with a violation of clause (a) of this section merely because of financial inability to provide the child with adequate food, clothing, shelter, or health care."

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:

Carlson, D., and Kahn moved to amend S. F. No. 96, the second engrossment, as follows:

Page 6, line 2, after the second "the" insert "governor with the advice of the" and after the second "of" insert "the"

Page 6, line 3, after "rehabilitation" insert "board"

Page 6, line 4, reinstate the stricken language and delete the new language

Page 6, line 5, reinstate "the" and "of"

Page 6, reinstate lines 6 to 9

Page 6, line 10, reinstate "evaluated by the technical advisory committee"

Page 6, line 10, strike "with respect to"

Page 6, lines 11 and 12, strike the old language and delete the new language

Page 6, line 13, delete "objectives of the proposal"

Page 6, lines 17 and 18, delete the new language

The question was taken on the amendment and the roll was called. There were 66 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Forsythe	Kelly	Quist	Thiede
Anderson, R.	Frerichs	Knickerbocker	Redalen	Uphus
Bennett	Greenfield	Kvam	Reif	Valan
Bishop	Gruenes	Levi	Rodriguez, C.	Valento
Blatz	Halberg	Ludeman	Rose	Vellenga
Burger	Haukoos	Marsh	St. Onge	Waltman
Carlson, D.	Heap	McDonald	Schafer	Welch
Dempsey	Heinitz	McKasy	Scheid	Welker
DenOuden	Himle	Olsen	Schoenfeld	Welle
Dimler	Hoffman	Omann	Schreiber	Wigley
Erickson	Hokr	Onnen	Seaberg	
Evans	Jennings	Osthoff	Shaver	
Findlay	Johnson	Pauly	Stadum	
Fjoslien	Kahn	Piepho	Swiggum	

Those who voted in the negative were:

Battaglia	Elioff	Long	Peterson	Skoglund
Beard	Ellingson	Mann	Piper	Solberg
Begich	Graba	McEachern	Quinn	Sparby
Bergstrom	Gustafson	Metzen	Rice	Staten
Berkelman	Gutknecht	Minne	Riveness	Swanson
Brandl	Jacobs	Munger	Rodosovich	Tomlinson
Carlson, L.	Jensen	Murphy	Rodriguez, F.	Tunheim
Clark, K.	Kalis	Nelson, D.	Sarna	Vanasek
Clawson	Knuth	Neuenschwander	Segal	Wenzel
Cohen	Kostohryz	O'Connor	Shea	Wynia
Coleman	Krueger	Ogren	Sherman	Speaker Sieben
Eken	Larsen	Otis	Simoneau	

The motion prevailed and the amendment was adopted.

The question was taken on the Welker motion to re-refer H. F. No. 617 to the Committee on Appropriations and the roll was called. There were 55 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Evans	Hokr	Omann	Shaver
Bennett	Findlay	Jennings	Onnen	Sherman
Bishop	Fjoslien	Johnson	Pauly	Stadum
Blatz	Forsythe	Knickerbocker	Piepho	Sviggum
Brinkman	Frerichs	Kvam	Quist	Thiede
Burger	Gruenes	Levi	Redalen	Uphus
Carlson, D.	Gutknecht	Ludeman	Reif	Valan
Dempsey	Halberg	Marsh	Rose	Valento
DenOuden	Haukoos	McDonald	Schafer	Waltman
Dimler	Heap	McKasy	Schreiber	Welker
Erickson	Himle	Olsen	Seaberg	Wigley

Those who voted in the negative were:

Anderson, G.	Craba	Minne	Rice	Sparby
Battaglia	Greenfield	Munger	Riveness	Staten
Beard	Gustafson	Murphy	Rodosovich	Swanson
Begich	Hoffman	Nelson, D.	Rodriguez, C.	Tomlinson
Bergstrom	Jacobs	Nelson, K.	Rodriguez, F.	Tunheim
Brandl	Jensen	Neuenschwander	St. Onge	Vanasek
Carlson, L.	Kahn	O'Connor	Sarna	Vellenga
Clark, J.	Kalis	Ogren	Scheid	Welch
Clark, K.	Kelly	Osthoff	Schoenfeld	Welle
Cohen	Knuth	Otis	Segal	Wenzel
Coleman	Kostohryz	Peterson	Shea	Wynia
Eken	Long	Piper	Simoneau	Speaker Sieben
Elioff	McEachern	Price	Skoglund	
Ellingson	Metzen	Quinn	Solberg	

The motion did not prevail.

## MOTIONS AND RESOLUTIONS

Onnen moved that S. F. No. 207 be recalled from the Committee on Education and together with H. F. No. 282, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

Kahn moved that the names of Welch and Norton be added as authors on H. F. No. 867. The motion prevailed.

Norton moved that the name of Bishop be added as an author on H. F. No. 737. The motion prevailed.

Neuenschwander moved that the name of Vanasek be added as an author on H. F. No. 960. The motion prevailed.

McDonald moved that the name of Fjoslien be added as an author on House Concurrent Resolution No. 2. The motion prevailed.

DenOuden moved that the names of Welle, Battaglia, Redalen and Jensen be added as authors on H. F. No. 757. The motion prevailed.

Gustafson moved that the name of Otis be added as an author on H. F. No. 988. The motion prevailed.

Simoneau moved that the name of Knuth be added as an author on H. F. No. 588. The motion prevailed.

Jacobs moved that H. F. No. 904 be recalled from the Committee on Regulated Industries and be re-referred to the Committee on Transportation. The motion prevailed.

House Concurrent Resolution No. 2 was reported to the House.

McDonald moved that House Concurrent Resolution No. 2 be now adopted.

#### HOUSE CONCURRENT RESOLUTION NO. 2

A house concurrent resolution designating the "Red Ribbon" to commemorate Minnesota citizens who are still missing in action in Vietnam.

*Whereas*, the state of Minnesota is proud of the veterans of the nation's wars; and

*Whereas*, the Vietnam Conflict is the longest, most unpopular, and controversial war involving the United States; and

*Whereas*, over eight million American men and women served this nation during that time, and of that number over 60,000 that served in Vietnam were from Minnesota; and

*Whereas*, over 57,000 Americans gave their lives during the Vietnam Conflict, and of that number 1,003 from Minnesota lost their lives in defense of freedom; and

*Whereas*, 2,512 Americans remain unaccounted for from the Vietnam Conflict and 48 of those Americans are from Minnesota; *Now, Therefore*,

*Be It Resolved* by the House of Representatives, the Senate concurring, that an official symbol is established in memory of those Americans who are missing and unaccounted for. The symbol established is a "Red Ribbon" and that the Red Ribbon should be displayed in all public buildings and other appropriate locations in recognition of the missing Americans.

*Be It Further Resolved*, that the Chief Clerk is directed to prepare enrolled copies of this resolution, to be authenticated as appropriate, and present them to representatives of the various veterans organizations in Minnesota.



The motion prevailed and House Concurrent Resolution No. 2 was adopted.

Kostohryz introduced:

House Resolution No. 6, A house resolution commending the Pioneers from Hill-Murray High School for winning the 1983 State High School Hockey Championship.

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., Wednesday, March 30, 1983. 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, March 30, 1983.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**



## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## TWENTY-NINTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 30, 1983

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 Tomas E. Meeks, House Chaplain, Ramsey, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Ellingson	Kostohryz	Peterson	Solberg
Anderson, G.	Erickson	Kvam	Piepho	Sparby
Anderson, R.	Evans	Larsen	Piper	Stadum
Battaglia	Findlay	Levi	Price	Staten
Beard	Fjoslien	Ludeman	Quinn	Sviggum
Begich	Frerichs	Mann	Quist	Swanson
Bennett	Graba	Marsh	Redalen	Thiede
Bergstrom	Greenfield	McDonald	Reif	Tomlinson
Berkelman	Gruenes	McEachern	Rice	Tunheim
Bishop	Gustafson	McKasy	Riveness	Uphus
Blatz	Gutknecht	Metzen	Rodosovich	Valan
Brandl	Halberg	Minne	Rodriguez, F.	Valento
Brinkman	Haukoos	Munger	Rose	Vanasek
Burger	Heap	Murphy	St. Onge	Vellenga
Carlson, D.	Heinitz	Nelson, D.	Sarna	Voss
Carlson, L.	Himle	Nelson, K.	Schafer	Waltman
Clark, J.	Hoffman	Neuenschwander	Scheid	Welch
Clark, K.	Hokr	Norton	Schoenfeld	Welker
Clawson	Jacobs	O'Connor	Schreiber	Welle
Cohen	Jennings	Ogren	Seaberg	Wenzel
Coleman	Jensen	Olsen	Segal	Wigley
Dempsey	Johnson	Omann	Shaver	Wynia
DenOuden	Kahn	Onnen	Shea	Zaffke
Dimler	Kalis	Osthoff	Sherman	Speaker Sieben
Eken	Kelly	Otis	Simoneau	
Elioff	Knuth	Pauly	Skoglund	

A quorum was present.

Forsythe, Hoberg, Knickerbocker and Long were excused.

Krueger was excused until 2:30 p.m. Rodriguez, C., was excused until 3:15 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. 74, 88, 277, 282, 396, 552, 597, 601, 609, 624, 638, 673, 132, 189, 213, 318, 482, 511, 459, 564, 581, 608, 231, 553, 653 and 667 and S. F. Nos. 81, 101, 164, 201, 552, 589, 50, 107 and 96 have been placed in the members' files.

S. F. No. 81 and H. F. No. 88, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Rodosovich moved that S. F. No. 81 be substituted for H. F. No. 88 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 207 and H. F. No. 282, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Onnen moved that S. F. No. 207 be substituted for H. F. No. 282 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 164 and H. F. No. 359, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Norton moved that the rules be so far suspended that S. F. No. 164 be substituted for H. F. No. 359 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 589 and H. F. No. 460, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Rodriguez, F., moved that the rules be so far suspended that S. F. No. 589 be substituted for H. F. No. 460 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 101 and H. F. No. 213, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

O'Connor moved that the rules be so far suspended that S. F. No. 101 be substituted for H. F. No. 213 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  
SAINT PAUL 55155

March 29, 1983

The Honorable Harry A. Sieben, Jr.  
Speaker of the House  
276 State Office Building  
St. Paul, Minnesota 55155

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. 215, relating to local government; authorizing flood control projects by the city of Rochester, Olmsted County and the Olmsted county soil and water conservation district.

The Governor also signed this day House File No. 46 relating to a resolution memorializing the President and Congress to repeal the Secretary of Agriculture's authority to deduct 50 cents per hundredweight from milk producer payments.

Sincerely,

RUDY PERPICH  
Governor

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

March 29, 1983

The Honorable Harry A. Sieben, Jr.  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 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 1983	Date Filed 1983
	215	14	March 29	March 29
	46	Resolution 2	March 29	March 29

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

### REPORTS OF STANDING COMMITTEES

McEachern from the Committee on Education to which was referred:

H. F. No. 159, 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 1982, 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.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 127.27, subdivision 2, is amended to read:

Subd. 2. "Dismissal" means the denial of the appropriate educational program to any pupil, including exclusion, expulsion, and suspension. *It does not include removal from class.*

Sec. 2. [127.40] [DEFINITIONS.]

*Subdivision 1. [REMOVAL FROM CLASS.] "Removal from class" and "removal" mean any actions taken by a teacher, principal, or other school district employee to prohibit a pupil from attending class for a period of time not to exceed three class or activity periods, pursuant to procedures established in the school district discipline policy adopted by the local school board pursuant to section 3 of this act.*

*Subd. 2. [CLASS PERIOD.] "Class period" or "activity period" means, in secondary grades, instruction for a given course of study. A class period or activity period means, in elementary grades, a period of time not to exceed one hour, regardless of the subject of instruction.*

**Sec. 3. [127.41] [ADOPTION OF POLICY ON DISCIPLINE AND REMOVAL OF STUDENTS FROM CLASS.]**

*Subdivision 1. [REQUIRED POLICY.] Prior to the beginning of the 1984-1985 school year each school board shall adopt a written district-wide school discipline policy which shall include rules of conduct for pupils and grounds and procedures for removal of pupils from class. The policy shall be developed with the participation of administrators, teachers, employees, pupils, parents, community members, and such other individuals or organizations as the board determines appropriate.*

*Subd. 2. [GROUNDS FOR REMOVAL FROM CLASS.] The policy shall establish the various grounds for which a pupil may be removed from a class in the district for a period of time pursuant to the procedures specified therein. The grounds in the policy shall include at least the following provisions as well as other grounds determined appropriate by the board:*

*(a) Willful conduct which materially and substantially disrupts the rights of others to an education;*

*(b) Willful conduct which endangers school district employees, the pupil or other pupils, or the property of the school;*

*(c) Willful violation of any rule of conduct specified in the discipline policy adopted by the board.*

*Subd. 3. [POLICY COMPONENTS.] The policy shall include at least the following components:*

*(a) Rules governing pupil conduct and procedures for informing pupils of those rules;*

*(b) The grounds for removal of a pupil from a class;*

*(c) The authority of the classroom teacher to remove pupils from the classroom pursuant to procedures and rules established in the district's policy;*

*(d) The procedures for removal of a pupil from a class by a teacher, school administrator, or other school district employee;*

*(e) The period of time for which a pupil may be removed from a class, provided that a pupil may not be removed from a*

*class for a violation of a rule of conduct for more than three class periods;*

*(f) Provisions relating to the responsibility for and custody of a pupil removed from a class;*

*(g) The procedures for return of a pupil to the specified class from which the pupil has been removed;*

*(h) The procedures for notifying pupils and parents or guardians of violations of the rules of conduct and of resulting disciplinary actions;*

*(i) Any procedures determined appropriate for encouraging early involvement of parents or guardians in attempts to improve a pupil's behavior;*

*(j) Any procedures determined appropriate for encouraging early detection of behavioral problems; and*

*(k) Any procedures determined appropriate for referring pupils in need of special education services to those services.*

#### Sec. 4. [127.42] [REVIEW OF POLICY.]

*The principal and the licensed employees in a school building shall confer at least annually to review the discipline policy and to assess whether the policy has been enforced."*

Delete the title and insert:

"A bill for an act relating to education; requiring school boards to adopt and review discipline policies including rules of conduct for pupils, and grounds and procedures for removal of pupils from class; amending Minnesota Statutes 1982, section 127.27, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 127."

With the recommendation that when so amended the bill pass.

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 210, A bill for an act relating to historical societies; fixing the maximum city or town tax for a county historical society; amending Minnesota Statutes 1982, section 138.053.

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. 233, A bill for an act relating to retirement; providing post retirement annuity or benefit increases for certain retired or disabled public employees.

Reported the same back with the following amendments:

Page 2, line 33, delete "*December 1, 1983, and*"

Page 2, line 34, delete "*adjustments*" and insert "*adjustment*"

Page 3, line 7, after the dollar sign, insert "*10,750,000*"

Page 3, delete lines 11 to 17, and insert:

	<i>"FY 1984</i>	<i>FY 1985</i>
<i>public employees retirement fund</i>	<i>\$1,904,736</i>	<i>\$1,963,075</i>
<i>public employees police and fire fund</i>	<i>76,016</i>	<i>80,767</i>
<i>teachers retirement fund</i>	<i>1,545,520</i>	<i>1,633,904</i>
<i>state patrol retirement fund</i>	<i>59,008</i>	<i>62,067</i>
<i>state employees retirement fund</i>	<i>1,352,128</i>	<i>1,393,541</i>
<i>Minneapolis employees retirement fund</i>	<i>308,688</i>	<i>323,068"</i>

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. 250, 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 1982, section 61A.03; proposing new law coded in Minnesota Statutes, chapter 72A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 61A.03, is amended to read:

**61A.03 [(NECESSARY) REQUIRED PROVISIONS; LIFE INSURANCE POLICIES.]**

*Subdivision 1. [GENERALLY.]* No policy of life insurance shall be issued in this state or be issued by a life insurance company organized under the laws of this state unless the same contains the following provisions:

((1)) (a) [PREMIUM.] A provision that all premiums shall be payable in advance either at the home office of the company, or to an agent of the company, upon delivery of a receipt signed by one or more officers named in the policy and counter-signed by the agent, but any policy may contain a provision that the policy itself shall be a receipt for the first premium;

((2)) (b) [GRACE PERIOD.] A provision for a grace of one month for the payment of every premium after the first, which may be subject to an interest charge, during which month the insurance shall continue in force, which provision may contain a stipulation that if the insured dies during the month of grace the overdue premium will be deducted in any settlement under the policy;

((3)) (c) [ENTIRE CONTRACT.] A provision that the policy constitutes the entire contract between the parties and is incontestable after it is in force during the lifetime of the insured for two years from its date, except for non-payment of premiums and except for violations of the conditions of the policy relating to naval and military services in time of war and, at the option of the company, provisions relative to benefits in the event of total and permanent disability and provisions which grant additional insurance specifically against death by accident, may be excepted, a special form of policy may be issued on the life of a person employed in an occupation classed by the company as extra hazardous or as leading to hazardous employment, which provides that service in certain designated occupations may reduce the company's liability under the policy to a certain designated amount not less than the full policy reserve;

((4)) (d) [REPRESENTATIONS AND WARRANTIES.] A provision that, in the absence of fraud, all statements made by the insured shall be deemed representations and not warranties, and that no such statement shall avoid the policy unless it is contained in a written application, and a copy of the application is endorsed upon or attached to the policy when issued;

((5)) (e) [MISSTATEMENT OF AGE.] A provision that if the age of the insured is understated, the amount payable under the policy shall be such as the premium would have purchased at the correct age;

((6)) (f) [DIVIDENDS ON PARTICIPATING POLICIES.] A provision that the policy shall participate in the surplus of the company and that, beginning not later than the end of the third policy year, the company will, annually, determine and account for the portion of the divisible surplus accruing on the policy, and that the owner of the policy shall have the right, each year after the fifth to have the current dividend arising from such participation paid in cash, and if the policy shall provide other dividend options, it shall specify which option shall be effective if the owner of the policy shall not elect any option, which provision may stipulate that any dividends payable during the first five years of such policy shall be conditioned upon the payment of the next ensuing annual premium; this provision shall not be required in non-participating policies, nor in policies issued on under-average lives, nor in insurance in exchange for lapsed or surrendered policies;

((7)) (g) [POLICY LOANS.] A provision that after three full years premiums have been paid, the company at any time while the policy is in force, will advance, on proper assignment of the policy, and on the sole security thereof, at a specified rate of interest, *not to exceed eight percent per annum, or at an adjustable rate of interest as otherwise provided for in this section*, a sum equal to, or, at the option of the owner of the policy, less than the loan value thereof. Such loan value shall be the cash surrender value thereof at the end of the current policy year, and the policy shall provide that such loan, except when made to pay premiums, may be deferred for not exceeding six months after the application therefor is made; it shall be further stipulated in the policy that the company will deduct from such loan value any existing indebtedness on the policy and any unpaid balance of the premium for current policy year, and may collect interest in advance on the loan to the end of the current policy year, and that the failure to repay any such advance or to pay interest shall not void the policy unless the total indebtedness thereon to the company shall equal or exceed such loan value at the time of such failure, nor until one month after notice shall have been mailed by the company to the last known address of the insured and of the assignee of record at the home office of the company; no condition other than as herein provided shall be exacted as a prerequisite to any such advance; but this provision shall not be required in term insurance.

((8)) (h) [REINSTATEMENT.] A provision that if, in event of default in premium payments, the nonforfeiture value of the policy shall be applied to the purchase of other insurance, and if such insurance shall be in force and the original policy shall not have been surrendered to the company and canceled,

the policy may be reinstated within three years from such default, upon evidence of insurability satisfactory to the company, and payment of arrears of premiums, with interest;

(9) (i) [PAYMENT OF CLAIMS.] A provision that, when a policy becomes a claim by the death of the insured, settlement shall be made upon receipt of due proof of death, or not later than two months after receipt of such proof;

((10)) (j) [SETTLEMENT OPTION.] A table showing the amount of installments in which the policy may provide its proceeds may be payable;

((11)) (k) [DESCRIPTION OF POLICY.] A title on the face and on the back of the policy briefly and correctly describing in bold letters the same, and so specifying its general character, dividend periods, and other particulars, that the holder will not be able to mistake the nature and scope of the contract.

Any of the foregoing provisions or portions thereof relating to premiums not applicable to single premium policies shall not be incorporated therein.

*Subd. 2. [INTEREST RATES ON POLICY LOANS.] (a)*  
*A life insurance policy which provides for policy loans shall contain a provision concerning maximum policy loan interest rates as follows:*

(1) *a provision permitting a maximum interest rate of not more than eight percent per annum; or*

(2) *a provision permitting an adjustable maximum interest rate established from time to time by the life insurer as permitted by this subdivision.*

(b) *No life insurer may issue policies with a policy loan provision providing for an adjustable maximum interest rate under clause (a)(2) unless the insurer also makes available policies with a policy loan provision providing for a fixed rate of interest under clause (a)(1).*

(c) *The rate of interest charged on a policy loan made under clause (a)(2) shall not exceed the higher of the following:*

(1) *the rate used to compute the cash surrender values under the policy during the applicable period plus one percent per annum; or*

(2) *the monthly average of the composite yield on seasoned corporate bonds as published by Moody's Investors Service, In-*

corporated, or any successor thereto, for the calendar month ending two months before the date on which the rate is determined. If the monthly average is no longer published, a substantially similar average shall be substituted by the commissioner by rule.

(d) If the maximum rate of interest is determined pursuant to clause (a)(2), the policy shall contain a provision setting forth the frequency at which the rate is to be determined for that policy.

(e) The maximum rate referred to in clause (d) must be determined at regular intervals at least once every 12 months, but not more frequently than once in any three-month period. At the intervals specified in the policy:

(1) The rate being charged may be increased whenever such increase as determined under clause (c) would increase that rate by one-half percent or more per annum; and

(2) The rate being charged must be reduced whenever such reduction as determined under clause (c) would decrease that rate by one-half percent or more per annum.

(f) The life insurer shall:

(1) notify the policyholder at the time a policy loan, other than a premium loan, is made, of the initial rate of interest on the loan, that the interest rate on the loan is adjustable and that the policyholder will be notified of any increase in the interest rate;

(2) notify the policyholder with respect to premium loans of the initial rate of interest on the loan as soon as it is reasonably practical to do so after making the initial loan. Notice need not be given to the policyholder when a further premium loan is added, except as provided in clause (3);

(3) send reasonable advance notice of any increase in the rate to the policyholder with loans; and

(4) include in the notices required by this clause the substance of the pertinent provisions of clauses (a) and (d), a summary of the plan required by clause (h), and the effect of the policy loan on the policyholder's net cost of insurance per \$1,000 of coverage based on that plan.

(g) The loan value of the policy shall be determined in a manner consistent with section 61A.24 or 61A.245, but no policy shall terminate as the sole result of a change in the interest rate during that policy year, and the life insurer shall maintain coverage during that policy year until the time at which it would otherwise

have terminated if there had been no change during that policy year.

(h) Prior to offering insurance policies with an adjustable policy loan interest rate the insurer shall file a written plan setting forth the manner in which policyholders will receive a reasonable benefit in the form of price reductions or increased dividends from the increased earnings of the insurer resulting from the use of the adjustable rate and, if applicable, the effect of a policy loan on dividends and dividend rates. A summary of this plan must be made available upon request to each policyholder and must be provided to each applicant for a policy before the initial premium is received.

(i) The pertinent provisions of clauses (a) and (e) shall be set forth in substance in the policies to which they apply.

(j) For the purposes of this subdivision:

(1) The rate of interest on policy loans permitted under this subdivision includes the interest rate charged on reinstatement of policy loans for the period during and after any lapse of a policy.

(2) The term "policy loan" includes any premium loan made under a policy to pay one or more premiums that were not paid to the life insurer as they fell due.

(3) The term "policyholder" includes the owner of the policy or the person designated to pay premiums as shown on the records of the life insurer.

(4) The term "policy" includes certificates issued by a fraternal benefit society and annuity contracts which provide for policy loans.

**Subd. 3. [APPLICABILITY TO EXISTING POLICIES.]** The provisions of subdivision 2 shall not apply to any insurance policy issued before the effective date of this act unless the insurer provides the policyholder with a summary of the plan required by subdivision 2, clause (h), and thereafter the policyholder agrees in writing to the applicability of those provisions.

**Subd. 4. [NONAPPLICATION OF USURY.]** Neither section 334.01 nor any other law of this state which regulates rates of interest shall apply to policy loans which are governed by this section.

**Subd. 5. [RULES.]** The commissioner may adopt rules pursuant to chapter 14 to further implement and administer the provisions of this chapter.

Sec. 2. [72A.135] [FAILURE TO FOLLOW DIVIDEND AND PRICING POLICY; PENALTIES.]

*An insurer failing to file and adhere to the plan required by section 61A.03, subdivision 2, clause (h), shall be subject to a civil penalty of not more than \$5,000 for each violation.*

Sec. 3. [EFFECTIVE DATE.]

*Sections 1 and 2 are effective January 1, 1984."*

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. 251, A bill for an act relating to retirement; police and salaried firefighters relief associations; modifying the governance of the trust funds after the local relief association ceases to exist; amending Minnesota Statutes 1982, section 423A.01, subdivision 2.

Reported the same back with the following amendments:

Page 2, line 16, after the period insert "*Recipient beneficiaries who are competent to act on their own behalf shall be entitled to select the prescribed number of trustees of the trust fund as provided in this clause, subject to the approval of the governing body of the municipality.*"

Page 4, after line 16, insert:

"Sec. 2. Minnesota Statutes 1982, section 423A.01, subdivision 4, is amended to read:

Subd. 4. [AUTOMATIC POST RETIREMENT ADJUSTMENTS FOR CERTAIN NEWLY EMPLOYED, ACTIVE AND RETIRED MEMBERS.] (1) Notwithstanding any provision of law, municipal charter, municipal ordinance or resolution, or relief association articles of incorporation or bylaws to the contrary, any person who meets one of the following requirements for entitlement shall be entitled to an annual automatic post retirement adjustment in the amount of the service pension calculated pursuant to clause (2). A person meets the requirements for entitlement if:

(a) the person is a member of a covered local police or salaried firefighters' relief association enumerated in clause (3) (UNLESS THE MUNICIPALITY HAS ADOPTED A

MUNICIPAL RESOLUTION RETAINING THE LOCAL RELIEF ASSOCIATION PURSUANT TO SUBDIVISION 1, IF APPLICABLE), commences receiving a service pension at an age no earlier than attaining the age of 55 years, and has met all applicable requirements for entitlement to a service pension specified in the applicable laws and relief association articles of incorporation or bylaws governing the local relief association;

(b) the person is a retired member of a covered local police or salaried firefighters' relief association enumerated in clause (3) (UNLESS THE MUNICIPALITY HAS ADOPTED A MUNICIPAL RESOLUTION RETAINING THE LOCAL RELIEF ASSOCIATION PURSUANT TO SUBDIVISION 1, IF APPLICABLE), retired on a service pension after June 15, 1980 (AND) after attaining the age of at least 50 years but prior to attaining the age of 55 years, and attains the age of 55 years subsequent to retirement; or

(c) the person was a retired member on June 15, 1980 of a covered local police or salaried firefighters' relief association or retirement trust fund enumerated in clause (3), (UNLESS THE MUNICIPALITY HAS ADOPTED A MUNICIPAL RESOLUTION RETAINING THE LOCAL RELIEF ASSOCIATION PURSUANT TO SUBDIVISION 1, IF APPLICABLE, ON JUNE 15, 1980,) is receiving a service pension, and has attained the age of at least 55 years.

(2) Any person who meets the requirements specified in clause (1)(a) or (1)(b) shall be entitled to receive the annual automatic post retirement adjustment on the January 1 next following the date upon which the requirements for entitlement are met but in no event prior to the date upon which the person attains the age of 55 years. Any person who meets the requirements specified in clause (1)(c) shall be entitled to receive the (ANNUAL AUTOMATIC POST RETIREMENT) adjustment on the January 1 next following (THE EFFECTIVE DATE OF THE APPROVAL OF THE BENEFIT MODIFICATION BY THE MUNICIPALITY AS PROVIDED FOR IN CLAUSE (3) OR) the date upon which the person attains the age of 55 years (; WHICHEVER OCCURS LATER). The amount of the (ANNUAL AUTOMATIC POST RETIREMENT) adjustment shall be determined by the board of trustees of the local relief association on or before December 1 annually and the (ANNUAL AUTOMATIC POST RETIREMENT) adjustment shall accrue each year as of January 1 next following the determination date. The (ANNUAL AUTOMATIC POST RETIREMENT) adjustment shall be first payable with the service pension payment made for January. Each (ANNUAL AUTOMATIC POST RETIREMENT) adjustment in the amount of the service pension shall be (EQUAL TO THE DOLLAR AMOUNT DETERMINED BY APPLYING) based on the percentage (BY WHICH THE SALARY PAYABLE BY THE MUNICIPALITY TO A TOP GRADE PATROL OFFICER OR A TOP GRADE FIREFIGHTER, WHICHEVER IS APPLICABLE,



HAS INCREASED) *increase in the salary upon which retirement coverage is credited during the prior year subject to the limitation provided for in this clause.*

*The percentage increase in the salary shall be applied to the amount of service pension payable to the person for the month immediately prior to the month in which the determination is made. The maximum percentage increase shall not exceed 3-1/2 percent in any year and any increase in the salary level of the applicable position used to govern the determination of (ANNUAL AUTOMATIC POST RETIREMENT) adjustments in excess of 3-1/2 percent in any year shall not carry over to or be used to calculate the rate of salary increase for any succeeding year in which the increase in the salary of the applicable position does not exceed 3-1/2 percent.*

(3) The provisions of this subdivision shall apply to the active members and retired members of a local police or salaried firefighters' relief association or to the retired members of a retirement trust fund contained in the following enumeration of covered relief associations (IF THE GOVERNING BODY OF THE APPLICABLE MUNICIPALITY APPROVES THE MODIFICATION IN THE BENEFIT PLAN OF THE RELIEF ASSOCIATION SPECIFIED IN THIS SUBDIVISION FOLLOWING CONSIDERATION OF AN ACTUARIAL VALUATION WHICH IS, OR ACTUARIAL ESTIMATE BASED ON THE MOST RECENT ACTUARIAL VALUATION WHICH WAS, PREPARED IN ACCORDANCE WITH SECTIONS 356.215 AND 356.216, BASED ON THE BENEFIT PLAN OF THE APPLICABLE LOCAL RELIEF ASSOCIATION OR RETIREMENT TRUST FUND INCLUDING THE MODIFICATION PROVIDED FOR IN THIS SUBDIVISION, DOES NOT ADOPT A MUNICIPAL RESOLUTION RETAINING THE LOCAL RELIEF ASSOCIATION PURSUANT TO SUBDIVISION 1, AND FILES A RESOLUTION INDICATING APPROVAL OF THE MODIFICATION IN THE BENEFIT PLAN WITH THE SECRETARY OF STATE, THE COMMISSIONER OF INSURANCE AND THE EXECUTIVE SECRETARY OF THE LEGISLATIVE COMMISSION ON PENSIONS AND RETIREMENT ON OR BEFORE THE FIRST DAY OF THE TENTH MONTH FOLLOWING JUNE 15, 1980):

- (a) Buhl police relief association;
- ((B) CROOKSTON FIREFIGHTERS RELIEF ASSOCIATION;)
- ((C) CROOKSTON POLICE RELIEF ASSOCIATION;)
- ((D)) (b) Eveleth joint retired police and firefighters retirement trust fund;
- ((E)) (c) Moorhead firefighters relief association;

- (F) (d) Moorhead police relief association;
- (G) (e) Thief River Falls police retirement trust fund;
- (H) (f) Virginia firefighters relief association;
- (I) (g) West St. Paul police relief association.

Sec. 3. [EFFECTIVE DATE.]

*This act is effective the day following final enactment.*

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "updating obsolete language; clarifying ambiguous language;"

Page 1, line 6, delete "subdivision 2" and insert "subdivisions 2 and 4"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 287, A bill for an act relating to domestic abuse; protecting persons from abuse by former spouses and others; authorizing an arrest for violations of certain orders; amending Minnesota Statutes 1982, section 518B.01, subdivisions 2, 13, and 14.

Reported the same back with the following amendments:

Page 1, line 19, after "member;" insert "*or (iii) intrafamilial sexual abuse, within the meaning of sections 609.364 to 609.3644, committed against a child or minor family or household member by an adult family or household member;*"

Page 2, line 28, delete "notice" and insert "*the filing of an affidavit*"

Page 2, line 28, delete everything after "*petitioner*"

Page 2, line 29, delete "*the petitioner*"

Page 2, line 31, delete "*shall*" and insert "*may*"

Page 2, line 31, delete "*a summons*" and insert "*an order*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Energy to which was referred:

H. F. No. 300, A bill for an act relating to energy; creating the Minnesota conservation partnership; establishing a program of loans and financial assistance for households and municipalities; authorizing the issuance of bonds; appropriating money; proposing new law coded in Minnesota Statutes, chapter 4; repealing Minnesota Statutes 1982, section 3.351.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [TRANSFER OF CERTAIN POWERS RELATING TO ENERGY FROM THE DEPARTMENT OF ENERGY, PLANNING AND DEVELOPMENT TO THE MINNESOTA DEPARTMENT OF ENERGY.]**

*Subdivision 1. [AUTHORIZATION.] The Minnesota department of energy is the successor to the department of energy, planning and development in the administration of certain laws related to energy. The department is a continuation of the former authority and not a new authority for the purpose of succession to the rights, powers, duties, and obligations of the department of energy, planning and development relating to energy as they were constituted immediately prior to the effective date of this act.*

*Subd. 2. [EFFECT OF RULES TRANSFERRED.] All rules previously adopted under the authority of a power, duty, or responsibility transferred by this act to the department of energy remain in force until modified or repealed in accordance with law by the department of energy.*

*Subd. 3. [EFFECT OF PENDING PROCEEDINGS.] Any proceeding, court action, prosecution, or other business or matter pending on the effective date of this act and undertaken or commenced by the department of energy, planning and development under the authority of any power, duty, or responsibility transferred by this act to the department of energy may be conducted and completed by the department of energy in the same manner, under the same terms and conditions, and with the same effect as though no transfer were made.*

*Subd. 4. [TRANSFER OF CUSTODY OF DOCUMENTS.] Every individual responsible under law for administration of any function transferred by this act to the department of energy shall, upon request by the department of energy or by any of*

*its designated employees, transfer custody of all books, maps, plans, papers, records, contracts, and other documents relating to the transferred function and necessary or convenient for the proper discharge of the agency's new duties. The transfer shall be made in accordance with the directions of the department of energy or its designated representative.*

*Subd. 5. [APPROPRIATIONS.] All unexpended and unencumbered funds appropriated to the department of energy, planning and development for the purpose of performing any of the functions, powers, or duties which are transferred by this act are transferred to the department receiving those functions, powers, or duties.*

*Subd. 6. [PERSONNEL.] The positions associated with the responsibilities being transferred are abolished in the department of energy, planning and development. The approved staff complement for that agency is decreased accordingly. The employees who filled the positions abolished in the department of energy, planning and development become employees of the agencies to which the duties are transferred. Personnel changes are effective on the date of transfer of responsibilities.*

## **Sec. 2. [116H.41] [CREATION OF DEPARTMENT.]**

*There is created in the executive branch the Minnesota department of energy. The department shall be under the supervision of a commissioner who shall organize the department. The commissioner shall be appointed by the governor under section 15.06. The commissioner may appoint a deputy commissioner and a personal secretary to serve at his pleasure. The commissioner and his deputy and his personal secretary shall serve in the unclassified service and shall be members of the Minnesota state retirement system. The department shall be responsible for the administration of the laws contained in chapter 116H and for the performance of other duties assigned to it.*

## **Sec. 3. [116H.42] [ENERGY COORDINATION BOARD.]**

*Subdivision 1. [CREATION.] There is created an energy coordination board. The board shall be composed of the commissioner of the department of energy as chairperson and the heads of the following agencies:*

*(1) economic development function of the department of energy, planning and development or the successor agency which assumes those functions;*

*(2) housing finance agency;*

*(3) administration department;*

- (4) *public service department;*
- (5) *agriculture department;*
- (6) *natural resources department;*
- (7) *statewide planning function of the department of energy, planning and development or the successor agency which assumes those functions;*
- (8) *public utilities commission;*
- (9) *education department.*

*Subd. 2. [POWERS AND DUTIES.] The energy coordination board shall serve as the chief advisory board to the governor on coordinating energy activities within state government. It shall assist in the development of policies, plans, and programs for improving the coordination, administration, and effectiveness of energy activities.*

*The energy coordination board shall oversee and direct the activities of the intervention office created in section 4.*

**Sec. 4. [116H.425] [INTERVENTION OFFICE.]**

*There is created under the energy coordination board created by section 3 an intervention office to carry out intervention activities before federal and other energy regulatory agencies outside of the state. The office shall be staffed as the need arises by appropriate employees of the departments and agencies represented on the energy coordination board. Policies and functions of the intervention office shall be carried out under the direction of the commissioner of energy.*

**Sec. 5. [116H.50] [COORDINATION OF FEDERAL AND STATE RESIDENTIAL WEATHERIZATION PROGRAMS.]**

*Subdivision 1. [TRANSFER OF RESIDENTIAL WEATHERIZATION AUTHORIZATION.] Effective July 1, 1984, all powers, responsibilities and authorities for weatherizing the residences of low-income persons with money made available to the state by federal law and any other federal or state money made available for employment in weatherization programs is transferred from the department of economic security to the department of energy as provided in section 15.039.*

*Between the effective date of this act and July 1, 1984, the commissioner of economic security and the commissioner of energy shall prepare for an orderly transition of powers and authorities relating to the low-income weatherization program.*

## Sec. 6. [DEFINITIONS.]

*Subdivision 1. For purposes of this act the terms defined in this section have the meanings ascribed to them unless the context in which they are used clearly indicates otherwise.*

*Subd. 2. "Board" means the Minnesota energy coordination board established in section 3.*

*Subd. 3. "Commissioner" means the commissioner of the department of energy.*

*Subd. 4. "Department" means the department of energy established by this act.*

*Subd. 5. "Partnership" means the energy partnership created in section 7.*

*Subd. 6. "Person" includes an individual, firm, partnership, corporation, or association.*

*Subd. 7. "Conservation" means a product or system designed to reduce the amount of energy needed for an energy-consuming activity or process. Conservation includes but is not limited to thermal insulation and air infiltration control in buildings, products or methods that reduce energy consumption for transportation or soil tillage practices, improvements in combustion efficiency or heat transfer efficiency in boilers, furnaces or direct-fired process heaters, and changes to industrial production equipment that result in lower energy use per unit of output.*

*Subd. 8. "Municipality" means a city, town, county, school district, special taxing district, or a municipal power agency governed by chapter 453, or a group or combination of those units operating under an agreement to jointly undertake projects authorized by this act.*

*Subd. 9. "Alternative energy source" means a source of energy available from indigenous Minnesota resources including but not limited to peat, biomass, solar energy, wind, municipal wastes, agricultural or forestry wastes, hydro-power, and agricultural crops suitable for conversion to an energy fuel.*

*Subd. 10. "Renewable energy source" means a source of energy occurring in Minnesota which, when consumed for energy purposes, is replaced within a matter of days, months, or years by new or additional supplies of the energy source. Renewable energy sources include, but are not limited to, forestry products and forest harvest residues, solar energy, wind energy, water-power, and agricultural wastes.*

*Subd. 11. "Energy recovery" means the extraction of energy from materials, components or processes which would normally represent wasted energy resources. Municipal solid wastes, volatile sewer gases, and power plant waste heat, among others, offer the potential for energy recovery.*

**Sec. 7. [116H.76] [ENERGY PARTNERSHIP.]**

*Subdivision 1. [CREATION.] There is created a Minnesota energy partnership which shall perform the functions and duties authorized in sections 8 to 12. Principal responsibilities of the partnership shall include evaluation of energy related projects proposed by persons and municipalities of the state and assistance to proposers for accomplishing those projects deemed technically worthy and fiscally sound.*

*Subd. 2. [MEMBERSHIP.] The partnership shall be composed of the commissioner of energy, the commissioner of finance, the director of the housing finance agency, and 12 public members appointed by the governor with advice and consent of the senate. At least four of the public members shall be experienced in the extension of credit to borrowers or possess other financial expertise useful to programs operated by the partnership. Other members shall have demonstrated interest and expertise in energy conservation or resource development and may be selected from groups representing small business, labor, education, farming or agribusiness, and residential renters. The governor shall designate a chairperson of the partnership from among its members.*

*Membership terms, compensation, and removal of members and filling of vacancies shall be as provided in section 15.0575.*

*Subd. 3. [CONFLICT OF INTEREST.] No member or employee of the partnership shall participate in any manner in any decision or action of the partnership where he has a direct or indirect conflict. Each member of the partnership shall file a statement of economic interest with the board of ethical practices as provided in section 10A.09.*

*Subd. 4. [STAFFING.] The commissioner of energy shall appoint an executive director and shall hire other employees as needed to carry out the duties of the partnership. The partnership may contract, through the commissioner, with the housing finance agency or other public or private providers of finance expertise for professional services that relate to financial management. Authority for interagency service contracts for financial management expertise shall expire June 30, 1985.*

*Subd. 5. The management and control of the partnership shall be vested solely in the members in accordance with provisions of this act.*

*Subd. 6. All powers and duties of the partnership shall be vested in the members in office from time to time and a majority of the members of the partnership constitutes a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies. Action may be taken by the partnership upon a vote of a majority of the members present.*

*Subd. 7. The members and officers of the partnership shall not be liable personally, either jointly or severally, for any debt or obligation created or incurred by the partnership.*

### **Sec. 8. [SPECIFIC POWERS AND DUTIES OF THE PARTNERSHIP.]**

*Subdivision 1. The partnership shall perform, direct, or closely oversee the functions and programs delegated to it by sections 7 to 12. In order to accomplish these activities the partnership may request that staff be loaned by existing state agencies, or contract for services from public or private sources.*

*The powers and authorities granted to the partnership shall be broadly interpreted to facilitate innovative leadership in all areas of energy including policy setting, goal definition, strategic planning, conservation, development of renewable and alternative energy sources, energy recovery, and monitoring.*

*Subd. 2. The partnership shall assume an active role in a campaign for energy efficiency. The partnership shall actively promote public awareness of the potentials and benefits of energy efficiency.*

*Subd. 3. The partnership shall perform market analysis studies relating to conservation, alternative and renewable energy sources, and energy recovery.*

*Subd. 4. The partnership shall assure that programs under its control and direction make accommodation wherever possible for job creation and the needs of low income families and persons.*

*Subd. 5. The partnership shall be responsible for establishing energy efficiency goals for the state. These goals shall include all sectors of the state's economy including public, residential, business, and transportation. The partnership shall monitor progress toward accomplishing energy efficiency goals set for the state.*

*Subd. 6. The partnership shall maintain oversight of energy legislation and programs authorized by the legislature. The partnership shall annually, not later than February 1, report to the*



*governor and the legislature on the effectiveness and efficiency of these programs.*

*Subd. 7. The partnership shall operate a program of loan guarantees for commercial projects as specified in section 9.*

*Subd. 8. The partnership shall operate a revenue bonding program for commercial projects as specified in section 10.*

*Subd. 9. The partnership shall issue revenue bonds in its own name for purposes of the program authorized in subdivision 8 and section 10.*

*Subd. 10. The partnership shall operate a program of loans to municipalities for capital expenses relating to energy conservation, recovery, or development as specified in section 11.*

*Subd. 11. The partnership shall issue loans to municipalities from funds generated by the sale of general obligation bonds issued by the commissioner of finance.*

*Subd. 12. The partnership shall administer the district heating loan program established in section 116J.36 on behalf of the commissioner.*

*Subd. 13. The partnership shall promulgate rules and temporary rules to operate the loan programs and loan guarantee program authorized in subdivisions 7 to 11.*

*Subd. 14. The partnership shall provide direct assistance to businesses that plan to begin or expand their operations into the area of energy. The assistance shall include:*

*(a) providing data currently collected by the state that relates to resources, markets, economics, demographics, loans, and business planning;*

*(b) performing a limited technical review of prototypes or processes;*

*(c) conducting a limited number of feasibility studies to assist business development;*

*(d) conducting workshops, seminars, and other educational opportunities that relate to starting energy businesses or specific technical subjects, when appropriate, working in cooperation with the department of education and appropriate educational institutions in the state; and*

*(e) sharing information or networking among energy developers by use of newsletters, conferences, or the like.*

*Subd. 15. The partnership shall operate, on behalf of the commissioner, the program of energy improvement loans to schools created by the concepts embedded in an act styled as H. F. No. 549 on March 28, 1983. Any appropriation made in furtherance of that program, and any specific authorities or responsibilities attendant to the program, are appropriated to and shall be exercised by the partnership.*

*Subd. 16. The partnership may provide general technical assistance to project applicants to assure the preparation of complete, fully descriptive proposals for projects.*

*Subd. 17. The partnership may seek out and assist with the preparation of proposals for innovative conservation, renewable, alternative, or energy recovery projects.*

*Subd. 18. The partnership may engage or assist in the development and operation of conservation or alternative or renewable energy system equipment including development and operation of projects which the federal government or another funding source provides assistance in connection with the development and operation.*

*Subd. 19. The partnership may manage and dispense funds made available to it for the purpose of research studies or demonstration projects related to energy conservation or other activities deemed appropriate by the partnership.*

*Subd. 20. The partnership may accept appropriations, gifts, grants, bequests, and devises and utilize or dispose of the same to carry out any provisions of this act. All gifts, grants, bequests, and revenues from other such sources are hereby appropriated to the partnership for purposes of this act.*

## **Sec. 9. [ENERGY LOAN GUARANTY PROGRAM.]**

*Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given:*

*(a) "Fund" means the energy loan guaranty fund created by subdivision 2.*

*(b) "Lender" means any state or federally chartered bank, credit union, savings bank, savings and loan association, savings association, trust company or a lender certified by the secretary of housing and urban development or the administrator of veterans affairs or approved or certified by the administrator of the farmers home administration.*

*(c) "Loan" means a loan or advance of credit, secured by a mortgage, to a borrower for purposes specified by partnership rule.*

(d) "Mortgage" means (1) a second mortgage on the real property on which the capital improvements are to be made or a first mortgage on the property, if there is no outstanding mortgage on the property at the time the loan is made, and (2) any security interest, under sections 336.9-101 to 336.9-508, in personal property or fixtures acquired with the proceeds of an insured loan, which the partnership may require by rule.

(e) "Qualified energy project" means acquiring, installing or constructing any conservation, renewable energy, alternative energy or other capital improvements for use in a trade or business and as provided by partnership rule.

Subd. 2. [ENERGY LOAN GUARANTY FUND.] An energy loan guaranty fund is created. The fund shall be used by the partnership as a revolving fund for carrying out the provisions of this section with respect to loans insured under subdivision 3.

Subd. 3. [INSURANCE OF LOANS.] (a) [AUTHORIZATION.] The partnership is authorized, upon application by a lender, to insure any eligible loan as provided in this section; and under terms as the partnership may prescribe by rule, to make commitments for the insuring of loans prior to the date of their execution or disbursement.

(b) [ELIGIBILITY REQUIREMENTS.] To be eligible for insurance under this section:

(1) A loan shall be in an original principal amount not to exceed \$ . . . . .

(2) The proceeds of the loan shall be used solely for the purpose of financing a qualified energy project.

(3) The loan agreement shall have a maturity satisfactory to the partnership, but not to exceed . . . . . years unless the loan is made in connection with financing for the purchase or construction of the building, in which case the maturity shall not exceed the maturity of the loan financing or 20 years, whichever is less.

(4) The loan agreement shall contain complete amortization provisions satisfactory to the partnership requiring periodic payments by the borrower not in excess of his reasonable ability to pay as determined by the partnership.

(5) The loan agreement shall contain such terms and provisions with respect to insurance, repairs, alterations, payment of taxes, foreclosure proceedings, acceleration of maturity, delinquency charges and any other matters as the partnership may prescribe.

(6) *The loan shall be secured by a mortgage which has priority over any other liens against the property, except a contract for deed or first mortgage securing a loan, the proceeds of which were used to acquire or construct the property.*

(c) [CONCLUSIVE EVIDENCE OF INSURABILITY.] *Any contract of insurance executed by the partnership under this section shall be conclusive evidence of the eligibility of the loan for insurance, and the validity of any contract of insurance properly executed and in the hands of any approved lender shall not be contestable, except for fraud or misrepresentation on the part of the lender.*

(d) [PREMIUMS.] *The partnership is authorized to fix premium charges not to exceed . . . . . of one percent of the original principal amount of the loan for the insurance of the loan under this section.*

(e) [PROCEDURES UPON DEFAULT.] *The failure of the borrower to make any payment as provided by any loan agreement insured under this section shall be considered a default under the loan. If the default continues for a period of 30 days, the lender shall be entitled to receive the benefits of the insurance upon assignment, transfer, and delivery to the partnership, within 120 days of the default, of the following:*

(1) *all rights and interests arising under the loan, mortgage, and any other security interests securing the loan;*

(2) *all claims of the lender against the borrower or others, arising out of the mortgage transactions;*

(3) *all policies of insurance, surety bonds or other guarantees and any claims thereunder;*

(4) *any balance of the loan not advanced to the borrower;*

(5) *any cash or property held by the lender, or to which it is entitled, including deposits made to the account of the borrower which have not been applied in reduction of the principal of the loan indebtedness; and*

(6) *all records, documents, books, papers, and accounts relating to the loan transaction.*

*Alternatively, the lender may in the event of default under the loan, in accordance with rules of and within a period to be determined by the partnership, obtain possession of the property, through foreclosure or otherwise, and receive the benefits of the insurance as provided in paragraph (f) upon:*

(1) *prompt conveyance to the partnership of title to the property, as provided in rules promulgated by the partnership, and*

(2) *assignment to the partnership of all claims of the lender against the borrower or others, arising out of the loan transaction or foreclosure, except claims which have been released with the consent of the partnership.*

(f) [PAYMENT OF INSURANCE.] *Upon the lender's compliance with the requirements provided in or established under paragraph (e) the partnership shall pay to the lender an amount equal to the outstanding unpaid principal indebtedness at the time of default less . . . . . percent, plus interest from the date of default.*

Subd. 4. [INVESTMENT INTEREST.] *All interest and profits accruing from investment of the fund's money shall be credited to and be a part of the fund, and any loss incurred in the principal of the investments of the fund shall be borne by the fund.*

Subd 5. [MAXIMUM AUTHORIZED INSURANCE.] *The partnership may not at any time issue insurance under this section aggregating in excess of an amount equal to the current balance contained in the fund multiplied by ten.*

#### Sec. 10. [REVENUE BOND PROGRAM.]

Subdivision 1. [AUTHORITY TO MAKE LOANS.] *The partnership may make loans to individuals, partnerships, corporations, or other entities for the financing of capital improvements to be used in connection with a trade or business if the principal purpose of improvement is energy conservation or to reduce the usage of conventional fuels as a source of energy, as provided by the partnership's rules. A loan made pursuant to this section shall be signed by the governor after his review to assure that the loan is in the public interest.*

Subd. 2. [BONDING AUTHORITY.] *The partnership may borrow money and may issue bonds, notes, or other obligations 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 partnership may sell any of its obligations at public or private sale, at the price or prices as the partnership determines are appropriate, notwithstanding the limitations on sale price in section 462A.09.*

Subd. 3. [LIMITATIONS ON OBLIGATIONS.] *Neither the state nor any agency or political subdivision of the state shall be liable on bonds, notes, or other obligations issued by the partnership. No bond, note, or other obligation of the agency*

shall constitute a debt or loan of the credit of the state or any political subdivision or any individual member of the partnership. Notwithstanding the provisions of section 462A.08, subdivision 3, the bonds, notes, and other obligations issued by the partnership shall be payable solely from the revenues and other moneys derived from the operation of the program authorized by this section.

Subd. 4. [RESERVE FUND.] A general reserve fund is created and is eligible to receive appropriations. The partnership may irrevocably pledge and appropriate all or a segregated portion of the reserve fund to make principal and interest payments when due on all or one or more series of its obligations for which other funds are not available, pursuant to the terms and conditions the partnership shall prescribe. Unless the reserve fund has been pledged and appropriated to secure the obligations, the reserve fund shall not be available to make principal or interest payments on the obligations. The partnership may not issue obligations secured by the reserve fund if the sum of the obligations to be issued and the outstanding obligations secured by the reserve fund or the segregated portion of the fund exceed the amount on deposit in the fund or segregated portion multiplied by ten.

Subd. 5. [LOAN PAYMENTS; FEES.] The partnership may impose and collect interest and amortization payments on loans, may authorize the collection of fees and charges, and may require funds to be placed in escrow. The payments, fees, charges and amounts placed in escrow shall be sufficient to provide for the payment and security of the obligations issued and for their servicing, to provide for insurance against losses, and to cover the cost of issuance of the obligations and technical, consultative and other assistance services.

Subd. 6. [INVESTMENT INCOME.] All interest and profits accruing from investment of the reserve fund's moneys shall be credited to and be part of the reserve fund, and any loss incurred in the investment of the reserve fund shall be borne by the fund. The assets of the reserve fund shall be invested only in direct obligations of the United States or in insured depository accounts up to the amount of the insurance, in any institution insured by an agency of the United States government.

Subd. 7. [ADDITIONAL POWERS.] In addition to the powers specifically enumerated, the partnership shall have any corporate powers necessary to effectuate or appropriate to the efficient implementation and operation of the revenue bond loan program authorized by this section, except to the extent explicitly limited by this section.

Sec. 11. [LOANS TO MUNICIPALITIES.]

*Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given:*

(a) *"Municipality" means a statutory or home rule charter city, county, township, school district or other political subdivision with ad valorem taxing authority.*

(b) *"Qualified improvements" means improvements to public land, buildings or other capital improvements undertaken by a municipality for the principal purpose of energy conservation or to reduce usage of conventional energy sources, as provided by rules adopted by the partnership.*

*Subd. 2. [AUTHORITY TO MAKE LOANS.] The partnership may make loans to municipalities to finance the acquisition or construction of qualified improvements, including interest costs incurred during the first three years after the loan is made. A loan made pursuant to this section shall be signed by the governor after his review to assure that the loan is in the public interest.*

*Subd. 3. [APPLICATIONS.] Application for a loan pursuant to this section shall be made by the municipality to the partnership. The partnership shall establish the procedures, form, and required contents of the applications.*

*Subd. 4. [MUNICIPAL OBLIGATION.] The partnership shall not make a loan until it has entered into an irrevocable agreement with the municipality providing that the municipality shall make payments equal to the principal and interest payments on the state bonds at the times transfers are required to be made pursuant to sections 16A.64 and 16A.65. The agreement shall obligate the municipality to levy an ad valorem property tax equal to the amounts necessary to make the payments. The amount required to be levied may be reduced by any other available amounts contained in a special fund dedicated to payment of the loan obligation.*

*Subd. 5. [RECEIPTS.] The principal and interest payments received by the partnership 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 of finance for the purpose of that fund.*

**Sec. 12. [ . . . . . ] [GENERAL POWERS OF THE PARTNERSHIP.]**

*Subdivision 1. For the purpose of exercising the specific powers granted in sections 8 to 11 and effectuating the other purposes of this act, the partnership shall have the general powers granted in this section.*

*Subd. 2. It may sue and be sued.*

*Subd. 3. It may have a seal and alter the same at will.*

*Subd. 4. It may make, and from time to time, amend and repeal rules and temporary rules not inconsistent with the provisions of this act.*

*Subd. 5. It may acquire, hold and dispose of personal property for its corporate purposes.*

*Subd. 6. 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. It may acquire real property, or an interest therein, in its own name, by purchase or foreclosure, where such acquisition is necessary or appropriate to protect any loan in which the partnership has an interest and may sell, transfer and convey any such property to a buyer and, in the event such sale, transfer or conveyance cannot be effected with reasonable promptness or at a reasonable price, may lease such property to a tenant.*

*Subd. 8. It may procure insurance against any loss in connection with its property in such amounts, and from such insurers, as may be necessary or desirable.*

*Subd. 9. It may consent, whenever 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 loan, loan commitment, contract or agreement of any kind to which the partnership is a party.*

**Sec. 13. [———] [FINANCIAL INFORMATION.]**

*Financial information, including but not limited to credit reports, financial statements and net worth calculations, received or prepared by the agency regarding any partnership loan or loan guarantee is private data on individuals, pursuant to section 13.02, subdivision 12.*

**Sec. 14. Minnesota Statutes 1982, section 116C.03, subdivision 2, is amended to read:**

**Subd. 2.** The board shall include as permanent members the commissioner of the department of energy, planning and development, the director of the pollution control agency, the commissioner of natural resources, the commissioner of agriculture, *the commissioner of energy*, the commissioner of health, the commissioner of transportation, and a representative of the governor's office designated by the governor. The governor shall ap-



point five members from the general public to the board, subject to the advice and consent of the senate.

Sec. 15. Minnesota Statutes 1982, section 116J.09, is amended to read:

116J.09 [DUTIES.]

The commissioner shall:

(a) Manage the department as the central repository within the state government for the collection of data on energy;

(b) Prepare and adopt an emergency allocation plan specifying actions to be taken in the event of an impending serious shortage of energy, or a threat to public health, safety, or welfare;

(c) Undertake a continuing assessment of trends in the consumption of all forms of energy and analyze the social, economic, and environmental consequences of these trends;

(d) Carry out energy conservation measures as specified by the legislature and recommend to the governor and the legislature additional energy policies and conservation measures as required to meet the objectives of sections 116J.05 to 116J.30;

(e) Collect and analyze data relating to present and future demands and resources for all sources of energy, and specify energy needs for the state and various service areas as a basis for planning large energy facilities;

(f) (REQUIRE CERTIFICATE OF NEED FOR CONSTRUCTION OF LARGE ENERGY FACILITIES) *Effective July 1, 1984, administer federal and state residential weatherization programs, except programs specifically delegated to and operated by the housing finance agency under chapter 462A. Between the effective date of this act and July 1, 1984, the commissioner of economic security and the commissioner of energy shall prepare for an orderly transition of powers and authorities relating to the low-income weatherization program;*

(g) Evaluate policies governing the establishment of rates and prices for energy as related to energy conservation, and other goals and policies of sections 116J.05 to 116J.30, and make recommendations for changes in energy pricing policies and rate schedules;

(h) Study the impact and relationship of the state energy policies to international, national, and regional energy policies;

(i) Design and implement a state program for the conservation of energy; this program shall include but not be limited to, general commercial, industrial, and residential, and transportation areas; such program shall also provide for the evaluation of energy systems as they relate to lighting, heating, refrigeration, air conditioning, building design and operation, and appliance manufacturing and operation;

(j) Inform and educate the public about the sources and uses of energy and the ways in which persons can conserve energy;

(k) Dispense funds made available for the purpose of research studies and projects of professional and civic orientation, which are related to either energy conservation or the development of alternative energy technologies which conserve non-renewable energy resources while creating minimum environmental impact;

(l) Charge other governmental departments and agencies involved in energy related activities with specific information gathering goals and require that those goals be met;

*(m) Effective July 1, 1984, administer for the state, energy programs pursuant to federal law, regulations, or guidelines, including the crisis fuel assistance program, and coordinate the programs and activities with other state agencies, units of local government, and educational institutions. Between the effective date of this act and July 1, 1984, the commissioner of economic security and the commissioner of energy shall prepare for an orderly transition of powers and authorities relating to the crisis fuel assistance program and related programs;*

*(n) Serve as a member of the environmental quality board;*

*(o) Serve as chairperson of the energy coordination board;*

*(p) Serve as executive director and member of the energy partnership.*

Sec. 16. Minnesota Statutes 1982, section 116J.10, is amended to read:

#### 116J.10 [POWERS.]

The commissioner may:

(a) Adopt rules pursuant to chapter 14 as necessary to carry out the purposes of sections 116J.05 to 116J.30 and, when necessary for the purposes of section 116J.15, adopt temporary rules pursuant to sections 14.29 to 14.36;

(b) Make all contracts pursuant to sections 116J.05 to 116J.30 and do all things necessary to cooperate with the United States government, and to qualify for, accept and disburse any grant intended for the administration of sections 116J.05 to 116J.30. Notwithstanding (ANY) other law the commissioner is designated the state agent to apply for, receive and accept federal or other funds made available to the state for the purposes of sections 116J.05 to 116J.30.

(c) Contract for professional services if such work or services cannot be satisfactorily performed by employees of the department or by any other state agency;

(d) Enter into interstate compacts to jointly carry out such research and planning with other states or the federal government where appropriate;

(e) Distribute informational material at no cost to the public upon reasonable request;

(f) Provide on-site technical assistance to units of local government (IN ORDER) to enhance local capabilities for dealing with energy problems;

(g) (ADMINISTER FOR THE STATE, ENERGY PROGRAMS PURSUANT TO FEDERAL LAW, REGULATIONS OR GUIDELINES, EXCEPT FOR THE CRISIS FUEL ASSISTANCE AND LOW INCOME WEATHERIZATION PROGRAMS ADMINISTERED BY THE DEPARTMENT OF ECONOMIC SECURITY, AND COORDINATE THE PROGRAMS AND ACTIVITIES WITH OTHER STATE AGENCIES, UNITS OF LOCAL GOVERNMENT AND EDUCATIONAL INSTITUTIONS) *Intervene in certificate of need proceedings.*

Sec. 17. [216B.242] [CERTIFICATE OF NEED.]

*Subdivision 1. [ASSESSMENT OF NEED CRITERIA.] The commission shall, pursuant to chapter 14 and sections 116J.05 to 116J.30, adopt assessment of need criteria to be used in the determination of need for large energy facilities pursuant to this section.*

*Subd. 2. [TRANSFER OF CERTIFICATE OF NEED PROGRAM.] All powers, responsibilities and authorities for the issuance of certificates of need for large energy facilities is transferred from the department of energy, planning and development or its successor agency to the public utilities commission as provided in section 15.039.*

Sec. 18. Minnesota Statutes 1982, section 462A.02, subdivision 10, is amended to read:

Subd. 10. It is further declared that supplies of conventional energy resources are rapidly depleting in quantity and rising in price and that the burden of these occurrences falls heavily upon *the citizens of Minnesota generally and persons of low and moderate income in particular*. These conditions are adverse to the health, welfare, and safety of *all of the citizens of this state*. It is further declared that it is a public purpose to ensure the availability of financing to be used by (LOW AND MODERATE INCOME PEOPLE) *all citizens of the state* to install in their dwellings reasonably priced energy conserving systems *including those using alternative energy resources and equipment or other directly related repairs, improvements, and installations essential for energy conservation, so that by the improvement of the energy efficiency of all housing, the adequacy of the total energy supply may be preserved for the benefit of all citizens*.

Sec. 19. Minnesota Statutes 1982, section 462A.05, is amended by adding a subdivision to read:

*Subd. 14b. It may agree to purchase, make, or otherwise participate in the making, and may enter into commitments for the purchase, making, or participating in the making, of loans to persons and families, without limitations relating to the maximum incomes of the borrowers, to assist in energy conservation rehabilitation measures for existing housing owned by those persons or families including, but not limited to: weatherstripping and caulking, chimney construction or improvement, furnace or space heater repair, cleaning or replacement, insulation, storm windows and doors, and structural or other directly related repairs essential for energy conservation. Loans shall be made only when the agency determines that financing is not otherwise available, in whole or in part, from private lenders upon equivalent terms and conditions.*

Sec. 20. Minnesota Statutes 1982, section 462A.05, is amended by adding a subdivision to read:

*Subd. 23. The agency may participate in loans or establish a fund to insure loans, or portions of loans, which are made by any banking institution, savings and loan association, or other lender approved by the agency, organized under the laws of this or any other state or of the United States having an office in this state, to owners of renter occupied homes or apartments which do not comply with standards set forth in section 116J.27, subdivision 3, without limitations relating to the maximum incomes of the owners or tenants. The proceeds of the insured portion of the loan must be used to pay the costs of improvements, including all related structural and other improvements, which will reduce energy consumption.*

Sec. 21. Minnesota Statutes 1982, section 462A.21, is amended by adding a subdivision to read:

*Subd. 4j. It may expend money for the purposes of section 462A.04, subdivision 23, and may pay the costs and expenses for the development and operation of the program.*

**Sec. 22. [462A.27] [RULES.]**

*The agency may adopt temporary and permanent rules necessary for the efficient administration of sections 15 to 18. The rules authorized under this section may be adopted without complying with the administrative procedures act contained in chapter 14.*

**Sec. 23. [462A.072] [PROVISION OF FINANCIAL EXPERTISE TO OTHER AGENCIES.]**

*Upon request of the commissioner of energy, the director shall provide financial management assistance to the energy partnership. Reimbursement for these services shall be at a reasonable rate established by negotiation between the director and the commissioner of energy.*

**Sec. 24. [APPROPRIATION.]**

*\$ . . . . . is appropriated from the general fund to the partnership to be deposited in the energy loan guaranty fund.*

*\$ . . . . . is appropriated from the general fund to the energy coordination board for purposes of operating the intervention office. Money from this appropriation may be used for state employees involved in intervention activities or for contracts with outside consultants.*

*\$ . . . . . is appropriated from the general fund to the partnership to be deposited in the general reserve fund pursuant to section 10.*

*\$ . . . . . is appropriated to the partnership from the state building fund for the purpose of making loans to municipalities pursuant to section 11.*

*The sum of \$90,500 is appropriated from the general fund to the department of energy for purposes of the energy business development assistance program in section 8, subdivision 14.*

**Sec. 25. [BOND SALE.]**

*To provide the funds appropriated by section . . . , the commissioner of finance shall issue and sell the bonds authorized by and as provided in Laws 1981, chapter 334, section 12.*

**Sec. 26. [EFFECTIVE DATE.]**

*This act is effective . . . . .*”

With the recommendation that when so amended the bill pass 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. 384, A bill for an act relating to retirement; local police and salaried firefighters relief associations; requiring annual valuations; deleting requirement of quadrennial experience studies; removing obsolete language; amending Minnesota Statutes 1982, sections 69.77, subdivision 2; and 356.216.

Reported the same back with the following amendments:

Page 2, line 7, after “(REACHED)” reinstate the stricken language

Page 2, reinstate line 8

Page 2, line 9, reinstate “(FIREFIGHTERS)”

With the recommendation that when so amended the bill pass.

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 403, A bill for an act relating to taxation; providing a special levy for operating costs of a county jail; amending Minnesota Statutes 1982, section 275.50, subdivision 5.

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 Judiciary to which was referred:

H. F. No. 406, A bill for an act relating to civil actions; allowing prevailing parties to recover disbursements for process served by private process servers; amending Minnesota Statutes 1982, section 549.04.

Reported the same back with the following amendments:

Page 1, line 16, delete "*of the county where the defendant is*"

Page 1, line 17, delete "*found*"

Page 1, line 17, strike everything after the period

Page 1, lines 18 to 20, strike the old language and delete the new language, and insert:

"Sec. 2. Minnesota Statutes 1982, section 580.17, is amended to read:

580.17 [AFFIDAVIT OF COSTS.]

Within ten days after the filing for record of the certificate of sale, the party foreclosing, or his attorney, shall make and file for record with the county recorder an affidavit containing a detailed bill of the costs and disbursements of the foreclosure, including attorney's fees, and setting forth that the same have been absolutely and unconditionally paid or incurred. *Costs and disbursements shall be allowed as provided in section 1.*"

Page 1, line 22, delete "*Section 1*" and insert "*This act*"

Page 1, line 23, delete "*actions which are tried*" and insert "*disbursements paid or incurred*"

Renumber the section

Amend the title:

Page 1, line 5, delete "section" and insert "sections" and before the period insert "; and 580.17"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 412, A bill for an act relating to education; requiring the development of proposals for new admission requirements in all public systems of higher education.

Reported the same back with the following amendments:

Page 1, line 13, before "*The*" insert "*By November 15, 1983*"

Page 2, line 6, delete "*Each proposal shall be submitted*" and insert "*The higher education coordinating board shall report*"

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. 430, A bill for an act relating to retirement; authorizing the purchase of annuity contracts for retiring Tracy fire-fighters.

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. 474, A bill for an act relating to state government; prohibiting expenditures for certain civil defense purposes; prescribing the contents of certain civil defense plans; requiring the posting of certain notices; amending Minnesota Statutes 1982, sections 12.21, subdivision 3; 12.22; and 12.25, subdivision 1; proposing new law coded in chapter 12.

Reported the same back with the following amendments:

Page 1, delete lines 12 to 20 and insert:

*"The function of civil defense in the state of Minnesota is for state and local government to plan for the protection of lives and property against any potential or actual disaster, or emergency. The legislature finds that this planning involves a federal, state and local partnership. Funding is provided by all these sources to carry out the planning process."*

Page 2, line 19, delete "*and*" and insert "*. The plan*"

Page 2, line 21, after "*war*" insert "*, except to the extent that these plans are required for the receipt of federal funds*"

Page 4, line 23, delete "*from the federal government or*"

Page 4, line 24, after "*corporation*" insert "*, except the federal government,*"

Page 4, line 27, after "*12.22,*" insert "*subdivision 2,*"



Page 4, delete lines 29 to 36

Page 5, delete lines 1 to 14

Page 5, after line 34, insert:

"Sec. 5. Minnesota Statutes 1982, section 12.22, subdivision 3, is amended to read:"

Page 7, line 7, delete ", and" and insert ". *The plan*"

Page 7, line 8, after "to" insert "*plans for*"

Page 7, line 9, after "war" insert ", *except to the extent that these plans are required for receipt of federal funds*"

Page 7, lines 10 to 17, delete section 6

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "requiring the"

Page 1, line 5, delete "posting of certain notices;"

Page 1, line 6, after "12.22" insert ", subdivisions 2 and 3"

Page 1, line 7, after "in" insert "Minnesota Statutes,"

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. 491, A bill for an act relating to administrative rule-making; providing for consideration of and participation by small business; proposing new law coded in Minnesota Statutes, chapter 14.

Reported the same back with the following amendments:

Page 1, line 20, delete "may" and insert "will"

Page 1, line 20, after "businesses" insert "*as defined by this section*"

Page 2, after line 9, insert:

*"In its statement of need and reasonableness, the agency shall document how it has considered these methods and the results."*

Page 2, line 18, delete *"one or more of"*

Page 2, line 21, delete *"may"* and insert *"will"*

Page 2, line 22, delete the semicolon, and insert *"which shall include a description of the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons; or"*

Page 2, line 25, after the semicolon insert *"or"*

Page 2, line 27, after the semicolon insert *"or"*

Page 2, line 29, delete *"; and"* and insert a period

Page 2, delete lines 30 to 32

Page 2, after line 32, insert:

*"Subd. 5. [COMPLIANCE.] If a hearing examiner or the attorney general finds that an agency has failed to comply with subdivisions 1 to 4 of this section the rules shall not be adopted."*

Renumber subsequent subdivisions

Page 3, line 4, after the period insert: *"This subdivision shall not apply to rules governing licensure of occupations listed in section 116J.70, subdivision 2a, clause (3)(a) through (pp)."*

Page 3, line 7, delete *"and"*

Page 3, line 10, delete the period and insert *"; and"*

Page 3, after line 10, insert:

*"(c) service businesses regulated by government bodies, for standards and costs, such as nursing homes, long-term care facilities, day care centers, group homes, and residential care facilities."*

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. 521, A bill for an act relating to financial institutions; providing for the payment of hearing costs on contested applications; including credit union share insurance corporations and industrial loan and thrift guarantee issuers in the group of organizations permitted to receive examination reports; removing the requirement that a financial institution's board of directors hold qualifying shares; clarifying limitations on junior mortgage loans by banks; establishing application fees; removing a certain filing requirement; reducing the number of savings association incorporators; clarifying the notice requirements for savings association conversions; clarifying the industrial loan and thrift company lending limit and increasing the capital to deposit limitation; providing first installment requirements for regulated lenders and motor vehicle sales finance companies; providing credit insurance disclosure requirements for regulated lenders; clarifying financial corporation organizational requirements; amending Minnesota Statutes 1982, sections 45.04, subdivision 1; 46.07, subdivision 2; 47.54, subdivision 1; 48.06; 48.19, subdivision 1; 48.68; 49.36, subdivision 1; 49.37; 51A.03, subdivisions 1 and 4; 51A.065, subdivision 4; 51A.13, subdivisions 2 and 2a; 52.203; 53.01; 53.03, subdivisions 1, 5, and 6; 53.04, subdivision 3a; 53.05; 53.06; 56.131, subdivision 1; 56.155, subdivision 1; 168.72, subdivision 1; 300.025; and 300.20.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 45.04, subdivision 1, is amended to read:

Subdivision 1. [FILING; FEE; HEARING.] The incorporators of any bank proposed to be organized under the laws of this state shall execute and acknowledge an application, in writing, in the form prescribed by the department of commerce, and shall file the same in its office, which application shall be signed by two or more of the incorporators, requesting a certificate authorizing the proposed bank to transact business at the place and in the name stated in the application. At the time of filing the application the applicant shall pay a filing fee of \$1,000, which shall be paid into the state treasury and credited to the general fund and shall pay to the commissioner of banks the sum of \$500 as a fee for investigating the application which shall be turned over by him to the state treasurer and credited by the treasurer to the general fund of the state. Thereupon the commission shall fix a time, within 60 days after the filing of the application, for a hearing at its office at the state capitol, at which hearing it shall decide whether or not the application shall be granted. A notice of the hearing shall be published in the form prescribed by the commission in some newspaper published in the municipality in which the proposed bank is to be located, and if there be no such newspaper, then at the county-seat of the county in which the bank is proposed to be located.

The notice shall be published once, at the expense of the applicants, not less than 30 days prior to the date of the hearing. At the hearing the commission shall consider the application and hear the applicants and (SUCH) witnesses (AS) *that may appear in favor of or against the granting of the application of the proposed bank. If an application is contested, an additional fee equal to the actual costs incurred by the department of commerce in approving or disapproving the application, payable to the state treasurer and credited by the treasurer to the general fund, shall be paid by applicant and intervening parties equally.*

Sec. 2. Minnesota Statutes 1982, section 46.07, subdivision 2, is amended to read:

Subd. 2. [CONFIDENTIAL RECORDS.] The commissioner shall divulge facts and information obtained in the course of examining financial institutions under his supervision only when and to the extent that he is required or permitted by law to report upon or take special action regarding the affairs of an institution, or to testify in a criminal proceeding or in a court of justice, except that he may, in his discretion, furnish information as to matters of mutual interest to an official or examiner of the federal reserve system, the federal deposit insurance corporation, (OR) the national credit union administration, *a legally constituted state credit union share insurance corporation approved under section 52.24, or the issuer of a commitment for insurance or guarantee of the certificates of an industrial loan and thrift company approved under section 53.10, or for insurance of deposits in a savings association or savings and loan association incorporated pursuant to or operating under sections 51A.01 to 51A.57.* The commissioner shall not be required to disclose the name of a debtor of a financial institution under his supervision, or anything relative to the private accounts, ownership, or transactions of an institution, or any fact obtained in the course of an examination thereof, except as herein provided. These records are classified confidential for purposes of the Minnesota government data practices act and their destruction, as prescribed in section 46.21, (SHALL BE) *is exempt from the provisions of chapter 138 and Laws 1971, Chapter 529, so far as their deposit with the state archives.*

Sec. 3. Minnesota Statutes 1982, section 47.54, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION.] Any bank desiring to establish a detached facility shall execute and acknowledge an application, in writing, in the form prescribed by the commissioner, and shall file the application in the commissioner's office, together with a fee of \$500 (, AND). If an application is contested, an additional fee equal to the actual costs incurred by the commissioner in approving or disapproving the application, payable to the state treasurer and credited by the treasurer to the general fund, *shall be paid by the applicant and intervening par-*

*ties equally.* Thereupon the applicant shall publish a notice of the filing of the application in a newspaper published in the municipality in which the proposed detached facility is to be located, and if there is no such newspaper, then at the county seat of the county in which the facility is proposed to be located. The notice (SHALL) *must* be in the form prescribed by the commissioner and, in addition to the publication, the applicant shall mail a copy of the notice by certified mail to every bank located within three miles of the proposed location of the detached facility, measured in the manner as provided above.

Sec. 4. [47.80] [SERVICE CHARGES ON DISHONORED CHECKS.]

*A holder of a dishonored check may impose a service charge not exceeding \$15 on the drawer of the check if written notice of the service charge (1) was conspicuously displayed on the premises when the check was issued; or (2) was contained in any document obligating the drawer to make any payment to the payee.*

*This section prevails over any provision of law limiting, prohibiting, or otherwise regulating service charges authorized by this section.*

Sec. 5. Minnesota Statutes 1982, section 48.06, is amended to read:

48.06 [DIRECTORS; QUALIFICATIONS.]

If the number of directors exceeds nine, they may designate, semi-annually, by resolution, nine of their number, a majority of whom (SHALL CONSTITUTE) *constitutes* a quorum for the transaction of business. Every director of a bank (SHALL ACTUALLY OWN AT LEAST \$1,000 PAR VALUE OF THE BANK'S COMMON, FULLY PAID STOCK, OR AN EQUIVALENT INTEREST, AS DETERMINED BY THE COMMISSIONER, IN A COMPANY WHICH HAS CONTROL OVER A BANK WITHIN THE MEANING OF SECTION 2 OF THE BANK HOLDING COMPANY ACT OF 1956, 12 U.S.C. 1841, AND) shall take and subscribe an oath that he (IS THE OWNER IN GOOD FAITH OF THAT AMOUNT OF STOCK, THAT THE STOCK IS NOT IN ANY WAY PLEDGED FOR ANY LOAN OR DEBT, AND THAT HE) will faithfully perform his official duties, and not knowingly violate, or permit to be violated, any provision of law. The taking of this oath (SHALL) *must* be duly certified in the minutes of the records of the bank.

Sec. 6. Minnesota Statutes 1982, section 48.19, subdivision 1, is amended to read:

Subdivision 1. [RESTRICTIONS; EXCEPTION.] No bank or trust company shall make any loan upon the security of real estate unless it is a first lien thereon, except that a bank or trust company may take a junior lien: (a) upon real estate to secure a loan previously contracted; (b) upon farm real estate to secure a loan made to a farmer who resides in a county which due to weather conditions is a declared federal disaster area at the time the loan contract is signed; or (c) upon real estate to secure a loan if the total unpaid aggregate of all outstanding liens against the same real estate does not exceed 80 percent of its appraised value. *This limitation applies notwithstanding the provisions of sections 47.20, subdivision 1 and 47.21 as to loans, advances of credit, or participations in loans eligible for purchase in whole or in part by the federal national mortgage association or the federal home loan mortgage corporation or which are authorized by the federal home loan bank board or office of the comptroller of the currency.* Before any such loans are made the value of the real estate (SHALL) *must* be determined by an appraisal made by a committee appointed by the board of directors, (WHICH APPRAISAL SHALL BE MADE A MATTER OF RECORD, EXCEPT THAT) *but* the board may accept an appraisal made by or for an agency of the United States government when such agency is guaranteeing or insuring the loan or any part thereof. *The appraisal must be made a matter of record.*

A bank may take additional liens on the same security (AND). These (SHALL BE) *liens are* considered to be part of the same mortgage lien thereon providing it has been established that there are no intervening liens.

Loans in which the small business administration cooperates through agreements to participate on an immediate or deferred basis under the federal small business act or loans or obligations secured or guaranteed by the United States or any department, bureau, board, commission, or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States, (SHALL) *are not* (BE) subject to the restrictions or limitations of this section imposed upon loans secured by real estate.

Sec. 7. Minnesota Statutes 1982, section 48.68, is amended to read:

**48.68 [DIRECTORS; QUALIFICATIONS; VACANCIES, HOW FILLED.]**

(EACH DIRECTOR OF A TRUST COMPANY SHALL OWN AT LEAST \$1,000 PAR VALUE OF ITS CAPITAL STOCK OR EQUIVALENT INTEREST AS PRESCRIBED IN SECTION 48.06, AND) A majority of (THEM SHALL) *the directors of a trust company must* be residents of this state. Each shall take and subscribe an oath that he will diligently and honestly perform his official duties and will not knowingly violate, or permit to be vio-

lated, any provision of law relating to trust companies (AND THAT HE IS THE OWNER IN GOOD FAITH OF THE STOCK ABOVE SPECIFIED STANDING IN HIS NAME;). The taking of this oath (TO) *must* be noted on the minutes of the records of the corporation and filed with the commissioner. Failure of any person selected as director to qualify (SHALL CREATE) *creates* a vacancy in the board, and all vacancies in the board (SHALL) *must* be filled by the qualified members; provided, that not more than one-third of the membership of the board may be so filled in any one year.

Sec. 8. Minnesota Statutes 1982, section 49.36, subdivision 1, is amended to read:

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) *must* be submitted to the commissioner of banks for approval, (AND IT SHALL) *together with a fee of \$250 payable to the commissioner of banks. The fee must be paid in equal parts by the parties to the agreement. The consolidation is not (BE) effective until (SO) approved by the commissioner. The commissioner shall take action after the documents are submitted, and shall be entitled to further information from the consolidated corporation as may be requested, or as may be obtained upon a hearing directed by the commissioner.*

Sec. 9. Minnesota Statutes 1982, section 49.37, is amended to read:

49.37 [STOCKHOLDERS TO APPROVE; CERTIFICATE OF CONSOLIDATION.]

Either before or after the consolidation agreement has been approved by the commissioner of banks, it (SHALL) *must* be submitted to the stockholders of each corporation at a meeting thereof called for that purpose, and it (SHALL) *does not become binding upon the corporation until it (SHALL HAVE) has been approved at each of the meetings by the vote or ballot of the stockholders, holding at least a majority of the amount of stock of the respective corporations. Proof of the holding of these meetings and the results thereof (SHALL) must be submitted to the commissioner of banks. After the consolidation agreement (SHALL HAVE) has been (SO) approved by the stockholders of the respective corporations and by the commissioner of banks, the latter shall issue a certificate reciting that these corporations have complied with the provisions of sections 49.34 to 49.41, and declaring the consolidation of these corporations; the name of the consolidated corporation, the amount of capital stock thereof, and the names of the first board of directors, and the place of business of the consolidated corporation, which (SHALL) must be within the city where any one of the constituent corporations (SHALL HAVE) has been previously authorized to have its*

place of business. Upon the issuing of this certificate and the filing thereof for record in the office of the secretary of state, (AND ALSO IN THE OFFICE OF THE COUNTY RECORDER WITHIN AND FOR THE COUNTY IN WHICH THE CONSOLIDATED CORPORATION IS AUTHORIZED TO HAVE ITS PRINCIPAL PLACE OF BUSINESS,) this incorporation (SHALL BE) *is* deemed to be complete, and the consolidated corporation shall, from the date of this certificate, have (SUCH) *the* term of corporate existence as may be therein specified, not exceeding the longest unexpired term of any constituent corporation. The certificate of the commissioner of banks (SHALL BE) *is* prima facie evidence that all of the provisions of sections 49.34 to 49.41 have been complied with, and (SHALL BE) *is* conclusive evidence of the existence of the consolidated corporation.

Sec. 10. Minnesota Statutes 1982, section 51A.03, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION FOR CERTIFICATE OF INCORPORATION.] At any time hereafter any (FIVE) *three* or more individuals, citizens of this state, may apply to form a mutual association or capital stock association to promote thrift and home financing subject to approval as (HEREINAFTER) provided in sections 51A.01 to 51A.57. (FIVE) *Three* of the individual applicants shall be incorporators and sign and acknowledge before an officer competent to take acknowledgments of deeds, two copies of an application for a certificate of incorporation in the form prescribed by the commerce commission, and of the bylaws in the form set out in this section or in a form approved by the commissioner, which shall be filed with the commissioner, accompanied by the incorporation fee. The applicants shall submit with their application statements, exhibits, map, and other data which the commissioner may require (*WHICH*). *The* data (SHALL) *must* be sufficiently detailed and comprehensive to enable the commerce commission to pass upon the application as to the criteria set out in subdivision 3.

Sec. 11. Minnesota Statutes 1982, section 51A.03, subdivision 4, is amended to read:

Subd. 4. [PROCEDURE; FILING OF ARTICLES.] The procedure for processing the application, conducting the hearing, and other matters pertinent thereto, (SHALL) *must* be established by rules (PROMULGATED) *adopted* by the commissioner. After approval, if approved, the commissioner shall issue a certificate of approval and the articles of incorporation (SHALL) *must* then be filed with the secretary of state, who shall record same and certify the fact, thereon. (THE CERTIFICATE AND ARTICLES SHALL BE FILED WITH THE COUNTY RECORDER OF THE COUNTY OF THE PRINCIPAL PLACE OF BUSINESS, AS SPECIFIED IN THE CERTIFICATE.)



Sec. 12. Minnesota Statutes 1982, section 51A.065, subdivision 4, is amended to read:

Subd. 4. [SUBMISSION TO MEMBERS OR STOCKHOLDERS.] If the commissioner or other appropriate supervisory authority (SHALL APPROVE) *approves* a plan of conversion in accordance with subdivision 3, the plan (SHALL) *must* be submitted for adoption to the members or stockholders of the converting applicant by vote at a meeting called to consider the action. *Except in the case of a conversion of a state association to a federally chartered association of like corporate form, or vice versa pursuant to subdivision 7 and in addition to any notice of annual or special meeting required by Laws 1981, Chapter 276 and at least three weeks prior to the meeting, a copy of the plan, together with an accurate summary plan description explaining the operation of the plan and the rights, duties, obligations, liabilities, conditions, and requirements which may be imposed upon the members or stockholders and the converted applicant as a result of the adoption of the plan, (SHALL) must be mailed to each member or stockholder eligible to vote at the meeting. The plan of conversion may be approved by not less than a majority of the total number of votes eligible to be cast at the meeting. If the plan is so approved, action (SHALL) must be taken to obtain a charter, articles of incorporation, articles of association or similar instrument, adopt bylaws, elect directors and officers and take other action prescribed or appropriate for the type of corporation into which the converting applicant will be converted. A certified report of the proceedings at the meeting (SHALL) must be filed promptly with the commissioner or other appropriate supervisory authority.*

Sec. 13. Minnesota Statutes 1982, section 51A.13, subdivision 2, is amended to read:

Subd. 2. [QUALIFICATIONS REQUIRED OF DIRECTORS OF MUTUAL ASSOCIATIONS.] (IN ORDER TO QUALIFY AS A DIRECTOR, A MEMBER OF A MUTUAL ASSOCIATION MUST HOLD INDIVIDUALLY, OR JOINTLY WITH HIS SPOUSE, A SAVINGS ACCOUNT, THE WITHDRAWAL VALUE OF WHICH IS AT LEAST \$500; PROVIDED THAT, IF THE ASSETS OF THE ASSOCIATION EXCEED \$5 MILLION, THE WITHDRAWAL VALUE OF THE ACCOUNT MUST BE AT LEAST \$1,000.) Except with the written consent of the commissioner, no member shall be eligible for election or shall serve as a 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 ceases to be a member, or when he is adjudicated a bankrupt or is convicted of a criminal offense as herein provided, (OR WHEN THE NET EQUITY ABOVE LOANS OF ALL SAVINGS ACCOUNTS IN THE ASSOCIATION HELD BY HIM AGGREGATES LESS THAN THE MINIMUM REQUIRED TO BE ELIGIBLE FOR ELECTION AS A DIRECTOR,) but no action

of the board of directors shall be invalidated through the participation of the director in the action; provided, that if a director becomes ineligible under the terms of this subdivision by reason of the exercise by the association of the right of redemption of savings accounts provided for in section 51A.34, he shall remain validly in office until the expiration of his term or until he otherwise becomes ineligible, resigns, or is removed, whichever may occur first.

Sec. 14. Minnesota Statutes 1982, section 51A.13, subdivision 2a, is amended to read:

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).

Sec. 15. Minnesota Statutes 1982, section 51A.23, subdivision 6, is amended to read:

Subd. 6. [INSURANCE OF ACCOUNTS.] Every association incorporated pursuant to or operating under the provisions of sections 51A.01 to 51A.57 shall at all times maintain in effect insurance of its savings accounts by the federal savings and loan insurance corporation, an agency of this state or other federal agency established for the purpose of insuring savings accounts in associations, *or an insurance company authorized to do business in the state and approved by the commissioner of banks for said purpose, or guarantee fund acceptable to the commissioner of banks.* An association which fails to meet this requirement for insurance of its savings accounts shall either dissolve, merge or consolidate with another association which is insured by the federal savings and loan insurance corporation, an agency of this state or a federal agency established for the purpose of insuring savings accounts in associations, *or an insurance company authorized to do business in the state and approved by the commis-*

sioner of banks for said purpose, or guarantee fund acceptable to the commissioner of banks.

Sec. 16. Minnesota Statutes 1982, section 51A.23, subdivision 7, is amended to read:

Subd. 7. [INSURANCE OF ACCOUNTS IN NEW ASSOCIATIONS.] No association shall be issued a certificate of approval by the commissioner of banks after the effective date of this act unless such association has obtained a commitment for insurance of its deposits by the federal savings and loan insurance corporation or any agency of this state or any federal agency established for the purpose of insuring savings accounts in associations, or *an insurance company authorized to do business in the state and approved by the commissioner of banks for said purpose, or guarantee fund acceptable to the commissioner of banks.*

Sec. 17. Minnesota Statutes 1982, section 51A.51, subdivision 2, is amended to read:

Subd. 2. [INCORPORATION FEE.] At the time of filing the application for a certificate of incorporation, the incorporators shall pay a filing fee of \$1,000 which shall be paid into the state treasury and credited to the general fund, and shall pay to the banking department the sum of \$500 as a fee for investigating the application. *If an application is contested, an additional fee equal to the actual costs incurred by the department of commerce in approving or disapproving the application, payable to the state treasurer and credited by the treasurer to the general fund, shall be paid by applicant and intervening parties equally.*

Sec. 18. Minnesota Statutes 1982, section 51A.51, subdivision 3a, is amended to read:

Subd. 3a, [FEE FOR ESTABLISHMENT OF OTHER THAN PRINCIPAL OFFICE.] There shall accompany each application to the commissioner for establishment of other than the principal office a filing fee of \$1,000 payable to the state treasury and \$500 payable to the banking department. *If an application is contested, an additional fee equal to the actual costs incurred by the department of commerce in approving or disapproving the application, payable to the state treasurer and credited by the treasurer to the general fund, shall be paid by applicant and intervening parties equally.*

Sec. 19. Minnesota Statutes 1982, section 52.203, is amended to read:

52.203 [MERGER.]

Any credit union chartered by this state may merge with and be absorbed by any other state or federal credit union, and any credit union chartered by this or any other state or any federal credit union may be merged into a successor credit union chartered by this state, upon approval of all regulatory agencies concerned, and upon compliance with this section as regards the credit union chartered by this state. *At the time of filing with the commissioner of any proposed merger or consolidation plan, the credit unions proposing to merge or consolidate shall submit a fee of \$100 payable to the commissioner of banks. The fee shall be paid in equal parts by the credit unions' party to the proposal.*

A credit union may be absorbed after two-thirds of its members present and entitled to vote (SHALL) have voted in favor of the merger at a special meeting called by a majority of the board of directors for that purpose, upon (FOURTEEN) 14-days mailed written notice to each member at his last known address clearly stating the purpose of the special meeting, or at any regular meeting after like notice of the purpose has been given. Thereafter, the board of directors (SHALL HAVE AUTHORITY TO) *may* execute an agreement of merger with the successor credit union, subject to approval of (SUCH) *the* agreement by the commissioner of banks. The commissioner shall approve or disapprove of (SAID) *the* agreement within 60 days of the date the agreement is submitted to him. (SUCH) *The* approved agreement (SHALL) *must* be filed with the county recorder in the county where (SUCH) *the* credit union is located.

If the successor credit union which absorbs one or more credit unions is chartered by this state it (SHALL HAVE AUTHORITY TO) *may* execute an agreement of merger upon approval of (SUCH) *the* agreement by the commissioner of banks and by the board of directors of the credit union. The commissioner of banks shall approve the merger agreement if it is in the best interest of the credit unions involved. In any event, the commissioner of banks shall approve or disapprove of the merger agreement within 60 days of the date the agreement is submitted to him. Members of, and persons eligible for membership in, the credit union being absorbed (SHALL) have all rights of membership in the successor credit union.

The charter and license and all other rights and property of the credit union being absorbed (SHALL BE) *is* deemed to be transferred to and invested in the successor credit union upon such execution and approval of the merger agreement without further action. Any pending action or other judicial proceeding to which the credit union being absorbed is a party at the date of merger (SHALL) *does* not abate by reason of the merger. If the credit union being absorbed is chartered by this state, its corporate existence (SHALL CEASE) *ceases* upon (SUCH) *the* execution and approval of the merger agreement without further action.

Sec. 20. Minnesota Statutes 1982, section 53.01, is amended to read:

53.01 [ORGANIZATION.]

It is lawful for three or more persons, who desire to form a corporation for the purpose of carrying on primarily the business of loaning money to persons within the conditions set forth in this chapter, to organize, under this chapter, an industrial loan and thrift company, by filing with the secretary of state (AND THE COUNTY RECORDER IN THE COUNTY IN WHICH THE PLACE OF BUSINESS OF THE CORPORATION IS LOCATED,) a certificate of incorporation, and upon paying the fees prescribed by sections 301.07 and 301.071 or chapter 302A and upon compliance with the procedure provided for the organization and government of ordinary corporations under the laws of this state, and upon compliance with the additional requirements of this chapter prior to receiving authorization to do business.

Sec. 21. Minnesota Statutes 1982, section 53.03, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION, FEE, NOTICE.] Any corporation hereafter organized as an industrial loan and thrift company, shall, after compliance with the requirements set forth in sections 53.01 and 53.02, cause an application, in writing, to be made to the department of commerce for a certificate of authorization. The application, in triplicate, (SHALL) *must* be in the form prescribed by the department of commerce and filed in its office. The application (SHALL) *must* be made in the name of the corporation, executed and acknowledged by two of its officers designated by the board of directors of the corporation for that purpose, requesting a certificate authorizing the corporation to transact business as an industrial loan and thrift company, at the place and in the name stated in the application. At the time of filing the application the applicant shall pay a filing fee of (\$500) \$1,000, to be paid into the state treasury and credited to the general fund and also shall pay to the commissioner of banks the sum of (\$250) \$500 as a fee for investigating the application, which fee shall be turned over by the commissioner to the state treasurer and credited to the general fund of the state, and submit a copy of the bylaws of the corporation, its articles of incorporation and all amendments thereto. If the application is contested, (THE APPLICANT SHALL PAY) an additional fee equal to the actual costs incurred by the department of commerce in approving or disapproving the application, payable to the state treasurer and credited to the general fund of the state *shall be paid by the applicant and intervening parties equally*. A notice of the filing of the application (SHALL) *must* be published once within 30 days of the receipt of the form prescribed by the department of commerce, at the expense of the applicant, in a newspaper published in the municipality in which the proposed industrial loan and thrift company is to be located,

or, if there be none, in a newspaper published at the county seat of the county in which the company is proposed to be located. If the department of commerce receives a written objection to the application from any person within 20 days of the notice having been fully published a contested case hearing (SHALL) *must* be conducted on the application. The department of commerce may without cause order a contested case hearing on the application. Notice of a hearing in connection with this section (SHALL) *must* be published once in the form prescribed by the department of commerce, at the expense of the applicant, in the same manner as a notice of application.

Sec. 22. Minnesota Statutes 1982, section 53.03, subdivision 5, is amended to read:

Subd. 5. [PLACE OF BUSINESS.] Not more than one place of business (SHALL) *may* be maintained under any certificate of authorization issued subsequent to the enactment of Laws 1943, Chapter 67, pursuant to the provisions of this chapter, but the department of commerce may issue more than one certificate of authorization to the same corporation upon compliance with all the provisions of this chapter governing an original issuance of a certificate of authorization. *The filing fee for a branch application shall be \$500 and the investigation fee \$250.* Where a corporation has been issued more than one certificate of authorization, (SUCH) *the* corporation shall allocate a portion of contributed capital to each office for which (SUCH) *the* certificate has been issued, in order to comply with the capital requirements of section 53.02 and section 53.05, clauses (2) and (3) which sections (SHALL BE) *are* applicable to each (SUCH) office and the capital allocated thereto in the same manner as if each certificate had been issued to a separate corporation. Each additional certificate of authorization issued pursuant to the provisions of this subdivision (SHALL) *must* be filed with the secretary of state and the county recorder of the county in which the corporation is authorized to do business thereunder. (ANY SUCH) *The* corporation may change one or more of its locations upon the written approval of the commissioner of banks. *A fee of \$100 must accompany each application to the commissioner for approval to change the location of an established office.*

Sec. 23. Minnesota Statutes 1982, section 53.03, subdivision 6, is amended to read:

Subd. 6. [AMENDED CERTIFICATES, THRIFT CERTIFICATES FOR INVESTMENT, APPLICATION, FEE, NOTICE.] Upon approval by the commissioner of banks of a commitment for insurance or guarantee of certificates to be held for investment as required in section 53.10, subdivision 3, an industrial loan and thrift company may apply to the department of commerce for an amended certificate of authorization and consent to sell and issue thrift certificates for investment.

The application, in triplicate, (SHALL) *must* be in the form prescribed by the department of commerce and filed in its office. At the time of filing the application, the applicant shall pay a filing fee of \$500 and if an application is contested, an additional fee equal to the actual costs incurred by the department of commerce in approving or disapproving the application, payable to the state treasurer and credited by the treasurer to the general fund shall be paid by applicant *and intervening parties equally*. A notice of the filing of the application (SHALL) *must* be published once within 30 days of the receipt of the form prescribed by the department of commerce, at the expense of the applicant, in a newspaper published in the municipality in which the place of business under the application is located, or if there is none, in a newspaper published at the county seat of the county in which the place of business is located. Not more than one place of business maintained under a certificate of authorization shall be the subject of an application.

Sec. 24. Minnesota Statutes 1982, section 53.04, subdivision 3a, is amended to read:

Subd. 3a. (a) The right to make loans, secured or unsecured, at the rates and on the terms and other conditions permitted licensees under chapter 56 *in amounts in compliance with section 53.05, clause (3) or 56.131, subdivision 1, paragraph (a), whichever is less*. The right to extend credit or lend money and to collect and receive charges therefor as provided by chapter 334, or in lieu thereof to charge, collect, and receive interest at the rate of 21.75 percent per annum. The provisions of sections 47.20 and 47.21 do not apply to loans made under this section, except as specifically provided in this subdivision. Nothing in this subdivision (SHALL BE) *is* deemed to supersede, repeal, or amend any provision of section 53.05. A licensee making a loan under this chapter secured by a lien on real estate shall comply with the requirements of section 47.20, subdivision 8.

(b) Loans made under this section at a rate of interest not in excess of that provided for in paragraph (a) may be secured by real or personal property, or both. If the proceeds of a loan made after August 1, 1984 are used in whole or in part to satisfy the balance owed on a contract for deed, the rate of interest charged on the loan (SHALL) *must* not exceed the rate provided in section 47.20, subdivision 4a. If the proceeds of a loan secured by a first lien on the borrower's primary residence are used to finance the purchase of the borrower's primary residence, the loan must comply with the provisions of section 47.20.

Sec. 25. Minnesota Statutes 1982, section 53.05, is amended to read:

53.05 [POWERS, LIMITATION.]

No industrial loan and thrift company (SHALL HAVE POWER TO) *may* do any of the following:

(1) (TO) carry commercial or demand banking accounts; (TO) use the word "bank" or "banking" in its corporate name; (TO) receive savings accounts or deposits or operate as a savings bank;

(2) (TO) have outstanding at any one time certificates of indebtedness, exclusive of those held by the company, as security for loans made by it of more than seven times the sum of the contributed capital and appropriated reserves of the company *until July 1, 1985, or the date an industrial loan and thrift company obtains a commitment for insurance or guarantee of accounts acceptable to the commissioner as required by section 53.10, whichever is earlier, and thereafter 15 times the sum of contributed capital and appropriated reserves of the company;*

(3) (TO) lend money in excess of ten percent of its contributed capital and appropriated reserves to any person primarily liable; provided, however, if a loan has been made to any one person primarily liable and payments have been made on the certificate of indebtedness securing it, the amount of (SUCH) *the* payments may be added to the limitation stated in this clause for the purpose of determining whether additional loans may be made to that person;

(4) (TO) accept trusts or act as guardian, administrator, or judicial trustee in any form; (OR)

(5) (TO) deposit any of its funds in any banking corporation, unless that corporation has been designated by vote of a majority of directors or of the executive committee present at a meeting duly called, at which a quorum was in attendance (.);

(6) (TO) change any allocation of capital made pursuant to section 53.03 or to reduce or withdraw in any way any portion of the contributed capital and appropriated reserves without prior written approval of the commissioner of banks (.); *or*

(7) (TO) take any instrument in which blanks are left to be filled in after execution.

Sec. 26: Minnesota Statutes 1982, section 53.06, is amended to read:

#### 53.06 [DIRECTORS, RESIDENCE.]

At least three-fourths of the directors of any industrial loan and thrift company (SHALL) *must* be residents of the county in which the industrial loan and thrift company maintains its



principal place of business, an adjacent county or any county in which the industrial loan and thrift company maintains a place of business pursuant to this chapter. (EACH DIRECTOR SHALL OWN AND HOLD SHARES OF COMMON STOCK OF THE INDUSTRIAL LOAN AND THRIFT COMPANY, UNENCUMBERED, WITH A PAR VALUE OF NOT LESS THAN \$500.)

Sec. 27. Minnesota Statutes 1982, section 56.001, subdivision 3, is amended to read:

Subd. 3. [APPLICABLE CHARGE.] "Applicable charge" means the amount of interest attributable to each monthly installment period of the loan contract. The applicable charge is computed as if each installment period were one month and any charge for extending the first installment period beyond one month, or *reduction in charge for a first installment less than one month*, is ignored. The applicable charge for any installment period is that which would have been made for the period had the loan been made on an interest-bearing basis at the single annual percentage rate permitted by section 56.131, subdivision 1, based upon the assumption that all payments were made according to schedule. For convenience in computation, the licensee may round the single annual rate to the nearest one quarter of one percent.

Sec. 28. Minnesota Statutes 1982, section 56.131, subdivision 1, is amended to read:

Subdivision 1. [INTEREST RATES AND CHARGES.]

(a) On any loan in the principal amount of \$35,000 or less, a licensee may contract for and receive interest, calculated according to the actuarial method, not exceeding the equivalent of the greater of any of the following:

(1) the total of: (i) 33 percent per year on that part of the unpaid balance of the principal amount not exceeding \$350; and (ii) 19 percent per year on that part of the unpaid balance of the principal amount exceeding \$350; or

(2) 21.75 percent per year on the unpaid balance of the principal amount.

(b) On any loan where interest has been calculated according to the method provided for in paragraph (a), clause (1), interest (SHALL) *must* be contracted for and earned as provided in that provision or at the single annual percentage rate computed to the nearest one hundredth of one percent that would earn the same total interest at maturity of the contract as would be earned by the application of the graduated rates provided in paragraph (a), clause (1), when the debt is paid according to the agreed terms and the calculations are made according to the actuarial method.

(c) Loans may be interest-bearing or precomputed.

(d) To compute time on interest-bearing and precomputed loans, including, but not limited to the calculation of interest, a day (SHALL BE) is considered  $1/30$  of a month when calculation is made for a fraction of a calendar month. A year (SHALL BE) is 12 calendar months. A calendar month (SHALL BE) is that period from a given date in one month to the same numbered date in the following month, and if there is no same numbered date, to the last day of the following month.

(e) With respect to interest-bearing loans:

(1) Interest (SHALL) *must* be computed on unpaid principal balances outstanding from time to time, for the time outstanding. Each payment (SHALL) *must* be applied first to the accumulated interest and the remainder of the payment applied to the unpaid principal balance; provided however, that if the amount of the payment is insufficient to pay the accumulated interest, the unpaid interest continues to accumulate to be paid from the proceeds of subsequent payments and is not added to the principal balance.

(2) Interest (SHALL) *must* not be payable in advance or compounded. However, if part or all of the consideration for a new loan contract is the unpaid principal balance of a prior loan, then the principal amount payable under the new loan contract may include any unpaid interest which has accrued. The unpaid principal balance of a precomputed loan is the balance due after refund or credit of unearned interest as provided in paragraph (f), clause (3). The resulting loan contract (SHALL BE) is deemed a new and separate loan transaction for all purposes.

(f) With respect to precomputed loans:

(1) Loans (SHALL) *must* be repayable in substantially equal and consecutive monthly installments of principal and interest combined, except that the first installment period may be (LONGER) *more or less* than one month by not more than 15 days, and the first installment payment amount may be larger than the remaining payments by the amount of interest charged for the extra days *and must be reduced by the amount of interest for the number of days less than one month to the first installment payment*; and provided further that monthly installment payment dates may be omitted to accommodate borrowers with seasonal income.

(2) Payments may be applied to the combined total of principal and precomputed interest until the loan is fully paid. Payments (SHALL) *must* be applied in the order in which they become due.

(3) When any loan contract is paid in full by cash, renewal or refinancing, or a new loan, one month or more before the final installment due date, a licensee shall refund or credit the borrower with the total of the applicable charges for all fully unexpired installment periods, as originally scheduled or as deferred, which follow the day of prepayment; if the prepayment is made other than on a scheduled payment date, the nearest scheduled installment payment date (SHALL) *must* be used in the computation; provided further, if the prepayment occurs prior to the first installment due date, the licensee may retain 1/30 of the applicable charge for a first installment period of one month for each day from the date of the loan to the date of prepayment, and shall refund or credit the borrower with the balance of the total interest contracted for. If the maturity of the loan is accelerated for any reason and judgment is entered, the licensee shall credit the borrower with the same refund as if prepayment in full had been made on the date the judgment is entered.

(4) If an installment, other than the final installment, is not paid in full within ten days of its scheduled due date, a licensee may contract for and receive a default charge not exceeding five percent of the amount of the installment, but not less than \$2.

(5) If the parties agree in writing, either in the loan contract or in a subsequent agreement, to a deferment of wholly unpaid installments, a licensee may grant a deferment and may collect a deferment charge as provided in this section. A deferment postpones the scheduled due date of the earliest unpaid installment and all subsequent installments as originally scheduled, or as previously deferred, for a period equal to the deferment period. The deferment period is that period during which no installment is scheduled to be paid by reason of the deferment. The deferment charge for a one-month period may not exceed the applicable charge for the installment period immediately following the due date of the last undeferred payment. A proportionate charge may be made for deferment for periods of more or less than one month. A deferment charge is earned pro rata during the deferment period and is fully earned on the last day of the deferment period. Should a loan be prepaid in full during a deferment period, the licensee shall make or credit to the borrower a refund of the unearned deferment charge in addition to any other refund or credit made for prepayment of the loan in full.

(6) If two or more installments are delinquent one full month or more on any due date, and if the contract so provides, the licensee may reduce the unpaid balance by the refund credit which would be required for prepayment in full on the due date of the most recent maturing installment in default. Thereafter, and in lieu of any other default or deferment charges, the single annual percentage rate permitted by this subdivision may be charged on the unpaid balance until fully paid.

(7) Following the final installment as originally scheduled or deferred, the licensee, for any loan contract which has not previously been converted to interest-bearing under paragraph (f), clause (6), may charge interest on any balance remaining unpaid, including unpaid default or deferment charges, at the single annual percentage rate permitted by this subdivision until fully paid.

Sec. 29. Minnesota Statutes 1982, section 56.155, subdivision 1, is amended to read:

Subdivision 1. [AUTHORIZATION.] No licensee shall, directly or indirectly, sell or offer for sale any insurance in connection with any loan made under this chapter except as and to the extent authorized by this section. The sale of credit life and credit accident and health insurance (SHALL BE) *is* subject to the provisions of chapter 62B, except that the term of the insurance may exceed 60 months if the term of the loan exceeds 60 months. Life, accident, and health insurance, or any of them, may be written upon or in connection with any loan but (SHALL) *must* 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) *must* be provided to the borrower (BEFORE THE TRANSACTION IS COMPLETED) *before the transaction is completed for each credit life and accident and health insurance coverage sold:*

**CREDIT LIFE INSURANCE AND CREDIT DISABILITY INSURANCE ARE NOT REQUIRED TO OBTAIN CREDIT. YOU MAY BUY ANY INSURANCE FROM ANYONE YOU CHOOSE OR YOU MAY USE EXISTING INSURANCE. (THE CREDIT LIFE INSURANCE AND CREDIT DISABILITY INSURANCE AVAILABLE THROUGH THIS LENDER HAD AN ACTUAL LOSS RATIO DURING THE CALENDAR YEAR LAST REPORTED TO THE DEPARTMENT OF COMMERCE 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 LICENSEE SHALL HAVE 30 DAYS AFTER THE INSURANCE COMPANY SUBMITS ITS REPORT OF LOSSES TO THE DEPARTMENT OF COMMERCE FOR THE PREVIOUS CALENDAR YEAR TO CHANGE ITS DISCLOSURE TO REFLECT THE CURRENT LOSS RATIO.)**

The licensee shall disclose whether or not the benefits (SHALL) commence as of the first day of disability and shall further disclose the number of days that an insured obligor must be disabled, as defined in the policy, before benefits, whether retroactive or nonretroactive, (SHALL) commence. In case there are multiple obligors under a transaction subject to this chapter, no policy or certificate of insurance providing credit accident and health benefits, (SHALL) *may* be procured by or through a licensee upon more than one of the obligors. In case there are multiple obligors under a transaction subject to this chapter, no policy or certificate of insurance providing credit life insurance (SHALL) *may* be procured by or through a licensee upon more than two of the obligors in which case they shall be insured jointly. The premium or identifiable charge for the insurance (SHALL) *must* not exceed that filed by the insurer with the insurance division of the department of commerce. The charge, computed at the time the loan is made for a period not to exceed the full term of the loan contract on an amount not to exceed the total amount required to pay principal and charges, may be deducted from the proceeds or may be included as part of the principal of any loan. If a borrower procures insurance by or through a licensee, the statement required by section 56.14 (SHALL) *must* disclose the cost to the borrower and the type of insurance, and the licensee shall cause to be delivered to the borrower a copy of the policy, certificate, or other evidence thereof, within a reasonable time. No licensee shall decline new or existing insurance which meets the standards set out in this section nor prevent any obligor from obtaining (SUCH) *this* insurance coverage from other sources. Notwithstanding any other provision of this chapter, any gain or advantage to the licensee or to any employee, affiliate, or associate of the licensee from (SUCH) *this* insurance or the sale or provision thereof (SHALL NOT BE DEEMED TO BE) *is not an* additional or further (CHARGES) *charge* in connection with the loan; nor (SHALL) *are* any of the provisions pertaining to insurance contained in this section (BE DEEMED) prohibited by any other provision of this chapter.

Sec. 30. Minnesota Statutes 1982, section 168.72, subdivision 1, is amended to read:

Subdivision 1. (a) The time price differential authorized by sections 168.66 to 168.77 in a retail installment sale (SHALL) *may* not exceed the following rates:

Class 1. Any motor vehicle designated by the manufacturer by a year model of the same or not more than one year prior to the year in which the sale is made—\$8 per \$100 per year.

Class 2. Any motor vehicle designated by the manufacturer by a year model of two or three years prior to the year in which the sale is made—\$11 per \$100 per year.

Class 3. Any motor vehicle not in Class 1 or Class 2—\$13 per \$100 per year plus a flat charge of \$3 for each retail installment sale.

(b) The time price differential (SHALL) *must* be computed on the principal balance as determined under section 168.71, clause (b) and (SHALL) *must* be computed at the rate indicated on contracts payable in successive monthly installment payments substantially equal in amount extending for a period of one year. *For purposes of this subdivision and section 168.73, contracts payable in successive monthly installment payments include those where the first installment is scheduled for not less than 15 days nor more than one month and 15 days from the date of the contract.* On contracts providing for installment payments extending for a period less than or greater than one year, the time price differential (SHALL) *must* be computed proportionately.

(c) When a retail installment contract provides for unequal or irregular installment payments, the time price differential is at the effective rate provided in clause (a) hereof, having due regard for the irregular schedule of payment.

(d) The time price differential is inclusive of all charges incident to investigating and making the contract, and for the extension of the credit provided for in the contract and no fee, commission, expense or other charge whatsoever (SHALL) *may* be taken, received, reserved or contracted for except as provided in sections 168.66 to 168.77.

Sec. 31. Minnesota Statutes 1982, 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 *making application to the department of commerce and complying with (THE) all applicable organizational requirements and the conditions hereinafter prescribed*; provided, no corporation (SHALL) *may* be formed under this section which might be formed under the Minnesota business corporation act. (THEY SHALL) *The incorporators must subscribe and acknowledge a certificate specifying:*

(1) The name, the general nature of its business, and the principal place of transacting the same. The name (SHALL) *must* 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."

(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) *will* be vested, the date of the annual meeting at which it (SHALL) *will* 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) *will* 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) *sections 48.27 and 51A.22, subdivision 2*, may show their highest amount of indebtedness to be 30 times the amount of its capital and actual surplus.

Sec. 32. Minnesota Statutes 1982, section 300.20, is amended to read:

**300.20 [BOARD OF DIRECTORS, ELECTION; VACANCY, HOW FILLED.]**

The business of (EVERY SUCH) *the* corporation (, EXCEPT SAVINGS BANKS, SHALL) *must* be managed by a board of at least three directors, *unless a greater number is otherwise required by law*, elected by ballot by (AND FROM) the stockholders or members. Any board of directors of a financial institution referred to in section 47.12 which has less than five members may be increased to not more than five members by order of the commissioner of banks. When the certificate of incorporation or the bylaws so provides a vacancy in the board of directors may be filled by the remaining directors. Not more than one-third of the members of the board may be so filled in any one year. The business of savings banks (SHALL) *must* be managed by a board of at least seven trustees, residents of this state, each of whom, before being authorized to act, shall file a written acceptance of the trust. A majority of the directors or trustees (SHALL) constitute a quorum for the transaction of business. Any action which might be taken at a meeting of the board of directors, trustees, or managers may be taken without a meeting if done in writing signed by all of the directors, trustees, or managers.

**Sec. 33. [EFFECTIVE DATE.]**

*Sections 1 to 28 and 30 to 32 are effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to financial institutions; providing for the payment of hearing costs on contested applications; including credit union share insurance corporations and industrial loan and thrift guarantee issuers in the group of organizations permitted to receive examination reports; removing the requirement that a financial institution's board of directors hold qualifying shares; clarifying limitations on junior mortgage loans by banks; establishing application fees; removing a certain filing requirement; reducing the number of savings association incorporators; clarifying the notice requirements for savings association conversions; clarifying the industrial loan and thrift company lending limit and increasing the capital to deposit limitation; providing first installment requirements for regulated lenders and motor vehicle sales finance companies; providing credit insurance disclosure requirements for regulated lenders; clarifying financial corporation organizational requirements; amending Minnesota Statutes 1982, sections 45.04, subdivision 1; 46.07, subdivision 2; 47.54, subdivision 1; 48.06; 48.19, subdivision 1; 48.68; 49.36, subdivision 1; 49.37; 51A.03, subdivisions 1 and 4; 51A.065, subdivision 4; 51A.13, subdivisions 2 and 2a; 51A.23, subdivisions 6 and 7; 51A.51, subdivisions 2 and 3a; 52.203; 53.01; 53.03, subdivisions 1, 5, and 6; 53.04, subdivision 3a; 53.05; 53.06; 56.001, subdivision 3; 56.131, subdivision 1; 56.155, subdivision 1; 168.72, subdivision 1; 300.025; and 300.20; proposing new law coded in Minnesota Statutes, chapter 47."

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. 524, A bill for an act relating to low-level radioactive waste; entering the Midwest Interstate Low-Level Radioactive Waste Compact; assessing certain low-level radioactive waste generators; providing for enforcement of the compact; providing for civil and criminal penalties; creating an advisory committee; appropriating money; proposing new law coded in Minnesota Statutes, chapter 116C.

Reported the same back with the following amendments:

Page 18, line 33, after "be" insert "reasonably"



Page 18, line 34, delete "degree of hazard" and insert "classification (pursuant to 10 Code of Federal Regulations Part 61.55 and amendments thereto)"

Page 18, line 35, after "generator" delete "or on any other reasonable basis"

Page 19, line 17, after "compact" insert "upon conviction"

Page 19, line 20, after "second" delete "violation" and insert "conviction"

Page 21, after line 33, insert:

*"The advisory committee may appoint a technical task force on low-level radioactive waste, including but not limited to any members of the public with special expertise in low-level radioactive waste, state agency personnel, and generators representing the medical, industrial, and commercial organizations in the state which ship wastes to regional facilities."*

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 540, A bill for an act relating to crimes; creating the crimes of unlawfully obtaining services from the metropolitan transit commission and unlawfully interfering with a transit operator while the operator is performing his or her duties; providing 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. [609.855] [CRIMES AGAINST TRANSIT PROVIDERS AND OPERATORS.]

*Subdivision 1. [UNLAWFULLY OBTAINING SERVICES.] Whoever intentionally obtains service from a provider of regular route transit as defined in section 174.22, subdivision 8, without making the required fare deposit or otherwise obtaining the consent of the transit operator or other authorized transit representative is guilty of unlawfully obtaining services and may be sentenced as provided in subdivision 4.*

*Subd. 2. [UNLAWFUL INTERFERENCE WITH TRANSIT OPERATOR.] Whoever intentionally interferes with the transit operator or representative while the operator or representative is engaged in the performance of his or her official duties is guilty of unlawful interference and may be sentenced as provided in subdivision 4.*

*Subd. 3. [PROHIBITED ACTIVITIES.] Whoever, while riding in a vehicle providing regular route transit service:*

*(1) operates a radio, television, tape player, electronic musical instrument, or other electronic device (except watches) which amplifies music, except that such devices may be operated if the sound emanates only from earphones or headphones and except that vehicle operators may operate electronic equipment for official business;*

*(2) smokes;*

*(3) consumes food or beverages, except when authorized by the operator or other officials of the transit system;*

*(4) throws or deposits litter; or*

*(5) acts in any other manner which disturbs the peace and quiet of another person; is guilty of a petty misdemeanor and is subject to the penalty imposed in section 169.89, subdivision 2.*

*Subd. 4. [PENALTY.] Whoever violates subdivision 1 or 2 may be sentenced as follows:*

*(a) To imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both, if the violation was accompanied by force or violence or a communication of a threat of force or violence; or*

*(b) To payment of a fine of not more than \$100 if the violation was not accompanied by force or violence or a communication of a threat of force or violence.*

## **Sec. 2. [EFFECTIVE DATE.]**

*Section 1 is effective August 1, 1983, and applies to all crimes committed on or after that date."*

**Further, delete the title in its entirety and insert:**

**"A bill for an act relating to crimes; creating the crimes of unlawfully obtaining services from a provider of regular route transit and unlawfully interfering with a transit operator while**

the operator is performing his or her duties; prohibiting disruptive behavior on a transit vehicle; providing penalties; proposing new law coded in Minnesota Statutes, chapter 609."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 541, A bill for an act relating to occupations and professions; authorizing the commissioner of public safety to provide administrative support services to the board of peace officer standards and training; amending Minnesota Statutes 1982, section 214.04, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 15, strike the comma

Page 2, after line 15, insert:

"Sec. 2. Minnesota Statutes 1982, section 626.843, subdivision 1, is amended to read:

Subdivision 1. [RULES REQUIRED.] 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 state 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 state 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 specialized training which part-time peace officers 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 the specialized training must be completed;

(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;

(i) Grading, reporting, attendance and other records, and certificates of attendance or accomplishment;

(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)

(k) *The establishment, and use by any political subdivision or state law enforcement agency which employs persons licensed by the board of procedures for investigation and resolution of allegations of misconduct by persons licensed by the board. The procedures shall be in writing and shall be established on or before October 1, 1984; and*

(l) 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. 3. Minnesota Statutes 1982, section 626.845, subdivision 1, is amended to read:

Subdivision 1. [POWERS AND DUTIES.] 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, colleges, and area vocational technical institutes 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; (AND)

(l) To prepare and transmit annually to the governor and the legislature a report of its activities with respect to allocation of moneys appropriated to it for peace officers training, including the name and address of each recipient of money for that purpose, the amount awarded, and the purpose of the award; and

(m) *To assist and cooperate with any political subdivision or state law enforcement agency which employs persons licensed by the board to establish written procedures for the investigation and resolution of allegations of misconduct of persons licensed by the board, and to enforce licensing sanctions for failure to implement such procedures.*

Sec. 4. Minnesota Statutes 1982, section 626.849, is amended to read:

626.849. [SCHEDULE OF SUBJECT MATERIAL.]

The superintendent of the bureau of criminal apprehension shall prepare not later than August 1 each year a written schedule of subject material to be taught in each training course, the scheduled instructors for each subject and the time and place for each subject presentation. This material shall be presented to the board. The subject material, instructors and schedules may be approved or disapproved by a majority vote of the board before September 1 each year and if disapproved, the proposal shall be revised and re-presented to the board for their review in like manner.

*Upon request of the board to the bureau of criminal apprehension, the subject matter of at least one training course shall include instruction in the development of procedures by a law enforcement agency to investigate and resolve allegations of misconduct by persons licensed by the board and employed by a law enforcement agency.*

Sec. 5. [EFFECTIVE DATE.]

*Sections 1 to 4 are effective July 1, 1983."*

Amend the title as follows:

Page 1, line 6, delete "section" and insert "sections"

Page 1, line 6, after "subdivision 1" insert "; 626.843, subdivision 1; 626.845, subdivision 1; and 626.849"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 544, A bill for an act relating to health; providing for retention and destruction of certain medical records; amending Minnesota Statutes 1982, section 145.32.

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. 573, A bill for an act relating to retirement; Brooklyn Park volunteer firefighters survivor benefit maximum; amending Laws 1975, chapter 237, section 2, subdivision 1, as amended.

Reported the same back with the following amendments:

Page 1, delete lines 8 to 18, and insert:

"Section 1. [REPEALER.]

*Laws 1975, chapter 237, as amended by Laws 1979, chapter 201, sections 34 and 35, is repealed."*

Page 1, delete lines 20 to 22 and insert:

*"This act is effective the day following final enactment."*

Amend the title as follows:

Page 1, line 3, delete everything after "firefighters" and insert "relief association; repealing Laws 1975, chapter 237, as amended."

Page 1, delete lines 4 and 5

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 Judiciary to which was referred:

H. F. No. 578, A bill for an act relating to corrections; clarifying the duties of the clerk of court with respect to preparation of necessary commitment papers when a person is sentenced for a felony or gross misdemeanor to the custody of the commissioner of corrections or to the superintendent of a work house or work farm; amending Minnesota Statutes 1982, section 243.49.

Reported the same back with the following amendments:

Page 2, lines 19 and 20, strike "or the corrections board"

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 Judiciary to which was referred:

H. F. No. 602, A bill for an act relating to commerce; providing for a nonpossessory mechanics' lien under certain circumstances; proposing new law coded in Minnesota Statutes, chapter 514.

Reported the same back with the following amendments:

Page 1, delete subdivision 1

Renumber the remaining subdivisions.

Page 1, line 13, delete "3" and insert "2"

Page 1, line 14, delete "property" and insert "aircraft"

Page 1, line 16, delete "property" in both places and insert "aircraft" in both places

Page 1, line 20, delete "60" and insert "90"

Page 1, line 23, delete "property" and insert "aircraft"

Page 2, line 3, delete "property" and insert "aircraft"

Page 2, line 10, delete "property" in both places and insert "aircraft" in both places



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. 610, A bill for an act relating to financial institutions; industrial loan and thrift companies; regulated loans; enlarging the group of institutions which may utilize electronic fund transfer facilities; modifying the capital and reserve limitation on loans by industrial loan and thrift companies; regulating loan splitting; eliminating the receipt requirement for money orders; standardizing certain penalties; excepting loan and thrifts and regulated lenders from the licensing requirements for real estate brokers and salespersons; amending Minnesota Statutes 1982, sections 47.61, subdivision 4; 47.64, subdivision 1; 48.196; 53.03, subdivision 5; 53.05; 56.131, subdivision 3; 56.14; and 82.18; repealing Minnesota Statutes 1982, section 56.19, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 47.61, subdivision 4, is amended to read:

Subd. 4. “Financial institution” means a national banking association, federal savings and loan association, or federal credit union having its main office in this state, or a bank, savings bank, savings and loan association, (OR) credit union, *industrial loan and thrift company*, or regulated lender under chapter 56 established and operating under the laws of this state.

Sec. 2. Minnesota Statutes 1982, section 47.64, subdivision 1, is amended to read:

Subdivision 1. Any person establishing and maintaining an electronic financial terminal for use by one type of financial institution shall, upon written request, make its services available to any requesting financial institution of similar type on a fair, equitable and nondiscriminatory basis approved by the commissioner. A financial institution requesting use of an electronic financial terminal shall be permitted its use only if the financial institution conforms to reasonable technical operation standards which have been established by the electronic financial terminal provider as approved by the commissioner. For purposes of this subdivision, the types of financial institutions are: (a) commercial banks and mutual savings banks; (b) credit unions, *industrial loan and thrift companies*, and regulated lenders under

*chapter 56*; and (c) savings and loan associations. The services of an electronic financial terminal may be made available to any type of financial institution. After March 1, 1979, or earlier if determined by the commissioner to be technically feasible, an electronic financial terminal which is used by or made available to one type of financial institution shall be made available, upon request, to other types of financial institutions on a fair, equitable and nondiscriminatory basis as approved by the commissioner. The charges required to be paid to any person establishing and maintaining an electronic financial terminal shall be related to an equitable proportion of the direct costs of establishing, operating, and maintaining the terminal plus a reasonable return on those costs to the owner of the terminal. The charges may provide for amortization of development costs and capital expenditures over a reasonable period of time.

Sec. 3. Minnesota Statutes 1982, section 48.196, is amended to read:

**48.196 [PENALTY FOR USURIOUS INTEREST  
(CHARGED BY BANKS AND SAVINGS BANKS).]**

The taking, receiving, reserving 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 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. 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 regulated lender licensed 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. 4. Minnesota Statutes 1982, section 53.03, subdivision 5, is amended to read:

Subd. 5. [PLACE OF BUSINESS.] Not more than one place of business (SHALL) *may* be maintained under any certificate of authorization issued subsequent to the enactment of Laws 1943, Chapter 67, pursuant to the provisions of this chapter, but the department of commerce may issue more than one certificate of authorization to the same corporation upon compliance with all the provisions of this chapter governing an original issuance of a certificate of authorization. (WHERE) *If*

a corporation has been issued more than one certificate of authorization, (SUCH) *the* corporation shall allocate a portion of contributed capital to each office for which (SUCH) a certificate has been issued, in order to comply with the capital requirements of section 53.02 and section 53.05, (CLAUSES) *clause* (2) (AND (3)), which sections shall be applicable to each (SUCH) office and the capital allocated thereto in the same manner as if each certificate had been issued to a separate corporation. Each additional certificate of authorization issued pursuant to the provisions of this subdivision (SHALL) *must* be filed with the secretary of state and the county recorder of the county in which the corporation is authorized to do business thereunder. (ANY SUCH) A corporation may change one or more of its locations upon the written approval of the commissioner of banks.

Sec. 5. Minnesota Statutes 1982, section 53.04, subdivision 3a, is amended to read:

Subd. 3a. (a) The right to make loans, secured or unsecured, at the rates and on the terms and other conditions permitted licensees under chapter 56. The right to extend credit or lend money and to collect and receive charges therefor as provided by chapter 334, or in lieu thereof to charge, collect, and receive interest at the rate of 21.75 percent per annum. The provisions of sections 47.20 and 47.21 do not apply to loans made under this section, except as specifically provided in this subdivision. Nothing in this subdivision shall be deemed to supersede, repeal, or amend any provision of section 53.05. A licensee making a loan under this chapter secured by a lien on real estate shall comply with the requirements of section 47.20, subdivision 8.

(b) Loans made under this section at a rate of interest not in excess of that provided for in paragraph (a) may be secured by real or personal property, or both. If the proceeds of a loan made after August 1, 1984 are used in whole or in part to satisfy the balance owed on a contract for deed, the rate of interest charged on the loan shall not exceed the rate provided in section 47.20, subdivision 4a. If the proceeds of a loan secured by a first lien on the borrower's primary residence are used to finance the purchase of the borrower's primary residence, the loan must comply with the provisions of section 47.20.

(c) *A loan made under this section that is secured by real estate may contain a provision permitting discount points, if the loan does not provide a loan yield in excess of the maximum rate of interest permitted by this subdivision. Loan yield means the annual rate of return obtained by a licensee computed as the annual percentage rate is computed under Federal Regulation Z. If the loan is prepaid in full, the licensee must make a refund to the borrower to the extent that the loan yield will exceed the*

*maximum rate of interest provided by this subdivision when such prepayment is taken into account.*

Sec. 6. Minnesota Statutes 1982, section 53.04, subdivision 5, is amended to read:

Subd. 5. The right, with the consent of the department of commerce, to (1) sell and issue for investment certificates of indebtedness, under any descriptive name, which may bear interest, if any, as their terms provide, and which may require the payment to the company of amounts, from time to time as their terms provide, and permit the withdrawal of amounts paid on them, in whole or in part, from time to time, and the credit of amounts thereon upon conditions set forth therein; and (2) receive savings accounts or savings deposits. No certificate of indebtedness shall have a surrender value which is less than the total amount paid to the company therefor.

Sec. 7. Minnesota Statutes 1982, section 53.05, is amended to read:

#### 53.05 [POWERS, LIMITATION.]

No industrial loan and thrift company (SHALL HAVE POWER TO) *may* do any of the following:

(1) (TO) carry commercial or demand banking accounts; (TO) use the word "bank" or "banking" in its corporate name; (TO RECEIVE SAVINGS ACCOUNTS OR DEPOSITS OR) operate as a savings bank;

(2) (TO) have outstanding at any one time certificates of indebtedness, *savings accounts, and savings deposits*, exclusive of those held by the company, as security for loans made by it of more than seven times the sum of the contributed capital and appropriated reserves of the company;

(3) (TO LEND MONEY IN EXCESS OF TEN PERCENT OF ITS CONTRIBUTED CAPITAL AND APPROPRIATED RESERVES TO ANY PERSON PRIMARILY LIABLE; PROVIDED, HOWEVER, IF A LOAN HAS BEEN MADE TO ANY ONE PERSON PRIMARILY LIABLE AND PAYMENTS HAVE BEEN MADE ON THE CERTIFICATE OF INDEBTEDNESS SECURING IT, THE AMOUNT OF SUCH PAYMENTS MAY BE ADDED TO THE LIMITATION STATED IN THIS CLAUSE FOR THE PURPOSE OF DETERMINING WHETHER ADDITIONAL LOANS MAY BE MADE TO THAT PERSON;)

((4) (TO) accept trusts or act as guardian, administrator, or judicial trustee in any form; (OR)

((5) TO) (4) deposit any of its funds in any banking corporation, unless that corporation has been designated by vote of a majority of directors or of the executive committee present at a meeting duly called, at which a quorum was in attendance (.);

((6) TO) (5) change any allocation of capital made pursuant to section 53.03 or (TO) reduce or withdraw in any way any portion of the contributed capital and appropriated reserves without prior written approval of the commissioner of banks (.);

((7) TO) (6) take any instrument in which blanks are left to be filled in after execution; or

*(7) lend money in excess of ten percent of its contributed capital and appropriated reserves to a person primarily liable. "Contributed capital and appropriated reserves" means the total of the company's contributed capital and appropriated reserves at all its authorized locations.*

*If a loan has been made to a person primarily liable and payments have been made on a certificate of indebtedness securing it, the amount of the payments may be added to the limitation contained in this clause for the purpose of determining whether additional loans may be made to that person.*

Sec. 8. Minnesota Statutes 1982, section 53.07, subdivision 2, is amended to read:

Subd. 2. [TEMPORARY RESERVE MINIMUM.] Until an industrial loan and thrift company obtains a commitment for insurance or guarantee of accounts acceptable to the commissioner as required by section 53.10, it shall establish a minimum reserve against the certificates of indebtedness, *savings accounts, and savings deposits* described in section 53.04, subdivision 5, of not less than ten percent of the amount of indebtedness thus created. Three percent of this indebtedness shall be in cash in the actual possession of the industrial loan company or on demand deposit in approved banks of this state, and seven percent of the total indebtedness may be in bonds admissible for investment by mutual savings banks under the laws of this state.

Sec. 9. Minnesota Statutes 1982, section 53.10, is amended to read:

53.10 [MANDATORY INSURANCE OR GUARANTEE (OF CERTIFICATES HELD FOR INVESTMENT).]

Subdivision 1. [REQUIREMENT.] Not later than July 1, 1983, every industrial loan and thrift company operating under

this chapter with consent or holding a certificate of authorization, which includes the right to sell and issue for investment certificates of indebtedness, *savings accounts, and savings deposits*, other than those to be pledged as security for a loan made contemporaneously therewith, shall obtain a commitment for insurance or guarantee of the certificates, *accounts, or deposits* by or through an insurance company or guarantee fund acceptable to the commissioner of banks. The insurance or guarantee shall provide for the redemption of the investment of certificate, *account, or deposit* holders in the event of liquidation, insolvency or bankruptcy of the industrial loan and thrift company. The amount of insurance or guarantee benefit to each certificate, *account, or deposit* holder, as an individual or multi-party account, shall at all times be in full force and equal to the lesser of the industrial loan and thrift company's liability under a certificate, *account, or deposit* or \$100,000. For purposes of this section, an insurance company or guarantee fund includes an insurance company authorized to do business in this state, an insurance or guarantee fund organized under the laws of the United States, this state or any other state with the expressed purpose or authority to guarantee the accounts of industrial loan and thrift companies or any other person who contracts with industrial loan and thrift companies to guarantee accounts.

Subd. 2. The commissioner of banks shall grant additional time or times to obtain the commitment for insurance or guarantee upon satisfactory evidence that the industrial loan and thrift company has made or is making a substantial effort to achieve the conditions precedent to issuance of the commitment. Additional time or times shall not extend later than July 1, 1985.

Subd. 3. No industrial loan and thrift company shall hereafter be granted consent, or issued a certificate of authorization which includes the right to issue for investment certificates of indebtedness, *savings accounts, and savings deposits*, other than those to be pledged as security for a loan made contemporaneously therewith, unless the industrial loan and thrift company has obtained a commitment for insurance or guarantee of such certificates which meets the conditions of subdivision 1.

Sec. 10. Minnesota Statutes 1982, section 56.131, subdivision 3, is amended to read:

Subd. 3. [SPLITTING.] No licensee shall induce or permit any borrower to split up or divide any loan or permit any person to become obligated (, DIRECTLY OR CONTIGENTLY, OR BOTH,) under more than one contract of loan *for the same purpose or at the same time for the purpose or with the result of obtaining a higher rate of charge than would otherwise be permitted by this section. However, if a person becomes obligated on a contract of loan as an accommodation party, a preceding or subsequent loan to that person is not a violation of this sub-*

*division nor shall such loans be aggregated in determining the applicable rate of charge.*

Sec. 11. Minnesota Statutes 1982, section 56.131, is amended by adding a subdivision to read:

*Subd. 6. [DISCOUNT POINTS.] A loan made under this section that is secured by real estate may contain a provision permitting discount points, if the loan does not provide a loan yield in excess of the maximum rate of interest permitted by this section. Loan yield means the annual rate of return obtained by a licensee computed as the annual percentage rate is computed under Federal Regulation Z. If the loan is prepaid in full, the licensee must make a refund to the borrower to the extent that the loan yield will exceed the maximum rate of interest provided by this section when such prepayment is taken into account.*

Sec. 12. Minnesota Statutes 1982, section 56.14, is amended to read:

56.14 [DUTIES OF LICENSEE.]

Every licensee shall:

(1) deliver to the borrower (or if there are two or more borrowers to one of them) at the time any loan is made a statement making the disclosures and furnishing the information required by the federal Truth-in-Lending Act with respect to the contract of loan. A copy of the loan contract may be delivered in lieu of a statement if it discloses the required information;

(2) deliver or mail to the borrower without request, a written receipt within 30 days following payment for each payment by coin (,) or currency (, OR MONEY ORDER) made on account of any loan wherein charges are computed and paid on unpaid principal balances for the time actually outstanding, specifying the amount applied to charges and the amount, if any, applied to principal, and stating the unpaid principal balance, if any, of the loan; and wherein precomputed charges have been added to the principal of the loan specifying the amount of the payment applied to principal and charges combined, the amount applied to default or extension charges, if any, and stating the unpaid balance, if any, of the precomputed loan contract. A periodic statement showing a payment received by mail complies with this clause;

(3) permit payment to be made in advance in any amount on any contract of loan at any time, but the licensee may apply the payment first to all charges in full at the agreed rate up to the date of the payment;

(4) upon repayment of the loan in full, mark indelibly every obligation and security, other than a mortgage or security agreement which secures a new loan to the licensee, signed by the borrower with the word "Paid" or "Canceled," and release any mortgage or security agreement which no longer secures a loan to the licensee, restore any pledge, and cancel and return any note, and any assignment given to the licensee which does not secure a new loan to the licensee within 20 days after the repayment;

(5) display prominently in each licensed place of business a full and accurate schedule, to be approved by the commissioner, of the charges to be made and the method of computing the same; Furnish a copy of the contract of loan to any person obligated on it or who may become obligated on it at any time upon the request of that person;

(6) show in the loan contract or statement of loan the rate or rates of charge on which the charge in the contract is based, expressed in terms of rate or rates per annum. The rate expression shall be printed in at least 8 point type on the loan statement or copy of the loan contract given to the borrower.

Sec. 13. Minnesota Statutes 1982, section 56.19, subdivision 1, is amended to read:

Subdivision 1. [CRIMINAL PENALTY.] Any person and the several members, officers, directors, agents, and employees thereof, who (SHALL VIOLATE) *violates* or (PARTICIPATE) *participates* in the violation of any of the provisions of sections 56.01 (, 56.12, 56.131, 56.14, 56.17,) and 56.18 (SHALL BE) *is* guilty of a gross misdemeanor.

Sec. 14. Minnesota Statutes 1982, section 80A.15, subdivision 1, is amended to read:

Subdivision 1. The following securities are exempted from sections 80A.08 and 80A.16:

(a) Any security, including a revenue obligation, issued or guaranteed by the United States, any state, any political subdivision of a state or any corporate or other instrumentality of one or more of the foregoing; but this exemption shall not include any industrial revenue bond.

(b) Any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any province, any agency or corporate or other instrumentality of one or more of the foregoing, if the security is recognized as a valid obligation by the issuer or guarantor; but this exemption shall not include any revenue obligation payable solely from payments to be made in respect of property or money used under a lease, sale or loan arrangement by or for a nongovernmental industrial or commercial enterprise.



(c) Any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the laws of the United States, or any bank, savings institution or trust company organized under the laws of any state and subject to regulation in respect of the issuance or guarantee of its securities by a governmental authority of that state.

(d) Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association, or any building and loan or similar association organized under the laws of any state and authorized to do business in this state.

(e) Any security issued or guaranteed by any federal credit union or any credit union, or similar association organized and supervised under the laws of this state.

(f) Any security listed or approved for listing upon notice of issuance on the New York Stock Exchange, the American Stock Exchange, the Midwest Stock Exchange, the Pacific Stock Exchange, or the Chicago Board Options Exchange; any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing.

(g) Any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within nine months of the date of issuance, exclusive of days of grace, or any renewal of the paper which is likewise limited, or any guarantee of the paper or of any renewal which are not advertised for sale to the general public in newspapers or other publications of general circulation or otherwise, or by radio, television or direct mailing.

(h) Any interest in any employee's savings, stock purchase, pension, profit sharing or similar benefit plan, or a self-employed person's retirement plan.

(i) Any security issued or guaranteed by any railroad, other common carrier or public utility which is subject to regulation in respect to the issuance or guarantee of its securities by a governmental authority of the United States.

(j) Any interest in a common trust fund or similar fund maintained by a state bank or trust company organized and operating under the laws of Minnesota, or a national bank wherever located, for the collective investment and reinvestment of funds contributed thereto by the bank or trust company in its capacity as trustee, executor, administrator, or guardian; and any interest in a collective investment fund or similar fund maintained by the bank or trust company, or in a separate account

maintained by an insurance company, for the collective investment and reinvestment of funds contributed thereto by the bank, trust company or insurance company in its capacity as trustee or agent, which interest is issued in connection with an employee's savings, pension, profitsharing or similar benefit plan, or a self-employed person's retirement plan.

(k) Any security which meets all of the following conditions:

(1) If the issuer is not organized under the laws of the United States or a state, it has appointed a duly authorized agent in the United States for service of process and has set forth the name and address of the agent in its prospectus;

(2) A class of the issuer's securities is required to be and is registered under section 12 of the Securities Exchange Act of 1934, and has been so registered for the three years immediately preceding the offering date;

(3) Neither the issuer nor a significant subsidiary has had a material default during the last seven years, or for the period of the issuer's existence if less than seven years, in the payment of (i) principal, interest, dividend, or sinking fund installment on preferred stock or indebtedness for borrowed money, or (ii) rentals under leases with terms of three years or more;

(4) The issuer has had consolidated net income, before extraordinary items and the cumulative effect of accounting changes, of at least \$1,000,000 in four of its last five fiscal years including its last fiscal year; and if the offering is of interest bearing securities, has had for its last fiscal year, net income, before deduction for income taxes and depreciation, of at least 1-1/2 times the issuer's annual interest expense, giving effect to the proposed offering and the intended use of the proceeds. For the purposes of this clause "last fiscal year" means the most recent year for which audited financial statements are available, provided that such statements cover a fiscal period ended not more than 15 months from the commencement of the offering;

(5) If the offering is of stock or shares other than preferred stock or shares, the securities have voting rights and the rights include (i) the right to have at least as many votes per share, and (ii) the right to vote on at least as many general corporate decisions, as each of the issuer's outstanding classes of stock or shares, except as otherwise required by law; and

(6) If the offering is of stock or shares, other than preferred stock or shares, the securities are owned beneficially or of record, on any date within six months prior to the commencement of the offering, by at least 1,200 persons, and on that date there are at least 750,000 such shares outstanding with an aggregate market value, based on the average bid price for that day, of at

least \$3,750,000. In connection with the determination of the number of persons who are beneficial owners of the stock or shares of an issuer, the issuer or broker-dealer may rely in good faith for the purposes of this clause upon written information furnished by the record owners.

(1) Any certificate of indebtedness sold or issued for investment, other than a certificate of indebtedness pledged as a security for a loan made contemporaneously therewith, *and any savings account or savings deposit issued*, by an industrial loan and thrift company.

Sec. 15. Minnesota Statutes 1982, 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) *if 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) *the building;*

(e) Any bank, trust company, savings and loan association, *industrial loan and thrift company, regulated lender under chapter 56*, 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) if 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) those 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, pursuant to the continuing care facility disclosure and rehabilitation act (chapter 80D), when acting solely as incident to the contract.

Sec. 16. [REPEALER.]

*Minnesota Statutes 1982, section 56.19, subdivision 2, is repealed.*

Sec. 17. [EFFECTIVE DATE.]

*This act is effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to financial institutions; industrial loan and thrift companies; regulated loans; enlarging the group of institutions which may utilize electronic fund transfer facilities; modifying the capital and reserve limitation on loans by industrial loan and thrift companies; permitting loan and thrifts and regulated lenders to take discount points in certain circumstances; authorizing loan and thrifts to receive savings accounts and savings deposits subject to certain prescribed conditions; regulating loan splitting; eliminating the receipt requirement for money orders; standardizing certain penalties; excepting loan and thrifts and regulated lenders from the licensing requirements for real estate brokers and salespersons; amending Minnesota Statutes 1982, sections 47.61, subdivision 4; 47.64, subdivision 1; 48.196; 53.03, subdivision 5; 53.04, subdivisions 3a and 5; 53.05; 53.07, subdivision 2; 53.10; 56.131, subdivision 3, and by adding a subdivision; 56.14; 56.19, subdivision 1; 80A.15, subdivision 1; and 82.18; repealing Minnesota Statutes 1982, section 56.19, subdivision 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Energy to which was referred:

H. F. No. 613, A resolution memorializing the President and Congress to authorize the issuance of qualified mortgage bonds beyond the current expiration date of December 31, 1983.

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. 631, A bill for an act relating to Hennepin County; authorizing employees to withdraw from participation in the Hennepin County supplemental retirement fund.

Reported the same back with the following amendments:

Page 1, line 8, delete "*section 1,*"

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. 633, A bill for an act relating to commerce; uniform commercial code; extending the time period for the perfection of or priority over certain security interests; amending Minnesota Statutes 1982, sections 336.9-301; 336.9-302; 336.9-306; and 336.9-312.

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. 652, A bill for an act relating to retirement; public plans generally; providing that moneys of public pension plans

are for the exclusive benefit of eligible employees and their beneficiaries; proposing new law coded in Minnesota Statutes, chapter 356.

Reported the same back with the following amendments:

Page 1, before line 9, insert:

"Section 1. Minnesota Statutes 1982, section 354A.021, is amended by adding a subdivision to read:

*Subd. 6. [TRUSTEES' FIDUCIARY OBLIGATION.] It is the duty of the trustees or directors of each teachers retirement fund association to administer each fund in accordance with the applicable portions of this chapter, of the articles of incorporation, and of the bylaws. They shall act as trustees with a fiduciary obligation to the state of Minnesota which created the fund, the taxpayers which aid in financing it, and the teachers who are its beneficiaries. The purpose of this subdivision is to establish each teachers retirement fund association as a trust under the laws of the state of Minnesota for all purposes related to section 401(a) of the Internal Revenue Code of the United States, including all amendments."*

Page 2, after line 29, insert:

*"Subd. 5. [CONSTRUCTION.] Nothing contained in this section shall be construed to authorize, or otherwise imply, a legislative policy or intent favoring the termination of any plan or fund to which this section applies."*

Sec. 3. Minnesota Statutes 1982, section 356.61, is amended to read:

**356.61 [LIMITATION ON PUBLIC EMPLOYEE RETIREMENT ANNUITIES.]**

Notwithstanding any provision of law, bylaws, articles of incorporation, retirement and disability allowance plan agreements or retirement plan contracts to the contrary, no person who has pension or retirement coverage by a public pension plan shall be entitled to receive a monthly retirement annuity or disability benefit which, at the time of commencement of the retirement annuity or disability benefit, exceeds *the lesser of:*

(a) the amount of the final monthly salary of the person; or

(b) *one-twelfth of the amount of the annual benefit permitted by the terms of section 415 of the Internal Revenue Code with respect to a participant in a plan qualified under section 401(a) of the Internal Revenue Code, as amended through December 31, 1982.*

A public pension plan is any Minnesota public pension plan or fund which provides pension or retirement coverage for public employees other than volunteer firefighters, including any plan or fund enumerated in sections 356.20, subdivision 2, or 356.30, subdivision 3, any local police or firefighter's relief association to which section 69.77 applies, or any retirement or pension plan or fund, including a supplemental retirement plan or fund, established, maintained or supported by any governmental subdivision or public body whose revenues are derived from taxation, fees, assessments or from other public sources. Final monthly salary is the hourly rate of compensation received by the person on account of the most recent public employment for the final pay period occurring prior to retirement multiplied by 174.

The figure for the monthly retirement annuity or disability benefit to be used for the calculation of this limitation shall not include any reduction or adjustment required for retirement prior to the normal retirement age or required for the election of an optional annuity.

If the figure for the monthly retirement annuity or disability benefit exceeds the limit contained in this section, the annuity or benefit payable shall be reduced appropriately.

The managing board of each public pension plan from which a retirement annuity or disability benefit is payable shall, at the time that the retirement annuity or disability benefit commences, contact all other public pension plans to determine whether or not the recipient of the retirement annuity or disability benefit is also receiving or is entitled to receive a retirement annuity or disability benefit from any other public pension plan. If a person is entitled to receive or is receiving a retirement annuity or disability benefit from more than one public pension plan, all retirement annuities or disability benefits from all public pension plans shall be totalled in determining whether or not the limitation shall apply; provided however, that the limitation shall be based on the highest final monthly salary received by the individual from any plan. Any reduction in the amount of the retirement annuity or disability benefit required pursuant to this section shall be made by the public pension plan which provided retirement coverage for the most recent period of service."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the second semicolon, insert "providing for the fiduciary obligation of trustees; complying with federal limits on annual benefits;"

Page 1, line 5, after the semicolon, insert "amending Minnesota Statutes 1982, sections 356.61; 354A.021, 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.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 706, A bill for an act relating to retirement; public employees retirement association; providing for refund of contributions after a layoff of 120 calendar days; amending Minnesota Statutes 1982, section 353.34, subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 715, A bill for an act relating to education; authorizing the higher education coordinating board to provide supplemental and additional loans; clarifying certain provisions of student loan programs; making technical corrections; amending Minnesota Statutes 1982, sections 136A.14; 136A.141; 136A.15; 136A.16; 136A.17; proposing new law coded in Minnesota Statutes, chapter 136A; repealing Minnesota Statutes 1982, section 136A.161.

Reported the same back with the following amendments:

Page 1, line 17, strike "young"

Page 5, strike lines 9 to 11

Page 8, after line 22, insert:

"Sec. 7. [136A.1702]

*The board shall obtain approval from the legislative advisory commission prior to taking the following actions with regard to student loan programs described in this act:*

(1) *Implementing a loan program for parents and students eligible for auxiliary loans as defined in section 136A.15, subdivision 7.*



(2) *Acquiring student loans from other lenders to facilitate student loan programs provided for in section 136A.17.*

(3) *Providing for programs of supplemental and additional loans as defined in section 6."*

Renumber the sections

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 Judiciary to which was referred:

H. F. No. 740, A bill for an act relating to public improvements; authorizing the planning for and construction of a high security detention facility for female inmates; authorizing issuance of state bonds; 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.

Voss from the Committee on Energy to which was referred:

H. F. No. 751, A bill for an act relating to energy; simplifying hydropower lease procedures; amending Minnesota Statutes 1982, sections 105.482, subdivision 8; 272.02, by adding a subdivision; 273.19, by adding a subdivision; and 295.44, subdivision 1; repealing Minnesota Statutes 1982, section 295.44, subdivisions 2, 3, and 4.

Reported the same back with the following amendments:

Page 2, line 2, strike "50" and insert "99"

Page 2, line 5, delete "lessor" and insert "lessee"

Page 2, after line 13, insert:

"Sec. 2. Minnesota Statutes 1982, section 105.482, subdivision 9, is amended to read:

Subd. 9. [CONTENTS OF DEVELOPMENT AGREEMENT.] An agreement for the development or redevelopment of a hydropower site may contain, but need not be limited to, the following provisions:

(a) Length of the development agreement, subject to negotiations between the parties but not more than (50) 99 years, and conditions for extension, modification, or termination;

(b) Provisions for a performance bond on the developer, or, certification that the equipment and its installation have a design life at least as long as the lease;

(c) Provisions to assure adequate maintenance and safety in the impoundment structures, if any, and to assure access to recreational sites, if any."

Page 3, line 12, delete "5" and insert "6"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "subdivision" and insert "subdivisions"; after "8" insert "and 9"

With the recommendation that when so amended the bill pass 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. 760, A bill for an act relating to retirement; making various administrative and clarifying amendments to laws governing the Minnesota state retirement system and other retirement plans administered by the system; amending Minnesota Statutes 1982, sections 352.01, subdivisions 11, 16, and 17; 352.021, subdivision 5; 352.113, subdivisions 2, 4, and 6; 352.115, subdivision 8; 352.12, subdivisions 3, 4, and 10; 352.15, subdivision 1; 352.22, subdivision 3; 352.93, subdivision 1; 352.95, subdivisions 4 and 5; 352B.01, subdivisions 3, 9, and 10; 352B.02, subdivision 1; 352B.03, subdivision 2; 352B.05; 352B.07; 352B.071; 352B.08, subdivision 1; 352B.105; 352B.11, subdivisions 1, 4, and by adding a subdivision; 352B.30, subdivision 1; 352D.015, subdivision 9; 352D.02, subdivision 3; 352D.04, subdivision 1; and 490.124, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 352B; repealing Minnesota Statutes 1982, sections 352.041, subdivision 6; 352.115, subdivisions 4 and 5; 352.118; 352.1191; 352.22, subdivision 4; 352.71; 352.93, subdivisions 5 and 6; 352B.01, subdivision 8; 352B.02, subdivision 2; 352B.06; 352B.13; 352B.261; and 352B.262.

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. 785, A bill for an act relating to retirement; public employees funds generally; increasing interest rates paid on refunds and rates required for repayment of refunds and other payments to the funds; amending Minnesota Statutes 1982, sections 3A.03, subdivision 2; 352.029, subdivision 4; 352.04, subdivision 8; 352.12, subdivision 1; 352.22, subdivision 2; 352.23; 352.27; 352.271; 352B.11, subdivisions 1, 3, and 4; 352C.09, subdivision 2; 353.01, subdivision 16; 353.27, subdivision 12; 353.28, subdivision 5; 353.32, subdivision 1; 353.34, subdivision 2; 353.35; 353.36, subdivision 2; 354.47, subdivision 1; 354.49, subdivisions 2 and 3; 354.50, subdivision 2; 354.51, subdivisions 4 and 5; 354.52, subdivision 4; 354.53, subdivision 1; 354.532, subdivision 3; 354A.093; 354A.35, subdivision 1; 354A.37, subdivisions 3 and 4; 354A.38, subdivision 3; 422A.09, subdivision 3; 422A.11, subdivision 2; 422A.16, subdivision 5; and 422A.221, subdivision 2; repealing Minnesota Statutes 1982, section 354.49, subdivision 3.

Reported the same back with the following amendments:

Page 1, line 28, strike everything after "legislature"

Page 1, strike lines 29 and 30

Page 1, line 31, strike everything before "entitled" and insert "*shall be*"

Page 1, line 33, strike "his" and insert "*the member's*"

Pages 14 and 15, delete section 22

Page 15, line 10, strike "fund" and insert "*member's account*"

Page 15, line 30, delete "*eight*" and reinstate the stricken ("*SIX*")

Page 24, after line 36, insert:

"Sec. 36. Minnesota Statutes 1982, section 422A.22, subdivision 1, is amended to read:

Subdivision 1. If an employee to whom sections 422A.01 to 422A.25 applies becomes absolutely separated from the service

prior to attaining the minimum retirement age established in section 422A.13, the net accumulated amount of deduction from his or her salary, pay, or compensation, made for the purpose of accumulating a fund from which to pay retirement allowances, shall be returned to such employee, with interest. Any contributing employee who separates from a department, board or commission of the city whose employees are covered by a fund organized under sections 422A.01 to 422A.25, and becomes an employee of a department or board of the same city, whose employees are covered by a retirement fund or relief association by whatever name known, organized under any other law and supported in whole or in part by taxes on the same city, shall have the option of: (1) Retaining their membership in the fund organized under sections 422A.01 to 422A.25, regardless of the provisions of any law, rule, bylaw or other action requiring membership in any other retirement fund or relief association however organized.

(2) Transferring to the fund or association covering the employees of the department or board to which they are transferring, providing they are eligible for membership therein.

Any contributing employee who elects to transfer to another fund or association as herein provided, shall make such election within one year from the date of separation from the city service covered by this fund. If the contributing employee elects to transfer to another fund as herein provided, a refund of the net accumulated contributions made by such employee to the fund organized under sections 422A.01 to 422A.25, shall be returned to the employee with interest *at six percent compounded annually.*

Sec. 37. Minnesota Statutes 1982, section 422A.22, subdivision 4, is amended to read:

Subd. 4. Upon the death of a contributing member while still in the service of the city, and before reaching the compulsory age of retirement there shall be paid to such person or persons as he or she shall have nominated by written designation filed with the retirement board, in such form as the retirement board shall require, the net accumulated amount of deductions from his or her salary, pay or compensation including interest *at six percent compounded annually*, to his or her credit on date of death. If the employee fails to make a designation, or if the person or persons designated by such employee pre-deceases such employee, the net accumulated amount of deductions from his or her salary, pay, or compensation including interest, to the credit of such employee on date of death shall be paid to such employee's estate.

Sec. 38. Minnesota Statutes 1982, section 422A.22, subdivision 5, is amended to read:

Subd. 5. Upon reinstatement of a former employee to the service, credit for such past service or for any part thereof shall be granted only upon repayment of the amount of the separation refund, with interest *at eight percent compounded annually*, from the time of separation."

Page 25, after line 8, insert:

"Sec. 40. Minnesota Statutes 1982, section 490.124, subdivision 12, is amended to read:

Subd. 12. [REFUND.] Any person who ceases to be a judge but who does not qualify for a retirement annuity or other benefit under section 490.121 shall be entitled to a refund in an amount equal to all his contributions to the judges' retirement fund plus interest computed to the first day of the month in which the refund is processed based on fiscal year balances at the rate of (FIVE) *six* percent per annum compounded annually.

Sec. 41. [MINNEAPOLIS AND ST. PAUL TEACHERS RETIREMENT FUND ASSOCIATIONS; BASIC PROGRAM; INTEREST ON REFUNDS.]

*Notwithstanding anything to the contrary in the articles and bylaws of the basic programs enumerated in chapter 354A the payment of interest on refunds and interest on repayment of refunds shall be computed in the same manner as for the coordinated programs covered by chapter 354A."*

Page 25, line 13, delete everything after "effective" and insert "July 1, 1983."

Renumber the remaining sections

Amend the title as follows:

Page 1, line 14, delete "subdivisions 2 and 3" and insert "subdivision 2"

Page 1, line 19, delete "and" and insert "422A.22, subdivisions 1, 4, and 5;"

Page 1, line 20, after "subdivision 2;" insert "and 490.124, subdivision 12;"

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. 788, A bill for an act relating to economic development; creating the Minnesota enterprise agency; creating the Minnesota enterprise fund; transferring certain powers from the department of energy, planning and development; abolishing the small business finance agency; appropriating money; amending Minnesota Statutes 1982, section 116J.90, subdivision 5; proposing new law coded as chapter 266.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [TRANSFER OF CERTAIN RESPONSIBILITIES FROM THE COMMISSIONER OF ENERGY, PLANNING AND DEVELOPMENT TO THE MINNESOTA SMALL BUSINESS FINANCE AGENCY AND THE MINNESOTA ENTERPRISE FUND.]

*Subdivision 1. [AUTHORIZATION.] The Minnesota small business finance agency and the Minnesota enterprise fund are the successors to the commissioner of energy, planning and development as regards all responsibilities vested in or imposed on the commissioner that relate to the following:*

*(a) community development corporation grants, as provided in 116J.65;*

*(b) the "503" certified state development company, as provided in section 116J.67;*

*(c) the issuance of industrial revenue bonds, as provided in chapter 474;*

*(d) the administration of the area redevelopment act and the federal revolving loan program as provided in chapter 472; and*

*(e) the authority to pass-through appropriations to the Duluth port authority, as provided by chapter 116J.*

*The responsibilities of the commissioner of energy, planning and development that relate to clauses (a) to (e) are transferred to, vested in, and imposed on the Minnesota small business finance agency and the Minnesota enterprise fund. The agency and the fund are deemed to be the successors to these responsibilities as they were constituted immediately prior to the effective date of sections 1 to 48.*

*Subd. 2. [EFFECT OF PENDING PROCEEDINGS.] Any proceeding, court action, prosecution, or other business or matter pending on the effective date of sections 1 to 48 and undertaken or commenced by the commissioner of energy, planning and development under the authority of any responsibility transferred by this section to the Minnesota small business finance agency may be conducted and completed by the Minnesota small business finance agency in the same manner, under the same terms and conditions, and with the same effect as though no transfer was made.*

*Subd. 3. [TRANSFER OF CUSTODY OF DOCUMENTS.] An individual responsible under law for administration of a function transferred by this section to the Minnesota small business finance agency shall, upon request by the Minnesota small business finance agency or by a designated employee, transfer custody of all books, maps, plans, papers, records, contracts, and other documents relating to the transferred function and necessary or convenient for the proper discharge of the Minnesota small business finance agency's new duties. The transfer shall be made in accordance with the directions of the Minnesota small business finance agency.*

*Subd. 4. [RULES.] Rules adopted pursuant to responsibilities that have been transferred in this section remain effective and shall be enforced by the Minnesota small business finance agency. Rulemaking authority that existed to implement the responsibilities that are transferred in this section is hereby transferred to the Minnesota small business finance agency.*

*Subd. 5. [APPROPRIATIONS.] All unexpended and unencumbered funds appropriated to the commissioner of energy, planning and development and the executive council for the purpose of performing the responsibilities that are transferred by this section to the Minnesota small business finance agency are transferred to the Minnesota small business finance agency. If an unexpended appropriation must be allocated between the Minnesota small business finance agency and another individual, office, division, agency, or department to accurately reflect the division of responsibilities between those individuals, divisions, agencies, or departments and the Minnesota small business finance agency after the effective date of sections 1 to 48, the commissioner of administration shall allocate the unexpended appropriation as deemed appropriate.*

*Subd. 6. [TRANSFER OF POSITIONS.] Prior to the effective date of sections 1 to 48, the commissioner of energy, planning and development shall identify for the Minnesota small business finance agency the positions necessary to carry out the responsibilities transferred. The incumbents of those positions in the classified service which the Minnesota small business finance agency determines are needed to carry out those responsibilities are transferred to the employment of the Minnesota*

*small business finance agency. The positions of all persons in the classified service that the Minnesota small business finance agency determines are not needed to carry out its responsibilities are abolished. The positions of all persons who are employed in the unclassified service by the department of energy, planning and development to perform the responsibilities that are transferred by this section to the Minnesota small business finance agency are abolished. Persons in unclassified and classified positions which have been abolished shall receive preferential treatment for positions with the Minnesota small business finance agency. Nothing in this subdivision shall be construed as abrogating or modifying 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.*

Sec. 2. Minnesota Statutes 1982, section 116J.62, is amended to read:

116J.62 [SMALL BUSINESS FINANCE AGENCY.]

*The commissioner may enter into agreements or transactions with the small business finance agency created under section 116J.89 to perform any or all administrative tasks in connection with the exercise and implementation of the powers and programs of the small business finance agency. The physical premises, equipment, and other office materials used by the commissioner of energy, planning and development to administer the responsibilities transferred in section 1 shall be used by the Minnesota small business finance agency to continue the administration of the transferred responsibilities.*

Sec. 3. Minnesota Statutes 1982, section 116J.65, is amended by adding a subdivision to read:

*Subd. 8a. The Minnesota small business finance agency shall be named as an assignee of the rights of a state funded community development corporation on any loan or other evidence of debt provided by a community development corporation to a private enterprise. The assignment of rights shall provide that it will be effective upon the dormancy or cessation of existence of the community development corporation. "Dormancy" for the purpose of this section shall mean the continuation of the corporation in name only without any functioning officers or activities. Upon the cessation of the activities of a state funded community development corporation, any assigned moneys paid to the Minnesota small business finance agency shall be deposited into the community development corporation fund to be used for the purposes as set out in chapter 116J.*

Sec. 4. Minnesota Statutes 1982, section 116J.67, is amended by adding a subdivision to read:



*Subd. 3a. [BOARD OF DIRECTORS.] The board of directors of the certified development company shall consist of directors as required by the federal regulations governing certified development companies.*

Sec. 5. Minnesota Statutes 1982, section 116J.88, subdivision 4, is amended to read:

Subd. 4. "Eligible small business" means an enterprise determined by the agency to constitute a small business concern as defined in regulations of the United States small business administration pursuant to (15 U. S. CODE) *United States Code, title 15*, sections 631 to 647, as (IN EFFECT MARCH 1, 1980, WHICH IS ENGAGED IN ANY INDUSTRIAL OR COMMERCIAL ACTIVITY EXCEPT:)

((A) BANKING OR OTHER FINANCIAL SERVICE;)

((B) REAL ESTATE BROKERAGE, MANAGEMENT, SALE, OWNERSHIP, OR LEASING;)

((C) LEGAL, MEDICAL, DENTAL, ACCOUNTING, ENGINEERING, OR ANY OTHER PROFESSIONAL OR CONSULTING SERVICE;)

((D) FURNISHING RECREATIONAL OR ATHLETIC FACILITIES; AND)

((E) SERVING FOOD OR BEVERAGES TO BE CONSUMED ON OR ADJACENT TO THE PREMISES WHERE THEY ARE SOLD) *amended through December 31, 1982.*

Sec. 6. Minnesota Statutes 1982, section 116J.88, subdivision 5, is amended to read:

Subd. 5. "(ELIGIBLE) *Targeted* small business" for the purpose of section 116J.90, subdivision 5, means a business entity organized for profit, including but not limited to any individual, partnership, corporation, joint venture, association or cooperative, which entity:

(a) has 20 or fewer full time employees or not more than the equivalent of \$1,000,000 in annual gross revenues in the preceding fiscal year; and

(b) is not 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. For the purpose of this subdivision, "dominant in its field of operation" means having more than 20 full time employees and more than \$1,000,000 in annual gross revenues.

**(“FARM BUSINESS” MEANS A BUSINESS ENTITY)**  
*“Targeted small business” includes a farm business engaged in farming, agricultural production or processing, or storage of agricultural products (, WHICH OTHERWISE QUALIFIES AS A SMALL BUSINESS).*

Sec. 7. Minnesota Statutes 1982, section 116J.88, subdivision 6, is amended to read:

Subd. 6. “Financial institution” means (ANY) a bank or other financial corporation described in chapter 47, (ANY) an insurance company licensed to do business under chapter 60A, (AND ANY) a securities broker-dealer licensed under chapter 80A, and financial organizations relating to commercial credit or venture capital.

Sec. 8. Minnesota Statutes 1982, section 116J.88, subdivision 7, is amended to read:

Subd. 7. “Business loan” means a loan, other than a pollution control loan, to the owner of (A) *an eligible* small business for the (INTERIM OR LONG TERM) financing of (a) capital expenditures for the acquisition or improvement of land, acquisition, construction, removal, or improvement of buildings, or acquisition and installation of fixtures and equipment useful for the conduct of the business; or (b) *short-term costs of conducting an eligible small business.*

Subd. 7a. “Farm loan” means a loan to a farm business for the acquisition, installation, improvement, construction or removal of buildings, or acquisition and installation of fixtures or equipment, useful for the conduct of a farm business.

Sec. 9. Minnesota Statutes 1982, section 116J.88, subdivision 8, is amended to read:

Subd. 8. “Pollution control loan” means a loan to (THE OWNER OF A) *an eligible* small business for the acquisition, construction, or improvement of pollution control facilities or operations. Pollution control facilities or operations may include real and personal property likely to help prevent, reduce, abate, or control noise, air, or water pollution or contamination by removing, altering, disposing, or storing pollutants, contaminants, wastes, or heat, and real and personal property to be used for the collection, storage, treatment, utilization, processing, or final disposal of solid or liquid waste.

Sec. 10. Minnesota Statutes 1982, section 116J.88, is amended by adding a subdivision to read:

Subd. 9. “Fund” means the Minnesota enterprise fund.

Sec. 11. Minnesota Statutes 1982, section 116J.88, is amended by adding a subdivision to read:

*Subd. 10. "Executive director" means the executive director of the Minnesota small business finance agency.*

Sec. 12. Minnesota Statutes 1982, section 116J.89, subdivision 1, is amended to read:

Subdivision 1. [CREATION; PURPOSES.] A small business finance agency is hereby created and is constituted as an authority to act on behalf of the state within the scope of the powers granted to it in sections (116J.63) *116J.62* and 116J.88 to 116J.91 to implement (A LOAN PROGRAM) *financing programs* 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 *eligible* small (BUSINESS) *businesses* in Minnesota and to reduce to a manageable level the cost of the control of pollution and disposal of waste resulting from the operations of small (BUSINESS) *businesses*.

Because of its ability to pool or combine loans to be funded from one or more issues of bonds, (WHETHER OR NOT THE INTEREST ON THE BONDS IS EXEMPT FROM FEDERAL INCOME TAXES,) the agency will be able to spread its financing costs among the *eligible* small businesses to which the agency makes loans, thereby reducing costs incurred by each *eligible* small business.

Sec. 13. Minnesota Statutes 1982, section 116J.89, subdivision 2, is amended to read:

Subd. 2. [PUBLIC PURPOSES.] Sections (116J.63) *116J.62* and 116J.88 to 116J.91 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, controlling, and preventing environmental pollution and waste of resources; and by protecting and enhancing the tax base on which state and local governments depend for the financing of public services.

Sec. 14. Minnesota Statutes 1982, section 116J.89, subdivision 7, is amended to read:

Subd. 7. [TAXATION OF AGENCY NOTES AND BONDS.] The state covenants with the purchasers and all subsequent holders and transferees of notes and bonds issued by the agency in consideration of the acceptance of and payment for the notes and bonds, that the notes and bonds of the agency issued pursuant to sections 116J.88 to 116J.91 and the income therefrom 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 such 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 such tax is measured.

Sec. 15. Minnesota Statutes 1982, section 116J.89, is amended by adding a subdivision to read:

*Subd. 1a. In addition, the Minnesota small business finance agency may use the Minnesota enterprise fund to provide financial assistance to eligible small businesses as follows:*

- (a) to provide loan guarantees to eligible small businesses;*
- (b) to invest directly and indirectly in eligible small businesses or to participate with other financial resources;*
- (c) to provide direct loans to eligible small businesses;*
- (d) to participate in other investment programs as appropriate under the terms of sections 1 to 48;*
- (e) to purchase loan packages made to eligible small businesses by financial institutions in the state;*
- (f) to enter into or to pay fees on insurance contracts, letters of credit, municipal bond insurance, surety bonds, or other agreements or contracts with financial institutions;*
- (g) to guarantee bonds and notes of the agency, the proceeds of which are used to make business loans;*
- (h) to create accounts within the fund for the separate purposes listed in this section and in section 1, and including without limitation the payment of the cost of issuing agency bonds and notes;*
- (i) to enter into contract with note and bond holders or other persons interested in the disposition of the fund; and*
- (j) for any legal purpose or program of the agency.*

Sec. 16. Minnesota Statutes 1982, section 116J.89, is amended by adding a subdivision to read:

*Subd. 1b. (a) The following eligible small businesses have preference among business applicants;*

(1) *businesses located in areas of the state that are experiencing the most severe unemployment rates in the state;*

(2) *businesses that are likely to expand and provide additional permanent employment;*

(3) *businesses located in border communities that experience a competitive disadvantage due to location;*

(4) *businesses that have been unable to obtain traditional financial assistance due to a disadvantageous location, minority ownership, or other factors rather than due to the business having been considered a poor financial risk;*

(5) *businesses that utilize state resources, thereby reducing state dependence on outside resources, and that produce products or services consistent with the long-term social and economic needs of the state;*

(6) *businesses located in designated enterprise zones, as described in section 273.1312, subdivision 4; and*

(7) *businesses located in federally-designated economically distressed areas.*

(b) *Direct equity or loan investments in particular businesses are not prohibited, but the agency shall prefer indirect investment such as loan guarantees or the purchase of loan packages. Except in the issuance of agency bonds or notes, the agency may not invest the fund in a program that does not have financial participation from the private sector, as determined by the agency.*

Sec. 17. Minnesota Statutes 1982, section 116J.89, is amended by adding a subdivision to read:

*Subd. 1c. [MINNESOTA ENTERPRISE FUND.] There is created the Minnesota enterprise fund to be administered by the Minnesota small business finance agency. The fund consists of the appropriation provided in section 46 to be used to effectuate the agency's corporate purposes as provided in sections 116J.89 to 116J.91 and sections 1 to 48.*

Sec. 18. Minnesota Statutes 1982, section 116J.89, subdivision 8, is amended to read:

*Subd. 8. [BOARD OF DIRECTORS.] The members and governing body of the agency shall be (THE COMMISSIONER AND SIX OTHER MEMBERS HOLDING NO OTHER ELECTIVE OR APPOINTIVE OFFICE OF THE STATE OR ANY LOCAL GOVERNMENT,) a nine-member board of directors,*

*including a chairperson, all of whom shall be appointed by the governor with advice and consent of the senate. (THE COMMISSIONER SHALL BE VICE CHAIRMAN, AND THE GOVERNOR SHALL DESIGNATE THE CHAIRMAN FROM AMONG THE OTHER MEMBERS, TO SERVE AS CHAIRMEN AT THE PLEASURE OF THE GOVERNOR.) The board shall be represented by members chosen from the following sectors: business, labor, and higher education. The members shall be selected to represent the various geographical areas of the state. Section 15.0575, governs the terms, compensation, removal, and filling of vacancies in the offices of board members (OTHER THAN THE COMMISSIONER). Section 471.87 does not apply to a board member who acts in the member's official capacity for the agency. The board shall appoint a secretary from among its members.*

Sec. 19. Minnesota Statutes 1982, section 116J.89, subdivision 10, is amended to read:

Subd. 10. [EXECUTIVE DIRECTOR; STAFF.] The commissioner shall (DESIGNATE) *appoint an employee in the unclassified service as executive director of the agency and may appoint permanent and temporary employees necessary for the administration of the agency. The governing body of the agency may enter into agreements under which the department will provide administrative support for the agency.*

Sec. 20. Minnesota Statutes 1982, section 116J.90, subdivision 2, is amended to read:

Subd. 2. The agency may *make or purchase or participate with financial institutions in making or purchasing business loans not exceeding \$1,000,000 in principal amount (, TO BE SERVICED BY SUCH INSTITUTIONS, PROVIDED THAT:)*

((A) THE AGENCY'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 OR PERSONAL PROPERTY OR BY ANY OTHER SECURITY SATISFACTORY TO THE AGENCY TO SECURE PAYMENT OF THE LOAN PROVIDED, THAT THE AGENCY'S SHARE MAY EQUAL 100 PERCENT OF THE TOTAL PRINCIPAL AMOUNT OF THE BUSINESS LOAN IF THE FINANCIAL INSTITUTION PARTICIPATING IN THE MAKING OR PURCHASING OF THE BUSINESS LOAN BY SERVICING THE LOAN, PURCHASES 100 PERCENT OF THE TOTAL AMOUNT OF THE BONDS ISSUED BY THE AGENCY IN CONNECTION WITH THE LOAN;)

((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 AGENCY'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 SUCH INSURANCE IN THE STATE, INSURING A PERCENTAGE OF ANY CLAIM FOR LOSS AT LEAST EQUAL TO THAT PERCENTAGE OF THE VALUE BY WHICH THE LOAN EXCEEDS 90 PERCENT THEREOF;)

((C) THE VALUE OF THE PROPERTY SECURING THE LOAN SHALL BE CERTIFIED BY THE PARTICIPATING FINANCIAL INSTITUTION, ON THE BASIS OF SUCH APPRAISALS, BIDS, PURCHASE ORDERS, AND ENGINEERS' CERTIFICATES AS THE AGENCY MAY REQUIRE; PROVIDED THAT THE VALUE OF ITEMS PURCHASED AND CONSTRUCTED FROM THE PROCEEDS OF THE LOAN SHALL NOT BE DEEMED TO EXCEED THE CONTRACT PRICE OF PURCHASE OR CONSTRUCTION;)

((D) THE AGENCY SHALL NOT DISBURSE 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, UNLESS A FINANCIAL INSTITUTION FURNISHES AN IRREVOCABLE LETTER OF CREDIT OR A QUALIFIED CORPORATE SURETY FURNISHES PAYMENT AND PERFORMANCE BONDS, SATISFACTORY TO THE AGENCY 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 WITHOUT THE PRIOR EXPRESS WRITTEN AUTHORIZATION OF THE AGENCY).

Sec. 21. Minnesota Statutes 1982, section 116J.90, subdivision 4, is amended to read:

Subd. 4. The agency may make pollution control loans (WHICH ARE FULLY SECURED BY THE GUARANTEE OR INSURANCE OF ANY AGENCY OR INSTRUMENTAL-

ITY OF THE UNITED STATES OR BY A PRIVATE INSURER QUALIFIED TO WRITE THE INSURANCE IN THE STATE, OR BY RESERVES PROVIDED BY THE AGENCY OR ANY COMBINATION OF THE FOREGOING).

Sec. 22. Minnesota Statutes 1982, section 116J.90, subdivision 5, is amended to read:

Subd. 5. The agency shall make every effort to assure that at least 50 percent of the principal amount of the loans made or purchased by the agency in each fiscal year consists of loans with a principal amount of \$100,000 or less to (ELIGIBLE) *targeted* small businesses as defined in section 116J.88, subdivision (4) 5, and shall provide technical assistance needed by (ELIGIBLE) *targeted* small (BUSINESS OWNERS) *businesses* to complete applications and meet other requirements for those loans. The agency 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. *The inability of the agency to comply with this subdivision does not affect the validity of agency bonds and notes heretofore or hereafter issued.*

Sec. 23. Minnesota Statutes 1982, section 116J.91, subdivision 1, is amended to read:

Subdivision 1. In implementing its corporate purposes and the programs described in sections (116J.63) *116J.62* and 116J.-88 to 116J.91, the agency shall have the powers and duties set forth in this section.

Sec. 24. Minnesota Statutes 1982, section 116J.91, subdivision 4, is amended to read:

Subd. 4. It may adopt, amend and repeal rules not inconsistent with the provisions of sections (116J.63) *116J.62* and 116J.88 to 116J.91 as necessary to effectuate its corporate purposes.

Sec. 25. Minnesota Statutes 1982, section 116J.91, subdivision 10, is amended to read:

Subd. 10. It may consent, whenever 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,) *a* contract or agreement of any kind to which the agency is a party.



Sec. 26. Minnesota Statutes 1982, section 116J.91, subdivision 11, is amended to read:

Subd. 11. It may borrow money to carry out and effectuate its corporate purpose and may issue its negotiable bonds or notes as evidence of any such 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 agency may refund bonds and notes and may guarantee its bonds and notes with money from the enterprise fund.* The aggregate principal amount of the agency'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 therefor and amounts used to make loans guaranteed or insured by an agency or instrumentality of the federal government *or by private insurer or guarantor authorized to do business in the state of Minnesota and acceptable to the agency,* shall not exceed \$30,000,000 unless authorized by another law.

Sec. 27. Minnesota Statutes 1982, section 116J.91, subdivision 12, is amended to read:

Subd. 12. 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 business loans (PURSUANT TO SECTION 116J.90, SUBDIVISION 2,) shall be payable solely from revenues derived by the agency from repayments of such loans and from enforcement of the security therefor, or from a debt service reserve fund or funds, or from a general reserve fund or from a segregated portion thereof, irrevocably pledged and appropriated to pay principal and interest due, for which other funds are not available. A general reserve fund is hereby created and is eligible to receive direct appropriations from the state treasury *or a transfer from the enterprise fund as the agency may provide by resolution.* The agency may irrevocably pledge and appropriate all or a segregated portion of the general reserve fund to pay principal and interest due on all or one or more series of its obligations for which other funds are not available, pursuant to the terms and conditions that the agency shall determine. Until so pledged and appropriated by the agency the general reserve fund shall not be available to pay principal and interest on the agency's obligations. (NO OBLIGATIONS SHALL BE ISSUED TO PARTICIPATE IN MAKING OR PURCHASING BUSINESS LOANS PURSUANT TO SECTION 116J.90, SUBDIVISION 2, UNLESS THE OBLIGATIONS ARE SECURED AT THE TIME OF ISSUANCE BY A DEBT SERVICE RESERVE FUND. A PORTION OF THE GENERAL RESERVE FUND SEGREGATED TO SECURE ONE OR MORE SERIES OF BONDS, OR THE PORTION OF THE GENERAL RESERVE

FUND NOT SEGREGATED TO SECURE ONE OR MORE SERIES OF BONDS, AND UNLESS THE AMOUNT THEN HELD OR THEN DEPOSITED IN THE FUND OR SEGREGATED PORTION IS AT LEAST EQUAL TO TEN PERCENT OF THE AGGREGATE PRINCIPAL AMOUNT OF ALL OBLIGATIONS SECURED BY THE FUND OR SEGREGATED PORTION THEREOF) *The agency may at its option provide by resolution that obligations issued to participate in making or purchasing business loans be secured at the time of issuance in whole or in part by a debt service reserve fund or funds, a portion of the general reserve fund segregated to secure one or more series of bonds, or the portion of the general reserve fund not segregated to secure one or more series of bonds. The operation of the debt service reserve fund or funds and other relevant terms or provisions shall be determined by resolution of the agency.*

Sec. 28. Minnesota Statutes 1982, section 116J.91, subdivision 14, is amended to read:

Subd. 14. It may establish and collect reasonable interest and amortization payments on loans, and in connection therewith 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 thereof, 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, AND THE PROMPT FILING OF ALL CLAIMS WHICH MAY ARISE THEREUNDER.)

Sec. 29. Minnesota Statutes 1982, section 116J.91, subdivision 16, is amended to read:

Subd. 16. It may provide general consultative and technical services to assist in financing small business facilities for which loans may be made (PURSUANT TO SECTION 116J.90). It may enter into agreements or other transactions concerning the receipt or provision of those services.

Sec. 30. Minnesota Statutes 1982, section 116J.91, subdivision 19, is amended to read:

Subd. 19. (ALL) Proceeds of the agency's bonds, notes, and other obligations (, ANY); amounts granted or appropriated to the agency for the making or purchase or the insurance or guaranty of loans or for bond reserves (, ALL); income from (THEIR) investment; *money in the enterprise fund*; and all revenues from loans, fees, and charges of the agency are annually appropriated to the agency 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. Notwithstanding section 16A.28, these appropriations are available until expended.

Sec. 31. Minnesota Statutes 1982, section 116J.91, is amended by adding a subdivision to read:

*Subd. 20. The agency may do all things necessary and proper to fulfill its purpose and the purposes of the enterprise fund as provided in sections 1 to 48.*

Sec. 32. Minnesota Statutes 1982, section 472.02, subdivision 1, is amended to read:

Subdivision 1. It is hereby declared that there exists in the state certain areas of substantial and persistent unemployment causing hardship to many individuals and their families and that there also exist certain rural areas where development and redevelopment should be encouraged; that unemployment and rural underdevelopment detracts from the state and national welfare by wasting vital human resources; that to overcome this problem the powers and facilities of the state government and local communities, in cooperation *at times* with the federal government, should assist rural areas and areas of substantial and chronic unemployment in planning and financing economic redevelopment by private enterprise; that governmental assistance to communities, industries, enterprises, and individuals in rural areas and areas needing economic redevelopment will enable (SUCH) *these* areas to enhance their prosperity by the establishment of stable and diversified local economies; and that under the provisions of sections 472.01 to 472.16 new employment opportunities will be created through the development and expansion of new or existing facilities and resources.

Sec. 33. Minnesota Statutes 1982, section 472.02, subdivision 3, is amended to read:

Subd. 3. The legislature hereby finds, declares, and determines that underdevelopment in rural areas and unemployment in certain depressed areas of the state can best be eliminated by the promotion, attraction, encouragement, and assistance of (COMMERCE,) industry (,) and manufacturing in (SUCH) *these* areas; that the establishment of local (OR REGIONAL AREA REDEVELOPMENT AGENCIES) *development corpo-*

*rations* in Minnesota having the power to acquire, build, lease, sell, or otherwise provide plants and facilities for industrial, (RECREATIONAL,) or (COMMERCIAL) *manufacturing* development will create new employment and promote economic (REDEVELOPMENT OF RURAL AREAS AND OF DEPRESSED OR UNDERDEVELOPED AREAS) *development* in the state; that (SUCH) *local* area (REDEVELOPMENT AGENCIES) *development corporations*, aided by funds obtained from the state and federal governments, will stimulate present investment in (SUCH) *these* areas by making available to qualified *private* enterprises financial and planning aid where (SUCH) aid is or may be unavailable from private sources ( ; THAT THE PRESENT AND PROSPECTIVE HEALTH, SAFETY, MORALS, AND RIGHT TO GAINFUL EMPLOYMENT REQUIRES THE ASSISTANCE AND DEVELOPMENT WITHIN RURAL AREAS AND THE DEPRESSED AREAS OF THIS STATE OF NEW AND EXPANDED INDUSTRIAL, RECREATIONAL, COMMERCIAL, AND MANUFACTURING ENTERPRISES, AND THAT THE ACCOMPLISHMENT OF THESE OBJECTIVES IS A PUBLIC PURPOSE FOR WHICH PUBLIC MONEY MAY BE SPENT).

Sec. 34. Minnesota Statutes 1982, section 472.03, is amended to read:

472.03 [DEFINITIONS.]

Subdivision 1. Unless the context clearly indicates otherwise, the words, terms and phrases defined in this section have the meanings given them.

Subd. 2. "(STATE AGENCY) *Executive council*" means the executive council created and established by section 9.011.

Subd. 3. "Local agency" means the (AREA OR MUNICIPAL REDEVELOPMENT AGENCIES) *development corporations* created or authorized to be created by sections 472.01 to 472.16 *organized under chapter 301*, or the governing body of any Indian tribe or any entity established and recognized by that governing body.

Subd. 3a. "*State agency*" means the *Minnesota small business finance agency*.

Subd. 4. "Municipality" means any city of any class, county, town, or school district, however organized.

Subd. 5. "Governing body" means the council, board of trustees, or other body charged with governing any municipality or other state public body.

Subd. 6. "Board" means the governing body of any local (OR AREA REDEVELOPMENT AGENCY) *development corporations* created in accordance with the provisions of sections 472.01 to 472.16 and 301.01 to 301.84.

Subd. 7. "(REDEVELOPMENT) *Development area*" means a depressed area within the territorial boundaries of any municipality or group of municipalities of the state reasonably defined by the local (OR AREA REDEVELOPMENT AGENCY) *development corporation* wherein (CRITICAL) conditions of unemployment, underdevelopment, economic depression, and depletion of natural resources (, OR WIDESPREAD RELIANCE ON PUBLIC ASSISTANCE) are found to exist by the municipality or municipalities.

Subd. 8. The term "federal agency" means and includes the government of the United States or any department, corporation, agency or instrumentality thereof, heretofore or hereafter created and established.

Subd. 9. "Minnesota enterprise fund" means the fund appropriated to the state agency by section 472.13, to assist a local (AGENCY) *development corporation or private enterprise* in financing or planning a (REDEVELOPMENT) *development project*.

Subd. 10. "(REDEVELOPMENT) *Development project*" means any approved site, structure, facility, or undertaking comprising or connected with any industrial (, RECREATIONAL, COMMERCIAL,) or manufacturing enterprise established or assisted by a local (, REGIONAL, OR AREA REDEVELOPMENT AGENCY) *development corporation*.

Subd. 11. "Rural area" means any area so defined in section 109 of the rural development act of 1972, Public Law 92-419, and unless in conflict with that act, shall include all areas not within the outer boundary of any city having a population of 50,000 or more and its immediately adjacent urbanized and urbanizing areas with a population density of more than 100 persons per square mile.

Subd. 12. "Indian economic enterprise" means any (COMMERCIAL,) industrial (,) or (BUSINESS) *manufacturing activity* established or organized for the purpose of profit, at least 51 percent of which is owned by persons of 25 percent or more Indian blood.

Subd. 13. "Indian tribe" means any group qualifying under Public Law Number 93-262, Section 3.

Sec. 35. Minnesota Statutes 1982, section 472.04, subdivision 1, is amended to read:

Subdivision 1. In order to carry out the purposes of sections 472.01 to 472.16 and 301.01 to 301.84, any municipality or group of municipalities may establish in the manner hereinafter provided, a public body, corporate and politic, to be known as the local (OR AREA REDEVELOPMENT AGENCY) *development corporation* in and for that municipality or group of municipalities; provided, however, that no (SUCH AGENCY) *local development corporation* shall be established until the governing body of the municipality shall by resolution find that the area is a rural area as defined herein, or:

(1) That there has existed in the area substantial and persistent unemployment for an extended period of time;

(2) (THAT THE RATE OF UNEMPLOYMENT, EXCLUDING UNEMPLOYMENT DUE PRIMARILY TO TEMPORARY OR SEASONAL FACTORS, IS CURRENTLY SIX PERCENT OR MORE AS DETERMINED BY AVAILABLE STATE OR FEDERAL STATISTICS;)

(3) That conditions of chronic unemployment, underdevelopment of natural resources and economic depression are not likely to be alleviated without public financial or planning assistance to provide the economic opportunity for (PRIVATE,) industrial (, RECREATIONAL, COMMERCIAL,) or manufacturing enterprises.

In making the determinations under this subdivision the governing body shall consider among other relevant factors the number of low income farm families in the surrounding farm areas, the proportion that (SUCH) low income families are to the total farm families in (SUCH) *the* areas, the relationship of the income levels of the families in each (SUCH) area to the general levels of income in the United States, the current and prospective employment opportunities in each (SUCH) area, the extent of migration out of the area, and the proportion of the population of each (SUCH) area which has been receiving public assistance from the federal government or from the state.

Sec. 36. Minnesota Statutes 1982, section 472.04, subdivision 4, is amended to read:

Subd. 4. When the resolution becomes finally effective the clerk of the municipality shall file a certified copy thereof with the state agency. In any suit, action, or proceeding involving the validity or enforcement of, or relating to any contract of a local (OR AREA REDEVELOPMENT AGENCY) *development corporation*, the (AGENCY) *corporation* shall be conclusively deemed to have become established and authorized to transact business and exercise its powers upon the filing of that certified copy of the resolution with the state agency, and proof of the resolution and of that filing may be made in any (SUCH) suit,

action, or proceeding by a certificate of the (EXECUTIVE SECRETARY) *commissioner* of the state agency.

Sec. 37. Minnesota Statutes 1982, section 472.06, is amended to read:

472.06 [CONFLICT OF INTEREST.]

No (COMMISSIONER) *director* or employee of any local (REDEVELOPMENT AGENCY) *development corporation* shall acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials or service to be furnished or used in connection with any project. This section shall not apply to the deposit of any funds of (AN AGENCY) *a local development corporation* in any bank in which a member of (AN AGENCY) *the corporation* shall have an interest, if (SUCH) *the funds* are deposited and protected in accordance with chapter 118.

Sec. 38. Minnesota Statutes 1982, section 472.07, is amended to read:

472.07 [AGENCIES; MEETINGS, EXPENSES.]

Subdivision 1. The powers of each (AGENCY) *local development corporation* shall be vested in the (COMMISSIONERS) *directors* thereof in office at any time, a majority of whom shall constitute a quorum for all purposes *and the powers shall accord with sections 301.01 to 301.84.* (EACH AGENCY SHALL SELECT A CHAIRMAN AND A SECRETARY FROM AMONG ITS COMMISSIONERS AND SHALL ADOPT SUCH BYLAWS AND OTHER RULES FOR THE CONDUCT OF ITS AFFAIRS AS IT DEEMS APPROPRIATE. THE REGULAR MEETINGS OF AN AGENCY SHALL BE HELD IN A FIXED PLACE AND SHALL BE OPEN TO THE PUBLIC. NO COMMISSIONER SHALL RECEIVE COMPENSATION FOR HIS SERVICES, BUT HE SHALL BE ENTITLED TO RECEIVE NECESSARY EXPENSES, INCLUDING TRAVELING EXPENSES, INCLUDED IN THE PERFORMANCE OF HIS DUTIES.)

Subd. 2. Any municipality within the area of operation of the local (REDEVELOPMENT AGENCY) *development corporation* is authorized to provide staff services to the (AGENCY) *corporation* for the administration of its affairs, including liaison between the local (AGENCY) *development corporation*, the municipality and the state agency, and between the local (AGENCY) *development corporation* and other agencies of the state whose facilities and services may be useful to the local (AGENCY) *development corporation* in accomplishing its purposes.

Subd. 3. The local (AGENCY) *development corporation* is authorized to make reimbursement to any municipality or (OTHER) agency of the state for (SUCH) special expenses as may be incurred in the provision of any services or for the use of any facilities required by the local (AGENCY) *development corporation*.

Sec. 39. Minnesota Statutes 1982, section 472.08, is amended to read:

472.08 [SCHEDULE OF POWERS.]

Subdivision 1. A local (REDEVELOPMENT AGENCY) *development corporation* shall be a public body corporate and politic and shall have all the powers necessary or convenient to carry out the purposes of sections 472.01 to 472.16 (; PROVIDED THAT SUCH AGENCIES SHALL NOT HAVE THE POWER TO LEVY AND COLLECT TAXES OR SPECIAL ASSESSMENTS, NOR SHALL ANY AGENCY EXERCISE THE POWER OF EMINENT DOMAIN UNLESS THE GOVERNING BODY OF THE MUNICIPALITY OR MUNICIPALITIES, IN THE CASE OF A JOINT EXERCISE OF POWER, SHALL BY RESOLUTION HAVE EXPRESSLY CONFERRED SUCH POWER ON THE AGENCY) *and in accord with sections 301.01 to 301.84*. A local (REDEVELOPMENT AGENCY) *development corporation* shall also have the following powers in addition to others granted in sections 472.01 to 472.16 *and 301.01 to 301.84*:

(1) To sue and be sued, to have a seal, which shall be judicially noticed, and to alter the same at pleasure; to have perpetual succession; and to make, and from time to time amend and repeal, rules and regulations not inconsistent with these sections;

(2) To employ an executive director, technical experts, and (SUCH) officers, agents and employees, permanent and temporary, as it may require, and determine their qualifications, duties, and compensation; for (SUCH) legal service as it may require, to call upon the chief law officer of the municipality or to employ its own counsel and legal staff; so far as practical, to use the services of local public bodies, in its area of operation, (SUCH) *the* local bodies, if requested, to make (SUCH) *those* services available;

(3) To delegate to one or more of its agents or employees (SUCH) powers or duties (AS) it may deem proper;

(4) To approve, upon proper application by a public instrumentality or facility or private applicant, a (REDEVELOPMENT) *development* project after first determining that the declared public purpose of sections 472.01 to 472.16 will be ac-



complished by the establishment of (SUCH) *the project in the (REDEVELOPMENT) development area;*

(5) To sell, transfer, convey, or otherwise dispose of real or personal property or any interest therein, and to execute (SUCH) leases, deeds, conveyances, negotiable instruments, purchase agreements, and other contracts or instruments, and take (SUCH) action as may be necessary or convenient to carry out the purposes of these sections *and sections 301.01 to 301.84;*

(6) Within its area of operation to acquire real or personal property or any interest therein by gift, grant, purchase, exchange, lease, transfer, bequest, devise, or otherwise, and, when authorized as provided for herein, by the exercise of the power of eminent domain, in the manner provided by chapter 117, and any amendments thereof, to acquire real property which it may deem necessary for its purposes under these sections, after the adoption by it of a resolution declaring that the acquisition of the real property is necessary to eliminate one or more of the conditions found to exist in the resolution adopted pursuant to section 472.04, subdivision 1;

(7) To determine and designate (REDEVELOPMENT) *development areas;*

(8) To cooperate with *other local industrial development corporations, state and federal agencies, and private persons or corporations in their efforts to promote the expansion of (RECREATIONAL, COMMERCIAL,) industrial (,) and manufacturing activity in a (REDEVELOPMENT) development area;*

(9) To determine upon proper application by any public body or private applicant whether the declared public purpose of these sections has been accomplished or will be accomplished by the establishment of a (REDEVELOPMENT) *development project in a (REDEVELOPMENT) development area;*

(10) To conduct examinations and investigations to obtain information necessary to the determination and designation of a (REDEVELOPMENT) *development area and the establishment of a (REDEVELOPMENT) development project therein;*

(11) To cooperate with or act as agent for the federal government, the state, or any state public body or any agency or instrumentality thereof in carrying out the provisions of these sections or of any other related federal, state, or local legislation;

(12) To borrow money or other property and accept contributions, grants, gifts, services or other assistance from the federal or state government to accomplish the purposes of sections 472.01 to 472.16 *and 301.01 to 301.84.*

Subd. 2. In addition to the powers provided in subdivision 1, a (REDEVELOPMENT AGENCY) *local development corporation* shall have the further power:

(1) To include in any contract for financial assistance with the federal government any conditions which the federal government may attach to its financial aid of a (REDEVELOPMENT) *development* project;

(2) To issue (BONDS) *debentures*, notes, or other evidences of indebtedness as hereinafter provided, for any of its purposes and to secure the same by mortgages upon property held or to be held by it, or by pledge of its revenues, including grants or contributions;

(3) To invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control.

Sec. 40. Minnesota Statutes 1982, section 472.09, is amended to read:

**472.09 [BOND ISSUE FOR (REDEVELOPMENT) DEVELOPMENT PURPOSES.]**

Subdivision 1. (A LOCAL OR AREA REDEVELOPMENT AGENCY SHALL HAVE POWER TO ISSUE BONDS FOR ANY OF ITS CORPORATE PURPOSES. SUBJECT TO THE LIMITATIONS OF THIS SECTION, SUCH BONDS MAY BE OF SUCH TYPE AS IT DETERMINES, INCLUDING, BUT NOT LIMITED TO, BONDS ON WHICH THE PRINCIPAL AND INTEREST ARE PAYABLE EXCLUSIVELY FROM THE INCOME AND REVENUES OF THE PROJECT FINANCED WITH THE PROCEEDS OF SUCH BONDS, OR EXCLUSIVELY FROM THE INCOME AND REVENUES OF CERTAIN DESIGNATED PROJECTS, WHETHER OR NOT THEY ARE FINANCED IN WHOLE OR IN PART WITH THE PROCEEDS OF SUCH BONDS. ANY SUCH BONDS MAY BE ADDITIONALLY SECURED BY A PLEDGE OF ANY GRANT OR CONTRIBUTION FROM THE FEDERAL GOVERNMENT OR OTHER SOURCES, OR A PLEDGE OF ANY INCOME OR REVENUES OF THE AGENCY, FROM THE REDEVELOPMENT PROJECT FOR WHICH THE PROCEEDS OF THE BONDS ARE TO BE USED, OR A MORTGAGE OF ANY PROJECT, PROJECTS, OR OTHER PROPERTY OF THE AGENCY. NEITHER THE COMMISSIONERS OF ANY AGENCY NOR ANY PERSON EXECUTING THE BONDS SHALL BE LIABLE PERSONALLY THEREON BY REASON OF THE ISSUANCE THEREOF.)

(SUBD. 2.) The (BONDS AND OTHER) obligations of (A REDEVELOPMENT AGENCY) *the local development corpora-*

tion shall not be a debt of any municipality or municipalities, the state, or any political subdivision thereof, and neither a municipality nor the state or any political subdivision thereof shall be liable thereon, nor in any event shall (SUCH BONDS OR) the obligations be payable out of any funds or properties other than those of (SAID AGENCY) *the local development corporation.*

(SUBD. 3. SUCH BONDS SHALL NOT CONSTITUTE AN INDEBTEDNESS WITHIN THE MEANING OF ANY CONSTITUTIONAL, PER CAPITA OR OTHER STATUTORY DEBT LIMITATION OR RESTRICTION.)

(SUBD. 4. THE BONDS OF A REDEVELOPMENT AGENCY ARE DECLARED TO BE ISSUED FOR AN ESSENTIAL PUBLIC AND GOVERNMENTAL PURPOSE AND TO BE PUBLIC INSTRUMENTALITIES AND, TOGETHER WITH INTEREST THEREON AND INCOME THEREFROM, SHALL BE EXEMPT FROM TAXES. THE PROVISIONS OF THESE SECTIONS EXEMPTING FROM TAXATION REDEVELOPMENT AGENCIES, THEIR PROPERTIES AND THEIR BONDS AND INTEREST THEREON AND INCOME THEREFROM, SHALL BE CONSIDERED ADDITIONAL SECURITY FOR THE REPAYMENT OF BONDS AND SHALL CONSTITUTE, BY VIRTUE OF THIS SECTION AND WITHOUT THE NECESSITY OF THE SAME BEING RE-STATED IN SAID BONDS, A CONTRACT BETWEEN THE BONDHOLDERS AND EACH AND EVERY ONE THEREOF, INCLUDING ALL TRANSFEREES OF SAID BONDS FROM TIME TO TIME ON THE ONE HAND AND THE REDEVELOPMENT AGENCIES ISSUING SAID BONDS ON THE OTHER. A REDEVELOPMENT AGENCY MAY BY COVENANT CONFER UPON THE HOLDER OF SUCH BONDS SUCH RIGHTS AND REMEDIES AS IT DEEMS NECESSARY OR ADVISABLE, INCLUDING BUT NOT LIMITED TO, THE RIGHT IN THE EVENT OF DEFAULT TO HAVE A RECEIVER APPOINTED TO TAKE POSSESSION OF AND OPERATE THE REDEVELOPMENT PROJECT.)

Subd. (5) 2. Nothing in these sections should be construed to exempt from taxation any property which any (REDEVELOPMENT AGENCY) *local development corporation* sells, leases, conveys, or otherwise transfers to private individuals or corporations for development, use or operation in connection with a (REDEVELOPMENT) *development* project and such property, real or personal, shall have the same tax status as if such property were owned by such private individuals or corporations.

(SUBD. 6. THE BONDS OF A REDEVELOPMENT AGENCY SHALL BE AUTHORIZED BY ITS RESOLUTION AND MAY BE ISSUED IN ONE OR MORE SERIES AND SHALL BEAR SUCH DATE OR DATES, MATURE AT SUCH TIME OR TIMES, BEAR INTEREST AT SUCH RATE OR

RATES, NOT EXCEEDING SIX PERCENT PER ANNUM, BE IN SUCH DENOMINATION OR DENOMINATIONS, BE IN SUCH FORM, EITHER COUPON OR REGISTERED, CARRY SUCH CONVERSION OR REGISTRATION PRIVILEGES, HAVE SUCH PRIORITY, AND BE SUBJECT TO SUCH TERMS OF REDEMPTION AS SUCH RESOLUTION, ITS TRUST INDENTURE OR MORTGAGE MAY PROVIDE. THE BONDS MAY BE SOLD AT PUBLIC OR PRIVATE SALE AT NOT LESS THAN PAR.)

(SUBD. 7. SUBJECT TO THE APPROVAL OF THE STATE AGENCY, THE BONDS OF A REDEVELOPMENT AGENCY MAY BE DECLARED SECURITIES IN WHICH ALL PUBLIC OFFICERS AND BODIES OF THE STATE AND OF ITS MUNICIPAL SUBDIVISIONS, ALL INSURANCE COMPANIES AND ASSOCIATIONS, ALL SAVINGS BANKS AND SAVINGS INSTITUTIONS, INCLUDING SAVINGS, BUILDING AND LOAN ASSOCIATIONS, EXECUTORS, ADMINISTRATORS, GUARDIANS, TRUSTEES, AND ALL OTHER FIDUCIARIES IN THE STATE MAY PROPERLY AND LEGALLY INVEST THE FUNDS WITHIN THEIR CONTROL. IN THE CASE OF SUCH BONDS, EACH MORTGAGE OR ISSUE OF BONDS SHALL RELATE ONLY TO A SINGLE SPECIFIED PROJECT AND TO NO OTHER, AND THOSE BONDS SHALL BE SECURED BY A MORTGAGE UPON ALL THE REAL PROPERTY OF WHICH SUCH PROJECTS CONSIST AND SHALL BE FIRST LIEN BONDS, SECURED BY A MORTGAGE NOT EXCEEDING 80 PERCENT OF THE ESTIMATED COST PRIOR TO THE COMPLETION OF THE PROJECT, OR 80 PERCENT OF THE APPRAISED VALUE OR ACTUAL COST, BUT IN NO EVENT IN EXCESS OF 80 PERCENT OF THE ACTUAL COST, AFTER THAT COMPLETION, AS CERTIFIED BY THE STATE AGENCY.)

Sec. 41. Minnesota Statutes 1982, section 472.12, is amended to read:

#### 472.12 [LOAN APPLICATION REQUIREMENTS.]

Subdivision 1. Prior to the loaning of any funds for a (REDEVELOPMENT) *development* project in a (REDEVELOPMENT) *development* area the local (AGENCY SHALL RECEIVE FROM THE APPLICANT AND, IN THE CASE OF STATE AGENCY PARTICIPATION,) *development corporation or private enterprise* shall forward to the state agency a loan application in the form adopted by the (LOCAL) *state* agency, which shall contain among other things the following information:

(1) A general description of the (REDEVELOPMENT) *development* project and of the industrial (, RECREATIONAL,

COMMERCIAL,) or manufacturing enterprise for which the project has been or is to be established;

(2) A legal description of all real estate necessary for the project;

(3) (SUCH) *The plans and other documents as may be required to show the type, structure, and general character of the (REDEVELOPMENT) development projects;*

(4) A general description of the type, classes and number of employees employed or to be employed in the operation of the (REDEVELOPMENT) *development project;*

(5) Cost or estimates of cost of establishing the (REDEVELOPMENT) *development project.*

Subd. 2. Where state agency participation in the financing of any (REDEVELOPMENT) *development project is sought the local (AGENCY) development corporation or private enterprise shall submit a loan application containing the information described in subdivision 1, together with the following additional information:*

(1) A general description and statement of value of any property, real or personal, of the local (AGENCY) *development corporation applied or to be applied to the establishment of the project;*

(2) A statement of cash funds previously applied or then held by the local (AGENCY) *development corporation which are available for and are to be applied to the establishment of the (REDEVELOPMENT) development project;*

(3) Evidence of the arrangement made by the local (AGENCY) *development corporation for the financing of all costs of the (REDEVELOPMENT) development project over and above the participation of the local (AGENCY) development corporation;*

(4) In the case of a lease of property by the local (AGENCY) *development corporation a general description of the tenant to whom the local (AGENCY) development corporation has leased or will lease any property in connection with the (REDEVELOPMENT) development project, or, in the case of the sale of property by the local (AGENCY) development corporation in connection with a (REDEVELOPMENT) development project, the buyer to whom the local (AGENCY) development corporation has sold or will sell the project;*

(5) A general description of the form of lease or sales agreement entered into or to be entered into by and between the local

(AGENCY) *development corporation* and its tenants or purchasers;

(6) Evidence that the establishment of the (REDEVELOPMENT) *development* project will not cause the removal of an industrial (, RECREATIONAL, COMMERCIAL,) or manufacturing plant or facility from one area of the state to another.

Subd. 3. The (STATE AGENCY) *executive council* shall hold (SUCH) hearings and make (SUCH) investigations as to each loan application received as shall be necessary to determine whether the public purposes of these sections will be accomplished by the granting of a requested loan. In carrying out its duties under these sections, the (STATE AGENCY) *executive council* may delegate to other agencies of state government (SUCH) powers, duties and responsibilities (AS) it determines necessary or appropriate to accomplish the purposes of these sections, and (SUCH) other agencies are hereby authorized and directed to perform (SUCH) functions and duties as may be delegated pursuant to this subdivision.

Subd. 4. Nothing in these sections shall empower the state agency in any manner to give, pledge, or loan the credit or taxing power of the state, nor shall any of its obligations be deemed to be obligations of the state or any of its political subdivisions.

Subd. 5. *Any loan of the state agency shall be for a period of time and shall bear interest at a rate as shall be determined by the state agency and may be secured by a mortgage on the development project for which the loan was made, the mortgage to be second and subordinate only to the mortgage securing the first lien obligation, if any, issued to secure the commitment of funds from a private or public source and used in the financing of the development project.*

Subd. 6. *Where an active local development corporation does not exist or is financially unable to participate in a proposed development project, the state agency is empowered to accept loan applications from, and make loans directly to, private enterprises. The city, township, or county government having jurisdiction over the development project area must pass and file with the state agency a resolution in support of the development project stipulating the project's economic benefit to the area involved. Where a city or township as well as a county has jurisdiction, the support or opposition of the city or township government shall prevail over the support or opposition of the county government in determining whether or not to accept the application.*

Subd. 7. *The state agency is empowered to provide technical assistance loans from the Minnesota enterprise fund for the development and planning of development projects. The technical*

assistance loans may be provided through the payment of funds to: (a) other state agencies or departments; (b) the employment of private individuals; (c) the employment of public, private, or nonprofit firms; (d) state, area, district, or local organizations; or (e) other nonprofit institutions. Funds awarded pursuant to clauses (b) and (c) shall be in the form of loans and shall be repaid unless the project is deemed unfeasible by the state agency. The state agency shall require the repayment of some or all technical assistance funds and shall prescribe the terms and conditions of the repayment. The amount of technical assistance loans is limited to an aggregate of ten percent of the funds available in the Minnesota enterprise fund. The technical assistance loans shall not be included when computing the 20 percent limitation provided in section 472.125. The state agency may loan technical assistance funds in cooperation with the technical assistance grant programs of any agency of the federal government. The state agency may prescribe rules to carry out the purposes of this subdivision.

*Subd. 8. The state agency may charge an application fee to pay the cost of processing an application.*

Sec. 42. Minnesota Statutes 1982, section 472.125, is amended to read:

**472.125 [PARTICIPATION IN FEDERAL LOANS OR GUARANTEES.]**

The state agency may participate with the appropriate federal agency under the Rural Development Act of 1972, the Public Works and Economic Development Act of 1965, or the Small Business Act in the financing of (REDEVELOPMENT) *development* projects. (SUCH PARTICIPATION MAY TAKE THE FORM OF LOANS OR GUARANTEES OF ANY BALANCE REMAINING AFTER FEDERAL PARTICIPATION. THE LOANS OR GUARANTEES SHALL BE MADE SUBJECT TO THE CONDITIONS AND LIMITATIONS SET FORTH IN SECTIONS 472.11 AND 472.12. IN NO EVENT SHALL A LOAN OR GUARANTEE EXCEED 20 PERCENT OF THE TOTAL COST OF THE PROJECT. IN ADDITION, THE TOTAL GUARANTEES OUTSTANDING AT ANY TIME SHALL NOT EXCEED FIVE TIMES THE BALANCE IN THE DEVELOPMENT REVOLVING FUND.)

Sec. 43. Minnesota Statutes 1982, section 472.13, is amended to read:

**472.13 [APPROPRIATION TO (DEVELOPMENT REVOLVING) MINNESOTA ENTERPRISE FUND.]**

Subdivision 1. There is hereby appropriated out of the general fund in the state treasury not otherwise appropriated the sum

of \$1,500,000 to the state executive council to be used for the purposes set forth in these sections excluding the necessary cost of administration thereof. The sum hereby appropriated shall be credited to a special account in the state treasury to be known as the (DEVELOPMENT REVOLVING) *Minnesota enterprise* fund to be drawn upon and used by the state agency in the manner and for the purposes provided for in these sections.

Subd. 2. The state agency shall have the power, from time to time, to draw upon the (DEVELOPMENT REVOLVING) *Minnesota enterprise* fund (SUCH) amounts (AS) the state agency shall determine for loans to (LOCAL OR AREA REDEVELOPMENT AGENCIES) *private enterprises* for the financing and planning of (REDEVELOPMENT) *development* projects. When the amounts so allocated by the state agency as loans to (LOCAL OR AREA REDEVELOPMENT AGENCIES) *private enterprises* are repaid to the state agency pursuant to the terms of its agreements with the local (AGENCY) *development corporation*, the state agency shall pay (SUCH) *the* amounts into the (DEVELOPMENT REVOLVING) *Minnesota enterprise* fund, it being the purpose and intent of this section that (SAID) *the* fund shall operate as a revolving fund whereby all appropriations and payments made thereto may be applied and reapplied to the purposes of these sections and shall not revert to the general revenues of the state.

Subd. 3. In the event that the state agency shall determine that funds held for the credit of the (DEVELOPMENT REVOLVING) *Minnesota enterprise* fund are in excess of the amounts needed by the state agency to carry out the purposes of these sections, the state agency may by resolution release (SUCH) *the* excess from the (DEVELOPMENT REVOLVING) *Minnesota enterprise* fund, the same to be transferred to the general revenues of the state treasury.

Subd. 4. The state agency may utilize any moneys in the (REVOLVING) *Minnesota enterprise* fund for the purpose of matching federal funds available under the Public Works and Economic Development Act of 1965.

Subd. 5. *Moneys loaned by the state agency to the local development corporation shall be withdrawn from the Minnesota enterprise fund established by section 472.13, and paid over to the local development corporation in the manner provided by the rules of the state agency.*

Subd. 6. *All payments of principal and interest on the loans shall be deposited by the state agency in the Minnesota enterprise fund and shall remain in it to be applied and reapplied to carry out the purposes of sections 472.01 to 472.16.*

Sec. 44. Minnesota Statutes 1982, section 472.14, is amended to read:



## 472.14 [LIMITATION OF POWERS.]

The state does hereby pledge to and agree with the United States or any agency thereof that in the event that any federal agency shall construct, loan, or contribute any funds for the construction, extension, improvement, or enlargement of any (REDEVELOPMENT) *development* project, or any portion thereof, the state will not alter or limit the rights and powers of the state agency or local (AGENCY) *development corporation* in any manner which would be inconsistent with the due performance of any agreements between the state or local (AGENCY) *development corporation* and any (SUCH) federal agency, and the state and local (AGENCY) *development corporation* shall continue to have and may exercise all powers herein granted, so long as the same shall be necessary or desirable for the carrying out of the purposes of these sections.

Sec. 45. Minnesota Statutes 1982, section 472.15, is amended to read:

## 472.15 [EXAMINATION AND AUDIT OF LOCAL AGENCY.]

The accounts, books and records of any local (OR AREA AGENCY) *development corporation or private enterprise that received loans under chapter 472*, including its receipts, disbursements, contracts, mortgages, investments and other matters relating to its finances, operation and affairs shall be examined and audited from time to time by the state auditor as provided by law.

## Sec. 46. [APPROPRIATION.]

*There is appropriated from the general fund to the Minnesota enterprise fund the total sum of \$30,000,000 for the biennium ending June 30, 1985, to hire staff, consultants, and other necessities of administration of the agency and for the purposes provided in sections 1 to 48. The appropriation is deemed expended upon deposit in the Minnesota enterprise fund.*

## Sec. 47. [INSTRUCTION TO REVISOR.]

*The revisor of statutes is directed to change the words "commissioner," "commissioner of energy, planning and development," "agency," "state agency," or similar terms to "the Minnesota small business finance agency" wherever it appears in sections 116J.65 and 116J.67; and in chapters 472 and 474.*

## Sec. 48. [REPEALER.]

*Minnesota Statutes 1982, sections 116J.88, subdivision 3; 472.02, subdivision 2; 472.04, subdivisions 5 and 6; 472.05; 472.10; and 472.11 are repealed.*

## Sec. 49. [EFFECTIVE DATE.]

*Sections 1 to 48 are effective July 1, 1983."*

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, line 3, delete "Minnesota enterprise agency;"

Page 1, delete line 6, and insert "naming the Minnesota small business finance agency an assignee of the rights of a state funded community development corporation; updating and rearranging the Minnesota area redevelopment act to reflect current practices;"

Page 1, delete lines 8 and 9 and insert "sections 116J.62; 116J.65, by adding a subdivision; 116J.67, by adding a subdivision; 116J.88, subdivisions 4, 5, 6, 7, 8, and by adding subdivisions; 116J.89, subdivisions 1, 2, 7, 8, 10, and by adding subdivisions; 116J.90, subdivisions 2, 4, and 5; 116J.91, subdivisions 1, 4, 10, 11, 12, 14, 16, 19, and by adding a subdivision; 472.02, subdivisions 1 and 3; 472.03; 472.04, subdivisions 1 and 4; 472.06; 472.07; 472.08; 472.09; 472.12; 472.125; 472.13; 472.14; and 472.15; repealing Minnesota Statutes 1982, sections 116J.88, subdivision 3; 472.02, subdivision 2; 472.04, subdivisions 5 and 6; 472.05; 472.10; and 472.11."

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. 819, A bill for an act relating to state government; reorganizing functions related to water; abolishing the water planning board, the southern Minnesota rivers basin board, and the water resources board; transferring duties to the environmental quality board; appropriating money; amending Minnesota Statutes 1982, sections 40.072, subdivision 3; 112.35, subdivision 4; 473.877, subdivision 2; and 473.878, subdivisions 5, 7, and 8; proposing new law coded in Minnesota Statutes, chapter 116C; repealing Minnesota Statutes 1982, sections 105.71; 105.72; 105.73; 105.74; 105.75; 105.751; 105.76; 105.77; 105.78; 105.79; and chapter 114A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [116C.80] [DEFINITIONS.]**

*Subdivision 1. [APPLICATION.] For the purposes of sections 1 and 2 the terms defined in this section have the meanings given them.*

*Subd. 2. [BASIN.] "Basin" means the area within the watersheds of rivers and streams tributary to the Minnesota river, and the areas within the watersheds of rivers tributary to the Mississippi river on the westerly side of the Mississippi south of its confluence with the Minnesota river.*

*Subd. 3. [BOARD.] "Board" means the environmental quality board.*

**Sec. 2. [DUTIES OF BOARD.]**

*Subdivision 1. [WATERSHED DISTRICTS AND MANAGEMENT.] The board must approve watershed district plans and plans prepared under Laws 1982, chapter 509. The board must approve the formation, enlargement, consolidation, and termination of watershed districts. The board shall hear appeals of watershed district actions. The board may review and comment on watershed management organization boundaries for the metropolitan area as defined in section 473.121, subdivision 2. The board must approve soil and water conservation works of improvement.*

*Subd. 2. [WATER PLANNING.] The board shall:*

*(1) coordinate public water resource management and regulation activities among the state agencies having jurisdiction in the area;*

*(2) initiate, coordinate, and continue to develop comprehensive long-range water resources planning in furtherance of the framework plan described in section 105.401;*

*(3) coordinate water planning activities of local, regional, and federal bodies with state planning and integrate these plans with state strategies; and*

*(4) administer federal water resources planning with multi-agency interests.*

*Subd. 3. [SOUTHERN MINNESOTA RIVERS BASIN.] The board shall guide the creation and implementation of a comprehensive environmental conservation and development plan for the basin. The board shall coordinate state and local interests with respect to the study in southwestern Minnesota under Public Law 87-639. The members of the abolished southern Minnesota rivers basin board shall be reconstituted as an ad-*

*visory council to the board. Members of the council shall be compensated as provided in section 15.059, subdivision 3. The council shall expire June 30, 1987.*

*Subd. 4. [GOVERNOR'S REPRESENTATIVE.] The board chairperson shall represent the governor on interstate water resources organizations.*

**Sec. 3. [BOARDS ABOLISHED.]**

*The water resources board established by section 105.71 and the southern Minnesota rivers basin board established by section 114A.04 are abolished.*

**Sec. 4. [PERSONNEL.]**

*The authorized complement of the environmental quality board is increased by eight due to its increase in duties under section 2. Classified and unclassified state employees involved in the implementation and administration of the duties of the water planning board, the water resources board, and the southern Minnesota rivers basin board shall be transferred, except for the position of chairperson of the water planning board, to the environmental quality board in the classified service of the state without competitive examination and shall be placed in the proper classification by the commissioner of employee relations with compensation as the classifications carry. Incumbents of positions placed in the classified service shall receive status and length of service credit as would have accrued to them had they originally been appointed to the classified service. Length of service shall not include seniority under the provisions of a collective bargaining agreement negotiated pursuant to sections 179.61 to 179.76, until the effective date of classified service. Annual leave and sick leave shall be transferred and accrued in accordance with section 43A.18.*

**Sec. 5. Minnesota Statutes 1982, section 40.072, subdivision 3, is amended to read:**

**Subd. 3. [PRELIMINARY PROGRAM PLANS; APPLICATION FOR FEDERAL OR OTHER AID; COOPERATION WITH OTHER AGENCIES; REPORT AND RECOMMENDATIONS TO THE COUNTY BOARD; ADOPTION OF IMPROVEMENT WORK PLAN.]** After adoption of the resolution recommending the improvement work unit and program as provided in subdivision 2, with amendments thereto, if any, the board or boards, when the board or boards of county commissioners by resolution so directs, may make or cause to be made such further surveys and studies as may be necessary and thereupon make or cause to be made a preliminary general plan for carrying out the program for the improvement work unit as set forth in the resolution or any part thereof, with cost estimates

therefor. The board or boards, at the direction of the county board or boards, may make application for federal aid, state aid, or aid available from any other source for the works embraced in the program or any part thereof under Public Law 566 or any act amendatory thereof or supplementary thereto or any other applicable federal or state law, and may take all steps necessary to determine whether such aid will be available and the amount thereof. The board may consider how the cost of the works of improvement or any part thereof above prospective federal or other aid may be met from the funds of the district or from the proceeds of assessments on benefited property or otherwise, and make estimates therefor. If the cooperation or joint action of any adjacent soil and water conservation district or any other public agency is desirable for any purpose under the program or in connection therewith, the board, at the direction of the county board or boards, may negotiate with the authorities concerned for such cooperation or joint action as authorized in this chapter, and acts amendatory thereof, or as otherwise provided by law. Upon completion of the foregoing steps as far as necessary, the board or boards may make and file a report, summarizing its findings thereon and its recommendations for further action on the program or any part thereof. The board or boards shall make the plan together with the preliminary general plan for the improvement work unit available to the county board or boards and to all other public agencies and persons concerned, and may give such publicity thereto as the district board deems advisable. The report shall contain substantially the same engineering information required by section 112.49, subdivisions 1 and 2. The board or boards shall transmit a copy of the report and preliminary plan to any regional development agency created by Minnesota law for the region in which each project is located, and in those cases where the plan involves a project for which a permit is required from the commissioner of natural resources under chapter 105, or for which proceedings will be instituted under chapter 106, to the commissioner of natural resources and to the (WATER RESOURCES) *environmental quality* board. The (WATER RESOURCES) *environmental quality* board shall review the report and plan and, if it concludes that the plan is inconsistent with systematic administration of state water policy, shall report its conclusion to the board or boards and the commissioner of natural resources within 60 days after receiving the report and plan. Thereafter the board or boards may modify and retransmit the report and preliminary plan to the (WATER RESOURCES) *environmental quality* board, or may request a hearing on the report and plan before the (WATER RESOURCES) *environmental quality* board. The (WATER RESOURCES) board shall hear the matter (IN THE SAME MANNER, AND FOLLOW THE SAME PROCEDURES, AS PROVIDED IN SECTIONS 105.76 TO 105.79, FOR THE HEARING OF CASES WHERE IT CONSENTS TO INTERVENTION PROCEEDINGS) *as provided in section 116C.06*. Except where the (WATER RESOURCES) *environmental quality* board concludes that the report and plan are inconsistent with state water policy, the district board or boards, with the approval of the county board or

boards, may adopt and sponsor the improvement work unit and a program of work for the unit.

Sec. 6. [APPROPRIATION.]

*There is appropriated to the environmental quality board from the general fund the sum of \$ . . . . . for the purpose of the duties assigned to the board by this act.*

Sec. 7. [REPEALER.]

*Minnesota Statutes 1982, sections 105.71; 105.72; 105.73; 105.74; 105.75; 105.751; 105.76; 105.77; 105.78; 105.79; 114A.01; 114A.02; 114A.03; 114A.04; 114A.05; 114A.06; 114A.07; 114A.08; and 114A.09 are repealed.*

Sec. 8. [INSTRUCTION TO REVISOR.]

*In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall substitute the term "environmental quality board" for "water resources board" wherever the same appears and shall substitute the term "chairman" for the term "secretary" wherever the same appears with regard to the water resources board.*

Sec. 9. [EFFECTIVE DATE.]

*Sections 1 to 8 are effective July 1, 1983."*

Further, amend the title:

Page 1, line 8, delete everything after "subdivision 3;"

Page 1, delete line 9

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Voss from the Committee on Energy to which was referred:

H. F. No. 830, A bill for an act relating to manufactured homes; clarifying the prohibition of net listing agreements; adding an appeals provision; correcting cross-references; amending Minnesota Statutes 1982, section 327B.01, subdivisions 11 and 14; 327B.04, subdivision 4; 327B.05, subdivisions 1 and 2, and by adding a subdivision; and 327B.09, subdivisions 1 and 4.

Reported the same back with the following amendments:

Page 2, line 28, strike "and"

Page 2, line 33, after "homes" insert "; and

*(e) the applicant has provided evidence of having had at least two years prior experience in the sale of manufactured homes working for a licensed dealer"*

Page 5, after line 10, insert:

"Sec. 7. Minnesota Statutes 1982, section 327B.07, subdivision 1, is amended to read:

Subdivision 1. [LIABILITY.] Each dealer is responsible for the activities of any person employed by or acting on behalf of that dealer when the activities occur in connection with the sale or attempted sale of a manufactured home. Each (OFFICER OF A) corporation licensed as a dealer is responsible for the activities of any person employed by or acting on behalf of the corporation when such activities occur in connection with the sale or attempted sale of a manufactured home."

Page 6, line 10, delete "8" and insert "9"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections"

Page 1, line 8, after the semicolon, insert "327B.07, subdivision 1;"

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. 946, A bill for an act relating to state government; implementing an executive order transferring the state soil and water conservation board from the department of natural resources to the department of agriculture; amending Minnesota Statutes 1982, section 40.03.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

### SECOND READING OF HOUSE BILLS

H. F. Nos. 159, 210, 250, 251, 287, 384, 403, 406, 412, 430, 474, 491, 521, 540, 541, 544, 573, 578, 602, 610, 631, 633, 706, 760, 785 and 830 were read for the second time.

### SECOND READING OF SENATE BILLS

S. F. Nos. 81, 207, 164, 589 and 101 were read for the second time.

### INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Riveness; Clark, J.; Rice; Rose and Blatz introduced:

H. F. No. 1006, A bill for an act relating to intoxicating liquor; authorizing a city to authorize an on-sale licensee to dispense liquor at events held in facilities of the metropolitan sports facilities commission; amending Minnesota Statutes 1982, section 340.11, subdivision 11c.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Sparby, Minne and Ogren introduced:

H. F. No. 1007, A bill for an act relating to public utilities; customer deposits; providing an interest rate based on the average prime interest rate; amending Minnesota Statutes 1982, section 325E.02.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Sparby, Battaglia and Tunheim introduced:

H. F. No. 1008, A bill for an act relating to tax-forfeited lands; requiring the commissioner of natural resources to act on county land classifications within 30 days; allowing a hearing before the land exchange board when the commissioner rejects a county classification; amending Minnesota Statutes 1982, sections 282.14; and 282.221, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.



Sparby, Tunheim and Valan introduced:

H. F. No. 1009, A bill for an act relating to natural resources; requiring that a specified percentage of the wildlife acquisition fund and the game and fish fund be used for development or leasing; amending Minnesota Statutes 1982, sections 97.483; and 97.49, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Sparby, Wenzel, Bergstrom, Redalen and Minne introduced:

H. F. No. 1010, A bill for an act relating to local government; changing restrictions on filing and recording certain conveyances; amending Minnesota Statutes 1982, section 462.358, subdivision 4b.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Ellingson, Vanasek and Gustafson introduced:

H. F. No. 1011, A bill for an act relating to wrongful death; allowing award of punitive damages in actions for death by wrongful act; amending Minnesota Statutes 1982, section 573.02, subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Vanasek and Sieben introduced:

H. F. No. 1012, A bill for an act relating to insurance; homeowners; prohibiting household or family exclusions; amending Minnesota Statutes 1982, section 65A.29, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Greenfield; Clark, K., and Rodosovich introduced:

H. F. No. 1013, A bill for an act relating to public welfare; providing for relative resource contribution for medical assistance; amending Minnesota Statutes 1982, section 256B.14, subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Clark, K.; St. Onge and Rodosovich introduced:

H. F. No. 1014, A bill for an act relating to public welfare; appropriating money for chemical dependency programs for Indians.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Wenzel introduced:

H. F. No. 1015, A bill for an act relating to traffic regulations; providing flexibility in the imposition of fines in overweight actions against truck drivers; transferring prosecuting authority to county and city attorneys; amending Minnesota Statutes 1982, section 169.871, subdivisions 1 and 3.

The bill was read for the first time and referred to the Committee on Transportation.

Anderson, B., introduced:

H. F. No. 1016, A bill for an act relating to commerce; providing a lien for the furnishing of commercial feed or commercial fertilizer; amending Minnesota Statutes 1982, section 514.01.

The bill was read for the first time and referred to the Committee on Judiciary.

Bishop; Coleman; Clark, J.; Forsythe and Levi introduced:

H. F. No. 1017, A bill for an act relating to marriage licenses; increasing the marriage license fee; amending Minnesota Statutes 1982, section 517.08, subdivisions 1b and 1c.

The bill was read for the first time and referred to the Committee on Judiciary.

Segal, Vellenga and Norton introduced:

H. F. No. 1018, A bill for an act relating to marriage licenses; increasing the marriage license fee; providing funds for new displaced homemaker programs; amending Minnesota Statutes 1982, section 517.08, subdivisions 1b and 1c.

The bill was read for the first time and referred to the Committee on Judiciary.

Sparby, Eken and Valan introduced:

H. F. No. 1019, A bill for an act relating to Northwest Minnesota Multi-County Housing and Redevelopment Authority; providing for per diem compensation for attendance of commissioners at meetings.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Dempsey introduced:

H. F. No. 1020, A bill for an act relating to transportation; defining certain terms relating to motor vehicle carriers; delineating exemptions; prescribing rules for operation of carriers; providing for investigation of carriers; providing for regulation of carriers of hazardous materials; providing for granting of certificates for operation; setting procedures for establishing rate schedules; providing for fees; providing for annual registration; requiring certificates of insurance; allowing permits to be assigned or transferred under certain conditions; providing hearing procedures regarding rate schedules; requiring shipping documents; providing for regulation of interstate carriers; authorizing suspension of operating authority under certain conditions; requiring refunds for overcharges; providing enforcement powers; providing penalties; providing for annual renewal of identification stamps; regulating local cartage carriers; delaying transfer of duties, functions, and powers from the public utilities commission to the board until established and appointed; amending Minnesota Statutes 1982, sections 168.013, subdivision 1e; 174.22, subdivision 2; 221.011, subdivisions 3, 9, 11, 12, 14, 15, 16, 19, 21, and 24, and by adding subdivisions; 221.021; 221.031; 221.041; 221.071; 221.111; 221.121; 221.131; 221.141, subdivision 1, and by adding a subdivision; 221.151; 221.161; 221.171; 221.181; 221.221; 221.251; 221.291; 221.296, subdivisions 2, 3, and 4; and 221.64; proposing new law coded in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1982, sections 221.011, subdivisions 4 and 22; 221.032; 221.141, subdivision 2; 221.292; 221.294; and 221.296, subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation.

Ellingson introduced:

H. F. No. 1021, A bill for an act relating to corporations; providing for the determination of eligibility for the indemnification of certain persons; prohibiting the use of corporate information obtained improperly; authorizing the use of protective orders and other relief to prevent the premature disclosure of certain confidential information or the use of corporate information obtained improperly; amending Minnesota Statutes 1982, sections 300.083, subdivision 6; 302A.461, subdivisions 4, 6, and by adding a subdivision; and 302A.521, subdivision 6.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Jennings, by request, introduced:

H. F. No. 1022, A bill for an act relating to waters; authorizing the Martin County board to change the name of a certain lake.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Gustafson introduced:

H. F. No. 1023, 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 1982, chapter 645.

The bill was read for the first time and referred to the Committee on Judiciary.

Ellingson, Shaver, Metzen, Sherman and Skoglund introduced:

H. F. No. 1024, A bill for an act relating to financial institutions; electronic financial terminals; regulating the use of terminals by financial institutions located outside the state; amending Minnesota Statutes 1982, section 47.64, subdivision 6.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Norton introduced:

H. F. No. 1025, A bill for an act relating to economic development; establishing the Minnesota motion picture and television board; proposing new law coded as Minnesota Statutes, chapter 116K.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Ellingson, Quinn and Brinkman introduced:

H. F. No. 1026, A bill for an act relating to insurance; no-fault auto; establishing a self-insurance application fee; authorizing the commissioner of insurance to adopt certain self-insurance rules; amending Minnesota Statutes 1982, section 65B.48, subdivision 3, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Ellingson, Quinn and Rodosovich introduced:

H. F. No. 1027, A bill for an act relating to insurance; automobile; authorizing the commissioner to adopt rules on non-renewals of policies; amending Minnesota Statutes 1982, section 65B.17.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Rodosovich, Ellingson and Quinn introduced:

H. F. No. 1028, A bill for an act relating to insurance; modifying the definition of "covered claim" for purposes of the insurance guaranty association act; amending Minnesota Statutes 1982, section 60C.09, subdivision 1.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Anderson, G.; Mann; Dempsey and Jensen introduced:

H. F. No. 1029, A bill for an act relating to transportation; modifying the definition of truck-tractor to include the power unit of automobile carriers; adjusting the motor vehicle registration tax on certain trailers; requiring proof of payment of the federal heavy use tax on heavy trucks; increasing the maximum allowable width on vehicles from 8 to 8-1/2 feet; modifying vehicle length requirements to allow longer semitrailers and vehicle combinations; modifying the gross weight seasonal increase to include all axle combinations; modifying the distance a peace officer may require a vehicle to travel to a scale; increasing width requirement on loads of baled hay before flashing amber lights are required; amending Minnesota Statutes 1982, sections 168.011, subdivision 12; 168.013, subdivision 1d, and by adding a subdivision; 169.01, subdivision 7; 169.80, subdivision 2; 169.81, subdivisions 2 and 3; 169.825, subdivision 11; 169.85; and 169.862; repealing Minnesota Statutes 1982, sections 169.80, subdivision 2a; and 169.81, subdivisions 3a, 3b, and 7.

The bill was read for the first time and referred to the Committee on Transportation.

Knuth; Munger; Carlson, D.; Nelson, D., and Kelly introduced:

H. F. No. 1030, A bill for an act relating to natural resources; authorizing additions to and deletions from certain state parks and waysides; authorizing land acquisition in relation thereto.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Sparby, Eken and Valan introduced:

H. F. No. 1031, A bill for an act relating to the lower Red River watershed management board; removing ten year limitation for tax levy by watershed districts which are members of board; amending Laws 1976, chapter 162, sections 1, as amended, and 2.

The bill was read for the first time and referred to the Committee on Taxes.

Hoffman; Price; Jensen; Anderson, G., and Levi introduced:

H. F. No. 1032, A bill for an act relating to local improvements; permitting counties to assess for highway improvements within cities; amending Minnesota Statutes 1982, section 429.011, subdivision 2a.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Berkelman, Kvam, Himle, Metzen and Brinkman introduced:

H. F. No. 1033, A bill for an act relating to insurance; authorizing the establishment of joint self-insurance employee health plans; providing administrative, trust, bonding, investment, and reporting requirements; establishing a quarterly revenue fee; proposing new law coded as Minnesota Statutes, chapter 62H.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Shea, Mann, Kalis and Erickson introduced:

H. F. No. 1034, A bill for an act relating to agriculture; granting the commissioner powers relating to agricultural promotion; changing certain procedures related to fees; redefining certain terms; changing the coverage of the consolidated food licensing law; permitting the sale of certain eggs for human consumption; updating certain provisions; specifying certain plumbing and sewage disposal requirements; changing the coverage of certain animal processing laws; prohibiting sale or possession of certain meat; changing the policy behind the dairy industry unfair trade practices act; removing certain dairy product retailers from certain prohibitions; changing certain fees; changing the dates of reports from and payments to certain agricultural societies; eliminating certain duties of the commissioner of agriculture and county agricultural agents; authorizing the sale of certain wild flowers; eliminating certain wild rice labeling requirements; eliminating the prohibition on manufacture or use of certain preservative compounds; eliminating provisions relating to the dairy industry and warehouses; amending Minnesota Statutes 1982, sections 17.101; 17B.15, subdivision 2; 28A.03; 28A.05; 28A.15, subdivisions 1 and 4; 29.235; 31.01, subdivision 20; 31.10; 31.101, subdivisions 3, 4, 5, 6, 7, and 8; 31.51, subdivision 2; 31.56, subdivision 1; 31A.02, subdivision 5; 31A.10; 31A.15; 32.394, subdivision 8; 32A.02; 32A.04, subdivision 1; 34.05, subdivision 1; 38.02, subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, chapter 31; repealing Minnesota Statutes 1982, sections 17.031; 17.032; 17.23; 30.49; 31.401 to 31.406; 32.12; 32.472; 32.473; and 231.01 to 231.39.

The bill was read for the first time and referred to the Committee on Agriculture.

Wynia and Tomlinson introduced:

H. F. No. 1035, A bill for an act relating to education; providing that in cities of the first class discontinuance of principals and assistant principals shall be in the inverse order in which the individuals were employed by the district as principal or assistant principal; amending Minnesota Statutes 1982, section 125.17, subdivision 11.

The bill was read for the first time and referred to the Committee on Education.

Ogren, Munger, Schafer, Welch and Battaglia introduced:

H. F. No. 1036, A bill for an act relating to recreational trails; allowing three-wheel off-road vehicles to use certain trails during certain periods of time; requiring vehicle owners to pay a registration fee; amending Minnesota Statutes 1982, sections 84.81, by adding a subdivision; 85.015, by adding a subdivision; 85.017; and 85.018, subdivisions 2, 5, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Ogren, Neuenschwander, Dempsey and Dimler introduced:

H. F. No. 1037, A bill for an act relating to cemeteries; increasing the penalty for illegal molestation of human remains; requiring the state or political subdivision to obtain archaeologist services and to pay for removal of Indian burial grounds under certain circumstances; amending Minnesota Statutes 1982, section 307.08, subdivisions 2, 4, 8, and 10.

The bill was read for the first time and referred to the Committee on Judiciary.

Kostohryz, Levi, Hoffman, Reif and Price introduced:

H. F. No. 1038, A bill for an act relating to education; authorizing Special Intermediate School District No. 916 to provide certain services; amending Laws 1969, chapter 775, section 3, as amended.

The bill was read for the first time and referred to the Committee on Education.



Price, Solberg, Hoffman and Nelson, D., introduced:

H. F. No. 1039, A bill for an act relating to education; modifying the determination of a teacher's seniority in certain cases; amending Minnesota Statutes 1982, section 125.12, subdivision 6b.

The bill was read for the first time and referred to the Committee on Education.

Berkelman, Schreiber and Clawson introduced:

H. F. No. 1040, A bill for an act relating to local government; clarifying powers of municipalities and redevelopment agencies with respect to acquisition, construction, leasing, selling, loan of funds, and issuance of revenue bonds for industrial development projects; amending Minnesota Statutes 1982, sections 474.03 and 474.06.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Otis, Ellingson and Onnen introduced:

H. F. No. 1041, A bill for an act relating to Hennepin County; providing for the conduct of a public safety communications service; repealing Laws 1947, chapter 371, as amended.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Brandl, Wynia, Greenfield, Onnen and Sviggum introduced:

H. F. No. 1042, A bill for an act relating to public welfare; establishing a medical assistance prepayment demonstration project; appropriating money; 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.

Begich, Beard, Rice and Elioff introduced:

H. F. No. 1043, A bill for an act relating to labor; defining a professional strikebreaker; amending Minnesota Statutes 1982, section 179.01, subdivision 16.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Wynia, Bennett, Metzen, Minne and Vellenga introduced:

H. F. No. 1044, A bill for an act relating to health; prohibiting sales of hearing aids upon prescription or recommendation of certain persons employed or in a business relationship with a seller of hearing aids; providing penalties and remedies; proposing new law coded in Minnesota Statutes, chapter 145; repealing Minnesota Statutes 1982, sections 145.43; 145.44; and 145.45.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Osthoff introduced:

H. F. No. 1045, A bill for an act relating to judges; providing for the manner of filling vacancies in the office of judge; providing for the manner of electing judges; amending Minnesota Statutes 1982, sections 204B.06, subdivision 6, and by adding a subdivision; 204B.34, subdivision 3; 204B.36, subdivisions 4 and 5; 204D.08, subdivision 6; proposing new law coded in Minnesota Statutes, chapters 2 and 480.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Wenzel introduced:

H. F. No. 1046, A bill for an act relating to the city of Baxter; authorizing the city to employ a full-time police officer; providing exception to peace officer licensing requirement.

The bill was read for the first time and referred to the Committee on Judiciary.

Knickerbocker introduced:

H. F. No. 1047, A bill for an act relating to local government aids; requiring uniform, current financial reporting by counties and municipalities; proposing new law coded in Minnesota Statutes, chapter 477A.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Heinitz introduced:

H. F. No. 1048, A bill for an act relating to unemployment compensation; regulating benefit eligibility; amending Minnesota Statutes 1982, section 268.07, subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Ogren introduced:

H. F. No. 1049, A bill for an act relating to financial institutions; authorizing the approval of applications for bank charters and detached facilities; establishing emergency procedures to prevent loss of banking services in a community as a result of a failing bank; amending Minnesota Statutes 1982, section 45.05; 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.

Simoneau, Sarna, Redalen, Vanasek and Clawson introduced:

H. F. No. 1050, A bill for an act relating to non-intoxicating malt liquor and intoxicating malt liquor; requiring sales at wholesale to be made within areas designated in agreements between suppliers or brewers and wholesalers; prohibiting refusal to sell or give service to licensed retailers within designated areas; requiring filing of area agreements and brand approvals with the department of public safety; prohibiting resale price maintenance; amending Minnesota Statutes 1982, section 340.406.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Battaglia, Elioff, Solberg, Munger and Begich introduced:

H. F. No. 1051, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to sell certain lands in St. Louis County; appropriating money.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Elioff, Begich, Battaglia, Solberg and Minne introduced:

H. F. No. 1052, A bill for an act relating to Independent School District No. 694; authorizing a transfer of moneys to the district's general fund from other district funds.

The bill was read for the first time and referred to the Committee on Education.

Levi, by request, introduced:

H. F. No. 1053, A bill for an act relating to natural resources; designating the morel as the official state mushroom; proposing new law coded in Minnesota Statutes, chapter 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Sviggum; Ludeman; Rodriguez, F.; Sparby and Redalen introduced:

H. F. No. 1054, A bill for an act relating to retirement; public employees funds generally; increasing interest rates paid on refunds; amending Minnesota Statutes 1982, sections 352.12, subdivision 1; 352.22, subdivision 2; 352B.11, subdivision 1; 353.32, subdivision 1; 353.34, subdivision 2; 354.47, subdivision 1; 354.49, subdivision 2; 354A.35, subdivision 1; and 354A.37, subdivisions 3 and 4; repealing Minnesota Statutes 1982, section 354.49, subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Johnson introduced:

H. F. No. 1055, A bill for an act relating to land surveying; authorizing counties to contract for the preservation and re-monumentation of the United States public land survey; appropriating money; amending Minnesota Statutes 1982, sections 287.21, subdivision 2; 287.25; 287.28; 287.29, subdivision 1; and 389.011, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 287.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Elioff, Begich, Battaglia, Solberg and Minne introduced:

H. F. No. 1056, A bill for an act relating to traffic regulations; providing for "Watch for Children" signs to be made available to local governing bodies under certain conditions; appropriating money; amending Minnesota Statutes 1982, section 169.06, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Krueger; Anderson, B., and Redalen introduced:

H. F. No. 1057, A bill for an act relating to agriculture; making changes in the artificial dairy products act; amending Minnesota Statutes 1982, sections 32.53; 32.531; 32.5311; 32.532; 32.533; and proposing new law coded in Minnesota Statutes, chapter 32.

The bill was read for the first time and referred to the Committee on Agriculture.

Bishop, Vanasek, Sarna, Segal and Forsythe introduced:

H. F. No. 1058, A bill for an act relating to limited partnerships; providing for withdrawals of certain partners; providing for liabilities of partners; amending Minnesota Statutes 1982, sections 322A.27; and 322A.33.

The bill was read for the first time and referred to the Committee on Judiciary.

Munger; Rose; Nelson, D.; Battaglia and Kahn introduced:

H. F. No. 1059, A resolution memorializing the President and Congress of the United States to take immediate steps to curb the sources of acid rain.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Graba and Schafer introduced:

H. F. No. 1060, A bill for an act relating to education; allowing pupils who change districts of residence to continue attendance in the previous district under certain conditions; proposing new law coded in Minnesota Statutes, chapter 120.

The bill was read for the first time and referred to the Committee on Education.

Berkelman, Swanson and Reif introduced:

H. F. No. 1061, A bill for an act relating to public welfare; establishing limits on payments to vendors of services in the medical assistance program; amending Minnesota Statutes 1982, section 256.967.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Berkelman, Minne, Munger, Murphy and Gustafson introduced:

H. F. No. 1062, A bill for an act relating to port authorities; providing for the term of service of certain members of port authorities; amending Minnesota Statutes 1982, section 458.10, subdivision 2.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Vanasek, Kelly, Dempsey, Piepho and Clark, J., introduced:

H. F. No. 1063, A bill for an act relating to crimes and criminals; authorizing departures from the presumptive sentences established in the sentencing guidelines; amending Minnesota Statutes 1982, section 244.10, subdivision 2 and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Solberg; Heap; Nelson, D.; Murphy and Battaglia introduced:

H. F. No. 1064, A bill for an act relating to retirement; permitting the purchase of certain prior service credit for periods of teaching service in other states.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Neuenschwander, Munger, Rose, Solberg and Battaglia introduced:

H. F. No. 1065, A bill for an act relating to game and fish; penalty for taking or illegally possessing big game during the closed season; shining of wild animals; amending Minnesota Statutes 1982, sections 97.55, subdivision 9; and 100.29, subdivision 10.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Riveness and Swanson introduced:

H. F. No. 1066, A bill for an act relating to the city of Bloomington; adjusting the city's property tax levy limitation.

The bill was read for the first time and referred to the Committee on Taxes.

Neuenschwander, Quinn, Gutknecht, Knuth and Riveness introduced:

H. F. No. 1067, A bill for an act relating to state government; authorizing the commissioner of the department of economic security to accept gifts; designating the commissioner as administrator of weatherization programs; providing for weatherization grants; regulating summer youth programs; amending Minnesota Statutes 1982, sections 268.011, subdivision 2; 268.34; and 268.37, subdivisions 2, 4, and 5; repealing Minnesota Statutes 1982, section 268.37, subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Rodriguez, C.; Levi; Graba and Jennings introduced:

H. F. No. 1068, A bill for an act relating to education; extending the time permitting a school district to transfer funds from its capital fund to its general fund; amending Laws 1982, chapter 548, article IV, section 21.

The bill was read for the first time and referred to the Committee on Education.

Clawson introduced:

H. F. No. 1069, A bill for an act relating to federal block grants; providing for annual legislative hearings on federal block grant implementation and effects; proposing new law coded in Minnesota Statutes, chapter 3.

The bill was read for the first time and referred to the Committee on Appropriations.

Sarna; Rodriguez, F.; Metzen; Clark, K., and Wigley introduced:

H. F. No. 1070, A bill for an act relating to retirement; election of Minneapolis employees retirement fund; investment policies; expansion of disability benefits of employees; amending Minnesota Statutes 1982, sections 422A.05, subdivision 1, and by adding a subdivision; 422A.06, subdivision 7; 422A.101, subdivisions 1, 1a, and 2; 422A.18, subdivision 3; 422A.23, subdivision 2; and 422A.26; repealing Minnesota Statutes 1982, section 422A.05, subdivision 7.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Gustafson; Sarna; Vanasek; Clark, J., and Kelly introduced:

H. F. No. 1071, A bill for an act relating to public safety; prohibiting the possession or manufacture of 25 pounds or more of fireworks for purposes of sale; prescribing penalties; proposing new law coded in Minnesota Statutes, chapter 624.

The bill was read for the first time and referred to the Committee on Judiciary.

Brandl, Vellenga, Burger, Kostohryz and Dempsey introduced:

H. F. No. 1072, A bill for an act relating to education; establishing a program allowing a lower income pupil to select the school which the pupil will attend from among schools participating in the program; establishing certain requirements and restrictions; amending Minnesota Statutes 1982, sections 121.11, subdivision 12; and 124.223; proposing new law coded in Minnesota Statutes, chapter 129B; repealing Minnesota Statutes 1982, section 123.35, subdivision 14.

The bill was read for the first time and referred to the Committee on Education.



Schoenfeld introduced:

H. F. No. 1073, A bill for an act relating to real property; requiring 60 days notice of default on a farm real estate mortgage, notice of termination of a farm real estate contract for deed, and notice of commencement of a sale and foreclosure proceeding; providing that a mortgage on farm real estate is reinstated during the redemption period upon payment of installments in default and due during the period of redemption; amending Minnesota Statutes 1982, sections 47.20, subdivision 8; 550.18; 559.21, subdivisions 1, 1a, and 2; 580.09; 580.23, subdivision 1; 580.30; and 581.10.

The bill was read for the first time and referred to the Committee on Judiciary.

Long; Nelson, D.; Evans and Segal introduced:

H. F. No. 1074, A bill for an act relating to waste management; amending the Hazardous Waste Management Act of 1980; providing for the evaluation of bedrock disposal of hazardous waste; providing for participation by private developers and operators of waste facilities in the evaluation of hazardous waste disposal sites; creating phases of environmental impact statements; expanding the definition of hazardous waste; extending the deadlines for the adoption of certain hazardous waste rules; extending certain deadlines of the metropolitan council; clarifying the contents of environmental impact statements; providing reports to counties on permit conditions and permit application requirements for county sites; amending Minnesota Statutes 1982, sections 115.071, subdivisions 2 and 3; 115A.03, subdivision 10; 115A.05, subdivisions 2 and 3; 115A.06, subdivision 4; 115A.08, subdivisions 4, 5, and 6; 115A.10; 115A.11, subdivisions 1 and 2; 115A.21; 115A.22, subdivisions 1, 3, 4, 6, and 7; 115A.24, subdivision 1; 115A.25, subdivisions 1, 2, 3, and by adding subdivisions; 115A.26; 115A.27, subdivision 2; 115A.28, subdivisions 1, 2, and 3; 115A.30; 115A.54, subdivision 2; 115A.67; 115A.70, subdivision 3; 116.06, subdivision 13; 116.07, subdivision 4; 116.41, subdivision 1a; 473.149, subdivisions 2b, 2c, 2d, 2e, and 4; 473.153, subdivisions 2, 5, 6, 6b, and by adding a subdivision; 473.803, subdivisions 1a and 1b; 473.823, subdivision 6; 473.831, subdivision 2; 473.833, subdivisions 2a, 3, 7, and by adding a subdivision; proposing new law coded in chapter 115A; repealing Minnesota Statutes 1982, sections 115A.23; 115A.27, subdivision 1; 116.07, subdivision 4c; and 116.41, subdivision 1.

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:

H. F. No. 298, A bill for an act relating to the city of St. Paul; regulating appeals, hearings, and procedures concerning the human rights commission; amending Laws 1965, chapter 866, section 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, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 268, A bill for an act relating to financial institutions; credit unions; removing the restrictions on the amounts that credit unions may invest in the corporate credit union; removing the borrowing restrictions of the corporate credit union; changing references to the central credit union to reflect its name change; amending Minnesota Statutes 1982, sections 52.04, subdivision 1; 52.09, subdivision 2; 52.15, subdivision 2; and 52.17, subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Norton moved that the House concur in the Senate amendments to H. F. No. 268 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 268, A bill for an act relating to financial institutions; credit unions; removing the restrictions on the amounts that credit unions may invest in the corporate credit union; removing the borrowing restrictions of the corporate credit union; changing references to the central credit union to reflect its name change; amending Minnesota Statutes 1982, sections 52.04, subdivision 1; 52.09, subdivision 2; 52.15, subdivisions 1 and 2; and 52.17, 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 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Kostohryz	Otis	Skoglund
Anderson, G.	Ellingson	Kvam	Peterson	Solberg
Anderson, R.	Erickson	Larsen	Piepho	Sparby
Battaglia	Evans	Levi	Piper	Stadum
Beard	Findlay	Ludeman	Price	Staten
Begich	Fjoslien	Mann	Quinn	Sviggum
Bennett	Frerichs	Marsh	Quist	Swanson
Bergstrom	Graba	McDonald	Redalen	Thiede
Berkelman	Greenfield	McEachern	Reif	Tomlinson
Bishop	Gruenes	McKasy	Riveness	Tunheim
Blatz	Gustafson	Metzen	Rodosovich	Uphus
Brandl	Gutknecht	Minne	Rodriguez, F.	Valan
Brinkman	Halberg	Munger	Rose	Valento
Burger	Haukoos	Murphy	St. Onge	Vellenga
Carlson, D.	Heinitz	Nelson, D.	Sarna	Voss
Carlson, L.	Himle	Nelson, K.	Schafer	Waltman
Clark, J.	Hoffman	Neuenschwander	Schoenfeld	Welch
Clark, K.	Hokr	Norton	Schreiber	Welker
Clawson	Jennings	O'Connor	Seaberg	Welle
Cohen	Jensen	Ogren	Segal	Wenzel
Coleman	Johnson	Olsen	Shaver	Wigley
Dempsey	Kalis	Omann	Shea	Wynia
DenOuden	Kelly	Onnen	Sherman	Speaker Sieben
Dimler	Knuth	Osthoff	Simoneau	

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. 79, A bill for an act relating to juveniles; requiring orders of reference for prosecution for juveniles who have been previously referred; amending Minnesota Statutes 1982, sections 260.125, subdivision 2, and by adding a subdivision; and 260.173, subdivision 4; repealing Minnesota Statutes 1982, section 260.125, subdivision 6.

PATRICK E. FLAHAVER, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Clark, J., moved that the House concur in the Senate amendments to H. F. No. 79 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 79, A bill for an act relating to juveniles; requiring orders of reference for prosecution for juveniles who have been

previously referred; amending Minnesota Statutes 1982, sections 260.125, subdivision 2, and 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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Kvam	Peterson	Solberg
Anderson, G.	Evans	Larsen	Piepho	Sparby
Anderson, R.	Findlay	Levi	Piper	Stadum
Battaglia	Fjoslien	Ludeman	Price	Staten
Beard	Frerichs	Mann	Quinn	Sviggum
Begich	Graba	Marsh	Quist	Swanson
Bennett	Greenfield	McDonald	Redalen	Thiede
Bergstrom	Gruenes	McEachern	Reif	Tomlinson
Berkelman	Gustafson	McKasy	Rice	Tunheim
Blatz	Gutknecht	Metzen	Riveness	Uphus
Brandl	Halberg	Minne	Rodosovich	Valan
Brinkman	Haukoos	Munger	Rodriguez, F.	Valento
Burger	Heap	Murphy	Rose	Vanasek
Carlson, L.	Heinitz	Nelson, D.	St. Onge	Vellenga
Clark, J.	Himle	Nelson, K.	Sarna	Voss
Clark, K.	Hoffman	Neuenschwander	Schafer	Waltman
Clawson	Hokr	Norton	Schoenfeld	Welch
Cohen	Jacobs	O'Connor	Schreiber	Welker
Coleman	Jennings	Ogren	Seaberg	Welle
Dempsey	Jensen	Olsen	Segal	Wenzel
DenOuden	Kahn	Omann	Shaver	Wigley
Dimler	Kalis	Onnen	Shea	Wynia
Eken	Kelly	Osthoff	Sherman	Zaffke
Elioff	Knuth	Otis	Simoneau	Speaker Sieben
Ellingson	Kostohryz	Pauly	Skoglund	

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. 15.

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. 15

A bill for an act relating to metropolitan government; changing the terms of members of the metropolitan council; requiring

that metropolitan council district boundaries be redrawn after each federal census; redrawing metropolitan council district boundaries; establishing new metropolitan commission districts, formerly called precincts; changing references to precincts; changing the terms of commission members and chairmen; requiring the governor to appoint council members and establishing terms; requiring the newly appointed metropolitan council to appoint commission members and establishing terms; amending Minnesota Statutes 1982, sections 473.123, subdivision 3, and by adding subdivisions; 473.141, subdivisions 2, 4, and 5, and by adding a subdivision; and 473.303, subdivisions 2, 4, and 5, and by adding a subdivision; repealing Minnesota Statutes 1982, section 473.123, subdivision 2.

March 23, 1983

The Honorable Jerome M. Hughes  
President of the Senate

The Honorable Harry A. Sieben, Jr.  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 15, report that we have agreed upon the items in dispute and recommend as follows:

That the House of Representatives recede from its amendment and that S. F. No. 15 be further amended as follows:

Page 2, line 4, delete "*all members and chairmen*" and insert "*the member*"

Page 2, line 5, delete "*their successors are*"

Page 2, line 6, delete "*appointed and qualified*" and insert "*the governor appoints 16 council members, one from each of the newly drawn council districts as provided under section 3, to serve terms as provided under this section*"

Page 2, line 9, before "*The*" insert "*(a)*"

Page 2, line 10, strike "*sixteen*" and insert "*16*"

Page 2, line 13, strike "*the area composing*"

Page 11, after line 7, insert:

*"(b) In addition to the notice required by section 15.0597, subdivision 4, notice of vacancies and expiration of terms shall be published in newspapers of general circulation in the metropolitan area and the appropriate districts."*

Page 11, line 13, delete everything after the period

Page 11, delete lines 14 and 15

Page 11, line 16, delete everything before "*Redistricting*"

Page 11, line 17, delete "*of each*"

Page 11, line 18, delete "*decade*"

Page 14, line 30, after the semicolon insert "*and*"

Page 16, line 27, before "*Each*" insert "*(a)*"

Page 16, line 29, strike "*eight members*" and insert "*metropolitan council*"

Page 16, line 29, strike "*be appointed by the*"

Page 16, line 30, strike "*metropolitan council*" and insert "*appoint the eight members on a nonpartisan basis after consultation with the members of the legislature from the commission district for which the member is to be appointed*"

Page 16, line 30, after the period insert:

*"Appointments are subject to the advice and consent of the senate.*

*(b) Following the submission of commission member applications to the metropolitan council as provided under section 15.0597, subdivision 5, the council shall conduct one or more public hearings on the matter of the appointments for the commission districts to accept statements from persons who have applied for appointment and to allow consultation with and secure the advice of the public."*

Page 16, line 30, before "*One*" insert

*"(c)"*

Page 17, line 1, delete "*6*" and insert "*5*"

Page 17, line 3, strike "*5 and*" and reinstate the stricken "*6*"

Page 17, line 3, delete "*12*" and insert "*and 10*"

Page 17, line 7, delete "*10*" and strike "*and*"

Page 17, line 7, after "*11*" insert "*and 12*"

Page 18, line 3, before "A" insert "A chairman shall continue to serve until a successor is appointed and qualified."

Page 18, line 3, delete "or chairman"

Page 18, line 6, delete "all members and chairmen" and insert "the member"

Page 18, line 7, delete "their successors are appointed and"

Page 18, line 8, delete "qualified" and insert "the metropolitan council appointed pursuant to section 3 appoints eight commission members as provided under section 473.141, subdivision 2, to serve terms as provided under this section"

Page 19, line 5, strike "eight members" and insert "metropolitan council"

Page 19, line 5, strike "be appointed by the"

Page 19, line 6, strike "council" and insert "appoint the eight members on a nonpartisan basis"

Page 19, line 13, delete "6" and insert "5"

Page 19, line 15, strike "5 and" and reinstate the stricken "6"

Page 19, line 15, delete "12" and insert "and 10"

Page 19, line 19, strike "and"

Page 19, line 19, after "11" insert "and 12"

Page 19, after line 23, insert:

"Sec. 10. Minnesota Statutes 1982, section 473.303, subdivision 3, is amended to read:

Subd. 3. [CHAIRMAN.] The chairman of the commission shall be appointed by the council and shall be the ninth member of the commission and shall meet all qualifications established for members, except the chairman need only reside within the metropolitan area. (THE COMMISSION CHAIRMAN SHALL SERVE AT THE PLEASURE OF THE COUNCIL FOR A FOUR YEAR TERM.) 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."

Page 20, line 12, before "A" insert "*The chairman shall continue to serve until a successor is appointed and qualified.*"

Page 20, line 12, delete "or chairman"

Page 20, line 15, delete "*all members and the chairman*" and insert "*the member*"

Page 20, line 16, delete "*their successors are appointed and*"

Page 20, line 17, delete "*qualified*" and insert "*the metropolitan council appointed pursuant to section 3 appoints eight commission members as provided under section 473.303, subdivision 2, to serve terms as provided under this section*"

Page 20, line 35, after "*members*" insert "*except the chairman*"

Page 21, line 1, delete "*all*" and insert "*the*"

Page 21, line 5, after "*members*" insert "*except the chairman*"

Page 21, line 5, after "*serving*" insert "*prior to the effective date of this act*"

Page 21, line 7, delete "*all*" and insert "*the*"

Page 21, line 9, after "*appoints*" insert "*eight*"

Page 21, line 10, delete "*5*" and insert "*473.141, subdivision 2,*"

Page 21, line 12, after "*members*" insert "*except the chairman*"

Page 21, line 12, after "*serving*" insert "*prior to the effective date of this act*"

Page 21, line 15, delete "*all*" and insert "*the*"

Page 21, line 17, after "*appoints*" insert "*eight*"

Page 21, line 17, delete "*9*" and insert "*473.303, subdivision 2,*"

Page 21, line 18, delete "*11*" and insert "*12*"

Page 21, line 23, delete "*14*" and insert "*15*"

Renumber the sections in sequence



Amend the title as follows:

Page 1, line 7, delete "metropolitan"

Page 1, line 17, after the first comma insert "3,"

We request adoption of this report and repassage of the bill.

Senate Conferees: ROBERT J. SCHMITZ, WILLIAM P. LUTHER and CARL W. KROENING.

House Conferees: THOMAS C. OSTHOFF, JAMES P. METZEN and KATHLEEN BLATZ.

Osthoff moved that the report of the Conference Committee on S. F. No. 15 be adopted and that the bill be repassed as amended by the Conference Committee.

Schreiber moved that the House refuse to adopt the report of the Conference Committee on S. F. No. 15; that the bill be returned to the Conference Committee; and that the Conference Committee be instructed as follows: Reinstate the House language which required public hearings for the appointment of metropolitan council members.

#### POINT OF ORDER

Osthoff raised a point of order pursuant to House Rules, 1983-84 temporary Joint Rules of the Senate and House and "Mason's Manual of Legislative Procedure" that the portion of the Schreiber motion instructing the Conference Committee on S. F. No. 15 was out of order. The Speaker ruled the point of order well taken and the portion of the Schreiber motion regarding instructions to the Conference Committee on S. F. No. 15 out of order.

The remaining portion of the Schreiber motion was reported to the House as follows:

Schreiber moved that the House refuse to adopt the Conference Committee report on S. F. No. 15 and that the bill be returned to the Conference Committee.

A roll call was requested and properly seconded.

#### CALL OF THE HOUSE

On the motion of Vanasek and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Anderson, B.	Ellingson	Kostohryz	Peterson	Skoglund
Anderson, G.	Erickson	Kvam	Piepho	Solberg
Anderson, R.	Evans	Larsen	Piper	Sparby
Battaglia	Findlay	Levi	Price	Stadum
Beard	Fjoslien	Ludeman	Quinn	Swiggum
Begich	Frerichs	Maru	Quist	Thiede
Bennett	Graba	Marsh	Redalen	Tunheim
Bergstrom	Greenfield	McDonald	Reif	Uphus
Berkelman	Gruenes	McEachern	Rice	Valan
Bishop	Gustafson	McKasy	Riveness	Valento
Blatz	Gutknecht	Metzen	Rodosovich	Vanasek
Brandl	Halberg	Minne	Rodriguez, F.	Vellenga
Brinkman	Haukoos	Munger	Rose	Voss
Burger	Heap	Murphy	St. Onge	Waltman
Carlson, D.	Heinitz	Nelson, D.	Sarna	Welch
Carlson, L.	Himle	Neuenschwander	Schafer	Welker
Clark, J.	Hokr	Norton	Scheid	Welle
Clark, K.	Jacobs	O'Connor	Schoenfeld	Wenzel
Clawson	Jennings	Ogren	Schreiber	Wigley
Cohen	Jensen	Olsen	Seaberg	Wynia
Coleman	Johnson	Omman	Segal	Zaffke
Dempsey	Kahn	Onnen	Shaver	Speaker Sieben
DenOuden	Kalis	Osthoff	Shea	
Eken	Kelly	Otis	Sherman	
Elioff	Knuth	Pauly	Simoneau	

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 Schreiber motion and the roll was called.

Vanasek moved that those not voting be excused from voting. The motion prevailed.

There were 55 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Evans	Hokr	Onnen	Sherman
Bennett	Findlay	Jennings	Pauly	Stadum
Berkelman	Fjoslien	Johnson	Piepho	Swiggum
Bishop	Frerichs	Kvam	Quist	Thiede
Blatz	Gruenes	Levi	Redalen	Uphus
Burger	Gutknecht	Ludeman	Reif	Valan
Carlson, D.	Halberg	Marsh	Rose	Valento
Dempsey	Haukoos	McDonald	Schafer	Waltman
DenOuden	Heap	McKasy	Schreiber	Welker
Dimler	Heinitz	Olsen	Seaberg	Wigley
Erickson	Himle	Omman	Shaver	Zaffke

Those who voted in the negative were:

Anderson, B.	Brinkman	Eken	Jacobs	Larsen
Anderson, G.	Carlson, L.	Elioff	Jensen	Mann
Battaglia	Clark, J.	Ellingson	Kahn	McEachern
Beard	Clark, K.	Craba	Kalis	Metzen
Begich	Clawson	Greenfield	Kelly	Minne
Bergstrom	Cohen	Gustafson	Knuth	Munger
Brandl	Coleman	Hoffman	Kostohryz	Murphy

Nelson, D.	Peterson	St. Onge	Solberg	Vellenga
Nelson, K.	Piper	Sarna	Sparby	Voss
Neuenschwander	Price	Scheid	Staten	Welch
O'Connor	Quinn	Schoenfeld	Swanson	Welle
Ogren	Rice	Shea	Tomlinson	Wenzel
Osthoff	Rodosovich	Simoneau	Tunheim	Wynia
Otis	Rodriguez, F.	Skoglund	Vanasek	Speaker Sieben

The motion did not prevail.

The question recurred on the Osthoff motion that the report of the Conference Committee on S. F. No. 15 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 15, A bill for an act relating to metropolitan government; changing the terms of members of the metropolitan council; requiring that metropolitan council district boundaries be redrawn after each federal census; redrawing metropolitan council district boundaries; establishing new metropolitan commission districts, formerly called precincts; changing references to precincts; changing the terms of commission members and chairmen; requiring the governor to appoint council members and establishing terms; requiring the newly appointed metropolitan council to appoint commission members and establishing terms; amending Minnesota Statutes 1982, sections 473.123, subdivision 3, and by adding subdivisions; 473.141, subdivisions 2, 4, and 5, and by adding a subdivision; and 473.303, subdivisions 2, 4, and 5, and by adding a subdivision; repealing Minnesota Statutes 1982, section 473.123, 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.

Vanasek moved that those not voting be excused from voting. The motion prevailed.

There were 72 yeas and 53 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Clark, K.	Jensen	Murphy	Quinn
Anderson, G.	Clawson	Kahn	Nelson, D.	Rice
Battaglia	Cohen	Kalis	Nelson, K.	Riveness
Beard	Coleman	Kelly	Neuenschwander	Rodosovich
Begich	Eken	Knuth	Norton	Rodriguez, F.
Bergstrom	Elioff	Kostohryz	O'Connor	St. Onge
Berkelman	Ellingson	Larsen	Ogren	Sarna
Brandl	Graba	Mann	Osthoff	Scheid
Brinkman	Greenfield	McEachern	Otis	Schoenfeld
Carlson, D.	Gustafson	Metzen	Peterson	Segal
Carlson, L.	Hoffman	Minne	Piper	Shea
Clark, J.	Jacobs	Munger	Price	Simoneau

Skoglund  
Solberg  
Sparby

Swanson  
Tunheim  
Vanasek

Voss  
Welch

Welle  
Wenzel

Wynia  
Speaker Sieben

Those who voted in the negative were:

Anderson, R.  
Bennett  
Bishop  
Blatz  
Burger  
Dempsey  
DenOuden  
Dimler  
Erickson  
Evans  
Findlay

Fjoslien  
Frerichs  
Gruenes  
Gutknecht  
Halberg  
Haukoos  
Heap  
Heinitz  
Himle  
Hokr  
Jennings

Johnson  
Kvam  
Levi  
Ludeman  
Marsh  
McDonald  
McKasy  
Olsen  
Omman  
Onnen  
Pauly

Piepho  
Quist  
Redalen  
Reif  
Rose  
Schafer  
Schreiber  
Seaberg  
Shaver  
Sherman  
Stadum

Svigum  
Thiede  
Uphus  
Valan  
Valento  
Waltman  
Welker  
Wigley  
Zaffke

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 House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 252, A bill for an act relating to occupations and professions; regulating the practice of dentistry; amending Minnesota Statutes 1982, sections 150A.05, subdivision 2; and 150A.11, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Bishop moved that the House concur in the Senate amendments to H. F. No. 252 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 252, A bill for an act relating to occupations and professions; regulating the practice of dentistry; amending Minnesota Statutes 1982, sections 150A.05, subdivision 2; and 150A.11, 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.

Eken moved that those not voting be excused from voting. The motion prevailed.

There were 123 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Knuth	Pauly	Simoneau
Anderson, G.	Ellingson	Kostohryz	Peterson	Skoglund
Anderson, R.	Erickson	Krueger	Piepho	Solberg
Battaglia	Evans	Kvam	Piper	Sparby
Beard	Findlay	Larsen	Price	Stadum
Begich	Fjoslien	Levi	Quinn	Sviggum
Bennett	Frerichs	Mann	Quist	Swanson
Bergstrom	Graba	Marsh	Redalen	Thiede
Berkelman	Greenfield	McDonald	Reif	Tunheim
Bishop	Gruenes	McKasy	Rice	Uphus
Blatz	Gustafson	Metzen	Riveness	Valan
Brandl	Gutknecht	Minne	Rodosovich	Valento
Brinkman	Halberg	Munger	Rodriguez, F.	Vanasek
Burger	Haukoos	Murphy	Rose	Vellenga
Carlson, D.	Heap	Nelson, D.	St. Onge	Voss
Carlson, L.	Heinitz	Nelson, K.	Sarna	Waltman
Clark, J.	Hirale	Neuenschwander	Schafer	Welch
Clark, K.	Hoffman	Norton	Scheid	Welle
Clawson	Hokr	O'Connor	Schoenfeld	Wenzel
Cohen	Jacobs	Ogren	Schreiber	Wigley
Coleman	Jensen	Olsen	Seaberg	Wynia
Dempsey	Johnson	Omann	Segal	Zaffke
DenOuden	Kahn	Onnen	Shaver	Speaker Sieben
Dimler	Kalis	Osthoff	Shea	
Eken	Kelly	Otis	Sherman	

Those who voted in the negative were:

Jennings      Ludeman      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 Senate Files, herewith transmitted:

S. F. Nos. 240, 278 and 427

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. 428.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS.

S. F. No. 240, A bill for an act relating to domestic abuse; protecting persons from abuse by former spouses and others; authorizing an arrest for violations of certain orders; amending Minnesota Statutes 1982, section 518B.01, subdivisions 2, 13, and 14.

The bill was read for the first time.

Clark, J., moved that S. F. No. 240 and H. F. No. 287, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 278, A bill for an act relating to Hennepin County; providing for financing of motor vehicle parking facilities; authorizing the issuance of general obligation or revenue bonds of the county; authorizing the construction of one off-street parking facility within the city of Minneapolis; amending Laws 1969, chapter 1037, section 1, subdivisions 1 and 2, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 427, A bill for an act relating to safety glazing material; establishing new requirements for the use of glazed safety glass in hazardous locations; amending Minnesota Statutes 1982, section 299G.13, subdivisions 3 and 10.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 428, A bill for an act relating to state government; extending the expiration date of certain advisory committees and councils; repealing certain inactive advisory councils, committees, and task forces; amending Minnesota Statutes 1982, sections 3.9223, subdivision 1; 4.31, subdivision 5; 11A.08, subdivision 4; 15.059, subdivision 5; 16.02, subdivision 28; 16.872, subdivision 3; 21.112, subdivision 2; 41.54, subdivision 2; 52.062, subdivisions 1 and 2; 115A.12, subdivision 1; 121.938; 123.581, subdivision 1; 126.531; 145.919; 145.93, subdivision 3; 145.98, subdivision 1; 148.191, subdivision 2; 152.02, subdivision 13; 155A.06, subdivision 5; 156A.06, subdivision 1; 161.1419, by adding a subdivision; 198.055, by adding a subdivision; 241.64; 241.71; 246.017, subdivision 2; 256B.58; 268.12, subdivision 6; and 507.09; Laws 1975, chapter 235, section 2; Laws 1976, chapter 314, section 3; and Laws 1980, chapter 614, section 192; repealing Minnesota Statutes 1982, sections 16.91; 16.853; 31.60, subdivisions 2 and 3; 43A.31, subdivision 4; 52.061; 52.062, subdivision 3; 82.30; 84.524; 86A.10; 115A.12, subdivision 2; 116J.04; 121.934; 123.581, subdivisions 2, 3, 4, 5, and 7; 124.215;

128A.03; 129B.09, subdivision 8; 136A.02, subdivision 6; 141.24; 144.011, subdivision 2; 144.571; 144A.17; 144A.55; 145.93, subdivision 2; 151.13, subdivision 2; 152.02, subdivision 11; 184.23; 214.14; 222.65; 245.84, subdivision 4; and 363.04, subdivisions 4, 4a, and 5.

The bill was read for the first time and referred to the Committee on Appropriations.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 371

A bill for an act relating to transportation; making scheduled increases in taxes on gasoline and special fuel; delaying the effective date of changes in the disposition of the revenue from the motor vehicle excise tax; providing for the addition of designated routes in the trunk highway system; authorizing the issuance of trunk highway bonds; eliminating the authority of the metropolitan transit commission to levy a certain tax; creating a town road account in the county state-aid highway fund; providing for the apportionment of five percent of the net highway user tax distribution fund; proposing new law coded in Minnesota Statutes, chapters 162 and 169; amending Minnesota Statutes 1982, sections 161.081; 161.082, subdivision 2a; 296.01, subdivision 24; 296.02; 296.14, subdivision 2; 296.18, by adding a subdivision; 297B.09; and 473.446, subdivision 1.

March 29, 1983

The Honorable Harry A. Sieben, Jr.  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

We, the undersigned conferees for H. F. No. 371, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 371 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 161.081, is amended to read:

161.081 [HIGHWAY USER TAX, DISTRIBUTION OF PORTION OF PROCEEDS.]

Pursuant to article 14, section 5, of the constitution, five percent of the net highway user tax distribution fund is set aside, and apportioned as follows:

(1) (60) 51 percent to the trunk highway fund;

(2) (31) 41 percent to a separate account in the county state-aid highway fund to be known as the county turnback account, which account in the state treasury is hereby created;

(3) (9) 8 percent to a separate account in the municipal state-aid street fund to be known as the municipal turnback account, which account in the state treasury is hereby created.

Sec. 2. Minnesota Statutes 1982, section 161.082, subdivision 2a, is amended to read:

Subd. 2a. An amount equal to (32) 20 percent of the county turnback account (SHALL) *must* be expended, within counties having two or more towns, on town road bridge structures that are 10 feet or more in length *and on town road culverts that replace existing town road bridges*. The expenditures on (SUCH) bridge structures *and culverts* may be on a matching basis, and if on a matching basis, not more than 90 percent of the cost of (ANY SUCH) a bridge structure (SHALL) *or culvert may* be paid from the county turnback account.

*An amount equal to 37 percent of the county turnback account must be set aside as a town road account and distributed as provided in section 3.*

### Sec. 3. [162.081] [TOWN ROAD ACCOUNT.]

Subdivision 1. [ACCOUNT CREATED.] *A town road account is created in the county state-aid highway fund, consisting of 37 percent of the county turnback account as provided in section 161.082.*

Subd. 2. [FORMULA.] *Funds in the town road account must be apportioned to each county so that each county receives the percentage that the total miles of town road in the county bears to the total miles of town roads in the state.*

Subd. 3. [APPORTIONMENT.] *When the commissioner determines the amount of money to be apportioned to each county under section 162.07, he shall also determine the amounts in the town road account to be apportioned under subdivision 2. The apportionment under subdivision 2 must be included in the statement sent to the commissioner of finance and the county auditor and county engineer of each county under section 162.08, subdivision 2. The amounts so apportioned and allocated to each county from the town road account must be paid by the state to the trea-*



*sureur of each county at the same time that payments are made under section 162.08, subdivision 2.*

*Subd. 4. [PURPOSES.] Money apportioned to a county from the town road account must be distributed to the treasurer of each town within the county, according to a distribution formula adopted by the county board. The formula must take into account each town's levy for road and bridge purposes, its population and town road mileage, and other factors as the county board deems advisable in the interests of achieving equity among the towns. Distribution of town road funds to the treasurer of the towns must be made within 30 days of the receipt of the funds by the county treasurer. Distribution of funds to town treasurers in a county which has not adopted a distribution formula under this subdivision must be made according to a formula prescribed by the commissioner by rule. A formula adopted by a county board or by the commissioner must provide that a town, in order to be eligible for distribution of funds from the town road account in a calendar year, must have levied in the previous year for road and bridge purposes at least two mills on the dollar of the assessed value of the town.*

*Money distributed to a town under this subdivision may be expended by the town only for the construction and reconstruction of town roads within the town.*

Sec. 4. Minnesota Statutes 1982, section 167.50, subdivision 2, is amended to read:

Subd. 2. The bonds shall be issued and sold upon sealed bids after two weeks' published notice. They shall mature serially over a term not exceeding 20 years from their respective dates of issue (, ) and shall not be sold for less than par and accrued interest (, AND SHALL NOT BEAR INTEREST AT A GREATER RATE THAN FIVE PERCENT PER ANNUM). Subject to the foregoing limitations, and subject to any other limitations stated in the acts authorizing the bonds and appropriating the proceeds thereof, but not subject to the provisions of sections 14.02, 14.04 to 14.36, 14.38, 14.44 to 14.45, and 14.57 to 14.62, the bonds shall be issued and sold in the number of series, at times, in the form and denominations, bearing interest at the rate or rates, maturing on dates, either without option of prior redemption or subject to prepayment upon notice and at the times and prices, payable at the bank or banks, within or without the state, with provisions for registration, conversion, and exchange and for the issuance of notes in anticipation of the sale and delivery of definitive bonds, and in accordance with such further regulations, as the commissioner of finance may determine. The bonds shall be executed by the commissioner of finance and attested by the state treasurer under their official seals. The signature of one of these officers on the face of any bond, and their seals, and the signatures of both officers on the interest coupons appurtenant to any

bond, may be printed, lithographed, stamped, or engraved thereon.

**Sec. 5. [169.833] [ADDITION OF TRUNK HIGHWAYS TO DESIGNATED ROUTE SYSTEM.]**

*Subdivision 1. [IDENTIFICATION OF PROJECTS.] The commissioner shall develop a priority list of trunk highway routes to be added to the system of routes designated under section 169.832. The commissioner shall consult with representatives of the trucking, shipping, and agricultural industries and local authorities in developing the list. A route shall be added to the designated route system after completion of road improvements that provide road strength adequate to carry the permissible weights under section 169.825 or when the commissioner otherwise determines that designation of a route is reasonable.*

*Subd. 2. [FUNDING OF ADDITIONS TO THE SYSTEM.] On July 1 of each year the commissioner of finance shall certify to the commissioner the estimated increase in revenue to the trunk highway fund resulting from the increase in the gasoline and special fuel excise tax under section 7. The commissioner shall expend 15 percent of the increase in revenue to the trunk highway fund resulting from the increase in the gasoline and special fuel excise tax under section 7 and 15 percent of future increases in gasoline and special fuel excise tax revenues to the trunk highway fund for the purposes of subdivision 1. In the event that actual expenditures during any fiscal year are less or greater than 15 percent when compared to actual revenue the commissioner shall adjust his expenditures for the purpose of subdivision 1 for the following years in order to achieve compliance with this subdivision.*

**Sec. 6. Minnesota Statutes 1982, section 296.01, subdivision 24, is amended to read:**

**Subd. 24. [AGRICULTURAL ALCOHOL GASOLINE.]** "Agricultural alcohol gasoline" means a gasoline blend at least ten percent of which is (AGRICULTURAL) agriculturally derived fermentation ethyl alcohol of (AT LEAST 190 PROOF) a purity of at least 99 percent, determined without regard to any added denaturants, denatured in conformity with one of the approved methods set forth by the United States Department of Treasury, Bureau of Alcohol, Tobacco and Firearms, and derived from agricultural or forest products or other renewable resources, distilled in the United States and derived from agricultural products produced in the United States.

**Sec. 7. Minnesota Statutes 1982, section 296.02, is amended to read:**

**296.02 [GASOLINE, EXCISE TAX.]**

Subdivision 1. [TAX IMPOSED FOR MOTOR VEHICLE USE.] There is (HEREBY) imposed an excise tax (OF 13 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) is payable at the times, in the manner, and by persons specified in this chapter. *The tax is payable at the rate specified in subdivision 1b.*

(a) Notwithstanding any other provision of law to the contrary, the tax imposed on special fuel sold by a qualified service station (SHALL) *may not exceed, or the tax on gasoline delivered to a qualified service station (SHALL) must be reduced to, a rate not more than (3) three cents per gallon above the state tax rate imposed on such products sold by a service station in a contiguous state located within the distance indicated in clause (b).*

(b) A "qualifying service station" means a service station located within 7.5 miles, measured by the shortest route by public road, from a service station selling like product in the contiguous state.

(c) A qualified service station shall be allowed a credit by the supplier or distributor, or both, for the amount of reduction computed in accordance with clause (a).

A qualified service station, before receiving the credit, shall be registered with the commissioner of revenue.

Subd. 1a. [EXCEPTION.] The provisions of subdivision 1 do not apply to gasoline purchased by a transit system owned by one or more statutory or home rule charter cities or towns.

Subd. 1b. [RATES IMPOSED.] *The gasoline excise tax is imposed at the following rates:*

(a) *For the period beginning on the first day of the month following the month of final enactment of this act, or on the first day of the second month following the month of final enactment of this act if the date of final enactment of this act is within 15 days of the end of the month, and ending December 31, 1983, gasoline is taxed at the rate of 16 cents per gallon.*

(b) *For the period on and after January 1, 1984, gasoline is taxed at the rate of 17 cents per gallon.*

Subd. 2. [GASOLINE TAX IMPOSED FOR AVIATION USE.] Subject to the provisions of section 296.18, subdivision 4, there is (HEREBY) imposed an excise tax, at the same rate per gallon as the gasoline excise tax, on all aviation gasoline received, sold, stored, or withdrawn from storage in this state.

This tax (SHALL BE) is payable at the times, in the manner, and by persons specified in sections 296.01 to 296.27.

Subd. 3. [EXCEPTION.] The provisions of subdivision 2 do not apply to aviation gasoline purchased and placed in the fuel tanks of an aircraft outside this state, even though (SUCH) *the* gasoline may be consumed within this state.

Subd. 4. [TAX NOT ON CONSUMPTION.] The tax imposed by subdivision 2 is expressly declared not to be a tax upon consumption of aviation gasoline by an aircraft.

Subd. 6. [TAX IMPOSED FOR MARINE USE.] Subject to the provisions of section 296.18, subdivision 1, there is (HEREBY) imposed an excise tax, at the same rate per gallon as the gasoline excise tax, on all marine gasoline received, sold, stored, or withdrawn from storage in this state. This tax (SHALL BE) is payable at the times, in the manner, and by persons specified in sections 296.01 to 296.27.

Subd. 7. [TAX REDUCTION FOR AGRICULTURAL ALCOHOL GASOLINE.] (THE TAX ON GASOLINE IMPOSED BY SUBDIVISION 1 SHALL BE REDUCED BY FOUR CENTS PER GALLON FOR GASOLINE WHICH IS AGRICULTURAL ALCOHOL GASOLINE AS DEFINED IN SECTION 296.01, SUBDIVISION 24, WHICH IS BLENDED BY A DISTRIBUTOR WITH ALCOHOL DISTILLED IN THIS STATE FROM AGRICULTURAL PRODUCTS PRODUCED IN THIS STATE, AND WHICH IS USED IN PRODUCING AND GENERATING POWER FOR PROPELLING MOTOR VEHICLES USED ON THE PUBLIC HIGHWAYS OF THIS STATE. THE TAX IMPOSED BY THIS SUBDIVISION SHALL BE PAYABLE AT THE SAME TIME, AND COLLECTED IN THE SAME MANNER, AS THE TAX IMPOSED BY SUBDIVISION 1. THE REDUCTION IN GASOLINE TAXES IMPOSED BY THIS SUBDIVISION SHALL EXPIRE ON DECEMBER 31, 1984.) *The tax on gasoline imposed by subdivision 1 shall be reduced by two cents per gallon beginning July 1, 1983, and continuing through June 30, 1985, and four cents per gallon beginning July 1, 1985, and continuing through June 30, 1992, for gasoline which is agricultural alcohol gasoline as defined in section 296.01, subdivision 24, which is blended by a distributor with alcohol distilled in the United States from agricultural products produced in the United States, and which is used on the public highways of this state. The tax imposed by this subdivision shall be payable at the same time, and collected in the same manner, as the tax imposed by subdivision 1.*

Subd. 8. [TAX REDUCTION FOR AGRICULTURAL ALCOHOL GASOLINE SOLD IN BULK TO GOVERNMENT OR FOR SCHOOL TRANSPORTATION.] *The tax on gasoline imposed by subdivision 1 shall be reduced by eight cents per gallon beginning January 1, 1984, and continuing through June*

30, 1992, for gasoline which is agricultural alcohol gasoline as defined in section 296.01, subdivision 24, meets the criteria established in subdivision 7, and is sold in bulk to the state, local units of government, or for use in the transportation of pupils to and from school or school-related events in school buses. This reduction is in lieu of the reductions provided in subdivision 7.

Sec. 8. Minnesota Statutes 1982, section 296.14, subdivision 2, is amended to read:

Subd. 2. [CREDIT OR REFUND OF TAX PAID.] The commissioner shall allow the distributor credit or refund of the tax paid on gasoline and special fuel:

(1) Exported or sold for export from the state, other than in the supply tank of a motor vehicle or of an aircraft;

(2) Sold to the United States government or to any "cost plus a fixed fee" contractor employed by the United States government on any national defense project;

(3) Sold to another licensed distributor;

(4) Destroyed by accident while in the possession of the distributor;

(5) In error;

(6) Sold for storage in an on-farm bulk storage tank, if the tax was not collected on the sale;

(7) In such other cases as the commissioner may permit, not inconsistent with the provisions of this chapter and other laws relating to the gasoline and special fuel excise taxes.

Sec. 9. Minnesota Statutes 1982, section 296.18, is amended by adding a subdivision to read:

Subd. 3a. [PENALTY FOR ILLEGAL USE OF TAX-EXEMPT GASOLINE.] *A person who uses gasoline, delivered into an on-farm bulk storage tank and on which no tax has been collected, for propelling a motor vehicle on the public highways of this state is guilty of a misdemeanor.*

Sec. 10. Minnesota Statutes 1982, section 296.14, subdivision 4, is amended to read:

Subd. 4. [PAYMENT AND TRANSFER OF TAX ON GASOLINE SOLD FOR STORAGE IN ON-FARM BULK STORAGE]

**AGE AND ETHYL ALCOHOL FOR PERSONAL USE.]** Notwithstanding the provisions of this section, the producer of ethyl alcohol which is produced for personal use and not for sale in the usual course of business *and a farmer who uses gasoline on which a tax has not been paid* shall report and pay the tax on all ethyl alcohol *or gasoline* delivered into the supply tank of a licensed motor vehicle during the preceding calendar year. The tax shall be reported and paid together with the income tax return of the taxpayer. The commissioner of revenue shall transfer the amount collected in each calendar year to the highway user tax distribution fund by March 30 of the following taxable year. Any producer, qualifying under this subdivision, shall be exempt from the licensing requirements contained in section 296.01, subdivision 1.

Sec. 11. Minnesota Statutes 1982, section 297B.09, is amended to read:

**297B.09 [ALLOCATION OF REVENUE.]**

**Subdivision 1. [GENERAL FUND SHARE.] (ALL MONEYS)** Money collected and received under this chapter (SHALL) *must* be deposited in the state treasury and credited as follows:

(a) All of the proceeds collected before (JUNE 30, 1983) July 1, 1985, (SHALL) *must* be credited to the general fund (;).

(b) Three-fourths of the proceeds collected after June 30, (1983) 1985, and before July 1, (1985) 1987, (SHALL) *must* be credited to the general fund (;).

(c) One-half of the proceeds collected after June 30, (1985) 1987, and before July 1, (1987) 1989, (SHALL) *must* be credited to the general fund (;).

(d) One-fourth of the proceeds collected after June 30, (1987) 1989, and before July 1, (1989) 1991, (SHALL) *must* be credited to the general fund (;).

(e) After June 30, (1989) 1991, none of the proceeds collected (SHALL) *may* be credited to the general fund.

**Subd. 2. [HIGHWAY USER TAX DISTRIBUTION FUND AND TRANSIT ASSISTANCE FUND SHARE.]** The proceeds collected under this chapter and not credited to the general fund (SHALL) *must* be deposited in the highway user tax distribution fund and the transit assistance fund for apportionment in the following manner:

(a) None of the proceeds collected before (JUNE 30, 1983) July 1, 1985, (SHALL) *may* be credited to either fund.

(b) 18.75 percent of the proceeds collected after June 30, (1983) 1985, and before July 1, (1985) 1987, (SHALL) *must* be credited to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund. The remaining 6.25 percent of the proceeds (SHALL) *must* be credited to the transit assistance fund account to be appropriated to the commissioner of transportation for transit assistance within the state.

(c) 37.5 percent of the proceeds collected after June 30, (1985) 1987, and before July 1, (1987) 1989, (SHALL) *must* be credited to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund. The remaining 12.5 percent of the proceeds (SHALL) *must* be credited to the transit assistance fund account to be appropriated to the commissioner of transportation for transit assistance within the state.

(d) 56.25 percent of the proceeds collected after June 30, (1987) 1989, and before July 1, (1989) 1991, (SHALL) *must* be credited to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund. The remaining 18.75 percent of the proceeds (SHALL) *must* be credited to the transit assistance fund account to be appropriated to the commissioner of transportation for transit assistance within the state.

(e) 75 percent of the proceeds collected after June 30, (1989) 1991, (SHALL) *must* be credited to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund. The remaining 25 percent of the proceeds (SHALL) *must* be credited to the transit assistance fund account to be appropriated to the commissioner of transportation for transit assistance within the state.

## Sec. 12. [TRUNK HIGHWAY BONDS.]

*The commissioner of finance is authorized and directed, on request of the commissioner of transportation, to issue and sell Minnesota trunk highway bonds under the provisions of Minnesota Statutes, sections 167.50 to 167.52 and of the Minnesota Constitution, article XI, sections 4 to 6, and article XIV, section 11, at the time and in the amounts requested by the commissioner of transportation. Bonds issued under this section are authorized in an aggregate principal amount of \$56,000,000.*

Sec. 13. Minnesota Statutes 1982, section 473.446, subdivision 1, is amended to read:

**Subdivision 1. [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 in subdivision 2, a transit tax consisting of:

(a) An amount equal to two mills times the assessed value of all such property, the proceeds of which shall be used for payment of the expenses of operating 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 174.265, 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 174.265 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.)

#### Sec. 14. [HIGHWAY STUDY COMMISSION.]

*Subdivision 1. [MEMBERSHIP.] A highway study commission is created to consist of five members of the house of representatives appointed by the speaker of the house, five members of the senate appointed by the senate committee on committees, and eight members appointed by the governor. Of the members appointed by the governor two must be county commissioners, two must be township supervisors, two must be mayors of cities over 5,000 population, two must be mayors of cities under 5,000 population and not more than one member may reside in any one congressional district. The commission shall select from its membership a chairman and other officers it deems necessary.*



*Subd. 2. [DUTIES OF COMMISSION.] The commission shall study:*

*(1) A functional classification of all roads in the state of Minnesota, using criteria established by the United States department of transportation and such other criteria as are deemed necessary by the commission. In classifying roads the commission shall make use of work already done by regional development commission and the metropolitan council.*

*(2) The existing jurisdiction of all roads in the state and their appropriate jurisdiction based on functional classification.*

*(3) The attitudes of local units of government toward changes in highway jurisdiction.*

*(4) Potential obstacles to transfers of highway jurisdiction, including transfers of support facilities and maintenance personnel.*

*(5) Changes in the constitutional distribution of highway user funds which may be required as a part of any transfer of jurisdiction.*

*(6) Existing and potential government structures to accomplish jurisdictional transfers on a continuing basis.*

*(7) Timetables for implementing any jurisdictional transfers.*

*Subd. 3. [REPORT.] The commission shall not later than January 15, 1985, submit a report to the legislature and the governor on the issues assigned to it for study, and shall cease to function after that date.*

*Subd. 4. [STAFF.] The commission shall utilize existing legislative staff and facilities. The department of transportation shall also provide staff and technical assistance to the commission.*

*Subd. 5. [EXPENSES.] The compensation of nonlegislator members, their removal from office, and the filling of vacancies is as provided in section 15.059, subdivisions 3 and 4. Members who are legislators shall be compensated in the same manner as other legislative meetings.*

*Subd. 6. [APPROPRIATION.] There is appropriated from the general fund the sum of \$7,000 or so much thereof as is necessary to the legislative coordinating commission to pay compensation of nonlegislator members of the commission. This appropriation is available until January 15, 1985.*

## Sec. 15. [EFFECTIVE DATE.]

*Sections 4, 12, and 13 are effective the day following final enactment. Sections 6 and 7 are effective on the first day of the month following the month of final enactment or on the first day of the second month following the month of final enactment if the date of final enactment is within 15 days of the end of the month, and applies to all gasoline in distributor storage on that effective date, except that the tax rate which becomes effective on January 1, 1984, applies to all gasoline in distributor storage on that date. Sections 5 and 11 are effective July 1, 1983. Sections 1 to 3 are effective on the effective date provided for sections 6 and 7 for apportionments made after that date."*

Amend the title as follows:

"A bill for an act relating to transportation; making scheduled increases in taxes on gasoline and special fuel; delaying the effective date of changes in the disposition of the revenue from the motor vehicle excise tax; providing for the improvement of certain trunk highways; authorizing the issuance of trunk highway bonds; eliminating the authority of the metropolitan transit commission to levy a certain tax; creating a town road account in the county state-aid highway fund; providing for the apportionment of five percent of the net highway user tax distribution fund; repealing a limitation on interest rates for trunk highway bonds; creating a study commission; appropriating money; providing a penalty; amending Minnesota Statutes 1982, sections 161.081; 161.082, subdivision 2a; 167.50, subdivision 2; 296.01, subdivision 24; 296.02; 296.14, subdivisions 2 and 4; 296.18, by adding a subdivision; 297B.09; and 473.446, subdivision 1; proposing new law coded in Minnesota Statutes, chapters 162 and 169."

We request adoption of this report and repassage of the bill.

House Conferees: BOB JENSEN, JAMES I. RICE and GLEN H. ANDERSON.

Senate Conferees: CLARENCE M. PURFEERST, DOUGLAS J. JOHNSON, COLLIN C. PETERSON, STEVEN G. NOVAK and GENE WALDORF.

Jensen moved that the report of the Conference Committee on H. F. No. 371 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 371, A bill for an act relating to transportation; making scheduled increases in taxes on gasoline and special fuel; delaying the effective date of changes in the disposition of the revenue from the motor vehicle excise tax; providing for the addition of designated routes in the trunk highway system; authorizing the issuance of trunk highway bonds; eliminating

the authority of the metropolitan transit commission to levy a certain tax; creating a town road account in the county state-aid highway fund; providing for the apportionment of five percent of the net highway user tax distribution fund; proposing new law coded in Minnesota Statutes, chapters 162 and 169; amending Minnesota Statutes 1982, sections 161.081; 161.082, subdivision 2a; 296.01, subdivision 24; 296.02; 296.14, subdivision 2; 296.18, by adding a subdivision; 297B.09; and 473.446, subdivision 1.

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.

Vanasek moved that those not voting be excused from voting. The motion prevailed.

There were 68 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eken	Krueger	Piper	Sparby
Anderson, G.	Elioff	Larsen	Price	Staten
Battaglia	Ellingson	Mann	Quinn	Swanson
Beard	Graba	Metzen	Rice	Tomlinson
Begich	Greenfield	Minne	Riveness	Tunheim
Bergstrom	Gustafson	Munger	Rodriguez, C.	Vanasek
Berkelman	Hoffman	Murphy	Rodriguez, F.	Voss
Brandl	Jacobs	Nelson, D.	St. Onge	Welch
Carlson, L.	Jensen	Neuenschwander	Sarna	Welle
Clark, J.	Kahn	O'Connor	Scheid	Wenzel
Clark, K.	Kalis	Ogren	Segal	Wynia
Clawson	Kelly	Osthoff	Simoneau	Speaker Sieben
Cohen	Knuth	Otis	Skoglund	
Coleman	Kostohryz	Peterson	Solberg	

Those who voted in the negative were:

Anderson, R.	Fjoslien	Kvam	Pauly	Sherman
Bennett	Frerichs	Levi	Piepho	Stadum
Bishop	Gruenes	Ludeman	Quist	Sviggum
Blatz	Gutknecht	Marsh	Reif	Thiede
Brinkman	Halberg	McDonald	Rodosovich	Uphus
Burger	Haukoos	McEachern	Rose	Valan
Carlson, D.	Heap	McKasy	Schafer	Valento
DenOuden	Heinitz	Nelson, K.	Schoenfeld	Waltman
Dimler	Himle	Norton	Schreiber	Welker
Erickson	Hokr	Olsen	Seaberg	Wigley
Evans	Jennings	Omamn	Shaver	Zaffke
Findlay	Johnson	Onnen	Shea	

The bill was repassed, as amended by Conference, and its title agreed to.

## CALL OF THE HOUSE LIFTED

Brandl moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

## CONSENT CALENDAR

H. F. No. 74, A bill for an act relating to notaries public; increasing the fees they may charge; amending Minnesota Statutes 1982, section 357.17.

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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Kostohryz	Otis	Simoneau
Anderson, G.	Erickson	Krueger	Pauly	Skoglund
Anderson, R.	Evans	Kvam	Peterson	Solberg
Battaglia	Fjoslien	Larsen	Piepho	Sparby
Beard	Frerichs	Levi	Piper	Stadum
Begich	Graba	Ludeman	Price	Staten
Bennett	Greenfield	Mann	Quinn	Swiggum
Bergstrom	Gruenes	Marsh	Quist	Swanson
Berkelman	Gustafson	McDonald	Redalen	Thiede
Bishop	Gutknecht	McEachern	Reif	Tomlinson
Blatz	Halberg	McKasy	Rice	Tunheim
Brandl	Haukoos	Metzen	Riveness	Uphus
Brinkman	Heap	Minne	Rodosovich	Valan
Burger	Heinitz	Munger	Rodriguez, C.	Valento
Carlson, D.	Himle	Murphy	Rodriguez, F.	Vanasek
Carlson, L.	Hoffman	Nelson, D.	Rose	Vellenga
Clark, J.	Hokr	Nelson, K.	St. Onge	Waltman
Clark, K.	Jacobs	Neuenschwander	Sarna	Welch
Cohen	Jennings	Norton	Schafer	Welker
Coleman	Jensen	O'Connor	Scheid	Welle
Dempsey	Johnson	Ogren	Schoenfeld	Wenzel
DenOuden	Kahn	Olsen	Schreiber	Wigley
Dimler	Kalis	Omann	Seaberg	Wynia
Eken	Kelly	Onnen	Shea	Zaffke
Elioff	Knuth	Osthoff	Sherman	Speaker Sieben

The bill was passed and its title agreed to.

Quinn was excused for the remainder of today's session.

H. F. No. 132, A bill for an act relating to state lands; authorizing the sale and conveyance of a certain tract of tax-forfeited land by Sherburne 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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Krueger	Peterson	Solberg
Anderson, G.	Ellingson	Kvam	Piepho	Sparby
Anderson, R.	Erickson	Larsen	Piper	Stadum
Battaglia	Evans	Levi	Price	Staten
Beard	Findlay	Ludeman	Quist	Sviggum
Begich	Fjoslien	Mann	Redalen	Swanson
Bennett	Frerichs	Marsh	Reif	Thiede
Bergstrom	Graba	McDonald	Rice	Tomlinson
Berkelman	Greenfield	McEachern	Riveness	Tunheim
Bishop	Gruenes	McKasy	Rodosovich	Uphus
Blatz	Gustafson	Metzen	Rodriguez, C.	Valan
Brandl	Haukoos	Minne	Rodriguez, F.	Valento
Brinkman	Heap	Murphy	St. Onge	Vanasek
Burger	Heinitz	Nelson, D.	Sarna	Vollenga
Carlson, D.	Himle	Nelson, K.	Schafer	Voss
Carlson, L.	Hoffman	Neuenschwander	Scheid	Waltman
Clark, J.	Hokr	Norton	Schoenfeld	Welch
Clark, K.	Jacobs	O'Connor	Schreiber	Welker
Clawson	Jensen	Ogren	Seaberg	Welle
Cohen	Johnson	Olsen	Segal	Wenzel
Coleman	Kahn	Omman	Shayer	Wigley
Dempsey	Kalis	Onnen	Shea	Wynia
DenOuden	Kelly	Osthoff	Sherman	Zaffke
Dimler	Knuth	Otis	Simoneau	Speaker Sieben
Eken	Kostohryz	Pauly	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 231, A bill for an act relating to motor vehicles; increasing the time allowed to complete certain activities involving motor vehicle transfers to 21 days; amending Minnesota Statutes 1982, section 168.092, 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:

Anderson, B.	Clawson	Gutknecht	Larsen	Olsen
Anderson, G.	Cohen	Haukoos	Levi	Omann
Anderson, R.	Coleman	Heap	Ludeman	Onnen
Battaglia	Dempsey	Heinitz	Mann	Osthoff
Beard	DenOuden	Himle	Marsh	Otis
Begich	Dimler	Hoffman	McDonald	Pauly
Bennett	Eken	Hokr	McEachern	Peterson
Bergstrom	Elioff	Jacobs	McKasy	Piepho
Berkelman	Ellingson	Jennings	Metzen	Piper
Bishop	Erickson	Jensen	Minne	Price
Blatz	Evans	Johnson	Munger	Quist
Brandl	Findlay	Kahn	Murphy	Redalen
Brinkman	Fjoslien	Kalis	Nelson, D.	Reif
Burger	Frerichs	Kelly	Nelson, K.	Rice
Carlson, D.	Graba	Knuth	Neuenschwander	Riveness
Carlson, L.	Greenfield	Kostohryz	Norton	Rodosovich
Clark, J.	Gruenes	Krueger	O'Connor	Rodriguez, C.
Clark, K.	Gustafson	Kvam	Ogren	Rodriguez, F.

Rose	Segal	Stadum	Valan	Welle
St. Onge	Shaver	Staten	Valento	Wenzel
Sarna	Shea	Sviggum	Vanasek	Wigley
Schafer	Sherman	Swanson	Vellenga	Wynia
Scheid	Simoneau	Thiede	Voss	Zaffke
Schoenfeld	Skoglund	Tomlinson	Waltman	Speaker Sieben
Schreiber	Solberg	Tunheim	Welch	
Seaberg	Sparby	Uphus	Welker	

The bill was passed and its title agreed to.

H. F. No. 277, A bill for an act relating to the city of Virginia; authorizing increases in service pensions and survivor benefits for certain retired members and survivors of the Virginia firefighter's relief association.

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:

Anderson, B.	Ellingson	Krueger	Peterson	Solberg
Anderson, G.	Erickson	Kvam	Piepho	Sparby
Anderson, R.	Evans	Larsen	Piper	Stadum
Battaglia	Findlay	Levi	Price	Staten
Beard	Fjoslien	Ludeman	Quist	Sviggum
Begich	Frerichs	Mann	Redalen	Swanson
Bennett	Graba	Marsh	Reif	Thiede
Bergstrom	Greenfield	McDonald	Rice	Tomlinson
Berkelman	Gruenes	McEachern	Riveness	Tunheim
Bishop	Gustafson	McKasy	Rodosovich	Uphus
Blatz	Gutknecht	Metzen	Rodriguez, C.	Valan
Brandl	Haukoos	Minne	Rodriguez, F.	Valento
Brinkman	Heap	Munger	Rose	Vanasek
Burger	Heinitz	Murphy	St. Onge	Voss
Carlson, D.	Himle	Nelson, D.	Sarna	Waltman
Carlson, L.	Hoffman	Nelson, K.	Schafer	Welch
Clark, J.	Hokr	Neuenschwander	Scheid	Welker
Clark, K.	Jacobs	Norton	Schoenfeld	Welle
Clawson	Jennings	O'Connor	Schreiber	Wenzel
Cohen	Jensen	Ogren	Seaberg	Wigley
Coleman	Johnson	Olsen	Segal	Wynia
Dempsey	Kahn	Omama	Shaver	Zaffke
DenOuden	Kalis	Onnen	Shea	Speaker Sieben
Dimler	Kelly	Osthoff	Sherman	
Eken	Knuth	Otis	Simoneau	
Elioff	Kostohryz	Pauly	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 396, A bill for an act relating to retirement; authorizing benefit increases for retired Eveleth police officers, firefighters, and surviving spouses.

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:

Anderson, B.	Ellingson	Krueger	Peterson	Solberg
Anderson, G.	Erickson	Kvam	Piepho	Sparby
Anderson, R.	Evans	Larsen	Piper	Stadum
Battaglia	Findlay	Levi	Price	Staten
Beard	Fjoslien	Ludeman	Quist	Sviggum
Begich	Frerichs	Mann	Redalen	Swanson
Bennett	Graba	Marsh	Reif	Thiede
Bergstrom	Greenfield	McDonald	Rice	Tomlinson
Berkelman	Gruenes	McEachern	Riveness	Tunheim
Bishop	Gustafson	McKasy	Rodosovich	Uppus
Blatz	Gutknecht	Metzen	Rodriguez, C.	Valan
Brandl	Haukoos	Minne	Rodriguez, F.	Valento
Brinkman	Heap	Munger	Rose	Vanasek
Burger	Heinitz	Murphy	St. Onge	Vellenga
Carlson, D.	Himle	Nelson, D.	Sarna	Voss
Carlson, L.	Hoffman	Nelson, K.	Schafer	Waltman
Clark, J.	Hokr	Neuenschwander	Scheid	Welch
Clark, K.	Jacobs	Norton	Schoenfeld	Welker
Clawson	Jennings	O'Connor	Schreiber	Welle
Cohen	Jensen	Ogren	Seaberg	Wenzel
Coleman	Johnson	Olsen	Segal	Wigley
Dempsey	Kahn	Omann	Shaver	Wynia
DenOuden	Kalis	Ommen	Shea	Zaffke
Dimler	Kelly	Osthoff	Sherman	Speaker Sieben
Eken	Knuth	Otis	Simoneau	
Elioff	Kostohryz	Pauly	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 552, A bill for an act relating to elections; recodifying the municipal elections law; amending Minnesota Statutes 1982, sections 205.02; 205.07, subdivision 1; 205.10; 205.13; 205.16; 205.17; 205.20; and 205.84; proposing new law coded in Minnesota Statutes, chapter 205; repealing Minnesota Statutes 1982, sections 205.03; 205.04; 205.11; 205.14; 205.15; 205.19; and 205.21.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Bishop	Clawson	Erickson	Gutknecht
Anderson, G.	Blatz	Cohen	Evans	Haukoos
Anderson, R.	Brandl	Coleman	Findlay	Heap
Battaglia	Brinkman	Dempsey	Fjoslien	Heinitz
Beard	Burger	DenOuden	Frerichs	Himle
Begich	Carlson, D.	Dimler	Graba	Hoffman
Bennett	Carlson, L.	Eken	Greenfield	Hokr
Bergstrom	Clark, J.	Elioff	Gruenes	Jacobs
Berkelman	Clark, K.	Ellingson	Gustafson	Jennings

Jensen	Metzen	Piper	Seaberg	Valan
Johnson	Minne	Price	Segal	Valento
Kahn	Munger	Quist	Shaver	Vanasek
Kalis	Murphy	Redalen	Shea	Vellenga
Kelly	Nelson, D.	Reif	Sherman	Voss
Knuth	Nelson, K.	Rice	Simoneau	Waltman
Kostohryz	Neuenschwander	Riveness	Skoglund	Welch
Krueger	Norton	Rodosovich	Solberg	Welker
Kvam	Ogren	Rodriguez, C.	Sparby	Welle
Larsen	Olsen	Rodriguez, F.	Stadum	Wenzel
Levi	Omman	Rose	Staten	Wigley
Ludeman	Onnen	St. Onge	Sviggum	Wynia
Mann	Osthoff	Sarna	Swanson	Zaffke
Marsh	Otis	Schafer	Thiede	Speaker Sieben
McDonald	Pauly	Scheid	Tomlinson	
McEachern	Peterson	Schoenfeld	Tunheim	
McKasy	Piepho	Schreiber	Uphus	

The bill was passed and its title agreed to.

H. F. No. 597, A bill for an act relating to retirement; adding a correctional employees plan member to the state retirement system board; consolidating and eliminating obsolete language; amending Minnesota Statutes 1982, sections 352.03, subdivision 1; and 352B.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 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Kostohryz	Pauly	Skoglund
Anderson, G.	Erickson	Krueger	Peterson	Solberg
Anderson, R.	Evans	Kvam	Piepho	Sparby
Battaglia	Findlay	Larsen	Piper	Stadum
Beard	Fjoslien	Levi	Price	Staten
Begich	Frerichs	Ludeman	Quist	Sviggum
Bennett	Graba	Mann	Redalen	Swanson
Bergstrom	Greenfield	Marsh	Reif	Thiede
Berkelman	Gruenes	McDonald	Rice	Tomlinson
Bishop	Gustafson	McEachern	Riveness	Tunheim
Blatz	Gutknecht	McKasy	Rodosovich	Uphus
Brandl	Halberg	Metzen	Rodriguez, C.	Valan
Brinkman	Haukoos	Minne	Rodriguez, F.	Valento
Burger	Heap	Munger	Rose	Vanasek
Carlson, D.	Heinitz	Murphy	St. Onge	Vellenga
Carlson, L.	Himle	Nelson, D.	Sarna	Voss
Clark, J.	Hoffman	Nelson, K.	Schafer	Waltman
Clark, K.	Hokr	Neuenschwander	Scheid	Welch
Clawson	Jacobs	Norton	Schoenfeld	Welker
Cohen	Jennings	O'Connor	Schreiber	Welle
Coleman	Jensen	Ogren	Seaberg	Wenzel
Dempsey	Johnson	Olsen	Segal	Wigley
DenOuden	Kahn	Omman	Shaver	Wynia
Dimler	Kalis	Onnen	Shea	Zaffke
Eken	Kelly	Osthoff	Sherman	Speaker Sieben
Elioff	Knuth	Otis	Simoneau	

The bill was passed and its title agreed to.



H. F. No. 608, A bill for an act relating to insurance; accident and health; exempting administrators of self insured health plans established by collective bargaining agreement from certain regulatory provisions; amending Minnesota Statutes 1982, section 60A.23, 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:

Anderson, B.	Erickson	Krueger	Peterson	Solberg
Anderson, G.	Evans	Kvam	Piepho	Sparby
Anderson, R.	Findlay	Larsen	Piper	Stadum
Battaglia	Fjoslien	Levi	Price	Staten
Beard	Frerichs	Ludeman	Quist	Sviggum
Begich	Graba	Mann	Redalen	Swanson
Bennett	Greenfield	Marsh	Reif	Thiede
Bergstrom	Gruenes	McDonald	Rice	Tomlinson
Berkelman	Gustafson	McEachern	Riveness	Tunheim
Bishop	Gutknecht	McKasy	Rodosovich	Uphus
Blatz	Halberg	Metzen	Rodriguez, C.	Valan
Brandl	Haukoos	Minne	Rodriguez, F.	Valento
Brinkman	Heap	Munger	Rose	Vanasek
Burger	Heinitz	Murphy	St. Onge	Vellenga
Carlson, D.	Himle	Nelson, D.	Sarna	Voss
Carlson, L.	Hoffman	Nelson, K.	Schafer	Waltman
Clark, J.	Hokr	Neuenschwander	Scheid	Welch
Clark, K.	Jacobs	Norton	Schoenfeld	Welker
Clawson	Jennings	O'Connor	Schreiber	Welle
Cohen	Jensen	Ogren	Seaberg	Wenzel
Coleman	Johnson	Olsen	Segal	Wigley
DenOuden	Kahn	Omann	Shaver	Wynia
Dimler	Kalis	Onnen	Shea	Zaffke
Eken	Kelly	Osthoff	Sherman	Speaker Sieben
Elioff	Knuth	Otis	Simoneau	
Ellingson	Kostohryz	Pauly	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 609, A bill for an act relating to commerce; motor vehicle sales and distribution; requiring certain payments to be made upon termination of motor vehicle franchises; amending Minnesota Statutes 1982, section 80E.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 123 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Anderson, R.	Beard	Bennett	Berkelman
Anderson, G.	Battaglia	Begich	Bergstrom	Bishop

Blatz	Greenfield	Mann	Price	Solberg
Brandl	Gruenes	Marsh	Quist	Sparby
Brinkman	Gustafson	McEachern	Redalen	Stadum
Burger	Gutknecht	McKasy	Reif	Staten
Carlson, D.	Haukoos	Metzen	Rice	Swiggum
Carlson, L.	Heap	Minne	Riveness	Swanson
Clark, J.	Heinitz	Munger	Rodosovich	Thiede
Clark, K.	Himle	Murphy	Rodriguez, C.	Tomlinson
Clawson	Hoffman	Nelson, D.	Rodriguez, F.	Tunheim
Cohen	Hokr	Nelson, K.	Rose	Uphus
Coleman	Jacobs	Neuenschwander	St. Onge	Valan
Dempsey	Jennings	Norton	Sarna	Vanasek
DenOuden	Jensen	O'Connor	Schafer	Vellenga
Dimler	Johnson	Ogren	Scheid	Voss
Eken	Kahn	Olsen	Schoenfeld	Waltman
Elioff	Kalis	Omann	Schreiber	Welch
Ellingson	Kelly	Onnen	Seaberg	Welle
Erickson	Knuth	Osthoff	Segal	Wenzel
Evans	Kostohryz	Otis	Shaver	Wigley
Findlay	Krueger	Pauly	Shea	Wynia
Fjoslien	Kvam	Peterson	Sherman	Speaker Sieben
Frerichs	Larsen	Piepho	Simoneau	
Graba	Levi	Piper	Skoglund	

Those who voted in the negative were:

McDonald      Welker

The bill was passed and its title agreed to.

H. F. No. 624, A bill for an act relating to retirement; highway patrol; restating the definition of average monthly salary; amending Minnesota Statutes 1982, section 352B.08, 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:

Anderson, B.	Clawson	Gutknecht	Kvam	Ogren
Anderson, G.	Cohen	Halberg	Larsen	Olsen
Anderson, R.	Coleman	Haukoos	Levi	Omann
Battaglia	Dempsey	Heap	Ludeman	Onnen
Beard	DenOuden	Heinitz	Mann	Osthoff
Begich	Dimler	Himle	Marsh	Otis
Bennett	Eken	Hoffman	McDonald	Pauly
Bergstrom	Elioff	Hokr	McEachern	Peterson
Berkelman	Ellingson	Jacobs	McKasy	Piepho
Bishop	Erickson	Jennings	Metzen	Piper
Blatz	Evans	Jensen	Minne	Price
Brandl	Findlay	Johnson	Munger	Quist
Brinkman	Fjoslien	Kahn	Murphy	Redalen
Burger	Frerichs	Kalis	Nelson, D.	Reif
Carlson, D.	Graba	Kelly	Nelson, K.	Rice
Carlson, L.	Greenfield	Knuth	Neuenschwander	Riveness
Clark, J.	Gruenes	Kostohryz	Norton	Rodosovich
Clark, K.	Gustafson	Krueger	O'Connor	Rodriguez, C.

Rodriguez, F.	Seaberg	Sparby	Uphus	Welker
Rose	Segal	Stadum	Valan	Welle
St. Onge	Shaver	Staten	Valento	Wenzel
Sarna	Shea	Sviggum	Vanasek	Wigley
Schafer	Sherman	Swanson	Vellenga	Wynia
Scheid	Simoneau	Thiede	Voss	Zaffke
Schoenfeld	Skoglund	Tomlinson	Waltman	Speaker Sieben
Schreiber	Solberg	Tunheim	Welch	

The bill was passed and its title agreed to.

H. F. No. 638, A bill for an act relating to retirement; authorizing increases in survivor benefits payable by the Hibbing police relief association; amending Laws 1967, chapter 678, section 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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Kelly	Otis	Skoglund
Anderson, C.	Ellingson	Knuth	Pauly	Solberg
Anderson, R.	Erickson	Kostohryz	Peterson	Sparby
Battaglia	Evans	Krueger	Piepho	Stadum
Beard	Findlay	Larsen	Piper	Staten
Begich	Fjoslien	Levi	Price	Sviggum
Bennett	Frerichs	Ludeman	Quist	Swanson
Bergstrom	Graba	Mann	Redalen	Thiede
Berkelman	Greenfield	Marsh	Reif	Tomlinson
Bishop	Gruenes	McDonald	Rice	Tunheim
Blatz	Gustafson	McKasy	Riveness	Uphus
Brandl	Gutknecht	Metzen	Rodosovich	Valan
Brinkman	Halberg	Minne	Rodriguez, C.	Valento
Burger	Haukoos	Munger	Rodriguez, F.	Vanasek
Carlson, D.	Heap	Murphy	Rose	Vellenga
Carlson, L.	Heinitz	Nelson, D.	St. Onge	Voss
Clark, J.	Himle	Nelson, K.	Schafer	Waltman
Clark, K.	Hoffman	Neuenschwander	Scheid	Welch
Clawson	Hokr	Norton	Schoenfeld	Welker
Cohen	Jacobs	O'Connor	Schreiber	Welle
Coleman	Jennings	Ogren	Segal	Wenzel
Dempsey	Jensen	Olsen	Shaver	Wigley
DenOuden	Johnson	Omann	Shea	Wynia
Dimler	Kahn	Onnen	Sherman	Zaffke
Eken	Kalis	Osthoff	Simoneau	Speaker Sieben

The bill was passed and its title agreed to.

H. F. No. 653, A bill for an act relating to elections; making numerous procedural changes in the election law; removing or clarifying obsolete and inappropriate language; rearranging certain provisions; amending Minnesota Statutes 1982, sections 201.061, subdivision 3; 203B.11; 203B.12, subdivision 2; 204B.31; 204B.33; 204B.36, subdivision 2; 204C.08, subdivision 1; 204C.10, subdivision 1; 204C.12, subdivisions 3 and 4; 204C.24,

subdivision 1; 204C.25; 204C.35; 204D.11, subdivision 5; 204D.-13, subdivision 3; 205.17, subdivisions 3 and 4; 206.11; 206.19, subdivision 1; 210A.39; proposing new law coded in Minnesota Statutes, chapter 204C; repealing Minnesota Statutes 1982, section 204B.06, 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 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Kvam	Piepho	Staten
Anderson, G.	Ellingson	Larsen	Piper	Sviggum
Anderson, R.	Erickson	Levi	Price	Swanson
Battaglia	Evans	Ludeman	Quist	Thiede
Beard	Findlay	Mann	Redalen	Tomlinson
Begich	Fjoslien	Marsh	Reif	Tunheim
Bennett	Frerichs	McDonald	Rice	Uphus
Bergstrom	Greenfield	McKasy	Riveness	Valan
Berkelman	Gruenes	Metzen	Rodosovich	Valento
Bishop	Gustafson	Minne	Rodriguez, C.	Vanasek
Blatz	Gutknecht	Munger	Rodriguez, F.	Vellenga
Brandl	Halberg	Murphy	Rose	Voss
Brinkman	Haukoos	Nelson, D.	St. Onge	Waltman
Burger	Heap	Nelson, K.	Scheid	Welch
Carlson, D.	Heinitz	Neuenschwander	Schoenfeld	Welker
Carlson, L.	Himle	Norton	Schreiber	Welle
Clark, J.	Hoffman	O'Connor	Seaberg	Wenzel
Clark, K.	Jacobs	Ogren	Shaver	Wigley
Clawson	Jennings	Olsen	Shea	Wynia
Cohen	Jensen	Omann	Sherman	Zaffke
Coleman	Johnson	Onnen	Simoneau	Speaker Sieben
Dempsey	Kahn	Osthoff	Skoglund	
DenOuden	Knuth	Otis	Solberg	
Dimler	Kostohryz	Pauly	Sparby	
Eken	Krueger	Peterson	Stadium	

The bill was passed and its title agreed to.

S. F. No. 73, A bill for an act relating to Dakota County; fixing the conditions for certain land transfers.

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:

Anderson, B.	Bennett	Brinkman	Clawson	Eken
Anderson, G.	Bergstrom	Burger	Cohen	Elioff
Anderson, R.	Berkelman	Carlson, D.	Coleman	Ellingson
Battaglia	Bishop	Carlson, L.	Dempsey	Erickson
Beard	Blatz	Clark, J.	DenOuden	Evans
Begich	Brandl	Clark, K.	Dimler	Findlay

Fjoslien	Kelly	O'Connor	Rose	Thiede
Frerichs	Knuth	Ogren	St. Onge	Tomlinson
Graba	Kostohryz	Olsen	Sarna	Tunheim
Greenfield	Krueger	Omann	Schafer	Uphus
Gruenes	Kvam	Onnen	Scheid	Valan
Gustafson	Larsen	Osthoff	Schoenfeld	Valento
Gutknecht	Levi	Otis	Schreiber	Vanasek
Halberg	Ludeman	Pauly	Scaberg	Vellenga
Haukoos	Mann	Peterson	Segal	Voss
Heap	Marsh	Piepho	Shaver	Waltman
Heinitz	McDonald	Piper	Shea	Welch
Himle	McEachern	Price	Sherman	Welker
Hoffman	McKasy	Quist	Simoneau	Welle
Hokr	Metzen	Redalen	Skoglund	Wenzel
Jacobs	Minne	Reif	Solberg	Wigley
Jennings	Murphy	Rice	Sparby	Wynia
Jensen	Nelson, D.	Riveness	Stadum	Zaffke
Johnson	Nelson, K.	Rodosovich	Staten	Speaker Sieben
Kahn	Neuenschwander	Rodriguez, C.	Sviggum	
Kalis	Norton	Rodriguez, F.	Swanson	

The bill was passed and its title agreed to.

S. F. No. 128, A bill for an act relating to state monuments; adding the Governor Floyd B. Olson Monument in Hennepin County to the list of state monuments; amending Minnesota Statutes 1982, section 138.585, 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 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Krueger	Peterson	Solberg
Anderson, G.	Evans	Kvam	Piepho	Sparby
Anderson, R.	Fjoslien	Larsen	Piper	Stadum
Battaglia	Frerichs	Levi	Price	Staten
Beard	Graba	Ludeman	Quist	Sviggum
Begich	Greenfield	Mann	Redalen	Swanson
Bennett	Gruenes	Marsh	Reif	Tomlinson
Bergstrom	Gustafson	McDonald	Rice	Tunheim
Berkelman	Gutknecht	McKasy	Riveness	Uphus
Bishop	Halberg	Metzen	Rodosovich	Valan
Blatz	Haukoos	Minne	Rodriguez, C.	Valento
Brandl	Heap	Munger	Rodriguez, F.	Vanasek
Brinkman	Heinitz	Murphy	Rose	Vellenga
Burger	Himle	Nelson, D.	St. Onge	Voss
Carlson, D.	Hoffman	Nelson, K.	Schafer	Waltman
Carlson, L.	Hokr	Neuenschwander	Scheid	Welch
Clark, J.	Jacobs	Norton	Schoenfeld	Welle
Clark, K.	Jennings	O'Connor	Schreiber	Wenzel
Cohen	Jensen	Ogren	Seaberg	Wigley
Coleman	Johnson	Olsen	Segal	Wynia
Dempsey	Kahn	Omann	Shaver	Zaffke
DenOuden	Kalis	Onnen	Shea	Speaker Sieben
Eken	Kelly	Osthoff	Sherman	
Elioff	Knuth	Otis	Simoneau	
Ellingson	Kostohryz	Pauly	Skoglund	

The bill was passed and its title agreed to.

S. F. No. 351, A bill for an act relating to state government; regulating eligibility for qualified handicapped civil service examinations; amending Minnesota Statutes 1982, section 43A.-10, 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:

Anderson, B.	Ellingson	Kostohryz	Pauly	Solberg
Anderson, G.	Erickson	Krueger	Peterson	Sparby
Anderson, R.	Evans	Kvam	Piepho	Stadium
Battaglia	Findlay	Larsen	Piper	Staten
Beard	Fjoslien	Levi	Price	Sviggum
Begich	Frerichs	Ludeman	Quist	Swanson
Bennett	Graba	Mann	Redalen	Thiede
Bergstrom	Greenfield	Marsh	Reif	Tomlinson
Berkelman	Gruenes	McDonald	Rice	Tunheim
Bishop	Gustafson	McEachern	Riveness	Uphus
Blatz	Gutknecht	McKasy	Rodriguez, C.	Valan
Brandl	Halberg	Metzen	Rodriguez, F.	Valento
Brinkman	Haukoos	Minne	Rose	Vanasek
Burger	Heap	Munger	St. Onge	Vellenga
Carlson, D.	Heinitz	Murphy	Sarna	Voss
Carlson, L.	Himle	Nelson, D.	Schafer	Waltman
Clark, J.	Hoffman	Nelson, K.	Scheid	Welch
Clark, K.	Hokr	Neuenschwander	Schoenfeld	Welker
Clawson	Jacobs	Norton	Schreiber	Welle
Cohen	Jennings	O'Connor	Seaberg	Wenzel
Coleman	Jensen	Ogren	Segal	Wigley
Dempsey	Johnson	Olsen	Shaver	Wynia
DenOuden	Kahn	Omann	Shea	Zaffke
Dimler	Kalis	Onnen	Sherman	Speaker Sieben
Eken	Kelly	Osthoff	Simoneau	
Elioff	Knuth	Otis	Skoglund	

The bill was passed and its title agreed to.

## CALENDAR

S. F. No. 327, A bill for an act relating to Independent School District No. 748, Sartell, and Independent School District No. 742, St. Cloud; authorizing certain school district land to be detached and annexed; authorizing transportation and transportation aid for certain pupils.

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:

Anderson, B.	Elioff	Kostohryz	Peterson	Skoglund
Anderson, G.	Ellingson	Krueger	Piepho	Solberg
Anderson, R.	Evans	Kvam	Piper	Sparby
Battaglia	Fjoslien	Larsen	Price	Stadum
Beard	Frerichs	Levi	Quist	Staten
Begich	Graba	Mann	Redalen	Swiggum
Bennett	Greenfield	Marsh	Reif	Swanson
Bergstrom	Gruenes	McDonald	Rice	Tomlinson
Berkelman	Gustafson	McEachern	Riveness	Tunheim
Bishop	Gutknecht	McKasy	Rodosovich	Valan
Blatz	Halberg	Metzen	Rodriguez, C.	Vanasek
Brandl	Haukoos	Minne	Rodriguez, F.	Vellenga
Brinkman	Heap	Munger	Rose	Voss
Burger	Heinitz	Murphy	St. Onge	Waltman
Carlson, D.	Himle	Nelson, D.	Sarna	Welch
Carlson, L.	Hoffman	Nelson, K.	Schafer	Welle
Clark, J.	Hokr	Neuenschwander	Scheid	Wenzel
Clark, K.	Jacobs	Norton	Schoenfeld	Wigley
Clawson	Jennings	O'Connor	Seaberg	Wynia
Cohen	Jensen	Ogren	Segal	Speaker Sieben
Coleman	Johnson	Olsen	Shaver	
Dempsey	Kalis	Osthoff	Shea	
Dimler	Kelly	Otis	Sherman	
Eken	Knuth	Pauly	Simoneau	

## Those who voted in the negative were:

DenOuden	Ludeman	Thiede	Valento	Zaffke
Erickson	Onnen	Uphus	Welker	

The bill was passed and its title agreed to.

S. F. No. 107, A bill for an act relating to agriculture; providing for regulation of apiaries; imposing a penalty; proposing new law coded in Minnesota Statutes, chapter 19; repealing Minnesota Statutes 1982, sections 19.18 to 19.41.

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 3 nays as follows:

## Those who voted in the affirmative were:

Anderson, B.	Burger	Erickson	Himle	Levi
Anderson, G.	Carlson, D.	Evans	Hoffman	Mann
Anderson, R.	Carlson, L.	Findlay	Hokr	Marsh
Battaglia	Clark, J.	Fjoslien	Jacobs	McDonald
Beard	Clark, K.	Graba	Jennings	McEachern
Begich	Clawson	Greenfield	Jensen	McKasy
Bennett	Cohen	Gruenes	Johnson	Metzen
Bergstrom	Coleman	Gustafson	Kalis	Minne
Berkelman	Dempsey	Gutknecht	Kelly	Munger
Bishop	DenOuden	Halberg	Kostohryz	Murphy
Blatz	Dimler	Haukoos	Krueger	Nelson, D.
Brandl	Eken	Heap	Kvam	Nelson, K.
Brinkman	Elioff	Heinitz	Larsen	Neuenschwander

Norton	Piper	St. Onge	Solberg	Valento
O'Connor	Price	Schafer	Sparby	Vanasek
Ogren	Quist	Scheid	Stadum	Vellenga
Olsen	Redalen	Schoenfeld	Staten	Voss
Omann	Reif	Seaberg	Swiggum	Waltman
Onnen	Rice	Segal	Swanson	Welch
Osthoff	Rivenness	Shaver	Thiede	Welle
Otis	Rodosovich	Shea	Tomlinson	Wenzel
Pauly	Rodriguez, C.	Sherman	Tunheim	Wigley
Peterson	Rodriguez, F.	Simoneau	Uphus	Wynia
Piepho	Rose	Skoglund	Valan	

Those who voted in the negative were:

Ludeman      Welker      Zaffke

The bill was passed and its title agreed to.

H. F. No. 318, A bill for an act relating to local government; regulating kinds of and charges for water and sewer facilities and services; amending Minnesota Statutes 1982, section 444.075, subdivisions 1 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 124 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Kostohryz	Pauly	Skoglund
Anderson, G.	Evans	Krueger	Peterson	Solberg
Anderson, R.	Findlay	Kvam	Piepho	Sparby
Battaglia	Fjoslien	Larsen	Piper	Stadum
Beard	Frerichs	Levi	Price	Staten
Begich	Graba	Ludeman	Quist	Swiggum
Bennett	Greenfield	Mann	Redalen	Swanson
Bergstrom,	Gruenes	Marsh	Reif	Thiede
Berkelman	Gustafson	McEachern	Rice	Tomlinson
Bishop	Gutknecht	McKasy	Rivenness	Tunheim
Blatz	Halberg	Metzen	Rodosovich	Uphus
Brandl	Haukoos	Minne	Rodriguez, C.	Valan
Brinkman	Heap	Munger	Rodriguez, F.	Valento
Burger	Heinitz	Murphy	Rose	Vanasek
Carlson, L.	Himle	Nelson, D.	St. Onge	Vellenga
Clark, J.	Hoffman	Nelson, K.	Sarna	Voss
Clark, K.	Hokr	Neuenschwander	Schafer	Waltman
Clawson	Jacobs	Norton	Scheid	Welch
Cohen	Jennings	O'Connor	Schoenfeld	Welle
Coleman	Jensen	Ogren	Seaberg	Wenzel
Dempsey	Johnson	Olsen	Segal	Wigley
Dimler	Kahn	Omann	Shaver	Wynia
Eken	Kalis	Onnen	Shea	Zaffke
Elioff	Kelly	Osthoff	Sherman	Speaker Sieben
Ellingson	Knuth	Otis	Simoneau	

Those who voted in the negative were:

DenOuden      McDonald      Welker

The bill was passed and its title agreed to.



H. F. No. 459, A bill for an act relating to labor; providing for fair labor standards; defining "employee"; reenacting Minnesota Statutes, section 177.25, subdivision 1; amending Minnesota Statutes 1982, section 177.23, subdivision 7; amending Laws 1981, chapter 289, 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 125 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Knuth	Otis	Simoneau
Anderson, G.	Erickson	Kostohryz	Pauly	Skoglund
Anderson, R.	Evans	Krueger	Peterson	Solberg
Battaglia	Findlay	Kvam	Piepho	Sparby
Beard	Fjoslien	Larsen	Piper	Stadum
Begich	Frerichs	Levi	Price	Staten
Bennett	Graba	Ludeman	Quist	Sviggum
Berkeiman	Greenfield	Mann	Redalen	Swanson
Bishop	Gruenes	Marsh	Reif	Thiede
Blatz	Gustafson	McDonald	Rice	Tomlinson
Brandl	Gutknecht	McEachern	Riveness	Tunheim
Brinkman	Halberg	McKasy	Rodosovich	Uphus
Burger	Haukoos	Metzen	Rodriguez, C.	Valan
Carlson, D.	Heap	Minne	Rodriguez, F.	Valento
Carlson, L.	Heinitz	Munger	Rose	Vanasek
Clark, J.	Himle	Murphy	St. Onge	Vellenga
Clark, K.	Hoffman	Nelson, D.	Schafer	Voss
Clawson	Hokr	Nelson, K.	Scheid	Waltman
Cohen	Jacobs	Neuenschwander	Schoenfeld	Welch
Coleman	Jennings	Norton	Schreiber	Welle
Dempsey	Jensen	O'Connor	Seaberg	Wenzel
DenOuden	Johnson	Ogren	Segal	Wigley
Dimler	Kahn	Olsen	Shaver	Wynia
Eken	Kallis	Omann	Shea	Zaffke
Elioff	Kelly	Onnen	Sherman	Speaker Sieben

Those who voted in the negative were:

Sarna                      Welker

The bill was passed and its title agreed to.

H. F. No. 599, A bill for an act relating to labor; regulating fair labor standards record keeping; changing the civil and criminal penalties on employers for violations of the record keeping and posting requirements of the fair labor standards act; amending Minnesota Statutes 1982, sections 177.27, subdivision 2; 177.30; 177.31; and 177.32, 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 117 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Krueger	Otis	Solberg
Anderson, C.	Evans	Kvam	Pauly	Sparby
Battaglia	Findlay	Larsen	Peterson	Stadum
Beard	Fjoslien	Levi	Piepho	Staten
Begich	Graba	Ludeman	Piper	Sviggum
Bennett	Greenfield	Mann	Price	Swanson
Bergstrom	Cruenes	Marsh	Quist	Thiede
Berkelman	Gustafson	McDonald	Redalen	Tomlinson
Bishop	Halberg	McEachern	Reif	Tunheim
Blatz	Haukoos	McKasy	Rice	Valan
Brandl	Heap	Metzen	Riveness	Vanasek
Brinkman	Heinitz	Minne	Rodosovich	Vellenga
Burger	Himle	Munger	Rodriguez, C.	Voss
Carlson, D.	Hoffman	Murphy	Rodriguez, F.	Waltman
Carlson, L.	Hokr	Nelson, D.	St. Onge	Welch
Clark, J.	Jacobs	Nelson, K.	Sarna	Welle
Clark, K.	Jennings	Neuenschwander	Scheid	Wenzel
Clawson	Jensen	Norton	Schoenfeld	Wigley
Cohen	Johnson	O'Connor	Schreiber	Wynia
Coleman	Kahn	Ogren	Seaberg	Zaffke
Dempsey	Kalis	Olsen	Sherman	Speaker Sieben
Dimler	Kelly	Omann	Sherman	
Eken	Knuth	Onnen	Simoneau	
Elioff	Kostohryz	Osthoff	Skoglund	

Those who voted in the negative were:

Anderson, R.	Erickson	Gutknecht	Uphus	Welker
DenOuden	Frerichs	Schafer		

The bill was passed and its title agreed to.

H. F. No. 114, A bill for an act relating to crimes; prohibiting promotion of minors to engage in sexual performance; prohibiting dissemination and possession of works depicting minors in sexual performance; providing penalties; amending Minnesota Statutes 1982, sections 609.342; 609.343; 609.344; 609.345; 609.364, subdivision 2; 609.3641, subdivision 2; 609.3642, subdivision 2; 609.3643, subdivision 2; 609.3644, subdivision 2; 617.241; 617.246; repealing Minnesota Statutes 1982, section 617.247.

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:

Anderson, B.	Bennett	Brinkman	Cohen	Ellingson
Anderson, C.	Bergstrom	Burger	Coleman	Erickson
Anderson, R.	Berkelman	Carlson, L.	DenOuden	Evans
Battaglia	Bishop	Clark, J.	Dimler	Findlay
Beard	Blatz	Clark, K.	Eken	Fjoslien
Begich	Brandl	Clawson	Elioff	Frerichs

Graba	Kostohryz	Ogren	Sarna	Tunheim
Greenfield	Krueger	Olsen	Schafer	Uphus
Gruenes	Kvam	Omann	Scheid	Valan
Gustafson	Larsen	Onnen	Schoenfeld	Valento
Gutknecht	Levi	Osthoff	Schreiber	Vanasek
Halberg	Ludeman	Otis	Seaberg	Vellenga
Haukoos	Mann	Pauly	Segal	Voss
Heap	Marsh	Peterson	Shaver	Waltman
Heinitz	McDonald	Piepho	Shea	Welch
Himle	McEachern	Piper	Sherman	Welker
Hoffman	McKasy	Price	Simoneau	Welle
Hokr	Metzen	Quist	Skoglund	Wenzel
Jacobs	Minne	Redalen	Solberg	Wigley
Jennings	Munger	Reif	Sparby	Wynia
Jensen	Murphy	Rice	Stadium	Zaffke
Johnson	Nelson, D.	Riveness	Staten	Speaker Sieben
Kahn	Nelson, K.	Rodosovich	Sviggum	
Kalis	Neuenschwander	Rodriguez, C.	Swanson	
Kelly	Norton	Rodriguez, F.	Thiede	
Knuth	O'Connor	St. Onge	Tomlinson	

The bill was passed and its title agreed to.

H. F. No. 149, A bill for an act relating to natural resources; clarifying the hunting of certain animals with dogs; amending Minnesota Statutes 1982, section 98.46, 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:

Anderson, B.	Ellingson	Kostohryz	Piepho	Stadium
Anderson, G.	Erickson	Krueger	Piper	Staten
Anderson, R.	Evans	Kvam	Price	Sviggum
Battaglia	Findlay	Larsen	Quist	Swanson
Beard	Fjoslien	Levi	Redalen	Thiede
Begich	Frerichs	Ludeman	Reif	Tomlinson
Bennett	Graba	Mann	Rice	Tunheim
Bergstrom	Greenfield	Marsh	Riveness	Uphus
Berkelman	Gruenes	McDonald	Rodosovich	Valan
Bishop	Gustafson	McEachern	Rodriguez, C.	Valento
Blatz	Gutknecht	McKasy	Rodriguez, F.	Vanasek
Brandt	Halberg	Metzen	St. Onge	Vellenga
Brinkman	Haukoos	Munger	Sarna	Voss
Burger	Heap	Murphy	Schafer	Waltman
Carlson, D.	Heinitz	Nelson, D.	Scheid	Welch
Carlson, L.	Himle	Nelson, K.	Schoenfeld	Welker
Clark, J.	Hoffman	Neuenschwander	Schreiber	Welle
Clark, K.	Hokr	Norton	Seaberg	Wenzel
Clawson	Jacobs	O'Connor	Segal	Wigley
Cohen	Jennings	Ogren	Shaver	Wynia
Coleman	Jensen	Olsen	Shea	Zaffke
Dempsey	Johnson	Omann	Sherman	Speaker Sieben
DenOuden	Kahn	Onnen	Simoneau	
Dimler	Kalis	Otis	Skoglund	
Eken	Kelly	Pauly	Solberg	
Elioff	Knuth	Peterson	Sparby	

The bill was passed and its title agreed to.

H. F. No. 314, A bill for an act relating to insurance; requiring certain disclosures in personal sales contacts; requiring direct deposit of premiums; requiring disclosure of certain limitations on medicare supplement insurance coverage; prohibiting the sale of more than two medicare supplement insurance policies to an individual; requiring copies of medicare supplement and life insurance applications to be provided to applicants; requiring applications for medicare supplement insurance to list health and accident insurance already maintained by applicant; providing rulemaking authority; imposing civil penalties for certain violations; providing a criminal penalty; amending Minnesota Statutes 1982, sections 60A.17, subdivisions 1, 1a, and 6c, and by adding subdivisions; 62A.31, subdivision 1; 62A.39; 62A.42; proposing new law coded in Minnesota Statutes, chapters 61A and 62A.

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:

Anderson, B.	Erickson	Krueger	Peterson	Stadum
Anderson, C.	Evans	Kvam	Piepho	Staten
Anderson, R.	Findlay	Larsen	Piper	Svigum
Battaglia	Fjoslien	Levi	Price	Swanson
Beard	Frerichs	Ludemän	Quist	Thiede
Begich	Graba	Mann	Redalen	Tomlinson
Bennett	Greenfield	Marsh	Reif	Tunheim
Bergstrom	Gruenes	McDonald	Rice	Uphus
Berkelman	Gustafson	McEachern	Riveness	Valan
Blatz	Gutknecht	McKasy	Rodosovich	Valento
Brandl	Halberg	Metzen	Rodriguez, C.	Vanasek
Brinkman	Haukoos	Minne	Rodriguez, F.	Vellenga
Burger	Heap	Munger	St. Onge	Voss
Carlson, D.	Heimitz	Murphy	Schafer	Waltman
Carlson, L.	Himle	Nelson, D.	Scheid	Welch
Clark, J.	Hoffman	Nelson, K.	Schoenfeld	Welker
Clark, K.	Hokr	Neuenschwander	Schreiber	Welle
Clawson	Jacobs	Norton	Seaberg	Wenzel
Cohen	Jennings	O'Connor	Segal	Wigley
Coleman	Jensen	Ogren	Shaver	Wynia
Dempsey	Johnson	Olsen	Shea	Zaffke
DenOuden	Kahn	Omann	Sherman	Speaker Sieben
Dimler	Kalis	Onnen	Simoneau	
Eken	Kelly	Osthoff	Skoglund	
Elioff	Knuth	Otis	Solberg	
Ellingson	Kostohryz	Pauly	Sparby	

The bill was passed and its title agreed to.

H. F. No. 325, A bill for an act relating to real property; revising and clarifying certain provisions relating to the regis-

tration of real property; amending Minnesota Statutes 1982, sections 508.03; 508.06; 508.08; 508.16, subdivision 2; 508.22; 508.23, by adding a subdivision; 508.24, subdivision 2; 508.25; 508.35; 508.36; 508.47, subdivision 6; 508.48; 508.49; 508.50; 508.55; 508.60; 508.62; 508.65; 508.71; 508.82; 508A.01, subdivision 1; 508A.06; 508A.17, subdivision 1; 508A.25; 508A.35; 508A.47, subdivision 6; 508A.48; 508A.49; 508A.50; 508A.55; 508A.62; 508A.65; 508A.71; 508A.82; proposing new law coded in Minnesota Statutes, chapters 508 and 508A; repealing Minnesota Statutes 1982, sections 508.41; 508.42; 508A.41; and 508A.42.

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:

Anderson, B.	Ellingson	Kostohryz	Pauly	Stadum
Anderson, G.	Erickson	Krueger	Piepho	Staten
Anderson, R.	Evans	Kvam	Piper	Sviggum
Battaglia	Findlay	Larsen	Price	Swanson
Beard	Fjoslien	Levi	Quist	Thiede
Begich	Frerichs	Ludeman	Redalen	Tomlinson
Bennett	Graba	Mann	Reif	Tunheim
Bergstrom	Greenfield	Marsh	Rice	Uphus
Berkelman	Gruenes	McDonald	Riveness	Valan
Bishop	Gustafson	McEachern	Rodosovich	Valento
Blatz	Gutknecht	McKasy	Rodriguez, C.	Vanasek
Brandl	Halberg	Metzen	Rodriguez, F.	Vellenga
Brinkman	Haukoos	Minne	St. Onge	Voss
Burger	Heap	Munger	Schafer	Waltman
Carlson, D.	Heinitz	Murphy	Scheid	Welch
Carlson, L.	Himle	Nelson, D.	Schoenfeld	Welker
Clark, J.	Hoffman	Nelson, K.	Schreiber	Welle
Clark, K.	Hokr	Neuenschwander	Seaberg	Wenzel
Clawson	Jacobs	Norton	Segal	Wigley
Cohen	Jennings	O'Connor	Shayer	Wynia
Coleman	Jensen	Ogren	Shea	Zaffke
Dempsey	Johnson	Olsen	Sherman	Speaker Sieben
DenOuden	Kahn	Omamm	Simoneau	
Dimler	Kalis	Onnen	Skoglund	
Eken	Kelly	Osthoff	Solberg	
Elioff	Knuth	Otis	Sparby	

The bill was passed and its title agreed to.

H. F. No. 417, A bill for an act relating to advertising devices; authorizing produce vendors to locate a sign on farm homestead property; amending Minnesota Statutes 1982, section 173.08, 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 122 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Krueger	Piepho	Stadum
Anderson, R.	Evans	Kvam	Piper	Staten
Battaglia	Findlay	Larsen	Price	Sviggum
Beard	Fjoslien	Levi	Quist	Swanson
Begich	Graba	Ludeman	Redalen	Thiede
Bennett	Greenfield	Mann	Reif	Tomlinson
Bergstrom	Gruenes	Marsh	Rice	Tunheim
Berkelman	Gustafson	McDonald	Rodosovich	Uphus
Bishop	Gutknecht	McEachern	Rodriguez, C.	Valan
Blatz	Halberg	McKasy	Rodriguez, F.	Valento
Brandl	Haukoos	Metzen	Rose	Vanasek
Brinkman	Heap	Minne	St. Onge	Vellenga
Burger	Heinitz	Munger	Sarna	Voss
Carlson, D.	Himle	Murphy	Schafer	Waltman
Carlson, L.	Hoffman	Nelson, D.	Scheid	Welch
Clark, J.	Hokr	Nelson, K.	Schoenfeld	Welker
Clark, K.	Jacobs	Neuenschwander	Schreiber	Welle
Clawson	Jennings	Norton	Seaberg	Wenzel
Cohen	Jensen	Ogren	Shaver	Wigley
Coleman	Johnson	Olsen	Shea	Wynia
Dempsey	Kahn	Omman	Sherman	Zaffke
DenOuden	Kalis	Onnen	Simoneau	Speaker Sieben
Eken	Kelly	Otis	Skoglund	
Elioff	Knuth	Pauly	Solberg	
Ellingson	Kostohryz	Peterson	Sparby	

Those who voted in the negative were:

Dimler	O'Connor	Osthoff	Riveness
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The bill was passed and its title agreed to.

H. F. No. 441, A bill for an act relating to housing; increasing the maximum permissible return to certain mortgagors; increasing the maximum amount of housing finance agency rehabilitation loans; combining certain bonding categories; clarifying other housing finance agency duties and powers; modifying certain duties and powers of issuers of local housing revenue bonds; amending Minnesota Statutes 1982, sections 462A.03, subdivision 13; 462A.05, subdivisions 4, 9, 14a, 18, and by adding a subdivision; 462A.06, subdivision 8; 462A.09; 462A.21, subdivision 4b, and by adding a subdivision; 462A.22, subdivisions 1 and 5; and 462C.07, subdivision 1; repealing Minnesota Statutes 1982, section 462A.22, subdivision 1a.

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 1 nay as follows:

Those who voted in the affirmative were:

Anderson, B.	Battaglia	Bennett	Bishop	Brinkman
Anderson, G.	Beard	Bergstrom	Blatz	Burger
Anderson, R.	Begich	Berkelman	Brandl	Carlson, D.

Carlson, L.	Heap	Metzen	Rice	Sviggum
Clark, J.	Heinitz	Minne	Riveness	Swanson
Clark, K.	Himle	Munger	Rodosovich	Thiede
Clawson	Hoffman	Murphy	Rodriguez, C.	Tomlinson
Cohen	Hokr	Nelson, D.	Rodriguez, F.	Tunheim
Coleman	Jacobs	Nelson, K.	Rose	Uphus
Dempsey	Jennings	Neuenschwander	St. Onge	Valan
DenOuden	Jensen	Norton	Sarna	Valento
Eken	Johnson	O'Connor	Schafer	Vanasek
Elioff	Kahn	Ogren	Scheid	Vellenga
Ellingson	Kalis	Olsen	Schoenfeld	Waltman
Erickson	Kelly	Omann	Schreiber	Welch
Evans	Knuth	Onnen	Seaberg	Welker
Findlay	Kostohryz	Osthoff	Segal	Welle
Fjoslien	Krueger	Otis	Shaver	Wenzel
Frerichs	Kvam	Pauly	Shea	Wigley
Graba	Larsen	Peterson	Sherman	Wynia
Greenfield	Levi	Piepho	Simoneau	Zaffke
Gruenes	Mann	Piper	Skoglund	Speaker Sieben
Gustafson	Marsh	Price	Solberg	
Gutknecht	McDonald	Quist	Sparby	
Halberg	McEachern	Redalen	Stadium	
Haukoos	McKasy	Reif	Staten	

Those who voted in the negative were :

Ludeman

The bill was passed and its title agreed to.

H. F. No. 462, A bill for an act relating to St. Louis County; limiting compensation of elected county officers.

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 :

Anderson, B.	Coleman	Heinitz	McDonald	Piepho
Anderson, G.	Dempsey	Himle	McEachern	Piper
Anderson, R.	DenOuden	Hoffman	McKasy	Price
Battaglia	Dimler	Hokr	Metzen	Quist
Beard	Eken	Jacobs	Minne	Redalen
Begich	Elioff	Jennings	Munger	Reif
Bennett	Ellingson	Jensen	Murphy	Rice
Bergstrom	Erickson	Johnson	Nelson, D.	Riveness
Berkelman	Evans	Kahn	Nelson, K.	Rodosovich
Bishop	Findlay	Kalis	Neuenschwander	Rodriguez, C.
Blatz	Fjoslien	Kelly	Norton	Rodriguez, F.
Brandl	Frerichs	Knuth	O'Connor	Rose
Brinkman	Graba	Kostohryz	Ogren	St. Onge
Burger	Greenfield	Krueger	Olsen	Sarna
Carlson, D.	Gruenes	Kvam	Omann	Schafer
Carlson, L.	Gustafson	Larsen	Onnen	Scheid
Clark, J.	Gutknecht	Levi	Osthoff	Schoenfeld
Clark, K.	Halberg	Ludeman	Otis	Schreiber
Clawson	Haukoos	Mann	Pauly	Seaberg
Cohen	Heap	Marsh	Peterson	Shaver

Shea	Stadum	Tunheim	Waltman	Wynia
Sherman	Staten	Uphus	Welch	Zaffke
Simoneau	Swiggum	Valan	Welker	Speaker Sieben
Skoglund	Swanson	Valento	Welle	
Solberg	Thiede	Vanasek	Wenzel	
Sparby	Tomlinson	Vellenga	Wigley	

The bill was passed and its title agreed to.

H. F. No. 523, A bill for an act relating to public utilities; defining scope of independent telephone companies accountable under chapter 237; amending Minnesota Statutes 1982, section 237.01, 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 123 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Kvam	Piper	Sparby
Anderson, G.	Erickson	Larsen	Price	Stadum
Anderson, R.	Evans	Levi	Quist	Staten
Battaglia	Findlay	Ludeman	Redalen	Swiggum
Beard	Fjoslien	Mann	Reif	Swanson
Begich	Frerichs	Marsh	Rice	Thiede
Bennett	Graba	McDonald	Riveness	Tomlinson
Bergstrom	Gruenes	McEachern	Rodosovich	Tunheim
Berkelman	Gustafson	McKasy	Rodriguez, C.	Uphus
Bishop	Gutknecht	Metzen	Rodriguez, F.	Valan
Blatz	Halberg	Munger	Rose	Valento
Brinkman	Haukoos	Murphy	St. Onge	Vanasek
Burger	Heap	Nelson, D.	Sarna	Vellenga
Carlson, D.	Heinitz	Nelson, K.	Schafer	Voss
Carlson, L.	Himle	Neuenschwander	Scheid	Waltman
Clark, J.	Hoffman	Norton	Schoenfeld	Welch
Clark, K.	Jacobs	O'Connor	Schreiber	Welker
Clawson	Jennings	Ogren	Seaberg	Welle
Cohen	Jensen	Olsen	Segal	Wenzel
Coleman	Johnson	Omann	Shaver	Wigley
Dempsey	Kahn	Onnen	Shea	Wynia
DenOuden	Kalis	Otis	Sherman	Zaffke
Dimler	Knuth	Pauly	Simoneau	Speaker Sieben
Eken	Kostohryz	Peterson	Skoglund	
Elioff	Krueger	Piepho	Solberg	

Those who voted in the negative were:

Greenfield	Kelly	Minne	Osthoff
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The bill was passed and its title agreed to.

H. F. No. 529, A bill for an act relating to crimes; providing that acquittal or conviction of the crime of kidnapping does not bar conviction for any other crime committed during the time of the victim's confinement; amending Minnesota Statutes 1982, sections 609.035 and 609.25.



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:

Anderson, B.	Erickson	Krueger	Peterson	Sparby
Anderson, G.	Evans	Kvam	Piepho	Stadum
Anderson, R.	Findlay	Larsen	Piper	Staten
Battaglia	Fjoslien	Levi	Price	Swiggum
Beard	Frerichs	Ludeman	Quist	Swanson
Begich	Graba	Mann	Redalen	Thiede
Bennett	Greenfield	Marsh	Reif	Tomlinson
Bergstrom	Gruenes	McDonald	Rivness	Tunheim
Berkelman	Gustafson	McEachern	Rodosovich	Uphus
Bishop	Gutknecht	McKasy	Rodriguez, C.	Valan
Blatz	Halberg	Metzen	Rodriguez, F.	Valento
Brandl	Haukoos	Minne	Rose	Vanasek
Brinkman	Heap	Munger	St. Onge	Vellenga
Burger	Heinitz	Murphy	Sarna	Voss
Carlson, D.	Himle	Nelson, D.	Schafer	Waltman
Carlson, L.	Hoffman	Nelson, K.	Scheid	Welch
Clark, J.	Hokr	Neuenschwander	Schoenfeld	Welker
Clark, K.	Jacobs	Norton	Schreiber	Welle
Cohen	Jennings	O'Connor	Seaberg	Wenzel
Coleman	Jensen	Ogren	Segal	Wigley
Dempsey	Johnson	Olsen	Shaver	Wynia
DenOuden	Kahn	Omann	Shea	Zaffke
Dimler	Kalis	Onnen	Sherman	Speaker Sieben
Eken	Kelly	Osthoff	Simoneau	
Elioff	Knuth	Otis	Skoglund	
Ellingson	Kostohryz	Pauly	Solberg	

The bill was passed and its title agreed to.

H. F. No. 530, A bill for an act relating to crimes; providing that prosecution or acquittal of a crime in another jurisdiction is not a bar to prosecution in this state when the act or omission constitutes a crime in the other jurisdiction and this state; amending Minnesota Statutes 1982, section 609.045.

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:

Anderson, B.	Bishop	Clark, K.	Elioff	Greenfield
Anderson, G.	Blatz	Clawson	Ellingson	Gruenes
Anderson, R.	Brandl	Cohen	Erickson	Gustafson
Battaglia	Brinkman	Coleman	Evans	Gutknecht
Beard	Burger	Dempsey	Findlay	Halberg
Begich	Carlson, D.	DenOuden	Fjoslien	Haukoos
Bennett	Carlson, L.	Dimler	Frerichs	Heap
Berkelman	Clark, J.	Eken	Graba	Heinitz

Himle	Marsh	Otis	Schoenfeld	Uphus
Hoffman	McDonald	Pauly	Schreiber	Valan
Hokr	McEachern	Peterson	Seaberg	Valento
Jacobs	McKasy	Piepho	Segal	Vanasek
Jennings	Metzen	Piper	Shaver	Vellenga
Jensen	Minne	Price	Shea	Voss
Johnson	Munger	Quist	Sherman	Waltman
Kahn	Murphy	Redalen	Simoneau	Welch
Kalis	Nelson, D.	Reif	Skoglund	Welker
Kelly	Nelson, K.	Riveness	Solberg	Welle
Knuth	Neuenschwander	Rodosovich	Sparby	Wenzel
Kostohryz	Norton	Rodriguez, C.	Stadum	Wigley
Krueger	O'Connor	Rodriguez, F.	Staten	Wynia
Kvam	Ogren	Rose	Sviggum	Zaffke
Larsen	Olson	St. Onge	Swanson	Speaker Sieben
Levi	Omann	Sarna	Thiede	
Ludeman	Onnen	Schafer	Tomlinson	
Mann	Osthoff	Scheid	Tunheim	

The bill was passed and its title agreed to.

Anderson, B., was excused for the remainder of today's session.

H. F. No. 617 was reported to the House and given its third reading.

#### POINT OF ORDER

Welker raised a point of order pursuant to rule 5.7 that H. F. No. 617 be re-referred to the Committee on Appropriations. The Speaker ruled the point of order not well taken.

H. F. No. 617, A bill for an act relating to the pollution control agency; authorizing the collection of permit fees; clarifying the agency's enforcement authorities relating to air contamination; authorizing the use of certain federal funds; extending the authorization of the state wastewater treatment facility construction grants program; amending Minnesota Statutes 1982, sections 116.07, subdivision 9, and by adding a subdivision; 116.16, subdivision 10; and 116.18, subdivision 1.

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 86 yeas and 33 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Blatz	Cohen	Gruenes	Kahn
Anderson, R.	Brandl	Coleman	Gustafson	Kalis
Battaglia	Burger	Dimler	Halberg	Kelly
Beard	Carlson, D.	Eken	Heap	Knuth
Begich	Carlson, L.	Elioff	Hoffman	Kostohryz
Bennett	Clark, J.	Ellingson	Hokr	Larsen
Bergstrom	Clark, K.	Evans	Jacobs	Mann
Berkelman	Clawson	Greenfield	Jensen	McEachern

McKasy	Onnen	Rodosovich	Shea	Vanasek
Metzen	Osthoff	Rodriguez, C.	Sherman	Vellenga
Minne	Otis	Rodriguez, F.	Simoneau	Welle
Munger	Pauly	Rose	Skoglund	Wenzel
Murphy	Peterson	Sarna	Solberg	Wynia
Nelson, D.	Piper	Scheid	Sparby	Speaker Sieben
Nelson, K.	Price	Schoenfeld	Staten	
Neuenschwander	Reif	Schreiber	Swanson	
Norton	Rice	Seaberg	Tomlinson	
Ogren	Riveness	Segal	Tunheim	

Those who voted in the negative were:

Bishop	Frerichs	Krueger	Redalen	Valan
Brinkman	Graba	Kvam	Schafer	Valento
Dempsey	Gutknecht	Ludeman	Shaver	Waltman
DenOuden	Haukoos	Marsh	Stadum	Welker
Erickson	Heinitz	McDonald	Sviggum	Zaffke
Findlay	Jennings	Piepho	Thiede	
Fjoslien	Johnson	Quist	Uphus	

The bill was passed and its title agreed to.

H. F. No. 694, A bill for an act relating to Ramsey County; providing for the membership, terms, and procedures of the medical center commission; amending Minnesota Statutes 1982, section 383A.41, subdivisions 2, 3, and 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 124 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Knuth	Pauly	Skoglund
Anderson, R.	Erickson	Kostohryz	Peterson	Solberg
Battaglia	Evans	Krueger	Piepho	Sparby
Beard	Findlay	Kvam	Piper	Stadum
Begich	Fjoslien	Larsen	Price	Staten
Bennett	Frerichs	Levi	Quist	Sviggum
Bergstrom	Graba	Ludeman	Redalen	Swanson
Berkelman	Greenfield	Mann	Reif	Thiede
Bishop	Gruenes	McDonald	Rice	Tomlinson
Blatz	Gustafson	McEachern	Riveness	Tunheim
Brandl	Gutknecht	McKasy	Rodosovich	Uphus
Brinkman	Halberg	Metzen	Rodriguez, C.	Valan
Burger	Haukoos	Minne	Rodriguez, F.	Valento
Carlson, D.	Heap	Munger	Rose	Vanasek
Carlson, L.	Heinitz	Murphy	Sarna	Vellenga
Clark, J.	Himle	Nelson, K.	Schafer	Waltman
Clark, K.	Hoffman	Neuenschwander	Scheid	Welch
Clawson	Hokr	Norton	Schoenfeld	Welker
Cohen	Jacobs	O'Connor	Schreiber	Welle
Coleman	Jennings	Ogren	Seaberg	Wenzel
Dempsey	Jensen	Olsen	Segal	Wigley
DenOuden	Johnson	Omann	Shaver	Wynia
Dimler	Kahn	Onnen	Shea	Zaffke
Eken	Kalis	Osthoff	Sherman	Speaker Sieben
Elioff	Kelly	Otis	Simoneau	

Those who voted in the negative were:

St. Onge

The bill was passed and its title agreed to.

S. F. No. 50, A bill for an act relating to crimes; providing for new crimes relating to abuse of children; establishing willful and unlawful restraint as a crime; establishing malicious punishment as a crime; establishing neglect as a crime; providing penalties; amending Minnesota Statutes 1982, sections 260.315; 609.255; and 626.556, subdivision 12; 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Krueger	Peterson	Sparby
Anderson, R.	Evans	Kvam	Piepho	Stadum
Battaglia	Findlay	Larsen	Piper	Staten
Beard	Fjoslien	Levi	Price	Sviggum
Begich	Frerichs	Ludeman	Quist	Swanson
Bennett	Graba	Mann	Redalen	Thiede
Bergstrom	Greenfield	Marsh	Reif	Tomlinson
Berkelman	Gruenes	McDonald	Rice	Tunheim
Bishop	Gustafson	McEachern	Riveness	Uphus
Blatz	Gutknecht	McKasy	Rodosovich	Valan
Brandl	Halberg	Metzen	Rodriguez, C.	Valento
Brinkman	Haukoos	Minne	Rodriguez, F.	Vanasek
Burger	Heap	Munger	Rose	Vellenga
Carlson, D.	Heinitz	Murphy	St. Onge	Voss
Carlson, L.	Himle	Nelson, D.	Sarna	Waltman
Clark, J.	Hoffman	Nelson, K.	Schafer	Welch
Clark, K.	Hokr	Neuenschwander	Scheid	Welker
Clawson	Jacobs	Norton	Schoenfeld	Welle
Cohen	Jennings	O'Connor	Schreiber	Wenzel
Coleman	Jensen	Ogren	Seaberg	Wigley
Dempsey	Johnson	Olsen	Segal	Wynia
DenOuden	Kahn	Omam	Shaver	Zaffke
Dimler	Kalis	Onnen	Sherman	Speaker Sieben
Eken	Kelly	Osthoff	Simoneau	
Elioff	Knuth	Otis	Skoglund	
Ellingson	Kostohryz	Pauly	Solberg	

The bill was passed and its title agreed to.

S. F. No. 269, A bill for an act relating to trusts; clarifying the time limits and applicable interest rates for certain employee trusts; amending Minnesota Statutes 1982, sections 334.01; and 501.11.

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:

Anderson, G.	Erickson	Krueger	Piper	Stadum
Anderson, R.	Evans	Kvam	Price	Staten
Battaglia	Findlay	Larsen	Quist	Sviggum
Beard	Fjoslien	Levi	Redalen	Swanson
Begich	Frerichs	Ludeman	Reif	Thiede
Bennett	Graba	Marsh	Rice	Tomlinson
Bergstrom	Greenfield	McDonald	Riveness	Tunheim
Berkelman	Gruenes	McEachern	Rodosovich	Uphus
Bishop	Gustafson	McKasy	Rodriguez, C.	Valan
Blatz	Gutknecht	Metzen	Rodriguez, F.	Valento
Brandl	Halberg	Minne	Rose	Vanasek
Brinkman	Haukoos	Munger	St. Onge	Vellenga
Burger	Heap	Murphy	Sarna	Voss
Carlson, D.	Heinitz	Nelson, D.	Schafer	Waltman
Carlson, L.	Himle	Nelson, K.	Scheid	Welch
Clark, J.	Hoffman	Neuenschwander	Schoenfeld	Welker
Clark, K.	Hokr	Norton	Schreiber	Welle
Clawson	Jacobs	Ogren	Seaberg	Wenzel
Cohen	Jennings	Olsen	Segal	Wigley
Coleman	Jensen	Omamm	Shaver	Wynia
Dempsey	Johnson	Onnen	Shea	Zaffke
DenOuden	Kahn	Osthoff	Sherman	Speaker Sieben
Dimler	Kalis	Otis	Simoneau	
Eken	Kelly	Pauly	Skoglund	
Elioff	Knuth	Peterson	Solberg	
Ellingson	Kostohryz	Piepho	Sparby	

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 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 THE 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. 589 which it recommended to pass.

H. F. Nos. 91, 588, 123 and 89 which it recommended progress retaining their places on General Orders.

S. F. No. 96 which it recommended to pass with the following amendment offered by Begich:

Page 6, line 2, delete "*governor with the*"

Page 6, line 3, delete "*advice of the*" and before "*iron*" delete "*the*"

Page 6, line 4, delete "*board*"

Page 6, line 5, strike "no" and insert "*one or*" and strike "than nine"

Page 6, line 6, strike "the" and "of finance, banking,"

Page 6, strike lines 7 to 10

Page 6, line 11, strike "evaluated by the technical advisory committee"

Page 6, line 13, before the new period insert "*related to the objectives of the proposal*"

Page 6, line 17, after "committee" insert "*or until 15 days have elapsed since the proposal was transmitted to the advisory committee, whichever occurs first*"

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:

Begich moved to amend S. F. No. 96, the unofficial engrossment, as follows:

Page 6, line 2, delete "*governor with the*"

Page 6, line 3, delete "*advice of the*" and before "*iron*" delete "*the*"

Page 6, line 4, delete "*board*"

Page 6, line 5, strike "no" and insert "*one or*" and strike "than nine"

Page 6, line 6, strike "the" and "of finance, banking,"

Page 6, strike lines 7 to 10

Page 6, line 11, strike "evaluated by the technical advisory committee"

Page 6, line 13, before the new period insert "*related to the objectives of the proposal*"

Page 6, line 17, after "committee" insert "*or until 15 days have elapsed since the proposal was transmitted to the advisory committee, whichever occurs first*"

The question was taken on the amendment and the roll was called. There were 65 yeas and 49 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	McDonald	Piper	Skoglund
Battaglia	Graba	McEachern	Price	Solberg
Beard	Gustafson	Metzen	Redalen	Sparby
Begich	Gutknecht	Minne	Reif	Staten
Berkelman	Hoffman	Munger	Rice	Swanson
Brandl	Jacobs	Murphy	Riveness	Tomlinson
Brinkman	Jensen	Nelson, D.	Rodosovich	Tunheim
Carlson, L.	Kalis	Neuenschwander	Rodriguez, F.	Vanasek
Clark, J.	Knuth	Norton	St. Onge	Voss
Clark, K.	Kostohryz	O'Connor	Sarna	Welle
Cohen	Krueger	Ogren	Shea	Wenzel
Eken	Larsen	Otis	Sherman	Wynia
Elioff	Mann	Peterson	Simoneau	Speaker Sieben

Those who voted in the negative were:

Anderson, R.	Findlay	Hokr	Osthoff	Sviggum
Bennett	Fjoslien	Jennings	Pauly	Thiede
Bishop	Frerichs	Johnson	Piepho	Uphus
Burger	Greenfield	Kahn	Quist	Valan
Carlson, D.	Gruenes	Luderman	Rose	Valento
Dempsey	Halberg	Marsh	Scheid	Vellenga
DenOuden	Haukoos	McKasy	Schreiber	Waltman
Dimler	Heap	Olsen	Seaberg	Wigley
Erickson	Heinitz	Omman	Shaver	Zaffke
Evans	Himle	Onnen	Stadum	

The motion prevailed and the amendment was adopted.

Carlson, D., moved to amend S. F. No. 96, the unofficial engrossment, as amended, as follows:

Page 4, line 15, after the period insert "*Voting on approval of a project must be done by secret ballot if requested by a member of the board.*"

The question was taken on the amendment and the roll was called. There were 44 yeas and 71 nays as follows:

## Those who voted in the affirmative were:

Anderson, R.	Fjoslien	Johnson	Pauly	Sviggum
Bishop	Frerichs	Krueger	Piepho	Thiede
Carlson, D.	Gruenes	Levi	Quist	Uphus
Dempsey	Haukoos	Marsh	Reif	Valan
DenOuden	Heap	McDonald	Schafer	Valento
Dimler	Heinitz	McKasy	Seaberg	Waltman
Erickson	Himle	Olsen	Shaver	Welker
Evans	Hokr	Omann	Sherman	Wigley
Findlay	Jennings	Onnen	Stadum	

## Those who voted in the negative were:

Anderson, C.	Eken	McEachern	Price	Swanson
Battaglia	Elioff	Metzen	Rice	Tomlinson
Beard	Ellingson	Minne	Riveness	Tunheim
Begich	Graba	Munger	Rodosovich	Vanasek
Bennett	Greenfield	Murphy	Rodriguez, F.	Voss
Bergstrom	Gustafson	Nelson, D.	St. Onge	Welch
Berkelman	Hoffman	Nelson, K.	Sarna	Welle
Blatz	Jacobs	Neuenschwander	Scheid	Wenzel
Brandl	Jensen	Norton	Segal	Wynia
Brinkman	Kalis	O'Connor	Shea	Zaffke
Burger	Knuth	Ogren	Simoneau	Speaker Sieben
Carlson, L.	Kostohryz	Osthoff	Skoglund	
Clark, J.	Larsen	Otis	Solberg	
Clark, K.	Ludeman	Peterson	Sparby	
Cohen	Mann	Piper	Staten	

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. 96, as amended, and the roll was called. There were 78 yeas and 42 nays as follows:

## Those who voted in the affirmative were:

Anderson, G.	Cohen	Krueger	Otis	Skoglund
Anderson, R.	Coleman	Larsen	Peterson	Solberg
Battaglia	Dempsey	Mann	Piper	Sparby
Beard	Dimler	McDonald	Price	Staten
Begich	Eken	McEachern	Redalen	Swanson
Bergstrom	Elioff	Metzen	Rice	Tomlinson
Berkelman	Ellingson	Minne	Riveness	Tunheim
Bishop	Graba	Munger	Rodosovich	Vanasek
Blatz	Greenfield	Murphy	Rodriguez, F.	Voss
Brandl	Gustafson	Nelson, D.	St. Onge	Welch
Brinkman	Hoffman	Nelson, K.	Sarna	Welle
Burger	Jacobs	Neuenschwander	Schoenfeld	Wenzel
Carlson, L.	Jensen	Norton	Seaberg	Wynia
Clark, J.	Kalis	O'Connor	Segal	Speaker Sieben
Clark, K.	Knuth	Ogren	Shea	
Clawson	Kostohryz	Olsen	Simoneau	

## Those who voted in the negative were:

Bennett	Erickson	Fjoslien	Halberg	Heinitz
Carlson, D.	Evans	Frerichs	Haukoos	Himle
DenOuden	Findlay	Gruenes	Heap	Hokr



Jennings	McKasy	Reif	Sviggum	Welker
Johnson	Omann	Rose	Thiede	Wigley
Kahn	Onnen	Schafer	Uphus	Zaffke
Levi	Osthoff	Schreiber	Valan	
Ludeman	Piepho	Shaver	Valento	
Marsh	Quist	Stadum	Waltman	

The motion prevailed.

### MOTIONS AND RESOLUTIONS

Voss moved that H. F. No. 751 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Taxes. The motion prevailed.

Swanson moved that H. F. No. 544, now on Technical General Orders, be re-referred to the Committee on Health and Welfare. The motion prevailed.

Tomlinson moved that H. F. No. 13 be recalled from the Committee on Taxes and be re-referred to the Committee on Regulated Industries. The motion prevailed.

Brinkman moved that H. F. No. 925 be recalled from the Committee on Judiciary and be re-referred to the Committee on Commerce and Economic Development. The motion prevailed.

Gustafson moved that S. F. No. 552 be recalled from the Committee on Judiciary and together with H. F. No. 578, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

Krueger moved that H. F. No. 595 be recalled from the Committee on Education and be re-referred to the Committee on Appropriations. The motion prevailed.

Rodriguez, F., moved that the name of Sarna be added as an author on H. F. No. 601. The motion prevailed.

Battaglia moved that the name of Minne be added as an author on H. F. No. 909. The motion prevailed.

Osthoff moved that the name of Welle be added as an author on H. F. No. 254. The motion prevailed.

Kostohryz moved that the names of Reif, Valento, Osthoff and Kelly be added as authors on House Resolution No. 6. The motion prevailed.

Simoneau moved that the name of Jennings be stricken as an author on H. F. No. 422. The motion prevailed.

Sparby moved that the name of Tunheim be added as an author on H. F. No. 1031. The motion prevailed.

Sparby moved that the name of Stadum be added as an author on H. F. No. 1031. The motion prevailed.

Long moved that the name of Anderson, R., be added as an author on H. F. No. 1074. The motion prevailed.

Berkelman moved that the name of Segal be added as an author on H. F. No. 1040. The motion prevailed.

Levi moved that the names of Kahn, Vanasek, Voss and Norton be added as authors on H. F. No. 1053. The motion prevailed.

McDonald moved that the names of Levi, Hoffman and Price be added as authors on H. F. No. 777. The motion prevailed.

Sparby moved that the name of Neuenschwander be added as an author on H. F. No. 1008. The motion prevailed.

Clark, K., moved that the names of Larsen, Neuenschwander, St. Onge and Bennett be added as authors on H. F. No. 817. The motion prevailed.

Norton moved that the names of Sarna, Kahn and Kalis be added as authors on H. F. No. 1025. The motion prevailed.

Segal moved that the names of Sparby and Olsen be added as authors on H. F. No. 1018. The motion prevailed.

Wenzel moved that the name of Sparby be added as an author on H. F. No. 1015. The motion prevailed.

Rodriguez, C., moved that the name of Blatz be added as an author on H. F. No. 1068. The motion prevailed.

Sparby moved that the names of Evans and Segal be added as authors on H. F. No. 1007. The motion prevailed.

Blatz moved that the name of Riveness be added as an author on H. F. No. 372. The motion prevailed.

Ogren moved that the name of Segal be added as an author on H. F. No. 1049. The motion prevailed.

Krueger moved that the name of Evans be added as an author on H. F.No. 1057. The motion prevailed.

Price and Beard introduced:

House Resolution No. 7, A house resolution congratulating the Woodbury Royals boys basketball team for winning the 1983 Class AA State High School Boys Basketball Tournament.

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 4, 1983. 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 4, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

SEVENTY-THIRD SESSION - 1983

## THIRTIETH DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 4, 1983

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 John F. Traufler, St. Adrian's Church, Adrian, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Erickson	Knuth	Osthoff	Sherman
Anderson, C.	Evans	Kostohryz	Otis	Sinnoneau
Anderson, R.	Findlay	Krueger	Pauly	Skoglund
Battaglia	Fjoslien	Kvam	Peterson	Selberg
Beard	Forsythe	Larsen	Piepho	Sparby
Begich	Frerichs	Levi	Piper	Stadum
Bennett	Graba	Long	Price	Staten
Bergstrom	Greenfield	Ludeman	Quinn	Sviggum
Berkelman	Gruenes	Mann	Quist	Swanson
Bishop	Gustafson	Marsh	Redalen	Thiede
Blatz	Gutknecht	McDonald	Reif	Tomlinson
Brandl	Halberg	McEachern	Rice	Tunheim
Brinkman	Haukoos	McKasy	Rivencss	Uphus
Burger	Heinitz	Metzen	Rodosovich	Valan
Carlson, D.	Himle	Minne	Rodriguez, C.	Valento
Carlson, L.	Hoberg	Munger	Rodriguez, F.	Vanasek
Clark, J.	Hoffman	Murphy	Rose	Vellenga
Clark, K.	Hokr	Nelson, D.	St. Onge	Voss
Clawson	Jacobs	Nelson, K.	Sarna	Welch
Cohen	Jennings	Neuenschwander	Schafer	Welker
Coleman	Jensen	Norton	Scheid	Welle
DenOuden	Johnson	O'Connor	Schreiber	Wenzel
Dimler	Kahn	Ogren	Seaberg	Wigley
Eken	Kalis	Olsen	Segal	Wynia
Elioff	Kelly	Omann	Shaver	Zaffke
Ellingson	Knickerbocker	Onnen	Shea	Speaker Sieben

A quorum was present.

Dempsey, Heap, Schoenfeld and Waltman 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.

#### ANNOUNCEMENT BY THE SPEAKER

On Wednesday, March 30, 1983, the voting station on Representative Omann's desk was not working properly when the votes were taken on final passage of S. F. No. 327 and H. F. No. 617. He indicated that it was his intention to vote "no" on both bills.

#### REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 210, 403, 430, 544, 633, 706, 760, 159, 250, 251, 287, 384, 406, 412, 474, 491, 521, 540, 541, 573, 578, 602, 610, 631, 830 and 785 and S. F. Nos. 240, 278, 427, 428 and 96 have been placed in the members' files.

S. F. No. 552 and H. F. No. 578, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Gustafson moved that the rules be so far suspended that S. F. No. 552 be substituted for H. F. No. 578 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 240 and H. F. No. 287, 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. 240 be substituted for H. F. No. 287 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  
SAINT PAUL 55155

March 30, 1983

The Honorable Harry Sieben, Jr.  
Speaker of the House  
276 State Office Building  
St. Paul, Minnesota 55155

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. 201, relating to taxation; making administrative and technical changes to income tax and property tax refund provisions; imposing a penalty; amending Minnesota Statutes 1982, sections 13.46, subdivision 2; 176.231, subdivision 9; 290.-032, subdivision 2; 290.06, subdivisions 1, 2c, 2e, as amended, and 3d; 290.068, subdivision 3; 290.077, subdivisions 1 and 4; 290.081; 290.09, subdivisions 1, 6, and 29; 290.095, subdivision 7; 290.12, subdivision 2; 290.17, subdivision 2; 290.21, subdivision 4; 290.26, subdivision 2; 290.39, subdivision 1; 290.49, subdivision 8; 290.50, subdivisions 1 and 5; 290.53, subdivision 3a and by adding a subdivision; 290.531; 290.92, subdivision 5a; 290A.03, subdivision 13; 290A.04, subdivision 3; 290A.111, subdivision 2; 290A.112, subdivision 2; and Laws 1981, Third Special Session chapter 2, article IV, section 14; and repealing Minnesota Statutes 1982, sections 136A.235; 290.01, subdivision 25; 290.07, subdivision 5a; 290.071, subdivisions 2, 3, 4, and 6; 290.26, subdivision 2a; 290.34, subdivision 3; 290.48, subdivision 6; 290A.04, subdivisions 2c and 2d.

Sincerely,

RUDY PERPICH  
Governor

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

March 30, 1983

The Honorable Harry A. Sieben, Jr.  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 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 1983</i>	<i>Date Filed 1983</i>
	201	15	March 30	March 30

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

## REPORTS OF STANDING COMMITTEES

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 230, A bill for an act relating to insurance; prohibiting sex and age discrimination under the Minnesota comprehensive health insurance plan; amending Minnesota Statutes 1982, section 62E.08, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 62E.08, subdivision 1, is amended to read:

Subdivision 1. The association shall establish the following maximum premiums to be charged for membership in the comprehensive health insurance plan:

(a) The premium for the number one qualified plan shall be up to a maximum of 125 percent of the average of rates charged by the five insurers with the largest number of individuals in a number one individual qualified plan of insurance in force in Minnesota;

(b) The premium for the number two qualified plan shall be up to a maximum of 125 percent of the average of rates charged by the five insurers with the largest number of individuals in a number two individual qualified plan of insurance in force in Minnesota;

(c) The premium for a qualified medicare supplement plan shall be up to a maximum of 125 percent of the average of rates charged by the five insurers with the largest number of individuals enrolled in a qualified medicare supplement plan; and

(d) The charge for health maintenance organization coverage shall be based on generally accepted actuarial principles.

The five insurers whose rates are used to establish the premium for each type of coverage offered by the association shall be determined by the commissioner on the basis of information provided by all insurers annually at the commissioner's request, concerning the number of individual qualified plans and qualified medicare supplement plans or actuarially equivalent plans offered by the insurer and rates charged by the insurer for each type of plan offered by the insurer. In determining the insurers whose rates shall be used in establishing the premium, the commissioner shall utilize generally accepted actuarial principles and structurally compatible rates. Subject to this subdivision, the commissioner shall include any insurer operating pursuant

to chapter 62C in establishing the premium. In establishing premiums pursuant to this section, the association shall utilize generally accepted actuarial principles, *provided that the association shall not discriminate in charging premiums based upon sex.*"

Delete the title and insert:

"A bill for an act relating to insurance; prohibiting sex discrimination under Minnesota comprehensive health insurance plan; amending Minnesota Statutes 1982, section 62E.08, subdivision 1."

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. 270, A bill for an act relating to agriculture; providing that certain agricultural operations are not private or public nuisances; amending Minnesota Statutes 1982, section 561.19, subdivisions 2 and 5.

Reported the same back with the following amendments:

Page 2, delete lines 8 to 15

Amend the title as follows:

Page 1, line 5, delete "subdivisions 2 and 5" and insert "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. 334, A bill for an act relating to education; clarifying authority of post-secondary institution governing boards; authorizing governing boards to close institutions and eliminate programs; providing that moneys received by boards or institutions from outside sources shall not be taken into account in determining state appropriations; authorizing governing boards to set tuition rates at any level equal to or above that determined by state tuition policy; authorizing governing boards to carry over an unappropriated fund balance from the first to the second year of a biennium; authorizing governing boards to carry over a limited amount of an unappropriated fund balance from one

biennium to the next; establishing a board of vocational technical education; transferring powers, duties, and functions from school districts, school boards, and the state board for vocational education to the board of vocational technical education; appropriating money; amending Minnesota Statutes 1982, sections 136.03; 136.11, subdivision 1; 136.144; 136.62, by adding a subdivision; 136.63, subdivision 1a; 136.67, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 136 and 136B; repealing Minnesota Statutes 1982, sections 121.11, subdivision 1; 121.217; 121.902, subdivision 1a; and 124.53.

Reported the same back with the following amendments:

Page 2, line 5, delete everything after "*jurisdiction*" and insert a period

Page 2, delete lines 6 and 7 and insert "*Prior to closing a state university the board shall hold a public hearing on the issue in the area which would be affected by the closing. At the hearing affected persons shall have an opportunity to present testimony. The hearing shall be conducted by the office of administrative hearings. The hearing examiner shall prepare a summary of testimony received at the hearing for the board. The board shall give notice of this hearing by publishing notice in the State Register and in a newspaper of general circulation in the affected area at least 30 days before the scheduled hearing.*"

Page 4, line 5, after "*jurisdiction*" insert a period

Page 4, delete lines 6 and 7 and insert "*Prior to closing a community college the board shall hold a public hearing on the issue in the area which would be affected by the closing. At the hearing affected persons shall have an opportunity to present testimony. The hearing shall be conducted by the office of administrative hearings. The hearing examiner shall prepare a summary of testimony received at the hearing for the board. The board shall give notice of this hearing by publishing notice in the State Register and in a newspaper of general circulation in the affected area at least 30 days before the scheduled hearing.*"

Page 5, line 18, after "*the*" insert "*state*"

Page 5, line 18, after "*of*" insert "*state*"

Page 7, line 4, delete "*salary*" and insert "*compensation*"

Page 7, line 4, after "*for*" insert "*state*"

Page 7, line 5, delete "*and*" and insert "*. Compensation plans shall be approved by the commissioner of employee relations before becoming effective. The board'*"



Page 7, line 6, delete everything after "chancellor"

Page 7, line 7, delete "15A.081"

Page 7, line 23, delete the colon

Page 7, delete line 24

Page 7, line 25, delete "(b)"

Page 7, line 35, delete everything after the period

Page 7, delete line 36

Page 8, delete lines 1 to 4 and insert "*Rules promulgated prior to the establishment of the board shall remain in effect until new rules are promulgated by the board.*"

Page 8, line 15, after "school" delete the remainder of the line

Page 8, delete line 16

Page 8, line 17, delete everything up to the period and after the period insert "*Prior to rescinding approval the board shall hold a public hearing on the issue in the area which would be affected by the rescission. At the hearing affected persons shall have an opportunity to present testimony. The hearing shall be conducted by the office of administrative hearings. The hearing examiner shall prepare a summary of testimony received at the hearing for the board. The board shall give notice of this hearing by publishing notice in the State Register and in a newspaper of general circulation in the affected area at least 30 days before the scheduled hearing.*"

Page 8, line 27, after the second "the" insert "affected"

Page 8, line 28, delete "affected" and insert "following public notice and hearings"

Page 8, line 29, delete the second "or" and insert ". The board is authorized"

Page 8, line 33, delete everything after the period

Page 8, delete lines 34 to 36

Page 11, after line 3, insert "*Rules promulgated prior to the establishment of the board of vocational technical education shall remain in effect until new rules are promulgated by the boards.*"

Page 11, after line 8, insert:

*"Subd. 3. [APPROVAL.] The joint promulgation of a rule shall require the approval of a majority of the members of each board who vote on the issue."*

Page 13, line 14, delete "state board"

Page 13, line 25, delete "43" and insert "43A"

Page 14, line 31, after "community" insert "or in nearby communities"

Page 14, line 33, after "Hibbing," insert "Virginia-Eveleth,"

Page 14, line 34, delete everything after "Minneapolis," and insert "Brooklyn Park, Anoka-Coon Rapids, Rosemount-Inver Grove Heights, and Bloomington-Eden Prairie."

Page 15, delete lines 13 and 14

Page 15, line 15, delete "savings." and insert "The chancellors shall submit all approved plans to their governing boards for review."

Page 15, line 19, delete "and the chancellors" and insert ", the state board for community colleges, and the state board for vocational technical education"

Page 15, line 35, delete "and 18 to 20" and insert "18 and 19"

Page 15, line 36, after "17" insert ", 20"

With the recommendation that when so amended 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. 389, A bill for an act relating to drivers licenses; requiring a licensee to add birth date to the signature; amending Minnesota Statutes 1982, section 171.07, subdivision 1.

Reported the same back with the recommendation that 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. 409, A bill for an act relating to liquor; restrictions upon joint purchases and volume discounts at wholesale; amending Minnesota Statutes 1982, sections 340.408; and 340.983.

Reported the same back with the following amendments:

Page 1, line 11, delete "*intoxicating liquor*" and insert "*distilled liquor or wine*"

Page 1, line 14, strike "*intoxicating liquor*" and insert "*distilled liquor or wine*"

Page 1, line 15, strike "*intoxicating liquor*" and insert "*distilled liquor or wine*"

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. 481, A bill for an act relating to agriculture; requiring the commissioner of agriculture to make certain rules relating to milk for manufacturing purposes; establishing a loan guarantee program; appropriating money; proposing new law coded in Minnesota Statutes, chapter 32.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [32.415] [MILK FOR MANUFACTURING; QUALITY STANDARDS.]

*In order to provide uniform quality standards, producers of milk used for manufacturing purposes shall conform to the standards contained in Subparts D and F of the United States Department of Agriculture Consumer and Marketing Service Recommended Requirements for Milk for Manufacturing Purposes and its Production and Processing, Vol. 37 Federal Register, No. 68, Part II, April 7, 1972, with the following exceptions:*

(a) *Inspections of producers shall begin not later than January 1, 1985;*

(b) Producers shall comply with the standards not later than July 1, 1986, except as otherwise allowed under the standards; and

(c) The commissioner shall develop methods by which producers can comply with the standards without violation of religious beliefs. The commissioner may adopt rules, including temporary rules, for the purpose of this clause.

The commissioner of agriculture shall perform or contract for the performance of the inspections necessary to implement this section or shall certify dairy industry personnel to perform the inspections.

The commissioner and other employees of the department shall make every reasonable effort to assist producers in achieving the milk quality standards at minimum cost and to use the experience and expertise of the University of Minnesota and the agricultural extension service to assist producers in achieving the milk quality standards in the most cost-effective manner.

The commissioner of agriculture shall consult with producers, processors, and others involved in the dairy industry in order to prepare for the implementation of this section including development of informational and educational materials, meetings, and other methods of informing producers about the implementation of standards under this section.

## Sec. 2. [32.416] [LOAN GUARANTEE PROGRAM.]

Subdivision 1. [PRODUCER ASSISTANCE.] The commissioner shall administer a loan guarantee and interest adjustment program for producers to assist in financing any real property improvements required by section 1.

Subd. 2. [DEFINITIONS.] For the purposes of sections 2 and 3, "lender" has the meaning given in section 41.52, subdivision 7, except that "lender" also includes creameries, dairy cooperatives, and other milk purchasing businesses which finance the improvements required by section 1, "commissioner" means the commissioner of agriculture, and "applicant" means a dairy farmer storing milk in cans who is required to make any real property improvements required by section 1. An applicant must have resided on a farm receiving homestead credit under section 273.13 prior to January 1, 1983. No applicant who purchases a farm after July 1, 1983, is eligible for the loan guarantee program.

Subd. 3. [LOANS.] The commissioner may guarantee loans not exceeding \$2,500 in principal amount for a term not to exceed five years, for the purpose of making any real property improvements required by section 1. The guarantee shall

obligate the state of Minnesota to pay the lender 90 percent of the sums due and payable in the event of default.

*Subd. 4. [INTEREST ADJUSTMENT.] The commissioner shall annually pay the lender an amount of money sufficient to reduce the applicant's annual interest payments on a guaranteed loan to six percent of the outstanding balance due at the beginning of that year.*

*Subd. 5. [SALE OF PROPERTY.] Any applicant who sells or conveys any property securing a loan guaranteed by the commissioner shall immediately retire the balance owed the lender.*

*Subd. 6. [RULES; ELIGIBILITY.] The commissioner shall adopt rules to implement the loan guarantee and interest adjustment program. The rules shall include:*

- (a) Procedures for approving loan guarantees;*
- (b) Eligibility requirements for applicants which assure that approval of a loan guarantee is based on financial need and credit worthiness of the applicant; and*
- (c) Required loan guarantee terms which provide adequate security for recovery by the state of amounts paid to lenders on default of any guaranteed loan, and repayment of a guaranteed loan by the applicant through assignment of a portion of any payment received for milk produced by the applicant.*

*The rules may be adopted as temporary rules as provided in chapter 14. The rules shall be effective July 1, 1984, and shall expire on July 1, 1985. Loan guarantees and interest adjustments may be granted only from July 1, 1984, to July 1, 1985.*

### **Sec. 3. [32.417] [APPROPRIATIONS.]**

*Subdivision 1. [SPECIAL ACCOUNT.] There is appropriated from the general fund to a special account in the state treasury the sum of \$375,000 to be invested by the state board of investment in securities authorized by law. Sums needed from time to time to pay lenders for defaulted loans are appropriated from the special account to the commissioner. The sum of all outstanding loans guaranteed by the commissioner at any time may not exceed ten times the amount of money in the special account created in this subdivision.*

*Subd. 2. [ANNUAL APPROPRIATION.] There is annually appropriated from the general fund to the commissioner the sum of \$375,000 for the biennium ending June 30, 1985, to pay the interest adjustment under section 2, subdivision 4. This*

*appropriation shall not cancel but shall remain available to pay interest adjustments for subsequent years.*

**Sec. 4. [APPROPRIATION.]**

*There is appropriated from the general fund to the commissioner of agriculture the sum of \$30,000 for the biennium ending June 30, 1985, for administrative expenses incurred to implement the provisions of sections 1 to 3."*

Delete the title and insert:

"A bill for an act relating to agriculture; adopting recommended federal rules relating to milk quality for manufacturing purposes; providing for phase-in of inspections and compliance; establishing a loan guarantee program; appropriating money; proposing new law coded in Minnesota Statutes, chapter 32."

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. 508, A bill for an act relating to insurance; homeowner's; requiring notices of cancellation to be written in easily readable and understandable language; amending Minnesota Statutes 1982, section 65A.29, subdivision 4.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 538, A bill for an act relating to education; providing that no member of the higher education coordinating board shall be an employee of or receiving compensation from a public or private post-secondary institution while serving on the board; amending Minnesota Statutes 1982, section 136A.02, subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 558, A bill for an act relating to commerce; altering certain interest rate provisions on modifications or renegotiations of cooperative apartment loans and contracts for deed; amending Minnesota Statutes 1982, section 47.20, subdivision 4a.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, 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 cooperative apartment loan or contract for deed at the time the loan or contract is made is the

maximum lawful interest rate for the term of the cooperative apartment loan or contract for deed. *A cooperative apartment loan or contract for deed may provide, at the time the loan or contract is made, for the application of specified different consecutive periodic interest rates to the unpaid principal balance, provided that no interest rate exceeds the maximum lawful interest rate applicable to the loan or contract at the time the loan or contract is made.*

(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. *The renegotiation of a conventional or cooperative apartment loan or a contract for deed is deemed to be a new loan or contract for deed for purposes of clause (3) and 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 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.

Sec. 2. Minnesota Statutes 1982, section 334.01, subdivision 1, is amended to read:

Subdivision 1. The interest for any legal indebtedness shall be at the rate of \$6 upon \$100 for a year, unless a different rate is contracted for in writing; and no person shall directly or indirectly take or receive in money, goods, or things in action, or in any other way, any greater sum, or any greater value, for the loan or forbearance of money, goods, or things in action, than \$8 on \$100 for one year; and, in the computation of interest upon any bond, note, or other instrument or agreement, interest shall not be compounded, but any contract to pay interest, not usurious, upon interest overdue, shall not be construed to be usury. Contracts shall bear the same rate of interest after they become due as before, and any provision in any contract, note, or instrument providing for an increase of the rate of interest after maturity, or any increase therein after making and delivery, shall work a forfeiture of the entire interest; but this provision shall not apply to notes or contracts which bear no interest before maturity nor shall it apply to any agreement which extends the maturity date of any contract, note, or instrument, and provides for an increased rate of interest after the original maturity date on the indebtedness then due, provided that any agreement which extends maturity date of any contract, note or instrument shall not provide for an increased rate of interest in excess of \$8 on \$100 for one year *except as otherwise provided in section 47.20.*

Sec. 3. [APPLICATION.]

*Section 1 applies to conventional or cooperative apartment loans and contracts for deed renegotiated after the effective date of that section.*

Amend the title as follows:

Page 1, line 3, delete "modifications or" and after "of" insert "conventional and"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 567, A bill for an act relating to St. Louis County; providing that the county board set the fees for tax search certificates; amending Laws 1955, chapter 633, section 1, subdivision 2, as amended.

Reported the same back with the following amendments:

Page 1, line 12, after "\$2" insert "*not to exceed the fee established by Minnesota Statutes, section 272.46*"

Page 1, line 13, strike ", which" and insert ". *The fee*"

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. 572, A bill for an act relating to economic development; creating the office of tourism; assigning powers and duties; appropriating money; proposing new law coded in Minnesota Statutes, chapter 4.

Reported the same back with the following amendments:

Page 3, after line 20, insert:

*"(10) coordinate whenever possible efforts with the agriculture department to promote Minnesota agricultural products in conjunction with tourism."*

Page 5, after line 17, insert:

*"Not less than \$100,000 shall be allocated each year of the biennium for the production and distribution of publications or for other promotional activities for the exclusive promotion of Voyageurs national park."*

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 603, A bill for an act relating to local government; providing for the investment of debt service funds; amending Minnesota Statutes 1982, section 475.66, subdivision 3.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 605, A bill for an act relating to education; requiring the higher education coordinating board to report its recommendations concerning credit transferability and institutional and program requirements; requiring reports to the legislature; providing that students shall be entitled to complete programs according to requirements as of the time the student began the program; amending Minnesota Statutes 1982, section 136A.042; proposing new law coded in Minnesota Statutes, chapter 136A.

Reported the same back with the following amendments:

Page 1, line 20, delete "*Universty*" and insert "*University*"

Page 1, line 21, delete "*assure*" and insert "*facilitate*"

Page 2, line 8, delete "*12*" and insert "*36*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 636, A bill for an act relating to local government; authorizing sewer and water commissions to obtain accountant services; amending Minnesota Statutes 1982, section 116A.24, subdivision 2:

Reported the same back with the following amendments:

Page 3, line 28, after "*a*" insert "*certified*"

Page 3, line 30, after the second "*reports*" insert "*must be prepared in accordance with general accounting principles and*"

Page 3, line 31, delete "*when available*" and insert "*within six months after the close of the fiscal year*"

Page 3, line 34, after "*a*" insert "*certified*"

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. 657, A bill for an act relating to transportation; authorizing the commissioner to expend money for railroad acquisition by a regional railroad authority; modifying the regional railroad authority act to allow municipalities to form regional railroad authorities; allowing the expenditure of certain state funds for railroad improvement and acquisition; providing an aircraft base price for taxation purposes; amending Minnesota Statutes 1982, sections 222.50, subdivision 7; 360.531, subdivision 4; 398A.02; 398A.03; 398A.04, subdivisions 8 and 9; and Laws 1980, chapter 610, section 1, as amended.

Reported the same back with the following amendments:

Page 2, after line 12, insert:

"Sec. 2. Minnesota Statutes 1982, section 360.063, subdivision 3, is amended to read:

Subd. 3. [JOINT AIRPORT ZONING BOARD.] (1) Where an airport is owned or controlled by a municipality and (ANY) *an* airport hazard area appertaining to (SUCH) *the* airport is located within the territorial limits of another county or municipality, the municipality owning or controlling the airport may request (ANY) *a* county or municipality in which an airport hazard area is located:

(a) To adopt and enforce airport zoning regulations for the area in question that conform to (MINIMUM) standards prescribed by the commissioner pursuant to subdivision 4; or

(b) To join in creating a joint airport zoning board pursuant to clause (2). The owning or controlling municipality shall determine which of these actions it shall request, except as provided in clause (5) for the metropolitan airports commission. The request shall be made by certified mail to the governing body of each county and municipality in which an airport hazard area is located.

(2) Where an airport is owned or controlled by a municipality and (ANY) *an* airport hazard area appertaining to (SUCH) *the* airport is located within the territorial limits of another county or municipality, the municipality owning or controlling the airport and the county or other municipality within which the airport hazard area is located may, by ordinance or resolution duly adopted, create a joint airport zoning board,

which board shall have the same power to adopt, administer, and enforce airport zoning regulations applicable to the airport hazard area in question as that vested by subdivision 1 in the municipality within which (SUCH) *the* area is located. (EACH SUCH) A joint board shall have as members two representatives appointed by the municipality owning or controlling the airport and two from the county or municipality, or in case more than one county or municipality is involved two from each county or municipality, in which the airport hazard is located, and in addition a chairman elected by a majority of the members so appointed. All members shall serve at the pleasure of their respective appointing authority. Notwithstanding any other provision of law to the contrary, if the owning and controlling municipality is a city of the first class it shall appoint four members to the board, and the chairman of the board shall be elected from the membership of the board.

(3) If (ANY) a county or municipality, within 60 days of receiving a request from an owning or controlling municipality pursuant to clause (1), fails to adopt, or thereafter fails to enforce, (SUCH) *the* zoning regulations or fails to join in creating a joint airport zoning board, the owning or controlling municipality, or a joint airport zoning board created without participation by the subdivisions which fail to join the board, may itself adopt, administer, and enforce airport zoning regulations for the airport hazard area in question. In the event of conflict between (SUCH) *the* regulations and (ANY) airport zoning regulations adopted by the county or municipality within which the airport hazard area is located, (THE REGULATIONS OF THE MUNICIPALITY OWNING OR CONTROLLING THE AIRPORT OR THE JOINT ZONING BOARD SHALL GOVERN AND PREVAIL) *section 360.064, subdivision 2, applies.*

(4) "Owning or controlling municipality," as used in this subdivision, includes:

(a) A joint airport operating board created pursuant to section 360.042 that has been granted all the powers of a municipality in zoning matters under the agreement creating the board;

(b) A joint airport operating board created pursuant to section 360.042 that has not been granted zoning powers under the agreement creating the board, provided that (SUCH A) *the* board shall not itself adopt zoning regulations nor shall (ANY) a joint airport zoning board created at its request adopt zoning regulations unless all municipalities that created the joint operating board join to create the joint zoning board; and

(c) The metropolitan airports commission established and operated pursuant to chapter 473.

(5) The metropolitan airports commission shall request creation of one joint airport zoning board for each airport operated under its authority.

Sec. 3. Minnesota Statutes 1982, section 360.063, subdivision 4, is amended to read:

Subd. 4. [AIRPORT APPROACH.] The commissioner may recommend an airport approach plan for each publicly owned airport in the state and for each privately owned airport of the publicly owned class and from time to time recommend revisions of (ANY SUCH) *the* plan. (EACH SUCH) A plan shall indicate the circumstances in which structures or trees are or would be airport hazards, the airport hazard area, and what measures should be taken to eliminate airport hazards. (HE) *The commissioner* shall prescribe (MINIMUM) airport approach and turning standards for airports of various classes, and (ALL) airport zoning regulations adopted by (ANY) *a* municipality, county, or joint airport zoning board shall conform to (SUCH MINIMUM) *the* standards, *except as provided in sections 360.065 and 360.066.*

Sec. 4. Minnesota Statutes 1982, section 360.063, subdivision 6, is amended to read:

Subd. 6. [PROCEDURE WHEN ZONING BOARD FAILS TO ACT.] If (ANY) *a* municipality, county, or joint airport zoning board fails to adopt within a reasonable time airport zoning regulations in accordance with the provisions of sections 360.011 to 360.076, or adopts regulations or amendments which do not conform to the (MINIMUM) standard prescribed by the commissioner, (HE) *the commissioner* may, for the protection of the public safety, adopt or supplement and from time to time as may be necessary amend, supplement, or repeal (SUCH) *the* regulations for (SUCH) *the* municipality or county until airport zoning regulations provided for in sections 360.011 to 360.076, are adopted by (SUCH) *the* municipality, county, or joint airport zoning board. (HE) *The commissioner* shall have the same powers with reference to (SUCH) *the* airport zoning regulations as are granted in sections 360.011 to 360.076, to municipalities, administrative boards, and boards of adjustment. (ANY) *An* action of the commissioner taken under this subdivision (SHALL BE) *is* subject to review by the courts as provided in section 360.072.

Sec. 5. Minnesota Statutes 1982, section 360.065, subdivision 2, is amended to read:

Subd. 2. [REGULATIONS SUBMITTED TO COMMISSIONER.] Prior to adopting (ANY) zoning regulations for (ANY) *an* airport hazard area under sections 360.011 to 360.076, the municipality, county, or joint airport zoning board which is to adopt the regulations shall submit its proposed regulations

to the commissioner in order that (HE) *the commissioner* may determine whether it conforms to the (MINIMUM) standards prescribed by him. (HE) *The commissioner* shall immediately examine (SUCH) *the* proposed regulations and report to the municipality, county, or joint airport zoning board his approval, or (HIS) objections, if any. If (ANY) objections are made by him on the ground that (SUCH) *the* regulations do not conform to the (MINIMUM) standards prescribed by him for the class of airport involved, the municipality, county, or joint zoning board shall make (SUCH) amendments as are necessary to meet (SUCH) *the* objections *unless it demonstrates that the social and economic costs of restricting land uses in accordance with the standards outweigh the benefits of a strict application of the standards.* The governing body of the municipality or county or the joint airport zoning board shall not adopt the regulations or take other action until the proposed regulations are approved by the commissioner (AS CONFORMING TO SUCH MINIMUM STANDARDS). *The commissioner may approve local zoning ordinances that are more stringent than the standards.* A copy of (SUCH) *the* regulations as adopted shall be filed with the county recorder in each county in which (SUCH) *the* zoned area is located.

Substantive rights existing prior to the passage of this subdivision and (HERETOFORE) *previously* exercised (SHALL) *are not* (BE) affected by the filing of (SUCH) *the* regulations.

Sec. 6. Minnesota Statutes 1982, section 360.066, subdivision 1, is amended to read:

Subdivision 1. [REASONABLENESS.] (ALL MINIMUM) Standards of the commissioner defining airport hazard areas and the categories of uses permitted (THEREIN) and (ALL) airport zoning regulations adopted under sections 360.011 to 360.076, shall be reasonable, and none shall impose (ANY) a requirement or restriction which is not reasonably necessary to effectuate the purposes of sections 360.011 to 360.076. In determining what minimum (STANDARDS AND) *airport zoning* regulations may be adopted, the commissioner and (ANY) a local airport zoning authority shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the location of the airport, the nature of the terrain within the airport hazard area, the existing land uses and character of the neighborhood around the airport, (AND) the uses to which the property to be zoned (IS PUT) *are planned and adaptable, and the social and economic costs of restricting land uses versus the benefits derived from a strict application of the standards of the commissioner.*

Sec. 7. Minnesota Statutes 1982, section 360.067, subdivision 1, is amended to read:

Subdivision 1. [PERMITS.] (1) (ANY) Airport zoning regulations adopted under sections 360.011 to 360.076, may require that a permit be obtained before (ANY) *a* new structure or use may be constructed or established and before (ANY) *an* existing use or structure may be substantially changed or substantially altered or repaired. In any event, all (SUCH) regulations shall provide that before (ANY) *a* nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the administrative agency authorized to administer and enforce the regulations, authorizing (SUCH) *the* replacement, change, or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when the application for a permit is made.

(2) Whenever the administrative agency determines that a nonconforming use or nonconforming structure or tree has been abandoned or more than 80 percent torn down, (DESTROYED,) deteriorated, or decayed: (a) no permit shall be granted that would allow (SAID) *the* structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations; and (b), whether application is made for a permit under this subdivision or not, the (SAID) agency may by appropriate action compel the owner of the nonconforming structure or tree, at (HIS OWN) *the owner's* expense, to lower, remove, reconstruct, or equip (SUCH) *the* object as may be necessary to conform to the regulations. If the owner of the nonconforming structure or tree (SHALL NEGLECT) *neglects* or (REFUSE) *refuses* to comply with (SUCH) *the* order for ten days after notice (THEREOF) *of the order*, the (SAID) agency may proceed to have the object (SO) lowered, removed, reconstructed, or equipped and assess the cost and expense (THEREOF) upon the object of the land (WHEREON) *where* it is or was located. Unless (SUCH) an assessment is paid within 90 days from the service of notice (THEREOF) on the agent or owner of (SUCH) *the* object or land, the sum (SHALL) *will* bear interest at the rate of eight percent per annum until paid, and shall be collected in the same manner as are general taxes.

(3) Except as provided (HEREIN) *in this subdivision*, all applications for permits shall be granted."

Page 3, line 18, reinstate "(COUNTIES)" and delete "*municipalities*" and strike "*, providing and stating*" and insert "*. The governing body or bodies of a municipality or municipalities within a county or counties may request by resolution that the county or counties organize a railroad authority. If the county or counties do not organize an authority within 90 days of receipt of the request, the municipality or municipalities may organize an authority by resolution or joint resolution. A resolution organizing an authority must state*"



Page 4, line 7, delete "*or municipalities*" and strike "and" and insert "*. The notice of a hearing by the governing body of a county must be*"

Page 4, line 9, delete "*named in the resolution*" and insert "*, except cities and towns participating in the organization*"

Page 4, lines 13 and 14, delete "*or municipalities*"

Page 7, line 2, delete "*or city or town assessor*" and reinstate the stricken language and delete "*municipality*" and insert "*in which territory under the jurisdiction of the authority is located*"

Page 7, line 4, delete "*or city or town assessor*"

Page 7, line 5, after "rolls" insert "*of each municipality named in the organization resolution*"

Page 7, line 10, reinstate the stricken language and delete "*the*"

Page 7, line 11, delete "*of each municipality*"

Page 7, after line 19, insert:

"Sec 13. Minnesota Statutes 1982, section 398A.07, subdivision 2, is amended to read:

Subd. 2. [SECURITY.] Bonds may be made payable exclusively from the revenues from one or more projects, or from one or more revenue producing contracts, or from the authority's revenues generally, *including but not limited to specified taxes which the authority may levy or which a particular municipality may agree to levy for a specified purpose*, and may be additionally secured by a pledge of any grant, subsidy, or contribution from any public agency, *including but not limited to a participating municipality*, or any income or revenues from any source. They may be secured by a mortgage or deed of trust of the whole or any part of the property of the authority. They shall be payable solely from the revenues, funds, and property pledged or mortgaged for their payment. No commissioner, officer, employee, agent, or trustee of the authority shall be liable personally on its bonds or be subject to any personal liability or accountability by reason of their issuance. Neither the state nor a county or other municipality except the authority may pledge its faith and credit or taxing power or shall be obligated in any manner for the payment of the bonds or interest on them, *except as specifically provided by agreement under section 398A.06*; but nothing herein shall affect the obligation of the state or municipality to perform any contract made by it with the authority, and when the authority's rights under a contract with the state or a municipality are pledged by the authority for the security of its bonds,

the holders or a bond trustee may enforce the rights as a third party beneficiary. All bonds shall be negotiable within the meaning and for the purposes of the uniform commercial code, subject only to any registration requirement."

Page 7, line 33, delete "7" and insert "14"

Renumber the sections accordingly

Amend the title as follows:

Page 1, line 4, after the semicolon insert "modifying requirements for compliance with standards for zoning ordinances for municipal airports;"

Page 1, line 11, after the first semicolon insert "360.063, subdivisions 3, 4, and 6; 360.065, subdivision 2; 360.066, subdivision 1; 360.067, subdivision 1;"

Page 1, line 12, after the semicolon insert "398A.07, subdivision 2;"

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. 670, A bill for an act relation to public welfare; requiring new procedures for determining nursing home payment rates; requiring a moratorium on licensure or certification of new beds with certain exceptions; providing for an interagency board for quality assurance; appropriating money; amending Minnesota Statutes 1982, sections 144A.10, subdivision 6; 256B.091, subdivisions 1, 2, 4, and 8; 256B.41; 256B.47; and 256B.48; proposing new law coded in chapters 144A and 256B; repealing Minnesota Statutes 1982, sections 256B.42; 256B.43; 256B.44; 256B.45; and 256B.46.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [144A.071] [MORATORIUM ON CERTIFICATION OF NURSING HOME BEDS.]

*Subdivision 1. [MORATORIUM.] Notwithstanding the provisions of the Certificate of Need Act, sections 145.832 to 145.845, or any other law to the contrary, the commissioner of*

health, in coordination with the commissioner of public welfare, shall deny each request by a nursing home or boarding care home for addition of new certified beds or for a change or changes in the certification status of existing beds except as provided in subdivision 2 during a period of three years beginning on the effective date of this section and ending on June 30, 1986. The total number of certified beds in the state in the skilled level and in the intermediate level of care shall remain at or decrease from the number of beds certified at each level of care on the effective date of this section until June 30, 1986. "Certified bed" means a nursing home bed or a boarding care bed certified by the commissioner of health for the purposes of the medicare or medical assistance program, under United States Code, title 42, sections 1395 et seq. and 1396 et seq.

The commissioner of public welfare, in coordination with the commissioner of health, shall deny any request to issue a license under the provisions of sections 245.781 to 245.812 and 252.28 to a nursing home or boarding care home if that license would result in an increase in the reimbursement amount.

**Subd. 2. [EXCEPTIONS.]** The commissioner of health, in coordination with the commissioner of welfare, may approve the addition of a new certified bed or change in the certification status of an existing bed under the following conditions:

(a) To replace a bed decertified after the effective date of this section or if the commissioner finds an extreme hardship situation in a particular county that has fewer nursing home beds per 1,000 elderly than the number that is ten percent higher than the national average of nursing home beds per 1,000 elderly individuals. For the purposes of this section, number of elderly in the county shall be determined by the most recent federal census or estimate of the state demographer of persons age 65 and older, whichever is the most recent at the time of the request for replacement. In allowing replacement of a decertified bed, the commissioners shall ensure that the number of added or recertified beds does not exceed the total number of decertified beds in the state in that level of care. An extreme hardship situation can only be found after the county documents the existence of unmet medical needs that cannot be addressed by any other alternatives; or

(b) To certify a new bed in a facility that commenced construction before the effective date of this section. For the purposes of this section, "commenced construction" means that all of the following conditions were met: the final working drawings and specifications were approved by the commissioner of health; the construction contracts were let; a timely construction schedule was developed, stipulating dates for beginning, achieving various stages, and completing construction; all zoning and building permits were secured; and significant alteration of the site

*was made and continues in accordance with the construction schedule; or*

*(c) When the change in certification status results in a decrease in the reimbursement amount.*

*Subd. 3. [MONITORING.] The commissioner of health, in coordination with the commissioner of public welfare, shall implement mechanisms to monitor and analyze the effect of the moratorium in the different geographic areas of the state. The commissioner of health shall submit to the legislature, no later than January 15, 1984, and annually thereafter, an assessment of the impact of the moratorium by geographic area with particular attention to service deficits or problems and a corrective action plan.*

**Sec. 2. Minnesota Statutes 1982, section 144A.10, subdivision 6, is amended to read:**

*Subd. 6. [FINES.] A nursing home which is issued a notice of noncompliance with a correction order shall be assessed a civil fine in accordance with a schedule of fines to be promulgated by rule of the commissioner of health before September 1, 1983. The fine shall be assessed for each day the facility remains in noncompliance and until a notice of correction is received by the commissioner of health in accordance with subdivision 7. No fine for a specific violation may exceed (\$250) \$500 per day of non-compliance.*

**Sec. 3. [144A.31] [INTERAGENCY BOARD FOR QUALITY ASSURANCE.]**

*Subdivision 1. [INTERAGENCY BOARD.] The commissioners of health and public welfare shall establish, by October 1, 1983, an interagency board of representatives of their respective departments who are knowledgeable and employed in the areas of long-term care, geriatric care, long-term care facility inspection, or quality of care assurance. The number of interagency board members shall not exceed seven; three members each to represent the commissioners of health and public welfare and one member to represent the commissioner of public safety in the enforcement of fire and safety standards in nursing homes. The commissioner of health shall serve as chair and convener of the board. The board may utilize the expertise and time of other individuals employed by either department as needed. The board may recommend to the commissioners to contract for services as needed. The board shall meet as often as necessary to accomplish its duties, but at least monthly.*

*Subd. 2. [INSPECTIONS.] No later than January 1, 1984, the board shall develop and recommend implementation and*

*enforcement of an effective system to ensure quality of care in each nursing home in the state.*

*The board shall assist the commissioner of health to ensure that inspections and reinspections of nursing homes are conducted with a frequency and in a manner calculated to most effectively and appropriately fulfill its quality assurance responsibilities and achieve the greatest benefit to nursing home residents. The commissioner of health shall require a higher frequency and extent of inspections with respect to those nursing homes that present the most serious concerns with respect to resident health, treatment, comfort, safety, and well-being. These concerns include but are not limited to: complaints about care, safety, or rights; situations where previous inspections or reinspections have resulted in correction orders related to care, safety, or rights; instances of frequent change in administration in excess of normal turnover rates; and situations where persons involved in ownership or administration of the nursing home have been indicted for, charged with, or convicted of engaging in criminal activity.*

**Subd. 3. [METHODS FOR DETERMINING RESIDENT CARE NEEDS.]** *The board shall develop and recommend to the commissioners definitions for levels of care and methods for determining resident care needs in preparation for eventually developing methods to adjust payments for resident care based on the mix of resident needs in a nursing home. The methods for determining resident care needs shall include assessments of ability to perform activities of daily living and assessments of medical and therapeutic needs.*

**Subd. 4. [ENFORCEMENT.]** *The board shall develop and recommend for implementation effective methods of enforcing quality of care standards. When it deems necessary, and when all other methods of enforcement are not appropriate, the board shall recommend to the commissioner of health closure of all or part of a nursing home and revocation of the license. The board shall develop, and the commissioner of public welfare shall implement, a resident relocation plan which instructs the county where the nursing home is located of procedures to ensure that the needs of residents in nursing homes about to be closed are met. The county shall ensure placement in swing beds in hospitals, placement in unoccupied beds in other nursing homes, utilization of home health care on a temporary basis, foster care placement, or other appropriate alternative care. In preparing for relocation, the board shall ensure that residents and their families or guardians are involved in planning the relocation.*

**Subd. 5. [REPORTS.]** *The board shall prepare a report and the commissioners of health and public welfare shall deliver this report to the legislature no later than January 15, 1984, on the board's proposals and progress on implementation of the methods required under subdivisions 2, 3, and 4. The commis-*

*sioners shall recommend changes in or additions to legislation necessary or desirable to fulfill their responsibilities. The board shall prepare an annual report and the commissioners shall deliver this report annually to the legislature, beginning in January, 1985, on the implementation and enforcement of the provisions of this section.*

Sec. 4. Minnesota Statutes 1982, section 256B.091, subdivision 1, is amended to read:

Subdivision 1. [PURPOSE.] It is the purpose of this section to prevent inappropriate nursing home or boarding care home placement by establishing a program of preadmission screening teams for all medical assistance recipients and any individual who would become eligible for medical assistance within (90) 180 days of admission to a licensed nursing home or boarding care home participating in the program. Further, it is the purpose of this section and the program to gain further information about how to contain costs associated with inappropriate nursing home or boarding care home admissions. The commissioners of public welfare and health shall seek to maximize use of available federal and state funds and establish the broadest program possible within the appropriation available. The commissioner of public welfare shall promulgate temporary rules in order to implement this section by September 1, 1980.

Sec. 5. Minnesota Statutes 1982, section 256B.091, subdivision 2, is amended to read:

Subd. 2. [SCREENING TEAMS; ESTABLISHMENT.] Each county agency designated by the commissioner of public welfare to participate in the program shall contract with the local board of health organized under section 145.911 to 145.922 or other public or non-profit agency to establish a screening team to assess, prior to admission to a nursing home licensed under section 144A.02 or a boarding care home licensed under sections 144.50 to 144.56, the health and social needs of medical assistance recipients and individuals who would become eligible for medical assistance within (90) 180 days of nursing home or boarding care home admission. Each local screening team shall be composed of a public health nurse from the local public health nursing service and a social worker from the local community welfare agency. Each screening team shall have a physician available for consultation and shall utilize individuals' attending physicians' physical assessment forms, if any, in assessing needs. The individual's physician shall be included on the screening team if the physician chooses to participate. If the individual is being discharged from an acute care facility, a discharge planner from that facility may be present, at the facility's request, during the screening team's assessment of the individual and may participate in discussions but not in making the screening team's recommendations under subdivision 3,

clause (e). If the assessment procedure or screening team recommendation results in a delay of the individual's discharge from the acute care facility, the facility shall not be denied reimbursement or incur any other financial or regulatory penalty caused by the individual's extended length of stay. Other personnel as deemed appropriate by the county agency may be included on the team. No member of a screening team shall have a direct or indirect financial or self-serving interest in a nursing home or non-institutional referral such that it would not be possible for the member to consider each case objectively.

Sec. 6. Minnesota Statutes 1982, section 256B.091, subdivision 4, is amended to read:

Subd. 4. [SCREENING OF PERSONS.] Prior to nursing home or boarding care home admission, or admission to a nursing home after residence in a boarding care home that is not attached to the nursing home, screening teams shall assess the needs of all persons receiving medical assistance and of all persons who would be eligible for medical assistance within (90) 180 days of admission to a nursing home or boarding care home, except patients transferred from other nursing homes or patients who, having entered acute care facilities from nursing homes, are returning to nursing home care. Any other interested person may be assessed by a screening team upon payment of a fee based upon a sliding fee scale.

Sec. 7. Minnesota Statutes 1982, section 256B.091, subdivision 8, is amended to read:

Subd. 8. [ALTERNATIVE CARE GRANTS.] The commissioner shall provide grants to counties participating in the program to pay costs of providing alternative care to individuals screened under subdivision 4. Payment is available under this subdivision only for individuals (1) for whom the screening team would recommend nursing home admission if alternative care were not available; (2) who are receiving medical assistance or who would be eligible for medical assistance within (90) 180 days of admission to a nursing home; and (3) who need services that are not available at that time in the county through other public assistance.

Grants may be used for payment of costs of providing services such as, but not limited to, foster care for elderly persons, day care whether or not offered through a nursing home, nutritional counseling, or medical social services, which services are provided by a licensed health care provider, a home health service eligible for reimbursement under Titles XVIII and XIX of the federal Social Security Act, or by persons employed by or contracted with by the county board or the local welfare agency. The county agency shall ensure that a plan of care is established for each individual in accordance with subdivision 3, clause (e)(2). The plan shall include any services prescribed by the

individual's attending physician as necessary and follow up services as necessary. The county agency shall provide documentation to the commissioner verifying that the individual's alternative care is not available at that time through any other public assistance or service program and shall provide documentation in each individual's plan of care that the most cost effective alternatives available have been offered to the individual. Grants to counties under this subdivision are subject to audit by the commissioner for fiscal and utilization control.

*The commissioner shall establish a sliding fee schedule for requiring payment for the cost of providing services under this subdivision to persons who are eligible for the services but who are not yet eligible for medical assistance.*

The commissioner shall apply for a waiver for federal financial participation to expand the availability of services under this subdivision. The commissioner shall provide grants to counties from the non-federal share, unless the commissioner obtains a federal waiver for medical assistance payments, of medical assistance appropriations. The state expenditures for this section shall not exceed \$1,800,000 for the biennium ending June 30, 1983. A county agency may use grant money to supplement but not supplant services available through other public assistance or service programs and shall not use grant money to establish new programs for which public money is available through sources other than grants provided under this subdivision. A county agency shall not use grant money to provide care under this subdivision to an individual if the anticipated cost of providing this care would exceed the average payment, as determined by the commissioner, for the level of nursing home care that the recipient would receive if placed in a nursing home. The non-federal share may be used to pay up to 90 percent of the start-up and service delivery costs of providing care under this subdivision. Each county agency that receives a grant shall pay 10 percent of the costs.

The commissioner shall promulgate temporary rules in accordance with sections 14.29 to 14.36, to establish required documentation and reporting of care delivered.

Sec. 8. Minnesota Statutes 1982, section 256B.41, is amended to read:

256B.41 [INTENT.]

Subdivision 1. [AUTHORITY.] The (STATE AGENCY) commissioner shall (BY RULE) establish (A FORMULA), by rule, procedures for (ESTABLISHING PAYMENT) determining equitable rates for care of residents of nursing homes which qualify as vendors of medical assistance, and for implementing the provisions of sections 256B.41, 256B.47, 256B.48, and sec-



tions 9, 10, 13, and 14. The procedures shall be based on methods and standards that the commissioner finds are adequate to provide for the costs that must be incurred for the care of residents in efficiently and economically operated nursing homes and shall specify the costs that are allowable for establishing payment rates through medical assistance.

Subd. 2. [FEDERAL REQUIREMENTS.] (IT IS THE INTENT OF THE LEGISLATURE TO ESTABLISH CERTAIN LIMITATIONS ON THE STATE AGENCY IN SETTING STANDARDS FOR NURSING HOME RATE SETTING FOR THE CARE OF RECIPIENTS OF MEDICAL ASSISTANCE PURSUANT TO THIS CHAPTER. IT IS NOT THE INTENT OF THE LEGISLATURE TO REPEAL OR CHANGE ANY EXISTING OR FUTURE RULE PROMULGATED BY THE STATE AGENCY RELATING TO THE SETTING OF RATES FOR NURSING HOMES UNLESS THE RULE IS CLEARLY IN CONFLICT WITH SECTIONS 256B.41 TO 256B.48.) If any provision of sections 256B.41 (TO), 256B.47, and 256B.48 and sections 9, 10, 13, and 14, is determined by the United States government to be in conflict with existing or future requirements of the United States government with respect to federal participation in medical assistance, the federal requirements shall prevail.

Sec. 9. [256B.421] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 256B.41, 256B.47, 256B.48, and sections 9, 10, 13, and 14, the following terms and phrases shall have the meaning given to them.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of public welfare.

Subd. 3. [FINAL RATE.] "Final rate" means the rate established after any adjustment by the commissioner, including but not limited to adjustments resulting from cost report reviews and field audits.

Subd. 4. [NURSING HOME.] "Nursing home" means a facility licensed under chapter 144A or a boarding care facility licensed under sections 144.50 to 144.56.

Subd. 5. [OPERATING COSTS.] "Operating costs" means the day-to-day costs of operating the facility in compliance with licensure and certification standards. Operating cost categories are: nursing, dietary, laundry and linen, housekeeping, plant operation and maintenance, other care-related services, general and administration, and payroll taxes and fringe benefits.

Subd. 6. [PAYMENT RATE.] "Payment rate" means the rate determined under section 10.

Subd. 7. [PRIVATE PAYING RESIDENT.] "Private paying resident" means a nursing home resident who is not a medical assistance recipient and whose payment rate is not established by another third party, including the veterans administration or medicare.

Subd. 8. [RATE YEAR.] "Rate year" means the fiscal year for which a payment rate determined under section 10 is effective, from July 1 to the next June 30.

Subd. 9. [REPORTING YEAR.] "Reporting year" means the calendar year, immediately preceding the rate year, for which the nursing home submits reports required under section 256B.48, subdivision 2.

Subd. 10. [RESIDENT DAY.] "Actual resident day" means a billable, countable day for which a full and normal billing is rendered as defined by the commissioner.

Sec. 10. [256B.431] [RATE DETERMINATION.]

Subdivision 1. [IN GENERAL.] The commissioner shall determine prospective payment rates for resident care costs. In determining the rates, the commissioner shall group nursing homes according to different levels of care as defined by the commissioner and geographic location. On or before June 1, 1983, the commissioner shall mail notices to each nursing home of the rates to be effective from July 1 of that year to June 30 of the following year. In subsequent years, the commissioner shall provide notice to each nursing home on or before May 15 of the rates effective for the following rate year.

Subd. 2. [OPERATING COSTS.] (a) The commissioner shall establish, by rule, procedures for determining per diem reimbursement for operating costs based on actual resident days and for reserved bed days. The commissioner shall disallow any portion of the general and administrative cost category, exclusive of fringe benefits and payroll taxes, which exceeds ten percent of the expenditures in all other operating cost categories except fringe benefits and payroll taxes.

(b) For the rate year beginning July 1, 1983, and ending June 30, 1984, the prospective operating cost payment rate for each nursing home shall be determined by the commissioner based on the most recently audited and available cost reports of allowed operating costs received by June 1, 1983. The 60th percentile of payments for operating costs for each group of nursing homes established under subdivision 1 shall be calculated.

(1) Within each group, each nursing home whose allowed historical operating cost payment rates are at or above the 60th

percentile of payment rates shall receive the 60th percentile plus six percent plus 80 percent of the difference between their allowed historical operating cost payment rate and the 60th percentile.

(2) Within each group, each nursing home whose allowed historical operating cost payment rate is below the 60th percentile shall receive the six percent increase.

For the rate year beginning July 1, 1984, and ending June 30, 1985, the prospective operating cost payment rate for each nursing home shall be determined by the commissioner based on allowed operating costs incurred during the reporting year preceding the rate year. The 60th percentile of payments for operating costs for each group of nursing homes established under subdivision 1 shall be calculated.

(3) Within each group, each nursing home whose allowed historical operating cost payment rate is at or above the 60th percentile of payment rates shall receive the 60th percentile plus six percent plus 50 percent of the difference between their allowed historical operating cost payment rate and the 60th percentile.

(4) Within each group, each nursing home whose allowed historical operating cost payment rate is below the 60th percentile shall receive the six percent increase.

(c) For subsequent years, the commissioner shall:

(1) Contract with an econometric firm with recognized expertise in and access to national economic change indices which can be applied to the appropriate cost categories when determining the operating cost payment rate.

(2) Establish the 60th percentile of payments for operating costs for each group of nursing homes established under subdivision 1 based on cost reports of allowed operating costs in the previous reporting year. The commissioner shall provide for the analysis and evaluation of each nursing home's report of allowed operating costs incurred by the nursing home during the reporting year immediately preceding the rate year for which the payment rate becomes effective. The allowed historical operating costs, after the commissioner's analysis and evaluation, shall be added together and divided by the actual number of resident days in order to compute the historical operating cost per diem amount.

(3) Establish a composite index for each group by determining the weighted average of all economic change indicators applied to the operating cost categories in that group.

(4) Within each group, each nursing home with allowed historical operating costs in the previous reporting year at or above the 60th percentile calculated in paragraph (c)(2) shall receive the 60th percentile increased by the composite index calculated in paragraph (c)(3). Each nursing home with allowed historical operating costs in the previous reporting year below the 60th percentile calculated in paragraph (c)(2) shall receive the percentage change resulting from the application of the composite index to its allowed historical operating cost per diem.

The commissioner shall include the reported actual real estate tax liability of each proprietary nursing home as an operating cost of that nursing home. The commissioner shall include a reported actual special assessment for each nursing home as an operating cost of that nursing home. Total real estate tax liability plus any special assessments for each nursing home shall be divided by actual resident days in order to compute the operating cost payment rate for this operating cost category.

(d) The commissioner shall allow the nursing home to keep, as an efficiency incentive, the difference between the nursing home's operating cost payment rate established for that rate year and the actual historical operating costs incurred for that rate year, if the latter amount is smaller. If a nursing home's actual historic operating costs are greater than the prospective payment rate for that rate year, there shall be no retroactive cost settle-up. If an annual cost report or field audit indicates that the expenditures for direct resident care have been reduced in amounts large enough to indicate a possible detrimental effect on the quality of care, the commissioner shall notify the commissioner of health and the interagency board for quality assurance.

(e) The commissioner may negotiate with a nursing home that is eligible to receive medical assistance payments, a payment rate of up to 125 percent of the allowed payment rate to be paid for a period of up to three months for individuals who have been hospitalized for more than 100 days and who have extensive care needs.

Subd. 3. [PROPERTY-RELATED COSTS.] For the rate year beginning July 1, 1983, and ending June 30, 1984, property-related costs shall be reimbursed to each nursing home at the level recognized in the payment rate in effect on March 1, 1983. Property-related costs include: depreciation, interest, earnings or investment allowance, lease, or rental payments. No adjustments shall be made as a result of sales or reorganizations of provider entities. Annual per diem shall be computed by dividing total property-related costs by 96 percent of the nursing home's certified capacity days.

In subsequent years, the commissioner shall reimburse nursing home providers who are vendors in the medical assistance pro-

gram for the rental use of their property. The "rent" is the amount of periodic payment which a renter might expect to pay for the right to the agreed use of the real estate and the equipment as it exists. "Real estate" means land improvements, buildings, and attached fixtures used directly for patient care. "Equipment" means the standard movable patient care equipment and support service equipment generally used in long-term care facilities. The rent payment shall be deemed to include compensation for depreciation expense, interest expense, and the owner's investment.

(a) For the state fiscal year beginning July 1, 1984, the commissioner shall provide for the appraisal of all nursing homes by uniform standards, using the depreciated replacement cost method. The appraisal shall include the real estate and the equipment.

(b) The commissioner shall establish an investment per bed limitation on the value to be recognized of buildings, land improvements, and major movable equipment and shall annually update the limitation to reflect changes in replacement costs.

(c) The per diem rent shall be determined annually by taking the base market value computed in clause (b) and multiplying it by eight percent and dividing by 96 percent of the nursing home's certified capacity days. Each year the commissioner shall apply an appropriate index to the base per diem rent computed under this clause, not to exceed three percent per year.

Subd. 4. [SPECIAL RATES.] A newly-constructed nursing home or one with a capacity increase of 50 percent or more may, upon written application to the commissioner, receive the 60th percentile established for the appropriate group under subdivision 2, paragraph (b), increased by six percent as their operating cost payment rate to be effective from the first day a medical assistance recipient resides in the home or for the added beds. The commissioner shall establish by rule procedures for determining the allowable level of property-related costs for newly-constructed beds and payments rates for nursing homes which provide care under a lesser care level than the level for which the nursing home is certified.

Sec. 11. Minnesota Statutes 1982, section 256B.47, is amended to read:

256B.47 [(RATE LIMITS) NONALLOWABLE COSTS; NOTICE OF INCREASES TO PRIVATE PAYING RESIDENTS.]

Subdivision 1. [NONALLOWABLE COSTS.] (THE STATE AGENCY SHALL BY RULE ESTABLISH SEPARATE OVERALL LIMITATIONS ON THE COSTS FOR

ITEMS WHICH DIRECTLY RELATE TO THE PROVISION OF PATIENT CARE TO RESIDENTS OF NURSING HOMES AND THOSE WHICH DO NOT DIRECTLY RELATE TO THE PROVISION OF CARE. THE STATE AGENCY MAY ALSO BY RULE, ESTABLISH LIMITATIONS FOR SPECIFIC COST CATEGORIES WHICH DO NOT DIRECTLY RELATE TO THE PROVISION OF PATIENT CARE. THE STATE AGENCY SHALL REIMBURSE NURSING HOMES FOR THE COSTS OF NURSING CARE IN EXCESS OF ANY STATE AGENCY LIMITS ON HOURS OF NURSING CARE IF THE COMMISSIONER OF HEALTH ISSUES A CORRECTION ORDER PURSUANT TO SECTION 144A.10, SUBDIVISION 4, DIRECTING THE NURSING HOME TO PROVIDE THE ADDITIONAL NURSING CARE. ALL COSTS DETERMINED OTHERWISE ALLOWABLE SHALL BE SUBJECT TO THESE LIMITATIONS.)

(SUBD. 2) The following costs shall not be recognized as allowable (TO THE EXTENT THAT THESE COSTS CANNOT BE DEMONSTRATED BY THE NURSING HOME TO THE STATE AGENCY TO BE DIRECTLY RELATED TO THE PROVISION OF PATIENT CARE): (1) political contributions; (2) salaries or expenses of a lobbyist, as defined in section 10A.01, subdivision 11, for lobbying activities; (3) advertising designed to encourage potential residents to select a particular nursing home; (4) assessments levied by the (HEALTH DEPARTMENT) *commissioner of health* for uncorrected violations; and (5) legal fees for unsuccessful challenges to decisions by state agencies (; AND (6) DUES PAID TO A NURSING HOME OR HOSPITAL ASSOCIATION. THE STATE AGENCY SHALL PROMULGATE RULES ESTABLISHING STANDARDS WHICH SHALL DISTINGUISH BETWEEN ANY PATIENT-CARE RELATED COMPONENTS AND NONPATIENT-CARE RELATED COMPONENTS OF THESE COSTS, WHERE APPLICABLE. FOR PURPOSES OF THESE RULES, THE STATE AGENCY SHALL EXERCISE EMERGENCY POWERS AND ESTABLISH EMERGENCY RULES PURSUANT TO SECTION 15.0412, SUBDIVISION 5, BEFORE SEPTEMBER 1, 1977). The (STATE AGENCY) *commissioner* shall by rule exclude the costs of any other items (WHICH IT DETERMINES ARE) not directly related to the provision of (PATIENT) *resident* care.

(SUBD. 3. ON OR BEFORE JANUARY 1, 1977 THE STATE AGENCY SHALL BY RULE ESTABLISH A PROCEDURE AFFORDING NOTICE OF THE APPROVED RATE FOR MEDICAL ASSISTANCE RECIPIENTS TO NURSING HOMES WITHIN 120 DAYS AFTER THE CLOSE OF THE FISCAL YEAR OF THE NURSING HOME.)

Subd. (4.) 2. [NOTICE TO RESIDENTS.] No increase in nursing home rates for private paying residents shall be effective unless the nursing home notifies the resident or person

responsible for payment of the increase in writing 30 days before the increase takes effect.

A nursing home may adjust its rates without giving the notice required by this subdivision when the purpose of the rate adjustment is to (: (A)) reflect a necessary change in the level of care provided to a resident (; OR (B) RETROACTIVELY OR PROSPECTIVELY EQUALIZE PRIVATE PAY RATES WITH RATES CHARGED TO MEDICAL ASSISTANCE RECIPIENTS AS REQUIRED BY SECTION 256B.48, SUBDIVISION 1, CLAUSE (A) AND APPLICABLE FEDERAL LAW.)

(SUBD. 5. THE COMMISSIONER SHALL PROMULGATE RULES NO LATER THAN AUGUST 1, 1980, TO AMEND THE CURRENT RULES GOVERNING NURSING HOME REIMBURSEMENT, IN ACCORDANCE WITH SECTIONS 14.01 TO 14.70, TO ALLOW PROVIDERS TO ALLOCATE THEIR RESOURCES IN ORDER TO PROVIDE AS MANY NURSING HOURS AS NECESSARY WITHIN THE TOTAL COST LIMITATIONS OF THE PER DIEM ALREADY GRANTED). *If the state fails to set rates as required by section 10, the time required for giving notice is increased by the number of days by which the state was late in setting the rates.*

Sec. 12. Minnesota Statutes 1982, section 256B.48, is amended to read:

256B.48 [CONDITIONS FOR PARTICIPATION.]

Subdivision 1. [PROHIBITED PRACTICES.] (NO) A nursing home (SHALL BE) *is not* eligible to receive medical assistance payments unless it agrees in writing that it will refrain from:

(a) (CHARGING NONMEDICAL ASSISTANCE RESIDENTS RATES FOR SIMILAR SERVICES WHICH EXCEED BY MORE THAN TEN PERCENT THOSE RATES WHICH ARE APPROVED BY THE STATE AGENCY FOR MEDICAL ASSISTANCE RECIPIENTS. FOR NURSING HOMES CHARGING NONMEDICAL ASSISTANCE RESIDENTS RATES LESS THAN TEN PERCENT MORE THAN THOSE RATES WHICH ARE APPROVED BY THE STATE AGENCY FOR MEDICAL ASSISTANCE RECIPIENTS, THE MAXIMUM DIFFERENTIAL IN RATES BETWEEN NONMEDICAL ASSISTANCE RESIDENTS AND MEDICAL ASSISTANCE RECIPIENTS SHALL NOT EXCEED THAT DIFFERENTIAL WHICH WAS IN EFFECT ON APRIL 13, 1976. IF A NURSING HOME HAS EXCEEDED THIS DIFFERENTIAL SINCE APRIL 13, 1976, IT SHALL RETURN THE AMOUNT COLLECTED IN EXCESS OF THE ALLOWABLE DIFFER-

ENTIAL STATED BY THIS SUBDIVISION TO THE NON-MEDICAL ASSISTANCE RESIDENT, OR THAT PERSON'S REPRESENTATIVE, BY JULY 1, 1977. EFFECTIVE JULY 1, 1978, NO NURSING HOME SHALL BE ELIGIBLE FOR MEDICAL ASSISTANCE IF IT CHARGES NONMEDICAL ASSISTANCE RECIPIENTS) *Charging private paying residents rates for similar services which exceed those which are approved by the state agency for medical assistance recipients (; PROVIDED, HOWEVER, THAT) except under the following circumstances: the nursing home may (1) charge (NONMEDICAL ASSISTANCE) private paying residents a higher rate for a private room, and (2) charge for special services which are not included in the daily rate if medical assistance (PATIENTS) residents are charged separately at the same rate for the same services in addition to the daily rate paid by the (STATE AGENCY) commissioner. A nursing home that charges a private paying resident a rate in violation of this clause is subject to an action by the state of Minnesota or any of its subdivisions or agencies for civil damages. A private paying resident or the resident's legal representative has a cause of action for civil damages against a nursing home that charges the resident rates in violation of this clause. The damages awarded shall include three times the payments that result from the violation, together with costs and disbursements, including reasonable attorneys' fees or their equivalent. A private paying resident or the resident's legal representative, the state, subdivision or agency, or a nursing home may request a hearing to determine the allowed rate or rates at issue in the cause of action. Within 15 calendar days after receiving a request for such a hearing, the commissioner shall request assignment of a hearing examiner under sections 14.48 to 14.56 to conduct the hearing as soon as possible or according to agreement by the parties. The hearing examiner shall issue a report within 15 calendar days following the close of the hearing. The prohibition set forth in this clause shall not apply to facilities licensed as boarding care facilities which are not certified as nursing homes for reimbursement through medical assistance;*

(b) Requiring an applicant for admission to the home, or the guardian or conservator of the applicant, as a condition of admission, to pay (AN ADMISSION FEE) *any fee or deposit in excess of \$100, loan any money to the nursing home, or promise to leave all or part of the applicant's estate to the home; and*

(c) Requiring any resident of the nursing home to utilize a vendor of health care services who is a licensed physician or pharmacist chosen by the nursing home.

(d) *Requiring any vendor of medical care as defined by 256B.02, subdivision 7, who is reimbursed by medical assistance under a separate fee schedule, to pay any portion of his fee to the home.*



The prohibitions set forth in clause (b) shall not apply to a retirement home with more than 325 beds including at least 150 licensed nursing home beds and which:

(1) is owned and operated by an organization tax-exempt under section 290.05, subdivision 1, clause (i); and

(2) at the time of admission places all of the applicant's assets which are required to be assigned to the home in a trust account from which only expenses for the cost of care of the applicant may be deducted; and

(3) agrees in writing at the time of admission to the home to permit the applicant, or his guardian, or conservator, to examine the records relating to the individual's trust account upon request; and to receive an audited statement of the expenditures from his individual account upon request; and

(4) agrees in writing at the time of admission to the home to permit the applicant to withdraw from the home at any time and to receive, upon withdrawal, all of the unexpended funds remaining in his individual trust account (; AND)

((5) WAS IN COMPLIANCE WITH PROVISIONS (1) TO (4) AS OF JUNE 30, 1976).

Subd. 2. [REPORTING REQUIREMENTS.] (EFFECTIVE JULY 1, 1976, NO NURSING HOME SHALL BE ELIGIBLE TO RECEIVE MEDICAL ASSISTANCE PAYMENTS UNLESS IT AGREES IN WRITING TO:)

((A) PROVIDE THE STATE AGENCY WITH ITS MOST RECENT (1) BALANCE SHEET AND STATEMENT OF REVENUES AND EXPENSES AS AUDITED BY A CERTIFIED PUBLIC ACCOUNTANT LICENSED BY THIS STATE OR BY A PUBLIC ACCOUNTANT AS DEFINED IN SECTION 412.222; (2) STATEMENT OF OWNERSHIP FOR THE NURSING HOME; AND (3) A SEPARATE AUDITED BALANCE SHEET AND STATEMENT OF REVENUES AND EXPENSES FOR EACH NURSING HOME IF MORE THAN ONE NURSING HOME OR OTHER BUSINESS OPERATION IS OWNED BY THE SAME OWNER; A GOVERNMENTALLY OWNED NURSING HOME MAY COMPLY WITH THE AUDITING REQUIREMENTS OF THIS CLAUSE BY SUBMITTING AN AUDIT REPORT PREPARED BY THE STATE AUDITOR'S OFFICE;)

((B) PROVIDE THE STATE AGENCY WITH COPIES OF LEASES, PURCHASE AGREEMENTS AND OTHER RELATED DOCUMENTS RELATED TO THE LEASE OR PURCHASE OF THE NURSING HOME; AND)

((C) PROVIDE TO THE STATE AGENCY UPON REQUEST COPIES OF LEASES, PURCHASE AGREEMENTS, OR SIMILAR DOCUMENTS FOR THE PURCHASE OR ACQUISITION OF EQUIPMENT, GOODS AND SERVICES WHICH ARE CLAIMED AS ALLOWABLE COSTS.)

*Effective July 1, 1983, a skilled nursing facility or intermediate care facility, including boarding care facilities and supervised living facilities, which receives medical assistance payments or other reimbursements from the state agency shall:*

(a) *Provide the state agency with a copy of its audited financial statements which correspond to the period covered by the annual cost report. The audited financial statements must include a balance sheet, income statement, statement of retained earnings, statements of changes in financial position (cash and working capital methods), notes to the financial statements, applicable supplemental information, and the certified public accountant's or licensed public accountant's opinion. The examination by the certified public accountant or licensed public accountant shall be conducted in accordance with generally accepted auditing standards as promulgated and adopted by the American Institute of Certified Public Accountants;*

(b) *Provide the state agency with a statement of ownership for the facility;*

(c) *Provide the state agency with separate, audited financial statements as specified in clause (a) for every other facility owned in whole or part by an individual or entity which has an ownership interest in the facility;*

(d) *Provide the state agency with separate, audited financial statements as specified in clause (a) for every organization with which the facility conducts business and which is owned in whole or in part by an individual or entity which has an ownership interest in the facility;*

(e) *Provide the state agency with copies of leases, purchase agreements, and other documents related to the lease or purchase of the nursing facility;*

(f) *Upon request, provide the state agency with copies of leases, purchase agreements, and other documents related to the acquisition of equipment, goods, and services which are claimed as allowable costs; and*

(g) *Permit access by the state agency to the certified public accountant's and licensed public accountant's audit workpapers which support the audited financial statements required in clauses (a), (c), and (d).*

*Documents or information provided to the state agency pursuant to this subdivision shall be public. If the requirements of clauses (a) to (g) are not met, the reimbursement rate shall be reduced to 80 percent of the rate in effect on the first day of the fourth calendar month after the close of the facility's fiscal year, and the reduction shall continue until the requirements are met. This subdivision is not subject to the rulemaking requirements of section 14.*

**Subd. 3. [INCOMPLETE OR INACCURATE REPORTS.]** The (STATE AGENCY) commissioner may reject any annual cost report filed by a nursing home pursuant to this chapter if (IT) the commissioner determines that the report or the information required in subdivision 2, clause (a) has been filed in a form that is incomplete or inaccurate. In the event that a report is rejected pursuant to this subdivision, the (STATE AGENCY MAY) commissioner shall make payments to a nursing home at (THE) its most recently established rate (DETERMINED FOR ITS PRIOR FISCAL YEAR, OR AT AN INTERIM RATE ESTABLISHED BY THE STATE AGENCY,) until the information is completely and accurately filed.

**Subd. 4. [EXTENSIONS; AMENDMENTS.]** *The commissioner may grant a 30-day extension of the reporting deadline to a nursing home in unusual circumstances. To receive such an extension, a nursing home shall submit a written request by March 1. The commissioner will notify the nursing home of the decision by March 15.*

**Subd. 5. [FALSE REPORTS.]** *If a nursing home knowingly supplies inaccurate or false information in a required report that results in an overpayment, the commissioner shall: (a) immediately adjust the nursing home's payment rate to recover the entire overpayment within the rate year; or (b) terminate the commissioner's agreement with the nursing home; or (c) prosecute under applicable state or federal law; or (d) use any combination of the foregoing actions.*

**Sec. 13. [256B.50] [APPEALS.]**

*A nursing home may appeal a decision arising from the application of standards or methods pursuant to sections 256B.41, 256B.47, 256B.48, and sections 9, 10, 13, and 14, if the appeal, if successful, would result in a change to the nursing home's payment rate. An appealable decision is an operating cost determination decision. To appeal, the nursing home shall notify the commissioner of its intent to appeal within 30 days and submit a written appeal request within 60 days of receiving notice of the payment rate determination or decision. The request shall specify each disputed item, the reason for the dispute, an estimate of the dollar amount involved, and other information required by the commissioner. The appeal shall be heard by a hearing examiner according to sections 14.48 to 14.56, or upon agreement by both*

parties according to a modified appeals procedure established by the commissioner and the hearing examiner. Regardless of any rate appeal, the rate established shall be the rate paid and shall remain in effect until final resolution of the appeal, subsequent desk or field audit adjustment, notwithstanding any provision of law or rule to the contrary. To challenge the validity of rules established by the commissioner pursuant to sections 256B.41, 256B.47, 256B.48, and sections 9, 10, 13, and 14, a nursing home shall comply with section 14.44.

Sec. 14. [256B.502] [TEMPORARY RULES.]

To implement sections 1 to 15, the commissioner shall promulgate temporary and permanent rules in accordance with sections 14.01 to 14.38. Notwithstanding the provisions of section 14.35, the temporary rule promulgated to implement sections 1 to 15 shall be effective for up to 360 days, and may be continued in effect for two additional periods of 180 days each if the commissioner gives notice of continuation of each additional period by publishing notice in the state register and mailing the same notice to all persons registered with the commissioner to receive notice of rulemaking proceedings in connection with sections 1 to 15. The temporary rule promulgated in accordance with this section shall not be effective 720 days after its effective date without following the procedures in sections 14.13 to 14.20.

Sec. 15. [LEGISLATIVE STUDY COMMISSION ON LONG TERM HEALTH CARE FUNDING ALTERNATIVES.]

Subdivision 1. A legislative study commission is created (a) to monitor the inspection and regulation activities, including rule developments, of the departments of health and public welfare with the goal of improving quality of care; (b) to study and report on alternative long-term care services, including respite care services, day care services, and hospice services; and (c) to study and report on alternatives to medical assistance funding for providing long term health care services to the citizens of Minnesota. The study commission shall consider the use of such alternatives as private insurance, private annuities, health maintenance organizations, preferred provider organizations, medicare, and such other alternatives as the commission may deem worthy of study.

Subd. 2. The commission shall consist of six members of the house of representatives appointed by the speaker and six members of the senate appointed by the subcommittee on committees.

Subd. 3. The commission shall report its findings and recommendations to the governor and the legislature not later than January 1, 1985.

Subd. 4. The commission shall hold meetings and hearings at the times and places it designates to accomplish the purposes

set forth in this section. It shall select a chairperson and other officers from its membership as it deems necessary.

*Subd. 5. The commission shall make use of existing legislative facilities and staff of the house and senate research department and senate counsel, but it may also request the legislative coordinating commission to supply it with additional necessary staff, office space, and administrative services. All additional personnel shall be hired and supervised by the directors of the house and senate research departments and senate counsel. The commission shall have full authority to contract for expert services and opinions relevant to the purposes of this section. The commission, by a two-thirds vote of its members, may request the issuance of subpoenas, including subpoenas duces tecum, requiring the appearance of persons, production of relevant records, and giving of relevant testimony. Issuance of subpoenas shall be as provided in section 3.153.*

**Sec. 16. [REPEALER.]**

*Minnesota Statutes 1982, sections 256B.42; 256B.43; 256B.44; 256B.45; and 256B.46 are repealed. Section 1 is repealed effective June 30, 1986.*

**Sec. 17. [APPROPRIATION.]**

*For the biennium ending June 30, 1985, \$ is appropriated from the general fund to the commissioner of public welfare to jointly establish with the commissioner of health the interagency board for quality assurance in accordance with section 3. The approved complements of the department of health and the department of public welfare are each increased by one-half position to provide one full-time position for the interagency board.*

**Sec. 18. [EFFECTIVE DATE.]**

*Sections 1 to 17 are effective the day following enactment, for establishing procedures for determining payment rates to become effective for the biennium beginning July 1, 1983, and thereafter. The amendments to section 256B.48, subdivision 1, apply to causes of action arising from charges made on or after the effective date of section 12."*

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 697, A bill for an act relating to the city of St. Paul; providing for facilities, bonding, powers, and duties of the St. Paul port authority; amending Laws 1976, chapter 234, section 3, subdivision 1.

Reported the same back with the following amendments:

Page 2, line 15, after "income" insert "or \$400,000 annually, whichever is less,"

Page 2, line 20, after "participants" insert "and provided such corporation or entity shall report in writing each month to the commissioners of such port authority all investment action and other actions taken by it since the last such report. All funds contributed to such corporation or entity shall be invested pro rata with each contributor of capital taking proportional risks on each investment"

Page 3, line 4, after "subdivision 3" insert "and shall expire June 30, 1987"

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. 721, A bill for an act relating to the city of Babbitt; authorizing the establishment of detached banking facilities.

Reported the same back with the following amendments:

Page 1, line 10, delete "by merger with, or acquisition of, an"

Page 1, line 11, delete everything before the period

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. 745, A bill for an act relating to the administrative procedure act; clarifying the duties of the revisor of statutes with respect to approving the form of administrative rules; requiring the chief hearing examiner and attorney general to send statements of reasons for disapproving rules to the revisor; increasing the six month time period for adopting a rule under certain circumstances; applying the six month adoption dead-

line to rules adopted without public hearing; clarifying other provisions of the act; amending Minnesota Statutes 1982, sections 14.07; 14.08; 14.14, subdivision 1; 14.15, subdivisions 3 and 4; 14.17; 14.18; 14.19; 14.21; 14.22; 14.26; 14.32; and 14.47, subdivisions 1 and 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 14.07, is amended to read:

14.07 [FORM OF RULE.]

Subdivision 1. [RULE DRAFTING ASSISTANCE PROVIDED.] The revisor of statutes shall:

(1) maintain an agency rules drafting department to draft or aid in the drafting of rules or amendments to rules for any agency in accordance with *subdivision 3* and the objective or other instructions which the agency shall give the revisor; and,

(2) prepare and publish an agency rules drafting guide which shall set out the form and method for drafting rules and amendments to rules, and to which all rules shall comply.

Subd. 2. [APPROVAL OF FORM.] No (PROCEDURE) *agency decision* to adopt a rule (,) or temporary rule (, OR EMERGENCY RULE,) shall be (INITIATED BY ANY AGENCY UNTIL) *effective unless* the agency (PRESENTS IT) *has presented the rule* to the revisor of statutes and the revisor (CERTIFIES) *has certified* that its form is approved. (THE REVISOR MAY ASSIST IN DRAFTING RULES AS PROVIDED BY SUBDIVISION 3.)

Subd. 3. [STANDARDS FOR FORM.] In determining the drafting form of rules the revisor shall:

(1) minimize duplication of statutory language;

(2) not permit incorporations into the rules by reference of publications or other documents which are not conveniently available to the public;

(3) to the extent practicable, use plain language in rules and avoid technical language; and

(4) amend rules by showing the (TEXT) *portion* of the (RULE, PARAGRAPH, CLAUSE, OR OTHER PART OF A) rule being amended as necessary to provide adequate notice of the nature of the proposed amendment, as it is shown in the

latest compilation or supplement, or, if not yet published in a compilation or supplement, then as the text is shown in the (STATE REGISTER) files of the secretary of state, with changes shown by striking and underlining words.

Subd. 4. [INCORPORATIONS BY REFERENCE.] (a) An agency may incorporate by reference into its rules the text from Minnesota Statutes, *Minnesota Rules*, United States Statutes at Large, United States Code, Laws of Minnesota, Code of Federal Regulations, the Federal Register, and other publications and documents which are determined by the revisor of statutes, after consultation with the chief hearing examiner, to be conveniently available to the public. *The agency must provide information necessary for the revisor's determination of availability.* When presented with a rule for certification pursuant to subdivision 2 and this subdivision, the revisor of statutes should indicate in the certification that the rule incorporates by reference text from other publications or documents. 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 or other document other than (THOSE) one listed by name in this subdivision, and which (ARE) is incorporated by reference into the rules, (ARE) is conveniently available to the public.

(b) *For the purposes of paragraph (a), "conveniently available to the public" means available for loan or inspection and copying to a person living anywhere in Minnesota through a statewide interlibrary loan system or in a public library without charge except for reasonable copying fees and mailing costs.*

Subd. 5. [DUPLICATION OF STATUTORY LANGUAGE.] No agency shall adopt a rule which duplicates language contained in Minnesota Statutes unless either the hearing examiner, for rules adopted pursuant to sections 14.13 to 14.20, or the attorney general, for rules adopted pursuant to sections 14.21 to 14.36, determines that duplication of the language is crucial to the ability of a person affected by a rule to comprehend its meaning and effect. When presented with a rule for certification pursuant to subdivisions 2 and 4, the revisor of statutes should indicate in the certification that the rule duplicates statutory language.

Subd. 6. [STYLE AND FORM REVISIONS.] The revisor of statutes (SHALL) may periodically prepare style and form revisions of rules to clarify, modernize, or simplify the text without material change to the rules' substance or effect. Before beginning any revision, the revisor shall consult the agency whose rules will be subject to the revision. After the revision is prepared, the revisor shall present it to the agency and receive its consent to proceed to seek adoption of the revision. Upon receiving consent, the revisor shall seek adoption of the rules in accordance with sections 14.05 to 14.36. However, the need



and reasonableness statement and any hearing shall be restricted to the issue of whether any material change in the substance and effect of the rule is proposed by the revisor. The revisor shall mail notice of any hearing to the persons registered with the agency whose rules are the subject of the revision. The revisor shall pay all costs to publish notices in the state register and to replenish the agency's stock of rules which exist at the time the revisor adopts the revised rules.

*Subd. 7. [TECHNICAL CHANGES.] The revisor may approve the form of a rule amendment which does not meet the requirements of subdivision 3, clause (4), if, in the revisor's judgment, the amendment does not change the substance of the rule and the amendment is:*

- (a) a relettering or renumbering instruction;*
- (b) the substitution of one name for another when an organization or position is renamed;*
- (c) the substitution of a reference to Minnesota Statutes for a corresponding reference to Laws of Minnesota;*
- (d) the correction of a citation to rules or laws which has become inaccurate since the rule was adopted because of repealing or renumbering of the rule or law cited; or*
- (e) the correction of a similar formal defect.*

*This subdivision does not limit the revisor's authority to make the changes described in clauses (a) to (e) during the publication process under section 14.47.*

Sec. 2. Minnesota Statutes 1982, section 14.08, is amended to read:

**14.08 [REVISOR OF STATUTE'S APPROVAL OF RULE FORM.]**

*(a) For the purpose of obtaining the revisor's certificate of approval of the form of a rule prior to filing the rule with the secretary of state, (A COPY) two copies of the rule shall be submitted by the agency to the attorney general. The attorney general shall send one copy of the rule to the revisor on the same day as it is submitted by the agency to the attorney general as required by sections 14.16, 14.26, and 14.32. Within five days after receipt of the rule, excluding weekends and holidays, the revisor shall either (DELIVER THE CERTIFICATE AND) return the rule with a certificate of approval to the attorney general or notify the attorney general and the agency that the form of the rule will not be approved. (THE REVISOR'S*

**CERTIFICATE SHALL BE ATTACHED TO THE RULES FILED WITH THE SECRETARY OF STATE.)**

(b) If the attorney general disapproves the rule, (THE REVISOR'S CERTIFICATE SHALL BE RETURNED TO THE REVISOR BY THE ATTORNEY GENERAL. IF, AFTER THE ATTORNEY GENERAL DISAPPROVES THE RULE,) the agency (MODIFIES) *may modify* it (.). After the chief hearing examiner's review, *if any*, the agency shall submit *two copies* of the modified rule to the *attorney general who shall send a copy to the revisor for approval as to form as described in paragraph (a).*

(c) If the revisor refuses to approve the form of any rules, the revisor's notice to the agency and the attorney general shall indicate the reason for the refusal and specify the modifications necessary so the form of the rules will be approved.

Sec. 3. Minnesota Statutes 1982, section 14.12, is amended to read:

**14.12 [DEADLINE TO PUBLISH NOTICE.]**

The agency shall, within (SIX MONTHS) *180 days* after the effective date of a law requiring rules to be promulgated, unless otherwise specified by law, publish an appropriate notice of intent to adopt a rule in accordance with sections 14.04 to 14.36. If an agency has not given this notice, it shall report to the *legislative commission to review administrative rules, other appropriate committees of the legislature, and the governor its failure to do so, and the reasons for that failure.*

Sec. 4. Minnesota Statutes 1982, section 14.14, subdivision 1, is amended to read:

Subdivision 1. [REQUIRED HEARING.] *Except as otherwise provided in chapter 14, no rule, other than a rule setting a fee covered by section 16A.128 or 214.06, shall be adopted by any agency unless the agency first holds a public hearing affording all affected interests an opportunity to participate. Fee adjustments authorized under section 16A.128 or 214.06 may be made by rule without a public hearing when the total fees received during the fiscal biennium will not exceed 110 percent of the sum of all direct appropriations, transfers in, and salary supplements for that purpose for the biennium.*

*Subd. 1a.* [NOTICE OF RULE HEARING.] Each agency shall maintain a list of all persons who have registered with the agency for the purpose of receiving notice of rule hearings. The agency may inquire as to whether those persons on the list wish to maintain their names thereon and may remove names for which there is a negative reply or no reply within 60 days. The agency shall, at least 30 days prior to the date set for the hear-

ing, give notice of its intention to adopt rules by United States mail to all persons on its list, and by publication in the state register. *The mailed notice shall include either a copy of the proposed rule or a description of the nature and effect of the proposed rule and an announcement that a free copy of the proposed rule is available on request from the agency.* Each agency may, at its own discretion, also contact persons not on its list and may give notice of its intention in newsletters, newspapers or other publications or through other means of communication. The notice in the state register shall include the proposed rule or an amended rule in the form (PROVIDED IN) *required by the revisor under section 14.07, (SUBDIVISION 3,) together with a citation to the most specific statutory authority for the proposed rule, a statement of the place, date, and time of the public hearing, and other information as required by law or rule.* When an entire rule is proposed to be repealed, the agency need only publish that fact, giving the citation to the rule to be repealed in the notice.

Sec. 5. Minnesota Statutes 1982, section 14.15, subdivision 1, is amended to read:

Subdivision 1. [TIME OF PREPARATION.] After allowing written material to be submitted and recorded in the hearing record for five working days after the public hearing ends, or for a longer period not to exceed 20 days if ordered by the hearing examiner, the hearing examiner assigned to the hearing shall write a report as provided for in section 14.50. *The hearing examiner shall allow the agency three business days after the closing of the hearing record to indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. The agency may not submit additional information during this three-day period. The written acceptance of other amendments shall be added to the hearing record.*

Sec. 6. Minnesota Statutes 1982, section 14.15, subdivision 3, is amended to read:

Subd. 3. [FINDING OF SUBSTANTIAL CHANGE.] If the report contains a finding that a rule has been modified in a way which makes it substantially different from that which was originally proposed, or that the agency has not met the requirements of sections 14.13 to 14.18, it shall be submitted to the chief hearing examiner for approval. If the chief hearing examiner approves the finding of the hearing examiner, the chief hearing examiner shall advise the agency *and the revisor of statutes of actions which will correct the defects (, AND).* The agency shall not adopt the rule until the chief hearing examiner determines that the defects have been corrected.

Sec. 7. Minnesota Statutes 1982, section 14.15, subdivision 4, is amended to read:

Subd. 4. [NEED OR REASONABLENESS NOT ESTABLISHED.] If the chief hearing examiner determines that the need for or reasonableness of the rule has not been established pursuant to section 14.14, subdivision 2, and if the agency does not elect to follow the suggested actions of the *chief hearing examiner* to correct that defect, then the agency shall submit the proposed rule to the legislative commission to review administrative rules for the commission's advice and comment. The agency shall not adopt the rule until it has received and considered the advice of the commission. However, the agency is not required to delay adoption longer than 30 days after the commission has received the agency's submission. Advice of the commission shall not be binding on the agency.

Sec. 8. Minnesota Statutes 1982, section 14.17, is amended to read:

#### 14.17. [ATTORNEY GENERAL'S APPROVAL.]

The attorney general shall, within 20 days, either approve or disapprove the rule.

If the rule is approved, the attorney general shall promptly file two copies of it in the office of the secretary of state *with the revisor's certificate approving the form of the rule*. The secretary of state shall forward one copy of each rule filed to the revisor of statutes.

If the rule is disapproved, the attorney general shall state in writing the reasons and return the rule to the agency. *The attorney general shall also send a statement of reasons for disapproving the rule to the agency, the chief hearing examiner, the revisor of statutes, and the legislative commission to review administrative rules*. The rule shall neither be filed in the office of the secretary nor published. Upon receiving a rule disapproved as illegal, the agency shall either withdraw the rule under section 14.05, subdivision 3 or modify the rule to cure the illegality. If the rule is modified, it shall be submitted to the chief hearing examiner who shall determine if the modified rule is substantially different from the rule as originally proposed. The agency shall not resubmit the rule to the attorney general until the chief hearing examiner determines that the rule is not substantially different from the rule as originally proposed.

Sec. 9. Minnesota Statutes 1982, section 14.18, is amended to read:

#### 14.18. [PUBLICATION OF ADOPTED RULE; EFFECTIVE DATE.]

A rule is effective after it has been subjected to all requirements described in sections 14.13 to 14.20 and five working days

after the notice of adoption is published in the state register unless a later date is required by law or specified in the rule. If the rule adopted is the same as the proposed rule, publication may be made by publishing notice in the state register that the rule has been adopted as proposed and by citing the prior publication. If the rule adopted differs from the proposed rule, the (TEXT OF THAT PORTION *portions* of the adopted rule which (DIFFERS) *differ* from the proposed rule shall be included in the notice of adoption together with a citation to the prior state register publication of the remainder of the proposed rule. *The nature of the modifications must be clear to a reasonable person when the notice of adoption is considered together with the state register publication of the proposed rule, except that modifications may also be made which comply with the form requirements of section 14.07, subdivision 7.*

Sec. 10. Minnesota Statutes 1982, section 14.19, is amended to read:

14.19 [DEADLINE TO COMPLETE RULEMAKING.]

The agency shall, within (SIX MONTHS) *180 days* after issuance of the hearing examiner's report (PUBLISH) *submit* its notice of adoption, amendment, suspension, or repeal (IN) *to* the state register *for publication*. If the agency has not (FILED THE RULES WITH THE SECRETARY OF STATE AND PUBLISHED) *submitted* its notice (IN) *to* the state register within (SIX MONTHS) *180 days*, the rule is automatically withdrawn. The agency shall not adopt the withdrawn rules without again following the procedures of sections 14.05 to 14.36. It shall report to the *legislative commission to review administrative rules, other appropriate committees of the legislature, and (TO) the governor* its failure to adopt rules and the reasons for that failure. *The 180-day time limit of this section does not include any days used for review by the chief hearing examiner, the attorney general, or the legislative commission to review administrative rules if the review is required by law.*

Sec. 11. Minnesota Statutes 1982, section 14.21, is amended to read:

14.21 [AUTHORITY FOR USE OF NONCONTROVERSIAL RULES PROCEDURE.]

When an agency determines that its proposed adoption, amendment, suspension or repeal of a rule will be noncontroversial in nature, it may utilize the provisions of sections 14.21 to 14.28 rather than the provisions of sections (14.11) *14.13* to 14.20.

Sec. 12. Minnesota Statutes 1982, section 14.22, is amended to read:

## 14.22 [NOTICE OF PROPOSED ADOPTION OF RULES.]

The agency shall give notice of its intention to adopt a rule without public hearing. The notice shall be given by publication in the state register and by United States mail to persons who have registered their names with the agency pursuant to section 14.14, subdivision 1. *The mailed notice shall include either a copy of the proposed rule or a description of the nature and effect of the proposed rule and an announcement that a free copy of the proposed rule is available on request from the agency.* The notice in the state register shall include the proposed rule or the amended rule in the form (PROVIDED IN) *required by the revisor under section 14.07, (SUBDIVISION 3) and a citation to the most specific statutory authority for the proposed rule.* When an entire rule is proposed to be repealed, the notice need only state that fact, giving the citation to the rule to be repealed in the notice. The notice shall include a statement advising the public:

(1) that they have 30 days in which to submit comment on the proposed rule;

(2) that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30 day comment period;

(3) of the manner in which persons shall request a hearing on rules proposed pursuant to sections 14.21 to 14.28; and

(4) that the rule may be modified if modifications are supported by the data and views submitted.

Sec. 13. Minnesota Statutes 1982, section 14.26, is amended to read:

## 14.26 [ADOPTION OF PROPOSED RULE; SUBMISSION TO ATTORNEY GENERAL.]

If no hearing is required, the agency shall submit to the attorney general the proposed rule and notice as published, the rule as proposed for adoption, any written comments received by the agency, and a statement of need and reasonableness for the rule. The agency shall give notice to all persons who requested to be informed that these materials have been submitted to the attorney general. This notice shall be given on the same day that the record is submitted. *The rule and these materials shall be submitted to the attorney general within 180 days of the day that the comment period for the rule is over or the rule is automatically withdrawn. The agency shall report its failure to adopt the rules and the reasons for that failure to the legislative commission to review administrative rules, other appropriate legislative committees, and the governor.*

*Even if the 180-day period expires while the attorney general reviews the rule, if the attorney general rejects the rule, the agency may resubmit it after taking corrective action. The resubmission must occur within 30 days of when the agency receives written notice of the disapproval. If the rule is again disapproved, the rule is withdrawn. If the agency withholds some of the proposed rule, it may not adopt the withheld portion without again following the procedures of sections 14.13 to 14.20, 14.21 to 14.28, or 14.29 to 14.36.*

The attorney general shall approve or disapprove the rule as to its legality and its form to the extent the form relates to legality, including the issue of substantial change, within 14 days. If the rule is approved, the attorney general shall promptly file two copies of it in the office of the secretary of state. The secretary of state shall forward one copy of each rule to the revisor of statutes. If the rule is disapproved, the attorney general shall state in writing the reasons, and the rule shall not be filed in the office of the secretary of state, nor published. *The attorney general shall send a statement of reasons for disapproval of the rule to the agency, the chief hearing examiner, the revisor of statutes, and the legislative commission to review administrative rules.*

Sec. 14. Minnesota Statutes 1982, section 14.32, is amended to read:

14.32 [SUBMISSION TO ATTORNEY GENERAL.]

*The agency shall submit to the attorney general the proposed temporary rule as published, with any modifications. The attorney general shall review the proposed temporary rule as to its legality, review its form to the extent the form relates to legality, and shall approve or disapprove the proposed temporary rule and any modifications within five working days. The attorney general shall send a statement of reasons for disapproval of the rule to the agency, the chief hearing examiner, the revisor of statutes, and the legislative commission to review administrative rules.*

Sec. 15. Minnesota Statutes 1982, section 14.47, subdivision 1, is amended to read:

Subdivision 1. [PLAN OF PUBLICATION AND SUPPLEMENTATION.] The revisor of statutes shall:

(1) formulate a plan for the compilation of all permanent agency rules and, to the extent practicable, temporary agency rules, adopted pursuant to the administrative procedure act or filed pursuant to the provisions of section 14.38, subdivisions 5 to 9 which were in effect at the time the rules were filed or subdivision 11, including their order, classification, arrangement, form, and indexing, and any appropriate tables, annota-

tions, cross references, citations to applicable statutes, explanatory notes, and other appropriate material to facilitate use of the rules by the public, and for the compilation's composition, printing, binding and distribution;

(2) publish the compilation of permanent agency rules and, if practicable, temporary rules, adopted pursuant to the administrative procedure act or filed pursuant to the provisions of section 14.38, subdivisions 5 to 9 which were in effect at the time the rules were filed or subdivision 11, which shall be called "Minnesota Rules";

(3) periodically either publish a supplement or a new compilation, which includes all rules adopted since the last supplement or compilation was published and removes rules incorporated in prior compilations or supplements which are no longer effective;

(4) include in Minnesota Rules a consolidated list of publications and other documents incorporated by reference into the rules after June 30, 1981, and found conveniently available by the revisor under section 14.07, subdivision 4, indicating where the publications or documents are conveniently available (FOR USE OR PURCHASE BY) to the public; and,

(5) copyright any compilations and or supplements in the name of the state of Minnesota.

Sec. 16. Minnesota Statutes 1982, section 14.47, subdivision 5, is amended to read:

Subd. 5. [POWERS OF REVISOR.] (a) In preparing a compilation or supplement, the revisor may renumber rules, paragraphs, clauses or other parts of a rule; combine or divide rules, paragraphs, clauses or other parts of a rule; rearrange the order of rules, paragraphs, clauses, or other parts of a rule; move paragraphs, clauses, or other parts of a rule to another rule; remove redundant language; make minor punctuation and grammatical changes to facilitate the renumbering, combining, dividing, and rearranging of rules or parts of rules; change reference numbers to agree with renumbered rules, paragraphs, clauses or other parts of a rule; *change reference numbers to agree with renumbered statutes or parts of statutes*; substitute the proper rule, paragraph, clause, or other part of a rule for the term "this rule", "the preceding rule" and the like; substitute numbers for written words and written words for numbers; substitute the term "rule" for the term "regulation" when "regulation" refers to a Minnesota rule; substitute the date on which the rule becomes effective for the words "the effective date of this rule", and the like; change capitalization, punctuation, and forms of citation for the purpose of uniformity; *convert citations of Laws of Minnesota to citations of Minnesota Statutes*; correct manifest clerical or typographical errors;



correct all misspelled words; (AND) correct manifest grammatical and punctuation errors; *and make other editorial changes to ensure the accuracy and utility of the compilation or supplement.*

(b) The revisor shall provide headnotes as catch words to rules and, if appropriate, to paragraphs, clauses, or other parts of a rule. The headnotes are not part of the rule even if included with the rule when adopted. The revisor shall change headnotes to clearly indicate the subject matter of the rules. "Headnote" means any text functioning as catch words to the substance of text and not itself communicating the substantive content of the rule.

Sec. 17. Minnesota Statutes 1982, section 14.52, is amended to read:

14.52. [COURT REPORTERS; AUDIO RECORDINGS.]

The office of administrative hearings may maintain a court reporter system and in addition to or in lieu thereof may contract with nongovernmental sources for court reporter services. 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. In *all* cases (ARISING UNDER CHAPTER 176), the chief hearing examiner shall use audio magnetic recording devices to keep the record of hearings except when there are more than two primary parties in a case and the chief hearing examiner determines that the use of a court reporter is more appropriate. If the chief hearing examiner determines that the use of a court reporter is more appropriate, the cost of the court reporter shall be paid by the state. If the chief hearing examiner determines that the use of an audio magnetic recording device is more appropriate in a hearing (UNDER CHAPTER 176), any party to that hearing may provide a court reporter at the party's expense. Court reporters provided by a party shall be selected from the chief hearing examiner's list of non-governmental sources.

The fee charged by a court reporter to a party shall not exceed the fee which would be charged to the state pursuant to the court reporter's contract with the state.

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 sections 14.48 to 14.56 may be obtained only through the office of administrative hearings.

The departmental and classification seniority of an individual who was employed as a court reporter in state service prior to his appointment as a court reporter in the office of administrative hearings pursuant to Laws 1975, Chapter 380, Section 16; shall carry forward and be credited to his employment with the office of administrative hearings."

Delete the title and insert:

"A bill for an act relating to the administrative procedure act; requiring certain notices to be sent to the legislative commission to review administrative rules; clarifying the duties of the revisor of statutes with respect to approving the form of administrative rules; increasing the time period for adopting a rule when reviews by other agencies are necessary; establishing a deadline for agency action with respect to rules adopted without public hearing; clarifying other provisions of the act; amending Minnesota Statutes 1982, sections 14.07; 14.08; 14.12; 14.14, subdivision 1; 14.15, subdivisions 1, 3, and 4; 14.17; 14.18; 14.19; 14.21; 14.22; 14.26; 14.32; 14.47, subdivisions 1 and 5; and 14.52."

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 769, A bill for an act relating to metropolitan government; extending the time for design selection for noise suppression equipment at the international airport.

Reported the same back with the following amendments:

Page 1, after line 19, insert:

"Sec. 3. [EFFECTIVE DATE.]

*This act is effective the day following final enactment."*

Amend the title as follows:

Page 1, line 4, after "airport" insert "; amending Minnesota Statutes 1982, section 473.608, subdivision 20"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 787, A bill for an act relating to metropolitan government; regulating the organization, duties, and powers of the metropolitan mosquito control district and commission; amending Minnesota Statutes 1982, sections 473.702; 473.703, subdivision 9; 473.704, subdivision 13; 473.711, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 473.

Reported the same back with the following amendments:

Page 1, after line 23, insert:

"Sec. 2. Minnesota Statutes 1982, section 473.703, subdivision 1, is amended to read:

Subdivision 1. The district shall be operated by a commission which shall consist of (TWO MEMBERS FROM EACH COUNTY WITHIN THE DISTRICT, EXCEPT THAT EACH COUNTY WITHIN THE DISTRICT WHICH HAS A SEVEN MEMBER COUNTY BOARD AS PROVIDED IN SECTION 375.01, SHALL HAVE ONE ADDITIONAL MEMBER ON THE COMMISSION. IF A COUNTY IS ONLY PARTLY INCLUDED IN THE DISTRICT IT SHALL HAVE ONLY ONE MEMBER) *three members from Anoka County, one member from Carver County, three members from Dakota County, three members from Hennepin County, three members from Ramsey County, two members from Scott County, and two members from Washington County.* Commissioners shall be members of the board of county commissioners of their respective counties, and shall be appointed by their respective boards of county commissioners."

Page 3, after line 25, insert:

"Sec. 8. [EFFECTIVE DATE.]

*This act is effective the day following final enactment."*

Renumber the sections in order

Amend the title as follows:

Page 1, line 6, delete "subdivision 9" and insert "subdivisions 1 and 9"

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. 807, A bill for an act relating to agriculture; regulating commerce in seeds; establishing a seed laboratory for the regulatory and service testing of seeds; appropriating money; imposing penalties; proposing new law coded in Minnesota Statutes, chapter 21; repealing Minnesota Statutes 1982, sections 21.47 to 21.58.

Reported the same back with the following amendments:

Page 2, line 20, delete "*blending*" and insert "*combining*"

Page 2, line 24, delete "*blending*" and insert "*combining*"

Page 7, delete lines 12 and 13

Page 13, line 6, delete "*43*" and insert "*43A*"

Page 15, line 11, after "*identification*" insert a new period

Page 15, line 11, delete "*in excess of the number of free tests*"

Page 15, delete lines 12 to 15

Page 16, line 27, delete "*or*" and insert "*and*"

Page 18, line 26, delete "*set by rule*" and insert "*establish*"

Page 18, line 33, delete "*ending*" and insert "*established*"

Page 18, line 34, delete "*June 30 and December 31 of each year*" and insert "*by the commissioner*"

Page 19, line 1, delete "*semiannual*" and insert "*reporting*"

Page 19, line 6, delete "*of \$10*" and insert "*fee established by the commissioner*"

Page 19, line 7, delete "*semiannual*"

Page 19, line 9, delete "*semiannual*" and insert "*reporting*"

Page 20, line 2, after "*The*" insert "*commissioner shall establish the*"

Page 20, line 2, delete "*shall*"

Page 20, line 3, delete "*be established by rule*"

Page 21, line 26, delete "*be determined by rule*" and insert "*at least equal 80 percent of the total revenue from all hybrid seed field corn variety registrations*"

Page 22, line 7, delete "*and the adjustments are not*"

Page 22, line 8, delete "*subject to chapter 14*"

Page 22, line 12, delete "*If, at any time after June 30, 1984, this*"

Page 22, delete lines 13 to 24

Page 22, line 30, delete "*16*" and insert "*15*"

Renumber the remaining sections

Amend the title as follows:

Page 1, line 4, delete "*appropriating money;*"

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. 851, A bill for an act relating to agriculture; making certain changes in the family farm security loan program; amending Minnesota Statutes 1982, sections 16.02, subdivision 14; 41.52, by adding a subdivision; 41.53, subdivision 2; 41.54, subdivision 2; 41.55; 41.56, subdivisions 2, 4, 5, and by adding subdivisions; 41.57, subdivisions 2 and 3; 41.58, subdivision 1; 41.59, subdivisions 1, 2, and 3; 41.61, subdivision 1; 48.19, by adding a subdivision; and 287.04; proposing new law coded in Minnesota Statutes, chapter 15.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 16.02, subdivision 14, is amended to read:

Subd. 14. To rent out, with the approval of the governor, any state property, real or personal, not needed for public use, the rental of which is not otherwise provided for or prohibited by law. This shall not apply to state trust fund lands, (OR) other

state lands under the jurisdiction of the department of natural resources, (OR TO) lands forfeited for delinquent taxes or (TO LANDS) acquired under section 298.22, or lands acquired under section 41.56 which are under the jurisdiction of the department of agriculture. No such property shall be rented out for a term exceeding two years at a time without the approval of the state executive council; and no such property shall ever be rented out for more than 25 years.

Sec. 2. Minnesota Statutes 1982, section 41.52, is amended by adding a subdivision to read:

*Subd. 13. [PARTICIPANT.] "Participant" means an applicant who has received final approval for a guarantee which has been fully executed by the state.*

Sec. 3. Minnesota Statutes 1982, section 41.53, subdivision 2, is amended to read:

Subd. 2. The commissioner (SHALL PROMULGATE) *may adopt temporary or permanent* rules necessary for the efficient administration of sections 41.51 to 41.57; 41.58, subdivisions 1 and 2; 41.59, subdivision 1; and 41.61.

Sec. 4. Minnesota Statutes 1982, section 41.54, subdivision 2, is amended to read:

Subd. 2. [TERMS AND COMPENSATION.] The compensation and removal of members of the council shall be governed by section 15.059. The council shall meet monthly or (MORE OFTEN) as needed.

The terms of the members serving on January 15, 1981, shall end on the first Monday in April in the year indicated as follows:

(a) The dairy farmer and one officer from a commercial lending institution, 1982;

(b) The cash grain farmer and the officer from a farm credit association, 1983;

(c) The livestock farmer and one officer from a commercial lending institution, 1984; and

(d) The agricultural economist, 1985.

After a term expires as provided in clauses (a) to (d), all successors shall be appointed for four year terms. The terms of the present officers from a commercial lending institution shall be decided by lot subject to clauses (a) and (c).

Sec. 5. Minnesota Statutes 1982, section 41.55, is amended to read:

41.55 [ELIGIBILITY.]

A family farm security loan approval may be granted if the following criteria are satisfied:

(a) That the applicant is a resident of the state of Minnesota (, OR SHOWS SUFFICIENT EVIDENCE THAT HE INTENDS TO BECOME A RESIDENT);

(b) That the applicant has sufficient education, training, or experience in the type of farming for which he wishes the loan and continued participation in a farm management program, approved by the commissioner, for (THE DURATION) *at least the first ten years* of the family farm security loan;

(c) That the applicant, his dependents and spouse have total net worth valued at less than \$75,000 and has demonstrated a need for the loan;

(d) That the applicant intends to purchase farm land to be used by the applicant for agricultural purposes;

(e) That the applicant is credit worthy according to standards prescribed by the commissioner;

(f) That the seller has not acquired the farm land for purposes of obtaining the income tax exemption allowed by sections 41.58 and Laws 1976, Chapter 210, Section 12.

Sec. 6. Minnesota Statutes 1982, section 41.56, subdivision 4, is amended to read:

Subd. 4. [SALE OF DEFAULTED PROPERTY.] In the event that title to (THE) *any* 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) *the period of redemption*, 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) *The* notice (SHALL SPECIFY THE TIME AND PLACE IN THE COUNTY AT WHICH THE SALE WILL COMMENCE, A DESCRIPTION OF) *must describe* 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 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. PROCEEDS IN EXCESS OF THESE AMOUNTS SHALL BE PAID TO COOPERATING AGENCIES ACCORDING TO THE TERMS OF THE FAMILY FARM SECURITY MEMORANDUM OF UNDERSTANDING. ADDITIONAL PROCEEDS, IF ANY, SHALL BE PAID INTO THE GENERAL FUND.)

*The commissioner shall first attempt to sell the property to a person who is eligible for a family farm security loan. If the commissioner is unable to effect a sale to an eligible person, the commissioner shall attempt to sell the property for cash as provided in subdivision 4a. If the commissioner is unable to effect a sale to an eligible person or for cash, or if the commissioner finds that sale to an eligible person or for cash would not best protect the interests of the state, the commissioner may sell the property on terms which the commissioner finds will best protect the interests of the state. The commissioner may lease any real property which he is unable to sell with reasonable promptness. In any event, any acquired farm property must be sold within*



two years after the conveyance of title to the state or after the expiration of the period of redemption. The commissioner may contract for the services of a licensed real estate agent or broker to assist in selling any property acquired under this section and may pay for the services from the proceeds of the sale before proceeds are distributed under section 10.

Sec. 7. Minnesota Statutes 1982, section 41.56, is amended by adding a subdivision to read:

*Subd. 4a. [SALE FOR CASH.] When the commissioner sells any farm property for cash, he shall follow the procedures provided in this subdivision. If the sale will be completed more than 15 days after the last published notice of sale as provided in subdivision 4, the commissioner shall publish another notice as provided in that subdivision. The commissioner shall sell the property to the highest bidder by taking sealed bids or by bids at public auction. The commissioner may refuse to accept any or all bids. If a bid is accepted, the successful bidder shall be selected within 15 days of the date of the last published notice of sale. The successful bidder shall submit bid security in the form of a certified check or bid bond in the amount of two percent of the bid price on the day of selection and shall remit the balance of the purchase price within 90 days of the date of sale. Upon remittance by the purchaser of the 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 all of the balance within 90 days of the date of sale, the purchaser forfeits all rights to the property and any money paid for the property and the commissioner shall recommence the sale process specified in this subdivision.*

Sec. 8. Minnesota Statutes 1982, section 41.56, is amended by adding a subdivision to read:

*Subd. 4b. [PROCEEDS OF SALE.] Proceeds from the sale of a parcel of property obtained by the state pursuant to this section shall be paid into the general fund to the extent that funds were disbursed as payment adjustments by the commissioner and 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 for any insurance premiums or taxes paid on the property. 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. Proceeds in excess of these amounts shall be paid to cooperating agencies according to the terms of the family farm memorandum of understanding. Additional proceeds, if any, shall be paid into the special account authorized in section 41.61, subdivision 1.*

Sec. 9. Minnesota Statutes 1982, section 41.56, subdivision 5, is amended to read:

Subd. 5. [GUARANTEE VOID.] The loan guarantee (SHALL BE) is void only if the guaranteed loan was obtained or retained by fraud or material misrepresentation of which the original lender or subsequent holder had actual knowledge.

Sec. 10. Minnesota Statutes 1982, section 41.56, is amended by adding a subdivision to read:

Subd. 7. [INSURANCE.] *The commissioner may insure the state against loss to farm properties acquired under this section by fire, lightning, windstorm, tornado, flood, or hail, using any insurance company licensed to do business in Minnesota. The insurance may be in an amount the commissioner determines and the commissioner may pay the premiums from the special account created in section 41.61, subdivision 1.*

Sec. 11. Minnesota Statutes 1982, section 41.57, subdivision 2, is amended to read:

Subd. 2. [PAYMENT ADJUSTMENT.] To be eligible for payment adjustment a family farm security loan shall have a maximum term of 20 years and shall provide for payments at least annually so that the loan shall be amortized over its term with equal annual payments of principal and interest, *adjusted for variable interest rates*, except that a loan to be amortized over a term of ten years or less need not provide for equal annual payments of principal and interest. During the first ten years of a family farm security loan, the commissioner shall annually pay to the lender four percent of the outstanding balance due at the beginning of that year and the applicant shall pay the remainder of the payment due. After the tenth year, the applicant shall make payments according to the stated interest rate. The applicant may petition the commissioner for one ten year renewal of the payment adjustment. If a renewal is granted, in the 21st year the applicant shall reimburse the commissioner for the sums paid on the applicant's behalf under this subdivision. If no renewal is granted, the applicant shall reimburse the commissioner in the 11th year for the sums paid on the applicant's behalf under this subdivision. The obligation to repay the payment adjustment (SHALL BE) is a lien against the property. *If the applicant does not reimburse the state within the required time period, the commissioner may charge interest at the rate of two percent above the prevailing rate charged by the Federal Land Bank of St. Paul on the net amount owed for the period of delinquency. To recover the adjustment payment due in delinquency cases, the commissioner may proceed to foreclose by advertisement on the lien as if it were a real estate mortgage following the procedures in chapter 580.*

Sec. 12. Minnesota Statutes 1982, section 41.57, is amended by adding a subdivision to read:

*Subd. 2a. [FARM MANAGEMENT PROGRAM TUITION.] The commissioner may provide assistance in the payment of tuition and fees in any adult farm management education program which qualifies for aid under section 124.572. Assistance may be provided to any participant who is eligible to receive a payment adjustment under subdivision 2 and shall be limited to \$300 per calendar year for any participant. The participant shall reimburse the commissioner for the sums paid on the participant's behalf under this subdivision at the same time and in the same manner as the payment adjustment is reimbursed.*

Sec. 13. Minnesota Statutes 1982, section 41.58, subdivision 1, is amended to read:

Subdivision 1. [AUTHORIZATION.] The commissioner may provide a guarantee to the lenders on seller-sponsored loans when the buyer satisfies the eligibility criteria in section 41.55. The commissioner may also provide a payment adjustment on behalf of the (APPLICANT) *participant* in the case of seller-sponsored loans.

Sec. 14. Minnesota Statutes 1982, section 41.59, subdivision 1, is amended to read:

Subdivision 1. [IMMEDIATE REPAYMENT OF LOAN.] Any applicant who sells or conveys the property for which a family farm security loan was issued shall immediately retire the entire indebtedness still owed to the lender and the commissioner. The new owner may negotiate a family farm security loan in his own right, but under no circumstances may the original loan be assumed by the new owner. *If the new owner is granted a family farm security loan, the new owner may agree to assume the original applicant's responsibility to reimburse the commissioner for a payment adjustment received, as a portion of the total purchase price. That portion of the purchase price may not be included under the guarantee or considered when calculating the payment adjustment for the new owner.* This subdivision is not intended to prohibit the applicant from granting a security interest in the property for the purposes of securing an additional loan.

Any applicant who fails to *personally* maintain the land covered by a family farm security loan in active agricultural production for a period of time longer than one year (SHALL BE) is in default. (SUCH A) *The* default may be waived by the commissioner in the event of a physical disability or other extenuating circumstances.

Sec. 15. Minnesota Statutes 1982, section 41.59, subdivision 2, is amended to read:

Subd. 2. [TAX PENALTY ON CAPITAL GAIN.] Chapter 290 shall apply to determine the amount of the gain realized on the sale of property for which a family farm security loan has been issued. The tax imposed by chapter 290 shall be imposed on the following percentages of any gain realized on the sale of the property:

Time lapsed from issuance of loan

	At least	but less than	Percent
(a)		1 year	100
(b)	1 year	3 years	90
(c)	3 years	5 years	80
(d)	5 years	7 years	70
(e)	7 years	9 years	60
(f)	9 years	10 years	50

This tax shall no longer be applicable and the tax imposed by chapter 290 shall apply when the property for which a family farm security loan was issued has been held by the (APPLICANT) *participant* for more than ten years after the issuance of the loan. Chapter 290 shall apply when the (APPLICANT) *participant* has realized a loss on the sale of the property.

Sec. 16. Minnesota Statutes 1982, section 41.59, subdivision 3, is amended to read:

Subd. 3. [WAIVER OF TAX PENALTY.] The commissioner of revenue shall waive the additional tax imposed in subdivision 2 if the (APPLICANT) *participant* has died or suffered a total disability, and the tax imposed in chapter 290 shall apply.

For the purposes of this section, "total disability" means the total and permanent loss of sight of both eyes, the loss of both arms at the shoulder, the loss of both legs so close to the hips that no effective artificial members can be used, complete and permanent paralysis, total and permanent loss of mental faculties, or any other injury which totally incapacitates the (APPLICANT) *participant* from working his farm.

Sec. 17. Minnesota Statutes 1982, section 41.61, subdivision 1, is amended to read:

Subdivision 1. [SPECIAL ACCOUNT; STANDING APPROPRIATION.] There is appropriated from the general fund

to a special account in the state treasury the sum of \$10,000,000 to be invested by the state board of investment in such securities as authorized by law.

(SUCH SUMS AS MAY BE) *The amount needed from time to time to pay lenders for defaulted loans and to pay insurance premiums and taxes on defaulted farms is appropriated from the special account to the commissioner. Money is also appropriated to the commissioner from the special account so that the commissioner may purchase the rights of first lienholders at mortgage foreclosure sales. The sum of all outstanding family farm security loans guaranteed by the commissioner at any time (SHALL) may not exceed ten times the amount of money in the special account created in this subdivision.*

Sec. 18. Minnesota Statutes 1982, section 48.19, is amended by adding a subdivision to read:

*Subd. 5. [FAMILY FARM SECURITY LOANS GUARANTEED BY THE STATE.] Family farm security loans guaranteed by the state under chapter 41 are not subject to the restrictions imposed by this section on loans secured by real estate.*

Sec. 19. Minnesota Statutes 1982, section 15.38, is amended by adding a subdivision to read:

*Subd. 5. [FAMILY FARM SECURITY PROGRAM.] The commissioner of agriculture may purchase insurance as authorized in section 41.56, subdivision 7.*

Sec. 20. [EFFECTIVE DATE.]

*This act is effective the day following final enactment."*

Delete the title and insert:

*"A bill for an act relating to agriculture; making certain changes in the family farm security loan program; amending Minnesota Statutes 1982, sections 15.38, by adding a subdivision; 16.02, subdivision 14; 41.52, by adding a subdivision; 41.53, subdivision 2; 41.54, subdivision 2; 41.55; 41.56, subdivisions 4, 5, and by adding subdivisions; 41.57, subdivision 2, and by adding a subdivision; 41.58, subdivision 1; 41.59, subdivisions 1, 2, and 3; 41.61, subdivision 1; and 48.19, 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.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 872, A bill for an act relating to agriculture; making certain changes in the law relating to establishing a fertilizer inspection fund; prescribing penalties; appropriating money; amending Minnesota Statutes 1982, sections 17.713, subdivision 7; 17.714, subdivision 1; 17.715, subdivision 1; 17.717, subdivision 1; 17.718, subdivision 1; 17.725, subdivisions 1 and 2; and 17.728, subdivision 4, and by adding a subdivision; repealing Minnesota Statutes 1982, section 17.717, subdivisions 3, 4, 5, and 6.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 17.713, subdivision 7, is amended to read:

Subd. 7. [GRADE.] "Grade" means the percentage of total nitrogen, available phosphorus or phosphoric acid, and soluble potassium or soluble potash stated in whole numbers in the same terms, order and percentages as in the guaranteed analysis; provided, however, that fertilizer materials, bone meals, manures, and similar raw materials may be guaranteed in fractional units, *and specialty fertilizers may be guaranteed in fractional units of less than one percent of total nitrogen, available phosphorus or phosphoric acid, and soluble potassium or soluble potash.*

Sec. 2. Minnesota Statutes 1982, section 17.714, subdivision 1, is amended to read:

Subdivision 1. [REGISTRATION FEE; CERTAIN ITEMS.] Fertilizer brands and grades sold only as small package items or represented and labeled as specialty fertilizer; and soil and plant amendments sold with recommendations for commercial agricultural use, shall be registered (AT THE FEE SET FORTH IN) *and a fee paid pursuant to section 17.717* (, SUBDIVISIONS 3 AND 4). Fees paid for registration made in this manner shall be in lieu of any other license or tonnage fees.

Sec. 3. Minnesota Statutes 1982, section 17.715, subdivision 1, is amended to read:

Subdivision 1. [LICENSED PERSONS.] A person who manufactures, blends, mixes, or otherwise manipulates commercial fertilizer material *and a person who stores or distributes bulk fertilizer* shall obtain a license from the commissioner for each fixed location within the state where these operations are performed.

Sec. 4. Minnesota Statutes 1982, section 17.717, subdivision 1, is amended to read:

Subdivision 1. [AMOUNT OF FEES.] (EACH APPLICATION FOR A LICENSE FROM EACH FIXED LOCATION WITHIN THE STATE SHALL BE ACCOMPANIED BY A FEE OF \$50. A FEE OF \$50 SHALL ACCOMPANY THE APPLICATION FOR A LICENSE FOR ALL FIXED LOCATIONS OF EACH FIRM OUTSIDE OF THE STATE. IN THE CASE OF MOBILE MECHANICAL UNITS, EACH UNIT OWNED AND OPERATED BY ANY ONE DISTRIBUTOR SHALL BE LICENSED AT A RATE OF \$50 FOR THE FIRST UNIT AND \$25 FOR EACH ADDITIONAL MOBILE MECHANICAL UNIT) *The commissioner shall set the fees for all licenses, registrations, and tonnages in the amounts necessary to pay the expenses of carrying out and enforcing sections 17.711 to 17.729, including the portion of general support costs and statewide indirect costs of the agency attributable to that function, with a reasonable reserve. The commissioner shall require the fees to be paid before the licenses and registrations are made or issued. The commissioner shall meet annually with representatives of those regulated under sections 17.711 to 17.729 to review the financial status of the fertilizer inspection fund before adjusting any fees under this subdivision. The fee adjustments are not subject to the provisions of chapter 14. Fees set under this subdivision are effective on July 1 of the fiscal year commencing at least 60 days after the fees are set. The fees remain in effect until a different fee is set under this subdivision.*

*There is established in the state treasury an account known as the fertilizer inspection fund. Fees and penalties collected by the commissioner under sections 17.711 to 17.729 shall be deposited into this account. Money in this account, including interest earned and any appropriations made by the legislature for the purposes of sections 17.711 to 17.729, is annually appropriated to the commissioner for the administration and enforcement of sections 17.711 to 17.729.*

Sec. 5. Minnesota Statutes 1982, section 17.718, subdivision 1, is amended to read:

Subdivision 1. [SEMIANNUAL STATEMENT.] Each licensed distributor of commercial fertilizer (UNDER SECTION 17.717, SUBDIVISION 1,) and each registrant of a commercial fertilizer, soil amendment, or plant amendment (UNDER SECTION 17.717, SUBDIVISIONS 3 AND 4,) shall file with the commissioner on forms furnished by the commissioner, a semiannual statement for the periods ending December 31 and June 30 setting forth the number of net tons of each grade of commercial fertilizer, soil amendment, or plant amendment distributed in this state during the reporting period. The report (SHALL BE) is due on or before the 30th of the month follow-

ing the close of each reporting period of each calendar year. (THE INSPECTION FEE AT THE RATE STATED IN SECTION 17.717, SUBDIVISION 5 SHALL ACCOMPANY THE STATEMENT.) For the tonnage report that is not filed or the payment of inspection fees that is not made within 30 days after the end of the reporting period, a penalty of ten percent of the amount due, with a minimum penalty of \$10, shall be assessed against the licensee or registrant, and the total amount of fees due, plus penalty, shall constitute a debt and may be recovered in a civil action against the licensee or registrant. The assessment of this penalty shall not prevent the department from taking other actions as provided in this chapter. The commissioner may by regulation require additional reports for the purpose of gathering statistical data relating to fertilizer, soil amendments, and plant amendments distribution in the state.

Sec. 6. Minnesota Statutes 1982, section 17.725, subdivision 1, is amended to read:

Subdivision 1. [FOR ADMINISTRATION.] The commissioner may prescribe and (, AFTER PUBLIC HEARING FOLLOWING DUE PUBLIC NOTICE,) adopt *temporary or permanent* rules (RELATING TO THE MANUFACTURE, SALE, DISTRIBUTION, TONNAGE REPORTING, LABELING, STORAGE, AND HANDLING OF COMMERCIAL FERTILIZERS AND SOIL AMENDMENTS AND PLANT AMENDMENTS OR OTHER SOIL ADDITIVES) necessary to carry into effect (THE FULL INTENT AND MEANING OF) sections 17.711 to 17.729.

Sec. 7. Minnesota Statutes 1982, section 17.725, subdivision 2, is amended to read:

Subd. 2. [LIMING MATERIALS.] The commissioner may (MAKE AND PUBLISH) adopt rules governing the labeling, registration, and distribution of liming materials (AS ARE) sold for agricultural purposes, including (:) limestone (carbonates), sulfates, slags (silicates), burned lime (oxides), and hydrated lime (hydroxides). Such products shall not (, HOWEVER, BE DEEMED FERTILIZERS, SOIL AMENDMENTS OR PLANT AMENDMENTS) be subject to (THE REGISTRATION AND) any tonnage fees (STATED IN SECTIONS 17.711 TO 17.729) under section 17.717, subdivision 4. No registration fee may be imposed on any distributor who sells liming materials only at retail to customers.

Sec. 8. Minnesota Statutes 1982, section 17.728, subdivision 4, is amended to read:

Subd. 4. [PENALTY.] Any person convicted of violating a provision of sections 17.711 to 17.729 or any rule adopted under section 17.725, is guilty of a misdemeanor. Any person



*convicted of another violation of the same provision or rule upon a subsequent prosecution within one year of the original conviction is guilty of a gross misdemeanor.*

Sec. 9. [EXISTING FEES CONTINUE.]

*The commissioner shall continue to charge the fees set by law as of January 1, 1983, until the commissioner sets different fees under Minnesota Statutes, section 17.717, subdivision 1.*

Sec. 10. [APPROPRIATION.]

*There is appropriated from the general fund in the state treasury to the commissioner of agriculture \$50,000 for establishment of the fertilizer inspection fund pursuant to section 4. The amount appropriated in this section shall be repaid by the commissioner to the general fund by June 30, 1984.*

Sec. 11. [REPEALER.]

*Minnesota Statutes 1982, section 17.717, subdivisions 3, 4, 5, and 6 are repealed."*

Delete the title and insert:

"A bill for an act relating to agriculture; making certain changes in the law relating to establishing a fertilizer inspection fund; prescribing penalties; appropriating money; amending Minnesota Statutes 1982, sections 17.713, subdivision 7; 17.714, subdivision 1; 17.715, subdivision 1; 17.717, subdivision 1; 17.718, subdivision 1; 17.725, subdivisions 1 and 2; and 17.728, subdivision 4; repealing Minnesota Statutes 1982, section 17.717, subdivisions 3, 4, 5, and 6."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 874, A bill for an act relating to libraries; consolidating provisions for county libraries and city libraries; defining misuse of library materials; prescribing a penalty; restricting tort liability for public libraries; correcting internal references; amending Minnesota Statutes 1982, sections 134.07; 134.08; 134.09; 134.10; 134.11; 134.12; 134.13; 134.14; 134.15; 134.30; 134.32, subdivisions 1 and 7; 134.351, subdivisions 3 and 7; 134.353; 134.36; 375.335; 466.01, subdivision 1; 648.39, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 134;

repealing Minnesota Statutes 1982, sections 134.03; 134.06; 134.16; 134.19; 134.352; and 375.33.

Reported the same back with the following amendments:

Pages 1 to 11, delete sections 1 to 17

Pages 12 to 16, delete sections 19 to 23

Renumber the section

Amend the title as follows:

Page 1, line 2, delete "consolidating provisions for"

Page 1, line 3, delete "county libraries and city libraries;"

Page 1, delete lines 5 to 10

Page 1, line 11, delete "1; 648.39, subdivision 1;"

Page 1, line 12, delete "; repealing Minnesota"

Page 1, delete line 13

Page 1, line 14, delete "134.19; 134.352; and 375.33"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 904, A bill for an act relating to transportation; establishing collective rate-making procedure for motor vehicle carriers; amending Minnesota Statutes 1982, section 221.041, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, delete lines 8 and 9 and insert:

"Section 1. [221.033] [COLLECTIVE RATE-MAKING.]"

Page 1, line 10, delete "Subd. 3."

Page 1, line 11, delete "commission" and insert "board"

Page 1, line 20, delete "commission" and insert "board"

Page 1, line 22, delete "commission" and insert "board"

Amend the title as follows:

Page 1, delete lines 4 and 5 and insert "proposing new law coded in Minnesota Statutes, chapter 221."

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. 230, 270, 389, 409, 508, 558, 567, 603, 605, 636, 697, 721, 745, 769, 787 and 904 were read for the second time.

### SECOND READING OF SENATE BILLS

S. F. Nos. 552 and 240 were read for the second time.

### INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Voss, Heinitz, Berkelman, Stadum and Brinkman introduced:

H. F. No. 1075, A bill for an act relating to occupations and professions; providing a contingency fee recovery scale for attorneys; proposing new law coded in Minnesota Statutes, chapter 481.

The bill was read for the first time and referred to the Committee on Judiciary.

Berkelman, Brinkman, Voss, Stadum and Heinitz introduced:

H. F. No. 1076, A bill for an act relating to insurance; no-fault automobile; clarifying legislative intent concerning stacking of insurance policies; coordinating the priority of applicability of security for payment of certain benefits; modifying the limitation of damages for noneconomic detriment; amending Minnesota Statutes 1982, sections 65B.47, by adding subdivisions; 65B.49, subdivision 4; and 65B.51, subdivision 3.

The bill was read for the first time and referred to the Committee on Judiciary.

Schafer introduced:

H. F. No. 1077, A bill for an act relating to wild animals; fur buyers licensing; amending Minnesota Statutes 1982, section 98.46, subdivision 4.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Simoneau introduced:

H. F. No. 1078, A bill for an act relating to the legislature; regulating associations which may lobby the legislature; proposing new law coded in Minnesota Statutes, chapter 10A.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Gustafson, Sarna, Heap, Riveness and Ogren introduced:

H. F. No. 1079, A bill for an act relating to social and charitable organizations; including planning and developing costs as fundraising costs; amending Minnesota Statutes 1982, section 309.50, subdivision 12.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Simoneau introduced:

H. F. No. 1080, A bill for an act relating to state government; making technical changes relating to insurance benefits to recognize the existence of the court of appeals; providing time limitations on the rights of former members of the legislature to purchase certain insurance; amending Minnesota Statutes 1982, sections 43A.24, subdivision 2; and 43A.27, subdivision 4.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Quinn, Kostohryz, Burger, Sviggum and Greenfield introduced:

H. F. No. 1081, A resolution memorializing the President and Congress of the United States to provide service-connected disability compensation for former members of the military forces who were exposed in Vietnam to toxic herbicides, chemicals, medications, and other environmental hazards and conditions.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Scheid, Quist, Rodosovich, Elioff and St. Onge introduced:

H. F. No. 1082, A bill for an act relating to public welfare; modifying the procedure by which a vendor of care in the medical assistance program may seek review of proposed action on the part of the commissioner to make monetary recoveries or impose sanctions; providing for the establishment of a rate schedule for inpatient and outpatient hospital services reimbursement under the medical assistance program; permitting the commissioner to limit or suspend the eligibility of persons for medical assistance upon conviction of a criminal offense; allowing the commissioner access to medical records of medical assistance recipients without written authorization; amending Minnesota Statutes 1982, sections 256.045, subdivision 3; 256B.04, by adding a subdivision; 256B.061; 256B.064, subdivision 2; and 256B.27, subdivisions 3 and 4.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Simoneau introduced:

H. F. No. 1083, 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 1982, sections 11A.01; 11A.02, subdivisions 2 and 4; 11A.04; 11A.07, subdivisions 1 and 3; 11A.13, subdivision 1; 179.74, subdivision 4; proposing new law coded as Minnesota Statutes, chapter 11B; repealing Minnesota Statutes 1982, sections 11A.08, subdivisions 2, 3, 4, 5, and 6; 11A.13, subdivision 2; 11A.14; 11A.17 to 11A.19; 11A.23; and 11A.24, subdivisions 5, 6, and 7.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Hoffman, Bennett, McKasy, Price and Kostohryz introduced:

H. F. No. 1084, A bill for an act relating to occupations and professions; establishing licensing, bonding, and insurance requirements for tow truck operators; requiring the commissioner of transportation to adopt rules; providing for the revocation, suspension, and denial of a license; prohibiting local regulation; proposing new law coded in Minnesota Statutes, chapter 221.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Vanasek introduced:

H. F. No. 1085, A bill for an act relating to the legislature; providing for expanded authority of the legislative coordinating commission; amending Minnesota Statutes 1982, sections 3.095; 3.303, subdivision 3; 3.304, subdivision 2a; 3.305; 3.85, subdivision 5; 3.86, subdivision 5; 3.9222, subdivision 6; 3.97, subdivision 5; 16.012; 16.72, subdivision 6; 43A.18, subdivision 6; and 648.31, subdivision 5.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Rose and Valento introduced:

H. F. No. 1086, A bill for an act relating to the city of Roseville; providing an exception from the Roseville police civil service system for the chief and deputy chief of police.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Nelson, K., introduced:

H. F. No. 1087, A bill for an act relating to cremation; providing for the right to have one's own body cremated upon death; proposing new law coded in Minnesota Statutes, chapter 525.

The bill was read for the first time and referred to the Committee on Judiciary.

Simoneau introduced:

H. F. No. 1088, A bill for an act relating to workers' compensation; creating a competitive state workers' compensation insurance fund; changing benefits; requiring notices of injury; providing for rules related to excessive health care services; providing for the release of medical data; providing for a panel to review clinical health care services provided to injured workers; regulating supplemental benefits; providing for benefit adjustments; providing for interest on delayed benefit payments; providing for a legislative commission to study various aspects of workers' compensation; defining terms; providing for continuance of certain insurance coverages; providing for deductible workers' compensation insurance policies; clarifying the responsibilities of governmental licensing and contracting agencies regarding workers' compensation insurance; amending Minnesota Statutes 1982, sections 62A.10, subdivision 1; 62C.14, by

adding a subdivision; 62D.10, by adding a subdivision; 79.25, subdivision 1, and by adding a subdivision; 79.34, subdivision 2; 79.63, subdivisions 1, 2, and 4; 147.20; 176.011, subdivisions 3 and 9, and by adding a subdivision; 176.021, subdivisions 3 and 3a, and by adding a subdivision; 176.081, subdivisions 1, 2, 3, 4, and 6; 176.101, subdivisions 1, 2, and 3, and by adding subdivisions; 176.102, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, and by adding subdivisions; 176.105, by adding a subdivision; 176.111, subdivisions 1, 18, and 21, and by adding subdivisions; 176.121; 176.131, subdivisions 1, 1a, 8, and 10; 176.132, subdivisions 1 and 2; 176.133; 176.135, subdivisions 1 and 1a; 176.136; 176.182; 176.221, subdivisions 2, 3, and 7; 176.225, subdivisions 1 and 5; 176.231, subdivision 10; 176.235, by adding a subdivision; 176.241, subdivision 4; 176.331; 176.391, subdivision 3; 176.591, subdivisions 1 and 3; 176.641; and 352E.04; amending Laws 1981, chapter 346, section 145; proposing new law coded in Minnesota Statutes, chapters 79 and 176; proposing new law coded as Minnesota Statutes, chapter 176A; repealing Minnesota Statutes 1982, sections 79.211, subdivision 1; 79.63, subdivision 3; 176.011, subdivisions 14 and 18; 176.061, subdivisions 8 and 9; 176.095; 176.101, subdivisions 4 and 5; 176.102, subdivision 1a; 176.105, subdivisions 1, 2 and 3; 176.152; 176.541, subdivisions 2, 3, 4, 5, 6, and 8; 176.551; 176.561; 176.571; 176.581; 176.603; and 176.611.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Anderson, G.; Rice; Swanson; Sarna and Valan introduced:

H. F. No. 1089, A bill for an act relating to economic development; creating the world trade center commission; appropriating money.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Ogren, Sarna, Piepho, Forsythe and Gustafson introduced:

H. F. No. 1090, A bill for an act relating to employment; exempting search firms from employment agency licensing; amending Minnesota Statutes 1982, section 184.22, subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Knickerbocker introduced:

H. F. No. 1091, A bill for an act relating to state government; changing the budget from a biennial to an annual basis; changing certain other fiscal activities from a biennial to an annual basis to coincide with the budget; amending Minnesota Statutes 1982, sections 16A.04, subdivision 1; 16A.06; 16A.10; and 16A.11, subdivisions 1 to 3.

The bill was read for the first time and referred to the Committee on Appropriations.

Norton introduced:

H. F. No. 1092, A bill for an act relating to motor vehicles; allowing the holder of personalized license plates to retain the same number after the personalized plates have been damaged, lost, or stolen; amending Minnesota Statutes 1982, section 168.12, subdivision 2a.

The bill was read for the first time and referred to the Committee on Transportation.

Stadum and Eken introduced:

H. F. No. 1093, A bill for an act relating to agriculture; providing for exclusive use of certain livestock brands; imposing a penalty; amending Minnesota Statutes 1982, section 35.824.

The bill was read for the first time and referred to the Committee on Agriculture.

Welch introduced:

H. F. No. 1094, A bill for an act relating to state hospitals; authorizing limited shared services agreements; providing for retention of receipts by the state hospital; appropriating money; amending Minnesota Statutes 1982, section 246.57, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Welfare.



Munger, Wynia, McDonald, Norton and Evans introduced:

H. F. No. 1095, A resolution memorializing the President and Congress to adopt the song "America the Beautiful" as a new national anthem.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Stadum introduced:

H. F. No. 1096, A bill for an act relating to unemployment compensation; requiring work search documentation; amending Minnesota Statutes 1982, section 268.08, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Simoneau introduced:

H. F. No. 1097, A bill for an act relating to labor; requiring the commissioner of labor and industry to promulgate standards prohibiting employees from operating certain heavy machinery for more than 16 hours in a 24-hour period; amending Minnesota Statutes 1982, section 182.655, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Simoneau introduced:

H. F. No. 1098, A bill for an act relating to labor; requiring the commissioner of labor and industry to promulgate standards prohibiting employees from working alone at dangerous jobs; amending Minnesota Statutes 1982, section 182.655, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Dempsey introduced:

H. F. No. 1099, A bill for an act relating to the city of New Ulm; permitting the establishment of special service districts; providing taxing and other financial authority for New Ulm.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Graba, Munger, Krueger, Battaglia and Carlson, D., introduced:

H. F. No. 1100, A bill for an act relating to natural resources; eliminating obsolete material and updating certain provisions relating to decorative trees; amending Minnesota Statutes 1982, sections 88.641, subdivision 1; 88.642; 88.643; 88.644; and 88.648; repealing Minnesota Statutes 1982, sections 88.641, subdivision 3; 88.646; and 88.649.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Graba, Munger, Krueger, Battaglia and Carlson, D., introduced:

H. F. No. 1101, A bill for an act relating to natural resources; authorizing the commissioner to sell to or exchange surplus tree planting stock with other states and the federal government under certain circumstances; amending Minnesota Statutes 1982, section 89.36, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Haukoos; Rodriguez, C.; Jensen; Dempsey and Mann introduced:

H. F. No. 1102, A bill for an act relating to transportation; authorizing placement of vending machines in highway rest areas, tourist information centers, and weigh stations; amending Minnesota Statutes 1982, sections 160.08, subdivision 7; and 160.28.

The bill was read for the first time and referred to the Committee on Transportation.

Vanasek introduced:

H. F. No. 1103, A bill for an act relating to highway traffic regulations; authorizing admission into evidence of a defendant's refusal to submit to chemical testing; amending Minnesota Statutes 1982, section 169.121, subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Fjoslien; Nelson, K., and Munger introduced:

H. F. No. 1104, A bill for an act relating to environment; requiring the pollution control agency to establish a small air ion emission standard for high voltage transmission lines; 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.

Staten; Vanasek; Clark, J.; Gustafson and Clark, K., introduced:

H. F. No. 1105, A bill for an act relating to crimes; prohibiting fingerprinting or thumbprinting as a condition of negotiation of a check; providing penalties; proposing new law coded in Minnesota Statutes, chapter 609.

The bill was read for the first time and referred to the Committee on Judiciary.

Brinkman, Berkelman, Voss and Heinritz introduced:

H. F. No. 1106, A bill for an act relating to insurance; correcting certain errors; removing certain deficiencies and ambiguities; correcting certain omissions; expanding certain insurers' investment authority; providing standards for application or reporting requirements; authorizing the commissioner to adopt rules; providing for miscellaneous changes and clarifications; amending Minnesota Statutes 1982, sections 60A.11, subdivisions 9, 10, 14, 18, 20, 21, 23, and 24; 60A.111, subdivision 2, and by adding subdivisions; 61A.28, subdivisions 3, 6, and 12; 61A.29, subdivision 2; 61A.31, subdivision 3; repealing Minnesota Statutes 1982, sections 60A.11, subdivisions 5a, 5b, and 7; and 60A.111, subdivision 4.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Riveness, Kostohryz, Quinn, Burger and Skoglund introduced:

H. F. No. 1107, A bill for an act relating to the Minnesota veterans home; clarifying the treatment of assets for purposes of calculating maintenance charges; amending Minnesota Statutes 1982, section 198.03.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Welle; Kvam; Peterson; Anderson, G., and Schoenfeld introduced:

H. F. No. 1108, A bill for an act relating to drainage; permitting certain towns to appeal from certain orders of county boards assessing damages or benefits in ditch proceedings.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Evans introduced:

H. F. No. 1109, A bill for an act relating to taxation; providing an income tax credit for persons who are mentally retarded; amending Minnesota Statutes 1982, section 290.06, subdivision 3f.

The bill was read for the first time and referred to the Committee on Taxes.

Jensen; Sieben; Rodriguez, C., and Riveness introduced:

H. F. No. 1110, A bill for an act relating to elections; authorizing the use of electronic voting systems for absentee voting under certain circumstances; authorizing the secretary of state to promulgate rules; amending Minnesota Statutes 1982, sections 203B.08, by adding subdivisions; 203B.11; and 203B.12, subdivision 5; proposing new law coded in Minnesota Statutes, chapter 203B.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Thiede introduced:

H. F. No. 1111, A bill for an act relating to local government; regulating town levies in Crow Wing County; repealing Laws 1941, chapter 451.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Dimler, Shea, Evans, Kalis and Dempsey introduced:

H. F. No. 1112, A bill for an act relating to counties; providing for the publication and other distribution of county accounts; amending Minnesota Statutes 1982, sections 375.12, subdivision 2; and 375.17.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Neuenschwander; Tunheim; Anderson, G.; Hoffman and Bennett introduced:

H. F. No. 1113, A bill for an act relating to highway traffic regulations; regulating the use of materials on the windshields, side windows, and rear windows of motor vehicles; amending Minnesota Statutes 1982, section 169.71, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Elioff, Swanson, Heinitz, Berkelman and Reif introduced:

H. F. No. 1114, A bill for an act relating to public welfare; altering eligibility standards, payment rates, and other provisions of the programs for medical assistance and general assistance medical care; repealing eligibility for unemployment compensation for personal care attendants and homeworkers; eliminating certain state administration aid to counties; amending Minnesota Statutes 1982, sections 256B.02, subdivision 8; 256B.04, subdivision 14; 256B.06, subdivision 1; 256B.07; 256B.17, subdivision 4, and by adding subdivisions; 256D.03, subdivision 4; and 268.04, subdivision 9.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Wenzel, Battaglia, Begich and Solberg introduced:

H. F. No. 1115, A bill for an act relating to public employees; prohibiting salary increases based solely on percentages of base salary; 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.

Berkelman, Swanson and Welch introduced:

H. F. No. 1116, A bill for an act relating to insurance; health and accident; regulating benefits for treatment of alcoholism and drug addiction; amending Minnesota Statutes 1982, section 62A.149, subdivision 2.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Metzen, Sarna and Evans introduced:

H. F. No. 1117, A bill for an act relating to occupations and professions; providing changes in real estate salespersons education requirements; amending Minnesota Statutes 1982, section 82.22, subdivision 6.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Minne, Elioff, Begich and Battaglia introduced:

H. F. No. 1118, A bill for an act relating to unemployment compensation; including backpay for wrongful discharge as wages; allowing employees to collect unemployment compensation when they may have a claim for backpay for wrongful discharge; allowing employers to repay and withdraw the unemployment compensation claims of employees who have been wrongfully discharged; amending Minnesota Statutes 1982, sections 268.04, subdivisions 23 and 25; and 268.06, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Neuenschwander; Battaglia; Carlson, D., and Munger introduced:

H. F. No. 1119, A bill for an act relating to game and fish; requiring nonresident bear hunters to be accompanied by a licensed guide; amending Minnesota Statutes 1982, section 98.455.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Norton, Gustafson, Dempsey and Cohen introduced:

H. F. No. 1120, A bill for an act relating to mechanics liens; permitting an award of attorney fees to a party who successfully defends a lien foreclosure; amending Minnesota Statutes 1982, section 514.14.

The bill was read for the first time and referred to the Committee on Judiciary.

Vanasek introduced:

H. F. No. 1121, A bill for an act relating to administrative procedure; providing procedures for the adoption of administrative rules and the determination of administrative disputes; providing for publication of administrative rules and disposition of administrative appeals; enacting the model administrative procedure act; proposing new law coded as chapter 15B; repealing Minnesota Statutes 1982, sections 14.01 to 14.70.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Valan introduced:

H. F. No. 1122, A bill for an act relating to the town of Flowing; permitting the town to conduct town business in a nearby city.

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 has concurred in and adopted the report of the Conference Committee on:

H. F. No. 371, A bill for an act relating to transportation; making scheduled increases in taxes on gasoline and special fuel; delaying the effective date of changes in the disposition of the revenue from the motor vehicle excise tax; providing for the addition of designated routes in the trunk highway system; authorizing the issuance of trunk highway bonds; eliminating the authority of the metropolitan transit commission to levy a certain tax; creating a town road account in the county state-aid highway fund; providing for the apportionment of five percent of the net highway user tax distribution fund; proposing new law coded in Minnesota Statutes, chapters 162 and 169; amending Minnesota Statutes 1982, sections 161.081; 161.082, subdivision 2a; 296.01, subdivision 24; 296.02; 296.14, subdivision 2; 296.18, by adding a subdivision; 297B.09; and 473.446, subdivision 1.

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 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. 236, A bill for an act relating to occupations and professions; regulating physicians attending certain graduate programs; amending Minnesota Statutes 1982, section 147.20.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Bishop moved that the House concur in the Senate amendments to H. F. No. 236 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 236, A bill for an act relating to occupations and professions; regulating physicians attending the graduate school of the Mayo Foundation; amending Minnesota Statutes 1982, section 147.20.

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 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Findlay	Kostohryz	Pauly	Skoglund
Anderson, R.	Fjoslien	Krueger	Peterson	Solberg
Battaglia	Forsythe	Kvam	Piepho	Sparby
Beard	Frerichs	Larsen	Piper	Stadum
Begich	Graba	Levi	Price	Staten
Bennett	Greenfield	Ludeman	Quinn	Sviggum
Bergstrom	Cruenes	Mann	Quist	Swanson
Berkelman	Gustafson	Marsh	Redalen	Thiede
Bishop	Gutknecht	McEachern	Reif	Tomlinson
Blatz	Halberg	McKasy	Rice	Tunheim
Brandl	Haukoos	Metzen	Riveness	Uphus
Brinkman	Heinitz	Minne	Rodosovich	Valan
Burger	Himle	Munger	Rodriguez, C.	Valento
Carlson, D.	Hoberg	Murphy	Rodriguez, F.	Vanasek
Carlson, L.	Hoffman	Nelson, D.	Rose	Vellenga
Clark, J.	Hokr	Nelson, K.	St. Onge	Voss
Clark, K.	Jacobs	Neuenschwander	Sarna	Welch
Clawson	Jennings	Norton	Schafer	Welker
Cohen	Jensen	O'Connor	Scheid	Welle
Coleman	Johnson	Ogren	Seaberg	Wenzel
DenOuden	Kahn	Olsen	Segal	Wigley
Eken	Kalis	Omann	Shaver	Wynia
Elioff	Kelly	Onnen	Shea	Zaffke
Erickson	Knickerbocker	Osthoff	Sherman	Speaker Sieben
Evans	Knuth	Otis	Simoneau	



The bill was repassed, as amended by the Senate, and its title agreed to.

### CONSENT CALENDAR

S. F. No. 81, A bill for an act relating to retirement; repealing obsolete investment language applicable to third and fourth class city police relief associations; repealing Minnesota Statutes 1982, sections 423.389 and 423.60.

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:

Anderson, G.	Findlay	Krueger	Pauly	Solberg
Anderson, R.	Fjoslien	Kvam	Peterson	Sparby
Battaglia	Forsythe	Larsen	Piepho	Stadum
Beard	Frerichs	Levi	Piper	Staten
Begich	Graba	Long	Price	Sviggum
Bennett	Greenfield	Ludeman	Quinn	Swanson
Bergstrom	Gruenes	Mann	Quist	Thiede
Berkelman	Gustafson	Marsh	Redalen	Tomlinson
Bishop	Cutknecht	McDonald	Reif	Uphus
Blatz	Halberg	McEachern	Rice	Valan
Brandl	Haukoos	McKasy	Riveness	Valento
Brinkman	Heinitz	Metzen	Rodosovich	Vanasek
Burger	Himle	Minne	Rodriguez, C.	Vellenga
Carlson, D.	Hoberg	Munger	Rodriguez, F.	Voss
Carlson, L.	Hoffman	Murphy	Rose	Welch
Clark, J.	Hokr	Nelson, D.	St. Onge	Welker
Clark, K.	Jacobs	Nelson, K.	Sarna	Welle
Clawson	Jennings	Neuenschwander	Schafer	Wenzel
Cohen	Jensen	Norton	Scheid	Wigley
Coleman	Johnson	O'Connor	Seaberg	Wynia
DenOuden	Kahn	Ogren	Segal	Zaffke
Dimler	Kalis	Olsen	Shaver	Speaker Sieben
Eken	Kelly	Omann	Shea	
Elioff	Knickerbocker	Onnen	Sherman	
Erickson	Knuth	Osthoff	Simoneau	
Evans	Kostohryz	Otis	Skoglund	

The bill was passed and its title agreed to.

S. F. No. 207, A bill for an act relating to Independent School District No. 466; permitting the sale of certain land subject to agreed conditions.

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:

Anderson, B.	Evans	Kostohryz	Pauly	Sparby
Anderson, G.	Findlay	Krueger	Peterson	Stadum
Anderson, R.	Fjoslien	Kvam	Piepho	Staten
Battaglia	Forsythe	Larsen	Piper	Sviggum
Beard	Frerichs	Levi	Price	Swanson
Begich	Graba	Ludeman	Quinn	Thiede
Bennett	Greenfield	Mann	Quist	Tomlinson
Bergstrom	Gruenes	Marsh	Redalen	Tunheim
Berkelman	Gustafson	McDonald	Reif	Uphus
Bishop	Gutknecht	McEachern	Rice	Valan
Blatz	Halberg	McKasy	Riveness	Valento
Brandl	Haukoos	Metzen	Rodosovich	Vanasek
Brinkman	Heinitz	Minne	Rodriguez, C.	Vellenga
Burger	Himle	Munger	Rodriguez, F.	Voss
Carlson, D.	Hoberg	Murphy	Rose	Welch
Carlson, L.	Hoffman	Nelson, D.	St. Onge	Welker
Clark, J.	Hokr	Nelson, K.	Sarna	Welle
Clark, K.	Jacobs	Neuenschwander	Schafer	Wenzel
Clawson	Jennings	Norton	Scheid	Wigley
Cohen	Jensen	O'Connor	Seaberg	Wynia
Coleman	Johnson	Ogren	Segal	Zaffke
DenOuden	Kahn	Olsen	Shea	Speaker Sieben
Dimler	Kalis	Omann	Sherman	
Eken	Kelly	Onnen	Simoneau	
Elioff	Knickerbocker	Osthoff	Skoglund	
Erickson	Knuth	Otis	Solberg	

The bill was passed and its title agreed to.

H. F. No. 210, A bill for an act relating to historical societies; fixing the maximum city or town tax for a county historical society; amending Minnesota Statutes 1982, section 138.053.

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:

Anderson, B.	Clawson	Halberg	Larsen	Ogren
Anderson, G.	Cohen	Haukoos	Levi	Olsen
Anderson, R.	Coleman	Heinitz	Long	Omann
Battaglia	DenOuden	Himle	Ludeman	Onnen
Beard	Dimler	Hoberg	Mann	Osthoff
Begich	Eken	Hoffman	Marsh	Otis
Bennett	Elioff	Hokr	McDonald	Pauly
Bergstrom	Erickson	Jacobs	McEachern	Peterson
Berkelman	Evans	Jennings	McKasy	Piepho
Bishop	Findlay	Jensen	Metzen	Piper
Blatz	Fjoslien	Johnson	Minne	Price
Brandl	Forsythe	Kalis	Munger	Quinn
Brinkman	Frerichs	Kelly	Murphy	Quist
Burger	Graba	Knickerbocker	Nelson, D.	Redalen
Carlson, D.	Greenfield	Knuth	Nelson, K.	Reif
Carlson, L.	Gruenes	Kostohryz	Neuenschwander	Rice
Clark, J.	Gustafson	Krueger	Norton	Riveness
Clark, K.	Gutknecht	Kvam	O'Connor	Rodosovich

Rodriguez, C.	Segal	Stadum	Valan	Wenzel
Rodriguez, F.	Shaver	Staten	Valento	Wigley
Rose	Shea	Sviggum	Vanasek	Wynia
St. Onge	Sherman	Swanson	Vellenga	Zaffke
Sarna	Simoneau	Thiede	Voss	Speaker Sieben
Schafer	Skoglund	Tomlinson	Welch	
Scheid	Solberg	Tunheim	Welker	
Seaberg	Sparby	Uphus	Welle	

The bill was passed and its title agreed to.

H. F. No. 403 was reported to the House.

Clawson moved to amend H. F. No. 403, as follows:

Page 6, line 8, delete "*The maximum amount of this*"

Page 6, delete lines 9 and 10

Page 6, line 11, delete "*expenses of its county jail facility.*"

The motion prevailed and the amendment was adopted.

H. F. No. 403, A bill for an act relating to taxation; providing a special levy for operating costs of a county jail; amending Minnesota Statutes 1982, section 275.50, subdivision 5.

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 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Findlay	Kostohryz	Otis	Sherman
Battaglia	Fjoslien	Krueger	Pauly	Simoneau
Beard	Forsythe	Kvam	Peterson	Skoglund
Begich	Frerichs	Larsen	Piepho	Solberg
Bennett	Graba	Levi	Piper	Sparby
Bergstrom	Greenfield	Long	Price	Stadum
Berkelman	Gruenes	Ludeman	Quinn	Staten
Bishop	Gustafson	Mann	Quist	Sviggum
Blatz	Cutknecht	Marsh	Redalen	Swanson
Brandl	Halberg	McDonald	Reif	Thiede
Brinkman	Haukoos	McKasy	Rice	Tomlinson
Burger	Heinitz	Metzen	Riveness	Tunheim
Carlson, D.	Himle	Minne	Rodosovich	Uphus
Carlson, L.	Hoberg	Munger	Rodriguez, C.	Valan
Clark, J.	Hoffman	Murphy	Rodriguez, F.	Valento
Clark, K.	Hokr	Nelson, D.	Rose	Vanasek
Clawson	Jacobs	Nelson, K.	St. Onge	Welch
Cohen	Jennings	Neuenschwander	Sarna	Welle
Coleman	Jensen	Norton	Schafer	Wenzel
DenOuden	Johnson	O'Connor	Scheid	Wigley
Dimler	Kahn	Ogren	Schreiber	Wynia
Eken	Kalis	Olsen	Seaberg	Zaffke
Elioff	Kelly	Omann	Segal	Speaker Sieben
Erickson	Knickerbocker	Onnen	Shaver	
Evans	Knuth	Osthoff	Shea	

The bill was passed, as amended, and its title agreed to.

H. F. No. 406, A bill for an act relating to civil actions; allowing prevailing parties to recover disbursements for process served by private process servers; amending Minnesota Statutes 1982, sections 549.04; and 580.17.

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:

Anderson, B.	Evans	Kostohryz	Peterson	Solberg
Anderson, G.	Findlay	Kvam	Piepho	Sparby
Anderson, R.	Fjoslien	Larsen	Piper	Stadum
Battaglia	Forsythe	Levi	Price	Staten
Begich	Frerichs	Ludeman	Quinn	Sviggum
Bennett	Greenfield	Mann	Quist	Swanson
Berkelman	Gruenes	Marsh	Redalen	Thiede
Bishop	Gustafson	McDonald	Reif	Tomlinson
Blatz	Gutknecht	McEachern	Rice	Tunheim
Brandl	Halberg	McKasy	Riveness	Uphus
Brinkman	Haukoos	Metzen	Rodosovich	Valan
Burger	Heinitz	Minne	Rodriguez, C.	Valento
Carlson, D.	Himle	Munger	Rodriguez, F.	Vanasek
Carlson, L.	Hoberg	Murphy	Rose	Vellenga
Clark, J.	Hoffman	Nelson, D.	St. Onge	Voss
Clark, K.	Hokr	Nelson, K.	Sarna	Welch
Clawson	Jacobs	Neuenschwander	Schafer	Welker
Cohen	Jennings	Norton	Schreiber	Welle
Coleman	Jensen	Ogren	Seaberg	Wenzel
DenOuden	Johnson	Olsen	Segal	Wigley
Dimler	Kahn	Omman	Shaver	Wynia
Eken	Kalis	Onnen	Shea	Zaffke
Elioff	Kelly	Osthoff	Sherman	Speaker Sieben
Ellingson	Knickerbocker	Otis	Simoneau	
Erickson	Knuth	Pauly	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 430, A bill for an act relating to retirement; authorizing the purchase of annuity contracts for retiring Tracy firefighters.

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 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Anderson, R.	Beard	Bennett	Blatz
Anderson, G.	Battaglia	Begich	Bishop	Brandl

Carlson, D.	Hoberg	McEachern	Quist	Sparby
Carlson, L.	Hoffman	McKasy	Redalen	Stadum
Clark, J.	Jacobs	Metzen	Reif	Staten
Clawson	Jennings	Minne	Rice	Sviggum
Coleman	Jensen	Nelson, D.	Riveness	Swanson
DenOuden	Johnson	Nelson, K.	Rodosovich	Thiede
Dimler	Kahn	Neuenschwander	Rodriguez, C.	Tunheim
Ellingson	Kelly	O'Connor	Rodriguez, F.	Valan
Erickson	Knickerbocker	Ogren	Rose	Valento
Evans	Knuth	Olsen	St. Onge	Vanasek
Findlay	Kostohryz	Omann	Sarna	Voss
Fjoslien	Krueger	Onnen	Schafer	Welch
Frerichs	Kvam	Osthoff	Scheid	Welker
Graba	Larsen	Otis	Schreiber	Welle
Greenfield	Levi	Pauly	Segal	Wenzel
Gruenes	Long	Peterson	Shaver	Wigley
Gustafson	Ludeman	Piepho	Shea	Wynia
Halberg	Mann	Piper	Simoneau	Zaffke
Haukoos	Marsh	Price	Skoglund	Speaker Sieben
Heinitz	McDonald	Quinn	Solberg	

The bill was passed and its title agreed to.

H. F. No. 573, A bill for an act relating to retirement; Brooklyn Park volunteer firefighters relief association; repealing Laws 1975, chapter 237, 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:

Anderson, B.	Evans	Krueger	Pauly	Skoglund
Anderson, G.	Findlay	Kvam	Peterson	Solberg
Anderson, R.	Fjoslien	Larsen	Piepho	Sparby
Battaglia	Forsythe	Levi	Piper	Stadum
Beard	Frerichs	Long	Price	Staten
Begich	Graba	Ludeman	Quinn	Sviggum
Bennett	Greenfield	Mann	Quist	Swanson
Berkelman	Gruenes	Marsh	Redalen	Thiede
Bishop	Gustafson	McDonald	Reif	Tomlinson
Blatz	Gutknecht	McEachern	Rice	Tunheim
Brandl	Halberg	McKasy	Riveness	Uphus
Brinkman	Haukoos	Metzen	Rodosovich	Valan
Burger	Heinitz	Minne	Rodriguez, C.	Valento
Carlson, D.	Himle	Munger	Rodriguez, F.	Vanasek
Carlson, L.	Hoberg	Murphy	Rose	Vellenga
Clark, J.	Hoffman	Nelson, D.	St. Onge	Voss
Clark, K.	Jacobs	Nelson, K.	Sarna	Welch
Clawson	Jennings	Neuenschwander	Schafer	Welker
Cohen	Jensen	Norton	Scheid	Welle
Coleman	Johnson	O'Connor	Schreiber	Wenzel
DenOuden	Kahn	Ogren	Seaberg	Wigley
Dimler	Kalis	Olsen	Segal	Wynia
Eken	Kelly	Omann	Shaver	Speaker Sieben
Elihoff	Knickerbocker	Onnen	Shea	
Ellingson	Knuth	Osthoff	Sherman	
Erickson	Kostohryz	Otis	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 602, A bill for an act relating to commerce; providing for a nonpossessory mechanics' lien under certain circumstances; proposing new law coded in Minnesota Statutes, chapter 514.

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:

Anderson, B.	Fjoslien	Kvam	Peterson	Solberg
Anderson, G.	Forsythe	Larsen	Piepho	Sparby
Battaglia	Frerichs	Levi	Piper	Stadum
Beard	Graba	Long	Price	Staten
Begich	Greenfield	Ludeman	Quinn	Sviggum
Bennett	Gruenes	Mann	Quist	Swanson
Berkelman	Gustafson	Marsh	Redalen	Thiede
Bishop	Gutknecht	McDonald	Reif	Tomlinson
Blatz	Halberg	McEachern	Rice	Tunheim
Brandl	Haukoos	McKasy	Riveness	Uphus
Brinkman	Heinitz	Metzen	Rodosovich	Valan
Burger	Himle	Minne	Rodriguez, C.	Valento
Carlson, D.	Hoberg	Munger	Rodriguez, F.	Vanasek
Carlson, L.	Hoffman	Murphy	Rose	Vellenga
Clark, J.	Hokr	Nelson, D.	St. Onge	Voss
Clark, K.	Jacobs	Nelson, K.	Sarna	Welch
Clawson	Jennings	Neuenschwander	Schafer	Welker
Cohen	Jensen	Norton	Scheid	Welle
Coleman	Johnson	O'Connor	Schreiber	Wenzel
DenOuden	Kahn	Ogren	Seaberg	Wigley
Dimler	Kalis	Olsen	Segal	Wynia
Eken	Kelly	Omann	Shaver	Zaffke
Elioff	Knickerbocker	Onnen	Shea	Speaker Sieben
Erickson	Knuth	Osthoff	Sherman	
Evans	Kostohryz	Otis	Simoneau	
Findlay	Krueger	Pauly	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 633, A bill for an act relating to commerce; uniform commercial code; extending the time period for the perfection of or priority over certain security interests; amending Minnesota Statutes 1982, sections 336.9-301; 336.9-302; 336.9-306; and 336.9-312.

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:

Anderson, B.	Anderson, R.	Battaglia	Beard	Begich
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Bennett	Frerichs	Larsen	Peterson	Sparby
Bergstrom	Graba	Levi	Piepho	Stadum
Berkelman	Greenfield	Long	Piper	Staten
Bishop	Gruenes	Ludeman	Price	Swiggum
Blatz	Gustafson	Mann	Quinn	Swanson
Brandl	Gutknecht	Marsh	Quist	Thiede
Brinkman	Halberg	McDonald	Redalen	Tomlinson
Burger	Haukoos	McEachern	Reif	Tunheim
Carlson, D.	Heinitz	McKasy	Riveness	Uphus
Carlson, L.	Himle	Metzen	Rodosovich	Valan
Clark, J.	Hoberg	Miine	Rodriguez, C.	Valento
Clark, K.	Hoffman	Munger	Rodriguez, F.	Vanasek
Clawson	Hokr	Murphy	Rose	Vellenga
Cohen	Jacobs	Nelson, D.	St. Onge	Voss
Coleman	Jennings	Nelson, K.	Sarna	Welch
DenOuden	Jensen	Neuenschwander	Schafer	Welker
Dimler	Johnson	Norton	Schreiber	Welle
Eken	Kahn	O'Connor	Seaberg	Wenzel
Elioff	Kalis	Ogren	Segal	Wigley
Ellingson	Kelly	Olsen	Shaver	Wynia
Erickson	Knickerbocker	Omman	Shea	Zaffke
Evans	Knuth	Onnen	Sherman	Speaker Sieben
Findlay	Kostohryz	Osthoff	Simoneau	
Fjoslien	Krueger	Otis	Skoglund	
Forsythe	Kvam	Pauly	Solberg	

The bill was passed and its title agreed to.

H. F. No. 706, A bill for an act relating to retirement; public employees retirement association; providing for refund of contributions after a layoff of 120 calendar days; amending Minnesota Statutes 1982, section 353.34, 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:

Anderson, B.	DenOuden	Hoffman	McKasy	Quist
Anderson, G.	Dimler	Hokr	Metzen	Redalen
Anderson, R.	Eken	Jacobs	Minne	Reif
Battaglia	Elioff	Jennings	Munger	Rice
Beard	Ellingson	Jensen	Murphy	Riveness
Begich	Erickson	Johnson	Nelson, D.	Rodosovich
Bennett	Evans	Kahn	Nelson, K.	Rodriguez, C.
Bergstrom	Findlay	Kalis	Neuenschwander	Rodriguez, F.
Berkelman	Fjoslien	Knickerbocker	Norton	Rose
Bishop	Forsythe	Knuth	O'Connor	St. Onge
Blatz	Frerichs	Kostohryz	Ogren	Sarna
Brandl	Graba	Krueger	Olsen	Schafer
Brinkman	Greenfield	Kvam	Omman	Scheid
Burger	Gruenes	Larsen	Onnen	Schreiber
Carlson, D.	Gustafson	Levi	Osthoff	Seaberg
Carlson, L.	Gutknecht	Long	Otis	Segal
Clark, J.	Halberg	Ludeman	Pauly	Shaver
Clark, K.	Haukoos	Mann	Peterson	Shea
Clawson	Heinitz	Marsh	Piepho	Sherman
Cohen	Himle	McDonald	Piper	Simoneau
Coleman	Hoberg	McEachern	Price	Skoglund

Solberg  
Sparby  
Stadum  
Staten  
Sviggum

Swanson  
Thiede  
Tomlinson  
Tunheim  
Uphus

Valan  
Valento  
Vanasek  
Vellenga  
Voss

Welch  
Welker  
Welle  
Wenzel  
Wigley

Wynia  
Zaffke  
Speaker Sieben

The bill was passed and its title agreed to.

### CALENDAR

S. F. No. 164 was reported to the House and given its third reading.

### UNANIMOUS CONSENT

Norton requested unanimous consent to offer an amendment. The request was granted.

Norton moved to amend S. F. No. 164, the second engrossment, as follows:

Page 6, line 14, after "senate" insert "or house of representatives"

Page 7, after line 4, insert:

"Subd. 3. [CONCURRENT CONFIRMATION.] *For appointments to the ethical practices board or any other agency which require confirmation of both the senate and house of representatives acting separately, the letter appointment and the copy of the application provided by subdivision 2 shall also be directed to the speaker of the house of representatives, and the appointment shall be effective upon receipt of the letter of appointment by both the president of the senate and the speaker of the house of representatives.*"

Page 8, after line 7, insert a new section to read:

"Sec. 12. Minnesota Statutes 1982, section 16.823, subdivision 2, is amended to read:

Subd. 2. The board shall consist of five individuals, the majority of whom shall be residents of the state of Minnesota. Each of the following three organizations shall nominate one individual whose name and qualifications shall be submitted to the governor for consideration: Consulting engineers council of Minnesota after consultation with other professional engineering societies in the state; Minnesota society of architects; and the Minnesota board of the arts. The governor may appoint the three named individuals to the board (WITH THE ADVICE AND CONSENT OF THE SENATE, BUT THE GOVERNOR) or may reject any individual so nominated and request a second nomination. The remaining two members shall also be appointed



by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE)."

Page 8, line 35, strike, "department of natural"

Page 8, strike line 36

Page 9, strike line 1, and insert, "*soil and water conservation board administrative region.*"

Renumber the sections accordingly

Further amend the title:

Page 1, line 12, before "40.03" insert, "16.823, subdivision 1;"

The motion prevailed and the amendment was adopted.

S. F. No. 164, A bill for an act relating to state government; removing the requirement of senate confirmation for appointment to certain state agencies; limiting terms of certain hold-over appointees; formulating a procedure for senate and house confirmations; changing a time requirement for filing a statement of economic interest in certain cases; amending Minnesota Statutes 1982, sections 1.33; 3.9223, subdivision 1; 10A.09, subdivisions 1 and 3; 14.48; 15.0575, subdivision 2; 15.0597, subdivision 6; 15.06, subdivisions 2 and 5; 15.50, subdivision 1; 16.823, subdivision 2; 40.03, subdivision 1; 85A.01, subdivision 1; 105.401, subdivision 1; 115A.05, subdivision 2; 116E.02, subdivision 1; 116J.04; 121.82, subdivision 1; 121.844, subdivision 1; 182.664, subdivision 1; 250.05, subdivision 2; 299B.05, subdivision 1; 414.01, subdivision 2; 473.123, subdivision 4; 473.141, subdivision 3; 490.15, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 15; repealing Minnesota Statutes 1982, section 11A.07, 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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Brandl	DenOuden	Frerichs	Hoberg
Anderson, G.	Brinkman	Dimler	Graba	Hoffman
Battaglia	Burger	Eken	Greenfield	Hokr
Beard	Carlson, D.	Elioff	Gruenes	Jacobs
Begich	Carlson, L.	Ellingson	Gustafson	Jennings
Bennett	Clark, J.	Erickson	Gutknecht	Jensen
Bergstrom	Clark, K.	Evans	Halberg	Johnson
Berkelman	Clawson	Findlay	Haukoos	Kalis
Bishop	Cohen	Fjosalien	Heinitz	Kelly
Blatz	Coleman	Forsythe	Himle	Knickerbocker

Knuth	Murphy	Price	Seaberg	Uphus
Kostohryz	Nelson, D.	Quinn	Segal	Valan
Krueger	Nelson, K.	Quist	Shaver	Valento
Kvam	Neuenschwander	Redalen	Shea	Vanasek
Larsen	Norton	Reif	Sherman	Vellenga
Levi	O'Connor	Rice	Simoneau	Voss
Long	Ogren	Riveness	Skoglund	Welch
Ludeman	Olsen	Rodosovich	Solberg	Welker
Mann	Omamn	Rodriguez, C.	Sparby	Welle
Marsh	Onnen	Rodriguez, F.	Stadium	Wenzel
McDonald	Osthoff	Rose	Staten	Wigley
McEachern	Otis	St. Onge	Swiggum	Wynia
McKasy	Pauly	Sarna	Swanson	Zaffke
Metzen	Peterson	Schafer	Thiede	Speaker Sieben
Minne	Piepho	Scheid	Tomlinson	
Munger	Piper	Schreiber	Tunheim	

The bill was passed, as amended, and its title agreed to.

S. F. No. 589, A bill for an act relating to labor; deleting an exclusion from protection for prompt payment of wages; amending Minnesota Statutes 1982, section 181.16.

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 121 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Findlay	Krueger	Piper	Stadium
Anderson, G.	Fjoslien	Kvam	Price	Staten
Battaglia	Forsythe	Larsen	Quinn	Swiggum
Beard	Frerichs	Long	Quist	Swanson
Begich	Graba	Mann	Redalen	Thiede
Bennett	Greenfield	Marsh	Reif	Tomlinson
Berkelman	Gruenes	McDonald	Rice	Tunheim
Bishop	Gustafson	McKasy	Riveness	Uphus
Blatz	Gutknecht	Metzen	Rodosovich	Valan
Brandl	Halberg	Minne	Rodriguez, C.	Valento
Brinkman	Haukoos	Munger	Rodriguez, F.	Vanasek
Burger	Heinitz	Murphy	Rose	Vellenga
Carlson, D.	Himle	Nelson, D.	St. Onge	Voss
Carlson, L.	Hoberg	Nelson, K.	Schafer	Welch
Clark, J.	Hoffman	Neuenschwander	Scheid	Welker
Clawson	Hokr	Norton	Schreiber	Welle
Cohen	Jacobs	O'Connor	Seaberg	Wenzel
Coleman	Jennings	Ogren	Segal	Wigley
DenOuden	Jensen	Olsen	Shaver	Wynia
Dimler	Kahn	Omamn	Shea	Zaffke
Eken	Kalis	Onnen	Sherman	Speaker Sieben
Elioff	Kelly	Otis	Simoneau	
Ellingson	Knickerbocker	Pauly	Skoglund	
Erickson	Knuth	Peterson	Solberg	
Evans	Kostohryz	Piepho	Sparby	

Those who voted in the negative were:

Osthoff                      Sarna

The bill was passed and its title agreed to.

S. F. No. 96, A bill for an act relating to the northeast Minnesota economic protection trust fund; abolishing the trust board; authorizing increased current expenditures; providing for administration of the fund; appropriating money; amending Minnesota Statutes 1982, sections 298.292; 298.293; 298.294; 298.296; 298.297; and 298.298; and Laws 1982, Second Special Session chapter 2, section 14; repealing Minnesota Statutes 1982, section 298.295.

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 82 yeas and 43 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Cohen	Long	Quinn	Solberg
Anderson, G.	Coleman	Mann	Redalen	Sparby
Anderson, R.	Eken	McEachern	Reif	Sjaten
Battaglia	Elioff	Metzen	Rice	Swanson
Beard	Ellingson	Minne	Riveness	Tomlinson
Begich	Graba	Munger	Rodosovich	Tunheim
Bergstrom	Gustafson	Murphy	Rodriguez, F.	Vanasek
Berkelman	Hoffman	Nelson, D.	Rose	Vellenga
Bishop	Jacobs	Nelson, K.	St. Onge	Voss
Blatz	Jensen	Neuenschwander	Sarna	Welch
Brandl	Kalis	Norton	Scheid	Welle
Brinkman	Kelly	O'Connor	Seaberg	Wenzel
Burger	Knuth	Ogren	Segal	Wynia
Carlson, L.	Kostohryz	Otis	Shea	Speaker Sieben
Clark, J.	Krueger	Peterson	Sherman	
Clark, K.	Larsen	Piper	Simoneau	
Clawson	Levi	Price	Skoglund	

Those who voted in the negative were:

Bennett	Greenfield	Johnson	Osthoff	Thiede
Carlson, D.	Gruenes	Kahn	Pauly	Uphus
DenOuden	Halberg	Knickerbocker	Piepho	Valan
Erickson	Haukoos	Kvam	Quist	Valento
Evans	Heinitz	Ludeman	Schafer	Welker
Findlay	Himle	Marsh	Schreiber	Wigley
Fjoslien	Hoberg	McKasy	Shaver	Zaffke
Forsythe	Hokr	Omamm	Stadum	
Frerichs	Jennings	Onnen	Sviggum	

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 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 THE 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. 482, 511, 564, 581, 601 and 673 which it recommended to pass.

S. F. Nos. 233 and 101 which it recommended to pass.

H. F. Nos. 138 and 239 which it recommended progress.

H. F. No. 91 which it recommended progress retaining its place on General Orders.

H. F. No. 588 which it recommended to pass with the following amendment offered by Simoneau:

Delete everything after the enacting clause and insert:

"Section 1. [HOSPITAL BOARD; TERMS OF OFFICE.]

*Minnesota Statutes, section 447.32, subdivision 1, shall apply to the North Suburban Hospital District organized pursuant to Minnesota Statutes, sections 447.31 to 447.37, in Anoka and Ramsey counties, except that upon detachment of any city from the district, in accordance with Minnesota Statutes, section 447.38, subdivision 2, or any special law, the hospital board, may by resolution, extend the term of its member elected at large for up to two years, in order that one-half of the terms, as nearly as many be, of the members shall expire on the December 31 following the next regular hospital district election.*

Sec. 2. [FILING TIME FOR CANDIDATES FOR HOSPITAL BOARD.]

*Minnesota Statutes, section 447.32, subdivision 4, shall apply to the North Suburban Hospital District, except that a person desiring to be a candidate for member of the district's hospital board shall file for office during the time provided in Minnesota Statutes, chapter 205 for filing of affidavits of candidacy for elective office of the city in which the person resides.*

## Sec. 3. [LOCAL APPROVAL.]

*This act takes effect the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the hospital board of the North Suburban Hospital District."*

Delete the title and insert:

"A bill for an act relating to the North Suburban Hospital District; providing for adjustment of terms of office; changing filing dates for candidates for the hospital board."

H. F. No. 123 which it recommended be re-referred to the Committee on Financial Institutions and Insurance with the following amendment offered by Staten:

Page 1, line 23, delete "*a consumer creating*" and insert "*consumers*"

Page 1, line 24, delete "*a debt*"

Page 2, line 27, delete "*debt*"

Page 3, line 1, after "*collector*" insert "*or creditor*"

Page 4, line 18, delete "*debt collector*" and insert "*creditor*"

Page 4, line 21, before the semicolon insert "*, or to communicate in writing with the consumer on 3 separate occasions with respect to the debt*"

Page 4, line 24, delete "*or*"

Page 4, line 26, before the period insert "*; or (d) to mail billing statements in accordance with the creditor's normal billing cycle*"

Page 9, line 16, before the comma insert "*not to exceed \$1,500*"

H. F. No. 189 which it recommended to pass with the following amendment offered by Otis:

Page 6, after line 33, insert "*, except systems owned by the utility and designed to turn off, limit, or vary the delivery of energy,*"

H. F. No. 553 which it recommended to pass with the following amendment offered by Osthoff:

Page 2, line 8, before the dotted line, insert "*None*"

Page 2, line 11, strike "*that the above facts*"

Page 2, line 12, strike "are correct" and insert:

*"am a citizen of the United States, that I reside at the address shown and will have resided in Minnesota for 20 days immediately preceding election day, and that I am not under guardianship of the person, have not been found by a court to be legally incompetent to vote, and have not been convicted of a felony without having my civil rights restored"*

H. F. No. 667 which it recommended to pass with the following amendment offered by Blatz:

Delete everything after the enacting clause and insert:

"Section 1. [181.92] [LEAVES FOR ADOPTIVE PARENTS.]

*An employer who permits paternity or maternity time off to biological parents shall, upon request, grant time off, with or without pay, to adoptive parents. The minimum period of this time off shall be four weeks, or, if the employer has an established policy of time off for biological parents which sets a period of time off of less than four weeks, that period of time shall be the minimum period for adoptive parents. The period of time off shall, at the direction of the adoptive parent, begin before, or at the time of, the child's placement in the adoptive parent's home, and shall be for the purpose of arranging the child's placement or caring for the child after placement. An employer shall not penalize an employee for requesting or obtaining time off according to this section."*

H. F. No. 89 which it recommended progress with the following amendment offered by Elioff and Onnen:

Page 2, delete lines 10 to 12 and insert "*any person or group of persons*"

Page 2, line 13, delete everything before the period

Page 2, lines 34 and 35, delete the headnote and insert "[OTHER THREATS.]"

Page 3, line 2, delete "*the person threatened or in another person because of*" and insert "*any person or group of persons*"

Page 3, delete lines 3 and 4

Page 3, line 5, delete "*national origin, age, or political persuasion*"

Amend the title as follows:

Page 1, delete lines 4 and 5

Page 1, line 6, delete everything before the semicolon.

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 Heinitz motion to re-refer H. F. No. 123, as amended, to the Committee on Financial Institutions and Insurance and the roll was called. There were 76 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Knickerbocker	Pauly	Stadum
Anderson, G.	Findlay	Kvam	Peterson	Svigum
Anderson, R.	Fjoslien	Levi	Piepho	Swanson
Bennett	Forsythe	Ludeman	Quist	Thiede
Bergstrom	Frerichs	Mann	Redalen	Tunheim
Berkelman	Gruenes	Marsh	Reif	Uphus
Bishop	Gutknecht	McDonald	Rose	Valan
Blatz	Haukoos	McEachern	Schafer	Valento
Brinkman	Heinitz	McKasy	Schreiber	Welker
Burger	Himle	Nelson, D.	Seaberg	Welle
Carlson, D.	Hoberg	Nelson, K.	Shaver	Wigley
Carlson, L.	Hoffman	Neuenschwander	Shea	Zaffke
DenOuden	Hokr	Olsen	Sherman	
Dimler	Jennings	Omamm	Skoglund	
Elioff	Johnson	Onnen	Solberg	
Erickson	Kalis	Osthoff	Sparby	

Those who voted in the negative were:

Battaglia	Graba	Long	Riveness	Vanasek
Beard	Greenfield	Minne	Rodosovich	Vellenga
Begich	Gustafson	Munger	Rodriguez, C.	Voss
Brandl	Jacobs	Murphy	Rodriguez, F.	Welch
Clark, J.	Jensen	Norton	St. Onge	Wenzel
Clark, K.	Kahn	Ogren	Sarna	Wynia
Clawson	Kelly	Otis	Scheid	Speaker Sieben
Cohen	Knuth	Piper	Segal	
Coleman	Kostobryz	Price	Simoneau	
Eken	Krueger	Quinn	Staten	
Ellingson	Larsen	Rice	Tomlinson	

The motion prevailed and H. F. No. 123, as amended, was re-referred to the Committee on Financial Institutions and Insurance.

Welker moved to amend H. F. No. 189, the second engrossment, as amended, as follows:

Page 6, lines 1 to 4, delete the new language

Page 6, lines 14 to 22, delete the new language

The question was taken on the amendment and the roll was called. There were 53 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Forsythe	Johnson	Pauly	Stadum
Bennett	Frerichs	Knickerbocker	Piepho	Sviggum
Bishop	Gruenes	Kvam	Quist	Thiede
Blatz	Gutknecht	Levi	Redalen	Uphus
Burger	Halberg	Ludeman	Reif	Valan
Carlson, D.	Haukoos	Marsh	Rose	Valento
DenOuden	Heinitz	McDonald	Schafer	Welker
Dimler	Himle	McKasy	Schreiber	Wigley
Erickson	Hoberg	Olsen	Seaberg	Zaffke
Evans	Hokr	Omann	Shaver	
Findlay	Jennings	Onnen	Sherman	

Those who voted in the negative were:

Anderson, B.	Eken	Krueger	Otis	Sparby
Anderson, C.	Elioff	Larsen	Peterson	Staten
Battaglia	Ellingson	Long	Piper	Swanson
Beard	Fjoslien	Mann	Price	Tomlinson
Begich	Graba	McEachern	Rice	Tunheim
Bergstrom	Greenfield	Metzen	Riveness	Vanasek
Berkelman	Gustafson	Minne	Rodosovich	Vellenga
Brandl	Hoffman	Murphy	Rodriguez, F.	Voss
Brinkman	Jacobs	Nelson, D.	St. Onge	Welle
Carlson, L.	Jensen	Nelson, K.	Sarna	Wenzel
Clark, J.	Kahn	Neuenschwander	Scheid	Wynia
Clark, K.	Kalis	Norton	Segal	Speaker Sieben
Clawson	Kelly	O'Connor	Simoneau	
Cohen	Knuth	Ogren	Skoglund	
Coleman	Kostohryz	Osthoff	Solberg	

The motion did not prevail and the amendment was not adopted.

McDonald moved to amend H. F. No. 89, the third engrossment, as follows:

Page 2, line 13, after the comma, insert "*affiliation or non-affiliation with a labor union,*"

Page 3, line 5, after the second comma, insert "*affiliation or non-affiliation with a labor union,*"

Further, amend the title as follows:

Page 1, line 6, after the second comma, insert "*affiliation or non-affiliation with a labor union,*"

The question was taken on the amendment and the roll was called. There were 55 yeas and 68 nays as follows:



Those who voted in the affirmative were:

Anderson, B.	Evans	Jennings	Onnen	Shea
Anderson, R.	Findlay	Johnson	Pauly	Sherman
Bennett	Fjoslien	Knickerbocker	Piepho	Stadum
Berkelman	Forsythe	Krueger	Quist	Sviggum
Bishop	Frerichs	Kvam	Redalen	Thiede
Blatz	Gruenes	Ludeman	Reif	Uphus
Burger	Gutknecht	Marsh	Rose	Valan
Carlson, D.	Halberg	McDonald	Schafer	Valento
DenOuden	Haukoos	McKasy	Schreiber	Welker
Dimler	Heinitz	Olsen	Seaberg	Wigley
Erickson	Hoberg	Omann	Shaver	Zaffke

Those who voted in the negative were:

Anderson, G.	Graba	McEachern	Price	Staten
Battaglia	Greenfield	Metzen	Quinn	Swanson
Beard	Gustafson	Minne	Rice	Tomlinson
Begich	Hoffman	Munger	Riveness	Tunheim
Bergstrom	Jacobs	Nelson, D.	Rodosovich	Vanasek
Brandl	Jensen	Nelson, K.	Rodriguez, F.	Vellenga
Carlson, L.	Kahn	Neuenschwander	St. Onge	Voss
Clark, J.	Kalis	Norton	Sarna	Welch
Clark, K.	Kelly	O'Connor	Scheid	Welle
Cohen	Knuth	Ogren	Segal	Wenzel
Coleman	Kostohryz	Osthoff	Simoneau	Wynia
Eken	Larsen	Otis	Skoglund	Speaker Sieben
Elioff	Long	Peterson	Solberg	
Ellingson	Mann	Piper	Sparby	

The motion did not prevail and the amendment was not adopted.

Elioff and Onnen moved to amend H. F. No. 89, the third engrossment, as follows:

Page 2, delete lines 10 to 12 and insert "*any person or group of persons*"

Page 2, line 13, delete everything before the period

Page 2, lines 34 and 35, delete the headnote and insert "[OTHER THREATS.]"

Page 3, line 2, delete "*the person threatened or in another person because of*" and insert "*any person or group of persons*"

Page 3, delete lines 3 and 4

Page 3, line 5, delete "*national origin, age, or political persuasion*"

Amend the title as follows:

Page 1, delete lines 4 and 5

Page 1, line 6, delete everything before the semicolon

The question was taken on the amendment and the roll was called. There were 69 yeas and 53 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Erickson	Jacobs	Omann	Sherman
Battaglia	Evans	Jennings	Onnen	Stadum
Beard	Findlay	Johnson	Pauly	Sviggum
Begich	Fjoslien	Kalis	Piepho	Swanson
Bennett	Forsythe	Kelly	Quist	Thiede
Berkelman	Frerichs	Knickerbocker	Redalen	Tunheim
Bishop	Gruenes	Kvam	Reif	Uphus
Blatz	Gutknecht	Levi	Rose	Valan
Brinkman	Halberg	Ludemañ	St. Onge	Valento
Burger	Haukoos	Marsh	Sarna	Welker
Carlson, D.	Heinitz	McDonald	Schafer	Wenzel
DenOuden	Himle	McEachern	Schreiber	Wigley
Dimler	Hoberg	McKasy	Seaberg	Zaffke
Elioff	Hokr	Olsen	Shaver	

Those who voted in the negative were:

Anderson, B.	Graba	Mann	Piper	Skoglund
Anderson, G.	Greenfield	Minne	Price	Staten
Bergstrom	Gustafson	Munger	Rice	Tomlinson
Brandl	Hoffman	Murphy	Riveness	Vanasek
Carlson, L.	Jensen	Nelson, D.	Rodosovich	Vellenga
Clark, J.	Kahn	Nelson, K.	Rodriguez, C.	Voss
Clark, K.	Knuth	Norton	Rodriguez, F.	Welch
Cohen	Kostohryz	Ogren	Scheid	Wynia
Coleman	Krueger	Osthoff	Segal	Speaker Sieben
Eken	Larsen	Otis	Shea	
Ellingson	Long	Peterson	Simoneau	

The motion prevailed and the amendment was adopted.

## MOTIONS AND RESOLUTIONS

Coleman moved that H. F. No. 994 be recalled from the Committee on Labor-Management Relations and be re-referred to the Committee on Judiciary. The motion prevailed.

Clark, J., moved that H. F. No. 541, now on General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

Anderson, G., moved that H. F. No. 636, now on Technical General Orders, be re-referred to the Committee on Governmental Operations. The motion prevailed.

Clark, J., moved that the name of Nelson, K., be added as an author on H. F. No. 990. The motion prevailed.

Jensen moved that the name of Blatz be added as an author on H. F. No. 1110. The motion prevailed.

Ludeman moved that his name be stricken as an author on H. F. No. 244. The motion prevailed.

Knickerbocker moved that the name of Evans be added as an author on H. F. No. 1091. The motion prevailed.

Nelson, K., moved that the name of Tomlinson be added as an author on H. F. No. 771. The motion prevailed.

Norton moved that the name of Piepho be added as an author on H. F. No. 1025. The motion prevailed.

Rodriguez, F., moved that the name of Piper be added as an author on H. F. No. 601. The motion prevailed.

Simoneau moved that the name of Segal be added as an author on H. F. No. 1078. The motion prevailed.

Metzen moved that the name of Sparby be added as an author on H. F. No. 1117. The motion prevailed.

Fjoslien moved that the name of Segal be added as an author on H. F. No. 1104. The motion prevailed.

Stadum moved that the name of Fjoslien be added as an author on H. F. No. 1093. The motion prevailed.

Norton moved that the name of Valento be added as an author on H. F. No. 1092. The motion prevailed.

Evans moved that the name of Segal be added as an author on H. F. No. 1109. The motion prevailed.

Sherman and Johnson introduced:

House Resolution No. 8, A house resolution congratulating the women's gymnastic team from Winona State University for its accomplishments in the 1983-1984 school year.

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 7, 1983. 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 7, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-THIRD SESSION - 1983

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THIRTY-FIRST DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 6, 1983

The Senate met on Wednesday, April 6, 1983, which was the Thirty-first Legislative Day of the Seventy-third Session of the Minnesota State Legislature. The House of Representatives did not meet on this date.



## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## THIRTY-SECOND DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 7, 1983

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 A. Riveness, Director of Words of Life Gospel Broadcast, Karlstad, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Ellingson	Knickerbocker	Otis	Sherman
Anderson, G.	Erickson	Knuth	Pauly	Simoneau
Anderson, R.	Evans	Kostohryz	Peterson	Skoglund
Battaglia	Findlay	Krueger	Piepho	Solberg
Beard	Fjoslien	Kvam	Piper	Sparby
Begich	Forsythe	Larsen	Price	Stadum
Bennett	Frerichs	Levi	Quinn	Sviggum
Bergstrom	Graba	Long	Quist	Swanson
Berkelman	Greenfield	Ludeman	Redalen	Thiede
Bishop	Gruenes	Mann	Reif	Tomlinson
Blatz	Gustafson	Marsh	Rice	Tunheim
Brandl	Gutknecht	McDonald	Riveness	Uphus
Brinkman	Halberg	McEachern	Rodosovich	Valan
Burger	Haukoos	McKasy	Rodriguez, C.	Valento
Carlson, D.	Heinitz	Metzen	Rodriguez, F.	Vanasek
Carlson, L.	Himle	Minne	Rose	Veilenga
Clark, J.	Hoberg	Murphy	St. Onge	Voss
Clark, K.	Hoffman	Nelson, D.	Sarna	Waltman
Clawson	Hokr	Neuenschwander	Schafer	Welch
Cohen	Jacobs	Norton	Scheid	Welker
Coleman	Jennings	O'Connor	Schoenfeld	Welle
Dempsey	Jensen	Ogren	Schreiber	Wenzel
DenOuden	Johnson	Olsen	Seaberg	Wigley
Dimler	Kahn	Omann	Segal	Wynia
Eken	Kalis	Onnen	Shaver	Zaffke
Elioff	Kelly	Osthoff	Shea	Speaker Sieben

A quorum was present.

Heap, Munger, Nelson, K., and Staten 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. 389, 508, 603, 230, 409, 567, 605, 721, 745, 769, 787, 189, 403, 558, 636, 697, 904, 270, 553, 588, 667 and 89 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

April 6, 1983

The Honorable Harry A. Sieben, Jr.  
Speaker of the House  
276 State Office Building  
St. Paul, Minnesota 55155

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. 371, relating to transportation; making scheduled increases in taxes on gasoline and special fuel; delaying the effective date of changes in the disposition of the revenue from the motor vehicle excise tax; providing for the improvement of certain trunk highways; authorizing the issuance of trunk highway bonds; eliminating the authority of the metropolitan transit commission to levy a certain tax; creating a town road account in the county state-aid highway fund; providing for the apportionment of five percent of the net highway user tax distribution fund; repealing a limitation on interest rates for trunk highway bonds; creating a study commission; appropriating money; providing a penalty; amending Minnesota Statutes 1982, sections 161.081; 161.082, subdivision 2a; 167.50, subdivision 2; 296.01, subdivision 24; 296.02; 296.14, subdivisions 2 and 4; 296.18, by adding a subdivision; 297B.09; and 473.446, subdivision 1; proposing new law coded in Minnesota Statutes, chapters 162 and 169.

Sincerely,

RUDY PERPICH  
Governor



STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
SAINT PAUL 55155

April 6, 1983

The Honorable Harry A. Sieben, Jr.  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 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 1983	Date Filed 1983
15		16	April 6	April 6
	371	17	April 6	April 6

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. 33, A bill for an act relating to taxation; income; providing a credit for home care of the elderly; appropriating money; amending Minnesota Statutes 1982, section 290.06, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 23, delete "not"

Page 2, line 1, delete "received" and insert "incurred"

Page 2, line 3, delete "(a)"

Page 2, delete lines 5 to 10 and insert "is within the income eligibility requirements of section 256B.06."

Page 2, line 12, delete "60" and insert "65"

Page 2, line 13, delete everything after "(2)"

Page 2, delete line 14

Page 2, line 15, delete "\$7,500" and insert "*who is eligible for medical assistance and who meets the eligibility requirements of section 256B.06*"

Page 2, line 31, delete everything after "(e)"

Page 2, delete lines 32 to 36

Page 3, delete lines 1 to 7

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 63, A bill for an act relating to counties; authorizing counties to enact ordinances against trespassing under certain conditions; prescribing penalties; proposing new law coded in Minnesota Statutes, chapter 373.

Reported the same back with the following amendments:

Page 1, line 8, delete "[373.40]" and insert "[471.985]"

Page 1, line 8, after "COUNTY" insert "AND CITY"

Page 1, line 10, delete "A" and insert "The"

Page 1, line 10, after "board" insert "*of any county or the city council of any home rule charter or statutory city*"

Page 1, line 15, delete "A" and insert "The"

Page 1, line 15, after "board" insert "*or city council*"

Page 2, line 9, delete "Sec. 2. [373.41]" and insert "Subd. 3."

Page 2, line 12, delete "Sec. 3. [373.42]" and insert "Subd. 4."

Page 2, line 15, delete "Section 1,"

Amend the title as follows:

Page 1, line 2, delete the first "counties" and insert "local government"

Page 1, line 2, after "authorizing counties" insert "or cities"

Page 1, line 5, delete "373" and insert "471"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 102, A bill for an act relating to agricultural and residential homestead; providing for relief in certain cases from inequitable foreclosure of mortgages, termination of contracts for the conveyance of real estate, and execution sales of real property during an emergency declared by the legislature; postponing certain realty sales and extending the period of redemption of real property during an emergency; providing for possession during the extended period; limiting the right to maintain actions for deficiency judgments; proposing new law coded as Minnesota Statutes, chapter 583.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 47.20, subdivision 8, is amended to read:

Subd. 8. A lender making a conventional loan shall comply with the following:

(1) The promissory note and mortgage evidencing a conventional loan shall be printed in not less than the equivalent of 8 point type, .075 inch computer type, or elite-size typewritten numerals, or shall be legibly handwritten.

(2) The mortgage evidencing a conventional loan shall contain a provision whereby the lender agrees to furnish the borrower with a conformed copy of the promissory note and mortgage at the time they are executed or within a reasonable time after recordation of the mortgage.

(3) The mortgage evidencing a conventional loan shall contain a provision whereby the lender, if it intends to foreclose, agrees to give the borrower written notice of any default under the terms or conditions of the promissory note or mortgage, by

sending the notice by certified mail to the address of the mortgaged property or such other address as the borrower may have designated in writing to the lender. The lender need not give the borrower the notice required by this paragraph if the default consists of the borrower selling the mortgaged property without the required consent of the lender. The mortgage shall further provide that the notice shall contain the following provisions:

- (a) the nature of the default by the borrower,
- (b) the action required to cure the default,
- (c) a date, not less than (30) 60 days from the date the notice is mailed by which the default must be cured,
- (d) that failure to cure the default on or before the date specified in the notice may result in acceleration of the sums secured by the mortgage and sale of the mortgaged premises, and
- (e) that the borrower has the right to reinstate the mortgage after acceleration, and
- (f) that the borrower has the right to bring a court action to assert the nonexistence of a default or any other defense of the borrower to acceleration and sale.

Sec. 2. Minnesota Statutes 1982, section 550.18, is amended to read:

550.18 [NOTICE OF SALE.]

Before the sale of property on execution notice shall be given as follows:

(1) If the sale be of personal property, by giving ten days posted notice of the time and place thereof;

(2) If the sale (BE) *is not of farm real property*, on execution or on judgment, by six weeks posted and published notice of the time and place thereof, describing the property with sufficient certainty to enable a person of common understanding to identify it;

(3) *If the sale is of farm real property, on execution or on judgment, by 60 days posted and published notice of the time and place, describing the property with sufficient certainty to enable a person of common understanding to identify it.*

An officer who sells without such notice shall forfeit \$100 to the party aggrieved, in addition to his actual damages; and a person who before the sale or the satisfaction of the execution, and

without the consent of the parties, takes down or defaces the notice posted, shall forfeit \$50; but the validity of the sale shall not be affected by either act, either as to third persons or parties to the action.

Sec. 3. Minnesota Statutes 1982, section 559.21, subdivision 1, is amended to read:

Subdivision 1. [DEFAULT; TERMINATION.] When default is made in the conditions of any contract for the conveyance of real estate or any interest in it executed after August 1, 1976, and prior to May 1, 1980, whereby the vendor has a right to terminate it, he may do so by serving upon the purchaser, his personal representatives or assigns, either within or without the state, a notice specifying the conditions in which default has been made, and stating that the contract will terminate (1) 30 days after the service of the notice if the purchaser has paid less than 30 percent of the purchase price, exclusive of interest on it, and any mortgages or prior contracts for deed which are assumed by the purchaser, *or in cases of farm real estate property to terminate 60 days after service of notice*, (2) 45 days after service of the notice if the purchaser has paid 30 percent, or more, but less than 50 percent of the purchase price, exclusive of interest on it, and any mortgages or prior contracts for deed which are assumed by the purchaser, *or in cases of farm real estate property to terminate 60 days after service of notice*, (3) 60 days after service of the notice if the purchaser has paid 50 percent, or more, of the purchase price, exclusive of interest on it, and any mortgages or prior contracts for deed which are assumed by the purchaser, unless prior thereto the purchaser complies with the conditions and pays the costs of service, the mortgage registration tax, if actually paid by the vendor, together with an amount to apply on attorneys' fees actually expended or incurred, of \$75 when the amount in default is less than \$750, and of \$200 when the amount in default is \$750 or more; provided, however, that no amount is required to be paid for attorneys' fees as provided hereunder, unless some part of the conditions of default has existed at least 45 days prior to the date of service of the notice.

Sec. 4. Minnesota Statutes 1982, section 559.21, subdivision 1a, is amended to read:

Subd. 1a. [DEFAULT; TERMINATION.] When default is made in the conditions of any contract for the conveyance of real estate or any interest in it, executed on or prior to August 1, 1976, whereby the vendor has a right to terminate it, he may do so by serving upon the purchaser, his personal representatives or assigns, either within or without the state, a notice specifying the conditions in which default has been made, and stating that the contract will terminate 30 days after the service of the notice, *or in the case of farm real estate property that the contract will terminate 60 days after service of the notice*, unless

prior thereto the purchaser complies with the conditions and pays the costs of service, together with an amount to apply on attorneys' fees actually expended or incurred, of \$50 when the amount in default is less than \$500, and of \$100 when the amount in default is \$500 or more; provided, however, that no amount shall be required to be paid for attorneys' fees as provided hereunder, unless some part of the conditions of default shall have existed at least 45 days prior to the date of service of the notice. The notice must be given notwithstanding any provisions in the contract to the contrary, and shall be served within the state in the same manner as a summons in the district court, without the state; in the same manner, and without securing any sheriff's return of not found, making any preliminary affidavit, mailing a copy of the notice or doing any other preliminary act or thing whatsoever. Service of the notice without the state may be proved by the affidavit of the person making it, made before an authorized officer having a seal, and within the state by an affidavit or by the return of the sheriff of any county.

Sec. 5. Minnesota Statutes 1982, section 559.21, subdivision 2, is amended to read:

Subd. 2. When default is made in the conditions of any contract for the conveyance of real estate or any interest therein executed on or after May 1, 1980, whereby the vendor has a right to terminate the same, he may do so by serving upon the purchaser, his personal representatives or assigns, either within or without the state, a notice specifying the conditions in which default has been made, and stating that the contract will terminate (1) 30 days after the service of the notice if the purchaser has paid less than ten percent of the purchase price, exclusive of interest thereon, and any mortgages or prior contracts for deed which are assumed by the purchaser, *or in the case of farm real estate property that the contract will terminate 60 days after service of the notice*, (2) 60 days after service of the notice if the purchaser has paid ten percent, or more, but less than 25 percent of the purchase price, exclusive of interest thereon, and any mortgages or prior contracts for deed which are assumed by the purchaser, (3) 90 days after service of the notice if the purchaser has paid 25 percent, or more, of the purchase price, exclusive of interest thereon, and any mortgages or prior contracts for deed which are assumed by the purchaser, unless prior thereto the purchaser complies with the conditions and makes all payments due and owing to the vendor under the contract through the date payment is made and pays the costs of service, the mortgage registration tax, if actually paid by the vendor, together with an amount to apply on attorneys' fees actually expended or incurred, of \$125 when the amount in default is less than \$750, and of \$250 when the amount in default is \$750 or more; provided, however, that no amount is required to be paid for attorneys' fees as provided hereunder, unless some part of the conditions of default has existed at least 45 days prior to the date of service of the notice.

Sec. 6. Minnesota Statutes 1982, section 580.09, is amended to read:

**580.09 [FORECLOSURE FOR INSTALMENTS; SALES; DISPOSITION OF PROCEEDS; REDEMPTION.]**

Where a mortgage is given to secure the payment of money by instalments, each instalment, either for principal or interest, or both, as is due at any time, may be taken and deemed to be a separate and independent mortgage, and such mortgage for each such instalment may be foreclosed by advertisement or by action, in the same manner and with like effect as if a separate mortgage were given for each of such instalments, and such foreclosure may be made and sale had subject to the instalments yet to become due upon the mortgage; and a redemption from any such sale shall have the like effect as if the sale for such instalment had been made upon an independent subsequent mortgage; provided in such cases the attorney's fee on the foreclosure so made shall not exceed the amount permitted by law in case of a mortgage securing the amount of the debt then due on such foreclosure. The proceeds of the sale shall be applied first in payment of the costs of the foreclosure sale, and of the instalment due, with interest thereon, taxes and insurance premiums paid, if any, and then towards the payment of the residue of the sum secured by such mortgage, and not due and payable at the time of such sale; and, if such residue does not bear interest, such application shall be made with rebate of the legal interest for the time during which the residue shall not be due and payable; and the surplus, if any, shall be paid to the subsequent lienors, if any, in the order of their priority, and then to the owner of the equity of redemption, his legal representatives or assigns. In case of redemption from any sale herein authorized, at the option of the redemptioner, the whole amount remaining unpaid on the mortgage, with interest and other items, if any, which have become part of the amount secured by the lien of the mortgage, may be included in the amount paid on redemption and, in such event, the redemption so made shall have like effect as if the foreclosure sale had been made for the entire amount secured by the mortgage, including such additional items.

*In the case of a mortgage given to secure the payment of money by installments on farm real estate property, the mortgage is reinstated following any foreclosure proceeding and during the redemption period by payment by the redemptioner of the installments in default, the installments falling due during the redemption period, and the costs and fees, including insurance and delinquent taxes, specified in section 580.30, subdivision 1.*

Before any sale herein authorized, the holder of the mortgage shall file with the sheriff a verified itemized statement in writing showing the entire amount remaining unpaid on the mortgage, including taxes and insurance premiums paid and other items

which have become part of the amount secured, and the rate of interest to accrue on same, which statement shall be subject to public inspection and shall be read by the sheriff at the sale, immediately after reading the notice of sale. The certificate of sale shall set forth correctly, in addition to the amount of sale, the remaining amount still unpaid on and secured by the mortgage, subject to which the sale is made, and the rate of interest to accrue on same. If, during the time to redeem from the sale, any additional or other item, other than interest at the rate so stated in the certificate, shall attach to such amount subject to which the sale was made, or any change shall occur in such amount or the rate of interest thereon, the facts with respect thereto shall be set forth by affidavit, made and filed for record, and a copy furnished the sheriff, in accordance with the provisions of section 582.03, and the provisions of that section shall apply thereto.

Sec. 7. Minnesota Statutes 1982, section 580.23, subdivision 1, is amended to read:

Subdivision 1. When lands have been sold in conformity with preceding sections of this chapter the mortgagor, his personal representatives or assigns, within six months after such sale, except as otherwise provided in subdivision 2, may redeem such lands, as hereinafter provided, (1) by paying the sum of money for which the same were sold, with interest from the time of sale at the rate provided to be paid on the mortgage debt and, if no rate be provided in the mortgage note, at the rate of six percent per annum, together with any further sums which may be payable pursuant to section 582.03, or (2) *in the case of a mortgage on farm real estate property given to secure payment of money by installments, by paying the installments in default, the installments falling due during the redemption period, and the costs and fees, including insurance and delinquent taxes, specified in section 580.30, subdivision 1.* Where the redemption period is as provided in this subdivision the mortgagee, or his successors, assigns, or personal representative, or any other purchaser so purchasing at the sheriff's sale shall by purchasing the property at the sheriff's sale thereby waive his right to a deficiency judgment against the mortgagor.

Sec. 8. Minnesota Statutes 1982, section 580.30, is amended to read:

#### 580.30 [MORTGAGES, WHEN REINSTATED.]

*Subdivision 1. [BEFORE SALE.]* In any proceedings for the foreclosure of a real estate mortgage, whether by action or by advertisement, if at any time before the sale of the premises under such foreclosure the mortgagor, the owner, or any holder of any subsequent encumbrance or lien, or any one for them, shall pay or cause to be paid to the holder of the mortgage so being foreclosed, or to the attorney foreclosing the same, or to the sheriff of the county, the amount actually due thereon and consti-



tuting the default actually existing in the conditions of the mortgage at the time of the commencement of the foreclosure proceedings, including insurance, delinquent taxes, if any, upon the premises, interest to date of payment, cost of publication and services of process or notices, attorney's fees not exceeding \$150 or one-half of the attorney's fees authorized by section 582.01, whichever is greater, together with other lawful disbursements necessarily incurred in connection with the proceedings by the party foreclosing, then, and in that event, the mortgage shall be fully reinstated and further proceedings in such foreclosure shall be thereupon abandoned.

*Subd. 2. [FARM REAL PROPERTY AFTER FORECLOSURE.] A mortgage to farm real estate property given to secure payment of money by installments, is reinstated following foreclosure but during the redemption period by payment by the redemptioner of the installments in default, the installments falling due during the redemption period, and the costs and fees, including insurance and delinquent taxes, specified in section 580.30, subdivision 1.*

Sec. 9. Minnesota Statutes 1982, section 581.10, is amended to read:

**581.10 [REDEMPTION BY MORTGAGOR, CREDITOR.]**

The mortgagor, or those claiming under him, within the time specified in section 580.23 after the date of the order of confirmation, may redeem the premises sold, or any separate portion thereof, (1) by paying the amount bid therefor, with interest thereon from the time of sale at the rate provided to be paid on the mortgage debt, not to exceed eight percent per annum, and, if no rate to be provided in the mortgage, at the rate of six percent, together with any further sum which may be payable pursuant to section 582.03, or (2) *in the case of a mortgage on farm real estate property given to secure payment of money by installments, by paying the installments in default, the installments falling due during the redemption period, and the costs and fees, including insurance and delinquent taxes, specified in section 580.30, subdivision 1.* Creditors having a lien may redeem in the order and manner specified in section 580.24, but no creditor shall be entitled to redeem unless within such specified redemption period he files with the clerk notice of his intention to redeem.

**Sec. 10. [583.01] [LEGISLATIVE FINDINGS.]**

*The legislature finds that the number of unemployed persons in this state has reached the highest level since the Depression of the 1930's; that farm commodity prices are at the lowest levels in over 40 years; that the number of mortgage loans currently in default due to the unemployment of the principal wage earner*

*has reached critical levels; and that by reason of these conditions and the high rates of interest on mortgage loans, many of the citizens of this state will be unable for extended periods of time, to meet payments of taxes, interest, and principal of mortgages on their properties and are, therefore, threatened with loss of their real property through mortgage foreclosure, contract termination, and judicial sales. The legislature further finds that these conditions have resulted in an emergency of a nature that justifies and validates legislation for the extension of the time of redemption from mortgage foreclosure and execution sales and other relief of a similar character.*

**Sec. 11. [583.02] [DEFINITIONS.]**

*Subdivision 1. [TERMS.] As used in sections 10 to 21, the terms defined in this section have the meanings given them.*

*Subd. 2. [HOMESTEAD.] "Homestead" means residential or agricultural real estate, a portion or all of which is entitled to receive homestead credit under section 273.13, subdivision 15a.*

**Sec. 12. [583.03] [APPLICATION.]**

*Subdivision 1. [PROPERTY COVERED.] The provisions of sections 10 to 21 apply to judgments against, mortgages secured by, and contracts for deed conveying, homesteads within the meaning of section 11, including: (a) mortgages held by the United States or by any agency, department, bureau, or instrumentality of the United States, as security or pledge of the mortgagor, its successors or assigns; and (b) mortgages held as security or pledge to secure payment of a public debt or to secure payment of the deposit of public funds.*

*Subd. 2. [GENERAL EXCLUSION.] The provisions of sections 10 to 21 do not apply to mortgages or contracts for deed made after the effective date of sections 10 to 21, nor to mortgages or contracts for deed made before the effective date of sections 10 to 21, which are renewed or extended after the effective date of sections 10 to 21 for a period longer than one year, nor to mortgages, judgments, or contracts for deed, regardless of when made, if a second or subsequent mortgage is made against the property after the effective date of sections 10 to 21, and the second or subsequent mortgagee commences foreclosure proceedings. No court shall allow a resale, stay, postponement, or extension of time that would cause any right to be lost or adversely affected by any statute of limitation.*

**Sec. 13. [583.04] [MORTGAGOR MAY APPLY TO DISTRICT COURT FOR RELIEF.]**

*In any proceedings commenced prior to the effective date of sections 10 to 21 for the foreclosure of a mortgage on a home-*

*stead by advertisement, in which a sale of the property has not been had, or in any proceedings commenced after the effective date of sections 10 to 21, the mortgagor, or the owner in possession of the mortgaged premises, or anyone claiming under the mortgage, or anyone liable for the mortgage debt, at any time after the issuance of the notice of the foreclosure proceedings, may petition the district court of the county where the foreclosure proceedings are pending, serving a summons and verified complaint requesting that the sale in foreclosure by advertisement be postponed and that the foreclosure, if any, proceed by action. If it appears to the court that the granting of the relief requested would be equitable and just, the court may postpone the foreclosure proceedings by advertisement by ex parte order which may be served with or after service of the summons and complaint upon the party foreclosing or his attorney. At the time of hearing on the ex parte order, the court may then further postpone the sale, and the parties seeking to foreclose the mortgage shall proceed, if at all, to foreclose the mortgage by action. As a condition precedent to the postponement of the foreclosure sale by advertisement, the party serving the verified complaint shall file it and pay to the clerk for the person foreclosing the mortgage the actual costs incurred, not including attorney's fees, in the foreclosure proceeding before postponement. The filing of the verified complaint is deemed a waiver of publication of notice of postponement of the foreclosure sale. The sale, at a time which may be fixed by the court, is deemed to be a sale postponed in lieu of the time of sale specified in the published notice of mortgage foreclosure sale.*

Sec. 14. [583.05] [COURT MAY ORDER RESALE.]

*When a mortgage has been foreclosed by action, the court shall, upon receipt of the report of sale, cause notice of a hearing thereon to be served on the parties to the action who have appeared and fix the time and place of hearing on the report. Before granting an order confirming the sale, the court shall order a resale if it appears that the sale price is unreasonably and unfairly inadequate. If the sale is confirmed, the sheriff, or his deputy, shall execute and deliver, without delay, the proper certificate of sale which shall be recorded within 20 days after the confirmation. Upon hearing on the motion for an order confirming the sale in the foreclosure of mortgages by action, in case the evidence is insufficient to establish a fair and reasonable market or rental value of the property, the court may receive evidence, including evidence tending to establish the actual value of the property involved, for the purpose or purposes for which the property is or can be used. The court shall also receive evidence tending to show to what extent, if any, the property has decreased in market value by reason of the economic conditions existing at the time of or before the sale.*

Sec. 15. [583.06] [COMPROMISES.]

*If the parties to a foreclosure action agree in writing to a compromise settlement thereof, or of composition of the mortgage indebtedness, or both, the court shall have jurisdiction and may by its order confirm and approve the settlement or composition, or both, as the case may be.*

Sec. 16. [583.07] [JURISDICTION OF COURT.]

*The court has jurisdiction to postpone the termination of a contract for the conveyance of real estate; to postpone the enforcement of judgment by levy, execution, and sale or to order resale; and to postpone foreclosure of a mortgage secured by real estate. The inability of the mortgagor, judgment debtor, or contract vendee to make the payments under a contract for the conveyance of real estate, mortgage agreement, or judgment is a valid defense to levy, execution, sale, seizure, repossession, termination, and foreclosure under the remedies set forth in sections 10 to 21 during the effective period of sections 10 to 21.*

Sec. 17. [583.08] [PERIOD OF REDEMPTION MAY BE EXTENDED.]

*If, during the effective period of sections 10 to 21: (1) a mortgage on a homestead is foreclosed and the period of redemption has not expired; (2) an action to foreclose a mortgage on a homestead is commenced or is pending; (3) proceedings to foreclose a mortgage by advertisement are commenced or are pending; (4) a notice of termination of contract for deed is served; (5) the period of time during which a contract for deed can be reinstated expires; or (6) proceedings to enforce a judgment against real estate are commenced or are pending; the period of redemption or the period during which the contract for deed may be reinstated may be extended for one year or a greater period of time as the court deems just and equitable. In such case the contract vendee, in the case of a contract for deed termination; the mortgagor, or owner in possession of the property, in the case of mortgage foreclosure proceedings; or the judgment debtor, in the case of levy, execution, or sale under judgment, shall petition the district court on not less than ten days' written notice to the contract vendor, mortgagee, or judgment creditor, or his attorney, and before the expiration of the period of redemption in the case of a mortgage, the expiration of the period during which the contract for deed can be reinstated, or the sale under judgment, for an order postponing repossession, levy, execution, sale, termination, or forfeiture. The petition must also request the court to determine the reasonable value of the income on the property, or, if the property has no income, then the reasonable rental value of the property subject to the contract for deed, mortgage, or judgment and must direct the contract vendee, mortgagor, or judgment debtor to pay all or a reasonable part of the income or rental value for the payment of taxes, insurance, interest, principal, or judgment indebtedness at the times and in the manner determined by the court. The court shall*

hear the petition and after the hearing shall make and file its order directing the payment by the contract vendee, mortgagor, or judgment debtor of an amount at the times and in the manner that the court determines just and equitable. In the case of contracts for deed, the court shall insure that the payment required by the contract vendee is sufficient to adequately maintain the vendor's standard of living. Upon service of the petition, the running of the period of redemption or reinstatement of contract for deed is tolled, repossession is postponed, and further proceedings under levy, execution, and sale are stayed until the court makes its order upon the petition. If the contract vendee, mortgagor, or judgment debtor defaults in the payments ordered, or commits waste, his right to redeem from the sale, cure the default on the contract for deed, or postpone seizure and sale terminates 30 days after the default. Thereafter holders of subsequent liens may redeem in the order and manner provided by law beginning 30 days after the filing of notice of the default with the clerk of district court; the right to possession ceases; and the contract vendor or party acquiring title to the homestead is entitled to immediate possession of the premises. If default is claimed because of waste, the 30-day period shall not begin to run until the filing of an order of the court finding the waste. No action shall be maintained for a deficiency judgment until the period of redemption as allowed by section 580.23, or as extended under the provisions of sections 10 to 21, has expired.

Sec. 18. [583.09] [COURT MAY REVISE AND ALTER TERMS.]

Upon the application of either party before the expiration of the extended period of redemption, reinstatement of contract for deed, or payment on judgment as provided in sections 10 to 21 and upon the presentation of evidence that the terms fixed by the court are no longer just and reasonable, the court may revise and alter the terms, in the manner the changed circumstances and conditions require.

Sec. 19. [583.10] [TRIAL TO BE HELD WITHIN 30 DAYS.]

The trial of any action, hearing, or proceeding provided for in sections 10 to 21, must be held within 30 days after the filing of the petition. The order therein must be made and filed within five days after the trial. Review by the supreme court may be had by certiorari, if application for the writ is made within 15 days after notice of the order. The writ is returnable within 30 days after the filing of the order.

Sec. 20. [583.11] [LIMITATIONS.]

No postponement or extension shall be ordered under conditions which would substantially diminish or impair the value of the contract or obligation of the person against whom the relief is

*sought without reasonable allowance to justify the exercise of the police power authorized in sections 10 to 21, or which would cause irreparable harm or undue hardship to any mortgagee, contract vendor, judgment creditor, or their successors or assigns.*

Sec. 21. [583.12] [INCONSISTENT LAWS SUSPENDED.]

*Every law, to the extent that it is inconsistent with sections 10 to 21 is suspended during the effective period of sections 10 to 21.*

Sec. 22. [REPEALER.]

*Sections 10 to 21 are repealed effective July 1, 1984.*

Sec. 23. [EFFECTIVE DATE.]

*Sections 1 to 21 are effective the day following final enactment. Section 22 is effective July 1, 1984."*

Delete the title and insert:

"A bill for an act relating to agricultural and residential real estate; requiring 60 days notice of default on a farm real estate mortgage, notice of termination of a farm real estate contract for deed, and notice of commencement of a sale and foreclosure proceedings; providing that a mortgage on farm real estate is reinstated during the redemption period upon payment of installments in default and due during the period of redemption; providing for relief in certain cases from inequitable foreclosure of mortgages; termination of contracts for the conveyance of real estate, and execution sales of real property during an emergency declared by the legislature; postponing certain realty sales and extending the period of redemption of real property during an emergency; providing for possession during the extended period; limiting the right to maintain actions for deficiency judgments; amending Minnesota Statutes 1982, sections 47.20, subdivision 8; 550.18; 559.21, subdivisions 1, 1a, and 2; 580.09; 580.23, subdivision 1; 580.30; and 581.10; proposing new law coded as Minnesota Statutes, chapter 583."

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. 148; 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 1982, sections 248.07; and 248.08.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [248.10] [PURPOSE.]

*The legislature finds that it is in the public interest to assure:*

- (1) *That the service needs of blind and visually handicapped persons be met in the most efficient and effective manner; and*
- (2) *That persons with special competence in and awareness of the problems of the blind and visually handicapped are uniquely suited to advise the commissioner of public welfare on the service needs of blind and visually handicapped persons.*

Sec. 2. [248.11] [ADVISORY TASK FORCE ON STATE SERVICES FOR THE BLIND.]

*Subdivision 1. [ESTABLISHMENT.] The commissioner of public welfare shall establish and appoint an advisory task force on state services for the blind. The task force shall consist of nine members who shall be representative of consumers and providers of service, and shall include persons with expertise in the service needs of blind and visually handicapped persons. At least five members of the task force shall be blind or visually impaired. No person employed by an agency that provides services under contract with, or receives funds from, the state services for the blind shall be appointed to the task force. Task force members shall be appointed and removed and terms shall expire as provided in section 15.059, subdivision 6, except that the advisory task force shall expire four years after the effective date of this act.*

*Subd. 2. [DUTIES.] The advisory task force shall meet on a regular basis to perform the following duties:*

- (1) *Review and report to the commissioner of public welfare on the service needs of blind and visually handicapped persons throughout the state;*
- (2) *Review and report to the commissioner of public welfare on service delivery problems affecting blind and visually handicapped persons and recommend alternative structures for the delivery of services to blind and visually handicapped persons;*

(3) Advise the commissioner of public welfare on other issues of concern to blind and visually handicapped persons.

Sec. 3. [248.12] [CONSUMER APPEALS.]

Whenever the state services for the blind, or any agency with which the state service contracts for provision of services to blind and visually handicapped persons, denies services to a blind or visually handicapped person, the provider agency shall document the refusal in a notice to the applicant. This notice shall include a description of the service requested and shall detail specific reasons for refusal of the request. Any applicant aggrieved by a decision made under this section shall be entitled to appeal under section 256.045.

Sec. 4. [REPORT TO THE LEGISLATURE.]

The commissioner of public welfare, in consultation with the advisory task force on state services for the blind, shall prepare and submit to the legislature, by January 1, 1985, a study which shall contain:

- (1) an assessment of the current state system for delivering services to blind and visually handicapped persons; and
- (2) recommendations on needed changes in the service delivery system.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective July 1, 1983."

Amend the title as follows:

Page 1, line 2, delete "and" and insert "an advisory task force on state services for the blind; providing for consumer appeals; mandating a report;"

Page 1, delete lines 3 and 4

Page 1, line 5, delete everything up to and including the second semicolon

Page 1, line 6, delete the semicolon and insert a period

Page 1, delete lines 7 and 8

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.



The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 161, A bill for an act relating to insurance premium finance companies; authorizing finance charges based on the federal discount rate; amending Minnesota Statutes 1982, section 59A.09, subdivisions 3 and 6.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 59A.09, subdivision 3, is amended to read:

Subd. 3. The finance charge (SHALL BE A MAXIMUM OF \$8 PER \$100 PER YEAR FOR AMOUNTS FINANCED OF \$300 OR LESS AND \$6 PER \$100 PER YEAR ON THAT AMOUNT FINANCED OVER \$300 PLUS) *must not exceed five percent in excess of the discount rate on 90 day commercial paper in effect at the federal reserve bank located in the Ninth Federal Reserve District when an insurance premium finance agreement is made or when an additional or subsequent premium is added under an open end agreement. For expenses incurred in servicing the loan including any filing fees, application fee for the examination or investigation of the character of the borrower, comaker or security, and drawing any necessary papers in making the loan, an insurance premium finance company may contract for a flat rate service fee (OF \$10) not exceeding the greater of one percent of the amount financed or \$20 per premium finance agreement. The flat service fee need not be refunded upon prepayment in full before maturity.*

Sec. 2. Minnesota Statutes 1982, section 59A.09, subdivision 4, is amended to read:

Subd. 4. The finance charge shall be computed *in advance on the principal balance of a premium finance agreement according to the actuarial method on terms payable in substantially equal successive monthly installments (OVER A PERIOD OF ONE YEAR. ON A PREMIUM FINANCE AGREEMENT PROVIDING FOR INSTALLMENTS EXTENDING FOR A PERIOD OF LESS THAN OR GREATER THAN ONE YEAR, THE FINANCE CHARGE SHALL BE COMPUTED PROPORTIONATELY).*

Sec. 3. Minnesota Statutes 1982, section 59A.09, subdivision 6, is amended to read:

Subd. 6. (THE MAXIMUM RATE LIMITATIONS OF THIS SECTION SHALL NOT APPLY TO FINANCE CHARGES UNDER AN INSURANCE PREMIUM FINANCE AGREEMENT, IF THE RATE DOES NOT EXCEED THE MAXIMUM RATE PERMISSIBLE UNDER SECTION 334.011 AND THE AGREEMENT WAS MADE TO FINANCE AN INSURANCE POLICY FOR BUSINESS OR AGRICULTURAL PURPOSES, AS DEFINED BY SECTION 334.011. THE MAXIMUM RATE LIMITATIONS OF THIS SECTION SHALL NOT APPLY TO AN INSURANCE PREMIUM FINANCE AGREEMENT, IF THE INSURED IS A CORPORATION OR COOPERATIVE.) *Subdivision 3 applies only to a premium finance agreement in which the related insurance contract is for personal, family, or household use. The rate charged under an agreement made to finance an insurance policy for business, agricultural, or corporate purposes shall be as agreed to by the parties to the agreement.*

Sec. 4. Minnesota Statutes 1982, section 59A.12, subdivision 1, is amended to read:

Subdivision 1. Whenever a financed insurance contract is cancelled, *within 30 days of the effective date of cancellation* the insurer shall return whatever gross unearned premiums, *computed pro rata*, are due under the insurance contract to the premium finance company for the account of the insured or insureds. This action by the insurer (SHALL BE DEEMED TO SATISFY) *satisfies* the insurer's obligations under the insurance contract which relate to the return of the unearned premiums.

Sec. 5. Minnesota Statutes 1982, section 59A.12, subdivision 4, is amended to read:

Subd. 4. (IN THE EVENT THAT) *If* the crediting of returned premiums to the account of the insured results in a surplus over the amount due from the insured, the premium finance company (SHALL) *must* refund (SUCH) *the* excess to the insured *within 30 days after receipt of the returned premium;* (PROVIDED, THAT) *but no refund (SHALL BE) is required if it amounts to less than \$1.*

Sec. 6. [EFFECTIVE DATE.]

*Sections 1 to 5 are effective June 1, 1983."*

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections"

Page 1, line 5, after "3" insert ", 4"

Page 1, line 5, before the period insert “; and 59A.12, subdivisions 1 and 4”

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. 254, A bill for an act relating to elections; changing the date of precinct caucuses to the second Tuesday in March; amending Minnesota Statutes 1982, section 202A.14, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 202A.14, subdivision 1, is amended to read:

Subdivision 1. [TIME AND MANNER OF HOLDING.] At (8:00) 7:00 p.m. on the (FOURTH) *third* Tuesday in (FEBRUARY) *March* in every state general election year there shall be held for every election precinct a party caucus in the manner provided in sections 202A.14 to 202A.19.

Sec. 2. Minnesota Statutes 1982, section 202A.19, is amended to read:

202A.19 [CAUCUS, SCHOOL SCHEDULE PREEMPTION, EXCUSAL FROM EMPLOYMENT TO ATTEND.]

Subdivision 1. No school board, county board of commissioners, township board, or city council may conduct a meeting after (7:00) 6:00 p.m. on the day of a major political party precinct caucus.

Subd. 2. Every employee who is entitled to attend a major political party precinct caucus is entitled, after giving the employer at least ten days written notice, to absent himself from his work for the purpose of attending the caucus during the time for which the caucus is scheduled without penalty or deduction from his salary or wages on account of his absence other than a deduction in salary for the time he absented himself from his employment.

Subd. 3. *The University of Minnesota may not schedule an event which will take place after 6:00 p.m. on the day of a major political party precinct caucus unless permission to do so has*

*been received from the board of regents.* No state university may schedule an event which will take place after (7:00) 6:00 p.m. on the day of a major political party precinct caucus unless permission to do so has been received from the state university board. No community college may schedule an event which will take place after (7:00) 6:00 p.m. on the day of a major political party precinct caucus unless permission to do so has been received from the state board for community colleges.

Subd. 4. No school official may deny the use of a public school building for the holding of a major political party precinct caucus if the school office has received a written request for the use of the school building 30 days or more prior to the date of the caucus.

Subd. 5. No public elementary or secondary school may hold a school sponsored event after (7:00) 6:00 p.m. on the day of a major political party precinct caucus.

*Subd. 6. No state agency, board, commission, department, or committee shall conduct a public meeting after 6:00 p.m. on the day of a major political party precinct caucus."*

Delete the title and insert:

"A bill for an act relating to elections; changing the date and time of precinct caucuses; prohibiting various government, school and university events on caucus night; amending Minnesota Statutes 1982, sections 202A.14, subdivision 1; and 202A.19."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 332, A bill for an act relating to data privacy; establishing standards and procedures for the release of financial information; proposing new law coded as Minnesota Statutes, chapter 13B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [13A.01] [DEFINITIONS.]

*For the purpose of this chapter, the following terms have the meanings given them.*

*Subdivision 1. [FINANCIAL INSTITUTION.] "Financial institution" means any office of a bank, savings bank, industrial loan company, trust company, savings and loan, building and loan, credit union, or consumer finance institution, located in the state.*

*Subd. 2. [FINANCIAL RECORD.] "Financial record" means an original of, a copy of, or information known to have been derived from, any record held by a financial institution pertaining to a customer's relationship with the financial institution.*

*Subd. 3. [GOVERNMENT AUTHORITY.] "Government authority" means any agency or department of the state or a local unit of government, or any officer, employee, or agent of it.*

*Subd. 4. [CUSTOMER.] "Customer" means any natural person or authorized representative of that person who utilized or is utilizing any service of a financial institution, or for whom a financial institution is acting or has acted as a fiduciary, in relation to an account maintained in the person's name.*

*Subd. 5. [LAW ENFORCEMENT INQUIRY.] "Law enforcement inquiry" means a lawful investigation or official proceeding inquiring into a violation of, or failure to comply with, any criminal or civil statute or any rule or order issued pursuant to it.*

**Sec. 2. [13A.02] [ACCESS TO FINANCIAL RECORDS BY GOVERNMENT AUTHORITIES PROHIBITED.]**

*Subdivision 1. [ACCESS BY GOVERNMENT.] Except as authorized by this chapter, no government authority may have access to, or obtain copies of, or the information contained in, the financial records of any customer from a financial institution unless the financial records are reasonably described and:*

- (1) The customer has authorized the disclosure;*
- (2) The financial records are disclosed in response to a search warrant;*
- (3) The financial records are disclosed in response to a judicial or administrative subpoena; or*
- (4) The financial records are disclosed pursuant to section 609.535 or other statute or rule.*

*Subd. 2. [RELEASE PROHIBITED.] No financial institution, or officer, employee, or agent of a financial institution, may*

provide to any government authority access to, or copies of, or the information contained in, the financial records of any customer except in accordance with the provisions of this chapter.

Nothing in this chapter shall require a financial institution to inquire or determine that those seeking disclosure have duly complied with the requirements of this chapter, provided only that the customer authorization, search warrant, subpoena, or written certification pursuant to section 609.535, subdivision 6, or other statute or rule, served on or delivered to a financial institution shows compliance on its face.

*Subd. 3. [NOTICE TO CUSTOMER.]* Within 180 days after a government authority obtains access to the financial records of a customer pursuant to a search warrant or a judicial or administrative subpoena, it shall notify the customer of its action unless a delay of notice is obtained pursuant to section 3. The notice shall be sufficient to inform the customer of the name of the government authority or government authorities having had access to the records, the financial records to which access was obtained, and the purpose of the law enforcement inquiry, including transfers of financial records made pursuant to subdivision 5. Notice may be given by providing the customer with a copy of the search warrant or subpoena.

*Subd. 4. [DUTY OF FINANCIAL INSTITUTIONS.]* Upon receipt of a request for financial records made by a government authority, the financial institution shall, unless otherwise provided by law, proceed to assemble the records requested and be prepared to deliver the records to the government authority within a reasonable time upon receipt of the search warrant or subpoena required under this section.

*Subd. 5. [USE OF INFORMATION.]* Financial records originally obtained pursuant to this chapter may be transferred to another government authority provided the transferred records are pertinent and necessary to the receiving authority in initiating, furthering, or completing a law enforcement inquiry.

When financial records subject to this chapter are transferred to another government authority, the transferring authority shall include the name of the receiving authority and the financial records transferred in the notice required by subdivision 3 of this section or, if the transfer occurs after the notice has been sent to the customer, the transferring authority shall, upon written request by the customer, inform the customer of the name of the government authority to which the financial records were transferred.

*Subd. 6. [STATUS OF RECORDS.]* All financial records obtained by a government authority pursuant to this section are subject to the provisions of section 13.82, subdivision 5.

## Sec. 3. [13A.03] [DELAYED NOTICE.]

*Subdivision 1. [APPLICATION.] Upon application of the government authority, a customer notice pursuant to section 2, subdivision 3, may be delayed by order of an appropriate court if the judge finds that:*

*(1) The law enforcement inquiry being conducted is within the lawful jurisdiction of the government authority seeking the financial records;*

*(2) There is reason to believe that the records being sought are relevant to a legitimate law enforcement inquiry; and*

*(3) There is reason to believe that the notice will result in (i) endangering life or physical safety of any person; (ii) flight from prosecution; (iii) destruction of or tampering with evidence; (iv) intimidation of potential witnesses; or (v) otherwise seriously jeopardizing an investigation or official proceeding or unduly delaying a trial or ongoing official proceeding.*

*An application for delay must be made with reasonable specificity.*

*Subd. 2. [ORDER.] If the court makes the findings required in subdivision 1, it shall enter an ex parte order granting the requested delay for a period not to exceed 180 days and an order prohibiting the financial institution from disclosing that records have been obtained. If the court finds that there is reason to believe that the notice may endanger the life or physical safety of any person, the court may specify that the delay be indefinite.*

*Extensions of the delay of notice of up to 90 days each may be granted by the court upon application.*

*Subd. 3. [NOTICE.] Upon expiration of the period of delay of notification under this section, the customer shall be served with a copy of the notice required by section 2, subdivision 3.*

## Sec. 4. [13A.04] [EXCEPTIONS.]

*Subdivision 1. [STATUTORY VIOLATIONS.] Nothing in this chapter precludes any financial institution, or any officer, employee, or agent of a financial institution, from notifying a government authority that the institution, or officer, employee, or agent has information which may be relevant to a possible violation of any statute or rule and providing access to financial records relevant to the possible violation.*

*Subd. 2. [RELEASE INCIDENT TO ANOTHER PROCEEDING.] Nothing in this chapter precludes a financial institution, as an incident to perfecting a security interest, proving*

*a claim in bankruptcy, or otherwise collecting on a debt owing either to the financial institution itself or in its role as a fiduciary, from providing copies of any financial record to any court or government authority.*

**Subd. 3. [GOVERNMENT ASSISTANCE PROGRAMS.]** *Nothing in this chapter precludes a financial institution, as an incident to processing an application for assistance to a customer in the form of a government loan, loan guaranty, or loan insurance agreement, or as an incident to processing a default on, or administering a government guaranteed or insured loan, from providing access to an appropriate government authority with any financial record necessary to permit the authority to carry out its responsibilities under a loan, loan guaranty, or loan insurance agreement.*

*Whenever a customer applies for participation in a government loan, loan guaranty, or loan insurance program, the government authority administering the program shall give the customer written notice of the authority's access rights under this subdivision. No further notification shall be required for subsequent access by that authority during the term of the loan, loan guaranty, or loan insurance agreement.*

*Financial records obtained pursuant to this subdivision may be used only for the purpose for which they were originally obtained.*

**Subd. 4. [OTHER EXCEPTIONS.]** *Nothing in this chapter:*

*(a) Prohibits the disclosure of any financial records or information which is not identified with or identifiable as being derived from the financial records of a particular customer;*

*(b) Prohibits examination by or disclosure to the commissioner of banks of financial records or information in the exercise of his supervisory, regulatory, or monetary functions with respect to a financial institution;*

*(c) Shall apply when financial records are sought by a government authority under the rules of civil or criminal procedure in connection with litigation to which the government authority and the customer are parties;*

*(d) Shall apply when financial records are sought by a government authority in connection with a lawful proceeding, investigation, examination, or inspection directed at the financial institution in possession of the records or at a legal entity which is not a customer;*



(e) Shall apply to any subpoena or court order issued in connection with proceedings before a grand jury;

(f) Shall apply to subpoenas issued in civil cases pursuant to the rules of civil procedure; or

(g) Shall apply when a government authority is seeking only the name, address, account number, and type of account of any customer or ascertainable group of customers associated with a financial transaction or class of financial transaction.

Sec. 5. [EFFECTIVE DATE.]

*This act is effective January 1, 1984.*

Amend the title as follows:

Page 1, line 5, delete "13B" and insert "13A"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jensen from the Committee on Transportation to which was referred:

H. F. No. 344, A bill for an act relating to driver's licenses; requiring examination of applicants' knowledge of the effects of alcohol and drugs on drivers; amending Minnesota Statutes 1982, section 171.13, subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 360, A bill for an act relating to education; transferring authority for appointing the commissioner of education from the state board of education to the governor; amending Minnesota Statutes 1982, section 121.16.

Reported the same back with the following amendments:

Page 2, after line 9, insert:

"Sec. 2. [EFFECTIVE DATE.]

*Section 1 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 Governmental Operations.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 375, A bill for an act relating to public welfare; authorizing the establishment of community work experience programs on a pilot demonstration basis; proposing new law coded in Minnesota Statutes, chapter 256.

Reported the same back with the following amendments:

Page 1, line 23, after the period insert "*CWEP participants cannot be used to do work which was either the whole or part of an authorized public employee job slot established as of January 1, 1983.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 380, A bill for an act relating to negligence; regulating the liability of good samaritans; amending Minnesota Statutes 1982, section 604.05.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 604.05, is amended to read:

604.05 [GOOD SAMARITAN LAW.]

(A) *Any person, including a public or private nonprofit volunteer firefighter, volunteer police officer, volunteer ambulance attendant, and volunteer first provider of emergency medical services, who (IN GOOD FAITH AND IN THE EXERCISE OF REASONABLE CARE) without compensation or the expectation of compensation renders emergency care at the scene of an emergency or during transit to a location where professional medical care can be rendered, is not liable for any civil damages as a result of acts or omissions by that person in rendering the emergency care unless that person acts in a willful and wanton or reckless manner in providing the care. Any person rendering*

*emergency care during the course of regular employment, and receiving compensation or expecting to receive compensation for rendering such care, shall be excluded from the protection of this section.*

For the purposes of this section, the scene of an emergency shall be those areas not within the confines of a hospital or other institution which has hospital facilities, or an office of a person licensed to practice one or more of the healing arts pursuant to chapters 147, 148, 150A, or 153.

*For the purposes of this section, compensation does not include nominal payments, reimbursement for expenses, or pension benefits."*

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. 390, A bill for an act relating to medical assistance; increasing the asset limit on prepaid funeral contracts; amending Minnesota Statutes 1982, section 256B.07.

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. 405, 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 following amendments:

Page 1, line 13, after "of" insert "*intermediate care services in*"

Page 1, line 13, after "hospitals" insert "*and in community residential facilities*"

Page 2, line 5, delete "90" and insert "95"

Page 2, line 6, delete "50" and insert "80"

Page 2, line 20, after "*hospitals*" insert "*and in intermediate care facilities*"

Page 2, line 24, delete everything before "*maximize*"

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. 490, A bill for an act relating to public welfare; setting standards for determining the county of financial responsibility for purposes of medical assistance, community social services, and supplemental aid; amending Minnesota Statutes 1982, sections 256B.02, subdivisions 2 and 3; 256D.37, by adding a subdivision; and 256E.08, subdivision 7.

Reported the same back with the following amendments:

Page 1, line 16, after "*domicile*" delete "*offering residential*" and insert "*, residential facility offering*".

Page 2, line 11, delete everything after the period

Page 2, delete lines 12 and 13 and insert "*There can be a re-determination of the county of financial responsibility for former recipients of the medical assistance program who have been ineligible for at least one month, so long as that redetermination is in accord with the provisions of this subdivision.*"

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. 506, A bill for an act relating to public welfare; providing for reimbursement of chiropractic services for people receiving general assistance medical care; clarifying the meaning of medically certified for purposes of eligibility for general assistance; amending Minnesota Statutes 1982, sections 256D.03, subdivision 4; and 256D.05, subdivision 1a.

Reported the same back with the following amendments:

Page 1, line 27, delete "*and*" and insert a new comma

Page 1, line 27, after "*chiropractic*" insert "*, and podiatry*"

Page 3, line 8, strike "medically"

Page 3, line 9, after "*chiropractor,*" insert "*podiatrist,*"

Page 4, after line 18, insert "Sec. 3. [EFFECTIVE DATE.]  
*Section 2 is effective the day following final enactment.*"

Amend the title as follows:

Page 1, line 5, delete "medically"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 507, A bill for an act relating to the city of St. Cloud; authorizing the creation of a downtown parking district; providing for its finances.

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. 512, A bill for an act relating to agriculture; requiring pseudorabies testing; proposing new law coded in Minnesota Statutes 1982, chapter 35.

Reported the same back with the following amendments:

Page 1, line 9, after "*certificate*" insert "*or a record of test*"

Page 1, line 10, delete "*within*" and insert "*not more than*"

Page 1, line 10, delete "*of*" and insert "*prior to*"

Page 1, line 18, delete "*livestock sanitary*" and after "*board*" insert "*of animal health*"

Page 1, after line 20, insert:

"Sec. 2. [APPROPRIATION.]

*There is appropriated to the board of animal health from the general fund in the state treasury \$75,000 for the purposes of section 1 for the biennium ending June 30, 1985."*

Renumber the remaining section

Page 1, line 22, delete "Section 1 is" and insert "Sections 1 and 2 are"

Page 1, line 23, delete "livestock sanitary" and after "board" insert "of animal health"

Amend the title as follows:

Page 1, line 3, after the semicolon insert "appropriating money;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 513, A bill for an act relating to elections; changing certain registration procedures; requiring availability of certain public facilities as polling places; changing requirements that voting machines remain locked after elections; amending Minnesota Statutes 1982, sections 201.071, subdivisions 1, 3, and 6; 204B.16; by adding a subdivision; and 206.21, subdivision 3; repealing Minnesota Statutes 1982, section 201.071, subdivision 7.

Reported the same back with the following amendments:

Page 2, line 1, reinstate the stricken "Date" and delete "Day and month"

Page 2, line 11, delete "this" and after "election" insert "day"

Page 2, delete lines 23 to 36

Page 3, delete line 1 and insert:

"Sec. 2. Minnesota Statutes 1982, section 201.071, subdivision 3, is amended to read:

Subd. 3. [DEFICIENT REGISTRATION.] No registration is deficient if it contains the voter's name, address, date of

*birth*, 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 sections 201.195 or 204C.12.

*A registration card accepted prior to August 1, 1983, is not deficient for lack of date of birth. The county or municipality may attempt to obtain the date of birth for a registration card accepted prior to August 1, 1983, by a request to the voter at any time except at the polling place. Failure by the voter to comply with this request does not make the card deficient."*

Page 3, line 19, delete "day and month" and insert "date"

Page 4, line 13, delete "the"

Page 4, lines 14 to 18, delete the new language and insert "all automatic recounts have been verified by the appropriate election office and the time for filing a contest of election has passed. When a contest of election has been filed, the voting machines shall remain locked until the voting machine count has been verified in accordance with the orders of the appropriate court"

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. 519, A bill for an act relating to public welfare; abolishing funding priorities for a certain grant program related to facilities for adult mentally ill persons; amending Minnesota Statutes 1982, section 245.73, subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 520, A bill for an act relating to port authorities; authorizing revenue bond financing of certain facilities; eliminating the interest rate limit on revenue bonds and authorizing private sale; clarifying contractual and operational authority

of port authorities; amending Minnesota Statutes 1982, sections 458.192, subdivisions 1, 4, and by adding a subdivision; 458.194, subdivisions 2, 3, and by adding a subdivision; and 458.195, by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 537, 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; amending Minnesota Statutes 1982, section 179.63, subdivision 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 179.63, subdivision 7, is amended to read:

Subd. 7. "Public employee" or "employee" means any person appointed or employed by a public employer except:

- (a) elected public officials;
- (b) election officers;
- (c) commissioned or enlisted personnel of the Minnesota national guard;
- (d) emergency employees who are employed for emergency work caused by natural disaster;
- (e) part time employees whose service does not exceed the lesser of 14 hours per week or 35 percent of the normal work week in the employee's bargaining unit;
- (f) employees who hold positions of a basically temporary or seasonal character for a period not in excess of 100 working days in any calendar year;

The exclusions of clauses (e) and (f) shall not apply to:



(1) an employee hired by a school district, *the community college board, or the state university board, except at the university established in section 136.017, and any community services/community education instruction offered on a noncredit basis* to replace an absent teacher or faculty member who at the time of his absence is a "public employee" not within the other exclusions of this subdivision where the replacement employee is employed more than 30 working days as a replacement for that teacher or faculty member; and

(2) an employee hired by a school district, *the community college board, or the state university board, except at the university established in section 136.017, and any community services/community education instruction offered on a noncredit basis* for a teaching position created by increased enrollment, curriculum expansion, courses which are a part of the curriculum whether offered annually or not, or other appropriate reasons.

(EMPLOYEES) *Community college and state university faculty members* included (AS "PUBLIC EMPLOYEES") pursuant to clauses (1) and (2) shall (NOT) be included under master contracts (EXPIRING JUNE 30, 1981, FOR PURPOSES OF SALARY OR FRINGE BENEFITS) *commencing on or after July 1, 1983;*

(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;*

(h) *employees of charitable hospitals as defined by section 179.35, subdivision 3;*

((H)) (i) *full time undergraduate students employed by the school which they attend under a work study program or in connection with the receipt of any financial aid, irrespective of number of hours of service per week;*

((I)) (j) *an individual who renders part time teaching service for less than 300 hours in a fiscal year as an instructor in an adult vocational education program.*

Sec. 2. Minnesota Statutes 1982, section 179.70, subdivision 1, is amended to read:

Subdivision 1. A written contract or memorandum of contract containing the agreed upon terms and conditions of employment and such other matters as may be agreed upon by the employer and exclusive representative shall be executed by the parties. The duration of the contract shall be negotiable except in no event shall (CONTRACTS) *a contract* be for a term (EX-

CEEDING) that is less than two years or exceeds three years. Any contract between employer school board and an exclusive representative of teachers shall in every instance be for a term of two years beginning on July 1 of each odd-numbered year. For contracts effective July 1, 1979 or thereafter, the written contract executed by an employer school board and an exclusive representative of teachers shall contain the teachers' compensation including fringe benefits for the entire two year term and shall not contain a wage reopening clause or any other provision for the renegotiation of the teachers' compensation for the second year of the contract. All contracts shall include a grievance procedure which shall provide compulsory binding arbitration of grievances including all disciplinary actions. In the event that the parties cannot reach agreement on the grievance procedure, they shall be subject to the grievance procedure promulgated by the director pursuant to section 179.71, subdivision 5, clause (i). Employees covered by civil service systems created pursuant to chapters 43, 44, 375, 387, 419 or 420, or by provision of a home rule charter pursuant to chapter 410, or by Laws 1941, Chapter 423, may pursue a redress of their grievances through the grievance procedure established pursuant to this section. When the resolution of a grievance is also within the jurisdiction of appeals boards or appeals procedures created by chapters 43, 44, 375, 387, 419 or 420, or by provision of a home rule charter pursuant to chapter 410, or by Laws 1941, Chapter 423, the aggrieved employee shall have the option of pursuing redress through the grievance procedure or the civil service appeals procedure, but once a written grievance or appeal has been properly filed or submitted by the employee or on the employee's behalf with his consent the employee's right to pursue redress in the alternative manner is terminated. This section does not require employers or employee organizations to negotiate on matters other than terms and conditions of employment as defined in section 179.63, subdivision 18.

**Sec. 3. [EFFECTIVE DATE.]**

*Section 1 is effective July 1, 1983.*

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "requiring that no collective bargaining agreement under the state public employment relations act be for a term less than two years;"

Page 1, line 6, delete "section" and insert "sections"

Page 1, line 6, before the period insert "; and 179.70, subdivision 1"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Energy to which was referred:

H. F. No. 549, A bill for an act relating to education; establishing a lending program to fund school energy conservation investments; authorizing the issuance of state bonds pursuant to article XI of the Minnesota Constitution; appropriating money; amending Minnesota Statutes 1982, section 275.125, subdivisions 11a, 11b, and by adding a subdivision; amending Laws 1969, chapter 775, section 4, by adding a subdivision; chapter 822, by adding a section; chapter 1060, by adding a section; and proposing new law coded in Minnesota Statutes, chapters 116J and 124.

Reported the same back with the following amendments:

Page 1, line 19, after the period insert "*Upon passage of legislation creating a body known as the Minnesota energy authority, the duties of the commissioner pursuant to sections 1 to are delegated to the authority.*"

Page 3, delete lines 18 to 28

Page 6, line 14, after the semicolon insert "or"

Page 6, line 15, delete "; or" and insert a new period

Page 6, delete lines 16 to 36

Page 7, delete lines 1 to 9

Page 7, line 18, delete "sections" and insert "section"

Page 7, line 18, delete "and 2"

Page 7, line 19, delete "10" and insert " "

Page 7, line 20, after the period insert "*A sum sufficient to provide 20 months debt service for the bonds sold pursuant to section is appropriated from the general fund and an equal sum is appropriated from the state building fund to the general fund upon the completion of the payment of bonds issued pursuant to section .*"

Page 7, line 24, delete "by this section" and insert "in subdivision 1"

Page 7, after line 26, insert:

"Subd. 3. [ADMINISTRATIVE EXPENSES.] *The sum of \$695,318 is appropriated from the general fund to the commis-*

*sioner to administer section 1. This sum is available for the fiscal year ending June 30 in the years indicated:*

1984	1985
\$375,318	\$320,000

*The commissioner may employ persons necessary to perform the functions required by section 1. These employees may be in the unclassified service. The approved complement of the department is increased by 11 positions."*

Page 7, line 29, delete "9" and insert "5"

Page 7, line 31, delete " . . . . . " and insert "\$30,000,000"

Renumber the sections accordingly

Amend the title as follows:

Page 1, line 8, delete "amending Laws 1969, chapter 775,"

Page 1, delete lines 9 and 10

Page 1, line 12, delete "chapters" and insert "chapter" and delete "and 124"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 577, A bill for an act relating to veterans; providing funds for an emergency shelter for veterans and their families; appropriating money.

Reported the same back with the following amendments:

Page 1, line 9, delete "\$5,000" and insert "\$10,000"

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 Judiciary to which was referred:

H. F. No. 582, A bill for an act relating to corrections; clarifying the powers of the commissioner of corrections; authorizing the use of necessary force to prevent escape; removing archaic language; amending Minnesota Statutes 1982, sections 241.23; 242.31, subdivisions 1 and 3; 243.17, subdivision 1; 243.52; 243.58; 243.62; and 624.714, subdivision 13.

Reported the same back with the following amendments:

Page 1, before line 11, insert:

"Section 1. Minnesota Statutes 1982, section 241.01, subdivision 3a, is amended to read:

Subd. 3a. [COMMISSIONER, POWERS AND DUTIES.] The commissioner of corrections (SHALL HAVE) *has* the following powers and duties:

(a) To accept persons committed to him by the courts of this state for care, custody, and rehabilitation.

(b) To determine the place of confinement of committed persons in a correctional facility or other facility of the department of corrections and to prescribe reasonable conditions (,) *and* rules (, AND REGULATIONS) for their employment, conduct, instruction, and discipline within or (WITHOUT) *outside* the facility. Inmates shall not exercise custodial functions or have authority over other inmates or serve on the board of directors or hold any executive position in any corporation, private industry or educational program located on the grounds of, or conducted within, a state correctional facility *without written permission from the chief executive officer of the facility.*

(c) To administer the money and property of the department.

(d) To administer, maintain, and inspect all state correctional facilities.

(e) To transfer authorized positions and personnel between state correctional facilities as necessary to properly staff facilities and programs.

(f) To utilize state correctional facilities in the manner (HE DETERMINES) *deemed* to be most efficient and beneficial (IN THE ACCOMPLISHMENT OF THESE) *to accomplish the purposes of this section*, but not to close the Minnesota correctional facility-Stillwater or the Minnesota correctional facility-St. Cloud without legislative approval. *The commissioner may place juveniles and adults at the same state minimum security correctional facilities, if there is total separation of and no regular con-*

*tact between juveniles and adults, except contact incidental to admission, classification, and mental and physical health care.*

(g) To organize the department and employ personnel he deems necessary to discharge the functions of the department, including a chief executive officer for each facility under his control who shall serve in the unclassified civil service and may, under the provisions of section 43A.33, be removed only for cause, and two internal affairs officers for security who shall be in the unclassified civil service.

(h) To define the duties of these employees and to delegate to them any of his powers, duties and responsibilities, subject to his control and the conditions he prescribes.

(i) To annually develop a comprehensive set of goals and objectives designed to clearly establish the priorities of the department of corrections. This report shall be submitted to the governor and the state legislature commencing January 1, 1976. The commissioner (SHALL HAVE THE POWER TO) *may* establish ad hoc advisory committees."

Page 2, lines 15 and 21, strike " , whereupon" and insert " ; upon receipt."

Page 2, line 20, strike "thereof" and insert "*of the order*"

Page 2, line 24, strike "thereafter"

Page 2, line 25, after "instituted" insert "*at a later date*"

Page 2, line 26, strike "shall include" and insert "*includes,*" and after "to" insert a comma

Pages 2 and 3, delete section 4 and insert:

"Sec. 5. Minnesota Statutes 1982, section 243.17, subdivision 1, is amended to read:

Subdivision 1. [ALLOWED EXPENSES.] The necessary expenses of sheriffs and other *peace* officers incurred in conveying (CONVICTS) *convicted persons and children adjudicated delinquent and committed to the custody of the commissioner of corrections to (THE MINNESOTA CORRECTIONAL FACILITY-STILLWATER. OR THE MINNESOTA CORRECTIONAL FACILITY-ST. CLOUD) the appropriate adult or juvenile correctional facility as designated by the commissioner of corrections,* including per diem and expenses of guards, shall be (APPROVED) *allowed* by the commissioner of finance and paid out of the state treasury. The commissioner of finance may allow (FOR SUCH EXPENSES) *and pay* for the necessary expenses incurred by the sheriff (OR), deputy, or *other peace of-*

*ficer* in going to and returning from the (MINNESOTA CORRECTIONAL FACILITY-STILLWATER OR THE MINNESOTA CORRECTIONAL FACILITY-ST. CLOUD) *correctional facility* and \$10 per day for each guard (, AND SUCH SUM AS IS NECESSARY FOR RAILROAD FARE AND ACTUAL TRAVELING EXPENSES). Not more than one guard shall be allowed for one prisoner, but one additional guard shall be allowed for every two additional prisoners. (IN ANY COUNTY WHEREIN THE SHERIFF IS PAID UPON A FEE BASIS, HE SHALL ALSO RECEIVE \$10 FOR EACH DAY NECESSARILY SPENT IN CONVEYING PRISONERS TO THE MINNESOTA CORRECTIONAL FACILITY-STILLWATER OR THE MINNESOTA CORRECTIONAL FACILITY-ST. CLOUD.) All bills shall be (RENDERED) in writing, fully itemized, verified, and accompanied by the receipt of the chief executive officer of the (MINNESOTA CORRECTIONAL FACILITY-STILLWATER OR THE MINNESOTA CORRECTIONAL FACILITY-ST. CLOUD) *facility* for the delivery of (SUCH CONVICT OR CONVICTS) *the convicted or adjudicated persons*, in a form prescribed by the commissioner of finance."

Page 3, line 30, strike "injure" and insert "damage"

Page 3, lines 34 and 35, strike "as may appear" and insert "that appears"

Page 4, line 7, strike "Upon the escape of" and insert "If" and after "inmate" insert "escapes"

Page 4, line 21, strike "shall be" and insert "is"

Page 4, line 26, strike "whereby" and insert "in which"

Page 4, after line 28, insert:

"Sec. 9. Minnesota Statutes 1982, 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 mandatory minimum term of imprisonment is required by section 609.11, any court may stay imposition or execution of sentence and place the defendant on probation with or without supervision and on the terms the court prescribes, including restitution when practicable. The court may order the supervision to be under the probation officer of the court, or, if there is none and the conviction is for a felony or gross misdemeanor, by the commissioner of corrections, or in any case by some other suitable and consenting person.

A court may not stay the revocation of the driver's license of a person convicted of violating the provisions of section 169.121."

Page 5, line 1, delete "8" and insert "10"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon insert "limiting certain intimate functions;"

Page 1, line 4, after the semicolon insert "providing for the costs of transporting juvenile delinquents committed to the commissioner of corrections; providing for supervision of gross misdemeanor probations;"

Page 1, line 5, after "sections" insert "241.01, subdivision 3a;"

Page 1, line 7, before "and" insert "609.135, subdivision 1;"

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. 592, A bill for an act relating to utilities; providing a penalty for failure to relinquish a coin-operated telephone for an emergency and other telephone-related situations; amending Minnesota Statutes 1982, section 609.78.

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. 598, A bill for an act relating to public welfare; clarifying responsibility for payment for temporary confinement in state hospitals; amending Minnesota Statutes 1982, section 253B.11, subdivision 2.

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 Judiciary to which was referred:



H. F. No. 606, A bill for an act relating to civil commitment; clarifying the definition of person mentally ill and dangerous to the public; clarifying the commissioner's duty to review the correspondence rights of patients; providing for informal admissions of persons under 16 years of age; providing for special emergency admissions of chemically dependent persons; clarifying the role of examiners in certain instances; removing the 60-day hearing requirement for mentally retarded persons; providing for involuntary return to a facility after revocation of provisional discharges; providing for 60-day hearings for persons committed as mentally ill and dangerous; changing the time limitation on certain special review board petitions; amending Minnesota Statutes 1982, sections 253B.02, subdivisions 5, 17, and 18; 253B.03, subdivision 2; 253B.04, subdivision 1; 253B.05, subdivision 2, and by adding a subdivision; 253B.07, subdivisions 1, 3, and 4; 253B.12, subdivisions 1, 3, 4, and by adding a subdivision; 253B.13, subdivision 1; 253B.15, subdivisions 5, 6, and 7; 253B.18, subdivisions 2, 3, 5, and 13; 253B.19, subdivision 5; 253B.22; 253B.23, by adding a subdivision; and Laws 1982, chapter 581, section 26.

Reported the same back with the following amendments:

Page 3, line 4, after "*guardian*" insert " *, so long as it is determined by independent examination that there is reasonable evidence that (a) the proposed patient is mentally ill, mentally retarded, or chemically dependent; and (b) the proposed patient is suitable for treatment*"

Page 3, line 4, after the period, insert "*Consent to treatment of any minor patient shall be secured in accord with sections 144.341 to 144.346, except that a minor 16 years of age or older may give valid consent for hospitalization, routine diagnostic evaluation, and emergency or short term acute care.*"

Page 3, line 16, after "*is*" insert "*believed to be chemically dependent or is*"

Page 3, line 18, after "*person is*" insert "*intoxicated in public or is*"

Page 4, line 2, after "*others*" insert "*or is intoxicated in public*"

Page 4, line 7, delete "*this section*" and insert "*subdivision 1*"

Page 4, after line 8, insert:

"Sec. 8. Minnesota Statutes 1982, section 253B.06, is amended to read:

253B.06 [MEDICAL EXAMINATION.]

*Subdivision 1. [MENTALLY ILL AND MENTALLY RETARDED PERSONS.]* The head of a treatment facility shall arrange to have every patient hospitalized as *mentally ill or mentally retarded* pursuant to section 253B.04 or 253B.05 examined by a physician as soon as possible but no more than 48 hours following the time of admission.

*Subd. 2. [CHEMICALLY DEPENDENT PERSONS.]* Patients hospitalized as *chemically dependent* pursuant to sections 253B.04 or 253B.05 shall also be examined within 48 hours of admission. At a minimum, the examination shall consist of a physical evaluation by facility staff according to procedures established by a physician and an evaluation by staff knowledgeable and trained in the diagnosis of the alleged disability related to the need for admission as a *mentally ill, mentally retarded, or chemically dependent person.*

*Subd. 3. [DISCHARGE.]* At the end of a 48 hour period, any patient admitted pursuant to section 253B.05 shall be discharged if an examination has not been held or if the examiner or evaluation staff person fails to notify the head of the treatment facility in writing that in his opinion the patient is apparently in need of care, treatment, and evaluation as a *mentally ill, mentally retarded, or chemically dependent person."*

Page 12, after line 10, insert:

**"Sec. 25. [253B.212] [COMMITMENT BY TRIBAL COURT; RED LAKE BAND OF CHIPPEWA INDIANS.]**

*Subdivision 1. [COST OF CARE.]* The commissioner of public welfare shall have the authority to contract with and receive payment from the U.S. Department of Health and Human Services (Indian Health Service) for the care and treatment of those members of the Red Lake Band of Chippewa Indians who have been committed by tribal court order to the Indian Health Service for care and treatment of mental illness, mental retardation, or chemical dependency.

*Subd. 2. [EFFECT GIVEN TO TRIBAL COMMITMENT ORDER.]* When, under an agreement entered into pursuant to subdivision 1, the Indian Health Service applies to a regional center for admission of a person committed to the jurisdiction of the health service by the tribal court as *mentally ill, mentally retarded, or chemically dependent*; then the commissioner shall have authority to hold and treat the patient with the consent of the Indian Health Service.

A person admitted to a regional center pursuant to this section shall have all the rights accorded by section 253B.03. In addition, treatment reports, prepared in accordance with the requirements of section 253B.12, subdivision 1, shall be filed with the Indian Health Service within 60 days of commence-

*ment of the patient's stay at the facility. A subsequent treatment report shall be filed with the Indian Health Service within six months of the patient's admission to the facility, or prior to discharge, whichever comes first. Provisional discharge or transfer of the patient may be authorized by the head of the treatment facility only with the consent of the Indian Health Service. Discharge from the facility to the Indian Health Service may be authorized by the head of the treatment facility after notice to and consultation with the Indian Health Service."*

Page 12, line 11, after the second comma, insert "subdivision 1,"

Page 12, delete lines 30 to 36

Page 13, delete lines 1 to 22

Page 13, line 30, delete everything after the period

Page 13, line 31, delete "not arranged, the" and insert "The"

Page 13, line 32, delete "revocation or"

Page 14, line 19, delete "26" and insert "28"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 15, after the semicolon, insert "authorizing the commissioner to accept admissions to regional centers from the Indian Health Service;"

Page 1, line 19, after the first semicolon, insert "253B.06;"

Page 1, line 23, after "253B.22" insert ", subdivision 1"

Page 1, line 25, delete the period and insert "; proposing new law coded in Minnesota Statutes, chapter 253B."

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 637, A bill for an act relating to metropolitan transit; regulating eligibility for certain programs; requiring

bidding on certain routes; regulating fares and fare policy; extending debt authority; providing for an evaluation; appropriating money; amending Minnesota Statutes 1982, sections 174.265, subdivisions 3 and 4; 473.408, subdivisions 2 and 3; 473.436, subdivision 5; proposing new law coded in Minnesota Statutes, chapter 473.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, 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 total operating cost of any public transit system receiving or applying for assistance in accordance with generally accepted accounting principles. 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 total operating cost and correspondingly 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 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. The rules are subject to the provisions in the administrative procedure act of sections 14.01 to 14.70. Payments to those private operators shall be based on the uniform performance standards and operating deficit and shall not exceed 100 percent of the operating deficit as determined by the commissioner. Payments shall be based on approved estimates of expenditures during the contract period and shall be subject to audit and adjustment after any payment has been made.

Prior to distributing operating assistance to eligible recipients for any contract period, the commissioner shall place all recipients into one of the following classifications: large urbanized area service, urbanized area service, small urban area service, rural area service, and elderly and handicapped service. The commissioner shall distribute funds under this section so that the percentage of total operating cost paid by any recipient from local sources will not exceed the percentage for that recipient's classification. The percentages shall be: for large urbanized area service, 55 percent; for urbanized area service and small urban area service, 40 percent; for rural area service, 35 percent; and

for elderly and handicapped service, 35 percent. The remainder of the total operating cost will be paid from state funds less any assistance received by the recipient from any federal source. For purposes of this subdivision "local sources" means all local sources of funds and includes all operating revenue, tax levies, and contributions from public funds, except that the commissioner may exclude from the total assistance contract revenues derived from operations the cost of which is excluded from the computation of total operating cost.

If a recipient informs the commissioner in writing after the establishment of these percentages but prior to the distribution of financial assistance for any year that paying its designated percentage of total operating cost from local sources will cause undue hardship, the commissioner may reduce (THE PERCENTAGE TO BE PAID FROM LOCAL SOURCES BY THE RECIPIENT AND INCREASE THE PERCENTAGE TO BE PAID FROM LOCAL SOURCES FOR ALL OTHER RECIPIENTS IN ITS CLASSIFICATION SO THAT THE TOTAL STATE FUNDS TO BE RECEIVED BY ALL THE RECIPIENTS IN THE CLASSIFICATION WILL NOT BE ALTERED) *by no more than five percent the percentage to be paid from local sources by the recipient and increase the percentage to be paid from local sources by one or more other recipients inside or outside the classification, provided that no recipient shall have its percentage thus reduced or increased for more than two years successively.* If for any year the funds appropriated to the commissioner to carry out the purposes of this section are insufficient to allow the commissioner to pay the state share of total operating cost as provided in this paragraph, the commissioner shall reduce the state share in each classification to the extent necessary.

Sec. 2. Minnesota Statutes 1982, section 174.265, subdivision 4, is amended to read:

Subd. 4. [ASSISTANCE FOR TRANSIT SERVICE.] An application for financial assistance for (REPLACEMENT) transit services shall: describe the existing service, *if any*, 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 be granted under this subdivision to an applicant community (SERVED BY THE METROPOLITAN TRANSIT COMMISSION AT THE TIME OF APPLICATION) only if the commissioner determines: (a) that, *if any service is provided by the commission to the applicant com-*

*munity at the time of application, the service proposed for funding is intended and designed to replace (AND) or substitute for the commission's service (PROVIDED BY THE COMMISSION AT THE TIME OF APPLICATION AND); (b) that the average subsidy per passenger per route for (THE) any replacement service will not exceed the average subsidy per passenger per route (STANDARD AS ADOPTED BY THE COMMISSION IN ITS CURRENT TRANSPORTATION DEVELOPMENT PROGRAM. FINANCIAL ASSISTANCE SHALL BE GRANTED UNDER THIS SUBDIVISION TO AN APPLICANT COMMUNITY NOT SERVED BY THE COMMISSION AT THE TIME OF THE APPLICATION ONLY IF THE COMMISSIONER DETERMINES THAT THE AVERAGE SUBSIDY PER PASSENGER PER TRIP FOR THE SERVICE PROPOSED FOR FUNDING WILL NOT EXCEED THE SUBSIDY PER PASSENGER PER TRIP STANDARD AS ADOPTED BY THE COMMISSION IN ITS CURRENT TRANSPORTATION DEVELOPMENT PROGRAM) during the six months preceding the application on the routes which serve the applicant communities; and (c) that the average subsidy per passenger for any other service proposed will not exceed guidelines established by the commissioner. 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 174.24, subdivision 3a 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.*

Sec. 3. [473.407] [CONTRACTS FOR SERVICE.]

*At least 60 days before reducing service levels by eliminating any routes, the commission shall publish notice of its intent to accept sealed bids to provide the service planned to be eliminated. The notice shall be published in appropriate trade journals and newspapers of general circulation in the metropolitan area and the state. The commission shall also solicit sealed bids by sending notices by mail to all prospective bidders known to it, and by posting notice on a public bulletin board in its offices. The bids shall include a description of the service to be provided, the cost of the service, the public subsidy required, and the other requirements the chairman of the commission deems appropriate. The operating company under contract to the commission under section 473.405, subdivision 2, to provide the service planned to be eliminated shall be required to submit a bid. The bids shall be opened in public at the hour stated in the notice. The commission shall award a contract to provide the service and receive the re-*

*requested subsidy to the qualified bidder requiring the least public subsidy, taking into consideration conformance with the specifications, terms, and other conditions imposed in the call for bids, but if the bidder requiring the least subsidy is the operator already under contract to the commission to provide the service, or if the lowest bid is less than ten percent lower than the operator already under contract, the commission may eliminate the service as planned. A record shall be kept, open to public inspection, of all bids, with the names of bidders and the amounts of bids, and with the successful bid indicated.*

Sec. 4. Minnesota Statutes 1982, section 473.408, is amended by adding a subdivision to read:

*Subd. 2a. [BASE FARE.] The base fare of the metropolitan transit commission shall be established by the commission in accordance with the provisions of this section and the policies of the commission, the restrictions in Laws 1981, chapter 363. The commission shall not increase the base fare in any passenger category more than 15 cents in any calendar year.*

Sec. 5. Minnesota Statutes 1982, section 473.436, subdivision 5, is amended to read:

**Subd. 5. [BUS PURCHASES AND OTHER IMPROVEMENTS.]** In addition to obligations outstanding on January 1, (1980) 1983, the commission may issue certificates of indebtedness, bonds or other obligations in an amount not exceeding (\$9,000,000) \$12,000,000 for the purpose of purchasing buses and related equipment, and constructing maintenance and other buildings, bus shelters and road related improvements.

Sec. 6. Minnesota Statutes 1982, section 473.446, subdivision 1, is amended to read:

**Subdivision 1. [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 in subdivision 2, a transit tax consisting of:

(a) *Except as provided in clause (b), an amount equal to two mills times the assessed value of all such property, the proceeds of which shall be used for payment of the expenses of operating transit and paratransit service;*

(b) *An amount equal to one and one-half mills times the assessed value of all such property in cities and towns receiving fewer than four scheduled runs of regular route service from the commission, the proceeds of which shall be used for pay-*

*ment of the expenses of operating transit and paratransit service;*

((B)) (c) 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)) (d) 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 174.265, 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 174.265 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.)

Sec. 7. [TEMPORARY LEGISLATIVE STUDY COMMISSION ON METROPOLITAN TRANSIT.]

*Subdivision 1. [CREATION; MEMBERSHIP.] There is created a temporary legislative study commission on metropolitan transit, consisting of five members of the house of representatives and five members of the senate, named by the customary appointing authority in each house. 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. Staff and administrative support for the commission shall be provided by existing legislative service offices.*

*Subd. 3. [STUDY.] The commission shall evaluate:*

*(a) the objectives of the metropolitan transit commission established for the seven-county metropolitan area, and its effectiveness in achieving the purposes established by the legislature;*



(b) *the powers, responsibilities, and external accountability of the transit commission;*

(c) *the internal structure of the transit commission, including the contractual relationship with the management company;*

(d) *the efficiency of current labor practices and contracts relative to use of labor required for peak hours, including but not limited to, the use of split shifts and/or part-time workers;*

(e) *governmental arrangements for transit planning and development in the metropolitan area, including the relationship with the department of transportation, the metropolitan council, and the transportation advisory board;*

(f) *the proper role of the transit commission in the governance, regulation, and coordination of transit and other public transportation services in the metropolitan area;*

(g) *the financing of public transit in the metropolitan area, including fare structures and sources and amounts of subsidy.*

Subd. 4. [REPORT.] *The commission shall submit a report of its findings and recommendations to the legislature by February 1, 1984.*

## Sec. 8. [TRANSIT ASSISTANCE.]

Subdivision 1. [APPROPRIATION.] *The sums of \$21,030,900 for fiscal year 1984 and \$21,030,900 for fiscal year 1985 are appropriated from the general fund to the commissioner of transportation to be disbursed in accordance with this section. The actual line item amounts shall be detailed on the worksheets of the appropriate standing committees of the senate and house of representatives, a true copy of which is on file in the office of the commissioner of transportation. The appropriation shall be available for the purpose of providing the following:*

(a) *metropolitan transit commission operating grants and social fares;*

(b) *metro mobility projects;*

(c) *private operators—metropolitan area;*

(d) *non-metropolitan transit commission operating assistance statewide.*

## Sec. 9. [EFFECTIVE DATE.]

*Sections 1 to 7 are effective the day following final enactment. Sections 3 to 6 are effective in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."*

Amend the title as follows:

Page 1, line 2, delete "metropolitan"

Page 1, line 5, delete "providing for an evaluation" and insert "creating a temporary legislative study commission"

Page 1, after line 5, insert "altering tax authority;"

Page 1, line 7, after "sections" insert "174.24, subdivision 3;"

Page 1, line 7, delete "subdivisions 3 and" and insert "subdivision"

Page 1, line 8, delete "subdivisions 2 and 3" and insert "by adding a subdivision"

Page 1, line 8, after "5;" insert "473.446, 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.

McEachern from the Committee on Education to which was referred:

H. F. No. 643, A bill for an act relating to education; modifying the exercise of seniority by licensed teachers in certain circumstances; amending Minnesota Statutes 1982, sections 125.12, subdivisions 6a and 6b, and by adding a subdivision; and 125.17, subdivisions 1 and 11; and Laws 1974, chapter 237, section 1.

Reported the same back with the following amendments:

Page 3, line 32, strike "him" and insert "*that teacher*" and after "he" insert "*or she*"

Page 3, line 33, after "he" insert "*or she*"

Page 4, line 14, after "he" insert "*or she*"

Page 5, line 17, strike "she" and insert "*that teacher*"

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. 649, A bill for an act relating to data processing systems; directing the legislative reference library to develop and maintain a directory of state information systems; appropriating money; proposing new law coded in Minnesota Statutes, chapter 3.

Reported the same back with the following amendments:

Page 3, line 4, after "*library*", insert "*listing*"

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 Appropriations to which was referred:

H. F. No. 657, A bill for an act relating to transportation; authorizing the commissioner to expend money for railroad acquisition by a regional railroad authority; modifying requirements for compliance with standards for zoning ordinances for municipal airports; modifying the regional railroad authority act to allow municipalities to form regional railroad authorities; allowing the expenditure of certain state funds for railroad improvement and acquisition; providing an aircraft base price for taxation purposes; amending Minnesota Statutes 1982, sections 222.50, subdivision 7; 360.063, subdivisions 3, 4, and 6; 360.065, subdivision 2; 360.066, subdivision 1; 360.067, subdivision 1; 360.531, subdivision 4; 398A.02; 398A.03; 398A.04, subdivisions 8 and 9; 398A.07, subdivision 2; and Laws 1980, chapter 610, section 1, as amended.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 672, A bill for an act relating to taxation; sales and use; clarifying the taxability or exempt status of certain items or transactions; providing penalties for certain operators or misuse of exemption certificates; clarifying filing dates and penalties for not timely filing or paying the tax; authorizing the filing of security and the use of sampling; providing restrictions on refunds; clarifying payments required before appeal; eliminating the fee for permits; amending Minnesota Statutes 1982, sec-

tions 297A.01, subdivisions 3, 4, and 11; 297A.05; 297A.25, subdivision 1; 297A.27, subdivision 1; 297A.275; 297A.28; 297A.31, subdivision 1; 297A.35, subdivision 1, and by adding a subdivision; and 297A.391; proposing new law coded in Minnesota Statutes, chapter 297A; repealing Minnesota Statutes 1982, section 297A.251.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 297A.01, subdivision 3, is amended to read:

Subd. 3. A "sale" and a "purchase" includes, but is not limited to, each of the following transactions:

(a) Any transfer of title or possession, or both, of tangible personal property, whether absolutely or conditionally, and the leasing of or the granting of a license to use or consume tangible personal property other than manufactured homes used for residential purposes for a continuous period of 30 days or more, for a consideration in money or by exchange or barter. *"Sales" also include the transfer of computer software, meaning information and directions which dictate the function to be performed by data processing equipment and which are sold without adaptation to the specific requirements of the purchaser. Such computer software, whether contained on tape, discs, cards, or other devices, shall be considered tangible personal property;*

(b) The production, fabrication, printing or processing of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production, fabrication, printing or processing;

(c) The furnishing, preparing or serving for a consideration of food, meals or drinks, not including hospitals, sanatoriums, nursing homes or senior citizens homes, meals or drinks purchased for and served exclusively to individuals who are 60 years of age or over and their spouses or to the handicapped and their spouses by governmental agencies, nonprofit organizations, agencies, or churches or pursuant to any program funded in whole or part through 42 USCA sections 3001 through 3045, whether delivered, prepared or served, meals and lunches served at public and private schools, universities or colleges, or the occasional meal thereof by a charitable or church organization. Notwithstanding section 297A.25, subdivision 1, clause (a), taxable food or meals include, but is not limited to, the following:

(i) heated food or drinks;

(ii) sandwiches prepared by the retailer;

(iii) single sales of prepackaged ice cream or ice milk novelties prepared by the retailer;

(iv) hand-prepared or dispensed ice cream or ice milk products including cones, sundaes, and snow cones;

(v) soft drinks and other beverages prepared or served by the retailer;

(vi) gum;

(vii) ice;

(viii) all food sold in vending machines;

(ix) party trays prepared by the retailers; and

(x) all meals and single servings of packaged snack food, single cans or bottles of pop, sold in restaurants and bars;

(d) The granting of the privilege of admission to places of amusement or athletic events and the privilege of use of amusement devices or athletic facilities;

(e) The furnishing for a consideration of lodging and related services by a hotel, rooming house, tourist court, motel or trailer camp and of the granting of any similar license to use real property other than the renting or leasing thereof for a continuous period of 30 days or more;

(f) The furnishing for a consideration of electricity, gas, water, or steam for use or consumption within this state, or local exchange telephone service and intrastate toll service; the tax imposed on amounts paid for telephone services is the liability of and shall be paid by the person paying for the services. Sales by municipal corporations in a proprietary capacity are included in the provisions of this clause. The furnishing of water and sewer services for residential use shall not be considered a sale;

(g) The furnishing for a consideration of cable television services, including charges for basic monthly service, charges for monthly premium service, and charges for any other similar (CABLE) television services;

(h) *Notwithstanding sections 297A.01, subdivision 4, and 297A.25, subdivision 1, clause (h), the sales of horses including claiming sales and fees paid for breeding a stallion to a mare. This clause applies to sales and fees with respect to a horse to be used for racing whose birth has been recorded by the Jockey Club or the United States Trotting Association or the American*

*Quarter Horse Association but shall not apply with respect to the sale of a horse bred and born in the state of Minnesota.*

Sec. 2. Minnesota Statutes 1982, section 297A.01, subdivision 4, is amended to read:

Subd. 4. A "retail sale" or "sale at retail" means a sale for any purpose other than resale in the regular course of business. Property utilized by the owner only by leasing such property to others or by holding it in an effort to so lease it, and which is put to no use by the owner other than resale after such lease or effort to lease, shall be considered property purchased for resale. Sales of building materials, supplies and equipment to owners, contractors, subcontractors or builders for the erection of buildings or the alteration, repair or improvement of real property are "retail sales" or "sales at retail" in whatever quantity sold and whether or not for purpose of resale in the form of real property or otherwise. *A sale of carpeting, linoleum, or other similar floor covering which includes installation of the carpeting, linoleum, or other similar floor covering is a contract for the improvement of real property.* Aircraft and parts for the repair thereof purchased by a non-profit, incorporated flying club or association utilized solely by the corporation by leasing such aircraft to shareholders of the corporation shall not be considered property purchased for resale. The leasing of the aircraft to the shareholders by the flying club or association shall not be considered a sale notwithstanding subdivision 3 if the tax imposed by this chapter was paid on the initial purchase as provided by this subdivision.

*Leasing of aircraft utilized by (THE OWNER ONLY) a lessee for the purpose of (BEING LEASED) leasing to others, whether or not the lessee also utilizes the aircraft for flight instruction where no separate charge is made for aircraft rental or for charter service, (OR BY HOLDING THE AIRCRAFT IN AN EFFORT TO LEASE IT, AND WHICH IS PUT TO NO USE BY THE OWNER OTHER THAN RESALE AFTER THE LEASE,) shall be considered (AIRCRAFT PURCHASED) a purchase for resale; provided, however, that a proportionate share of the lease payment reflecting use for flight instruction or charter service is subject to tax pursuant to section 297A.14.*

Sec. 3. [297A.041] [OPERATOR OF FLEA MARKETS; SELLER'S PERMITS REQUIRED; PENALTY.]

*When the commissioner determines it is necessary for the efficient administration of this chapter, the commissioner may require the operator of a flea market, craft show, antique show, coin show, stamp show, comic book show, or similar selling event, as a prerequisite to renting or leasing space on the premises owned or controlled by the operator to a person desiring to engage in or conduct business as a seller, to obtain evidence that the seller is the holder of a valid seller's permit issued pursuant*

to section 297A.04, or a written statement from the seller that he is not offering for sale any item that is taxable under this chapter.

*Flea market, craft show, antique show, coin show, stamp show, comic book show, or similar selling event, as used in this section, means an activity involving a series of sales sufficient in number, scope, and character to constitute a regular course of business.*

*Any operator who fails or refuses to comply with the provisions of this section shall be subject to a penalty payable to the commissioner of revenue of \$100 for each day of each selling event that the operator fails to obtain evidence that the seller is the holder of a valid seller's permit issued pursuant to section 297A.04.*

**Sec. 4. [297A.121] [USE OF EXEMPTION CERTIFICATES TO EVADE TAX; PENALTY.]**

*Any person who gives an exemption certificate for property which will be used for purposes other than the exemption claimed for the purpose of evading payment to the seller of the amount of the tax applicable to the transaction shall be subject to a penalty payable to the commissioner of revenue of \$100 for each transaction where an improper use of an exemption certificate has occurred.*

**Sec. 5. Minnesota Statutes 1982, section 297A.25, subdivision 1, is amended to read:**

**Subdivision 1.** The following are specifically exempted from the taxes imposed by sections 297A.01 to 297A.44:

(a) The gross receipts from the sale of food products including but not limited to cereal and cereal products, butter, cheese, milk and milk products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products, and food products which are not taxable pursuant to section 297A.01, subdivision 3, clause (c) and which are sold by a retailer, organized as a nonprofit corporation or association, within a place located on property owned by the state or an agency or instrumentality of the state, the entrance to which is subject to an admission charge. This exemption does not include the following:

(i) candy and candy products;

(ii) carbonated beverages, beverages commonly referred to as soft drinks containing less than 15 percent fruit juice, or

bottled water other than noncarbonated and noneffervescent bottled water sold in individual containers of one gallon or more in size;

(b) The gross receipts from the sale of prescribed drugs and medicine intended for use, internal or external, in the cure, mitigation, treatment or prevention of illness or disease in human beings and products consumed by humans for the preservation of health, including prescription glasses, therapeutic and prosthetic devices, but not including cosmetics or toilet articles notwithstanding the presence of medicinal ingredients therein;

(c) The gross receipts from the sale of and the storage, use or other consumption in Minnesota of tangible personal property, tickets, or admissions, electricity, gas, or local exchange telephone service, which under the Constitution or laws of the United States or under the Constitution of Minnesota, the state of Minnesota is prohibited from taxing;

(d) The gross receipts from the sale of tangible personal property (i) which, without intermediate use, is shipped or transported outside Minnesota by the purchaser and thereafter used in a trade or business or is stored, processed, fabricated or manufactured into, attached to or incorporated into other tangible personal property transported or shipped outside Minnesota and thereafter used in a trade or business outside Minnesota, and which is not thereafter returned to a point within Minnesota, except in the course of interstate commerce (storage shall not constitute intermediate use); provided that the property is not subject to tax in that state or country to which it is transported for storage or use, or, if subject to tax in that other state, that state allows a similar exemption for property purchased therein and transported to Minnesota for use in this state; except that sales of tangible personal property that is shipped or transported for use outside Minnesota shall be taxed at the rate of the use tax imposed by the state to which the property is shipped or transported, unless that state has no use tax, in which case the sale shall be taxed at the rate generally imposed by this state; and provided further that sales of tangible personal property to be used in other states or countries as part of a maintenance contract shall be specifically exempt; or (ii) which the seller delivers to a common carrier for delivery outside Minnesota, places in the United States mail or parcel post directed to the purchaser outside Minnesota, or delivers to the purchaser outside Minnesota by means of the seller's own delivery vehicles, and which is not thereafter returned to a point within Minnesota, except in the course of interstate commerce;

(e) The gross receipts from the sale of packing materials used to pack and ship household goods, the ultimate destination of which is outside the state of Minnesota and which are not thereafter returned to a point within Minnesota, except in the course of interstate commerce;



(f) The gross receipts from the sale of and storage, use or consumption of petroleum products upon which a tax has been imposed under the provisions of chapter 296, whether or not any part of said tax may be subsequently refunded;

(g) The gross receipts from the sale of clothing and wearing apparel except the following:

(i) all articles commonly or commercially known as jewelry, whether real or imitation; pearls, precious and semi-precious stones, and imitations thereof; articles made of, or ornamented, mounted or fitted with precious metals or imitations thereof; watches; clocks; cases and movements for watches and clocks; gold, gold-plated, silver, or sterling flatware or hollow ware and silver-plated hollow ware; opera glasses; lorgnettes; marine glasses; field glasses and binoculars.

(ii) articles made of fur on the hide or pelt, and articles of which such fur is the component material or chief value, but only if such value is more than three times the value of the next most valuable component material.

(iii) perfume, essences, extracts, toilet waters, cosmetics, petroleum jellies, hair oils, pomades, hair dressings, hair restoratives, hair dyes, aromatic cachous and toilet powders. The tax imposed by this act shall not apply to lotion, oil, powder, or other article intended to be used or applied only in the case of babies.

(iv) trunks, valises, traveling bags, suitcases, satchels, overnight bags, hat boxes for use by travelers, beach bags, bathing suit bags, brief cases made of leather or imitation leather, salesmen's sample and display cases, purses, handbags, pocketbooks, wallets, billfolds, card, pass, and key cases and toilet cases.

(h) the gross receipts from the sale of and the storage, use, or consumption of all materials, including chemicals, fuels, petroleum products, lubricants, packaging materials, including returnable containers used in packaging food and beverage products, feeds, seeds, fertilizers, electricity, gas and steam, used or consumed in agricultural or industrial production of personal property intended to be sold ultimately at retail, whether or not the item so used becomes an ingredient or constituent part of the property produced. Such production shall include, but is not limited to, research, development, design or production of any tangible personal property, manufacturing, processing (other than by restaurants and consumers) of agricultural products whether vegetable or animal, commercial fishing, refining, smelting, reducing, brewing, distilling, printing, mining, quarrying, lumbering, generating electricity and the production of road building materials. Such production shall not include painting, cleaning, repairing or similar processing of property except as part of the original manufacturing process. Machinery, equip-

ment, implements, tools, accessories, appliances, contrivances, furniture and fixtures, used in such production and fuel, electricity, gas or steam used for space heating or lighting, are not included within this exemption; however, accessory tools, equipment and other short lived items, which are separate detachable units used in producing a direct effect upon the product, where such items have an ordinary useful life of less than 12 months, are included within the exemption provided herein;

(i) The gross receipts from the sale of and storage, use or other consumption in Minnesota of tangible personal property (except as provided in section 297A.14) which is used or consumed in producing any publication regularly issued at average intervals not exceeding three months, and any such publication. For purposes of this subsection, "publication" as used herein shall include, without limiting the foregoing, a legal newspaper as defined by Minnesota Statutes 1965, section 331.02, and any supplements or enclosures with or part of said newspaper; and the gross receipts of any advertising contained therein or therewith shall be exempt. For this purpose, advertising in any such publication shall be deemed to be a service and not tangible personal property, and persons or their agents who publish or sell such newspapers shall be deemed to be engaging in a service with respect to gross receipts realized from such newsgathering or publishing activities by them, including the sale of advertising. Machinery, equipment, implements, tools, accessories, appliances, contrivances, furniture and fixtures used in such publication and fuel, electricity, gas or steam used for space heating or lighting, are not exempt;

(j) The gross receipts from all sales, including sales in which title is retained by a seller or a vendor or is assigned to a third party under an installment sale or lease purchase agreement under section 465.71, of tangible personal property to, and all storage, use or consumption of such property by, the United States and its agencies and instrumentalities or a state and its agencies, instrumentalities and political subdivisions. *Sales exempted by this clause include sales pursuant to section 297A.01, subdivision 3, clauses (d) and (f). This exemption shall not apply to property, other than medical, diagnostic, therapeutic, and laboratory equipment, purchased by a tax exempt entity to be used by its contractor or subcontractor for use in the construction or alteration of a building or facility;*

(k) The gross receipts from the isolated or occasional sale of tangible personal property in Minnesota not made in the normal course of business of selling that kind of property, and the storage, use, or consumption of property acquired as a result of such a sale;

(l) The gross receipts from sales of rolling stock and the storage, use or other consumption of such property by railroads, freight line companies, sleeping car companies and express com-

panies taxed on the gross earnings basis in lieu of ad valorem taxes. For purposes of this clause "rolling stock" is defined as the portable or moving apparatus and machinery of any such company which moves on the road, and includes, but is not limited to, engines, cars, tenders, coaches, sleeping cars and parts necessary for the repair and maintenance of such rolling stock.

(m) The gross receipts from sales of airflight equipment and the storage, use or other consumption of such property by airline companies taxed under the provisions of sections 270.071 to 270.079. For purposes of this clause, "airflight equipment" includes airplanes and parts necessary for the repair and maintenance of such airflight equipment, and flight simulators.

(n) The gross receipts from the sale of telephone central office telephone equipment used in furnishing intrastate and interstate telephone service to the public.

(o) The gross receipts from the sale of and the storage, use or other consumption by persons taxed under the in lieu provisions of chapter 298, of mill liners, grinding rods and grinding balls which are substantially consumed in the production of taconite, the material of which primarily is added to and becomes a part of the material being processed.

(p) The gross receipts from the sale of tangible personal property to, and the storage, use or other consumption of such property by, any corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious or educational purposes if the property purchased is to be used in the performance of charitable, religious or educational functions, or any senior citizen group or association of groups that in general limits membership to persons age 55 or older and is organized and operated exclusively for pleasure, recreation and other nonprofit purposes, no part of the net earnings of which inures to the benefit of any private shareholders. *Sales exempted by this clause include sales pursuant to section 297A-.01, subdivision 3, clauses (d) and (f). This exemption shall not apply to property, other than medical, diagnostic, therapeutic, and laboratory equipment, purchased by a tax exempt entity to be used by its contractor or subcontractor for use in the construction or alteration of a building or facility;*

(q) The gross receipts from the sale of caskets and burial vaults;

(r) The gross receipts from the sale of an automobile or other conveyance if the purchaser is assisted by a grant from the United States in accordance with 38 United States Code, Section 1901, as amended.

(s) The gross receipts from the sale to the licensed aircraft dealer of an aircraft for which a commercial use permit has been

issued pursuant to section 360.654, if the aircraft is resold while the permit is in effect.

(t) The gross receipts from the sale of building materials to be used in the construction or remodeling of a residence when the construction or remodeling is financed in whole or in part by the United States in accordance with 38 United States Code, Sections 801 to 805, as amended. This exemption shall not be effective at time of sale of the materials to contractors, subcontractors, builders or owners, but shall be applicable only upon a claim for refund to the commissioner of revenue filed by recipients of the benefits provided in Title 38 United States Code, Chapter 21, as amended. The commissioner shall provide by regulation for the refund of taxes paid on sales exempt in accordance with this paragraph.

(u) The gross receipts from the sale of textbooks which are prescribed for use in conjunction with a course of study in a public or private school, college, university and business or trade school to students who are regularly enrolled at such institutions. For purposes of this clause a "public school" is defined as one that furnishes course of study, enrollment and staff that meets standards of the state board of education and a private school is one which under the standards of the state board of education, provides an education substantially equivalent to that furnished at a public school. Business and trade schools shall mean such schools licensed pursuant to section 141.25.

(v) The gross receipts from the sale of and the storage of material designed to advertise and promote the sale of merchandise or services, which material is purchased and stored for the purpose of subsequently shipping or otherwise transferring outside the state by the purchaser for use thereafter solely outside the state of Minnesota.

(w) The gross receipt from the sale of residential heating fuels in the following manner:

(i) all fuel oil, coal, wood, steam, propane gas, and L.P. gas sold to residential customers for residential use;

(ii) natural gas sold for residential use to customers who are metered and billed as residential users and who use natural gas for their primary source of residential heat, for the billing months of November, December, January, February, March and April;

(iii) electricity sold for residential use to customers who are metered and billed as residential users and who use electricity for their primary source of residential heat, for the billing months of November, December, January, February, March and April.

(x) The gross receipts from the sale or use of tickets or admissions to the premises of or events sponsored by an association, corporation or other group of persons which provides an opportunity for citizens of the state to participate in the creation, performance or appreciation of the arts and which qualifies as a tax-exempt organization within the meaning of section 290.05, subdivision 1, clause (i).

(y) The gross receipts from either the sales to or the storage, use or consumption of tangible personal property by an organization of military service veterans or an auxiliary unit of an organization of military service veterans, provided that:

(i) the organization or auxiliary unit is organized within the state of Minnesota and is exempt from federal taxation pursuant to section 501(c), clause (19), of the Internal Revenue Code as amended through December 31, 1978; and

(ii) the tangible personal property which is sold to or stored, used or consumed by the organization or auxiliary unit is for charitable, civic, educational, or nonprofit uses and not for social, recreational, pleasure or profit uses.

(z) The gross receipts from the sale of sanitary napkins, tampons, or similar items used for feminine hygiene.

Sec. 6. Minnesota Statutes 1982, section 297A.27, subdivision 1, is amended to read:

Subdivision 1. *Except as provided in section 297A.275, on or before the 25th day of each month in which taxes imposed by sections 297A.01 to 297A.44 are payable, a return for the preceding reporting period shall be filed with the commissioner in such form as the commissioner may prescribe, verified by a written declaration that it is made under the criminal penalties for wilfully making a false return, and in addition shall contain a confession of judgment for the amount of the tax shown due thereon to the extent not timely paid. Any person making sales at retail at two or more places of business may file a consolidated return subject to such regulations as the commissioner may prescribe.*

Sec. 7. Minnesota Statutes 1982, section 297A.275, is amended to read:

297A.275. [ACCELERATED PAYMENT OF JUNE LIABILITY.]

Every vendor having a liability of \$1,500 or more in May 1982 or in May of each subsequent year, shall remit the June liability in the manner required by this section.

On or before June 25, 1982, or June 25 of each subsequent year, the vendor shall remit the actual May liability and one-half of the estimated June liability to the commissioner and file the return on a form prescribed by the commissioner.

On or before August 25, 1982, or August 25 of each subsequent year, the vendor shall submit a return showing the actual June liability and paying any additional amount of tax not remitted in June. A penalty is hereby imposed equal to ten percent of the (ACTUAL JUNE LIABILITY) *amount of June liability that is now required to be paid in June* less the amount remitted in June. However, the penalty shall not be imposed if the amount remitted in June equals the lesser of (a) 45 percent of the actual June liability, or (b) 50 percent of the preceding May's liability.

Sec. 8. Minnesota Statutes 1982, section 297A.28, is amended to read:

297A.28 [SECURITY.]

Whenever he deems it necessary to insure compliance with sections 297A.01 to 297A.44 the commissioner may require a retailer subject thereto to deposit with him security in such form and in such amount as he may determine but not more than twice the estimated average liability for the period for which the returns are required to be filed, or \$10,000, whichever amount is the lesser. The amount of security may be increased or decreased by the commissioner, subject to the limitations herein provided. The commissioner may sell property deposited as security at public auction if necessary in order to recover any tax or any amount required to be collected, including interest and penalties, if any. Notice of the sale must be served upon the person who deposited the security personally, or by mail in the manner hereinafter prescribed for the service of a notice of a deficiency. After any sale any surplus above the amount due not required as security under this section shall be returned to the person who deposited the security. *In lieu of security, the commissioner may require a retailer to file a bond, issued by a surety company authorized to transact business in this state and approved by the insurance commissioner as to solvency and responsibility.*

Sec. 9. Minnesota Statutes 1982, section 297A.31, subdivision 1, is amended to read:

Subdivision 1. The commissioner shall, as soon as practicable after a return is filed, examine the same and make any investigation or examination of the records and accounts of the person making the return that he deems necessary for determining its correctness. *The commissioner may use statistical or other generally acceptable sampling techniques in examining the returns or records.* The tax computed on the basis of such examination shall be the tax to be paid. If the tax found to be due exceeds the amount of the tax reported as due on the taxpayers return, such excess shall be paid to the commissioner within 60

days after notice of the amount and demand for its payment shall have been mailed to the person making the return. If the amount of the tax found due by the commissioner shall be less than that reported as due on the return, the excess shall be refunded to the person making the return in the manner provided by section 297A.35 (except that no demand therefor shall be necessary), if he has already paid the whole of such tax, or credited against any unpaid tax. Except as otherwise provided in this chapter, no refundment shall be made except as provided in section 297A.35 after the expiration of three years after the filing of the return.

Sec. 10. Minnesota Statutes 1982, section 297A.35, subdivision 1, is amended to read:

Subdivision 1. A person who has, pursuant to the provisions of this chapter, paid to the commissioner an amount of tax for any period in excess of the amount legally due for that period, may file with the commissioner a claim for a refund of such excess *subject to the conditions specified in subdivision 5*. Except as provided in subdivision 4 no such claim shall be entertained unless filed within two years after such tax was paid, or within three years from the filing of the return, whichever period is the longer. The commissioner shall examine the claim and make and file written findings thereon denying or allowing the claim in whole or in part and shall mail a notice thereof to such person at the address stated upon the claim. Any allowance shall include interest on the excess determined at a rate of six percent per annum from the date such excess was paid or collected until the date it is refunded or credited. If such claim is allowed in whole or in part, the commissioner shall credit the amount of the allowance against any taxes under sections 297A.01 to 297A.44 due from the claimant and for the balance of said allowance, if any, the commissioner shall issue his certificate for the refundment of the excess paid, and the commissioner of finance shall cause such refund to be paid out of the proceeds of the taxes imposed by sections 297A.01 to 297A.44, as other state moneys are expended. So much of the proceeds of such taxes as may be necessary are hereby appropriated for that purpose.

Sec. 11. Minnesota Statutes 1982, section 297A.35, is amended by adding a subdivision to read:

*Subd. 5. If a vendor has collected from a purchaser and remitted to the state a tax on a transaction which is not subject to the tax imposed by this chapter, the tax shall be refundable to the vendor only if and to the extent that it will be credited to amounts due to the vendor by the purchaser or returned to the purchaser by the vendor.*

Sec. 12. Minnesota Statutes 1982, section 297A.391, is amended to read:

## 297A.391 [PAYMENT OF TAX PENDING APPEAL.]

When a taxpayer appeals (HIS TAX) *any liability assessed under this chapter to the tax court, and the amount in dispute is more than \$4,000, the entire amount of the tax, penalty, and interest assessed by the commissioner shall be paid at the time it is due unless permission to continue prosecution of the petition without payment is obtained as provided herein. The petitioner, upon ten days notice to the commissioner, may apply to the court for permission to continue prosecution of the petition without payment; and, if it is made to appear*

(1) That the proposed review is to be taken in good faith;

(2) That there is probable cause to believe that the taxpayer may be held exempt from payment of the (TAX) *liability* or that the (TAX) *liability* may be determined to be less than 50 percent of the amount due; and

(3) That it would work a substantial hardship upon petitioner to pay the (TAX) *liability*,

the court may permit the petitioner to continue prosecution of the petition without payment, or may fix a lesser amount to be paid as a condition of continuing the prosecution of the petition.

Failure to make payment of the amount required when due shall operate automatically to dismiss the petition and all proceedings thereunder unless the payment is waived by an order of the court permitting the petitioner to continue prosecution of the petition without payment.

Sec. 13. Minnesota Statutes 1982, section 297B.03, is amended to read:

## 297B.03 [EXEMPTIONS.]

There is specifically exempted from the provisions of this chapter and from computation of the amount of tax imposed by it the following:

(1) Purchase or use, including use under a lease purchase agreement or installment sales contract made pursuant to section 465.71, of any motor vehicle by any person described in and subject to the conditions provided in section 297A.25, subdivision 1, clauses (j), (p) and ((S)) (r).

(2) Purchase or use of any motor vehicle by any person who was a resident of another state at the time of the purchase and who subsequently becomes a resident of Minnesota, provided the



purchase occurred more than 60 days prior to the date such person moved his residence to the state of Minnesota.

(3) Purchase or use of any motor vehicle by any person making a valid election to be taxed under the provisions of section 297A.211.

(4) Purchase or use of any motor vehicle previously registered in the state of Minnesota by any corporation or partnership when such transfer constitutes a transfer within the meaning of sections 351 or 721 of the Internal Revenue Code of 1954, as amended through December 31, 1974.

Sec. 14. [REPEALER.]

*Minnesota Statutes 1982, sections 297A.05 and 297A.251, are repealed.*

Sec. 15. [EFFECTIVE DATE.]

*Sections 1, 3, 8, and 12 are effective July 1, 1983. Sections 2, 4, 6, 7, 9 to 11, 13, and 14 are effective the day following final enactment. The amendments to clauses (j) and (p) of section 5, relating to construction contracts, are effective for contracts entered into after December 31, 1983. The remainder of section 5 is effective the day following final enactment.*

Delete the title and insert:

"A bill for an act relating to taxation; sales and use; clarifying the taxability or exempt status of certain items or transactions; providing penalties for certain operators or misuse of exemption certificates; clarifying filing dates and penalties for not timely filing or paying the tax; authorizing the filing of security and the use of sampling; providing restrictions on refunds; clarifying payments required before appeal; eliminating the fee for permits; amending Minnesota Statutes 1982, sections 297A.01, subdivisions 3 and 4; 297A.25, subdivision 1; 297A.27, subdivision 1; 297A.275; 297A.28; 297A.31, subdivision 1; 297A.35, subdivision 1, and by adding a subdivision; 297A.391; and 297B.03; proposing new law coded in Minnesota Statutes, chapter 297A; repealing Minnesota Statutes 1982, sections 297A.05 and 297A.251."

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. 685, A bill for an act relating to community social services; amending the community social services act to incorporate certain programs for the mentally ill and mentally retarded and the program of day care sliding fees; amending Minnesota Statutes 1982, sections 256E.06, subdivision 2; and 256E.08, subdivision 9; repealing Minnesota Statutes 1982, section 245.87.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, 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 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 rules to govern the 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 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 GRANTEEES AS FOLLOWS: 5 PERCENT IN THE FIRST GRANT YEAR, 15 PERCENT IN THE SECOND AND SUBSEQUENT GRANT YEARS.)

The county board shall establish the income range for eligibility of families for the sliding fee program, which shall be not less than the minimum nor more than the maximum income range, as follows: (a) the minimum income range includes

families having income above 60 percent but less than 70 percent of the state median income for a family of four adjusted for family size; (b) the maximum income range includes families having income above 60 percent but less than 90 percent of the state median income for a family of four adjusted for family size. 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 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 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) county 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.

(THE COMMISSIONER SHALL PROMULGATE TEMPORARY AND PERMANENT RULES IN ACCORDANCE WITH SECTIONS 14.05 TO 14.36 TO IMPLEMENT THIS SECTION. NO MORE THAN SEVEN PERCENT OF ANY GRANT SHALL BE USED FOR THE GRANTEE'S ADMINISTRATION EXPENSES.)

Sec. 2. Minnesota Statutes 1982, section 256E.03, subdivision 2, is amended to read:

Subd. 2. "Community social services" means services provided or arranged for by county boards to fulfill the responsibilities prescribed in section 256E.03, subdivision 1 to the following groups of persons:

(a) Families with children under age 18, who are experiencing child dependency, neglect or abuse, (AND ALSO) preg-

nant adolescents, adolescent parents under the age of 18, and their children, *persons who are under the guardianship of the commissioner of welfare as dependent and neglected wards, and children in need of day care services;*

(b) (PERSONS WHO ARE UNDER THE GUARDIANSHIP OF THE COMMISSIONER OF PUBLIC WELFARE AS DEPENDENT AND NEGLECTED WARDS) *Persons who are at or below the 60th percentile of the state median income, including recipients of public assistance;*

(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. 3. Minnesota Statutes 1982, 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) Identify and then amend or repeal the portions of all applicable department rules which mandate counties to provide

specific community social services or programs, unless state or federal law requires the commissioner to mandate a service or program. The commissioner shall be exempt from the rulemaking provisions of chapter 14 in amending or repealing rules pursuant to this clause. However, when the commissioner proposes to amend or repeal any rule under the authority granted by this clause, notice shall be provided by publication in the state register. When the commissioner proposes to amend a rule, the notice shall include that portion of the existing rule necessary to provide adequate notice of the nature of the proposed change. When the commissioner proposes to repeal an entire rule, he need only publish that fact, giving the exact citation to the rule to be repealed. In all cases, the notice shall contain a statement indicating that interested persons may submit comment on the proposed repeal or amendment for a period of 30 days after publication of the notice. The commissioner shall take no final action until after the close of the comment period. The commissioner's actions shall not be effective until five days after the commissioner publishes notice of adoption in the state register. If the final action is the same as the action originally proposed, publication may be made by notice in the state register that the amendment and repeals have been adopted as proposed, and by citing the prior publication. If the final action differs from the action as previously proposed in the state register, the text which differs from the original proposal shall be included in the notice of adoption together with a citation to the prior state register publication. The commissioner shall provide to all county boards separate notice of all final actions which become effective under this clause, advising the boards with respect to services or programs which have now become optional, to be provided at county discretion;

(c) Provide to the chairman of each county board, in addition to notice required pursuant to sections 14.05 to 14.36, timely advance notice and a written summary of the fiscal impact of any proposed new rule or changes in existing rule which will have the effect of increasing county costs for community social services;

(d) Provide training and other support services to county boards to assist in needs assessment, planning, implementing, and monitoring social services programs in the counties;

(e) (DESIGN AND IMPLEMENT A METHOD OF MONITORING AND EVALUATING THE SOCIAL SERVICES DELIVERED WITHIN THE STATE, AND ASSURE COMPLIANCE WITH APPLICABLE STANDARDS, GUIDELINES, AND THE COUNTY AND STATE SOCIAL SERVICES PLANS) *Develop standards for the planning, monitoring, and evaluation of the social services provided by county boards, and design and implement a method for monitoring and evaluating social services to assure compliance with applicable standards*

*and guidelines, as well as with the county and state social service plans;*

(f) 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 services and recommendations for changes needed to fully implement state social service policies; (AND)

(g) Request waivers from federal programs as necessary to implement sections 256E.01 to 256E.12; and

(h) *Promulgate regulations defining in a uniform manner local administrative expenses for social services.*

Sec. 4. Minnesota Statutes 1982, 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 (1982) 1984 and (1983) thereafter than 106 percent of the state money it received in the immediately preceding calendar year pursuant to section 256E.06. For purposes of (1983) 1984, the state money the county received in (1982) 1983 shall be the community social service grant plus the state money it received for state fiscal year (1982) 1983 as authorized by (THE HEALTH, WELFARE, AND CORRECTIONS APPROPRIATIONS ACT FOR THE BIENNium ENDING JUNE 30, 1983) *Laws 1981, chapter 360, 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 program of grants for the cost of child care on a sliding fee schedule pursuant to section 245.84, subdivision 2; children under state guardianship pursuant to section 260.38; grants for chronically mentally ill persons pursuant to section 256E.12; and community services for the mentally retarded, as authorized in the official worksheets of the senate and house conferees to Laws 1981, chapter 360, section 2, except that amount of money for those mentally retarded persons who are eligible for the medical assistance program, pursuant to chapter 256B.*

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. 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. 5. Minnesota Statutes 1982, section 256E.08, subdivision 9, is amended to read:

Subd. 9. [REDUCTION IN SERVICES PROHIBITED.] In calendar year 1983 the county board shall not reduce the funding provided in calendar year 1982 for the following service: cost of care for mentally retarded, epileptic or emotionally handicapped children. *In calendar years 1984 and 1985 the county board shall not reduce the funding provided in calendar year 1983 for the following services: experimental programs to assist chronically mentally ill persons to remain in their own communities; day care provided pursuant to section 245.84, subdivision 2; and community services for the mentally retarded as authorized in the official worksheets of the senate and house conferees to Laws 1981, chapter 360, section 2, except that amount of money for those mentally retarded persons who are eligible for the medical assistance programs, pursuant to chapter 256B.*

Sec. 6. Minnesota Statutes 1982, section 256E.09, subdivision 2, is amended to read:

Subd. 2. [CITIZEN PARTICIPATION.] The county board shall provide opportunities for participation by citizens in the county (, INCLUDING REPRESENTATIVES OF USERS OF SERVICES,) in the development of the biennial plan and in the allocation of money for community social services. At least 60 days prior to publication of the proposed plan the county board shall publish the methods proposed to achieve citizen participation in the planning process. *The county board shall document the inclusion of information in the biennial plan from users of services in each of the groups identified in Minnesota Statutes 1982, section 256E.03, subdivision 2, and representatives of the users of services, as well as providers of services. The county board shall, in addition to providing for whatever other forms of public participation the board deems appropriate, hold at least one public hearing as part of the biennial planning process.*

Sec. 7. Minnesota Statutes 1982, 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 identified in section 256E.08, subdivision 1 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 the criteria used to determine whether services would be purchased*; and

(h) Methods whereby community social service programs will be monitored and evaluated by the county.

Sec. 8. Minnesota Statutes 1982, section 256E.12, is amended to read:

256E.12 [GRANTS FOR CHRONICALLY MENTALLY ILL PERSONS.]

Subdivision 1. The commissioner shall (ESTABLISH AN EXPERIMENTAL STATEWIDE PROGRAM TO) assist counties in providing services to chronically mentally ill persons. The



(COMMISSIONER) *counties* shall (MAKE GRANTS TO COUNTIES TO ESTABLISH,) operate *programs*, or (CONTRACT WITH) *authorize grants to private providers* to provide services designed to help chronically mentally ill persons remain and function in their own communities.

Subd. 2. To apply for a grant a (COUNTY BOARD) *provider* shall submit to the *county board* an application and budget for the use of the money in the form specified by the commissioner. The (COMMISSIONER) *county* shall make grants only to (COUNTIES) *providers* whose applications and budgets are approved by the commissioner. (A COUNTY RECEIVING A GRANT UNDER THIS SECTION SHALL FINANCE AT LEAST TEN PERCENT OF THE COST OF SERVICES FOR CHRONICALLY MENTALLY ILL PERSONS FROM LOCAL RESOURCES, WHICH MAY INCLUDE PRIVATE CONTRIBUTIONS AND FEDERAL MONEY.)

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 and permanent 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, 1983 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, 1983.)

Sec. 9. Minnesota Statutes 1982, section 260.38, is amended to read:

**260.38 [COST, PAYMENT.]**

In addition to the usual care and services given by public and private agencies, the necessary cost incurred by the commissioner of public welfare in providing care for such child shall be paid by the county committing such child (WHICH,) subject to uniform regulations established by the commissioner of public welfare (, MAY RECEIVE A REIMBURSEMENT NOT EXCEEDING ONE-HALF OF SUCH COSTS FROM FUNDS MADE AVAILABLE FOR THIS PURPOSE BY THE LEGISLATURE). Where such child is eligible to receive a grant of aid

to families with dependent children or supplemental security income for the aged, blind, and disabled, his needs shall be met through these programs.

**Sec. 10. [REPEALER.]**

*Minnesota Statutes 1982, section 245.87, is repealed.*

**Sec. 11. [EFFECTIVE DATE.]** *Sections 1 to 10 are effective January 1, 1984.*

Amend the title as follows:

Page 1, line 6, after "sections" insert "245.84, subdivision 2; 256E.03, subdivision 2; 256E.05, subdivision 3;"

Page 1, line 7, delete "and"

Page 1, line 7, after "9;" insert "256E.09, subdivisions 2 and 3; 256E.12; and 260.38;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jensen from the Committee on Transportation to which was referred:

H. F. No. 725, A bill for an act relating to transportation; classifying right-of-way appraisals as confidential data; regulating the conveyancing and leasing of certain rights-of-way; providing that the consideration to be paid upon reconveyance be equal to the estimated current market value of the property reconveyed; authorizing the acquisition of fee title under certain conditions; authorizing the lease of certain easements and providing for the distribution of rents; providing for the alteration of public drainage systems affecting trunk highways; authorizing fees for and the services of a licensed real estate broker for disposing of right-of-way; authorizing the commissioner to convey land to a utility under certain circumstances; amending Minnesota Statutes 1982, sections 13.50, subdivision 1; 161.202, subdivision 4; 161.241, subdivision 4; 161.28, subdivision 1; 161.43; 161.44, subdivisions 2 and 9, and by adding a subdivision; 161.46, subdivision 4; and proposing new law coded in Minnesota Statutes, chapter 161.

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. 727, A bill for an act memorializing the President and Congress of the United States to provide medical care for former members of the military forces who were exposed to atomic radiation in the course of their duties.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 730, A bill for an act relating to drivers licenses; prohibiting the operation of a motor vehicle in this state by either a resident or nonresident whose license has been revoked, suspended, or cancelled until Minnesota driving privileges are reinstated; amending Minnesota Statutes 1982, section 171.20, subdivision 2; repealing Minnesota Statutes 1982, section 171.181, subdivision 2.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 749, A bill for an act relating to the city of Fergus Falls; authorizing the city to issue general obligations to finance a solid waste disposal facility.

Reported the same back with the following amendments:

Page 1, line 12, after "buildings" delete "on it" and insert "thereon"

Page 2, line 10, at the end of the line, delete "a" and insert "the"

Page 2, line 22, after "when" insert "such"

Page 2, line 25, delete the period and insert "and"

Page 2, after line 28 insert:

"Sec. 3. [LEASES.]

*If the city awards contracts for the purchase and installation of solid waste disposal equipment prior to August 1, 1983 in accordance with Minnesota Statutes, section 471.345, and subsequent to such award determines to acquire such equipment by lease as provided in Minnesota Statutes, section 465.71, such award shall be deemed to comply with the provisions of sections 465.71 and 471.345."*

Renumber the sections accordingly

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 777, A bill for an act relating to Carver County; authorizing the county to finance sewage disposal systems on behalf of cities and towns in the county by the issuance of county general obligation bonds.

Reported the same back with the following amendments:

Page 1, line 8, before "DISPOSAL" insert "COUNTY"

Page 1, line 8, delete "IN CARVER COUNTY"

Page 1, after line 8, insert:

*"This act may apply to Carver County and Washington County."*

Page 1, line 9, delete "Carver" and insert "Each"

Page 1, line 20, delete "Carver"

Page 3, line 17, after "effective" insert "separately for each of the counties of Carver and Washington"

Page 3, line 17, after "by" delete "the" and insert "its"

Page 3, line 18, delete "of Carver County"

Amend the title as follows:

Page 1, line 2, delete "Carver County" and insert "local government"

Page 1, line 2, delete "the county" and insert "Carver and Washington counties"

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. 788, A bill for an act relating to economic development; creating the Minnesota enterprise fund; transferring certain powers from the department of energy, planning and development; naming the Minnesota small business finance agency an assignee of the rights of a state funded community development corporation; updating and rearranging the Minnesota area redevelopment act to reflect current practices; appropriating money; amending Minnesota Statutes 1982, sections 116J.62; 116J.65, by adding a subdivision; 116J.67, by adding a subdivision; 116J.88, subdivisions 4, 5, 6, 7, 8, and by adding subdivisions; 116J.89, subdivisions 1, 2, 7, 8, 10, and by adding subdivisions; 116J.90, subdivisions 2, 4, and 5; 116J.91, subdivisions 1, 4, 10, 11, 12, 14, 16, 19, and by adding a subdivision; 472.02, subdivisions 1 and 3; 472.03; 472.04, subdivisions 1 and 4; 472.06; 472.07; 472.08; 472.09; 472.12; 472.125; 472.13; 472.14; and 472.15; repealing Minnesota Statutes 1982, sections 116J.88, subdivision 3; 472.02, subdivision 2; 472.04, subdivisions 5 and 6; 472.05; 472.10; and 472.11.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 794, A bill for an act relating to the legislature; enacting the present legislative apportionment into statutory form with minor alterations; amending Minnesota Statutes 1982, sections 2.021; 2.031; proposing new law coded in Minnesota Statutes, chapter 2; and repealing Minnesota Statutes 1982, sections 2.041 to 2.712.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 796, A bill for an act relating to open space and recreation; authorizing the issuance of state bonds and expenditure of the proceeds to acquire and better regional recreation open space lands by the metropolitan council and metropolitan area local governmental units; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [OUTDOOR RECREATION BONDING.]

*To provide the money appropriated by 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 the amount of \$34,985,000 in the manner and upon terms prescribed by Minnesota Statutes, sections 16A.63 to 16A.671, and the Minnesota Constitution, article XI, sections 4 to 7.*

Sec. 2. [METROPOLITAN AREA RECREATION OPEN SPACE; APPROPRIATION FOR ACQUISITION AND DEVELOPMENT.]

*\$17,325,000 is appropriated from the state building fund to the state planning agency for payment to the metropolitan council established under Minnesota Statutes, section 473.123. The state planning agency shall transfer the amount to the metropolitan council upon receipt of a certified copy of a council resolution requesting payment. The appropriation shall be used to pay the cost of the acquisition and betterment by the metropolitan council and local governmental units of regional recreation open space in accordance with the council's policy plan as provided in Minnesota Statutes, sections 473.301 to 473.341, including relocation costs and tax equivalents required to be paid by Minnesota Statutes, sections 473.315 and 473.341. Of the amount appropriated by this section, the metropolitan council may expend no more than \$400,000 for staff and independent professional services necessary to acquire and better open space and for the performance of duties of the metropolitan council under this section.*

Sec. 3. [DEPARTMENT OF NATURAL RESOURCES; APPROPRIATION FOR ACQUISITION AND DEVELOPMENT.]

*The following sums are appropriated from the state building fund to the commissioner of natural resources to acquire and better public outdoor recreation lands and capital improvements:*

- (1) For acquisition of state parks and recreation areas, as listed and described in Minnesota Statutes, sections 85.012 and 85.013 . . . . . \$2,500,000
- (2) For betterment of state parks and recreation areas, as listed and described in Minnesota Statutes, sections 85.012 and 85.013 . . . . . \$3,450,000
- (3) For betterment of state trails and trails within state parks, and other units of the outdoor recreation system as defined in Minnesota Statutes, section 86A.05 . . . . . \$1,725,000
- (4) For acquisition of state forests listed and described in Minnesota Statutes, section 89.021 . . . . . \$ 470,000
- (5) For betterment of R. J. Dorer memorial forest described in Minnesota Statutes, section 89.021, subdivision 33 . . . . . \$ 230,000
- (6) For betterment of state forest recreation listed and described in Minnesota Statutes, section 89.021 . . . \$ 380,000
- (7) For betterment of state forest roads and bridges . . . . . \$1,150,000
- (8) For acquisition of fishing management lands including riparian rights and other interests therein needed for management of waters for primary wildlife use and benefit and for access to fishing waters pursuant to Minnesota Statutes, section 97.48, subdivisions 8, 11, and 15 . . . . . \$ 240,000
- (9) For acquisition of wildlife management areas pursuant to Minnesota Statutes, sections 97.48, subdivision 13, and 97.481, and wetlands under the water bank program pursuant to Minnesota Statutes, section 105.392 . . . . . \$4,090,000
- (10) For betterment of wildlife management areas, acquired pursuant to Minnesota Statutes, sections 97.48, subdivision 13, and 97.481 . . . . . \$ 575,000
- (11) For acquisition of natural and scientific areas designated pursuant to Minnesota Statutes, section 84.033 . . . . . \$ 400,000
- (12) For betterment of natural and scientific areas designated pursuant to Minnesota Statutes, section 84.033 . . . . . \$ 60,000

(13) For acquisition of wild, scenic, and recreational rivers, designated pursuant to sections 104.25 to 104.40, and canoe and boating routes, portages, and camp sites, as listed and described in Minnesota Statutes, section 85.32 . . . . . \$ 250,000

(14) For betterment of canoe and boating routes, portages, and camp sites as listed and described in Minnesota Statutes, section 85.32 . . . . . \$ 50,000

(15) For betterment of such public accesses to public waters pursuant to Minnesota Statutes, section 97.48, subdivision 15 . . . . . \$ 920,000

(16) For acquisition of such public accesses to public waters pursuant to Minnesota Statutes, section 97.48, subdivision 15 . . . . . \$1,180,000

Not more than 15 percent of the amount appropriated for any line item contained in this section shall be expended for staff and independent professional services in connection with that acquisition or betterment.

#### Sec. 4. [LAND ACQUISITION.]

Lands shall be acquired by the commissioner of administration upon request of the commissioner of natural resources and in accordance with policies established in Minnesota Statutes, sections 86A.01 to 86A.09. Those acquired for each unit of the outdoor recreation system shall be suited for the purpose of that unit and suited for management in accordance with the principles applicable to it. The commissioner of natural resources shall submit semiannual work progress reports to the legislative commission on Minnesota resources, in the form requested by the commission, and shall submit a work program to the commission and request its recommendation thereon before expending any funds appropriated by section 4 for any purpose. The commission's recommendation shall be advisory only. Failure to respond to a request within 60 days after receipt shall be deemed a negative recommendation.

Sec. 5. Minnesota Statutes 1982, section 473.147, subdivision 1, is amended to read:

Subdivision 1. The metropolitan council after consultation with the parks and open space commission, municipalities, park districts and counties in the metropolitan area, and after appropriate public hearings, shall prepare and adopt a long-range system policy plan for regional recreation open space as part of the council's metropolitan development guide. The plan shall substantially conform to all policy statements, purposes, goals, standards, and maps in development guide sections and comprehensive plans as developed and adopted by the council pursuant to the chapters of the Minnesota Statutes directly relating to the council. The policy plan shall identify generally the areas which



should be acquired by a public agency to provide a system of regional recreation open space comprising park district, county and municipal facilities which, together with state facilities, reasonably will meet the outdoor recreation needs of the people of the metropolitan area and shall establish priorities for acquisition and development. In preparing or amending the policy plan the council shall consult with and make maximum use of the expertise of the commission. The policy plan shall include a five year capital improvement program, which shall be revised periodically, and shall establish criteria and priorities for the allocation of funds for such acquisition and development. *The legislature in each bonding measure shall designate an anticipated level of funding for such acquisition and development for each of the two succeeding biennia.*

Sec. 6. [BOND SALES EXPENSES.]

*\$35,000 is appropriated to the commissioner of finance for bond sale expenses pursuant to Minnesota Statutes, section 16A.64, subdivision 4."*

Amend the title as follows:

Page 1, line 2, after "relating to" insert "parks,"

Page 1, line 6, after the semicolon insert "authorizing expenditures for acquisition and betterment of state parks, recreation areas, trails, forests, fishing management lands, wildlife management areas, natural and scientific areas, wild, scenic, and recreational rivers, canoe and boating routes, and public water access;"

Page 1, line 7, before the period insert "; amending Minnesota Statutes 1982, section 473.147, subdivision 1"

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.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 801, A bill for an act relating to financial institutions; authorizing electronic financial terminals at locations other than retail locations established by persons other than retailers; amending Minnesota Statutes 1982, sections 47.62, subdivision 1; and 47.64, subdivision 3; repealing Minnesota Statutes 1982, section 47.61, subdivision 5.

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 Judiciary to which was referred:

H. F. No. 804, A bill for an act relating to courts; providing for transcript fees in the second judicial district; amending Minnesota Statutes 1982, section 486.06; proposing new law coded in Minnesota Statutes, chapter 486.

Reported the same back with the following amendments:

Page 1, after line 10, insert "*Subdivision 1.* [FEE.]"

Page 1, line 11, delete "a"

Page 1, line 11, strike "salary" and insert "*the salary specified in section 486.05*"

Page 1, line 11, after "the" insert "*court*"

Page 1, line 13, after "per" insert "*original*"

Page 1, lines 16 and 17, strike the old language and delete the new language

Page 1, delete lines 18 to 25

Page 2, delete lines 1 and 2

Page 2, line 4, delete "*second*"

Amend the title as follows:

Page 1, lines 2 and 3, delete "in the second judicial district"

Page 1, line 4, delete "; proposing new law coded"

Page 1, line 5, delete everything before the period

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. 806, A bill for an act relating to vulnerable adults; refining the Vulnerable Adults Reporting Act; specifying reporting requirements; specifying access to reports; preventing record destruction; amending Minnesota Statutes 1982, section 626.557, subdivisions 2, 3, 4, 10, 12, 14, and by adding a subdivision; repealing Minnesota Statutes 1982, section 626.557, subdivision 12a.

Reported the same back with the following amendments:

Page 2, line 21, after "to" insert "609.223, 609.23, 609.231,"

Page 4, lines 13 and 17, delete "self-aggressive" and insert "self-abusive"

Page 6, line 4, strike "shall have"

Page 6, line 5, strike "the right to" and insert "may"

Page 6, line 10, after "facility" insert a new comma

Page 7, line 3, after "be" insert "accessible to the" and delete "as defined in" and insert "pursuant to"

Page 7, line 4, delete ", subdivision 1, and" and insert a new period

Page 7, line 4, before "shall" insert "It"

Page 7, line 6, before "a" insert "unless the report is found to be false;"

Page 7, lines 8, 11, and 12, delete the commas and insert semicolons

Page 7, line 9, delete "from personal interviews"

Page 7, line 10, delete "conducted by the agency and"

Page 7, line 17, delete "need" and insert "may" and after "or" insert ", to the extent possible, the"

Page 7, line 19, before "All" insert "During the licensing agency's investigation,"

Page 7, line 21, after the stricken "records" insert "classified as investigative data pursuant to section 13.19. After the licensing agency's investigation is complete, the data on individuals collected and maintained shall be private data on individuals. All data collected pursuant to this section"

Page 7, line 21, reinstate the stricken "shall be"

Page 7, line 23, strike "in"

Page 7, after line 30, insert:

*"Notwithstanding the provisions of section 138.163:*

*(1) All data maintained by licensing agencies, treatment facilities, or other public agencies which relate to reports which, upon investigation, the licensing agency finds to be false may be destroyed two years after the finding was made;*

*(2) All data maintained by licensing agencies, treatment facilities, or other public agencies which relate to reports which, upon investigation, the licensing agency finds to be unsubstantiated may be destroyed four years after the finding was made;*

*(3) All data maintained by licensing agencies, treatment facilities, or other public agencies which relate to reports which, upon investigation, the licensing agency finds to be substantiated may be destroyed seven years after the finding was made."*

Page 8, line 23, strike "as are"

Page 8, line 27, strike "clause" and insert "clauses"

Page 8, line 27, after "(2)" insert "and (b)(3),"

With the recommendation that when so amended the bill pass.

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 835, A bill for an act relating to Blue Earth County; providing for the taxation of the Rapidan Dam power generating facility.

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. 836, A bill for an act relating to the legislative reference library; permitting the library to require certain identifica-

tion of documents deposited; amending Minnesota Statutes 1982, sections 3.195; and 3.302, 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.

Jensen from the Committee on Transportation to which was referred:

H. F. No. 838, A bill for an act relating to transportation; conforming with federal requirements allowing a state authority to exercise jurisdiction over intrastate transportation provided by rail carrier; amending Minnesota Statutes 1982, sections 218.031, subdivision 1; 218.041, subdivision 2; and 218.071, subdivision 1.

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 Judiciary to which was referred:

H. F. No. 853, A bill for an act relating to the court system; removing obsolete references to justice of the peace and magistrate; amending Minnesota Statutes 1982, sections 72A.12, subdivision 5; 72A.30; 88.645; 88.78; 97.50, subdivisions 1 and 7; 115.32, subdivision 3; 127.09; 144.12, subdivision 1; 168.46; 169.42, subdivision 5; 169.91; 169.95; 169.965, subdivision 3; 169.966, subdivision 3; 169.971, subdivision 4; 171.08; 171.16, subdivision 1; 181.09; 181.17; 219.32; 219.97, subdivision 13; 290.58; 297A.42, subdivision 2; 299F.40, subdivision 5; 340.85, subdivision 2; 340.91; 345.02; 345.03; 345.14; 346.03; 346.04; 346.09, subdivision 1; 347.04; 351.03; 357.12; 357.16; 357.22; 357.27; 358.15; 359.061; 359.11; 361.27, subdivision 2; 365.52; 366.20; 367.11; 367.25, subdivision 1; 368.01, subdivision 20; 373.09; 390.15; 390.20; 390.31, subdivision 2; 390.33, subdivisions 2 and 6; 395.23; 412.02, subdivision 1; 412.021, subdivision 2; 412.023, subdivision 5; 412.111; 412.861, subdivision 3; 473.608, subdivision 17; 485.07; 488A.021, subdivision 4; 488A.09, subdivision 7; 488A.19, subdivision 5; 490.18; 492.02, subdivision 3; 509.04; 514.29; 514.34; 542.05; 549.03; 550.17; 571.50; 571.58; 571.64; 574.18; 574.20; 574.35; 588.01, subdivision 3; 593.21; 609.27, subdivision 1; 609.415, subdivision 1; 609.66, subdivision 1; 611.07, subdivision 1; 611.17; 611.18; 617.27; 624.62; 625.01; 625.02; 625.03; 625.04; 625.05; 625.06; 625.07; 625.08; 625.09; 625.10; 625.11; 625.12; 625.13; 625.14; 625.15; 625.17; 625.18; 626.04; 626.05, subdivision 1; 626.06; 626.09; 626.11; 626.14; 626.15; 626.17; 626.66; 629.03; 629.13; 629.14; 629.15; 629.16; 629.17; 629.18; 629.23, subdivision 3;

629.31; 629.36; 629.363; 629.364; 629.39; 629.401; 629.403; 629.41; 629.44; 629.45; 629.53; 629.54; 629.55; 629.60; 629.62; 630.17; 630.37; 631.04; 636.08; 641.07; 641.25; and 648.39, subdivisions 2 and 3; repealing Minnesota Statutes 1982, sections 357.14; 367.03, subdivision 4; 367.21; 388.02; 412.02, subdivision 5; 412.171; 487.01, subdivision 8; 488A.283; 488A.284; 492.02, subdivision 2; 542.15; 549.16; 599.21; 599.24; 609.46; 629.56; 629.66; and 629.71.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 857, A bill for an act relating to labor; establishing the job skills partnership; creating a board; appropriating money; proposing new law coded as Minnesota Statutes, chapter 116K.

Reported the same back with the following amendments:

Page 2, line 12, delete "*Preference will be*"

Page 2, delete lines 13 and 14 and insert "*A participating business must match the grant-in-aid made by the Minnesota job skills partnership. The match may be in the form of funding, equipment, or faculty.*"

Page 3, line 16, delete "*and*" and insert "*or*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 858, A bill for an act relating to veterans; clarifying eligibility for certain educational programs; standardize the definition of "veteran"; improve management of grant program; coordinate program with federal law; amending Minnesota Statutes 1982, section 197.75; proposing new law coded in Minnesota Statutes, chapter 197; repealing Minnesota Statutes 1982, sections 197.09; 197.10; and 197.11.

Reported the same back with the following amendments:

Page 5, after line 25, insert:

"Sec. 3. [APPROPRIATION.]

*The sum of \$20,000 is appropriated from the general fund to the commissioner of veterans affairs to be available until June 30, 1985 for the purpose of administering the agent orange information and assistance program."*

Page 5, line 30, delete "to" and insert ", 2, and"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, before "amending" insert "providing funds for the agent orange program; appropriating money;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 859, A bill for an act relating to the military; redefining categories of service; restricting state liability for workers' compensation claims, tort claims, and special compensation payments; clarifying applicability of state's uniform code of military justice; reenacting the authority of the adjutant general to repair regimental battle flags; amending Minnesota Statutes 1982, sections 3.732, subdivision 1; 176.011, subdivision 9; 190.05, subdivision 5, and by adding subdivisions; 192.38; 192A.015; and 192A.02, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 190.

Reported the same back with the following amendments:

Page 5, line 34, after "service" insert ", federally funded state active service,"

Page 6, line 3, after the first "service" insert "and federally funded state active service"

Page 6, after line 14, insert:

"Subd. 5b. "Federally funded state active service" means service or duty under United States Code, title 32, as amended through December 31, 1983, and travel to or from that service or duty.

Sec. 6. Minnesota Statutes 1982, section 190.05, is amended by adding a subdivision to read:"

Page 6, line 15, delete "5b" and insert "5c"

Page 6, line 15, before "means" insert "excludes federally funded state active service and"

Page 6, line 16, delete "or 32"

Renumber the sections in sequence

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 869, A bill for an act relating to Independent School District No. 709; providing for withdrawal of clerical workers from civil service; amending Laws 1967, chapter 252, section 2, as amended.

Reported the same back with the following amendments:

Page 1, line 17, delete everything after "workers"

Page 1, line 18, delete everything before the comma

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. 870, A bill for an act relating to state government; authorizing the commissioner of the department of economic security to adopt permanent or temporary rules; proposing new law coded in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1982, section 268.12, subdivision 3.

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. 882, A bill for an act relating to public welfare; permitting reimbursement under the medical assistance program for developmental achievement and semi-independent living services provided to certain mentally retarded and cerebral palsied persons; amending Minnesota Statutes 1982, sections 256B.02, subdivisions 7 and 8; and 256B.03, by adding subdivisions.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 252.24, subdivision 1, is amended to read:

Subdivision 1. [SELECTION OF DEVELOPMENTAL ACHIEVEMENT CENTERS.] The county board shall administer developmental achievement services, *including training and habilitation services provided by licensed developmental achievement centers to residents of intermediate care facilities for the mentally retarded.* The county board shall ensure that transportation is provided for persons who fulfill the eligibility requirements of section 252.23, clause (1), utilizing the most efficient and reasonable means available. The county board may contract for developmental achievement services and transportation from a center 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 developmental achievement services for mentally retarded and cerebral palsied persons within the appropriation *and medical assistance resources* 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 *and applicable federal regulations.*

Sec. 2. Minnesota Statutes 1982, section 252.28, is amended to read:

252.28 [COMMISSIONER OF PUBLIC WELFARE; DUTIES.]

Subdivision 1. The commissioner of public welfare (MAY) *shall determine, and may redetermine every fourth year,* the need, location, *size,* and program of public and private residential and day care facilities and services for mentally retarded children and adults.

Subd. 2. The commissioner of public welfare shall:

(1) Establish uniform rules, regulations and program standards for each type of residential and day facility or service for (MORE THAN FOUR) *mentally* retarded persons, including state institutions under control of the commissioner and serving mentally retarded persons.

(2) Grant licenses according to the provisions of Laws 1976, Chapter 243, Sections 2 to 13.

Subd. 3. (1) No new license shall be granted pursuant to this section when the issuance of the license would substantially contribute to an excessive concentration of community residential facilities within any town, municipality or county of the state.

(2) In determining whether a license shall be issued pursuant to this subdivision, the commissioner of public welfare shall specifically consider the population, size, land use plan, availability of community services and the number and size of existing public and private community residential facilities in the town, municipality or county in which a licensee seeks to operate a residence. Under no circumstances may the commissioner newly license any facility pursuant to this section except as provided in section 245.812. The commissioner of public welfare shall establish uniform rules and regulations to implement the provisions of this subdivision.

(3) Licenses for community facilities and services shall be issued pursuant to section 245.821.

*Subd. 4. The commissioner shall identify beds targeted for decertification, and shall encourage providers in voluntary decertification efforts. The commissioner shall not recommend to the commissioner of health the decertification of beds determined not to be needed for two years following the implementation of an approved home and community-based services waiver.*

Sec. 3. [252.291] [LIMITATION ON DETERMINATION OF NEED.]

*Subdivision 1. [MORATORIUM.] Notwithstanding section 252.28, subdivision 1, or any other law or rule to the contrary, the commissioner of public welfare shall deny any request for a determination of need and refuse to grant a license pursuant to section 245.782 for any new intermediate care facility for mentally retarded persons or for an increase in the licensed capacity of an existing facility except as provided in subdivision 2. In no event shall the total of certified intermediate care beds for mentally retarded persons in community facilities and state hospitals exceed 7,500 beds. "Certified bed" means an intermediate care bed for the mentally retarded certified by the commissioner of health for the purposes of the medical assistance program under United States Code, title 42, sections 1395 et seq. and 1396 et seq.*

*Subd. 2. [EXCEPTIONS.] The commissioner of public welfare in coordination with the commissioner of health may approve a new intermediate care facility for mentally retarded persons only in the following circumstances:*

*(a) when the facility is developed in accordance with a request for proposal system established pursuant to subdivision 3, clause (c), or*

*(b) when the facility is necessary to serve the needs of identifiable mentally retarded persons who are seriously behaviorally disordered or who are physically or sensorily impaired, or*

*(c) to license beds in new facilities where need was determined by the commissioner prior to the effective date of this section.*

*Subd. 3. [DUTIES OF COMMISSIONER.] The commissioner shall:*

*(a) establish standard admission criteria for state hospitals and county utilization targets to limit and reduce the number of intermediate care beds in state hospitals and community facilities in accordance with approved waivers under Title XIX of the Social Security Act to assure that appropriate services are provided in the least restrictive setting;*

*(b) eliminate state hospital beds by consolidating program units and closing other units as necessary to reduce costs and assure quality programming, provided that a staff redeployment plan is in place before the consolidation;*

*(c) provide technical assistance so that county boards may establish a request for proposal system for meeting individual service plan objectives through home and community-based services, alternative community services, or, if no other alternative will meet the needs of identifiable individuals for whom the county is financially responsible, a new intermediate care facility for mentally retarded persons; and*

*(d) establish a client tracking and evaluation system as required under applicable federal waiver regulations, Code of Federal Regulations, title 42, sections 431, 435, 440, and 441.*

*Subd. 4. [MONITORING.] The commissioner of public welfare, in coordination with the commissioner of health, shall implement mechanisms to monitor and analyze the effect of the bed moratorium in the different geographic areas of the state. The commissioner of public welfare shall submit to the legislature annually no later than January 15, an assessment of the impact of the moratorium by geographic areas.*

*Subd. 5. [RULEMAKING.] The commissioner of public welfare is authorized to adopt permanent and temporary rules to establish uniform rules to implement this section.*

*Subd. 6. [REPEALER.] The provisions of this section shall be repealed if the home and community-based waiver under the Social Security Act, Title XIX, Section 1915(c) is not approved by December 31, 1984.*

Sec. 4. Minnesota Statutes 1982, 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.

(2) Skilled nursing home services and services of intermediate care facilities, *including training and habilitation services for mentally retarded individuals residing in intermediate care facilities for the mentally retarded.*

(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.

(8) Dental services, excluding cast metal restorations.

(9) Laboratory and x-ray services.

(10) The following if prescribed by a licensed practitioner: drugs, eyeglasses, dentures, and prosthetic devices. The commissioner shall designate a formulary committee which shall advise the commissioner on the names of drugs for which payment shall be made, recommend a system for reimbursing providers on a set fee or charge basis rather than the present system, and develop methods encouraging use of generic drugs when they are less expensive and equally effective as trademark drugs. The commissioner shall appoint the formulary committee members no later than 30 days following July 1, 1981. The formulary committee shall consist of nine members, four of whom shall be physicians who are not employed by the department of public welfare, and a majority of whose practice is for persons paying privately or through health insurance, three of

whom shall be pharmacists who are not employed by the department of public welfare, and a majority of whose practice is for persons paying privately or through health insurance, a consumer representative, and a nursing home representative. Committee members shall serve two year terms and shall serve without compensation. The commissioner may establish a drug formulary. Its establishment and publication shall not be subject to the requirements of the administrative procedure act, but the formulary committee shall review and comment on the formulary contents. The formulary shall not include: drugs for which there is no federal funding; over the counter drugs, except for antacids, acetaminophen, family planning products, aspirin, insulin, prenatal vitamins, and vitamins for children under the age of seven; nutritional products; anorectics; and drugs for which medical value has not been established. Payment to drug vendors shall not be modified before the formulary is established. The commissioner may promulgate conditions for prohibiting payment for specific drugs after considering the formulary committee's recommendations.

The basis for determining the amount of payment shall be the actual acquisition costs of the drugs plus a fixed dispensing fee established by the commissioner. Actual acquisition cost includes quantity and other special discounts except time and cash discounts. Establishment of this fee shall not be subject to the requirements of the administrative procedure act. Whenever a generically equivalent product is available, payment shall be on the basis of the actual acquisition cost of the generic drug, unless the prescriber specifically indicates "dispense as written" on the prescription as required by section 151.21, subdivision 2.

Notwithstanding the above provisions, implementation of any change in the fixed dispensing fee which has not been subject to the administrative procedure act shall be limited to not more than 180 days, unless, during that time, the commissioner shall have initiated rulemaking through the administrative procedure act.

- (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.
- (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) Any other medical or remedial care licensed and recognized under state law unless otherwise prohibited by law.

*(17) Home and community-based services provided under an approved service plan of care for persons who, without the services, would, as determined through case management screening, require institutional care in an intermediate care facility for mentally retarded.*

Sec. 5. [256B.092] [CASE MANAGEMENT OF MENTALLY RETARDED PERSONS.]

*Subdivision 1. [COUNTY OF FINANCIAL RESPONSIBILITY, DUTIES.] Before any services shall be rendered to mentally retarded persons in need of social service and medical assistance, the county of financial responsibility shall conduct a diagnosis in order to determine whether the person is or may be mentally retarded. If a client is diagnosed mentally retarded, that county must conduct a need assessment, develop an individual service plan, and authorize placement for services. If the county of financial responsibility places a client in another county for services, the placement shall be made in cooperation with the host county of service, and arrangements shall be made*

between the two counties for ongoing social service, including annual reviews of the client's individual service plan. The host county may not make changes in the service plan without approval by the county of financial responsibility.

*Subd. 2. [MEDICAL ASSISTANCE.] To assure quality case management to those county clients who are eligible for medical assistance, the commissioner shall: (a) provide consultation on the case management process; (b) assist county agencies in the screening and annual reviews of clients to assure that appropriate levels of service are provided; (c) provide consultation on service planning and development of services with appropriate options; (d) provide training and technical assistance to county case managers; and (e) authorize payment for medical assistance services.*

*Subd. 3. [TERMINATION OF SERVICES.] County agency case managers, under rules of the commissioner, shall authorize and terminate services of community and state hospital providers in accordance with individual service plans. Services not needed shall not be authorized by county agencies nor funded by the commissioner.*

*Subd. 4. [ALTERNATIVE HOME AND COMMUNITY-BASED SERVICES.] The commissioner shall make payments to county boards participating in the medical assistance program to pay costs of providing alternative home and community-based services to medical assistance eligible mentally retarded persons screened under subdivision 7. Payment is available under this subdivision only for: persons who, if not provided these services, would require the level of care provided in an intermediate care facility for mentally retarded persons.*

*Subd. 5. [FEDERAL WAIVERS.] The commissioner shall apply for any federal waivers necessary to secure, to the extent allowed by law, federal financial participation under Title XIX of the Social Security Act, for the provision of services to persons who, in the absence of the services, would need the level of care provided in a state hospital or a community intermediate care facility for mentally retarded persons. The commissioner may seek amendments to the waivers or apply for additional waivers under Title XIX of the Social Security Act to contain costs. The commissioner shall ensure that grants for payment for the cost of providing home and community-based alternative services under the federal waiver plan shall not exceed the cost of intermediate care services that would have been provided without the waived services.*

*Subd. 6. [RULES.] The commissioner shall adopt temporary rules to establish required controls, documentation, and reporting of services provided in order to assure proper administration of the approved waiver plan.*

*Subd. 7. [SCREENING TEAMS ESTABLISHED.] Each county agency shall establish a screening team which, under the direction of the county case manager, shall make an evaluation of need for home or community-based services of persons who are entitled to the level of care provided by an intermediate care facility for mentally retarded persons or for whom there is a reasonable indication that they might need the services in the near future. The screening team shall consist of the case manager, the client, a parent or guardian, a qualified mental retardation professional (as defined in the Code of Federal Regulations, title 42, section 442.401) assigned by the commissioner. The case manager shall consult with the client's physician or other persons as necessary to make this evaluation. Other persons may be invited to attend meetings of the screening team. No member of the screening team shall have any direct or indirect financial interest or service provider interest in the case.*

*Subd. 8. [SCREENING TEAM DUTIES.] The screening team shall:*

- (a) review diagnostic data;*
- (b) review health, social, and developmental assessment data;*
- (c) identify the level of services needed to maintain the person in the most normal and least restrictive setting that is consistent with treatment needs;*
- (d) identify other noninstitutional public assistance or social service that may prevent or delay long-term residential placement;*
- (e) determine whether a client is in serious need of long-term residential care;*
- (f) make recommendations to the county board and the commissioner regarding placement and payment for (1) social service or public assistance support to maintain a client in the client's own home or other place of residence, (2) training and habilitation service, vocational rehabilitation, employment training activities, (3) community residential placement, (4) state hospital placement, or (5) a home and community-based alternative to (3) or (4);*
- (g) make recommendations to the court as may be needed to assist the court in making commitments of mentally retarded persons; and*
- (h) inform clients that appeal may be made to the commissioner pursuant to section 256.045.*



Sec. 6. [256B.50] [RATES FOR COMMUNITY-BASED SERVICES FOR THE MENTALLY RETARDED.]

*Subdivision 1. [DEFINITIONS.] (1) For the purposes of this section, the following terms have the meaning given them.*

*(2) "Commissioner" means the commissioner of public welfare.*

*(3) "Facility" means a facility licensed as a mental retardation residential facility under section 252.28, licensed as a supervised living facility under chapter 144A, and certified as an intermediate care facility for the mentally retarded.*

*(4) A "waivered service" means a home for community-based service authorized under the Social Security Act, Title XIX, section 1915(c), and defined in the Minnesota state plan for the provision of medical assistance services. Waivered services include, at a minimum, case management, family training and support, developmental training homes, supervised living arrangements, semi-independent living services, respite care and training and habilitation services.*

*(5) "Training and habilitation services" are those health and social services needed to insure optimal functioning of persons who are mentally retarded or have related conditions. Training and habilitation services shall be provided by an organization which is separate from the organization which provides the residential services.*

*Subd. 2. [AUTHORITY.] The commissioner shall establish procedures and rules for determining rates for care of residents of intermediate care facilities for the mentally retarded which qualify as vendors of medical assistance, waivered services, and for provision of training and habilitation services. Approved rates shall be established on the basis of methods and standards that the commissioner finds adequate to provide for the costs that must be incurred for the quality care of residents in efficiently and economically operated facilities and services. The procedures shall specify the costs that are allowable for payment through medical assistance. The commissioner may use experts from outside the department in the establishment of the procedures.*

*Subd. 3. [RATES FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED.] In establishing rates for care of residents in intermediate care facilities for mentally retarded persons the commissioner shall consider the recommendations contained in the February 11, 1983 report of the legislative auditor on community residential programs for the mentally retarded and the recommendations contained in the 1982 report of the department of public welfare rule 52 task force.*

*Subd. 4. [WAIVERED SERVICES.] In establishing rates for waived services the commissioner shall consider the need for flexibility in the provision of those services to meet individual needs identified by the screening team.*

*Subd. 5. [TRAINING AND HABILITATION SERVICES.] (a) Except as provided in subdivision 6, rates for training and habilitation services provided by a developmental achievement center either as a waived service or to residents of an intermediate care facility for mentally retarded persons shall be established and paid in accordance with this subdivision.*

*(b) Prior to July 1, 1983, the county board shall submit to the commissioner for approval a per diem rate for each developmental achievement center it administers pursuant to section 252.24, subdivision 1, for the period from July 1, 1983, through December 31, 1983, which shall be the rate established for that developmental achievement center for 1983 or 106 percent of the 1982 per diem rate, whichever is lesser.*

*(c) The base per diem rate established July 1, 1983, may be increased by the county in subsequent calendar years in an amount up to the percentage increase allowed by the legislature in per diem charges made by intermediate care facilities for mentally retarded persons.*

*(d) The county board in which an intermediate care facility for mentally retarded persons is located shall contract annually with that facility and with the appropriate developmental achievement center for provision of training and habilitation services for each resident of the facility for whom the services are required by the resident's individual service plan. This contract shall specify the payment rate, the training and habilitation services to be provided, and the performance standards for program provision. A similar contract shall be entered into between the county and the developmental achievement center for persons receiving training and habilitation services from that center as a waived service.*

*(e) The commissioner shall reimburse up to 210 days of training and habilitation services at developmental achievement centers which provided less than or equal to that amount in calendar year 1982. For developmental achievement centers providing more than 210 days of service in 1982, the commissioner shall not pay in excess of the number of days provided by those programs in 1982.*

*(f) Medical assistance payments for training and habilitation service shall be made to the county board financially responsible for the client. The developmental achievement center shall submit invoices to the medical assistance program following procedures established by the medical assistance program.*

*Subd. 6. [NEW DEVELOPMENTAL ACHIEVEMENT PROGRAMS, RATES.] The commissioner upon the recommendation of the local county board shall determine the rate for new developmental achievement programs. The payment rate shall not exceed 125 percent of the average payment rate in the region.*

*Subd. 7. [ALTERNATIVE RATES FOR TRAINING AND HABILITATION SERVICES.] Alternative methods may be proposed by the counties or the commissioner for provision of training and habilitation services during daytime hours apart from a residential facility to persons for whom needs identified in their individual service plan are not met by the training and habilitation services provided at a developmental achievement center. The commissioner shall establish procedures for approval of the proposals and for payment of reasonable rates which shall not exceed the average rate allowed in that county for training and habilitation services pursuant to subdivision 5. Nothing in this subdivision prohibits a county from contracting with a developmental achievement center such purposes.*

*Subd. 8. [PAYMENT FOR PERSONS WITH SPECIAL NEEDS.] The commissioner shall establish by December 31, 1983, procedures to be followed by the counties to seek authorization from the commissioner for payment for waived services or training and habilitation services for very dependent persons with special needs in an amount in excess of the rates allowed pursuant to subdivisions 2, 4, 5, and 6 and procedures to be followed for rate limitation exemptions for intermediate care facilities for mentally retarded persons. No excess payment or limitation exemption shall be authorized unless the need for the service is documented in the individual service plan of the person or persons to be served, the type and duration of the services needed are stated, and there is a reasonable basis for estimated cost of the services.*

*The commissioner shall evaluate the services provided pursuant to this subdivision through program and fiscal audits.*

*Subd. 9. [REPORTING REQUIREMENTS.] The developmental achievement center shall submit to the county and the commissioner no later than March 31 of each year an annual report which includes the actual program revenues and expenditures, client information, and program information. The information shall be submitted on forms prescribed by the commissioner.*

*Subd. 10. [TEMPORARY RULES.] To implement subdivisions 1 to 9, the commissioner shall adopt temporary and permanent rules in accordance with chapter 14.*

**Sec. 7. [FEDERAL REQUIREMENTS.]**

*If any provision of sections 3, 4, 5, or 6 is determined by the United States government to be in conflict with existing or future requirements of the United States government with respect to federal participation in medical assistance, the federal requirements shall prevail.*

Sec. 8. Minnesota Statutes 1982, section 256E.06, is amended by adding a subdivision to read:

*Subd. 2a. [STATE TRANSFER OF FUNDS.] Notwithstanding subdivisions 1 and 2 the commissioner is authorized to transfer, prior to distribution of state aids to the counties, up to \$16,000,000 from the biennial appropriation beginning July 1, 1983, to the medical assistance state account to fund training and habilitation services provided to residents of intermediate care facilities for mentally retarded persons as required by federal regulations. Upon federal approval of the state plan, county boards will not be responsible for the funding of developmental achievement center services as a social service to intermediate care facilities for mentally retarded residents. County board responsibility for the services shall be assumed under section 256B.20. County boards continue to be responsible for funding developmental achievement center services for those persons not covered under the Title XIX medical assistance program.*

Sec. 9. [APPROPRIATION.]

*Up to \$400,000 is appropriated from the general fund to the department of public welfare to match federal money available for costs establishing a client information system and positions needed to administer the mental retardation program. Up to 15 line item positions are authorized for the implementation of provisions of the case management plan, the home and community-based services waiver program, assisting county agencies in screening of clients for medical assistance services, technical assistance in developing community-based alternatives, and management of the mental retardation medical assistance program.*

Sec. 10. [EFFECTIVE DATE.]

*Sections 1 to 7 are effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to public welfare; establishing limitation on the number of beds in the state program for mentally retarded persons; establishing reimbursement rates for residential and training and habilitation services; transferring certain appropriations to medical assistance; establishing case management services and screening teams; amending Minnesota

Statutes 1982, sections 252.24, subdivision 1; 252.28; 256B.02, subdivision 8; and 256E.06, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 252 and 256B."

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. 903, A bill for an act relating to insurance; removing obsolete statutory provisions regulating assessment benefit associations; repealing Minnesota Statutes 1982, sections 63.01 to 63.35.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 909, A bill for an act relating to the range association of municipalities and schools; defining its permitted area; amending Minnesota Statutes 1982, section 471.58.

Reported the same back with the following amendments:

Page 1, line 23, strike "; provided, that in cities, towns or"

Page 1, strike lines 24 and 25

Page 2, strike line 1

Page 2, line 2, strike "inhabitants, such dues shall not exceed the sum of \$250"

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. 953, A bill for an act relating to the city of Silver Bay; authorizing the establishment of detached banking facilities.

Reported the same back with the recommendation that 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. 977, A bill for an act relating to liquor; authorizing the city of Farmington to issue a club on-sale license to an Eagles Club.

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. 987, A bill for an act relating to public utilities; providing for additional investment authority of bond proceeds; amending Minnesota Statutes 1982, section 216B.49, 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.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 995, A bill for an act relating to intoxicating liquor; authorizing Clearwater County to issue an off-sale license in Itasca Township.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Voss from the Committee on Energy to which was referred:

H. F. No. 996, A bill for an act relating to the city of St. Paul; authorizing the Port Authority of St. Paul to acquire and operate a district heating system.

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. 1089, A bill for an act relating to economic development; creating the world trade center commission; appropriating money.

Reported the same back with the following amendments:

Page 1, line 15, delete "*serve without*" and insert "*be compensated as provided in section 15.059, subdivision 3.*"

Page 1, delete line 16

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Government Operations.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

S. F. No. 44, A bill for an act relating to child support; allowing courts to order support for certain individuals attending secondary school; amending Minnesota Statutes 1982, section 518.54, subdivision 2.

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:

House Resolution No. 4, A house resolution congratulating the Future Farmers of America on their work and accomplishments.

Reported the same back with the following amendments:

Page 1, line 7, delete "groups" and insert "chapters"

With the recommendation that when so amended the resolution be adopted.

The report was adopted.

**SECOND READING OF HOUSE BILLS**

H. F. Nos. 102, 161, 254, 332, 344, 375, 380, 390, 490, 507, 513, 519, 520, 537, 582, 592, 598, 606, 643, 657, 672, 685, 725, 727, 730, 749, 777, 794, 801, 804, 806, 835, 836, 838, 853, 859, 869, 870, 903, 909, 953, 977, 987, 995 and 996 were read for the second time.

**SECOND READING OF SENATE BILLS**

S. F. No. 44 was read for the second time.

**INTRODUCTION AND FIRST READING  
OF HOUSE BILLS**

The following House Files were introduced:

Rose introduced:

H. F. No. 1123, A bill for an act relating to crimes; including conservation officers as peace officers authorized to enforce the crime of fleeing a peace officer and related laws; amending Minnesota Statutes 1982, section 65B.605, subdivision 2, and 609.487, subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Cohen introduced:

H. F. No. 1124, A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted, and obsolete references and text; eliminating certain redundant, conflicting, and superseded provisions; providing instructions to the revisor; amending Minnesota Statutes 1982, sections 10A.275; 10A.31, subdivision 2; 10A.32, subdivision 3b; 10A.335; 11A.24, subdivision 6; 15.06, subdivision 1; 16.861, subdivision 3; 17A.06, subdivision 3; 32.212; 32.213; 35.251; 43A.18, subdivision 5; 45.16, subdivision 2; 48.605, subdivision 1; 60A.07, subdivision 8; 60A.17, subdivision 7a; 93.20, subdivision 9; 98.46, subdivision 16; 100.27, subdivision 9; 112.85, subdivision 2; 116D.05; 116G.03, subdivision 5; 116J.70, subdivision 2a; 120.80, subdivision 1; 120.81, subdivision 1; 121.904, subdivision 11b; 168.021, subdivision 2; 169.451; 169.974, subdivision 2; 169.974, subdivision 6; 169.99, subdivision 1; 171.131, subdivision 2; 179.70, subdivision 1; 238.04, subdivision 2; 244.09, subdivision 1; 252A.13, subdivision 2; 253B.19, subdivision 5; 256.871, subdivision 7; 256.976, subdivision 4; 260.185, subdivision 1; 260.193, subdivision 6; 268.18, subdivision 2; 273.13, subdivisions 6 and 7d; 275.125, subdivision 1; 282.38, subdivisions 1 and 2;



290.012, subdivision 2; 297.02, subdivision 5; 298.28, subdivision 1; 326.241, subdivision 1; 327B.01, subdivisions 11 and 14; 327B.04, subdivision 4; 327B.05, subdivision 1; 327B.09, subdivision 1; 340.069; 354.532, subdivision 4; 363.03, subdivision 10; 367.41, subdivisions 1 and 5; 367.42, subdivision 1; 375B.01; 381.12, subdivision 2; 383A.35; 398A.01, subdivision 8; 462.355, subdivision 4; 462.36, subdivision 1; 462.445, subdivision 14; 462C.04, subdivision 2; 474.03; 508A.46; 515A.1-102; 518.24; and 525.619; amending Laws 1982, chapter 581, section 18, subdivision 4; and Laws 1982, Third Special Session chapter 1, article II, section 7; repealing Minnesota Statutes 1982, section 609.01, subdivision 2; repealing Laws 1976, chapters 2, section 62; and 173, section 53; Laws 1981, chapter 224, section 18; Laws 1982, chapters 416, section 1; 424, sections 3 and 8; and 642, section 8.

The bill was read for the first time and referred to the Committee on Judiciary.

Osthoff, Minne, Olsen, Pauly and Wynia introduced:

H. F. No. 1125, A bill for an act relating to taxation; adopting certain federal changes in the dependent care credit; amending Minnesota Statutes 1982, section 290.067, subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Taxes.

Knuth introduced:

H. F. No. 1126, A bill for an act relating to retirement; authorizing the purchase of allowable service credit in the Minnesota state retirement system by a certain member.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Brinkman and Schreiber introduced:

H. F. No. 1127, A bill for an act relating to taxation; income; repealing the unitary method of apportioning the income of multistate businesses; amending Minnesota Statutes 1982, sections 290.095, subdivision 3; 290.17, subdivision 2; 290.21, subdivision 4; 290.34, subdivision 2; repealing Minnesota Statutes 1982, section 290.06, subdivision 15; Laws 1982, chapter 523, article XXIX, section 6.

The bill was read for the first time and referred to the Committee on Taxes.

O'Connor, Wenzel, Schreiber, McEachern and Vanasek introduced:

H. F. No. 1128, A bill for an act relating to the operation of state government; establishing a division of legal services for the University of Minnesota in the office of the attorney general; proposing new law coded in Minnesota Statutes, chapter 8.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Gustafson, Berkelman, Murphy and Mann introduced:

H. F. No. 1129, A bill for an act relating to commerce; providing for the filing and recording of mortgages and deeds of trust of pipeline companies; amending Minnesota Statutes 1982, section 300.115.

The bill was read for the first time and referred to the Committee on Judiciary.

Jacobs introduced:

H. F. No. 1130, A bill for an act relating to motor vehicles; clarifying requirements for issuance of a Minnesota identification card; amending Minnesota Statutes 1982, section 171.07, subdivision 3.

The bill was read for the first time and referred to the Committee on Transportation.

Olsen introduced:

H. F. No. 1131, A bill for an act relating to the environment; establishing an environmental response, compensation, and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, and economic loss resulting from releases of hazardous substances; imposing taxes, fees, and penalties; establishing a hazardous substance compensation trust account; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; repealing Minnesota Statutes 1982, section 115A.24, subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Gustafson, Sarna and Kelly introduced:

H. F. No. 1132, A bill for an act relating to peace officers; restricting the use of sirens, red lights, uniforms of certain colors, and the term "police"; proposing new law coded in Minnesota Statutes, chapter 626; repealing Minnesota Statutes 1982, section 626.88.

The bill was read for the first time and referred to the Committee on Judiciary.

Brinkman, Stadum and Heap introduced:

H. F. No. 1133, A bill for an act relating to labor; providing for occupational health and safety; providing for an employee right to know; protecting trade secrets; providing penalties; amending Minnesota Statutes 1982, section 182.651, by adding subdivisions; 182.653, by adding subdivisions; 182.658; 182.66, subdivision 1; 182.661; 182.663, subdivisions 2 and 5; 182.664, subdivisions 3 and 5; 182.666; 182.667, subdivision 2; and 182.668.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Segal, Wynia and Piper introduced:

H. F. No. 1134, A bill for an act relating to education; requiring multi-cultural and sex equity education programs in all school districts; creating an advisory committee; appropriating money; proposing new law coded in Minnesota Statutes, chapter 126.

The bill was read for the first time and referred to the Committee on Education.

Schafer; Anderson, B., and Olsen introduced:

H. F. No. 1135, A bill for an act relating to education; authorizing the establishment of associated school districts; providing for transition relative to school board members and outstanding indebtedness; amending Minnesota Statutes 1982, sections 120.02, by adding a subdivision; 122.02; 122.41; 122.43, subdivision 1; 122.531; 122.532; 122.533; and 123.33, subdivision 1; 275.125, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 123.

The bill was read for the first time and referred to the Committee on Education.

Marsh and Gruenes introduced:

H. F. No. 1136, A bill for an act relating to crimes; exempting participants in supervised research programs from arrest for certain driving violations; amending Minnesota Statutes 1982, section 169.121, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Otis, Kelly, Evans, Brandl and Redalen introduced:

H. F. No. 1137, A bill for an act relating to taxation; providing an income tax credit for employers who create new permanent jobs; proposing new law coded in Minnesota Statutes, chapter 290.

The bill was read for the first time and referred to the Committee on Taxes.

Riveness and Swanson introduced:

H. F. No. 1138, A bill for an act relating to local government; permitting certain land transfers by the metropolitan sports facilities commission; amending Minnesota Statutes 1982, section 458.195, subdivision 5; and 473.556, subdivision 6.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Blatz; Battaglia; Munger; Nelson, D., and Ludeman introduced:

H. F. No. 1139, A bill for an act relating to game and fish; authorizing reciprocity with Wisconsin in the purchase and sale of annual fishing licenses; proposing new law coded in Minnesota Statutes, chapter 98.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Rodosovich, Hoffman, Graba and Frerichs introduced:

H. F. No. 1140, A bill for an act relating to traffic regulations; regulating school buses; amending Minnesota Statutes 1982, sections 169.01, subdivision 6; 169.44, subdivision 8; and 169.45.

The bill was read for the first time and referred to the Committee on Transportation.

Berkelman, Gustafson, Munger and Murphy introduced:

H. F. No. 1141, A bill for an act relating to the cities of Duluth and Hermantown; providing for joint determination of the need for ambulance service.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Minne, Osthoff, Elioff, Ogren and Kostohryz introduced:

H. F. No. 1142, A bill for an act relating to elections; providing for school district elections to be held at the same time as municipal elections; providing for municipal clerks to administer school district elections; providing for school district elections to be conducted according to the Minnesota election law; amending Minnesota Statutes 1982, sections 122.25, subdivision 2; 123.32, subdivisions 9 and 23; 123.33, subdivision 4; 123.351, subdivisions 1 and 3; 123.51; 128.01; 200.015; 200.02, by adding a subdivision; 201.071, subdivision 1, and by adding a subdivision; 203B.05, subdivision 2; 203B.06, subdivision 3; 204B.02; 204B.14, by adding a subdivision; 204B.16, subdivision 1; 204B.18, subdivision 2; 204B.35, subdivision 1; 204B.40; 204C.02; 204C.19, subdivision 2; 204C.25; 204C.27; 204C.28, by adding a subdivision; 204C.36; 209.02, subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, chapters 206 and 210A; proposing new law coded as Minnesota Statutes, chapter 205A; repealing Minnesota Statutes 1982, sections 123.015; 123.11, subdivisions 2, 3, and 4; 123.32, subdivisions 1, 1a, 2, 3, 4, 5, 6, 7, 8, 8a, 11, 22, 24, 25, 26, 27, and 28; and 201.095.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Battaglia, Rose, Neuenschwander, Tunheim and Sparby introduced:

H. F. No. 1143, A bill for an act relating to natural resources; strengthening certain laws regarding the transportation of wild animals; amending Minnesota Statutes 1982, section 97.45, subdivisions 1, 4, 5, 6, 7, and 12.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Simoneau, Pauly and Coleman introduced:

H F. No. 1144, A bill for an act relating to workers' compensation; regulating elections of coverage; amending Minnesota Statutes 1982, section 176.012.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Elioff, Begich, Battaglia, Minne and Vanasek introduced:

H. F. No. 1145, A bill for an act relating to firearms; extending the length of time a permit to carry is valid; amending Minnesota Statutes 1982, section 624.714, subdivision 7.

The bill was read for the first time and referred to the Committee on Judiciary.

Battaglia, Neuenschwander, Begich, Solberg and Elioff introduced:

H. F. No. 1146, A bill for an act relating to forestry; formulating a state forest land preservation and conservation policy; imposing duties on state agencies in actions adversely affecting forest lands; removing dollar and term limits on state timber permits; extending certain timber permits; authorizing limited excess weights for timber transport vehicles; removing the exclusive use requirement from timber lands for property taxation purposes; amending Minnesota Statutes 1982, sections 14.11, by adding a subdivision; 90.101, subdivision 1; 90.151, subdivision 1; 169.825, by adding a subdivision; 273.13, subdivision 8a; and Laws 1981, chapter 305, section 11, as amended; proposing new law coded in Minnesota Statutes, chapter 88.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Riveness and Swanson introduced:

H. F. No. 1147, A bill for an act relating to local government; permitting the cities of Richfield and Bloomington to implement an energy conservation program; authorizing the financing of a residential energy conservation program; authorizing the issuance of qualified mortgage bonds; requiring a report to the legislature.

The bill was read for the first time and referred to the Committee on Energy.

Sparby, Valan, Eken, Vanasek and Metzen introduced:

H. F. No. 1148, A bill for an act relating to motor vehicles; establishing special license plates for personal vehicles of emergency personnel; amending Minnesota Statutes 1982, section 168.12, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Clawson, Ellingson, Jacobs and Halberg introduced:

H. F. No. 1149, A bill for an act relating to liens; right of possession and liens on fabrication molds and patterns; amending Minnesota Statutes 1982, section 514.19.

The bill was read for the first time and referred to the Committee on Judiciary.

Sherman, Sieben, Jennings, Eken and Kostohryz introduced:

H. F. No. 1150, A bill for an act relating to the state seal; providing a description of the official state seal; proposing new law coded in Minnesota Statutes, chapter 1.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Quist introduced:

H. F. No. 1151, A bill for an act relating to state lands; providing for the conveyance of certain state land to the city of St. Peter for use as a roadway.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Wynia, Quinn, Skoglund and Haukoos introduced:

H. F. No. 1152, A bill for an act relating to insurance; providing the right to convert from group dental insurance to individual dental insurance under certain circumstances; proposing new law coded in Minnesota Statutes, chapter 62A.

The bill was read for the first time and referred to the Committee on Appropriations.

Simoneau introduced:

H. F. No. 1153, A bill for an act relating to Anoka County; authorizing the issuance of bonds for the construction of library buildings and an annual levy for debt retirement.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Piper introduced:

H. F. No. 1154, A bill for an act relating to energy; data reporting; definition of "earth sheltered"; biennial energy reports; certificate of need fees; amending Minnesota Statutes 1982, sections 13.68, subdivision 1; 116J.06, subdivision 2; 116J.18, subdivision 1; and 116J.28, subdivision 6.

The bill was read for the first time and referred to the Committee on Energy.

Brinkman, Gustafson, Swanson, Levi and Forsythe introduced:

H. F. No. 1155, A bill for an an act relating to commerce; providing for the testing of the ambient air level of formaldehyde in housing; providing approved testing methods; establishing the limits of liability for builders; amending Minnesota Statutes 1982, section 325F.18, by adding subdivisions; repealing Minnesota Statutes 1982, section 325F.18, subdivision 5.

The bill was read for the first time and referred to the Committee on Energy.

Cohen introduced:

H. F. No. 1156, A bill for an act relating to the revisor of statutes; recodifying the laws governing the office of the revisor of statutes and the publication of Minnesota Statutes; amending Minnesota Statutes 1982, sections 15.18; 16.02, subdivision 24; 60B.01, subdivision 1; 336.1-101; 480.057; 524.1-101; and 609.01, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 645; proposing new law coded as Minnesota Statutes, chapter 3C; repealing Minnesota Statutes 1982, chapters 482 and 648.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.



Carlson, D., introduced:

H. F. No. 1157, A bill for an act relating to the city of McGrath; permitting the city to make an additional property tax levy.

The bill was read for the first time and referred to the Committee on Taxes.

Wenzel and Sieben introduced:

H. F. No. 1158, A resolution memorializing the President, Congress, and certain executive agencies to distribute federal education grants and aids on the basis of population.

The bill was read for the first time and referred to the Committee on Education.

Murphy and Battaglia introduced:

H. F. No. 1159, A bill for an act relating to counties; providing conditions for the publication of county accounts; amending Minnesota Statutes 1982, section 375.17.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Bergstrom, Eken, Schoenfeld and Anderson, G., introduced:

H. F. No. 1160, A bill for an act relating to homesteads; creating an extended forbearance loan guarantee program; authorizing the state to guarantee loans to forestall foreclosures of mortgages and terminations of contracts for deed on certain residential and agricultural homesteads; giving certain powers and duties to the department of agriculture and the Minnesota housing finance agency; creating extended forbearance loan guarantee funds; appropriating money; proposing new law coded as Minnesota Statutes, chapter 583.

The bill was read for the first time and referred to the Committee on Energy.

Nelson, D.; Heinitz; Anderson, G.; Hoffman and Clawson introduced:

H. F. No. 1161, A bill for an act relating to metropolitan government; providing for the term of the chairman of the metropolitan airports commission; amending Minnesota Statutes 1982, section 473.604, subdivision 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Norton and Osthoff introduced:

H. F. No. 1162, A bill for an act relating to local government; providing for the development of University Avenue in the cities of Minneapolis and St. Paul; creating a commission to develop and implement transit, housing, and economic development projects; appropriating money.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Gustafson, Berkelman and Mann introduced:

H. F. No. 1163, A bill for an act relating to agriculture; excluding pipeline companies from certain restrictions on acquisition of agricultural land; amending Minnesota Statutes 1982, section 500.221, subdivision 2.

The bill was read for the first time and referred to the Committee on Agriculture.

Sarna, Halberg, Sieben, Simoneau and Wigley introduced:

H. F. No. 1164, A bill for an act relating to employee relations; requiring the commissioner to allow the donation of vacation time by highway patrol employees; amending Minnesota Statutes 1982, section 43A.04, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Hoberg and Valan introduced:

H. F. No. 1165, A bill for an act relating to local government; authorizing the city of Moorhead to impose 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.

Valan introduced:

H. F. No. 1166, A bill for an act relating to Independent School District No. 147; authorizing a transfer of money to the district's general fund from other district funds.

The bill was read for the first time and referred to the Committee on Education.

Anderson, B., introduced:

H. F. No. 1167, A bill for an act relating to highway traffic regulations; prohibiting the sale, possession, installation, or operation of radar jamming devices with certain exceptions; providing for seizure by peace officers; prescribing a penalty; proposing new law coded in Minnesota Statutes, chapter 169.

The bill was read for the first time and referred to the Committee on Judiciary.

Bergstrom, Welch and McEachern introduced:

H. F. No. 1168, A bill for an act relating to public welfare; increasing the maximum licensing fee that may be charged under the public welfare licensing act; exempting the department of public welfare from the definition of a "business license"; amending Minnesota Statutes 1982, sections 116J.70, subdivision 2a; and 245.811.

The bill was read for the first time and referred to the Committee on Appropriations.

Schreiber, Tomlinson, Scheid, Valento and Dempsey introduced:

H. F. No. 1169, A bill for an act relating to taxation; property; changing the meeting dates for local boards of review and the state board of equalization; changing other miscellaneous dates; modifying the appeal process in certain situations; suspending the yearly assessment requirement for one year; amending Minnesota Statutes 1982, sections 270.11, subdivisions 1 and 2; 270.12, subdivisions 2, 3, and by adding a subdivision; 270.13; 270.87; 271.01, subdivision 5; 271.21, subdivision 4; 273.01; 273.33, subdivision 2; 273.37, subdivision 2; 274.01, subdivision 1; 274.14; 274.16; and 275.07, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Clark, K., introduced:

H. F. No. 1170, A resolution memorializing the President and Congress of the United States to reduce defense spending.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Otis and Tomlinson introduced:

H. F. No. 1171, A bill for an act relating to taxation; clarifying the income tax treatment of certain debt obligations of state and local governments; amending Minnesota Statutes 1982, sections 80A.09, subdivision 1; 115A.69, subdivision 6; 116A.25; 116J.89, subdivision 6; 136.32; 136A.179; 136A.39; 193.146, subdivision 4; 272.02, subdivision 1; 362A.07; 447.35; 447.49; 458A.05, subdivision 6; 462.551; 462A.19, subdivision 1; 472.09, subdivision 4; 473.448; and 473.545; repealing Minnesota Statutes 1982, sections 116J.89, subdivision 7; 462A.19, subdivision 2; and 474.12.

The bill was read for the first time and referred to the Committee on Taxes.

Bishop introduced:

H. F. No. 1172, A bill for an act relating to statutes; conforming certain laws to judicial decisions of unconstitutionality; amending Minnesota Statutes 1982, sections 65B.51, subdivision 1; 154.03; and 573.01.

The bill was read for the first time and referred to the Committee on Judiciary.

Anderson, B., introduced:

H. F. No. 1173, A bill for an act relating to agriculture; providing for the prevention of economic waste in the marketing of certain agricultural crops produced in Minnesota by establishing minimum prices; providing for supply management and orderly marketing, administration, and enforcement; imposing 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.

#### HOUSE ADVISORIES

The following House Advisory was introduced:

Stadum, Heinitz, Metzen, Valan and Brinkman introduced:

H. A. No. 9, A proposal to study interest rates on open-end credit sales in Minnesota.

The advisory was referred to the Committee on Financial Institutions and Insurance.

## 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. 468, A bill for an act relating to education; authorizing the commissioner to approve one additional application for the part-time teaching program for fiscal year 1982 under certain conditions.

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. 316, A bill for an act relating to insurance; accident and health; extending the period of time during which group coverage is in force for terminated employees who elect this coverage; amending Minnesota Statutes 1982, section 62A.17, subdivisions 2 and 5.

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. 624, A bill for an act relating to retirement; highway patrol; restating the definition of average monthly salary; amending Minnesota Statutes 1982, section 352B.08, subdivision 2.

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. 9, A Senate Concurrent Resolution relating to Joint Rules; adopting permanent joint rules of the Senate and House of Representatives.

PATRICK E. FLAHAVEN, Secretary of the Senate

Eken moved that the rules be so far suspended that the message from the Senate and Senate Concurrent Resolution No. 9, relating to the Joint Rules of the Senate and House of Representatives, lay over one day and be printed in the Journal of the House for today. The motion prevailed.

#### SENATE CONCURRENT RESOLUTION NO. 9

A Senate concurrent resolution relating to joint rules; adopting permanent joint rules of the Senate and House of Representatives.

*Be It Resolved*, by the Senate of the State of Minnesota, the House of Representatives concurring therein:

The Joint Rules of the Senate and House of Representatives for the 73rd Legislature shall read as follows:

### JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES

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## ARTICLE I: JOINT CONVENTIONS

## 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 confine 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, 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. 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 last day the Legislature can meet in regular session [May 3, 1983], 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 odd-numbered years, committee reports on bills favorably acted upon by a committee in the house of origin after the (FIFTH) *sixth* Friday prior to the last Friday on which the Legislature can meet in regular session [April (15) 8, 1983], and committee reports on bills originating in the other house favorably acted upon by a committee after *the Monday before* the third Friday prior to the last Friday on which the Legislature can meet in regular session [April (29) 25, 1983] 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 the earlier date and by the later date set by this paragraph acts on a bill that is a companion to a bill that has met the 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 the last Thursday on which the Legislature can meet in regular session [May 19, 1983]. After the last Friday on which the Legislature can meet in regular session [May 20, 1983], neither house shall act on bills other than those contained in:

- (1) Reports of Conference Committees;

- (2) Messages from the other house;
- (3) Reports of the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House; or
- (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 respective 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. 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 after the last Thursday on which the Legislature can meet in regular session in odd-numbered years [May 19, 1983], 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 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.

## MESSAGES FROM THE SENATE, Continued

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. 26, A bill for an act relating to commerce; consumer protection; requiring the repair, refund, or replacement of new motor vehicles under certain circumstances; proposing new law coded in Minnesota Statutes, chapter 325F.

PATRICK E. FLAHAVEN, Secretary of the Senate

Begich moved that the House refuse to concur in the Senate amendments to H. F. No. 26, 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 Senate Files, herewith transmitted:

S. F. Nos. 87, 356, 369 and 854.

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. 708.

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. 246.

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. 218.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 87, A bill for an act relating to public welfare; requiring reporting of abuse or neglect of children; exempting determinations of eligibility for day care and foster care licenses from application of the Minnesota criminal offenders rehabilitation law; requiring arrest information and reports to be made available to the commissioner of public welfare for the purpose of investigating applicants for a day care or residential facility

license; establishing the burden of proof in certain appeals; providing for appointment of guardianship of children whose parents are deceased; clarifying investigative authority of welfare agencies in making mandated investigations of physical or sexual abuse and neglect; amending Minnesota Statutes 1982, sections 245.783, subdivision 3; 245.801, subdivision 4; 260.011, subdivision 2; 260.242, subdivision 2, and by adding a subdivision; 364.09; and 626.556, subdivisions 2, 4, 7, and 10.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 356, A bill for an act relating to driver's licenses; requiring examination of applicants' knowledge of the effects of alcohol and drugs on drivers; amending Minnesota Statutes 1982, section 171.13, subdivision 1.

The bill was read for the first time.

Gustafson moved that S. F. No. 356 and H. F. No. 344, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 369, A bill for an act relating to local government; providing for the investment of debt service funds; amending Minnesota Statutes 1982, section 475.66, subdivision 3.

The bill was read for the first time.

Cohen moved that S. F. No. 369 and H. F. No. 603, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 854, A bill for an act relating to commerce; providing for the filing and recording of mortgages and deeds of trust of pipeline companies; amending Minnesota Statutes 1982, section 300.115.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 708, A bill for an act relating to the court system; removing obsolete references to justice of the peace and magistrate; amending Minnesota Statutes 1982, sections 72A.12, subdivision 5; 72A.30; 88.645; 97.50, subdivisions 1 and 7; 115.32, subdivision 3; 127.09; 127.17, subdivision 4; 144.12, subdivision 1; 168.46; 169.42, subdivision 5; 169.91; 169.95; 169.965, subdivision 3; 169.966, subdivision 3; 169.971, subdivision 4; 171.08; 171.16, subdivision 1; 181.09; 181.17; 219.32; 219.97, subdivision 13; 290.58; 297A.42, subdivision 2; 299F.40, subdivision 5; 340.85, subdivision 2; 340.91; 345.02; 345.03; 345.04; 345.05;



345.06; 345.14; 346.03; 346.04; 346.09, subdivision 1 347.04; 347.05; 347.06; 357.12; 357.16; 357.22; 357.27; 357.29; 358.15; 359.061; 359.11; 361.27, subdivision 2; 365.52; 366.20; 367.11; 367.25, subdivision 1; 368.01, subdivision 20; 373.09; 375.24; 390.15; 390.20; 390.31, subdivision 2; 390.33, subdivisions 2 and 6; 395.23; 412.02, subdivision 1; 412.021, subdivision 2; 412.023, subdivision 5; 412.111; 412.861, subdivision 3; 473.608, subdivision 17; 485.07; 488A.021, subdivision 4; 488A.09, subdivision 7; 488A.19, subdivision 5; 490.18; 509.04; 514.29; 514.34; 542.09; 549.03; 550.17; 571.50; 571.58; 571.65; 574.20; 574.35; 588.01, subdivision 3; 588.02; 593.21; 609.27, subdivision 1; 609.415, subdivision 1; 609.66, subdivision 1; 611.07, subdivision 1; 611.17; 617.27; 624.62; 625.01; 625.02; 625.03; 625.04; 625.05; 625.06; 625.07; 625.08; 625.09; 625.10; 625.11; 625.12; 625.13; 625.14; 625.15; 625.17; 625.18; 626.04; 626.05, subdivision 1; 626.06; 626.09; 626.11; 626.14; 626.15; 626.17; 626.66; 629.03; 629.13; 629.14; 629.15; 629.16; 629.17; 629.18; 629.23, subdivision 3; 629.31; 629.36; 629.363; 629.364; 629.39; 629.401; 629.403; 629.41; 629.44; 629.45; 629.53; 629.54; 629.55; 629.60; 629.62; 630.17; 630.37; 631.04; 636.08; 641.07; 641.25; and 648.39, subdivision 3; repealing Minnesota Statutes 1982, sections 357.14; 357.15; 367.03, subdivision 4; 367.21; 388.02; 412.02, subdivision 5; 412.171; 487.01, subdivision 8; 488A.283; 488A.284; 492.02, subdivision 2; 542.15; 549.16; 599.21; 599.22; 599.23; 609.46; 629.56; 629.66; and 629.71.

The bill was read for the first time.

Clawson moved that S. F. No. 708 and H. F. No. 853, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 246, A bill for an act relating to elections; reducing the filing fee for candidates for soil and water conservation supervisor; amending Minnesota Statutes 1982, section 204B.11, subdivision 1.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

S. F. No. 218, A bill for an act relating to commitment of persons who are mentally ill, mentally retarded, or mentally ill and dangerous; requiring mental commitment proceedings for persons acquitted of a criminal charge pursuant to a verdict of not guilty by reason of mental illness or not guilty by reason of mental deficiency to be held in the court in which acquittal took place; modifying the burden of going forward with the evidence on the issues of mental illness, mental retardation, and mental illness and dangerousness in certain cases; amending Minnesota Statutes 1982, sections 253B.02, subdivision 4, and by adding subdivisions; 253B.07, subdivisions 1, 2, 3, and 7, and by adding a subdivision; 253B.08, subdivision 7; 253B.12,

subdivision 4; 253B.18, subdivision 1; 253B.19, subdivision 1; 253B.21, subdivision 5; and 253B.23, subdivision 7.

The bill was read for the first time and referred to the Committee on Judiciary.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 26:

Begich, Sarna and Marsh.

#### CONSENT CALENDAR

S. F. No. 552, A bill for an act relating to corrections; clarifying the duties of the clerk of court with respect to preparation of necessary commitment papers when a person is sentenced for a felony or gross misdemeanor to the custody of the commissioner of corrections or to the superintendent of a work house or work farm; amending Minnesota Statutes 1982, section 243.49.

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:

Anderson, B.	Ellingson	Kelly	Pauly	Solberg
Anderson, G.	Erickson	Knickerbocker	Peterson	Sparby
Anderson, R.	Evans	Knuth	Piepho	Stadum
Battaglia	Findlay	Kostohryz	Piper	Swiggum
Beard	Fjoslien	Krueger	Price	Swanson
Begich	Forsythe	Kvam	Quinn	Thiede
Bennett	Frerichs	Larsen	Quist	Tomlinson
Bergstrom	Graba	Levi	Redalen	Tunheim
Berkelman	Greenfield	Long	Reif	Uphus
Bishop	Gruenes	Ludeman	Rice	Valan
Blatz	Gustafson	Mann	Riveness	Valento
Brinkman	Gutknecht	Marsh	Rodriguez, C.	Vanasek
Burger	Halberg	McDonald	Rodriguez, F.	Vellenga
Carlson, D.	Haukoos	McEachern	Rose	Voss
Carlson, L.	Heinitz	McKasy	Sarna	Waltman
Clark, J.	Himle	Metzen	Schafer	Welch
Clark, K.	Hoberg	Minne	Scheid	Welker
Clawson	Hoffman	Murphy	Schoenfeld	Welle
Cohen	Hokr	Nelson, D.	Seaberg	Wenzel
Coleman	Jacobs	Neuenschwander	Segal	Zaffke
Dempsey	Jennings	Norton	Shaver	Speaker Sieben
DenOuden	Jensen	O'Connor	Shea	
Dimler	Johnson	Olsen	Sherman	
Eken	Kahn	Onnen	Simoneau	
Elioff	Kalis	Osthoff	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 389, A bill for an act relating to drivers licenses; requiring a licensee to add birth date to the signature; amending Minnesota Statutes 1982, section 171.07, 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:

Anderson, B.	Ellingson	Knickerbocker	Pauly	Solberg
Anderson, G.	Erickson	Knuth	Peterson	Sparby
Anderson, R.	Evans	Kostohryz	Piepho	Stadum
Battaglia	Findlay	Krueger	Piper	Sviggum
Beard	Fjoslien	Kvam	Price	Swanson
Begich	Forsythe	Larsen	Quinn	Thiede
Bennett	Frerichs	Levi	Quist	Tomlinson
Bergstrom	Graba	Long	Redalen	Tunheim
Berkelman	Greenfield	Ludeman	Reif	Uphus
Bishop	Gruenes	Mann	Rice	Valan
Blatz	Gustafson	Marsh	Rivness	Valento
Brandl	Gutknecht	McDonald	Rodriguez, C.	Vanasek
Brinkman	Halberg	McEachern	Rodriguez, F.	Vellenga
Burger	Haukoos	McKasy	Rose	Voss
Carlson, D.	Heinitz	Metzen	St. Onge	Waltman
Carlson, L.	Himle	Minne	Sarna	Welch
Clark, J.	Hoberg	Murphy	Schafer	Welker
Clark, K.	Hoffman	Nelson, D.	Scheid	Welle
Clawson	Hokr	Neuenschwander	Schoenfeld	Wenzel
Cohen	Jacobs	Norton	Seaberg	Wigley
Coleman	Jennings	O'Connor	Segal	Wynia
Dempsey	Jensen	Ogren	Shaver	Zaffke
DenOnden	Johnson	Olsen	Shea	Speaker Sieben
Dimler	Kahn	Onnen	Sherman	
Eken	Kalis	Osthoff	Simoneau	
Elioff	Kelly	Otis	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 409, A bill for an act relating to liquor; restrictions upon joint purchases and volume discounts at wholesale; amending Minnesota Statutes 1982, section 340.408; and 340.983.

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 11 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Anderson, R.	Beard	Bennett	Berkelman
Anderson, G.	Battaglia	Begich	Bergstrom	Bishop

Blatz	Greenfield	Levi	Price	Solberg
Brandl	Gruenes	Long	Quinn	Sparby
Brinkman	Gustafson	Mann	Quist	Sviggum
Burger	Gutknecht	Marsh	Redalen	Swanson
Carlson, D.	Halberg	McEachern	Reif	Tomlinson
Carlson, L.	Haukoos	McKasy	Rice	Tunheim
Clark, J.	Himle	Metzen	Rodosovich	Uphus
Clark, K.	Hoberg	Minne	Rodriguez, C.	Vanasek
Clawson	Hoffman	Murphy	Rodriguez, F.	Vellenga
Cohen	Jacobs	Nelson, D.	Rose	Voss
Coleman	Jensen	Neuenschwander	St. Onge	Waltman
Dempsey	Johnson	Norton	Sarna	Welch
Dimler	Kahn	O'Connor	Scheid	Welle
Eken	Kalis	Ogren	Schoenfeld	Wenzel
Elioff	Kelly	Olsen	Schreiber	Wigley
Ellingson	Knickerbocker	Onnen	Seaberg	Wynia
Evans	Knuth	Osthoff	Segal	Speaker Sieben
Findlay	Kostohryz	Otis	Shaver	
Fjoslien	Krueger	Peterson	Shea	
Forsythe	Kvam	Piepho	Sherman	
Graba	Larsen	Piper	Simoneau	

Those who voted in the negative were:

DenOuden	Jennings	Schafer	Welker	Zaffke
Erickson	Ludeman	Thiede		
Heinitz	McDonald	Valento		

The bill was passed and its title agreed to.

H. F. No. 508, A bill for an act relating to insurance; homeowner's; requiring notices of cancellation to be written in easily readable and understandable language; amending Minnesota Statutes 1982, section 65A.29, 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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Clark, K.	Greenfield	Kelly	Murphy
Anderson, G.	Clawson	Gruenes	Knickerbocker	Nelson, D.
Anderson, R.	Cohen	Gustafson	Knuth	Neuenschwander
Battaglia	Coleman	Gutknecht	Kostohryz	Norton
Beard	Dempsey	Halberg	Krueger	O'Connor
Begich	DenOuden	Haukoos	Kvam	Ogren
Bennett	Dimler	Heinitz	Larsen	Olsen
Bergstrom	Eken	Himle	Levi	Onnen
Berkelman	Elioff	Hoberg	Long	Osthoff
Bishop	Ellingson	Hoffman	Ludeman	Otis
Blatz	Erickson	Hokr	Mann	Pauly
Brandl	Evans	Jacobs	Marsh	Peterson
Brinkman	Findlay	Jennings	McDonald	Piepho
Burger	Fjoslien	Jensen	McEachern	Piper
Carlson, D.	Forsythe	Johnson	McKasy	Price
Carlson, L.	Frerichs	Kahn	Metzen	Quinn
Clark, J.	Graba	Kalis	Minne	Quist

Redalen	Sarna	Sherman	Tunheim	Welker
Reif	Schafer	Skoglund	Uphus	Welle
Rice	Scheid	Solberg	Valan	Wenzel
Riveness	Schoenfeld	Sparby	Valento	Wigley
Rodosovich	Schreiber	Stadum	Vanasek	Wynia
Rodriguez, C.	Seaberg	Sviggum	Vellenga	Zaffke
Rodriguez, F.	Segal	Swanson	Voss	Speaker Sieben
Rose	Shaver	Thiede	Waltman	
St. Onge	Shea	Tomlinson	Welch	

The bill was passed and its title agreed to.

**H. F. No. 567, A bill for an act relating to St. Louis County; providing that the county board set the fees for tax search certificates; amending Laws 1955, chapter 633, 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 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Knuth	Peterson	Skoglund
Anderson, G.	Erickson	Kostohryz	Piepho	Solberg
Anderson, R.	Evans	Krueger	Piper	Sparby
Battaglia	Findlay	Kvam	Price	Stadum
Beard	Fjoslien	Larsen	Quinn	Sviggum
Begich	Forsythe	Levi	Quist	Swanson
Bennett	Frerichs	Long	Redalen	Thiede
Bergstrom	Graba	Ludeman	Reif	Tomlinson
Berkelman	Greenfield	Mann	Rice	Tunheim
Bishop	Gruenes	Marsh	Riveness	Uphus
Blatz	Gustafson	McDonald	Rodosovich	Valan
Brandl	Gutknecht	McEachern	Rodriguez, C.	Valento
Brinkman	Halberg	McKasy	Rodriguez, F.	Vanasek
Burger	Haukoos	Metzen	Rose	Vellenga
Carlson, D.	Heinitz	Minne	St. Onge	Waltman
Carlson, L.	Himle	Murphy	Sarna	Welch
Clark, J.	Hoberg	Neuenschwander	Schafer	Welker
Clark, K.	Hoffman	Norton	Scheid	Welle
Clawson	Hokr	O'Connor	Schoenfeld	Wenzel
Cohen	Jacobs	Ogren	Schreiber	Wigley
Coleman	Jennings	Olsen	Seaberg	Wynia
Dempsey	Jensen	Omann	Segal	Zaffke
DenOuden	Johnson	Onnen	Shaver	Speaker Sieben
Dimler	Kalis	Osthoff	Shea	
Eken	Kelly	Otis	Sherman	
Elioff	Knickerbocker	Pauly	Simoneau	

The bill was passed and its title agreed to.

**H. F. No. 769, A bill for an act relating to metropolitan government; extending the time for design selection for noise suppression equipment at the international airport; amending Minnesota Statutes 1982, section 473.608, subdivision 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 125 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Kelly	Osthoff	Sherman
Anderson, G.	Erickson	Knickerbocker	Otis	Simoneau
Anderson, R.	Evans	Kostohryz	Pauly	Skoglund
Battaglia	Findlay	Krueger	Peterson	Solberg
Beard	Fjoslien	Kvam	Piepho	Sparby
Begich	Forsythe	Larsen	Piper	Stadum
Bennett	Frerichs	Levi	Price	Sviggum
Bergstrom	Graba	Long	Quist	Swanson
Berkelman	Greenfield	Ludeman	Redalen	Tomlinson
Bishop	Gruenes	Mann	Reif	Tunheim
Blatz	Gustafson	Marsh	Rice	Uphus
Brandl	Gutknecht	McDonald	Riveness	Valan
Brinkman	Halberg	McEachern	Rodosovich	Valento
Burger	Haukoos	McKasy	Rodriguez, C.	Vanasek
Carlson, D.	Heinitz	Metzen	Rodriguez, F.	Vellenga
Carlson, L.	Himlc	Minne	Rose	Voss
Clark, J.	Hoberg	Murphy	St. Onge	Waltman
Clark, K.	Hoffman	Nelson, D.	Sarna	Welch
Clawson	Hokr	Neuenschwander	Schafer	Welker
Cohen	Jacobs	Norton	Scheid	Welle
Coleman	Jennings	O'Connor	Schoenfeld	Wenzel
Dempsey	Jensen	Ogren	Schreiber	Wigley
Dimler	Johnson	Olsen	Segal	Wynia
Eken	Kahn	Omann	Shaver	Zaffke
Elioff	Kalis	Onnen	Shea	Speaker Sieben

Those who voted in the negative were:

Knuth            Seaberg

The bill was passed and its title agreed to.

H. F. No. 904 was reported to the House.

Anderson, G., moved that H. F. No. 904 be continued one day. The motion prevailed.

## CALENDAR

H. F. No. 588, A bill for an act relating to the North Suburban Hospital District; providing for adjustment of terms of office; changing filing dates for candidates for the hospital board.

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:

Anderson, B.	Ellingson	Knickerbocker	Osthoff	Sherman
Anderson, G.	Erickson	Knuth	Otis	Simoneau
Anderson, R.	Evans	Kostohryz	Pauly	Skoglund
Battaglia	Findlay	Krueger	Peterson	Solberg
Beard	Fjoslien	Kvam	Piepho	Sparby
Begich	Forsythe	Larsen	Piper	Stadum
Bennett	Frerichs	Levi	Price	Sviggum
Bergstrom	Graba	Long	Quist	Swanson
Berkelman	Greenfield	Ludeman	Redalen	Tomlinson
Bishop	Gruenes	Mann	Reif	Tunheim
Blatz	Gustafson	Marsh	Rice	Uphus
Brandl	Gutknecht	McDonald	Riveness	Valan
Brinkman	Halberg	McEachern	Rodosovich	Valento
Burger	Haukoos	McKasy	Rodriguez, C.	Vanasek
Carlson, D.	Heinitz	Metzen	Rodriguez, F.	Vellenga
Carlson, L.	Himle	Minne	Rose	Voss
Clark, J.	Hoberg	Murphy	St. Onge	Waltman
Clark, K.	Hoffman	Nelson, D.	Sarna	Welch
Clawson	Hokr	Neuenschwander	Schafer	Welker
Cohen	Jacobs	Norton	Scheid	Welle
Coleman	Jennings	O'Connor	Schoenfeld	Wenzel
Dempsey	Jensen	Ogren	Schreiber	Wigley
DenOuden	Johnson	Olsen	Seaberg	Wynia
Eken	Kalis	Omann	Segal	Zaffke
Elioff	Kelly	Onnen	Shea	Speaker Sieben

The bill was passed and its title agreed to.

S. F. No. 233, A bill for an act relating to probate; requiring annual reports on the personal well-being of wards or conservatees; amending Minnesota Statutes 1982, section 525.58, 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 126 yeas and 2 nays as follows:

## Those who voted in the affirmative were:

Anderson, B.	Clawson	Gustafson	Kostohryz	Ogren
Anderson, G.	Cohen	Gutknecht	Krueger	Olsen
Anderson, R.	Coleman	Halberg	Kvam	Omann
Battaglia	Dempsey	Haukoos	Larsen	Onnen
Beard	DenOuden	Heinitz	Levi	Osthoff
Begich	Dimler	Himle	Long	Otis
Bennett	Eken	Hoberg	Ludeman	Pauly
Bergstrom	Elioff	Hoffman	Mann	Peterson
Berkelman	Ellingson	Hokr	Marsh	Piepho
Bishop	Erickson	Jacobs	McDonald	Piper
Blatz	Evans	Jennings	McKasy	Price
Brandl	Findlay	Jensen	Metzen	Quist
Brinkman	Fjoslien	Johnson	Minne	Redalen
Burger	Forsythe	Kahn	Murphy	Reif
Carlson, D.	Frerichs	Kalis	Nelson, D.	Rice
Carlson, L.	Graba	Kelly	Neuenschwander	Riveness
Clark, J.	Greenfield	Knickerbocker	Norton	Rodosovich
Clark, K.	Gruenes	Knuth	O'Connor	Rodriguez, C.

Rodriguez, F.	Seaberg	Stadum	Valento	Wigley
Rose	Segal	Sviggum	Vanasek	Wynia
St. Onge	Shea	Swanson	Vellenga	Zaffke
Sarna	Sherman	Thiede	Voss	Speaker Sieben
Schafer	Simoneau	Tomlinson	Waltman	
Scheid	Skoglund	Tunheim	Welch	
Schoenfeld	Solberg	Uphus	Welle	
Schreiber	Sparby	Valan	Wenzel	

Those who voted in the negative were:

McEachern      Welker

The bill was passed and its title agreed to.

H. F. No. 189, A bill for an act relating to energy; requiring certain conservation investments by regulated utilities; amending Minnesota Statutes 1982, sections 116J.09; 116J.18, subdivision 1a; 216A.07, subdivision 3; 216B.03; 216B.16, subdivision 1; and 216B.241, subdivisions 1, 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 76 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eken	Mann	Quist	Solberg
Anderson, C.	Elioff	McEachern	Redalen	Sparby
Battaglia	Ellingson	McKasy	Rice	Swanson
Beard	Greenfield	Metzen	Riveness	Tomlinson
Begich	Gustafson	Minne	Rodosovich	Tunheim
Bergstrom	Halberg	Murphy	Rodriguez, C.	Vanasek
Berkelman	Himle	Nelson, D.	Rodriguez, F.	Voss
Brandl	Hoffman	Neuenschwander	Rose	Welch
Brinkman	Jacobs	Norton	St. Onge	Welle
Burger	Jensen	O'Connor	Sarna	Wenzel
Carlson, L.	Kahn	Ogren	Scheid	Wynia
Clark, J.	Kelly	Osthoff	Schoenfeld	Speaker Sieben
Clark, K.	Knuth	Otis	Segal	
Clawson	Kostohryz	Peterson	Shea	
Cohen	Larsen	Piper	Simoneau	
Coleman	Long	Price	Skoglund	

Those who voted in the negative were:

Anderson, R.	Fjoslien	Johnson	Onnen	Thiede
Bennett	Forsythe	Kalis	Pauly	Uphus
Bishop	Graba	Knickerbocker	Piepho	Valan
Carlson, D.	Gruenes	Krueger	Schafer	Valento
Dempsey	Gutknecht	Kvam	Schreiber	Waltman
DenOuden	Haukoos	Levi	Seaberg	Welker
Dimler	Heinitz	Ludeman	Shaver	Wigley
Erickson	Hoberg	Marsh	Sherman	Zaffke
Evans	Hokr	McDonald	Stadum	
Findlay	Jennings	Olsen	Sviggum	

The bill was passed and its title agreed to.



S. F. No. 101, A bill for an act relating to the city of St. Paul; providing for the reinstatement of St. Paul policeman's pension fund benefits in certain circumstances; amending Laws 1955, chapter 151, section 13, 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 121 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Knuth	Peterson	Sparby
Anderson, C.	Erickson	Kostohryz	Piepho	Stadum
Anderson, R.	Evans	Krueger	Piper	Sviggum
Battaglia	Findlay	Kvam	Price	Swanson
Beard	Fjoslien	Larsen	Quist	Thiede
Begich	Forsythe	Levi	Redalen	Tomlinson
Bennett	Graba	Long	Reif	Tunheim
Bergstrom	Greenfield	Ludeman	Rice	Uphus
Berkelman	Gruenes	Mann	Riveness	Valan
Bishop	Gustafson	Marsh	Rodosovich	Valento
Blatz	Halberg	McDonald	Rodriguez, C.	Vanasek
Brandl	Haukoos	McKasy	Rose	Voss
Brinkman	Heinitz	Metzen	St. Onge	Waltman
Burger	Himle	Minne	Schafer	Welch
Carlson, D.	Hoberg	Murphy	Scheid	Welker
Carlson, L.	Hoffman	Nelson, D.	Schoenfeld	Welle
Clark, J.	Hokr	Neuenschwander	Schreiber	Wenzel
Clark, K.	Jacobs	Norton	Seaberg	Wigley
Clawson	Jennings	O'Connor	Segal	Wynia
Cohen	Jensen	Ogren	Shaver	Zaffke
Coleman	Johnson	Olsen	Shea	Speaker Sieben
Dempsey	Kahn	Omann	Sherman	
Dimler	Kahis	Onnen	Simoneau	
Eken	Kelly	Osthoff	Skoglund	
Elioff	Knickerbocker	Otis	Solberg	

Those who voted in the negative were:

DenOuden      Gutknecht

The bill was passed and its title agreed to.

H. F. No. 482, A bill for an act relating to open meetings; requiring availability of certain materials; prescribing penalties; amending Minnesota Statutes 1982, 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 78 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Findlay	McEachern	Price	Simoneau
Beard	Fjoslien	Metzen	Quinn	Skoglund
Bennett	Forsythe	Minne	Reif	Sparby
Bergstrom	Greenfield	Murphy	Rice	Swanson
Berkelman	Gustafson	Nelson, D.	Riveness	Tomlinson
Blatz	Hoffman	Neuenschwander	Rodosovich	Tunheim
Brandl	Jacobs	Norton	Rodriguez, C.	Vanasek
Carlson, L.	Kahn	O'Connor	Rodriguez, F.	Vellenga
Clark, J.	Kelly	Ogren	Rose	Voss
Clark, K.	Knickerbocker	Olsen	St. Onge	Welle
Clawson	Knuth	Onnen	Scheid	Wenzel
Cohen	Kostohryz	Osthoff	Schoenfeld	Wynia
Coleman	Krueger	Otis	Seaberg	Zaffke
Eken	Larsen	Pauly	Segal	Speaker Sieben
Elioff	Levi	Peterson	Shea	
Ellingson	Long	Piper	Sherman	

Those who voted in the negative were:

Anderson, B.	Erickson	Hoberg	McKasy	Uphus
Anderson, G.	Evans	Hokr	Omann	Valento
Battaglia	Frerichs	Jennings	Piepho	Waltman
Begich	Graba	Jensen	Quist	Welch
Brinkman	Gruenes	Johnson	Redalen	Welker
Burger	Gutknecht	Kalis	Schafer	Wigley
Carlson, D.	Halberg	Kvam	Schreiber	
Dempsey	Haukoos	Ludeman	Solberg	
DenOuden	Heinitz	Marsh	Sviggum	
Dimler	Himle	McDonald	Thiede	

The bill was passed and its title agreed to.

H. F. No. 511, A bill for an act relating to labor; creating an exemption to the minimum wage overtime provisions for silo builders; amending Minnesota Statutes 1982, section 177.25, 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 117 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Clark, J.	Frerichs	Jennings	Long
Anderson, G.	Clawson	Graba	Jensen	Ludeman
Anderson, R.	Cohen	Greenfield	Johnson	Mann
Battaglia	Coleman	Gruenes	Kahn	Marsh
Beard	DenOuden	Gustafson	Kalis	McDonald
Begich	Eken	Gutknecht	Kelly	McEachern
Bennett	Elioff	Halberg	Knickerbocker	McKasy
Berkelman	Ellingson	Haukoos	Knuth	Metzen
Blatz	Erickson	Heinitz	Kostohryz	Minne
Brandl	Evans	Hoberg	Krueger	Nelson, D.
Brinkman	Findlay	Hoffman	Kvam	Neuenschwander
Burger	Fjoslien	Hokr	Larsen	Norton
Carlson, D.	Forsythe	Jacobs	Levi	O'Connor

Ogren	Quinn	Schafer	Sparby	Waltman
Olsen	Quist	Scheid	Sviggum	Welch
Omann	Redalen	Schoenfeld	Thiede	Welker
Onnen	Reif	Schreiber	Tomlinson	Welle
Osthoff	Rice	Seaberg	Tunheim	Wenzel
Otis	Riveness	Segal	Uphus	Wigley
Pauly	Rodosovich	Shea	Valan	Wynia
Peterson	Rodriguez, C.	Sherman	Valento	Speaker Sieben
Piepho	Rodriguez, F.	Simoneau	Vanasek	
Piper	Rose	Skoglund	Vellenga	
Price	St. Onge	Solberg	Voss	

Those who voted in the negative were:

Carlson, L.      Murphy      Swanson      Zaffke

The bill was passed and its title agreed to.

H. F. No. 553, A bill for an act relating to elections; changing certain election procedures, requirements, and time limits; amending Minnesota Statutes 1982, sections 201.071, subdivision 1; 203B.02, subdivision 1; 203B.04, subdivision 1; 203B.21, subdivision 2; 204B.12, subdivision 1; 204B.19, subdivision 1; 204B.21, subdivision 1; 204B.27, subdivision 1; 204B.34, subdivision 1; 204B.35, subdivision 4; 204C.03, by adding a subdivision; 204C.05, subdivision 1; 204C.32, subdivision 2; 204C.33, subdivision 2; 204D.06; 204D.11, subdivisions 1 and 5; 204D.14; 204D.15, subdivision 2; 205.03, subdivisions 1 and 3; and 209.02, subdivision 4; repealing Minnesota Statutes 1982, sections 201.091, subdivisions 6 and 7; 204B.12, subdivision 2; and 204B.36, 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Clawson	Gutknecht	Krueger	Ogren
Anderson, G.	Cohen	Halberg	Kvam	Olsen
Anderson, R.	Coleman	Haukoos	Larsen	Omann
Battaglia	DenOuden	Heinitz	Levi	Onnen
Beard	Dimler	Himle	Long	Osthoff
Begich	Eken	Hoberg	Ludeman	Otis
Bennett	Elioff	Hoffman	Mann	Pauly
Bergstrom	Ellingson	Hokr	Marsh	Peterson
Berkelman	Erickson	Jacobs	McDonald	Piepho
Bishop	Evans	Jennings	McEachern	Piper
Blatz	Findlay	Jensen	McKasy	Price
Brandl	Fjoslien	Johnson	Metzen	Quinn
Brinkman	Forsythe	Kahn	Minne	Quist
Burger	Frerichs	Kalis	Murphy	Redalen
Carlson, D.	Graba	Kelly	Nelson, D.	Reif
Carlson, L.	Greenfield	Knickerbocker	Neuenschwander	Rice
Clark, J.	Gruenes	Knuth	Norton	Riveness
Clark, K.	Gustafson	Kostohryz	O'Connor	Rodosovich

Rodriguez, C.	Seaberg	Stadum	Valento	Wenzel
Rodriguez, F.	Segal	Sviggun	Vanasek	Wigley
Rose	Shea	Swanson	Vellenga	Wynia
St. Onge	Sherman	Thiede	Voss	Zaffke
Sarna	Simoneau	Tomlinson	Waltman	Speaker Sieben
Schafer	Skoglund	Tunheim	Welch	
Scheid	Solberg	Uphus	Welker	
Schoenfeld	Sparby	Valan	Welle	

The bill was passed and its title agreed to.

H. F. No. 564, A bill for an act relating to the state board of investment; modifying the procedures for purchase and sale of securities; clarifying the membership of the investment advisory council; abolishing certain restrictions on stock investments; modifying procedures for the mortality adjustments for the post-retirement investment fund; authorizing additional investment alternatives; amending Minnesota Statutes 1982, sections 11A.07, subdivision 4; 11A.08, subdivision 1, as amended; 11A.17, subdivision 4; 11A.18, subdivisions 5, 9, and 11; 11A.24, subdivisions 1, 5, and 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:

Anderson, B.	Erickson	Knuth	Peterson	Sparby
Anderson, G.	Evans	Kostohryz	Piepho	Stadum
Anderson, R.	Findlay	Krueger	Piper	Sviggun
Battaglia	Fjoslien	Kvam	Price	Swanson
Beard	Forsythe	Larsen	Quinan	Thiede
Begich	Frerichs	Levi	Quist	Tomlinson
Bennett	Graba	Long	Redalen	Tunheim
Bergstrom	Greenfield	Ludeman	Reif	Uphus
Berkelman	Gruenes	Mann	Rice	Valan
Bishop	Gustafson	Marsh	Riveness	Valento
Blatz	Gutknecht	McEachern	Rodosovich	Vanasek
Brandl	Halberg	McKasy	Rodriguez, C.	Vellenga
Brinkman	Haukoos	Metzen	Rodriguez, F.	Voss
Burger	Heinitz	Minne	Rose	Waltman
Carlson, D.	Himle	Murphy	St. Onge	Welch
Carlson, L.	Hoberg	Nelson, D.	Sarna	Welker
Clark, J.	Hoffman	Neuenschwander	Schafer	Welle
Clark, K.	Hokr	Norton	Scheid	Wenzel
Clawson	Jacobs	O'Connor	Schoenfeld	Wigley
Cohen	Jennings	Ogren	Seaberg	Wynia
Coleman	Jensen	Olsen	Segal	Zaffke
Dempsey	Johnson	Omann	Shea	Speaker Sieben
DenOuden	Kahn	Onnen	Sherman	
Eken	Kalis	Osthoff	Simoneau	
Elioff	Kelly	Otis	Skoglund	
Ellingson	Knickerbocker	Pauly	Solberg	

The bill was passed and its title agreed to.

H. F. No. 581, A bill for an act relating to counties providing for the formal extinction of certain abandoned interests in county highways; amending Minnesota Statutes 1982, section 163.11, 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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Knuth	Pauly	Simoneau
Anderson, G.	Erickson	Kostohryz	Peterson	Skoglund
Anderson, R.	Evans	Krueger	Piepho	Solberg
Battaglia	Findlay	Kvam	Piper	Sparby
Beard	Fjoslien	Larsen	Price	Stadum
Begich	Frerichs	Levi	Quinn	Sviggun
Bennett	Graba	Long	Quist	Swanson
Bergstrom	Greenfield	Ludeman	Redalen	Thiede
Berkelman	Gruenes	Mann	Reif	Tomlinson
Bishop	Gustafson	Marsh	Rice	Tunheim
Blatz	Gutknecht	McDonald	Riveness	Uphus
Brandl	Halberg	McEachern	Rodosovich	Valan
Brinkman	Haukoos	McKasy	Rodriguez, C.	Valento
Burger	Heinitz	Metzen	Rodriguez, F.	Vanasek
Carlson, D.	Himle	Minne	Rose	Voss
Carlson, L.	Hoberg	Murphy	St. Onge	Waltman
Clark, J.	Hoffman	Nelson, D.	Sarna	Welch
Clark, K.	Hokr	Neuenschwander	Schafer	Welker
Clawson	Jacobs	Norton	Scheid	Welle
Cohen	Jennings	O'Connor	Schoenfeld	Wenzel
Coleman	Jensen	Ogren	Schreiber	Wigley
Dempsey	Johnson	Olsen	Seaberg	Wynia
DenOuden	Kahn	Omman	Segal	Zaffke
Dimler	Kalis	Onnen	Shaver	Speaker Sieben
Eken	Kelly	Osthoff	Shea	
Elioff	Knickerbocker	Otis	Sherman	

The bill was passed and its title agreed to.

H. F. No. 601, A bill for an act relating to retirement; miscellaneous amendments to the law governing the public employees retirement association; amending Minnesota Statutes 1982, sections 353.27, subdivisions 4 and 12; 353.28, subdivision 5; 353.29, subdivisions 6 and 8; 353.32, subdivision 1; 353.33, subdivision 5; and 353.34, 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:

Anderson, B.	Anderson, G.	Anderson, R.	Battaglia	Beard
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Begich	Fjoslien	Krueger	Peterson	Simoneau
Bennett	Forsythe	Kvam	Piepho	Skoglund
Bergstrom	Frerichs	Larsen	Piper	Solberg
Berkelman	Graba	Levi	Price	Sparby
Bishop	Greenfield	Long	Quinn	Stadum
Blatz	Gruenes	Ludeman	Quist	Sviggum
Brandl	Gustafson	Mann	Redalen	Swanson
Brinkman	Gutknecht	Marsh	Reif	Thiede
Burger	Halberg	McDonald	Rice	Tomlinson
Carlson, D.	Haukoos	McEachern	Riveness	Tunheim
Carlson, L.	Heinitz	McKasy	Rodosovich	Uphus
Clark, J.	Himle	Metzen	Rodriguez, C.	Valan
Clark, K.	Hoberg	Minne	Rodriguez, F.	Valento
Clawson	Hoffman	Murphy	Rose	Vanasek
Cohen	Hokr	Nelson, D.	St. Onge	Voss
Coleman	Jacobs	Neuenschwander	Sarna	Waltman
Dempsey	Jennings	Norton	Schafer	Welch
DenOuden	Jensen	O'Connor	Scheid	Welker
Dimler	Johnson	Ogren	Schoenfeld	Welle
Eken	Kahn	Olsen	Schreiber	Wenzel
Elioff	Kalis	Omman	Seaberg	Wigley
Ellingson	Kelly	Onnen	Segal	Wynia
Erickson	Knickerbocker	Osthoff	Shaver	Zaffke
Evans	Knuth	Otis	Shea	Speaker Sieben
Findlay	Kostohryz	Pauly	Sherman	

The bill was passed and its title agreed to.

H. F. No. 667, A bill for an act relating to employment; providing leaves of absence for adoptive parents; 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 128 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DenOuden	Hokr	Metzen	Rice
Anderson, G.	Dimler	Jacobs	Minne	Riveness
Anderson, R.	Eken	Jennings	Murphy	Rodosovich
Battaglia	Elioff	Jensen	Nelson, D.	Rodriguez, C.
Beard	Ellingson	Johnson	Neuenschwander	Rodriguez, F.
Begich	Erickson	Kahn	Norton	Rose
Bennett	Evans	Kalis	O'Connor	St. Onge
Bergstrom	Findlay	Kelly	Ogren	Sarna
Berkelman	Fjoslien	Knickerbocker	Olsen	Schafer
Bishop	Forsythe	Knuth	Omman	Scheid
Blatz	Frerichs	Kostohryz	Onnen	Schoenfeld
Brandl	Graba	Krueger	Osthoff	Schreiber
Brinkman	Greenfield	Kvam	Otis	Seaberg
Burger	Gruenes	Larsen	Pauly	Segal
Carlson, D.	Gustafson	Levi	Peterson	Shaver
Carlson, L.	Gutknecht	Long	Piepho	Shea
Clark, J.	Halberg	Ludeman	Piper	Sherman
Clark, K.	Haukoos	Mann	Price	Simoneau
Clawson	Heinitz	Marsh	Quinn	Skoglund
Cohen	Himle	McDonald	Quist	Solberg
Coleman	Hoberg	McEachern	Redalen	Sparby
Dempsey	Hoffman	McKasy	Reif	Stadum

Swiggum	Tunheim	Vanasek	Welch	Wynia
Swanson	Uphus	Vellenga	Welle	Speaker Sieben
Thiede	Valan	Voss	Wenzel	
Tomlinson	Valento	Waltman	Wigley	

Those who voted in the negative were:

Welker            Zaffke

The bill was passed and its title agreed to.

H. F. No. 673, A bill for an act relating to elections; changing eligibility requirements and compensation for election judges; permitting time off from work for election judges; amending Minnesota Statutes 1982, sections 204B.19, subdivision 2; and 204B.31; proposing new law coded in Minnesota Statutes, chapter 204B.

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:

Anderson, B.	Elioff	Kostohryz	Peterson	Simoneau
Anderson, G.	Ellingson	Krueger	Piepho	Skoglund
Anderson, R.	Evans	Kvam	Piper	Solberg
Battaglia	Findlay	Larsen	Price	Sparby
Beard	Fjoslien	Levi	Quinn	Stadum
Begich	Forsythe	Long	Quist	Swiggum
Bennett	Graba	Mann	Redalen	Swanson
Bergstrom	Greenfield	Marsh	Reif	Tomlinson
Berkelman	Gruenes	McDonald	Rice	Tunheim
Bishop	Gustafson	McEachern	Riveness	Uphus
Blatz	Gutknecht	McKasy	Rodosovich	Valan
Brandl	Halberg	Metzen	Rodriguez, C.	Vanasek
Brinkman	Heinitz	Minne	Rodriguez, F.	Vellenga
Burger	Himle	Murphy	Rose	Voss
Carlson, D.	Hoberg	Nelson, D.	St. Onge	Waltman
Carlson, L.	Hoffman	Neuenschwander	Sarna	Welch
Clark, J.	Jacobs	Norton	Scheid	Welle
Clark, K.	Jensen	O'Connor	Schoenfeld	Wenzel
Clawson	Johnson	Ogren	Schreiber	Wigley
Cohen	Kahn	Omann	Seaberg	Wynia
Coleman	Kalis	Onnen	Segal	Zaffke
Dempsey	Kelly	Osthoff	Shaver	Speaker Sieben
Dimler	Knickerbocker	Otis	Shea	
Eken	Knuth	Pauly	Sherman	

Those who voted in the negative were:

DenOuden	Haukoos	Ludeman	Valento	Welker
Erickson	Hokr	Schafer		
Frerichs	Jennings	Thiede		

The bill was passed and its title agreed to.

Swanson was excused for the remainder of today's session.

### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole with Sieben 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 THE 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. 250, 384, 540, 631, 760, 830, 230, 558, 605, 697, 721 and 787 which it recommended to pass.

S. F. Nos. 186 and 240 which it recommended to pass.

H. F. Nos. 91, 733, 412, 474, 89, 270 and 745 which it recommended progress.

H. F. No. 785 which it recommended be re-referred to the Committee on Appropriations.

H. F. No. 138 which it recommended be re-referred to the Committee on Regulated Industries.

H. F. No. 239 which it recommended to pass with the following amendment offered by Brinkman:

Page 1, line 17, strike "commissioner of"

Page 1, line 18, strike "public safety" and insert "authority issuing the license"

Page 1, line 19, after "to" insert "licensees who by affidavit establish that they are"

Page 1, line 24, after the period insert: "The issuing authority must submit to the commissioner the proof of financial responsibility or exemption affidavit submitted by the license applicant."

Page 1, line 26, after "effect" insert "for the period covered by the license"



H. F. No. 159 which it recommended to pass with the following amendment offered by Rodriguez, C.:

Page 2, line 8, after "include" insert "written"

Page 3, line 15, delete "and"

Page 3, line 17, after "services" insert "; and"

(1) *The procedures for consideration of whether there is a need for a further assessment or of whether there is a need for a review of the adequacy of a current individual education plan of a handicapped pupil who is removed from class'*

H. F. No. 251 which it recommended to pass with the following amendment offered by Rodriguez, F.:

Page 2, line 11, after "(3)" insert "*Unless otherwise provided for by law,*"

H. F. No. 491 which it recommended to pass with the following amendment offered by Otis:

Page 3, line 19, delete "and"

Page 3, line 23, before the period insert "; and"

(d) *agency rules adopted under section 16.085'*

H. F. No. 521 which it recommended to pass with the following amendment offered by Wynia and Voss:

Page 23, line 34, after "form" insert "*must be made orally and provided in writing'*"

Page 23, line 35, delete "must" and strike "be provided"

Page 23, line 36, reinstate the old language and delete the new language

Page 24, line 1, delete "*transaction is completed'*"

H. F. No. 610 which it recommended to pass with the following amendments:

Offered by Rice:

Page 5, line 6, after "exceed" insert "*the yield on the original loan.*" and delete the balance of the line

Page 5, delete line 7

Page 9, line 3, delete "*the maximum rate of*" and insert "*the yield on the original loan.*"

Page 9, delete lines 4 and 5

Offered by Berkelman:

Page 10, line 20, strike "and" and insert "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:

Welker moved to amend S. F. No. 186, the first engrossment, as follows:

Page 1, delete lines 9 to 25, and insert:

"WHEREAS, the present system is not protecting the consumer from rapid price increases and is instead operating to subsidize more expensive imports and uneconomic production of natural gas; and

WHEREAS, utility companies holding old contracts for natural gas at low prices are resisting decontrol because regulations are actually forcing pipelines into paying for high cost gas even when low cost supplies are readily available; and

WHEREAS, the present regulatory system is partially to blame for the continuous and steadily rising price at a time of excess supplies; and

WHEREAS, natural gas decontrol will very likely operate much as crude oil decontrol did two years ago, namely, pushing up prices moderately over a short period, followed by a long-term drop in prices; NOW, THEREFORE,

BE IT RESOLVED by the Legislature of the State of Minnesota that Congress should act to speed up the decontrol of natural gas because it is in the long-term best interest of consumers to do so."

Page 2, delete lines 1 to 9

Amend the title as follows:

Page 1, line 2, delete "freeze"

Page 1, delete lines 3 and 4, and insert "speed up the deregulation of natural gas prices."

The question was taken on the amendment and the roll was called. There were 49 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Evans	Hokr	Piepho	Swiggum
Berkelman	Findlay	Jennings	Quist	Thiede
Bishop	Fjoslien	Johnson	Redalen	Uphus
Blatz	Forsythe	Kvam	Reif	Valan
Burger	Frerichs	Ludeman	Schafer	Valento
Carlson, D.	Gutknecht	Marsh	Schreiber	Waltman
Dempsey	Haukoos	McDonald	Seaberg	Welker
DenOuden	Heinitz	Omann	Shaver	Wigley
Dimler	Himle	Onnen	Sherman	Zaffke
Erickson	Hoberg	Pauly	Stadum	

Those who voted in the negative were:

Anderson, B.	Ellingson	Long	Price	Solberg
Anderson, G.	Graba	Mann	Quinn	Sparby
Battaglia	Greenfield	McEachern	Rice	Tomlinson
Beard	Gruenes	Metzen	Rodosovich	Tunheim
Begich	Gustafson	Minne	Rodriguez, C.	Vanasek
Bennett	Hoffman	Murphy	Rodriguez, F.	Vellenga
Bergstrom	Jacobs	Nelson, D.	Rose	Voss
Carlson, L.	Jensen	Neuenschwander	St. Onge	Welch
Clark, J.	Kahn	Norton	Sarna	Welle
Clark, K.	Kalis	O'Connor	Scheid	Wenzel
Clawson	Kelly	Ogren	Schoenfeld	Wynia
Cohen	Knickerbocker	Osthoff	Segal	Speaker Sieben
Coleman	Kostohryz	Otis	Shea	
Eken	Krueger	Peterson	Simoneau	
Elioff	Larsen	Piper	Skoglund	

The motion did not prevail and the amendment was not adopted.

## MOTIONS AND RESOLUTIONS

Eken moved that H. F. No. 727, now on Technical General Orders, be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

Eken moved that House Resolution No. 4 be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

Wenzel moved that H. F. No. 639 be recalled from the Committee on Taxes and be re-referred to the Committee on Agriculture. The motion prevailed.

Redalen moved that his name be stricken as an author on H. F. No. 722. The motion prevailed.

Schafer moved that the names of DenOuden and Kvam be added as authors on H. F. No. 738. The motion prevailed.

Beard moved that the name of Sarna be stricken and the name of Solberg be added as second author on H. F. No. 916. The motion prevailed.

Bishop moved that the name of Coleman be stricken and the name of Segal be added as an author on H. F. No. 1017. The motion prevailed.

Segal moved that the name of Norton be stricken and the name of Coleman be added as an author on H. F. No. 1018. The motion prevailed.

Anderson, G., moved that the name of Wenzel be added as an author on H. F. No. 1029. The motion prevailed.

Price moved that the name of Nelson, D., be stricken as an author on H. F. No. 1039. The motion prevailed.

Thiede moved that the name of Wenzel be added as an author on H. F. No. 1111. The motion prevailed.

Brinkman moved that the names of Heinitz and Valento be added as authors on H. F. No. 1127. The motion prevailed.

Riveness moved that the names of Blatz and Himle be added as authors on H. F. No. 1138. The motion prevailed.

Wenzel moved that the names of McEachern, Uphus and Graba be added as authors on H. F. No. 1158. The motion prevailed.

Tomlinson moved that he be shown as chief author, that Nelson, K., be shown as second author and that Olsen be added as an author on H. F. No. 771. The motion prevailed.

Jennings moved that H. F. No. 321 be returned to its author. The motion prevailed.

#### PROTEST AND DISSENT

A formal statement of protest and dissent is an unusual action and one not to be taken lightly. Unfortunately, the conduct of the closing debate on H. F. No. 89, during the Committee of the Whole, on Monday, April 4, 1983, leaves us with no alternative if we wish to set the official record straight.

Specifically, we must register a formal objection to the conduct of Representative Greenfield, Representative Brandl and Representative Cohen in those closing minutes of debate, and to the Speaker's refusal to recognize us to voice our objection at that time.

The effort by Representative Greenfield, to continue a one-sided harangue on a bill he intended to lay over, showed a remarkable lack of good judgment and, at the very least, seemed to reflect a lack of respect for customary legislative courtesy.

Representative Brandl's use, or rather abuse, of the "point of personal privilege" to carry the argument on, once the bill was laid over, displayed equally poor judgment.

It is, however, the comments of Representative Cohen that particularly need to be addressed in this statement. He is entitled to support or oppose any bill he wishes, for any reason he wishes. He is also obligated, however, to extend that same right to others. He has absolutely no right to question anyone's motives other than his own.

The bill in question is very controversial and many actions, by many people, on both sides of the issue, may have been a cause for concern. That does not, however, give Mr. Cohen, or anyone else, the right to launch the kind of sweeping, vitriolic personal attack we were subjected to on Monday, simply because we disagree.

Such judgments are simply not appropriate in the legislative process and the cause of good government can only be served if all members are allowed to vote their conscience without being subjected to the kind of self-righteous, inflammatory rhetoric that occurred on Monday.

REP. DAVID M. JENNINGS, REP. MARY FORSYTHE and REP. MARCUS MARSH.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, April 11, 1983. 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 11, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## THIRTY-THIRD DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 11, 1983

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 James R. Murphy, St. Lawrence Church, Faribault, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Erickson	Knuth	Pauly	Skoglund
Anderson, G.	Evans	Kostohryz	Peterson	Solberg
Anderson, R.	Findlay	Krueger	Piepho	Sparby
Battaglia	Fjoslien	Kvam	Piper	Stadum
Beard	Forsythe	Larsen	Price	Staten
Begich	Frerichs	Levi	Quinn	Sviggum
Bennett	Graba	Long	Quist	Swanson
Bergstrom	Greenfield	Ludeman	Redalen	Thiede
Berkelman	Gruenes	Mann	Reif	Tomlinson
Bishop	Gustafson	Marsh	Rice	Tunheim
Blatz	Cutknecht	McDonald	Riveness	Uphus
Brandl	Halberg	McEachern	Rodosovich	Valan
Brinkman	Haukoos	McKasy	Rodriguez, C.	Valento
Burger	Heap	Metzen	Rodriguez, F.	Vanasek
Carlson, D.	Heinitz	Minne	Rose	Vellenga
Carlson, L.	Himle	Munger	St. Onge	Voss
Clark, J.	Hoberg	Murphy	Sarna	Waltman
Clark, K.	Hoffman	Nelson, D.	Schafer	Welch
Clawson	Hokr	Nelson, K.	Scheid	Welker
Cohen	Jacobs	Neuenschwander	Schoenfeld	Welle
Coleman	Jennings	O'Connor	Schreiber	Wenzel
Dempsey	Jensen	Ogren	Seaberg	Wigley
DenOuden	Johnson	Olsen	Segal	Wynia
Dimler	Kahn	Omann	Shaver	Zaffke
Eken	Kalis	Onnen	Shea	Speaker Sieben
Elioff	Kelly	Osthoff	Sherman	
Ellingson	Knickerbocker	Otis	Simoneau	

A quorum was present.

Norton was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Kelly moved that further reading of the Journal be dis-

pensed 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. 344, 390, 507, 519, 520, 592, 598, 657, 725, 727, 730, 794, 801, 835, 836, 838, 853, 870, 903, 953, 977, 987, 995, 996, 380, 513, 804, 859, 102, 161, 239, 254, 375, 490, 521, 582, 635, 749, 806, 869, 909, 159, 251, 332, 491, 537, 672, 606, 643, 610 and 777 and S. F. Nos. 87, 356, 369, 854, 708, 246 and 218 have been placed in the members' files.

S. F. No. 369 and H. F. No. 603, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Cohen moved that S. F. No. 369 be substituted for H. F. No. 603 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 356 and H. F. No. 344, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Gustafson moved that S. F. No. 356 be substituted for H. F. No. 344 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 708 and H. F. No. 853, 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. 708 be substituted for H. F. No. 853 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  
SAINT PAUL 55155

April 6, 1983

The Honorable Harry Sieben, Jr.  
Speaker of the House  
276 State Office Building  
St. Paul, Minnesota 55155



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. 56, relating to local government; providing for orderly annexations in accordance with the terms of the resolutions of local government units; amending Minnesota Statutes 1982, section 414.0325, subdivision 1.

Sincerely,

RUDY PERPICH  
Governor

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

April 6, 1983

The Honorable Harry A. Sieben, Jr.  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 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> No.	<i>H.F.</i> No.	<i>Session Laws</i> <i>Chapter No.</i>	<i>Date Approved</i> 1983	<i>Date Filed</i> 1983
	56	18	April 6	April 6
31		19	April 6	April 6
152		20	April 6	April 6
221		21	April 6	April 6
224		22	April 6	April 6
270		23	April 6	April 6
421		24	April 6	April 6

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

## REPORTS OF STANDING COMMITTEES

Rice from the Committee on Appropriations to which was referred:

H. F. No. 76, A bill for an act relating to the environment; establishing an environmental response, compensation and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, economic loss, and damage to natural resources resulting from releases of hazardous substances; imposing taxes, fees, and penalties; providing for injunctive relief; appropriating money; amending Minnesota Statutes 1982, sections 115A.-24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; proposing new law coded as Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1982, section 115A.-24, subdivision 2.

Reported the same back with the following amendments:

Page 23, line 30, delete "(e)" and insert "(f)"

Page 31, line 3, delete "At the end of each"

Page 31, line 4, delete "fiscal year" and insert "By November 1, 1984, and each year thereafter"

Page 31, line 8, delete "that" and insert "the previous fiscal"

Page 36, line 28, delete "or agency"

Page 40, delete section 26, and insert:

"Sec. 26. [STUDY.]

*The commissioner of insurance shall conduct a study to determine (1) whether adequate private insurance is available on reasonable terms and conditions to the persons subject to liability under section 5, and (2) whether the market for this insurance is sufficiently competitive to insure purchasers of features such as a reasonable range of deductibles, coinsurance provisions, and exclusions. The commissioner shall submit the results of the study, together with his recommendations, to the legislature by January 1, 1985. The director of the pollution control agency shall cooperate with and provide assistance to the commissioner during the course of the study.*

Sec. 27. [APPROPRIATION; COMPLEMENT.]

*Subdivision 1. [APPROPRIATION TO FUND.] The sum of \$5,000,000 is appropriated from the general fund and transferred to the environmental response, compensation, and compliance fund established in section 17. This appropriation is available until expended.*

*Subd. 2. [TAX ADMINISTRATION; COMPLEMENT.] \$50,000 in fiscal year 1984 and \$40,000 in fiscal year 1985 is appropriated from the general fund to the commissioner of revenue for the purposes of administering and enforcing sections 18 to 21. This appropriation shall be reimbursed to the general fund under the provisions of section 21, subdivision 10.*

*The complement of the department of revenue is increased by two positions.*

*Subd. 3. [APPROPRIATION FOR RESPONSE ACTIONS; COMPLEMENT.] All money in the environmental response, compensation, and compliance fund except as provided in subdivisions 2 and 4, and except any money recovered with respect to natural resources under section 14, subdivision 7, is appropriated to the pollution control agency for the purposes described in section 17, subdivision 2, clauses (a), (b), and (c). This appropriation is available until June 30, 1985.*

*Of this amount \$483,700 in fiscal year 1984 and \$400,700 in fiscal year 1985 is for salaries, supplies, and expenses.*

*The complement of the pollution control agency is increased by ten positions.*

*Subd. 4. [APPROPRIATION FOR COMPLIANCE ACTIONS; COMPLEMENT.] \$45,600 in fiscal year 1984 and \$56,400 in fiscal year 1985 is appropriated from the general fund to the attorney general for the purposes of enforcing this act. This appropriation shall be reimbursed to the general fund from the environmental response, compensation, and compliance fund.*

*The complement of the office of the attorney general is increased by two positions.*

*Subd. 5. [APPROPRIATION FOR STUDY.] There is appropriated from the general fund to the commissioner of insurance \$30,000 for fiscal year 1984, to conduct the study described in section 26."*

Page 41, line 2, delete ", and 26"

Renumber the remaining sections

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 92, A bill for an act relating to education; modifying the state aid and levy provisions governing community education; amending Minnesota Statutes 1982, sections 124.271, subdivision 2a; and 275.125, subdivision 8.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

#### "ARTICLE 1

#### FOUNDATION AID

Section 1. Minnesota Statutes 1982, section 124.2122, subdivision 1, is amended to read:

Subdivision 1. [FORMULA ALLOWANCE.] "Foundation aid formula allowance" or "formula allowance" means the amount of revenue per pupil unit used in the computation of foundation aid for a particular school year and in the computation of permissible levies for use in that school year. (THE FORMULA ALLOWANCE SHALL BE \$1,333 FOR FOUNDATION AID FOR THE 1981-1982 SCHOOL YEAR.) The formula allowance shall be \$1,346 for 1981 payable 1982 levies and for foundation aid for the 1982-1983 school year. The formula allowance shall be \$1,475 for the 1982 payable 1983 levies and for foundation aid for the 1983-1984 school year. *The formula allowance shall be \$1,475 for the 1983 payable 1984 levies and for foundation aid for the 1984-1985 school year.*

Sec. 2. Minnesota Statutes 1982, section 124.2122, subdivision 2, is amended to read:

Subd. 2. [BASIC MAINTENANCE MILL RATE.] "Basic maintenance mill rate" means the mill rate applicable to the adjusted assessed valuation of a district, used in the computation of basic foundation aid for a particular school year and of the basic maintenance levy for use in that school year. (THE BASIC MAINTENANCE MILL RATE SHALL BE .021 FOR THE 1980 PAYABLE 1981 LEVY AND FOR FOUNDATION AID FOR THE 1981-1982 SCHOOL YEAR.) The basic maintenance mill rate shall be .024 for 1981 payable 1982 levies and for foundation aid for the 1982-1983 school year. The basic maintenance mill rate shall be .024 for the 1982 payable 1983 levies and for foundation aid for the 1983-1984 school year.

(A DISTRICT MAY LEVY LESS THAN 24 MILLS. IF A DISTRICT LEVIES AT LEAST 95 PERCENT OF AN AMOUNT EQUAL TO 23 MILLS TIMES THE ADJUSTED ASSESSED VALUATION OF THE DISTRICT, BASIC FOUNDATION AID SHALL BE COMPUTED AS THOUGH THE DISTRICT HAD LEVIED 24 MILLS TIMES THE ADJUSTED ASSESSED VALUATION OF THE DISTRICT.) *The basic maintenance mill rate shall be .024 for the 1983 payable 1984 levies and for foundation aid for the 1984-1985 school year.*

Sec. 3. Minnesota Statutes 1982, section 124.2126, subdivision 3, is amended to read:

Subd. 3. [MINIMUM AID.] A qualifying district's minimum aid for each school year shall equal its minimum guarantee for that school year, minus the sum of:

(1) The amount of the district's state school agricultural tax credit aid for that school year;

(2) The amount by which property taxes of the district for use in that school year are reduced by the homestead credit provisions in section 273.13, subdivisions 6, 7, and 14a;

(3) The amount by which property taxes of the district for use in that school year are reduced by the taconite homestead credit provisions in section 273.135;

(4) The amount by which property taxes of the district for use in that school year are reduced by the attached machinery provisions in section 273.138, subdivision 6;

(5) The amount by which property taxes of the district for use in that school year are reduced by the state paid wetlands credit provisions in section 273.115;

(6) The amount by which property taxes of the district for use in that school year are reduced by the state paid native prairie credit provisions in section 273.116; (AND)

(7) The amount by which property taxes of the district for use in that school year are reduced by the credit for reduced assessment provisions in section 273.139;

(8) *The amount by which property taxes of the district for use in that school year are reduced by the state reimbursed disaster or emergency reassessment provisions in section 273.123; and*

(9) *The amount by which property taxes of the district for use in that school year are reduced by the metropolitan agricultural preserves provisions in section 473H.10.*

Sec. 4. Minnesota Statutes 1982, section 124.2128, subdivision 1, is amended to read:

Subdivision 1. [LOW FUND BALANCE ALLOWANCE; DEFINITION.] "Low fund balance allowance" means an amount of revenue per actual pupil unit equal to the lesser of:

- (a) (\$60) \$100; or
- (b) the difference between
  - (i) (\$316) \$336, and

- (ii) the district's net unappropriated fund balance in all operating funds per actual pupil unit as of June 30 in the year the levy is certified.

The low fund balance allowance shall be used to determine the low fund balance aid for a particular school year, and the low fund balance levy for use in that school year.

Sec. 5. Minnesota Statutes 1982, section 124.2132, subdivision 4, is amended to read:

Subd. 4. [COUNTY APPORTIONMENT DEDUCTION.]  
(1) THE AMOUNT OF MONEY APPORTIONED TO A SCHOOL DISTRICT FOR 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 AMOUNT APPORTIONED PURSUANT TO SECTION 124.10, SUBDIVISION 2, SHALL BE DEDUCTED FROM FOUNDATION AID FOR THE 1981-1982 SCHOOL YEAR, BUT THIS DEDUCTION SHALL NOT 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. 6. [124.2138] [REVENUE EQUITY AID SUBTRACTION.]

*Subdivision 1. [BASIC MAINTENANCE LEVY EQUITY.]* (1) *In any year when the amount of the maximum levy limitation for any district under section 275.125, subdivision 2a, exceeds the district's basic foundation revenue for the corresponding fiscal year, an amount shall be deducted as provided in this subdivision from special state aids of chapter 124 receivable for the same fiscal year, and from state payments on behalf of the district for the same fiscal year authorized in sections 354.43, subdivision 1; 354A.12, subdivision 2; and 355.46, subdivision 3, clause (b). However, the aid authorized in sections 124.2137 and 124.646 shall not be reduced.*

(2) *The amount of the deduction shall equal the difference between:*

(a) *the district's basic foundation revenue, and*

(b) *the sum of the amount of the district's maximum levy limitation under section 275.125, subdivision 2a, plus the amount of any reductions to that levy limitation pursuant to section 275.125, subdivisions 2e and 9. However, for fiscal year 1985, the amount of the deduction shall be one-third of the difference between clauses (a) and (b), and for fiscal year 1986, the amount of the deduction shall be two-thirds of the difference between clauses (a) and (b).*

*Subd. 2. [TRANSPORTATION LEVY EQUITY.]* (1) *In any fiscal year in which the transportation levy in a district attributable to that fiscal year of 1.75 mills times the adjusted assessed valuation of the district exceeds the transportation aid computation under section 124.225, subdivisions 8b, 8i, and 8k, an amount shall be deducted as provided in this subdivision from special state aids of chapter 124 receivable for the same fiscal year, and from state payments on behalf of the district for the same fiscal year authorized in sections 354.43, subdivision 1; 354A.12, subdivision 2; and 355.46, subdivision 3, clause (b), to the extent that those special state aids and state payments have not been reduced pursuant to subdivision 1 of this section. However, aid authorized in sections 124.2137 and 124.646 shall not be reduced.*

(2) *The amount of the deduction shall equal the difference between:*

(a) *1.75 mills times the adjusted assessed valuation of the district for the levy attributable to that fiscal year, and*

(b) *the sum of the district's transportation aid computation pursuant to section 124.225, subdivisions 8b, 8i, and 8k, less the amount of any aid reduction due to an insufficient appropriation as provided in section 124.225, subdivision 8a. However, for*

*fiscal year 1985, the amount of the deduction shall be one-third of the difference between clauses (a) and (b), and for fiscal year 1986, the amount of the deduction shall be two-thirds of the difference between clauses (a) and (b).*

*Subd. 3. In any fiscal year in which the state payments on behalf of a district authorized in sections 354.43, subdivision 1; 354A.12, subdivision 2; and 355.46, subdivision 3, clause (b), are reduced under this section, the commissioner of education shall certify the amounts of the required reductions to the district. The district shall pay employer contributions in the amount of the reduction of these payments to the commissioner, which amount shall be placed in the general fund.*

Sec. 7. Minnesota Statutes 1982, section 275.125, subdivision 2e, is amended to read:

Subd. 2e. [BASIC MAINTENANCE LEVY; DISTRICTS OFF THE FORMULA.] (1) In any year when the amount of the maximum levy limitation under subdivision 2a for any district, 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 actual and AFDC pupil units for that district for that school year, the levy limitation for that district under subdivision 2a 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:

(a) the *sum of*

(i) the product of the district's foundation aid formula allowance for the school year in which the levy is recognized as revenue, times the estimated number of actual and AFDC pupil units for that district for that school year, *plus*

(ii) *special state aids of chapter 124 receivable for the same school year, excluding aid authorized in sections 124.2137 and 124.646, plus*

(iii) *the amount of state payments on behalf of the district for the same school year authorized in sections 354.43, subdivision 1; 354A.12, subdivision 2; and 355.46, subdivision 3, clause (b), less*

(b) the estimated amount of any payments which would reduce the district's foundation aid entitlement as provided in section 124.2132, subdivision 4 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, for purposes of statutory cross-reference.

Sec. 8. Minnesota Statutes 1982, section 275.125, subdivision 6d, is amended to read:

Subd. 6d. [LOW FUND BALANCE LEVY.] (1) For purposes of this subdivision, the term "low fund balance revenue" shall have the meaning given it in section 124.2128.

(2) Each year, a district where the net unappropriated fund balance in all operating funds as of June 30 is less than (\$316) \$336 per actual pupil unit may levy an amount equal to

(a) the product obtained by multiplying

(i) the district's low fund balance revenue for the school year to which the levy is attributable, times

(ii) the lesser of

(A) one or

(B) the ratio of the district's adjusted assessed valuation for the preceding year per total pupil unit in the school year to which the levy is attributable, to 75 percent of the equalizing factor for the school year to which the levy is attributable.

Sec. 9. [REPEALER.]

*Minnesota Statutes 1982, section 124.11, subdivision 1, is repealed.*

Sec. 10. [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:*

\$584,325,000 . . . 1984,

\$544,556,000 . . . 1985.

*The appropriation for 1984 includes \$84,895,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$499,430,000 for aid for fiscal year 1984 payable in fiscal year 1984.*

*The appropriation for 1985 includes \$89,413,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$455,143,000 for aid for fiscal year 1985 payable in fiscal year 1985.*

*Subd. 3. [CANCELLATION.] Any unexpended balance remaining from the appropriation in this section for 1984 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 2

### TRANSPORTATION AID

Section 1. Minnesota Statutes 1982, section 124.225, is amended to read:

#### 124.225 [TRANSPORTATION AID ENTITLEMENT.]

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) "Authorized cost for regular transportation" means the sum of:

(1) all expenditures for transportation in the regular category, as defined in clause (e) (1), for which aid is authorized in section 124.223, plus

(2) 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

(3) 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, plus

(4) beginning in fiscal year 1984, an amount equal to one year's depreciation on the district's type three school buses, as defined in section 169.44, subdivision 15, which were purchased after July 1, 1982 for authorized transportation of pupils, with the prior approval of the commissioner, computed on a straight line basis at the rate of 20 percent per year of the cost of the type three school buses.

(c) "Adjusted authorized predicted cost per FTE" means the authorized cost predicted by a multiple regression formula determined by the department of education, and adjusted pursuant to subdivision 7a.

(d) "Aid entitlement per FTE" means the adjusted authorized predicted cost per FTE, inflated pursuant to subdivision 7b.

(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:

(1) Regular transportation is transportation services provided under section 124.223, clauses (1) and (2), excluding transportation between schools under section 124.223, clause (1);

(2) During-day transportation is transportation services between schools provided under section 124.223, clause (1), and transportation services provided under section 124.223, clauses (3) and (9), and transportation services provided under section 124.223, clause (6), excluding transportation provided for pupils attending shared time special education classes;

(3) Handicapped transportation is transportation services for pupils attending shared time special education classes provided under section 124.223, clause (6), and transportation services provided under section 124.223, clause (4), excluding board and lodging and excluding transportation to and from board and lodging facilities;

(4) Board and lodging is services provided, in lieu of transportation, under section 124.223, clauses (4) and (5);

(5) 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);

(6) Nonpublic health, guidance and counseling transportation is transportation services provided under section 124.223, clause (10);

(7) *Nonregular transportation is transportation services provided between schools under section 124.223, clause (1); and transportation services provided under section 124.223, clauses (3), (4), (5), (6), (7), (9), and (10).*

(f) "Pupil weighting factor" means the ratio of the actual district average cost per FTE in a particular transportation cate-

gory in the base year to the actual district average cost per FTE in the regular transportation category in the base year.

(g) "Weighted FTE's" means the number of FTE's in each transportation category multiplied by the pupil weighting factor for that category.

(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.

(i) "Percent excess handicapped FTE's transported" means the result of the following computation for the current year:

one, minus the product of

(1) the ratio of the number of FTE pupils transported in the handicapped category in the state to the number of FTE pupils transported in the handicapped category in the district; times

(2) the ratio of the number of FTE pupils transported in the regular category in the district to the number of FTE pupils transported in the regular category in the state.

(j) "Current year" means the school year for which aid will be paid.

(k) "Base year" mean the second school year preceding the school year for which aid will be paid.

(l) "Base cost" means the authorized regular transportation cost per FTE in the base year in the regular transportation category, excluding summer school transportation.

(m) "Predicted base cost" means the base cost as predicted by subdivision 3.

Subd. 1a. [WEIGHTING FACTORS.] For each school year, in computing transportation aid, the department of education shall establish as needed the pupil weighting factors for each transportation category for each district 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 district had no experience during the second prior school year.

Subd. 3. [FORMULA.] For each 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. The department of education shall conduct multiple regression analysis using the terms specified in subdivision 4a, to predict the base cost for each district. A formula shall be derived based upon the regression analysis (, BUT EXCLUDING THE FACTORS DESCRIBED IN SUBDIVISION 4a, CLAUSES (8), (9), AND (10), EXCEPT THAT IN THE 1982-1983 SCHOOL YEAR, THESE CLAUSES SHALL NOT BE EXCLUDED). This formula shall be used to determine a predicted base cost for each district. The amount determined for each district shall be adjusted according to the provisions of subdivisions 7a and 7b.

Subd. 4a. [FORMULA TERMS.] To predict the *logarithm of the base cost* for each district pursuant to subdivision 3, the multiple regression formula shall use the following terms for each district:

(1) (THE DISTRICT'S AVERAGE DAILY MEMBERSHIP;)

((2) THE RECIPROCAL OF THE DISTRICT'S AVERAGE DAILY MEMBERSHIP;)

((3)) The logarithm of *the lesser of (a) the number of authorized FTE's per square mile transported by the district in the regular transportation category, or (b) 200;*

((4) THE PERCENTAGE OF THE DISTRICT'S SQUARE MILE AREA WHICH IS CLASSIFIED BY THE COMMISSIONER OF ENERGY, PLANNING AND DEVELOPMENT AS WATER-COVERED, MARSHLAND, OR EXTRACTIVE;)

((5) THE DISTRICT'S ADMINISTRATIVE OVERHEAD FOR TRANSPORTATION PER AUTHORIZED FTE TRANSPORTED IN THE REGULAR TRANSPORTATION CATEGORY;)

((6) THE NUMBER OF SCHOOLS TO WHICH PUPILS ARE TRANSPORTED IN THE REGULAR TRANSPORTATION CATEGORY, EITHER WITHIN OR OUTSIDE THE DISTRICT, DIVIDED BY THE NUMBER OF AUTHORIZED FTE'S TRANSPORTED IN THE REGULAR TRANSPORTATION CATEGORY;)

((7)) (2) Whether the district is non-rural, based upon criteria established by the department of education;

((8) WHETHER THE DISTRICT CONTRACTS FOR BUS SERVICE, OR TRANSPORTS PUPILS ONLY ON DISTRICT-OWNED BUSES;)

((9)) (3) The *logarithm of the percentage of all FTE's transported in the regular transportation category (BUS ROUTES) using buses that are not owned by the district (, IF THAT PERCENTAGE IS NOT 100 PERCENT;)*

((10) WHETHER THE DISTRICT OPERATES A SPECIAL BUS TO TRANSPORT PUPILS TO HOME FROM SCHOOL WHO ARE INVOLVED IN AFTER-SCHOOL ACTIVITIES).

Subd. 7a. [BASE YEAR SOFTENING FORMULA.] (1) (EACH DISTRICT'S PREDICTED BASE COST DETERMINED FOR EACH SCHOOL YEAR ACCORDING TO SUBDIVISION 3 SHALL BE AVERAGED WITH THE BASE COST FOR THAT DISTRICT FOR THAT YEAR TO DETERMINE THE DISTRICT'S ADJUSTED AUTHORIZED PREDICTED COST PER FTE FOR THAT YEAR.)

((2) NOTWITHSTANDING CLAUSE (1).) For fiscal year 1983, (THE) *each district's predicted base cost determined according to subdivision 3 shall be adjusted as provided in this clause to determine adjusted authorized predicted cost per FTE for the base school year.*

(a) If the predicted base cost exceeds the base cost, the predicted base cost shall be decreased by 50 percent of the first \$40 of difference between the base cost and the predicted base cost; 70 percent of the next \$40 of difference; and 90 percent of any difference which exceeds \$80, to determine the adjusted authorized predicted cost per FTE.

(b) If the predicted base cost is less than the base cost, the predicted base cost shall be increased by 50 percent of the first \$40 of difference between the base cost and the predicted base cost; 70 percent of the next \$40 of difference; and 90 percent of any difference which exceeds \$80, to determine the adjusted authorized predicted cost per FTE.

((2) For fiscal year 1984, and each year thereafter, each district's predicted base cost determined for each school year according to subdivision 3 shall be adjusted as provided in this clause to determine the district's adjusted authorized predicted cost per FTE for that year.

(a) If the base cost of the district is within ten percent of the predicted base cost, the district's adjusted authorized predicted cost per FTE shall be equal to the base cost.

(b) If the base cost of the district is more than ten percent greater than the predicted base cost, the district's adjusted authorized predicted cost per FTE shall be equal to 110 percent of the predicted base cost, plus 50 percent of the difference between

*(i) the base cost, and (ii) 110 percent of the predicted base cost. However, in no case shall a district's adjusted authorized predicted cost per FTE be less than 80 percent of base cost.*

*(c) If the base cost of the district is more than ten percent less than the predicted base cost, the district's adjusted authorized predicted cost per FTE shall be equal to 90 percent of the predicted base cost, minus 50 percent of the difference between (i) 90 percent of predicted base cost, and (ii) the base cost. However, in no case shall a district's adjusted authorized predicted cost per FTE be more than 120 percent of base cost.*

Subd. 7b. [INFLATION FACTORS.] The adjusted authorized predicted cost per FTE determined for a district under subdivision 7a for the base year shall be increased by 22 percent to determine the district's aid entitlement per FTE for the 1982-1983 school year, by 11.4 percent to determine the district's aid entitlement per FTE for the 1983-1984 school year, and by 10.8 percent to determine the district's aid entitlement per FTE for the 1984-1985 school year.

Subd. 8a. [AID.] For the 1982-1983 and 1983-1984 school years, a district's transportation aid shall be equal to the sum of its basic transportation aid pursuant to subdivision 8b, its excess handicapped transportation aid pursuant to subdivision 8c, its handicapped board and lodging aid pursuant to subdivision 8d, its to and from board and lodging aid pursuant to subdivision 8e, its nonpublic support services transportation aid pursuant to subdivision 8f, its during-day transportation aid pursuant to subdivision 8g, and its closed-school transportation aid pursuant to subdivision 8h, minus the amount raised by two mills times the adjusted assessed valuation which is used to compute the transportation levy limitation for the levy attributable to that school year. For the 1983-1984 school year transportation aid for a district which contracted for pupil transportation services in the 1981-1982 school year shall be reduced by an amount equal to \$18 times the number of FTE pupils transported on contracted school buses in the base year in the regular transportation category. A district may levy less than the amount raised by two mills. Transportation aid shall be computed as if the district had levied the amount raised by two mills. (IF THE TOTAL APPROPRIATION FOR TRANSPORTATION AID IN ANY FISCAL YEAR AFTER 1982 IS INSUFFICIENT TO PAY ALL DISTRICTS THE FULL AMOUNT OF AID EARNED, THE DEPARTMENT OF EDUCATION SHALL REDUCE EACH DISTRICT'S AID IN PROPORTION TO THE NUMBER OF RESIDENT PUPILS IN AVERAGE DAILY MEMBERSHIP IN THE DISTRICT TO THE STATE TOTAL AVERAGE DAILY MEMBERSHIP, AND SHALL REDUCE THE AID ENTITLEMENT OF OFF-FORMULA DISTRICTS IN THE SAME PROPORTION.) Aid for the 1982-1983 and 1983-1984 school years shall also be reduced by the following amount: the product of

(a) the number of nonhandicapped secondary pupils transported in the base year who live between one and two miles from the public school which they could attend or the nonpublic school actually attended, times

(b) 1.5, divided by the average distance to school for all FTE's transported in the district in the regular transportation category in the base year, times

(c) the district's aid entitlement per FTE determined according to subdivision 7b, times the ratio of average daily membership used in subdivision 8b.

*For the 1984-1985 school year and each year thereafter, a district's transportation aid shall be equal to the sum of its basic transportation aid pursuant to subdivision 8b, its nonregular transportation aid pursuant to subdivision 8i, and its nonregular transportation levy equalization aid pursuant to subdivision 8j, minus its contracted services aid reduction pursuant to subdivision 8k, minus the amount raised by 1.75 mills times the adjusted assessed valuation which is used to compute the transportation levy limitation for the levy attributable to that school year. A district may levy less than the amount raised by 1.75 mills. Transportation aid shall be computed as if the district had levied the amount raised by 1.75 mills.*

*If the total appropriation for transportation aid for any fiscal year is insufficient to pay all districts the full amount of aid earned, the department of education shall reduce each district's aid in proportion to the number of resident pupils in average daily membership in the district to the state total average daily membership, and shall reduce the aid entitlement of off-formula districts in the same proportion.*

Subd. 8b. [BASIC AID COMPUTATION.] For the 1982-1983 and 1983-1984 school years, a district's basic transportation aid pursuant to this section for the school year shall equal the district's aid entitlement per FTE determined according to subdivision 7b times the total number of authorized weighted FTE's transported in the regular and handicapped transportation categories in the district in the base year times the ratio of average daily membership in the district in the current year to the average daily membership in the district in the base year.

For the 1984-1985 school year and each year thereafter, a district's basic transportation aid pursuant to this section for each school year shall equal the district's aid entitlement per FTE determined according to subdivision 7b times the total number of authorized FTE's transported in the regular (AND HANDICAPPED CATEGORIES) category in the district in the current school year.



Subd. 8c. [EXCESS HANDICAPPED AID.] (a) For (EACH) *the 1982-1983 and 1983-1984 school (YEAR) years*, the state shall pay aid for the excess costs of providing transportation for handicapped students as provided in this subdivision to a district where, in the current school year, the ratio of FTE's transported in the handicapped category to the total number of FTE's transported in the regular transportation category exceeds the same ratio for the state as a whole.

(b) This aid shall equal:

the product of the percent excess handicapped FTE's transported, times the difference between

(1) the district's actual cost for transportation of all pupils in the handicapped category in the current year, and

(2) the product of

(i) the district's aid entitlement per FTE determined according to subdivision 7b, times

(ii) (THE NUMBER OF FTE'S TRANSPORTED IN THE HANDICAPPED CATEGORY IN THE DISTRICT IN THE CURRENT YEAR.)

(PROVIDED THAT FOR THE 1982-1983 AND 1983-1984 SCHOOL YEARS, THE NUMBER IN (2)(ii) ABOVE SHALL BE REPLACED BY THE FOLLOWING COMPUTATION:) the product of the number of FTE's transported in the handicapped category in the district in the base year, times its pupil weighting factor for the handicapped category, times the ratio of average daily membership in the district in the current year to average daily membership in the district in the base year.

*Excess handicapped transportation aid authorized in this subdivision shall not be paid after the 1983-1984 school year.*

Subd. 8d. [HANDICAPPED BOARD AND LODGING AID.] For board and lodging of handicapped pupils, each district shall receive aid equal to the product of the number of FTE pupils boarded and lodged in the current year in the district in this transportation category, times the average of

(a) the state average board and lodging cost per FTE pupil boarded and lodged in the base year, times the inflation factor for that year prescribed in subdivision 7b; and

(b) the district's actual cost per FTE pupil boarded and lodged in the current year.

*Aid for board and lodging of handicapped pupils authorized in this subdivision shall not be paid after the 1983-1984 school year.*

Subd. 8e. [TO AND FROM BOARD AND LODGING.] For transportation of handicapped pupils to and from board and lodging facilities, the state shall pay aid to each district for each year equal to the lesser of

(a) the sum of the distance in miles from the home of each pupil transported in this category to the board and lodging facility, times 36, times 24 cents; or

(b) the average of the amount in (a) and the district's actual cost for all transportation in this category in the current year.

*Aid for transportation of handicapped pupils to and from board and lodging facilities authorized in this subdivision shall not be paid after the 1983-1984 school year.*

Subd. 8f. [NONPUBLIC SUPPORT SERVICES AID.] For the 1982-1983 and 1983-1984 school years, a district's nonpublic support services transportation aid shall equal the district's aid entitlement per FTE determined according to subdivision 7b, times its pupil weighting factor for the nonpublic support services transportation category, times the number of FTE pupils transported in the nonpublic support services category in the district in the base year, times the ratio of average daily membership in the district in the current year to average daily membership in the district in the base year. (FOR THE 1984-1985 SCHOOL YEAR AND THEREAFTER, A DISTRICT'S NON-PUBLIC SUPPORT SERVICES TRANSPORTATION AID SHALL EQUAL THE DISTRICT'S AID ENTITLEMENT PER FTE DETERMINED ACCORDING TO SUBDIVISION 7B, TIMES ITS PUPIL WEIGHTING FACTOR FOR THE NON-PUBLIC SUPPORT SERVICES TRANSPORTATION CATEGORY, TIMES THE NUMBER OF FTE'S TRANSPORTED IN THAT CATEGORY IN THE CURRENT YEAR.)

*Nonpublic support services aid authorized in this subdivision shall not be paid after the 1983-1984 school year.*

Subd. 8g. [DURING-DAY TRANSPORTATION AID.] For the 1982-1983 and 1983-1984 school years, a district's during-day transportation aid shall equal the district's aid entitlement per FTE determined according to subdivision 7b, times its pupil weighting factor for the during-day transportation category, times the number of FTE's transported in the during-day transportation category in the base year, times the ratio of average daily membership in the district in the current year to average daily membership in the district in the base year. (FOR THE 1984-1985 SCHOOL YEAR AND THEREAFTER, A DIS-

TRICT'S DURING-DAY TRANSPORTATION AID SHALL EQUAL THE DISTRICT'S AID ENTITLEMENT PER FTE DETERMINED ACCORDING TO SUBDIVISION 7B, TIMES ITS PUPIL WEIGHTING FACTOR FOR THE DURING-DAY TRANSPORTATION CATEGORY, TIMES THE NUMBER OF FTE'S TRANSPORTED IN THE DURING-DAY TRANSPORTATION CATEGORY IN THE CURRENT YEAR.)

*During-day transportation aid authorized in this subdivision shall not be paid after the 1983-1984 school year.*

Subd. 8h. [CLOSED-SCHOOL TRANSPORTATION AID.] For the 1982-1983 and 1983-1984 school years, a district's closed-school transportation aid shall equal the district's aid entitlement per FTE determined according to subdivision 7b, times the number of authorized FTE's transported in the regular category in the current school year who were not transported in the base year and would not have been transported in the current year but for school closings or altered school attendance boundaries. The total amount of transportation aid computed pursuant to this subdivision in each year shall not exceed \$2,000,000. If this amount is insufficient to pay each qualifying district its full amount of aid pursuant to this subdivision, this amount shall be prorated among all qualifying districts in proportion to each district's number of FTE's for whom aid is claimed under this subdivision.

*Closed-school transportation aid authorized in this subdivision shall not be paid after the 1983-1984 school year.*

Subd. 8i. [NONREGULAR TRANSPORTATION AID.] For the 1984-1985 school year and each year thereafter, a district's nonregular transportation aid shall be determined pursuant to this subdivision. Nonregular transportation aid shall equal (a) 20 percent of the first \$10 of actual cost in the current year for nonregular transportation services per total pupil unit, plus 40 percent of the next \$10 of actual cost in the current year for nonregular transportation services per total pupil unit, plus 60 percent of the actual cost in the current year for nonregular transportation services per total pupil unit which exceeds \$20, times (b) the number of total pupil units in the district in the current year.

Subd. 8j. [NONREGULAR TRANSPORTATION LEVY EQUALIZATION AID.] For the 1984-1985 school year and each year thereafter, a district's nonregular transportation levy equalization aid shall be determined pursuant to this subdivision.

(a) Unreimbursed nonregular transportation revenue shall equal the actual cost in the current year for nonregular transportation services, minus the district's nonregular transportation aid computed pursuant to subdivision 8i.

(b) *The nonregular transportation levy is the levy authorized by section 275.125, subdivision 5c.*

(c) *Nonregular transportation levy equalization aid for a district shall equal the product of (1) its unreimbursed nonregular transportation revenue, minus the nonregular transportation levy limitation for that year, times (2) the ratio of the district's actual nonregular transportation levy to its nonregular transportation levy limitation.*

**Subd. 8k [CONTRACTED SERVICES AID REDUCTION.]** *For the 1984-1985 school year and each year thereafter, each district's transportation aid shall be reduced according to the provisions of this subdivision, if the district contracted for some or all of the transportation services provided in the regular category. The department of education shall compute this subtraction by conducting the multiple regression analysis specified in subdivision 3 and computing the district's aid under two circumstances, once including the coefficient of the factor specified in subdivision 4a, clause (3), and once excluding the coefficient of that factor. The aid subtraction shall equal the difference between the district's aid computed under these two circumstances.*

**Subd. 9. [DISTRICT REPORTS.]** Each district shall report data to the department as required by the department to implement the transportation aid formula. If a district's final transportation aid payment is adjusted after the final aid payment has been made to all districts, the adjustment shall be made by increasing or decreasing the district's aid for the next fiscal year.

**Subd. 10. [DEPRECIATION.]** Any school district which owns school buses or mobile units shall transfer annually from the unappropriated fund balance account in its transportation fund to the appropriated fund balance account for bus purchases in its transportation fund at least an amount equal to 12-1/2 percent of the original cost of each type one or type two bus or mobile unit until the original cost of each type one or type two bus or mobile unit is fully amortized, plus 20 percent of the original cost of each type three bus included in the district's authorized cost under the provisions of subdivision 1, clause (b)(4), until the original cost of each type three bus is fully amortized, plus 33-1/3 percent of the cost to the district as of July 1 of each year for school bus reconditioning done by the department of corrections until the cost of the reconditioning is fully amortized; provided, if the district's transportation aid is reduced pursuant to subdivision 8a because the appropriation for that year is insufficient, this amount shall be reduced in proportion to the reduction pursuant to subdivision 8a as a percentage of the sum of

(1) the district's total transportation aid without the reduction pursuant to subdivision 8a, plus

(2) an amount equal to two mills times the adjusted assessed valuation of the district for levies attributable to fiscal years 1983 and 1984, or 1.75 mills times the adjusted assessed valuation of the district for levies attributable to fiscal year 1985 and thereafter. Any school district may transfer any amount from the unappropriated fund balance account in its transportation fund to any other operating fund or to the appropriated fund balance account for bus purchases in its transportation fund.

(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 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.)

Subd. 12. [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 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. 2. Minnesota Statutes 1982, section 275.125, subdivision 5, is amended to read:

Subd. 5. [TRANSPORTATION LEVY.] For school transportation services, a school district may levy an amount not to exceed the amount raised by a levy of (TWO) 1.75 mills times the adjusted assessed valuation of the taxable property of the district for the preceding year. A district may also levy under this subdivision for the amount necessary to eliminate any projected deficit in the appropriated fund balance account for bus purchases in its transportation fund as of June 30 in the school year when the levy is recognized as revenue. A district which contracts for pupil transportation services may also levy an amount equal to (\$18 TIMES THE NUMBER OF FTE PUPILS TRANSPORTED ON CONTRACTED SCHOOL BUSES IN THE PRECEDING SCHOOL YEAR IN THE REGULAR TRANSPORTATION CATEGORY) the aid subtraction computed pursuant to section 124.225, subdivision 8k, for the school year beginning in the year the levy is certified, which amount

shall be placed in the transportation fund and used for any lawful purpose. A district may levy an amount equal to the estimated cost, in the school year beginning in the year in which the levy is certified, of transporting secondary pupils to and from school who live more than one mile but less than two miles from the public school which they could attend or from a nonpublic school actually attended. A district may also levy for transportation costs or other related services which are necessary because of extraordinary traffic hazards for the next school year. Levies authorized by this subdivision shall be computed according to procedures established by the commissioner.

Sec. 3. Minnesota Statutes 1982, section 275.125, subdivision 5b, is amended to read:

Subd. 5b. [TRANSPORTATION LEVY OFF-FORMULA ADJUSTMENT.] In (ANY) fiscal (YEAR IN WHICH) *years 1983 and 1984* if the transportation levy in a district attributable to (THAT) *each* fiscal year of two mills times the adjusted assessed valuation of the district exceeds the transportation aid computation under section 124.225, subdivisions 8b, 8c, 8d, 8e, 8f, 8g, and 8h, the district's transportation levy limitation shall be adjusted as provided in this subdivision. In the year following (THAT) *each of those* fiscal (YEAR) *years*, the district's transportation levy shall be reduced by an amount equal to the difference between (1) two mills times the adjusted assessed valuation of the district, and (2) the sum of the district's transportation aid computation pursuant to section 124.225, subdivisions 8b, 8c, 8d, 8e, 8f, 8g, and 8h, less the amount of any aid reduction due to an insufficient appropriation as provided in section 124.225, subdivision 8a.

*In fiscal year 1985 and each fiscal year thereafter, if the basic transportation levy in a district attributable to a particular fiscal year of 1.75 mills times the adjusted assessed valuation of the district exceeds the transportation aid computation under section 124.225, subdivisions 8b, 8i, and 8k, the district's levy limitation shall be adjusted as provided in this subdivision. In the year following each fiscal year, the district's transportation levy shall be reduced by an amount equal to the difference between (1) 1.75 mills times the adjusted assessed valuation of the district, and (2) the sum of the district's transportation aid computation pursuant to section 124.225, subdivisions 8b, 8i, and 8k, and the amount of any subtraction made from special state aids and payments pursuant to article 1, section 6, subdivision 2, less the amount of any aid reduction due to an insufficient appropriation as provided in section 124.225, subdivision 8a.*

For the levies certified in 1983 and 1984, the following additional amount shall be subtracted:

the product of

(a) the number of nonhandicapped secondary pupils transported in the base year who live between one and two miles from the public school which they could attend or the nonpublic school actually attended, times

(b) 1.5, divided by the average distance to school for all FTE's transported in the district in the regular transportation category in the base year, times

(c) the district's aid entitlement per FTE determined according to section 124.225, subdivision 7b, times the ratio of average daily membership in the district in the current year to average daily membership in the district in the base year.

Sec. 4. Minnesota Statutes 1982, section 275.125, is amended by adding a subdivision to read:

*Subd. 5c. [NONREGULAR TRANSPORTATION LEVY.] A school district may also make a levy for unreimbursed non-regular transportation costs pursuant to this subdivision. The amount of the levy shall not exceed the product of:*

(a) *the district's unreimbursed nonregular transportation revenue determined pursuant to section 124.225, subdivision 8j, clause (a), times*

(b) *the lesser of*

(i) *one, or*

(ii) *the ratio of the district's adjusted assessed valuation for the preceding year per total pupil unit in the school year to which the levy is attributable, to the equalizing factor for the school year to which the levy is attributable.*

Sec. 5. [ADDITIONAL TRANSPORTATION LEVY; 1983.]

*Any district which in 1982 levied less than the maximum amount the district was permitted to levy pursuant to Minnesota Statutes 1982, section 275.125, subdivision 5, for the estimated cost of transporting secondary pupils to and from school who live more than one mile but less than two miles from the public school which they could attend or from a nonpublic school actually attended, or which in 1982 levied less than \$18 times the number of FTE pupils transported on contracted school buses in the preceding school year in the regular transportation category, may make an additional transportation levy in 1983. The additional levy in 1983 shall not exceed the amount by which the district's actual levy in 1982 under those provisions was less than the maximum amount the district was permitted to levy under those provisions.*

Sec. 6. [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:*

\$83,554,000 . . . . . 1984,

\$91,247,000 . . . . . 1985.

*(a) The appropriation for 1984 includes \$13,471,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$70,083,000 for fiscal year 1984 payable in fiscal year 1984.*

*(b) The appropriation for 1985 includes \$12,367,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$78,880,000 for fiscal year 1985 payable in fiscal year 1985.*

*Subd. 3. [CANCELLATION.] Any unexpended balance remaining from the appropriation in this section for 1984 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 any purposes indicated is insufficient, the aid for that year shall be prorated among all qualifying districts in the manner prescribed in Minnesota Statutes, section 124.225, subdivision 8a.*

ARTICLE 3

SPECIAL EDUCATION

Sec. 1. Minnesota Statutes 1982, 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. The state board shall, according to section 14.05, subdivision 4, notify a district applying for a variance from the rules within 45 calendar days of receiving the request*



*whether the request for the variance has been granted or denied. If a request is denied, the board shall specify the program standards used to evaluate the request and the reasons for denying the request.*

Sec. 2. Minnesota Statutes 1982, section 124.17, subdivision 2d, is amended to read:

Subd. 2d. [SUMMER SCHOOL MEMBERSHIP.] 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. *Until August 31, 1984, 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. After August 31, 1984, this number shall equal the sum for all pupils of the number of classroom hours in the program for which each pupil is enrolled divided by 1080. However, the number of hours for an individual pupil may not exceed 120 unless a district obtains approval from the commissioner of education for a program which exceeds 120 hours.* Membership in summer school or intersession classes of flexible school year programs shall not include a handicapped pupil 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.

Sec. 3. Minnesota Statutes 1982, section 124.201, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] For the purposes of computing foundation aid for handicapped pupils enrolled in 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. Only pupils who are handicapped and who are appropriately served at levels 2, 3, 4, 5, or 6 of the continuum of placement model described in 5 MCAR 1.0120 B.11. shall be included in the computation of summer school pupil units.

(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 124.2122 for the preceding regular school year.

(3) "Summer school aid" means aid for summer school and inter-session classes of flexible school year programs.

Sec. 4. Minnesota Statutes 1982, section 124.201, subdivision 3, is amended to read:

**Subd. 3. [AID FOR 1982 SUMMER SCHOOL (AID).]**  
**(EACH YEAR)** *In fiscal year 1983 a district shall receive summer school aid for the 1982 summer school session 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 275.125, subdivision 2i 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 275.-125, subdivision 2i in the calendar year when the summer school program is offered.

**Sec. 5. Minnesota Statutes 1982, section 124.201, is amended by adding a subdivision to read:**

**Subd. 4. [AID FOR 1983 SUMMER SCHOOL SESSION.]**  
*In fiscal year 1984 a district shall receive summer school aid for the 1983 summer school session 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 18, clause (a), certified in calendar year 1983; times

(b) the district's summer school revenue allowance; and

(2) the levy certified by the district pursuant to section 19, clause (a) in calendar year 1983.

**Sec. 6. Minnesota Statutes 1982, section 124.201, is amended by adding a subdivision to read:**

**Subd. 5. [SUMMER SCHOOL AID.]** *In fiscal year 1985 and each year thereafter, 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, certified in the calendar year before 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 in the calendar year before the summer school program is offered.*

Sec. 7. Minnesota Statutes 1982, section 124.201 is amended by adding a subdivision to read:

*Subd. 6. [AID ADJUSTMENT.] The department of education shall adjust the aid paid each year to reflect adjustments which were made or could have been made to the levy because of a difference between estimated and actual pupil membership. The department shall also adjust levy limitations for districts where actual pupil membership differs from estimated pupil membership.*

Sec. 8. Minnesota Statutes 1982, section 124.273, subdivision 1b, is amended to read:

Subd. 1b. [1983-1984 TEACHERS SALARIES.] For the 1983-1984 school year, and each year thereafter, the department shall pay a school district (65) 64.3 percent of the salary, calculated from the date of hire, of one full time equivalent teacher for each 45 pupils of limited English proficiency enrolled in the district, or a pro rata amount thereof for increments of fewer than 45 pupils. Notwithstanding the foregoing, the department shall pay (65) 64.3 percent of the salary, calculated from the date of hire, of one-half of a full time equivalent teacher to a district with 22 or fewer pupils of limited English proficiency enrolled.

Sec. 9. Minnesota Statutes 1982, section 124.273, subdivision 2b, is amended to read:

Subd. 2b. [1983-1984 PROHIBITION.] Beginning in the 1983-1984 school year, and each year thereafter, the department of education shall not pay a school district an amount exceeding (65) 64.3 percent of the salaries paid to essential instructional personnel employed by the district in its educational program for pupils of limited English proficiency.

Sec. 10. Minnesota Statutes 1982, section 124.273, subdivision 4, is amended to read:

Subd. 4 [APPLICATION DATES.] (a) (A DISTRICT WISHING TO RECEIVE AID PURSUANT TO THIS SECTION SHALL SUBMIT AN APPLICATION BY OCTOBER 15, FEBRUARY 15, AND JUNE 15 OF EACH YEAR. AID PAID PURSUANT TO THIS SECTION SHALL BE BASED ON THE NUMBER OF PUPILS OF LIMITED ENGLISH PROFICIENCY ENROLLED IN THE DISTRICT AT THE TIME THE DISTRICT SUBMITS ITS FIRST APPLICATION OR THE NUMBER OF ADDITIONAL SUCH PUPILS EN-

ROLLED AT THE TIME SUBSEQUENT APPLICATIONS ARE SUBMITTED) A district shall submit an initial application for aid by October 15 and shall submit an amended application by February 15 or by June 15 if the number of enrolled pupils of limited English proficiency has changed since filing a previous application. Districts which do not submit an initial application by October 15 but enroll pupils of limited English proficiency after that date may submit an initial application by February 15 or by June 15. A final report with actual salary and enrollment information shall be submitted by August 15 for calculation of the final payment.

(b) All applications shall be submitted to the department in the manner prescribed by the commissioner. Each application shall include (1) the number of pupils or additional pupils enrolled who meet the criteria in section 126.262, subdivision 2; (2) the number, dates of hire, full time equivalency, and salaries of essential licensed personnel or additional essential licensed personnel employed in the district's educational program for pupils of limited English proficiency who meet the criteria in section 126.262, subdivision 3; and (3) any other information deemed necessary by the commissioner to implement this section. School districts may submit joint applications for aid pursuant to this section and may share essential instructional personnel employed in educational programs for pupils of limited English proficiency.

Sec. 11. Minnesota Statutes 1982, section 124.32, subdivision 1b, is amended to read:

Subd. 1b. [1983-1984 TEACHERS SALARIES.] Beginning in the 1983-1984 school year and each year thereafter, the state shall pay to any district for the employment in its educational program for handicapped children (70) 69.3 percent of the salary of essential personnel for the normal school year for each full time person employed, or a pro rata amount for a part time person or a person employed for a limited time, whether the essential personnel are employed by a district alone or jointly with another district.

Sec. 12. Minnesota Statutes 1982, section 124.32, subdivision 1d, is amended to read:

Subd. 1d. [CONTRACT SERVICES.] (1) Except for the 1982-1983 school year, 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) 59.4 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) Except for the 1982-1983 school year, 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) 59.4 percent of the difference between the amount of the contract and the summer school revenue allowance of the district attributable to that pupil.

Sec. 13. Minnesota Statutes 1982, section 124.32, subdivision 2, is amended to read:

Subd. 2. [SUPPLY AND EQUIPMENT AID.] Except for the 1982-1983 school year, the state shall pay each district for supplies and equipment purchased or rented for use in the instruction of handicapped children an amount equal to (ONE-HALF) 49.5 percent of the sum actually expended by the district but not to exceed an average of (\$50) \$49.50 in any one school year for each handicapped child receiving instruction.

Sec. 14. Minnesota Statutes 1982, section 124.32, subdivision 3a, is amended to read:

Subd. 3a. *Unless otherwise specified*, the aids provided for educational programs for handicapped children shall be paid on a current funding basis.

Sec. 15. Minnesota Statutes 1982, section 124.32, subdivision 5, is amended to read:

Subd. 5. [RESIDENTIAL AID.] When a handicapped child is placed in a residential facility approved by the commissioner and established primarily to serve handicapped children and when the child's educational program is approved by the commissioner, the state shall pay aid to the resident district under the provisions of this subdivision. Except for the (1982-1983) 1981-1982 regular school year, the aid shall be an amount not to exceed (60) 59.4 percent of the difference between the instructional costs charged to the resident district and the foundation aid formula allowance, for each handicapped child placed in a residential facility. Except for (1983) 1982 summer school programs, the aid for summer school programs for each handicapped child placed in a residential facility shall be an amount not to exceed (60) 59.4 percent of the difference between the instructional costs charged to the resident district and the summer school revenue allowance in the resident district attributable to that child. *Aid for these programs shall be paid on a reimbursement basis by October 31 following completion of the program.* No aid shall be paid pursuant to this subdivision for tuition charged a resident district pursuant to section 120.17, subdivision 7a, for a child placed at the Minnesota school for the deaf or the Minnesota braille and sight-saving school.

The following types of facilities may be approved by the commissioner:

(a) A residential facility operated by the state or public school district and designed to serve the low incidence handicapped, the multiple handicapped, or the most severely handicapped children within the state.

(b) A private, nonsectarian residential facility designed to provide educational services for handicapped children within the state.

(c) A state hospital or private nonsectarian residential center designed to provide care and treatment for handicapped children.

Sec. 16. Minnesota Statutes 1982, section 124.32, subdivision 5a, is amended to read:

Subd. 5a. [(1982-1983) 1981-1982 RESIDENTIAL AID.] The aid for the (1982-1983) 1981-1982 school year shall be paid according to subdivision 5, except that for the regular (1982-1983) 1981-1982 school year the aid shall be an amount not to exceed 35.7 percent of the difference between the instructional costs charged to the resident district and the foundation aid formula allowance, for each handicapped child placed in a residential facility. For summer school programs in (1983) 1982, the aid for each handicapped child placed in a residential facility shall be an amount not to exceed 35.7 percent of the difference between the instructional costs charged to the resident district and the summer school revenue allowance in the resident district attributable to that child.

Sec. 17. Minnesota Statutes 1982, section 275.125, subdivision 2i, is amended to read:

Subd. 2i. [1982 HANDICAPPED SUMMER SCHOOL LEVY.] A district may levy for *the* 1982 summer school programs for handicapped pupils an amount equal to the following product:

(1) The district's summer school revenue allowance as defined in section 124.201, subdivision 2, clause (2) for the (CALENDAR YEAR WHEN THE LEVY IS CERTIFIED) 1982 session, times

(2) the lesser of:

(a) one, or

(b) the ratio of

(i) the quotient derived by dividing the adjusted assessed valuation of the district in the third preceding year by the total pupil units in the district in the preceding regular school year, to

(ii) the equalizing factor for the preceding regular school year.

Sec. 18. Minnesota Statutes 1982, section 275.125, is amended by adding a subdivision to read:

*Subd. 2j. [1983 LEVY FOR 1983 AND 1984 HANDICAPPED SUMMER SCHOOL.] (a) In 1983 a district may levy for the 1983 summer school program for handicapped pupils an amount equal to the following product:*

*(1) the district's summer school revenue allowance as defined in section 124.201, subdivision 2, clause (2) for the 1983 session, times*

*(2) the lesser of:*

*(i) one, or*

*(ii) the ratio of*

*(A) the quotient derived by dividing the 1980 adjusted assessed valuation of the district by the total pupil units in the district in the 1982-1983 school year, to*

*(B) the equalizing factor for the 1982-1983 school year.*

*(b) In addition, in 1983 a district may levy for the 1984 summer school program for handicapped pupils an amount equal to the following product:*

*(1) the district's estimated summer school revenue allowance as defined in section 124.201, subdivision 2, clause (2), times*

*(2) the lesser of*

*(i) one or*

*(ii) the ratio of*

*(A) the quotient derived by dividing the 1981 adjusted assessed valuation of the district by the number of total pupil units in the district in the 1983-1984 school year, to*

*(B) the equalizing factor for the 1983-1984 school year.*

Sec. 19. Minnesota Statutes 1982, section 275.125, is amended by adding a subdivision to read:

*Subd. 2k. [HANDICAPPED SUMMER SCHOOL LEVY.] In 1984 and each year thereafter, a district may levy for summer*

*school programs for handicapped pupils an amount equal to the following product:*

(a) *The district's estimated summer school revenue allowance as defined in section 124.201, subdivision 2, clause (2) for the summer school session to be held in the calendar year after the calendar year when the levy is certified, times*

(b) *the lesser of:*

(1) *one, or*

(2) *the ratio of*

(i) *the quotient derived by dividing the adjusted assessed valuation of the district in the second preceding year by the total pupil units in the district in the current school year, to*

(ii) *the equalizing factor for the current regular school year.*

Sec. 20. Laws 1982, chapter 548, article 3, section 27, is amended to read:

Sec. 27. [SUPERVISION.]

For the 1982-1983 and 1983-1984 school (YEAR) years, the rules on supervisory personnel of 5 MCAR 1.0122 D., D.1., D.2., D.3., and D.4. are suspended.

(BY FEBRUARY 1, 1983, THE DEPARTMENT OF EDUCATION SHALL REPORT TO THE EDUCATION COMMITTEES OF THE LEGISLATURE REGARDING THE NEED TO REINSTATE THE RULES OR ITS RECOMMENDATIONS FOR ALTERNATIVE RULES FOR SUPERVISORY PERSONNEL.)

Sec. 21. Laws 1982, chapter 548, article 3, section 28, is amended to read:

Sec. 28. [STUDENT TO STAFF RATIOS; 1982-1983 AND 1983-1984 SCHOOL (YEAR) YEARS.]

For the 1982-1983 and 1983-1984 school (YEAR) years, a school district may increase the student to staff ratios established pursuant to 5 MCAR 1.0122 C. by an amount not to exceed 20 percent. (BY FEBRUARY 1, 1983, THE DEPARTMENT SHALL REPORT TO THE EDUCATION COMMITTEES OF THE LEGISLATURE REGARDING RECOMMENDATIONS ON PROMULGATING NEW STUDENT TO STAFF RULES WHICH PROVIDE GREATER FLEXIBILITY TO SCHOOL DISTRICTS AND WHICH HAVE COST CON-



TAINMENT FEATURES, INCLUDING INCENTIVES FOR COOPERATION AMONG SCHOOL DISTRICTS.)

Sec. 22. [REPEALER.]

*Minnesota Statutes 1982, sections 124.273, subdivisions 1 and 2; and 124.32, subdivisions 1 and 9 are repealed.*

Sec. 23. [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:*

\$116,862,000 . . . . . 1984,

\$124,225,000 . . . . . 1985.

*The appropriation for 1984 includes \$15,148,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$101,714,000 for aid for fiscal year 1984 payable in fiscal year 1984.*

*The appropriation for 1985 includes \$17,949,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$106,276,000 for aid for fiscal year 1985 payable in fiscal year 1985.*

*Subd. 3. [SUMMER SCHOOL SPECIAL EDUCATION AID.] For special education aid for summer school programs there is appropriated:*

\$4,257,000 . . . . . 1984,

\$5,039,000 . . . . . 1985.

*Subd. 4. [SUMMER SCHOOL FOUNDATION AID.] For summer school foundation aid pursuant to section 124.201, subdivision 3, there is appropriated:*

\$1,242,000 . . . . . 1984,

\$1,498,000 . . . . . 1985.

*Subd. 5. [RESIDENTIAL FACILITIES AID.] For aid pursuant to section 124.32, subdivision 5, there is appropriated:*

\$1,128,000 . . . . . 1984,

\$1,226,000 . . . . . 1985.

*Subd. 6. [LIMITED ENGLISH PROFICIENCY PUPILS PROGRAM AID.] For aid to educational programs for pupils of limited English proficiency there is appropriated:*

\$2,859,000 . . . . 1984,

\$3,103,000 . . . . 1985.

*The appropriation for 1984 includes \$380,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$2,479,000 for aid for fiscal year 1984 payable in fiscal year 1984.*

*The appropriation for 1985 includes \$438,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$2,665,000 for aid for fiscal year 1985 payable in fiscal year 1985.*

*Subd. 7. [AMERICAN INDIAN LANGUAGE AND CULTURE PROGRAM AID.] For grants to American Indian language and culture education programs pursuant to section 126-54, subdivision 1, there is appropriated:*

\$542,000 . . . . 1984,

\$575,000 . . . . 1985.

*The appropriation for 1984 includes \$73,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$469,000 for aid for fiscal year 1984 payable in fiscal year 1984.*

*The appropriation for 1985 includes \$83,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$492,000 for aid for fiscal year 1985 payable in fiscal year 1985.*

*Subd. 8. [HEARING IMPAIRED SUPPORT SERVICES AID.] For payment of support services for hearing impaired persons pursuant to section 121.201, there is appropriated:*

\$42,000 . . . . 1984,

\$45,000 . . . . 1985.

*Subd. 9. [CANCELLATION.] Any unexpended balances remaining from the appropriations in this section for 1984 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. 10. [PRORATION.] If the appropriation amount in subdivision 2, 3, 5, or 6 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. 24. [EFFECTIVE DATE.]

*Sections 1, 2, 14, 15, and 10 of this article are effective the day following final enactment.*

ARTICLE 4

COMMUNITY AND ADULT EDUCATION

Section 1. Minnesota Statutes 1982, section 124.26, subdivision 1, is amended to read:

Subdivision 1. [COMPENSATION.] For evening schools and continuing education programs for adults established for persons over 16 years of age and not in attendance upon regular day schools, the state shall compensate any district maintaining such programs in accordance with requirements established by the state board from funds appropriated for that purpose, or such funds combined with federal funds insofar as federal funds are available. The state shall pay these aids on a current funding basis. Except for the 1982-1983 school year, the portion of the compensation from state appropriation shall be (90) 89.1 percent of the compensation paid each teacher for services in the programs up to \$8,000 per year based on the costs in that current year. All classes shall be tuition free when taught by teachers subsidized under this section and there shall be no charge for registration, materials and supplies. Evening school and continuing education programs are defined as those public day or evening school programs which are established for persons over 16 years of age not in attendance at the full time elementary or secondary schools and which qualify such persons for the high school diploma, the high school equivalency certificate or for academic achievement at the secondary level.

Sec. 2. Minnesota Statutes 1982, section 124.271, subdivision 2a, is amended to read:

Subd. 2a. [AID; 1984.] (1) Beginning in fiscal year 1984, each district which is operating a community education program in compliance with the rules promulgated by the state board and which has levied pursuant to section 275.125, subdivision 8, shall receive in state aid the greater of the following:

(a) \$5 per capita minus the amount raised by .9 mill times the adjusted assessed valuation used to compute the community education levy limitation for the levy attributable to that school year; or

(b) (75) 25 cents per capita; or

(c) \$7,000.

However (THE AMOUNT OF AID SHALL NOT EXCEED THE AMOUNT CERTIFIED), for any district which qualifies for aid under clause (c) and which does not certify the maximum permissible levy pursuant to section 275.125, subdivision 8, the aid shall be reduced by multiplying the aid amount by the ratio of the district's actual levy to its maximum permissible levy. For purposes of computing the aid limitation pursuant to this subdivision, the amount certified pursuant to section 275.125, subdivision 8, shall not reflect reductions pursuant to section 275.125, subdivision 9.

(2) In addition to the amount in clause (1), in fiscal year 1984 a district which made a levy for community education programs pursuant to section 275.125, subdivision 8, shall receive additional aid of 25 cents per capita. This amount may be used for community education programs in early childhood and family education, or for any other community education program.

Sec. 3. Minnesota Statutes 1982, section 124.271, is amended by adding a subdivision to read:

*Subd. 2b. [AID; 1985 AND AFTER.] (1) In fiscal year 1985 and each fiscal year thereafter, each district which is operating a community education program in compliance with rules promulgated by the state board shall receive community education aid in an amount equal to the difference obtained by subtracting*

*(a) an amount equal to .8 mills times the adjusted assessed valuation used to compute the community education levy limitation for the levy attributable to that school year, from*

*(b) the greater of*

*(i) \$7,000, or*

*(ii) \$5 times the population of the district.*

(2) However, for any district which certifies less than the maximum permissible levy under the provisions of section 275.125, subdivision 8, clause (4), the district's community education aid under clause (1) of this subdivision shall be reduced by multiplying the aid amount computed pursuant to clause (1) of this subdivision by the ratio of the district's actual levy under section 275.125, subdivision 8, clause (4), to its maximum permissible levy under section 275.125, subdivision 8, clause (4). For purposes of computing the aid reduction pursuant to this clause, the amount certified pursuant to section 275.125, subdivision 8, clause (4), shall not reflect reductions made pursuant to section 275.125, subdivision 9.

(3) *In addition to the amount in clause (1), in fiscal year 1985 and each fiscal year thereafter a district which makes a levy for community education programs pursuant to section 275.125, subdivision 8, shall receive additional aid of 50 cents per capita. This amount may be used for community education programs in early childhood and family education, or for any other community education program.*

Sec. 4. Minnesota Statutes 1982, section 124.271, subdivision 6, is amended to read:

Subd. 6. [PAYMENT SCHEDULE.] (STARTING IN FISCAL) *Each year (1983,) the state shall pay to each school district 85 percent of its community education program aid for the current fiscal year by November 1. The final aid distribution to each district shall be made by November 1 of the following fiscal year. All community education program aid shall be distributed by the state aids section of the department of education.*

Sec. 5. Minnesota Statutes 1982, section 275.125, subdivision 8, is amended to read:

Subd. 8. [COMMUNITY EDUCATION LEVY.] (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) \$3.40 PER CAPITA, OR (B) 110 PERCENT OF THE AMOUNT CERTIFIED PURSUANT TO THIS SUBDIVISION IN 1980. 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 1980 SHALL NOT REFLECT REDUCTIONS PURSUANT TO SUBDIVISION 9.)

((2)) Except as provided in clauses ((3)) (2) and ((4)) (3), in 1982 (, AND EACH YEAR THEREAFTER,) a district which has established a community education advisory council pursuant to section 121.88, may levy the amount raised by .9 mill times the most recent adjusted assessed valuation of the district, but no more than \$5 times the population of the district. This amount shall be reduced to (\$4.25) \$4.75 per capita for districts which will qualify for aid in fiscal year 1984 equal to (75) 25 cents per capita pursuant to section 124.271, subdivision 2a, clause (1)(b).

((3)) (2) *In 1982 districts which received total revenue in fiscal year 1983 from community education aid and levy in excess of \$5 times the population of the district, may levy the amount*

of the fiscal year 1983 revenue less \$5 times the population of the district in addition to the amount in clause ((2)) (1).

((4)) (3) *In 1982 districts which will qualify for aid pursuant to section 124.271, subdivision 2a, clause (1)(c) may levy the greater of the following:*

(a) *\$5 per capita minus \$7,000; or*

(b) *the amount of their fiscal year 1983 revenue from community education aid and levy minus \$7,000.*

(4) *In 1983 and each year thereafter, a district which has established a community education advisory council pursuant to section 121.88, may levy the amount raised by .8 mill times the most recent adjusted assessed valuation of the district, but no more than the greater of*

(a) *\$5 times the population of the district, or*

(b) *\$7,000.*

(5) *In addition to the levy authorized in clause (4), in 1983 a district may levy an additional amount for community education programs equal to the difference obtained by subtracting*

(a) *the sum in fiscal year 1984 of*

(i) *the district's estimated maximum permissible revenue from community education aid under section 124.271, subdivision 2b, clause (1), and*

(ii) *the community education levy authorized in clause (4) of this subdivision, from*

(b) *the sum in fiscal year 1983 of*

(i) *the district's maximum permissible revenue from community education aid under section 124.271, subdivision 2a, clause (1), excluding any reductions from community education aid made pursuant to Laws 1981, Third Special Session chapter 2, article 2, section 2, clause (mm), and Laws 1982, Third Special Session chapter 1, article 3, section 6, and*

(ii) *the maximum community education levy authorized in this subdivision for the district for the levy made in 1981, payable in 1982, before any reduction in the levy pursuant to subdivision 9.*

(6) *In 1984 and each year thereafter, in addition to the levy authorized in clause (4), a district may levy an amount equal*

to the amount the district was entitled to levy pursuant to clause (5) in 1983.

(5) (7) *The levies authorized in this subdivision shall be used for community education, including nonvocational adult programs, recreation and leisure time activity programs, and programs authorized by sections 121.85 to 121.88. A school district may 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 levy pursuant to this subdivision.*

(6) (8) *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. 6. [LEVY ADJUSTMENT.]

*The commission shall adjust the 1982 payable 1983 community education levy limitations for school districts according to the provisions of this section. The adjustment shall be a positive or negative amount equal to the amount the district levied pursuant to section 275.125, subdivision 8, and the amount the district would have certified if the provisions in this article amending section 275.125, subdivision 8 with respect to the 1982 payable 1983 levy had been in effect at the time the 1982 payable 1983 levy was made. The adjustment shall be added to or subtracted from the district's levy limitation for 1983 taxes payable in 1984.*

#### Sec. 7. [REPEALER.]

*Minnesota Statutes 1982, sections 124.26, subdivision 4, and 124.271, subdivision 5, are repealed.*

#### Sec. 8. [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:*

*\$1,359,000 . . . . 1984,*

\$1,439,000 . . . . . 1985.

*The amount appropriated for fiscal year 1984 includes \$185,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$1,174,000 for aid for fiscal year 1984 payable in fiscal year 1984.*

*The amount appropriated for fiscal year 1985 includes \$207,000 for aid for fiscal year 1984 payable in fiscal year 1985, and \$1,232,000 for aid for fiscal year 1985 payable in fiscal year 1985.*

*Subd. 3. [COMMUNITY EDUCATION AID.] For community education aid pursuant to section 124.271 there is appropriated:*

\$3,946,000 . . . . . 1984,

\$3,055,000 . . . . . 1985.

*The amount appropriated for fiscal year 1984 includes \$494,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$3,452,000 for aid for fiscal year 1984 payable in fiscal year 1984.*

*The amount appropriated for fiscal year 1985 includes \$609,000 for aid for fiscal year 1984 payable in fiscal year 1985, and \$2,446,000 for fiscal year 1985 payable in fiscal year 1985.*

*Subd. 4. [CANCELLATION AND PRORATION.] Any unexpended balance remaining from the appropriations in this section for 1984 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 5

### VOCATIONAL EDUCATION

Section 1. Minnesota Statutes 1982, section 124.11, subdivision 2a, is amended to read:

Subd. 2a. ((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. THE ESTI-



MATED AID PAYMENTS SHALL BE PAID ON THE BASIS OF THE DEPARTMENT OF EDUCATION'S ESTIMATES OF THE CURRENT YEAR'S AVERAGE DAILY MEMBERSHIP ADJUSTED FOR THE LATEST AVAILABLE INFORMATION IN NOVEMBER, FEBRUARY AND MAY. THE FINAL PAYMENT, ADJUSTED TO REFLECT THE ACTUAL AVERAGE DAILY MEMBERSHIP, SHALL BE MADE IN SEPTEMBER OF THE FOLLOWING FISCAL YEAR.)

((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 for the latest available information in November, February and May. The final payment, adjusted to reflect the actual average daily membership, shall be made in September of the following fiscal year.

Sec. 2. Minnesota Statutes 124.11, subdivision 2b, is amended to read:

Subd. 2b. ((A) THROUGH THE 1981-1982 SCHOOL YEAR, 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 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 EQUIPMENT AID AND REPAIR AND BETTERMENT AID SHALL BE PAID TO DISTRICTS BY MAY 1 OF EACH YEAR.)

((B)) Beginning in the 1982-1983 school year, the state shall pay to districts 25 percent of post-secondary vocational supply aid and support services aid by August 1, 20 percent by November 1, 20 percent by February 1, and 20 percent by May 1 of each school year. Eighty-five percent of post-secondary vocational equipment aid and repair and betterment aid shall be paid to districts by August 1 of each year. The final aid distribution shall be made by October 31 of the following fiscal year.

Sec. 3. [124.5611] [AVTI FUNDING.]

*Beginning with aids for the 1983-1984 school year, post-secondary vocational aids for AVTI's shall be paid for the current fiscal year according to sections 3 to 21 of this article, and 124.564.*

## Sec. 4. [124.5612] [AVTI AID DEFINITIONS.]

*Subdivision 1. [APPLICABILITY.] Beginning with aids for the 1983-1984 school year, for the purposes of sections 3 to 21 of this article, 124.564, and 124.565, the following terms have the meanings given them.*

*Subd. 2. [ADM.] "ADM" means average daily membership computed according to section 10.*

*Subd. 3. [AVTI.] "AVTI" means a post-secondary area vocational-technical institute.*

*Subd. 4. [COMPONENT ACTIVITIES.] "Component activities" means regular instruction, related instruction, special needs instruction, research, instructional administration, media/library, pupil personnel services, health services, director's office, instructional services, fixed costs, work study/financial aid, and physical plant.*

*Subd. 5. [INSTRUCTIONAL AID.] "Instructional aid" means state money, exclusive of debt service aid, allocated by the state board for vocational education to districts for post-secondary vocational-technical education instructional costs.*

*Subd. 6. [INSTRUCTIONAL COSTS.] "Instructional costs" means expenditures in the following categories: licensed and nonlicensed staff salaries; licensed and nonlicensed staff fringe benefits, excluding teachers' retirement and teachers' social security; staff travel for instructional, administrative, and professional development purposes; purchased services; other expenditures, detailed according to UFARS; supplies and materials; supplies for resale; rents and leases; acquisition or purchase of equipment and machinery.*

*Subd. 7. [PROGRAM.] "Program" means a post-secondary vocational-technical occupational program as classified with a six-digit number by the United States department of education.*

*Subd. 8. [UFARS.] "UFARS" means the uniform financial accounting and reporting system.*

## Sec. 5. [124.5613] [PROGRAMS OF STUDY.]

*The board for vocational education shall approve, disapprove, and coordinate post-secondary vocational education programs. It may add, eliminate, transfer, or change programs as it deems necessary. The board may provide for in-service training for AVTI instructors in programs where it deems that such training is necessary.*

## Sec. 6. [124.5614] [PROCESS FOR AID ALLOCATION.]

*Subdivision 1. [BUDGET SUBMISSION.] Before January 1 of each year, each AVTI shall submit an instructional aid budget for the following fiscal year. The instructional aid budget shall detail estimated instructional costs in each expenditure category for each program and component activity of the AVTI's operations. The instructional aid budget shall include estimated revenues from sale of supplies and services, sale of equipment and other capital goods, and other revenues, detailed according to UFARS.*

*Subd. 2. [RECOMMENDED ALLOCATIONS.] After reviewing each budget, the department of education shall recommend aid allocations for the following fiscal year.*

*The recommendations for allocations of instructional aid, to the extent possible, shall be based on average ADM to teacher ratios of 12 to 1 for health programs and 17 to 1 for nonhealth programs within each AVTI. Individual programs which fall below these ratios or which have closely related job placement rates below 50 percent shall be discontinued, unless the board for vocational education determines that there is a compelling reason to retain one or more of them. The department shall recommend instructional aid allocations sufficient to maintain or improve special needs instruction. Allocations of instructional aid shall be recommended in each expenditure category for each program and component activity. The unappropriated capital balance of the equipment account in the capital fund, as of June 30 of the fiscal year during which allocations are made, shall be taken into consideration by the department in recommending allocations for the expenditure categories listed in section 7, subdivision 3, clauses (a), (b), (c), and (d) of this article. In recommending total allocation of instruction aid for each AVTI, the department shall take into consideration the amount of each AVTI's estimated net positive unappropriated general fund balance, as of June 30 of the fiscal year during which allocations are made, which exceeds 10 percent of the AVTI's operating expenditures, as defined by UFARS, for the fiscal year during which allocations are made. The estimated amount of each AVTI's tuition revenues in the fiscal year for which aid is allocated shall be taken into consideration.*

*Subd. 3. [HEARING.] The aid allocations recommended by the department of education shall be taken to a public hearing held by the state board of vocational education with at least six board members present. The hearing shall continue until all interested persons, representatives, and organizations have had an opportunity to be heard. Notice of the hearing shall be given at least 20 days prior to the date set for the hearing. The notice shall be published in the State Register and mailed to each district submitting a budget, and other interested persons and organizations who register their names with the commissioner of education for that purpose. The department of education shall make available at least one free copy of the recommended alloca-*

tions to the education committees of the legislature and to any person requesting it. An audio magnetic recording device shall be used to keep a record at every hearing. A transcript of the hearing record shall be made available upon the request of any person, if the request is in writing and the requester pays the cost of preparing the transcript.

Subd. 4. [HEARING REPORT.] 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 districts upon request for at least 15 days before the state board takes final action allocating aids.

Subd. 5. [MODIFICATIONS TO REPORT.] Any district which is adversely affected by the final proposed allocations of aids may request and shall be given an opportunity to be heard in support of modification of the proposed final allocation of aids at the meeting at which the state board takes final action allocating aids. The state board may place reasonable restrictions on the length of time allowed for testimony.

Subd. 6. [FINAL ALLOCATION.] By June 1 of each year, after hearing modification requests, if any, the state board shall take final action to allocate aids. Allocations of instructional aid shall be detailed in each expenditure category for each program and component activity. The total allocation for each AVTI shall specify the amounts of any fund balances and tuition revenues taken into consideration.

#### Sec. 7. [124.5615] [USE OF AID.]

Subdivision 1. [USE OF AIDS.] All AVTI aids and all tuition authorized by section 124.565 shall be used solely for the purposes of post-secondary vocational-technical education.

Subd. 2. [ACCOUNTING.] Each district providing post-secondary vocational-technical education shall maintain, in accordance with section 121.908, separate revenue, expenditure, asset and liability accounts for post-secondary vocational-technical education within funds separate from all other district funds.

Subd. 3. [INSTRUCTIONAL AID.] Instructional aid allocated for the following purposes shall be placed in the equipment account of the capital fund:

- (a) acquisition or purchase of equipment or machinery;

(b) *betterment of equipment or machinery;*

(c) *paying leasing fees for computer systems hardware and related proprietary software, photocopy machines, and telecommunications equipment; and*

(d) *renting or leasing buildings for school purposes.*

*Aid allocated for these purposes shall be used solely for these purposes. All other instructional aid which is allocated shall be placed in the general fund and shall not be transferred to any other fund.*

*Subd. 4. [SPECIAL NEEDS.] Aid allocated for special needs instruction shall be used solely for that purpose.*

**Sec. 8. [124.5616] [DISTRIBUTION OF MONEY.]**

*All money, 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 allocated by the state board for vocational education to districts in accordance with law and shall be distributed by the state aids section of the department of education.*

**Sec. 9. [124.5617] [CERTAIN EQUIPMENT EXPENDITURES.]**

*Expenditures for the purposes in section 7, subdivision 3, clauses (a), (b), (c), and (d) of this article which exceed \$4,000 shall receive prior approval by the commissioner. The process in section 6 of this article shall not constitute approval for this purpose.*

**Sec. 10. [124.5618] [AVERAGE DAILY MEMBERSHIP.]**

*Subdivision 1. [MEMBERSHIP.] Membership for pupils in AVTI's shall mean the number of pupils on the current roll of the school, counted from the date of entry until the date of withdrawal.*

*Subd. 2. [WITHDRAWAL.] The date of withdrawal shall mean the date a pupil completes the program and permanently leaves the AVTI. A pupil who has been absent for 15 consecutive school days shall be deemed to have permanently left the school. A pupil who permanently leaves the school on or before the 15th day of a quarter shall be deemed not to have entered during that quarter. For a pupil who permanently leaves after the 15th school day of a quarter without completing the program, the date of withdrawal shall be the earliest of the following:*

(a) *the date the pupil is scheduled to complete the program;*

(b) *the date the AVTI fills the vacancy created by leaving;*  
or

(c) *the last day of the quarter during which the pupil permanently leaves the AVTI.*

*Subd. 3. [COMPUTATION.] Average daily membership for pupils enrolled in an AVTI shall equal the quotient obtained by dividing*

(a) *the product of*

(1) *the sum for all pupils of the number of days of the school year each pupil is enrolled in an AVTI, counted from the date of entry until the date of withdrawal, times*

(2) *the quotient obtained by dividing*

(i) *the number of hours per day each pupil is enrolled, by*

(ii) *six; by*

(b) *175.*

*The number of hours counted for any pupil in any one program shall not exceed the number of hours approved by the state board for completion of the program. However, a district may count additional hours for membership, if necessary for a pupil who is identified by the district as handicapped or disadvantaged, to complete the program. For disadvantaged students, these additional hours shall not exceed ten percent of the approved number of hours for the program. Adult vocational pupils shall not be counted for the purposes of this section. Additional hours counted shall be reported to the commissioner.*

*Subd. 4. [CHEMICAL ABUSE TREATMENT.] A pupil who is absent from an AVTI to participate in a chemical abuse treatment program and who is on the roll of the AVTI according to the provisions of section 11 of this article may be counted in average daily membership during that time for not more than 30 consecutive school days. If a returning pupil needs additional hours to complete the educational program, the AVTI may count the lesser of the following additional hours for membership:*

(a) *the number of hours the pupil was counted while participating in the treatment program; or*

(b) *30 times the number of hours per day the pupil is enrolled.*

**Sec. 11. [124.5619] [ABSENCE FOR CHEMICAL ABUSE TREATMENT.]**

*If a pupil is absent from an AVTI to participate in a chemical abuse treatment program licensed by the state, the pupil may request the AVTI to remain on the roll in the educational program in which the pupil is enrolled. The AVTI shall grant a request it receives from the pupil.*

**Sec. 12. [124.5620] [LENGTH OF SCHOOL YEAR AND DAY.]**

*For an AVTI, the normal school year shall be at least the number of session days required by section 124.19, subdivision 1. In all AVTI's, the length of the school day for each pupil, exclusive of the noon intermission, shall be at least six hours. Exceptions may be made by the district for approved AVTI programs provided on a part time or extended day basis to meet the needs of individual students or classes. These exceptions are authorized only for programs originally provided on a full time basis.*

**Sec. 13. Minnesota Statutes 1982, section 124.572, subdivision 2, is amended to read:**

**Subd. 2. [ADULT VOCATIONAL AID.]** Except for the 1982-1983 school year, the state shall pay to any district or cooperative vocational center (75) 74.25 percent of the salaries paid to essential, licensed personnel or personnel exempt from licensure pursuant to section 125.031 in that school year for services rendered in that district's or center's adult vocational education programs. In addition, the state shall pay (50) 49.5 percent of the costs of necessary travel between instructional sites by adult vocational education teachers. The commissioner may withhold all or any portion of this aid for an adult vocational education program which receives moneys from any other source, and in no event shall a district or center receive a total amount of state aid for salaries and travel pursuant to this section which, when added to moneys from other sources, will provide the program an amount for salaries and travel which exceeds 100 percent of the amount of its expenditures for salaries and travel in the program.

**Sec. 14. Minnesota Statutes 1982, section 124.573, subdivision 2, is amended to read:**

**Subd. 2. [SALARIES, EQUIPMENT AND TRAVEL.]** Except for the 1982-1983 school year, the state shall pay to any district or cooperative center (45) 44.5 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. Except for the 1982-1983 school year, the state shall pay (45) 44.5 percent of the costs of necessary travel between instructional sites by secondary vocational education teachers and (45) 44.5 percent of the costs of necessary travel by secondary vocational education teachers accompanying stu-

dents to and from vocational student organization meetings held within the state for educational purposes. (FOR THE 1981-1982 SCHOOL YEAR, THE STATE SHALL PAY 45 PERCENT OF THE COSTS OF NECESSARY EQUIPMENT FOR THESE PROGRAMS.) No secondary vocational equipment aid shall be paid for the 1982-1983 school year and thereafter. The commissioner may withhold all or any portion of this aid for a secondary vocational education program which receives funds from any other source. 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. 15. Minnesota Statutes 1982, section 124.574, subdivision 2b, is amended to read:

Subd. 2b. [SALARIES.] For the 1983-1984 school year and each year thereafter, the state shall pay to any district or cooperative center (70) 69.3 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. 16. Minnesota Statutes 1982, section 124.574, subdivision 3, is amended to read:

Subd. 3. [EQUIPMENT, TRAVEL, AND SUPPLIES.] In addition to the provisions of subdivision 2, the state shall pay for each school year, except for the 1982-1983 school year:

(a) (50) 49.5 percent of the costs of necessary equipment for these secondary vocational education programs for handicapped children;

(b) (50) 49.5 percent of the costs of necessary travel between instructional sites by secondary vocational education teachers of handicapped children, but not including travel to and from local, regional, district, state or national vocational student organization meetings; and

(c) (50) 49.5 percent of the costs of necessary supplies for these secondary vocational education programs for handicapped children, but not to exceed an average of \$50 in any one school year for each handicapped child receiving these services.

Sec. 17. [RATIO AND PLACEMENT REPORT.]

*By January 1, 1984, the board for vocational education shall report to the legislature on programs which fall below the ADM to teacher ratios or the job placement rates as provided in section*



6, subdivision 2 of this article. This report shall contain the number of these programs, the actions taken by the board pursuant to section 6, subdivision 2 of this article, and, in the event that a program is being retained, the cost to the state of that retention. By December 1, 1983, this report shall be given to the higher education coordinating board for review and comment.

Sec. 18. [REPORT ON PROJECTED REPLACEMENT NEEDS.]

By October 1, 1984, the commissioner of education shall develop a report on a five year projection of the replacement needs of fixed assets property for each of the AVTP's. The report shall be submitted to the education committees of the legislature and to the directors of the AVTP's.

Sec. 19. [REPEALER.]

Minnesota Statutes 1982, sections 124.561; 124.562; 124.5621; 124.5622; 124.5623; 124.5624; 124.5625; 124.5626; 124.5627; 124.572, subdivision 8; 124.573, subdivision 5; and 124.574, subdivision 2 are repealed. The repeal of these sections shall not affect the right of a school district to receive, nor the obligation of the commissioner of education to pay, aids attributable to the 1982-1983 school year payable in fiscal year 1984 pursuant to the sections repealed.

Sec. 20. [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:

\$86,736,000 . . . . . 1984,

\$91,147,000 . . . . . 1985.

The appropriation for 1984 includes \$7,890,000 for aid for fiscal year 1983 payable in fiscal year 1984, pursuant to section 124.5621, and \$78,846,000 for aid for fiscal year 1984 payable in fiscal year 1984, pursuant to section 6 of this article.

The appropriation for 1984 is based on the assumption that the state will spend for this purpose an amount at least equal to \$5,700,000 in fiscal year 1984 of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended.

*The appropriation for 1985 includes \$13,914,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$77,233,000 for aid for fiscal year 1985 payable in fiscal year 1985, pursuant to section 6 of this article.*

*The appropriation for 1985 is based on the assumption that the state will spend for this purpose an amount at least equal to \$5,700,000 in fiscal year 1985 of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended.*

**Subd. 3. [POST-SECONDARY VOCATIONAL SUPPLY AID.]** *For post-secondary vocational supply aid there is appropriated:*

\$2,370,000 . . . . . 1984.

*The appropriation is for aid for fiscal year 1983 payable in fiscal year 1984.*

**Subd. 4. [POST-SECONDARY VOCATIONAL SUPPORT SERVICES AID.]** *For post-secondary vocational support services aid there is appropriated:*

\$2,428,000 . . . . . 1984.

*The appropriation is for aid for fiscal year 1983 payable in fiscal year 1984.*

**Subd. 5. [POST-SECONDARY VOCATIONAL EQUIPMENT AID.]** *For post-secondary vocational equipment aid there is appropriated:*

\$1,458,000 . . . . . 1984.

*The appropriation is for aid for fiscal year 1983 payable in fiscal year 1984.*

**Subd. 6. [POST-SECONDARY VOCATIONAL DEBT SERVICE AID.]** *For post-secondary vocational debt service aid there is appropriated:*

\$6,987,000 . . . . . 1984,

\$6,715,000 . . . . . 1985.

**Subd. 7. [ADULT VOCATIONAL EDUCATION AID.]** *For adult vocational education aid there is appropriated:*

\$7,729,000 . . . . . 1984,

\$8,186,000 . . . . . 1985.

*The appropriation for 1984 includes \$1,055,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$6,674,000 for aid for fiscal year 1984 payable in fiscal year 1985.*

*The appropriation for 1985 includes \$1,178,000 for aid for fiscal year 1984 payable in fiscal year 1985, and \$7,008,000 for aid for fiscal year 1985 payable in fiscal year 1985.*

*Subd. 8. [VETERAN FARMER COOPERATIVE TRAINING PROGRAMS.] For veteran farmer cooperative training programs there is appropriated:*

\$392,000 . . . . . 1984,

\$320,000 . . . . . 1985.

*Subd. 9. [SECONDARY VOCATIONAL EDUCATION AID.] For secondary vocational education aid pursuant to section 124.573 there is appropriated:*

\$20,369,000 . . . . . 1984,

\$20,202,000 . . . . . 1985.

*The appropriation for 1984 includes \$2,935,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$17,434,000 for aid for fiscal year 1984 payable in fiscal year 1984.*

*The appropriation for 1985 includes \$3,077,000 for aid for fiscal year 1984 payable in fiscal year 1985, and \$17,125,000 for aid for fiscal year 1985 payable in fiscal year 1985.*

*Subd. 10. [AID FOR SECONDARY VOCATIONAL EDUCATION PROGRAMS FOR HANDICAPPED CHILDREN.] For secondary vocational programs for handicapped children pursuant to section 124.574 there is appropriated:*

\$2,563,000 . . . . . 1984,

\$2,716,000 . . . . . 1985.

*The appropriation for 1984 includes \$348,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$2,215,000 for aid for fiscal year 1984 payable in fiscal year 1984. This appropriation is based on the assumption that the state will spend for this purpose an amount at least equal to \$230,000 in fiscal year 1984 of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended.*

*The appropriation for 1985 includes \$391,000 for aid for fiscal year 1984 payable in fiscal year 1985, and \$2,325,000 for aid for fiscal year 1985 payable in fiscal year 1985. This appropriation is based on the assumption that the state will spend for this purpose an amount at least equal to \$230,000 in fiscal year 1985 of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended.*

*Subd. 11. [CANCELLATION; PRORATION.] Any unexpended balance remaining from the appropriations in this section for 1984 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 amounts attributable to either year for any purpose indicated are 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. 21. [EFFECTIVE DATES.]**

*Sections 5, 6, 17, and 18 of this article shall be effective the day following final enactment.*

**ARTICLE 6**

**OTHER AIDS AND LEVIES**

**Section 1. [3.861] [LEGISLATIVE COMMISSION ON PUBLIC EDUCATION.]**

*Subdivision 1. [ESTABLISHMENT AND MEMBERSHIP.] There is established a legislative commission on public education. The commission shall consist of five members from the house of representatives and five members from the senate. The house members shall be the chairpersons of the education committee and education finance division and three other members, two of whom shall be members of the minority caucus, to be appointed by the speaker of the house. The senate members shall be the chairpersons of the education committee and education aids subcommittee and three other members, two of whom shall be members of the minority caucus, to be appointed by the subcommittee on committees of the rules and legislative administration committee. Vacancies shall be filled in the same manner as the original appointments.*

*Subd. 2. [GOVERNOR'S REPRESENTATIVE.] There shall be one nonvoting member of the commission appointed by the governor to serve as a liaison between the governor and the commission.*

*Subd. 3. [OFFICERS.] The commission shall elect a chairperson and vice-chairperson from among the following members:*

*the chairpersons of the house and senate education committees; the chairperson of the house education finance division; and the chairperson of the senate education aids subcommittee. The offices shall be held by one member from the house and one member from the senate during each term.*

*Subd. 4. [ADVISORY COMMITTEE.] The governor shall appoint an advisory committee of 15 members to the legislative commission on public education. Eight members shall have experience in elementary and secondary education. The remaining seven members shall have experience in post-secondary education, business, labor, or agriculture. The advisory committee shall meet at the discretion of the commission.*

*Subd. 5. [TERMS.] The members of the commission and the advisory committee shall be appointed for two-year terms, beginning on January 1 of each odd numbered year.*

*Subd. 6. [DUTIES; REPORT.] The commission shall study issues relating to elementary and secondary public education. By January 15 of each year, the commission shall report to the education committees of the legislature on its findings and recommendations.*

*Subd. 7. [STAFF.] The commission shall utilize existing legislative staff to provide legal counsel, research, secretarial and clerical assistance.*

*Subd. 8. [EXPENSES; REIMBURSEMENT.] The expenses of legislative members of the commission and legislative staff shall be funded by the appropriate legislative committee budgets. The expenses of advisory committee members, including expenses relating to absence from regular employment, shall be funded by the commission's budget. Reimbursement for expenses incurred shall be made pursuant to the rules governing state employees.*

*Subd. 9. [EXPENSES AND REPORTS.] Expenses of the commission, legislative staff, and advisory committee shall be approved by the chairperson of the commission. The expenses shall then be paid in the same manner as other state expenses are paid. A general summary or statement of expenses incurred by and paid for by the commission shall be made to the legislature by November 15 of each even-numbered year.*

**Sec. 2.** Minnesota Statutes 1982, section 121.911, is amended by adding a subdivision to read:

*Subd. 5. Upon approval by the commissioner of education, a district may incur a deficit in the capital expenditure fund to provide money for capital projects. A description of the project*

and a financial plan to recover the deficit shall be approved by the commissioner prior to the initiation of the project.

Sec. 3. Minnesota Statutes 1982, section 121.912, subdivision 3, is amended to read:

Subd. 3. For the purposes of this section, a permanent transfer includes creating a deficit in a nonoperating fund for a period past the end of the current fiscal year which is covered by moneys in an operating fund. *However, a deficit in the capital expenditure fund pursuant to section 121.911, subdivision 5, shall not constitute a permanent transfer.*

Sec. 4. Minnesota Statutes 1982, section 123.36, subdivision 13, is amended to read:

Subd. 13. 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 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) After satisfying the requirements of clause (1), a district with outstanding bonds may deposit proceeds of the sale or exchange in its capital expenditure fund if the amount deposited is used for the following:

(a) for energy audits on district owned buildings conducted pursuant to chapter 116H, and for funding those energy conservation and renewable energy measures which the energy audits indicate will reduce the use of nonrenewable sources of energy to the extent that the projected energy cost savings will amortize the cost of the conservation measures within a period of ten years or less;

(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) for expenditures for the removal of asbestos from school buildings or property or for asbestos encapsulation, if the asbes-

tos removal or encapsulation is performed in compliance with standards established by the state board;

(e) for expenditures for the cleanup of polychlorinated biphenyls, if the cleanup is performed in compliance with standards established by the state board;

(f) for capital expenditures to renovate and improve school buildings in which enrollment has increased as a result of closing schools in the district; or

(g) to replace the building or property sold.

The amount of the proceeds used for the purposes specified in clauses (a), (b) (AND), (c), (d), and (e) shall be deducted from the levy limitation computed for the levy authorized in section 275.125, subdivision 11b in the first year after the deposit and from levy limitations computed for this levy in succeeding years until the entire amount is deducted.

(3) In a district with outstanding bonds, the amount of the proceeds of the sale or exchange remaining after the application of clauses (1) and (2), which is sufficient to meet when due that percentage of the principal and interest payments for the district's outstanding bonds which is not governed by clause (1), shall be deposited in the debt retirement fund.

(4) Any proceeds of the sale or exchange remaining in districts with outstanding bonds after the application of clauses (1), (2), and (3), and all proceeds of the sale or exchange in districts without outstanding bonds shall be deposited in the capital expenditure fund of the district.

(5) Notwithstanding clauses (2) and (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 1982, section 123.36, is amended by adding a subdivision to read:

*Subd. 14.* [ASBESTOS REMOVAL AND POLYCHLORINATED BIPHENYLS CLEANUP.] *Notwithstanding any law*

*to the contrary, school districts may, without an election, enter into contracts extending beyond the end of the fiscal year to pay the costs of removal or encapsulation of asbestos or cleanup of polychlorinated biphenyls found in school buildings or on school property.*

Sec. 6. Minnesota Statutes 1982, 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 (\$28 PER CHILD SCREENED IN FISCAL YEAR 1982 AND) \$15 per child screened in fiscal year 1983, \$15.75 per child screened in fiscal year 1984 and \$16.50 per child screened in fiscal year 1985. Any district may request and receive an advance payment equal to 50 percent of its estimated payment for screening eligible children.

Sec. 7. Minnesota Statutes 1982, section 124.245, is amended by adding a subdivision to read:

*Subd. 1c. [HAZARDOUS SUBSTANCE COMPUTATION.] For the 1984-1985 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. To qualify for aid pursuant to this subdivision in any school year, a district must levy the maximum permissible amount pursuant to section 275.125, subdivision 11c 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 275.125, subdivision 11c may be used.*

Sec. 8. Minnesota Statutes 1982, section 124.246, subdivision 2, is amended to read:

*Subd. 2. [AID.] (EXCEPT FOR THE 1982-1983 SCHOOL YEAR,) An eligible district shall receive (\$1) \$1.05 in fiscal year 1984 and \$1.10 in fiscal year 1985 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) \$1,050 in fiscal year 1984 and \$1,100 in fiscal year 1985.*

Sec. 9. Minnesota Statutes 1982, 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 (\$16.25, IN THE 1981-1982 SCHOOL YEAR, AND) \$16.18 in the 1982-1983 school year, \$18.40 in the 1983-1984 school year, and \$19.30 in the 1984-1985 school year, times the number of gifted and talented students in the district. No more than five 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. 10. Minnesota Statutes 1982, section 124.646, subdivision 1, is amended to read:

Subdivision 1. [AID COMPUTATION.] ((A) FOR THE 1981-1982 SCHOOL YEAR, SCHOOL DISTRICTS PARTICIPATING IN THE NATIONAL SCHOOL LUNCH PROGRAM SHALL BE PAID BY THE STATE IN THE AMOUNT OF 5.5 CENTS FOR EACH FULL PAID STUDENT LUNCH SERVED TO STUDENTS IN THE DISTRICT.)

((B)) (a) For the 1982-1983 school year, school districts participating in the national school lunch program shall be paid by the state in the amount of 5.9 cents for each full paid student lunch served to students in the district.

(b) For each of the 1983-1984 and 1984-1985 school years, school districts participating in the national school lunch program shall be paid by the state in the amount of 7.5 cents for each full paid student lunch served to students in the district.

Sec. 11. [126.025] [CARDIOPULMONARY RESUSCITATION INSTRUCTION.]

Subdivision 1. [AUTHORIZATION.] Pupils attending public senior high schools may receive a course of instruction in the techniques of cardiopulmonary resuscitation, sufficient to enable the pupils to give emergency assistance to victims of cardiac arrest. The instruction may be offered as a separate course or as part of another course. The instruction shall be given by a person certified as a cardiopulmonary resuscitation instructor by either the American Red Cross or the American Heart Association, but that person need not be a licensed teacher. A parent or legal guardian of a pupil may request in writing that the pupil be excused from the instruction. Districts are encouraged to use equipment, teaching materials, and training courses provided by public or private agencies, educational cooperative service units, or organizations such as the American Red Cross and American Heart Association.

*Subd. 2. [ASSISTANCE.] The department of education shall provide technical assistance to educational cooperative service units and school districts to implement the provisions of subdivision 1.*

Sec. 12. Minnesota Statutes 1982, section 275.125, subdivision 11a, is amended to read:

Subd. 11a. [CAPITAL EXPENDITURE LEVY.] (a) Each year 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. 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.

(b) The proceeds of the tax may be used to acquire land, to equip and re-equip buildings and permanent attached fixtures, to rent or lease buildings for school purposes, to pay leasing fees for computer systems hardware and related proprietary software, to purchase and lease courseware and related supporting materials and 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 116J.24, 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, such as 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 to reduce or eliminate barriers to or increase 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. The proceeds of the tax may also be used to pay fees for capital outlay expenditures assessed and certified to each participating school district by the educational cooperative service unit board of directors.

(c) Subject to the commissioner's approval, the tax proceeds may also be used 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 acquisition or construction of buildings. The approval criteria for purposes of building acquisition and construction shall include: the appropriateness of the proposal for the district's long term needs; the availability of adequate exist-

ing facilities; and the economic feasibility of bonding because of the proposed building's size or cost.

(d) The board shall establish a fund in which the proceeds of this tax shall be accumulated until expended.

(e) The proceeds of the tax shall not be used for custodial or other maintenance services.

(f) Each year, subject to the seven mill limitation of clause (a) of this subdivision, a school district which operates an approved secondary vocational education program or an approved senior secondary industrial arts program may levy an additional amount equal to \$5 per pupil unit for capital expenditures for equipment for these programs.

(g) For purposes of computing allowable levies under this subdivision and (SUBDIVISION) *subdivisions 11b and 11c*, pupil units shall include those units identified in section 124.17, subdivision 1, clauses (1) and (2), and 98.5 percent of the units identified in Minnesota Statutes 1980, Section 124.17, Subdivision 1, Clauses (4) and (5) for 1980-1981.

Sec. 13. Minnesota Statutes 1982, section 275.125, subdivision 11b, is amended to read:

Subd. 11b. [SPECIAL PURPOSE CAPITAL EXPENDITURE LEVY.] (IN 1981 AND EACH YEAR THEREAFTER,) In addition to the levy authorized in subdivision 11a, *each year* 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 audits on district-owned buildings conducted pursuant to chapter 116H, and for funding those energy conservation and renewable energy measures which the energy audits indicate will reduce the use of nonrenewable sources of energy to the extent that the projected energy cost savings will amortize the cost of the conservation measures within a period of ten years or less;

(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;

(d) for expenditures for the removal of asbestos from school buildings or property or for asbestos encapsulation, if the asbestos removal or encapsulation is performed in compliance with standards established by the state board;

(e) for expenditures for the cleanup of polychlorinated biphenyls, if the cleanup is performed in compliance with standards established by the state board.

Sec. 14. Minnesota Statutes 1982, section 275.125, is amended by adding a subdivision to read:

*Subd. 11c. [HAZARDOUS SUBSTANCE CAPITAL EXPENDITURE LEVY; ASBESTOS REMOVAL AND ENCAPSULATION, POLYCHLORINATED BIPHENYLS CLEANUP.] In 1983 and each year thereafter, in addition to the levy authorized in subdivision 11a and 11b, a school district may levy an amount not to exceed the amount equal to \$25 per pupil unit. No levy under this subdivision 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 expenditures necessary for the removal or encapsulation of asbestos or the cleanup of polychlorinated biphenyls found in school buildings or property.*

Sec. 15. Minnesota Statutes 1982, section 475.61, subdivision 3, is amended to read:

*Subd. 3. [IRREVOCABILITY.] Tax levies so made and filed shall be irrevocable, except as provided in this subdivision.*

In each year when there is on hand any excess amount in the debt service fund of a school district at the time the district makes its property tax levies, the amount of the excess shall be certified by the school board to the county auditor and the auditor shall reduce the tax levy otherwise to be included in the rolls next prepared by the amount certified, unless the school board determines that the excess amount is necessary to ensure the prompt and full payment of the obligations and any call premium on the obligations, or will be used for redemption of the obligations in accordance with their terms. An amount shall be presumed to be excess for a school district in the amount that it, together with the levy required by subdivision 1, will exceed 106 percent (IN EXCESS) of the amount needed to meet when due the principal and interest payments on the obligations due before the second following July 1. This subdivision shall not limit a school board's authority to specify a tax levy in a higher amount if necessary because of anticipated tax delinquency.

If the governing body, including the governing body of a school district, in any year makes an irrevocable appropriation to the debt service fund of moneys actually on hand or if there is on

hand any excess amount in the debt service fund, the recording officer may certify to the county auditor the fact and amount thereof and the auditor shall reduce by the amount so certified the amount otherwise to be included in the rolls next thereafter prepared.

**Sec. 16. [RULEMAKING; ASBESTOS REMOVAL AND POLYCHLORINATED BIPHENYLS CLEANUP.]**

*The state board of education shall adopt permanent rules establishing standards for removal or encapsulation of asbestos and cleanup of polychlorinated biphenyls found in school buildings or on school property. The state board may also adopt temporary rules establishing standards for removal or encapsulation of asbestos and cleanup of polychlorinated biphenyls found in school buildings or on school property that apply to levies made in 1983. Any standards established by the state board shall be in compliance with standards established by the environmental protection agency and the Minnesota pollution control agency. School districts must comply with the standards established by the state board in order to pay for asbestos removal or encapsulation or cleanup of polychlorinated biphenyls with revenue obtained from the levy authorized by Minnesota Statutes, section 275.125, subdivisions 11b and 11c, and from the aid authorized by Minnesota Statutes, section 124.245, subdivisions 1b and 1c.*

**Sec. 17. [SPECIAL LEVY.]**

*Any school district which, pursuant to Minnesota Statutes, section 475.61, subdivision 4, reduced its maintenance levy authorized pursuant to Minnesota Statutes, section 275.125, subdivision 2a or 2c, by the amount of any surplus remaining in the debt service fund when the obligations and interest thereon were paid, may levy a special levy in 1983 for school maintenance purposes, if the reduction of the maintenance levy occurred in levies made after 1976 and before 1983, and if the unappropriated fund balance in all operating funds of the district as of June 30, 1982, was less than \$316 per actual pupil unit. The amount of the special levy shall not exceed the lesser of (a) the amount by which the maintenance levy was reduced pursuant to Minnesota Statutes, section 475.61, subdivision 4, or (b) an amount equal to the difference between (i) the unappropriated fund balance in all operating funds of the district as of June 30, 1982, and (ii) the product of \$316 times the number of actual pupil units in average daily membership in the district in the 1981-1982 school year.*

**Sec. 18. [REPEALER.]**

*Minnesota Statutes 1982, section 124.24 is repealed.*

**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. [EDUCATIONAL COOPERATIVE SERVICE UNITS.] For educational cooperative service units there is appropriated:*

\$695,000 . . . . . 1984,

\$695,000 . . . . . 1985.

*Funds from this appropriation shall be transmitted to ECSU boards of directors for general operations in the amount of \$63,102 per ECSU as defined in section 123.58 in fiscal year 1984 and \$63,102 per ECSU in fiscal year 1985; 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 \$126,204 in fiscal year 1984 and \$126,204 in fiscal year 1985 for general operations.*

*Subd. 3. [HEALTH AND DEVELOPMENTAL SCREENING PROGRAMS.] For health and developmental screening programs pursuant to sections 123.701 to 123.705 there is appropriated:*

\$768,000 . . . . . 1984,

\$848,000 . . . . . 1985.

*The appropriation for 1984 includes \$103,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$665,000 for aid for fiscal year 1984 payable in fiscal year 1984.*

*The appropriation for 1985 includes \$118,000 for aid for fiscal year 1984 payable in fiscal year 1985, and \$730,000 for aid for fiscal year 1985 payable in fiscal year 1985.*

*Subd. 4. [NONPUBLIC AIDS.] For programs for nonpublic educational aid pursuant to sections 123.931 to 123.937 there is appropriated:*

\$6,071,000 . . . . . 1984,

\$5,764,000 . . . . . 1985.

*The appropriation for 1984 includes \$629,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$5,442,000 for aid for fiscal year 1984 payable in fiscal year 1984.*

*The appropriation for 1985 includes \$961,000 for aid for fiscal year 1984 payable in fiscal year 1985, and \$5,803,000 for aid for fiscal year 1985 payable in fiscal year 1985.*

*Subd. 5. [ABATEMENT AID.] For abatement aid pursuant to section 124.214, subdivision 2, there is appropriated:*

\$2,100,000 . . . . . 1984,

\$2,200,000 . . . . . 1985.

*Subd. 6. [CHEMICAL USE PROGRAMS.] For aid for chemical dependency programs authorized pursuant to section 124.246 there is appropriated:*

\$ 973,000 . . . . . 1984,

\$1,024,000 . . . . . 1985.

*The appropriation for 1984 includes \$135,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$838,000 for aid for fiscal year 1984 payable in fiscal year 1984.*

*The appropriation for 1985 includes \$148,000 for aid for fiscal year 1984 payable in fiscal year 1985, and \$876,000 for aid for fiscal year 1985 payable in fiscal year 1985.*

*Subd. 7. [GIFTED AND TALENTED STUDENTS.] For programs for the gifted and talented pursuant to section 124.247 there is appropriated:*

\$629,300 . . . . . 1984,

\$670,800 . . . . . 1985.

*The appropriation for 1984 includes \$79,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$550,300 for aid for fiscal year 1984 payable in fiscal year 1984.*

*The appropriation for 1985 includes \$97,100 for aid for fiscal year 1984 payable in fiscal year 1985, and \$573,700 for aid for fiscal year 1985 payable in fiscal year 1985.*

*Subd. 8. [SCHOOL LUNCH AND FOOD STORAGE AID.] For school lunch aid pursuant to section 124.646, and for food storage and transportation costs for USDA donated commodities there is appropriated:*

\$4,625,000 . . . . . 1984,

\$4,625,000 . . . . . 1985.

*Any unexpended balance remaining from the appropriations in this subdivision shall be prorated among participating schools based on the number of fully paid lunches served during that school year in order to meet the state revenue matching requirement of the USDA national school lunch program.*

*If the appropriation amount attributable to either year is insufficient, the rate of payment for each full paid student lunch shall be reduced and the aid for that year shall be prorated among participating schools so as not to exceed the total authorized appropriation for that year.*

*Subd. 9. [INDIAN EDUCATION.] (a) For certain Indian education programs there is appropriated:*

*\$158,000 . . . . . 1984,*

*\$166,000 . . . . . 1985.*

*These appropriations are available for expenditure with the approval of the commissioner of education.*

*The commissioner shall not approve the payment of any amount to a school district pursuant to this subdivision unless that school district is in compliance with all applicable laws of this state.*

*Up to the following amounts of the appropriation for 1984 may be distributed to the following school districts: \$49,466 to Independent School District No. 309-Pine Point School; \$8,704 to Independent School District No. 166; \$13,456 to Independent School District No. 432; \$12,663 to Independent School District No. 435; \$37,989 to Independent School District No. 707; and \$35,222 to Independent School District No. 38. These amounts shall be expended only for the benefit of Indian students and for the purpose of meeting established state educational standards or statewide requirements.*

*Up to the following amounts of the appropriation for 1985 may be distributed to the following school districts: \$51,938 to Independent School District No. 309-Pine Point School; \$9,140 to Independent School District No. 166; \$14,128 to Independent School District No. 432; \$13,296 to Independent School District No. 435; \$39,888 to Independent School District No. 707; and \$36,983 to Independent School District No. 38. These amounts shall be expended only for the benefit of Indian students and for the purpose of meeting established state educational standards or statewide requirements.*

*These appropriations are available August 15 of the applicable school year, but only if there will not be available for the districts enumerated in this subdivision for the applicable school*



year any operation support funds from the federal bureau of Indian affairs pursuant to the Johnson-O'Malley Act, Public Law No. 73-167 or Code of Federal Regulations, title 25, section 273.31, or equivalent money from the same or another source.

(b) Before a district can receive money pursuant to this subdivision, the district must submit to the commissioner of education evidence that it has:

(i) Complied with the Uniform Financial Accounting and Reporting Standards Act, sections 121.90 to 121.917. For each school year, compliance with section 121.908, subdivision 3a, shall require the school district to prepare one budget including the amount available to the district pursuant to this subdivision and one budget which does not include this money. The budget of that school district for the 1985-1986 school year prepared according to section 121.908, subdivision 3a, shall be submitted to the commissioner of education at the same time as 1984-1985 budgets and shall not include any money appropriated in this subdivision;

(ii) Conducted a special education needs assessment and prepared a proposed service delivery plan according to Minnesota Statutes, sections 120.03 and 120.17; Public Law No. 94-142, an act of the 94th Congress of the United States cited as the "Education for All Handicapped Children Act of 1975"; and applicable state board of education rules; and

(iii) Compiled accurate daily pupil attendance records.

(c) Prior to approving payment of any amount to a school district pursuant to this subdivision, the commissioner shall review and evaluate each affected district's compliance with clause (b) and any other applicable laws, and each affected district's need for the money. Each affected district's net unappropriated fund balance in all operating funds as of June 30 of the previous school year shall be taken into consideration.

Subd. 10. [MAXIMUM EFFORT SCHOOL LOAN FUND.] There is appropriated from the general fund to the maximum effort school loan fund the sum of \$2,719,000 for the fiscal year ending June 30, 1984, and \$3,672,000 for the fiscal year ending June 30, 1985. Any unexpended balance of this appropriation for fiscal year 1984 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 the principal and interest on school loan bonds, as provided in section 124.46, to the extent that money in the fund is not sufficient to pay when due the full amount of principal and interest due on school loan bonds. The purpose of these appro-

priations is to ensure that sufficient money is 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.

**Subd. 11. [CAPITAL EXPENDITURE EQUALIZATION AID.]** For capital expenditure equalization aid pursuant to section 124.245, subdivision 1, there is appropriated:

\$313,000 . . . . 1984,

\$224,000 . . . . 1985.

The appropriation for 1984 includes \$58,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$255,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for 1985 includes \$45,000 for aid for fiscal year 1984 payable in fiscal year 1985, and \$179,000 for aid for fiscal year 1985 payable in fiscal year 1985.

**Subd. 12. [SPECIAL PURPOSE CAPITAL EXPENDITURE EQUALIZATION AID.]** For special purpose capital expenditure equalization aid pursuant to section 124.245, subdivisions 1a and 1b, there is appropriated:

\$52,000 . . . . 1984,

\$46,000 . . . . 1985.

The appropriation for 1984 includes \$9,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$43,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for 1985 includes \$8,000 for aid for fiscal year 1984 payable in 1985, and \$38,000 for aid for fiscal year 1985 payable in 1985.

**Subd. 13. [HAZARDOUS SUBSTANCE CAPITAL EXPENDITURE EQUALIZATION AID.]** For hazardous substance capital expenditure equalization aid pursuant to section 124.245, subdivision 1c, there is appropriated:

\$38,000 . . . . 1985.

The appropriation for 1985 is for aid for fiscal year 1985 payable in fiscal year 1985.

*Subd. 14. [CARDIOPULMONARY RESUSCITATION INSTRUCTION.] There is appropriated from the general fund to the department of education the sum of \$34,000 for fiscal year 1984 for educational cooperative service units to purchase equipment needed for instruction in cardiopulmonary resuscitation. The equipment shall be available for use by school districts. Funds from this appropriation shall be transmitted to ECSU boards of directors in the amount of \$6,000 each to the ECSU whose boundaries coincide with the boundaries of development region 11 and to the ECSU whose boundaries encompass development regions six and eight and \$3,000 each to the remaining ECSUs. The additional amount of \$1,000 is appropriated to the ECSU whose boundaries coincide with development region ten for expenses incurred as coordinator. The coordinator's duties shall include receiving bids for and ordering equipment for the ECSUs, distributing equipment, and conducting a one-half day workshop for ECSU representatives in the care and maintenance of the equipment. The sums appropriated are available until expended.*

*Subd. 15. [LEGISLATIVE COMMISSION ON PUBLIC EDUCATION.] There is appropriated from the general fund to the legislative commission on public education the sum of \$50,000 for the 1983-1985 biennium for the reimbursement of expenses incurred by the commission. The sum shall be available until expended.*

*Subd. 16. [CANCELLATION AND PRORATION.] Except as provided in subdivision 10, any unexpended balance remaining from the appropriations in this section for 1984 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 7

### MISCELLANEOUS

Section 1. Minnesota Statutes 1982, section 6.54, is amended to read:

#### 6.54 [EXAMINATION OF MUNICIPAL RECORDS PURSUANT TO PETITION.]

The registered voters in a home rule charter or statutory city or town may petition the state auditor to examine the books, records, accounts, and affairs of the home rule charter or statutory

city, town, or of any organizational unit, activity, project, enterprise, or fund thereof; and the scope of the examination may be limited by the petition, but the examination shall cover, at least, all cash received and disbursed and the transactions relating thereto, provided that the state auditor shall not examine more than the six latest years preceding the circulation of the petition, unless it appears to the state auditor during his examination that the audit period should be extended to permit a full recovery under bonds furnished by public officers or employees, and may if it appears to him in the public interest confine the period or the scope of audit or both period and scope of audit, to less than that requested by the petition. In the case of a home rule charter or statutory city or town, the petition shall be signed by a number of registered voters at least equal to 20 percent of those voting in the last presidential election. The (FREEHOLDERS) *eligible voters* of any school district, as defined in section 123.32, subdivision 1a, may petition the state auditor and he shall be subject to the same restrictions regarding the scope and period of audit, provided that the petition shall be signed by at least ten (FREEHOLDERS) *eligible voters* for each 50 resident pupils in average daily membership during the preceding school year as shown on the records in the office of the commissioner of education. In no case shall the petition for an examination of a town bear the names of less than 25 registered voters; and provided, that in the case of school districts, the petition shall be signed by at least ten (FREEHOLDERS) *eligible voters*. At the time it is circulated, every petition shall contain a statement that the cost of the audit will be borne by the city, town, or school district as provided by law. Thirty days before the petition is delivered to the state auditor it shall be presented to the appropriate city, town or school district clerk and the county auditor. The county auditor shall determine and certify whether the petition is signed by the required number of registered voters or (FREEHOLDERS) *eligible voters* as the case may be. The certificate shall be conclusive evidence thereof in any action or proceeding for the recovery of the costs, charges and expenses of any examination made pursuant to the petition.

Sec. 2. Minnesota Statutes 1982, section 6.62, subdivision 1, is amended to read:

Subdivision 1. [LEVY OF TAX.] Counties, cities and towns are authorized, if necessary, to levy, over and above tax levy limitations for other governmental purposes, an amount sufficient to pay the expense of a post-audit by the state auditor.

A school district is authorized to levy an amount sufficient to pay for the expense of a post-audit by the state auditor if the audit is performed at the discretion of the state auditor pursuant to section 6.51 or if the audit has been requested through a petition by (FREEHOLDERS) *eligible voters* pursuant to section 6.54. A school district is not authorized to levy these amounts

if the post-audit by the state auditor is requested by the school board pursuant to section 6.55.

Sec. 3. Minnesota Statutes 1982, section 120.075, is amended by adding a subdivision to read:

*Subd. 1b. Any pupil who has continuously been enrolled for a period of two or more consecutive years in a school district of which he was not a resident, without a tuition agreement pursuant to section 123.39, subdivision 5, or 124.18, subdivision 2, may continue in enrollment in that district. The district in which the pupil is enrolled shall be considered the pupil's district of residence.*

Sec. 4. Minnesota Statutes 1982, section 120.075, subdivision 4, is amended to read:

Subd. 4. Subdivisions 1, 1a, 1b, 2, 3 and 3a shall also apply to any brother or sister of a qualified pupil who is related to that pupil by blood, adoption or marriage and to any foster child of that pupil's parents. The enrollment of any pupil pursuant to subdivision 1, 2, 3 or 3a and of a brother or sister of that pupil or of a foster child of that pupil's parents pursuant to this subdivision shall remain subject to the provisions of Minnesota Statutes 1976, Section 120.065 and Minnesota Statutes, 1977 Supplement, Section 123.39, Subdivision 5a, as they read on January 1, 1978.

Sec. 5. [120.191] [SPECIAL EDUCATION DIRECTOR.]

*The authority for the selection and employment of the director of a special education cooperative established pursuant to section 120.17 or 471.59 shall be vested in the governing board of the cooperative. Notwithstanding the provisions of section 125.12, subdivision 6a or 6b, no individual shall have a right to employment as a director based on seniority or order of employment by the cooperative.*

Sec. 6. Minnesota Statutes 1982, section 121.908, is amended to read:

121.908 [REQUIREMENT FOR ACCOUNTING, BUDGETING AND REPORTING.]

Subdivision 1. On or before June 30, 1977, each Minnesota school district shall adopt the uniform financial accounting and reporting standards for Minnesota school districts provided for in section 121.902.

Subd. 2. Each (MINNESOTA SCHOOL) district shall submit to the commissioner by (AUGUST 15, 1977 AND) August 15 of each year (THEREAFTER,) an unaudited financial statement for the preceding fiscal year. This statement shall be sub-

mitted on forms prescribed by the commissioner after consultation with the advisory council on uniform financial accounting and reporting standards.

Subd. 3. (PRIOR TO JUNE 30) *By December 31* of the calendar year of the submission of the unaudited financial statement, the (SCHOOL) district shall provide to the commissioner and state auditor an audited financial statement prepared in a form which will allow comparison with and correction of material differences in the unaudited statement.

Subd. 3a. Prior to (JULY 1, 1978 AND) July 1 of each year (THEREAFTER), the school board of each district shall approve and adopt its revenue and expenditure budgets for the next school year. The budget document so adopted shall be considered an expenditure-authorizing or appropriations document. No funds shall be expended by any board or district for any purpose in any school year prior to the adoption of the budget document which authorizes that expenditure, or prior to an amendment to the budget document by the board to authorize the expenditure. Expenditures of funds in violation of this subdivision shall be considered unlawful expenditures.

Subd. 4. Each (MINNESOTA SCHOOL) district shall submit to the department by (AUGUST 15, 1977, AND BY) August 15 of each year (THEREAFTER), on forms prescribed by the commissioner, the revenue and expenditure budgets adopted for that fiscal year.

Subd. 5. All governmental units formed by joint powers agreements entered into by (SCHOOL) districts pursuant to sections 120.17, 123.351, 471.59, or any other law and all educational cooperative service units shall be subject to the provisions of this section.

Sec. 7. Minnesota Statutes 1982, section 122.23, subdivision 2, is amended to read:

Subd. 2. Upon a resolution of a school board in the area proposed for consolidation or upon receipt of a petition therefor executed by 25 percent of the voters resident in the area proposed for consolidation or by 50 such voters, whichever is lesser, the county auditor of the county which contains the greatest land area of the proposed new district shall forthwith cause a plat to be prepared. The resolution or petition shall show the approximate area proposed for consolidation. The resolution or petition may propose either that the bonded debt of the component districts will be paid according to the levies previously made for that debt under chapter 475, as provided in subdivision 16a, or that the taxable property in the newly created district will be taxable for the payment of the bonded debt previously incurred by any component district as provided in subdivision 16b. *The resolution or petition may also propose that referendum levies previously*

approved by voters of the component districts pursuant to section 275.125, subdivision 2d, or its predecessor or successor provision, be combined as provided in section 122.531, subdivision 2a, or that the referendum levies be discontinued. The resolution or petition may also propose that the board of the newly created district consist of seven members, and may also propose the establishment of separate election districts from which school board members will be elected, the boundaries of these election districts, and the initial term of the member elected from each of these election districts. If more than one request for a plat is received by a county auditor and the requests involve parts of identical districts, he shall forthwith prepare a plat which in his opinion best serves the educational interests of the inhabitants of the districts or areas affected. The plat shall show:

(a) Boundaries of the proposed district, as determined by the county auditor, and present district boundaries,

(b) The location of school buildings in the area proposed as a new district and the location of school buildings in adjoining districts,

(c) The boundaries of any proposed separate election districts, in accordance with the provisions of section 123.32, and

(d) Other pertinent information as determined by the county auditor.

Sec. 8. Minnesota Statutes 1982, section 122.23, subdivision 3, is amended to read:

Subd. 3. A supporting statement to accompany the plat shall be prepared by the county auditor. The statement shall contain:

(a) The adjusted assessed valuation of property in the proposed district,

(b) If a part of any district is included in the proposed new district, the adjusted assessed valuation of the property and the approximate number of pupils residing in the part of the district included shall be shown separately and the adjusted assessed valuation of the property and the approximate number of pupils residing in the part of the district not included shall also be shown,

(c) The reasons for the proposed consolidation, including a statement that at the time the plat is submitted to the state board of education, no proceedings are pending to dissolve any district involved in the plat unless all of the district to be dissolved and all of each district to which attachment is proposed is included in the plat,

(d) A statement showing that the jurisdictional fact requirements of subdivision 1 are met by the proposal,

(e) Any proposal contained in the resolution or petition regarding the disposition of the bonded debt *and referendum levies* of component districts,

(f) Any other information the county auditor desires to include, and

(g) The signature of the county auditor.

Sec. 9. Minnesota Statutes 1982, section 122.531, subdivision 2, is amended to read:

Subd. 2. [(CONSOLIDATION AND) VOLUNTARY DISSOLUTION: REFERENDUM LEVIES.] As of the effective date of (A CONSOLIDATION PURSUANT TO SECTION 122.23 OR) the voluntary dissolution of a district and its attachment to one or more existing districts pursuant to section 122.22, the authorization for all referendum levies previously approved by the voters of all affected districts for those districts pursuant to section 275.125, subdivision 2d, or its predecessor or successor provision, is cancelled. However, if all of the territory of any independent district is included in the (NEWLY CREATED) *enlarged* district, and if the adjusted assessed valuation of taxable property in that territory comprises 90 percent or more of the adjusted assessed valuation of all taxable property in (A NEWLY CREATED OR) *the* enlarged district, the board of the newly created or enlarged district may levy the increased amount previously approved by a referendum in the pre-existing independent district upon all taxable property in the (NEWLY CREATED OR) enlarged district. Any new referendum levy shall be certified only after approval is granted by the voters of the entire (NEWLY CREATED OR) enlarged district in an election pursuant to section 275.125, subdivision 2d, or its successor referendum provision.

Sec. 10. Minnesota Statutes 1982, section 122.531, is amended by adding a subdivision to read:

Subd. 2a. [CONSOLIDATION; REFERENDUM LEVIES.] *As of the effective date of a consolidation pursuant to section 122.23, the authorization for all referendum levies previously approved by the voters of all affected districts for those districts pursuant to section 275.125, subdivision 2d, or its predecessor or successor provision is to be recalculated as provided in this subdivision. The referendum levy authorization for the newly created district shall equal the combined dollar amount of the referendum levies certified by each of the component districts in the year preceding the consolidation. Each year the school board of the newly created district may levy an amount not to*



*exceed the referendum levy authorization unless the referendum levy authorization of the newly created district is subsequently modified pursuant to section 275.125, subdivision 2d, or its successor referendum provision.*

Sec. 11. Minnesota Statutes 1982, section 123.33, subdivision 10, is amended to read:

Subd. 10. The school board of any school district of this state by a two-thirds vote may become a member of the Minnesota school boards association or the Minnesota association of public schools, or the metropolitan area school board association, and appoint one or more of its members to attend its annual meeting. The amount of annual membership dues in the association and actual and necessary expense incurred in attending such meeting shall be paid as other expenses of the district are paid. (THE SCHOOL BOARD OF ANY SCHOOL DISTRICT OF THIS STATE MAY MAINTAIN SUCH MEMBERSHIP AND PAY MEMBERSHIP DUES ONLY IN THE EVENT THE ASSOCIATIONS FILE ANNUAL FINANCIAL STATEMENTS SHOWING DETAILED EXPENDITURES AND RECEIPTS WITH THE COMMISSIONER OF EDUCATION NO LATER THAN OCTOBER 1 OF EACH YEAR. THE STATEMENTS TO THE COMMISSIONER SHALL BE MADE ON FORMS PRESCRIBED BY HIM NO LATER THAN JULY 15 OF EACH YEAR.)

Sec. 12. Minnesota Statutes 1982, section 123.33, subdivision 14, is amended to read:

Subd. 14. The school board of any school district of this state by a two-thirds vote may become a member of an association of vocational schools and may appoint one or more of its members to attend the annual meeting of such association. The amount of annual membership dues in the association and actual and necessary expenses incurred in attending such meeting shall be paid as other expenses of the district are paid. (THE SCHOOL BOARD OF ANY SCHOOL DISTRICT OF THIS STATE MAY MAINTAIN SUCH MEMBERSHIP AND PAY MEMBERSHIP DUES ONLY IN THE EVENT THE ASSOCIATION FILES ANNUAL FINANCIAL STATEMENTS SHOWING DETAILED EXPENDITURES AND RECEIPTS WITH THE COMMISSIONER OF EDUCATION NO LATER THAN OCTOBER 1 OF EACH YEAR. THE STATEMENTS TO THE COMMISSIONER SHALL BE MADE ON FORMS PRESCRIBED BY HIM NO LATER THAN JULY 15 OF EACH YEAR.)

Sec. 13. Minnesota Statutes 1982, section 123.34, subdivision 9, is amended to read:

Subd. 9. [SUPERINTENDENT.] All districts maintaining a classified secondary school shall employ a superintendent who

shall be *an ex officio (A) nonvoting* member of the school board (BUT NOT ENTITLED TO VOTE THEREIN). The authority for selection and employment of a superintendent shall be vested in the school board *in all cases*. Notwithstanding the provisions of (SECTION) *sections 122.532, 122.541, 125.12, subdivision 6a or 6b, or any other law to the contrary*, no individual shall have a right to employment as a superintendent based on seniority or order of employment in (THE) *any* district. The superintendent (IN SUCH DISTRICTS) *of a district* shall (VISIT THE SCHOOLS OF THE DISTRICT, AND EXERCISE A GENERAL SUPERVISION OVER THEM, AND REPORT THEIR CONDITION TO THE BOARD, WITH PROPER RECOMMENDATIONS, WHEN HE DEEMS IT ADVISABLE, OR WHEN REQUESTED BY THE BOARD. HE SHALL MAKE RECOMMENDATIONS TO THE BOARD CONCERNING THE EMPLOYMENT AND DISMISSAL OF TEACHERS. HE SHALL SUPERINTEND THE GRADING OF THE SCHOOLS AND EXAMINATIONS FOR PROMOTIONS AND PERFORM SUCH OTHER DUTIES AS THE BOARD SHALL PRESCRIBE. HE SHALL MAKE DIRECTLY TO THE COMMISSIONER SUCH REPORTS AS SHALL BE REQUIRED) *perform the following:*

(a) *visit and supervise the schools in the district, report and make recommendations about their condition when advisable or on request by the board;*

(b) *recommend to the board employment and dismissal of teachers;*

(c) *superintend school grading practices and examinations for promotions;*

(d) *make reports required by the commissioner of education; and*

(e) *perform other duties prescribed by the board.*

Sec. 14. Minnesota Statutes 1982, section 123.351, subdivision 4, is amended to read:

Subd. 4. [POWERS AND DUTIES.] (a) The center board shall have the general charge of the business of the center and the ownership of facilities. Where applicable, section 123.36, shall apply. The center board may not issue bonds in its behalf. Each participating district may issue its bonds for the purpose of acquisition and betterment of center facilities in the amount certified by the center board to such participating district in accordance with chapter 475.

(b) The center board (1) may furnish vocational offerings to any eligible person residing in any participating district;

(2) may provide special education for the handicapped and disadvantaged; and (3) may provide any other educational programs or services agreed upon by the participating districts. Academic offerings shall be provided only under the direction of properly licensed academic supervisory personnel.

(c) In accordance with subdivision 5, clause (b), the center board shall certify to each participating district the amount of funds assessed to the district as its proportionate share required for the conduct of the educational programs, payment of indebtedness, and all other proper expenses of the center.

(d) The center board shall employ and contract with necessary qualified teachers and administrators and may discharge the same for cause pursuant to section 125.12. *The authority for selection and employment of a director shall be vested in the center board. Notwithstanding the provisions of section 125.12, subdivision 6a or 6b, no individual shall have a right to employment as a director based on seniority or order of employment by the center.* The board may employ and discharge other necessary employees and may contract for other services deemed necessary.

(e) The center board may provide an educational program for secondary and adult vocational phases of instruction. The high school phase of its educational program shall be offered as a component of the comprehensive curriculum offered by each of the participating school districts. Graduation shall be from the student's resident high school district. Insofar as applicable, sections 123.35 to 123.40, shall apply.

(f) The center board may prescribe rates of tuition for attendance in its programs by adults and nonmember district secondary students.

Sec. 15. Minnesota Statutes 1982, section 123.36, subdivision 9, is amended to read:

Subd. 9. The board may contract for the furnishing of heat for its building for such terms as it may deem for the best interest of the district, not exceeding ten years. *However, a district may enter into a contract for a period not to exceed 30 years for a district heating system.* Where it is necessary to lay mains or pipes to connect these buildings with a heating system, the district is authorized to advance all, or any part of the cost thereof upon such terms and conditions as shall be agreed upon.

Sec. 16. Minnesota Statutes 1982, section 123.37, subdivision 1b, is amended to read:

Subd. 1b. [TRANSPORTATION; FUEL.] Notwithstanding the provisions of subdivision 1 or section 471.345, a contract

for the transportation of school children, or a contract for the purchase, by June 30, (1983) 1985, of petroleum heating fuel or fuel for district owned vehicles may be made by direct negotiation, by obtaining two or more written quotations for the service when possible, or upon sealed bids. At least 30 days before awarding a directly negotiated contract, the school district shall, by published notice, request quotations for the service to be provided. All quotations obtained shall be kept on file for a period of at least one year after receipt thereof. If a contract is made by direct negotiation, negotiations shall be open to the public. If a contract is made upon sealed bids, the procedure for advertising and awarding bids shall conform to the provisions of subdivision 1 except as otherwise provided in this subdivision.

Notwithstanding the provisions of subdivision 1 or section 574.26, a performance bond shall be required of a contractor on a contract for the transportation of school children only when and in the amount deemed necessary by and at the discretion of the school board.

Sec. 17. Minnesota Statutes 1982, section 123.39, subdivision 4, is amended to read:

Subd. 4. The board may provide for the instruction of any resident pupil in another district when inadequate room, distance to school, unfavorable road conditions, or other facts or conditions make attendance in his own district unreasonably difficult or impractical, in which case such district shall pay to the district so attended the tuition agreed upon or charged, pursuant to section 124.18, subdivision 2, and may provide transportation; provided, that such pupil shall continue to be a pupil of the district of his residence for the payment of apportionment and other state aids.

Sec. 18. [123.5113] [JOINT POWERS ENTITIES; AUTHORITY TO ISSUE OBLIGATIONS.]

*A council, board, or other entity formed by two or more independent school districts or other government units pursuant to section 471.59 for the purpose of conducting educational programs or providing volume purchasing, data processing, financial accounting, administrative or other services to member governmental units or other educational institutions is authorized pursuant to resolution to issue and sell bonds, notes, or other obligations on behalf of the governmental units that are parties to the joint powers agreement in order to provide funds to carry out its purposes. The obligations issued pursuant to this section shall be payable solely from the revenues, earnings, and assets of the joint powers entity and shall not be a liability or indebtedness of the governmental units. The obligations issued pursuant to this section may be issued without an election. The obligations issued pursuant to this section may be sold at public or pri-*

*vate sale and shall be in the forms and amounts, bear interest on the notes, and mature and be subject to optional or mandatory redemption as the joint board may determine. This section shall not limit or restrict the ability of governmental units to issue obligations or incur indebtedness pursuant to section 471.59 without regard to this section.*

Sec. 19. Minnesota Statutes 1982, section 124.14, subdivision 1, is amended to read:

Subdivision 1. The state board shall supervise distribution of (THE) school aids *and grants* in accordance with law. It may make rules and regulations consistent with law for such distribution which will enable districts to perform efficiently the services required by law and further education in the state, including reasonable requirements for such reports and accounts to it as will assure accurate and lawful apportionment of aids. *State and federal aids and discretionary or entitlement grants distributed by the state board shall not be subject to the contract approval procedures of the commissioner of administration or chapter 16. The commissioner of education shall adopt internal procedures for administration and monitoring of aids and grants.*

Sec. 20. Minnesota Statutes 1982, section 124.15, Subdivision 5, is amended to read:

Subd. 5. If the violation specified is corrected within the time permitted, or if the commissioner on being notified of the district board's decision to dispute decides such violation does not exist, or if the state board decides after hearing no violation specified in the commissioner's notice existed at the time thereof, or that such as existed were corrected within the time permitted, there (WILL) *shall* be no reduction of special state aids payable to such school district (;). Otherwise special state aids payable to the district for the year in which the violation occurred (WILL) *shall* be reduced as follows: The total amount of special state aids to which the district may be entitled (WILL) *shall* be reduced in the proportion that the period during which a specified violation continued, computed from the last day of the time permitted for correction, bears to the total number of days school is held in the district during the year in which such violation exists, *multiplied by 60 percent of the product of the foundation aid formula allowance times its pupil units for that year.*

Sec. 21. Minnesota Statutes 1982, section 124.19, subdivision 3, is amended to read:

Subd. 3. When a district employs (A TEACHER) *one or more* teachers (THAT) *who* do not hold a valid teaching certificate, special state aid shall be withheld in the proportion that the number of such teachers is to the total number of teachers employed by the district, *multiplied by 60 percent of the product of*

*the foundation aid formula allowance times its pupil units for the year in which the employment occurred.*

Sec. 22. Minnesota Statutes 1982, section 275.125, subdivision 2d, is amended to read:

Subd. 2d. [REFERENDUM LEVY.] (1) The levy authorized by subdivision 2a 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) *two* such (ELECTION) *elections* may be held to approve a levy increase which will commence in a specific school year. (HOWEVER, MORE THAN ONE REFERENDUM MAY BE HELD TO APPROVE A LEVY INCREASE TO COMMENCE IN THE 1983-1984 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 provided 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.

(2) A referendum on the question of revoking or reducing the increased levy amount authorized pursuant to clause (1) of this subdivision 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. A levy approved by the voters of the district pursuant to clause (1) of this subdivision must be 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.

(3) A petition authorized by clause (1) 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.

(4) A petition authorized by clause (2) shall be effective if signed by a number of qualified voters in excess of five percent of the residents of the school district as determined by the most recent census. A revocation or reduction referendum invoked

by petition shall be held within three months of submission of the petition to the school board.

(5) 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.

(6) 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. 23. Laws 1967, chapter 822, section 4, is amended to read:

Sec. 4. [POWERS OF JOINT SCHOOL BOARD.]

*Subdivision 1. [GENERALLY.] To effectuate the agreement, the joint school board shall have all the powers granted by law to any or all of the participating school districts.*

*Subd. 2. [SECONDARY ACADEMIC COURSES.] The joint school board may provide nonpost-secondary educational programs or other services requested by a participating district. Nonpost-secondary academic offerings shall be provided only under the direction of properly licensed academic supervisory personnel.*

*Subd. 3. [LEASE-PURCHASE AGREEMENTS.] In addition to any powers granted pursuant to section 465.71, the board may lease real property with an option to purchase under a lease-purchase agreement. Notwithstanding any other law to the contrary, no election shall be required in connection with the execution of a lease-purchase agreement authorized by this subdivision. The provisions of this subdivision shall apply only to lease-purchase agreements between the school board of Special Intermediate School District No. 287 and the school boards of districts which are members of Special Intermediate School District No. 287.*

Sec. 24. Laws 1969, chapter 775, section 3, is amended by adding a subdivision to read:

*Subd. 1a. [LEASE-PURCHASE AGREEMENTS.] In addition to any powers granted pursuant to section 465.71, the board may lease real property with an option to purchase under a lease-purchase agreement. Notwithstanding any other law to the contrary, no election shall be required in connection with the execution of a lease-purchase agreement authorized by this subdivision. The provisions of this subdivision shall apply only to lease-purchase agreements between the school board of Special Intermediate School District No. 916 and the school boards of*

*districts which are members of Special Intermediate School District No. 916.*

Sec. 25. Laws 1969, chapter 775, section 3, subdivision 2, as amended by Laws 1971, chapter 267, section 2, is amended to read:

Subd. 2. It shall be the duty and the function of the intermediate district to furnish to every person eligible therefor residing in any part of such district and such other resident of the state as provided by law the following:

(a) Vocational school facilities and instruction in vocational-technical education;

(b) Facilities for and instruction in special education.

*The board may also provide any other non-post-secondary educational programs or other services requested by a participating district. Nonpost-secondary academic offerings shall be provided only under the direction of properly licensed academic supervisory personnel.*

Sec. 26. Laws 1969, chapter 1060, section 4, is amended to read:

#### Sec. 4. [POWERS OF JOINT SCHOOL BOARD.]

*Subdivision 1. [GENERALLY.] To effectuate the agreement, the joint school board shall have all the powers granted by law to any or all of the participating school districts.*

*Subd. 2. [SECONDARY ACADEMIC COURSES.] The joint school board may provide nonpost-secondary educational programs or other services requested by a participating district. Nonpost-secondary academic offerings shall be provided only under the direction of properly licensed academic supervisory personnel.*

*Subd. 3. [LEASE-PURCHASE AGREEMENTS.] In addition to any powers granted pursuant to section 465.71, the board may lease real property with an option to purchase under a lease-purchase agreement. Notwithstanding any other law to the contrary, no election shall be required in connection with the execution of a lease-purchase agreement authorized by this subdivision. The provisions of this subdivision shall apply only to lease-purchase agreements between the school board of Special Intermediate School District No. 917 and the school boards of districts which are members of Special Intermediate School District No. 917.*



Sec. 27. Laws 1981, chapter 358, article 7, section 29, as amended by Laws 1981, Third Special Session chapter 1, article 1, section 10, and by Laws 1982, chapter 548, article 4, section 19, is amended to read:

Sec. 29. [EXEMPTION FROM PUBLIC SALE.]

Notwithstanding Minnesota Statutes, section 124.76, from (JUNE 1, 1981) *July 1, 1983* until June 30, (1983) *1985*, the requirements as to public sale of tax and aid anticipation certificates of indebtedness shall not apply to certificates which mature no later than twelve months after their date of issue. The interest rate on these certificates may be determined by direct negotiation.

Sec. 28. [EFFECTIVE DATE.]

*Section 13 is effective the day following final enactment.*

*Sections 23 to 26 are effective upon compliance with Minnesota Statutes, section 645.021, subdivision 3, by the respective boards of Special Intermediate School Districts Nos. 287, 916, and 917.*

## ARTICLE 8

### SCHOOL IMPROVEMENT

Section 1. [121.601] [EDUCATION TECHNOLOGY ACT.]

*Subdivision 1. [CITATION.] Sections 2 to 8 of this article may be cited as the "Minnesota Education Technology Act."*

*Subd. 2. [DEFINITION; TECHNOLOGY.] For the purposes of this article, "technology" includes but is not limited to: computers, telecommunications, cable television, interactive video, film, low-power television, satellite communication, and microwave communication.*

*Subd. 3. [DEFINITION; COURSEWARE.] For the purposes of this article, "courseware" means computer software and its supporting materials such as workbooks and textbooks and integrated video tape and disk.*

Sec. 2. [121.602] [TECHNOLOGY UTILIZATION PLANS.]

*Subdivision 1. [PURPOSE AND ELIGIBILITY.] In order to promote the appropriate and effective use of technology in elementary and secondary public schools, school districts are encouraged to develop and adopt written technology utilization plans. Every school district which intends to prepare and sub-*

mit a plan which complies with this section is eligible to receive state aid.

Subd. 2. [CONTENTS OF PLAN.] The plan shall:

(a) describe how computers and other technologies will be used to deliver educational opportunities for all age groups within the community;

(b) prescribe goals for implementing the use of computers and other technologies within the school district, including a management plan and an instructional plan with a specified scope and sequence;

(c) describe how the district will provide training for its staff in the use of computers and other technologies to improve the effectiveness of its schools;

(d) outline the process for achieving the goals; and

(e) establish procedures for evaluating and reporting progress toward the goals.

The school board shall develop the plan after consultation with its staff and with community members. The board shall consult with its curriculum advisory committee for planning, evaluation, and reporting appointed pursuant to section 123.741, subdivision 3. The board is encouraged to review the plan each year and adopt revisions when it deems it desirable.

Subd. 3. [CRITERIA; MODEL PLANS.] By August 31, 1983, the department of education shall prepare the criteria it will use for approval of plans and will provide model plans. The department may employ consultants and specialists to advise and assist in the development of the criteria and models, and shall consult with educational cooperative service units, regional management information centers formed pursuant to section 121.935, subdivision 1, and the Minnesota educational computing consortium prior to development of the criteria and models.

Subd. 4. [AID TO DISTRICTS.] A district which applies for aid for the development of a technology utilization plan shall receive \$1 for each pupil in average daily membership enrolled in public elementary and secondary schools in the district in the 1982-1983 school year. No district which applies for aid shall receive less than \$750.

Subd. 5. [APPLICATION FOR AID.] A school district shall apply for aid on forms provided by the department of education. Aid application forms shall be provided to districts by August 31, 1983.

*Subd. 6. [PAYMENT OF AID; SUBMISSION OF PLANS.] Aid shall be paid to a district within 15 days of receipt of the district's application. Districts which receive aid shall submit technology utilization plans by January 31, 1984, or within 90 days of receipt of aid, whichever is later.*

*Subd. 7. [APPROVAL OF PLAN.] By June 30, 1984, the department shall approve or disapprove plans submitted by school districts prior to April 30, 1984. Plans submitted after April 30, 1984, shall be approved or disapproved within 60 days. Plans that are disapproved may be revised and resubmitted.*

### Sec. 3. [121.603] [COURSEWARE EVALUATION.]

*Subdivision 1. [EVALUATION CRITERIA AND ADVISORY COMMITTEE.] To assist school districts with the purchase of computer courseware the commissioner of education shall establish courseware evaluation criteria and procedures. The criteria shall become the basis for evaluation and approval of courseware. The procedures developed shall contain a procedure for approval and resubmission of nonapproved courseware. The commissioner may employ consultants and specialists to assist in the development of the criteria and procedures and in the evaluation of the courseware, and shall consult with the regional management information centers formed pursuant to 121.935, subdivision 1 and the Minnesota educational computing consortium prior to development of the criteria and procedures.*

*By September 1, 1983, the commissioner of education shall establish and distribute, following consultation with a courseware evaluation advisory committee, criteria and procedures for evaluation of courseware. The courseware evaluation advisory committee shall consist of at least: six teachers, two school administrators, one computer professional knowledgeable in the field of microcomputers, one person actively employed in documentation standards for courseware, one person actively employed in the field of courseware development, one person designated by the executive director of the Minnesota educational computing consortium, two parents, and two additional persons appointed by the commissioner of education. This committee shall modify and update criteria and procedures as necessary, and recommend approval or disapproval of courseware based upon field tests.*

*Subd. 2. [EVALUATION AND FIELD TESTING OF COURSEWARE.] For courseware to be approved it must be submitted to the commissioner of education for evaluation and field testing, except that the commissioner may provide for the evaluation and field testing of courseware that has not been submitted if he finds that school districts have a strong interest in purchasing or leasing the courseware. The commissioner of education shall give public notice of intention to evaluate course-*

ware. As soon after September 1, 1983, as practical the commissioner shall distribute the criteria and procedures to be used in courseware evaluation to all who request copies.

Each unit of courseware obtained for approval shall be evaluated by a minimum of five persons, including three practicing teachers from appropriate grade level or content areas who will field test the courseware in their classrooms, one microcomputer professional knowledgeable in the software and documentation techniques, and one curriculum content expert. These persons shall represent to the commissioner of education that they have no financial interest in the product being evaluated nor in any similar or competing product. The commissioner of education may pay honoraria or consultant fees to evaluators based upon the size and complexity of the courseware evaluated. The evaluators shall submit a written report to the commissioner of education in a form and manner as the commissioner prescribes following the established criteria of subdivision 1.

The commissioner of education shall compile the reports. The commissioner may review the results with the courseware evaluation advisory committee, and shall either approve or disapprove the courseware. Results of the evaluation shall be available to the courseware producer for review.

**Subd. 3. [PUBLICATION OF LISTING OF APPROVED COURSEWARE.]** Beginning January 1, 1984, and every six months thereafter, the department of education shall distribute to all school districts a list of approved courseware. The department of education shall maintain a collection of approved courseware for review and examination. The courseware evaluation advisory committee shall distribute every six months a list of needed courseware for which there is no acceptable commercially available product. As evaluated by the criteria developed in this section, this list shall be based upon surveys or other methods which recognize input from school districts.

#### Sec. 4. [121.604] [COURSEWARE ACQUISITION.]

**Subdivision 1. [COURSEWARE DEVELOPMENT.]** The Minnesota educational computing consortium, in consultation with the department of education, is authorized to develop and design courseware which will meet the needs of public schools and which is included in the listings of needed courseware established in section 3 of this article and which is otherwise unavailable or too expensive for individual districts to purchase. The Minnesota educational computing consortium may:

(a) contract with school districts, private entrepreneurs, and other public and private agencies for the development of specified courseware;

(b) assist entrepreneurs to develop their own ideas for courseware or other software that could be used in the schools by providing funds for that purpose;

(c) secure copyrights in those materials in which it has a whole or part interest;

(d) sell developed courseware at cost to school districts in Minnesota and at commercial rates elsewhere; and

(e) sell or contract for the marketing of courseware.

The courseware shall be evaluated according to the criteria and procedures established in section 3 of this article.

Courseware developed pursuant to this subdivision shall become the property of the Minnesota educational computing consortium. Revenue from the sale of this courseware shall be used to develop more courseware pursuant to this section.

**Subd. 2. [DEVELOPMENT OF ENTREPRENEURIAL IDEAS.]** School districts, individuals, public and private organizations and agencies may make proposals for development of courseware to the Minnesota educational computing consortium at any time. If the Minnesota educational computing consortium chooses to fund development of the proposal, a contract shall be negotiated; provided that the Minnesota educational computing consortium funding shall not exceed the actual development cost or the agreed upon fixed price, whichever is less. Profits from future distribution of the product, if any, shall be shared according to provisions in the contract. Approval of contracts shall follow the provisions of subdivision 1. Funding of contracts can be, in part, provision of or access to equipment and technical assistance necessary to performance of the contract.

**Subd. 3. [DISTRIBUTION.]** The Minnesota educational computing consortium may sell courseware to Minnesota school districts at cost and may sell to school districts in other states and to the general public at commercial rates. Every contract with a developer who shares in the profits of distribution shall include a provision requiring sale of the courseware at cost to Minnesota school districts.

## Sec. 5. [121.605] [PURCHASE OF COURSEWARE.]

The commissioner may purchase and make available to school districts duplication rights for courseware and related materials.

Duplication rights may be purchased and volume purchase agreements may be established by the commissioner if the materials meet the criteria developed in section 3 of this article and

*if the materials are available to the state at a lower cost than if separate school districts purchase them individually.*

*The department of education shall make the courseware available to the Minnesota educational computing consortium for distribution to school districts. The materials shall be available to school districts without cost except for nominal costs of reproduction and distribution.*

**Sec. 6. [124.252] [INCENTIVES FOR PURCHASE OF COURSEWARE.]**

*Subdivision 1. [STATE MATCHING FUNDS.] For the purchase, lease, or lease-purchase of courseware approved under the provisions of section 3 of this article, school districts shall receive state aid. The aid shall be equal to the lesser of:*

*(a) \$2.40 times the number of pupils in average daily membership in the district in the 1983-1984 school year, or*

*(b) twenty-five percent of the actual expenditures of the district for the purchase, lease, or lease-purchase of courseware between July 1, 1983, and June 30, 1985.*

*Subd. 2. [PAYMENT OF AID.] The commissioner shall prescribe the form and manner of an application for aid under this section. Partial payment of aid shall be made by April 1, 1984, for courseware expenditures prior to March 1, 1984, if timely applications have been received by March 1, 1984. Partial payment of aid shall be made by April 1, 1985, for courseware expenditures prior to March 1, 1985, if timely applications have been received by March 1, 1985. Final aid payment shall be made by June 30, 1985, and shall be based upon applications received by June 1, 1985.*

**Sec. 7. [121.606] [TRAINING DEMONSTRATION SITES.]**

*Subdivision 1. [POLICY; ADVISORY COMMITTEE.] The legislature finds that training demonstration sites are needed to demonstrate ways in which instruction can be improved by using technology in elementary and secondary schools to provide learning opportunities for people of all ages. Central coordination of the training demonstration sites project shall be provided by a training demonstration site advisory committee, reporting to the state board of education. The training demonstration site advisory committee shall be appointed by the governor with representation from parents, administrators, and teachers in public schools, higher education, business and industry, the department of education, the council on quality education, the Minnesota educational computing consortium and regional management information centers.*

*Subd. 2. [GRANTS TO SCHOOL DISTRICTS.] For the 1983-1984 and 1984-1985 school years, the state board of education shall make grants to no fewer than ten individual school districts, multiple school district cooperatives, or educational cooperative service units, selected by the training demonstration site advisory committee to demonstrate the use of technology in instruction. Grants shall be made to exemplary programs already in progress in school districts, and where possible, to demonstrate technology-based education at three levels, elementary, junior and senior high.*

*The training demonstration site advisory committee shall select the sites using competitive proposals. To the extent possible, the selected sites shall be geographically well-distributed with representation from urban, suburban, and rural areas. Selection criteria shall include: (1) demonstrated interest, financial commitment, and past success by the applicant in utilization of technology; (2) evidence of interest on the part of the applicant's staff and the community to fully incorporate technology into their curriculum in order to facilitate demonstration of new methods; and (3) willingness of the applicant to cooperate with others to offer inservice training in the use of educational technology at the training demonstration site, pursuant to section 13 of this article. A general plan of implementation shall be required with the application; however, model site applicants shall not be required to present a detailed final plan at the time of application. Successful applicants shall work with the department of education, local post-secondary institutions, other public and private agencies, and local business and industry, as appropriate, to devise and implement a comprehensive plan. Grants may be used for equipment purchase, hiring of consultants, curriculum development, and staff training.*

*Subd. 3. [CRITERIA FOR AWARDED GRANTS.] By October 1, 1983, the state board shall adopt and distribute criteria for awarding grants prepared by the training demonstration sites advisory committee, in consultation with the Minnesota educational computing consortium, regional management information centers, the council on quality education, and the state board.*

*Subd. 4. [APPLICATION FOR GRANTS.] By December 1, 1983, applicants shall submit applications for the grants on forms provided by the commissioner of education. Grants shall be awarded by January 15, 1984.*

*Subd. 5. [PRIVATE FUNDING.] The training demonstration sites advisory committee shall seek funds and in-kind contributions from private sources to supplement state funds for the purpose of awarding grants. Private contributions may be made directly to the demonstration sites.*

*Subd. 6. [EVALUATION OF TRAINING DEMONSTRATION SITES.] The state board of education shall contract with independent evaluators to conduct an evaluation of the training demonstration site programs. The evaluators' report shall be a part of the report to the legislature required in section 8 of this article.*

**Sec. 8. [REPORTS TO THE LEGISLATURE.]**

*By February 1, 1984, the commissioner shall report to the education committees of the legislature on the progress of implementing the programs in sections 1 to 7 of this article.*

*By February 1, 1985, the commissioner shall report to the education committees of the legislature on the progress of the programs in sections 1 to 7 of this article and on preliminary evaluations of the programs and participants.*

**Sec. 9. [121.607] [CITATION.]**

*Sections 10 to 14 of this article may be cited as "The Comprehensive Instructional Improvement Act."*

**Sec. 10. [121.608] [INSTRUCTIONAL EFFECTIVENESS PLAN.]**

*By January 1, 1984, the commissioner of education shall develop a comprehensive statewide plan for maintaining and improving instructional effectiveness in the schools. The plan shall encourage implementation of school effectiveness strategies based on research findings in the area, develop in-service training models for school district staff, integrate developments in educational technology with classroom instruction models and develop a mechanism for establishing a statewide network to coordinate and disseminate information on research in instructional effectiveness. The commissioner may employ consultants and specialists to assist in the development of the plan, and, to the extent possible, shall utilize the information provided by the planning, evaluation, and reporting process and the statewide assessment program.*

**Sec. 11. [121.609] [INSTRUCTIONAL EFFECTIVENESS TRAINING.]**

*Subdivision 1. [PLANNING; ADVISORY COMMITTEE.] By January 1, 1984, the commissioner of education shall appoint an advisory committee to assist the department of education, in cooperation with the educational cooperative service units, in developing an implementation model for training school district staff in instructional effectiveness. The training program model shall be based on established principles of instructional design and the essential elements of effective instruction as determined*



by educational research. The training program model shall take into account the diverse needs of the school districts due to such factors as district size and location, and shall be structured to facilitate regional delivery of the training through the educational cooperative service units.

**Subd. 2. [PILOT TESTING OF TRAINING MODEL.]** Between January 1, 1984, and June 1, 1984, the commissioner shall administer a pilot program of the instructional effectiveness training models which shall be implemented in at least ten pilot sites throughout the state. By June 30, 1984, the commissioner shall provide an evaluation of the pilot testing programs to the advisory committee established in subdivision 1, which shall make modification in the training models as necessary.

**Subd. 3. [SELECTION OF SITES.]** By March 1, 1984, the commissioner shall provide information to all school districts on the instructional effectiveness training program and shall establish criteria for selecting school districts in which to implement the program. The criteria shall include submission of a plan adopted by the district's curriculum advisory committee for planning, evaluation, and reporting that is consistent with the plan adopted in section 2 of this article and a commitment by the school board and district staff to improve instructional effectiveness. By June 30, 1984, school districts may apply to the commissioner to be considered for selection as an instructional effectiveness training site. By September 1, 1984, the commissioner shall select up to 100 school districts in which to provide an instructional effectiveness training program.

**Subd. 4. [DELIVERY OF TRAINING PROGRAM.]** The commissioner may enter into agreements with educational cooperative service units for the purpose of providing instructional effectiveness training pursuant to the provisions of this section.

**Subd. 5. [EVALUATION AND REPORT.]** The commissioner shall pay an independent evaluator to conduct an evaluation of the effectiveness of this section. The evaluator shall submit a preliminary report by September 1, 1984, based upon pilot test results and plans submitted prior to this date. The evaluator shall submit a final report, including a sample survey of district personnel trained in the programs, to the commissioner by September 1, 1985.

## **Sec. 12. [121.610] [SUBJECT AREA INSERVICE TEACHER TRAINING PROGRAMS.]**

**Subdivision 1. [ESTABLISHMENT.]** The commissioner of education shall establish a program for providing inservice training to school district staff. The subject areas in which the inservice training shall be provided shall change annually. During the first year, the program shall provide inservice training to elementary and secondary teachers in mathematics, science,

and social science. For the second year of the program and each year thereafter, the commissioner shall designate three subject areas for which inservice teacher training programs shall be provided each year. Inservice training programs shall be designed to offer a broad spectrum of experiences including activities which require active involvement by participants rather than classroom lectures. To the extent possible, these inservice training programs shall be integrated with technology training pursuant to section 13 of this article and instructional effectiveness training pursuant to section 11 of this article.

Subd. 2. [PRIVATE FUNDS.] The commissioner may seek contributions from additional private or public sources to supplement state funds provided by this act. These contributions shall be added to the total amount of available state funds and shall be administered by the board in the same manner as state funds.

Subd. 3. [FEDERAL FUNDS.] The commissioner of education shall apply for and accept all eligible federal funds available for inservice teacher training programs in the particular subject areas.

Subd. 4. [PROPOSALS.] Grant proposals submitted by eligible applicants to the commissioner for consideration shall contain the following elements:

(1) A variety of teacher education activities which are designed to assess and upgrade skills of those attending the training programs;

(2) Provisions for addressing the requirements for licensure in the designated areas for those teachers who are currently not licensed in those areas but who wish to be licensed;

(3) A plan for teachers who participate in the training program to return to their school districts and provide training programs or disseminate information on inservice programs to additional teachers in their districts and in the region;

(4) A process for notifying teachers in the state who teach in the particular subject areas and who are eligible for the program, a process for selecting teachers to participate in the inservice training program, and a mechanism for evaluation to be provided to the state board upon completion of the program;

(5) An estimated budget for the program, which shall provide for tuition expenses, related expenses including meals and lodging, and a stipend for participants in the program; and

(6) Other information that may be requested by the commissioner.

Subd. 5. [ELIGIBLE APPLICANTS.] *The commissioner may allocate funds to public and nonpublic institutions of higher education, public and private nonprofit organizations, educational cooperative service units, or school districts for the purpose of providing inservice teacher training. When approving or disapproving grants, the commissioner shall ensure geographic accessibility of the programs to teachers throughout the state and a balance of programs available in different subject areas.*

Subd. 6. [CONSULTATION.] *When making grants for the teacher inservice training programs pursuant to this section, the commissioner shall consult with elementary and secondary teachers in the particular subject areas to ensure that proposals submitted incorporate recent research findings and address re-training needs of teachers in those subject areas.*

Subd. 7. [APPLICATION DATES.] *Applications for inservice training programs to be conducted during a particular school year shall be submitted to the board by the January 1 preceding the beginning of that school year. The commissioner shall approve or disapprove the proposals by the following March 1.*

### Sec. 13 [121.611] [STAFF TRAINING IN EDUCATIONAL TECHNOLOGY.]

Subdivision 1. [STATE AID FOR EDUCATIONAL TECHNOLOGY TRAINING.] *In order to train educators to use technology to improve instruction, the commissioner shall provide funds for inservice education for staff members in elementary and secondary public schools. School districts with an approved plan for technology utilization under section 2 of this article are eligible to apply for state aid to provide inservice training under the provisions of this section. School districts are encouraged to cooperate with one another in providing inservice training for staff members.*

Subd. 2. [COMPONENTS.] *Education technology inservice training programs shall include the following components in order to qualify for aid:*

(a) *effective instructional principles and instructional management plan;*

(b) *the integration of effective instructional principles using educational technology;*

(c) *orientation and experience with different forms of instructional technology;*

(d) *exposure to future trends and uses of educational technology; and*

(e) orientation to careers in high technology available in Minnesota.

**Subd. 3. [APPLICATIONS BY SCHOOL DISTRICTS.]** School districts or combinations of school districts may submit education technology inservice education plans to the commissioner by December 1, 1984. Each plan shall include a description of the inservice instruction, the instructor's qualifications, and the amount of time the instruction will include. The inservice training is not limited to formal classroom presentations. The commissioner shall approve requests from the districts within 60 days of submittal.

**Subd. 4. [AMOUNT OF AID.]** A district or combination of districts whose inservice training plan is approved by the commissioner shall receive \$1 for each pupil in average daily membership in public elementary and secondary schools in the district in the 1983-1984 school year. Fifty percent of the aid shall be paid to districts upon approval by the commissioner. The remainder of a district's aid shall be paid upon completion of the inservice training, after the district submits a final report to the commissioner. The reports shall be made on forms furnished by the department.

**Subd. 5. [INSERVICE TRAINING BY THE DEPARTMENT.]** The department of education shall provide additional inservice education in improving instruction through the use of technology. It shall be completed by June 30, 1985. The training shall be on a regional or statewide basis and shall be consistent with the statewide plan for instructional effectiveness developed pursuant to section 10 of this article. The department may employ consultants or specialists for the training programs. The commissioner shall ensure that these training activities do not duplicate or conflict with services provided by other governmental agencies or organizations.

**Subd. 6. [INSTRUCTIONAL COORDINATORS.]** The Minnesota educational computing consortium shall provide regional instructional computing coordinators with expertise in the use of technology in instruction. The coordinators shall serve as onsite consultants to districts conducting staff training under this section, implement the delivery system for demonstration of courseware in each region, provide subject related expertise to any school district of the state, and perform other duties related to staff training.

**Subd. 7. [TRAINING DEMONSTRATION SITES; INSERVICE TRAINING.]** School districts are encouraged to offer inservice training programs in educational technology in cooperation with school districts that have been selected as training demonstration sites pursuant to section 7 of this article, and to offer these programs at the training demonstration sites, with the permission of the host district.

## Sec. 14. [REPORT TO THE LEGISLATURE.]

*By January 1, 1985, the commissioner shall report to the education committees of the legislature on the progress of the programs in sections 10 to 13 of this article and on preliminary evaluations of the programs and participants.*

## Section 15. [121.612] [CITATION.]

*This section may be cited as the "Minnesota Academic Excellence Act."*

*Subdivision 1. [CREATION OF FOUNDATION.] There is created the Minnesota Academic Excellence Foundation. The purpose of the foundation shall be to promote academic excellence in Minnesota public schools through a public-private partnership. The foundation shall be a nonprofit organization.*

*Subd. 2. [BOARD OF DIRECTORS.] The board of directors of the foundation shall consist of the governor or the governor's designee; the chairpersons of the education committee and education finance division in the house of representatives and the chairpersons of the senate education committee and senate education subcommittee on education aids; a minority member of the house of representatives to be appointed by the house minority leader; a minority member of the senate, to be appointed by the senate minority leader; the commissioner of education; and 15 members to be appointed by the governor. Of the 15 members appointed by the governor, six shall represent various education groups and nine shall represent various business groups. The board of directors shall meet as soon as possible after the effective date of this section. The commissioner of education shall serve as secretary for the board of directors and provide administrative support to the foundation.*

*Subd. 3. [FOUNDATION PROGRAMS.] The foundation shall plan for programs which advance the concept of educational excellence. These may include but are not limited to:*

*(a) recognition programs and awards for students demonstrating academic excellence;*

*(b) summer institute programs for students with special talents;*

*(c) recognition programs for teachers, administrators, and others who contribute to academic excellence;*

*(d) summer mentorship programs with business and industry for students with special career interests and high academic achievements;*

(e) *governor's awards ceremonies to promote academic competition; and*

(f) *consideration of the establishment of a Minnesota high school academic league.*

*To the extent possible, the foundation shall make these programs available to students in all parts of the state.*

*Subd. 4. [RECEIPT OF PRIVATE FUNDS.] The foundation shall seek private resources to supplement the available public funds. Individuals, businesses, and other organizations may contribute to the foundation in any manner specified by the board of directors. All funds received shall be administered by the board of directors.*

*Subd. 5. [REPORT.] By February 1, 1984, and February 1, 1985, the board of directors of the foundation shall report to the education committees of the legislature on the progress of its activities made pursuant to the provisions of this section.*

Sec. 16. Minnesota Statutes 1982, section 120.10, subdivision 2, is amended to read:

Subd. 2. [SCHOOL.] A school, to satisfy the requirements of compulsory attendance, must be one: (1) in which all the common branches are taught in the English language, from textbooks written in the English language, and taught by teachers whose qualifications are essentially equivalent to the minimum standards for public school teachers of the same grades or subjects and (2) which is in session each school year for at least (175) 180 days or their equivalent; provided that in a program of instruction for children of limited English proficiency, instruction and textbooks may be in the primary language of the children of limited English proficiency enrolled therein. Any other language may be taught as provided in section 126.07. As used in this subdivision, the terms "children of limited English proficiency" and "primary language" shall have the meanings ascribed to them in section 126.262.

Sec. 17. Minnesota Statutes 1982, section 120.64, subdivision 2, is amended to read:

Subd. 2. A full-time classroom teacher currently employed by a school district which converts to a flexible school year program shall not, without his written consent, be required to teach under this program (1) more or less than the number of scheduled days or their equivalent the schools of the district were maintained during the year preceding implementation of the flexible school year program; (2) in a period of the calendar year substantially different from the period in which he taught during the year preceding implementation of the flexible year

program. *However, in a school district which converted to a flexible school year prior to July 1, 1984, a full-time classroom teacher may be required to teach five days more than the number of scheduled days or their equivalent that the schools of the district were maintained during the year preceding implementation of the flexible school year program.*

Sec. 18. Minnesota Statutes 1982, section 120.64, subdivision 4, is amended to read:

Subd. 4. Any school district operating a flexible school year program shall enter into one contract governing the entire school year with each teacher employed in a flexible program. If individual teachers contract to teach less than a period of (175) 180 days during a school year, each (175) 180 days of employment accrued during any five year period after the adoption of a flexible year program shall be deemed consecutive and shall constitute a full year's employment for purposes of establishing and retaining continuing contract rights to a full school year position pursuant to sections 125.12, subdivisions 3 and 4, and 125.17, subdivisions 2 and 3. A teacher who has not been discharged or advised of a refusal to renew his contract by the applicable date, as specified in section 125.12 or 125.17, in the year in which he will complete the requisite number of days for securing a continuing contract shall have a continuing full school year contract with the district.

Sec. 19. Minnesota Statutes 1982, section 124.17, subdivision 1, is amended to read:

Subdivision 1. Pupil units for each resident pupil in average daily membership shall be counted as follows:

(1) In an elementary school:

(a) For each handicapped pre-kindergarten pupil and each handicapped kindergarten pupil, as defined in section 120.03, enrolled in a program approved by the commissioner, a number of pupil units equal to the ratio of the number of hours of education services required in the school year by the pupil's individual education program plan, developed pursuant to the rules of the state board, to (875) 900, but not more than one pupil unit;

(b) For kindergarten pupils, other than those in clause (a), enrolled in one-half day sessions throughout the school year or the equivalent thereof, one-half pupil unit; and

(c) For other elementary pupils, one pupil unit.

(2) In secondary schools, one and four-tenths pupil units. Pupils enrolled in the seventh and eighth grades of any school shall be counted as secondary pupils.

Sec. 20. Minnesota Statutes 1982, section 124.19, subdivision 1, is amended to read:

Subdivision 1. [INSTRUCTIONAL TIME.] Every district which receives special state aid shall maintain school in session or provide instruction in other districts, in state university laboratory school or in the university laboratory school, for at least (175) 180 days, not including summer school, or the equivalent in a district operating a flexible school year program. A district which holds school for the required minimum number of days and is otherwise qualified is entitled to special state aid as provided by law. If school is not held for the required minimum number of days, special state aid shall be reduced by the ratio that the difference between (175) 180 days and the number of days school is held bears to (175) 180 days, multiplied by 60 percent of the product of the foundation aid formula allowance times its pupil units for that year. However, districts maintaining school for fewer than the required minimum number of days do not lose special state aid, if the circumstances causing loss of school days below the required minimum number of days are beyond the control of the board and, if proper evidence is submitted and a good faith attempt made to make up time lost due to these circumstances. The loss of school days resulting from a lawful employee strike shall not be considered a circumstance beyond the control of the board. Days devoted to teachers' institutes or other meetings authorized or called by the commissioner may not be included as part of the required minimum number of days of school. Not more than (FIVE) *seven* days may be devoted to parent-teacher conferences or teachers' workshops as part of the required minimum number of days, (EXCEPT THAT) *provided that, if the number of days devoted to parent-teacher conferences or teachers' workshops is more than five, the number of these days in excess of five shall be devoted to teacher training programs provided pursuant to the provisions of this article. However, for kindergarten classes, not more than (TEN) 12 days may be devoted to parent-teacher conferences or teachers' workshops as part of the required minimum number of days, provided that, if the number of days devoted to parent-teacher conferences or teachers' workshops is more than ten, the number of those days in excess of ten shall be devoted to teacher training programs provided pursuant to the provisions of this article. Districts are encouraged to cooperate and coordinate with one another and with educational cooperative service units to provide inservice training on the same workshop days.*

Sec. 21. [RULEMAKING.]

*The state board shall amend its rules regarding the number of days school is in session and any other rules affected by the provisions of sections 16 to 20 of this article to reflect the lengthened school year provided by sections 16 to 20 of this article.*



**Sec. 22. [REPORT ON NEED FOR CURRICULUM CHANGES.]**

*By October 1, 1983, the commissioner of education shall develop and submit a report to the education committees of the legislature on the need for adopting alternative rules governing curriculum requirements in the elementary and secondary public schools. In developing the recommendations, the commissioner shall consider the extent to which the proposed curriculum requirements shall adequately prepare the students for entering post-secondary institutions. The report shall include at least the following:*

*(1) preliminary information on the extent to which school districts are in compliance with the current curriculum requirements established in state board rules;*

*(2) a preliminary draft of proposed rules which would increase the curriculum requirements in elementary and secondary schools;*

*(3) recommendations for changes in the laws which impose penalties for noncompliance with state board of education rules;*

*(4) development of a statewide monitoring system to ensure compliance with curriculum requirements;*

*(5) assessment of the feasibility of establishing homework requirements in the elementary and secondary schools; and*

*(6) recommendations for changes in high school graduation requirements.*

**Sec. 23. [RULEMAKING ON CURRICULUM.]**

*By September 1, 1984, the state board of education shall adopt rules pursuant to chapter 14, establishing elementary and secondary curriculum requirements which will ensure that a minimum comprehensive educational program is available to all students in the state. The rules adopted by the state board shall be effective beginning in the 1985-1986 school year.*

**Sec. 24. [122.535] [AGREEMENTS FOR SECONDARY EDUCATION.]**

*Subdivision 1. [APPLICABILITY.] The provisions of this section shall apply to a district with fewer than 375 pupils enrolled in grades 7 through 12.*

*Subd. 2. [AGREEMENT.] The school board may enter into one or more agreements providing for instruction of its*

*secondary pupils in one or more districts. The agreement shall be effective on July 1 and shall be for a specified or indefinite number of years. The agreement shall set forth the obligations of transportation, the tuition to be paid to the providing district, and all additional charges and fees to be paid to the providing district. The amount of tuition shall not be subject to the provisions of section 124.18, subdivision 2. The agreement may provide for negotiation of a plan for the assignment or employment in a providing district as an exchange teacher according to section 125.13 or placement on unrequested leave of absence of teachers whose positions are discontinued as a result of the agreement. "Teacher" has the meaning given it in section 125.12, subdivision 1.*

*Subd. 3. [INFORMATIONAL MEETING.] Before entering into agreements permitted by subdivision 2, the school board shall hold a public hearing. The board shall publish notice of the hearing in the newspaper with the largest circulation in the district. If the board proposes to enter into agreements with two or more districts, the board may conduct separate or consolidated hearings.*

*Subd. 4. [REVIEW AND COMMENT.] After the hearing required by subdivision 3 and before entering into an agreement, the board shall submit the agreement to the commissioner of education for review and comment.*

*Subd. 5. [AID PAYMENTS.] A district entering into an agreement permitted in subdivision 2 shall continue to count its resident pupils who are educated in other districts as resident pupils in the calculation of pupil units for the purposes of state aids, levy limitations, and any other purpose. A district may continue to provide transportation and collect transportation aid for its resident pupils. For purposes of aid calculations, the commissioner of education may adjust the cost per eligible pupil transported to reflect changes in cost resulting from the agreement, if any.*

Sec. 25. Minnesota Statutes 1982, section 122.41, is amended to read:

#### 122.41 [POLICY.]

(IT IS HEREBY DECLARED TO BE) The policy of the state is to encourage (THE) organization of school districts into (SUCH LOCAL) units of administration (AS WILL) to afford better educational opportunities for all pupils, make possible (A) more economical and efficient operation of the schools, and insure (A) more equitable distribution of public school revenue. To this end all area of the state shall be included in an independent or special school district maintaining classified elementary and secondary schools, grades one through twelve,

unless a district has made an agreement with another district or districts as provided in section 24 of this article or 122.541.

Sec. 26. Minnesota Statutes 1982, section 122.43, is amended to read:

122.43 [DISSOLUTION OF DISTRICTS NOT A PART OF INDEPENDENT DISTRICTS.]

Subdivision 1. (IF THERE BE) Any organized school district not a part of an independent school district maintaining classified elementary and secondary schools, grades one through twelve, *is dissolved*, unless the district has made an agreement with another district or districts as provided in section 24 of this article or 122.541 (, SUCH DISTRICT SHALL HEREBY BE DISSOLVED).

Subd. 2. The board of each district so dissolved shall continue to maintain school (THEREIN) until all *its* territory (THEREOF) has been attached to a proper district not later than July 1 (, BUT). Such boards shall (HAVE POWER AND AUTHORITY) only (TO) make such contracts and (TO) do such things as are necessary to maintain *schools* properly (THE SCHOOLS) for the period they may be in session prior to the attachment.

Sec. 27. Minnesota Statutes 1982, section 122.44, is amended to read:

122.44 [PROCEDURE FOR ATTACHMENT TO ORGANIZED DISTRICTS (; PROCEDURE).]

Subdivision 1. Upon notice and hearing, as provided in section 122.22 for the attachment of dissolved districts, all territory of school districts dissolved by sections 122.41 to 122.52 and all area of the state not in a district maintaining classified elementary and secondary schools shall be attached by order of the county board to organized districts maintaining classified elementary and secondary schools, grades one through twelve, unless a district has made an agreement with another district or districts as provided in section 24 of this article or 122.541.

Sec. 28. [POLICY FOR INTERDISTRICT COOPERATION.]

*It is the policy of the state to encourage districts to use experimental delivery systems that afford increased educational opportunities for pupils, make possible more efficient operation of schools, and promote more effective distribution of public school revenues.*

Sec. 29. [124.272] [INTERDISTRICT COOPERATION AID.]

*Subdivision 1. [LIMITATION.] This section shall not apply to Special School District No. 1, Independent School Districts Nos. 11, 625, and 709, or to school districts which are members of Intermediate School Districts, Nos. 287, 916, and 917.*

*Subd. 2. [ELIGIBLE DISTRICTS.] A district shall be eligible for interdistrict cooperation aid if it has entered into a cooperation agreement and if it has a cooperation plan approved by the commissioner of education.*

*Subd. 3. [COOPERATION PLAN.] To receive aid or to levy pursuant to section 30 of this article a district shall submit to the commissioner of education an application for aid by August 15. The application shall contain the following:*

*(a) a three-year plan to improve the district curriculum, which gives priority to offering of any of the following: a three-year mathematics sequence in grades 10 through 12, a three-year science sequence in grades 10 through 12, a two-year foreign language sequence, elementary and secondary courses in computer usage, or other programs recommended by the state board;*

*(b) an assurance that the proposed curriculum in clause (a) has been developed in conjunction with the planning, evaluation, and reporting process of section 123.741;*

*(c) a copy of the cooperation agreement;*

*(d) a description of the proposed increase in curriculum offerings resulting from the agreement;*

*(e) the estimated instructional cost of the cooperation plan for the following fiscal year; and*

*(f) other information required by the commissioner.*

*Subd. 4. [DEFINITION.] (a) A district's "interdistrict cooperation revenue" shall equal the lesser of \$28 times the actual pupil units for that school year or the estimated cost to the district of the interdistrict cooperation program for the school year to which the levy is attributable.*

*(b) A district's "interdistrict cooperation levy limitation" means its levy limitation computed according to section 30 of this article.*

*Subd. 5. [COOPERATION AID.] A district's interdistrict cooperation aid for any school year shall equal:*

(a) *the difference between its interdistrict cooperation revenue and its interdistrict cooperation levy limitation for the levy for that school year, multiplied by*

(b) *the ratio of the amount actually levied to the amount of its interdistrict cooperation levy limitation.*

*Subd. 6. [APPROVAL WITH APPROPRIATION.] The commissioner may approve applications for aid within the limitation of the appropriation. Approval shall be based on criteria established by the state board of education.*

*Subd. 7. [REPORT.] By December 1, 1985, and each year thereafter, the department of education shall report to the education committees of the legislature about the interdistrict cooperation agreements and whether the provisions of this section have increased educational opportunities in those districts.*

Sec. 30. Minnesota Statutes 1982, section 275.125, is amended by adding a subdivision to read:

*Subd. 8a. [INTERDISTRICT COOPERATION LEVY.] Each year, a district which is eligible for aid pursuant to section 29, subdivision 2 of this article, may levy the amount of the estimated instructional costs of the interdistrict cooperation plan for the year to which the levy is attributable, but not more than \$28 times the actual pupil units for that school year. No levy under this subdivision shall exceed one mill times the adjusted assessed evaluation of the district for the preceding year. The proceeds of the levy may only be used to pay for instructional costs incurred in providing the program offerings resulting from the cooperation plan.*

Sec. 31. Minnesota Statutes 1982, section 122.531, is amended by adding a subdivision to read:

*Subd. 8. [INTERDISTRICT COOPERATION LEVY AND AID.] Any districts which consolidate pursuant to section 122.23 and which were eligible to make the levy and receive aid pursuant to the provisions of sections 29 and 30 of this article prior to the effective date of the consolidation, shall continue to remain eligible to apply for interdistrict cooperation aid and levy after the effective date of the consolidation.*

Sec. 32. [APPROPRIATIONS; FLOW THROUGH.]

*Subdivision 1. There is appropriated from the general fund to the department of education the amounts indicated in this section for the biennium ending June 30, 1985.*

*Subd. 2. [TECHNOLOGY PLANNING AID.] For aid to school districts for the development of technology utilization*

plans pursuant to section 2 of this article, there is appropriated \$800,000.

*Subd. 3. [COURSEWARE SUBSIDY.] For aid to school districts for purchase or lease of courseware pursuant to section 6 of this article, there is appropriated \$1,675,000.*

*Subd. 4. [TRAINING DEMONSTRATION SITE GRANTS.] For grants to training demonstration sites pursuant to section 7 of this article, there is appropriated \$1,000,000.*

*Subd. 5. [INSTRUCTIONAL EFFECTIVENESS TRAINING.] For instructional effectiveness inservice training pursuant to section 11 of this article, there is appropriated \$950,000. The commissioner may enter into agreements with educational cooperative service units to provide this training.*

*Subd. 6. [SUBJECT AREA TRAINING.] For grants for subject area inservice training programs pursuant to section 12 of this article, there is appropriated \$520,000.*

*Subd. 7. [TECHNOLOGY TRAINING.] For aid to school districts for technology training pursuant to section 13 of this article, there is appropriated \$710,000.*

*Subd. 8. [COOPERATING DISTRICT AID.] For interdistrict cooperation aid pursuant to section 29 of this article, there is appropriated \$1,000,000. This aid shall be paid to qualifying districts by December 31, 1984.*

*Subd. 9. [ACADEMIC EXCELLENCE FOUNDATION.] The sum of \$250,000 is appropriated to provide a state match for funds raised by the academic excellence foundation pursuant to section 15 of this article. This sum shall be released to the foundation upon approval of the governor after consultation by the commissioner of education with the legislative advisory commission in the manner provided in section 3.30. The governor and legislative advisory commission shall consider the amount of revenue the foundation has raised and the plans for its use.*

**Sec. 33. [APPROPRIATIONS; DEPARTMENT OF EDUCATION.]**

*Subdivision 1. There is appropriated from the general fund to the department of education the amounts indicated in this section for the fiscal years designated. Any unexpended amount of an appropriation for fiscal year 1984 shall not cancel but shall be available for fiscal year 1985.*

*Subd. 2. [DEPARTMENT STAFF.] For administration of sections 1 to 34 of this article, there is appropriated:*

\$62,500 ..... 1984,

\$62,500 ..... 1985.

*The department of education may add two positions to its authorized complement for these purposes. One of these positions shall be at the level of education specialist II, and one shall be a clerical support position.*

*Subd. 3. [TECHNOLOGY UTILIZATION MODEL.] For development of model plans for technology utilization pursuant to section 2 of this article and for administration of section 2 of this article, there is appropriated:*

\$30,000 ..... 1984.

*Subd. 4. [COURSEWARE EVALUATION.] For evaluation of courseware pursuant to section 3 of this article, there is appropriated:*

\$325,000 ..... 1984.

*Of this amount, no more than \$25,000 may be used for administration.*

*Subd. 5. [COURSEWARE DUPLICATION RIGHTS.] For purchase and distribution of courseware to school districts pursuant to section 5 of this article, there is appropriated:*

\$250,000 ..... 1984.

*Of this amount, no more than \$10,000 may be used for administration.*

*Subd. 6. [COURSEWARE SUBSIDY; ADMINISTRATION.] For administration of the program established in section 6 of this article for aid to school districts for purchase or lease of courseware, there is appropriated:*

\$10,000 ..... 1984.

*Subd. 7. [TRAINING DEMONSTRATION SITES; EVALUATION.] For administration of section 7 of this article and for evaluation pursuant to section 7, subdivision 6 of this article, of sites that receive training demonstration grants, there is appropriated:*

\$20,000 ..... 1984,

\$40,000 ..... 1985.

No more than \$20,000 of the total appropriation in this subdivision for both years shall be used for administration.

Subd. 8. [INSTRUCTIONAL EFFECTIVENESS PLAN.] For development of the instructional effectiveness plan as provided in section 10 of this article, there is appropriated:

\$50,000 . . . . 1984.

Subd. 9. [INSTRUCTIONAL EFFECTIVENESS TRAINING.] For development of the instructional effectiveness model pursuant to section 11 of this article and administration and evaluation of section 11 of this article, there is appropriated:

\$120,000 . . . . 1984.

No more than \$10,000 of this amount shall be used for administration, and no more than \$20,000 of this amount shall be used for the evaluation required in section 11, subdivision 5 of this article.

Subd. 10. [SUBJECT AREA TRAINING.] For subject area training activities and administration pursuant to section 12 of this article, there is appropriated:

\$180,000 . . . . 1984.

Of this amount, \$160,000 is for updating of learner outcomes and providing for measurement of those outcomes through the local testing and evaluation program provided for in section 123-742, subdivision 2.

Subd. 11. [TECHNOLOGY TRAINING.] For technology training performed by the department of education pursuant to section 13, subdivision 5 of this article, there is appropriated:

\$600,000 . . . . 1984.

Of this amount, \$300,000 shall be used to provide inservice training to teachers visiting the training demonstration sites funded pursuant to section 7 of this article.

Subd. 12. [FOUNDATION FOR ACADEMIC EXCELLENCE; ADMINISTRATION.] For administration costs for the foundation for academic excellence established in section 15 of this article, there is appropriated:

\$25,000 . . . . 1984,

\$25,000 . . . . 1985.



**Sec. 34. [APPROPRIATIONS; MINNESOTA EDUCATIONAL COMPUTING CONSORTIUM.]**

*Subdivision 1. There is appropriated from the general fund to the Minnesota educational computing consortium the amounts indicated in this section for the fiscal years ending June 30 in the year designated. Any unexpended balance from the appropriation for fiscal year 1984 shall not cancel but shall be available for fiscal year 1985.*

*Subd. 2. [COURSEWARE ACQUISITION.] For acquisition of courseware pursuant to section 4 of this article, there is appropriated:*

*\$475,000 . . . . 1984.*

*The Minnesota educational computing consortium shall add additional money from other sources in its budget to this appropriation for the purpose of developing courseware.*

*Subd. 3. [REGIONAL COORDINATORS.] For regional coordinators to assist school districts in the use of technology as provided in section 13, subdivision 6 of this article, there is appropriated:*

*\$295,000 . . . . 1984,*

*\$295,000 . . . . 1985.*

**Sec. 35. [EFFECTIVE DATE.]**

*Sections 16 to 21 of this article are effective July 1, 1984.*

**ARTICLE 9**

**COUNCIL ON QUALITY EDUCATION**

Section 1. Minnesota Statutes 1982, section 129B.02, is amended to read:

**129B.02 [PURPOSE.]**

The legislature of the state of Minnesota expresses concern over the future of elementary and secondary education in this state, its ability to meet the educational needs of the public school students, the professional growth and satisfaction of school staffs, the effectiveness and efficiency of present schools and their learning processes, continuing pupil unit cost escalation and the resulting financial crisis which this brings about. New approaches to the learning process, better utilization of professional staff and community resources, different requirements

as to course offerings, course content, grading, graduation and school attendance must be researched and developed. It is believed that revised programs, innovations, new attitudes about learning and the public schools' responsibilities can be effectively achieved if such research and development are performed by the council on quality education and at the local school level by the school's staff and with involvement by the students and their community. Although funds spent now for such purposes can produce substantial educational and cost benefits in the future, such capital type funds are seldom available within any single school district's budget.

The purpose of the council on quality education is, therefore, to encourage, promote, aid, and perform research and development for quality education in Minnesota elementary and secondary schools, to evaluate the results of significant innovative programs and to disseminate information about these programs throughout the state.

To these ends, the council through the state board of education shall establish a venture fund from which grants or loans may be made in support of research and development programs relating to the problems and objectives heretofore described which shall include but not be limited to:

- (1) Effective utilization of community personnel and resources.
- (2) Developing model personnel policies and procedures, new staffing concepts such as differentiated staffing.
- (3) Assessment and evaluation of education programs.
- (4) Developing (A MANAGEMENT AND UNIT OF INSTRUCTIONAL OBJECTIVES DESIGN WHICH WILL PROVIDE) *procedures to increase a school's accountability (BY RELATING TIME AND DOLLARS TO THE AMOUNT OF LEARNING PRODUCED).*
- (5) Determining responsibilities to be assumed by the schools exclusively or concurrently with other agencies or individuals.
- (6) Effective dissemination of educational information.
- (7) Developing new knowledge about learning and teaching.
- (8) Developing model educational programs (AS ALTERNATIVES TO EXISTING EDUCATIONAL PRACTICES AND CURRICULA) *and alternative delivery systems that will improve curriculum offerings for small rural schools.*

(9) Model programs and innovations to increase equality of educational opportunities.

(10) Research and testing of new concepts of educational efficiency, effectiveness and cost benefits.

(11) Comprehensive interdisciplinary programs in health education and comprehensive programs designed to coordinate and integrate the delivery of pupil support services.

The council shall not be limited to supporting innovations, programs or procedures supplementary to existing school structures and programs but may assist or research entirely new concepts such as open schools, informal schools and the like. It is the legislature's intent that any supported program shall hold promise of both educational and cost benefits and that the costs and improvements in learning effectiveness introduced thereby shall be measured and related. *The council shall provide for an evaluation of each program which it supports with a grant or loan.*

The council may also review literature and other information about innovative programs in Minnesota and other states and disseminate the results of this research throughout the state. The council may identify ideas for innovative programs in the course of this research and solicit proposals from school boards for grants for such programs; provided not to exceed ten percent of the funds appropriated to the venture fund in any year may be expended to fund such research and programs.

The council shall make a report by November 15 of each even numbered year to the legislature concerning all research and all proposals received (AND), the dispositions made thereof by the council and the state board of education, *the evaluations of the programs that were funded, and of receipts and expenditures resulting from sales of materials developed through venture fund grants.*

Sec. 2. Minnesota Statutes 1982, section 129B.04, is amended to read:

129B.04 [PROPOSALS.]

Subdivision 1. [REQUIREMENTS.] The board of any local school district or any group of such boards may develop a proposal for a grant or loan in support of a research and development program of the kind described in section 129B.02. *Except for replication and dissemination mini-grants made pursuant to subdivision 2, every such proposal shall include:*

(1) a statement of the objectives of the program, and the procedures for achieving the objectives;

(2) a description of the evaluation procedures for measuring the effectiveness of the program;

(3) provision for such fiscal control and fund accounting procedures as are necessary to assure proper disbursement and accounting for funds paid to the applicant;

(4) provision for administration of the program by the local school district, or in cooperation with other school districts, educational institutions, or local agencies under the supervision of the local school district; and

(5) a description of the involvement of local school staff, students, and members of the community in planning and implementing the program.

*Subd. 2. [MINI-GRANTS.] The council may award grants not to exceed \$5,000 to districts to (1) replicate cost-effective innovations initiated in other districts with venture fund support or which have been validated by the department of education or federal agencies when initiated with federal or other support within and outside Minnesota; or (2) disseminate information about successful projects the district initiated with a grant from the venture fund.*

*The council shall prescribe the form and manner of application for mini-grants.*

Subd. (2) 3. [PROCEDURE.] Every program proposal shall be submitted to the council created by section 129B.01, not less than (THREE) two months before the planned commencement of the program. The council shall recommend approval or disapproval, or shall modify and then recommend such modification with respect to every proposal submitted to it. The council shall also recommend the amount and type of grant to be made in support of the proposed program in the light of the then currently available moneys in the venture fund, which information shall be provided to the council by the state board of education. The council shall also recommend what rules and regulations, if any, shall be suspended or modified in order to implement the proposal. Only such proposals as are recommended for approval shall be transmitted by the council to the state board, and all such proposals shall be approved and funded from the venture fund by the state board as recommended by the council unless the state board, within 30 days of receipt of a proposal from the council, shall make other disposition of the proposal by formal board action. One half of each grant recommended by the council and funded by the state board may be deemed an interest free loan to be repaid over a five year period.

Sec. 3. [129B.041] [COPYRIGHT AND SALE OF PRODUCTS.]

*Subdivision 1. [COPYRIGHT.] Products of projects and programs funded pursuant to sections 129B.01 to 129B.05, including curriculum and instructional materials, computer and telecommunications software, and associated manuals and reports, may be copyrighted by the council in the name of the state and may be sold. However, the state shall sell the products to all school districts and public agencies in the state at prices that do not exceed the cost of reproduction and distribution.*

*Subd. 2. [SALE.] The council shall enter into an agreement with the Minnesota educational computing consortium for the sale and distribution of computer and telecommunications software products of projects and programs funded pursuant to sections 129B.01 to 129B.05. The agreement shall provide that the products sold be clearly labeled as products developed pursuant to a grant or loan from the council on quality education.*

*Subd. 3. The education products revolving account is established in the state treasury. Except as provided in the agreement between the council and the Minnesota educational computing consortium pursuant to subdivision 2, proceeds up to the cost of reproduction and distribution from the sale of products under this section shall be deposited in this account. All funds in this account are annually appropriated to the department of education and shall be used to reproduce and distribute products of projects and programs funded pursuant to sections 129B.01 to 129B.05.*

*Subd. 4. Proceeds in excess of costs from the sale of products pursuant to this section are appropriated to the department of education and shall be placed in the venture fund of the council and used to fund similar projects.*

**Sec. 4.** Minnesota Statutes 1982, section 129B.05, is amended to read:

**129B.05 [STATE BOARD AND COMMISSIONER.]**

The state board of education shall develop and promulgate such additional recommendatory guidelines as may be appropriate for the furtherance of sections 129B.01 to 129B.05 and the development and implementation of the programs contemplated herein, for its benefit and the benefit of the council and applicants. The commissioner of education shall make available to the council at its request such staff as the council deems necessary to perform its functions. The council may also employ or contract for the services of outside consultants which may include but are not limited to research, evaluation, dissemination, cost-benefit analysis, inservice training of local and state staff in innovations developed through the venture fund, and technical and legal assistance in obtaining broadcast licenses to implement innovations, and as much of the annual appropriation to the state department of education, made for the purposes of sections 129B.01 to 129B.05 as is necessary, shall be made available to the council for this purpose.

Sec. 5. Minnesota Statutes 1982, section 129B.09, subdivision 12, is amended to read:

Subd. 12. [NEGOTIATED GRANTS.] For the 1981-1982 and 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 129B.01 to 129B.05. *For the 1983-1984 school year, the council on quality education may limit the amount of grants provided to early childhood and family education programs by reducing the number of grants made, or by reducing the amount of the grant made to any of the programs funded for the 1982-1983 school year, or both.*

Sec. 6. [REPEALER.]

*Subdivision 1. Minnesota Statutes 1982, sections 121.501; 121.502; 121.503; 121.504; 121.505; 121.506; 121.507; 122.542; and 124.251 are repealed.*

*Subd. 2. Minnesota Statutes 1982, sections 129B.06; 129B.07; 129B.08; and 129B.09, are repealed effective June 30, 1984.*

Sec. 7. [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. [COUNCIL ON QUALITY EDUCATION; VENTURE FUND GRANTS.] For the council on quality education venture fund grants pursuant to sections 129B.01 to 129B.05, there is appropriated*

\$818,000 . . . . 1984,

\$816,000 . . . . 1985.

*(a) The appropriation for fiscal year 1984 includes \$84,000 for grants for fiscal year 1983 payable in fiscal year 1984, and \$734,000 for grants for fiscal year 1984 payable in fiscal year 1984.*

*(b) The appropriation for fiscal year 1985 includes \$82,000 for grants for fiscal year 1984 payable in fiscal year 1985, and \$734,000 for grants for fiscal year 1985 payable in fiscal year 1985.*

*(c) Any unexpended balance remaining from the appropriations in this subdivision for 1984 shall not cancel and shall be available for the second year of the biennium.*

*Subd. 3. [EARLY CHILDHOOD AND FAMILY EDUCATION PROGRAMS.] For early childhood and family education programs pursuant to sections 129B.06 to 129B.09, there is appropriated:*

*\$1,079,000 . . . . 1984.*

*The appropriation for fiscal year 1984 includes \$209,000 for grants for fiscal year 1983 payable in fiscal year 1984, and \$870,000 for grants for fiscal year 1984. The amount of the appropriation for grants for fiscal year 1984 is the total appropriation for these grants.*

## ARTICLE 10

### TEACHER MOBILITY

Section 1. Minnesota Statutes 1982, section 125.60, subdivision 7, is amended to read:

Subd. 7. [APPLICATION PROCEDURES; LIMITS.] 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 procedures for applications and shall approve or disapprove applications pursuant to this subdivision within the limits of the appropriation for the purposes of section 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) 250 applications for extended leaves beginning in the (1981-1982, 1982-1983 AND) 1983-1984 school (YEARS) year for teachers who intend to pay employee contributions and request state payment of employer contributions.

If more than (300) 250 applications for extended leaves beginning in any school year are received by March 15 of the preceding school year, 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 received by the commissioner after March 15 shall be considered for approval according to the order of receipt within the limits prescribed by this subdivision.

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 contribu-

tions 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. 2. Minnesota Statutes 1982, section 125.611, subdivision 8, is amended to read:

Subd. 8. [PAYMENT; REDUCTION.] An eligible teacher *who is offered and accepts an early retirement incentive contract pursuant to subdivision 7* 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. 3. Minnesota Statutes 1982, section 354.66, subdivision 9, is amended to read:

Subd. 9. [APPLICATIONS; LIMITS.] A school district shall not assign a teacher to a part time teaching position qualifying for full accrual of service credit from and employee contributions to the retirement fund pursuant to this section without applying for and receiving the authorization of the commissioner of education. In cooperation with the board of trustees of the teachers retirement association and the boards of trustees of the appropriate teachers 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 the applications from school districts for authorization to assign teachers to part time teaching positions qualifying for full accrual of service credit from and employee contributions to the retirement fund pursuant to this section; provided he shall not approve more than (55) 125 total applications pursuant to this section and section 354A.094 for participation in the fund in any fiscal year. If more than (55) 125 applications for any school year are received by the commissioner by March 15 of the preceding school year, 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 received by the commissioner after March 15 shall be considered for approval according to the order of receipt within the limits prescribed by this subdivision. 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 full accrual of service credit from and employee contributions to the retirement fund pursuant to this



section without applying for and receiving the authorization of the commissioner of education.

Sec. 4. Minnesota Statutes 1982, section 354A.094, subdivision 9, is amended to read:

Subd. 9. [APPLICATION APPROVAL; LIMITS.] 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) 125 total applications pursuant to this section and section 354.66 for participation in the fund in any fiscal year. If more than (55) 125 applications for any school year are received by the commissioner by March 15 of the preceding school year, 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 received by the commissioner after March 15 shall be considered for approval according to the order of receipt within the limits prescribed by this subdivision.

Sec. 5. [REPEALER.]

*Minnesota Statutes 1982, sections 124.611 and 125.611, subdivision 9, are repealed.*

Sec. 6. [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 1982, sections 354.094 and 354A.091, there is appropriated:*

\$1,143,000 . . . 1984,

\$1,524,000 . . . 1985.

*Subd. 3. [PART-TIME TEACHING.] To meet the state's obligation prescribed in Minnesota Statutes 1982, sections 354.66 and 354A.094, there is appropriated:*

\$ 74,000 . . . . . 1984,

\$182,000 . . . . . 1985.

*Subd. 4. [EARLY RETIREMENT INCENTIVES.] To meet the state's obligation prescribed in Minnesota Statutes 1982, section 125.611, there is appropriated:*

\$1,983,000 . . . . . 1984,

\$1,893,000 . . . . . 1985.

*Subd. 5. [NONCANCELLATION; FUNDING RESTRICTION.] Any unexpended balances remaining from the appropriations in this section for fiscal year 1984 shall not cancel but shall be available for the second year of the biennium. Notwithstanding the provisions of Minnesota Statutes 1982, sections 354.43 and 354A.12, the state's obligations prescribed in Minnesota Statutes 1982, 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 1982, 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. 7. [EFFECTIVE DATE.]

*Sections 1, 3, and 4 of this article shall be effective the day following final enactment.*

### ARTICLE 11

#### LIBRARIES

Section 1. Minnesota Statutes 1982, section 134.07, is amended to read:

134.07 [(LIBRARIES, READING ROOMS, TAX) PUBLIC LIBRARY SERVICE.]

(SUBDIVISION 1.) The governing body of any city or county may establish and maintain a public library (, A PUBLIC READING ROOM, OR BOTH,) service for the use of its

inhabitants. By ordinance or resolution it may set apart for the benefit thereof any public property of the city or county. (EXCEPT AS PROVIDED IN SUBDIVISION 2.) In any statutory city and in any city of the second, third, or fourth class, and in any county, the governing body (THEREOF) may levy an annual tax (OF NOT MORE THAN 2.6 2/3 MILLS) on (THE DOLLAR, OF) all taxable property therein *except counties may not tax property which is already taxed for public library service.* The proceeds of (ANY SUCH) *the* tax shall be known as the library fund.

(SUBD. 2. THE GOVERNING BODY OF ANY CITY OF THE FOURTH CLASS LOCATED IN ANY COUNTY HAVING OVER 7,000 AND LESS THAN 9,000 INHABITANTS AND OVER 70 FULL AND FRACTIONAL CONGRESSIONAL TOWNSHIPS, OPERATING UNDER A HOME RULE CHARTER, MAY LEVY AN ANNUAL TAX OF NOT TO EXCEED 1.6 2/3 MILLS FOR SUCH PURPOSES, NOTWITHSTANDING ANY LIMITATION CONTAINED IN ITS HOME RULE CHARTER.)

Sec. 2. Minnesota Statutes 1982, section 134.08, is amended to read:

134.08 [(WHEN ESTABLISHED BY VOTE; EXISTING LIBRARIES) ESTABLISHING AND DISCONTINUING LIBRARY SERVICE; APPLICABILITY OF LAW.]

*Subdivision 1. [ESTABLISHMENT.] If (A) public library (OR READING-ROOM) service is not (OTHERWISE) established under section 134.07, the governing body of the (MUNICIPALITY) city or county, upon the petition of (50) eligible voters, as defined in section (200.02) 201.014, subdivision (25) 1, of the (MUNICIPALITY) city or county, in a number not less than five percent of the number of persons who voted at the last general election in the city or county, shall submit the question of the establishment or provision of public library services to the voters at the next (MUNICIPAL) general election. If (TWO-THIRDS) a majority of the votes cast on the question are in the affirmative, the governing body shall establish the library or (READING-ROOM) shall provide public library service as authorized in section 134.12 or 375.335 and levy (A YEARLY) an annual tax for its support (, WITHIN THE LIMITS FIXED BY SECTION 134.07).*

*Subd. 2. [DISCONTINUANCE.] If public library service is established under the provisions of subdivision 1, it may be discontinued only after a majority of the votes cast on the question are in the affirmative on a question on a ballot in a general election. The question of discontinuance of public library service shall be placed on the ballot at the next general election upon the petition of eligible voters, as defined in section 201.014, subdivision 1, of the city or county, in a number not less than five per-*

*cent of the number of persons who voted at the last general election in the city or county.*

*Subd. 3. [APPLICABILITY.] All public (LIBRARIES AND READING-ROOMS) library service heretofore established and now existing in cities (ARE) and counties is continued and all ordinances and resolutions setting apart public property for their support are hereby confirmed. Nothing in sections 134.08 to 134.15 shall be construed as abridging any power or duty in respect to libraries conferred by any city charter. If a city charter does not address matters provided for in chapter 134, the provisions of chapter 134 shall apply.*

Sec. 3. Minnesota Statutes 1982, section 134.09, is amended to read:

**134.09 [(DIRECTORS) LIBRARY BOARDS (; TERM; REMOVAL).]**

*Subdivision 1. [APPOINTMENT.] When (ANY SUCH) public library (OR READING ROOM) service is established, except in any city of the first class operating under a home rule charter, the mayor of the city (OR PRESIDENT OF THE STATUTORY CITY,) with the approval of the council for a city library or the board of commissioners for a county library, shall appoint a board of five, seven or nine (DIRECTORS, BUT) members from among the residents of the city or county. The number of members on the board shall be determined by resolution or ordinance adopted by the council or the board of commissioners. Not more than one (OF WHOM) council member or county commissioner shall at any time be a member of (SUCH GOVERNING BODY, SUCH) the library board. The appointments (TO) shall be made (PRIOR TO) before the first meeting of (SUCH) the library board after the end of the fiscal year.*

*Subd. 2. [TERM OF OFFICE.] If nine board members are appointed, three shall hold office for one year, three for two years and three for three years. If seven members (BE) are appointed, three shall hold office for one year, two for two years and two for three years; if five (BE) are appointed, two shall hold office for one year, two for two years, and one for three years. (THE NUMBER OF DIRECTORS ON THE BOARD SHALL BE DETERMINED BY RESOLUTION OR ORDINANCE ADOPTED BY THE COUNCIL.) All terms shall end with the fiscal year. Annually (THEREAFTER SUCH) the mayor (OR PRESIDENT) with the approval of the council, or the board of county commissioners shall appoint board members for the term of three years (AND) until their successors qualify a sufficient number of (DIRECTORS) members to fill the places of those whose term or terms expire. A library board member shall not be eligible to serve more than three consecutive three-year terms.*

Subd. (2) 3. [REMOVAL OF MEMBERS.] The mayor (OR PRESIDENT, BY AND) with the (CONSENT) *approval* of the council, or the board of county commissioners may remove any (DIRECTOR) *member* for misconduct or neglect.

(SUBD. 3. TERMS OF DIRECTORS IN OFFICE AT THE TIME LAWS 1945, CHAPTER 46, TAKES EFFECT SHALL EXPIRE AT THE END OF THE CITY'S FISCAL YEAR CURRENT AT THE EXPIRATION OF THEIR TERMS AS HERETOFORE PROVIDED.)

Subd. 4. [ABOLISHMENT.] Upon recommendation of a majority of any library board created under the provisions of subdivision 1, the governing body of (SUCH) *the city or county* may abolish (SUCH) *the* library board at the end of any fiscal year provided that (SUCH) *the* governing body shall simultaneously establish a successor library board of either five, seven or nine members by resolution or ordinance. (IN THE EVENT OF SUCH RESOLUTION OR ORDINANCE, THE MAYOR, WITH THE APPROVAL OF THE COUNCIL, SHALL APPOINT A LIBRARY BOARD OF THE NUMBER OF MEMBERS AS PROVIDED BY SAID RESOLUTION OR ORDINANCE. IF NINE ARE APPOINTED, THREE SHALL HOLD OFFICE FOR ONE YEAR, THREE FOR TWO YEARS AND THREE FOR THREE YEARS. IF SEVEN MEMBERS BE APPOINTED, THREE SHALL HOLD OFFICE FOR ONE YEAR, TWO FOR TWO YEARS, AND TWO FOR THREE YEARS, IF FIVE BE APPOINTED, TWO SHALL HOLD OFFICE FOR ONE YEAR, TWO FOR TWO YEARS, AND ONE FOR THREE YEARS. ANNUALLY THEREAFTER SUCH MAYOR SHALL APPOINT FOR THE TERM OF THREE YEARS AND UNTIL THEIR SUCCESSORS QUALIFY A SUFFICIENT NUMBER OF DIRECTORS TO FILL THE PLACES OF THOSE WHOSE TERM OR TERMS EXPIRE. ALL TERMS SHALL END WITH THE FISCAL YEAR.) *The appointment of successor board members shall be made as provided in subdivision 1. The terms of successor board members shall be as provided in subdivision 2.*

Sec. 4. Minnesota Statutes 1982, section 134.10, is amended to read:

#### 134.10 [BOARD VACANCIES; COMPENSATION.]

(VACANCIES IN) The *library board* (OF DIRECTORS) *president* shall (BE REPORTED) *report vacancies in the board* to the council (AND FILLED BY LIKE) or the board of county commissioners. *The council or board of county commissioners shall fill the vacancies by appointment for the unexpired term.* (DIRECTORS) *Library board members* shall receive no compensation for their services (AS SUCH) *but may be reimbursed*

*for actual and necessary traveling expenses incurred in the discharge of library board duties and activities.*

Sec. 5. Minnesota Statutes 1982, section 134.11, is amended to read:

134.11 [ORGANIZATION OF BOARD; (RULES) BONDING; DUTIES.]

*Subdivision 1. [ORGANIZATION.] Immediately after appointment, (SUCH) the library board shall organize by electing one of its number as president and one as secretary, and from time to time it may appoint such other officers (AND EMPLOYEES) as it deems necessary. (THE SECRETARY, BEFORE ENTERING UPON HIS DUTIES, SHALL GIVE BOND TO THE MUNICIPALITY IN AN AMOUNT FIXED BY THE DIRECTORS, CONDITIONED FOR THE FAITHFUL DISCHARGE OF HIS OFFICIAL DUTIES.)*

*Subd. 2. [BONDING.] Each library board member or employee whose duties include receiving or disbursing money shall furnish a surety bond in an amount specified and form approved by the library board conditioned upon the faithful performance of duties. The library board shall pay the premiums for the bonds. Instead of individual bonds, the board may purchase a schedule or position fidelity insurance policy or blanket bond in an amount set by the board. The secretary shall keep the bonds or insurance policy on file.*

*Subd. 3. [DUTIES.] The library board shall adopt (SUCH) bylaws and regulations for the government of the library (AND READING-ROOM) and for the conduct of its business as may be expedient and conformable to law. It shall have exclusive control of the expenditure of all moneys collected for or placed to the credit of the library fund, of interest earned on all money collected for or placed to the credit of the library fund, of the construction of library buildings, and of the grounds, rooms, and buildings provided for library purposes. All moneys received for (SUCH) the library shall be paid into the city or county treasury, credited to the library fund, kept separate from other moneys of the (MUNICIPALITY) city or county, and paid out only upon (ITEMIZED VOUCHERS APPROVED) approval by the board. The library board may lease rooms for library use (, FIX). The library board shall appoint a competent and qualified library director and other staff as necessary, establish the compensation of employees, and remove any of them (AT PLEASURE) for cause. With the approval of the council or board of county commissioners, the library board may purchase grounds and erect a library building thereon.*

Sec. 6. Minnesota Statutes 1982, section 134.12, is amended to read:

## 134.12 [BENEFITS OF LIBRARY.]

Subdivision 1. [NON-RESIDENTS (TO RECEIVE).] Any *library* board (OF DIRECTORS) may admit to the benefits of its *library* persons not residing within (THE MUNICIPALITY) *its city or county* under regulations and upon conditions as to payment and security prescribed by (IT) *the library board*.

Subd. 2. [(LOAN OF BOOKS,) CONTRACTS WITH CITIES AND TOWNS.] The *library* board may contract with the county board of the county in which the library is situated or the county board of any adjacent county, or with the governing body of any neighboring town or city, to loan (BOOKS OF THE LIBRARY, EITHER SINGLY OR IN TRAVELING LIBRARIES,) *library materials* to residents of the *contracting* county, town, or city.

Subd. 3. [USE OF (FREE) PUBLIC LIBRARY; TAX LEVY.] Any (SUCH) county board or *city* governing body may contract with the board (OF DIRECTORS) of any (FREE) *city or county* public library for the use of the library by the residents of the county, town, or city who do not have the use of a (FREE) *public* library, upon the terms and conditions as those granted residents of the *city or county* where the *public* library is located, and to pay (SUCH) *the library* board (OF DIRECTORS) an annual amount therefor. Any (SUCH) county board or *city* governing body may establish a library fund by levying an annual tax upon all taxable property which is not already taxed for the support of any (FREE) public library and all taxable property which is situated outside of any city in which is situated a (FREE) public library.

Sec. 7. Minnesota Statutes 1982, section 134.13, is amended to read:

## 134.13 [(DIRECTORS NOW IN OFFICE;) ANNUAL REPORT (; EXCEPTIONS).]

(THE DIRECTORS OF ANY SUCH LIBRARY OR READING ROOM IN OFFICE UNDER EXISTING LAWS SHALL SO CONTINUE UNTIL THE EXPIRATION OF THEIR TERMS, BUT THEIR SUCCESSORS SHALL BE APPOINTED AND VACANCIES FILLED UNDER THE PROVISION OF SECTIONS 134.08 TO 134.15. AT THE FIRST REGULAR MEETING OF THE BOARD) *As soon as practicable* following the end of (EACH) *the* fiscal year (OF A CITY,) *the library* board shall report to the governing body of the (MUNICIPALITY) *city or county* all amounts received during the preceding year and the sources thereof, the amounts expended and for what purposes, the number of (BOOKS) *library materials* on hand, the number purchased and loaned, and such other information as it deems advisable. (A COPY OF SUCH REPORT) *No later than April 1 of each year the library board shall* (BE

FILED) *file this information* with the (LIBRARY DIVISION, STATE) department of education *on forms supplied by the department.* (NOTHING IN THIS SECTION SHALL APPLY TO LIBRARIES IN CITIES OF THE FIRST CLASS.)

Sec. 8. Minnesota Statutes 1982, section 134.14, is amended to read:

134.14 [TITLE TO PROPERTY; FREE USE.]

All property given, granted, conveyed, donated, devised, or bequeathed to, or otherwise acquired by, any (MUNICIPALITY) *city or county* for a *public library* (OR READING-ROOM) shall vest in, and be held in the name of, (SUCH MUNICIPALITY) *the city or county* and any conveyance, grant, donation, devise, bequest, or gift made to, or in the name of, any public library or library board shall be deemed to have been made directly to (SUCH MUNICIPALITY) *the city or county to be used as provided in section 134.11.* Every *public library* (AND READING-ROOM) established under sections (134.08) *134.07* to 134.15 shall be forever free to the use of the inhabitants of the (MUNICIPALITY) *city or county* subject to (SUCH) reasonable regulations (AS) the (DIRECTORS) *library board* may adopt.

Sec. 9. Minnesota Statutes 1982, section 134.15, is amended to read:

134.15 [GIFTS (; CONTRACTS).]

With the consent of the governing body of any *city or county*, expressed by ordinance or resolution, (AND WITHIN THE LIMITATIONS OF SECTIONS 134.08 TO 134.15 AS TO THE RATE OF TAXATION,) the library board may accept any gift, grant, devise, or bequest made or offered by any person for *public library* purposes, or for the establishment, enlargement, or maintenance of an art gallery or museum in connection with its library, and may carry out the conditions of (SUCH) *the* donation. The (MUNICIPALITY) *city or county* in all such cases is authorized to acquire a site, levy a tax, and pledge itself by ordinance or resolution to a perpetual compliance with all the terms and conditions of the gift, grant, devise, or bequest so accepted.

Sec. 10. Minnesota Statutes 1982, section 134.30, is amended to read:

134.30 [DEFINITIONS.]

Subdivision 1. (AS USED IN SECTIONS 134.30 TO 134.35 AND SECTIONS 134.351, 134.352, AND 134.353,) The terms (DEFINED) *used in* (THIS SECTION SHALL) *chapter 134* have the meanings (ASCRIBED TO) *given them in this section.*



Subd. 2. "Public library" means any library that provides free access to all residents of a city or county without discrimination, receives at least half of its financial support from public funds and is organized under the provisions of chapter 134 (OR SECTION 375.33). It does not include libraries such as law, medical, school and academic libraries organized to serve a special group of persons, or libraries organized as a combination of a public library and another type of library.

Subd. 3. "Public library services" means services provided by or on behalf of a public library and does not include services for elementary schools, secondary schools or post-secondary educational institutions.

Subd. 4. "Regional public library system" means a multi-county public library service agency that provides free access to all residents of the region without discrimination, and is organized under the provisions of (SECTIONS 134.12, 375.335, 471.59 OR CHAPTER 317) *chapter 134 or 317, or section 471.59.*

Subd. 5. "Basic system services" means services offered by all regional public library systems either directly or by contract. These services shall include, but are not limited to, communication among participants, resource sharing, delivery of materials, reciprocal borrowing, and cooperative reference service.

Subd. 6. "Multi-county, multi-type library system" means a cooperative network composed of any combination of public libraries, regional public library systems, public school libraries, public or private college or university libraries and any other libraries which share services and resources within a multi-county area.

*Subd. 7. "City" or "cities" means home rule and statutory cities unless specifically provided otherwise.*

Sec. 11. Minnesota Statutes 1982, section 134.32, subdivision 1, is amended to read:

Subdivision 1. The department shall provide the grants specified in this section from any available state (OR), federal, or other funds.

Sec. 12. Minnesota Statutes 1982, section 134.32, subdivision 7, is amended to read:

Subd. 7. (NOTHING WITHIN THE PROVISIONS OF THIS SECTION SHALL BE CONSTRUED TO ALLOW STATE MONEY TO BE USED FOR THE CONSTRUCTION OF LIBRARY FACILITIES) *It may provide grants for construction or remodeling of library facilities from any state and federal funds specifically appropriated for this purpose.*

Sec. 13. Minnesota Statutes 1982, section 134.351, subdivision 3, is amended to read:

Subd. 3. [AGREEMENT.] In order for a multi-county, multi-type library system to qualify for a planning, development or operating grant pursuant to sections (134.352 AND) 134.353 and section 16 of this article, each participating library in the system shall adopt an organizational agreement providing for the following:

- (a) Sharing of resources among all participating libraries;
- (b) Long-range planning for cooperative programs;
- (c) The development of a delivery system for services and programs;
- (d) The development of a bibliographic data base; and
- (e) A communications system among all cooperating libraries.

Sec. 14. Minnesota Statutes 1982, section 134.351, subdivision 7, is amended to read:

Subd. 7. [REPORTS.] Each multi-county, multi-type system receiving a grant pursuant to section (134.352 OR) 134.353 or section 16 of this article 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) section 134.353 and section 16 of this article.

Sec. 15. Minnesota Statutes 1982, section 134.353, is amended to read:

**134.353 [MULTI-COUNTY, MULTI-TYPE LIBRARY SYSTEM DEVELOPMENT GRANT.]**

The state board of education may provide development (AND OPERATING) grants to multi-county, multi-type library systems (IN THEIR SECOND AND SUBSEQUENT YEARS OF OPERATION). In awarding a development (AND OPERATING) grant, the state board shall consider the extra costs incurred in systems located in sparsely populated and large geographic regions.

**Sec. 16. [134.354] [MULTI-COUNTY, MULTI-TYPE LIBRARY SYSTEM OPERATING GRANT.]**

*The state board of education may provide operating grants to multi-county, multi-type library systems. In awarding an operating grant, the state board shall consider the extra costs*

*incurred in systems located in sparsely populated and large geographic areas.*

Sec. 17. Minnesota Statutes 1982, 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 SECTIONS 134.30 TO 134.353) *library grant programs.*

Sec. 18. Minnesota Statutes 1982, section 375.335, is amended to read:

375.335 [REGIONAL (LIBRARIES) PUBLIC LIBRARY SYSTEMS.]

Subdivision 1. [ESTABLISHMENT.] Two or more (CONTIGUOUS) counties (, EXCEPT COUNTIES ONE OR MORE OF WHICH CONTAIN A CITY OF THE FIRST CLASS OVER 300,000 ACCORDING TO THE 1960 UNITED STATES CENSUS) *or two or more cities located in two or more counties* may, through action by their governing bodies under the provisions of section 471.59, establish and maintain a regional *public library system*, even though any one or more of the counties *or cities* may already have a (COUNTY) library with a library board; provided that in any (SUCH) county *or city* already having a (COUNTY) library board, the approval of (SAID) *the* library board shall also be required. Cities (IN ANY OF THE CONTRACTING COUNTIES) having public libraries may join in the regional *public library system* by being parties to the agreement which establishes the regional *public library system* through action of their library boards *and their city councils*, or as (HEREINAFTER) provided in subdivision 3.

Subd. 2. [LIBRARY BOARD.] The agreement establishing (SUCH) a regional *public library (MAY) system* shall provide for a library board to govern the organization having all the powers and duties of *city and county library boards* as provided in (SECTION 375.33) *sections 134.11, 134.12, and 134.13 and including exclusive determination of all library services to be provided under terms of the agreement as defined in section 134.30, subdivision 5, and exclusive control of the expenditure of all funds for the services.* (SUCH) *The* regional library system board may consist of as many members as the contracting parties deem necessary, appointed in (SUCH NUMBERS) *a number from among the residents of the contracting parties* and for (SUCH) terms by each (COUNTY BOARD) party to the contract as may be determined by the contracting parties, irrespective of the existence of one or more *city and county library boards* already in existence in the participating *cities and coun-*

ties. *Not more than one member from each contracting party shall be a member of the governing body of a contracting party and no member may be appointed to serve more than three consecutive three-year terms.* In (SUCH) *the participating cities and counties, (SUCH) the portion of the proceeds of the city and county library tax authorized by section (375.33, SUBDIVISION 1) 134.07, shall be used for the support of the regional public library system as the contracting agreement may provide.*

Subd. 3. [CITY PARTICIPATION.] Where (SUCH) *a regional public library system is established, any city located in any of the contracting counties which is excluded from the county tax supporting the regional public library system under the provisions of section (375.33, SUBDIVISION 1) 134.07, may, upon recommendation of its library board and upon action by its governing body, be included in (SUCH) the county tax and become an integral part of the regional public library system. (SUCH CITIES AND ANY OTHER CITIES IN THE PARTICIPATING COUNTIES) Cities included in the county tax and with public libraries which are part of the regional public library system, whether or not governed by home rule charter provisions, upon action by their city council, may levy taxes for the additional support of their local library services (PROVIDED THAT SAID COMBINED LEVIES SHALL NOT EXCEED THE STATUTORY LIMIT ON THE LIBRARY LEVY). Any (SUCH) local public library board or governing body may, at its option, continue to control (SUCH) the local library fund or pay all or part thereof into the regional public library system fund, to be used for the increase or improvement of public library services in (SUCH) the city.*

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. 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.

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.

Subd. 6. [RATIFICATION.] Any multicounty regional public library heretofore created, and the agreements creating them, are hereby validated, ratified, and confirmed and the benefits of subdivisions 1 to (6) 5 shall hereafter apply to these libraries.

Sec. 19. Minnesota Statutes 1982, section 466.01, subdivision 1, is amended to read:

Subdivision 1. For the purposes of sections 466.01 to 466.15, "municipality" means any city, whether organized under home rule charter or otherwise, any county, town, public authority, public corporation, special district, school district, however organized, county agricultural society organized pursuant to chapter 38, *public library, regional public library system, multi-county multi-type library system*, or other political subdivision.

Sec. 20. Minnesota Statutes 1982, section 648.39, subdivision 1, is amended to read:

Subdivision 1. [FREE DISTRIBUTION.] The revisor of statutes shall without charge distribute each edition of Minnesota Statutes, supplement to the Minnesota Statutes, and the Laws of Minnesota to the persons, officers, departments, agencies, or commissions listed in this subdivision. Prior to distribution of Minnesota Statutes, supplement to the Minnesota Statutes, or the Laws of Minnesota, the revisor of statutes shall inquire whether the full number of copies authorized by this subdivision are required for their work. Unless a smaller number is needed, each edition shall be distributed without charge as follows:

- (a) 30 copies to the supreme court;
- (b) 1 copy to each judge of a district court;
- (c) 1 copy to the clerk of each district court for use in each courtroom of the district court of his county;
- (d) 100 copies to the state law library;
- (e) 100 copies to the law school of the University of Minnesota;
- (f) 100 copies to the office of the attorney general;
- (g) 10 copies each to the governor's office, the departments of agriculture, commerce, corrections, education, health, transportation, labor and industry, economic security, natural resources, public safety, public service, public welfare, and revenue, and the pollution control agency;
- (h) 1 copy each to other state departments, agencies, boards, and commissions not specifically named in this subdivision;
- (i) 1 copy to each member of the legislature;

(j) 100 copies for the use of the senate and 150 copies for the use of the house of representatives;

(k) 4 copies to the secretary of the senate;

(l) 4 copies to the chief clerk of the house of representatives;

(m) 1 copy to each judge, district attorney, clerk of court of the United States and the deputy clerk of each division of the United States district court in this state, the secretary of state of the United States, the library of congress, and the Minnesota historical society;

(n) 20 copies each to the department of administration, state auditor, and legislative auditor;

(o) 1 copy to each county library maintained pursuant to (SECTION 134.12 OR 375.33) *chapter 134*, except in counties containing cities of the first class. If a county has not established a county library pursuant to (SECTION 134.12 OR 375.33) *chapter 134*, the copy shall be provided to any public library in the county; and

(p) 50 copies to the revisor of statutes.

Sec. 21. [REPEALER.]

*Minnesota Statutes 1982, sections 134.03; 134.06; 134.16; 134.19; 134.352; and 375.33 are repealed.*

Sec. 22. [INSTRUCTION TO THE REVISOR.]

*The revisor of statutes, under the powers in section 648.34, shall renumber sections 134.01 and 134.02 by placing them in chapter 123; shall renumber section 134.04 by placing it in chapter 121; shall renumber section 134.30 by placing it at the beginning of chapter 134; and shall renumber section 375.335 by placing it in chapter 134.*

Sec. 23. [APPROPRIATION.]

*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.*

*Subdivision 1. [BASIC SUPPORT GRANT.] For grants pursuant to sections 134.32 to 134.35 and 134.36 for the provision of library services, there is appropriated:*

\$4,417,000 . . . . . 1984,

\$4,688,000 . . . . . 1985.

*The appropriation for 1984 includes \$595,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$3,822,000 for aid for fiscal year 1984 payable in fiscal year 1984.*

*The appropriation for 1985 includes \$675,000 for aid for fiscal year 1984 payable in fiscal year 1985, and \$4,013,000 for aid for fiscal year 1985 payable in fiscal year 1985.*

*Subd. 2. [MULTI-COUNTY LIBRARY SYSTEMS.] For grants pursuant to sections 134.353 and 134.354 to multi-county, multi-type library systems, there is appropriated:*

\$189,000 . . . . . 1984,

\$200,000 . . . . . 1985.

*The appropriation for 1984 includes \$26,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$163,000 for aid for fiscal year 1984 payable in fiscal year 1985.*

*The appropriation for 1985 includes \$29,000 for aid for fiscal year 1984 payable in fiscal year 1985, and \$171,000 for aid for fiscal year 1985 payable in fiscal year 1985."*

Delete the title 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 duties, and powers to school boards, school districts, the state board of education, and the state board for vocational education; providing for revenue equity; modifying the computation of the transportation aid, summer school, and community education aids and levies; establishing an average-cost funding formula for AVTIs; authorizing intermediate school districts to offer nonpost-secondary academic courses; establishing programs for improvement of schools; providing incentives for school districts to utilize technology in instruction; appropriating money; amending Minnesota Statutes 1982, sections 6.54; 6.62, subdivision 1; 120.075, subdivision 4, and by adding a subdivision; 120.10, subdivision 2; 120.17, subdivision 3; 120.64, subdivisions 2 and 4; 121.908; 121.911, by adding a subdivision; 121.912, subdivision 3; 122.23, subdivisions 2 and 3; 122.41; 122.43; 122.44; 122.531, subdivision 2, and by adding subdivisions; 123.33, subdivisions 10 and 14; 123.34, subdivision 9; 123.351, subdivision 4; 123.36, subdivisions 9, 13, and by adding a subdivision; 123.37, subdivision 1b; 123.39, subdivision 4; 123.705; 124.11, subdivisions 2a and 2b; 124.14, subdivision 1; 124.15, subdivision 5; 124.17, subdivisions 1 and 2d; 124.19, subdivisions 1 and 3; 124.201, subdivisions 2, 3, and by adding subdivisions; 124.2122, subdivisions 1 and 2; 124.2126,

subdivision 3; 124.2128, subdivision 1; 124.2132, subdivision 4; 124.225; 124.245, by adding a subdivision; 124.246, subdivision 2; 124.247, subdivision 3; 124.26, subdivision 1; 124.271, subdivisions 2a, 6, and by adding a subdivision; 124.273, subdivisions 1b, 2b, and 4; 124.32, subdivisions 1b, 1d, 2, 3a, 5, and 5a; 124.572, subdivision 2; 124.573, subdivision 2; 124.574, subdivisions 2b and 3; 124.646, subdivision 1; 125.60, subdivision 7; 125.611, subdivision 8; 129B.02; 129B.04; 129B.05; 129B.09, subdivision 12; 134.07; 134.08; 134.09; 134.10; 134.11; 134.12; 134.13; 134.14; 134.15; 134.30; 134.32, subdivisions 1 and 7; 134.351, subdivisions 3 and 7; 134.353; 134.36; 275.125, subdivisions 2d, 2e, 2i, 5, 5b, 6d, 8, 11a, 11b, and by adding subdivisions; 354.66, subdivision 9; 354A.094, subdivision 9; 375.335; 466.01, subdivision 1; 475.61, subdivision 3; and 648.39, subdivision 1; amending Laws 1967, chapter 822, section 4; Laws 1969, chapter 775, section 3, by adding a subdivision; Laws 1969, chapter 775, section 3, subdivision 2, as amended; Laws 1969, chapter 1060, section 4; Laws 1981, chapter 358, article 7, section 29, as amended; and Laws 1982, chapter 548, article 3, sections 27 and 28; proposing new law coded in Minnesota Statutes, chapters 3, 120, 121, 122, 123, 124, 126, 129B, and 134; repealing Minnesota Statutes 1982, sections 121.501 to 121.507; 122.542; 124.11, subdivision 1; 124.24; 124.251; 124.273, subdivisions 1 and 2; 124.26, subdivision 4; 124.271, subdivision 5; 124.32, subdivisions 1 and 9; 124.561; 124.562; 124.5621; 124.5622; 124.5623; 124.5624; 124.5625; 124.5626; 124.5627; 124.572, subdivision 8; 124.573, subdivision 5; 124.574, subdivision 2; 124.611; 125.611, subdivision 9; 129B.06 to 129B.09; 134.03; 134.06; 134.16; 134.19; 134.352; and 375.33."

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. 229, A bill for an act relating to health; allowing any interested person to seek enforcement of certain patient rights; amending Minnesota Statutes 1982, section 144.651.

Reported the same back with the following amendments:

Page 1, line 15, strike "Any"

Page 1, line 17, after the stricken "an" insert "Every patient and resident may seek enforcement of these rights. In addition, a family member, guardian, conservator, nursing home ombudsman, health facility staff person, or other"



Page 1, line 18, after the period insert "*An interested person is someone who demonstrates a sincere and ongoing interest in the welfare of the individual patient or resident.*"

With the recommendation that when so amended the bill be re-referred to the Committee on Judiciary without further recommendation.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 244, A bill for an act relating to game and fish; prohibiting harassment of hunters, trappers, and fishers; providing penalties; proposing new law coded in Minnesota Statutes, chapter 97.

Reported the same back with the following amendments:

Page 1, line 14, after "*the*" insert "*lawful*"

Page 1, delete lines 24 and 25

Page 2, delete lines 1 to 3

Page 2, line 5, delete "*without permission of the owner or his agent*"

Page 2, after line 7, insert:

*"It is not a violation of this subdivision for any person to carry out any normal agricultural, occupational, or recreational practice on land adjacent to public lands or waters where the taking of wild animals by the public is permitted."*

Page 2, line 9, after "*officer*" insert "*or conservation officer*"

Page 2, line 14, delete "*gross*"

Page 2, delete lines 16 to 30

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. 259, A bill for an act relating to watercraft safety; requirement for rear view mirrors while towing skiers; prohibit-

ing operating or riding while seated upon seat backs; amending Minnesota Statutes 1982, sections 361.09, subdivision 1; and 361.11.

Reported the same back with the following amendments:

Page 1, delete lines 21 to 26

Page 2, delete lines 1 to 5

Amend the title as follows:

Page 1, line 3, delete "prohibiting"

Page 1, delete line 4

Page 1, line 5, delete "sections" and insert "section"

Page 1, line 6, delete "; and 361.11"

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 Energy to which was referred:

H. F. No. 294, A bill for an act relating to manufactured homes; granting the right to make in park sales of homes more than 15 years old; amending Minnesota Statutes 1982, sections 327C.02, subdivision 5; and 327C.07, subdivision 1.

Reported the same back with the following amendments:

Page 2, line 18, after the period insert "*You must also disclose in writing certain safety information about your home to anyone who wants to buy it in the park. You must give this information to the buyer before the sale on a form approved by the state commissioner of administration.*"

Page 3, after line 5, insert:

"Sec. 3. Minnesota Statutes 1982, section 327.07, is amended by adding a subdivision to read:

*Subd. 1a. [SELLER DISCLOSURE.] Any resident or resident's agent who seeks to sell a home through an in-park sale must disclose to the prospective buyer the following safety information prior to the sale:*

*(a) the number and location of exits and egress windows in the home;*

(b) *the number and location of smoke detectors and fire extinguishers in the home;*

(c) *whether or not the home contains aluminum wiring and, if so, what measures have been taken to reduce or eliminate fire hazards;*

(d) *whether or not the furnace compartment and hot water heater cabinet have been lined with fireproof sheetrock;*

(e) *if there is a wood stove or fireplace, whether or not it has been installed according to manufacturer's guidelines;*

(f) *whether the home is supported by blocking as required by law; and*

(g) *a recommendation that the buyer inspect the condition of heat tape installed in the home.*

*The commissioner of administration shall prescribe a form to be used to comply with this subdivision. All disclosures required by this subdivision shall be made on the form approved by the commissioner."*

Renumber subsequent section

Amend the title as follows:

Page 1, line 3, after the semicolon insert "requiring sellers of homes in the park to disclose certain safety information about the home;"

Page 1, line 5, before the period insert ", and 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. 352, A bill for an act relating to the department of economic security; establishing a pilot project to provide child care information and referral at selected job service sites; appropriating money.

Reported the same back with the following amendments:

Page 1, line 14, after the period insert "Information may be maintained on, and referrals made to, only those child care

*providers licensed pursuant to sections 245.781 to 245.812, or excepted from licensing pursuant to section 245.791. Insofar as possible, the commissioner shall make use of child care information and referral services already existing in the community."*

Page 1, after line 18, insert:

*"Subd. 3. [COOPERATION BY THE DEPARTMENT OF PUBLIC WELFARE.] The commissioner of public welfare shall provide to the commissioner of economic security, for the area served by each pilot program established pursuant to this section, a list of currently licensed local day care sites, updated quarterly."*

Renumber subdivisions

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. 360, A bill for an act relating to education; transferring authority for appointing the commissioner of education from the state board of education to the governor; amending Minnesota Statutes 1982, section 121.16.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 372, A bill for an act relating to cities; authorizing the issuance of capital notes for certain equipment acquisitions; proposing new law coded in Minnesota Statutes, chapter 410.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [410.32] [CITIES AUTHORIZED TO ISSUE CAPITAL NOTES FOR CERTAIN EQUIPMENT ACQUISITIONS.]

*Notwithstanding any contrary provision of other law or charter, a home rule charter city except the city of St. Paul may,*

*by resolution and without public referendum, issue capital notes subject to the city debt limit to purchase public safety equipment, ambulance and other medical equipment, road construction and maintenance equipment, and other capital equipment having an expected useful life at least as long as the term of the notes. The notes shall be payable in not more than five years and be issued on terms and in the manner the city determines. The total principal amount of the capital notes issued in a fiscal year shall not exceed 1/10 of one percent of the assessed value of the city for that year. A tax levy shall be made for the payment of the principal and interest on the notes, in accordance with section 475.61, as in the case of bonds. Notes issued under this section shall require an affirmative vote of two-thirds of the governing body of the city."*

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. 397, A bill for an act relating to economic development; creating the foreign trade agency to promote state economic growth; creating the Minnesota export finance authority and the export information office; appropriating money; and proposing new law coded in Minnesota Statutes, chapter 45.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [FINDINGS.]

*The legislature of the state of Minnesota finds that there is a potential for state economic growth in the area of international trading of Minnesota goods and services; that in particular small and medium sized export companies need financial assistance and marketing information; that it is in the best interests of the state and within the public purpose that the state take a more active part in developing and assisting export trade; and that for the state to become involved in foreign trade will stimulate the state economy and provide needed employment for persons in Minnesota.*

Sec. 2. [45.20] [DEFINITIONS.]

*Subdivision 1. [SCOPE.] For the purposes of sections 1 to 6 the following terms have the meanings given them.*

*Subd. 2. [AGENCY.] "Agency" means the Minnesota export agency.*

*Subd. 3. [OFFICE.] "Office" means the export information office.*

*Subd. 4. [PRE-EXPORT.] "Pre-export" means that period of time between the formation of a sale and the receipt of payment for the sale.*

*Subd. 5. [QUALIFIED BUSINESS.] "Qualified business" means a business located in Minnesota which, for the most part, produces or manufactures its goods in Minnesota and has gross annual sales of under \$4,000,000.*

### Sec. 3. [45.21] [FOREIGN TRADE AGENCY.]

*Subdivision 1. [CREATION; PURPOSE.] There is created the state foreign trade agency within the department of commerce. Its purpose is to promote state economic development by encouraging and supporting small and medium sized exporting companies in their efforts to export goods and services. There shall be two divisions in the foreign trade agency known as the export information office and the Minnesota export finance authority.*

### Sec. 4. [45.22] [EXECUTIVE DIRECTOR; STAFF.]

*Subdivision 1. [APPOINTMENT.] The governor shall appoint an executive director of the foreign trade agency. The executive director shall be knowledgeable and responsive to both public and private sector concerns relating to foreign trade and economic development. The executive director shall provide staff who shall serve in the classified service of the state civil service and who shall be assigned to work for the foreign trade agency on a continuing basis. The foreign trade agency may request staff support from all other agencies of state government as needed for the execution of its responsibilities. The executive director may contract for professional and technical services, as defined in section 16.098, subdivision 1, when the executive director determines that the services can most effectively be performed under such a contract. Other matters relating to the executive director are governed by section 15.06.*

*Subd. 2. [DUTIES.] The executive director shall administer the foreign trade agency. In addition to other duties delegated by the commissioner of the department of commerce, the executive director shall:*

*(1) assist public and private universities or colleges to develop undergraduate or graduate level education programs to train persons in the knowledge of export trading;*

- (2) coordinate the current international trading activities of various state and local agencies and organizations; and
- (3) to the extent possible, be supportive to the states tourism promotion efforts.

Sec. 5. [45.23] [EXPORT INFORMATION OFFICE.]

*Subdivision 1. [PURPOSE; DUTIES.] The export information office of the foreign trade agency shall upon the direction of the export information board:*

- (1) create a world-wide foreign communication network to coordinate foreign trade information and activities;
- (2) compile foreign trade information available from among other places the United States department of commerce and private sources and produce readily consumable marketing information;
- (3) create a program to assess the potential of international investment in Minnesota and promote international investment which results in the infusion of new capital and the creation of new jobs to the benefit of the state;
- (4) disseminate to Minnesota businesses collected market information that relates to potential exporting, and to export trading companies, export management companies, and other interested persons; and
- (5) prepare a list of firms that provide export support services and disseminate the list to potential exporters to assist their endeavors.

*Subd. 2. [EXPORT INFORMATION BOARD.] (a) The governor shall appoint an export information board to establish policy and program goals for the office. The board shall ensure that the two functions of the information division, data collection and marketing outreach, are adequately performed.*

*(b) There shall be seven members of the export information board appointed by the governor with the advice and consent of the senate. The board shall include the director of the office and board members from the following areas and in the following numbers:*

- (1) one member from export trading or management companies;
- (2) one member with international finance experience;

(3) two members from small or medium sized manufacturing processing companies;

(4) one member with international transportation experience; and

(5) one member representing agriculture.

Terms, compensation, and removal of board members are governed by section 15.059.

Subd. 3. [DIRECTOR.] The governor shall appoint a director of the export information office. Matters relating to the director that are not specifically addressed in this section are governed by section 15.06.

Sec. 6. [45.24] [MINNESOTA EXPORT FINANCE AUTHORITY.]

Subdivision 1. [CREATION; PURPOSE.] The Minnesota export finance authority is created to aid and facilitate the financing of exports, by qualified businesses, from the state of Minnesota. The finance authority powers shall be used exclusively to meet the pre-export credit needs of Minnesota exporters.

Subd. 2. [POWERS.] The Minnesota export finance authority has the power and authority to perform the following functions and may:

(1) insure, co-insure, and guarantee against commercial pre-export credit risks;

(2) sue and be sued;

(3) enter into agreements and transactions with any person, partnership, or corporation, both foreign and domestic, state, federal, and foreign governments and governmental agencies;

(4) acquire and hold personal and real property pursuant to the provisions of insurance and the granting of guarantees;

(5) pledge an appropriate collateral;

(6) charge premiums, interest, and fees;

(7) provide administrative, consultive, and technical services to assist in the financing of exports;

(8) prepare and receive reports regarding credit, insurance, and guarantees with respect to export finance;



(9) perform all necessary and appropriate operations, administration, processing, and marketing functions related to the authority's functions; and

(10) promulgate such rules and regulations as are necessary to carry out responsibilities under this act.

Subd. 3. [CAPITAL.] The Minnesota export finance authority shall have working capital in the amount of \$2,000,000 appropriated by the state from the general fund.

Subd. 4. [PRESIDENT AND BOARD OF DIRECTORS.] The governor shall appoint, upon the advice and consent of the senate, a president of the finance authority. The president, subject to the supervision of the board, shall be the executive officer of the finance authority and may hire staff as described in section 4, subdivision 1. The governor shall also appoint six members to the authority's board of directors. The six members shall be as follows: three members with experience in international finance; two private exporters; and one attorney with experience in international law. The president of the finance authority shall also serve on the board. Members of the board may be compensated at the rate of \$100 per day spent on board activities, when authorized by the board, plus expenses in the same manner and amount as authorized by the commissioner's plan adopted pursuant to section 43A.18, subdivision 2. Membership terms and removals are governed by section 15.0575. Board members shall perform their duties in a nonself-serving manner and in compliance with section 10A.07.

Subd. 5. [BOARD MEETING.] The board shall meet on a regular basis, but in no case less than twice per month; the board shall also meet upon the call of the president or a majority of the board. The president shall be the presiding officer, and four directors and the president shall constitute a quorum for the transaction of any business or the exercise of any power or function of the finance authority. The finance authority may act by a majority of directors present at any meeting at which a quorum is in attendance.

Subd. 6. [ANNUAL REPORT.] The president and board of directors shall submit to the governor and the legislature an annual report on the activities of the finance authority.

Subd. 7. [LIABILITY LIMITATION.] The Minnesota export finance authority may not have at any one time net liabilities greater than four times its capital and reserves.

Subd. 8. [INSURANCE AND GUARANTEES.] The Minnesota export finance authority may provide insurance and guarantees to the following extent:

(1) the finance authority may not provide to any qualified business insurance or guarantees in excess of \$250,000;

(2) the policy of the agency is to provide insurance and guarantees for export credits that would otherwise not be made and that the president and the board deem to represent a reasonable risk and have a sufficient likelihood of repayment;

(3) the finance authority shall contract with, among others, the Foreign Credit Insurance Association, the U.S. Export-Import Bank, and private insurers to secure reinsurance for country and commercial risks for the finance authority's insurance program; and

(4) losses incurred by the finance authority that relate to its insurance or guarantee activities shall be solely borne by the finance authority to the extent of its capital and reserves.

#### Sec. 7. [APPROPRIATION.]

The sum of \$ \_\_\_\_\_ is appropriated from the general fund to the foreign trade agency for the purpose of fulfilling the duties described in \_\_\_\_\_. This appropriation remains available until expended.

#### Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 6 are effective \_\_\_\_\_."

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. 422, A bill for an act relating to state government; regulating judicial branch salaries; amending Minnesota Statutes 1982, section 15A.083, subdivisions 1 and 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 3.099, subdivision 2, is amended to read:

Subd. 2. The compensation of each member of the legislature (UNTIL THE START OF THE LEGISLATIVE SESSION IN 1979) shall be (\$8,400 PER YEAR. COMMENCING WITH

THE START OF THE LEGISLATIVE SESSION IN 1979, THE COMPENSATION OF EACH MEMBER OF THE LEGISLATURE SHALL BE \$16,500 PER YEAR. EFFECTIVE JANUARY 1, 1980, THE COMPENSATION OF EACH MEMBER OF THE LEGISLATURE WILL BE \$18,500 PER YEAR) *determined pursuant to sections 10 and 11.*

Sec. 2. Minnesota Statutes 1982, section 15A.081, subdivision 6, is amended to read:

Subd. 6. (THE FOLLOWING) Salaries (ARE PROVIDED) for the constitutional officers of the state (:) *shall be determined pursuant to sections 10 and 11.*

	(EFFECTIVE	(EFFECTIVE
	JULY 1,	JULY 1,
	1979)	1980)
(GOVERNOR	\$62,000	\$66,500)
(ATTORNEY GENERAL	52,500	56,000)
(LIEUTENANT GOVERNOR	38,000	40,000)
(AUDITOR	34,000	36,000)
(SECRETARY OF STATE	34,000	36,000)
(TREASURER	34,000	36,000)

The salaries of the chief deputy attorney general, deputy auditor, deputy secretary of state and deputy treasurer shall be 95 percent of the salaries of their respective superior constitutional officers.

Sec. 3. [15A.082] [JUDICIAL COMPENSATION COUNCIL.]

*The judicial compensation council is created to assist the legislature in establishing the compensation of justices of the supreme court, and judges of the court of appeals, district court, county court, and county municipal court.*

*The council consists of six members appointed by and serving at the pleasure of the governor; one justice of the supreme court, one judge of the court of appeals, one district court judge, one county or municipal court judge, and one person who is not a judge, appointed by and serving at the pleasure of the chief justice of the supreme court. No more than two of the members*

appointed by the governor shall be attorneys and at least two members appointed by the governor shall have expertise in principles of salary administration. The council shall select one of its members to serve as chairperson. The chairperson shall schedule meetings of the council. Members appointed by the governor and the nonjudge appointed by the chief justice of the supreme court shall be compensated for their service on the council as provided in section 15.059. The legislative coordinating commission shall provide the council with administrative and support services.

Sec. 4. [15A.0821] [JUDGES' SALARIES.]

By December 1 of each even-numbered year the judicial compensation council shall submit to the speaker of the house and the president of the senate a recommended compensation plan for justices of the supreme court and judges of the court of appeals, district court, county court, and county municipal court. The salary portion of a plan shall take effect July 1 next following the date the plan is required to be submitted, unless a plan is modified or rejected in a bill passed by the legislature, effective prior to that July 1. If the legislature does not modify or reject the plan, the legislature shall be deemed to have prescribed judicial compensation as recommended in the plan. The opportunity for the legislature to review and reject or modify the recommendations of the commission is a condition precedent to legislative prescription of judicial compensation, and no judge shall be entitled to the compensation recommended by the commission until this condition has been satisfied in the manner set forth in this section.

Sec. 5. Minnesota Statutes 1982, section 15A.083, subdivision 1, is amended to read:

Subdivision 1. [ELECTIVE JUDICIAL OFFICERS.] The following salaries shall be paid annually to the enumerated elective judicial officers of the state:

	Effective	Effective	Effective
	July 1,	July 1,	July 1,
	1979	1980	1983
(1) Chief justice of the supreme court	(\$56,000)	\$59,000	\$75,000
(2) Associate justice of the supreme court	(52,500)	56,000	\$70,000
(3) Judge of the court of appeals			\$67,500

(4) District judge,  
judge of county court  
((LEARNED IN THE  
LAW),) probate  
court, and county  
municipal court . . . . . (45,000) 48,000 \$62,500

((4) JUDGE OF A  
COUNTY COURT  
(NOT LEARNED  
IN THE LAW)) . . . . . (29,500) (31,500)

Sec. 6. Minnesota Statutes 1982, section 15A.083, subdivision 2, is amended to read:

Subd. 2. [COUNTY COURT AND COUNTY MUNICIPAL JUDGES.] (1) Notwithstanding any other law to the contrary, the salary paid to a judge of a county court shall also be paid to judges of the probate court of St. Louis county and to judges of the Duluth municipal court.

(2) Judges of the county municipal courts, and county courts in the counties of Hennepin, Ramsey, Washington, Anoka, Scott, St. Louis, Carver and Dakota shall receive a salary of (\$45,000, EFFECTIVE JULY 1, 1979, AND) \$48,000, effective July 1, 1980 and \$62,500, effective July 1, 1983.

(3) If any judge enumerated in this subdivision dies while in office, the amount of his salary remaining unpaid for the month in which his death occurs, shall be paid to his estate.

Sec. 7. Minnesota Statutes 1982, section 15A.083, subdivision 4, is amended to read:

Subd. 4. [RANGES FOR OTHER JUDICIAL POSITIONS.] (SALARIES OR SALARY RANGES ARE PROVIDED FOR THE FOLLOWING POSITIONS IN THE JUDICIAL BRANCH OF GOVERNMENT. THE APPOINTING AUTHORITY OF ANY POSITION FOR WHICH A SALARY RANGE HAS BEEN PROVIDED SHALL FIX THE INDIVIDUAL SALARY WITHIN THE PRESCRIBED RANGE, CONSIDERING THE QUALIFICATIONS AND OVERALL PERFORMANCE OF THE EMPLOYEE. APPOINTMENTS TO FILL VACANCIES SHALL NOT BE MADE ABOVE THE MIDPOINT OF THE SALARY RANGE PRESCRIBED FOR THE POSITION UNLESS THE STATE COURT ADMINISTRATOR HAS BEEN CONSULTED IN ADVANCE AND HIS APPROVAL OBTAINED. ANY SALARY INCREASE THAT WOULD ADJUST AN EMPLOYEE'S RATE OF PAY BEYOND THE MIDPOINT OF THE RANGE PRESCRIBED FOR THE POSITION MUST BE APPROVED IN ADVANCE BY THE STATE COURT ADMINISTRATOR.)

(SALARY OR RANGE)

(EFFECTIVE) (EFFECTIVE)

(JULY 1,) (JULY 1,)

(1979) (1980)

(PUBLIC DEFENDER)	(\$37,500)	(\$40,000)
(DISTRICT) (ADMINISTRATOR)	(27,000-37,500)	(28,500-40,000)
(COUNTY-ATTORNEYS) (COUNCIL) (EXECUTIVE) (DIRECTOR)	(22,000-32,000)	(23,500-34,000)
(BOARD-ON-JUDICIAL) (STANDARDS) (EXECUTIVE-DIRECTOR)	(36,000)	(38,000)
(STATE-COURT) (ADMINISTRATOR)	(44,500)	(47,000)

*The salary of the state public defender shall be the same as the salary of the chief deputy attorney general. Salaries for district court administrators shall be determined pursuant to section 484.68, subdivision 6. The salaries of the state court administrator and the executive director of the board on judicial standards shall be determined by the appointing authority.*

Sec. 8. Minnesota Statutes 1982, section 15A.083, subdivision 5, is amended to read:

Subd. 5. [TAX COURT.] Salaries of judges of the tax court shall be the same as the base salary for district judges (AS PROVIDED IN SUBDIVISION 1).

Sec. 9. Minnesota Statutes 1982, section 15A.083, subdivision 7, is amended to read:

Subd. 7. [WORKERS' COMPENSATION COURT OF APPEALS AND COMPENSATION JUDGES.] Salaries of judges of the workers' compensation court of appeals shall be

90 percent of the salary for district judges (AS PROVIDED IN SUBDIVISION 1). Salaries of compensation judges shall be 75 percent of the salary of district court judges (AS PROVIDED IN SUBDIVISION 1).

Sec. 10. [15A.25] [COMPENSATION COUNCIL.]

*The executive and legislative branch compensation council is created to assist the legislature in establishing the compensation of executive branch agency heads, legislators, and constitutional officers. The council consists of two nonlegislators appointed by the speaker of the house; two nonlegislators appointed by the committee on rules and administration of the senate; one member each appointed by the attorney general, auditor, treasurer, and secretary of state; and eight members appointed by the governor, one member from each congressional district.*

*The council shall select one of its members to serve as chairperson. The chairperson shall schedule meetings of the council. Membership terms, compensation, and removal of members shall be governed by section 15.059, except that a member may not be removed from the council at the pleasure of the appointing authority. The commissioner of employee relations shall provide the council with administrative and support services.*

Sec. 11. [15A.26] [SALARIES.]

*Subdivision 1. [LEGISLATIVE SALARIES.] By December 1 of each odd-numbered year, the compensation council shall submit to the speaker of the house and the president of the senate a report with a recommended salary plan for legislators. The salaries recommended in the plan shall take effect at the beginning of the term of office of the house of representatives next elected following the council's report unless the plan is modified or rejected in a bill passed by the legislature and signed by the governor, effective prior to that date. The salary plan for legislators shall be subject to additional terms that may be adopted pursuant to section 3.099, subdivisions 1 and 3.*

*Subd. 2. [CONSTITUTIONAL OFFICERS AND AGENCY HEADS.] By December 1, 1983 and December 1 of each even-numbered year thereafter, the compensation council shall submit to the speaker of the house and the president of the senate a report with a recommended salary plan of the six constitutional officers and for the heads of the following state departments and agencies: administration; administrative hearings; agriculture; banking; insurance; securities and real estate; consumer services; corrections; ombudsman for corrections; economic security; education; energy, planning and development; finance; health; housing finance agency; human rights; Indian affairs board; iron range resources and rehabilitation board; labor and industry; mediation services; natural resources; employee relations; pollution control agency; public safety; public service;*

*public utilities commission director; public welfare; revenue; transportation; transportation regulation board; veterans affairs.*

*The salary plan shall take effect on July 1 next following the date the plan is required to be submitted, unless the plan is modified or rejected in a bill passed by the legislature and signed by the governor effective prior to that date.*

Sec. 12. Minnesota Statutes 1982, section 43A.18, subdivision 5, is amended to read:

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 commissioner 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) 8 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.



Sec. 13. Minnesota Statutes 1982, section 484.68, subdivision 6, is amended to read:

Subd. 6. [SALARY.] The salary of the district administrator shall be set by the state court administrator (WITHIN THE LIMITS PROVIDED IN SECTION 15A.083,) and shall be paid by the state. The salaries of the district administrators of the second and fourth judicial districts may be supplemented by the appropriate county board by an amount not to exceed \$10,000 per year. If an administrator dies, the amount of his salary remaining unpaid for the month in which his death occurs shall be paid to his estate.

Sec. 14. [EFFECTIVE DATE.]

*Section 1 is effective at the beginning of the term of office of the house of representatives next elected following the report of the council under section 11. Sections 3, 4, 5, 6, 8, 9, and 13 are effective July 1, 1983. Sections 2 and 7 are effective July 1, 1984."*

Delete the title and insert:

"A bill for an act relating to state government; establishing a compensation council to assist in establishing the salary of executive branch agency heads, legislators and constitutional officers; establishing a judicial compensation council; regulating judicial branch salaries; amending Minnesota Statutes 1982, sections 3.099, subdivision 2; 15A.081, subdivision 6; 15A.083, subdivisions 1, 2, 4, 5, and 7; 43A.18, subdivision 5; and 484.68, subdivision 6; proposing new law coded in Minnesota Statutes, chapter 15A."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 423, A bill for an act relating to the town of St. Cloud; permitting its division into urban and rural service districts.

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. 426, A bill for an act relating to child support enforcement; amending Minnesota Statutes 1982, section 256.87, subdivision 1a, and by adding subdivisions.

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. 431, A bill for an act relating to employment; encouraging public and private sector pension funds to invest in real estate; permitting certain public funds to participate in real estate investments; amending Minnesota Statutes 1982, sections 69.77, subdivision 2; 354A.08; 422A.05, subdivision 2c; 423.389; and 423.60; proposing new law coded in Minnesota Statutes, chapter 356.

Reported the same back with the following amendments:

Page 2, delete lines 16 to 18

Page 7, line 21, delete everything after "trust"

Page 7, lines 22 and 23, delete everything before the period

Page 7, line 29, delete everything after "trust"

Page 7, lines 29 to 31, delete everything before the period

Pages 7 and 8, delete sections 6 and 7

Page 8, line 31, delete "8" and insert "6"

Renumber the sections

Amend the title as follows:

Page 1, line 6, after the last semicolon, insert "and"

Page 1, line 7, delete "423.389; and 423.60;"

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. 467, A bill for an act relating to retirement; adopting a rule of 85, altering the actuarial reduction for early retirement, and changing surviving spouse benefits for members of the Minnesota state retirement system; amending Minnesota Statutes 1982, sections 352.115, subdivision 1; 352.116, subdivision 1; and 352.12, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 353.30, subdivision 1a, is amended to read:

Subd. 1a. Any person (WHOSE ATTAINED AGE PLUS CREDITED ALLOWABLE SERVICE TOTALS 90 YEARS) *who has attained the age of at least 62 years and who received credit for not less than 30 years of allowable service is entitled upon application to a retirement annuity in an amount equal to the normal annuity provided in section 353.29, subdivisions 2 and 3, without any reduction in annuity by reason of such early retirement.*

Sec. 2. [356.80] [UNREDUCED EARLY RETIREMENT.]

*Subdivision 1. [ELIGIBILITY.] Notwithstanding any law to the contrary of the laws governing the funds enumerated in subdivision 2, any person whose attained age plus credited allowable service totals 85 years shall be entitled upon application to a retirement annuity in an amount equal to the normal annuity without any reduction in annuity by reason of early retirement.*

*Subd. 2. [COVERED FUNDS.] The provisions of this section shall apply to the following retirement funds:*

*(1) state employees retirement fund, established pursuant to chapter 352;*

*(2) correctional employees retirement program, established pursuant to chapter 352;*

*(3) state patrol retirement fund, established pursuant to chapter 352B;*

*(4) public employees retirement association, established pursuant to chapter 353;*

*(5) public employees police and fire fund, established pursuant to chapter 353;*

(6) *teachers retirement fund, established pursuant to chapter 354;*

(7) *Minneapolis teachers retirement fund association, established pursuant to chapter 354A;*

(8) *Duluth teachers retirement fund association, established pursuant to chapter 354A;*

(9) *St. Paul teachers retirement fund association, established pursuant to chapter 354A.*

Sec. 3. [REPEALER.]

*Section 2 is repealed effective June 30, 1985.*

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 retirement; public funds generally; adopting a rule of 85; public employees retirement association; reinstating age and years of service requirements; amending Minnesota Statutes 1982, section 353.30, subdivision 1a; proposing new law coded in Minnesota Statutes 1982, chapter 356."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 486, A bill for an act relating to local government; providing authority for cities and counties to establish and maintain district heating systems; proposing new law coded in Minnesota Statutes, chapter 444.

Reported the same back with the following amendments:

Page 1, line 10, delete "*except a city of the first class,*"

Page 1, line 20, before the period insert "*and in any city or part thereof where by resolution the city authorizes a county to exercise all or part of the powers provided for in this act*"

Page 2, line 11, after the comma insert "*or in the case of cities of the first class, in accordance with the provisions of chapter 435,*"

Page 6, line 16, after "*section*" insert "*, except for cities of the first class, where procedures of chapter 435 will apply*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Energy.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 500, A bill for an act relating to game and fish; affording protection to the coyote; authorizing a season thereon; amending Minnesota Statutes 1982, sections 100.26, subdivision 1; and 100.27, subdivisions 3 and 7.

Reported the same back with the following amendments:

Page 2, line 20, delete "*Coyote,*"

Page 2, line 21, before the period insert ";

(7) *Coyote*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 516, A bill for an act relating to the city of Montevideo; giving it certain powers of a statutory city.

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. 538, A bill for an act relating to education; providing that no member of the higher education coordinating board shall be an employee of or receiving compensation from a public or private post-secondary institution while serving on the board;

amending Minnesota Statutes 1982, section 136A.02, 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. 544, A bill for an act relating to health; providing for retention and destruction of certain medical records; amending Minnesota Statutes 1982, section 145.32.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1982, section 144.335, subdivision 2, is amended to read:

Subd. 2. [PATIENT ACCESS.] Upon request a provider shall supply to a patient complete and current information possessed by that provider concerning any diagnosis, treatment and prognosis of the patient in terms and language the patient can reasonably be expected to understand.

Upon a patient's written request, a provider at a reasonable cost to the patient shall furnish to the patient: ((A)) copies of the patient's health record, including but not limited to laboratory reports, x-rays, prescriptions, and other technical information used in assessing the patient's health condition (; (B)). *With the consent of the patient, the provider may instead furnish only the pertinent portion of the record relating to a specific condition (;) or ((C)) a summary of the record. The provider shall respond within two weeks of receipt of the appropriate written request.*

If a provider, as defined in subdivision 1, clause (b) (1), reasonably determines that the information is detrimental to the (PHYSICAL OR) mental health of the patient, or is likely to cause the patient to harm himself or another, he may withhold the information from the patient. The information may be supplied to an appropriate third party or to another provider, as defined in subdivision 1, clause (b) (1). The provider or third party may release the information to the patient."

Page 1, line 10, before "The" insert "*Subdivision 1. [HOSPITAL RECORDS.]*"

Page 1, line 19, delete "are"

Page 1, delete lines 20 and 21

Page 1, line 22, after "record" insert ", as defined by the commissioner of health."

Page 2, line 8, after the period insert "Nor shall anything in this section be construed to prohibit patient access to hospital medical records as provided in section 144.335."

Page 2, after line 8, insert:

"Subd. 2. [RESPONSIBILITIES OF THE COMMISSIONER OF HEALTH.] The commissioner of health shall define the term "individual permanent medical record" by enumerating the specific types of records or other information which, at a minimum, must be maintained on a permanent basis by the hospital. The commissioner of health shall propose the definition by publishing it in the state register and allowing a period of 60 days from the date of publication for interested persons to submit written comments to the commissioner. Within 60 days after the close of the comment period, and, after considering any comments received, the commissioner shall adopt the definition in final form. The definition is exempt from the definition of "rule" in section 14.02, subdivision 4, and has the force and effect of law upon compliance with section 14.38, subdivision 7. The effective date of the definition occurs as prescribed in section 14.38, subdivision 8."

Renumber the section

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "changing requirements for release of records;"

Page 1, line 4, delete "section" and insert "sections 144.335, subdivision 2; and"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 566, A bill for an act relating to Hennepin County; providing for a purchasing preference for American made materials.

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. 575, A bill for an act relating to state government; ratifying changes in the state employee bargaining unit composition schedule; ratifying state and University of Minnesota labor agreements, compensation plans, and plans for early retirement incentives; amending Minnesota Statutes 1982, section 179.741, subdivision 1, and by adding a subdivision.

Reported the same back with the following amendments:

Page 4, after line 9, insert:

"Sec. 3. [AMENDED UNIT COMPOSITION SCHEDULE.]

*The unit composition schedule for state employees adopted by the legislative commission on employee relations on March 24, 1980, as amended through the effective date of this section, is amended by striking the job classifications entitled "police training course supervisor" and "police training instructor" from unit (14) and inserting those job classifications into unit (1)."*

Page 5, line 10, delete "to 4" and insert ", 2, 4, and 5"

Page 5, line 11, after the period insert "Section 3 is effective July 1, 1983."

Renumber the sections accordingly

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. 584, A bill for an act relating to commerce; regulating the consignment of works of art; specifying the rights and duties of consignors and consignees; defining terms; proposing new law coded as Minnesota Statutes, chapter 324.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [324.01] [DEFINITIONS.]



For the purposes of sections 1 to 5, the following terms have the meanings given them:

(1) "artist" means the creator of a work of art or, if he or she is deceased, that person's heirs or personal representatives;

(2) "art" means a painting, sculpture, drawing, work of graphic art, photograph, weaving, or work of craft art;

(3) "art dealer" means a person engaged in the business of selling works of art, other than a person exclusively engaged in the business of selling goods at public auction;

(4) "person" means an individual, partnership, corporation, association, or other group, however organized; and

(5) "consignment" means that no title to, estate in, or right to possession of, art, superior to that of the consignor vests in the consignee, notwithstanding the consignee's power or authority to transfer and convey to a third person all of the right, title, and interest of the consignor in and to such art.

Sec. 2. [324.02] [DELIVERY TO AND ACCEPTANCE BY ART DEALER.]

Notwithstanding any custom, practice, or usage of the trade to the contrary, whenever an artist delivers or causes to be delivered a work of art of the artist's own creation to an art dealer in this state for the purpose of exhibition or sale, or both, on a commission, fee, or other basis of compensation, the delivery to and acceptance of the work of art by the art dealer constitutes a consignment, unless the delivery to the art dealer is pursuant to an outright sale for which the artist receives or has received full compensation for the work of fine art upon delivery.

Sec. 3. [324.03] [RESULTS OF CONSIGNMENT; ARTIST-ART DEALER RELATIONSHIPS.]

A consignment of a work of fine art results in all of the following:

(1) the art dealer, after delivery of the work of art, is an agent of the artist for the purpose of sale or exhibition of the consigned work of art within the state of Minnesota;

(2) the work of art is property held in trust by the consignee for the benefit of the consignor, and is not subject to claim by a creditor of the consignee;

(3) the consignee is responsible for the loss of, or damage to, the work of art; and

(4) *the proceeds from the sale of the work of art must be held in trust by the consignee for the benefit of the consignor. The proceeds must first be applied to pay any balance due to the consignor, unless the consignor expressly agrees otherwise in writing.*

Sec. 4. [324.04] [TRUST PROPERTY.]

*A work of art received as a consignment remains trust property until the price is paid in full by the consignor, notwithstanding the subsequent purchase of it by the consignee directly or indirectly for the consignee's own account. If the work is thereafter resold to a bona fide purchaser before the consignor has been paid in full, the proceeds of the resale received by the consignee constitute funds held in trust for the benefit of the consignor to the extent necessary to pay any balance still due to the consignor. The trusteeship continues until the fiduciary obligation of the consignee with respect to this transaction is discharged in full.*

Sec. 5. [324.05] [APPLICATION.]

*Sections 1 to 5 do not apply to a written contract executed prior to August 1, 1983, unless either the parties agree by mutual consent that sections 1 to 5 apply, or the contract is extended or renewed after August 1, 1983.*

*The provisions of sections 1 to 5 prevail over any conflicting or inconsistent provisions of the Uniform Commercial Code affecting the subject matter of these sections."*

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. 585, A bill for an act relating to commerce; art; regulating the sale of fine prints; providing sales and advertising disclosures; prescribing penalties; defining terms; proposing new law coded as Minnesota Statutes, chapter 324.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [324.01] [DEFINITIONS.]

*As used in sections 1 to 5:*

(1) "artist" means the person who conceived or created the master image for, or which served as model for, the print;

(2) "edition" means the number of fine prints made from the plate or negative during a single run;

(3) "fine print" or "print" means the product created by an artist by a process commonly used in graphic or photographic arts, including, but not limited to, engraving, etching, wood-cutting, lithography, serigraphy, or photography;

(4) "impression" means the printed image on suitable material, whether paper or any other substance, made off the plate or negative by printing, stamping, casting, developing, or any other process commonly used in the graphic or photographic arts;

(5) "plate" includes any plate, stone, block, or other material hand-drawn by the artist, used for the purpose of creating the print from which the impression or impressions were taken;

(6) "negative" includes any negative, photographic plate, slide, or other material created by the artist and used for the purpose of creating the print from which the impression or impressions were taken;

(7) "reproduction" means a copy of an original or a copy of a print made by a commercial mechanical process; and

(8) "signed fine print" means a fine print autographed by the artist, irrespective of whether it was signed or unsigned in the plate or negative.

## Sec. 2. [324.02] [EXCEPTIONS.]

Sections 1 to 5 do not apply to:

(1) prints which are sold prior to the effective date of sections 1 to 5; or

(2) prints which are clearly and conspicuously described as reproductions and which are not alleged to be signed, numbered, or limited editions, or any combination thereof.

## Sec. 3. [324.03] [ACTS PROHIBITED; DISCLOSURE STATEMENTS.]

Subdivision 1. [ADVERTISING DISCLOSURES.] No catalogue, prospectus, or circular offering fine prints for sale in this state shall be knowingly published or distributed, or both, unless it clearly and conspicuously discloses the relevant infor-

mational detail as required by section 4 concerning each edition of the prints so offered.

*Subd. 2. [ADVERTISING DISCLAIMER.] If the person offering fine prints by means of a catalogue, prospectus or circular disclaims knowledge as to any relevant detail referred to in section 4, that person shall so state specifically and categorically with regard to each detail so that the purchaser is able to judge the degree of uniqueness or scarcity of each print contained in the edition so offered. Describing the edition as an edition of "reproductions" eliminates the need to furnish further informational details unless the edition was allegedly published in a signed, numbered, or limited edition, or any combination thereof, in which case all of the informational details are required to be furnished.*

*Subd. 3. [SALES DISCLOSURES.] No fine print may be knowingly offered for sale or sold in this state by any person unless a written invoice or receipt for the purchase price or a certificate furnished to the purchaser clearly and conspicuously discloses all of the relevant informational details required under section 4.*

*Subd. 4. [SALES DISCLAIMER.] If the seller disclaims knowledge as to any relevant detail referred to in section 4, he or she shall so state specifically and categorically with regard to each detail so that the purchaser is able to judge the degree of uniqueness or scarcity of the fine print. Describing the print as a "reproduction" eliminates the need to furnish information details unless it was allegedly published in a signed, numbered, or limited edition, or any combination thereof, in which case all of the informational details are required to be furnished.*

**Sec. 4. [324.04] [INFORMATIONAL DETAIL.]**

*The following informational detail is required under section 3:*

*(1) the name of the artist and the year when the fine print was printed;*

*(2) the authorized maximum number of artist's, publisher's, printer's, or other proofs, if any, outside of the regular edition and the total size of the edition;*

*(3) whether the plate or negative has been destroyed, altered, or defaced, after the latest edition;*

*(4) if there were any prior fine prints of the same impression, utilizing a different process, paper, media, or color, the total number of the fine prints and designation of the fine prints;*

(5) *if there were any prior or later editions from the same plate or negative;*

(6) *the name of the workshop, if any, where the edition was printed.*

Sec. 5. [324.05] [LIABILITY.]

(a) *Any person who sells a fine print and who fails to disclose the information required by section 4 is liable to the purchaser thereof in an amount equal to the purchase price of the fine print, including any sales tax paid.*

(b) *In addition to the liability imposed by clause (a), a person who sells a fine print and who willfully fails to disclose the information required by section 4 is liable to the purchaser in the amount of \$1,000 or in an amount equal to three times the purchase price of the fine print, whichever is greater.*

(c) *No action can be maintained to enforce any liability under this section unless the person who is injured by the failure to disclose returns the fine print to the person violating the provisions of paragraphs (a) or (b) and the action is brought within one year after discovery of the violation upon which it is based and in no event more than three years after the fine print was sold."*

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. 623, A bill for an act relating to commerce; permitting the sale of certain eye glasses by persons other than optometrists; amending Minnesota Statutes 1982, section 148.56.

Reported the same back with the following amendments:

Page 2, line 23, delete the first "of" and insert "having"

Page 2, line 23, after "power" insert "of up to and including 3.25,"

Page 2, line 24, delete "incidental to other businesses in that establishment" and insert "that sells prescription eyewear"

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 625, A bill for an act relating to labor; providing funds for labor education; appropriating money.

Reported the same back with the following amendments:

Page 1, line 17, delete "*education*" and insert "*labor and industry*"

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. 635, A bill for an act relating to health; providing for the distribution of federal funds for maternal and child health care; amending Minnesota Statutes 1982, sections 145.881, subdivision 1; and 145.882; 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. Minnesota Statutes 1982, section 145.881, is amended to read:

**145.881 [MATERNAL AND CHILD HEALTH ADVISORY TASK FORCE.]**

Subdivision 1. [COMPOSITION OF TASK FORCE.] The commissioner shall establish and appoint a maternal and child health advisory task force consisting of 15 members who will provide equal representation from:

- (1) professionals with expertise in maternal and child health services;
- (2) representatives of local health boards as defined in section 145.913; and
- (3) consumer representatives interested in the health of mothers and children.

No members shall be employees of the state department of health. Task force members shall be appointed and removed

(AND TERMS SHALL EXPIRE) as provided in section 15.059, subdivision 6. *Notwithstanding section 15.059, subdivision 5, the maternal and child health advisory task force shall terminate on June 30, 1985.*

Subd. 2. [DUTIES.] The advisory task force shall meet on a regular basis to perform the following duties:

(a) Review and report on the health care needs of mothers and children throughout the state of Minnesota;

(b) Review and report on the type, frequency and impact of maternal and child health care services provided to mothers and children under existing maternal and child health care programs, including programs administered by the commissioner of health;

(c) Establish, review, and report to the commissioner a list of program guidelines and criteria which the advisory task force considers essential to providing an effective maternal and child health care program to low income, high risk patients and fulfilling the purposes defined in section 145.88;

(d) Review staff recommendations of the department of health regarding maternal and child health grant awards before the awards are made;

(e) Make recommendations to the commissioner for the use of other federal and state funds available to meet maternal and child health needs;

(f) Make recommendations to the commissioner of health on priorities for funding the following maternal and child health services: (1) prenatal, delivery and postpartum care, (2) comprehensive health care for children, especially from birth through five years of age, (3) adolescent health services, (4) family planning services, (5) preventive dental care, (6) special services for chronically ill and handicapped children and (7) any other services which promote the health of mothers and children; and

(g) Make recommendations to the commissioner of health on (A) the process to distribute, award and administer the maternal and child health block grant funds (AFTER JULY 1, 1983 THAT WILL FULFILL THE PURPOSES OF SECTION 145.88).

Sec. 2. Minnesota Statutes 1982, section 145.882, is amended to read:

145.882 [MATERNAL AND CHILD HEALTH BLOCK GRANT DISTRIBUTION.]

(THE MATERNAL AND CHILD HEALTH CARE BLOCK GRANT SHALL BE DISTRIBUTED TO THE SAME RECIPIENTS THAT RECEIVED FUNDS DURING THE PREVIOUS YEAR UNTIL JULY 1, 1983. A REDUCTION IN FEDERAL FUNDING SHALL BE DISTRIBUTED TO REFLECT A PROPORTIONAL REDUCTION FOR EACH RECIPIENT.)

*Recipients of maternal and child health grants for special projects in state fiscal year 1983 shall continue to be funded at the same level as in state fiscal year 1983 until September 30, 1985, if they comply with provisions of sections 145.881, and 2 to 7. These recipients are also eligible to apply for state grants under sections 2 to 7. The proportion of funds expended in direct services through special projects shall be maintained at not less than the current 1983 level.*

*The commissioner shall prepare, with the advice of the advisory task force, an annual report to the legislature which details the distribution of maternal and child health block grant funds, including the amounts to be expended for indirect costs, direct services, and special projects. The report shall also identify the statewide needs of low-income, high-risk populations and the state department of health's plans for meeting their needs. The legislature shall receive the report no later than January of each year.*

Sec. 3. [145.883] [DEFINITIONS.]

*Subdivision 1. [SCOPE.] For purposes of sections 145.881, 145.882, and 3 to 7, the terms defined in this section shall have the meanings given them.*

*Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of health.*

*Subd. 3. [QUALIFIED PROGRAM.] "Qualified program" means a program with professional maternal and child health care staff which is established for the purpose of providing one or more essential services in maternal and child health care to a target population of low income and high risk persons.*

*Subd. 4. [ESSENTIAL SERVICES.] "Essential services" means (a) prenatal, delivery, and post partum care; (b) comprehensive health care for children from birth through five years of age; (c) adolescent health services; (d) family planning services; (e) preventive dental care; or (f) special services for chronically ill children and for handicapped children.*

*Subd. 5. [LOW INCOME.] "Low income" means an individual or family with an income determined to be at or below 175 percent of the income official poverty line defined by the office of management and budget and revised annually in accordance with the Economic Opportunity Act of 1964, section 624.*



*With respect to an individual who is a high risk person, "low income" means the income of the high risk person or the person's family is determined to be at or below 200 percent of the income official poverty line defined by the office of management and budget and revised annually in accordance with the Economic Opportunity Act of 1964, section 624. The commissioner shall establish the low income level for eligibility for services to children with handicaps.*

*Subd. 6. [HIGH RISK PERSON.] "High risk person" means a mother or child person with a condition which significantly increases the probability of disease, injury, death, or other adverse health-related problem. Determination that a condition results in high risk shall be based on well-validated, scientific studies.*

*Subd. 7. [SPECIAL PROJECT.] "Special project" means a qualified program that receives maternal and child health block grant money and is administered by a public or private nonprofit agency other than the Minnesota department of health. A special project shall not impose residency requirements, other than state residence, as a condition of receiving essential services.*

*Subd. 8. [MATERNAL AND CHILD HEALTH BLOCK GRANT MONEY.] "Maternal and child health block grant money" means the money received by the state from the federal maternal and child health block grant. The commissioner shall carry forward from a prior state fiscal year sufficient funds for qualified programs approved through the federal fiscal year.*

**Sec. 4. [145.884] [GRANTS TO QUALIFIED PROGRAMS.]**

*The commissioner shall, in the name of the state and within the limit of the federal maternal and child health block grant appropriation, make grants to public and private nonprofit agencies administering qualified programs of maternal and child health care services to identified low income and high risk populations. Before March 1 of each year, the commissioner shall publish in the State Register the following information:*

- (a) procedures for grant applications;*
- (b) conditions and procedures for administration of the grants;*
- (c) criteria for eligibility for grants; and*
- (d) such other information as the commissioner finds necessary for the proper administration of the grant program.*

**Sec. 5. [145.885] [APPLICATION FOR A GRANT.]**

*An application for a grant shall be submitted to the commissioner at a time and in a form and manner as the commissioner shall prescribe. The application shall contain:*

*(a) a complete description of the program and the manner in which the applicant intends to conduct the program;*

*(b) a budget and justification for the amount of grant funds requested;*

*(c) a description of the target population served by the qualified program and estimates of the number of low income and high risk persons the program is expected to serve;*

*(d) the name or names of the person or persons who shall have primary responsibility for the administration and delivery of services of the qualified program; and*

*(e) the reporting and accounting procedures to be followed by the qualified agency to enable the commissioner to evaluate the activities of the qualified program.*

**Sec. 6. [145.886] [GRANT REVIEW PROCESS.]**

*Primary review of all grant applications shall be conducted by the Minnesota department of health technical staff. All technically completed applications will be forwarded for secondary review to a grants review panel established by the commissioner. A majority of the grants review panel shall be professionals with expertise in maternal and child health care. No member of the panel shall be an employee of a public or private non-profit agency receiving or applying for maternal and child health block grant money. The advisory task force shall review the recommendations of the grants review panel for comment to the commissioner. The commissioner shall award grants under sections 5 and 6 only after receiving the comments and recommendation of the grants review panel and the advisory task force on completed grant applications.*

**Sec. 7. [145.887] [LIMITATIONS.]**

*Grants awarded to qualified programs under sections 5 to 7 shall not exceed 75 percent of the estimated annual cost of the qualified program for the fiscal year for which the grant is awarded.*

**Sec. 8. [EFFECTIVE DATE.]**

*Sections 1 to 7 are effective the day following final enactment."*

Amend the title as follows:

Page 1, line 4, delete the second comma

Page 1, line 5, delete "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.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 636, A bill for an act relating to local government; authorizing sewer and water commissions to obtain accountant services; amending Minnesota Statutes 1982, section 116A.24, subdivision 2.

Page 3, line 29, after "annual" insert "audited"

Page 3, line 35, delete "if the commission so requests"

Page 3, line 36, after "accountant" insert "if the commission so requests"

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. 654, A bill for an act relating to outdoor recreation; requiring licensing of cross country skiers; creating a cross country ski trail grant-in-aid program; imposing a penalty; appropriating money for recreational purposes; proposing new law coded in Minnesota Statutes, chapter 85.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [POLICY.]

*The legislature finds that cross country skiing is a form of outdoor recreation beneficial to the residents and the economy of the state of Minnesota. To further the development of cross country skiing, a user fee system is created to continue the development and maintenance of cross country ski trails.*

## Sec. 2. [85.40] [DEFINITIONS.]

*Subdivision 1. [SCOPE.] For purposes of sections 1 to 8 the following terms have the meanings given them.*

*Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of the department of natural resources.*

*Subd. 3. [CROSS COUNTRY SKI GRANT-IN-AID PROGRAM.] "Cross country ski grant-in-aid program" means a program administered by the department, as described in section 6.*

*Subd. 4. [CROSS COUNTRY SKI RACE.] "Cross country ski race" means a timed skiing event organized for the participation of a large number of skiers at one time over a course prepared specifically for a ski race.*

*Subd. 5. [CROSS COUNTRY SKI TRAIL.] "Cross country ski trail" means a public pathway designated and promoted for cross country skiing.*

*Subd. 6. [CROSS COUNTRY SKIING.] "Cross country skiing" means traveling across country over snow by human power on skis. "Cross country skiing" does not require the use of lifts, tows, or other mechanical devices.*

*Subd. 7. [DEPARTMENT.] "Department" means the department of natural resources.*

*Subd. 8. [ADVISORY TASK FORCE.] "Advisory task force" means a volunteer group constituting trail users, organizations, and trail sponsors which reflect nonpartisan membership in the cross country ski program under the jurisdiction of the department of natural resources.*

## Sec. 3. [85.41] [USER FEES.]

*Subdivision 1. [ON PERSON.] While skiing on cross country ski trails, a person between the ages of 16 and 65 years shall carry on his or her person a valid cross country ski license.*

*Subd. 2. [LICENSE AGENTS.] County auditors are appointed agents of the commissioner for the sale of annual cross country ski licenses. A county auditor may appoint subagents within his or her county or within adjacent counties to sell licenses. Upon appointment the auditor shall notify the commissioner of the name and address of the subagent. The auditor may revoke the appointment of a subagent at any time. Upon demand of the commissioner, the auditor shall revoke a subagent's ap-*

pointment. The auditor shall furnish license blanks on consignment to any subagent who furnishes a surety bond in favor of the county in an amount at least equal to the value of the license blanks to be consigned to that subagent. The county auditor shall be responsible for all license blanks issued to, and user fees received by agents, except in St. Louis county or in a county where the county auditor does not retain fees paid for license purposes. In these counties, the responsibilities imposed upon the county auditor are imposed upon the county. The commissioner may promulgate additional regulations pursuant to section 98.50, subdivision 2.

Any resident desiring to sell annual cross country ski licenses may either purchase for cash or obtain on consignment license blanks from a county auditor in groups of not less than ten individual license blanks. The license fee shall include a 50 cent fee for issuing the license. In selling such licenses, he shall be deemed a subagent of the county auditor and the commissioner, and he shall observe all rules and regulations promulgated by the commissioner for the accounting and handling of such licenses pursuant to section 98.50, subdivision 10.

The county auditor shall promptly deposit all monies received from the sale of licenses with the county treasurer, and shall promptly transmit such reports as may be required by the commissioner, plus 96 percent of the price to the licensee, exclusive of the license 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 the issuing fee for licenses consigned to subagents.

In addition, for licenses sold for cash directly to the licensee, the auditor shall collect the same issuing fee as a subagent. 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.

Subd. 3. [OTHER AGENTS.] Daily permits may be sold at field offices of participating units. The license fee shall include a 50 cent fee for issuing the license.

Subd. 4. [EXEMPTIONS.] Participants in cross country ski races and official school activities are exempt from the license requirement in subdivision 1 if a special use permit has been obtained by the organizers of the event in advance from the appropriate participating agency. Permits shall require that permit holders return the trail and any associated facility to its original condition if any damage is done by the permittee.

*Limited permits for special events may be issued and shall require the removal of any trail markers, banners, and other material used in connection with the special event. Any landowner who grants an easement for a grant-in-aid ski trail is not required to have a cross country ski license when skiing on his own property.*

**Subd. 5. [FORM.]** *The department shall provide forms and blanks to all agents authorized to issue licenses and daily permits by the commissioner. The license and daily permit shall: attach to the skier's clothing to visibly identify the holder as a licensed skier; be easily transferable from garment to garment by means of a device prescribed by the commissioner in consultation with the advisory task force. Additionally, the license shall include the applicant's name and other information deemed necessary by the commissioner.*

**Subd. 6. [AGENT'S FEE.]** *The fee for an annual cross country ski license shall be increased by the amount of an agent's fee of 50 cents per license. The agent shall collect the fee by retaining the amount of the agent's fee from the purchase price of a license. 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 and handling of such licenses pursuant to section 98.50, subdivision 10. A license shall indicate the amount of the fee that is retained by the agent.*

**Sec. 4. [85.42] [USER FEE.]**

*The fee for an annual cross country ski license shall be \$5 in addition to the issuing fee and auditor's commission as prescribed in section 3, subdivision 2. This fee shall be collected at the time the license is purchased. Annual licenses are valid from October 1 through September 30 of the following year. Licenses shall not be transferable.*

*The cost for a daily cross country skier permit shall be \$1 in addition to the issuing fee. This fee shall be collected at the time the permit is purchased. The daily permit is valid only for the date designated on the permit form.*

**Sec. 5. [85.43] [DISPOSITION OF RECEIPTS; PURPOSE.]**

*Fees from cross country ski licenses and permits shall be deposited with the state treasurer and shall be expended only as authorized by law for grants-in-aid cross country ski trails sponsored by local units of government and special park districts, and for cross country ski trails under the jurisdiction of the commissioner for the purposes of maintenance, winter grooming, and for associated administrative costs for all cross country ski trails under the jurisdiction of the department.*

Sec. 6. [85.44] [CROSS COUNTRY SKI TRAIL GRANT-IN-AID PROGRAM.]

*The department shall offer a grant-in-aid trail program to local units of government, and special park districts to fund the development and maintenance of cross country ski trails. Grants shall be available for acquisition of trail easements but may not be used to acquire any lands in fee title. The department shall reimburse all public sponsors of grants-in-aid cross country ski trails based upon criteria established in consultation with the advisory task force. Prior to the use of any reimbursement criteria, a certain proportion of the revenues shall be allocated on the basis of user fee sales location.*

Sec. 7. [APPROPRIATION.]

*There is appropriated to the department of natural resources from the general fund \$400,000 for the period ending June 30, 1985, to carry out the purposes of sections 1 to 6. Of this amount, \$30,000 shall be spent to publicize and promote the use of cross country skier licensing.*

Sec. 8. [85.45] [PENALTY.]

*A person found skiing on public ski trails or grant-in-aid ski trails who does not have a paid cross country ski license shall be guilty of a petty misdemeanor.*

Sec. 9. [EFFECTIVE DATE.]

*Sections 1 to 8 are effective the day following final enactment."*

Delete the title and insert:

*"A bill for an act relating to outdoor recreation; requiring a user fee for cross country skiers; creating a cross country ski trail grant-in-aid program; imposing a penalty; appropriating money for recreational purposes; proposing new law coded in Minnesota Statutes, chapter 85."*

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. 663, A bill for an act relating to the general assistance program; creating a flat grant system of payment; authorizing the commissioner of public welfare to provide by rule

for the payment of reasonable fees in certain cases to persons assisting recipients in applying for benefits from federal programs; requiring general assistance recipients, with exceptions, to register for work with the department of economic security; authorizing the commissioner of public welfare to adopt temporary rules in certain cases; making various other changes in the general assistance program; authorizing the commissioner of economic security to make wage subsidy payments to certain employers and to allocate funds for certain public service jobs; authorizing the commissioner of economic security to adopt permanent and temporary rules in certain cases; amending Minnesota Statutes 1982, sections 256D.01, subdivision 1; 256D.02, subdivision 4; 256D.06, subdivision 5; 256D.09, subdivision 2; proposing new law coded in Minnesota Statutes, chapters 256D and 268; repealing Minnesota Statutes 1982, sections 256D.02, subdivision 14; and 256D.06, subdivision 1a.

Reported the same back with the following amendments:

Page 3, after line 21, insert:

"Sec. 3. Minnesota Statutes 1982, section 256D.02, is amended by adding a subdivision to read:

*Subd. 8a. An allowance received pursuant to section 9 is unearned income under subdivision 8."*

Page 4, delete lines 3 to 6 and insert "*authorizing local agencies to retain up to 25 percent of the amounts recovered under interim assistance agreements when the agency has provided special assistance to recipients in processing their claims for maintenance benefits from other sources. The funds retained under this section shall be from the state share of the recovery. The local agency may contract with qualified persons for special assistance. The rules adopted by the commissioner shall include the methods by which local agencies shall identify, refer and assist recipients who may be eligible for benefits under the federal programs for the disabled*"

Page 4, line 7, delete everything before the period

Page 4, line 19, delete "[256D.111]" and insert "[256D.101]"

Page 4, line 25, delete the second "the" and insert "reasonable"

Page 4, line 26, delete "provisions of section 268.08," and insert "requirements"

Page 4, line 27, delete "subdivision 1,"

Page 5, after line 10, insert:



*"(e) a person who is or may be eligible for displaced homemaker services, programs, or assistance under section 4.40;"*

Page 5, line 11, delete "(e)" and insert "(f)"

Page 5, line 16, delete "(f)" and insert "(g)"

Page 5, line 21, delete "(g)" and insert "(h)"

Page 5, line 24, delete "(h)" and insert "(i)"

Page 5, line 29, delete "or"

Page 5, line 30, delete "(i)" and insert "(j)"

Page 5, line 33, delete the period and insert "; or"

Page 5, after line 33, insert:

*"(k) a person who has been certified as unemployable by the commissioner of economic security."*

Page 6, line 11, delete "of section 268.10" and insert "applicable to the work incentive program, as prescribed in section 256.736, subdivision 4, clause (4)"

Pages 6 to 10, delete section 6 and insert:

**"Sec. 7. [256D.102] [TEMPORARY AUTHORITY TO REFER CERTAIN RECIPIENTS TO COMMISSIONER OF ECONOMIC SECURITY.]**

*The local agency shall refer a recipient to the commissioner of economic security for services under the small business job creation incentive program or the public service jobs program upon the payment to the recipient of a one-month grant. A referral shall be in writing, shall describe the jobs programs for which the referral is being made, shall state the address of the office to which the recipient is being referred, and shall state that if the recipient is not accepted for participation in the jobs programs, the recipient should return to the local agency. Notwithstanding the provisions of section 6, subdivision 3, and section 256D.10, assistance to a general assistance recipient referred to the commissioner of economic security pursuant to this section shall be suspended at the time of the referral for a period of 30 days following the period for which a grant has been issued. If the recipient does not return to the local agency within the 30-day period, assistance shall be terminated. This section does not apply (1) to persons that the commissioner of economic security has determined, pursuant to section 8, are not eligible for the jobs programs, are not likely to secure a job through one of the*

jobs programs, or are not able to successfully perform a job available through one of the jobs programs; (2) to persons who are recipients of general assistance on July 1, 1983; and (3) to persons who the local agency has substantial reason to believe are covered by section 6, subdivision 2.

Nothing in this section shall be construed as prohibiting any recipient who has not been referred by the local agency from applying to the commissioner of economic security for services under the small business job creation incentive program or the public service jobs program. The local agency shall provide to all recipients a written description of the small business job creation incentive program and the public service jobs program.

**Sec. 8. [256D.103] [APPLICATION PROCESS; DETERMINATIONS.]**

Any person may apply to the commissioner for services under the small business job creation incentive program or the public service jobs program. Upon receiving an application, the commissioner shall promptly determine the person's eligibility for services under the programs, the person's ability to successfully perform a job available through one of the programs, and the person's eligibility for an allowance pursuant to section 9. In determining the eligibility of a person for the allowance, the commissioner shall apply the eligibility standards set forth in sections 256D.01 to 256D.21. A person referred by a local agency pursuant to the provisions of section 7 shall be deemed to be eligible for the allowance. If the commissioner finds at any time that a person is not eligible for services under the jobs programs or if the commissioner determines after a three-month period that the person is unlikely to secure a job through one of the jobs programs, then the commissioner shall issue a written determination stating the findings and provide the person with a written referral to the appropriate local agency. If the commissioner finds at any time, pursuant to standards established by the commissioner by rule or temporary rule, that a person is not able to successfully perform a job available through one of the jobs programs, the commissioner shall issue a written determination stating the findings and explaining the person's right to appeal pursuant to section 10, and shall provide the person with a written referral to the appropriate local agency. If the commissioner finds that a person is not eligible for an allowance pursuant to section 9, the commissioner shall advise the person in writing that the person may make an application for general assistance with the appropriate local agency.

**Sec. 9. [256D.104] [PAYMENT OF ALLOWANCE.]**

A person accepted pursuant to section 8 for participation in the small business job creation incentive program or the public service jobs program and determined by the commissioner to satisfy the eligibility standards set forth in sections 256D.01 to

*256D.21 shall be paid a cash allowance by the commissioner equal to the amount of the general assistance grant that the person would otherwise receive pursuant to sections 256D.01 to 256D.21. The initial allowance shall be paid to the person as soon as administratively feasible. A person referred by a local agency pursuant to section 7 shall be paid the initial allowance upon the expiration of the period covered by the one-month grant received from the local agency. Thereafter, the allowance shall be paid at such intervals as the commissioner shall by rule or temporary rule prescribe.*

**Sec. 10. [256D.105] [APPEAL PROCEDURE.]**

*A person aggrieved by a determination issued pursuant to section 8 that the person is not able to successfully perform a job available through the small business job creation incentive program or the public service jobs program may appeal that determination in accordance with the time limits and procedures applicable to the work incentive program, as prescribed in section 256.736, subdivision 4, clause (4). If otherwise eligible under section 9, the person shall receive the allowance prescribed by section 9 until a final decision on the appeal is rendered.*

**Sec. 11. [256D.106] [SUITABLE EMPLOYMENT FOR PURPOSES OF GENERAL ASSISTANCE.]**

*For purposes of eligibility for general assistance pursuant to sections 256D.01 to 256D.21, a job provided through the small business job creation incentive program or the public service jobs program shall be deemed to be "suitable employment," as that term is defined in section 256D.02, subdivision 13."*

Page 10, line 29, delete "Section 6 is" and insert "Sections 3 and 6 to 11 are"

Page 10, line 31, delete "3, 6, 7, and 8" and insert "4, 12, and 13"

Page 10, line 32, after the second comma insert "and"

Page 10, line 32, delete "4, and 5" and insert "3 and 5 to 11"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, after "authorizing" insert "counties to refer certain general assistance recipients to"

Page 1, line 13, delete "to make wage subsidy"

Page 1, delete line 14

Page 1, line 15, delete "for certain public service jobs"

Page 1, line 16, delete "adopt permanent" and insert "pay allowances to persons eligible for general assistance"

Page 1, line 17, delete "and temporary rules"

Page 1, line 19, after "subdivision 4" insert "and by adding a subdivision"

Page 1, line 21, delete "chapters" and insert "chapter"

Page 1, line 21, delete "and 268"

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. 711, A bill for an act relating to state government; altering certain miscellaneous provisions related to financial management of state funds; authorizing the commissioner of finance and the state treasurer to take certain actions relating to the issuance, form, execution, delivery, transfer of ownership, and payment of bonds and certificates of indebtedness; appropriating the proceeds of bonds and certificates of indebtedness for the payment of certain expenses; amending Minnesota Statutes 1982, sections 16A.127, subdivisions 1 and 7; 16A.36; 16A.50; 16A.64, subdivisions 2 and 4; 16A.66, subdivisions 1, 2, and 3; and 124.46, subdivision 2; and proposing new law coded in Minnesota Statutes, chapter 16A.

Reported the same back with the following amendments:

Page 3, line 22, after the period insert "*The commissioner of finance must consult with the legislative advisory commission pursuant to Minnesota Statutes 1982, section 3.30, before selling bonds without sealed bids.*"

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. 720, A bill for an act relating to education; providing for computer and related services to aid education; providing for the transfer of duties and property of the Minnesota education consulting consortium; repealing Minnesota Statutes 1982, sections 120.81 and 120.82.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [120.801] [PURPOSE.]**

*The legislature recognizes that one of the principal public purposes of the state is to provide an adequate education for its citizenry. An important means of furthering this public purpose is the continuation of educational computing services provided by the Minnesota educational computing consortium, including development and distribution of computer software, training educators in the use of computers in the classroom, and negotiating purchasing arrangements for Minnesota educational institutions. The intent of sections 1 to 12 is to accomplish those public purposes.*

**Sec. 2. [120.802] [DEFINITIONS.]**

*For the purpose of sections 1 to 12 "consortium" means the Minnesota educational computing consortium originally created pursuant to Minnesota Statutes, section 471.59, and created as a state agency by this act.*

*"Minnesota educational institutions" means Minnesota school districts or combination of school districts, area vocational technical institutions, the state department of education, community colleges, state universities, and the University of Minnesota.*

**Sec. 3. [120.803] [TRANSFER.]**

*The consortium created under section 471.59 is abolished as of the date of the transfer required by this section, and the Minnesota educational computer consortium is created as an independent state agency in the executive branch as a continuation of the abolished consortium. All powers and duties formerly assigned to the consortium created under section 471.59 are transferred to the state agency created by this act. Section 15.039 governs the transfer required by this section. All employees of the consortium are transferred to the state agency.*

**Sec. 4. [120.804] [STATE AGENCY.]**

*Subdivision 1. [STAFF.] The governor shall appoint and set the salary of an executive director of the consortium to serve at the pleasure of the governor. The director may employ other*

*staff. The person who serves as executive director of the consortium on the effective date of section 3 shall continue to serve as executive director until the governor appoints a new director.*

*Subd. 2. [COMPENSATION.] The executive director shall establish the compensation of other staff.*

*Subd. 3. [APPLICATION OF OTHER LAW.] The consortium is exempt from the application of chapters 14, 16, 43A, and 179. However, consortium employees may participate in the group insurance plans provided to state employees. The commissioner of administration shall provide office space and other administrative services as requested by the consortium, and the consortium shall reimburse the commissioner for services provided.*

*Subd. 4. [ADVISORY TASK FORCE.] The executive director may appoint an advisory task force to advise in carrying out the responsibilities assigned by sections 5 to 8. Members shall be knowledgeable in areas related to the work of the consortium. Membership terms, compensation, and removal of members shall be governed by section 15.059. Until advisory task force members are appointed, the current consortium board shall serve as the advisory task force.*

## Sec. 5. [120.805] [DUTIES OF CONSORTIUM.]

*Subdivision 1. [PRODUCTS.] Notwithstanding any law to the contrary, the consortium shall provide its services and products at cost, including overhead, to Minnesota educational institutions.*

*Subd. 2. [SERVICES TO OTHERS.] The consortium may provide its products and services to other than Minnesota educational institutions. To further the public purpose expressed in section 1, the consortium may establish a differential pricing policy between sales to Minnesota educational institutions and sales to others.*

## Sec. 6. [120.806] [POWERS.]

*The consortium may:*

*(a) develop computer software and documentation for use by educational institutions;*

*(b) train educators in the use of computing;*

*(c) research and develop innovative uses of instructional and management computing for education; and*

(d) *contract with educational institutions for the development of software, documentation, and instructional and management computing services and charge for the cost of the development or services.*

Sec. 7. [120.807] [MINNESOTA EDUCATIONAL INSTITUTIONS; POWERS.]

*All Minnesota educational institutions are authorized to designate the consortium as their purchasing agent for computer hardware, software, and development of software. Minnesota educational institutions are authorized, notwithstanding the requirements of sections 16.07, 471.345, or 123.37, to contract directly with the consortium for the development of computer programs and documentation and for instructional and management computing services for educational institutions.*

Sec. 8. [REPORT.]

*The advisory task force shall study and report to the legislature by December 1, 1983, on the feasibility and desirability of transferring all or part of the powers and duties of the consortium to a nonprofit corporation. The report shall include recommendations for legislation needed to accomplish any recommendations.*

Sec. 9. Minnesota Statutes 1982, section 120.81, subdivision 2, is amended to read:

Subd. 2. (NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION 1.) The consortium is authorized to maintain a revolving fund for all receipts derived from computer services provided by the consortium. The Minnesota educational computing consortium shall charge users of consortium facilities for on-line computer time actually used. Receipts shall be deposited in the Minnesota educational computing consortium revolving fund and are appropriated to the consortium. (THE CONSORTIUM BOARD SHALL APPOINT AN EXECUTIVE DIRECTOR WHO SHALL BE ITS CHIEF ADMINISTRATIVE OFFICER. THE EXECUTIVE DIRECTOR MAY BE IN THE UNCLASSIFIED SERVICE. ALL OTHER EMPLOYEES ARE IN THE CLASSIFIED SERVICE OF THE STATE.)

Sec. 10. Minnesota Statutes 1982, section 120.82, is amended to read:

120.82 [CONTRACTS.]

The Minnesota educational computing consortium, created (AND NOW EXISTING) pursuant to section (471.59) 3, its members and elementary-secondary and vocational school regional computing centers, are authorized to provide computer

services to private educational institutions and to other individuals or groups in the event that MECC has computer service capabilities in excess of need and to establish and collect fees therefor. Provided, however, that the fees shall in no event be less than the cost of providing the services.

Sec. 11. [APPROPRIATION.]

*The sum of \$ . . . . . is appropriated to the consortium from the general fund.*

Sec. 12. [REPEALER.]

*Section 120.81, subdivision 1, is repealed."*

Delete the title and insert

"A bill for an act relating to education; providing for computer and related services to aid education; providing for the transfer of duties and property of the Minnesota education computer consortium; appropriating money; amending Minnesota Statutes 1982, sections 120.81, subdivision 1; and 120.82; proposing new law coded in chapter 120; repealing Minnesota Statutes 1982, section 120.81, 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.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 741, A bill for an act relating to real estate; regulating the duties of a county recorder; amending Minnesota Statutes 1982, sections 386.31; and 386.36.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 386.31, is amended to read:

386.31 [CONSECUTIVE NUMBERING.]

Each county recorder shall endorse plainly upon (THE TOP OF THE BACK, WHEN FOLDED, OF) each instrument received by him for record or filing as soon as received a number consecutive to the number affixed to the instrument next previously received and enter such number as a part of the entry



relating to such instrument in all the indexes kept in his office and on the margin of the record of the instrument, and such number shall be prima facie evidence of priority of registration. If more than one instrument shall be received at the same time, by mail or other like enclosure, the recorder shall affix such number in the order directed by the sender; if no direction be given, then in the order in which the instruments actually come to his hand in opening the enclosures. (HIS FEE FOR SUCH NUMBERING AND ENTRY SHALL BE FIVE CENTS.)

Sec. 2. Minnesota Statutes 1982, section 386.36, is amended to read:

386.36 [FARM NAMES RECORDED.]

The owner of farm lands in the state may designate a specific name of his farm lands and this name, together with a description of the farm lands according to the government survey thereof, may be filed with the county recorder of the county wherein the lands, or a part thereof, are situated, and this name, together with the description of the lands, shall be recorded by the county recorder in a book to be provided for such purpose, upon payment of a fee (OF 50 CENTS THEREFOR) *as prescribed in section 357.18*, but no two names so designated and recorded shall be alike in the same county.

Sec. 3. Minnesota Statutes 1982, section 580.24, is amended to read:

580.24 [REDEMPTION BY CREDITOR.]

If no such redemption be made by the mortgagor, his personal representatives or assigns, the senior creditor having a lien, legal or equitable, upon the mortgaged premises, or some part thereof, subsequent to the mortgage, may redeem within five days after the expiration of the redemption period specified in section 580.23; and each subsequent creditor having a lien in succession, according to priority of liens, within five days after the time allowed the prior lienholder, respectively, may redeem by paying the amount aforesaid and all liens prior to his own held by the person from whom redemption is made; provided that no creditor shall be entitled to redeem unless within the period allowed for redemption he file for record notice of his intention to redeem with the county recorder *or registrar of titles* of each county where the mortgage is recorded.

Sec. 4. Minnesota Statutes 1982, section 580.25, is amended to read:

580.25 [REDEMPTION, HOW MADE.]

Redemption shall be made as follows,

The person desiring to redeem shall pay to the person holding the right acquired under such sale, or for him to the sheriff who made the sale, or his successor in office, the amount required by law for such redemption, and shall produce to such person or officer:

(1) A copy of the docket of the judgment, or of the deed or mortgage, or of the record or files evidencing any other lien under which he claims a right to redeem, certified by the officer in whose custody such docket, record, or files shall be, or the original deed or mortgage, with the certificate of record endorsed thereon;

(2) Any assignment necessary to establish his claim, verified by the affidavit of himself or a subscribing witness thereto, or some person acquainted with the signature of the assignor. If the redemption is under an assignment of a judgment, the assignment shall be filed in the court rendering the judgment, as provided by law, and the person so redeeming shall produce a certified copy thereof and of the record of its filing, and the copy of the docket shall show that the proper entry was made upon the docket;

(3) An affidavit of himself or his agent, showing the amount then actually due on his lien.

Within 24 hours after such redemption is made, the person redeeming shall cause the documents so required to be produced to be filed with the county recorder, or registrar of titles, who (SHALL ENDORSE THEREON THE DATE AND HOUR OF FILING, AND SHALL PRESERVE THE SAME IN HIS OFFICE FOR ONE YEAR THEREAFTER, FOR WHICH SERVICE HE) shall be entitled to receive (\$1) fees as prescribed in section 357.18 or section 508.82. If such redemption shall be made at any place other than the county-seat, it shall be sufficient forthwith to deposit such documents in the nearest post office, addressed to such recorder or registrar of titles, with the postage prepaid.

Sec. 5. Minnesota Statutes 1982, section 582.03, is amended to read:

582.03 [PURCHASER AT FORECLOSURE, EXECUTION, OR JUDICIAL SALE MAY PAY TAXES, ASSESSMENTS, INSURANCE PREMIUMS, OR INTEREST.]

The purchaser at any sale, upon foreclosure of mortgage or execution or at any judicial sale during the year of redemption, may pay any taxes or assessments on which any penalty would otherwise accrue, and may pay the premium upon any policy of insurance procured in renewal of any expiring policy upon mortgaged premises, and may, in case any interest or instalment of principal upon any prior or superior mortgage is in default

or shall become due during such year of redemption, pay the same, and, in all such cases, the sum so paid, with interest, shall be a part of the sum required to be paid to redeem from such sale. Such payments shall be proved by the affidavit of the purchaser, his agent or attorney, stating the items and describing the premises, which must be filed for record with the county recorder *or registrar of titles*, and a copy thereof shall be furnished to the sheriff at least ten days before the expiration of the year of redemption.

Sec. 6. Minnesota Statutes 1982, section 582.04, is amended to read:

**582.04 [HOMESTEAD INCLUDED IN MORTGAGE; SEPARATE SALE.]**

In all proceedings to foreclose any mortgage upon real property in this state, if the whole or any part of the homestead of the mortgagor, or of any one claiming under him, as such homestead is defined by the laws of this state, shall be included in the real estate described in such mortgage, the person claiming such homestead may, at any time prior to the foreclosure sale, serve or cause to be served upon the sheriff making such sale a notice of such claim which shall designate and describe with reasonable certainty the real estate so claimed and selected as such homestead, which selection shall include the site of the dwelling and its appurtenances, shall be compact in form and shall be so made as not unreasonably to affect the value of the remaining part, which notice, together with the proof of service thereof, shall be filed for record and recorded in the office of the county recorder *or registrar of titles*. Upon the service and filing of such notice it shall be the duty of the sheriff, at the time of the sale, to first offer for sale and sell that part of the mortgaged real estate, or so much thereof as is necessary, which is not included in such selected homestead; and thereupon, if the proper purposes of the foreclosure require, he shall offer for sale and shall sell separately that part of the mortgaged real estate included in the selected homestead; provided, that if such homestead claimant shall have, prior to such foreclosure, made a property homestead selection from his real estate, he shall be bound thereby, and cannot change the same for the purposes of such foreclosure.

Sec. 7. [REPEALER.]

*Minnesota Statutes 1982, section 357.181, is repealed.*

Sec. 8. [EFFECTIVE DATE.]

*This act is effective on the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to real estate; regulating the duties of a county recorder; amending Minnesota Statutes 1982, sections 386.31; 386.36; 580.24; 580.25; 582.03; 582.04; repealing Minnesota Statutes 1982, section 357.181."

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. 742, A bill for an act relating to welfare; proposing a moratorium on new construction and new certification of nursing home beds; providing a limit on inpatient chemical dependency treatment; requiring a second medical opinion prior to reimbursement for certain elective surgeries; making medicare certification a condition of medical assistance reimbursement; amending Minnesota Statutes 1982, sections 256.045, subdivision 3; 256.966, subdivision 1; 256.968; 256B.02, subdivision 8; 256B.03, subdivision 2, as amended; 256B.04, by adding a subdivision; 256B.061; 256B.064, subdivision 2; 256B.27, subdivisions 3 and 4; and 256B.48, by adding a subdivision; and Laws 1981, chapter 360, article II, section 54, as amended.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [MORATORIUM ON CERTIFICATION OF NURSING HOME BEDS.]

*Subdivision 1. [MORATORIUM.] Notwithstanding the provisions of the Certificate of Need Act, sections 145.832 to 145.845, or any other law to the contrary, the commissioner of health, in coordination with the commissioner of public welfare, shall deny each request by a nursing home or boarding care home for addition of new certified beds or for a change or changes in the certification status of existing beds except as provided in subdivision 2 during a period of three years beginning on the effective date of this section and ending on June 30, 1986. The total number of certified beds in the state in the skilled level and in the intermediate level of care, including the intermediate level of care for the mentally retarded, shall remain at or decrease from the number of beds certified at each level of care on the effective date of this section until June 30, 1986. "Certified bed" means a nursing home bed or a boarding care bed certified by the commissioner of health for the purposes of the medicare or medical assistance program, under United States Code, title 42, sections 1395 et seq. and 1396 et seq.*

*The commissioner of public welfare, in coordination with the commissioner of health, shall deny any request to issue a license under the provisions of sections 245.781 to 245.812 and 252.28*

to a nursing home or boarding care home if that license would result in an increase in the reimbursement amount.

**Subd. 2. [EXCEPTIONS.]** *The commissioner of health, in coordination with the commissioner of welfare, may approve the addition of a new certified bed or change in the certification status of an existing bed under the following conditions:*

(a) *To replace a bed decertified after the effective date of this section or if the commissioner finds an extreme hardship situation in a particular county that has fewer nursing home beds per 1,000 elderly than the number that is ten percent higher than the national average of nursing home beds per 1,000 elderly individuals. For the purposes of this section, number of elderly in the county shall be determined by the most recent federal census or estimate of the state demographer of persons age 65 and older, whichever is the most recent at the time of the request for replacement. In allowing replacement of a decertified bed, the commissioner shall ensure that the number of added or recertified beds does not exceed the total number of decertified beds in the state in that level of care. An extreme hardship situation can only be found after the county documents the existence of unmet medical needs that cannot be addressed by any other alternatives; or*

(b) *To certify a new bed in a facility that commenced construction before the effective date of this section. For the purposes of this section, "commenced construction" means that all of the following conditions were met: the final working drawings and specifications were approved by the commissioner of health; the construction contracts were let; a timely construction schedule was developed, stipulating dates for beginning, achieving various stages, and completing construction; all zoning and building permits were secured; and significant alteration of the site was made and continues in accordance with the construction schedule; or*

(c) *When the change in certification status results in a decrease in the reimbursement amount.*

**Subd. 3. [MONITORING.]** *The commissioner of health, in coordination with the commissioner of public welfare, shall implement mechanisms to monitor and analyze the effect of the moratorium in the different geographic areas of the state. The commissioner of health shall submit to the legislature, no later than January 15, 1984 and annually thereafter, an assessment of the impact of the moratorium by geographic area with particular attention to service deficits or problems and a corrective action plan.*

*This section is repealed June 30, 1986.*

Sec. 2. Minnesota Statutes 1982, section 245.62, is amended to read:

**245.62 [COMMUNITY MENTAL HEALTH (PROGRAM; TAX LEVY) CENTER.]**

*Subdivision 1. [ESTABLISHMENT.] Any city, county, town, (OR ANY) combination thereof, or private nonprofit corporation may establish a community mental health (SERVICES PROGRAM AND MAY ESTABLISH CLINICS AND STAFF SAME WITH PERSONS SPECIALLY TRAINED IN PSYCHIATRY AND RELATED FIELDS) center.*

*Subd. 2. [DEFINITION.] A community mental health center is a private nonprofit corporation or public agency approved under the temporary and permanent rules promulgated by the commissioner pursuant to subdivision 4.*

*Subd. 3. [CLINICAL DIRECTOR.] All community mental health center services shall be provided under the clinical direction of a licensed consulting psychologist licensed under sections 148.88 to 148.98; or a physician who is board certified or eligible for board certification in psychiatry, and who is licensed under section 147.02.*

*Subd. 4. [RULES.] The commissioner shall promulgate temporary and permanent rules to establish standards for the designation of an agency as a community mental health center. These standards shall include, but are not limited to:*

*(a) provision of mental health services in the prevention, identification, treatment and aftercare of emotional disorders, chronic and acute mental illness, mental retardation and developmental disabilities, and alcohol and drug abuse and dependency, including the services listed in section 245.61 except detoxification services;*

*(b) establishment of a community mental health center board pursuant to section 245.66; and*

*(c) approval pursuant to section 245.69, subdivision 2.*

Sec. 3. Minnesota Statutes 1982, section 245.66, is amended to read:

**245.66 [COMMUNITY MENTAL HEALTH CENTER BOARDS.]**

Every city, county, town, combination thereof or nonprofit corporation establishing a community mental health 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,) *shall* establish a community mental health center board. The community mental health center (BOARDS) *board* may include county commissioner representatives from each participating county and shall be representative of (LOCAL HEALTH DEPARTMENTS, MEDICAL SOCIETIES, 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) *the local population, including at least health and human service professions and advocate associations, other fields of employment, and the general public.* Each community mental health center board shall be responsible for the (GOVERNING) *governance and performance* 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. 4. Minnesota Statutes 1982, section 256.045, subdivision 3, is amended to read:

Subd. 3. [STATE AGENCY HEARINGS.] In counties in which the commissioner of welfare has not appointed a local welfare referee, any person applying for or receiving any of the forms of public assistance described in subdivision 2 whose application for assistance is denied, not acted upon with reasonable promptness, or whose assistance is suspended, reduced, or terminated by a local agency, or any patient or relative aggrieved by an order of the commissioner under section 252.27, or any vendor of medical care aggrieved by the amount of the payment allowed by the department of welfare for services rendered a patient, or the proposed action of the commissioner taken pursuant to section 256B.064, may contest that action or decision before the state agency by submitting a written request for a hearing to the state agency within 30 days after receiving written notice of the action or decision, or within 90 days of such written notice if the applicant (OR), recipient, *patient, relative, or vendor* shows good cause why the request was not submitted within the 30 day time limit. A local agency (OR), applicant (OR), recipient, *patient, relative, or vender* aggrieved

by a ruling of a local welfare referee may appeal the ruling to the state agency by filing a notice of appeal with the state agency within 30 days after receiving the ruling of the local welfare referee. A state welfare referee shall conduct a hearing on the matter and shall recommend an order to the commissioner of public welfare. In appeals from rulings of local welfare referees, the hearing may be limited, upon stipulation of the parties, to a review of the record of the local welfare referee.

Sec. 5. Minnesota Statutes 1982, section 256.966, subdivision 1, is amended to read:

Subdivision 1. [IN GENERAL.] For the biennium ending June 30, (1983) 1985, the annual increase in the cost per service unit paid to any vendor under medical assistance and general assistance medical care shall not exceed eight percent. The period for measuring growth shall be the state fiscal year.

Sec. 6. Minnesota Statutes 1982, section 256.968, is amended to read:

256.968 [LIMITATION ON INPATIENT CHEMICAL DEPENDENCY TREATMENT.]

The commissioner of public welfare shall limit medical assistance and general assistance medical care reimbursement for treatment of alcoholism, chemical dependency or drug addiction which is rendered in a licensed hospital or certified nursing home to 10 days unless need for extended care is certified by the attending physician *and has received prior approval from the commissioner. In no case shall reimbursement for inpatient treatment extend beyond 30 days in a 12-month period unless there is prior authorization from the commissioner. The commissioner shall seek the advice of the professional services advisory committee concerning the need for extended inpatient treatment.*

Sec. 7. Minnesota Statutes 1982, 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. *A second medical opinion is required prior to reimbursement for elective surgeries. The commissioner shall publish a proposed list of elective surgeries that require a second medical opinion prior to reimbursement in the State Register by July 1, 1983, and the public shall be given an opportunity to review and comment on the proposed list prior to implementation. The list is not subject to the require-*



*ments of sections 14.01 to 14.70. The final list shall be published in the State Register and implemented by August 15, 1983.*

(2) Skilled nursing home services and services of intermediate care facilities.

(3) Physicians' services.

(4) Outpatient hospital or *physician-directed* clinic services. *The physician-directed clinic staff shall include at least two physicians, one of whom is on the premises whenever the clinic is open, and all services shall be provided under the direct supervision of the physician who is on the premises.*

(5) *Community mental health center services, as defined in rules adopted by the commissioner pursuant to section 256B.04, subdivision 2 and provided by a community mental health center as defined in section 245.62, subdivision 2.*

(5)) (6) Home health care services.

(6)) (7) Private duty nursing services.

(7)) (8) Physical therapy and related services.

(8)) (9) Dental services, excluding cast metal restorations.

(9)) (10) Laboratory and x-ray services.

(10)) (11) The following if prescribed by a licensed practitioner: drugs, eyeglasses, dentures, and prosthetic devices. The commissioner shall designate a formulary committee which shall advise the commissioner on the names of drugs for which payment shall be made, recommend a system for reimbursing providers on a set fee or charge basis rather than the present system, and develop methods encouraging use of generic drugs when they are less expensive and equally effective as trademark drugs. The commissioner shall appoint the formulary committee members no later than 30 days following July 1, 1981. The formulary committee shall consist of nine members, four of whom shall be physicians who are not employed by the department of public welfare, and a majority of whose practice is for persons paying privately or through health insurance, three of whom shall be pharmacists who are not employed by the department of public welfare, and a majority of whose practice is for persons paying privately or through health insurance, a consumer representative, and a nursing home representative. Committee members shall serve two year terms and shall serve without compensation. The commissioner may establish a drug formulary. Its establishment and publication shall not be subject to the requirements of the administrative procedure act, but the formu-

lary committee shall review and comment on the formulary contents. The formulary shall not include: drugs for which there is no federal funding; over the counter drugs, except for antacids, acetaminophen, family planning products, aspirin, insulin, prenatal vitamins, and vitamins for children under the age of seven; nutritional products; anorectics; and drugs for which medical value has not been established. Payment to drug vendors shall not be modified before the formulary is established. The commissioner may promulgate conditions for prohibiting payment for specific drugs after considering the formulary committee's recommendations.

The basis for determining the amount of payment shall be the actual acquisition costs of the drugs plus a fixed dispensing fee established by the commissioner. Actual acquisition cost includes quantity and other special discounts except time and cash discounts. Establishment of this fee shall not be subject to the requirements of the administrative procedure act. Whenever a generically equivalent product is available, payment shall be on the basis of the actual acquisition cost of the generic drug, unless the prescriber specifically indicates "dispense as written" on the prescription as required by section 151.21, subdivision 2.

Notwithstanding the above provisions, implementation of any change in the fixed dispensing fee which has not been subject to the administrative procedure act shall be limited to not more than 180 days, unless, during that time, the commissioner shall have initiated rulemaking through the administrative procedure act.

((11)) (12) Diagnostic, screening, and preventive services.

((12)) (13) 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.

((13)) (14) 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)) (15) 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)) (16) 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)) (17) Any other medical or remedial care licensed and recognized under state law unless otherwise prohibited by law.

Sec. 8. Minnesota Statutes 1982, section 256B.03, subdivision 2, as amended by Laws 1982, Third Special Session chapter 1, article II, section 4, is amended to read:

Subd. 2. [LIMIT ON ANNUAL INCREASE TO LONG-TERM CARE PROVIDERS.] Notwithstanding the provisions of sections 256B.42 to 256B.48, Laws 1981, Chapter 360, Article II, Section 2, or any other provision of chapter 360, and rules promulgated under those sections, rates paid to a skilled nursing facility or an intermediate care facility, including boarding care facilities and supervised living facilities, except state owned and operated facilities, for rate years beginning during the biennium ending June 30, (1983) 1985, shall not exceed by more than (TEN) eight percent the final rate allowed to the facility for the preceding rate year. For purposes of this section, "final rate" means the rate established after any adjustment by the commissioner, including but not limited to adjustments resulting from cost report reviews, field audits, and computations of unimplemented cost changes. Regardless of any rate appeal, the rate established shall be the rate paid and shall remain in effect until final resolution of the appeal, subsequent desk or field audit adjustment, notwithstanding any provision of law or rule to the contrary.

Notwithstanding provisions of section 256B.45, subdivision 1, the commissioner shall not increase the percentage for investment allowances.

Sec. 9. Minnesota Statutes 1982, section 256B.04, subdivision 14, is amended to read:

Subd. 14. [COMPETITIVE BIDDING.] The commissioner shall utilize volume purchase through competitive bidding under the provisions of chapter 16, to provide the following items:

- (1) Eyeglasses;
- (2) Hearing aids and supplies; and
- (3) Durable medical equipment, including but not limited to:
  - (a) hospital beds;
  - (b) commodes;
  - (c) glide-about chairs;
  - (d) patient lift apparatus;
  - (e) wheelchairs and accessories;
  - (f) oxygen administration equipment;
  - (g) respiratory therapy equipment; and
  - (h) electronic diagnostic, therapeutic and life support systems.

*Counties that are able to negotiate a volume purchase for any of the above items through their own competitive bidding process shall seek an exemption from the provisions of this subdivision from the commissioner when the price negotiated by the county is lower than the price available to the commissioner.*

Sec. 10. Minnesota Statutes 1982, section 256B.04, is amended by adding a subdivision to read:

Subd. 15. [LONG-TERM CARE.] *Establish criteria for the placement of individuals at different levels of care in nursing homes and boarding care homes licensed pursuant to chapter 144A and reimbursed pursuant to sections 256B.41 to 256B.48. The commissioner shall clarify in rule the services to be provided by the per diem established in the reimbursement formula pursuant to sections 256B.41 to 256B.48 in order to avoid additional*

*billings for the same services by other vendors of medical care under chapter 256B. The commissioner shall adopt temporary and permanent rules under the provisions of chapter 14, the administrative procedure act, to implement the provisions of this section.*

Sec. 11. Minnesota Statutes 1982, section 256B.04, is amended by adding a subdivision to read:

*Subd. 16. [UTILIZATION REVIEW.] Establish on a statewide basis a program to safeguard against unnecessary or inappropriate use of medical assistance services, against excess payments, against unnecessary or inappropriate hospital admissions or lengths of stay, and against underutilization of services in pre-paid health plans, long term care facilities or any health care delivery system subject to fixed rate reimbursement. In implementing the program, the state agency shall utilize both pre-payment and post-payment review systems to determine if utilization is reasonable and necessary. The determination of whether services are reasonable and necessary shall be made by the commissioner in consultation with a professional services advisory group appointed by the commissioner. Determinations shall be binding on all parties, and shall not be subject to provisions of sections 14.57 to 14.62 or section 256.045.*

Sec. 12. Minnesota Statutes 1982, section 256B.061, is amended to read:

256B.061 [ELIGIBILITY.]

*If any individual has been determined to be eligible for medical assistance, it will be made available to him for care and services included under the plan and furnished in or after the third month before the month in which he made application for such assistance, if such individual was, or upon application would have been, eligible for medical assistance at the time the care and services were furnished. The commissioner may limit, restrict, or suspend the eligibility of an individual for up to one year upon that individual's conviction of a criminal offense related to his application for or receipt of medical assistance benefits.*

Sec. 13. Minnesota Statutes 1982, section 256B.064, subdivision 1a, is amended to read:

*Subd. 1a. The commissioner may seek monetary recovery and impose sanctions against vendors of medical care for any of the following: fraud, theft, or abuse in connection with the provision of medical care to recipients of public assistance; a pattern of presentment of false or duplicate claims or claims for services not medically necessary; a pattern of making false statements of material facts for the purpose of obtaining greater compensation than that to which the vendor is legally entitled; sus-*

pension or termination as a Medicare vendor; and refusal to grant the state agency access during regular business hours to examine all records necessary to disclose the extent of services provided to program recipients. No sanction may be imposed or monetary recovery obtained against any vendor of nursing home or convalescent care for providing services not medically necessary when the services provided were ordered by a licensed health professional not an employee of the vendor. The determination of (ABUSE OR) services not medically necessary shall be made by the commissioner in consultation with a (REVIEW ORGANIZATION AS DEFINED IN SECTION 145.61 OR OTHER) provider advisory (COMMITTEES AS) *committee* appointed by the commissioner on the recommendation of appropriate professional organizations.

Sec. 14. Minnesota Statutes 1982, section 256B.064, subdivision 2, is amended to read:

Subd. 2. The commissioner shall determine monetary amounts to be recovered and the sanction to be imposed upon a vendor of medical care for conduct described by subdivision 1a. Neither a monetary recovery nor a sanction will be sought by the commissioner without prior notice and an opportunity for a hearing, pursuant to (CHAPTER 14) *section 256.045*, on the commissioner's proposed action, provided that the commissioner may suspend or reduce payment to a vendor of medical care, except a nursing home or convalescent care facility, prior to the hearing if in the commissioner's opinion that action is necessary to protect the public welfare and the interests of the program.

Sec. 15. Minnesota Statutes 1982, section 256B.27, subdivision 3, is amended to read:

Subd. 3. The commissioner of public welfare (, WITH THE WRITTEN CONSENT OF THE RECIPIENT,) shall be allowed access to all personal medical records of medical assistance recipients solely for the purposes of investigating whether or not: (a) a vendor of medical care has submitted a claim for reimbursement, a cost report or a rate application which the vendor knows to be false in whole or in part; or (b) the medical care was medically necessary. The vendor of medical care shall receive notification from the commissioner at least 24 hours before the commissioner gains access to such records. The determination of (ABUSE OR) provision of services not medically necessary shall be made by the commissioner in consultation with (A REVIEW ORGANIZATION AS DEFINED IN SECTION 145.61 OR OTHER) *an advisory (COMMITTEES) committee* of vendors as appointed by the commissioner on the recommendation of appropriate professional organizations. Notwithstanding any other law to the contrary, a vendor of medical care shall not be subject to any civil or criminal liability for

providing access to medical records to the commissioner of public welfare pursuant to this section.

Sec. 16. Minnesota Statutes 1982, section 256B.27, subdivision 4, is amended to read:

Subd. 4. (NO) A person (SHALL) *determined to be eligible for medical assistance (UNLESS HE HAS) shall be deemed to have authorized the commissioner of public welfare in writing to examine all personal medical records developed while receiving medical assistance for the purpose of investigating whether or not a vendor has submitted a claim for reimbursement, a cost report or a rate application which the vendor knows to be false in whole or in part, or in order to determine whether or not the medical care provided was medically necessary. (A VENDOR OF MEDICAL CARE SHALL REQUIRE PRESENTATION OF THIS WRITTEN AUTHORIZATION BEFORE THE STATE AGENCY CAN OBTAIN ACCESS TO THE RECORDS UNLESS THE VENDOR ALREADY HAS RECEIVED WRITTEN AUTHORIZATION.)*

Sec. 17. Minnesota Statutes 1982, section 256B.48, is amended by adding a subdivision to read:

Subd. 4. [MEDICARE CERTIFICATION REQUIRED.] *No nursing home which is certified by the commissioner of health as a skilled nursing facility shall be eligible for medical assistance reimbursement unless it is also certified by the commissioner of health as a Title XVIII medicare facility under United States Code, title 42, section 1395 et seq.*

Sec. 18. Minnesota Statutes 1982, section 260.191, subdivision 2, is amended to read:

Subd. 2. All orders under this section shall be for a specified length of time set by the court not to exceed one year. However, before the order has expired and upon its own motion or that of any interested party, the court (HAS CONTINUING JURISDICTION TO RENEW THE ORDER OR) *shall, after notice to the parties and a hearing, renew the order for another year or make some other disposition of the case, until the individual is no longer a minor. Any person to whom legal custody is transferred shall report to the court in writing at such periods as the court may direct.*

Sec. 19. Minnesota Statutes 1982, section 260.242, subdivision 2, is amended to read:

Subd. 2. (a) A guardian appointed under the provisions of subdivision 1 has legal custody of his ward unless the court which appoints him gives legal custody to some other person. If the court awards custody to a person other than the guardian,

the guardian nonetheless has the right and responsibility of reasonable visitation, except as limited by court order.

(b) The guardian may make major decisions affecting the person of his ward, including but not limited to giving consent (when consent is legally required) to the marriage, enlistment in the armed forces, medical, surgical, or psychiatric treatment, or adoption of the ward. When, pursuant to subdivision 1, clause (a), the commissioner of public welfare is appointed guardian, he may delegate to the welfare board of the county in which, after the appointment, the ward resides, the authority to act for him in decisions affecting the person of his ward, including but not limited to giving consent to the marriage, enlistment in the armed forces, medical, surgical, or psychiatric treatment of the ward.

(c) A guardianship created under the provisions of subdivision 1 shall not of itself include the guardianship of the estate of the ward.

*(d) If the ward is in foster care, the court shall, upon its own motion or that of the guardian, conduct a dispositional hearing within 18 months of the foster care placement and once every two years thereafter to determine the future status of the ward including, but not limited to, whether the child should be continued in foster care for a specified period, should be placed for adoption, or should, because of the child's special need or circumstances, be continued in foster care on a permanent or long-term basis. When the court has determined that the special needs of the ward are met through a permanent or long-term foster care placement, no subsequent dispositional hearings are required.*

Sec. 20. Laws 1981, chapter 360, article II, section 54, as amended by Laws 1981, First Special Session chapter 4, article IV, section 22, is amended to read:

Sec. 54. [SUNSET PROVISION.]

Article II, sections 26, (27,) 31, 36, and 40 are repealed effective June 30, (1982) 1983. Notwithstanding the provisions of Minnesota Statutes, Section 645.34, the repeal of Article II, Sections 26, (27,) 31, and 36 shall revive the corresponding provision or section of the original law as it existed immediately prior to the amendments made by Article II, Sections 26, (27,) 31, and 36; provided, however, that amendments made to the statutory sections amended by Article II, Sections 26, (27,) 31, and 36 between the effective date of this section and June 30, 1983 shall remain effective after June 30, 1983 unless otherwise provided by law.

Sec. 21. [REPEALER.]



*Section 1 is repealed effective June 30, 1985.*

Sec. 22. [EFFECTIVE DATE.]

*Sections 1 to 21 are effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to welfare; proposing a moratorium on new construction and new certification of nursing home beds; defining mental health center; providing the commissioner of public welfare with rulemaking authority; providing a limit on inpatient chemical dependency treatment; requiring a second medical opinion prior to reimbursement for certain elective surgeries; making medicare certification a condition of medical assistance reimbursement; providing for annual review of court-ordered child placement; providing for dispositional hearings for state wards; amending Minnesota Statutes 1982, sections 245.62; 245.66; 256.045, subdivision 3; 256.966, subdivision 1; 256.968; 256B.02, subdivision 8; 256B.03, subdivision 2, as amended; 256B.04, subdivision 14 and by adding subdivisions; 256B.061; 256B.064, subdivisions 1a and 2; 256B.27, subdivisions 3 and 4; 256B.48, by adding a subdivision; 260.191, subdivision 2; and 260.242, subdivision 2; and Laws 1981, chapter 360, article II, section 54, as amended."

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. 755, A bill for an act relating to public welfare; continuing to allow personal care attendants' services as services under medical assistance; amending Minnesota Statutes 1982, 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.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 763, A bill for an act relating to game and fish; removing the limitation on use of muzzle loading firearms to public lands only; amending Minnesota Statutes 1982, section 100.27, subdivision 2.

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. 764, A bill for an act relating to retirement; qualifying park district police for certain pension aids; amending Minnesota Statutes 1982, section 69.011, subdivision 1.

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. 765, A bill for an act relating to insurance; health and accident; allowing insurers to negotiate and contract for alternative rates of payment; allowing insurers to limit payments to providers who contract for alternative rates with the agreement of policyholders; amending Minnesota Statutes 1982, sections 62A.03, by adding a subdivision; 62A.10, by adding a subdivision; 62A.11, subdivision 5; 62C.14, subdivision 3; and 72A.20, subdivision 15.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 72A.20, subdivision 15, is amended to read:

Subd. 15. [PRACTICES NOT HELD TO BE DISCRIMINATION OR REBATES.] Nothing in subdivisions 8 (AND), 9, or 10, or in section 72A.12, subdivisions 3 and 4, shall be construed as including within the definition of discrimination or rebates any of the following practices:

(1) In the case of any contract of life insurance or annuity, paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance, provided that any bonuses or abatement of premiums shall be fair and equitable to policyholders and for the best interests of the company and its policyholders;

(2) In the case of life insurance policies issued on the industrial debit plan, making allowance, to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer, in an amount which fairly represents the saving in collection expense;

(3) Readjustment of the rate of premium for a group insurance policy based on the loss or expense experienced thereunder, at the end of the first or any subsequent policy year of insurance thereunder, which may be made retroactive only for such policy year;

(4) *In the case of a group health insurance policy, the payment of differing amounts of reimbursement to insureds who elect to receive health care goods or services from providers designated by the insurer."*

Amend the title:

Page 1, line 2, delete everything after the first semicolon and insert "permitting differing benefit payments for services by designated health care providers"

Page 1, delete lines 3 to 5

Page 1, line 6, delete everything before the semicolon

Page 1, line 7, delete everything after the first comma and insert "section 72A.20, subdivision 15."

Page 1, delete lines 8 to 10

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. 768, A bill for an act relating to state departments and agencies; authorizing a study by the department of energy, planning and development of a possible merger of the departments of health and public welfare into a new state department to be called the department of human services; 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.

McEachern from the Committee on Education to which was referred:

H. F. No. 771, A bill for an act relating to education; authorizing disaster or emergency reimbursements and metropolitan agricultural preserve reductions to be subtracted from a school district's minimum guarantee for minimum aid; amending Minnesota Statutes 1982, section 124.2126, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [124.195] [PAYMENT OF AIDS AND CREDITS TO SCHOOL DISTRICTS.]

*Subdivision 1. [APPLICABILITY.] Notwithstanding any law to the contrary, this section applies to all aids or credits paid by the commissioner of education or department of education from the general fund of the state of Minnesota to any school district for placement in the operating fund of a school district for the financing of education in elementary schools, secondary schools, middle schools, and vocational center schools as defined in section 120.05. The procedures described in this section for making disbursements to school districts shall be used in fiscal year 1985 and each fiscal year thereafter and shall apply to both prior year final adjustment payments and current year entitlements.*

*Subd. 2. [DEFINITION.] The term "other-than-general-fund payments" means payments by county treasurers pursuant to section 276.10, apportionments from the school endowment fund pursuant to section 124.09, any payments made by the commissioner of education from federal funds, apportionments by the county auditor pursuant to section 124.10, subdivision 2, and payments to school districts by the commissioner of revenue pursuant to sections 294.21 to 294.26 and chapter 298.*

*Subd. 3. Each year the commissioner of education shall pay to a school district on the days indicated below an amount of cash from the state general fund which, when added to the sum of*

*(1) estimated cumulative other-than-general-fund payments to school district operating funds between July 1 and the payment date, and*

*(2) all prior disbursements during the fiscal year of state general fund cash to school district operating funds, will provide the operating funds of the school district with state general fund payments and other-than-general-fund payments that in total will not exceed for the payment date the following percentages of the sum of all estimated state general fund payments and*

*other-than-general-fund payments due the district during the fiscal year:*

<i>Payment 1</i>	<i>First business day prior to July 15</i>	<i>2.25%</i>
<i>Payment 2</i>	<i>First business day prior to July 30</i>	<i>4.50</i>
<i>Payment 3</i>	<i>First business day prior to August 15</i>	<i>6.75</i>
<i>Payment 4</i>	<i>First business day prior to August 30</i>	<i>9.0</i>
<i>Payment 5</i>	<i>First business day prior to September 15</i>	<i>12.75</i>
<i>Payment 6</i>	<i>First business day prior to September 30</i>	<i>16.5</i>
<i>Payment 7</i>	<i>First business day prior to October 15</i>	<i>20.75</i>
<i>Payment 8</i>	<i>First business day prior to October 30</i>	<i>25.0</i>
<i>Payment 9</i>	<i>First business day prior to November 15</i>	<i>31.0</i>
<i>Payment 10</i>	<i>First business day prior to November 30</i>	<i>37.0</i>
<i>Payment 11</i>	<i>First business day prior to December 15</i>	<i>40.0</i>
<i>Payment 12</i>	<i>First business day prior to December 30</i>	<i>43.0</i>
<i>Payment 13</i>	<i>First business day prior to January 15</i>	<i>49.25</i>
<i>Payment 14</i>	<i>First business day prior to January 30</i>	<i>51.5</i>
<i>Payment 15</i>	<i>First business day prior to February 15</i>	<i>56.0</i>
<i>Payment 16</i>	<i>First business day prior to February 28</i>	<i>60.5</i>
<i>Payment 17</i>	<i>First business day prior to March 15</i>	<i>65.25</i>
<i>Payment 18</i>	<i>First business day prior to March 30</i>	<i>70.0</i>
<i>Payment 19</i>	<i>First business day prior to April 15</i>	<i>74.0</i>
<i>Payment 20</i>	<i>First business day prior to April 30</i>	<i>78.0</i>
<i>Payment 21</i>	<i>First business day prior to May 15</i>	<i>83.75</i>
<i>Payment 22</i>	<i>First business day prior to May 30</i>	<i>89.5</i>
<i>Payment 23</i>	<i>First business day prior to June 15</i>	<i>94.75</i>
<i>Payment 24</i>	<i>First business day prior to June 30</i>	<i>100.0</i>

*Subd. 4. In no case shall the commissioner of education pay to a school district for placement in its operating funds an amount of money from the state general fund that exceeds the sum of the district's estimated aid entitlements for placement in its operating funds for the current school year, plus the final adjustment payment for aids for placement in its operating funds for the preceding school year.*

*Subd. 5. For purposes of determining the amount of state general fund money to be paid to schools pursuant to subdivision 3, the commissioner of education shall assume that the payments to school districts by the county treasurer pursuant to section 276.10 are made in the following manner:*

*(a) 50 percent within seven business days of each settlement date; and*

*(b) 100 percent within 14 business days of each settlement date.*

*The commissioner shall also assume that the payments to school districts by county auditors pursuant to section 124.10, subdivision 2 are made in the months indicated in that subdivision.*

*Subd. 6. In fiscal year 1985 and each fiscal year thereafter, state general fund payments to school districts for placement in nonoperating funds shall be made in 12 equal monthly installments.*

Sec. 2. Minnesota Statutes 1982, section 276.09, is amended to read:

**276.09 [SETTLEMENT BETWEEN AUDITOR AND TREASURER.]**

On the (FIFTH) 20th day of (MARCH, JUNE, AND NOVEMBER) February, May, and October of each year, the county treasurer shall make full settlement with the county auditor of all receipts collected by him for all purposes, from the date of the last settlement up to and including each day mentioned. The county auditor shall, within 30 days after each settlement, send an abstract of same to the state auditor in the form prescribed by the state auditor. At each settlement the treasurer shall make complete returns of the receipts on the current tax list, showing the amount collected on account of the several funds included in the list.

For purposes of this section, "receipts" shall include all tax payments received by the county treasurer on or before the settlement date.

Sec. 3. Minnesota Statutes 1982, section 276.10, is amended to read:

**276.10 [APPORTIONMENT AND DISTRIBUTION OF FUNDS.]**

On the settlement day in (MARCH, JUNE, AND NOVEMBER) *February, May, and October* of each year, the county auditor and county treasurer shall distribute all undistributed funds in the treasury, apportioning them, as provided by law, and placing them to the credit of the state, town, city, school district, special district and each county fund. Within 20 days after the distribution is completed, the county auditor shall make a report of it to the state auditor in the form prescribed by the state auditor. The county auditor shall issue his warrant for the payment of moneys in the county treasury to the credit of the state, town, city, school district, or special districts on application of the persons entitled to receive them.

Sec. 4. Minnesota Statutes 1982, section 276.11, is amended to read:

**276.11 [WHEN TREASURER SHALL PAY FUNDS.]**

As soon as practical after each settlement in (MARCH, JUNE, AND NOVEMBER) *February, May, and October* the county treasurer shall pay over to the state treasurer or the treasurer of any town, city, school district, or special district, on the warrant of the county auditor, all receipts arising from taxes levied by and belonging to the state, or to such municipal corporation, or other body, and deliver up all orders and other evidences of indebtedness of such municipal corporation or other body, taking triplicate receipts therefor. The treasurer shall file one of the receipts with the county auditor, and shall return one by mail on the day of its reception to the clerk of the town, city, school district, or special district to which payment was made. The clerk shall preserve the receipt in the clerk's office. Upon written request of the state, a municipal corporation or other public body, the county treasurer shall, to the extent practicable, make partial payments of amounts collected periodically in advance of the next settlement and distribution. Accompanying each payment shall be a statement prepared by the county treasurer designating the years for which taxes included in the payment were collected and, for each year, the amount of the taxes and any penalties thereon. The county treasurer shall pay, upon written request of the state, a municipal corporation or other public body except school districts, at least 70 percent of the estimated collection within 30 days after the settlement date. Within 15 days after the settlement date, the county treasurer shall pay to the treasurer of the school districts at least 70 percent of the estimated collections arising from taxes levied by and belonging to the school district. The treasurer shall pay the balance of the amounts collected to the state or to a municipal corporation or other body within 60 days

after the settlement date, provided, however, that after 45 days interest shall accrue at a rate of eight percent per annum to the credit of and shall be paid to the state, municipal corporation or other body. Interest shall be payable upon appropriation from the general revenue fund of the county and, if not paid, may be recovered by the state, municipal corporation, or other body, in a civil action.

Sec. 5. Minnesota Statutes 1982, section 278.01, subdivision 1, is amended to read:

Subdivision 1. [DETERMINATION OF VALIDITY.] Any person having any estate, right, title, or interest in or lien upon any parcel of land, who claims that such property has been partially, unfairly, or unequally assessed in comparison with other property in the city or county, or that the parcel has been assessed at a valuation greater than its real or actual value, or that the tax levied against the same is illegal, in whole or in part, or has been paid, or that the property is exempt from the tax so levied, may have the validity of his claim, defense, or objection determined by the district court of the county in which the tax is levied or by the tax court by serving two copies of a petition for such determination upon the county auditor and one copy each on the county treasurer and the county attorney and filing the same, with proof of service, in the office of the clerk of the district court before the (FIRST) 15th day of (JUNE) *May* of the year in which the tax becomes payable. The county auditor shall immediately forward one copy of the petition to the appropriate governmental authority in a home rule charter or statutory city or town in which the property is located if that city or town employs its own certified assessor. A copy of the petition shall also be sent to the school board of the school district in which the property is located. A petition for determination under this section may be transferred by the district court to the tax court. An appeal may also be taken to the tax court under chapter 271 at any time following receipt of the valuation notice required by section 273.121 but prior to (JUNE 1) *May 15* of the year in which the taxes are payable.

Sec. 6. Minnesota Statutes 1982, section 278.01, subdivision 2, is amended to read:

Subd. 2. [HOMESTEADS.] Any person having any estate, right, title or interest in or lien upon any parcel which is classified as homestead under the provisions of section 273.13, subdivisions 6, 6a, 7, 7b, 10 or 12, who claims that said parcel has been assessed at a valuation which exceeds by ten percent or more the valuation which the parcel would have if it were valued at the average assessment/sales ratio for real property in the same class, in that portion of the county in which that parcel is located, for which the commissioner is able to establish and publish a sales ratio study as determined by the applicable real



estate assessment/sales ratio study published by the commissioner of revenue, may have the validity of his claim, defense, or objection determined by the district court of the county in which the tax is levied or by the tax court by serving two copies of a petition for such determination upon the county auditor and one copy each on the county treasurer and the county attorney and filing the same, with proof of such service, in the office of the clerk of the district court before the (FIRST) 15th day of (JUNE) May of the year in which such tax becomes payable. The county auditor shall immediately forward one copy of the petition to the appropriate governmental authority in a home rule charter or statutory city or town in which the property is located if that city or town employs its own certified assessor. A copy of the petition shall also be sent to the school board of the school district in which the property is located. A petition for determination under this section may be transferred by the district court to the tax court.

Sec. 7. Minnesota Statutes 1982, section 278.03, is amended to read:

278.03 [PAYMENT OF TAX.]

If the proceedings instituted by the filing of the petition have not been completed before the (FIRST) 15th day of (JUNE) May next following the filing, the petitioner shall pay to the county treasurer 50 percent of the tax levied for such year against the property involved, unless permission to continue prosecution of the petition without such payment is obtained as herein provided. If the proceedings instituted by the filing of the petition have not been completed by the next (NOVEMBER 1) October 15, the petitioner shall pay to the county treasurer 50 percent of the unpaid balance of the taxes levied for the year against the property involved if the unpaid balance is \$2,000 or less and 80 percent of the unpaid balance if the unpaid balance is over \$2,000, unless permission to continue prosecution of the petition without payment is obtained as herein provided. The petitioner, upon ten days notice to the county attorney and to the county auditor, given at least ten days prior to the (FIRST) 15th day of (JUNE) May or the (FIRST) 15th day of (NOVEMBER) October, may apply to the court for permission to continue prosecution of the petition without payment; and, if it is made to appear

- (1) That the proposed review is to be taken in good faith;
- (2) That there is probable cause to believe that the property may be held exempt from the tax levied or that the tax may be determined to be less than 50 percent of the amount levied; and
- (3) That it would work a hardship upon petitioner to pay the taxes due,

the court may permit the petitioner to continue prosecution of the petition without payment, or may fix a lesser amount to be paid as a condition of continuing the prosecution of the petition.

Failure to make payment of the amount required when due shall operate automatically to dismiss the petition and all proceedings thereunder unless the payment is waived by an order of the court permitting the petitioner to continue prosecution of the petition without payment. The county treasurer shall, upon request of the petitioner, issue duplicate receipts for the tax payment, one of which shall be filed by the petitioner in the proceeding.

Sec. 8. Minnesota Statutes 1982, section 278.05, subdivision 5, is amended to read:

Subd. 5. Any time after the filing of the petition and before the trial of the issues raised thereby, when the defense or claim presented is that the property has been partially, unfairly, or unequally assessed, or that the parcel has been assessed at a valuation greater than its real or actual value, or that a parcel which is classified as homestead under the provisions of section 273.13, subdivisions 6, 6a, 7, 7b, 10 or 12, has been assessed at a valuation which exceeds by ten percent or more the valuation which the parcel would have if it were valued at the average assessment/sales ratio for real property in the same class in that portion of the county in which the parcel is located, for which the commissioner is able to establish and publish a sales ratio study, the attorney representing the state, county, city or town in the proceedings may serve on the petitioner, or his attorney, and file with the clerk of the district court, an offer to reduce the valuation of any tract or tracts to a valuation set forth in the offer. If, within ten days thereafter, the petitioner, or his attorney, gives notice in writing to the county attorney, or the attorney for the city or town, that the offer is accepted, he may file the offer with proof of notice, and the clerk shall enter judgment accordingly. Otherwise, the offer shall be deemed withdrawn and evidence thereof shall not be given; and, unless a lower valuation than specified in the offer is found by the court, no costs or disbursements shall be allowed to the petitioner, but the costs and disbursements of the state, county, city or town, including interest at six percent on the tax based on the amount of the offer from and after the (FIRST) 15th day of (NOVEMBER) *October* of the year the taxes are payable, shall be taxed in its favor and included in the judgment and when collected shall be credited to the county revenue fund, unless the taxes were paid in full before the (FIRST) 15th day of (NOVEMBER) *October* of the year in which the taxes were payable, in which event interest shall not be taxable.

Sec. 9. Minnesota Statutes 1982, section 279.01, subdivision 1, is amended to read:

Subdivision 1. On (JUNE FIRST) *May 15*, of each year, with respect to property actually occupied and used as a homestead by the owner of the property, a penalty of three percent shall accrue and thereafter be charged upon all unpaid taxes on real estate on the current lists in the hands of the county treasurer, and a penalty of seven percent on non-homestead property. Thereafter, for both homestead and non-homestead property, on the (FIRST) *15th* day of each month, up to and including (NOVEMBER FIRST) *October 15* following, an additional penalty of one percent for each month shall accrue and be charged on all such unpaid taxes. When the taxes against any tract or lot exceed \$10, one-half thereof may be paid prior to (JUNE FIRST) *May 15*; and, if so paid, no penalty shall attach; the remaining one-half shall be paid at any time prior to (NOVEMBER FIRST) *October 15* following, without penalty; but, if not so paid, then a penalty of four percent shall accrue thereon for homestead property and a penalty of four percent on non-homestead property. Thereafter, for homestead property, on the (FIRST) *15th* day of each month up to and including (JANUARY 1) *December 15* following, an additional penalty of two percent for each month shall accrue and be charged on all such unpaid taxes. Thereafter, for non-homestead property, on the (FIRST) *15th* day of each month up to and including (JANUARY 1) *December 15* following, an additional penalty of four percent for each month shall accrue and be charged on all such unpaid taxes. If one-half of such taxes shall not be paid prior to (JUNE FIRST) *May 15*, the same may be paid at any time prior to (NOVEMBER FIRST) *October 15*, with accrued penalties to the date of payment added, and thereupon no penalty shall attach to the remaining one-half until (NOVEMBER FIRST) *October 15* following; provided, also, that the same may be paid in installments as follows: One-fourth prior to (APRIL FIRST) *March 15*; one-fourth prior to (JUNE FIRST) *May 15*; one-fourth prior to (SEPTEMBER FIRST) *August 15*; and the remaining one-fourth prior to (NOVEMBER FIRST) *October 15*, subject to the aforesaid penalties. Where the taxes delinquent after (NOVEMBER FIRST) *October 15* against any tract or parcel exceed \$40, they may be paid in installments of not less than 25 percent thereof, together with all accrued penalties and costs, up to the next tax judgment sale, and after such payment, penalties, interest, and costs shall accrue only on the sum remaining unpaid. Any county treasurer who shall make out and deliver or countersign any receipt for any such taxes without including all of the foregoing penalties therein, shall be liable to the county for the amount of such penalties.

Sec. 10. Minnesota Statutes 1982, section 473F.08, subdivision 7a, is amended to read:

Subd. 7a. The administrative auditor shall determine for each county the difference between the total levy on distribution value pursuant to subdivision 3, clause (a), within the county and the total tax on contribution value pursuant to subdivision

6, within the county. On or before (JUNE 1) *May 15* of each year, he shall certify the differences so determined to each county auditor. In addition, he shall certify to those county auditors for whose county the total tax on contribution value exceeds the total levy on distribution value the settlement the county is to make to the other counties of the excess of the total tax on contribution value over the total levy on distribution value in the county. On or before June (30) *15* and November (30) *15* of each year, each county treasurer in a county having a total tax on contribution value in excess of the total levy on distribution value shall pay one-half of the excess to the other counties in accordance with the administrative auditors certification."

Delete the title and insert:

"A bill for an act relating to education; modifying school district cash flow; establishing school aid payment dates for fiscal year 1985 and years thereafter; requiring that property taxes be paid 15 days earlier; altering settlement dates; amending Minnesota Statutes 1982, sections 276.09; 276.10; 276.11; 278.01, subdivisions 1 and 2; 278.03; 278.05, subdivision 5; 279.01, subdivision 1; and 473F.08, subdivision 7a; proposing new law coded in Minnesota Statutes, chapter 124."

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. 793, A bill for an act relating to retirement; public employees retirement association; optional annuity election for disabled member.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 353.33, subdivision 3a, is amended 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. 2. Minnesota Statutes 1982, section 353.656, subdivision 1a, is amended 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. 3. [EFFECTIVE DATE.]

*This act is effective the day following final enactment and applies retroactively to May 1, 1981.*

Delete the title and insert:

"A bill for an act relating to retirement; public employees retirement association; removing a waiting period prior to the effect of an optional annuity for disabilitants; amending Minnesota Statutes 1982, sections 353.33, subdivision 3a; and 353.656, subdivision 1a."

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. 798, A bill for an act relating to tax-forfeited land; authorizing the sale of a certain tract within the city of Orono.

Reported the same back with the following amendments:

Page 1, line 14, after the period insert *"If an owner of adjoining property purchases the tract, the price of the tract shall be at least the appraised value of the tract created by combining the tract sold under this section with the adjoining*

*parcel owned by the buyer, less the appraised value of the adjoining parcel before the sale."*

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 818, A bill for an act relating to the city of Minneapolis; abolishing the office of comptroller-treasurer in the city of Minneapolis.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [MINNEAPOLIS, OFFICE OF COMPTROLLER-TREASURER.]**

*Notwithstanding the Minneapolis city charter or any other law, the office of comptroller-treasurer in the city of Minneapolis is abolished.*

**Sec. 2. [REORGANIZATION OF DUTIES.]**

*Subdivision 1. The city council of Minneapolis shall by ordinance initiate and direct any reorganization, consolidation, or delegation of the functions, duties, and responsibilities of the comptroller-treasurer, and other fiscal management functions which the city may exercise, except the establishment and functions of the office of the budget as provided in chapter 5, section 8, of the Minneapolis city charter, and may make other administrative changes as deemed necessary for the purpose of promoting efficiency in city government.*

*Subd. 2. The city council by ordinance shall designate the title of the division or department and establish the method of appointing the finance officer to head the division or department assuming the reorganized duties and functions. The finance officer shall be in the unclassified service of the city. If the person appointed to the position is a member of the classified service of the city of Minneapolis, the appointee shall be deemed to be on leave of absence during the person's tenure in the appointive position, and upon the termination of the service shall be returned to the person's permanent civil service classification. If no vacancy is available in the person's permanent civil service classified position, seniority shall prevail and the person most recently certified to the position shall be returned to the perma-*

*ment civil service position held by the person prior to the certification.*

*Subd. 3. The finance officer shall continue to provide the function of treasurer for the various boards and commissions served by the previous comptroller-treasurer but shall not serve as a member of the boards and commissions.*

*Subd. 4. The city council by ordinance shall provide for an independent internal audit of the financial records which may be done by an independent agency of the city, or otherwise.*

**Sec. 3. [MEMBERSHIP ON BOARD OF ESTIMATE AND TAXATION.]**

*Notwithstanding the provisions of the city charter or any other law to the contrary, membership on the board of estimate and taxation previously held by the comptroller-treasurer shall be held by either the president of the city council or a citizen of the city, trained and experienced in finance or accounting, to be selected in the manner adopted by ordinance by the city council.*

**Sec. 4. [MAYOR'S VETO.]**

*Any ordinance passed pursuant to section 2 or 3 shall be subject to chapter 3, section 1, of the Minneapolis city charter.*

**Sec. 5.** Minnesota Statutes 1982, section 422A.02, is amended to read:

**422A.02 [RETIREMENT BOARD; MEMBERS.]**

A retirement board of seven members is hereby constituted which shall consist of the following:

- (1) Mayor, or a designee selected by the mayor;
- (2) (THE CITY COMPTROLLER-TREASURER;)
- ((3)) One member of the city council selected by the council; and

((4) FOUR) (3) Five legally qualified voters to be chosen by the (EMPLOYEES AS DEFINED IN) members of the retirement fund created by sections 422A.01 to 422A.25 (WHO ARE CONTRIBUTORS TO THE RETIREMENT FUND CREATED BY SECTIONS 422A.01 TO 422A.25) at least two of whom shall be retired members. The (EMPLOYEES) members may form an association for that purpose and the employing authorities are authorized to make payroll deductions for the payment of dues to the association. The persons selected shall

serve for staggered terms of (TWO) *three* years from the first of the next succeeding January after their election, and until their successors are duly elected. The selection shall be made by the (EMPLOYEES) *members of the association* during the first week of December of each year. Vacancies occurring by death, resignation, or removal of representatives shall be filled by representatives chosen by the (EMPLOYEES) *members of the association*.

Sec. 6. Minnesota Statutes 1982, section 422A.03, subdivision 3, is amended to read:

Subd. 3. At the regular meeting in January each year, the board shall elect from among its members a president, a vice president, and a (SECRETARY) *secretary-treasurer*, who shall hold office for one year or until successors have been elected and qualified. (THE CITY COMPTROLLER-TREASURER SHALL SERVE AS TREASURER OF THE BOARD.) The president shall preside at all meetings at which he is present. In the absence of the president the vice president shall preside and have all the powers of the president while acting as such. The recording secretary shall keep a record of all proceedings of the board, which shall be open to public inspection. At least one of the officers of the board shall be one of the representatives elected by the employees of the city to the board.

Sec. 7. [EFFECTIVE DATE.]

*This act is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the Minneapolis city council."*

Delete the title and insert:

"A bill for an act relating to the city of Minneapolis; abolishing the office of comptroller-treasurer in the city of Minneapolis; authorizing the reorganization, reallocation, consolidation, and delegation of the functions of the office; restructuring the board of estimate and taxation in the city of Minneapolis; amending Minnesota Statutes 1982, sections 422A.02; and 422A.03, 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. 819, A bill for an act relating to state government; reorganizing functions related to water; abolishing the water



planning board, the southern Minnesota rivers basin board, and the water resources board; transferring duties to the environmental quality board; appropriating money; amending Minnesota Statutes 1982, section 40.072, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 116C; repealing Minnesota Statutes 1982, sections 105.71; 105.72; 105.73; 105.74; 105.75; 105.751; 105.76; 105.77; 105.78; 105.79; and chapter 114A.

Reported the same back with the following amendments:

Page 2, after line 18, insert:

*"Subd. 2a. [WATERSHED MANAGEMENT; WATER RESOURCES ADVISORY COUNCIL; AUTHORITY OF BOARD.] The water resources advisory council is created and shall consist of five members appointed by the governor, who are conversant with water problems and conditions within watersheds of the state. The council is subject to the provisions of section 15.059.*

*The council shall have the duties and responsibilities provided by law, except that final action by the council on any matter within its jurisdiction is subject to the review and comment of the board. The advisory council, without assignment of a hearing examiner, shall hear any matter under its jurisdiction for which a contested case hearing is required.*

*The members of the water resources board as constituted before enactment of this act shall be the first members of the water resources advisory council. The environmental quality board may adjust the terms of the first members of the advisory council to conform with the requirements of Minnesota Statutes, section 15.059. This subdivision is repealed June 30, 1987."*

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 829, A bill for an act relating to metropolitan government; regulating airport development; amending Minnesota Statutes 1982, section 473.611, subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [RESTRICTIONS ON CERTAIN AIRPORTS.]

*Notwithstanding any other provision of law, the metropolitan airports commission shall not take any action with respect to an airport owned by it which would result in a permanent net reduction in useable runway length at the airport.*

Sec. 2. [EFFECTIVE DATE.]

*This act is effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to airports; prohibiting certain acts by the metropolitan airports commission."

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. 848, A bill for an act relating to public welfare; entitling certain low income families to child care at reduced rates; amending Minnesota Statutes 1982, sections 245.83; 245.84, subdivisions 1, 2, and 5; 245.85; 245.86; and 245.87.

Reported the same back with the following amendments:

Page 2, lines 8 and 9, reinstate the stricken language

Page 2, line 9, before "to" insert "*or other sources*"

Page 3, line 15, after "*following*" insert "*two*"

Page 3, line 16, delete "*year*" and insert "*years*"

Page 3, line 20, after "*that*" insert "*and the next*"

Page 3, line 32, after the comma insert "*and*"

Page 3, line 33, delete "*of the program*" and insert "*, that the county provides services under this subdivision*"

Page 4, delete lines 3 and 4

Page 4, line 5, delete everything before "*are*"

Page 4, lines 2, 6, and 32, delete "*7*" and insert "*8*"

Page 4, line 6, delete everything after the period

Page 4, lines 7 to 28, delete the new language, strike the old language, and insert "*As money that is allowed or required to be used for providing child care, becomes available to the county from federal, state, or local sources, including money appropriated for sections 1 to 8 that becomes available when families cease receiving services under section 245.84, subdivision 2, the county board shall make child care services available to single parent families in which the parent needs child care services under this section to secure or retain employment, or obtain the training or education necessary to secure employment, or for other circumstances, established by the commissioner, related to education, training, or employment, and, in the following order of priority:*

(i) *who are receiving aid to families with dependent children under sections 256.72 to 256.87. Child care services to these families shall be made available as in-kind services, to cover the difference between the actual cost and \$160 per month per child or the amount disregarded under rules for persons not employed full-time, then*

(ii) *whose household income is within the income range established by the county board. Child care services to these families shall be made available on a sliding fee. The minimum income range a county board may establish is between the aid to families with dependent children eligibility limit and household income of less than 60 percent of the state median income for a family of four adjusted for family size, and the maximum income range is between the aid to families with dependent children eligibility limit and household income of less than 90 percent, of the state median income for a family of four adjusted for family size."*

Page 4, line 32, delete "7" and insert "8"

Page 5, line 21, delete everything after "residents"

Page 5, line 22, delete "paragraphs (c) and (d)" and insert "entitled to them under paragraph (c)"

Page 5, line 24, delete "the" and insert "any"

Page 5, line 25, after "services" insert "under paragraph (c)"

Page 5, line 28, delete "7" and insert "8"

Page 6, lines 2 and 3, reinstate the stricken language

Page 7, line 3, after "allocation" insert "under section 245.84, subdivision 1"

Page 7, after line 6, insert:

"Sec. 8. [SCHEDULE FOR PARTICIPATION.]

*The commissioner of public welfare shall report to the legislature by January 1, 1984 with a schedule for requiring additional counties to provide child care services under sections 1 to 8."*

Page 7, line 7, delete "8" and insert "9"

Page 7, line 8, delete "7" and insert "8"

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. 849, A bill for an act relating to state lands; authorizing the sale of a certain lakeshore lot in Douglas 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 Energy to which was referred:

H. F. No. 864, A bill for an act relating to the housing finance agency; proposing an innovative housing loan program; appropriating money; amending Minnesota Statutes 1982, sections 462A.05, by adding a subdivision; and 462A.21, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 16, after "is" insert "*designed to provide long-term affordability, and which is*"

Page 2, line 12, after "may" insert "*create a revolving fund to be used to*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 868, A bill for an act relating to education; providing for Indian scholarships; amending Minnesota Statutes 1982, section 124.48.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 124.48, is amended to read:

**124.48 [INDIAN SCHOLARSHIPS.]**

*Subdivision 1. [AUTHORIZATION.]* The state board, with the advice and counsel of the Minnesota Indian scholarship committee, may award (SCHOLARSHIPS) a need-based scholarship or tuition aid to (ANY MINNESOTA RESIDENT) a student (WHO) if the board finds the student:

- (a) is of one-fourth or more Indian ancestry;
- (b) is a resident of Minnesota;
- (c) has met the requirements for admission to an accredited or approved college or a business, technical, or vocational school;
- (d) has applied for other existing state and federal scholarship and grant programs; and (WHO),
- (e) in the opinion of the board, has the capabilities to benefit from further education. (SCHOLARSHIPS SHALL BE FOR ADVANCED OR SPECIALIZED EDUCATION IN ACCREDITED OR APPROVED COLLEGES OR IN BUSINESS, TECHNICAL OR VOCATIONAL SCHOOLS. SCHOLARSHIPS)

*Subd. 2. [USE OF AWARD.]* A need-based scholarship and tuition aid shall be used to defray the student's cost of education including tuition, incidental fees, books, supplies, transportation, other related school costs and the cost of board and room and shall be paid directly to the college or school concerned.

*Subd. 3. [TUITION AID.]* The board may grant aid to a student enrolling in a public institution in an amount not to exceed the cost of tuition and fees. For students enrolling in private institutions, the board may grant aid in an amount not to exceed the cost of tuition and fees in a comparable public institution.

*Subd. 4. [NEED-BASED SCHOLARSHIP.]* The amount and type of (EACH SUCH) a need-based scholarship shall be determined (THROUGH) by the board with the advice and coun-

sel of the Minnesota Indian scholarship committee, based on the student's total cost of education and the student's demonstrated need. Need-based scholarships may be given in addition to tuition aid, provided that the total award is not greater than the total cost of attendance. The state board shall not award scholarships beyond the limit of the appropriation for this subdivision.

*Subd. 5. [RENEWAL.]* When an Indian student satisfactorily completes the work required by a certain college or school in a school year (HE), the student is eligible for additional scholarships, if additional training is necessary to reach (HIS) the student's educational and vocational objective. (SCHOLARSHIPS MAY NOT BE GIVEN TO ANY INDIAN STUDENT FOR MORE THAN FOUR YEARS OF STUDY) This eligibility shall continue as long as the student is making reasonable progress toward the completion of a program.

**Sec. 2. [124.481] [INDIAN POST-SECONDARY PREPARATION; GRANTS TO SCHOOL DISTRICTS.]**

*Subdivision 1. [ELIGIBILITY.]* The state board, with the advice and counsel of the Minnesota Indian scholarship committee, may award grants to school districts to be used to support programs for elementary and secondary students who are of one-fourth or more Indian ancestry and who, in the opinion of the district superintendent, have the capabilities to benefit from higher education.

*Subd. 2. [APPLICATION.]* A school district may apply to the state board for a grant to provide additional education programs for eligible Indian students. These programs may include developmental reading, developmental math, advanced science, and study skills.

*Subd. 3. [PROCEDURES AND CRITERIA.]* The state board shall develop procedures necessary for grant applications and criteria for the awarding of grants by September 1, 1983.

**Sec. 3. [124.482] [INDIAN SCHOLARSHIP REPORT TO THE LEGISLATURE.]**

*By January 15 of each odd-numbered year, the state board of education shall report to the education committees of the legislature about the status of tuition aid and need-based scholarships and the recipients.*

**Sec. 4. [APPROPRIATION.]**

*There is appropriated from the general fund to the department of education \$3,309,731 for the purposes of section 1, subdivision 3, and section 2. The state shall not be obligated for any amount in excess of the appropriation in this section for these purposes."*

Delete the title and insert:

"A bill for an act relating to education; providing for need-based scholarships and tuition aid to students of Indian ancestry; authorizing grants to school districts; requiring a report; appropriating money; amending Minnesota Statutes 1982, section 124.48; proposing new law coded in Minnesota Statutes, chapter 124."

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. 880, A bill for an act relating to public welfare; establishing an experimental block grant program for treatment services for mentally ill and chemically dependent persons in certain counties; appropriating money; 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. [245.95] [BLOCK GRANTS TO CERTAIN COUNTIES FOR MENTALLY ILL AND CHEMICALLY DEPENDENT PERSONS.]

*Subdivision 1. [PROGRAM ESTABLISHED.] The commissioner of public welfare shall establish a five-year experimental block grant program for treatment services for mentally ill and chemically dependent persons residing in at least ten counties representative of the geographic regions of the state.*

*Subd. 2. [COUNTY PARTICIPATION OPTIONAL.] A county specified in subdivision 1 may elect to participate in the program by forwarding a resolution to that effect to the commissioner of public welfare from the county board of commissioners.*

*Subd. 3. [COUNTY DUTIES.] A participating county shall assume full financial responsibility for its residents who are mentally ill and chemically dependent, and for whom other funds are not available or are insufficient, including the costs for persons placed in state hospitals. With respect to state hospital services, the county shall pay the portion of state hospital per diem charges that is not reimbursed by other third-party payors.*

*This rate shall be determined annually by the commissioner of public welfare based on the reimbursement experience of the state hospital system during the previous state fiscal year of operation.*

*Participating counties shall develop an individual program plan for each person being considered for treatment based on a multi-disciplinary assessment of the individual's needs. The plan shall be the basis for deciding whether or not to place the person in a treatment facility. The counties shall monitor treatment plans and provide case management services.*

*Subd. 4. [SERVICES.] The county shall ensure that mental health services and chemical dependency services are provided to adults requiring them. The services provided shall be the least restrictive alternative available to meet the needs of each individual. The county shall ensure that at least the following services for mental health and for chemical dependency are available and provided as necessary: outpatient treatment; emergency care services; day treatment; screening and assessment; consultation and education; inpatient treatment; and residential and transitional living programs. The county may provide services directly, contract for services, or make grants to other providers to develop services.*

*Subd. 5. [ELIGIBILITY.] Individuals entitled to services provided through the demonstration project are individuals in state hospitals and individuals proposed for admission to state hospitals for which the participating counties are the counties of financial responsibility.*

*Subd. 6. [FORMULA FOR DISTRIBUTION OF FUNDS.] The commissioner of public welfare shall calculate the amount to be paid each participating county by using the following formula:*

*(a) total appropriation for state hospitals minus fixed costs for hospital facilities;*

*(b) minus costs of treatment for the mentally retarded persons;*

*(c) minus costs attributable to the Minnesota State Security Hospital;*

*(d) minus the ten percent that is the county's rate of participation in state hospital costs;*

*(e) divided by the population of the state;*

*(f) multiplied by the population of each county to arrive at the county payment under this experimental program.*



*Subd. 7. [USE OF FUNDS.] The counties shall use the funds under this program to purchase rehabilitation services for their chemically dependent and mentally ill residents from the state hospital system, private hospitals, and other public and private vendors, based on the individual client's needs, subject to the following limitations:*

*(a) During the first year of this program, 85 percent of the funds shall be used exclusively for state hospital services;*

*(b) In the second year, at least 70 percent of the funds shall be used for state hospital services;*

*(c) In the third year, at least 50 percent of the funds shall be used for state hospital services; and*

*(d) In the fourth year, at least 25 percent of the funds shall be used for state hospital services.*

*In the fifth year of the program, allocations under this program shall be made available to the participating counties for community social services under Minnesota Statutes, section 256E.06, except that no additional matching funds shall be required from the county.*

*Subd. 8. [REINSURANCE.] The county and any other provider of services through the demonstration project may contract with an insurer, health care provider, or nonprofit health service plan corporation to provide insurance or similar protection against the cost of care or to provide coverage against the risks of providing services within the block grant amount. The patients served through the demonstration project are a permissible group under group insurance laws and the Nonprofit Health Service Plan Corporation Act. Under this type of contract, the insurer or corporation may make benefit payments to a participating provider for services rendered or to be rendered to a patient. Any insurer or nonprofit health services plan corporation licensed to do business in this state is authorized to provide this insurance or similar protection.*

*Subd. 9. [TECHNICAL ASSISTANCE.] The commissioner shall give technical assistance to county boards that request it with respect to implementing this program.*

*Subd. 10. [REPORT, EVALUATION.] The commissioner of public welfare shall report to the legislature by January 15, 1986, concerning the effectiveness of the program.*

*Before the project's implementation, the participating counties and the commissioner of public welfare shall develop an evaluation method that specifies the project's goals and objectives and includes criteria for measuring the extent to which*

*those goals and objectives are met. The evaluation method shall also be designed to compare the costs and benefits of providing services through the experimental project with those provided through the system in the remainder of the state.*

*Subd. 11. [RELATION TO OTHER FUNDS.] Nothing in this section shall reduce the amount of state funds allocated to participating counties to assist them in bringing their residential facilities for adult mentally ill persons into compliance with rules of the commissioner of public welfare which regulate licensing of those facilities.*

*Subd. 12. [RULES.] The commissioner may adopt permanent and temporary rules to implement this section.*

## Sec. 2. [ALLOCATION OF APPROPRIATION.]

*Of the amount appropriated for state hospitals for the biennium ending June 30, 1985, \$ . . . . . is allocated in accordance with section 1, subdivision 6, for use in implementing section 1."*

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. 891, A bill for an act relating to retirement; teachers; definitions, coordination with social security benefits, and various administrative changes; amending Minnesota Statutes 1982, sections 354.05, subdivisions 2 and 35; 354.44, subdivision 5; 354.52, subdivision 4; and 354.63, subdivision 2.

Reported the same back with the following amendments:

Page 3, line 14, delete everything after "payments" and insert "*Severance payments include, but are not limited*"

Page 5, line 12, after the period insert "*This section is applicable for persons who retired effective July 1, 1982 or later.*"

Page 5, after line 17, insert:

"Sec. 6. Laws 1982, Third Special Session, chapter 1, article II, section 7, is amended to read:

356.62 [PAYMENT OF EMPLOYEE CONTRIBUTION.]

For purposes of any public pension plan, as defined in section (356.60, SUBDIVISION 1, CLAUSE (A)) 356.61, each employer shall pick up the employee contributions required pursuant to law or the pension plan for all salary payable after December 31, 1982. If the United States Treasury department (OR A FEDERAL COURT) rules that pursuant to section 414(h) of the Internal Revenue Code of 1954, as amended, that these picked up contributions (,) are not includable in the employee's adjusted gross income until they are distributed or made available, then these picked up contributions shall be treated as employer contributions in determining tax treatment pursuant to the Internal Revenue Code of 1954, as amended, and the employer shall discontinue withholding federal income taxes on the amount of these contributions. The employer shall pay these picked up contributions from the same source of funds as is used to pay the salary of the employee. The employer shall pick up these employee contributions by a reduction in the cash salary of the employee.

Employee contributions that are picked up shall be treated for all purposes of the public pension plan in the same manner and to the same extent as employee contributions that were made prior to the date on which the employee contributions pick up began. *The amount of the employee contributions that are picked up shall be included in the salary upon which retirement coverage is credited and retirement and survivor's benefits are determined.* For purposes of this section, "employee" means any person covered by a public pension plan. For purposes of this section, "employee contributions" include any sums deducted from the employee's salary or wages or otherwise paid in lieu thereof, regardless of whether they are denominated contributions by the public pension plan.

For any calendar year in which withholding has been reduced pursuant to this section, the (ASSOCIATION OR AGENCY ADMINISTERING THE PLAN) *employing unit* shall supply each employee and the commissioner of revenue with an information return indicating the amount of the employer's picked-up contributions for the calendar year that were not subject to withholding. This return shall be provided to the employee not later than January 31 of the succeeding calendar year. The commissioner of revenue shall prescribe the form of the return and the provisions of sections 290.41 and 290.42 shall apply to the extent not inconsistent with the provisions of this section."

Page 5, line 19, delete "Section" and insert "Sections"

Page 5, line 20, after "2" insert "and 6"

Page 5, line 20, delete "is" and insert "are"

Re-number the remaining section

Amend the title as follows:

Page 1, line 7, after "2" insert "; and Laws 1982, Third Special Session, chapter 1, article II, section 7"

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. 892, A bill for an act relating to veterans; authorizing the commissioner of veterans affairs to accept gifts; revising the procedure for purchasing veterans grave markers; authorizing an imprest cash fund at veterans homes; providing for the disposal of abandoned property of veterans at veterans homes; amending Minnesota Statutes 1982, section 197.23; proposing new law coded in Minnesota Statutes, chapter 198; and repealing Minnesota Statutes 1982, section 198.055.

Reported the same back with the following amendments:

Page 2, line 26, delete "*from funds provided by counties and others*"

Page 2, line 27, after "*placed*" insert "*by the commissioner*"

Page 2, line 28, after "*placed*" insert "*by the commissioner in the state*"

Page 2, line 29, after "*from*" insert "*sources in*"

Page 2, line 30, after the first "*funds*" insert "*available*"

Page 2, lines 30 and 31, delete "*the county government and*"

Page 2, line 32, after "*county*" insert "*plus any funds that may be provided by the county government*"

Page 3, after line 14, insert:

"Sec. 5. Minnesota Statutes 1982, section 268.14, subdivision 5, is amended to read:

Subd. 5. [VETERANS REPRESENTATIVES.] (a) As may be determined by the commissioner, based on a demonstrated need for the service, there shall be assigned by the commissioner to the staff of each full functioning employment service office a veterans employment representative (WHOSE ACTIVITIES SHALL BE DEVOTED TO DISCHARGING THE DUTIES PRESCRIBED OF A VETERANS EMPLOYMENT REPRESENTATIVE). The position of veterans employment

representative shall be filled by one or more employees of the department of economic security who are veterans as defined in section 197.447. Pursuant to United States Code, title 38, section 2003A, representatives shall be assigned only those duties directly related to meeting the employment needs of eligible veterans, with priority for the provision of services in the following order:

(1) services to disabled veterans of the Vietnam era who are participating in or have completed a program of vocational rehabilitation under United States Code, title 38, chapter 31;

(2) services to other disabled veterans; and

(3) services to other eligible veterans, taking into account applicable rates of unemployment and the employment emphasis in United States Code, title 38, chapter 42.

(b) Each representative shall carry out the following functions for the purpose of providing services to eligible veterans:

(1) development of job training opportunities for veterans through contacts with employers, especially small and medium sized private sector employers;

(2) promotion and development of apprenticeship and other on-the-job training positions;

(3) outreach activities to locate veterans through contacts with local veterans organizations, the Veterans Administration, the state system of public employment offices, and community-based organizations;

(4) appropriate assistance to community-based groups, organizations, and prime sponsors under the comprehensive employment and training act;

(5) appropriate assistance to local employment service office employees with responsibility for veterans;

(6) consultation and coordination with other appropriate representatives of federal, state, and local programs to promote employment opportunities for and provide maximum employment assistance to veterans; and

(7) promotion and development of entry level and career job opportunities for veterans."

Page 3, delete lines 15 and 16

Amend the title as follows:

Page 1, line 8, delete "section" and insert "sections" and, after the semicolon, insert "and 268.14, subdivision 5; and"

Page 1, line 9, delete "chapter" and insert "chapters 196 and"

Page 1, line 9, delete "; and repealing"

Page 1, line 10, delete everything before the period

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. 901, A bill for an act relating to game and fish; enlarging upon the waters which may be managed as experimental waters for fisheries purposes; amending Minnesota Statutes 1982, section 97.48, subdivision 26.

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. 906, A bill for an act relating to health services; establishing voluntary and contingent mandatory systems for health service provider reporting or disclosure of prices; appropriating money; proposing new law coded in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 1982, section 144.705.

Reported the same back with the following amendments:

Page 1, line 15, after "not" insert "always"

Page 2, line 3, delete "; however, it is" and insert ". The legislature is encouraged by the past progress resulting from the voluntary efforts of the health care provider groups. It would be"

Page 2, line 3, after "legislature" insert ", however,"

Page 2, line 4, after "through" insert "further"

Page 4, line 4, after "SYSTEMS.]" delete to the end of the line

Page 4, delete lines 5 to 25 and insert "For each provider group the commissioner shall solicit, no more frequently than annually, proposed performance targets for developing or maintaining a voluntary system of reporting or disclosing meaningful information describing the prices charged by members of the provider groups for the treatment of illnesses, injuries, or other conditions. The solicitation must be published in the state register and must allow a period of up to 90 days for response. The targets proposed by the provider groups must possess the characteristics specified in subdivision 2. The commissioner shall propose an assessment period, not to exceed three years, as an element of each target, after which an evaluation under subdivision 3 would be made. The commissioner shall review each proposed performance target for conformance with the characteristics specified in subdivision 2 and shall communicate any concerns to the provider group. The provider groups must respond to these concerns within 60 days of receipt. The commissioner shall, after considering the provider groups' comments, adopt final performance targets, including assessment periods, by publishing them in the state register. The targets as finally adopted are exempted from the definition of rule in section 14.02, subdivision 4, and have the force and effect of law upon compliance with section 14.38, subdivision 7. The effective date of any target is the date prescribed in section 14.38, subdivision 8."

Page 5, line 31, after the comma insert "the commissioner shall report to the house health and welfare and the senate health and human services committees. No sooner than nine months after the determination,"

Page 5, line 32, delete "periodically" and insert "initially"

Page 7, delete lines 21 to 27

Renumber the sections

Amend the title as follows:

Page 1, line 5, delete "appropriating money;"

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. 907, A bill for an act relating to retirement; White Bear Lake volunteer firefighters; providing for incentive benefit amounts, validating prior actions; repealing Laws 1971, chapter 214; Laws 1979, chapter 201, sections 30 and 31; Laws 1981, chapter 224, section 257.

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. 911, A bill for an act relating to retirement; the Minneapolis police relief association; board membership; sources and uses of funds; member contributions; amending Laws 1949, Chapter 406, Sections 1, Subdivision 1, as amended; 3, as amended; 4, Subdivisions 2 and 3, as amended; 5, Subdivisions 1, 3, and 5, as amended; and 6, Subdivision 3, as amended; Laws 1953, Chapter 127, Sections 1, Subdivisions 1, as amended, and 4, and by adding a subdivision; and Laws 1965, Chapter 493, Section 5; and Minnesota Statutes 1982, section 423A.01, subdivision 2.

Reported the same back with the following amendments:

Page 2, line 5, delete "*have retired or who will*"

Page 2, line 26, after "other" insert "*five*"

Pages 7 to 10, delete section 12

Renumber the remaining section

Delete the title and insert:

"A bill for an act relating to retirement; the Minneapolis police relief association; board membership; sources and uses of funds; member contributions; amending Laws 1949, chapter 406, sections 1, subdivision 1, as amended; 3, as amended; 4, subdivisions 2 and 3, as amended; 5, subdivisions 1, as amended, 3, as amended, and 5, as amended; and 6, subdivision 3, as amended; Laws 1953, chapter 127, section 1, subdivisions 2, as amended, 4, and by adding a subdivision; and Laws 1965, chapter 493, section 3."

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. 914, A bill for an act relating to Ramsey County; reinstating a provision relating to mandatory retirement age



for military veterans; amending Minnesota Statutes 1982, section 383A.30.

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. 916, A bill for an act relating to economic development; creating a preference for Minnesota residents in the awarding of public contracts; creating a preference for Minnesota labor and materials; amending Minnesota Statutes 1982, section 16.073; 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. [16.072] [PREFERENCE FOR MINNESOTA CONTRACTORS, LABOR, AND MATERIALS.]

*Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given them:*

(a) *"Municipality" has the meaning assigned to it in section 471.345, subdivision 1;*

(b) *"Public agency" includes all state agencies, the University of Minnesota, the state university board, the state board for community colleges, and all municipalities;*

(c) *"Resident" means:*

(1) *any individual who has been a resident of Minnesota for one year or more immediately prior to bidding on or performing work under the contract;*

(2) *any partnership or association whose members have been residents of Minnesota for one year or more immediately prior to bidding on or performing work under the contract; and*

(3) *a corporation, incorporated in Minnesota, which has been in existence for one year or more immediately prior to bidding on or performing work under the contract, and which has its principal place of business in Minnesota; and*

(d) *"State agency" means an agency as defined in section 14.02, subdivision 2.*

*Subd. 2. [RESIDENT CONTRACTORS PREFERRED.] Notwithstanding any other law to the contrary, any contract awarded by a public agency for the design, erection, construction, alteration, or repair of any public building or structure, or for any public work or improvement for which competitive bidding is not required by law, must be awarded to a Minnesota resident. If competitive bidding is required by law, the contract must be awarded to the resident making the lowest responsible bid if the resident's bid is not more than ten percent higher than the lowest responsible nonresident bid. A successful resident bidder may not subcontract more than 20 percent of the work covered by the contract to nonresident subcontractors.*

*Subd. 3. [MINNESOTA LABOR PREFERRED.] All contracts subject to subdivision 2 must require that, wherever possible, resident laborers, workers, and mechanics be used to perform all work covered by the contract.*

*Subd. 4. [PREFERENCE SUBJECT TO FEDERAL LAW.] The provisions of this section are subject to applicable laws of the United States and regulations of federal agencies governing the use and payment of funds granted or advanced by the United States in connection with public works contracts.*

**Sec. 2. [16.0721] [PREFERENCE FOR MINNESOTA AND AMERICAN MADE MATERIALS.]**

*Subdivision 1. [DEFINITIONS.] As used in this section, the following terms have the meanings given them:*

*(a) "Public agency" has the meaning assigned to it in section 1, subdivision 1, clause (b) and includes any contractor acting pursuant to a contract with a public agency;*

*(b) "Materials" means any goods, supplies, equipment or any other tangible products or materials, including foods;*

*(c) "Manufactured" means mined, grown, produced, manufactured, fabricated or assembled;*

*(d) "Manufactured in Minnesota" means manufactured in whole or in substantial part within Minnesota or that the majority of its components were manufactured in whole or in substantial part in Minnesota;*

*(e) "Manufactured in the United States" means manufactured in whole or in substantial part within the United States or that the majority of the component parts thereof were manufactured in whole or in substantial part in the United States;*

*(f) "Purchase" means acquire by purchase or lease.*

*Subd. 2. [PURCHASE PREFERENCE.] Notwithstanding the provisions of any other law to the contrary, no materials may be purchased by a public agency for use for governmental purposes which are not manufactured in Minnesota or the United States, except as may be provided in this section. When all other factors are substantially equal, preference must be given first to those products which are manufactured to the greatest extent in Minnesota, and second to those products which are manufactured to the greatest extent in the United States. To the extent possible, specifications must be written so as to permit the public agency to purchase materials manufactured in Minnesota.*

*Subd. 3. [EXEMPTIONS.] Subdivision 2 does not apply if the person having contracting authority in respect to the purchase determines that (1) the materials are not manufactured in Minnesota or the United States in sufficient or reasonably available quantities, (2) the price or bid of the materials exceeds by more than ten percent the price or bid of available and comparable materials manufactured outside of Minnesota or the United States, (3) the quality of the materials is substantially less than the quality of comparably priced available materials manufactured outside of Minnesota or the United States, or (4) the purchase of the materials manufactured in Minnesota or the United States is otherwise not in the public interest. Subdivision 2 also does not apply if the materials are purchased with a view to commercial resale or with a view to use in the production of goods for commercial sale.*

*Subd. 4. [OTHER LAW SUPERCEDED.] The provisions of this section supercede Minnesota Statutes, section 16.073.*

**Sec. 3. [REPEALER.]**

*Sections 1 and 2 are repealed June 30, 1985."*

Delete the title and insert:

"A bill for an act relating to economic development; creating a preference for Minnesota residents in the awarding of public contracts; creating a preference for Minnesota labor and materials; proposing new law coded in Minnesota Statutes, chapter 16."

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 928, A bill for an act relating to education; requiring the higher education coordinating board to study and report on

teacher education programs; requesting higher education governing boards and institutions to cooperate in the study.

Reported the same back with the following amendments:

Page 1, line 11, after "board" insert "*in consultation with the state board of teaching*"

Page 2, after line 9, insert:

"Sec. 2. [STUDY OF STUDENT PROGRESS.]

*Subdivision 1. [HIGHER EDUCATION COORDINATING BOARD.] The higher education coordinating board shall conduct a study of policies and standards relating to student progress toward completion of programs in Minnesota higher education systems and institutions. This study shall result in a report and recommendations for improving policies on student progress. The report shall be submitted to the legislature by January 1, 1984.*

*Subd. 2. [FACTORS.] The study shall consider such factors as trends toward longer academic residency of students, the relationship between the retention of students and sources of institutional revenue, the retention of students whose grades are below average, counseling and advising of students regarding completion of programs, changes in standards which measure performance and progress, and other factors relevant to student progress."*

Page 2, line 11, delete the first "and" and insert a comma

Page 2, line 12, after "institutions" insert "*, and the state board of teaching*"

Page 2, line 13, delete "*this*" and insert "*these*"

Page 2, line 14, delete "*study*" and insert "*studies*"

Page 2, line 16, delete "*and 2*" and insert "*to 3*"

Renumber the sections accordingly

Amend the title as follows:

Page 1, line 4, after the semicolon insert "requiring the higher education coordinating board to study and report on student progress,"

Page 1, line 6, delete "*study*" and insert "*studies*"

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. 933, A bill for an act relating to public welfare; establishing a medical assistance social health maintenance organization demonstration project; proposing new law coded in Minnesota Statutes, chapter 256B.

Reported the same back with the following amendments:

Page 1, line 11, delete "*a national*"

Page 1, line 12, delete "*project*" and insert "*projects*"

Page 1, line 17, delete "*The case manager*" and insert "*Each participating provider*"

Page 1, line 24, delete "*project*" and insert "*projects*"

Page 1, line 25, delete "*the*" and insert "*a*"

Page 2, line 4, delete "*project*" and insert "*projects*"

Page 2, line 10, delete "*project*" and insert "*projects*"

Page 2, line 12, delete "*project's*" and insert "*projects'*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 934, A bill for an act relating to Ramsey County; providing for a purchase preference for American made materials; proposing new law coded in Minnesota Statutes, chapter 383A.

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. 946, A bill for an act relating to state government; implementing an executive order transferring the state soil and water conservation board from the department of natural resources to the department of agriculture; amending Minnesota Statutes 1982, section 40.03.

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. 950, A bill for an act relating to state governments; governing compensation of members of boards, councils, and committees who are public employees; amending Minnesota Statutes 1982, sections 15.059, subdivision 3; and 214.09, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 15.059, subdivision 3, is amended to read:

Subd. 3. [COMPENSATION.] Members of the advisory councils and committees shall be compensated at the rate of \$35 per day spent on council or committee activities, when authorized by the council or committee, plus expenses in the same manner and amount as authorized by the commissioner's plan adopted pursuant to section 43A.18, subdivision 2. *If* members who are state employees or employees of political subdivisions (SHALL NOT) receive the \$35 per day, *and* if the major part of their activities occur during normal working hours for which they are also compensated by the state or political subdivision, *the employer shall deduct the \$35 from the employee's compensation for the day. In no other case shall* a member who is an employee of the state or a political subdivision (SHALL NOT) suffer a loss in compensation or benefits from the state or political subdivision as a result of (HIS) service on the council or committee. Members who are full time state employees or full time employees of the political subdivisions of the state may receive the expenses provided for in this section unless the expenses are reimbursed by another source. (A STATE EMPLOYEE WHO SERVES ON AN ADVISORY COUNCIL OR COMMITTEE AS A REPRESENTATIVE OF A SPECIFIC STATE DEPARTMENT OR AGENCY SHALL NOT RECEIVE THE \$35 PER DAY.)

**Sec. 2. [121.2111] [COMPENSATION FOR PERFORMANCE EVALUATIONS BY STATE EMPLOYEES.]**

*Notwithstanding any law to the contrary, a state employee who is asked by the department of education to undertake a performance evaluation of an area vocational-technical school may be compensated at the rate provided for in section 15.059.*

*To be eligible for compensation under this section, a state employee must take an unpaid leave of absence for the period of time the employee performs the evaluation.*

**Sec. 3. Minnesota Statutes 1982, section 214.09, subdivision 3, is amended to read:**

**Subd. 3. [COMPENSATION.]** Members of the boards shall be compensated at the rate of \$35 per day spent on board activities, when authorized by the board, plus expenses in the same manner and amount as (RECEIVED BY STATE EMPLOYEES) *authorized by the commissioner's plan adopted according to section 43A.18, subdivision 2. If members who are full time state employees or employees of the political subdivisions of the state (SHALL NOT) receive the \$35 per day, and if the major part of their activities occur during normal working hours for which they are also compensated by the state or political subdivision, the employer shall deduct the \$35 from the employee's compensation for that day. In no other case shall a board member who is an employee of the state or political subdivision (SHALL) suffer (NO) a loss in compensation or benefits as a result of (THEIR) service on the board. Members who are state employees or employees of the political subdivisions of the state may receive the expenses provided for in this subdivision unless the expenses are reimbursed by another source. (A STATE EMPLOYEE WHO SERVES ON A BOARD AS A REPRESENTATIVE OF A SPECIFIC STATE DEPARTMENT OR AGENCY SHALL NOT RECEIVE THE \$35 PER DAY.)*

**Sec. 4. [NORTHWEST MINNESOTA MULTI-COUNTY HOUSING AND REDEVELOPMENT AUTHORITY; COMPENSATION.]**

*Notwithstanding Minnesota Statutes, section 462.441, each commissioner of the Northwest Minnesota Multi-County Housing and Redevelopment Authority may be paid \$35 per meeting for attending regular and special meetings of the authority. The aggregate of all payments to each commissioner for any one year shall not exceed \$3,000.*

**Sec. 5. [LOCAL APPROVAL.]**

*Section 4 takes effect the day after compliance by the governing body of the Northwest Minnesota Multi-County Housing and*

*Redevelopment Authority with Minnesota Statutes, section 645.021, subdivision 3.*

Sec. 6. [EFFECTIVE DATE.]

*Sections 1 and 3 are effective July 1, 1983, except that if these sections conflict with a contractual agreement in existence on July 1, 1983, they shall not take effect with respect to employees covered by that agreement until the expiration of the agreement."*

Delete the title and insert:

"A bill for an act relating to state government; governing compensation of members of boards, councils, and committees who are public employees; providing for per diem compensation for attendance of commissioners of the Northwest Minnesota Multi-County Housing and Redevelopment Authority at meetings; amending Minnesota Statutes 1982, sections 15.059, subdivision 3; and 214.09, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 121."

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 954, A bill for an act relating to the Minneapolis park and recreation board; providing for the appointment of various employees; amending Laws 1969, chapter 1024, sections 1 and 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. 958, A bill for an act relating to long term care; requiring the commissioners of health and public welfare to prepare a report to the legislature.

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. 959, A bill for an act relating to commerce; authorizing certain retailers of motor vehicle fuel to compute sales by the half-gallon; proposing new law coded in Minnesota Statutes 1982, section 325E.095.

Reported the same back with the following amendments:

Page 1, line 10, delete "*person*" and insert "*retail business*"

Page 1, line 11, delete "*at retail*"

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. 962, A bill for an act relating to general assistance medical care; extending the ceiling on payment increases; adjusting the base year for payments to vendors; clarifying eligibility standards; adding services; eliminating free choice of vendor; authorizing counties to contract for services on a pre-paid basis; eliminating the power of the commissioner of public welfare to rateably reduce payments to providers; prohibiting recipient copayments; authorizing promulgation of rules; setting standards for payments to counties for hospitalization of certain persons; amending Minnesota Statutes 1982, sections 256.966, subdivision 1; 256.967; 256D.03, subdivisions 3, 4, and by adding subdivisions; and 261.23.

Reported the same back with the following amendments:

Page 2, line 33, delete "*personal*"

Page 4, line 17, after "*drugs*" insert "*or any over-the-counter drug identified by the commissioner, in consultation with the appropriate professional consultants under contract with or employed by the state agency, as necessary, appropriate, and cost effective*"

Page 4, line 18, strike "*physician's*" and insert "*physician, chiropractic, and podiatry*"

Page 4, line 18, after "*transportation,*" insert "*laboratory services,*"

Page 4, line 19, after the period insert "*Determinations with respect to payment for over-the-counter drugs shall not be subject to the requirements of the Administrative Procedure Act.*"

Page 5, line 30, after the period insert "*Local agencies shall be required to contract with the commissioner of public welfare for centralized disbursement of general assistance medical care payments.*"

Page 6, line 25, delete "*may*" and insert "*shall*"

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. 973, A bill for an act relating to commerce; securities and real estate; modifying the definitions of "investment adviser" and "franchise"; clarifying the definition of "trust account"; defining and regulating investment adviser representatives; expanding the regulation of investment advisers; exempting certain persons from the definition of real estate broker; modifying real estate education requirements; providing for the suspension of a broker's or salesperson's license pending a hearing; continuing the existence of the real estate advisory council; clarifying the intent of certain language relating to the real estate education, research, and recovery fund; modifying an exemption from the registration and annual report requirements for social and charitable organizations; repealing the corporate take-over act; amending Minnesota Statutes 1982, sections 80A.02; 80A.04, subdivisions 2 and 3; 80A.07, subdivisions 1 and 3, and by adding a subdivision; 80A.09, subdivision 1; 80A.14, subdivisions 8, 9, and by adding a subdivision; 80C.01, subdivision 4; 82.17, subdivisions 4 and 6; 82.18; 82.22, subdivisions 6, 8, and 10; 82.27, subdivision 3; 82.30; 82.34, subdivision 7; 309.515, subdivision 1; repealing Minnesota Statutes 1982, sections 80B.01 to 80B.13; and 82.22, subdivisions 7 and 9.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 80A.02, is amended to read:

80A.02 [(ADVISORY) PROHIBITED ACTIVITIES.]

Subdivision 1. [ADVISORY ACTIVITIES.] It is unlawful for any person who receives, *directly or indirectly*, any consideration from another person primarily for advising the other person as to the value of securities or their purchase or sale (, WHETHER THROUGH THE ISSUANCE OF ANALYSES OR REPORTS OR OTHERWISE):

(a) to employ any device, scheme, or artifice to defraud the other person; (OR)

(b) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon the other person; or

(c) *to knowingly sell any security to or purchase any security from a client while acting as principal for his or her own account or knowingly effect any sale or purchase of any security for the account of a client while acting as broker for a person other than the client, unless that person discloses to the client in writing before the execution of the transaction the capacity in which he or she is acting and obtains the consent of the client to the transaction.*

Subd. 1a. [SOLICITATION ACTIVITIES.] *In the solicitation of advisory clients, it is unlawful for any person to make any untrue statements of material facts, or, in light of the circumstances under which they are made, to omit to state material facts necessary in order to make the statements made not misleading.*

Subd. 2. [CONTRACT ACTIVITIES.] It is unlawful for any investment adviser to enter into, extend, or renew any investment advisory contract the terms of which are in contravention of (SUCH) rules (AND REGULATIONS AS) the commissioner (MAY PRESCRIBE) *prescribes* as necessary or appropriate in the public interest or for the protection of investors.

Subd. 3. [ACTIVITIES AS CUSTODIAN OF CERTAIN FUNDS.] It is unlawful for any investment adviser to take or have custody of any securities or funds of any client in contravention of (SUCH) rules (AND REGULATIONS AS) the commissioner (MAY PRESCRIBE) *prescribes* as necessary or appropriate in the public interest or for the protection of investors.

Sec. 2. Minnesota Statutes 1982, section 80A.04, subdivision 2, is amended to read:

Subd. 2. It is unlawful for any broker-dealer or issuer to employ an agent to represent him or her in this state unless the agent is licensed. The licensing of an agent is not effective during any period when he or she is not associated with a specified broker-dealer licensed under this chapter or a specified issuer.

No agent shall at any time represent more than one broker-dealer or issuer, except that where broker-dealers affiliated by direct common control are licensed under this chapter, an agent may represent (ANY SUCH) *the* broker-dealer. When an agent begins or terminates his or her employment with a broker-dealer or issuer, or begins or terminates those activities which make (HIM) *that person* an agent, the agent as well as the broker-dealer or issuer shall promptly notify the commissioner or *his or her designated representative*.

Sec. 3. Minnesota Statutes 1982, section 80A.04, subdivision 3, is amended to read:

Subd. 3. It is unlawful for any person to transact business in this state as an investment adviser unless (HE) *that person* is so licensed or licensed as a broker-dealer under this chapter or unless his or her only clients in this state are (PERSONS TO WHOM SALES ARE EXEMPTED UNDER SECTION 80A.15, SUBDIVISION 2, CLAUSE (G)) *investment companies as defined in the Investment Company Act of 1940, other investment advisers, broker-dealers, banks, trust companies, savings and loan associations, insurance companies, employee benefit plans, corporations with a class of equity securities registered under section 12(g) of the Securities Exchange Act of 1934, small business investment companies, and government agencies or instrumentalities, whether acting for themselves or as trustees with investment control, or other institutional investors as are designated by rule or order of the commissioner.*

Sec. 4. Minnesota Statutes 1982, section 80A.07, subdivision 1, is amended to read:

Subdivision 1. The commissioner may by order deny, suspend, or revoke any license or may censure the licensee, if he or she finds (a) that the order is in the public interest and (b) that the applicant or licensee or, in the case of a broker-dealer or investment adviser, any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer or investment adviser:

(1) has filed an application for license which as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;

(2) has willfully violated or failed to comply with any provision of this chapter or a predecessor law or *any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act, or any rule under any*

of these statutes, or any order thereunder of which he *or she* has notice and to which he *or she* is subject;

(3) has been convicted, within the past ten years, of any misdemeanor involving a security or any aspect of the securities business, or any felony;

(4) is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities business;

(5) is the subject of an order of the commissioner denying, suspending, or revoking a license as a broker-dealer, agent or investment adviser;

(6) is the subject of an order entered within the past five years by the securities administrator of any other state or by the securities and exchange commission denying or revoking registration or license as a broker-dealer, agent, or investment adviser, or is the subject of an order of the securities and exchange commission suspending or expelling (HIM) *that person* from a national securities exchange or association registered under the Securities Exchange Act of 1934, or is the subject of a United States post office fraud order (; BUT). The commissioner may not institute a revocation or suspension proceeding under this clause more than one year from the date of the order relied on, and may not enter an order under this clause on the basis of an order under another state law unless the order was based on facts which would currently constitute a ground for an order under this section;

(7) has engaged in dishonest or fraudulent practices in the securities business;

(8) has failed to maintain the minimum net capital or to comply with the limitation on aggregate indebtedness which the commissioner by rule prescribes;

(9) is not qualified on the basis of such factors as training, experience, and knowledge of the securities business;

(10) has failed reasonably to supervise (HIS) agents (IF HE IS A BROKER-DEALER), *investment adviser representatives*, or (HIS) employees (IF HE IS AN INVESTMENT ADVISER) *to assure their compliance with this chapter*;

(11) has failed to pay the proper filing fee, but the commissioner shall vacate the order when the deficiency has been corrected;

(12) has offered or sold securities in this state through any unlicensed agent;

(13) has made any material misrepresentation to the commissioner, or upon request reasonably made by the commissioner, has withheld or concealed information from, or refused to furnish information to, the commissioner; or

(14) has failed to reasonably supervise (THE) agents (OF A BROKER-DEALER), *investment adviser representatives*, or (THE) employees (OF AN INVESTMENT ADVISER) if he or she has assumed or has been designated to carry out the supervisory procedures of the broker-dealer or investment adviser.

Sec. 5. Minnesota Statutes 1982, section 80A.07, is amended by adding a subdivision to read:

*Subd. 1a. [INVESTMENT ADVISER REPRESENTATIVES.] The commissioner, by order, shall censure or place limitations on the activities of any investment adviser representative or person seeking to become an investment adviser representative, or suspend or bar any person from being an investment adviser representative, if the commissioner finds, after notice and opportunity for hearing, that the censure, placing of limitations, suspension, or bar is in the public interest and that the person has committed or omitted any act or omission enumerated in subdivision 1. It shall be unlawful for any person as to whom an order suspending or barring him from being an investment adviser representative is in effect willfully to become, or to be, associated with an investment adviser without the consent of the commissioner, and it shall be unlawful for any investment adviser to permit this person to become, or remain, an investment adviser representative without the consent of the commissioner, if the investment adviser knew, or in the exercise of reasonable care, should have known of the order.*

Sec. 6. Minnesota Statutes 1982, section 80A.07, subdivision 3, is amended to read:

*Subd. 3. The commissioner may issue an order requiring a licensee or an applicant for a license to show cause why the license should not be revoked or the application denied. The order shall be calculated to give reasonable notice of the time and place for hearing thereon, and shall state the reasons for the entry of the order. The commissioner may by order summarily suspend a license, or in the case of an investment adviser representative or person seeking to become an investment adviser representative, summarily suspend or bar that person from acting in that capacity, pending final determination of any order to show cause. If a license is suspended pending final determination of an order to show cause, a hearing on the merits shall be held within 30 days of the issuance of the order of suspension. All hearings shall be conducted in accordance with the provisions of chapter 14. After the hearing, the commissioner shall enter an order making (SUCH) a disposition of the matter as the facts require. If the*

licensee or applicant fails to appear at a hearing of which he or she has been duly notified, (SUCH) *the* person shall be deemed in default and the proceeding may be determined against him upon consideration of the order to show cause, the allegations of which may be deemed to be true. The commissioner may adopt rules of procedure concerning all proceedings conducted pursuant to this subdivision.

Sec. 7. Minnesota Statutes 1982, section 80A.09, subdivision 1, is amended to read:

Subdivision 1. The following securities may be registered by notification:

(a) any industrial revenue bond, the interest on which is exempt from tax under (SECTION 290.08, SUBDIVISION 7) *chapter 290*; and

(b) any securities issued by a person organized exclusively for social, religious, educational, benevolent, fraternal, charitable, reformatory, athletic, chamber of commerce, trade, industrial development, or professional association purposes and not for pecuniary gain, and no part of the net earnings of which inures to the benefit of any private stockholder or individual; provided that no securities issued by any person offering and furnishing a burial service or funeral benefit, directly or indirectly for financial consideration, may be registered under this section.

Sec. 8. Minnesota Statutes 1982, section 80A.14, subdivision 8, is amended to read:

Subd. 8. [INDUSTRIAL REVENUE BOND.] "Industrial revenue bond" means any obligation issued by a governmental unit (including the United States, any state, any political subdivision of a state, or any agency or corporate or other instrumentality of one or more of the foregoing), other than a general obligation of a governmental unit having power to tax property or of an agency of the state of Minnesota, (1) which is issued as part of an issue, all or a major portion of the proceeds of which are to be used directly or indirectly in any trade or business carried on by any person who is not an exempt person, and (2) the payment of the principal or interest on which (under the terms of (SUCH) *the* obligation or any underlying arrangement) is, in whole or in major part, (i) secured by any interest in property used or to be used in a trade or business or in payment in respect of (SUCH) *this* property, or (ii) to be derived from payments in respect of property or borrowed money, used or to be used in a trade or business. For purposes of the preceding sentence, an exempt person is (A) *one of the following* governmental (UNIT) *units* or (AN ORGANIZATION DESCRIBED IN MINNESOTA STATUTES 1971, SECTION

290.05, SUBDIVISION 1, CLAUSES (H) AND (I)) *organizations or any other governmental unit or organization which the commissioner may by rule or order designate:*

(1) *corporations operating or conducting public burying grounds, public schoolhouses, public hospitals, academies, colleges, universities, seminaries of learning, churches, houses of worship, and institutions of purely public charity, no part of the net income of which inures to the benefit of any private member, stockholder, or individual; or*

(2) *any corporation, fund, foundation, trust, or association organized for exclusively scientific, literary, religious, charitable, educational, or artistic purposes, or for the purpose of making contributions to or for the use of the United States of America, the state of Minnesota, or any of its political subdivisions for exclusively public purposes, or for any combination of the above enumerated purposes, if no part of the net income of the corporation, fund, foundation, trust, or association inures to the benefit of any private member, stockholder, or individual.*

Sec. 9. Minnesota Statutes 1982, section 80A.14, subdivision 9, is amended to read:

Subd. 9. [INVESTMENT ADVISER.] "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications (OR), writings or *electronic means*, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. "Investment adviser" does not include:

- (1) a bank, savings institution, or trust company;
- (2) a lawyer, accountant, engineer, or teacher whose performance of these services is solely incidental to the practice of his profession;
- (3) a broker-dealer whose performance of these services is solely incidental to the conduct of his or her business as a broker-dealer and who receives no special compensation for them;
- (4) a publisher of any (BONA FIDE) newspaper, *news column, newsletter, news magazine, or business or financial publication (OF GENERAL, REGULAR AND PAID CIRCULATION); or service, whether communicated in hard copy form, or by electronic means, or otherwise, that does not consist of the rendering of advice on the basis of the specific investment situation of each client; or*



(5) (A PERSON WHOSE ADVICE, ANALYSES OR REPORTS RELATE ONLY TO SECURITIES EXEMPTED BY SECTION 80A.15, SUBDIVISION 1, CLAUSE (A);)

((6) A PERSON WHOSE ONLY CLIENTS IN THIS STATE ARE OTHER INVESTMENT ADVISERS OR PERSONS TO WHOM SALES ARE EXEMPTED UNDER SECTION 80A.15, SUBDIVISION 2, CLAUSE (G); OR)

((7) SUCH) other persons not within the intent of this subdivision as the commissioner may by rule or order designate.

Sec. 10. Minnesota Statutes 1982, section 80A.14, is amended by adding a subdivision to read:

*Subd. 9a. [INVESTMENT ADVISER REPRESENTATIVE.] "Investment adviser representative" means any partner, officer, or director of an investment adviser, or any person performing similar functions, or any person, directly or indirectly, controlling or controlled by an investment adviser, including any employee of an investment adviser who provides investment advice to clients.*

Sec. 11. Minnesota Statutes 1982, section 80A.14, subdivision 12, is amended to read:

**Subd. 12. [INVESTMENT METAL CONTRACT.]** "Investment metal contract" or "investment gem contract" means:

(i) a sale of an investment metal or investment gem in which the seller or an affiliate of the seller retains possession of the investment metal or investment gem; or

(ii) a contract of purchase or sale which provides for the future delivery of an investment metal or investment gem, or any option to purchase or option to sell such a contract; or

(iii) a sale of an investment metal or investment gem pursuant to a contract known to the trade as a margin account, margin contract, leverage account, or leverage contract.

"Investment metal contract" or "investment gem contract" shall not include:

(i) the sale of an investment metal or investment gem where the seller has reasonable grounds to believe that the investment metal or investment gem is being acquired for manufacturing, commercial or industrial purposes; or

(ii) the sale, or contract for the future purchase or sale, of jewelry, art objects or other manufactured or crafted goods other than bullion or bulk sales of coins; or

(iii) the sale of an investment metal or investment gem where full payment is made to the seller, and delivery of the investment metal or investment gem is made to the purchaser, or to a bank, savings institution, trust company, broker-dealer, or safe deposit company designated by the purchaser, within 20 days of the date of purchase, if the bank, savings institution, trust company, broker-dealer, or safe deposit company is located within this state, and is, where required, licensed under the laws of this state, provided that (A PURCHASER MAY DESIGNATE A BANK, SAVINGS INSTITUTION, TRUST COMPANY, OR LICENSED BROKER-DEALER, WITHIN THIS STATE, TO ACCEPT DELIVERY ON HIS BEHALF IF THE BANK, SAVINGS INSTITUTION, TRUST COMPANY OR LICENSED BROKER-DEALER MAINTAINS THE INVESTMENT METAL OR INVESTMENT GEM IN SAFE-KEEPING AND AS THE SPECIFICALLY IDENTIFIABLE PROPERTY OF THE PURCHASER) a safe deposit company accepting such delivery may not be an affiliate of the seller; or

(iv) any futures contracts traded on a commodities exchange registered under the Federal Commodity Futures Trading Commission Act of 1974.

Sec. 12. Minnesota Statutes 1982, section 82.17, subdivision 4, is amended to read:

Subd. 4. "Real estate broker" or "broker" means any person who:

(a) for another and for commission, fee or other valuable consideration or with the intention or expectation of receiving the same directly or indirectly lists, sells, exchanges, buys or rents, manages, or offers or attempts to negotiate a sale, option, exchange, purchase or rental of an interest or estate in real estate, or advertises or holds himself, herself, or itself out as engaged in (SUCH) these activities;

(b) for another and for commission, fee or other valuable consideration or with the intention or expectation of receiving the same directly or indirectly negotiates or offers or attempts to negotiate a loan, secured or to be secured by a mortgage or other encumbrance on real estate;

(c) for another and for commission, fee or other valuable consideration or with the intention or expectation of receiving the same directly or indirectly lists, sells, exchanges, buys, rents, manages, offers or attempts to negotiate a sale, option, exchange, purchase or rental of any business opportunity or business, or its goodwill, inventory, or fixtures, or any interest therein;

(d) for another and for commission, fee or other valuable consideration or with the intention or expectation of receiving

the same directly or indirectly offers, sells or attempts to negotiate the sale of property that is subject to the registration requirements of chapter 83, concerning subdivided land;

(e) engages in the business of charging an advance fee or contracting for collection of a fee in connection with any contract whereby he or she undertakes to promote the sale of real estate through its listing in a publication issued primarily for (SUCH) *this* purpose;

(f) engages wholly or in part in the business of selling real estate to the extent that a pattern of real estate sales is established, whether or not (SUCH) *the* real estate is owned by (SUCH) *the* person. A person shall be presumed to be engaged in the business of selling real estate if (SUCH) *the* person engages as principal in five or more transactions during any 12-month period, *unless the person is represented by a licensed real estate broker or salesperson.*

Sec. 13. Minnesota Statutes 1982, section 82.17, subdivision 6, is amended to read:

Subd. 6. "Trust account" means, *for purposes of this chapter*, a demand deposit or checking account maintained for the purpose of segregating trust funds from other funds. A trust account shall not be an interest bearing account except by agreement of the parties and subject to (REGULATIONS) *rules* of the commissioner, *and shall not allow the financial institution a right of set off against moneys owed it by the licensee.*

Sec. 14. Minnesota Statutes 1982, 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) *the* 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) *that person* is engaged in the specific performance of his *or her* 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) *if* 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) *these* 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, pursuant to the continuing care facility disclosure and rehabilitation act (chapter 80D), when acting solely as incident to the contract (.);

(m) *any broker-dealer or agent of a broker-dealer when participating in a transaction in which all or part of a business opportunity or business, including any interest therein, is conveyed or acquired pursuant to an asset purchase, merger, exchange of securities or other business combination, if the agent or broker-dealer is licensed pursuant to chapter 80A.*

Sec. 15. Minnesota Statutes 1982, section 82.22, subdivision 6, is amended to read:

Subd. 6. [INSTRUCTION; NEW LICENSES.] (a) Every salesperson, licensed after July 1, 1973 and before July 1, 1976 shall, within two years of the date his license was first granted be required to successfully complete a course of study in the real estate field consisting of not less than 60 hours of instruction, approved by the commissioner. Upon appropriate showing of hardship by the licensee, or for persons licensed pursuant to section 82.20, subdivision 1, clause (b), the commissioner may waive or modify the requirements of this subdivision. Every salesperson licensed after July 1, 1976 and before July 1, 1978 shall, within three years of the date his license was first issued, be required to successfully complete a course of study in the real estate field consisting of not less than 90 hours of instruction, approved by the commissioner;

(b) After July 1, 1978, and before January 1, 1984, every applicant for a salesperson's license shall be required to successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner before taking the examination specified in subdivision 1. Every salesperson licensed after July 1, 1978, and before January 1, 1984, shall, within one year of the date his license was first issued, be required to successfully complete a course of study in the real estate field consisting of 60 hours of instruction approved by the commissioner.

(c) After December 31, 1983, every applicant for a salesperson's license shall be required to successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner before taking the examination specified in subdivision 1. After December 31, 1983, every applicant for a salesperson's license shall be required to successfully complete an additional course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner before filing an application for the license. Every salesperson licensed after December 31, 1983, shall, within one year of the date his license was first issued, be required to successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner.

(d) The commissioner may approve courses of study in the real estate field offered in educational institutions of higher learning in this state or courses of study in the real estate field developed by and offered under the auspices of the national association of realtors, its affiliates, or private real estate schools licensed by the state department of education. The commissioner may by rule prescribe the curriculum and qualification of those employed as instructors.

Sec. 16. Minnesota Statutes 1982, section 82.27, subdivision 3, is amended to read:

Subd. 3. The commissioner shall issue an order requiring a licensee or applicant for a license to show cause why the license should not be revoked or suspended, or the licensee censured, or the application denied. The order shall be calculated to give reasonable notice of the time and place for hearing thereon, and shall state the reasons for the entry of the order. *The commissioner may by order summarily suspend a license pending final determination of any order to show cause. If a license is suspended pending final determination of an order to show cause, a hearing on the merits shall be held within 30 days of the issuance of the order of suspension.* All hearings shall be conducted in accordance with the provisions of chapter 14. After the hearing, the commissioner shall enter an order making such disposition of the matter as the facts require. If the licensee or applicant fails to appear at a hearing of which he has been duly notified, such person shall be deemed in default, and the proceeding may be determined against him upon consideration of the order to show cause, the allegations of which may be deemed to be true.

Sec. 17. Minnesota Statutes 1982, 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 327.55, subdivision 1a, 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) *the* transaction, but excluding *any attorney's fees*, interest on the loss and on any judgment obtained as a result of (SUCH) *the* 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 limitations set forth in subdivisions 12 and 14, regardless of the number of persons aggrieved or parcels of real estate involved in (SUCH) *the* 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. *For the purpose of this section "aggrieved person" shall not include a real estate licensee who is seeking to recover a commission.*

Sec. 18. Minnesota Statutes 1982, section 309.515, subdivision 1, is amended to read:

Subdivision 1. Subject to the provisions of subdivisions 2 and 3, sections 309.52 and 309.53 shall not apply to any of the following:

(a) Charitable organizations:

(1) which did not receive total contributions in excess of \$10,000 from the public within or without this state during the accounting year last ended, and

(2) which do not plan to receive total contributions in excess of such amount from the public within or without this state during any accounting year, and

(3) whose functions and activities, including fund raising, are performed wholly by persons who are unpaid for their services, and

(4) none of whose assets or income inure to the benefit of or are paid to any officer.

For purposes of this chapter, a charitable organization shall be deemed to receive in addition to (SUCH) contributions (AS ARE) solicited from the public by it, (SUCH) *the* contributions (AS ARE) solicited from the public by any other person and transferred to it. Any organization constituted for a charitable purpose receiving an allocation from a community chest, united fund or similar organization shall be deemed to have solicited that allocation from the public.

(b) A religious society or organization (WHICH RECEIVED MORE THAN HALF OF THE CONTRIBUTIONS IT RECEIVED IN THE ACCOUNTING YEAR LAST ENDED (1) FROM PERSONS WHO ARE MEMBERS OF THE ORGANIZATION; OR (2) FROM A PARENT ORGANIZATION OR AFFILIATED ORGANIZATION; OR (3) FROM A COMBINATION OF THE SOURCES LISTED IN CLAUSES (1) AND (2). A RELIGIOUS SOCIETY OR ORGANIZATION WHICH SOLICITS FROM ITS RELIGIOUS AFFILIATES WHO ARE QUALIFIED UNDER THIS SUBDIVISION AND WHO ARE REPRESENTED IN A BODY OR CONVENTION IS EXEMPT FROM THE REQUIREMENTS OF SECTIONS 309.52 AND 309.53. THE TERM "MEMBER" SHALL NOT INCLUDE THOSE PERSONS WHO ARE GRANTED A MEMBERSHIP UPON MAKING A CONTRIBUTION AS A RESULT OF A SOLICITATION).

(c) Any educational institution which is under the general supervision of the state board of education, the state university board, the state board for community colleges, or the university of Minnesota or any educational institution which is accredited by the university of Minnesota or the North Central association

of colleges and secondary schools, or by any other national or regional accrediting association.

(d) A fraternal, patriotic, social, educational, alumni, professional, trade or learned society which limits solicitation of contributions to persons who have a right to vote as a member. The term "member" shall not include those persons who are granted a membership upon making a contribution as the result of a solicitation.

(e) A charitable organization soliciting contributions for any person specified by name at the time of the solicitation if all of the contributions received are transferred to the person named with no restrictions on his expenditure of it and with no deductions whatsoever.

(f) A private foundation, as defined in section 509(a) of the Internal Revenue Code of 1954, which did not solicit contributions from more than 100 persons during the accounting year last ended."

Delete the title and insert:

"A bill for an act relating to commerce; securities and real estate; modifying the definition of "investment advisor"; clarifying the definitions of "trust account" and investment metal contract; defining and regulating investment adviser representatives; expanding the regulation of investment advisers; exempting certain persons from the definition of real estate broker; modifying real estate education requirements; providing for the suspension of a broker's or salesperson's license pending a hearing; clarifying the intent of certain language relating to the real estate education, research, and recovery fund; modifying an exemption from the registration and annual report requirements for social and charitable organizations; amending Minnesota Statutes 1982, sections 80A.02; 80A.04, subdivisions 2 and 3; 80A.07, subdivisions 1 and 3, and by adding a subdivision; 80A.09, subdivision 1; 80A.14, subdivisions 8, 9, 12, and by adding a subdivision; 82.17, subdivisions 4 and 6; 82.18; 82.22, subdivision 6; 82.27, subdivision 3; 82.34, subdivision 7; 309.515, subdivision 1."

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. 976, A bill for an act relating to state government; providing for a permanent job sharing program; amending



Minnesota Statutes 1982, sections 43A.42; 43A.43, subdivision 2; amending Laws 1981, chapter 210, section 55, as amended.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 43A.41, subdivision 4, is amended to read:

Subd. 4. [SHARED POSITION.] "Shared position" means a position which has been converted from a full-time position into part-time positions (OF EQUIVALENT CLASS) *which are in the same classification series and bargaining unit or plan for purposes of sections 43A.40 to 43A.46.*

Sec. 2. Minnesota Statutes 1982, section 43A.41, subdivision 5, is amended to read:

Subd. 5. [PROGRAM.] "Program" means the Minnesota (DEMONSTRATION) job sharing program.

Sec. 3. Minnesota Statutes 1982, section 43A.42, is amended to read:

#### 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.) 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. 4. Minnesota Statutes 1982, section 43A.43, subdivision 2, is amended to read:

Subd. 2. [DUTIES AND POWERS.] The (COORDINATOR) *commissioner* 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)) (b) 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)) (c) Assist the affected agencies (AND THE COMMISSIONER) in recruitment, selection and hiring for the affected positions;

((E)) (d) 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 43A.40 to 43A.46; and

((F)) (e) Monitor the positions selected pursuant to section 43A.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. 5. Minnesota Statutes 1982, section 43A.44, subdivision 1, is amended to read:

Subdivision 1. [SALARIES; CLASS.] A position selected by the (COORDINATOR) *commissioner* pursuant to section

43A.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.)

Sec. 6. Minnesota Statutes 1982, section 43A.44, subdivision 2, is amended to read:

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 state patrol retirement fund, whichever is appropriate, except that, notwithstanding any provision of section 352.01, subdivisions 11 and 16; 352B.01, subdivision 3; 354.05, subdivisions 13 and 25; or 354.091, employees shall have allowable service for 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.

(b) Vacation and sick leave (ACCRUAL AT THE RATE OF THE APPROPRIATE SHARED TIME PERCENT OF THE ENTITLEMENT OF COMPARABLE FULL TIME EMPLOYEES) *accruals shall be prorated in accordance with the pertinent collective bargaining agreement or plan covering the position;*

(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) *prorated holiday provisions of the applicable collective bargaining agreement or plan covering the position;*

(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. 7. Minnesota Statutes 1982, section 43A.45, is amended to read:

#### 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 43A.40 to 43A.46.

Sec. 8. Laws 1981, chapter 210, section 55, as amended by Laws 1982, chapter 560, section 61, is amended to read:

## Sec. 55. [REPEALER.]

Minnesota Statutes 1980, chapter 43, is repealed. (SECTIONS 40 TO 46 ARE REPEALED EFFECTIVE DECEMBER 31, 1983.)

## Sec. 9. [REPEALER.]

*Minnesota Statutes 1982, sections 43A.41, subdivision 3; and 43A.43, subdivision 1, are repealed.*

Delete the title and insert:

"A bill for an act relating to state government; providing for a permanent job sharing program; amending Minnesota Statutes 1982, sections 43A.41, subdivisions 4 and 5; 43A.42; 43A.43, subdivision 2; 43A.44, subdivisions 1 and 2; 43A.45; amending Laws 1981, chapter 210, section 55, as amended; repealing Minnesota Statutes 1982, sections 43A.41, subdivision 3; and 43A.43, subdivision 1."

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. 1025, A bill for an act relating to economic development; establishing the Minnesota motion picture and television board; proposing new law coded as Minnesota Statutes, chapter 116K.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

## "Section 1. [FINDINGS.]

*The legislature finds that the motion picture and television industry is beneficial to the economy of the state of Minnesota. To further develop this industry, the state should financially support the Minnesota motion picture and television board.*

## Sec. 2. [APPROPRIATION.]

*The sum of \$300,000 is appropriated from the general fund to the commissioner of the department of energy, planning and development for a grant to the Minnesota motion picture and television board, a nonprofit corporation, for the purpose of developing the motion picture and television industry. Of the*

*appropriation, \$150,000 is available for the fiscal year ending June 30, 1984, and \$150,000 is available for the fiscal year ending June 30, 1985."*

Amend the title, as follows:

Page 1, line 2, delete "establishing the"

Page 1, delete lines 3 to 5 and insert "appropriating money."

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. 1027, A bill for an act relating to insurance; automobile; authorizing the commissioner to adopt rules on nonrenewals of policies; amending Minnesota Statutes 1982, section 65B.17.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 60C.09, subdivision 1, is amended to read:

Subdivision 1. [DEFINITION.] A covered claim is any unpaid claim, including one for unearned premium, which:

(a) Arises out of and is within the coverage of an insurance policy issued by a member insurer if the insurer becomes an insolvent insurer after April 30, 1979;

(b) Arises out of a class of business which is not excepted from the scope of Laws 1971, Chapter 145 by section 60C.02; and

(c) Is made by:

(i) A policyholder, or an insured beneficiary under a policy, who, at the time of the insured event, was a resident of this state; or

(ii) A person designated in the policy as having an insurable interest in or related to property situated in this state at the time of the insured event; or

(iii) An obligee or creditor under any surety bond, who, at the time of default by the principal debtor or obligor, was a resident of this state; or

(iv) A third party claimant under a liability policy or surety bond, if: (a) the insured or the third party claimant was a resident of this state at the time of the insured event; (b) the claim is for bodily or personal injuries suffered in this state by a person who when he suffered the injuries was a resident of this state; or (c) the claim is for damages to real property situated in this state at the time of damage; or

(v) A direct or indirect assignee of a person who except for the assignment might have claimed under (i), (ii) or (iii).

*A covered claim also includes any unpaid claim which arises or exists within 30 days after the time of entry of an order of liquidation with a finding of insolvency by a court of competent jurisdiction unless prior thereto the insured replaces the policy or causes its cancellation or the policy expires on its expiration date.*

Sec. 2. Minnesota Statutes 1982, section 65B.17, is amended to read:

65B.17 [RENEWAL; NOTICE NOT TO RENEW.]

*Subdivision 1. [GENERAL REGULATIONS.] No insurer shall fail to renew an automobile insurance policy unless it shall mail or deliver to the named insured, at the address shown in the policy, at least 60 days advance notice of its intention not to renew. (SAID) The notice (SHALL) must contain the specific underwriting or other reason or reasons for (SUCH) the nonrenewal. When the failure to renew is based upon a termination of the agency contract, the notice (SHALL) must so state. This section (SHALL) does not apply:*

(a) If the insurer has manifested its willingness to renew; or

(b) In case of nonpayment of the renewal premium;

Provided that, notwithstanding the failure of an insurer to comply with this section, the policy (SHALL TERMINATE) *terminates* on the effective date of any other automobile insurance policy procured by the insured, with respect to any automobile designated in both policies. Renewal of a policy (SHALL) *does not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of (SUCH) the renewal. No insurer shall fail to renew an automobile policy solely because of the age of the insured. No insurer shall refuse to renew an automobile insurance policy for*

reasons which are arbitrary or capricious. *No insurer shall refuse to renew an automobile insurance policy in violation of rules adopted pursuant to subdivision 2.* An insurer may refuse to renew an automobile insurance policy in case of nonpayment of dues to an association or organization, other than an insurance association or organization, where payment of dues is a prerequisite to obtaining or continuing such insurance; provided, however, that this provision for nonrenewal for failure to pay dues shall not be applicable to persons who are retired at age 62 years of age or older or who are disabled, according to social security standards.

No insurer shall take any action in regard to an automobile insurance policy on the statements or charges of any person made to the insurer concerning alleged unsafe driving habits of an insured unless the insurer shall concurrently disclose to the insured the name and address of the person from which the insurer received the information.

*Subd. 2. [RULEMAKING.] The commissioner may adopt rules pursuant to chapter 14, including temporary rules, to specify the grounds for nonrenewal of an automobile policy. The rules must limit the basis for nonrenewal to the following factors:*

- (a) the reasons stated for cancellation in section 65B.15;*
- (b) payments made for collision, bodily injury liability, or property damage liability coverage;*
- (c) moving violations of a driver; and*
- (d) other factors deemed reasonable by the commissioner.*

*The rules must specify the manner in which these factors will be considered and may reflect the severity or reoccurrence of any moving violation, the amount of any payment made, and the number of vehicles insured.*

*Subd. 3. [ADMINISTRATIVE PENALTY.] The rules adopted under this section may provide for imposition of a monetary penalty not greater than \$500 per occurrence upon insurers who are found to be in violation of any rule provision.*

Sec. 3. Minnesota Statutes 1982, section 65B.48, subdivision 3, is amended to read:

Subd. 3. Self-insurance, subject to approval of the commissioner, is effected by filing with the commissioner in satisfactory form:



(1) a continuing undertaking by the owner or other appropriate person to pay tort liabilities or basic economic loss benefits, or both, and to perform all other obligations imposed by sections 65B.41 to 65B.71;

(2) evidence that appropriate provision exists for prompt administration of all claims, benefits, and obligations provided by sections 65B.41 to 65B.71; (AND)

(3) evidence that reliable financial arrangements, deposits, or commitments exist providing assurance, substantially equivalent to that afforded by a policy of insurance complying with sections 65B.41 to 65B.71, for payment of tort liabilities, basic economic loss benefits, and all other obligations imposed by sections 65B.41 to 65B.71 (.); and

(4) a nonrefundable application fee of \$500.

Sec. 4. Minnesota Statutes 1982, section 65B.48, is amended by adding a subdivision to read:

*Subd. 3a. To carry out the purposes of subdivision 3, the commissioner may adopt rules pursuant to chapter 14, including temporary rules. These rules may:*

(a) *establish reporting requirements;*

(b) *establish standards or guidelines to assure the adequacy of the financing and administration of self-insurance plans;*

(c) *establish bonding requirements or other provisions assuring the financial integrity of entities that self-insure; and*

(d) *establish other reasonable requirements to further the purposes of this section.*

Sec. 5. [EFFECTIVE DATE.]

*Sections 1 to 4 are effective the date after final enactment."*

Amend the title as follows:

Page 1, delete lines 2 to 5 and insert "relating to insurance; covered claims under the insurance guaranty act; rulemaking power of commissioner on nonrenewal of auto insurance and self-insurance; application fee for self-insurers; amending Minnesota Statutes 1982, sections 60C.09, subdivision 1; 65B.17; and 65B.48, subdivision 3, and by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1032, A bill for an act relating to local improvements; permitting counties to assess for highway improvements within cities; amending Minnesota Statutes 1982, section 429.011, subdivision 2a.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [WASHINGTON COUNTY; HIGHWAY IMPROVEMENTS WITHIN CITIES.]

*Pursuant to Minnesota Statutes, chapter 429, Washington county may undertake works of construction, reconstruction, or improvement of a county state-aid highway or county highway as defined in Minnesota Statutes, section 160.02, including curbs and gutters and storm sewers within the boundaries of a city, however organized, located in the county. The county may assess for the works in accordance with the provisions of Minnesota Statutes, section 429.061, within the boundaries of a city only with the prior approval of the governing body of the city.*

Sec. 2. [LOCAL APPROVAL.]

*This act is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the Washington county board.”*

Delete the title and insert:

“A bill for an act relating to Washington county; permitting the county to assess for highway improvements within cities.”

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. 1042, A bill for an act relating to public welfare; establishing a medical assistance prepayment demonstration project; appropriating money; 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. [256B.70] [PREPAYMENT DEMONSTRATION PROJECT.]

*Subdivision 1. [PURPOSE.] The commissioner of public welfare shall establish a medical assistance demonstration project to determine whether prepayment combined with stimulation of competitive market forces is an effective mechanism to ensure that all eligible individuals receive necessary health care in a coordinated fashion while containing costs. For the purposes*

of this project, waiver of certain statutory provisions is necessary in accordance with this section.

Subd. 2. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given.

(a) "Commissioner" means the commissioner of public welfare. For the remainder of this section, methods and policies for implementing the project will be proposed by the project advisory committees and approved by the commissioner.

(b) "Demonstration provider" means an individual, agency, organization, or group of the aforementioned entities that participates in the demonstration project according to criteria, standards, methods, and other requirements established for the project and approved by the commissioner.

(c) "Eligible individuals" means those persons eligible for medical assistance benefits as defined in section 256B.06.

(d) "Limitation of choice" means suspending freedom of choice while allowing eligible individuals to choose among the demonstration providers.

Subd. 3. [GEOGRAPHIC AREA.] The commissioner shall designate the geographic areas in which eligible individuals may be included in the demonstration project. The geographic areas shall include one urban, one suburban, and at least one rural county. In order to encourage the participation of long-term care providers, the project area may be expanded beyond the designated counties for eligible individuals over age 65.

Subd. 4. [LIMITATION OF CHOICE.] The commissioner shall develop criteria to determine when limitation of choice may be implemented in the experimental counties. The criteria shall ensure that all eligible individuals in the county have continuing access to the full range of medical assistance services as specified in subdivision 6. Before limitation of choice is implemented, eligible individuals shall be notified and after notification, shall be allowed to choose only among demonstration providers. After initially choosing a provider, the recipient is allowed to change that choice only at specified times as allowed by the commissioner.

Subd. 5. [PROSPECTIVE PER CAPITA.] The project shall establish the method and amount of payments for services. The commissioner shall annually contract with demonstration providers to provide services consistent with these established methods and amounts for payment. Notwithstanding section 62D.02, subdivision 1, payments for services rendered as part of the project may be made to providers that are not licensed

health maintenance organizations on a risk-based, prepaid capitation basis.

If allowed by the commissioner, a demonstration provider may contract with an insurer, health care provider, nonprofit health service plan corporation, or the commissioner, to provide insurance or similar protection against the cost of care provided by the demonstration provider or to provide coverage against the risks incurred by demonstration providers under this section. The recipients enrolled with a demonstration provider are a permissible group under group insurance laws and the Non-profit Health Service Plan Corporations Act. Under this type of contract, the insurer or corporation may make benefit payments to a demonstration provider for services rendered or to be rendered to a recipient. Any insurer or nonprofit health service plan corporation licensed to do business in this state is authorized to provide this insurance or similar protection.

Payments to providers participating in the project are exempt from the requirements of sections 256.966 and 256B.03, subdivision 2. The commissioner shall complete development of capitation rates for payments before delivery of services under this section is begun.

Subd. 6. [SERVICE DELIVERY.] Each demonstration provider shall be responsible for the health care coordination for eligible individuals. Demonstration providers:

(1) Shall authorize and arrange for the provision of all needed health services including but not limited to the full range of services listed in section 256B.02, subdivision 8, in order to ensure appropriate health care is delivered to enrollees.

(2) Shall accept the prospective, per capita payment from the commissioner in return for the provision of comprehensive and coordinated health care services for eligible individuals enrolled in the program.

(3) May contract with other health care and social service practitioners to provide services to enrollees.

(4) Shall institute recipient grievance procedures according to the method established by the project, utilizing applicable requirements of chapter 62D. Disputes not resolved through this process shall be appealable to the commissioner as provided in subdivision 11.

Subd. 7. [ENROLLEE BENEFITS.] All eligible individuals enrolled by demonstration providers shall receive all needed health care services as defined in subdivision 6.

All individuals shall have the right to appeal if necessary services are not being authorized as defined in subdivision 11.

*Subd. 8. [PREADMISSION SCREENING WAIVER.] Except as applicable to the project's operation, the provisions of section 256B.091 are waived for the purposes of this section for recipients enrolled with demonstration providers.*

*Subd. 9. [REPORTING.] Each demonstration provider shall submit information as required by the commissioner, including data required for assessing client satisfaction, quality of care, cost, and utilization of services for purposes of project evaluation. Required information shall be specified prior to the commissioner contracting with a demonstration provider.*

*Subd. 10. [INFORMATION.] Notwithstanding any law or rule to the contrary, the commissioner may allow disclosure of the recipient's identity solely for the purposes of (a) allowing demonstration providers to provide the information to the recipient regarding services, access to services, and other provider characteristics, and (b) facilitating monitoring of recipient satisfaction and quality of care. The commissioner shall develop and implement measures to protect recipients from invasions of privacy and from harassment.*

*Subd. 11. [APPEALS.] A recipient may appeal to the commissioner a demonstration provider's delay or refusal to provide services. The commissioner shall appoint a panel of health practitioners, including social service practitioners, as necessary to determine the necessity of services provided or refused to a recipient. The deliberations and decisions of the panel replace the administrative review process otherwise available under chapter 256B. The panel will follow the time requirements and other provisions of the Code of Federal Regulations, title 42, sections 431.200 to 431.246. The time requirements shall be expedited based on request by the individual who is appealing for emergency services. If a service is determined to be necessary and is included among the benefits for which a recipient is enrolled, the service must be provided by the demonstration provider as specified in subdivision 5.*

## **Sec. 2. [TEMPORARY RULES.]**

*The commissioner of public welfare shall adopt temporary rules which meet the requirements of sections 14.29 to 14.36. Notwithstanding the provisions of section 14.35, the temporary rules promulgated to implement sections 1 to 3 shall be effective for 360 days and may be continued in effect for an additional 720 days if the commissioner gives notice by publishing a notice in the state register and mailing notice to all persons registered with the commissioner to receive notice of rulemaking proceedings in connection with sections 1 to 3. The temporary rules shall not be effective beyond December 31, 1986, without meeting the requirements of sections 14.13 to 14.20.*

## **Sec. 3. [APPROPRIATION.]**

*There is appropriated from the general fund to the commissioner of public welfare the sum of \$ \_\_\_\_\_ for the purposes of sections 1 and 2. This appropriation is available for the biennium ending June 30, 1985.*

Sec. 4. [EFFECTIVE DATE.]

*Sections 1 to 3 are effective the day following final enactment. If the project implementation phase has not begun by June 30, 1985, sections 1 to 3 shall expire."*

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. 1057, A bill for an act relating to agriculture; making changes in the artificial dairy products act; amending Minnesota Statutes 1982, sections 32.53; 32.531; 32.5311; 32.532; 32.533; and proposing new law coded in Minnesota Statutes, chapter 32.

Reported the same back with the following amendments:

Page 3, line 3, after "*manufactured*" insert "*principally*"

Page 4, line 24, after "*name*" insert "*, but in no event smaller than one-quarter of an inch or 18 point type,*"

Page 4, line 30, delete "*a filled or*" and insert "*an*"

Page 4, line 32, delete "*printed*" and insert "*principal*"

Page 5, line 1, before the period insert "*or section 4*"

Page 5, lines 3 and 4, delete "*A food product made to resemble a*" and insert "*An artificial*"

Page 5, line 8, delete "*food*" and insert "*artificial dairy*"

Page 5, line 6, delete "*food*" and insert "*artificial dairy*"

Page 5, delete line 13 and insert "*provided on an artificial dairy product*"

Page 5, line 15, delete "*food*" and insert "*artificial dairy*"

Page 5, line 17, delete "*have*" and insert "*has*"

Page 5, after line 17, insert:

*"Subd. 3. [EXEMPTION.] This section does not apply to any package containing an individual serving of less than one-half ounce or one-half fluid ounce of an artificial dairy product for use in a restaurant, institution, or passenger carrier, and not otherwise packaged for sale at retail."*

Page 6, after line 12, insert:

"Sec. 7. [EFFECTIVE DATE.]

*Sections 1 to 6 are effective on January 1, 1984."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1062, A bill for an act relating to port authorities; providing for the term of service of certain members of port authorities; amending Minnesota Statutes 1982, section 458.10, subdivision 2.

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. 1067, A bill for an act relating to state government; authorizing the commissioner of the department of economic security to accept gifts; designating the commissioner as administrator of weatherization programs; providing for weatherization grants; regulating summer youth programs; amending Minnesota Statutes 1982, sections 268.011, subdivision 2; 268.34; and 268.37, subdivisions 2, 4, and 5; repealing Minnesota Statutes 1982, section 268.37, subdivision 3.

Reported the same back with the following amendments:

Page 3, after line 27, insert:

"Sec. 6. Minnesota Statutes 1982, section 268.52, subdivision 2, is amended to read:

Subd. 2. [ALLOCATION OF FUNDS.] Funds appropriated for *Minnesota economic opportunity grants and community service block grants* for the purpose of subdivision 1 shall be allocated annually to community action agencies under either clause (a) or (b), whichever is more advantageous to the agency, to Indian reservations under clause (c) and to the Minnesota migrant council under clause (d).

If the appropriation (IS INSUFFICIENT TO FULLY FUND EACH AGENCY,) for *Minnesota economic opportunity grants or community service block grants* is less than the previous fiscal year the insufficiency shall be prorated annually among the agencies.

(a) In proportion 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; or

(b) Determined as follows:

If the appropriation of funds for community action agencies shall be equal to or more than that available in *the previous fiscal (YEARS 1979 AND 1980) year*, there shall be in place a "hold-harmless" provision for the allocation of funds among community action agencies. For purposes of this section, "hold-harmless" for the *Minnesota Economic Opportunity Grant Program* is the amount of funding received by a community action agency under the Economic Opportunity Grant Program in the previous fiscal year (WHEN CALCULATING AN AGENCY'S ECONOMIC OPPORTUNITY GRANT). When calculating an agency's community services block grant, "hold-harmless" is the amount of funding received by a community action agency from the (LOCAL INITIATIVE OR) community services block grant *act basic allotment* in the previous fiscal year.

(c) Allocation of funds to Indian reservations is based on the poverty level population of the reservation.

(d) Allocation of funds to the Minnesota migrant council shall not exceed three percent of the total funds available. The state office of economic opportunity shall negotiate the percentage allocation annually based on the most recent low income population figures."

Page 3, delete lines 28 to 30

Amend the title as follows:

Page 1, line 7, after "programs;" insert "providing financial assistance allocations for community action agencies;"



Page 1, line 8, delete "and"

Page 1, line 9, after the semicolon insert "and 268.52, subdivision 2"

Page 1, line 9, delete "repealing Minnesota Statutes 1982, section 268.37, 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. 1070, A bill for an act relating to retirement; election of Minneapolis employees retirement fund; investment policies; expansion of disability benefits of employees; amending Minnesota Statutes 1982, sections 422A.05, subdivision 1, and by adding a subdivision; 422A.06, subdivision 7; 422A.101, subdivisions 1, 1a, and 2; 422A.18, subdivision 3; 422A.23, subdivision 2; and 422A.26; repealing Minnesota Statutes 1982, section 422A.05, subdivision 7.

Reported the same back with the following amendments:

Page 8, lines 22 to 24, reinstate the stricken language and before the reinstated period insert "*except for employees of the Minneapolis employees retirement fund*"

Page 8, line 26, delete "section" and insert "sections"

Page 8, line 26, delete "is" and insert "; and 422A.23, subdivision 3, are"

Page 8, line 29, delete "July 1, 1983" and insert "upon compliance with Minnesota Statutes, section 645.021"

Amend the title as follows:

Page 1, line 9, delete "section" and insert "sections"

Page 1, line 10, after "7" insert "; and 422A.23, 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.

Kostohryz from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 1079, A bill for an act relating to social and charitable organizations; including planning and developing costs as fundraising costs; amending Minnesota Statutes 1982, section 309.50, subdivision 12.

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. 1081, A resolution memorializing the President and Congress of the United States to provide service-connected disability compensation for former members of the military forces who were exposed in Vietnam to toxic herbicides, chemicals, medications, and other environmental hazards and conditions.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1086, A bill for an act relating to the city of Roseville; providing an exception from the Roseville police civil service system for the chief and deputy chief of police.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1088, A bill for an act relating to workers' compensation; creating a competitive state workers' compensation insurance fund; changing benefits; requiring notices of injury; providing for rules related to excessive health care services; providing for the release of medical data; providing for a panel to review clinical health care services provided to injured workers; regulating supplemental benefits; providing for benefit adjustments; providing for interest on delayed benefit pay-

ments; providing for a legislative commission to study various aspects of workers' compensation; defining terms; providing for continuance of certain insurance coverages; providing for deductible workers' compensation insurance policies; clarifying the responsibilities of governmental licensing and contracting agencies regarding workers' compensation insurance; amending Minnesota Statutes 1982, sections 62A.10, subdivision 1; 62C.14, by adding a subdivision; 62D.10, by adding a subdivision; 79.25, subdivision 1, and by adding a subdivision; 79.34, subdivision 2; 79.63, subdivisions 1, 2, and 4; 147.20; 176.011, subdivisions 3 and 9, and by adding a subdivision; 176.021, subdivisions 3 and 3a, and by adding a subdivision; 176.081, subdivisions 1, 2, 3, 4, and 6; 176.101, subdivisions 1, 2, and 3, and by adding subdivisions; 176.102, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, and by adding subdivisions; 176.105, by adding a subdivision; 176.111, subdivisions 1, 18, and 21, and by adding subdivisions; 176.121; 176.131, subdivisions 1, 1a, 8, and 10; 176.132, subdivisions 1 and 2; 176.133; 176.135, subdivisions 1 and 1a; 176.136; 176.182; 176.221, subdivisions 2, 3, and 7; 176.225, subdivisions 1 and 5; 176.231, subdivision 10; 176.235, by adding a subdivision; 176.241; subdivision 4; 176.331; 176.391, subdivision 3; 176.591, subdivisions 1 and 3; 176.641; and 352E.04; amending Laws 1981, chapter 346, section 145; proposing new law coded in Minnesota Statutes, chapters 79 and 176; proposing new law coded as Minnesota Statutes, chapter 176A; repealing Minnesota Statutes 1982, sections 79.211, subdivision 1; 79.63, subdivision 3; 176.011, subdivisions 14 and 18; 176.061, subdivisions 8 and 9; 176.095; 176.101, subdivisions 4 and 5; 176.102, subdivision 1a; 176.105, subdivisions 1, 2 and 3; 176.152; 176.541, subdivisions 2, 3, 4, 5, 6, and 8; 176.551; 176.561; 176.571; 176.581; 176.603; and 176.611.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [176A.01] [DEFINITIONS.]

*Subdivision 1. [APPLICATION.] For the purposes of sections 1 to 13, the terms defined in this section have the meanings given them.*

*Subd. 2 "Manager" means the manager of the state compensation insurance fund.*

*Subd. 3. "Fund" means the state compensation insurance fund.*

*Subd. 4. "Board" means the board of directors of the state compensation insurance fund.*

*Subd. 5. "Personal injury" or "injury" has the meaning given to it in section 176.011, subdivision 16.*

Sec. 2. [176A.02] [CREATION; PURPOSE; ORGANIZATION OF THE FUND.]

*Subdivision 1. [FUND CREATED.] The fund is created as a nonprofit independent public corporation for the purpose of insuring employers against liability for personal injuries for which their employees may be entitled to benefits under chapter 176.*

*Subd. 2. [BOARD OF DIRECTORS.] The governor shall appoint a board of directors consisting of seven members and the commissioner of labor and industry who shall be an ex officio member. Each director shall hold office until a successor is appointed and qualifies. Each member shall be a policyholder or an employee of a policyholder. A policyholder may designate a person to represent them on the board. Until the fund is operational and is issuing policies, the governor shall appoint any employer or employee to serve as a director. In addition to the commissioner, no more than one member of the board shall be a representative of a governmental entity. At least two members of the board shall represent private, for profit, enterprises. No member of the board may represent or be an employee of an insurance company.*

*The membership terms, compensation, removal of members, and filling of vacancies shall be as provided in section 15.0575.*

*The board shall annually elect a chairman from among its members and other officers it deems necessary for the performance of its duties. The requirement that each appointee of the governor be a policyholder or the employee of a policyholder shall not apply to the initial appointments of the governor prior to the subscription of the first policyholder to the state fund.*

*Subd. 3. [FUND MANAGEMENT.] The management and control of the fund is vested solely in the board.*

*Subd. 4. [POWERS AND DUTIES OF THE BOARD.] The board is vested with full power, authority, and jurisdiction over the fund. The board may perform all acts necessary or convenient in the exercise of any power, authority, or jurisdiction over the fund, either in the administration of the fund or in connection with the insurance business to be carried on by it under the provisions of this chapter, as fully and completely as the governing body of a private insurance carrier to fulfill the objectives and intent of this chapter.*

*Subd. 5. [MANAGER.] The fund is under the administrative control of the manager appointed by the board pursuant to section 5.*

*Subd. 6. [PERSONAL LIABILITY, EXCLUDED.] The members of the board and officers or employees of the fund are*

*not liable personally, either jointly or severally, for any debt or obligation created or incurred by the fund.*

**Sec. 3. [176A.03] [SPECIFIC POWERS OF THE FUND.]**

*Subdivision 1. [GENERAL.] For the purpose of carrying out its function the fund has the powers specified in this section.*

*Subd. 2. [INSURE WORKERS' COMPENSATION LIABILITY.] The fund may insure an employer against any workers' compensation claim arising out of and in the course of employment, as fully as any other insurer.*

*Subd. 3. [SELF-INSURED COVERAGE.] The fund may furnish advice, services, and employer liability insurance to any employer qualified as a self-insured employer.*

**Sec. 4. [176A.04] [GENERAL POWERS.]**

*Subdivision 1. For the purpose of exercising the specific powers granted in this chapter and effectuating the other purposes of this chapter, the fund:*

- (a) may sue and be sued;*
- (b) may have a seal and alter it at will;*
- (c) may make, amend, and repeal rules relating to the conduct of the business of the fund;*
- (d) may enter into contracts relating to the administration of the fund;*
- (e) may rent, lease, buy, or sell property in its own name and may construct or repair buildings necessary to provide space for its operations;*
- (f) may declare a dividend when there is an excess of assets over liabilities, and necessary reserves;*
- (g) may pay medical expenses, rehabilitation expenses, compensation due claimants of insured employers, pay salaries, and pay administrative and other expenses;*
- (h) may hire personnel and set salaries and compensation; and*
- (i) may perform all other functions that are necessary or appropriate to administer the fund.*

**Sec. 5. [176A.05] [MANAGER.]**

*Subdivision 1. [APPOINTMENT, QUALIFICATIONS.] The board shall appoint a manager of the fund who shall be in charge of the day-to-day operation of the fund. The manager shall have proven successful experience as an executive at the general management level. The manager shall be appointed for a term of six years and shall receive compensation as set by the board.*

*Subd. 2. [BOND.] Before entering on the duties of the office, the manager shall qualify by giving an official bond in an amount and with sureties approved by the board. The manager shall file the bond with the secretary of state. The premium for the bond shall be paid by the fund from the account established in section 8.*

**Sec. 6. [176A.06] [MANAGER'S POWERS.]**

*Subdivision 1. [GENERAL.] Subject to the authority of the board and the provisions of this chapter the manager has the powers and duties prescribed in this section.*

*Subd. 2. [HEALTH PROVIDER CONTRACTS.] The manager may contract with physicians, surgeons, hospitals, other health care providers, qualified rehabilitation consultants, and approved vendors for medical, surgical, and rehabilitation evaluation and treatment and the care and nursing of injured persons entitled to benefits from the fund.*

*Subd. 3. [SAFETY INSPECTION.] The manager may make safety inspections of risks and furnish advisory services to employers on safety and health measures.*

*Subd. 4. [DISBURSEMENT OF FUNDS.] The manager may act for the fund in collecting and disbursing money necessary to administer the fund and conduct the business of the fund.*

*Subd. 5. [ABSTRACT SUMMARY.] The manager shall have an abstract summary of an audit or survey conducted pursuant to section 7 prepared for public use.*

*Subd. 6. [GENERAL AUTHORITY.] The manager may perform all acts necessary or convenient in the exercise of any power, authority, or jurisdiction over the fund, either in the administration of the fund or in connection with the insurance business to be carried on by the fund under this chapter, including the establishment of premium rates.*

**Sec. 7. [176A.07] [AUDITS AND EXAMINATIONS.]**

*Subdivision 1. [STATE AUDITOR REPORT.] A financial audit of the books and records of the fund shall be conducted each year by the state auditor.*

*Subd. 2. [ACTUARIAL SURVEY]. An actuarial survey of the fund shall be conducted annually by an independent certified accountant selected by the manager.*

*Subd. 3. [COMMISSIONER OF INSURANCE EXAMINATION.] The commissioner of insurance shall examine the financial condition and conduct an actuarial survey of the fund at least once every four years.*

**Sec. 8. [176A.08] [ACCOUNT.]**

*Subdivision 1. [STATE COMPENSATION ACCOUNT.] There is created and established under the jurisdiction and control of the fund a revolving account known as the "state compensation account."*

*The manager shall deliver all money collected or received under this chapter to the account.*

*The money in the account may be used by the fund in carrying out its purpose under this chapter.*

*Subd. 2. [PROPERTY OF FUND]. All premiums and other money paid to the fund, all property and securities acquired through the use of money belonging to the fund, and all interest and dividends earned upon money belonging to the fund and deposited or invested by the fund, are the sole property of the fund and shall be used exclusively for the operation and obligations of the fund. The money of the fund is not state money. The property of the fund is not state property.*

*Subd. 3. [NO STATE APPROPRIATION.] The fund shall not receive any state appropriation at any time other than as provided by section 11.*

**Sec. 9. [176A.09] [EXEMPTION FROM AND APPLICABILITY OF CERTAIN LAWS.]**

*The fund shall not be considered a state agency for any purpose including, but not limited to, chapters 13, 14, 15, 15A and 43. However, the fund shall be subject to sections 179.61 to 179.77. The insurance operations of the fund are subject to all of the provisions of chapters 60A and 60B. The commissioner of insurance has the same powers with respect to the board as the commissioner has with respect to a private workers' compensation insurer under chapters 60A and 60B. The board is considered an insurer for the purposes of chapters 79 and 176. The fund is subject to the same tax liability as a mutual insurance company in this state pursuant to section 60A.15, subdivision 2.*

**Sec. 10. [176A.10] [ANNUAL REPORT.]**

*The manager shall submit an annual report pursuant to section 3.195 to the governor and legislature indicating the business done by the fund during the previous year and containing a statement of the resources and liabilities of the fund.*

**Sec. 11. [176A.11] [APPROPRIATION.]**

*There is appropriated from the general fund to the state compensation insurance fund a sum of \$3,000,000 to be available until expended. This amount plus interest at eight percent a year shall be amortized over a ten-year period and shall be repaid by the fund to the general fund in equal installments at the end of each fiscal year.*

**Sec. 12. [IMPLEMENTATION.]**

*The members of the board of directors shall be appointed no later than September 1, 1983. The board shall act promptly to hire a manager, hire necessary employees, and acquire necessary facilities and supplies to begin operation. The fund shall begin providing workers' compensation insurance coverage when the board determines that the fund is able to do so and all requirements under state law have been met.*

**Sec. 13. [REPORT TO THE LEGISLATURE AND GOVERNOR.]**

*The commissioner of labor and industry shall, no later than March 1, 1986, report to the legislature and governor the operations of the fund up to that date. The report shall include but not be limited to:*

*(1) the volume of premiums insured through the state fund and its share of the state workers' compensation insurance market;*

*(2) the percent division of premium dollars among various types of benefit payments and administrative costs for policies and claims under the state fund;*

*(3) the average rate of return enjoyed by the state fund on reserves set aside by the fund;*

*(4) recommendations concerning desirable changes in the state fund to promote its prompt and efficient administration of policies and claims;*

*(5) a recommendation to the legislature and governor regarding the continued operation of the fund; and*

*(6) any other information the commissioner deems appropriate."*



Delete the title and insert:

"A bill for an act relating to workers' compensation; creating a competitive state fund for workers' compensation insurance; proposing new law coded as Minnesota Statutes, chapter 176A."

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. 1089, A bill for an act relating to economic development; creating the world trade center commission; 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.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1090, A bill for an act relating to employment; exempting search firms from employment agency licensing; amending Minnesota Statutes 1982, section 184.22, subdivision 2.

Reported the same back with the following amendments:

Page 3, after line 1, insert:

"Sec. 2. Minnesota Statutes 1982, section 184.30, subdivision 1, is amended to read:

Subdivision 1. Every application for an employment agency's license, and every annual report required to be filed under section 184.22, subdivision 2, shall be accompanied by a bond in the penal sum of \$10,000 for each location, with one or more sureties or a duly authorized surety company to be approved by the department and filed in the office of the secretary of state, conditioned that the employment agency and each member, shareholder, director, or officer of a firm, partnership, corporation, or association operating as such employment agency will conform to and not violate any of the terms or requirements of sections 184.21 to 184.40 or violate the covenants of any contract made by such employment agent in the conduct of said business. Action on this bond may be brought by and prosecuted in the name of any person damaged by any breach or any condition thereof and successive actions may be maintained thereon.

Sec. 3. Minnesota Statutes 1982, section 184.41, is amended to read:

184.41 [VIOLATIONS.]

Any person who shall engage in the business of or act as an employment agent or counselor without first procuring a license as required by section 184.22, and any employment agent, manager or counselor who (SHALL VIOLATE) *violates* the provisions of this chapter, *and any exempt firm which violates any of the provisions of section 184.22, subdivision 2* shall be guilty of a misdemeanor.

In addition to the penalties for commission of a misdemeanor, the department may proceed by an action for an injunction against any person who shall engage in the business of or act as an employment agent or counselor without first procuring the license required under section 184.22 and against any employment agent, manager or counselor who shall violate the provisions of this chapter. If an agency, a manager or a counselor is found guilty of a misdemeanor in any action relevant to the operation of an agency, the department may suspend or revoke the license of the agency, manager or counselor."

Amend the title as follows:

Page 1, line 4, delete "section" and insert "sections"

Page 1, line 4, before the period insert "; 184.30, subdivision 1; and 184.41"

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. 1094, A bill for an act relating to state hospitals; authorizing limited shared services agreements; providing for retention of receipts by the state hospital; appropriating money; amending Minnesota Statutes 1982, section 246.57, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 17, delete "two" and insert "three"

Page 1, line 19, delete "\$50,000" and insert "\$100,000"

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. 1107, A bill for an act relating to the Minnesota veterans home; clarifying the treatment of assets for purposes of calculating maintenance charges; amending Minnesota Statutes 1982, section 198.03.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1108, A bill for an act relating to drainage; permitting certain towns to appeal from certain orders of county boards assessing damages or benefits in ditch proceedings.

Reported the same back with the following amendments:

Page 1, line 8, delete "*or awarded damages*"

Page 1, line 11, delete "*award*" and insert "*assessment*"

Page 1, line 12, delete "*and allowed damages*"

Page 1, line 13, delete "*may appeal from the*"

Page 1, delete lines 14 to 16 and insert "*may petition the county board of commissioners in the county where the ditch is located and the road or roads are located for an order of the county board eliminating any assessments for benefits to said road that is no longer a township public road under its jurisdiction.*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1111, A bill for an act relating to local government; regulating town levies in Crow Wing County; repealing Laws 1941, chapter 451.

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. 1114, A bill for an act relating to public welfare; altering eligibility standards, payment rates, and other provisions of the programs for medical assistance and general assistance medical care; repealing eligibility for unemployment compensation for personal care attendants and homeworkers; eliminating certain state administration aid to counties; amending Minnesota Statutes 1982, sections 256B.02, subdivision 8; 256B.04, subdivision 14; 256B.06, subdivision 1; 256B.07; 256B.17, subdivision 4, and by adding subdivisions; 256D.03, subdivision 4; and 268.04, subdivision 9.

Reported the same back with the following amendments:

Pages 1 to 4, delete section 1.

Page 4, line 23, delete "Sec." and insert "Section"

Page 6, line 19, delete "\$2,700" and insert "\$3,000"

Page 6, line 22, delete "\$5,400" and insert "\$6,000"

Page 6, line 25, strike ", and" and insert a new semicolon

Page 6, line 25, begin a new paragraph with "(b) one"

Page 6, line 29, after the semicolon insert:

*"(c) a prepaid funeral contract owned by a medical assistance recipient on the effective date of this act, up to a value of \$750 per person plus \$200 of accrued interest,"*

Page 7, lines 5 to 12, reinstate the stricken language

Pages 9 to 11, delete sections 8 and 9

Page 11, line 31, delete "3 and 4" and insert "2 and 3"

Page 11, line 32, delete "2, and 5 to 9" and insert "and 4 to 6"

Page 11, line 33, delete "5, 6, and 7" and insert "4, 5, and 6"

Renumber sections in sequence

Amend the title as follows:

Page 1, line 4, delete "programs" and insert "program"

Page 1, line 4, delete "and general assistance"

Page 1, delete lines 5 to 7

Page 1, line 8, delete "aid to counties"

Page 1, line 9, delete "256B.02, subdivision 8;"

Page 1, line 11, delete "; 256D.03,"

Page 1, line 12, delete everything before the period

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1122, A bill for an act relating to the town of Flowing; permitting the town to conduct town business in a nearby city.

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 Energy to which was referred:

H. F. No. 1147, A bill for an act relating to local government; permitting the cities of Richfield and Bloomington to implement an energy conservation program; authorizing the financing of a residential energy conservation program; authorizing the issuance of qualified mortgage bonds; requiring a report to the legislature.

Reported the same back with the following amendments:

Page 1, line 23, delete "5 and 7" and insert "6"

Page 3, line 11, after the period insert "*The city may expend any municipal funds properly available to them or to the housing and redevelopment authorities of those cities acting pursuant to section 5 to finance any program authorized by this act.*"

Pages 3 and 4, delete section 6

Page 5, line 2, delete "*5 and section 7*" and insert "*6*"

Page 5, line 5, delete everything after the period

Page 5, delete line 6

Renumber the remaining sections

Amend the title as follows:

Page 1, lines 5 and 6, delete "authorizing the issuance of qualified mortgage bonds;"

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 Energy to which was referred:

H. F. No. 1154, A bill for an act relating to energy; data reporting; definition of "earth sheltered"; biennial energy reports; certificate of need fees; amending Minnesota Statutes 1982, sections 13.68, subdivision 1; 116J.06, subdivision 2; 116J.18, subdivision 1; and 116J.28, subdivision 6.

Reported the same back with the following amendments:

Page 3, delete lines 8 to 32 and insert:

"Sec. 4. Minnesota Statutes 1982, section 216B.01, is amended to read:

216B.01 [LEGISLATIVE FINDING.]

It is hereby declared to be in the public interest that public utilities be regulated as hereinafter provided in order to provide the retail consumers of natural gas and electric service in this state with adequate and reliable services at reasonable rates, consistent with the financial and economic requirements of public utilities and their need to construct facilities to provide such services or to otherwise obtain energy supplies, to avoid unnecessary duplication of facilities which increase the cost of service to the consumer and to minimize disputes between public

utilities which may result in inconvenience or diminish efficiency in service to the consumers. *It is also hereby declared to be in the public interest that public utility rates be set only after giving full consideration to the impact these rates will have on the economic well-being of the state in general and on the particular consumers of the utility's services.* Because municipal utilities are presently effectively regulated by the residents of the municipalities which own and operate them, and cooperative electric associations are presently effectively regulated and controlled by the membership under the provisions of chapter 308, it is deemed unnecessary to subject such utilities to regulation under this chapter except as specifically provided herein."

Amend the title as follows:

Page 1, lines 6 and 7, delete "116J.28, subdivision 6" and insert "216B.01"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1161, A bill for an act relating to metropolitan government; providing for the term of the chairman of the metropolitan airports commission; amending Minnesota Statutes 1982, section 473.604, 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. 76, 244, 259, 294, 360, 423, 426, 431, 500, 516, 538, 544, 566, 575, 584, 585, 623, 636, 741, 763, 764, 765, 793, 798, 818, 829, 849, 891, 892, 901, 906, 907, 911, 914, 916, 928, 933, 934, 946, 950, 954, 958, 959, 973, 976, 1027, 1032, 1057, 1062, 1067, 1079, 1081, 1086, 1090, 1094, 1107, 1108, 1111, 1122, 1147, 1154 and 1161 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 369, 356 and 708 were read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Vanasek, Jacobs, Begich, Gustafson and Osthoff introduced:

H. F. No. 1174, A bill for an act relating to taxation; providing that taxation of the income of individuals, estates, and trusts will be based on federal taxable income; extending the period of time the sales tax rate is six percent; including sales of motor vehicles in the six percent rate; defining "publication" for sales tax purposes; amending Minnesota Statutes 1982, sections 290.01, subdivisions 19, 20, 20d, 21, 27, and by adding subdivisions; 290.012, subdivision 2; 290.032, by adding a subdivision; 290.06, subdivisions 2c, 3f, and 11; 290.071, subdivisions 5 and 6; 290.08, subdivisions 1, 8 and 19; 290.081; 290.085; 290.09, subdivisions 1, 2, 3, as amended, 4, 5, and 29; 290.091; 290.095, subdivision 11; 290.10; 290.101, subdivision 1; 290.12, subdivision 1; 290.16, subdivision 1; 290.17, subdivision 2; 290.18, subdivision 1; 290.21, subdivisions 1 and 3; 290.23, subdivisions 4 and 5; 290.311; 290.32; 290.37, subdivision 1; 290.38; 290.39, subdivisions 1, 1a, and 2; 290.46; 290.49, subdivisions 3 and 10; 290.50, subdivision 1; 290.56, subdivision 2; 290.92, subdivisions 2a, 21, and 23; 290.93, subdivisions 1, 5, and 10; 290.9726, subdivisions 1 and 3; 290A.03, subdivision 3; 297A.02, subdivision 1, as amended; 297A.03, subdivision 2, as amended; 297A.14, as amended; 297A.25, subdivision 1; 297A.35, subdivision 3; 297B.02, as amended; and 474.12, subdivision 2; and Laws 1982, chapter 523, article 7, section 3, subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 1982, sections 290.01, subdivisions 20a, 20b, 20f, 23, and 27; 290.032, subdivision 5; 290.06, subdivisions 2d, 2e, 3e, 3g, 9, 9a, and 15; 290.077, subdivisions 2 and 4; 290.08, subdivisions 23 and 25; 290.09, subdivisions 10, 15, 22, and 27; 290.16, subdivision 1a; 290.17, subdivisions 1 and 1a; 290.18, subdivisions 2 and 4; 290.23, subdivision 3; 290.501; and 290.9726, subdivision 5.

The bill was read for the first time and referred to the Committee on Taxes.

Vellenga, Wenzel, Krueger and Peterson introduced:

H. F. No. 1175, A bill for an act relating to agriculture; requiring the purchase of Minnesota food products; encouraging nutrition; proposing new law coded in chapter 17.

The bill was read for the first time and referred to the Committee on Agriculture.



Ellingson introduced:

H. F. No. 1176, A bill for an act relating to causes of action; providing that certain causes of action survive the death of a party; amending Minnesota Statutes 1982, section 573.01.

The bill was read for the first time and referred to the Committee on Judiciary.

Cohen; Vellenga; Anderson, R., and Murphy introduced:

H. F. No. 1177, A bill for an act relating to liquor; authorizing a licensing authority to revoke, suspend, or refuse to renew a license of a license holder whose business practices are harmful, indecent, or offensive; amending Minnesota Statutes 1982, section 340.14, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Cohen and Long introduced:

H. F. No. 1178, A bill for an act relating to taxation; property; providing that the market value of property shall not be increased due to the character of the surrounding property; amending Minnesota Statutes 1982, sections 273.11, subdivision 1, and by adding a subdivision; and 273.12.

The bill was read for the first time and referred to the Committee on Taxes.

Knickerbocker introduced:

H. F. No. 1179, A bill for an act relating to local government; providing for a uniform fiscal year; proposing new law coded in Minnesota Statutes, chapter 471.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Jennings, Wigley, Clawson, Cohen and Simoneau introduced:

H. F. No. 1180, A bill for an act relating to local government; requiring notice of and hearings on increases in certain license fees; proposing new law coded in Minnesota Statutes, chapter 471.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Skoglund, Norton and Ellingson introduced:

H. F. No. 1181, A bill for an act relating to insurance; health and accident; prohibiting provider discrimination in insurance policies covering mental health services; amending Minnesota Statutes 1982, section 62A.152, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Coleman, Greenfield, Blatz, Kelly and Kostohryz introduced:

H. F. No. 1182, A bill for an act relating to animals; providing for the humane treatment and welfare of animals; authorizing counties and cities to support local humane societies; imposing penalties; appropriating money; amending Minnesota Statutes 1982, section 343.11; proposing new law coded in Minnesota Statutes, chapter 346.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Elioff introduced:

H. F. No. 1183, A bill for an act relating to occupations and professions; providing for licensing cosmetologists and certain related occupations; establishing a board of cosmetology; prescribing penalties; appropriating money; proposing new law coded in Minnesota Statutes, chapter 155; repealing Minnesota Statutes 1982, sections 155A.01 to 155A.18.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Cohen; Anderson, R., and Kalis introduced:

H. F. No. 1184, A bill for an act relating to state departments and agencies; providing for the expiration or periodic reevaluation of various regulatory programs; requiring a 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 Commerce and Economic Development.

Ogren, Scheid, O'Connor, Minne and Otis introduced:

H. F. No. 1185, A bill for an act relating to taxation; providing that taxation of the income of individuals, estates, and trusts will be based on federal taxable income; extending the period of time the sales tax rate is six percent; including sales of motor vehicles in the six percent rate; defining "publication" for sales tax purposes; amending Minnesota Statutes 1982, sections 290.01, subdivisions 19, 20, 20d, 21, 27, and by adding subdivisions; 290.012, subdivision 2; 290.032, by adding a subdivision; 290.06, subdivisions 2c, 3f, and 11; 290.071, subdivisions 5 and 6; 290.08, subdivisions 1, 8 and 19; 290.081; 290.085; 290.09, subdivisions 1, 2, 3, as amended, 4, 5, and 29; 290.091; 290.095, subdivision 11; 290.10; 290.101, subdivision 1; 290.12, subdivision 1; 290.16, subdivision 1; 290.17, subdivision 2; 290.18, subdivision 1; 290.21, subdivisions 1 and 3; 290.23, subdivisions 4 and 5; 290.311; 290.32; 290.37, subdivision 1; 290.38; 290.39, subdivisions 1, 1a, and 2; 290.46; 290.49, subdivisions 3 and 10; 290.50, subdivision 1; 290.56, subdivision 2; 290.92, subdivisions 2a, 21, and 23; 290.93, subdivisions 1, 5, and 10; 290.9726, subdivisions 1 and 3; 290A.03, subdivision 3; 297A.02, subdivision 1, as amended; 297A.03, subdivision 2, as amended; 297A.14, as amended; 297A.25, subdivision 1; 297A.35, subdivision 3; 297B.02, as amended; and 474.12, subdivision 2; and Laws 1982, chapter 523, article 7, section 3, subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 1982, sections 290.01, subdivisions 20a, 20b, 20f, 23, and 27; 290.032, subdivision 5; 290.06, subdivisions 2d, 2e, 3e, 3g, 9, 9a, and 15; 290.077, subdivisions 2 and 4; 290.08, subdivisions 23 and 25; 290.09, subdivisions 10, 15, 22, and 27; 290.16, subdivision 1a; 290.17, subdivisions 1 and 1a; 290.18, subdivisions 2 and 4; 290.23, subdivision 3; 290.501; and 290.9726, subdivision 5.

The bill was read for the first time and referred to the Committee on Taxes.

Metzen introduced:

H. F. No. 1186, A bill for an act relating to firearms; providing that a discharge of a firearm by a peace officer which kills a sick, injured, or dangerous animal need not be reported; amending Minnesota Statutes 1982, section 626.553, subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Skoglund, Gustafson and Anderson, R., introduced:

H. F. No. 1187, A bill for an act relating to occupations and professions; expanding the jurisdiction of the board of wrestling and boxing to regulate karate and kick boxing; proposing new law coded in Minnesota Statutes, chapter 341.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Minne, Begich, Battaglia, Elioff and Solberg introduced:

H. F. No. 1188, A resolution memorializing the United States Congress to conduct an in-depth investigation of the steel industry.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Gustafson introduced:

H. F. No. 1189, A bill for an act relating to labor; providing for the composition of bargaining units at the University of Minnesota; amending Minnesota Statutes 1982, section 179.741, subdivision 3.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Riveness, Norton, Simoneau, Zaffke and Sarna introduced:

H. F. No. 1190, A bill for an act relating to unemployment compensation; providing for conformity with federal law; updating the law to reflect current practice; making technical changes; removing obsolete language; regulating administrative practices; providing for the effect of back pay awards; regulating benefit amounts, contributions, and benefit eligibility; amending Minnesota Statutes 1982, sections 268.04, subdivisions 12, 17, 25, 26, 29, and by adding a subdivision; 268.05, subdivision 5; 268.06, subdivisions 1, 2, 3a, 5, 20, 28, and 29; 268.07, subdivision 2; 268.071, subdivision 3; 268.08, subdivision 3, and by adding a subdivision; 268.09, subdivisions 1 and 2; 268.10, subdivisions 2, 3, 4, 5, 6, 7, and 9; 268.11, subdivisions 2 and 3; 268.12, subdivisions 8 and 9; 268.16, subdivision 2; 268.161, subdivisions 1, 4, 5, 7, and 8; 268.18, subdivisions 1 and 2; repealing Minnesota Statutes 1982, section 268.06, subdivision 32.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Rodosovich introduced:

H. F. No. 1191, A bill for an act relating to the city of Faribault; exempting certain leased property from ad valorem taxation; amending Laws 1977, chapter 245, section 1, subdivision 1, as amended.

The bill was read for the first time and referred to the Committee on Taxes.

Berkelman, Simoneau, Rodosovich, Blatz and Fjoslien introduced:

H. F. No. 1192, A bill for an act relating to state departments and agencies; requiring the adjustment or establishment of certain agency fees by rule; authorizing the use of the noncontroversial rulemaking procedure; amending Minnesota Statutes 1982, sections 14.14, subdivision 1; 16A.128; 239.10; and 296.13.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Metzen introduced:

H. F. No. 1193, A bill for an act relating to public safety; allowing businesses to apply for permits to equip motor vehicles with radio equipment capable of receiving radio signals from a police emergency frequency; amending Minnesota Statutes 1982, section 299C.37, subdivision 3.

The bill was read for the first time and referred to the Committee on Judiciary.

### 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. 9, A Senate Concurrent Resolution relating to Joint Rules; adopting permanent joint rules of the Senate and House of Representatives.

PATRICK E. FLAHAVEN, Secretary of the Senate

Eken moved that Senate Concurrent Resolution No. 9 and the Joint Rules of the Senate and House of Representatives for the 73rd Legislature which were printed in the Journal of the House for Thursday, April 7, 1983, and which were laid over one day be now adopted.

The question was taken on the motion and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Knuth	Pauly	Solberg
Anderson, C.	Evans	Kostohryz	Peterson	Sparby
Anderson, R.	Findlay	Krueger	Piepho	Stadum
Battaglia	Fjoslien	Kvam	Piper	Staten
Beard	Forsythe	Larsen	Price	Sviggum
Begich	Frerichs	Levi	Quinn	Swanson
Bennett	Graba	Long	Quist	Thiede
Bergstrom	Greenfield	Ludeman	Redalen	Tomlinson
Berkelman	Gruenes	Mann	Reif	Tunheim
Bishop	Gustafson	Marsh	Rice	Uphus
Blatz	Gutknecht	McDonald	Riveness	Valan
Brandl	Halberg	McEachern	Rodosovich	Valento
Brinkman	Haukoos	McKasy	Rodriguez, C.	Vanasek
Burger	Heap	Metzen	Rodriguez, F.	Vellenga
Carlson, D.	Heinitz	Minne	Rose	Waltman
Carlson, L.	Himle	Munger	St. Onge	Welch
Clark, J.	Hoberg	Murphy	Sarna	Welker
Clark, K.	Hoffman	Nelson, D.	Schafer	Welle
Clawson	Hokr	Nelson, K.	Scheid	Wenzel
Cohen	Jacobs	Neuenschwander	Schoenfeld	Wigley
Coleman	Jennings	O'Connor	Schreiber	Wynia
Dempsey	Jensen	Ogren	Segal	Zaffke
DenOuden	Johnson	Olsen	Shaver	Speaker Sieben
Dimler	Kahn	Omam	Shea	
Eken	Kalis	Onnen	Sherman	
Elioff	Kelly	Osthoff	Simoneau	
Ellingson	Kaickerbocker	Otis	Skoglund	

The motion prevailed and the Joint Rules of the Senate and House of Representatives for the Seventy-Third Session were adopted.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 513, 530, 554 and 568.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 513, A bill for an act relating to education; authorizing the state board for vocational education, the state board for community colleges, and the state university board to close institutions in their respective systems; amending Minnesota

Statutes 1982, sections 121.21, subdivision 4; 136.03; and 136.62, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

S. F. No. 530, A bill for an act relating to the city of Roseville; providing an exception from the Roseville police civil service system for the chief and deputy chief of police.

The bill was read for the first time.

Rose moved that S. F. No. 530 and H. F. No. 1086, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 554, A bill for an act relating to housing and re-development; providing for the appointment of commissioners of multi-county authorities; amending Minnesota Statutes 1982, section 462.428, subdivision 2.

The bill was read for the first time and referred to the Committee on Energy.

S. F. No. 568, A bill for an act relating to state government; providing for a permanent job sharing program; amending Minnesota Statutes 1982, sections 43A.41, subdivisions 4 and 5; 43A.42; 43A.43, subdivision 2; 43A.44, subdivisions 1 and 2; 43A.45; Laws 1981, chapter 210, section 55, as amended; repealing Minnesota Statutes 1982, sections 43A.41, subdivision 3; and 43A.43, subdivision 1.

The bill was read for the first time.

Knuth moved that S. F. No. 568 and H. F. No. 976, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

#### CONSENT CALENDAR

H. F. No. 904 was reported to the House.

Upon objection of ten members H. F. No. 904 was stricken from the Consent Calendar and returned to General Orders.

H. F. No. 390 was reported to the House.

Sarna moved that H. F. No. 390 be re-referred to the Committee on Appropriations. The motion prevailed.

H. F. No. 490, A bill for an act relating to public welfare; setting standards for determining the county of financial responsibility for purposes of medical assistance, community social services, and supplemental aid; amending Minnesota Statutes 1982, sections 256B.02, subdivisions 2 and 3; 256D.37, by adding a subdivision; and 256E.08, 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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Kelly	Osthoff	Simoneau
Anderson, G.	Erickson	Knickerbocker	Otis	Skoglund
Anderson, R.	Evans	Knuth	Pauly	Solberg
Battaglia	Findlay	Kostohryz	Peterson	Sparby
Beard	Fjoslien	Krueger	Piepho	Stadum
Begich	Forsythe	Kvam	Piper	Staten
Bennett	Frerichs	Larsen	Price	Sviggum
Bergstrom	Graba	Levi	Quinn	Swanson
Berkelman	Greenfield	Long	Quist	Thiede
Bishop	Gruenes	Ludeman	Redalen	Tomlinson
Blatz	Custafson	Mann	Reif	Tunheim
Brandl	Gutknecht	Marsh	Rice	Uphus
Brinkman	Halberg	McDonald	Rivness	Valan
Burger	Haukoos	McEachern	Rodosovich	Valento
Carlson, D.	Heap	McKasy	Rodriguez, C.	Vanasek
Carlson, L.	Heinitz	Minne	Rodriguez, F.	Vellenga
Clark, J.	Himle	Munger	Rose	Voss
Clark, K.	Hoberg	Murphy	St. Onge	Waltman
Clawson	Hoffman	Nelson, D.	Sarna	Welch
Cohen	Hokr	Nelson, K.	Schafer	Welker
Coleman	Jacobs	Neuenschwander	Scheid	Welle
Dempsey	Jennings	O'Connor	Schoenfeld	Wenzel
DenOuden	Jensen	Ogren	Schreiber	Wigley
Dimler	Johnson	Olsen	Segal	Wynia
Eken	Kahn	Omann	Shea	Zaffke
Elioff	Kalis	Onnen	Sherman	Speaker Sieben

The bill was passed and its title agreed to.

H. F. No. 513, A bill for an act relating to elections; changing certain registration procedures; requiring availability of certain public facilities as polling places; changing requirements that voting machines remain locked after elections; amending Minnesota Statutes 1982, sections 201.071, subdivisions 1, 3, and 6; 204B.16, by adding a subdivision; and 206.21, subdivision 3; repealing Minnesota Statutes 1982, section 201.071, 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 132 yeas and 0 nays as follows:



## Those who voted in the affirmative were:

Anderson, B.	Erickson	Knuth	Pauly	Solberg
Anderson, G.	Evans	Kostohryz	Peterson	Sparby
Anderson, R.	Findlay	Krueger	Piepho	Stadum
Battaglia	Fjoslien	Kvam	Piper	Staten
Beard	Forsythe	Larsen	Price	Sviggum
Begich	Frerichs	Levi	Quinn	Swanson
Bennett	Graba	Long	Quist	Thiede
Bergstrom	Greenfield	Ludeman	Redalen	Tomlinson
Berkelman	Gruenes	Mann	Reif	Tunheim
Bishop	Gustafson	Marsh	Rice	Uphus
Blatz	Gutknecht	McDonald	Riveness	Valan
Brandl	Halberg	McEachern	Rodosovich	Valento
Brinkman	Haukoos	McKasy	Rodriguez, C.	Vanasek
Burger	Heap	Metzen	Rodriguez, F.	Vellenga
Carlson, D.	Heinitz	Minne	Rose	Voss
Carlson, L.	Himle	Munger	St. Onge	Waltman
Clark, J.	Hoberg	Murphy	Sarna	Welch
Clark, K.	Hoffman	Nelson, D.	Schafer	Welker
Clawson	Hokr	Nelson, K.	Scheid	Welle
Cohen	Jacobs	Neuenschwander	Schoenfeld	Wenzel
Coleman	Jennings	O'Connor	Schreiber	Wigley
Dempsey	Jensen	Ogren	Segal	Wynia
DenOuden	Johnson	Olsen	Shaver	Zaffke
Dimler	Kahn	Omman	Shea	Speaker, Sieben
Eken	Kalis	Onnen	Sherman	
Elioff	Kelly	Osthoff	Simoneau	
Ellingson	Knickerbocker	Otis	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 592, A bill for an act relating to utilities; providing a penalty for failure to relinquish a coin-operated telephone for an emergency and other telephone-related situations; amending Minnesota Statutes 1982, section 609.78.

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 128 yeas and 0 nays as follows:

## Those who voted in the affirmative were:

Anderson, B.	Clark, J.	Graba	Johnson	McKasy
Anderson, G.	Clark, K.	Greenfield	Kahn	Metzen
Anderson, R.	Clawson	Gruenes	Kalis	Minne
Battaglia	Cohen	Gustafson	Kelly	Munger
Beard	Coleman	Gutknecht	Knickerbocker	Murphy
Begich	DenOuden	Halberg	Knuth	Nelson, D.
Bennett	Dimler	Haukoos	Kostohryz	Nelson, K.
Bergstrom	Eken	Heap	Krueger	Neuenschwander
Berkelman	Elioff	Heinitz	Kvam	O'Connor
Bishop	Ellingson	Himle	Larsen	Ogren
Blatz	Erickson	Hoberg	Levi	Olsen
Brandl	Evans	Hoffman	Long	Omman
Brinkman	Findlay	Hokr	Ludeman	Onnen
Burger	Fjoslien	Jacobs	Mann	Osthoff
Carlson, D.	Forsythe	Jennings	McDonald	Otis
Carlson, L.	Frerichs	Jensen	McEachern	Pauly

Peterson	Rodosovich	Segal	Sviggum	Waltman
Piepho	Rodriguez, C.	Shaver	Swanson	Welch
Piper	Rodriguez, F.	Shea	Thiede	Welle
Price	Rose	Sherman	Tomlinson	Wenzel
Quinn	St. Onge	Simoneau	Tunheim	Wigley
Quist	Sarna	Skoglund	Uphus	Wynia
Redalen	Schafer	Solberg	Valan	Zaffke
Reif	Scheid	Sparby	Valento	Speaker Sieben
Rice	Schoenfeld	Stadum	Vanasek	
Riveness	Schreiber	Staten	Vellenga	

The bill was passed and its title agreed to.

H. F. No. 598, A bill for an act relating to public welfare; clarifying responsibility for payment for temporary confinement in state hospitals; amending Minnesota Statutes 1982, section 253B.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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Knuth	Pauly	Solberg
Anderson, G.	Evans	Kostohryz	Peterson	Sparby
Anderson, R.	Findlay	Krueger	Piepho	Stadum
Battaglia	Fjoslien	Kvam	Piper	Staten
Beard	Forsythe	Larsen	Price	Sviggum
Begich	Frerichs	Levi	Quinn	Swanson
Bennett	Graba	Long	Quist	Thiede
Bergstrom	Greenfield	Ludeman	Redalen	Tomlinson
Berkelman	Gruenes	Mann	Reif	Tunheim
Bishop	Gustafson	Marsh	Rice	Uphus
Blatz	Gutknecht	McDonald	Riveness	Valan
Brandl	Halberg	McEachern	Rodosovich	Valento
Brinkman	Haukoos	McKasy	Rodriguez, C.	Vanasek
Burger	Heap	Metzen	Rodriguez, F.	Vellenga
Carlson, D.	Heinitz	Minne	Rose	Voss
Carlson, L.	Himle	Munger	St. Onge	Waltman
Clark, J.	Hoberg	Murphy	Sarna	Welch
Clark, K.	Hoffman	Nelson, D.	Schafer	Welker
Clawson	Hokr	Nelson, K.	Scheid	Welle
Cohen	Jacobs	Neuenschwander	Schoenfeld	Wenzel
Coleman	Jennings	O'Connor	Schreiber	Wigley
Dempsey	Jensen	Ogren	Segal	Wynia
DenOuden	Johnson	Olsen	Shaver	Zaffke
Dimler	Kahn	Omann	Shea	Speaker Sieben
Eken	Kalis	Onnen	Sherman	
Elioff	Kelly	Osthoff	Simoneau	
Ellingson	Knickerbocker	Otis	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 725, A bill for an act relating to transportation; classifying right-of-way appraisals as confidential data; regulating the conveyancing and leasing of certain rights-of-way; providing that the consideration to be paid upon reconveyance be

equal to the estimated current market value of the property reconveyed; authorizing the acquisition of fee title under certain conditions; authorizing the lease of certain easements and providing for the distribution of rents; providing for the alteration of public drainage systems affecting trunk highways; authorizing fees for and the services of a licensed real estate broker for disposing of right-of-way; authorizing the commissioner to convey land to a utility under certain circumstances; amending Minnesota Statutes 1982, sections 13.50, subdivision 1; 161.202, subdivision 4; 161.241, subdivision 4; 161.28, subdivision 1; 161.43; 161.44, subdivisions 2 and 9, and by adding a subdivision; 161.46, subdivision 4; and proposing new law coded in Minnesota Statutes, chapter 161.

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:

Anderson, B.	Erickson	Knuth	Pauly	Solberg
Anderson, G.	Evans	Kostohryz	Peterson	Sparby
Anderson, R.	Findlay	Krueger	Piepho	Stadum
Battaglia	Fjoslien	Kvam	Piper	Staten
Beard	Forsythe	Larsen	Price	Swiggum
Begich	Frerichs	Levi	Quinn	Swanson
Bennett	Graba	Long	Quist	Thiede
Bergstrom	Greenfield	Ludeman	Redalen	Tomlinson
Berkelman	Gruenes	Mann	Reif	Tunheim
Bishop	Gustafson	Marsh	Rice	Uphus
Blatz	Gutknecht	McDonald	Riveness	Valan
Brandl	Halberg	McEachern	Rodosovich	Valento
Brinkman	Haukoos	McKasy	Rodriguez, C.	Vanasek
Burger	Heap	Metzen	Rodriguez, F.	Vellienga
Carlson, D.	Heinitz	Minne	Rose	Voss
Carlson, L.	Himle	Munger	St. Onge	Waltman
Clark, J.	Hoberg	Murphy	Sarna	Welch
Clark, K.	Hoffman	Nelson, D.	Schafer	Welker
Clawson	Hokr	Nelson, K.	Scheid	Welle
Cohen	Jacobs	Neuenschwander	Schoenfeld	Wenzel
Coleman	Jennings	O'Connor	Schreiber	Wigley
Dempsey	Jensen	Ogren	Segal	Wynia
DenOuden	Johnson	Olsen	Shaver	Zaffke
Dimler	Kahn	Omahn	Shea	Speaker Sieben
Eken	Kalis	Onnen	Sherman	
Elioff	Kelly	Osthoff	Simoneau	
Ellingson	Knickerbocker	Otis	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 730, A bill for an act relating to drivers licenses; prohibiting the operation of a motor vehicle in this state by either a resident or nonresident whose license has been revoked, suspended, or cancelled until Minnesota driving privileges are reinstated; amending Minnesota Statutes 1982, section 171.20,

subdivision 2; repealing Minnesota Statutes 1982, section 171.181, 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 118 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Knuth	Otis	Simoneau
Anderson, G.	Erickson	Kostohryz	Pauly	Skoglund
Anderson, R.	Evans	Krueger	Peterson	Solberg
Battaglia	Findlay	Larsen	Piepho	Sparby
Beard	Fjoslien	Levi	Piper	Stadum
Begich	Forsythe	Long	Price	Staten
Bennett	Graba	Mann	Quinn	Sviggum
Bergstrom	Greenfield	Marsh	Redalen	Swanson
Berkelman	Gruenes	McDonald	Redal	Tomlinson
Blatz	Gustafson	McEachern	Rice	Tunheim
Brandl	Halberg	McKasy	Riveness	Uphus
Brinkman	Haukoos	Metzen	Rodosovich	Valento
Burger	Heap	Minne	Rodriguez, C.	Vanasek
Carlson, D.	Himle	Munger	Rodriguez, F.	Vellenga
Carlson, L.	Hoberg	Murphy	Rose	Voss
Clark, J.	Hoffman	Nelson, D.	St. Onge	Waltman
Clark, K.	Jacobs	Nelson, K.	Sarna	Welch
Clawson	Jennings	Neuenschwander	Schoenfeld	Welle
Cohen	Jensen	O'Connor	Schreiber	Wenzel
Coleman	Johnson	Ogren	Seaberg	Wigley
Dempsey	Kahn	Olsen	Segal	Wynia
Dimler	Kalis	Omann	Shaver	Speaker Sieben
Eken	Kelly	Onnen	Shea	
Elioff	Knickerbocker	Osthoff	Sherman	

Those who voted in the negative were:

DenOuden	Kvam	Schafer	Thiede	Welker
Ferichs	Quist			

The bill was passed and its title agreed to.

H. F. No. 749, A bill for an act relating to the city of Fergus Falls; authorizing the city to issue general obligations to finance a solid waste disposal 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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Anderson, R.	Beard	Bennett	Bishop
Anderson, G.	Battaglia	Begich	Bergstrom	Blatz

Brandl	Gustafson	Mann	Quist	Staten
Brinkman	Gutknecht	Marsh	Redalen	Sviggum
Burger	Halberg	McDonald	Reif	Swanson
Carlson, D.	Haukoos	McEachern	Rice	Thiede
Carlson, L.	Heap	McKasy	Rivness	Tomlinson
Clark, J.	Heinitz	Metzen	Rodosovich	Tunheim
Clark, K.	Himle	Minne	Rodriguez, C.	Uphus
Clawson	Hoberg	Munger	Rodriguez, F.	Valan
Cohen	Hoffman	Murphy	Rose	Valento
Coleman	Hokr	Nelson, D.	St. Onge	Vanasek
Dempsey	Jacobs	Nelson, K.	Sarna	Vellenga
DenOuden	Jennings	Neuenschwander	Schafer	Voss
Dimler	Jensen	O'Connor	Scheid	Waltman
Eken	Johnson	Ogren	Schoenfeld	Welch
Elioff	Kahn	Olsen	Schreiber	Welker
Ellingson	Kalis	Omman	Seaberg	Welle
Erickson	Kelly	Onnen	Segal	Wenzel
Evans	Knickerbocker	Osthoff	Shaver	Wigley
Findlay	Knuth	Otis	Shea	Wynia
Fjoslien	Kostohryz	Pauly	Sherman	Zaffke
Forsythe	Krueger	Peterson	Simoneau	Speaker Sieben
Frerichs	Larsen	Piepho	Skoglund	
Graba	Levi	Piper	Solberg	
Greenfield	Long	Price	Sparby	
Grüenes	Ludeman	Quinn	Stadum	

The bill was passed and its title agreed to.

H. F. No. 801, A bill for an act relating to financial institutions; authorizing electronic financial terminals at locations other than retail locations established by persons other than retailers; amending Minnesota Statutes 1982, sections 47.62, subdivision 1; and 47.64, subdivision 3; repealing Minnesota Statutes 1982, section 47.61, 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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Clawson	Gustafson	Knuth	Nelson, K.
Anderson, G.	Cohen	Gutknecht	Kostohryz	Neuenschwander
Anderson, R.	Coleman	Halberg	Krueger	O'Connor
Battaglia	Dempsey	Haukoos	Kvam	Ogren
Beard	DenOuden	Heap	Larsen	Olsen
Begich	Dimler	Heinitz	Levi	Omman
Bennett	Eken	Himle	Long	Onnen
Bergstrom	Elioff	Hoberg	Ludeman	Osthoff
Berkelman	Ellingson	Hoffman	Mann	Otis
Bishop	Erickson	Hokr	Marsh	Pauly
Blatz	Evans	Jacobs	McDonald	Peterson
Brandl	Findlay	Jennings	McEachern	Piepho
Brinkman	Fjoslien	Jensen	McKasy	Price
Burger	Forsythe	Johnson	Metzen	Quinn
Carlson, D.	Frerichs	Kahn	Minne	Quist
Carlson, L.	Graba	Kalis	Munger	Redalen
Clark, J.	Greenfield	Kelly	Murphy	Reif
Clark, K.	Grüenes	Knickerbocker	Nelson, D.	Rice

Riveness	Schoenfeld	Solberg	Uphus	Welle
Rodosovich	Schreiber	Sparby	Valan	Wenzel
Rodriguez, C.	Seaberg	Stadum	Valento	Wigley
Rodriguez, F.	Segal	Staten	Vanasek	Wynia
Rose	Shaver	Sviggum	Vellenga	Zaffke
St. Onge	Shea	Swanson	Voss	Speaker Sieben
Sarna	Sherman	Thiede	Waltman	
Schafer	Simoneau	Tomlinson	Welch	
Scheid	Skoglund	Tunheim	Welker	

The bill was passed and its title agreed to.

H. F. No. 804, A bill for an act relating to courts; providing for transcript fees; amending Minnesota Statutes 1982, section 486.06.

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 128 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Kostohryz	Pauly	Solberg
Anderson, G.	Findlay	Krueger	Peterson	Sparby
Anderson, R.	Fjoslien	Kvam	Piepho	Stadum
Battaglia	Forsythe	Larsen	Piper	Staten
Beard	Frerichs	Levi	Price	Sviggum
Begich	Graba	Long	Quist	Swanson
Bennett	Greenfield	Ludeman	Redalen	Thiede
Berkelman	Gruenes	Mann	Reif	Tomlinson
Bishop	Gustafson	Marsh	Rice	Tunheim
Blatz	Gutknecht	McDonald	Riveness	Uphus
Brandl	Halberg	McEachern	Rodosovich	Valan
Brinkman	Haukoos	McKasy	Rodriguez, C.	Valento
Burger	Heap	Metzen	Rodriguez, F.	Vanasek
Carlson, D.	Heinitz	Minne	Rose	Vellenga
Carlson, L.	Himle	Munger	St. Onge	Voss
Clark, J.	Hoberg	Murphy	Schafer	Waltman
Clark, K.	Hoffman	Nelson, D.	Scheid	Welch
Clawson	Hokr	Nelson, K.	Schoenfeld	Welker
Cohen	Jacobs	Neuenschwander	Schreiber	Welle
Coleman	Jennings	O'Connor	Seaberg	Wenzel
Dempsey	Jensen	Ogren	Segal	Wigley
DenOuden	Johnson	Olsen	Shaver	Wynia
Dimler	Kahn	Omann	Shea	Zaffke
Eken	Kelly	Onnen	Sherman	Speaker Sieben
Elioff	Knickerbocker	Osthoff	Simoneau	
Ellingson	Knuth	Otis	Skoglund	

Those who voted in the negative were:

Evans                      Sarna

The bill was passed and its title agreed to.

H. F. No. 836, A bill for an act relating to the legislative reference library; permitting the library to require certain identifica-

tion of documents deposited; amending Minnesota Statutes 1982, sections 3.195; and 3.302, 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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Knuth	Pauly	Skoglund
Anderson, G.	Evans	Kostohryz	Peterson	Solberg
Anderson, R.	Findlay	Krueger	Piepho	Sparby
Battaglia	Fjoslien	Kvam	Piper	Stadum
Beard	Forsythe	Larsen	Price	Staten
Begich	Frerichs	Levi	Quinn	Sviggum
Bennett	Graba	Long	Quist	Swanson
Bergstrom	Greenfield	Ludeman	Redalen	Thiede
Berkelman	Gruenes	Mann	Reif	Tomlinson
Bishop	Gustafson	Marsh	Rice	Tunheim
Blatz	Gutknecht	McDonald	Riveness	Uphus
Brandl	Halberg	McEachern	Rodosevich	Valan
Brinkman	Haukoos	McKasy	Rodriguez, C.	Valento
Burger	Heap	Metzen	Rodriguez, F.	Vanasek
Carlson, D.	Heinitz	Minne	Rose	Vellenga
Carlson, L.	Himle	Munger	St. Onge	Voss
Clark, J.	Hoberg	Murphy	Sarna	Waltman
Clark, K.	Hoffman	Nelson, D.	Schafer	Welch
Clawson	Hokr	Nelson, K.	Scheid	Welker
Cohen	Jacobs	Neuenschwander	Schoenfeld	Welle
Coleman	Jennings	O'Connor	Schreiber	Wenzel
Dempsey	Jensen	Ogren	Seaberg	Wigley
DenOuden	Johnson	Olsen	Segal	Wynia
Dinler	Kahn	Omamm	Shaver	Zaffke
Eken	Kalis	Onnen	Shea	Speaker Sieben
Elioff	Kelly	Osthoff	Sherman	
Ellingson	Knickerbocker	Otis	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 838, A bill for an act relating to transportation; conforming with federal requirements allowing a state authority to exercise jurisdiction over intrastate transportation provided by rail carrier; amending Minnesota Statutes 1982, sections 218.031, subdivision 1; 218.041, subdivision 2; and 218.071, 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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Anderson, R.	Beard	Bennett	Berkelman
Anderson, G.	Battaglia	Begich	Bergstrom	Bishop

Blatz	Gruenes	Long	Quinn	Stadum
Brandl	Gustafson	Mann	Quist	Staten
Brinkman	Cutknecht	Marsh	Redalen	Sviggum
Burger	Halberg	McDonald	Reif	Swanson
Carlson, D.	Haukoos	McEachern	Rice	Thiede
Carlson, L.	Heap	McKasy	Riveness	Tomlinson
Clark, J.	Heinitz	Metzen	Rodosovich	Tunheim
Clark, K.	Himle	Minne	Rodriguez, C.	Uphus
Clawson	Hoberg	Munger	Rodriguez, F.	Valan
Cohen	Hoffman	Murphy	Rose	Valento
Coleman	Hokr	Nelson, D.	St. Onge	Vanasek
Dempsey	Jacobs	Nelson, K.	Sarna	Vellenga
DenOuden	Jennings	Neuenschwander	Schafer	Voss
Dimler	Jensen	O'Connor	Scheid	Waltman
Eken	Johnson	Ogren	Schoenfeld	Welch
Elioff	Kahn	Olsen	Schreiber	Welker
Ellingson	Kalis	Omann	Seaberg	Welle
Erickson	Kelly	Onnen	Scalger	Wenzel
Evans	Knickerbocker	Osthoff	Shaver	Wigley
Findlay	Knuth	Otis	Shea	Wynia
Fjoslien	Kostohryz	Pauly	Sherman	Zaffke
Forsythe	Krueger	Peterson	Simoneau	Speaker Sieben
Frerichs	Kvam	Piepho	Skoglund	
Graba	Larsen	Piper	Solberg	
Greenfield	Levi	Price	Sparby	

The bill was passed and its title agreed to.

H. F. No. 859 was reported to the House.

Kostohryz moved that H. F. No. 859 be continued one day. The motion prevailed.

H. F. No. 870, A bill for an act relating to state government; authorizing the commissioner of the department of economic security to adopt permanent or temporary rules; proposing new law coded in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1982, section 268.12, 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 8 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Burger	Erickson	Heap	Knuth
Anderson, G.	Carlson, D.	Evans	Heinitz	Kostohryz
Anderson, R.	Carlson, L.	Findlay	Himle	Krueger
Battaglia	Clark, J.	Fjoslien	Hoberg	Kvam
Beard	Clark, K.	Forsythe	Hoffman	Larsen
Begich	Clawson	Frerichs	Hokr	Levi
Bennett	Cohen	Graba	Jacobs	Long
Bergstrom	Coleman	Greenfield	Jensen	Mann
Berkelman	Dempsey	Gruenes	Johnson	Marsh
Bishop	Dimler	Gustafson	Kahn	McDonald
Blatz	Eken	Gutknecht	Kalis	McEachern
Brandl	Elioff	Halberg	Kelly	McKasy
Brinkman	Ellingson	Haukoos	Knickerbocker	Metzen



Minne	Otis	Rodosovich	Shea	Uphus
Munger	Pauly	Rodriguez, C.	Sherman	Valan
Murphy	Peterson	Rodriguez, F.	Simoneau	Valento
Nelson, D.	Piepho	Rose	Skoglund	Vanasek
Nelson, K.	Piper	St. Onge	Solberg	Vellenga
Neuenschwander	Price	Sarna	Sparby	Voss
O'Connor	Quinn	Scheid	Stadum	Welch
Ogren	Quist	Schoenfeld	Staten	Welle
Olsen	Redalen	Schreiber	Sviggum	Wenzel
Omman	Reif	Seaberg	Swanson	Wigley
Onnen	Rice	Segal	Tomlinson	Wynia
Osthoff	Riveness	Shaver	Tunheim	Speaker Sieben

Those who voted in the negative were:

DenOuden	Ludeman	Thiede	Welker	Zaffke
Jennings	Schafer	Waltman		

The bill was passed and its title agreed to.

H. F. No. 903, A bill for an act relating to insurance; removing obsolete statutory provisions regulating assessment benefit associations; repealing Minnesota Statutes 1982, sections 63.01 to 63.35.

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:

Anderson, B.	Evans	Kostohryz	Peterson	Solberg
Anderson, G.	Findlay	Krueger	Piepho	Sparby
Battaglia	Fjoslien	Kvam	Piper	Stadum
Beard	Forsythe	Larsen	Price	Staten
Begich	Frerichs	Levi	Quinn	Sviggum
Bennett	Graba	Long	Quist	Swanson
Bergstrom	Greenfield	Ludeman	Redalen	Thiede
Berkelman	Gruenes	Mann	Reif	Tomlinson
Bishop	Gustafson	Marsh	Rice	Tunheim
Blatz	Gutknecht	McDonald	Riveness	Uphus
Brandl	Halberg	McEachern	Rodosovich	Valan
Brinkman	Haukoos	McKasy	Rodriguez, C.	Valento
Burger	Heap	Metzen	Rodriguez, F.	Vanasek
Carlson, D.	Heinitz	Minne	Rose	Vellenga
Carlson, L.	Himle	Munger	St. Onge	Voss
Clark, J.	Hoberg	Murphy	Sarna	Waltman
Clark, K.	Hoffman	Nelson, D.	Schafer	Welch
Clawson	Hokr	Nelson, K.	Scheid	Welker
Cohen	Jacobs	Neuenschwander	Schoenfeld	Welle
Coleman	Jennings	O'Connor	Schreiber	Wenzel
Dempsey	Jensen	Ogren	Seaberg	Wigley
DenOuden	Johnson	Olsen	Segal	Wynia
Dimler	Kahn	Omman	Shaver	Zaffke
Eken	Kalis	Onnen	Shea	Speaker Sieben
Elioff	Kelly	Osthoff	Sherman	
Ellingson	Knickerbocker	Otis	Simoneau	
Erickson	Knuth	Pauly	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 909, A bill for an act relating to the range association of municipalities and schools; defining its permitted area; amending Minnesota Statutes 1982, section 471.58.

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:

Anderson, B.	Ellingson	Knickerbocker	Otis	Simoneau
Anderson, G.	Erickson	Knuth	Pauly	Skoglund
Anderson, R.	Evans	Kostohryz	Peterson	Solberg
Battaglia	Findlay	Krueger	Piepho	Sparby
Beard	Fjoslien	Kvam	Piper	Stadum
Begich	Forsythe	Larsen	Quinn	Staten
Bennett	Frerichs	Levi	Quist	Sviggum
Bergstrom	Graba	Long	Redalen	Swanson
Berkelman	Greenfield	Ludeman	Reif	Thiede
Bishop	Gruenes	Mann	Rice	Tomlinson
Blatz	Gustafson	Marsh	Riveness	Tunheim
Brandl	Gutknecht	McEachern	Rodosovich	Uphus
Brinkman	Halberg	McKasy	Rodriguez, C.	Valan
Burger	Haukoos	Metzen	Rodriguez, F.	Valento
Carlson, D.	Heap	Minne	Rose	Vanasek
Carlson, L.	Heinitz	Munger	St. Onge	Vellenga
Clark, J.	Himle	Murphy	Sarna	Voss
Clark, K.	Hoberg	Nelson, D.	Schafer	Waltman
Clawson	Hoffman	Nelson, K.	Scheid	Welch
Cohen	Hokr	Neuenschwander	Schoenfeld	Welker
Coleman	Jacobs	O'Connor	Schreiber	Welle
Dempsey	Jennings	Ogren	Seaberg	Wenzel
DenOuden	Jensen	Olsen	Segal	Wigley
Dimler	Johnson	Omann	Shaver	Wynia
Eken	Kalis	Onnen	Shea	Zaffke
Elioff	Kelly	Osthoff	Sherman	Speaker Sieben

The bill was passed and its title agreed to.

H. F. No. 953, A bill for an act relating to the city of Silver Bay; authorizing the establishment of detached banking facilities.

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:

Anderson, B.	Anderson, R.	Beard	Bennett	Berkelman
Anderson, G.	Battaglia	Begich	Bergstrom	Bishop

Brandl	Gustafson	Mann	Quist	Staten
Brinkman	Gutknecht	Marsh	Redalen	Sviggum
Burger	Halberg	McDonald	Reif	Swanson
Carlson, D.	Haukoos	McEachern	Rice	Thiede
Carlson, L.	Heap	McKasy	Riveness	Tomlinson
Clark, J.	Heinitz	Metzen	Rodosovich	Tunheim
Clark, K.	Himle	Minne	Rodriguez, C.	Uphus
Clawson	Hoberg	Munger	Rodriguez, F.	Valan
Cohen	Hoffman	Murphy	Rose	Valento
Coleman	Hokr	Nelson, D.	St. Onge	Vanasek
Dempsey	Jacobs	Nelson, K.	Sarna	Vellenga
DenOuden	Jennings	Neuenschwander	Schafer	Voss
Dimler	Jensen	O'Connor	Scheid	Waltman
Eken	Johnson	Ogren	Schoenfeld	Welch
Elioff	Kahn	Olsen	Schreiber	Welker
Ellingson	Kelly	Omman	Seaberg	Welle
Erickson	Knickerbocker	Onnen	Segal	Wenzel
Evans	Knuth	Osthoff	Shaver	Wigley
Findlay	Kostohryz	Otis	Shea	Wynia
Fjoslien	Krueger	Pauly	Sherman	Zaffke
Forsythe	Kvam	Peterson	Simoneau	Speaker Sieben
Frerichs	Larsen	Piepho	Skoglund	
Graba	Levi	Piper	Solberg	
Greenfield	Long	Price	Sparby	
Gruenes	Ludeman	Quinn	Stadum	

The bill was passed and its title agreed to.

H. F. No. 987, A bill for an act relating to public utilities; providing for additional investment authority of bond proceeds; amending Minnesota Statutes 1982, section 216B.49, 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 4 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dempsey	Hoffman	Minne	Reif
Anderson, G.	Dimler	Jacobs	Munger	Rice
Anderson, R.	Eken	Jennings	Murphy	Riveness
Battaglia	Elioff	Jensen	Nelson, D.	Rodosovich
Beard	Ellingson	Johnson	Nelson, K.	Rodriguez, C.
Begich	Erickson	Kahn	Neuenschwander	Rodriguez, F.
Bennett	Evans	Kelly	O'Connor	Rose
Bergstrom	Findlay	Knickerbocker	Ogren	St. Onge
Berkelman	Fjoslien	Knuth	Olsen	Sarna
Bishop	Forsythe	Kostohryz	Omman	Schafer
Blatz	Graba	Krueger	Onnen	Scheid
Brandl	Greenfield	Kvam	Osthoff	Schoenfeld
Brinkman	Gruenes	Larsen	Otis	Schreiber
Burger	Gustafson	Levi	Pauly	Seaberg
Carlson, D.	Gutknecht	Long	Peterson	Segal
Carlson, L.	Halberg	Mann	Piepho	Shaver
Clark, J.	Haukoos	Marsh	Piper	Shea
Clark, K.	Heap	McDonald	Price	Sherman
Clawson	Heinitz	McEachern	Quinn	Simoneau
Cohen	Himle	McKasy	Quist	Skoglund
Coleman	Hoberg	Metzen	Redalen	Solberg

Sparby	Swanson	Uphus	Vellenga	Wenzel
Stadum	Thiede	Valan	Voss	Wigley
Staten	Tomlinson	Valento	Waltman	Wynia
Sviggum	Tunheim	Vanasek	Welch	Speaker Sieben

Those who voted in the negative were:

DenOuden	Frerichs	Ludeman	Zaffke
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The bill was passed and its title agreed to.

### CALENDAR

H. F. No. 239, A bill for an act relating to liquor; extending the date for requiring dram shop insurance; requiring an assigned risk plan and specifying rule making authority of the commissioner of insurance in regard thereto; amending Minnesota Statutes 1982, sections 340.11, subdivision 21, and by adding a subdivision; and 340.353, subdivision 8; and Laws 1982, chapter 528, section 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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Knickerbocker	Osthoff	Shea
Anderson, G.	Evans	Knuth	Otis	Sherman
Anderson, R.	Findlay	Kostohryz	Pauly	Simoneau
Battaglia	Fjoslien	Krueger	Peterson	Skoglund
Beard	Forsythe	Kvam	Piepho	Solberg
Begich	Frerichs.	Larsen	Piper	Sparby
Bennett	Graba	Levi	Price	Staten
Berkelman	Greenfield	Long	Quinn	Sviggum
Bishop	Gruenes	Ludeman	Quist	Swanson
Blatz	Gustafson	Mann	Redalen	Thiede
Brandl	Gutknecht	Marsh	Reif	Tomlinson
Brinkman	Halberg	McDonald	Rice	Tunheim
Burger	Haukoos	McEachern	Riveness	Uphus
Carlson, D.	Heap	McKasy	Rodosovich	Valan
Carlson, L.	Heinitz	Metzen	Rodriguez, C.	Valento
Clark, J.	Himle	Minne	Rodriguez, F.	Vanasek
Clark, K.	Hoberg	Munger	Rose	Vellenga
Clawson	Hoffman	Murphy	St. Onge	Voss
Cohen	Hokr	Nelson, D.	Sarna	Waltman
Coleman	Jacobs	Nelson, K.	Schafer	Welch
Dempsey	Jennings	Neuenschwander	Scheid	Welker
DenOuden	Jensen	O'Connor	Schoenfeld	Wenzel
Dimler	Johnson	Ogren	Schreiber	Wigley
Eken	Kahn	Olsen	Seaberg	Wynia
Elioff	Kalis	Omann	Segal	Zaffke
Ellingson	Kelly	Onnen	Shaver	Speaker Sieben

The bill was passed and its title agreed to.

S. F. No. 186, A resolution memorializing the President and Congress to freeze natural gas prices under the Natural Gas Policy Act of 1978 for two years.

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 73 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Larsen	Piper	Solberg
Anderson, R.	Ellingson	Long	Price	Sparby
Battaglia	Graba	Mann	Quinn	Staten
Beard	Greenfield	Metzen	Riveness	Swanson
Begich	Gustafson	Minne	Rodosovich	Tunheim
Bennett	Hoffman	Munger	Rodriguez, C.	Vanasek
Bergstrom	Jacobs	Murphy	Rodriguez, F.	Vellenga
Brinkman	Jensen	Nelson, D.	St. Onge	Voss
Carlson, D.	Kahn	Nelson, K.	Sarna	Welch
Carlson, L.	Kalis	Neuenschwander	Scheid	Welle
Clark, J.	Kelly	O'Connor	Schoenfeld	Wenzel
Clark, K.	Knickerbocker	Ogren	Segal	Wynia
Cohen	Knuth	Osthoff	Shea	Speaker Sieben
Coleman	Kostohryz	Otis	Simoneau	
Eken	Krueger	Peterson	Skoglund	

Those who voted in the negative were:

Bishop	Forsythe	Johnson	Redalen	Thiede
Blatz	Frerichs	Kvam	Reif	Uphus
Burger	Gutknecht	Ludeman	Rose	Valento
Dempsey	Haukoos	McDonald	Schafer	Waltman
DenOuden	Heap	McKasy	Schreiber	Welker
Dimler	Heinitz	Omann	Seaberg	Wigley
Erickson	Himle	Onnen	Shaver	Zaffke
Evans	Hoberg	Pauly	Sherman	
Findlay	Hokr	Piepho	Stadum	
Fjoslien	Jennings	Quist	Sviggun	

The bill was passed and its title agreed to.

H. F. No. 159, A bill for an act relating to education; requiring school boards to adopt and review discipline policies including rules of conduct for pupils, and grounds and procedures for removal of pupils from class; amending Minnesota Statutes 1982, section 127.27, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 127.

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 12 nays as follows:

## Those who voted in the affirmative were:

Anderson, B.	Evans	Knuth	Pauly	Skoglund
Anderson, R.	Findlay	Kostohryz	Peterson	Solberg
Battaglia	Fjoslien	Krueger	Piepho	Sparby
Beard	Forsythe	Kvam	Piper	Stadum
Begich	Graba	Levi	Price	Staten
Bennett	Greenfield	Long	Quinn	Swiggum
Bergstrom	Gruenes	Mann	Quist	Swanson
Berkelman	Gustafson	Marsh	Reif	Thiede
Bishop	Gutknecht	McDonald	Riveness	Tomlinson
Blatz	Halberg	McEachern	Rodosovich	Tunheim
Brandl	Heap	McKasy	Rodriguez, C.	Valan
Brinkman	Heinitz	Metzen	Rodriguez, F.	Vanasek
Burger	Himle	Minne	Rose	Vellenga
Carlson, D.	Hoberg	Munger	St. Onge	Voss
Carlson, L.	Hoffman	Murphy	Sarna	Waltman
Clark, J.	Hokr	Nelson, D.	Scheid	Welch
Clark, K.	Jacobs	Nelson, K.	Schoenfeld	Wenzel
Clawson	Jennings	Neuenschwander	Schreiber	Wigley
Cohen	Jensen	O'Connor	Seaberg	Wynia
Coleman	Johnson	Ogren	Segal	Speaker Sieben
Dempsey	Kahn	Omamm	Shaver	
Eken	Kalis	Onnen	Shea	
Elioff	Kelly	Osthoff	Sherman	
Ellingson	Knickerbocker	Otis	Simoneau	

## Those who voted in the negative were:

DenOuden	Frerichs	Redalen	Valento	Zaffke
Dimler	Haukoos	Schafer	Welker	
Erickson	Ludeman	Uphus		

The bill was passed and its title agreed to.

H. F. No. 250 was reported to the House.

There being no objection H. F. No. 250 was continued one day.

H. F. No. 251, A bill for an act relating to retirement; police and salaried firefighters relief associations; modifying the governance of the trust funds after the local relief association ceases to exist; updating obsolete language; clarifying ambiguous language; amending Minnesota Statutes 1982, section 423A.01, subdivisions 2 and 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:

Anderson, B.	Beard	Berkelman	Brinkman	Clark, K.
Anderson, G.	Begich	Bishop	Carlson, D.	Clawson
Anderson, R.	Bennet	Blatz	Carlson, L.	Cohen
Battaglia	Bergstrom	Brandl	Clark, J.	Coleman

Dempsey	Hoffman	Metzen	Reif	Stadum
DenOuden	Hokr	Minne	Rice	Staten
Dimler	Jacobs	Munger	Riveness	Sviggum
Eken	Jennings	Murphy	Rodosovich	Swanson
Elioff	Jensen	Nelson, D.	Rodriguez, C.	Thiede
Ellingson	Johnson	Nelson, K.	Rodriguez, F.	Tomlinson
Erickson	Kalis	Neuenschwander	Rose	Tunheim
Evans	Kelly	O'Connor	St. Onge	Uphus
Findlay	Knickerbocker	Ogren	Sarna	Valan
Fjoslien	Knuth	Olsen	Schafer	Valento
Frerichs	Kostohryz	Omann	Scheid	Vanasek
Graba	Krueger	Onnen	Schoenfeld	Vellenga
Greenfield	Kvam	Osthoff	Schreiber	Voss
Gruenes	Larsen	Otis	Seaberg	Waltman
Gustafson	Levi	Pauly	Segal	Welch
Gutknecht	Long	Peterson	Shaver	Welker
Halberg	Ludeman	Piepho	Shea	Welle
Haukoos	Mann	Piper	Sherman	Wenzel
Heap	Marsh	Price	Simoneau	Wigley
Heinitz	McDonald	Quinn	Skoglund	Wynia
Himle	McEachern	Quist	Solberg	Zaffke
Hoberg	McKasy	Redalen	Sparby	Speaker Sieben

The bill was passed and its title agreed to.

**S. F. No. 240, A bill for an act relating to domestic abuse; protecting persons from abuse by former spouses and others; authorizing an arrest for violations of certain orders; amending Minnesota Statutes 1982, section 518B.01, subdivisions 2, 13, 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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eken	Jacobs	Minne	Rice
Anderson, G.	Elioff	Jennings	Munger	Riveness
Anderson, R.	Ellingson	Jensen	Murphy	Rodosovich
Battaglia	Erickson	Johnson	Nelson, D.	Rodriguez, C.
Beard	Evans	Kahn	Nelson, K.	Rodriguez, F.
Begich	Findlay	Kalis	Neuenschwander	Rose
Bennett	Fjoslien	Kelly	O'Connor	St. Onge
Berkelman	Forsythe	Knickerbocker	Ogren	Sarna
Bishop	Frerichs	Knuth	Olsen	Schafer
Blatz	Graba	Kostohryz	Omann	Scheid
Brandl	Greenfield	Krueger	Onnen	Schoenfeld
Brinkman	Gruenes	Kvam	Osthoff	Schreiber
Carlson, D.	Gustafson	Larsen	Otis	Seaberg
Carlson, L.	Gutknecht	Levi	Pauly	Segal
Clark, J.	Halberg	Long	Peterson	Shaver
Clark, K.	Haukoos	Ludeman	Piepho	Shea
Clawson	Heap	Mann	Piper	Sherman
Cohen	Heinitz	Marsh	Price	Simoneau
Coleman	Himle	McDonald	Quinn	Skoglund
Dempsey	Hoberg	McEachern	Quist	Solberg
DenOuden	Hoffman	McKasy	Redalen	Sparby
Dimler	Hokr	Metzen	Reif	Stadum

Staten	Tomlinson	Vanasek	Welch	Wigley
Sviggum	Uphus	Vellenga	Welker	Wynia
Swanson	Valan	Voss	Welle	Zaffke
Thiede	Valento	Waltman	Wenzel	Speaker Sieben

The bill was passed and its title agreed to.

H. F. No. 384, A bill for an act relating to retirement; local police and salaried firefighters relief associations; requiring annual valuations; deleting requirement of quadrennial experience studies; removing obsolete language; amending Minnesota Statutes 1982, sections 69.77, subdivision 2; and 356.216.

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:

Anderson, B.	Erickson	Knickerbocker	Osthoff	Sherman
Anderson, G.	Evans	Knuth	Otis	Simoneau
Anderson, R.	Findlay	Kostohryz	Pauly	Skoglund
Battaglia	Fjoslien	Krueger	Peterson	Solberg
Beard	Forsythe	Kvam	Piepho	Spärby
Begich	Frerichs	Larsen	Piper	Stadum
Bennett	Graba	Levi	Price	Staten
Bergstrom	Greenfield	Long	Quinn	Sviggum
Berkelman	Gruenes	Ludeman	Quist	Swanson
Bishop	Gustafson	Mann	Redalen	Thiede
Blatz	Gutknecht	Marsh	Reif	Tomlinson
Brandl	Halberg	McDonald	Rice	Valan
Brinkman	Haukoos	McEachern	Rivness	Valento
Carlson, D.	Heap	McKasy	Rodosovich	Vanasek
Carlson, L.	Heinitz	Metzen	Rodriguez, C.	Vellenga
Clark, J.	Himle	Minne	Rodriguez, F.	Voss
Clark, K.	Hoberg	Munger	Rose	Waltman
Clawson	Hoffman	Murphy	St. Onge	Welch
Cohen	Hokr	Nelson, D.	Schafer	Welker
Coleman	Jacobs	Nelson, K.	Scheid	Welle
Dempsey	Jennings	Neuenschwander	Schoenfeld	Wenzel
DenOuden	Jensen	O'Connor	Schreiber	Wigley
Dimler	Johnson	Ogren	Seaberg	Wynia
Eken	Kahn	Olsen	Segal	Zaffke
Elioff	Kalis	Omann	Shaver	Speaker Sieben
Elingson	Kelly	Onnen	Shea	

The bill was passed and its title agreed to.

H. F. No. 491, A bill for an act relating to administrative rule-making; providing for consideration of and participation by small business; proposing new law coded in Minnesota Statutes, chapter 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 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Knuth	Peterson	Skoglund
Anderson, G.	Evans	Kostohryz	Piepho	Solberg
Anderson, R.	Findlay	Krueger	Piper	Sparby
Battaglia	Fjoslien	Kvam	Price	Stadum
Beard	Forsythe	Larsen	Quinn	Staten
Begich	Frerichs	Levi	Quist	Sviggum
Bennett	Graba	Long	Redalen	Swanson
Bergstrom	Greenfield	Ludeman	Reif	Thiede
Berkelman	Gruenes	Mann	Rice	Tomlinson
Bishop	Gustafson	Marsh	Riveness	Uphus
Blatz	Gutknecht	McDonald	Rodosovich	Valan
Brandl	Halberg	McEachern	Rodriguez, C.	Valento
Brinkman	Haukoos	McKasy	Rodriguez, F.	Vanasek
Carlson, D.	Heap	Metzen	Rose	Vellenga
Carlson, L.	Heinitz	Munger	St. Onge	Voss
Clark, J.	Himle	Murphy	Sarna	Waltman
Clark, K.	Hoberg	Nelson, D.	Schafer	Welch
Clawson	Hoffman	Nelson, K.	Scheid	Welker
Cohen	Hokr	Neuenschwander	Schoenfeld	Welle
Coleman	Jacobs	O'Connor	Schreiber	Wenzel
Dempsey	Jennings	Ogren	Seaberg	Wigley
DenOuden	Jensen	Olsen	Segal	Wynia
Dimler	Johnson	Omann	Shaver	Zaffke
Eken	Kahn	Onnen	Shea	Speaker Sieben
Elioff	Kalis	Otis	Sherman	
Ellingson	Knickerbocker	Pauly	Simoneau	

Those who voted in the negative were:

Osthoff

The bill was passed and its title agreed to.

H. F. No. 521 was reported to the House.

Berkelman moved that H. F. No. 521 be returned to General Orders. The motion prevailed.

H. F. No. 540, A bill for an act relating to crimes; creating the crimes of unlawfully obtaining services from a provider of regular route transit and unlawfully interfering with a transit operator while the operator is performing his or her duties; prohibiting disruptive behavior on a transit vehicle; providing 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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Knuth	Pauly	Skoglund
Anderson, G.	Evans	Kostohryz	Peterson	Solberg
Anderson, R.	Findlay	Krueger	Piepho	Sparby
Battaglia	Fjoslién	Kvam	Piper	Stadum
Beard	Forsythe	Larsen	Price	Staten
Begich	Frerichs	Levi	Quinn	Sviggum
Bennett	Graba	Long	Quist	Swanson
Bergstrom	Greenfield	Ludeman	Redalen	Thiede
Berkelman	Gruenes	Mann	Reif	Tomlinson
Bishop	Gustafson	Marsh	Rice	Tunheim
Blatz	Gutknecht	McDonald	Riveness	Uphus
Brandl	Halberg	McEachern	Rodosovich	Valan
Brinkman	Haukoos	McKasy	Rodriguez, C.	Valento
Burger	Heap	Metzen	Rodriguez, F.	Vanasek
Carlson, D.	Heinitz	Minne	Rose	Vellenga
Carlson, L.	Himle	Munger	St. Onge	Voss
Clark, J.	Hoberg	Murphy	Sarna	Waltman
Clark, K.	Hoffman	Nelson, D.	Schafer	Welch
Clawson	Hokr	Nelson, K.	Scheid	Welker
Cohen	Jacobs	Neuenschwander	Schoenfeld	Welle
Coleman	Jennings	O'Connor	Schreiber	Wenzel
Dempsey	Jensen	Ogren	Seaberg	Wigley
DenOuden	Johnson	Olsen	Segal	Wynia
Dimler	Kahn	Omann	Shaver	Zaffke
Eken	Kalis	Onnen	Shea	Speaker Sieben
Elioff	Kelly	Osthoff	Sherman	
Ellingson	Knickerbocker	Otis	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 610, A bill for an act relating to financial institutions; industrial loan and thrift companies; regulated loans; enlarging the group of institutions which may utilize electronic fund transfer facilities; modifying the capital and reserve limitation on loans by industrial loan and thrift companies; permitting loan and thrifts and regulated lenders to take discount points in certain circumstances; authorizing loan and thrifts to receive savings accounts and savings deposits subject to certain prescribed conditions; regulating loan splitting; eliminating the receipt requirement for money orders; standardizing certain penalties; excepting loan and thrifts and regulated lenders from the licensing requirements for real estate brokers and salespersons; amending Minnesota Statutes 1982, sections 47.61, subdivision 4; 47.64, subdivision 1; 48.196; 53.03, subdivision 5; 53.04, subdivisions 3a and 5; 53.05; 53.07, subdivision 2; 53.10; 56.131, subdivision 3, and by adding a subdivision; 56.14; 56.19, subdivision 1; 80A.15, subdivision 1; and 82.18; repealing Minnesota Statutes 1982, section 56.19, 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 120 yeas and 5 nays as follows:

## Those who voted in the affirmative were:

Anderson, B.	Elioff	Knuth	Osthoff	Shea
Anderson, G.	Ellingson	Kostohryz	Otis	Sherman
Anderson, R.	Erickson	Krueger	Pauly	Solberg
Battaglia	Evans	Kvam	Peterson	Sparby
Beard	Findlay	Levi	Piepho	Stadum
Begich	Fjoslien	Long	Price	Sviggum
Bennett	Forsythe	Ludeman	Quinn	Swanson
Bergstrom	Frerichs	Mann	Quist	Thiede
Berkelman	Graba	Marsh	Redalen	Tomlinson
Bishop	Gruenes	McDonald	Reif	Uphus
Blatz	Gustafson	McEachern	Rice	Valan
Brandl	Halberg	McKasy	Riveness	Valento
Brinkman	Haukoos	Metzen	Rodosovich	Vanasek
Burger	Heap	Minne	Rodriguez, C.	Vellenga
Carlson, D.	Heinitz	Munger	Rodriguez, F.	Voss
Carlson, L.	Himle	Murphy	St. Onge	Waltman
Clark, J.	Hoberg	Nelson, D.	Sarna	Welch
Clark, K.	Hoffman	Nelson, K.	Schafer	Welker
Cohen	Jacobs	Neuenschwander	Scheid	Welle
Coleman	Jennings	O'Connor	Schoenfeld	Wenzel
Dempsey	Jensen	Ogren	Schreiber	Wigley
DenOuden	Johnson	Olsen	Seaberg	Wynia
Dimler	Kalis	Omann	Segal	Zaffke
Eken	Knickerbocker	Onnen	Shaver	Speaker Sieben

## Those who voted in the negative were:

Greenfield	Kahn	Kelly	Skoglund	Staten
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The bill was passed and its title agreed to.

H. F. No. 631, A bill for an act relating to Hennepin County; authorizing employees to withdraw from participation in the Hennepin County supplemental retirement fund.

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:

Anderson, B.	Carlson, L.	Fjoslien	Hokr	Long
Anderson, G.	Clark, J.	Forsythe	Jacobs	Ludeman
Anderson, R.	Clark, K.	Frerichs	Jennings	Mann
Battaglia	Clawson	Graba	Jensen	Marsh
Beard	Cohen	Greenfield	Johnson	McDonald
Begich	Coleman	Gruenes	Kahn	McEachern
Bennett	Dempsey	Gustafson	Kalis	McKasy
Bergstrom	DenOuden	Gutknecht	Kelly	Metzen
Berkelman	Dimler	Halberg	Knickerbocker	Minne
Bishop	Eken	Haukoos	Knuth	Munger
Blatz	Elioff	Heap	Kostohryz	Murphy
Brandl	Ellingson	Heinitz	Krueger	Nelson, D.
Brinkman	Erickson	Himle	Kvam	Nelson, K.
Burger	Evans	Hoberg	Larsen	Neuenschwander
Carlson, D.	Findlay	Hoffman	Levi	O'Connor

Ogren	Quist	Scheid	Stadum	Waltman
Olsen	Redalen	Schoenfeld	Staten	Welch
Omann	Reif	Schreiber	Sviggum	Welker
Onnen	Rice	Seaberg	Swanson	Welle
Osthoff	Riveness	Segal	Thiede	Wenzel
Otis	Rodosovich	Shaver	Tomlinson	Wigley
Pauly	Rodriguez, C.	Shea	Uphus	Wynia
Peterson	Rodriguez, F.	Sherman	Valan	Zaffke
Piepho	Rose	Simoneau	Valento	Speaker Sieben
Piper	St. Onge	Skoglund	Vanasek	
Price	Sarna	Solberg	Vellenga	
Quinn	Schafer	Sparby	Voss	

The bill was passed and its title agreed to.

H. F. No. 760, A bill for an act relating to retirement; making various administrative and clarifying amendments to laws governing the Minnesota state retirement system and other retirement plans administered by the system; amending Minnesota Statutes 1982, sections 352.01, subdivisions 11, 16, and 17; 352.021, subdivision 5; 352.113, subdivisions 2, 4, and 6; 352.115, subdivision 8; 352.12, subdivisions 3, 4, and 10; 352.15, subdivision 1; 352.22, subdivision 3; 352.93, subdivision 1; 352.95, subdivisions 4 and 5; 352B.01, subdivisions 3, 9, and 10; 352B.02, subdivision 1; 352B.03, subdivision 2; 352B.05; 352B.07; 352B.071; 352B.08, subdivision 1; 352B.105; 352B.11, subdivisions 1, 4, and by adding a subdivision; 352B.30, subdivision 1; 352D.015, subdivision 9; 352D.02, subdivision 3; 352D.04, subdivision 1; and 490.124, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 352B; repealing Minnesota Statutes 1982, sections 352.041, subdivision 6; 352.115, subdivisions 4 and 5; 352.118; 352.1191; 352.22, subdivision 4; 352.71; 352.93, subdivisions 5 and 6; 352B.01, subdivision 8; 352B.02, subdivision 2; 352B.06; 352B.13; 352B.261; and 352B.262.

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:

Anderson, B.	Carlson, L.	Fjoslien	Hokr	Long
Anderson, G.	Clark, J.	Forsythe	Jacobs	Ludeman
Anderson, R.	Clark, K.	Frerichs	Jennings	Mann
Battaglia	Clawson	Graba	Jensen	Marsh
Beard	Cohen	Greenfield	Johnson	McDonald
Begich	Coleman	Gruenes	Kahn	McEachern
Bennett	Dempsey	Gustafson	Kalis	McKasy
Bergstrom	DenOuden	Gutknecht	Kelly	Metzen
Berkelman	Dimler	Halberg	Knickerbocker	Minne
Bishop	Eken	Haukoos	Knuth	Munger
Blatz	Etioff	Heap	Kostohryz	Murphy
Brandl	Ellingson	Heinitz	Krueger	Nelson, D.
Brinkman	Erickson	Himle	Kvam	Nelson, K.
Burger	Evans	Hoberg	Larsen	Neuenschwander
Carlson, D.	Findlay	Hoffman	Levi	O'Connor

Ogren	Quist	Scheid	Staten	Waltman
Olsen	Redalen	Schreiber	Swiggum	Welch
Omann	Reif	Seaberg	Swanson	Welker
Onnen	Rice	Segal	Thiede	Welle
Osthoff	Riveness	Shaver	Tomlinson	Wenzel
Otis	Rodosovich	Shea	Tunheim	Wigley
Pauly	Rodriguez, C.	Sherman	Uphus	Wynia
Peterson	Rodriguez, F.	Simoneau	Valan	Zaffke
Piepho	Rose	Skoglund	Valento	Speaker Sieben
Piper	St. Onge	Solberg	Vanasek	
Price	Sarna	Sparby	Vellenga	
Quinn	Schafer	Stadum	Voss	

The bill was passed and its title agreed to.

H. F. No. 830, A bill for an act relating to manufactured homes; clarifying the prohibition of net listing agreements; adding an appeals provision; correcting cross-references; amending Minnesota Statutes 1982, sections 327B.01, subdivisions 11 and 14; 327B.04, subdivision 4; 327B.05, subdivisions 1 and 2, and by adding a subdivision; 327B.07, subdivision 1; and 327B.09, subdivisions 1 and 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 5 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Knuth	Pauly	Simoneau
Anderson, G.	Evans	Kostohryz	Peterson	Skoglund
Anderson, R.	Findlay	Krueger	Piepho	Solberg
Battaglia	Fjoslien	Kvam	Piper	Sparby
Beard	Forsythe	Larsen	Price	Stadum
Begich	Frerichs	Levi	Quinn	Staten
Bennett	Graba	Long	Quist	Swiggum
Bergstrom	Greenfield	Mann	Redalen	Swanson
Berkelman	Gruenes	Marsh	Reif	Tomlinson
Bishop	Gustafson	McDonald	Rice	Tunheim
Blatz	Gutknecht	McEachern	Riveness	Uphus
Brandl	Halberg	McKasy	Rodosovich	Valan
Brinkman	Haukoos	Metzen	Rodriguez, C.	Valento
Burger	Heap	Minnie	Rodriguez, F.	Vanasek
Carlson, D.	Heinitz	Munger	Rose	Vellenga
Carlson, L.	Himle	Murphy	St. Onge	Voss
Clark, J.	Hoberg	Nelson, D.	Sarna	Waltman
Clark, K.	Hoffman	Nelson, K.	Schafer	Welch
Clawson	Hokr	Neuenschwander	Scheid	Welle
Cohen	Jacobs	O'Connor	Schoenfeld	Wenzel
Coleman	Jensen	Ogren	Schreiber	Wigley
Dempsey	Johnson	Olsen	Seaberg	Wynia
DenOuden	Kahn	Omann	Segal	Speaker Sieben
Dimler	Kalis	Onnen	Shaver	
Eken	Kelly	Osthoff	Shea	
Elioff	Knickerbocker	Otis	Sherman	

Those who voted in the negative were:

Erickson                  Jennings                  Ludeman                  Welker                  Zaffke

The bill was passed and its title agreed to.

H. F. No. 230, A bill for an act relating to insurance; prohibiting sex discrimination under Minnesota comprehensive health insurance plan; amending Minnesota Statutes 1982, section 62E.08, 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 129 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Knuth	Otis	Sherman
Anderson, G.	Erickson	Kostohryz	Pauly	Simoneau
Anderson, R.	Evans	Krueger	Peterson	Skogiund
Battaglia	Findlay	Kvam	Piepho	Solberg
Beard	Fjoslien	Larsen	Piper	Sparby
Begich	Forsythe	Levi	Price	Stadum
Bennett	Graba	Long	Quinn	Staten
Bergstrom	Greenfield	Ludeman	Quist	Sviggum
Berkelman	Gruenes	Mann	Redalen	Swanson
Bishop	Gustafson	Marsh	Reif	Thiede
Blatz	Gutknecht	McDonald	Rice	Tomlinson
Brandl	Halberg	McEachern	Riveness	Tunheim
Brinkman	Haukoos	McKasy	Rodosovich	Uphus
Burger	Heap	Metzen	Rodriguez, C.	Valan
Carlson, D.	Heinitz	Minne	Rodriguez, F.	Valento
Carlson, L.	Himle	Munger	Rose	Vanasek
Clark, J.	Hoberg	Murphy	St. Onge	Vellenga
Clark, K.	Hoffman	Nelson, D.	Sarna	Voss
Clawson	Hokr	Nelson, K.	Schafer	Waltman
Cohen	Jacobs	Neuenschwander	Scheid	Welch
Coleman	Jennings	O'Connor	Schoenfeld	Welle
Dempsey	Jensen	Ogren	Schreiber	Wenzel
DenOuden	Johnson	Olsen	Seaberg	Wigley
Dimler	Kalis	Omann	Segal	Wynia
Eken	Kelly	Onnen	Shaver	Speaker Sieben
Elioff	Knickerbocker	Osthoff	Shea	

Those who voted in the negative were:

Frerichs                  Welker

The bill was passed and its title agreed to.

H. F. No. 558, A bill for an act relating to commerce; altering certain interest rate provisions on renegotiations of conventional and cooperative apartment loans and contracts for deed; amending Minnesota Statutes 1982, section 47.20, subdivision 4a.

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:

Anderson, B.	Erickson	Kostohryz	Peterson	Solberg
Anderson, G.	Evans	Krueger	Piepho	Sparby
Anderson, R.	Findlay	Kvam	Piper	Stadum
Battaglia	Fjoslien	Larsen	Price	Staten
Beard	Forsythe	Levi	Quinn	Sviggum
Begich	Frerichs	Long	Quist	Swanson
Bennett	Graba	Ludeman	Redalen	Thiede
Bergstrom	Greenfield	Mann	Reif	Tomlinson
Berkelman	Gruenes	Marsh	Rice	Tunheim
Bishop	Gustafson	McDonald	Riveness	Uphus
Blatz	Gutknecht	McEachern	Rodosovich	Valan
Brandl	Halberg	McKasy	Rodriguez, C.	Valento
Brinkman	Haukoos	Metzen	Rodriguez, F.	Vanasek
Burger	Heap	Minne	Rose	Vellenga
Carlson, D.	Heinitz	Munger	St. Onge	Voss
Carlson, L.	Himle	Murphy	Sarna	Waltman
Clark, J.	Hoberg	Nelson, D.	Schafer	Welch
Clark, K.	Hoffman	Nelson, K.	Scheid	Welker
Clawson	Hokr	Neuenschwander	Schoenfeld	Welle
Cohen	Jacobs	O'Connor	Schreiber	Wenzel
Coleman	Jennings	Ogren	Seaberg	Wigley
Dempsey	Jensen	Olsen	Segal	Wynia
DenOuden	Johnson	Omann	Shaver	Zaffke
Dimler	Kalis	Onnen	Shea	Speaker Sieben
Eken	Kelly	Osthoff	Sherman	
Elioff	Knickerbocker	Otis	Simoneau	
Ellingson	Knuth	Pauly	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 605 was reported to the House and given its third reading.

Piepho moved that H. F. No. 605 be continued one day. The motion prevailed.

H. F. No. 697, A bill for an act relating to the city of St. Paul; providing for facilities, bonding, powers, and duties of the St. Paul port authority; amending Laws 1976, chapter 234, section 3, 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 111 yeas and 20 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Knuth	Otis	Sherman
Anderson, C.	Ellingson	Kostohryz	Pauly	Simoneau
Anderson, R.	Evans	Krueger	Peterson	Skoglund
Battaglia	Findlay	Kvam	Piepho	Solberg
Beard	Fjoslien	Larsen	Piper	Sparby
Begich	Forsythe	Levi	Price	Staten
Bennett	Graba	Long	Quinn	Swanson
Bergstrom	Greenfield	Mann	Quist	Tomlinson
Berkelman	Gruenes	Marsh	Redalen	Tunheim
Bishop	Gustafson	McEachern	Reif	Uphus
Blatz	Gutknecht	McKasy	Rice	Valan
Brandl	Halberg	Metzen	Riveness	Vanasek
Brinkman	Heap	Minne	Rodosovich	Vellenga
Burger	Heinitz	Munger	Rodriguez, C.	Voss
Carlson, D.	Himle	Murphy	Rodriguez, F.	Welch
Carlson, L.	Hoberg	Nelson, D.	Rose	Welle
Clark, J.	Hoffman	Nelson, K.	St. Onge	Wenzel
Clark, K.	Jacobs	Neuenschwander	Sarna	Wigley
Clawson	Jensen	O'Connor	Scheid	Speaker Sieben
Cohen	Johnson	Ogren	Schoenfeld	
Coleman	Kalis	Olsen	Seaberg	
Dimler	Kelly	Omann	Segal	
Eken	Knickerbocker	Osthoff	Shaver	

Those who voted in the negative were:

Dempsey	Haukoos	McDonald	Shea	Waltman
DenOuden	Hokr	Onnen	Stadum	Welker
Erickson	Jennings	Schafer	Thiede	Wynia
Frerichs	Ludeman	Schreiber	Valento	Zaffke

The bill was passed and its title agreed to.

H. F. No. 721, A bill for an act relating to the city of Babbitt; authorizing the establishment of detached banking facilities.

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:

Anderson, B.	Carlson, L.	Findlay	Hoberg	Larsen
Anderson, C.	Clark, J.	Fjoslien	Hoffman	Levi
Anderson, R.	Clark, K.	Forsythe	Hokr	Long
Battaglia	Clawson	Frerichs	Jacobs	Ludeman
Beard	Cohen	Graba	Jennings	Mann
Begich	Coleman	Greenfield	Jensen	Marsh
Bennett	Dempsey	Gruenes	Johnson	McDonald
Bergstrom	DenOuden	Gustafson	Kalis	McEachern
Berkelman	Dimler	Gutknecht	Kelly	McKasy
Bishop	Eken	Halberg	Knickerbocker	Metzen
Blatz	Elioff	Haukoos	Knuth	Minne
Brandl	Ellingson	Heap	Kostohryz	Munger
Brinkman	Erickson	Heinitz	Krueger	Murphy
Burger	Evans	Himle	Kvam	Nelson, D.



Nelson, K.	Price	Schafer	Stadum	Waltman
Neuenschwander	Quinn	Scheid	Staten	Welch
O'Connor	Quist	Schoenfeld	Sviggum	Welker
Ogren	Redalen	Schreiber	Swanson	Welle
Olsen	Reif	Seaberg	Thiede	Wenzel
Omman	Rice	Segal	Tomlinson	Wigley
Onnen	Riveness	Shaver	Tunheim	Wynia
Osthoff	Rodosovich	Shea	Uphus	Zaffke
Otis	Rodriguez, C.	Sherman	Valan	Speaker Sieben
Pauly	Rodriguez, F.	Simoneau	Valento	
Peterson	Rose	Skoglund	Vanasek	
Piepho	St. Onge	Solberg	Vellenga	
Piper	Sarna	Sparby	Voss	

The bill was passed and its title agreed to.

H. F. No. 787, A bill for an act relating to metropolitan government; regulating the organization, duties, and powers of the metropolitan mosquito control district and commission; amending Minnesota Statutes 1982, sections 473.702; 473.703, subdivisions 1 and 9; 473.704, subdivision 13; 473.711, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 473.

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 4 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Knuth	Otis	Simoneau
Anderson, G.	Evans	Kostohryz	Pauly	Skoglund
Anderson, R.	Findlay	Krueger	Peterson	Solberg
Battaglia	Fjosli	Kvam	Piepho	Sparby
Beard	Forsythe	Larsen	Piper	Stadum
Begich	Frerichs	Levi	Price	Staten
Bennett	Graba	Long	Quinn	Sviggum
Bergstrom	Greenfield	Ludeman	Quist	Swanson
Berkelman	Gruenes	Mann	Redalen	Thiede
Bishop	Gustafson	Marsh	Reif	Tomlinson
Blatz	Gutknecht	McDonald	Rice	Tunheim
Brandl	Halberg	McEachern	Riveness	Uphus
Brinkman	Haukoos	McKasy	Rodosovich	Valan
Burger	Heap	Metzen	Rodriguez, C.	Valento
Carlson, D.	Heinitz	Minne	Rodriguez, F.	Vanasek
Carlson, L.	Himle	Munger	Rose	Vellenga
Clark, J.	Hoberg	Murphy	St. Onge	Voss
Clark, K.	Hoffman	Nelson, D.	Sarna	Waltman
Clawson	Hokr	Nelson, K.	Scheid	Welch
Cohen	Jacobs	Neuenschwander	Schoenfeld	Welle
Coleman	Jensen	O'Connor	Schreiber	Wenzel
Dempsey	Johnson	Ogren	Seaberg	Wigley
Dimler	Kahn	Olsen	Segal	Wynia
Eken	Kalis	Omman	Shaver	Zaffke
Elioff	Kelly	Onnen	Shea	Speaker Sieben
Ellingson	Knickerbocker	Osthoff	Sherman	

Those who voted in the negative were:

DenOuden	Jennings	Schafer	Welker
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The bill was passed and its title agreed to.

Metzen was excused at 4:00 p.m. Wenzel was excused at 4:10 p.m.

### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole with Sieben 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 THE 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. 412 which it recommended to pass.

H. F. Nos. 474, 521 and 270 which it recommended progress.

H. F. No. 733 which it recommended progress retaining its place on General Orders.

H. F. No. 91 which it recommended to pass with the following amendment offered by Minne:

Page 3, line 19, after the period insert:

*"Within 60 days of the effective date of this section, the board of directors of each cooperative electric association shall notify the stockholders of the provisions of this section and shall explain the process for ratification by petition and election as provided in this subdivision.*

Sec. 2. [EFFECTIVE DATE.]

*Section 1 is effective the day following final enactment."*

H. F. No. 745 which it recommended to pass with the following amendment offered by Berkelman:

Page 14, after line 8, insert:

"Sec. 17. Minnesota Statutes 1982, section 14.47, subdivision 8, is amended to read:

Subd. 8. [SALES AND DISTRIBUTION OF COMPILATION.] Any compilation, reissue, or supplement published by

the revisor shall be sold by the revisor for a reasonable fee and its proceeds deposited in the general fund. An agency shall purchase from the revisor the number of copies of the compilation or supplement needed by the agency. The revisor shall provide one copy of any compilation or supplement to (ALL MINNESOTA COUNTY LIBRARIES AND TO ANY PUBLIC LIBRARY UPON ITS REQUEST) *each county library maintained pursuant to section 134.12 or 375.33 upon its request, except in counties containing cities of the first class. If a county has not established a county library pursuant to section 134.12 or 375.33, the copy will be provided to any public library in the county upon its request.*"

Renumber the remaining section in sequence

Amend the title as follows:

Page 1, line 15, delete the first "and" and insert a comma

Page 1, line 15, after "5" insert ", and 8"

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:

Minne moved to amend H. F. No. 91, the second engrossment, as follows:

Page 3, delete lines 16 to 19

The question was taken on the amendment and the roll was called. There were 58 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Battaglia	Coleman	Knuth	Osthoff	Skoglund
Beard	Elioff	Kostohryz	Otis	Solberg
Begich	Ellingson	Krueger	Peterson	Staten
Bergstrom	Fjoslien	Long	Piper	Tomlinson
Berkelman	Greenfield	Minne	Quinn	Vanasek
Bishop	Gustafson	Munger	Reif	Vellenga
Brandl	Gutknecht	Murphy	Rice	Voss
Carlson, L.	Hoberg	Nelson, D.	Riveness	Welch
Clark, J.	Hoffman	Nelson, K.	Rodriguez, C.	Wynia
Clark, K.	Jacobs	Neuenschwander	Rodriguez, F.	Speaker Sieben
Clawson	Kahn	O'Connor	Scheid	
Cohen	Kelly	Ogren	Simoncau	

Those who voted in the negative were:

Anderson, B.	Forsythe	Larsen	Rose	Thiede
Anderson, G.	Frerichs	Ludeman	St. Onge	Tunheim
Anderson, R.	Graba	Mann	Sarna	Uphus
Bennett	Gruenes	Marsh	Schafer	Valan
Blatz	Haukoos	McDonald	Schoenfeld	Valento
Brinkman	Heap	McEachern	Schreiber	Waltman
Burger	Heinitz	McKasy	Seaberg	Welker
Carlson, D.	Himle	Metzen	Segal	Welle
Dempsey	Hokr	Olsen	Shaver	Wenzel
DenOuden	Jennings	Omamm	Shea	Wigley
Dimler	Jensen	Onnen	Sherman	Zaffke
Eken	Johnson	Pauly	Sparby	
Erickson	Kalis	Piepho	Stadum	
Evans	Knickerbocker	Quist	Sviggum	
Findlay	Kvam	Redalen	Swanson	

The motion did not prevail and the amendment was not adopted.

The question was taken on the Carlson, D., motion to re-refer H. F. No. 91 to the Committee on Governmental Operations and the roll was called. There were 53 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Graba	Kalis	Piepho	Tunheim
Brinkman	Gruenes	Kvam	Quist	Uphus
Burger	Halberg	Levi	Redalen	Valan
Carlson, D.	Haukoos	Ludeman	Rose	Valento
Dempsey	Heap	Mann	Schafer	Waltman
DenOuden	Heinitz	Marsh	Schoenfeld	Welker
Dimler	Himle	McDonald	Schreiber	Wenzel
Erickson	Hokr	McKasy	Shaver	Wigley
Findlay	Jennings	Omamm	Sherman	Zaffke
Forsythe	Jensen	Onnen	Stadum	
Frerichs	Johnson	Pauly	Sviggum	

Those who voted in the negative were:

Anderson, G.	Cohen	Knuth	Peterson	Solberg
Anderson, R.	Coleman	Kostohryz	Piper	Sparby
Battaglia	Eken	Krueger	Price	Staten
Beard	Elioff	Larsen	Quinn	Swanson
Begich	Ellingson	Long	Reif	Thiede
Bennett	Evans	Minne	Riveness	Tomlinson
Bergstrom	Fjoslien	Munger	Rodosovich	Vanasek
Berkelman	Greenfield	Murphy	Rodriguez, C.	Vellenga
Bishop	Gustafson	Nelson, D.	Rodriguez, F.	Voss
Blatz	Hoberg	Nelson, K.	St. Onge	Welch
Brandl	Hoffman	Neuenschwander	Scheid	Welle
Carlson, L.	Jacobs	O'Connor	Segal	Wynia
Clark, J.	Kahn	Ogren	Shea	Speaker Sieben
Clark, K.	Kelly	Osthoff	Simoneau	
Clawson	Knickerbocker	Otis	Skoglund	

The motion did not prevail.

Ogren moved to amend H. F. No. 91, the second engrossment, as follows:

Page 3, delete lines 16 to 19 and insert:

*"Subd. 7. [OPTIONAL REFERENDUM.] Upon the receipt of a petition signed by at least ten percent of the stockholders, a board of directors shall present the matter to the stockholders for a vote at the second annual meeting subsequent to the enactment of this measure. The matter to be referred shall consist of whether or not to be bound by the provisions of this section. No cooperative shall be bound by the provisions of this section if adoption has been defeated at referendum."*

The question was taken on the amendment and the roll was called. There were 53 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Battaglia	Elioff	Long	Piper	Solberg
Beard	Ellingson	Minne	Price	Staten
Begich	Greenfield	Murphy	Quinn	Tomlinson
Berkelman	Gustafson	Nelson, D.	Reif	Vanasek
Bishop	Hoffman	Nelson, K.	Riveness	Vellenga
Brandl	Jacobs	Neuenschwander	Rodriguez, C.	Voss
Carlson, L.	Kahn	O'Connor	Rodriguez, F.	Welch
Clark, J.	Kelly	Ogren	Sarna	Wynia
Clark, K.	Knuth	Osthoff	Scheid	Speaker Sieben
Cohen	Kostohryz	Otis	Simoneau	
Coleman	Krueger	Peterson	Skoglund	

Those who voted in the negative were:

Anderson, B.	Forsythe	Knickerbocker	Quist	Swanson
Anderson, G.	Frerichs	Kvam	Redalen	Thiede
Anderson, R.	Graba	Larsen	Rodosovich	Tunheim
Bennett	Gruenes	Levi	Rose	Uphus
Blatz	Cutknecht	Ludeman	Schafer	Valan
Brinkman	Halberg	Mann	Schoenfeld	Valento
Burger	Haukoos	Marsh	Schreiber	Waltman
Carlson, D.	Heap	McDonald	Seaberg	Welker
Dempsey	Heinritz	McKasy	Segal	Welle
DenOuden	Himle	Metzen	Shaver	Wenzel
Dimler	Hokr	Olsen	Shea	Wigley
Eken	Jennings	Omann	Sherman	Zaffke
Erickson	Jensen	Ornen	Sparby	
Evans	Johnson	Pauly	Stadum	
Findlay	Kalis	Piepho	Sviggum	

The motion did not prevail and the amendment was not adopted.

Osthoff moved to amend H. F. No. 91, the second engrossment, as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1982, section 216B.026, subdivision 1, is amended to read:

216B.026 [COOPERATIVE ELECTRIC ASSOCIATION; ELECTION ON REGULATION.]

Subdivision 1. [PETITION.] A cooperative electric association may elect to become subject to rate regulation by the commission pursuant to sections 216B.03 to 216B.23. The election shall be approved by a majority of members or stockholders voting *on the question* by mail ballot initiated by petition of not less than five percent of the members or stockholders of the association, as determined by membership figures submitted by the association to the rural electric administration for the month in which the petition was submitted."

Renumber the section

Amend the title as follows:

Page 1, line 4, after "associations;" insert "amending Minnesota Statutes 1982, section 216B.026, subdivision 1;"

The question was taken on the amendment and the roll was called. There were 59 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Coleman	Krueger	Quinn	Solberg
Battaglia	Elioff	Long	Reif	Staten
Beard	Ellingson	Minne	Rice	Swanson
Begich	Fjoslien	Murphy	Riveness	Tomlinson
Berkelman	Greenfield	Nelson, K.	Rodriguez, C.	Vanasek
Bishop	Gustafson	Neuenschwander	Rodriguez, F.	Vellenga
Brandl	Hoffman	O'Connor	Sarna	Voss
Carlson, L.	Jacobs	Ogren	Scheid	Welch
Clark, J.	Kahn	Osthoff	Segal	Welle
Clark, K.	Kelly	Otis	Shea	Wynia
Clawson	Knuth	Piper	Simoneau	Speaker Sieben
Cohen	Kostohryz	Price	Skoglund	

Those who voted in the negative were:

Anderson, B.	Forsythe	Kalis	Pauly	Sparby
Anderson, G.	Frerichs	Knickerbocker	Peterson	Stadum
Bennett	Graba	Kvam	Piepho	Sviggum
Biatz	Gruenes	Larsen	Quist	Thiede
Brinkman	Gutknecht	Levi	Redalen	Uphus
Burger	Halberg	Ludeman	Rodosovich	Valan
Carlson, D.	Haukoos	Mann	Rose	Valento
Dempsey	Heap	Marsh	St. Onge	Waltman
DenOuden	Heinitz	McDonald	Schafer	Welker
Dimler	Hoberg	McEachern	Schoenfeld	Wenzel
Eken	Hokr	McKasy	Schreiber	Wigley
Erickson	Jennings	Olsen	Seaberg	Zaffke
Evans	Jensen	Omann	Shaver	
Findlay	Johnson	Onnen	Sherman	

The motion did not prevail and the amendment was not adopted.

Voss moved to amend H. F. No. 91, the second engrossment, as follows:

Page 3, line 16, delete "No" and insert "All"

Page 3, line 16, delete "cooperative" and insert "cooperatives"

Page 3, line 18, delete "approved" and insert "disapproved"

The question was taken on the amendment and the roll was called. There were 59 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Elioff	Minne	Price	Skoglund
Battaglia	Ellingson	Munger	Quinn	Solberg
Beard	Greenfield	Murphy	Reif	Staten
Begich	Gustafson	Nelson, D.	Riveness	Swanson
Berkelman	Hoffman	Nelson, K.	Rodriguez, C.	Tomlinson
Brandl	Jacobs	Neuenschwander	Rodriguez, F.	Vanasek
Carlson, L.	Kahn	O'Connor	St. Onge	Vellenga
Clark, J.	Kelly	Ogren	Sarna	Voss
Clark, K.	Knuth	Osthoff	Scheid	Welch
Clawson	Kostohryz	Otis	Segal	Wynia
Cohen	Krueger	Peterson	Shea	Speaker Sieben
Coleman	Long	Piper	Simoneau	

Those who voted in the negative were:

Anderson, B.	Findlay	Johnson	Pauly	Sviggum
Anderson, G.	Forsythe	Kalis	Piepho	Thiede
Bennett	Frerichs	Knickerbocker	Quist	Tunheim
Bishop	Graba	Kvam	Redalen	Uphus
Blatz	Gruenes	Larsen	Rodosovich	Valan
Brinkman	Halberg	Levi	Rose	Valento
Burger	Haukoos	Ludeman	Schafer	Waltman
Carlson, D.	Heap	Mann	Schoenfeld	Welker
Dempsey	Heinitz	Marsh	Schreiber	Welle
DenOuden	Himle	McDonald	Seaberg	Wenzel
Dimler	Hoberg	McKasy	Shaver	Wigley
Eken	Hokr	Olsen	Sherman	Zaffke
Erickson	Jennings	Omann	Sparby	
Evans	Jensen	Onnen	Stadum	

The motion did not prevail and the amendment was not adopted.

Minne moved to amend H. F. No. 91, the second engrossment, as follows:

Page 3, line 19, after the period insert:

*"Within 60 days of the effective date of this section, the board of directors of each cooperative electric association shall notify the stockholders of the provisions of this section and shall explain the process for ratification by petition and election as provided in this subdivision.*

Sec. 2. [EFFECTIVE DATE.]

*Section 1 is effective the day following final enactment."*

The question was taken on the amendment and the roll was called. There were 81 yeas and 45 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Coleman	Knuth	Price	Sparby
Anderson, R.	Eken	Kostohryz	Quinn	Staten
Battaglia	Elioff	Krueger	Reif	Swanson
Beard	Ellingson	Long	Riveness	Thiede
Begich	Evans	McDonald	Rodosovich	Tomlinson
Bennett	Fjoslien	Minne	Rodriguez, C.	Vanasek
Bergstrom	Greenfield	Munger	Rodriguez, F.	Vellenga
Berkelman	Gustafson	Murphy	Sarna	Voss
Bishop	Gutknecht	Nelson, D.	Scheid	Welch
Blatz	Halberg	Nelson, K.	Schreiber	Welle
Brandl	Hoberg	Neuenschwander	Seaberg	Wynia
Carlson, D.	Hoffman	Ogren	Segal	Zaffke
Carlson, L.	Hokr	Olsen	Shaver	Speaker Sieben
Clark, J.	Jacobs	Osthoff	Shea	
Clark, K.	Kahn	Otis	Simoneau	
Clawson	Kelly	Peterson	Skoglund	
Cohen	Knickerbocker	Piper	Solberg	

Those who voted in the negative were:

Anderson, B.	Frerichs	Kalis	Pauly	Sviggum
Brinkman	Graba	Kvam	Piepho	Tunheim
Burger	Gruenes	Larsen	Quist	Uphus
Dempsey	Haukoos	Levi	Redalen	Valan
DenOuden	Heap	Ludeman	Rose	Valento
Dimler	Heinitz	Mann	Schafer	Waltman
Erickson	Jennings	McKasy	Schoenfeld	Welker
Findlay	Jensen	Omann	Sherman	Wenzel
Forsythe	Johnson	Onnen	Stadum	Wigley

The motion prevailed and the amendment was adopted.

Welker and Voss moved to amend H. F. No. 745, the first engrossment, as amended, as follows:

Page 8, line 3, after "rule." insert "*If the rule is approved, the attorney general shall submit copies of it to the legislative commission to review administrative rules as specified in section 16.*"

Page 8, line 4, after "approved" insert "*in accordance with section 16*"

Page 8, line 29, after "in" insert "*section 16 and*"

Page 9, line 20, after "of" insert "*section 16 and*"

Page 11, line 24, after "days." insert "*If the rule is approved, the attorney general shall submit copies of it to the legislative*



*commission to review administrative rules as specified in section 16."*

Page 11, line 24, after "approved" insert "*in accordance with section 16*"

Page 12, after line 10, insert:

"Sec. 15. Minnesota Statutes 1982, section 14.33, is amended to read:

14.33. [EFFECTIVE DATE.]

The temporary rule shall take effect upon approval of the attorney general. The attorney general shall file two copies of the approved rule with the secretary of state. The secretary of state shall forward one copy of each approved and filed temporary rule to the revisor of statutes. Failure of the attorney general to approve or disapprove a rule within five working days is approval. *Temporary rules are not subject to section 16.*

Sec. 16. [14.435] [APPROVAL OF RULES.]

*Subdivision 1. [REVIEW BY LCRAR.] After a rule has been approved by the attorney general and the revisor of statutes, and upon written request by five members of the legislature, the attorney general shall submit copies of it to the chairman and the executive director of the legislative commission to review administrative rules. The commission shall review the rule and prepare written findings concerning whether the rule appears to be reasonable and within the intent and scope of the enabling legislation purporting to authorize its adoption.*

*Subd. 2. [REFERRAL TO LEGISLATURE.] The commission shall submit a copy of its findings to the agency and copies of the rule and the commission's findings to the presiding officers of the house and senate. If the legislature is in a regular session when the agency submits its rule to the commission, the commission shall report to the legislature with 40 days. If the legislature is not in a regular session when the agency submits its rule to the commission, the commission shall report to the legislature on February 15 next following the agency's request for review.*

*Subd. 3. [APPROVAL BY RESOLUTION.] The presiding officers of the house and senate shall submit the rule and the commission's findings to the members of their respective bodies for approval. A rule may be referred to a committee for study upon a majority vote of the members of one body. Disapproval or approval of the rule shall be by a simple resolution of the members.*

*Subd. 4. [APPROVAL BY NONACTION.] No rule shall become effective until approved by a simple resolution in each legislative body, except that if a rule has been submitted in compliance with this section and neither body has disapproved the rule prior to adjournment in the year in which the legislature receives the commission's report, the rule shall be effective after compliance with section 14.18 or 14.34 without approval of the house and senate.*

*Subd. 5. [LIMITATION.] No rule shall be submitted by an agency to the legislative commission to review administrative rules if there are fewer than 45 legislative days remaining until adjournment of the regular session held during that calendar year."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 3 and 4, and insert "providing for legislative review of administrative rules;"

Page 1, line 14, after "14.32;" insert "14.33;"

Page 1, line 15, after "14.52" insert "; proposing new law coded in Minnesota Statutes, chapter 14"

The question was taken on the amendment and the roll was called. There were 61 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Findlay	Jacobs	Quinn	Thiede
Anderson, R.	Fjoslien	Jennings	Quist	Uphus
Battaglia	Forsythe	Johnson	Redalen	Valan
Begich	Frerichs	Kvam	Reif	Valento
Bennett	Gruenes	Ludeman	Rose	Voss
Bishop	Gutknecht	Marsh	Schafer	Waltman
Blatz	Halberg	McDonald	Schoenfeld	Welker
Carlson, D.	Haukoos	McKasy	Schreiber	Wigley
Dempsey	Heap	Olsen	Seaberg	Zafike
DenOuden	Heimitz	Omamn	Shaver	
Dimler	Himle	Onnen	Sherman	
Erickson	Hoberg	Pauly	Stadum	
Evans	Hokr	Piepho	Sviggum	

Those who voted in the negative were:

Anderson, G.	Clark, J.	Graba	Knickerbocker	Minne
Beard	Clark, K.	Greenfield	Knuth	Murphy
Bergstrom	Clawson	Gustafson	Kostohryz	Nelson, D.
Berkeiman	Cohen	Hoffman	Krueger	Nelson, K.
Brandl	Coleman	Jensen	Larsen	Neuenschwander
Brinkman	Eken	Kahn	Long	Ogren
Burger	Elioff	Kalis	Mann	Osthoff
Carlson, L.	Elingson	Kelly	McEachern	Otis

Peterson	Rodriguez, C.	Simoneau	Tomlinson	Wynia
Piper	Rodriguez, F.	Skoglund	Tunheim	Speaker Sieben
Price	St. Onge	Solberg	Vanasek	
Rice	Sarna	Sparby	Vellenga	
Rivness	Scheid	Staten	Welch	
Rodosovich	Segal	Swanson	Welle	

The motion did not prevail and the amendment was not adopted.

### MOTIONS AND RESOLUTIONS

Rice moved that H. F. No. 1094, now on Technical General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

Gruenes moved that the name of Bergstrom be added as an author on H. F. No. 63. The motion prevailed.

Clark, K., moved that the names of Nelson, K., and Piper be added as authors on H. F. No. 230. The motion prevailed.

Shea moved that the name of Dimler be added as third author on H. F. No. 424. The motion prevailed.

Vanasek moved that the name of DenOuden be stricken as an author on H. F. No. 500. The motion prevailed.

Otis moved that the name of Quinn be added as an author on H. F. No. 549. The motion prevailed.

Clark, K., moved that the names of Quinn, Staten, Coleman and Segal be added as authors on H. F. No. 864. The motion prevailed.

Jacobs moved that his name be stricken as an author on H. F. No. 963. The motion prevailed.

Krueger moved that the name of Peterson be added as an author on H. F. No. 1057. The motion prevailed.

Segal moved that the name of Nelson, K., be added as an author on H. F. No. 1134. The motion prevailed.

Vellenga moved that the name of Peterson be stricken and the names of Schoenfeld and Valan be added as authors on H. F. No. 1175. The motion prevailed.

Clawson moved that H. F. No. 685, now on General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

Redalen moved that H. F. No. 775 be returned to its author. The motion prevailed.

Wenzel moved that H. F. No. 1115 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, April 14, 1983. 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 14, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-THIRD SESSION - 1983

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THIRTY-FOURTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 13, 1983

The Senate met on Wednesday, April 13, 1983, which was the Thirty-fourth Legislative Day of the Seventy-third Session of the Minnesota State Legislature. The House of Representatives did not meet on this date.



## STATE OF MINNESOTA

## SEVENTY-THIRD SESSION - 1983

## THIRTY-FIFTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 14, 1983

The House of Representatives convened at 2:00 p.m. and was called to order by Ann Wynia, Speaker pro tem.

Prayer was offered by Pastor Marvin Sandness, Christ Lutheran Church, Capitol Hill, St. Paul, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Elioff	Knuth	Pauly	Sherman
Anderson, G.	Ellingson	Kvam	Piepho	Simoneau
Battaglia	Erickson	Larsen	Piper	Skoglund
Begich	Evans	Levi	Price	Solberg
Bennett	Findlay	Long	Quinn	Sparby
Bergstrom	Fjoslien	Ludeman	Quist	Stadum
Berkelman	Forsythe	Mann	Redalen	Sviggum
Bishop	Frerichs	Marsh	Reif	Thiede
Blatz	Graba	McEachern	Rice	Tomlinson
Brandl	Greenfield	Metzen	Rodosovich	Uphus
Brinkman	Gruenes	Munger	Rodriguez, F.	Valan
Burger	Gustafson	Murphy	Rose	Valento
Carlson, D.	Gutknecht	Nelson, D.	St. Onge	Vellenga
Carlson, L.	Haukoos	Nelson, K.	Sarna	Voss
Clark, J.	Heap	Neuenschwander	Schafer	Waltman
Clark, K.	Himle	Norton	Scheid	Welch
Cohen	Jacobs	Ogren	Schoenfeld	Welker
Coleman	Jennings	Olsen	Schreiber	Welle
Dempsey	Johnson	Omann	Seaberg	Wenzel
DenOuden	Kahn	Onnen	Segal	Wigley
Dimler	Kalis	Osthoff	Shaver	Wynia
Eken	Kelly	Otis	Shea	Zaffke

A quorum was present.

Anderson, R.; Beard; Clawson; Halberg; Heinitz; Hoberg; Hoffman; Hokr; Jensen; Knickerbocker; Kostohryz; McDonald; McKasy; Minne; O'Connor; Peterson; Riveness; Rodriguez, C.; Staten; Swanson; Tunheim and Vanasek were excused.

Krueger was excused until 2:40 p.m. and Sieben was excused until 2:35 p.m.

The Chief Clerk proceeded to read the Journals of the preceding days. Kelly 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. 360, 423, 426, 516, 538, 566, 763, 764, 849, 901, 907, 914, 934, 946, 954, 958, 1062, 1079, 1081, 1086, 1107, 1111, 1122, 1161, 259, 500, 636, 798, 928, 933, 950, 959, 1094, 244, 294, 544, 575, 584, 585, 623, 765, 793, 829, 891, 976, 76, 1057, 1067, 1090, 1108, 1147, 1154, 91, 431, 741, 745, 818, 892, 906, 911, 916, 973, 1027 and 1032 and S. F. Nos. 513, 530, 554 and 568 have been placed in the members' files.

S. F. No. 530 and H. F. No. 1086, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Rose moved that S. F. No. 530 be substituted for H. F. No. 1086 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 568 and H. F. No. 976, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Knuth moved that the rules be so far suspended that S. F. No. 568 be substituted for H. F. No. 976 and that the House File be indefinitely postponed. The motion prevailed.

#### REPORTS OF STANDING COMMITTEES

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 45, A bill for an act relating to commerce; providing procedures for opening checking accounts; extending civil liability for issuing a worthless check; clarifying conciliation court jurisdiction regarding dishonored checks; modifying procedures to prove issuance of a worthless check; expanding types of worthless checks prohibited; requiring banks to release certain checking account information; increasing penalties for issuing a worthless or forged check; amending Minnesota Statutes 1982, sections 487.30, subdivision 4; 488A.12, subdivision 3; 488A.29, subdivision 3; 609.535, subdivisions 2, 3, 5, 6, 7, and 8, and by adding subdivisions; and 609.625, subdivision 1; proposing new law coded in Minnesota Statutes, chapters 48, 332, and 609.



Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [48.512] [PROCEDURES FOR OPENING CHECKING ACCOUNTS.]**

*Subdivision 1. [DEFINITIONS.] For the purpose of this section the following terms have the meanings given:*

(a) *"Financial intermediary" means any person doing business in this state who offers transaction accounts to the public.*

(b) *"Transaction account" means a deposit or account established and maintained by a natural person or persons under an individual or business name for personal, household, or business purposes, on which the depositor or account holder is permitted to make withdrawals by negotiable or transferable instruments, payment orders of withdrawal, or other similar device for the purpose of making payments or transfers to third persons or others, including demand deposits or accounts subject to check, draft, negotiable order of withdrawal, share draft, or other similar item. Provided, a transaction account shall not include the deposit or account of a partnership having more than three partners, the personal representative of an estate, the trustee of a trust or a limited partnership.*

*Subd. 2. [REQUIRED INFORMATION.] Before opening or authorizing signatory power over a transaction account, a financial intermediary shall require each applicant to provide the following information on an application document signed by the applicant under the penalties for perjury in section 609.48:*

- (a) *full name,*
- (b) *birth date,*
- (c) *address of residence,*
- (d) *address of current employment, if employed,*
- (e) *telephone numbers of residence and place of employment, if any,*
- (f) *social security number,*

(g) *driver's license or identification card number issued pursuant to section 171.07. If the applicant does not have a driver's license or identification card, the applicant may provide an identification document number issued for identification purposes by any state, federal, or foreign government if the docu-*

ment includes the applicant's photograph, full name, birth date, and signature,

(h) whether the applicant has had a transaction account at the same or another financial intermediary within 12 months immediately preceding the application, and, if so, the account number for each account,

(i) whether the applicant has had a transaction account closed by financial intermediary without the applicant's consent within 12 months immediately preceding the application, and, if so, the reason the account was closed,

(j) whether the applicant has been convicted of a criminal offense involving the use of a check or other similar item within 24 months immediately preceding the application.

A financial intermediary may require an applicant to disclose additional information.

**Subd. 3. [ACCOUNT OPENING DATE.]** All checks, drafts, negotiable orders of withdrawal, share drafts, or other similar items which are drawn against a transaction account after the effective date of this section shall, for a period of not less than 12 months, clearly display on the face thereof the month and year in which the account was opened, if:

(a) the applicant represents on the application document that he has not maintained a transaction account within 12 months immediately preceding the application; or

(b) the applicant represents on the application document that he has had a transaction account closed without his consent within 12 months immediately preceding the application; or

(c) the applicant represents on the application document that he has been convicted of a criminal offense involving the use of a check or other similar item within 24 months immediately preceding the application.

**Subd. 4. [IDENTIFICATION IS REQUIRED.]** A financial intermediary shall not open or authorize signatory power over a transaction account if none of the applicants provides a driver's license, identification card, or identification document as required by subdivision 2. When a minor is the applicant and the minor does not have a driver's license or identification card issued pursuant to section 171.07, the identification requirements of subdivision 2, clause (g) and this subdivision shall be satisfied if the minor's parent or guardian provides the parent's or guardian's own driver's license or identification card issued pursuant to section 171.07 and records the number of this license or identification card on the account application.

*Subd. 5. [NO LIABILITY.] The requirements of this section shall not be construed to impose any liability on financial intermediaries offering transaction accounts nor to limit a financial intermediary's discretion as to whether to grant or deny an application subject to this section.*

[WORTHLESS CHECK COLLECTIONS]

Sec. 2. [332.50] [CIVIL LIABILITY FOR ISSUANCE OF WORTHLESS CHECK.]

*Subdivision 1. [DEFINITIONS.] "Check" means a check, draft, order of withdrawal or similar negotiable or nonnegotiable instrument.*

*"Credit" means an arrangement or understanding with the drawee for the payment of the check.*

*Subd. 2. [ACTS CONSTITUTING.] Whoever issues any check which, at the time of issuance, he intends shall not be paid, is liable to the holder for a civil penalty of \$100 plus the amount of the check, interest at the rate payable on judgments pursuant to section 549.09 on the face amount of the check from the date of dishonor, reasonable attorney fees, and a service charge not exceeding \$15 if written notice of the charges authorized by this subdivision was conspicuously displayed on the premises when the check was issued and a notice of dishonor and a copy of sections 2 and 609.535 are sent to the drawer in compliance with subdivision 3.*

*Subd. 3. [PROOF OF INTENT.] Any of the following is evidence sufficient to establish a rebuttable presumption that the person at the time he issued the check intended it should not be paid:*

*(1) proof that, at the time of issuance, he did not have an account with the drawee; or*

*(2) proof that, at the time of issuance, he did not have sufficient funds or credit with the drawee and that he failed to pay the check within five business days after mailing of notice of nonpayment or dishonor as provided in this subdivision; or*

*(3) proof that, when presentment was made within a reasonable time, the issuer did not have sufficient funds or credit with the drawee and that he failed to pay the check within five business days after mailing of notice of nonpayment or dishonor as provided in this subdivision.*

*Notice of nonpayment or dishonor and a copy of sections 2 and 609.535 shall be sent by the payee or holder of the check to the drawer by certified mail, return receipt requested, or by*

regular mail, supported by an affidavit of service by mailing, to the address printed or written on the check. The issuance of a check with an address printed or written on it is a representation by the drawer that the address is the correct address for receipt of mail concerning the check. Failure of the drawer to receive a regular or certified mail notice sent to that address is not a defense to liability under this section, nor does it rebut the presumption of intent established by this subdivision.

An affidavit of service by mailing shall be retained by the payee or holder of the check.

Subd. 4. [PROOF OF LACK OF FUNDS OR CREDIT.] If the check has been protested, the notice of protest thereof is admissible as proof of presentation, nonpayment, and protest, and is evidence sufficient to establish a rebuttable presumption that there was a lack of funds or credit with the drawee.

Subd. 5. [PROOF OF IDENTITY.] The check is prima facie evidence of the identity of the drawer if the person receiving the check:

(a) records the following information about the drawer on the check, unless it is printed on the face of the check:

- (1) full name,
- (2) home or work address,
- (3) home or work telephone number, and
- (4) identification number issued pursuant to section 171.07;

(b) compares the drawer's physical appearance, signature, and the personal information recorded on the check with the drawer's identification card issued pursuant to section 171.07; and

(c) initials the check to indicate compliance with these requirements.

Subd. 6. [EXCEPTION.] Subdivision 3, clause (2) does not apply to a postdated check.

Subd. 7. [DEFENSES.] Any defense otherwise available to the drawer also applies to liability under this section.

Sec. 3. Minnesota Statutes 1982, section 487.30, subdivision 4, is amended to read:

Subd. 4. [JURISDICTION; (WORTHLESS) DISHONORED CHECKS.] The conciliation court has jurisdiction to

determine a civil action commenced by a plaintiff, resident of the county, to recover the amount of a (WORTHLESS) *dishonored* check issued in the county (WITHIN THE MEANING OF SECTION 609.535,) notwithstanding that the defendant or defendants are not residents of the county; provided that the notice of nonpayment or dishonor (REQUIRED BY) *described* in section 609.535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check or other order of payment of money may commence a conciliation court action in the county where the (WORTHLESS) *dishonored* check was issued to recover the amount of the check. This subdivision does not apply to a check or other order for payment of money that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this subdivision may be served anywhere within the state of Minnesota. The conciliation court clerk shall attach a copy of the dishonored check or other order for payment of money to the summons before it is issued.

Sec. 4. Minnesota Statutes 1982, section 488A.12, subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of \$1,250. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Hennepin.

(b) Notwithstanding the provisions of clause (a), or any rule of court to the contrary, the conciliation court of Hennepin 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 Hennepin county, and the summons in 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 conciliation court of Hennepin county has jurisdiction to determine a civil action commenced by a plaintiff, a resident of Hennepin county, to recover the amount of a (WORTHLESS) *dishonored* check issued in the county (WITHIN THE MEANING OF SECTION 609.535), notwithstanding that the defendant or defendants are not residents of Hennepin county; provided that the notice of nonpayment or dishonor (REQUIRED BY) *described* in section 609.535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check or other order of payment of money may commence a conciliation court action in the county where the (WORTHLESS) *dishonored* check was issued to recover the amount of the check. This clause does not apply to a check or other order for payment of money

that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the dishonored check or other order for payment of money to the summons before it is issued.

Sec. 5. Minnesota Statutes 1982, section 488A.29, subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of \$1,250. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) Notwithstanding the provisions of clause (a) or any rule of court to the contrary, the conciliation 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 in the state of Minnesota.

(c) Notwithstanding the provisions of clause (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine a civil action commenced by a plaintiff, resident of Ramsey county, to recover the amount of a (WORTHLESS) *dishonored* check issued in the county (WITHIN THE MEANING OF SECTION 609.535), notwithstanding that the defendant or defendants are not residents of Ramsey county; provided that the notice of nonpayment or dishonor (REQUIRED BY) *described in* section 609.535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check or other order of payment of money may commence a conciliation court action in the county where the (WORTHLESS) *dishonored* check was issued to recover the amount of the check. This clause does not apply to a check or other order for the payment of money that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the dishonored check or other order for payment of money to the summons before it is issued.

Sec. 6. Minnesota Statutes 1982, section 609.535, subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING.] Whoever issues any check or other order for the payment of money which, at the

time of issuance, he intends shall not be paid, is guilty of a (MISDEMEANOR) crime and is punishable as provided in subdivision 10. The court may order the defendant to reimburse the law enforcement agency for the expense of furnishing information under subdivision 6. In addition, restitution may be ordered by the court.

Sec. 7. Minnesota Statutes 1982, section 609.535, subdivision 3, is amended to read:

Subd. 3. [PROOF OF INTENT.] Any of the following is evidence sufficient to (SUSTAIN A FINDING) establish a rebuttable presumption that the person at the time he issued the check or other order for the payment of money, intended it should not be paid:

(1) Proof that, at the time of issuance, he did not have an account with the drawee; or

(2) Proof that, at the time of issuance, he did not have sufficient funds or credit with the drawee and that he failed to pay the check or other order within five business days after mailing of notice of nonpayment or dishonor as provided in this subdivision; or

(3) Proof that, when presentment was made within a reasonable time, the issuer did not have sufficient funds or credit with the drawee and that he failed to pay the check or other order within five business days after mailing of notice of nonpayment or dishonor as provided in this subdivision; or

(4) Where the check is issued for the purchase of personal property, the drawer stops payment on the check without first returning the property to the seller, unless the drawer has a colorable defense to the duty to pay for the property.

Notice of nonpayment or dishonor and a copy of sections 2 and 609.535 shall be sent by the payee or holder of the check to the maker or drawer by certified mail, return receipt requested, or by regular mail, supported by an affidavit of service by mailing, to the address printed or written on the check. (REFUSAL BY THE MAKER OR DRAWER OF THE CHECK TO ACCEPT CERTIFIED MAIL NOTICE OR FAILURE TO CLAIM CERTIFIED OR REGULAR MAIL NOTICE SHALL NOT CONSTITUTE A DEFENSE THAT NOTICE WAS NOT RECEIVED) The issuance by the drawer or maker of a check, draft, or other order for the payment of money with an address printed or written on the instrument at the time of issuance constitutes a representation by the drawer or maker that he has designated that address as the place for receipt of mail concerning that check, draft, or other order. Failure of the drawer or maker to receive a regular or certified mail notice

*sent to that address by the payee or holder shall not constitute a defense to a charge of violating section 609.535 or rebut the presumption of intent established by this subdivision.*

The notice may state that unless the check is paid in full within five business days after mailing 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.

An affidavit of service by mailing shall be retained by the payee or holder of the check.

Sec. 8. Minnesota Statutes 1982, section 609.535, subdivision 5, is amended to read:

Subd. 5. [EXCEPTIONS.] This section does not apply to a postdated check, draft, or other order for the payment of money unless the payee or the payee's employee who received the check, draft, or other order for the payment of money did not know that it was post-dated, or to a check, draft, or other order for the payment of money given for a past consideration, except a payroll check or a check, draft, or other order for the payment of money issued to a fund for employee benefits.

Sec. 9. Minnesota Statutes 1982, section 609.535, subdivision 6, is amended to read:

Subd. 6. [RELEASE OF ACCOUNT INFORMATION TO LAW ENFORCEMENT AUTHORITIES.] A drawee shall not be liable in a civil or criminal proceeding for releasing the information specified below to any state, county, or local law enforcement or prosecuting authority which first certifies in writing that it is investigating or prosecuting a complaint against the drawer under this section or section 609.52, subdivision 2, clause (3)(a), and that 15 days have elapsed since the mailing of the notice required by (SUBDIVISION) subdivisions 3 and 8. This subdivision applies to the following information relating to the drawer's account:

(1) Documents relating to the opening of the account by the drawer;

(2) (CORRESPONDENCE BETWEEN THE DRAWER AND THE DRAWEE RELATING TO THE STATUS OF THE ACCOUNT) *Notices regarding nonsufficient funds, overdrafts, and the dishonor of any instrument drawn on the account within a period of six months of the date of request;*

(3) Periodic statements mailed to the drawer by the drawee for the periods immediately prior to, during, and subsequent to the issuance of any check or other order for the payment of



money which is the subject of the investigation or prosecution;  
or

(4) The last known home and business addresses and telephone numbers of the drawer.

*The drawee shall release all of the information described in clauses (1) to (4) which it possesses within ten days after receipt of a request conforming to all of the provisions of this subdivision. The drawee may impose a reasonable fee for the cost for furnishing this information to law enforcement or prosecuting authorities, not to exceed 15 cents per page.*

Sec. 10. Minnesota Statutes 1982, section 609.535, subdivision 7, is amended to read:

Subd. 7. [RELEASE OF ACCOUNT INFORMATION TO PAYEE OR HOLDER.] (IF THERE IS A WRITTEN REQUEST TO A DRAWEE FROM A PAYEE OR HOLDER OF A CHECK OR OTHER ORDER FOR THE PAYMENT OF MONEY THAT HAS BEEN DISHONORED OTHER THAN BY A STOP PAYMENT ORDER, WHICH REQUEST IS ACCOMPANIED BY A COPY OF THE DISHONORED CHECK OR OTHER ORDER FOR PAYMENT OF MONEY, THE) A drawee is not liable in a civil or criminal proceeding for releasing the information specified in clauses (1) and (2) to the payee or holder (ANY OF) of a check or other order for the payment of money that has been dishonored who first makes a written request for this information and states in writing that the check or other order for the payment of money has not been honored and that ten business days have elapsed since the mailing of the notice described in subdivision 8 and who accompanies this request with a copy of the dishonored check or other order for the payment of money and a copy of the notice of dishonor.

*The requesting payee or holder shall notify the drawee immediately to cancel this request if payment is made before the drawee has released this information.*

*This subdivision applies to the following information relating to the drawer's account:*

(1) Whether at the time the check or other 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 the date it was closed or restricted; and

(2) The last known home and business addresses and telephone numbers of the drawer.

*The drawee shall release all of the information described in clauses (1) and (2) which it possesses within ten days after receipt of a request conforming to all of the provisions of this subdivision. The drawee may require the person requesting the information to pay the reasonable costs, not to exceed 15 cents per page, of reproducing and mailing the requested information.*

Sec. 11. Minnesota Statutes 1982, section 609.535, subdivision 8, is amended to read:

Subd. 8. [NOTICE.] The provisions of subdivisions 6 and 7 are not applicable unless the notice to the maker or drawer required by subdivision 3 states that if the check or other order for the payment of money is not paid in full within five business days after mailing of the notice, the drawee (MAY) *will be authorized to release information relating to the account to the payee or holder of the check or other order for the payment of money and may also release this information to law enforcement or prosecuting authorities.*

Sec. 12. Minnesota Statutes 1982, section 609.535, is amended by adding a subdivision to read:

Subd. 9. [PROOF OF IDENTITY.] *In any prosecution under this section or section 609.52, subdivision 2, clause (3)(a), the check, draft, or other order for the payment of money is prima facie evidence of the identity of the drawer of a check, draft, or order if the person receiving the check, draft, or order:*

(a) *records the following information about the drawer on the check, unless it is printed on the face of the check, draft, or other order:*

- (1) *full name,*
- (2) *home or work address,*
- (3) *home or work telephone number, and*
- (4) *identification number issued pursuant to section 171.07;*

(b) *compares the drawer's physical appearance, signature, and the personal information recorded on the check, draft, or other order with the drawer's identification card issued pursuant to section 171.07; and*

(c) *initials the check to indicate compliance with these requirements.*

Sec. 13. Minnesota Statutes 1982, section 609.535, is amended by adding a subdivision to read:

*Subd. 10. [PENALTIES.] Whoever violates subdivision 2 may be sentenced as follows:*

*(1) to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both, if the aggregate amount of the checks, drafts, or other orders exceeds \$2,500; or*

*(2) to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both, if the aggregate amount of the checks, drafts, or other orders exceeds \$150 but is not more than \$2,500; or*

*(3) to imprisonment for not more than 90 days or to payment of a fine of not more than \$500, or both, if the aggregate amount of the checks, drafts, or other orders is \$150 or less.*

*The amount of any checks, drafts, or other orders for the payment of money issued by the defendant in violation of subdivision 2 within any six-month period may be aggregated and the defendant charged and punished accordingly in applying the provisions of this subdivision; and when two or more violations of subdivision 2 are committed by the same person in two or more counties, the defendant may be prosecuted in any county in which one of the offenses was committed and his checks, drafts, or other orders for the payment of money may be aggregated pursuant to this subdivision. The election to aggregate checks, drafts, or other orders for the payment of money within any six-month period and to charge the defendant accordingly under this section shall not bar any prosecution of the defendant on nonaggregated checks, drafts, or other orders for the payment of money issued by the defendant during that same six-month period.*

Sec. 14. Minnesota Statutes 1982, section 609.625, subdivision 1, is amended to read:

**609.625 [AGGRAVATED FORGERY.]**

**Subdivision 1. [MAKING OR ALTERING WRITING OR OBJECT.]** Whoever, with intent to defraud, falsely makes or alters a writing or object of any of the following kinds so that it purports to have been made by another or by himself under an assumed or fictitious name, or at another time, or with different provisions, or by authority of one who did not give such authority, is guilty of aggravated forgery and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both

*(1) A writing or object other than a check, draft, or other order for the payment of money whereby, when genuine, legal rights, privileges, or obligations are created, terminated, trans-*

ferred, or evidenced, or any writing normally relied upon as evidence of debt or property rights; or

(2) An official seal or the seal of a corporation; or

(3) A public record or an official authentication or certification of a copy thereof; or

(4) An official return or certificate entitled to be received as evidence of its contents; or

(5) A court order, judgment, decree, or process; or

(6) The records or accounts of a public body, office, or officer; or

(7) The records or accounts of a bank or person, with whom funds of the state or any of its agencies or subdivisions are deposited or entrusted, relating to such funds.

Sec. 15. [609.636] [CHECK FORGERY.]

*Subdivision 1. [CHECK FORGERY; ELEMENTS.] Whoever, with intent to defraud, falsely makes or alters a check, draft, or other order for the payment of money so that it purports to have been made by another or by himself under an assumed or fictitious name, or at another time, or with different provisions, or by the authority of one who did not give such authority, is guilty of check forgery and may be sentenced as provided in subdivision 2.*

*Subd. 2. [PENALTIES.] Whoever violates this section is punishable as follows:*

*(a) if the aggregate face amounts of the checks, drafts, or other orders forged by the defendant is more than \$2,500, to imprisonment for not more than 15 years or to payment of a fine of not more than \$15,000, or both; or*

*(b) if the aggregate face amounts of the checks, drafts, or other orders forged by the defendant is more than \$150 but does not exceed \$2,500, to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both; or*

*(c) if the aggregate face amounts of the checks, drafts, or other orders forged by the defendant is \$150 or less, to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.*

*In any prosecution under this section, the amount of any checks, drafts, or other orders for the payment of money falsely*

*made or altered by the defendant in violation of subdivision 1 within any six-month period may be aggregated and the defendant charged and punished accordingly in applying the provisions of this subdivision; and when two or more violations of subdivision 1 are committed by the same person in two or more counties, the defendant may be prosecuted in any county in which one of the offenses was committed, and his checks, drafts, or other orders for the payment of money may be aggregated pursuant to this subdivision. The election to aggregate checks, drafts, or other orders for the payment of money within any six-month period and to charge the defendant accordingly under this section shall not bar any prosecution of the defendant on nonaggregated checks, drafts, or other orders for the payment of money falsely made or altered by the defendant during that six-month period.*

**Sec. 16. [609.637] [OBTAINING SIGNATURE ON CHECK BY FALSE PRETENSE.]**

*Whoever, by false pretense, obtains the signature of another to a check, draft, or other order for the payment of money may be punished as though the check, draft, or other order was a forgery under section 15."*

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. 300, A bill for an act relating to energy; creating the Minnesota conservation partnership; establishing a program of loans and financial assistance for households and municipalities; authorizing the issuance of bonds; appropriating money; proposing new law coded in Minnesota Statutes, chapter 4; repealing Minnesota Statutes 1982, section 3.351.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [TRANSFER OF CERTAIN POWERS RELATING TO ENERGY FROM THE DEPARTMENT OF ENERGY, PLANNING AND DEVELOPMENT TO THE MINNESOTA DEPARTMENT OF ENERGY.]**

*Subdivision 1. [AUTHORIZATION.] The Minnesota department of energy is the successor to the department of energy, planning and development in the administration of certain laws related to energy. The department is a continuation of the former authority and not a new authority for the purpose of*

*succession to the rights, powers, duties, and obligations of the department of energy, planning and development relating to energy as they were constituted immediately prior to the effective date of this act.*

*Subd. 2. [EFFECT OF RULES TRANSFERRED.] All rules previously adopted under the authority of a power, duty, or responsibility transferred by this act to the department of energy remain in force until modified or repealed in accordance with law by the department of energy.*

*Subd. 3. [EFFECT OF PENDING PROCEEDINGS.] Any proceeding, court action, prosecution, or other business or matter pending on the effective date of this act and undertaken or commenced by the department of energy, planning and development under the authority of any power, duty, or responsibility transferred by this act to the department of energy may be conducted and completed by the department of energy in the same manner, under the same terms and conditions, and with the same effect as though no transfer were made.*

*Subd. 4. [TRANSFER OF CUSTODY OF DOCUMENTS.] Every individual responsible under law for administration of any function transferred by this act to the department of energy shall, upon request by the department of energy or by any of its designated employees, transfer custody of all books, maps, plans, papers, records, contracts, and other documents relating to the transferred function and necessary or convenient for the proper discharge of the agency's new duties. The transfer shall be made in accordance with the directions of the department of energy or its designated representative.*

*Subd. 5. [APPROPRIATIONS.] All unexpended and unencumbered funds appropriated to the department of energy, planning and development for the purpose of performing any of the functions, powers, or duties which are transferred by this act are transferred to the department receiving those functions, powers, or duties.*

*Subd. 6. [PERSONNEL.] The positions associated with the responsibilities being transferred are abolished in the department of energy, planning and development. The approved staff complement for that agency is decreased accordingly. The employees who filled the positions abolished in the department of energy, planning and development become employees of the agencies to which the duties are transferred. Personnel changes are effective on the date of transfer of responsibilities.*

*Subd. 7. [EFFECT OF TRANSFER.] Nothing in this act relating to transfer of employees from one state agency to another shall be construed to abrogate or modify rights now enjoyed by affected employees under collective bargaining agree-*

ments between the state and an exclusive representative of state employees.

Sec. 2. [116H.41] [CREATION OF DEPARTMENT.]

*There is created in the executive branch the Minnesota department of energy. The department shall be under the supervision of a commissioner who shall organize the department. The commissioner shall be appointed by the governor under section 15.06. The commissioner may appoint a deputy commissioner and a personal secretary to serve at his pleasure. The commissioner and his deputy and his personal secretary shall serve in the unclassified service and shall be members of the Minnesota state retirement system. The department shall be responsible for the administration of the laws contained in chapter 116H and for the performance of other duties assigned to it.*

Sec. 3. [116H.42] [ENERGY COORDINATION BOARD.]

*Subdivision 1. [CREATION.] There is created an energy coordination board. The board shall be composed of the commissioner of the department of energy as chairperson and the heads of the following agencies:*

*(1) economic development function of the department of energy, planning and development or the successor agency which assumes those functions;*

*(2) housing finance agency;*

*(3) administration department;*

*(4) public service department;*

*(5) agricultural department;*

*(6) natural resources department;*

*(7) statewide planning function of the department of energy, planning and development or the successor agency which assumes those functions;*

*(8) public utilities commission;*

*(9) education department.*

*Subd. 2. [POWERS AND DUTIES.] The energy coordination board shall serve as the chief advisory board to the governor on coordinating energy activities within state government. It shall assist in the development of policies, plans, and programs*

*for improving the coordination, administration, and effectiveness of energy activities.*

*The energy coordination board shall oversee and direct the activities of the intervention office created in section 4.*

**Sec. 4. [116H.425] [INTERVENTION OFFICE.]**

*There is created under the energy coordination board created by section 3 an intervention office to carry out intervention activities before federal and other energy regulatory agencies outside of the state. The office shall be staffed as the need arises by appropriate employees of the departments and agencies represented on the energy coordination board. Policies and functions of the intervention office shall be carried out under the direction of the commissioner of energy.*

**Sec. 5. [116H.50] [COORDINATION OF FEDERAL AND STATE RESIDENTIAL WEATHERIZATION PROGRAMS.]**

*Subdivision 1. [TRANSFER OF RESIDENTIAL WEATHERIZATION AUTHORIZATION.] Effective July 1, 1984, all powers, responsibilities and authorities for weatherizing the residences of low-income persons with money made available to the state by federal law and any other federal or state money made available for employment in weatherization programs are transferred from the department of economic security to the department of energy as provided in section 15.039.*

*Between the effective date of this act and July 1, 1984, the commissioner of economic security and the commissioner of energy shall prepare for an orderly transition of powers and authorities relating to the low-income weatherization program.*

**Sec. 6. [DEFINITIONS.]**

*Subdivision 1. For purposes of sections 2 to 16 the terms defined in this section have the meanings ascribed to them unless the context in which they are used clearly indicates otherwise.*

*Subd. 2. "Board" means the Minnesota energy coordination board established in section 3.*

*Subd. 3. "Commissioner" means the commissioner of the department of energy.*

*Subd. 4. "Department" means the department of energy established by this act.*

*Subd. 5. "Authority" means the Minnesota energy authority created in section 7.*



Subd. 6. "Person" includes an individual, firm, partnership, corporation, or association.

Subd. 7. "Conservation" means a product or system designed to reduce the amount of energy needed for an energy-consuming activity or process. Conservation includes but is not limited to thermal insulation and air infiltration control in buildings, products or methods that reduce energy consumption for transportation or soil tillage practices, improvements in combustion efficiency or heat transfer efficiency in boilers, furnaces or direct-fired process heaters, and changes to industrial production equipment that result in lower energy use per unit of output.

Subd. 8. "Municipality" means a city, town, county, school district, special taxing district, or a municipal power agency governed by chapter 453, or a group or combination of those units operating under an agreement to jointly undertake projects authorized by this act.

Subd. 9. "Alternative energy source" means a source of energy available from indigenous Minnesota resources including but not limited to peat, biomass, solar energy, wind, municipal wastes, agricultural or forestry wastes, hydro-power, and agricultural crops suitable for conversion to an energy fuel.

Subd. 10. "Renewable energy source" means a source of energy occurring in Minnesota which, when consumed for energy purposes, is replaced within a matter of days, months, or years by new or additional supplies of the energy source. Renewable energy sources include, but are not limited to, forestry products and forest harvest residues, solar energy, wind energy, water-power, and agricultural wastes.

Subd. 11. "Energy recovery" means the extraction of energy from materials, components or processes which would normally represent wasted energy resources. Municipal solid wastes, volatile sewer gases, and power plant waste heat, among others, offer the potential for energy recovery.

## Sec. 7. [116H.76] [ENERGY AUTHORITY.]

Subdivision 1. [CREATION.] There is created as an independent agency in the executive branch a duly constituted authority of the state called the Minnesota energy authority which shall perform the functions and duties authorized in sections 8 to 12. Principal responsibilities of the authority shall include evaluation of energy related projects proposed by persons and municipalities of the state and assistance to proposers for accomplishing those projects deemed technically worthy and fiscally sound.

Subd. 2. [MEMBERSHIP.] The authority shall be composed of the commissioner of energy, the commissioner of fi-

nance, the director of the housing finance agency, and 12 public members appointed by the governor with advice and consent of the senate. At least four of the public members shall be experienced in the extension of credit to borrowers or possess other financial expertise useful to programs operated by the authority. Other members shall have demonstrated interest and expertise in energy conservation or resource development and may be selected from groups representing small business, labor, education, farming or agribusiness, and residential renters. The governor shall designate a chairperson of the authority from among its members.

*Membership terms, compensation, and removal of members and filling of vacancies shall be as provided in section 15.0575.*

*Subd. 3. [CONFLICT OF INTEREST.] No member or employee of the authority shall participate in any manner in any decision or action of the authority where he has a direct or indirect conflict. Each member of the authority shall file a statement of economic interest with the board of ethical practices as provided in section 10A.09.*

*Subd. 4. [STAFFING.] The commissioner of energy shall appoint an executive director and shall hire other employees as needed to carry out the duties of the authority. The executive director shall be in the unclassified service. The authority may contract, through the commissioner, with the housing finance agency or other public or private providers of finance expertise for professional services that relate to financial management. Authority for interagency service contracts for financial management expertise shall expire June 30, 1985.*

*Subd. 5. The management and control of the authority shall be vested solely in the members in accordance with provisions of this act.*

*Subd. 6. All powers and duties of the authority shall be vested in the members in office from time to time and a majority of the members of the authority constitutes a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies. Action may be taken by the authority upon a vote of a majority of the members present.*

*Subd. 7. The members and officers of the authority shall not be liable personally, either jointly or severally, for any debt or obligation created or incurred by the authority.*

**Sec. 8. [SPECIFIC POWERS AND DUTIES OF THE AUTHORITY.]**

*Subdivision 1. The authority shall perform, direct, or closely oversee the functions and programs delegated to it by sections*

7 to 12. In order to accomplish these activities the authority may request that staff be loaned by existing state agencies, or contract for services from public or private sources.

The powers and authorities granted to the authority shall be broadly interpreted to facilitate innovative leadership in all areas of energy including policy setting, goal definition, strategic planning, conservation, development of renewable and alternative energy sources, energy recovery, and monitoring.

Subd. 2. The authority shall assume an active role in a campaign for energy efficiency. The authority shall actively promote public awareness of the potentials and benefits of energy efficiency.

Subd. 3. The authority shall perform market analysis studies relating to conservation, alternative and renewable energy sources, and energy recovery.

Subd. 4. The authority shall assure that programs under its control and direction make accommodation wherever possible for job creation and the needs of low income families and persons.

Subd. 5. The authority shall be responsible for establishing energy efficiency goals for the state. These goals shall include all sectors of the state's economy including public, residential, business, and transportation. The authority shall monitor progress toward accomplishing energy efficiency goals set for the state.

Subd. 6. The authority shall maintain oversight of energy legislation and programs authorized by the legislature. The authority shall annually, not later than February 1, report to the governor and the legislature on the effectiveness and efficiency of these programs.

Subd. 7. The authority shall operate a program of loan guarantees for commercial projects as specified in section 9.

Subd. 8. The authority shall operate a revenue bonding program for commercial projects as specified in section 10.

Subd. 9. The authority shall issue revenue bonds in its own name for purposes of the program authorized in subdivision 8 and section 10.

Subd. 10. The authority shall operate a program of loans to municipalities for capital expenses relating to energy conservation, recovery, or development as specified in section 11.

*Subd. 11. The authority shall issue loans to municipalities from funds generated by the sale of general obligation bonds issued by the commissioner of finance.*

*Subd. 12. The authority shall administer the district heating loan program established in section 116J.36 on behalf of the commissioner.*

*Subd. 13. The authority shall promulgate rules and temporary rules to operate the loan programs and loan guarantee program authorized in subdivisions 7 to 11.*

*Subd. 14. The authority shall provide direct assistance to businesses that plan to begin or expand their operations into the area of energy. The assistance shall include:*

*(a) providing data currently collected by the state that relates to resources, markets, economics, demographics, loans, and business planning;*

*(b) performing a limited technical review of prototypes or processes;*

*(c) conducting a limited number of feasibility studies to assist business development;*

*(d) conducting workshops, seminars, and other educational opportunities that relate to starting energy businesses or specific technical subjects, when appropriate, working in cooperation with the department of education and appropriate educational institutions in the state; and*

*(e) sharing information or networking among energy developers by use of newsletters, conferences, or the like.*

*Subd. 15. The authority shall operate, on behalf of the commissioner, the program of energy improvement loans to schools created by the concepts embedded in an act styled as H. F. No. 549 on March 28, 1983. Any appropriation made in furtherance of that program, and any specific authorities or responsibilities attendant to the program, are appropriated to and shall be exercised by the authority.*

*Subd. 16. The authority may provide general technical assistance to project applicants to assure the preparation of complete, fully descriptive proposals for projects.*

*Subd. 17. The authority may seek out and assist with the preparation of proposals for innovative conservation, renewable, alternative, or energy recovery projects.*

Subd. 18. *The authority may engage or assist in the development and operation of conservation or alternative or renewable energy system equipment. This includes development and operation of projects for which assistance is provided by the federal government or another funding source.*

Subd. 19. *The authority may manage and dispense funds made available to it for the purpose of research studies or demonstration projects related to energy conservation or other activities deemed appropriate by the authority.*

Subd. 20. *The authority may accept appropriations, gifts, grants, bequests, and devises and utilize or dispose of the same to carry out any provisions of sections 2 to 16. All gifts, grants, bequests, and revenues from other such sources are hereby appropriated to the authority for purposes of this act.*

## Sec. 9. [ENERGY LOAN GUARANTY PROGRAM.]

Subdivision 1. [DEFINITIONS.] *For purposes of this section, the following terms have the meanings given:*

(a) *"Fund" means the energy loan guaranty fund created by subdivision 2.*

(b) *"Lender" means any state or federally chartered bank, credit union, savings bank, savings and loan association, savings association, trust company or a lender certified by the secretary of housing and urban development or the administrator of veterans affairs or approved or certified by the administrator of the farmers home administration.*

(c) *"Loan" means a loan or advance of credit, secured by a mortgage, to a borrower for purposes specified by authority rule.*

(d) *"Mortgage" means (1) a second mortgage on the real property on which the capital improvements are to be made or a first mortgage on the property, if there is no outstanding mortgage on the property at the time the loan is made, and (2) any security interest, under sections 336.9-101 to 336.9-508, in personal property or fixtures acquired with the proceeds of an insured loan, which the authority may require by rule.*

(e) *"Qualified energy project" means acquiring, installing or constructing any conservation, renewable energy, alternative energy or other capital improvements for use in a trade or business and as provided by authority rule.*

Subd. 2. [ENERGY LOAN GUARANTY FUND.] *An energy loan guaranty fund is created. The fund shall be used by the authority as a revolving fund for carrying out the provisions*

of this section with respect to loans insured under subdivision 3.

**Subd. 3. [INSURANCE OF LOANS.] (a) [AUTHORIZATION.]** *The authority is authorized, upon application by a lender, to insure any eligible loan as provided in this section; and under terms as the authority may prescribe by rule, to make commitments for the insuring of loans prior to the date of their execution or disbursement.*

**(b) [ELIGIBILITY REQUIREMENTS.]** *To be eligible for insurance under this section:*

**(1)** *The proceeds of the loan shall be used solely for the purpose of financing a qualified energy project.*

**(2)** *The loan agreement shall have a maturity satisfactory to the authority, but not to exceed 20 years unless the loan is made in connection with financing for the purchase or construction of the building, in which case the maturity shall not exceed the maturity of the loan financing or 20 years, whichever is less.*

**(3)** *The loan agreement shall contain complete amortization provisions satisfactory to the authority requiring periodic payments by the borrower not in excess of his reasonable ability to pay as determined by the authority.*

**(4)** *The loan agreement shall contain such terms and provisions with respect to insurance, repairs, alterations, payment of taxes, foreclosure proceedings, acceleration of maturity, delinquency charges and any other matters as the authority may prescribe.*

**(5)** *The loan shall be secured by a mortgage which has priority over any other liens against the property, except a contract for deed or first mortgage securing a loan, the proceeds of which were used to acquire or construct the property.*

**(c) [CONCLUSIVE EVIDENCE OF INSURABILITY.]** *Any contract of insurance executed by the authority under this section shall be conclusive evidence of the eligibility of the loan for insurance, and the validity of any contract of insurance properly executed and in the hands of any approved lender shall not be contestable, except for fraud or misrepresentation on the part of the lender.*

**(d) [PREMIUMS.]** *The authority is authorized to fix premium charges not to exceed one-half of one percent of the original principal amount of the loan for the insurance of the loan under this section.*

(e) [PROCEDURES UPON DEFAULT.] *The failure of the borrower to make any payment as provided by any loan agreement insured under this section shall be considered a default under the loan. If the default continues for a period of 30 days, the lender shall be entitled to receive the benefits of the insurance upon assignment, transfer, and delivery to the authority, within 120 days of the default, of the following:*

(1) *all rights and interest arising under the loan, mortgage, and any other security interests securing the loan;*

(2) *all claims of the lender against the borrower or others, arising out of the mortgage transactions;*

(3) *all policies of insurance, surety bonds or other guarantees and any claims thereunder;*

(4) *any balance of the loan not advanced to the borrower;*

(5) *any cash or property held by the lender, or to which it is entitled, including deposits made to the account of the borrower which have not been applied in reduction of the principal of the loan indebtedness; and*

(6) *all records, documents, books, papers, and accounts relating to the loan transaction.*

*Alternatively, the lender may in the event of default under the loan, in accordance with rules of and within a period to be determined by the authority, obtain possession of the property, through foreclosure or otherwise, and receive the benefits of the insurance as provided in paragraph (f) upon:*

(1) *prompt conveyance to the authority of title to the property, as provided in rules promulgated by the authority, and*

(2) *assignment to the authority of all claims of the lender against the borrower or others, arising out of the loan transaction or foreclosure, except claims which have been released with the consent of the authority.*

(f) [PAYMENT OF INSURANCE.] *Upon the lender's compliance with the requirements provided in or established under paragraph (e) the partnership shall pay to the lender an amount equal to the outstanding unpaid principal indebtedness at the time of default less ten percent, or such greater amount as the authority may have stipulated when insuring the loan, plus interest from the date of default.*

Subd. 4. [INVESTMENT INTEREST.] *All interest and profits accruing from investment of the fund's money shall be credited to and be a part of the fund, and any loss incurred in the*

*principal of the investments of the fund shall be borne by the fund.*

**Subd. 5. [MAXIMUM AUTHORIZED INSURANCE.]** *The authority may not at any time issue insurance under this section aggregating in excess of an amount equal to the current balance contained in the fund multiplied by ten.*

**Sec. 10. [REVENUE BOND PROGRAM.]**

**Subdivision 1. [AUTHORITY TO MAKE LOANS.]** *The authority may make loans to individuals, partnerships, corporations, or other entities for the financing of capital improvements to be used in connection with a trade or business if the principal purpose of improvement is energy conservation or to reduce the usage of conventional fuels as a source of energy, as provided by the authority's rules.*

**Subd. 2. [BONDING AUTHORITY.]** *The authority may borrow money and may issue bonds, notes, or other obligations 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. A revenue bond issued pursuant to this section shall be signed by the governor or the governor's designee after his review to assure that the bond is in the public interest. The authority may sell any of its obligations at public or private sale, at the price or prices as the authority determines are appropriate, notwithstanding the limitations on sale price in section 462A.09.*

**Subd. 3. [LIMITATIONS ON OBLIGATIONS.]** *Neither the state nor any agency or political subdivision of the state shall be liable on bonds, notes, or other obligations issued by the authority. No bond, note, or other obligation of the authority shall constitute a debt or loan of the credit of the state or any political subdivision or any individual member of the authority. Notwithstanding the provisions of section 462A.08, subdivision 3, the bonds, notes, and other obligations issued by the authority shall be payable solely from the revenues and other moneys derived from the operation of the program authorized by this section.*

**Subd. 4. [RESERVE FUND.]** *A general reserve fund is created and is eligible to receive appropriations. The authority may irrevocably pledge and appropriate all or a segregated portion of the reserve fund to make principal and interest payments when due on all or one or more series of its obligations for which other funds are not available, pursuant to the terms and conditions the authority shall prescribe. Unless the reserve fund has been pledged and appropriated to secure the obligations, the reserve fund shall not be available to make principal or interest*



payments on the obligations. The authority may not issue obligations secured by the reserve fund if the sum of the obligations to be issued and the outstanding obligations secured by the reserve fund or the segregated portion of the fund exceed the amount on deposit in the fund or segregated portion multiplied by ten.

*Subd. 5. [LOAN PAYMENTS; FEES.] The authority may impose and collect interest and amortization payments on loans, may authorize the collection of fees and charges, and may require funds to be placed in escrow. The payments, fees, charges and amounts placed in escrow shall be sufficient to provide for the payment and security of the obligations issued and for their servicing, to provide for insurance against losses, and to cover the cost of issuance of the obligations and technical, consultative and other assistance services.*

*Subd. 6. [INVESTMENT INCOME.] All interest and profits accruing from investment of the reserve fund's moneys shall be credited to and be part of the reserve fund, and any loss incurred in the investment of the reserve fund shall be borne by the fund. The assets of the reserve fund shall be invested only in direct obligations of the United States or in insured depository accounts up to the amount of the insurance, in any institution insured by an agency of the United States government.*

*Subd. 7. [ADDITIONAL POWERS.] In addition to the powers specifically enumerated, the authority shall have any corporate powers necessary to effectuate or appropriate to the efficient implementation and operation of the revenue bond loan program authorized by this section, except to the extent explicitly limited by this section.*

## Sec. 11. [LOANS TO MUNICIPALITIES.]

*Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given:*

*(a) "Municipality" means a statutory or home rule charter city, county, township, school district or other political subdivision with ad valorem taxing authority.*

*(b) "Qualified improvements" means improvements to public land, buildings or other capital improvements undertaken by a municipality for the principal purpose of energy conservation or to reduce usage of conventional energy sources, as provided by rules adopted by the authority.*

*Subd. 2. [AUTHORITY TO MAKE LOANS.] The authority may make loans to municipalities to finance the acquisition or construction of qualified improvements, including interest costs incurred during the first three years after the loan is made.*

*Subd. 3. [APPLICATIONS.] Application for a loan pursuant to this section shall be made by the municipality to the authority. The authority shall establish the procedures, form, and required contents of the applications.*

*Subd. 4. [MUNICIPAL OBLIGATION.] The authority shall not make a loan until it has entered into an irrevocable agreement with the municipality providing that the municipality shall make payments equal to the principal and interest payments on the state bonds at the times transfers are required to be made pursuant to sections 16A.64 and 16A.65. The agreement shall obligate the municipality to levy an ad valorem property tax equal to the amounts necessary to make the payments. The amount required to be levied may be reduced by any other available amounts contained in a special fund dedicated to payment of the loan obligation.*

*Subd. 5. [RECEIPTS.] The principal and interest payments received by the authority 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 of finance for the purpose of that fund.*

**Sec. 12. [ . . . . ] [GENERAL POWERS OF THE AUTHORITY.]**

*Subdivision 1. For the purpose of exercising the specific powers granted in sections 8 to 11 and effectuating the other purposes of this act, the authority shall have the general powers granted in this section.*

*Subd. 2. It may sue and be sued.*

*Subd. 3. It may have a seal and alter the same at will.*

*Subd. 4. It may make, and from time to time, amend and repeal rules and temporary rules not inconsistent with the provisions of this act.*

*Subd. 5. It may acquire, hold and dispose of personal property for its corporate purposes.*

*Subd. 6. 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. It may acquire real property, or an interest therein, in its own name, by purchase or foreclosure, where such acquisition is necessary or appropriate to protect any loan in which the authority has an interest and may sell, transfer and convey any such property to a buyer and, in the event such sale, transfer*

*or conveyance cannot be effected with reasonable promptness or at a reasonable price, may lease such property to a tenant.*

*Subd. 8. It may procure insurance against any loss in connection with its property in such amounts, and from such insurers, as may be necessary or desirable.*

*Subd. 9. It may consent, whenever 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 loan, loan commitment, contract or agreement of any kind to which the authority is a party.*

Sec. 13. [ . . . . ] [FINANCIAL INFORMATION.]

*Financial information, including but not limited to credit reports, financial statements and net worth calculations, received or prepared by the agency regarding any authority loan or loan guarantee is private data on individuals, pursuant to section 13.02, subdivision 12.*

Sec. 14. Minnesota Statutes 1982, section 116C.03, subdivision 2, is amended to read:

Subd. 2. The board shall include as permanent members the commissioner of the department of energy, planning and development, the director of the pollution control agency, the commissioner of natural resources, the commissioner of agriculture, *the commissioner of energy*, the commissioner of health, the commissioner of transportation, and a representative of the governor's office designated by the governor. The governor shall appoint five members from the general public to the board, subject to the advice and consent of the senate.

Sec. 15. Minnesota Statutes 1982, section 116J.03, subdivision 1, is amended to read:

Subdivision 1. [SCOPE.] As used in sections (116J.05 TO 116J.35;) 116J.41 to 116J.54; 116J.58 to 116J.91; 299A.03; and 299A.04, the terms defined in this section have the meaning given them.

Sec. 16.

*As used in sections 2 to 18, the term "commissioner" means the commissioner of the department of energy.*

Sec. 17. Minnesota Statutes 1982, section 116J.09, is amended to read:

116J.09 [DUTIES.]

The commissioner shall:

(a) Manage the department as the central repository within the state government for the collection of data on energy;

(b) Prepare and adopt an emergency allocation plan specifying actions to be taken in the event of an impending serious shortage of energy, or a threat to public health, safety, or welfare;

(c) Undertake a continuing assessment of trends in the consumption of all forms of energy and analyze the social, economic, and environmental consequences of these trends;

(d) Carry out energy conservation measures as specified by the legislature and recommend to the governor and the legislature additional energy policies and conservation measures as required to meet the objectives of sections 116J.05 to 116J.30;

(e) Collect and analyze data relating to present and future demands and resources for all sources of energy, and specify energy needs for the state and various service areas as a basis for planning large energy facilities;

(f) (REQUIRE CERTIFICATE OF NEED FOR CONSTRUCTION OF LARGE ENERGY FACILITIES) *Effective July 1, 1984, administer federal and state residential weatherization programs, except programs specifically delegated to and operated by the housing finance agency under chapter 462A. Between the effective date of this act and July 1, 1984, the commissioner of economic security and the commissioner of energy shall prepare for an orderly transition of powers and authorities relating to the low-income weatherization program;*

(g) Evaluate policies governing the establishment of rates and prices for energy as related to energy conservation, and other goals and policies of sections 116J.05 to 116J.30, and make recommendations for changes in energy pricing policies and rate schedules;

(h) Study the impact and relationship of the state energy policies to international, national, and regional energy policies;

(i) Design and implement a state program for the conservation of energy; this program shall include but not be limited to, general commercial, industrial, and residential, and transportation areas; such program shall also provide for the evaluation of energy systems as they relate to lighting, heating, refrigeration, air conditioning, building design and operation, and appliance manufacturing and operation;

(j) Inform and educate the public about the sources and uses of energy and the ways in which persons can conserve energy;

(k) Dispense funds made available for the purpose of research studies and projects of professional and civic orientation, which are related to either energy conservation or the development of alternative energy technologies which conserve nonrenewable energy resources while creating minimum environmental impact;

(l) Charge other governmental departments and agencies involved in energy related activities with specific information gathering goals and require that those goals be met;

*(m) Effective July 1, 1984, administer for the state, energy programs pursuant to federal law, regulations, or guidelines, including the crisis fuel assistance program, and coordinate the programs and activities with other state agencies, units of local government, and educational institutions. Between the effective date of this act and July 1, 1984, the commissioner of economic security and the commissioner of energy shall prepare for an orderly transition of powers and authorities relating to the crisis fuel assistance program and related programs;*

*(n) Serve as a member of the environmental quality board;*

*(o) Serve as chairperson of the energy coordination board;*

*(p) Serve as executive director and member of the energy authority.*

Sec. 18. Minnesota Statutes 1982, section 116J.10, is amended to read:

**116J.10 [POWERS.]**

The commissioner may:

(a) Adopt rules pursuant to chapter 14 as necessary to carry out the purposes of sections 116J.05 to 116J.30 and, when necessary for the purposes of section 116J.15, adopt temporary rules pursuant to sections 14.29 to 14.36;

(b) Make all contracts pursuant to sections 116J.05 to 116J.30 and do all things necessary to cooperate with the United States government, and to qualify for, accept and disburse any grant intended for the administration of sections 116J.05 to 116J.30. Notwithstanding (ANY) other law the commissioner is designated the state agent to apply for, receive and accept federal or other funds made available to the state for the purposes of sections 116J.05 to 116J.30.

(c) Contract for professional services if such work or services cannot be satisfactorily performed by employees of the department or by any other state agency;

(d) Enter into interstate compacts to jointly carry out such research and planning with other states or the federal government where appropriate;

(e) Distribute informational material at no cost to the public upon reasonable request;

(f) Provide on-site technical assistance to units of local government (IN ORDER) to enhance local capabilities for dealing with energy problems;

(g) (ADMINISTER FOR THE STATE, ENERGY PROGRAMS PURSUANT TO FEDERAL LAW, REGULATIONS OR GUIDELINES, EXCEPT FOR THE CRISIS FUEL ASSISTANCE AND LOW INCOME WEATHERIZATION PROGRAMS ADMINISTERED BY THE DEPARTMENT OF ECONOMIC SECURITY, AND COORDINATE THE PROGRAMS AND ACTIVITIES WITH OTHER STATE AGENCIES, UNITS OF LOCAL GOVERNMENT AND EDUCATIONAL INSTITUTIONS) *Intervene in certificate of need proceedings.*

Sec. 19. Minnesota Statutes 1982, section 216B.16, is amended by adding a subdivision to read:

*Subd. 12. [INTERVENOR PAYMENT.] The commission may order a utility to pay all or a portion of a party's intervention costs in any proceeding when the commission finds that the intervenor has materially assisted the commission's deliberation and the intervenor has insufficient financial resources to afford the costs of intervention.*

Sec. 20. [116H.55] [CERTIFICATE OF NEED.]

*Subdivision 1. [ASSESSMENT OF NEED CRITERIA.] The commissioner of energy shall, pursuant to chapter 14 and sections 116J.05 to 116J.30, adopt assessment of need criteria to be used in the determination of need for large energy facilities pursuant to this section.*

*Subd. 2. [TRANSFER OF CERTIFICATE OF NEED PROGRAM.] All powers, responsibilities and authorities for the issuance of certificates of need for large energy facilities is transferred from the department of energy, planning and development or its successor agency to the energy department as provided in section 15.039.*

Sec. 21. Minnesota Statutes 1982, section 462A.02, subdivision 10, is amended to read:

Subd. 10. It is further declared that supplies of conventional energy resources are rapidly depleting in quantity and rising in price and that the burden of these occurrences falls heavily upon *the citizens of Minnesota generally and persons of low and moderate income in particular*. These conditions are adverse to the health, welfare, and safety of *all of the citizens of this state*. It is further declared that it is a public purpose to ensure the availability of financing to be used by (LOW AND MODERATE INCOME PEOPLE) *all citizens of the state* to install in their dwellings reasonably priced energy conserving systems *including those using alternative energy resources and equipment or other directly related repairs, improvements, and installations essential for energy conservation, so that by the improvement of the energy efficiency of all housing, the adequacy of the total energy supply may be preserved for the benefit of all citizens.*

Sec. 22. Minnesota Statutes 1982, section 462A.05, is amended by adding a subdivision to read:

Subd. 14b. *It may agree to purchase, make, or otherwise participate in the making, and may enter into commitments for the purchase, making, or participating in the making, of loans to persons and families, without limitations relating to the maximum incomes of the borrowers, to assist in energy conservation rehabilitation measures for existing housing owned by those persons or families including, but not limited to: weatherstripping and caulking, chimney construction or improvement, furnace or space heater repair, cleaning or replacement, insulation, storm windows and doors, and structural or other directly related repairs essential for energy conservation. Loans shall be made only when the agency determines that financing is not otherwise available, in whole or in part, from private lenders upon equivalent terms and conditions.*

Sec. 23. Minnesota Statutes 1982, section 462A.05, is amended by adding a subdivision to read:

Subd. 23. *The agency may participate in loans or establish a fund to insure loans, or portions of loans, which are made by any banking institution, savings and loan association, or other lender approved by the agency, organized under the laws of this or any other state or of the United States having an office in this state, to owners of renter occupied homes or apartments which do not comply with standards set forth in section 116J.27, subdivision 3, without limitations relating to the maximum incomes of the owners or tenants. The proceeds of the insured portion of the loan must be used to pay the costs of improvements, including all related structural and other improvements, which will reduce energy consumption.*

Sec. 24. Minnesota Statutes 1982, section 462A.21, is amended by adding a subdivision to read:

*Subd. 4j. It may expend money for the purposes of section 462A.04, subdivision 23, and may pay the costs and expenses for the development and operation of the program.*

Sec. 25. [462A.27] [RULES.]

*The agency may adopt temporary and permanent rules necessary for the efficient administration of sections 15 to 18. The rules authorized under this section may be adopted without complying with the administrative procedures act contained in chapter 14.*

Sec. 26. [462A.072] [PROVISION OF FINANCIAL EXPERTISE TO OTHER AGENCIES.]

*Upon request of the commissioner of energy, the director shall provide financial management assistance to the energy authority. Reimbursement for these services shall be at a reasonable rate established by negotiation between the director and the commissioner of energy.*

Sec. 27. [APPROPRIATION.]

*Subdivision 1. \$5,000,000 is appropriated from the general fund to the authority to be deposited in the energy loan guaranty fund.*

*Subd. 2. \$100,000 is appropriated from the general fund to the energy coordination board for purposes of operating the intervention office. Money from this appropriation may be used for state employees involved in intervention activities or for contracts with outside consultants.*

*Subd. 3. \$5,000,000 is appropriated from the general fund to the authority to be deposited in the general reserve fund pursuant to section 10.*

*Subd. 4. There is appropriated to the authority monies appropriated in Laws 1981, chapter 334, section 12 and such other funding as may be delegated by other law for the purpose of making loans to municipalities pursuant to section 11.*

*Subd. 5. The sum of \$90,500 is appropriated from the general fund to the department of energy for purposes of the energy business development assistance program in section 8, subdivision 14.*

*Subd. 6. Appropriations made in subdivisions 1, 3, and 4 shall not lapse but shall remain available until expended.*



## Sec. 28. [BOND SALE.]

*To provide the funds appropriated by section 27, the commissioner of finance shall issue and sell the bonds authorized by and as provided in Laws 1981, chapter 334, section 12."*

Delete the title and insert:

"A bill for an act relating to energy; creating the Minnesota energy authority; establishing a program of loans and financial assistance for households and municipalities; authorizing the issuance of bonds; appropriating money; transferring powers; amending Minnesota Statutes 1982, sections 116C.03, subdivision 2; 116J.03, subdivision 1; 116J.09; 116J.10; 216B.16, by adding a subdivision; 462A.02, subdivision 10; 462A.05, by adding subdivisions; and 462A.21, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 116H; and 462A."

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 Judiciary to which was referred:

H. F. No. 315, A bill for an act relating to public welfare; defining persons responsible for a child's care under the child abuse reporting law; amending Minnesota Statutes 1982, section 626.556, subdivisions 1, 2, 7, and 10.

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. 361, A bill for an act relating to safety; establishing a traffic safety education improvement program; imposing an additional fee for driver's license renewal for the traffic safety education improvement fund; appropriating money; amending Minnesota Statutes 1982, section 171.06, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 126.

Reported the same back with the following amendments:

Page 1, line 15, delete "education" and insert "public safety"

Page 1, line 21, delete "education" and insert "public safety"

Page 1, line 23, after "organizations" insert "and shall be available to licensed driver training schools"

Page 1, line 26, delete "education" and insert "public safety"

Page 2, line 1, delete "education" and insert "public safety"

Page 2, line 7, delete "education" and insert "public safety"

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. 424, A bill for an act relating to agriculture; making certain changes in the grain buyers act; imposing a penalty; amending Minnesota Statutes 1982, sections 223.16, subdivisions 7, 8, and by adding a subdivision; 223.17; 223.18; and 223.19; Laws 1982, chapter 635, section 9; proposing new law coded in Minnesota Statutes, chapter 223.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 223.16, is amended by adding a subdivision to read:

*Subd. 2a. [CASH SALE.] "Cash sale" means a sale for which cash or a check has been received by the seller, and includes a sale for which a scale ticket, clearly marked "CASH" has been received by the seller prior to the completion of the grain shipment; provided that cash or a check is tendered for the ticket within ten days after the sale.*

Sec. 2. Minnesota Statutes, section 223.16, subdivision 7, is amended to read:

*Subd. 7. [(ITINERANT) INDEPENDENT GRAIN BUYER.] "(ITINERANT) Independent grain buyer" means a person (WHO TRAVELS FROM PLACE TO PLACE TO PURCHASE GRAIN FOR RESALE USING A TRUCK, SEMI-TRAILER OR TRAILER OWNED OR OPERATED BY THAT PERSON) without a private or public grain warehouse license who is licensed to engage in the business of purchasing grain for resale.*

Sec. 3. Minnesota Statutes 1982, section 223.16, subdivision 11, is amended to read:

Subd. 11. [PRODUCER.] "Producer" means a person who (OWNS OR MANAGES A GRAIN PRODUCING OR GROWING OPERATION AND HOLDS OR SHARES THE RESPONSIBILITY FOR MARKETING THE GRAIN PRODUCED) *grows an agricultural commodity on land that he or she owns or leases.*

Sec. 4. Minnesota Statutes 1982, section 223.16, is amended by adding a subdivision to read:

Subd. 12a. [SCALE TICKET.] "*Scale ticket*" means a memorandum issued by a grain elevator or warehouse operator to a depositor at the time grain is delivered, showing the weight and kind of grain.

Sec. 5. Minnesota Statutes 1982, section 223.16, is amended by adding a subdivision to read:

Subd. 16. [VOLUNTARY EXTENSION OF CREDIT CONTRACT.] "*Voluntary extension of credit contract*" means a contract for the purchase of a specific amount of grain in which the title to the grain passes to the grain buyer upon delivery, but the price is to be determined or payment for the grain is to be made at a date later than the date of delivery of the grain to the grain buyer. Voluntary extension of credit contracts include deferred or delayed payment contracts, unpriced sales, no price established contracts, average pricing contracts, and all other contractual arrangements with the exception of cash sales and grain storage agreements evidenced by a grain warehouse receipt.

Sec. 6. Minnesota Statutes 1982, section 223.17, is amended to read:

223.17 [LICENSES; BONDING; CLAIMS; DISBURSEMENTS.]

Subdivision 1. [LICENSES.] An application for a grain buyer's license must be filed with the commissioner and the license issued before any grain may be purchased. The types of grain buyers' licenses are:

- (a) private grain warehouse operator's license;
- (b) public grain warehouse operator's license; and
- (c) (NONWAREHOUSE GRAIN BUYER'S LICENSE; AND)

((D) ITINERANT) *independent* grain buyer's license.

Public grain warehouse operators' licenses cover both grain buying and grain storage. The applicant for a grain buyer's license shall identify all grain buying locations owned or controlled by the grain buyer and all vehicles owned or controlled by the grain buyer used to transport purchased grain. *Every applicant for a grain buyer's license shall have a permanent established place of business at each licensed location. An "established place of business" means a permanent enclosed building, including a house or a farm, either owned by the applicant or leased by the applicant for a period of at least one year, and where the books, records, and files necessary to conduct the business are kept and maintained.*

Subd. 2. [LICENSE RENEWAL.] A license must be renewed annually. If a person receives more than one license from the commissioner, the licenses shall be issued at the same time, but only after all conditions for each license are met. Multiple licenses should be combined into one license if possible.

Subd. 3. [GRAIN BUYERS AND STORAGE FUND; FEES.] The commissioner shall set the fees for inspections and licenses under sections 223.15 to 223.19 at levels necessary to pay the expenses of administering and enforcing sections 223.15 to 223.19. *These fees may be adjusted pursuant to the provisions of section 16A.128. The fee adjustments are not subject to the provisions of chapter 14.*

There is created in the state treasury the grain buyers and storage fund. Money collected pursuant to sections 223.15 to 223.19 shall be paid into the state treasury and credited to the grain buyers and storage fund and is appropriated to the commissioner for the administration and enforcement of sections 223.15 to (223.19) *223.23.*

Subd. 4. [BOND.] Before a *grain buyer's* license is issued, the applicant for (A GRAIN BUYERS) *the* license (SHALL) *must* file with the commissioner a bond in a penal sum prescribed by the commissioner but not (MORE) *less* than the following amounts:

(a) (\$10,000 FOR EACH PRIVATE OR PUBLIC GRAIN WAREHOUSE UP TO A MAXIMUM OF FIVE GRAIN WAREHOUSES;)

((B) \$10,000 FOR EACH SEMITRAILER USED BY AN ITINERANT GRAIN BUYER UP TO A MAXIMUM OF FIVE SEMITRAILERS;)

((C) \$5,000 FOR EACH TRUCK USED BY AN ITINERANT GRAIN BUYER UP TO A MAXIMUM OF FIVE TRUCKS;)

((D) \$5,000 FOR EACH TRAILER USED BY AN ITINERANT GRAIN BUYER UP TO A MAXIMUM OF FIVE TRAILERS; AND)

((E) \$50,000 FOR EACH NONWAREHOUSE GRAIN BUYER) \$10,000 for grain buyers whose gross annual sales are \$100,000 or less;

(b) \$20,000 for grain buyers whose gross annual sales are more than \$100,000 but not more than \$750,000;

(c) \$30,000 for grain buyers whose gross annual sales are more than \$750,000 but not more than \$1,500,000;

(d) \$40,000 for grain buyers whose gross annual sales are more than \$1,500,000 but not more than \$3,000,000; and

(e) \$50,000 for grain buyers whose gross annual sales exceed \$3,000,000. A grain buyer who has filed a bond with the commissioner prior to July 1, 1983 is not required to increase the amount of the bond to comply with this section until July 1, 1984.

A first-time applicant for a grain buyer's license after July 1, 1983 shall file a \$20,000 bond with the commissioner. This bond shall remain in effect for the first year of his license. Thereafter, the licensee shall comply with the applicable bonding requirements contained in clauses (a) to (e) of this section.

In lieu of the bond required by this subdivision the applicant may deposit with the state treasurer cash, a certified check, a cashier's check, a postal, bank, or express money order, assignable bonds or notes of the United States, or an assignment of a bank savings account or investment certificate or an irrevocable bank letter of credit as defined in section 336.5-103, in the same amount as would be required for a bond.

Subd. 5. [VOLUNTARY EXTENSION OF CREDIT AND CASH SALES.] (UPON DEMAND BY A SELLER OF GRAIN, A GRAIN BUYER SHALL PAY 90 PERCENT OF THE ESTIMATED OR ACTUAL VALUE OF GRAIN PURCHASED AT THE TIME THE PHYSICAL POSSESSION OF THE GRAIN IS CONVEYED FROM THE SELLER TO THE GRAIN BUYER.) Each grain buyer shall, before the close of the next business day following the cash sale and transfer of possession of grain, actually deliver a check to the seller or his duly authorized representative, or shall wire or mail transfer funds to the seller's account in an amount equal to 80 percent of the grain's value at the time of delivery. The grain buyer shall complete final settlement as rapidly as possible through ordinary diligence. Any transaction (WHEREIN THIS DEMAND IS NOT EXERCISED) which does not comply with

*these requirements, constitutes a voluntary extension of credit (AND IS NOT AFFORDED PROTECTION UNDER THE GRAIN BUYER'S BOND), and shall comply with the requirements of section 8.*

*Subd. 6. [GRAIN PURCHASES FROM UNLICENSED PRODUCERS.] No grain buyer may refuse to purchase grain from a producer solely because he or she is not licensed by the commissioner; provided, that any producer who buys grain from other producers shall be licensed and bonded as required by this chapter.*

*Subd. 7. [GRAIN BUYERS TRUST FUND.] (a) There is created in the state treasury a grain buyers trust fund. Money in this fund is for the benefit of producers who have suffered losses due to breach of contract for grain sold to grain buyers, and for the administration of this chapter by the commissioner.*

*(b) The fund shall be established through the assessment of fees based on a maximum rate of one mill per dollar of the total dollar volume of grain purchased by grain buyers from producers as prescribed by the commissioner. The mill rate may be adjusted pursuant to the provisions of section 16A.128. The fee adjustments are not subject to the provisions of chapter 14. Fee assessments shall cease at the time the trust fund exceeds \$10,000,000 and shall be reinstated when the fund is less than \$8,000,000. No claims arising prior to January 1, 1985 may be filed against or honored by the fund.*

*(c) Money collected pursuant to this subdivision shall be paid to the commissioner and shall be deposited into the grain buyers trust fund. The trust fund shall be administered by the commissioner. Any valid claim filed against the trust fund which exceeds the amount of money available in the fund shall be paid by the commissioner as soon as the fund balance is sufficient to pay the claim. The commissioner may order any portion of the trust fund not needed for immediate use to be invested by the treasurer in any institution or security regulated by the federal government. Any interest accumulated through investments shall be deposited into the trust fund. In any year, the commissioner may use up to \$100,000 of money collected to defray the costs of administering and enforcing chapter 223 and informing producers of its provisions.*

*(d) Each licensed grain buyer shall file with the department a quarterly report showing the total dollar amount of all grain purchased from producers and shall remit the appropriate fee based on the mill rate prescribed by the commissioner. A grain buyer who fails to file a quarterly report and pay the prescribed fee is subject to the provisions of subdivision 8.*

*Subd. (6) 8. [(CONFIDENTIAL STATEMENTS REQUIRED) FINANCIAL STATEMENTS; LICENSE REVOCATION]*

TION.] For the purpose of fixing or changing the amount of a required bond or for any other proper reason, the commissioner shall require an annual financial (STATEMENTS) statement from a licensee which has been prepared in accordance with generally accepted accounting principles and which meets the following requirements:

(a) The financial statement shall include, but not be limited to the following: (1) a balance sheet; (2) a statement of income (profit and loss); (3) a statement of retained earnings; and (4) a statement of changes in financial position.

(b) The financial statement shall be accompanied by a report of audit or review conducted by an independent public accountant or a compilation report of the financial statement which is prepared by a grain commission firm or a management firm approved by the commissioner in accordance with standards established by the American Institute of Certified Public Accountants. The accountant's report of audit or review shall include the accountant's certifications, assurances, opinions, comments, and notes with respect to the financial statement.

(c) The financial statement shall be accompanied by a certification by the chief executive officer or his designee of the licensee, under penalty of perjury, that the financial statement accurately reflects the financial condition of the licensee for the period specified in the statement.

Only one financial statement must be filed for a chain of warehouses owned or operated as a single business entity, unless otherwise required by the commissioner. If the licensee fails to furnish financial statements or to furnish any new bond or fee required, the commissioner may immediately suspend the license and the licensee shall surrender the license to the commissioner. Within 15 days the licensee may request an administrative hearing subject to chapter 14 to determine whether the license should be revoked. If no request is made within 15 days, the commissioner shall revoke the license. All financial statements submitted to the commissioner are confidential.

Subd. (7) 9. [PRODUCER BOND AND CONTRACT CLAIMS.] A producer claiming to be damaged by a breach of the conditions of a (BOND OF) contract for the purchase of grain by a licensed grain buyer may file a written claim with the commissioner. The claim must state the facts constituting the claim. The claim must be filed with the commissioner within 180 days of the breach of the conditions of the (BOND) contract. If (THE COMMISSIONER BELIEVES THAT) a claim is valid, the commissioner may immediately suspend the license, in which case the licensee shall surrender the license to the commissioner. Within 15 days the licensee may request an administrative hearing subject to chapter 14 to determine whether the license should

be revoked. If no request is made within 15 days, the commissioner shall revoke the license.

Subd. (8) 10. [BOND DISBURSEMENT.] (a) The bond shall provide for payment of loss caused by the grain buyer's failure to pay, upon the owner's demand, the purchase price of grain sold to the grain buyer. *The commissioner may make a claim in the amount of the assessment owed against the bond of any grain buyer who fails to pay the assessment required by subdivision 7.* The bond shall be conditioned upon the grain buyer being duly licensed as provided herein. (THE BOND SHALL NOT COVER ANY TRANSACTION WHICH CONSTITUTES A VOLUNTARY EXTENSION OF CREDIT.)

(b) Upon (NOTIFICATION OF DEFAULT) *close of the claim-filing period*, the commissioner shall determine the validity of all claims and notify all parties having filed claims. An aggrieved party may appeal the commissioner's determination by requesting, within 15 days, that the commissioner initiate a contested case proceeding. In the absence of such a request, or following the issuance of a final order in a contested case, the surety company shall issue payment *promptly* to those claimants entitled to payment. *The commissioner shall also notify the treasurer to make prompt payment from the trust fund under provisions in this subdivision.* (WHEN THE COMMISSIONER DETERMINES IT NECESSARY,) The commissioner may apply to the district court for an order appointing a trustee or receiver to manage and supervise the operations of the grain buyer in default. The commissioner may participate in any resulting court proceeding as an interested party.

(c) If a grain buyer has become liable to more than one producer by reason of breaches of the conditions of the bond and the amount of the bond is insufficient to pay the entire liability to all producers entitled to the protection of the bond, the proceeds of the bond shall be apportioned among the bona fide claimants.

(d) The bond shall not be cumulative from one licensing period to the next. The maximum liability of the bond shall be its face value for the licensing period.

(e) *The grain buyers trust fund shall provide for payment to producers who have encountered losses by the failure of a grain buyer to make settlement on the purchase price of grain. Valid claims shall be first assessed against the bond and supplemented by payment from the trust fund. The maximum allowable claim against the trust fund is 90 percent of the claimant's loss.*

(f) *Claims arising from a breach of the conditions of a voluntary extension of credit contract where pricing has not occurred prior to the filing of a claim with the commissioner shall be valued in accordance with section 8, subdivision 6.*



(g) A producer having filed a claim against a grain buyer who has also filed an action for legal or equitable remedies in a state or federal court shall also submit to the commissioner a copy of the action filed with the court. In the event the court issues an order for payment by the buyer for the grain for which the producer has also received payment from the trust fund, the producer shall remit to the commissioner the amount of payment received from the court up to the amount of payment received from the trust fund.

(h) The commissioner may subrogate in behalf of the producer or petition the court to recover any sum that has been paid from the trust fund to make settlement of a claim filed against the grain buyer in default. The producer, having received payment from the trust fund, shall render all necessary assistance to aid the commissioner in matters of subrogation or in instances where the commissioner has petitioned the court to recover from the grain buyer in default the amount paid from the trust fund.

Subd. 11. [DEFAULTS; VIOLATIONS.] If the commissioner finds, after an investigation is conducted, that a complaint is valid or that a licensee is in violation of the provisions of this section, the commissioner may immediately suspend the license, in which case the licensee shall surrender the license to the commissioner. Within 15 days, the licensee may request an administrative hearing subject to chapter 14 to determine whether the license should be revoked. If no request is made within 15 days, the commissioner shall revoke the license.

Sec. 7. [223.175] [VOLUNTARY EXTENSION OF CREDIT CONTRACTS; FORM.]

Grain buyers using voluntary extension of credit contracts must include in the contracts those items prescribed by the commissioner by rule. The contract shall include a statement of the legal and financial responsibilities of grain buyers and sellers established in this chapter. The contract shall also include the following statement in not less than ten point, all capital type, framed in a box with space provided for the seller's signature: "THIS CONTRACT CONSTITUTES A VOLUNTARY EXTENSION OF CREDIT. THIS CONTRACT IS NOT COVERED BY ANY GRAIN BUYER'S BOND." The seller shall sign the contract in the space provided beneath the statement.

Sec. 8. [223.177] [PURCHASE BY VOLUNTARY EXTENSION OF CREDIT CONTRACTS.]

Subdivision 1. [INDICATION OF INTENTION.] Every grain buyer who intends to purchase grain by voluntary extension of credit contracts shall indicate his intention to do so

annually to the commissioner on a form provided by the commissioner.

*Subd. 2. [ORAL CONTRACTS.] Any grain buyer entering into a voluntary extension of credit contract orally or by phone shall give or mail to the seller a written confirmation conforming to the requirements of section 7 before the close of the next business day.*

*Subd. 3. [EXECUTION OF CONTRACTS.] All voluntary extension of credit contracts shall be executed before the close of the next business day after the contract is entered into or, in the case of an oral or phone contract, after the written confirmation is received by the seller. Provided, however, that if a scale ticket has been received by the seller prior to the completion of the grain shipment, the contract must be executed within ten days after the sale.*

*Subd. 4. [GRAIN, RIGHTS, OR PROCEEDS HELD.] A licensed grain buyer purchasing grain by voluntary extension of credit contracts shall at all times maintain grain, rights in grain, or proceeds from the sale of grain totaling 90 percent of the grain buyer's obligation for grain purchased by voluntary extension of credit contracts. That amount must be evidenced or represented by one or more of the following:*

*(a) grain owned and actually held by the grain buyer in a grain warehouse owned or controlled by the grain buyer;*

*(b) rights in grain evidenced or represented by warehouse receipts issued by a state or federally licensed grain warehouse; or*

*(c) proceeds from the sale of grain on a voluntary extension of credit contract evidenced or represented by one or more of the following:*

*(1) cash on hand or cash held on account in federally or state licensed institutions;*

*(2) short-term investments held in time accounts with federally or state licensed institutions;*

*(3) balances on grain margin accounts;*

*(4) voluntary extension of credit contracts for grain shipped to a processor or terminal as purchaser, less any payment or advance that has been received, provided that the price terms of the contracts remain open; or*

(5) *an irrevocable letter of credit, as defined in section 336.5-103, or other evidence of proceeds from the sale of grain acceptable to the commissioner.*

*Subd. 5. [PRICE PROTECTION.] A licensed grain buyer shall practice an effective method of price protection sufficient to protect the grain buyer against market fluctuations, as would be the case in procurement of options on a duly licensed commodity exchange.*

*Subd. 6. [VALUE OF GRAIN.] For the purpose of computing the dollar value of inventories of voluntary extension of credit obligations, the value of grain must be figured at the current market price on the day of delivery.*

*Subd. 7. [TRANSFER OF TITLE.] The title to grain delivered on a voluntary extension of credit contract transfers to the grain buyer on the day of delivery.*

*Subd. 8. [STORAGE AND SERVICE CHARGES.] No storage charges may be charged with respect to grain purchased on voluntary extension of credit contracts. There may be a service charge.*

*Subd. 9. [RECORDS.] A grain buyer shall keep sufficiently detailed books and records of voluntary extension of credit contracts and evidences of grain, rights in grain, and the proceeds from the sale of grain so as to clearly show compliance with section 6, subdivision 7, and this section. The commissioner or his authorized agent shall inspect these books and records at such time and place and to such an extent as he may deem necessary to determine whether grain buyers are complying with the provisions of this chapter. The commissioner may obtain any additional information he deems necessary and is authorized to enter upon any public or private premises during regular business hours in order to carry out the provisions of this subdivision.*

Sec. 9. Minnesota Statutes 1982, section 223.18, is amended to read:

**223.18 [PENALTY.]**

*A person buying grain without first obtaining a grain buyer's license is guilty of a misdemeanor. Each day of operation without a grain buyer's license constitutes a separate offense. In case of license revocation, no new license shall be granted to the person whose license was revoked nor to anyone either directly or indirectly engaged with him in the licensed business for two years. A grain dealer who withholds records from the commissioner, keeps or files false records, alters records fraudulently, or presents to the commissioner any false records is guilty of a crime and, upon conviction, may be punished by a fine of not*

*more than \$50,000, or by imprisonment for not more than five years, or both.*

Sec. 10. Minnesota Statutes 1982, section 223.19, is amended to read:

223.19 [RULES.]

The commissioner may (PROMULGATE) *make temporary or permanent rules pursuant to chapter 14 to carry out the provisions of sections 223.15 to (223.19) 223.23.*

Sec. 11. [223.20] [REGULATION OF GRAIN BUYERS AND GRAIN STORAGE.]

*The commissioner may create a separate division within the department of agriculture for the purpose of administering this chapter and chapter 232.*

Sec. 12. [223.21] [ATTORNEY GENERAL; ENFORCEMENT.]

*The attorney general shall, upon request of the commissioner, assist the commissioner in enforcing this chapter.*

Sec. 13. [223.22] [JOINT STUDY COMMITTEE.]

*A joint committee, composed of members of the house and senate agriculture committees, shall travel throughout the state to assess the need and producer support for the trust fund provisions of this chapter.*

Sec. 14. [223.23] [REFERENDUM.]

*On August 1, 1984, the commissioner shall hold a referendum election among all producers, as defined in section 223.16, subdivision 11, to determine the establishment of the grain buyers trust fund. The commissioner shall arrange for the election to be held at polling places which are reasonably convenient to all producers in the state, and shall provide notice of the election by means of media having a general circulation in the state. General polling procedures shall be established by the commissioner by rule pursuant to chapter 14 and shall ensure that only producers are entitled to vote in the election. The selection of specific polling places, however, shall not be subject to chapter 14.*

*Ballots shall be available at all polling places, and shall allow for a yes or no response to the following question: "Shall the grain buyers trust fund be established?" All ballots shall be counted under the supervision of the commissioner. A majority of those voting shall determine the outcome of the referendum election.*

Sec. 15. Minnesota Statutes 1982, section 336.9-401, is amended to read:

**336.9-401 [PLACE OF FILING; ERRONEOUS FILING; REMOVAL OF COLLATERAL.]**

(1) The proper place to file in order to perfect a security interest is as follows:

(a) When the collateral is (EQUIPMENT USED IN FARMING OPERATIONS, OR FARM PRODUCTS, OR ACCOUNTS OR GENERAL INTANGIBLES ARISING FROM OR RELATING TO THE SALE OF FARM PRODUCTS BY A FARMER, OR) consumer goods, or motor vehicles which are not inventory, then in the office of the county recorder in the county of the debtor's residence if the debtor is an individual who is a resident of this state but if the debtor is an individual who is not a resident of this state or is a corporation, partnership or other organization then in the office of the secretary of state (, AND IN ADDITION WHEN THE COLLATERAL IS CROPS GROWING OR TO BE GROWN IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY WHERE THE LAND IS LOCATED);

(b) *When the collateral is equipment to be used in farming operations, or farm products, or accounts or general intangibles arising from or relating to the sale of farm products by a farmer, or crops growing or to be grown, then in the office of the county recorder in the county of the debtor's residence or principal place of business if the debtor is a resident of this state, but if the debtor is not a resident of this state, then in the office of the secretary of state;*

(c) When the collateral is timber to be cut or is minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 336.9-103, or when the financing statement is filed as a fixture filing (section 336.9-313) and the collateral is goods which are or are to become fixtures, then in the office where a mortgage on the real estate would be filed or recorded;

((C)) (d) In all other cases, in the office of the secretary of state.

(2) A filing which is made in good faith in an improper place or not in all of the places required by this section is nevertheless effective with regard to any collateral as to which the filing complied with the requirements of this article and is also effective with regard to collateral covered by the financing statement against any person who has knowledge of the contents of such financing statement.

(3) A filing which is made in the proper place in this state continues effective even though the debtor's residence in this state or the use of the collateral, whichever controlled the original filing, is thereafter changed.

(4) The rules stated in section 336.9-103 determine whether filing is necessary in this state.

(5) Notwithstanding the preceding subsections, the proper place to file in order to perfect a security interest in collateral, including fixtures, of a transmitting utility is the office of the secretary of state. Such a filing shall not be deemed a separate filing from the filings required by other laws, if applicable, set forth in subsection (3) of section 336.9-302. This filing constitutes a fixture filing (section 336.9-313) as to the collateral described therein which is or is to become fixtures.

(6) For the purposes of this section, the residence of an organization is its place of business if it has one or its chief executive office if it has more than one place of business.

(7) "Motor vehicle" means any device propelled or drawn by any power other than muscular power in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting building and road construction equipment.

Sec. 16. Laws 1982, chapter 635, section 9, is amended to read:

Sec. 9. [REPEALER.]

Minnesota Statutes 1980, sections 223.04; 223.07; 223.08; 223.09; 223.10; 223.11; 232.01; 232.02, subdivisions 4, 5, 6, 7, 8 and 9; 232.03; 232.04; and 232.06, subdivision 5; Minnesota Statutes 1981 Supplement, sections 223.01; 223.02; 223.03; 223.05; and 232.02, subdivisions 1, 2 and 3, are repealed. (SECTIONS 1 TO 6 ARE REPEALED JULY 1, 1983. ANY CLAIMS UNDER SECTIONS 1 TO 6 WHICH ARE NOT SETTLED BEFORE JULY 1, 1983, MAY BE SETTLED UNDER THE PROVISIONS OF SECTION 4, SUBDIVISIONS 7 AND 8, AS THEY EXISTED PRIOR TO JULY 1, 1983.)

Sec. 17. [REVIVAL.]

*Notwithstanding Minnesota Statutes 1982, section 645.36, the action taken in section 16 revives Minnesota Statutes 1982, sections 223.15 to 223.19.*

Sec. 18. [APPROPRIATION.]

*The sum of \$200,000 is appropriated from the general fund to the commissioner for the purposes of administering and en-*

*forcing this chapter. \$ of this appropriation is allocated for the purpose of carrying out the duties and functions imposed by sections 15 and 16.*

*The personnel complement of the department of agriculture is increased by five.*

Sec. 19. [REPEALER.]

*Minnesota Statutes 1982, section 223.16, subdivision 8, is repealed.*

Sec. 20. [EFFECTIVE DATE.]

*Sections 1 to 5, section 6, subdivisions 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11, and sections 7 to 19 are effective July 1, 1983. Section 6, subdivision 7, is effective January 1, 1985, if approved by a majority of those voting in the referendum required by section 14."*

Delete the title and insert:

"A bill for an act relating to agriculture; making certain changes in the grain buyers act; changing the place of filing of farm product liens; imposing a penalty; appropriating money; amending Minnesota Statutes 1982, sections 223.16, subdivisions 7, 11, and by adding subdivisions; 223.17; 223.18; 223.19; and 336.9-401; Laws 1982, chapter 635, section 9; proposing new law ceded in Minnesota Statutes, chapter 223; repealing Minnesota Statutes 1982, section 223.16, subdivision 8."

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 Judiciary to which was referred:

H. F. No. 429, A bill for an act relating to automobile insurance; prohibiting any right of subrogation on underinsurance claims; amending Minnesota Statutes 1982, section 65B.53; by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 435, A bill for an act relating to crimes; establishing degrees of burglary; prescribing penalties; providing mandatory terms of incarceration; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, section 609.58.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [609.581] [DEFINITIONS.]

*Subdivision 1. [TERMS DEFINED.] For purpose of section 2 the terms defined in this section have the meanings given them.*

*Subd. 2. [BUILDING]. "Building" means a dwelling or other structure suitable for affording shelter for human beings or appurtenant to or connected with a structure so adapted.*

*Subd. 3. [DWELLING.] "Dwelling" means a building used as a permanent or temporary residence by a person.*

*Subd. 4. [ENTERS A BUILDING WITHOUT CONSENT.] "Enters a building without consent" means:*

*(a) to enter a building without the consent of the person in lawful possession; or*

*(b) to enter a building by using artifice, trick, or misrepresentation to obtain consent to enter from the person in lawful possession; or*

*(c) to remain within a building without the consent of the person in lawful possession.*

*Whoever enters a building while open to the general public does so with consent except when consent was expressly withdrawn before entry.*

Sec. 2. [609.582] [BURGLARY.]

*Subdivision 1. [BURGLARY IN THE FIRST DEGREE.] Whoever enters a building without consent of the lawful possessor with intent to commit a crime commits burglary in the first degree and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$20,000, or both, if:*

*(a) the building is a dwelling and another person not an accomplice is present in it;*



(b) *the burglar possesses a dangerous weapon or explosive when entering or at any time while in the building; or*

(c) *the burglar assaults a person within the building.*

**Subd. 2. [BURGLARY IN THE SECOND DEGREE.]** *Whoever enters a building without consent of the lawful possessor with intent to commit a crime commits burglary in the second degree and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both, if:*

(a) *the building is a dwelling; or*

(b) *the portion of the building entered contains a banking business or other business of receiving securities or other valuable papers for deposit or safekeeping and the entry is with force or threat of force; or*

(c) *the portion of the building entered contains a pharmacy licensed pursuant to section 151.19 or other lawful business or practice in which controlled substances are held or stored, and the entry is forcible; or*

(d) *when entering or while in the building, the burglar possesses a burglary tool.*

**Subd. 3. [BURGLARY IN THE THIRD DEGREE.]** *Whoever enters a building without consent of the lawful possessor with intent to steal or commit any felony or gross misdemeanor commits burglary in the third degree and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.*

**Subd. 4. [BURGLARY IN THE FOURTH DEGREE.]** *Whoever enters a building without consent of the lawful possessor with intent to commit a misdemeanor other than to steal commits burglary in the fourth degree and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.*

**Subd. 5. [DEFINITION; REASONS FOR DEPARTURE.]** *For purposes of subdivision 6, "reasons for departure" means substantial and compelling aggravating or mitigating factors. Agreement by the defendant to make restitution to the victim or to perform community work service, or a combination of restitution and community work service may be a mitigating factor for purposes of subdivision 6.*

**Subd. 6. [SENTENCING FIRST BURGLARY OF DWELLING.]** *In determining an appropriate sentence for a first offense of burglary of a dwelling, the court shall presume that*

*a stay of execution with a 120-day period of incarceration as a condition of probation shall be imposed unless the defendant's criminal history score determined according to the sentencing guidelines indicates a presumptive executed sentence, in which case the presumptive executed sentence shall be imposed unless the court departs from the sentencing guidelines pursuant to section 244.10. Any departure from the presumed 120-day period of incarceration or from a presumptive executed sentence under the sentencing guidelines shall be supported by written findings as to the reasons for departure. A stay of imposition of sentence may be granted as a departure from the presumed 120-day sentence if supported by written findings as required by this subdivision.*

Sec. 3 [REPEALER.]

*Minnesota Statutes 1982, section 609.58, is repealed.*

Sec. 4. [EFFECTIVE DATE.]

*Sections 1 to 3 are effective August 1, 1983, and apply to all crimes committed on or after that date."*

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. 450, A bill for an act relating to transportation; authorizing reimbursement to local fire departments for expenses to put out fires in the rights-of-way of highways; appropriating money; amending Minnesota Statutes 1982, section 161.465.

Reported the same back with the following amendments:

Page 1, line 13, before "fire" insert "grass"

Page 1, line 14, delete "by and"

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 Judiciary to which was referred:

H. F. No. 457, A bill for an act relating to costs and attorneys 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 14.

Reported the same back with the following amendments:

Page 3, line 8, delete "*court appointed*"

Page 5, line 3, delete "*agency*" and insert "*hearing examiner*"

Page 5, line 13, delete "*agency*" and insert "*hearing examiner*"

Page 5, line 13, delete "*regulation*" and insert "*rule*"

Page 5, line 22, delete "*an agency*" and insert "*the hearing examiner*"

Page 6, line 14, delete "*deciding*"

Page 6, line 18, delete "*An agency*" and insert "*The office of administrative hearings*"

Page 6, line 33, delete "*in*" and insert "*on*"

Page 7, lines 2 and 6, delete "*of the agency*"

Page 7, lines 11 and 12, delete "*After consultation with each agency,*"

Page 7, line 21, delete "*district*"

Page 7, line 29, delete "*may*" and insert "*shall*"

Page 7, line 34, delete "*, after consultation with the*"

Page 7, delete line 35

Page 7, line 36, delete "*law activities of the attorney general's office,*"

With the recommendation that when so amended the bill be re-referred to the Committee on Appropriations without further recommendation.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 495, A bill for an act relating to mental health; regulating the collection, use, and disclosure of mental health agency data; amending the competency of witnesses statutes to provide an exemption for professional consultations; amending Minnesota Statutes 1982, sections 13.46, subdivision 1, and by adding a subdivision; 245.69, subdivision 2; and 595.02.

Reported the same back with the following amendments:

Delete sections 1 and 2

Page 2, line 27, delete "Sec." and insert "Section"

Page 3, line 30, after the period, insert "*Notwithstanding any exchange of information which occurs in team meetings or in connection with a quality assurance procedure required by this subdivision or by rule, the outpatient's nurse, psychologist or physician shall not, without the consent of the outpatient, disclose the information in a civil or criminal proceeding or before any person who has authority to take evidence.*"

Page 4, line 11, reinstate the stricken "Data on", and after "(INDIVIDUALS)" insert "*individual outpatients*"; and restore the remainder of the line

Page 4, line 12, reinstate the stricken "centers" and delete the remainder of the line

Page 4, delete lines 13 and 14

Page 4, line 15, delete the new language

Page 4, line 17, delete the new language and insert "*shall be administered in a manner which provides security for and limits access to the data. This data shall not be disclosed except:*

(1) *To the outpatient who is the subject of the data, subject to the provisions of section 144.335;*

(2) *As expressly authorized in writing by the data subject;*

(3) *As required for administration of services within the center;*

(4) *As required by valid court order;*

(5) *As permitted by state or federal law; and*

(6) *To the commissioner of public welfare, for purposes of auditing compliance with the rules and this subdivision.*

*Only necessary and relevant data shall be maintained. The clinic or center may deny parental access to data on a minor outpatient when the minor requests the denial and it has been determined that honoring this request is in the best interests of the minor. Nothing in this section shall be construed to include data collected by the approved clinic or center as data within the welfare system as provided by chapter 13, or to impose any liability on the commissioner pursuant to chapter 13."*

Page 4, line 23, delete "nonprivate and summary"

Page 4, line 24, delete "clients," and insert "quality assurance mechanisms"

Delete section 4

Page 8, line 17, delete "Sections 1 to 4 are" and insert "Section 1 is"

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 4 and 5

Page 1, line 6, delete "sections 13.46," and insert "section"

Page 1, line 7, delete everything before "245.69,"

Page 1, line 8, delete "; and 595.02"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 532, A bill for an act relating to criminal justice; requiring peace officers to make arrests based on probable cause in cases of domestic assault; requiring peace officers to notify victims of domestic assault of the legal remedies available; amending Minnesota Statutes 1982, section 629.341, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 629.341, is amended to read:

Subdivision 1. Notwithstanding the provisions of section 629.34 or any other law or rule to the contrary, a peace officer may arrest without a warrant a person anywhere, including at his place of residence if the peace officer has probable cause to believe the person within the preceding four hours has assaulted or made a terroristic threat against his spouse (OR), former spouse, other person with whom he resides or has formerly resided, or person with whom he has a child in common regardless of whether he has ever been married to or lived with the person, although the assault did not take place in the presence of the peace officer. (A) The peace officer (MAY NOT) shall arrest a person pursuant to this section (WITHOUT FIRST OBSERVING) if he observes recent physical injury to, or impairment of, physical condition of the alleged victim which appears to have been caused by an assault.

Subd. 2. [EXEMPTION FROM LIABILITY.] Any peace officer acting in good faith and exercising due care in the making of an arrest pursuant to subdivision 1 shall have immunity from civil liability that otherwise might result by reason of his action.

Subd. 3. [NOTICE TO VICTIM.] The peace officer shall advise the victim of the telephone number of a shelter or other crime victim services in the community and give the victim immediate notice of the legal rights and remedies available. The notice shall include furnishing the victim a copy of the following statement:

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county attorney to file a criminal complaint. You also have the right to apply to the court by filing a petition requesting an order for protection from domestic abuse which could include the following: (a) an order restraining the abuser from further acts of abuse; (b) an order directing the abuser to leave your household; (c) an order preventing the abuser from entering your residence, school, business, or place of employment; (d) an order awarding you or the other parent custody of or visitation with your minor child or children; (e) an order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so." The statement shall include the resource listing, including the telephone number, for the area battered women's shelter, to be designated by the commissioner of corrections.

The notice to the victim shall be printed on a card which shall be provided by the commissioner of corrections.

Subd. 4. [REPORT REQUIRED.] Whenever a peace officer investigates an alleged assault or terroristic threat made by a

person against his spouse, former spouse, or other person with whom he resides or has formerly resided, the officer shall make a written report of the incident.

*Subd. 5. [TRAINING.] The board of peace officer standards and training shall provide a copy of sections 1 and 2 to every law enforcement agency in this state on or before June 30, 1983.*

Sec. 2 Minnesota Statutes 1982, section 629.72, is amended by adding a subdivision to read:

*Subd. 4. [SERVICE OF ORDER FOR PROTECTION.] If an order for protection is issued pursuant to section 518A.01 while the arrested person is still in detention, the order shall be served upon the arrested person during detention if possible."*

Delete the title and insert:

"A bill for an act relating to criminal justice; requiring peace officers to make arrests based on probable cause in cases of domestic assault; requiring peace officers to notify victims of domestic assault of the legal remedies available; requiring police reports; amending Minnesota Statutes 1982, sections 629.341; and 629.72, by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 547, A bill for an act relating to taxation; imposing or altering certain income tax, withholding tax, sales, and excise tax penalties; extending the time limitations within which certain indictments may be filed; amending Minnesota Statutes 1982, sections 290.53, subdivision 4, and by adding a subdivision; 290.92, subdivision 15; 290A.11, subdivision 2; 297A.08; 297A.39, subdivision 4, and by adding a subdivision; and 297B.10.

Reported the same back with the following amendments:

Page 1, line 23, reinstate the stricken "as to any material matter,"

Page 2, line 5, strike "and six months"

Page 4, line 30, delete "or fails to truthfully account for and pay the tax,"

Page 4, line 32, delete "\$150" and insert "\$300"

Page 6, line 12, delete "\$150" and insert "\$300"

Page 6, line 18, delete "and six months"

Page 7, line 11, delete "\$150" and insert "\$300"

Page 7, line 14, delete "\$150" and insert "\$300"

Page 7, line 19, delete "and six months"

Page 8, line 5, delete "\$150" and insert "\$300"

Page 8, line 13, delete "and six months"

Page 8, line 25, delete "\$150" and insert "\$300"

Page 9, line 4, delete "\$150" and insert "\$300"

Page 9, line 13, delete "and six months"

Page 9, delete lines 21 to 25 and insert:

*"This act is effective for offenses committed the day after 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. 622, A bill for an act relating to retirement; volunteer firefighters' relief associations; adding definitions; clarifying ambiguous language; amending Minnesota Statutes 1982, sections 424A.01; 424A.02; 424A.04; 424A.05; and 424A.08; proposing new law coded in Minnesota Statutes, chapter 424A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 69.772, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION.] This section shall apply to any firefighter's relief association specified in section 69.771, subdivision 1, which pays a lump sum service pension, but which



does not pay a monthly service pension, to a retiring firefighter when at least the minimum requirements for entitlement to a service pension specified in section 424A.02, or any applicable special legislation and the articles of incorporation or bylaws of the relief association have been met. Each firefighter's relief association to which this section applies shall determine the accrued liability of the special fund of the relief association in accordance with the (APPLICABLE) accrued liability table set forth in subdivision 2 and the financial requirements of the relief association and the minimum obligation of the municipality in accordance with the procedure set forth in subdivision 3.

Sec. 2. Minnesota Statutes 1982, section 69.772, subdivision 2, is amended to read:

Subd. 2. [DETERMINATION OF ACCRUED LIABILITY.]  
(EACH FIREFIGHTERS' RELIEF ASSOCIATION WHICH PAYS A SERVICE PENSION WHEN A RETIRING FIREFIGHTER MEETS THE MINIMUM REQUIREMENTS FOR ENTITLEMENT TO A SERVICE PENSION SPECIFIED IN SECTION 424A.02 AND WHICH IN ITS ARTICLES OF INCORPORATION OR BYLAWS REQUIRES SERVICE CREDIT FOR A PERIOD OF SERVICE LESS THAN 20 YEARS OF ACTIVE SERVICE FOR A TOTALLY NONFORFEITABLE SERVICE PENSION AS PROVIDED IN SECTION 424A.09 SHALL DETERMINE THE ACCRUED LIABILITY OF THE SPECIAL FUND OF THE FIREFIGHTERS' RELIEF ASSOCIATION RELATIVE TO EACH ACTIVE OR DEFERRED MEMBER OF THE RELIEF ASSOCIATION, CALCULATED INDIVIDUALLY USING THE FOLLOWING TABLE:)

(CUMULATIVE YEAR	ACCRUED LIABILITY
1	\$35
2	71
3	110
4	150
5	192
6	236
7	283

8	332
9	383
10	437
11	494
12	553
13	616
14	681
15	750

16 AND THEREAFTER

50 ADDITIONAL  
PER YEAR)

Each firefighters' relief association which pays a service pension when a retiring firefighter meets the minimum requirements for entitlement to a service pension specified in section 424A.02 and which in its articles of incorporation or bylaws requires service credit for a period of service of at least 20 years of active service for a totally nonforfeitable service pension shall determine the accrued liability of the special fund of the firefighters' relief association relative to each active or deferred member of the relief association, calculated individually using the following table:

Cumulative Year	Accrued Liability
1	\$(30) 60
2	(62) 124
3	(95) 190
4	(130) 260
5	(167) 334
6	(205) 410
7	(246) 492

8	(288)	576
9	(333)	666
10	(380)	760
11	(429)	858
12	(481)	962
13	(535)	1070
14	(592)	1184
15	(652)	1304
16	(714)	1428
17	(780)	1560
18	(849)	1698
19	(922)	1844
20	(1000)	2000
21 and thereafter	(50)	100 additional per year

(THE ACCRUED LIABILITY OF THE SPECIAL FUND FOR EACH ACTIVE OR DEFERRED MEMBER OF THE RELIEF ASSOCIATION SHALL BE DETERMINED AS THE MULTIPLE OR PORTION OF THE ACCRUED LIABILITY AMOUNTS CORRESPONDING TO THE CUMULATIVE YEARS OF ACTIVE SERVICE WITH THE FIRE DEPARTMENT TO WHICH THE RELIEF ASSOCIATION IS AFFILIATED TO THE CREDIT OF THE MEMBER AS SET FORTH IN THE APPLICABLE TABLE THAT THE LUMP SUM SERVICE PENSION AMOUNT CURRENTLY PROVIDED FOR IN THE ARTICLES OF INCORPORATION OR THE BYLAWS OF THE RELIEF ASSOCIATION BEARS TO A LUMP SUM SERVICE PENSION OF \$50 PER YEAR OF SERVICE) *As set forth in the table the accrued liability for each member or deferred member of the relief association corresponds to the cumulative years of active service to the credit of the member. The accrued liability of the special fund for each active or deferred member is determined by multiplying the accrued liability from the chart by the ratio of the lump sum service pension amount currently provided for in the bylaws of the relief association to a service pension of \$100 per year of service. If a member has fractional service as of December 31, the figure for service credit*

to be used for the determination of accrued liability pursuant to this section shall be rounded (UP) to the nearest full year of service credit. The total accrued liability of the special fund (OF THE RELIEF ASSOCIATION) as of December 31 shall be the sum of the accrued liability attributable to each active or deferred member of the relief association.

Sec. 3. Minnesota Statutes 1982, section 69.772, subdivision 3, is amended to read:

Subd. 3. [FINANCIAL REQUIREMENTS OF THE RELIEF ASSOCIATION; MINIMUM OBLIGATION OF THE MUNICIPALITY.] During the month of July, the officers of the relief association shall determine the overall funding balance of the special fund (OF THE RELIEF ASSOCIATION) for the current calendar year, the financial requirements of the special fund (OF THE RELIEF ASSOCIATION) for the following calendar year and the minimum obligation of the municipality with respect to the special fund (OF THE RELIEF ASSOCIATION) for the following calendar year in accordance with the requirements of this subdivision.

(1) The overall funding balance of the special fund (OF THE RELIEF ASSOCIATION) for the current calendar year shall be determined in the following manner:

(a) The total accrued liability of the special fund (OF THE RELIEF ASSOCIATION) for all active and deferred members of the relief association as of December 31 of the current year shall be calculated pursuant to subdivisions 2 and 2a, if applicable.

(b) The total present assets of the special fund (OF THE RELIEF ASSOCIATION) projected to December 31 of the current year, including receipts by and disbursements from the special fund anticipated to occur on or before December 31 shall be calculated.

(c) The amount of the total present assets of the special fund (OF THE RELIEF ASSOCIATION) calculated pursuant to clause (b) shall be subtracted from the amount of the total accrued liability of the special fund (OF THE RELIEF ASSOCIATION) calculated pursuant to clause (a). If the amount of total present assets exceeds the amount of the total accrued liability, then the special fund shall be considered to have a surplus over full funding. If the amount of the total present assets is less than the amount of the total accrued liability, then the special fund shall be considered to have a deficit from full funding. If the amount of total present assets is equal to the amount of the total accrued liability, then the special fund shall be considered to be fully funded.

(2) The financial requirements of the special fund (OF THE RELIEF ASSOCIATION) for the following calendar year shall be determined in the following manner:

(a) The total accrued liability of the special fund (OF THE RELIEF ASSOCIATION) for all active and deferred members of the relief association as of December 31 of the calendar year next following the current calendar year shall be calculated pursuant to subdivisions 2 and 2a, if applicable.

(b) The increase (OR DECREASE) in the total accrued liability of the special fund (OF THE RELIEF ASSOCIATION) for the following calendar year over the total accrued liability of the special fund (OF THE RELIEF ASSOCIATION) for the current year shall be calculated.

(c) If the special fund (OF THE RELIEF ASSOCIATION) is fully funded, the financial requirement of the special fund for the following calendar year shall be (EITHER THE POSITIVE OR) the (NEGATIVE) figure which represents the increase (OR THE DECREASE) in the total accrued liability of the special fund (RESPECTIVELY) as calculated pursuant to subclause (b).

(d) If the special fund (OF THE RELIEF ASSOCIATION) has a deficit from full funding, the financial requirements of the special fund for the following calendar year shall be the financial requirements of the special fund calculated as though the special fund were fully funded pursuant to subclause (c) plus an amount equal to one-tenth of the amount of the deficit from full funding of the special fund as determined pursuant to this section for the calendar year 1971 until that deficit is fully retired, and plus an amount equal to one-tenth of the increase in the deficit from full funding of the special fund resulting from an increase in the amount of the service pension accruing subsequent to December 31, 1971 until each increase in the deficit is fully retired.

(e) If the special fund (OF THE RELIEF ASSOCIATION) has a surplus over full funding, the financial requirements of the special fund for the following calendar year shall be the financial requirements of the special fund calculated as though the special fund were fully funded pursuant to subclause (c) reduced by an amount equal to one-tenth of the amount of the surplus over full funding of the special fund.

(3) The minimum obligation of the municipality with respect to the special fund (OF THE RELIEF ASSOCIATION) shall be the financial requirements of the special fund (OF THE RELIEF ASSOCIATION) reduced by the amount of any fire state aid payable pursuant to sections 69.011 to 69.051 anticipated to be received by the municipality for transmittal to the special fund (OF THE RELIEF ASSOCIATION) during the following

calendar year, an amount of interest on the assets of the special fund projected to the (END OF THE CURRENT) *beginning of the following* calendar year calculated at the rate of five percent per annum, and the amount of any anticipated contributions to the special fund by the members of the relief association during the following calendar year.

Sec. 4. [424A.001] [DEFINITIONS.]

*Subdivision 1. [TERMS DEFINED.] As used in chapter 424A, the terms defined in this section have the meanings given.*

*Subd. 2. [FIRE DEPARTMENT.] "Fire department" includes municipal fire department and independent nonprofit firefighting corporation.*

*Subd. 3. [MUNICIPALITY.] "Municipality" means a municipality which has a fire department with which the relief association is directly associated, or the municipalities which contract with the independent nonprofit firefighting corporation of which the relief association is a subsidiary.*

*Subd. 4. [RELIEF ASSOCIATION.] "Relief association" means (a) a volunteer firefighters' relief association or volunteer firefighters' division or account of a partially salaried and partially volunteer firefighters' relief association organized and incorporated under chapter 317 and any laws of the state, governed by chapters 69 and 424A, and directly associated with a fire department established by municipal ordinance; or (b) any separate incorporated volunteer firefighters' relief association subsidiary to and providing service pension and retirement benefit coverage for members of an independent nonprofit firefighting corporation organized under the provisions of chapter 317, governed by chapter 424A, and operating exclusively for firefighting purposes.*

*Subd. 5. [SPECIAL FUND.] "Special fund" means special fund of a volunteer firefighters' relief association or the account for volunteer firefighters within the special fund of a partially salaried and partially volunteer firefighters' relief association.*

*Subd. 6. [SURVIVING SPOUSE.] For purposes of this chapter, and the governing bylaws of any relief association to which this chapter applies, the term "surviving spouse" means any person who was the dependent spouse of a deceased active member or retired former member living with the member at the time of the death of the active member or retired former member for at least one year prior to the date on which the member terminated active service and membership.*

Sec. 5. Minnesota Statutes 1982, section 424A.01, is amended to read:

**424A.01 [MEMBERSHIP IN A VOLUNTEER FIRE-FIGHTERS' RELIEF ASSOCIATION.]**

Subdivision 1. [MINORS.] It is unlawful for any municipality or independent nonprofit firefighting corporation to employ a minor as a volunteer firefighter or to permit a minor to serve in any capacity performing any firefighting duties with a volunteer fire department.

Subd. 2. [STATUS OF SUBSTITUTE OR PROBATIONARY VOLUNTEER FIREFIGHTERS.] No person who is serving as a substitute or a probationary volunteer firefighter shall be deemed to be a firefighter for purposes of chapter 69 or this chapter nor shall be authorized to be a member of any volunteer firefighters' relief association governed by chapter 69 or this chapter.

Subd. 3. [STATUS OF NONMEMBER VOLUNTEER FIREFIGHTERS.] No person who is serving as a firefighter in a (MUNICIPAL) fire department (OR AN INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION) but who is not a member of the applicable firefighters' relief association shall be entitled to any service pension (, RETIREMENT) or ancillary benefits (OR PENSION OR RETIREMENT BENEFIT COVERAGE) from the relief association.

Subd. 3a. [SERVICE CREDIT FOR CERTAIN PROBATIONARY VOLUNTEER FIREFIGHTERS.] Unless the by-laws of the (VOLUNTEER FIREFIGHTERS) relief association clearly provide to the contrary, any person:

(a) who has served as a probationary volunteer firefighter with a (MUNICIPAL) fire department (TO) *with* which a (VOLUNTEER FIREFIGHTERS) relief association (GOVERNED BY CHAPTER 69 AND THIS CHAPTER) is directly associated (OR WITH AN INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION TO WHICH A VOLUNTEER FIREFIGHTERS RELIEF ASSOCIATION GOVERNED BY CHAPTER 69 AND THIS CHAPTER IS SUBSIDIARY); and

(b) who is a member of that (VOLUNTEER FIREFIGHTERS) relief association;

(SHALL BE) *is* entitled to have the period of service as a probationary volunteer firefighter credited as a period of active service as an active member of the (MUNICIPAL) fire department (OR THE INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION, WHICHEVER IS APPLICABLE,) for purposes of calculating a service pension or (OTHER RETIREMENT) *ancillary* benefits.

Subd. 4. [EXCLUSION OF PERSONS CONSTITUTING AN UNWARRANTED HEALTH RISK.] The board of trustees of every (VOLUNTEER FIREFIGHTERS') relief association (GOVERNED BY CHAPTER 69 OR THIS CHAPTER SHALL HAVE THE RIGHT TO) may exclude from membership in the relief association all applicants who, due to some medically determinable physical or mental impairment or condition, would constitute (FOR THE RELIEF ASSOCIATION) a predictable and unwarranted risk of (THE COMMENCEMENT OF A RETIREMENT) *imposing liability for an ancillary benefit* at any age earlier than the minimum age specified for receipt of a service pension. Notwithstanding any provision of section 363.02, subdivision 5, it shall be a good and valid defense to a complaint or action brought under chapter 363 that the board of trustees of the relief association made a good faith determination that the applicant suffers from an impairment or condition constituting a predictable and unwarranted risk for the relief association if the determination was made following consideration of: (a) *the person's medical history*; and (b) the report of the physician completing a physical examination of the applicant completed at the expense of the relief association (AND OF THE PERSON'S MEDICAL HISTORY).

Sec. 6. Minnesota Statutes 1982, section 424A.02, is amended to read:

424A.02 [VOLUNTEER FIREFIGHTERS; SERVICE PENSIONS.]

Subdivision 1. [AUTHORIZATION.] Any (VOLUNTEER FIREFIGHTERS') relief association (OR VOLUNTEER FIREFIGHTERS' DIVISION OR ACCOUNT OF A PARTIALLY SALARIED AND PARTIALLY VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION ORGANIZED AND INCORPORATED UNDER CHAPTER 317 AND ANY LAWS OF THE STATE AND DIRECTLY ASSOCIATED WITH A FIRE DEPARTMENT ESTABLISHED BY MUNICIPAL ORDINANCE OR ANY SEPARATE INCORPORATED VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION SUBSIDIARY TO AND PROVIDING SERVICE PENSION AND RETIREMENT BENEFIT COVERAGE FOR MEMBERS OF AN INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION ORGANIZED UNDER THE PROVISIONS OF CHAPTER 317 AND OPERATING EXCLUSIVELY FOR FIREFIGHTING PURPOSES, WHETHER OR NOT THE NONPROFIT FIREFIGHTING CORPORATION QUALIFIES FOR FIRE STATE AID PURSUANT TO CHAPTER 69); when its articles of incorporation or bylaws so provide, may pay out of the assets of (THE) *its* special fund (OF THE VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION OR VOLUNTEER FIREFIGHTERS' ACCOUNT,) a service pension to each of its members who: (1) separates from active service with the fire



department (OR THE INDEPENDENT NONPROFIT FIRE-FIGHTING CORPORATION, WHO); (2) reaches the age of 50 years (AND WHO); (3) completes at least ten years of active service as an active member of the municipal fire department to which the relief association is associated (OR OF THE INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION TO WHICH THE RELIEF ASSOCIATION IS SUBSIDIARY, AND WHO); (4) completes at least ten years of active membership with the (VOLUNTEER FIREFIGHTERS') relief association (OR VOLUNTEER FIREFIGHTERS' ACCOUNT) prior to separation from active service; and (WHO) (5) complies with any additional conditions as to age, service and membership which are prescribed by the bylaws of the relief association. *The service pension may be paid whether or not the municipality or nonprofit firefighting corporation to which the relief association is associated qualifies for fire state aid under chapter 69.* In the case of a member who has completed at least ten years of active service as an active member of the (MUNICIPAL) fire department to which the relief association is associated (OR OF THE INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION TO WHICH THE RELIEF ASSOCIATION IS SUBSIDIARY) on the date that the (VOLUNTEER FIREFIGHTERS') relief association is established and incorporated, the requirement that the member complete at least ten years of active membership with the (VOLUNTEER FIREFIGHTERS') relief association (OR VOLUNTEER FIREFIGHTERS' ACCOUNT) prior to separation from active service may be waived by the board of trustees of the relief association if the member completes at least ten years of inactive membership with the (VOLUNTEER FIREFIGHTERS') relief association (OR VOLUNTEER FIREFIGHTERS' ACCOUNT) prior to the payment of the service pension. During the period of inactive membership, the member shall not be entitled to receive any disability benefit coverage, shall not be entitled to receive any additional service credit towards computation of a service pension, and shall be deemed to have the status of a person entitled to a deferred service pension pursuant to subdivision 7.

No municipality or nonprofit firefighting corporation is authorized to delegate the power to take final action in setting a service pension or (RETIREMENT) *ancillary* benefit amount or level to the board of trustees of the (VOLUNTEER FIREFIGHTERS) relief association or to approve in advance a service pension or (RETIREMENT) *ancillary* benefit amount or level equal to the maximum amount or level which this chapter would allow rather than a specific dollar amount or level.

No (VOLUNTEER FIREFIGHTERS') relief association (OR VOLUNTEER FIREFIGHTERS' DIVISION OR ACCOUNT OF A PARTIALLY SALARIED AND PARTIALLY VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION IS AUTHORIZED TO) *as defined in section 424A.001, subdivision 4,* shall pay a service pension or disability benefit to any former member

of the relief association if that person has not separated from active service with the fire department to which the (VOLUNTEER FIREFIGHTERS') relief association is directly associated (OR WITH THE INDEPENDENT NONPROFIT FIRE-FIGHTING CORPORATION TO WHICH THE VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION IS SUBSIDIARY).

(SUBD. 2. [NONFORFEITABLE PORTION OF SERVICE PENSION.] ANY VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION OR VOLUNTEER FIREFIGHTERS' ACCOUNT TO WHICH THIS SECTION APPLIES, WHEN ITS ARTICLES OF INCORPORATION OR BYLAWS SO PROVIDE AND WHEN A RETIRING MEMBER MEETS THE MINIMUM AGE AND SERVICE REQUIREMENTS SET FORTH IN SUBDIVISION 1 BUT HAS NOT COMPLETED 20 YEARS OF SERVICE MAY PAY A PORTION OF THE SERVICE PENSION AMOUNT EARNED TO DATE AS SPECIFIED IN THE BYLAWS, BUT NOT TO EXCEED THE PERCENTAGE APPLICABLE FOR EACH FULL YEAR OF SERVICE COMPLETED AS FOLLOWS:

COMPLETED YEARS OF SERVICE	NONFORFEITABLE PORTION OF ANNUAL OR PRORATA PENSION AMOUNT)
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*Subd. 2. [NONFORFEITABLE PORTION OF SERVICE PENSION.] If the articles of incorporation or bylaws of a relief association so provide, a relief association may pay a reduced service pension to a retiring member who has completed fewer than 20 years of service. The reduced service pension may be paid when the retiring member meets the minimum age and service requirements of subdivision 1.*

*The amount of the reduced service pension shall not exceed the amount calculated by multiplying the service pension appropriate for the completed years of service as specified in the bylaws times the applicable nonforfeitable percentage of pension. The applicable nonforeitable percentage of pension amounts are as follows:*

<i>Completed Years of Service</i>	<i>Nonforfeitable Percentage of Pension Amount</i>
10	60 percent
11	64 percent
12	68 percent
13	72 percent
14	76 percent

15	80 percent
16	84 percent
17	88 percent
18	92 percent
19	96 percent
20 and thereafter	100 percent

Subd. 3. [FLEXIBLE SERVICE PENSION MAXIMUMS.] On or before August 1 of each year as part of the certification of the financial requirements and minimum municipal obligation made pursuant to section 69.772, subdivision 4, or 69.773, subdivision 5, the secretary or some other official of the relief association designated in the bylaws of each (VOLUNTEER FIREFIGHTERS') relief association (OR VOLUNTEER FIREFIGHTERS' ACCOUNT, OTHER THAN A RELIEF ASSOCIATION OR ACCOUNT WHICH IN ITS BYLAWS PROVIDES SOLELY FOR THE PAYMENT OF A DEFINED CONTRIBUTION SERVICE PENSION AS AUTHORIZED PURSUANT TO SUBDIVISION 4,) shall calculate and certify to the governing body of the applicable qualified municipality the average amount of available financing per active covered firefighter for the most recent three-year period. The amount of available financing shall include any amounts of fire state aid received or receivable by the relief association (OR ACCOUNT), any amounts of municipal contributions to the relief association (OR ACCOUNT) raised from levies on real estate or from other available revenue sources exclusive of fire state aid, and one-tenth of the amount of assets in excess of the accrued liabilities of the relief association (OR ACCOUNT) calculated pursuant to sections 69.772, subdivision 2; 69.773, subdivisions 2 and 4; or 69.774, subdivision 2, if any. The maximum service pension which the relief association may provide for in its bylaws for payment to a member retiring after the calculation date when the minimum age and service requirements specified in subdivision 1 are met shall be determined using the applicable following table.

For a relief association (OR ACCOUNT) where the governing bylaws provide for a monthly service pension to a retiring member, if the average amount of available financing per active covered firefighter does not exceed the minimum average amount specified below, then the maximum monthly service pension

amount per month for each year of service credited which may be provided for in the bylaws shall be the greater of: (1) the service pension amount provided for in the bylaws on the date of calculation; or (2) the maximum service pension figure corresponding to the average amount of available financing per active covered firefighter;

Minimum Average Amount of Available Financing per Firefighter	Maximum Service Pension Amount Payable per Month for Each Year of Service
\$ 37	\$ .25
75	.50
112	1.00
149	1.50
186	2.00
224	2.50
261	3.00
298	3.50
336	4.00
373	4.50
447	5.00
522	6.00
597	7.00
671	8.00
746	9.00
820	10.00
895	11.00
969	12.00
	13.00

1044	14.00
1119	15.00
1193	16.00
1268	17.00
1342	18.00
1417	19.00
1491	20.00
1566	21.00
1640	22.00
1678 or more	22.50

For a relief association (OR ACCOUNT) in which the governing bylaws provide for a lump sum service pension to a retiring member, if the average amount of available financing per active covered firefighter does not exceed the minimum average amount specified below, then the maximum lump sum service pension amount for each year of service credited which may be provided for in the bylaws shall be the greater of: (1) the service pension amount provided for in the bylaws on the date of the calculation; or (2) the maximum service pension figure corresponding to the average amount of available financing per active covered firefighter:

Minimum Average Amount of Available Financing per Firefighter	Maximum Lump Sum Service Pension Amount Payable for Each Year of Service
\$	\$10
10	20
14	30
20	40
24	50
28	60
38	80

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48	100
58	120
68	140
76	160
86	180
96	200
116	240
134	280
154	320
172	360
192	400
212	440
230	480
250	520
268	560
288	600
308	640
326	680
346	720
364	760
384	800
432	900
480	1000
528	1100
576	1200

624	1300
672	1400
720	1500
768	1600
816	1700
864	1800
912	1900
960	2000
1008	2100
1056	2200
1104	2300
1152	2400
1200	2500
1248	2600
1296	2700
1344	2800
1392	2900
1440 or more	3000

For a relief association (OR ACCOUNT) in which the governing bylaws provide for a monthly benefit service pension as an alternative form of service pension payment to a lump sum service pension at the option of the retiring member, the maximum service pension amount shall be determined using the applicable table contained in this subdivision.

Subd. 4. [DEFINED CONTRIBUTION LUMP SUM SERVICE PENSIONS.] If the bylaws governing the (VOLUNTEER FIREFIGHTERS') relief association (OR VOLUNTEER FIREFIGHTERS' ACCOUNT OF A FIREFIGHTERS' RELIEF ASSOCIATION) so provide exclusively, the relief association (OR ACCOUNT) may pay a defined contribution lump sum service pension in lieu of any defined benefit service pension governed by subdivision 2. An individual account for each fire-

fighter who is a member of the relief association shall be established. To each individual member account shall be credited a right to an equal share of: (a) any amounts of fire state aid received by the relief association (OR ACCOUNT,); (b) any amounts of municipal contributions to the relief association (OR ACCOUNT) raised from levies on real estate or from other available revenue sources exclusive of fire state aid (,); and (c) any amounts equal to the share of the assets of the special fund to the credit of: (1) any former member who terminated active service with the fire department (OF THE MUNICIPALITY) to which the relief association is associated (OR THE INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION TO WHICH THE RELIEF ASSOCIATION IS A SUBSIDIARY) prior to meeting the minimum service requirement provided for in subdivision 1 and has not returned to active service with the fire department (OR INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION) for a period no shorter than five years; or (TO THE CREDIT OF) (2) any retired member who retired prior to obtaining a full nonforfeitable interest in the amounts credited to the individual member account pursuant to subdivision 2 and any applicable provision of the bylaws of the relief association. In addition, any interest or investment income earned on the assets of the special fund shall be credited in proportion to the share of the assets of the special fund to the credit of each individual member account. At the time of retirement pursuant to subdivision 1 and any applicable provision of the bylaws of the relief association, a retiring member shall be entitled to that portion of the assets of the special fund to the credit of the member in the individual member account which is nonforfeitable pursuant to subdivision 2 and any applicable provision of the bylaws of the relief association based on the number of years of service to the credit of the retiring member.

Subd. 5. [SERVICE CREDIT MAXIMUM.] No relief association (OR ACCOUNT TO WHICH THIS CHAPTER APPLIES AND WHERE) *for which* the governing bylaws provide (FOR) a monthly service pension to a retiring member shall credit any member with service in excess of 30 years (; PROVIDED, HOWEVER, THAT FOR ANY). *For a* member of a relief association (OR ACCOUNT) who, as of July 1, 1979, has received credit for service in excess of 30 years, the limitation on the crediting of further service credit provided for in this subdivision (SHALL APPLY) *applies* to any additional years of service occurring after July 1, 1979.

Subd. 6. [PAYMENT OF SERVICE PENSIONS; NONASIGNABILITY.] The method of calculating service pensions shall be applied uniformly, except as otherwise provided in this section. No service pension shall be paid to any person while the person remains an active member of the respective (MUNICIPAL) fire department (OR NONPROFIT FIREFIGHTING CORPORATION), and no person who is receiving a service pension shall be entitled to receive any other benefits from the spe-



cial fund of the relief association (OR ACCOUNT). No service pension or (RETIREMENT) *ancillary* benefits paid or payable from the special fund of a relief association (OR ACCOUNT) to any person receiving or entitled to receive a service pension or (OTHER) *ancillary* benefits shall be subject to garnishment, judgment, execution or other legal process (AND). No person entitled to a service pension or (OTHER RETIREMENT) *ancillary* benefits from the special fund of a relief association (OR ACCOUNT SHALL HAVE THE RIGHT TO) *may* assign any service pension or (RETIREMENT) *ancillary* benefit payments, nor shall the association have the authority to recognize any assignment or pay over any sum which has been assigned.

Subd. 7. [DEFERRED SERVICE PENSIONS.] A member of a relief association (OR ACCOUNT) to which this section applies (WHO) *is entitled to a deferred service pension if the member:*

(1) has completed the lesser of the minimum period of active service with the (MUNICIPAL) fire department (OR INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION) specified in the bylaws or 20 years of active service with the (MUNICIPAL) fire department (TO WHICH THE RELIEF ASSOCIATION OR ACCOUNT IS DIRECTLY ASSOCIATED WITH OR THE INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION OF WHICH THE RELIEF ASSOCIATION IS A SUBSIDIARY, WHO); (2) has completed at least ten years of active membership in the relief association (OR ACCOUNT); and (WHO) (3) separates from active service and membership prior to reaching the age of 50 years or the minimum age for retirement and commencement of a service pension specified in the bylaws governing the relief association (OR ACCOUNT) if that age is greater than the age of 50 years (SHALL BE ENTITLED TO A DEFERRED SERVICE PENSION TO). *The deferred service pension shall commence (UPON) when the former member (REACHING) reaches the age of 50 years or the minimum age specified in the bylaws governing the relief association (OR ACCOUNT) if that age is greater than the age of 50 years and (UPON) when the former member (MAKING) makes a valid written application.* Any relief association (OR ACCOUNT) which provides a lump sum service pension may, when its governing bylaws so provide, pay interest on the deferred lump sum service pension during the period of deferral. If provided for, interest shall be paid at the rate actually earned by the relief association (OR ACCOUNT), but not to exceed the interest rate specified in section 356.215, subdivision 4, clause (4), and shall be compounded annually based on calendar year balances. The deferred service pension shall be governed by and shall be calculated pursuant to any general statute, special law, relief association articles of incorporation or relief association bylaw provisions applicable as of the date on which the member separated from active service with the fire department (OR THE

NONPROFIT FIREFIGHTING CORPORATION) and active membership in the relief association (OR ACCOUNT).

Subd. 8. [LUMP SUM SERVICE PENSIONS; INSTALLMENT PAYMENTS.] Any relief association (OR ACCOUNT), if the governing bylaws so provide, may *pay*, at the option of the retiring member and in lieu of a single payment of a lump sum service pension, (PAY) a lump sum service pension in installments.

The election of installment payments shall be irrevocable and shall be made by the retiring member in writing and filed with the secretary of the relief association no later than 30 days prior to the commencement of payment of the service pension. The amount of the installment payments shall be determined so that the present value of the aggregate installment payments computed at an interest rate of five percent, compounded annually, is equal to the amount of the single lump sum payment which would have been made had the installment payments option not been elected. The payment of each installment shall include interest at the rate or five percent, compounded annually on the reserve supporting the remaining installment payments as of the date on which the previous installment payment was paid *and* computed from the date on which the previous installment payment was paid to the date of payment for the current installment payment.

To the extent that the commissioner of insurance deems it to be necessary or practical, the commissioner may specify and issue procedures, forms or mathematical tables for use in performing the calculations required pursuant to this subdivision.

Subd. 9. [LIMITATION ON (RETIREMENT) ANCILLARY BENEFITS (OTHER THAN SERVICE PENSION).] Any relief association (OR ACCOUNT TO WHICH THIS SECTION APPLIES, IF THE GOVERNING BYLAWS SO PROVIDE, MAY PROVIDE RETIREMENT COVERAGE FOR AND) may pay (ANY ONE OR ANY COMBINATION DEATH, DISABILITY, FUNERAL AND SURVIVORSHIP) *ancillary* benefits which would constitute an authorized disbursement as specified in section 424A.05 subject to the following limitations:

(1) (a) With respect to a relief association (OR ACCOUNT WHERE THE) *in which* governing bylaws provide for a lump sum service pension to a retiring member, no (RETIREMENT) *ancillary* benefit may be paid to any former member or paid to any person on behalf of any former member (SUBSEQUENT TO) *after* the former member (TERMINATING) (1) *terminates* active service with the (MUNICIPAL) fire department (TO WHICH THE RELIEF ASSOCIATION OR ACCOUNT IS DIRECTLY ASSOCIATED OR THE INDEPENDENT NONPROFIT FIREFIGHTING CORPORA-

TION OF WHICH THE RELIEF ASSOCIATION IS A SUBSIDIARY, WHICHEVER IS APPLICABLE,) and active membership in the relief association (OR ACCOUNT,); and (COMMENCING) (2) commences receipt of a service pension as authorized pursuant to this section; and

((2)) (b) With respect to any relief association (OR ACCOUNT), no (RETIREMENT) *ancillary* benefit paid or payable to any member, to any former member, or to any person on behalf of any member or former member, may exceed in amount the total *earned* service pension of the member or former member. The total *earned* service pension is calculated using the service pension amount specified in the (GOVERNING) bylaws of the relief association and the years of service credited to the member or former member. The years of service are determined as of (1) the date the member or former member became entitled to the (RETIREMENT) *ancillary* benefit; or (2) the date the member or former member died entitling a survivor or the estate of the member or former member to (A RETIREMENT) an *ancillary* benefit (ON BEHALF OF THE MEMBER OR FORMER MEMBER,). The survivor benefit may be calculated (1) without regard to whether the member or former member had attained the minimum amount of service and membership credit specified in the governing bylaws (OR NOT); and (2) without regard to the percentage amounts specified in subdivision 2; except that the bylaws of any relief association may provide for the payment of a survivor benefit (EQUIVALENT OF) in an amount not to exceed five times the yearly service pension amount specified in the bylaws on behalf of any member who dies before having performed five years of active service in the fire department with which the relief association is affiliated.

Subd. 9a. [POST RETIREMENT INCREASES.] Notwithstanding any provision of general or special law to the contrary, a (VOLUNTEER FIREFIGHTERS') relief association paying a monthly service pension may (, FROM TIME TO TIME, WITH MUNICIPAL APPROVAL PURSUANT TO SUBDIVISION 10 AND SECTION 69.772, SUBDIVISION 6, OR SECTION 69.773, SUBDIVISION 6, WHICHEVER IS APPLICABLE,) provide a post retirement increase to retired members and (OTHER RETIREMENT) *ancillary* benefit recipients of the relief association if (1) the relief association adopts an appropriate bylaw amendment; and (2) the bylaw amendment is approved by the municipality pursuant to subdivision 10 and section 69.773, subdivision 6. The post retirement increase (MAY ONLY BE GRANTED PURSUANT TO AN AMENDMENT TO THE BYLAWS OF THE RELIEF ASSOCIATION AND) shall be applicable only to retired members and (OTHER RETIREMENT) *ancillary* benefit recipients receiving a service pension or (RETIREMENT) *ancillary* benefit as of the effective date of the bylaw amendment. The authority to provide a post retirement increase to retired members and (OTHER RETIRE-

MENT) *ancillary* benefit recipients of a relief association contained in this subdivision shall supersede any prior special law authorization relating to the provision of post retirement increases.

Subd. 10. [LOCAL APPROVAL OF BYLAW AMENDMENTS; FILING REQUIREMENTS.] Each relief association (OR ACCOUNT) to which this section applies shall file (A COMPLETE CURRENT COPY OF ITS GOVERNING BYLAWS WITH THE COMMISSIONER OF INSURANCE ON OR BEFORE JULY 1, 1980 AND SHALL IMMEDIATELY FILE) a revised copy of its governing bylaws with the commissioner of insurance upon the adoption of any amendment to its governing bylaws by the relief association or upon the approval of any amendment to its governing bylaws granted by the governing body of (THE) each municipality (IN WHICH) served by the fire department to which the relief association (OR ACCOUNT) is directly associated (OR BY THE GOVERNING BODIES OF ALL MUNICIPALITIES WITH WHICH THE INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION OF WHICH THE RELIEF ASSOCIATION IS A SUBSIDIARY HAS CONTRACTED WHICHEVER IS APPLICABLE). Failure of the relief association to file a copy of the bylaws or any bylaw amendments with the commissioner of insurance shall disqualify the municipality from the distribution of any future fire state aid until this filing requirement has been completed.

If the special fund of the relief association does not have a surplus over full funding pursuant to section 69.772, subdivision 3, clause (2), subclause (e), or 69.773, subdivision 4, and if the municipality is required to provide financial support to the special fund of the relief association pursuant to section 69.772 or 69.773 (IN THE EVENT THAT THE FIRE DEPARTMENT TO WHICH THE RELIEF ASSOCIATION OR ACCOUNT IS DIRECTLY ASSOCIATED IS A MUNICIPAL FIRE DEPARTMENT, OR IF THE RELIEF ASSOCIATION IS A SUBSIDIARY OF A NONPROFIT FIREFIGHTING CORPORATION), no bylaw amendment which would affect the amount of, the manner of payment of, or the conditions for qualification for service pensions or (OTHER RETIREMENT) *ancillary* benefits or disbursements other than administrative expenses authorized pursuant to section 69.80 payable from the special fund of the relief association (OR ACCOUNT) shall be effective until it has been ratified by the governing body or bodies of the (MUNICIPALITY IN WHICH THE FIRE DEPARTMENT TO WHICH THE RELIEF ASSOCIATION OR ACCOUNT IS DIRECTLY ASSOCIATED OR BY THE GOVERNING BODIES OF ALL) appropriate municipalities (WITH WHICH THE INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION OF WHICH THE RELIEF ASSOCIATION IS A SUBSIDIARY HAS CONTRACTED, WHICHEVER IS APPLICABLE). If (THE FIRE DEPARTMENT WITH WHICH

THE RELIEF ASSOCIATION IS DIRECTLY ASSOCIATED IS A MUNICIPAL FIRE DEPARTMENT AND) the municipality is not required to provide financial support to the special fund (OF THE RELIEF ASSOCIATION) pursuant to this section, the relief association may adopt or amend *without municipal ratification* its articles of incorporation or bylaws which increase or otherwise affect the (RETIREMENT COVERAGE PROVIDED BY OR THE) service pensions or (RETIREMENT) *ancillary* benefits payable from the special fund (OF THE RELIEF ASSOCIATION SHALL BE EFFECTIVE WITHOUT MUNICIPAL RATIFICATION) so long as (THIS DOES) *the changes do* not cause the amount of the resulting increase in the accrued liability of the special fund (OF THE RELIEF ASSOCIATION) to exceed 90 percent of the amount of the prior surplus over full funding and (THIS DOES) *the changes do* not result in the financial requirements of the special fund (OF THE RELIEF ASSOCIATION) exceeding the expected amount of the future fire state aid to be received by the relief association (AS).

*If the relief association pays only a lump sum pension, the financial requirements are to be determined by the board of trustees following the preparation of an estimate of the expected increase in the accrued liability and annual accruing liability of the relief association attributable to the change (, IF THE RELIEF ASSOCIATION PAYS ONLY A LUMP SUM SERVICE PENSION OR). If the relief association pays a monthly benefit service pension, the financial requirements are to be determined by the board of trustees following either an updated actuarial valuation including the proposed change or an estimate of the expected actuarial impact of the proposed change prepared by the actuary of the relief association (IF THE RELIEF ASSOCIATION PAYS A MONTHLY BENEFIT SERVICE PENSION). If a relief association adopts or amends its articles of incorporation or bylaws without municipal ratification pursuant to this subdivision, and, subsequent to the amendment or adoption, the financial requirements of the special fund (OF THE RELIEF ASSOCIATION) pursuant to this section are such so as to require financial support from the municipality, the provision which was implemented without municipal ratification shall no longer be effective without municipal ratification, and any service pensions or (RETIREMENT) *ancillary* benefits payable after that date shall be paid only in accordance with the articles of incorporation or bylaws as amended or adopted with municipal ratification.*

Sec. 7. Minnesota Statutes 1982, section 424A.02, is amended by adding a subdivision to read:

*Subd. 11. [DISTRIBUTION OF ASSETS UPON DISSOLUTION IN CERTAIN CASES.] If the fire department which is associated with a relief association is dissolved or eliminated by action of the governing body of the municipality in which the*

*fire department is located, the relief association shall distribute its assets and be dissolved in the following manner:*

(1) *Within six months after the dissolution of the fire department, the board of trustees of the relief association shall convert all of the assets of the relief association to cash or negotiable instruments.*

(2) *The board shall then determine and pay all of the legal obligations of the association, including the costs relating to dissolution of the corporate existence of the association, but excluding pension obligations to members.*

(3) *After payment of the legal obligations of the association, the board shall determine the pro rata share of each member of the association. The pro rata share shall be that portion of the remaining assets of the association based on the proportion which the months of active service performed in the associated fire department bears to the total number of months of active service which have been performed in the associated fire department by all of the persons who are then members of the relief association. At the time of dissolution of the corporation, each member shall be paid the member's pro rata share.*

Sec. 8. Minnesota Statutes 1982, section 424A.03, subdivision 1, is amended to read:

Subdivision 1. [LIMITATION ON NONUNIFORMITY OF PENSIONS.] (NO) *Every* partially salaried and partially volunteer firefighters' relief association shall provide service pensions to volunteer firefighter members (WHICH DIFFER IN NATURE OR AMOUNT IF THE DIFFERENCE IS BASED ON COMPENSATION PAID FOR FIREFIGHTING SERVICES RENDERED BY ANY FIREFIGHTER MEMBER NOR BASE THE SERVICE PENSIONS AND RETIREMENT BENEFITS IT PROVIDES UPON ANY RATE OR AMOUNT OF COMPENSATION WHICH IS PAID FOR FIREFIGHTING SERVICES) *based on the years of service of the members not on the compensation paid to the members for firefighting services. Each relief association shall provide service pensions to salaried members as set forth in chapter 424 and applicable special laws.*

Sec. 9. Minnesota Statutes 1982, section 424A.04, is amended to read:

424A.04 [VOLUNTEER RELIEF ASSOCIATIONS; BOARD OF TRUSTEES.]

Subdivision 1. [MEMBERSHIP.] *Every* (VOLUNTEER FIREFIGHTERS') relief association *directly associated with the municipal fire department* shall be managed by a board of trustees consisting of nine members. Six trustees shall be elected from the membership of the relief association and three trustees shall be drawn from the officials of the (MUNICIPALITY

WHICH HAS A) *municipalities served by the fire department to which the relief association is directly associated (OR THE MUNICIPALITY WHICH CONTRACTS OR THE MUNICIPALITIES WHICH CONTRACT WITH THE INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION OF WHICH THE RELIEF ASSOCIATION IS A SUBSIDIARY).* The by-laws of a (VOLUNTEER FIREFIGHTERS') *relief association* may provide that one of the six trustees (REQUIRED TO BE) elected from (THE MEMBERSHIP OF) the relief association may be a retired member (OF THE RELIEF ASSOCIATION) receiving a monthly pension *who is* elected by the membership of the (FIRE DEPARTMENT) *relief association.* The three ex officio trustees (, IF THE RELIEF ASSOCIATION IS DIRECTLY ASSOCIATED WITH THE FIRE DEPARTMENT OF A MUNICIPALITY,) shall be the mayor, the clerk, clerk-treasurer or finance director, and the chief of the municipal fire department. (THE THREE EX OFFICIO TRUSTEES,)

(IF THE) *Every relief association that is a subsidiary of an independent nonprofit firefighting (RELIEF) corporation (,) shall be managed by a board of trustees consisting of ten members. Six trustees shall be elected from the membership of the relief association, three trustees shall be drawn from the officials of the municipalities served by the fire department to which the relief association is directly associated, and one trustee shall be the fire chief. The bylaws of a relief association may provide that one of the six trustees elected from the relief association may be a retired member receiving a monthly pension who is elected by the membership of the relief association. The three ex officio trustees who are the elected officials shall be selected as follows:*

(1) *if only one municipality contracts with the independent nonprofit firefighting corporation, the ex officio trustees shall be three elected officials of the contracting municipality who are designated by the governing body of the municipality (IF ONLY ONE MUNICIPALITY CONTRACTS WITH THE INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION,);* (2) *if two municipalities contract with the independent nonprofit firefighting corporation, the ex officio trustees shall be two elected officials of the largest municipality in population and one elected official of the next largest municipality in population who are designated by the governing bodies of the applicable municipalities (IF TWO MUNICIPALITIES CONTRACT WITH THE INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION,);* or (3) *if three or more municipalities contract with the independent nonprofit corporation, the ex officio trustees shall be one elected official of each of the three largest municipalities in population who are designated by the governing bodies of the applicable municipalities (IF THREE OR MORE MUNICIPALITIES CONTRACT WITH THE INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION).* An ex officio trustee shall have all (OF) the

rights and duties accorded to any other trustee except the right to be an officer of the board of trustees. A board shall have at least three officers, which shall be a president, a secretary and a treasurer. These officers shall be elected from among the elected trustees by either the full board of trustees or by the membership, as specified in the bylaws, and in no event shall any trustee hold more than one officer position at any one time. The terms of the elected trustees and of the officers of the board shall be specified in the bylaws of the relief association, but shall not exceed three years. If the term of the elected trustees exceeds one year, the election of the various trustees elected from the membership shall initially and shall thereafter continue to be staggered on an equal basis as is practicable.

Subd. 2. [FIDUCIARY DUTY.] It shall be the duty of the board of trustees to faithfully administer any provisions of statute or special law applicable to the relief association without prejudice and consistent with the expressed intent of the legislature. The members of the board shall act as trustees with a fiduciary obligation to the state of Minnesota which authorized the creation of the relief association, to the taxpayers who aid in its financing, and to the firefighters who are its beneficiaries.

Sec. 10. Minnesota Statutes 1932, section 424A.05, is amended to read:

424A.05 [RELIEF ASSOCIATION SPECIAL FUND.]

Subdivision 1. [ESTABLISHMENT OF SPECIAL FUND.] Every (VOLUNTEER FIREFIGHTERS') relief association shall establish and maintain a special fund within the relief association.

Subd. 2. [SPECIAL FUND ASSETS AND REVENUES.] The special fund shall be credited with all fire state aid moneys received pursuant to sections 69.011 to 69.051, all taxes levied by or other revenues received from the municipality pursuant to sections 69.771 to 69.776 or any applicable special law requiring municipal support for the relief association, any moneys or property donated, given, granted or devised by any person which is specified for use for the support of the special fund (OF THE RELIEF ASSOCIATION) and any interest earned upon the assets of the special fund. The treasurer of the relief association shall be the custodian of the assets of the special fund and shall be the recipient on behalf of the special fund of all revenues payable to the special fund. The treasurer shall maintain adequate records documenting any transaction involving the assets or the revenues of the special fund. These records and the bylaws of the relief association shall be public and shall be open for inspection by any member of the relief association, any officer or employee of the state or the municipi-



pality or any member of the public, at reasonable times and places.

Subd. 3. [AUTHORIZED DISBURSEMENTS FROM THE SPECIAL FUND.] Disbursements from the special fund shall not be made for any purpose other than one of the following:

(1) For the payment of service pensions to retired members of the relief association if authorized and paid pursuant to law and the bylaws governing the relief association;

(2) For the payment of temporary or permanent disability (RETIREMENT) benefits to disabled members of the relief association if authorized and paid pursuant to law and specified in amount in the bylaws governing the relief association;

(3) For the payment of survivor (RETIREMENT) benefits to surviving spouses and surviving children of deceased members of the relief association if authorized by and paid pursuant to law and specified in amount in the bylaws governing the relief association;

(4) For the payment of any funeral benefits to the surviving spouse, or if no surviving spouse, the estate, of the deceased member of the relief association if authorized by law and specified in amount in the bylaws governing the relief association;

(5) For the payment of the fees, dues and assessments to the Minnesota state fire department association and to the state volunteer firefighters' benefit association in order to entitle relief association members to membership in and the benefits of these state associations; and

(6) For the payment of administrative expenses of the relief association as authorized pursuant to section 69.80.

Subd. 4. [INVESTMENTS OF ASSETS OF THE SPECIAL FUND.] The assets of the special fund shall be invested only in securities authorized by section 69.775.

(SUBD. 5. [DEFINITION OF SURVIVING SPOUSE.] FOR PURPOSES OF THIS SECTION, SECTION 424A.02, AND THE GOVERNING BYLAWS OF ANY RELIEF ASSOCIATION TO WHICH THIS CHAPTER APPLIES, THE TERM "SURVIVING SPOUSE" MEANS ANY PERSON WHO WAS THE DEPENDENT SPOUSE OF A DECEASED ACTIVE MEMBER OR RETIRED FORMER MEMBER LIVING WITH THE MEMBER AT THE TIME OF THE DEATH OF THE ACTIVE MEMBER OR RETIRED FORMER MEMBER FOR AT LEAST ONE YEAR PRIOR TO THE DATE ON

WHICH THE MEMBER TERMINATED ACTIVE SERVICE AND MEMBERSHIP.)

Sec. 11. Minnesota Statutes 1982, section 424A.08, is amended to read:

424A.08 [MUNICIPALITY WITHOUT RELIEF ASSOCIATION; AUTHORIZED DISBURSEMENTS.]

Any qualified municipality which is entitled to receive fire state aid but which has no volunteer firefighters' relief association directly associated with its (MUNICIPAL) fire department (AND DOES NOT CONTRACT WITH AN INDEPENDENT NONPROFIT FIREFIGHTING CORPORATION WHICH HAS A SUBSIDIARY VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION,) shall deposit the fire state aid in a special account in the municipal treasury. Disbursement from the special account shall not be made for any purpose except:

(1) Payment of the fees, dues and assessments to the Minnesota state fire department association and to the state volunteer firefighters' benefit association in order to entitle its firefighters to membership in and the benefits of these state associations;

(2) Payment of the cost of purchasing and maintaining needed equipment for the fire department; and

(3) Payment of the cost for construction, acquisition, repair and maintenance of buildings or other premises to house the fire department.

Sec. 12. [EFFECTIVE DATE.]

*This act is effective the day following final enactment.*

Delete the title and insert:

"A bill for an act relating to retirement; volunteer firefighters' relief associations; adding definitions; providing for distribution of assets upon dissolution; clarifying ambiguous language; amending Minnesota Statutes 1982, sections 69.772, subdivisions 1, 2, and 3; 424A.01; 424A.02, by adding a subdivision; 424A.03, subdivision 1; 424A.04; 424A.05; and 424A.08; proposing new law coded in Minnesota Statutes, chapter 424A."

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Energy to which was referred:

H. F. No. 659, A bill for an act relating to housing; eliminating requirements that housing programs for urban Indians combine appropriated money with funds from other sources whenever possible; amending Minnesota Statutes 1982, section 462A.07, subdivision 15; and Laws 1978, chapter 670, section 3, subdivision 3.

Reported the same back with the following amendments:

Page 1, lines 16 to 18, reinstate the stricken language

Page 1, lines 20 to 22, reinstate the stricken language

Page 1, line 22, before the period insert "*except that interest earned on the portion of an appropriation to be expended for Indian housing programs in the city of Duluth does not have to be combined with money from other sources*"

Page 2, lines 6 to 8, reinstate the stricken language

Page 2, line 8, before the period insert "*except that interest earned on the portion of the appropriation to be expended for Indian housing programs in the city of Duluth does not have to be combined with proceeds of bond sales*"

Amend the title as follows:

Page 1, line 2, delete "eliminating" and insert "modifying"

Page 1, line 3, after "Indians" insert "in the city of Duluth"

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 Judiciary to which was referred:

H. F. No. 735, A bill for an act relating to insurance; providing for certain unfair or deceptive acts or practices; prescribing penalties; amending Minnesota Statutes 1982, section 72A.20, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 72A; repealing Minnesota Statutes 1982, section 72A.20, subdivision 12.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 72A.20, is amended by adding a subdivision to read:

*Subd. 12a. [UNFAIR OR DECEPTIVE SERVICE.] Unfair or deceptive service includes, but is not limited to, the following:*

(1) knowingly permitting a claim or claims, or permitting with such frequency as to indicate a general business practice, the claims and complaints of insureds, claimants, or beneficiaries to be processed in an unreasonable length of time, or in an unfair, deceptive, or fraudulent manner, or in violation of rules the commissioner of insurance makes in the public interest to ensure the prompt, fair, and honest processing of claims and complaints;

(2) knowingly misrepresenting to insured, claimants, or beneficiaries pertinent facts or insurance policy provisions relating to any coverages at issue;

(3) intentionally failing to investigate and process claims within a reasonable time;

(4) intentionally failing to affirm or deny coverage of claims within a reasonable time after proof of loss requirements have been completed and submitted by the insureds, claimants, or beneficiaries;

(5) knowingly and intentionally not attempting in good faith to effectuate settlements of claims in which liability has become reasonably clear;

(6) attempting to settle a claim by an insured, claimant, or beneficiary for less than the amount to which a reasonable person would have believed he or she was entitled by reference to written or printed advertising material accompanying or made part of an application;

(7) knowingly attempting to settle claims on the basis of an application which was altered without notice to the insured, claimant, or his or her representative, agent, or broker or which was altered without the knowledge or consent of these persons;

(8) making known to insureds, claimants, or beneficiaries a practice of the insurer of appealing from arbitration or court or jury awards in favor of these persons for the purpose of compelling them to accept settlements or compromises less than the amount awarded in arbitration or by a court or jury;

(9) failing to settle claims within a reasonable time under one portion of the insurance policy coverage in order to in-

*fluence settlement under other portions of the insurance policy where liability has become apparent;*

(10) *failing upon demand to provide with reasonable promptness in writing a reasonable explanation of the basis relied on in the insurance policy, in relation to the facts or applicable law, for the denial of a claim or for the offer of a compromise settlement; or*

(11) *misleading an insured, claimant, or beneficiary as to the applicable statute of limitations or other applicable law.*

## Sec. 2. [72A.295] [CIVIL REMEDY.]

*Subdivision 1. An insured or claimant injured by a violation of sections 72A.17 to 72A.32 may recover damages, including those set forth in section 549.20, in a civil action, except that damages awarded under section 549.20 are limited to three times the maximum coverage limits of the applicable policy coverage. This is in addition to any other rights, remedies, actions, claims for damages, or penalties which may be claimed or available.*

*Subd. 2. An action under sections 72A.17 to 72A.32 against an insurance company shall be tried separately from a third party action against an insured.*

## Sec. 3. [REPEALER.]

*Minnesota Statutes 1982, section 72A.20, subdivision 12, is repealed."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 737, A bill for an act relating to the collection and dissemination of data; requiring the bureau of criminal apprehension to compile criminal history data relating to misdemeanor assaults; requiring law enforcement agencies to collect and furnish misdemeanor assault data to the bureau; proposing new law coded in Minnesota Statutes, chapter 299C.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 738, A bill for an act relating to counties; permitting counties to issue notes to finance purchase of necessary capital equipment; amending Minnesota Statutes 1982, section 373.01, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 17, after "notes" insert "*in accordance with section 475.61,*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 744, A bill for an act relating to motor vehicles; providing for special, free license plates for recipients of the congressional medal of honor; proposing new law coded in Minnesota Statutes, chapter 168.

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 Judiciary to which was referred:

H. F. No. 774, A bill for an act relating to crimes; prohibiting assaulting a peace officer; prescribing penalties; amending Minnesota Statutes 1982, section 609.224; proposing new law coded in Minnesota Statutes, chapter 609.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 782, A bill for an act relating to crimes; providing for increases in maximum authorized fines for crimes and petty misdemeanors; amending Minnesota Statutes 1982, sections 609.02, subdivisions 3, 4, and 4a; and 609.03; proposing new law

coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, sections 609.031 and 609.032.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 3.736, subdivision 4, is amended to read:

Subd. 4. [LIMITS.] The total liability of the state and its employees acting within the scope of their employment on any tort claim shall not exceed:

(a) (\$100,000) \$200,000 when the claim is one for death by wrongful act or omission and (\$100,000) \$200,000 to any claimant in any other case.

(b) (\$500,000) \$600,000 for any number of claims arising out of a single occurrence. If the amount awarded to or settled upon multiple claimants exceeds (\$500,000) \$600,000, any party may apply to any district court to apportion to each claimant his proper share of the (\$500,000) \$600,000. The share apportioned each claimant shall be in the proportion that the ratio of the award or settlement made to him bears to the aggregate awards and settlements for all claims arising out of the occurrence.

The limitation imposed by this subdivision on individual claimants includes damages claimed for loss of services or loss of support arising out of the same tort.

Sec. 2. Minnesota Statutes 1982, section 466.04, subdivision 1, is amended to read:

Subdivision 1. [LIMITS; PUNITIVE DAMAGES.] Liability of any municipality on any claim within the scope of sections 466.01 to 466.15 shall not exceed:

(a) (\$100,000) \$200,000 when the claim is one for death by wrongful act or omission and (\$100,000) \$200,000 to any claimant in any other case;

(b) (\$300,000) \$600,000 for any number of claims arising out of a single occurrence.

No award for damages on any such claim shall include punitive damages.

Sec. 3. Minnesota Statutes 1982, section 466.04, subdivision 3, is amended to read:

Subd. 3. [DISPOSITION OF MULTIPLE CLAIMS.] Where the amount awarded to or settled upon multiple claimants exceeds (\$300,000) \$600,000, any party may apply to any district court to apportion to each claimant his proper share of the total amount limited by subdivision 1. The share apportioned each claimant shall be in the proportion that the ratio of the award or settlement made to him bears to the aggregate awards and settlements for all claims arising out of the occurrence.

Sec. 4. Minnesota Statutes 1982, section 609.02, subdivision 3, is amended to read:

Subd. 3. [MISDEMEANOR.] "Misdemeanor" means a crime for which a sentence of not more than 90 days or a fine of not more than (\$500) \$700, or both, may be imposed.

Sec. 5. Minnesota Statutes 1982, section 609.02, subdivision 4, is amended to read:

Subd. 4. [GROSS MISDEMEANOR.] "Gross misdemeanor" means any crime (WHICH IS NOT A FELONY OR MISDEMEANOR) for which the maximum sentence of imprisonment which may be imposed is more than 90 days but less than one year and one day. The maximum fine which may be imposed for a gross misdemeanor is \$3,000.

Sec. 6. Minnesota Statutes 1982, section 609.02, subdivision 4a, is amended to read:

Subd. 4a. [PETTY MISDEMEANOR.] "Petty misdemeanor" means a petty offense which is prohibited by statute, which does not constitute a crime and for which a sentence of a fine of not more than (\$100) \$200 may be imposed.

Sec. 7. Minnesota Statutes 1982, section 609.03, is amended to read:

609.03 [PUNISHMENT WHEN NOT OTHERWISE FIXED.]

If a person is convicted of a crime for which no punishment is otherwise provided he may be sentenced as follows:

(1) If the crime is a felony, to imprisonment for not more than five years or to payment of a fine of not more than (\$5,000) \$15,000, or both; or

(2) If the crime is a gross misdemeanor, to imprisonment for not more than one year or to payment of a fine of not more than (\$1,000) \$3,000, or both; or



(3) If the crime is a misdemeanor, to imprisonment for not more than 90 days or to payment of a fine of not more than (\$500) \$700, or both; or

(4) If the crime is other than a misdemeanor and a fine is imposed but the amount is not specified, to payment of a fine of not more than (\$750) \$1,000, or to imprisonment for a specified term of not more than six months if the fine is not paid.

**Sec. 8. [609.033] [INCREASED MAXIMUM PENALTIES FOR PETTY MISDEMEANORS; MISDEMEANORS.]**

*Subdivision 1. [PETTY MISDEMEANORS.] Any law of this state which provides for a maximum fine of \$100 as a penalty for a violation shall, after August 1, 1983, be deemed to provide a maximum fine of \$200.*

*Subd. 2. [MISDEMEANORS.] Any law of this state which provides for a maximum fine of \$500 as a penalty for a violation shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$700.*

**Sec. 9. [609.034] [INCREASED MAXIMUM PENALTY FOR ORDINANCE VIOLATIONS.]**

*Any law of this state or municipal charter which limits the power of any statutory or home rule charter city, town, county, or other political subdivision to prescribe a maximum fine of \$500 or less for an ordinance shall on or after August 1, 1983, be deemed to provide that the statutory or home rule charter city, town, county, or other political subdivision has the power to prescribe a maximum fine of \$700.*

**Sec. 10. [609.0341] [INCREASED MAXIMUM FINES FOR GROSS MISDEMEANORS; FELONIES; OTHER FINES.]**

*Subdivision 1. [GROSS MISDEMEANORS.] Any law of this state which provides for a maximum fine of \$1,000 or for a maximum term of imprisonment of one year or which is defined as a gross misdemeanor shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$3,000 and for a maximum term of imprisonment of one year.*

*Subd. 2. [FELONIES.] (a) Any law of this state which provides for a maximum fine of \$2,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$4,000.*

*(b) Any law of this state which provides for a maximum fine of \$3,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$5,000.*

(c) Any law of this state which provides for a maximum fine of \$5,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$15,000.

(d) Any law of this state which provides for a maximum fine of \$7,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$20,000.

(e) Any law of this state which provides for a maximum fine of \$10,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$25,000.

(f) Any law of this state which provides for a maximum fine of \$15,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$30,000.

(g) Any law of this state which provides for a maximum fine of \$20,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$35,000.

(h) Any law of this state which provides for a maximum fine of \$25,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$40,000.

(i) Any law of this state which provides for a maximum fine of \$30,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$45,000.

(j) Any law of this state which provides for a maximum fine of \$40,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$50,000.

Sec. 11. Minnesota Statutes 1982, section 609.52, subdivision 3, is amended to read:

Subd. 3. [SENTENCE.] Whoever commits theft may be sentenced as follows:

(1) To imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both, if the value of the property or services stolen exceeds \$2,500; or

(2) To imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both, if the value of the property or services stolen is more than (\$150) \$300 but not more than \$2,500; or

(3) To imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both, notwithstanding the value of the property or services stolen is not more than (\$150) \$300, if any of the following circumstances exist:

(a) The property is taken from the person of another or from a corpse, or grave or coffin containing a corpse; or

(b) The property taken is a record of a court or officer, or a writing, instrument or record kept, filed or deposited according to law with or in the keeping of any public officer or office; or

(c) The property is taken from a burning building or upon its removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle; or

(d) The property taken consists of public funds belonging to the state or to any political subdivision or agency thereof; or

(4) To imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both, if the property stolen is an article representing a trade secret; or if the property stolen is an explosive or an incendiary device; or

(5) In all other cases where the value of the property or services stolen is (\$150) \$300 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$500, or both, provided, however, in any prosecution under clause (1), clause (2), clause (3)(a), (b) and (c), clause (4), and clause (13) of subdivision 2 of the value of the money or property received by the defendant in violation of any one or more of the above provisions 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 for all of the offenses aggregated under this paragraph.

#### Sec. 12. [REPEALER.]

*Minnesota Statutes 1982, sections 609.031 and 609.032 are repealed.*

#### Sec. 13. [EFFECTIVE DATE.]

*Sections 2 and 3 are effective August 1, 1984, and apply to claims arising on or after that date. Sections 1 and 4 to 12 are effective August 1, 1983, and apply to offenses committed on or after that date."*

Delete the title and insert:

"A bill for an act relating to courts; providing for increases in maximum authorized fines for crimes and petty misdemeanors; increasing the value of stolen property necessary for

felony theft; increasing the maximum government tort liability limits; amending Minnesota Statutes 1982, sections 3.736, subdivision 4; 466.04, subdivisions 1 and 3; 609.02, subdivisions 3, 4, and 4a; 609.03; and 609.52, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, sections 609.031 and 609.032."

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. 795, A bill for an act relating to motor vehicles; protecting personal information on motor vehicle registration forms; amending Minnesota Statutes 1982, section 168.34.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 168.345, is amended to read:

168.345 [MOTOR VEHICLE REGISTRATIONS; INFORMATION.]

*Subdivision 1. [INFORMATION OVER TELEPHONE.]* Notwithstanding the provisions of any other law, information concerning motor vehicle registrations shall not be furnished on the telephone to any person except the personnel of law enforcement agencies, and the personnel of federal, state, and local governmental units.

*Subd. 2. [IDENTIFICATION; RECORD.]* *Before giving information (other than information given over the telephone) concerning individual motor vehicle registrations to any person the registrar shall first require the person requesting the information to present identification in a form satisfactory to the registrar. The registrar shall record the name and address of the person requesting the information and the registration on which information is requested, and shall retain this information in a permanent file."*

Delete the title and insert:

"A bill for an act relating to motor vehicles; requiring identification of persons requesting registration information; amending Minnesota Statutes 1982, section 168.345."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 800, A resolution memorializing the President and Secretary of State of the United States to protest discrimination against Soviet Jews and seek an end to restrictions on their emigration.

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.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 802, A bill for an act relating to marriage dissolution; clarifying factors to be considered in modifying a child support order; amending Minnesota Statutes 1982, section 518.64, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 18, after "any" insert "*and shall recognize the primary obligation of parents to support their children*"

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. 813, A bill for an act relating to traffic regulations; prohibiting operation of certain vehicles painted the color of school buses; requiring display of two numbered license plates on farm trucks; requiring that when protective headgear is required that it comply with standards established by the commissioner of public safety; amending Minnesota Statutes 1982, sections 169.44, subdivision 8; 169.79; and 169.974, subdivisions 2 and 6; and repealing Minnesota Statutes 1982, section 169.672.

Reported the same back with the following amendments:

Page 4, after line 10, insert:

"Sec. 5. Minnesota Statutes 1982, section 169.59, subdivision 3, is amended to read:

Subd. 3. [BACK-UP LIGHTS.] Any vehicle may be equipped with not more than two back-up lamps, either separately or in combination with another lamp, *and not more than two rear cornering lamps*, except that (NO SUCH BACK-UP LAMP SHALL) *the lamps must not* be continuously lighted when the vehicle is in forward motion, nor shall it project a glaring light."

Re-number the remaining section

Amend the title as follows:

Page 1, line 9, after "8;" insert "169.59, subdivision 3;"

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. 814, A bill for an act relating to highway traffic regulations; clarifying certain bumper requirements; restricting the height of bumpers on certain vehicles; amending Minnesota Statutes 1982, section 169.73.

Reported the same back with the following amendments:

Page 2, line 3, strike "three" and insert "six"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 855, A bill for an act relating to contracts; prohibiting the enforcement of indemnification agreements in construction contracts; proposing new law coded as Minnesota Statutes, chapter 337.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 874, A bill for an act relating to libraries; defining misuse of library materials; prescribing a penalty; proposing new law coded in Minnesota Statutes, chapter 134.

Reported the same back with the following amendments:

Page 1, line 13, after "a" insert "petty"

Page 1, line 20, after "a" insert "petty"

Page 2, line 9, after "a" insert "petty"

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. 886, A bill for an act relating to motor vehicles; providing for registration, taxation, and special license plates for classic motorcycles; proposing new law coded in Minnesota Statutes, chapter 168.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 894, A bill for an act relating to collection and dissemination of data; classifying government data as public, private, and nonpublic; clarifying issues relating to classifications of data, access to data, the effect of death of individuals on classifications, and the temporary classification of data; refining provisions of the data practice act; amending Minnesota Statutes 1982, sections 13.02, subdivision 8; 13.03, subdivisions 2, 3, and 4, and by adding subdivisions; 13.04, subdivisions 2 and 3; 13.05, subdivisions 3, 7, and 9; 13.06, subdivisions 1 and 6; 13.31, subdivision 2; 13.43, subdivision 2; 13.44; 13.67; and proposing new law coded in Minnesota Statutes, chapter 13.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 13.02, is amended by adding a subdivision to read:

*Subd. 8a. [NOT PUBLIC DATA.] "Not public data" means any government data which is classified by statute, federal law, or temporary classification as confidential, private, nonpublic, or protected nonpublic.*

Sec. 2. Minnesota Statutes 1982, section 13.03, subdivision 3, is amended to read:

*Subd. 3. [REQUEST FOR ACCESS TO DATA.] Upon request to a responsible authority or designee, a person shall be permitted to inspect and copy public government data at reasonable times and places, and if the person requests, he shall be informed of the data's meaning. The responsible authority or designee shall provide copies of public government data upon request. The responsible authority may require the requesting person to pay the actual costs of making, certifying and compiling the copies. If the responsible authority or designee is not able to provide copies at the time a request is made he shall supply copies as soon as reasonably possible.*

*When a request under this subdivision involves any person's receipt of copies of public government data which is an entire formula, pattern, compilation, program, device, method, technique, process, data base, or system developed with a significant expenditure of public funds by the agency, the responsible authority may charge a reasonable fee for the information in addition to the costs of making, certifying, and compiling the copies. Any fee charged must be clearly demonstrated by the agency to relate to the actual development costs of the information. The responsible authority, upon the request of any person, shall provide sufficient documentation which explains and justifies the fee being charged.*

*If the responsible authority or designee determines that the requested data is classified so as to deny the requesting person access, the responsible authority or designee shall so inform the requesting person of the determination either orally at the time of the request, (AND) or in writing as soon (THEREAFTER) after that time as possible, and shall cite the (STATUTE) specific statutory section, temporary classification, or specific provision of federal law on which the determination is based. Upon the request of any person denied access to data, the responsible authority or designee shall certify in writing that the request has been denied and shall cite the specific statutory section, temporary classification or specific provision of federal law which was the basis for the denial.*

Sec. 3. Minnesota Statutes 1982, section 13.03, subdivision 4, is amended to read:



**Subd. 4. [CHANGE IN CLASSIFICATION OF DATA.]** The classification of data in the possession of an agency shall change if it is required to do so to comply with either judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving agency.

*If data on individuals can be classified as either private or confidential by any provision of this chapter, or any other statute or federal law, then the correct classification of the data shall be presumed to be private.*

*To the extent that government data is disseminated to state agencies, political subdivisions, or statewide systems by another state agency, political subdivision, or statewide system, the data disseminated shall have the same classification in the possession of the agency receiving it as it had in the possession of the entity providing it.*

Sec. 4. Minnesota Statutes 1982, section 13.03, is amended by adding a subdivision to read:

**Subd. 5. [DISCOVERABILITY OF NOT PUBLIC DATA.]** Access to data classified as not public may be sought by a party in a civil or criminal proceeding, whether administrative or judicial, by seeking discovery of the data pursuant to the appropriate rules of administrative, arbitration, civil, or criminal legal actions. The classification of data as not public shall not create a presumption that the data is not discoverable. The presiding officer shall decide whether the data is discoverable under the rules of civil, criminal, or administrative procedure appropriate to the action.

*In addition, the hearing examiner, arbitrator, or judicial officer shall consider whether the benefit to the party seeking the data outweighs any harm to the confidentiality interests of the agency maintaining the data, or of any person who has provided the data or who is the subject of the data, or to the privacy interest of any individual identified in the data. The presiding officer may issue any protective orders he deems necessary to assure proper treatment of the data by the parties.*

Sec. 5. Minnesota Statutes 1982, section 13.03, is amended by adding a subdivision to read:

**Subd. 6. [COURT ORDERS.]** Data classified as not public may be provided, pursuant to a valid court order, to a party named in a civil or criminal proceeding, whether administrative or judicial. In determining whether or not to issue an order, or in any action brought to challenge an order previously issued, the hearing examiner, arbitrator, or judicial officer shall decide whether to order the data to be released under the rules of civil, criminal, or administrative procedure appropriate to the

*action. In addition the presiding officer shall consider whether the benefit to the party seeking the data outweighs any harm to the confidentiality interests of the agency maintaining the data, or of any person who has provided the data or who is identified in the data, or to the privacy interest of any individual identified in the data.*

Sec. 6. Minnesota Statutes 1982, section 13.03, is amended by adding a subdivision to read:

*Subd. 7. [DATA TRANSFERRED TO ARCHIVES.] When government data, which is classified as not public by this chapter or any other statute, is approved by the records disposition panel established by section 138.17 for preservation in the state archives; or is physically transferred to the state archives, the data shall no longer be classified as not public and access to and use of the data shall be governed by section 138.17.*

Sec. 7. Minnesota Statutes 1982, section 13.04, subdivision 2, is amended to read:

**Subd. 2. [INFORMATION REQUIRED TO BE GIVEN INDIVIDUAL.]** An individual asked to supply private or confidential data concerning himself shall be informed of: (a) the purpose and intended use of the requested data within the collecting state agency, political subdivision or statewide system; (b) whether he may refuse or is legally required to supply the requested data; (c) any known consequence arising from his supplying or refusing to supply private or confidential data; and (d) the identity of other persons or entities authorized by state or federal law to receive the data. This requirement shall not apply when an individual is asked to supply investigative data, pursuant to section 13.82, subdivision 5, to a law enforcement officer.

Sec. 8. Minnesota Statutes 1982, section 13.04, subdivision 3, is amended to read:

**Subd. 3. [ACCESS TO DATA BY INDIVIDUAL.]** Upon request to a responsible authority, an individual shall be informed whether he is the subject of stored data on individuals, and whether it is classified as public, private or confidential. Upon his further request, an individual who is the subject of stored private or public data on individuals shall be shown the data without any charge to him and, if he desires, shall be informed of the content and meaning of that data. (AFTER AN INDIVIDUAL HAS BEEN SHOWN THE PRIVATE DATA AND INFORMED OF ITS MEANING, THE DATA NEED NOT BE DISCLOSED TO HIM FOR SIX MONTHS THEREAFTER UNLESS A DISPUTE OR ACTION PURSUANT TO THIS SECTION IS PENDING OR ADDITIONAL DATA ON THE INDIVIDUAL HAS BEEN COLLECTED OR CREATED.) The responsible authority shall provide copies of the

private or public data upon request by the individual subject of the data. The responsible authority may require the requesting person to pay the actual costs of making, certifying, and compiling the copies.

The responsible authority shall comply immediately, if possible, with any request made pursuant to this subdivision, or within five days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible. If he cannot comply with the request within that time, he shall so inform the individual, and may have an additional five days within which to comply with the request, excluding Saturdays, Sundays and legal holidays.

Sec. 9. Minnesota Statutes 1982, section 13.05, subdivision 3, is amended to read:

Subd. 3. [GENERAL STANDARDS FOR COLLECTION AND STORAGE.] Collection and storage of (PUBLIC, PRIVATE OR CONFIDENTIAL) *all* data on individuals and *the* use and dissemination of private and confidential data on individuals shall be limited to that necessary for the administration and management of programs specifically authorized by the legislature, local governing body or mandated by the federal government.

Sec. 10. Minnesota Statutes 1982, section 13.05, subdivision 7, is amended to read:

Subd. 7. [PREPARATION OF SUMMARY DATA.] The use of summary data derived from private or confidential data on individuals under the jurisdiction of one or more responsible authorities shall be permitted. Unless classified pursuant to section 13.06, *another statute or federal law*, summary data is public. The responsible authority shall prepare summary data from private or confidential data on individuals upon the request of any person, provided that the request is in writing and the cost of preparing the summary data is borne by the requesting person. The responsible authority may delegate the power to prepare summary data (1) to the administrative officer responsible for any central repository of summary data; or (2) to a person outside of its agency if the person, in writing, sets forth his purpose and agrees not to disclose, and the agency reasonably determines that the access will not compromise private or confidential data on individuals.

Sec. 11. Minnesota Statutes 1982, section 13.05, subdivision 9, is amended to read:

Subd. 9. [INTERGOVERNMENTAL ACCESS OF DATA.] A responsible authority shall allow another responsible authority access to data classified as not public only when the access is authorized or required by statute or federal law. An agency that

supplies government data under this subdivision may require the requesting agency to pay the actual cost of supplying the data.

(DATA SHALL HAVE THE SAME CLASSIFICATION IN THE HANDS OF THE AGENCY RECEIVING IT AS IT HAD IN THE AGENCY PROVIDING IT.)

Sec. 12. Minnesota Statutes 1982, section 13.06, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION TO COMMISSIONER.] Notwithstanding the provisions of section 13.03, the responsible authority of a state agency, political subdivision or statewide system may apply to the commissioner for permission to classify data or types of data on individuals as private or confidential, or data not on individuals as non-public or protected non-public, for its own use and for the use of other similar agencies, political subdivisions or statewide systems on a temporary basis until a proposed statute can be acted upon by the legislature. The application for temporary classification is public.

Upon the filing of an application for temporary classification, the data which is the subject of the application shall be deemed to be classified as set forth in the application for a period of 45 days, or until the application is disapproved, *rejected*, or granted by the commissioner, whichever is earlier.

*If the commissioner determines that an application has been submitted for purposes not consistent with this section, the commissioner may immediately reject the application, give notice of that rejection to the applicant, and return the application. When the applicant receives the notice of rejection from the commissioner, the data which was the subject of the application shall have the classification it had before the application was submitted to the commissioner.*

Sec. 13. Minnesota Statutes 1982, section 13.06, subdivision 6, is amended to read:

Subd. 6. [EXPIRATION OF TEMPORARY CLASSIFICATION.] (EMERGENCY CLASSIFICATIONS GRANTED BEFORE JULY 1, 1979 ARE REDESIGNATED AS TEMPORARY CLASSIFICATIONS.) All temporary classifications granted under this section (PRIOR TO APRIL 24, 1980 AND STILL IN EFFECT, AND ALL TEMPORARY CLASSIFICATIONS THEREAFTER APPLIED FOR AND GRANTED PURSUANT TO THIS SECTION) shall expire (ON JULY 31, 1981 OR) 24 months after the classification is granted (, WHICH-EVER OCCURS LATER).

Sec. 14. Minnesota Statutes 1982, section 13.31, subdivision 2, is amended to read:

Subd. 2. [PUBLIC DATA.] The names and addresses of applicants for and recipients of benefits (CHARACTERIZED AS THE URBAN HOMESTEADING, HOME OWNERSHIP, AND NEW HOUSING PROGRAMS OPERATED BY A HOUSING AND REDEVELOPMENT AUTHORITY IN A CITY OF THE FIRST CLASS), aid, or assistance through programs administered by any political subdivision, state agency, or statewide system that are intended to assist with the purchase of housing or other real property are classified as public data on individuals.

Sec. 15. Minnesota Statutes 1982, section 13.41, is amended by adding a subdivision to read:

Subd. 5. [RELEASING DATA.] A licensing agency may make data classified as private or confidential pursuant to this section accessible to any person, agency, or the public if the licensing agency determines that the access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.

Sec. 16. Minnesota Statutes 1982, section 13.43, subdivision 2, is amended to read:

Subd. 2. Except for employees described in subdivision 5, the following personnel data on current and former employees, volunteers and independent contractors of a state agency, statewide system or political subdivision and members of advisory boards or commissions is public: name; actual gross salary; salary range; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; job title; job description; education and training background; previous work experience; date of first and last employment; the status of any complaints or charges against the employee, whether or not the complaint or charge resulted in a disciplinary action; and the final disposition of any disciplinary action and supporting documentation; work location; a work telephone number; badge number; honors and awards received; (DATA WHICH ACCOUNTS FOR THE INDIVIDUAL'S WORK) time sheets or other comparable data which account for employee's work time, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave; and, city and county of residence.

Sec. 17. Minnesota Statutes 1982, section 13.43, is amended by adding a subdivision to read:

Subd. 8. [INTERNAL AFFAIRS DATA.] Data collected, created, and maintained by law enforcement agencies in investi-

*gations of agency personnel, including statements made to law enforcement agencies by individuals, shall be considered personnel data for purposes of this chapter.*

Sec. 18. Minnesota Statutes 1982, section 13.44, is amended to read:

13.44 [PROPERTY COMPLAINT DATA.]

The (NAMES) *identities* of individuals who register complaints with state agencies or political subdivisions concerning violations of state laws or local ordinances concerning the use of real property are classified as confidential, pursuant to section 13.02, subdivision 3.

Sec. 19. Minnesota Statutes 1982, section 13.46, subdivision 2, is amended to read:

Subd. 2. [GENERAL.] Unless the data is summary data or a statute specifically provides a different classification, data on individuals collected, maintained, used or disseminated by the welfare system is private data on individuals, and shall not be disclosed except:

- (a) pursuant to section 13.05;
- (b) pursuant to a valid court order;
- (c) pursuant to a statute specifically authorizing access to the private data;
- (d) to an agent of the welfare system, including appropriate law enforcement personnel, who are acting in the investigation, prosecution, criminal or civil proceeding relating to the administration of a program;
- (e) to personnel of the welfare system who require the data to determine eligibility, amount of assistance, and the need to provide services of additional programs to the individual;
- (f) to administer federal funds or programs; or
- (g) between personnel of the welfare system working in the same program.

*Data on individual clients or patients of community mental health centers or mental health divisions of counties and other providers under contract to deliver mental health services shall be treated as provided in sections 19, 20, and 21.*

Sec. 20. Minnesota Statutes 1982, section 13.46, is amended by adding a subdivision to read:

*Subd. 7. [MENTAL HEALTH CENTER DATA.] Data on individual clients and patients of public or private community mental health centers or mental health divisions of counties and other providers under contract to deliver mental health services shall not be disclosed, except:*

- (a) *pursuant to section 13.05;*
- (b) *pursuant to a valid court order; or*
- (c) *pursuant to a statute specifically authorizing access to or disclosure of private data.*

Sec. 21. Minnesota Statutes 1982, section 13.46, is amended by adding a subdivision to read:

*Subd. 8. [ACCESS FOR AUDITING.] To the extent required by state or federal law, qualified representatives of federal, state, or local agencies shall have access to data maintained by public or private community mental health centers, mental health divisions of counties, and other providers under contract to deliver mental health services which is necessary to achieve the purpose of auditing. Public or private community mental health centers, mental health divisions of counties, and other providers under contract to deliver mental health services shall not permit this data to identify any particular patient or client by name or contain any other unique personal identifier.*

Sec. 22. Minnesota Statutes 1982, section 13.46, is amended by adding a subdivision to read:

*Subd. 9. [FRAUD.] In cases of suspected fraud, when access to mental health data maintained by public or private community mental health centers or mental health divisions of counties and other providers under contract to deliver mental health services is necessary to a proper investigation, the county board or the appropriate prosecutorial authority shall refer the matter to the commissioner of public welfare. The commissioner and his agents, while maintaining the privacy rights of individuals and families, shall have access to mental health data to conduct an investigation. If, as a result of the investigation, the commissioner deems it appropriate, he shall refer the matter to the appropriate legal authorities and may disseminate to those authorities whatever mental health data are necessary to properly prosecute the case.*

Sec. 23. [13.58] [HOMESTEAD APPLICATION DATA.]

*The following data collected and maintained by political subdivisions are classified as private data, pursuant to section 13.02, subdivision 12: the social security account numbers and detailed*

*financial data submitted by individuals who are applying for Class 3CC homestead classifications pursuant to section 273.13.*

Sec. 24. [13.59] [REDEVELOPMENT DATA.]

*Subdivision 1. [PRIVATE DATA.] The following data collected in surveys of individuals conducted by cities and housing and redevelopment authorities for the purposes of planning, development, and redevelopment, are classified as private data, pursuant to section 13.02, subdivision 12: the names and addresses of individuals and the legal descriptions of property owned by individuals.*

*Subd. 2. [NONPUBLIC DATA.] The following data collected in surveys of businesses conducted by cities and housing and redevelopment authorities, for the purposes of planning, development, and redevelopment, are classified as nonpublic data, pursuant to section 13.02, subdivision 9: the names, addresses, and legal descriptions of business properties and the commercial use of the property to the extent disclosure of the use would identify a particular business.*

Sec. 25. [13.64] [DEPARTMENT OF ADMINISTRATION DATA.]

*Data on individuals that could reasonably be used to determine the identity of an individual supplying data for an audit, study, or investigation are classified as private data pursuant to section 13.02, subdivision 12, if (a) the data supplied by the individual were needed for an audit, study, or investigation, and (b) the data would not have been provided to the management analysis division without assurance to the individual that his identity would remain private.*

Sec. 26. Minnesota Statutes 1982, section 13.67, is amended to read as follows:

13.67 [EMPLOYEE RELATIONS DATA.]

The following data collected, created or maintained by the department of employee relations are classified as nonpublic data pursuant to section 13.02, subdivision 9:

(a) The commissioner's plan prepared by the department, pursuant to section 3.855, which governs the compensation and terms and conditions of employment for employees not covered by collective bargaining agreements until the plan is submitted to the legislative commission on employee relations;

(b) Data pertaining to grievance or interest arbitration that has not been presented to the arbitrator or other party during the arbitration process; (AND)



(c) Notes and preliminary drafts of reports prepared during personnel investigations and personnel management reviews of state departments and agencies; and

(d) *The managerial plan prepared by the department, pursuant to section 43A.18, which governs the compensation and terms and conditions of employment for employees in managerial positions, as specified in section 43A.18, subdivision 3, and for employees in the career executive service pursuant to section 43A.18, subdivision 3, clause (c), until the plan is submitted to the legislative commission on employee relations.*

Sec. 27. [13.74] [ENVIRONMENTAL QUALITY DATA.]

*The following data collected and maintained by the environmental quality board are classified as private data, pursuant to section 13.02, subdivision 12: the names and addresses of individuals who submitted information and letters concerning personal health problems associated with high voltage power lines.*

Sec. 28. [EFFECTIVE DATE.]

*Sections 1 to 27 are effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to collection and dissemination of data; classifying government data as public, private, and non-public; clarifying issues relating to classifications of data, access to data, and the temporary classification of data; refining provisions of the data practices act; amending Minnesota Statutes 1982, sections 13.02, by adding a subdivision; 13.03, subdivisions 3 and 4, and by adding subdivisions; 13.04, subdivisions 2 and 3; 13.05, subdivisions 3, 7, and 9; 13.06, subdivisions 1 and 6; 13.31, subdivision 2; 13.41, by adding a subdivision; 13.43, subdivision 2, and by adding a subdivision; 13.44; 13.46, subdivision 2, and by adding subdivisions; 13.67; and proposing new law coded in Minnesota Statutes, chapter 13."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 898, A bill for an act relating to courts; authorizing the appointment of court referees; removing term of office restrictions for district court judges assigned to the family court division of the fourth judicial district; amending Minnesota Statutes 1982, sections 260.031, subdivision 1; 484.65, subdi-

visions 1, 4, 5, and 6; and 484.70, subdivision 1; repealing Minnesota Statutes 1982, section 260.019, subdivision 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 899, A bill for an act relating to courts; permitting the establishment of compulsory nonbinding arbitration programs for use in civil proceedings; 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. [484.73] [JUDICIAL ARBITRATION.]

*Subdivision 1. [AUTHORIZATION.] A majority of the district court judges of the fourth judicial district may authorize the establishment of a system of mandatory, nonbinding arbitration within the district to assist the court in disposing of any civil action in which the amount in controversy, based on the pleadings, does not exceed \$15,000, exclusive of interest and costs. If the amount in controversy, based on the pleadings, is more than \$15,000 but less than \$50,000, exclusive of interest and costs, and if all parties agree to voluntary arbitration, the court administrator shall schedule the case for arbitration as provided in this section.*

*Subd. 2. [TRIAL DE NOVO.] Any party aggrieved by an arbitration award made pursuant to this section may appeal to the district court of the county of Hennepin for trial de novo.*

*Subd. 3. [RULES.] Rules governing pleadings, practice, procedure, jurisdiction, objections to appointment of an arbitrator, and forms for judicial arbitration shall be promulgated by a majority of the district court judges in the district, subject to the approval of the supreme court. The uniform arbitration act shall not be construed to apply to arbitration under this section except as otherwise provided in the rules of the judicial district.”*

Amend the title as follows:

Page 1, line 3, after “in” insert “certain”

Page 1, line 4, after “proceedings” insert “in Hennepin County”

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 918, A bill for an act relating to highway traffic regulations; providing for limitations on persons who must be brought to detoxification facilities; providing for commitment of certain driving-while-intoxicated offenders; providing for withholding of driving privileges until detoxification costs are paid; amending Minnesota Statutes 1982, section 169.1231.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 169.121, subdivision 1, is amended to read:

Subdivision 1. [CRIME.] It is a misdemeanor for any person to drive, operate or be in physical control of any motor vehicle within this state:

- (a) When the person is under the influence of alcohol;
- (b) When the person is under the influence of a controlled substance;
- (c) When the person is under the influence of a combination of any two or more of the elements named in clauses (a) and (b); or
- (d) When the person's alcohol concentration is 0.10 or more.

The provisions of this subdivision apply, but are not limited in application, to any person who drives, operates, or is in physical control of any motor vehicle in the manner prohibited by this subdivision upon the ice of any lake, stream, or river, including but not limited to the ice of any boundary water.

(WHEN AN ACCIDENT HAS OCCURRED, A PEACE OFFICER MAY LAWFULLY ARREST A PERSON FOR VIOLATION OF THIS SECTION WITHOUT A WARRANT UPON PROBABLE CAUSE, WITHOUT REGARD TO WHETHER THE VIOLATION WAS COMMITTED IN THE OFFICER'S PRESENCE.)

Sec. 2. Minnesota Statutes 1982, section 169.121, is amended by adding a subdivision to read:

*Subd. 1a. [ARREST.] When an accident has occurred, a peace officer may lawfully arrest a person for violation of subdivision 1 without a warrant upon probable cause, without regard to whether the violation was committed in the officer's presence.*

*When a peace officer has probable cause to believe that a person is driving or operating a motor vehicle in violation of subdivision 1, and before a stop or arrest can be made the person escapes from the geographical limits of the officer's jurisdiction, the officer in fresh pursuit of the person may stop or arrest the person in another jurisdiction within this state and may exercise the powers and perform the duties of a peace officer under sections 169.121 and 169.123. An officer acting in fresh pursuit pursuant to this subdivision is serving in his regular line of duty as fully as though he was within his jurisdiction.*

*The express grant of arrest powers in this subdivision does not limit the arrest powers of peace officers pursuant to sections 626.65 to 626.70 or section 629.40 in cases of arrests for violation of subdivision 1 or any other provision of law.*

Sec. 3. Minnesota Statutes 1982, section 169.123, subdivision 3, is amended to read:

**Subd. 3. [MANNER OF MAKING TEST; ADDITIONAL TESTS.]** Only a physician, medical technician, physician's trained mobile intensive care paramedic, registered nurse, medical technologist or laboratory assistant acting at the request of a peace officer may withdraw blood for the purpose of determining the presence of alcohol or controlled substance. This limitation does not apply to the taking of a breath or urine specimen. The person tested has the right to have a person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a peace officer; provided, that the additional test specimen on behalf of the person is obtained at the place where the person is in custody, after the test administered at the direction of a peace officer, and at no expense to the state. The failure or inability to obtain an additional test or tests by a person shall not preclude the admission in evidence of the test taken at the direction of a peace officer unless the additional test was prevented or denied by the peace officer. The physician, medical technician, physician's trained mobile intensive care paramedic, medical technologist, laboratory assistant or registered nurse drawing blood at the request of a peace officer for the purpose of determining alcohol concentration shall in no manner be liable in any civil or criminal action except for negligence in drawing the blood. The person administering a *breath* test (AT THE REQUEST AND DIRECTION OF A PEACE OFFICER) shall be fully trained in the administration of (THE) *breath* tests pursuant to *training* (STANDARDS PROMULGATED BY RULE) given by the commissioner of public safety.

## Sec. 4. [REPEALER.]

*Minnesota Statutes 1982, section 169.1231, is repealed.*

## Sec. 5. [EFFECTIVE DATE.]

*Section 3 is effective the day after final enactment and applies to all tests given prior to that date."*

Delete the title and insert:

"A bill for an act relating to highway traffic regulations; permitting inter-jurisdictional fresh pursuit of drivers suspected of driving under the influence of alcohol or a controlled substance; eliminating mandatory detoxification of intoxicated drivers; amending Minnesota Statutes 1982, sections 169.121, subdivision 1, and by adding a subdivision; 169.123, subdivision 3; repealing Minnesota Statutes 1982, section 169.1231."

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. 924, A bill for an act relating to motor vehicles; allocating funds credited to the trunk highway fund and to the general fund; increasing the fee for certain reinstatement of driver's license following revocation; establishing the alcohol problem assessment fund; appropriating money; amending Minnesota Statutes 1982, sections 171.26; and 171.29, 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.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 938, A bill for an act relating to the city of Plymouth; giving the city the powers of a port authority.

Reported the same back with the following amendments:

Page 1, after line 9, insert:

"Sec. 2. [CITY OF PLYMOUTH; GROUP WORKERS' COMPENSATION SELF-INSURANCE POOLS.]

*Subdivision 1. [FORMATION OF POOLS WITH PRIVATE EMPLOYERS.] Notwithstanding any contrary provision of other law, ordinance, or charter, the city of Plymouth may enter into a self-insurance pool with private employers to self insure workers' compensation liability of pool members. Any pool formed pursuant to this section shall be operated under bylaws established by members of the pool. The initial bylaws and amendments to them shall not be effective unless approved by the city of Plymouth and the commissioner of insurance. The bylaws shall address the following subjects:*

*(a) Qualifications for group self-insurer membership, including underwriting standards.*

*(b) The method of selecting the board of directors, including the directors' terms of office.*

*(c) The procedure for amending the bylaws or plan of operation.*

*(d) Investment of assets of the fund.*

*(e) Frequency and extent of loss control or safety engineering services provided to members.*

*(f) A schedule for payment and collection of premiums.*

*(g) Expulsion procedures, including expulsion for nonpayment of premiums and expulsion for excessive losses.*

*(h) Delineation of authority granted to the administrator.*

*(i) Delineation of authority granted to the service company.*

*(j) Basis for determining premium contributions by members including any experience rating program.*

*(k) Procedures for resolving disputes between members of the group, which shall not include submitting them to the commissioner.*

*(l) Basis for determining distribution of any surplus to the members, or assessing the membership to make up any deficit.*

*(m) Provisions for security to be furnished by private employers to insure assessments are paid in case of private employer insolvency.*

*The members participating in the pool may establish a joint board with appropriate powers to manage the pool. Each member of the pool shall pay to the pool the amounts assessed against*

*it pursuant to the bylaws. A member may withdraw only after it has reimbursed the pool for the amounts for which it is obligated under the terms of the agreement.*

*Subd. 2. [APPROVAL OF COMMISSIONER.] A pool formed pursuant to this section shall not be effective or begin operation until it has been approved by the commissioner of insurance in the manner provided in Minnesota Statutes, section 471.982. Section 471.982 and any applicable rules adopted pursuant to it shall apply to any pool formed pursuant to this section. As a condition of its authority to self insure workers' compensation liability, the pool shall be a member of the Minnesota workers' compensation reinsurance association."*

Renumber the remaining section

Amend the title as follows:

Page 1, line 3, before the period insert "; authorizing the city to form group workers compensation self-insurance pools pursuant to Minnesota Statutes, section 176.181"

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. 960, A bill for an act relating to motor vehicles; exempting certain vehicles from license fees; authorizing the use of certain state department vehicles without uniform coloring or marking; amending Minnesota Statutes 1982, sections 16.75, subdivision 7; and 168.012, subdivision 1.

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. 1003, A bill for an act relating to transportation; transferring certain rules to the transportation regulation board; providing that certain fees and fine money be credited to the trunk highway fund; modifying certain laws relating to the regulation of building movers; prescribing penalties; amending Minnesota Statutes 1982, sections 174A.02, subdivision 2; 174A.06; 221.061; 221.071; 221.131; 221.296, subdivision 5; 221.64; 221.81; proposing new law coded in Minnesota Statutes,

chapter 221; repealing Minnesota Statutes 1982, section 160.26, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 174A.02, subdivision 2, is amended to read:

Subd. 2. [SPECIFIC FUNCTIONS AND POWERS.] The board shall further hold hearings and issue orders in cases brought before it by either the commissioner or by a third party in the following areas:

(a) Adequacy of services which (ALL) carriers are providing to the public, including the continuation, termination or modification of (ALL) services and facilities.

(b) The reasonableness of tariffs of rates, fares, and charges, or (ANY) a part or classification thereof (, AND PRESCRIBE THE FORM AND MANNER OF FILING, POSTING AND PUBLICATION THEREOF). The board may authorize common carriers by rail and motor carrier for hire to file tariffs of rates, fares, and charges individually or by group. (ALL SUCH) Carriers participating in group rate making (SHALL) have the free and unrestrained right to take independent action either before or after (ANY) a determination arrived at through such procedure.

(c) The issuing of franchises, permits, or certificates of convenience and necessity.

Sec. 2. Minnesota Statutes 1982, section 174A.06, is amended to read:

174A.06 [CONTINUATION OF RULES OF PUBLIC SERVICE COMMISSION, PUBLIC UTILITIES COMMISSION, AND DEPARTMENT OF TRANSPORTATION.]

(ALL RULES,) Orders and directives heretofore in force, issued or promulgated by the public service commission, *public utilities commission*, or the department of transportation under authority of chapters (174,) 216A, 218, 219, and 221 (AND 222 SHALL) remain and continue in force and effect until repealed, modified, or superseded by duly authorized (RULES,) orders or directives of the transportation regulation board. *Rules adopted by the public service commission, public utilities commission or the department of transportation under authority of the following sections are transferred to the transportation regulation board and continue in force and effect until repealed, modi-*



*fied, or superseded by duly authorized rules of the transportation regulation board:*

(1) *section 218.041 except rules related to the form and manner of filing railroad rates, railroad accounting rules, and safety rules;*

(2) *section 219.40;*

(3) *rules relating to rates or tariffs, or the granting, limiting, or modifying of permits or certificates of convenience and necessity under section 221.031, subdivision 1;*

(4) *rules relating to the sale, assignment, pledge, or other transfer of a stock interest in a corporation holding authority to operate as a permit carrier as prescribed in section 221.151, subdivision 1, or a local cartage carrier under section 221.296, subdivision 8;*

(5) *rules relating to rates, charges, and practices under section 221.161, subdivision 4; and*

(6) *rules relating to rates, tariffs, or the granting, limiting, or modifying of permits or certificates of convenience and necessity under section 221.296, subdivision 2.*

The board shall review the transferred rules, orders, and directives and, when appropriate, develop and adopt new rules, orders, or directives within 18 months of July 1, (1981) 1985.

Sec. 3. Minnesota Statutes 1982, section 221.061, is amended to read:

**221.061 [OPERATION CERTIFICATE FOR REGULAR ROUTE COMMON CARRIER OR PETROLEUM CARRIER.]**

(ANY) A person desiring a certificate authorizing operation as a regular route common carrier or petroleum carrier, or an extension of or amendment to (SUCH) *that* certificate, shall file a petition (THEREFOR) with the board which (SHALL) *must* contain (SUCH) information as the board, by rule may prescribe.

Upon the filing of a petition for a certificate, the petitioner shall pay (INTO THE STATE TREASURY) *to the commissioner* as a fee for (THE ISSUANCE THEREOF) *issuing the certificate* the sum of \$75 and for (ANY) a transfer or lease of (SUCH) *the certificate* the sum of \$37.50.

The petition (SHALL) *must* be processed as any other petition. The board shall cause a copy and a notice of hearing thereon

to be served upon (ANY) a competing carrier operating into (ANY) a city located on the proposed route of the petitioner and to (SUCH) other persons or bodies politic which the (COMMISSION) board deems interested in the petition. (SUCH) A competing carrier and other persons or bodies politic are hereby declared to be interested parties to the proceedings.

If, during the hearing, an amendment to the petition is proposed which appears to be in the public interest, the board may allow (THE SAME) *it* when the issues and the territory are not unduly broadened by the amendment.

Sec. 4. Minnesota Statutes 1982, section 221.071, is amended to read:

221.071 [ISSUANCE OF CERTIFICATE TO REGULAR ROUTE COMMON CARRIER OR PETROLEUM CARRIER.]

If the board finds from the evidence that the petitioner is fit and able to properly perform the services proposed and that public convenience and necessity requires the granting of the petition or (ANY) a part (THEREOF) *of it*, it shall issue a certificate of public convenience and necessity to the petitioner. In determining whether a certificate should be issued, the board shall give primary consideration to the interests of the public that might be affected (THEREBY), to the transportation service being furnished by (ANY) a railroad which may be affected by the granting of the certificate, and to the effect which the granting of the certificate will have upon other transportation service essential to the communities which might be affected by the granting of the certificate. The board may issue a certificate as applied for or issue it for a part only of the authority sought and may attach to the authority granted (SUCH) terms and conditions as in its judgment public convenience and necessity may require.

The board may grant a temporary certificate, *ex parte*, valid for a period not exceeding six months, upon a showing that no regular route common carrier is then authorized to serve on the route sought, that there is no other petition on file with the board covering said route, and that there is a need for the proposed service.

A certificate which has been issued to a regular route common carrier may be amended by the board on *ex parte* petition and payment of a (FEE OF) \$25 *fee to the commissioner* so as to grant an additional or alternate route where there is no other means of transportation over (SUCH) *the* proposed additional route or between the termini (THEREON); and (SUCH) *the* proposed additional route does not exceed ten miles in length.

Sec. 5. Minnesota Statutes 1982, section 221.131, is amended to read:

**221.131 [PERMITS; TERMS, FEES, IDENTIFICATION CARDS.]**

Permits issued (PURSUANT TO) *under* the provisions of sections 221.011 to 221.291 (SHALL BE) *are* effective for a 12-month period. Each permit holder (SHALL HAVE) *has* one annual renewal date encompassing (ALL OF) the permits held by him. The permit holder shall pay (INTO THE TREASURY OF THE STATE OF MINNESOTA) *to the commissioner* a fee of \$25 for each kind of permit, reinstatement, or extension of authority for which a petition is filed, except on annual renewal, (PURSUANT TO) *under* section 221.121 and a registration fee of \$20 on each vehicle, including pickup and delivery vehicles, operated by him under authority of the permit during the 12-month period or fraction of the 12-month period. Trailers used by petitioner in combination with power units (SHALL) *are* not (BE) counted as vehicles in the computation of fees under this section if the petitioner pays the fees for power units. The commissioner shall furnish a distinguishing identification card for each vehicle or power unit for which a fee has been paid, (WHICH) *and the* identification card (SHALL) *must* at all times be carried in the vehicle or power unit to which it has been assigned. Identification cards may be reassigned to another vehicle or power unit without fee by the commissioner upon petition of the permit holder. Identification cards issued under the provisions of this section (SHALL BE) *are* valid only for the period for which the permit is effective. The name and residence of the permit holder (SHALL) *must* be stenciled or otherwise shown on both sides of each registered vehicle operated under the permit. In the event a permit has been suspended or revoked, the board may consider a petition for reinstatement of the permit, upon the same procedure required for an original petition, and may, in its discretion, grant or deny the permit. Regular route common carriers and petroleum carriers, operating under sections 221.011 to 221.291, shall annually on or before January 1 of each calendar year, pay (INTO THE TREASURY OF THE STATE OF MINNESOTA) *to the commissioner* an annual registration fee of \$20 for each vehicle, including pickup and delivery vehicles, operated during (ANY) a calendar year.

The department may issue special "floater" identification cards up to a maximum of five per motor carrier. Floater cards may be freely transferred between vehicles used under short-term leases by the motor carrier. The motor carrier shall pay *to the commissioner* a fee of \$100 for each floater card issued.

A fee of \$3 (SHALL BE), *to be paid to the commissioner*, is charged for the replacement of an unexpired identification card which has been lost or damaged by the owner.

The provisions of this section are limited by the provisions of (ANY) applicable federal law.

Sec. 6. Minnesota Statutes 1982, section 221.221, is amended to read:

221.221 [ENFORCEMENT POWERS.]

Transportation representatives and hazardous material specialists of the department *shall have the powers conferred by law upon police officers* for the purpose of enforcing the provisions of this chapter and *section 296.17, subdivisions 10 and 17 and the applicable rules of the commissioner (AND), the board (ISSUED PURSUANT TO THIS CHAPTER), and the commissioner of revenue, 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.

Sec. 7. Minnesota Statutes 1982, section 221.296, subdivision 5, is amended to read:

Subd. 5. [PERMIT FEES.] Upon filing (OF) a petition for a permit the petitioner shall pay to the (STATE TREASURY) *commissioner* as a fee for the issuance (THEREOF) of the permit, the sum of \$50, and shall thereafter pay an annual renewal fee of \$75 plus \$5 per motor vehicle if the local cartage carrier operates less than five motor vehicles, or \$100 plus \$5 per motor vehicle if the local cartage carrier operates at least five but less than 15 motor vehicles, or \$150 plus \$5 per motor vehicle if the local cartage carrier operates 15 or more vehicles provided that (SAID) *the \$5 per motor vehicle charge (SHALL) does not apply to taxicabs operated (PURSUANT TO) under a local cartage permit. Upon issuance of the permit the commissioner shall assign the carrier a permit number, which (SHALL) must be painted or prominently displayed on both sides of (ALL) vehicles used by the local cartage carrier under authority of (SAID) the permit.*

Sec. 8. Minnesota Statutes 1982, section 221.64, is amended to read:

221.64 [REGISTRATION FEE; EXEMPTIONS.]

(SUCH) Registration as herein provided (SHALL) *must be granted upon petition, without hearing, upon payment of an initial filing fee in the amount of \$25 to the commissioner. Upon petition, and payment of (SAID) the fee if applicable, the commissioner shall furnish to the registration holder a distinguishing identification stamp for each motor vehicle included in*

(SAID) *the registration (WHICH) and the stamp (SHALL) must at all times be carried in the registered vehicle of the registration holder. For each identification stamp issued, the commissioner shall establish and collect a fee of no more than \$5 (TO BE DEPOSITED IN THE STATE TREASURY), provided that a lesser fee may be collected (PURSUANT TO) under the terms of reciprocal agreements between the commissioner and the regulatory bodies of other states or provinces of the Dominion of Canada.*

Sec. 9. Minnesota Statutes 1982, section 221.81, is amended to read:

221.81 [BUILDING MOVER REGULATION.]

Subdivision 1. [(DEFINITION) DEFINITIONS.] *For the purposes of this section, the terms used in this section have the meanings given them in this subdivision.*

(a) "Building mover" means (ANY) a person, corporation, or other entity engaged in the business of raising, supporting off the foundation, and moving buildings (, EXCLUDING MANUFACTURED HOMES) *on and over public streets and highways. Building mover does not include a person who moves manufactured homes or farm buildings.*

(b) "Political subdivision" means a city, town, or county.

(c) "Road authority" has the meaning given it in section 160.02, subdivision 9.

Subd. 2. [LICENSE.] (ALL BUILDING MOVERS OPERATING IN MINNESOTA SHALL BE LICENSED BY THE BOARD) *No person may operate as a building mover in this state unless licensed by the commissioner.*

Subd. 3. [LICENSE APPLICATION.] To obtain a license to operate as a building mover an applicant shall file (A PETITION) *an application* with the commissioner specifying the name and address of its officers and other information as the (BOARD) *commissioner* may reasonably require. The (BOARD) *commissioner* shall issue the license upon compliance by the applicant with (BONDING AND INSURING) *insurance* requirements (SET BY RULE OF THE DEPARTMENT) and payment of an initial \$150 filing fee. A license once granted (SHALL CONTINUE) *continues* in full force and effect, subject to a \$100 annual renewal fee and compliance with (BONDING AND INSURING) *insurance* requirements, unless revoked or suspended.

The commissioner, upon approval of a license for a building mover, shall issue a sufficient number of cab cards to each

licensed mover to provide one cab card for each power unit used in moving buildings. The fee is (\$50) \$10 for each cab card issued. The cab card must be carried at all times in a readily available place in the cab of the power unit for which it was issued. The building mover may also purchase up to five floater cab cards for a fee of (\$200) \$100 for each floater card issued. Cab cards (SHALL BE) are effective for a 12-month period and (SHALL) continue from year to year thereafter upon payment of the required fee. Cab cards (SHALL) are only (BE) good for the period for which the license is effective.

**(LICENSES SHALL BE TRANSFERABLE PURSUANT TO THE PROVISIONS OF SECTION 221.151.)**

*Subd. 3a. [INSURANCE.] Each building mover shall have in effect the following:*

*(a) comprehensive general liability insurance including completed operations, underground property damage, and collapse coverage in the amount of at least \$500,000 for bodily injury or property damage; and*

*(b) motor vehicle liability insurance in the amount of at least \$500,000 for bodily injury or property damage.*

*The insurance must be written by an insurer licensed to do business in the state of Minnesota. Each building mover shall file with the commissioner a certificate evidencing the insurance. The insurance policy must provide that the policy may not be canceled without the insurer first giving 30 days written notice to the commissioner of the impending cancellation.*

*Subd. 3b. [LOCAL PERMITS.] A building mover may not move a building on or across a street or highway without first obtaining a permit from the road authority having jurisdiction over the street or highway.*

*Subd. 3c. [LOCAL REGULATION.] No license to move buildings or bond, cash deposit, or insurance coverage may be required by a political subdivision of the state other than the license and insurance coverage required by the commissioner. A road authority may charge a fee for services performed and may require a permit which reasonably regulates the hours, routing, movement, parking, or speed limit for a building mover operating on streets or highways under its jurisdiction. A building mover shall comply with the state building code in jurisdictions which have adopted the state building code, and with local ordinances which regulate the moving or removing of buildings. A building mover may not be required to pay a route approval fee to, or obtain a permit for the movement of a building on streets or highways from, a political subdivision which is not also the road authority. This section does not prohibit a political sub-*

*division from charging a permit fee for regulation of activities which do not involve the use of public streets or highways. Neither the state nor a political subdivision may regulate rates charged by building movers.*

Subd. 4. [LICENSE REVOCATION, SUSPENSION, DENIAL.] The (BOARD) commissioner, after notice and a hearing, may revoke, suspend, or deny a license for:

(a) failure (TO PAY APPLICATION OR RENEWAL FEES;)

((B) FAILURE TO COMPLY WITH BONDING AND INSURING REQUIREMENTS;)

((C) CONDUCT) of the applicant or license holder (THAT IMPAIRS USAGE OF) *to reimburse the road authority for damage to public highways, roads, streets, or utilities which are not paid for by the license holder's insurer;*

((D)) (b) conduct of the applicant or license holders that endangers the health and safety of users of the public highways, roads, streets, or utilities; (OR)

((E) A COURSE OF) (c) conduct of the applicant or license holder that (DEMONSTRATES UNSAFE OR HAZARDOUS OPERATION OF THE BUSINESS) *obstructs traffic in a manner other than as authorized in the permit;*

(d) *violation of the provisions of this section; or*

(e) *failure to obtain required local moving permits or permits required by section 169.86.*

Subd. 5. [SUSPENSION BY COMMISSIONER.] The commissioner (MAY) *shall* suspend a license without a hearing for the following reasons:

((1)) (a) failure to pay the (APPLICATION OR) renewal fee; or

((2)) (b) failure to comply with (BONDING AND) insurance requirements.

The suspension (SHALL CONTINUE) *continues* until the fees (HAVE BEEN) *are* paid and the (BONDING AND) insurance requirements (HAVE BEEN) *are* satisfied.

Subd. 6. [(APPLICATION OF VIOLATION AND PENALTY PROVISIONS) PENALTIES.] (THE VIOLATION AND PENALTY PROVISIONS OF SECTION 221.291 ARE APPLICABLE TO THIS SECTION) *A person who violates, or aids*

*or abets the violation of, any of the provisions of this section is guilty of a misdemeanor. Every distinct violation is a separate offense.*

(SUBD. 7. [RULES.] THE COMMISSIONER SHALL PROMULGATE RULES ESTABLISHING BONDING AND INSURING REQUIREMENTS.)

(SUBD. 8. [LOCAL REGULATION.] NO LICENSE TO MOVE BUILDINGS, BOND OR INSURANCE COVERAGE SHALL BE REQUIRED BY A POLITICAL SUBDIVISION OF THE STATE OTHER THAN THE LICENSE, BOND AND INSURANCE COVERAGE ISSUED OR REQUIRED BY THE BOARD OR COMMISSIONER. A POLITICAL SUBDIVISION OR THE DEPARTMENT MAY REQUIRE A PERMIT WHICH REASONABLY REGULATES THE HOURS, ROUTING, MOVEMENT, PARKING OR SPEED LIMIT FOR A BUILDING MOVER OPERATING ON STREETS OR ROADS WITHIN THE JURISDICTION OF THE POLITICAL SUBDIVISION OR HIGHWAYS WITHIN THE JURISDICTION OF THE COMMISSIONER. NEITHER THE STATE NOR A POLITICAL SUBDIVISION MAY REGULATE RATES CHARGED BY BUILDING MOVERS.)

(SUBD. 9. [FEES DEPOSITED IN GENERAL FUND.] ALL FEES COLLECTED PURSUANT TO THIS SECTION SHALL BE DEPOSITED IN THE GENERAL FUND.)

Sec. 10. [221.82] [COSTS TO BE PAID FROM THE TRUNK HIGHWAY FUND.]

*The costs of administering the provisions of this chapter must be paid from the trunk highway fund.*

Sec. 11. [221.83] [RECEIPTS TO BE CREDITED TO TRUNK HIGHWAY FUND.]

*Money received by the commissioner under the provisions of this chapter must be paid into the state treasury and credited to the trunk highway fund.*

Sec. 12. Minnesota Statutes 1982, section 296.17, subdivision 10, is amended to read:

Subd. 10. [LICENSE.] (a) No motor carrier (SHALL) may operate a commercial motor vehicle upon the highways of this state unless and until he has been issued a license pursuant to this section or has obtained a trip permit or temporary authorization as provided in this section.

(b) A license shall be issued to any responsible person qualifying as a motor carrier who makes application therefor and who



(SHALL PAY) *pays* to the commissioner, at the time thereof, a license fee of (\$10. SUCH) \$20. The license (SHALL REMAIN) *is* valid for a period of two years or until revoked by the commissioner or until surrendered by the motor carrier. (SUCH) *The* license, photocopy, or electrostatic copy of it, shall be carried in the cab of every commercial motor vehicle while it is being operated in Minnesota by a licensed motor carrier.

Sec. 13. Minnesota Statutes 1982, section 296.17, subdivision 17, is amended to read:

Subd. 17. [TRIP PERMITS AND TEMPORARY AUTHORIZATIONS.] (a) A motor carrier may obtain a trip permit which shall authorize an unlicensed motor carrier to operate a commercial motor vehicle in Minnesota for a period of five consecutive days beginning and ending on the dates specified on the face of the permit. The fee for (SUCH) *the* permit shall be (\$5) \$15. Fees for trip permits shall be in lieu of the road tax otherwise assessable against (SUCH) *the* motor carrier on account of (SUCH) *the* commercial motor vehicle operating therewith, and no reports of mileage shall be required with respect to (SUCH) *the* vehicle.

The above permit shall be issued in lieu of license if in the course of the motor carrier's operations he operates on Minnesota highways no more than three times in any one calendar year.

(b) Whenever the commissioner is satisfied that unforeseen or uncertain circumstances have arisen which requires a motor carrier to operate in this state a commercial motor vehicle for which neither a trip permit pursuant to clause (a) of this subdivision nor a license pursuant to subdivisions 7 to 22 has yet been obtained, and if the commissioner is satisfied that prohibition of (SUCH) *that* operation would cause undue hardship, the commissioner may provide the motor carrier with temporary authorization for the operation of (SUCH) *the* vehicle. A motor carrier receiving temporary authorization pursuant to this subdivision shall perfect the same either by obtaining a trip permit or a license, as the case may be, for the vehicle at the earliest practicable time.

Sec. 14. Minnesota Statutes 1982, section 296.17, subdivision 20, is amended to read:

Subd. 20. [ENFORCEMENT POWERS.] (a) The commissioner is (HEREBY) authorized and directed to enforce the provisions of subdivisions 7 to 22. In addition, the commissioner of public safety is (HEREBY) authorized and directed to (UTILIZE) *use* the Minnesota state patrol to assist in the enforcement of the provisions of subdivisions 7 to 22 *and the commissioner of transportation is authorized and directed to en-*

force the provisions of subdivisions 10 and 17 as provided in section 221.221.

(b) The officers of the Minnesota state patrol shall in addition to all other powers granted to them by Minnesota Statutes have the power of making arrests, service process, and appearing in court in all matters and things relating to subdivisions 7 to 22 and the administration and enforcement thereof.

Sec. 15. Minnesota Statutes 1982, section 296.25, subdivision 1, is amended to read:

Subdivision 1. Any person who fails to comply with any provisions of sections 296.01 to 296.421, or who makes any false statement in any report, record, or sales ticket required by sections 296.12, 296.14, 296.17, subdivision 5, 296.18, subdivision 2, or 296.21, shall be guilty of a misdemeanor. A fine of \$200 shall be imposed on a person who fails to obtain a license or trip permit required under section 296.17, subdivisions 10 and 17.

Prosecutions commenced under this section may be brought in the county in which the defendant resides or in Ramsey county.

The county attorney of any county in which (SUCH) the action is commenced, shall on request of the commissioner of revenue, prosecute violations of this chapter. Costs, fees, and expenses incurred by any county attorney in litigation in connection with (SUCH ACTIONS) the action may be paid from appropriations to the commissioner of revenue for the administration of this chapter.

Sec. 16. Laws 1980, chapter 534, section 87, as amended by Laws 1981, chapter 357, section 108, is amended to read:

Sec. 87. [EFFECTIVE DATE.]

This act is effective on July 1, (1983) 1985.

Sec. 17. [COMPLEMENT.]

The approved complement of the department of transportation is increased by eight positions for the purpose of enforcing chapter 221 and section 296.17, subdivisions 10 and 17.

Sec. 18. [REPEALER.]

Minnesota Statutes 1982, section 160.26, subdivision 3, is repealed.

Sec. 19. [EFFECTIVE DATE.]

*Sections 1 to 11 and 13 to 18 are effective July 1, 1983. Section 12 is effective April 1, 1984."*

Delete the title and insert:

"A bill for an act relating to transportation; providing for the transfer of certain rules to the transportation regulation board; providing that certain fees and fine money be credited to the trunk highway fund; modifying certain laws relating to the regulation of building movers; increasing enforcement powers of certain transportation representatives; changing fees for motor vehicle fuel permits; delaying the effective date of the transportation regulation board; prescribing penalties; amending Minnesota Statutes 1982, sections 174A.02, subdivision 2; 174A.06; 221.061; 221.071; 221.131; 221.221; 221.296, subdivision 5; 221.64; 221.81; 296.17, subdivisions 10, 17, and 20; and 296.25, subdivision 1; and Laws 1980, chapter 534, section 87, as amended; proposing new law coded in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1982, section 160.26, 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.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1011, A bill for an act relating to wrongful death; allowing award of punitive damages in actions for death by wrongful act; amending Minnesota Statutes 1982, section 573.02, subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1017, A bill for an act relating to marriage licenses; increasing the marriage license fee; amending Minnesota Statutes 1982, section 517.08, subdivisions 1b and 1c.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 357.021, subdivision 2, is amended to read:

Subd. 2. The fees to be charged and collected by the clerk of district court shall be as follows:

(1) In every civil action or proceeding in said court, the plaintiff, petitioner, or other moving party shall pay, when the first paper on his part is filed in said action, a fee of \$20, except that in an action for marriage dissolution, a fee of (\$35) \$55.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper on his or their part is filed in said action, a fee of \$15.

The party requesting a trial by jury shall pay \$15.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under chapter 106, except the provisions therein as to appeals.

(2) Certified copy of any instrument from a civil or criminal proceeding \$5 and \$3.50 for an uncertified copy.

(3) Issuing a subpoena \$1 for each name.

(4) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$5.

(5) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$5.

(6) Filing and entering a satisfaction of judgment, partial satisfaction or assignment of judgment, \$5.

(7) Certificate as to existence or non-existence of judgments docketed, \$1 for each name certified to and \$1 for each judgment certified to.

(8) Filing and indexing trade name; or recording notary commission; or recording basic science certificate; or recording certificate of physicians, osteopaths, chiropractors, veterinarians or optometrists, \$5.

(9) For the filing of each partial, final, or annual account in all trusteeships, \$10.

(10) All other services required by law for which no fee is provided such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.

Sec. 2. Minnesota Statutes 1982, section 357.021, subdivision 2a, is amended to read:

Subd. 2a. Of the marriage dissolution fee collected pursuant to subdivision 1, the clerk shall pay \$15 to the state treasurer to be deposited in the general fund for the purposes of funding grant programs for emergency shelter services and support services to battered women under sections 241.61 to 241.66 and for administering displaced homemaker programs established by July 1, 1983 under section 4.40.

*Of the dissolution fee collected pursuant to subdivision 2, clause (1), the clerk shall also pay \$10 to the state treasurer to be deposited in the general fund for the purpose of funding grant programs for emergency shelter services and support services to battered women under sections 241.61 to 241.66 and the clerk shall also pay \$10 to the state treasurer to be deposited in the general fund for the purposes of funding displaced homemaker programs established after July 1, 1983, under section 4.40 in areas of the state where those programs previously did not exist. The state treasurer shall identify and report to the commissioner of finance all amounts deposited in the general fund under this section.*

Sec. 3. Minnesota Statutes 1982, section 517.08, subdivision 1b, is amended to read:

Subd. 1b. [TERM OF LICENSE; FEE.] The clerk shall examine upon oath the party applying for a license relative to the legality of the contemplated marriage. If at the expiration of a five-day period, he is satisfied that there is no legal impediment to it, he shall issue the license, containing the full names of the parties before and after marriage, and county and state of residence, with the district court seal attached, and make a record of the date of issuance. The license shall be valid for a period of six months. In case of emergency or extraordinary circumstances, a judge of the county court or a judge of the district court of the county in which the application is made, may authorize the license to be issued at any time before the expiration of the five days. The clerk shall collect from the applicant a fee of (\$30) \$40 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital statistics the reports of marriage required by this section. If the license should not be used within the period of six months due to illness or other extenuating circumstances, it may be surrendered to the clerk for cancellation, and in that case a new license shall issue upon request of the parties of the original license without fee. A clerk who knowingly issues or signs a marriage license in any manner

other than as provided in this section shall pay to the parties aggrieved an amount not to exceed \$1,000.

Sec. 4. Minnesota Statutes 1982, section 517.08, subdivision 1c, is amended to read:

Subd. 1c. [DISPOSITION OF LICENSE FEE.] Of the marriage license fee collected pursuant to subdivision 1b, the clerk shall pay \$15 to the state treasurer to be deposited in the general fund for the purposes of funding grant programs for emergency shelter services and support services to battered women under sections 241.61 to 241.66 and for administering displaced homemaker programs established by July 1, 1983, under section 4.40.

*Of the marriage license fee collected pursuant to subdivision 1b, the clerk shall also pay \$5 to the state treasurer to be deposited in the general fund for the purpose of funding displaced homemaker programs established after July 1, 1983, under section 4.40 in areas of the state where those programs previously did not exist. Of the marriage license fee collected pursuant to subdivision 1b, the clerk shall also pay \$5 to the state treasurer to be deposited in the general fund for the purpose of funding grant programs for emergency shelter services and support services to battered women under sections 241.61 to 241.66.*

The state treasurer shall identify and report to the commissioner of finance all amounts deposited in the general fund under this section.

#### Sec. 5. [EFFECTIVE DATE.]

*Sections 1 to 4 are effective July 1, 1983, and apply to all licenses issued and first papers filed in marriage dissolution actions on or after that date."*

Delete the title and insert:

"A bill for an act relating to marriage license and marriage dissolution fees; increasing the marriage license fee; increasing the marriage dissolution filing fees; providing moneys for battered women's programs and for new displaced homemaker programs; amending Minnesota Statutes 1982, sections 357.021, subdivisions 2 and 2a; 517.08, subdivisions 1b and 1c."

With the recommendation that when so amended 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. 1020, A bill for an act relating to transportation; defining certain terms relating to motor vehicle carriers; delineating exemptions; prescribing rules for operation of carriers; providing for investigation of carriers; providing for regulation of carriers of hazardous materials; providing for granting of certificates for operation; setting procedures for establishing rate schedules; providing for fees; providing for annual registration; requiring certificates of insurance; allowing permits to be assigned or transferred under certain conditions; providing hearing procedures regarding rate schedules; requiring shipping documents; providing for regulation of interstate carriers; authorizing suspension of operating authority under certain conditions; requiring refunds for overcharges; providing enforcement powers; providing penalties; providing for annual renewal of identification stamps; regulating local cartage carriers; delaying transfer of duties, functions, and powers from the public utilities commission to the board until established and appointed; amending Minnesota Statutes 1982, sections 168.013, subdivision 1e; 174.22, subdivision 2; 221.011, subdivisions 3, 9, 11, 12, 14, 15, 16, 19, 21, and 24, and by adding subdivisions; 221.021; 221.031; 221.041; 221.071; 221.111; 221.121; 221.131; 221.141, subdivision 1, and by adding a subdivision; 221.151; 221.161; 221.171; 221.181; 221.221; 221.251; 221.291; 221.296, subdivisions 2, 3, and 4; and 221.64; proposing new law coded in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1982, sections 221.011, subdivisions 4 and 22; 221.032; 221.141, subdivision 2; 221.292; 221.294; and 221.296, subdivision 1.

Reported the same back with the following amendments:

Page 5, line 13, delete "*having a capacity of seven to 16 persons and*" and after "*used*" insert "*in a ridesharing arrangement and used*"

Page 5, line 16, strike the period and insert a colon

Page 5, after line 16 insert:

*"(a) when the vehicle is operated by a person who does not drive the vehicle for that person's principal occupation but is driving it only to or from that person's principal place of employment or to or from a transit stop authorized by a local transit authority; or*

*(b) when the vehicle is operated for personal use at other times by an authorized driver."*

Page 6, line 12, delete the new language

Page 6, line 16, before the period insert "*transporting passengers and their luggage*"

Page 8, line 19, delete "*having a*"

Page 8, line 20, delete "*capacity of seven to 16 persons and*" and after "*used*" insert "*in a ridesharing arrangement and used*"

Page 8, line 34, after "*freight*" insert "*other than household goods and petroleum products,*"

Page 10, line 6, delete. "*under conditions prescribed by the board and*"

Page 12, delete line 34

Page 12, line 35, delete "*57,000 pounds*" and insert "*operated in an area having a 150-mile radius from that person's home post office*"

Page 13, line 8, delete "*18*" and insert "*20*"

Page 19, line 32, after "*Trailers*" insert "*and semitrailers*"

Page 21, lines 5 and 6, reinstate "*(SECURE AND CAUSE TO BE FILED)*"

Page 21, line 6, delete new language

Page 27, line 35, before "No" insert:

"*Subdivision 1. [COMPENSATION FIXED.]*"

Page 28, after line 8, insert:

"*Subd. 2. [EXCEPTION.] A person engaged in the transportation of household goods for the federal government or an agency of the federal government or the transportation of household goods for the state government or an agency of the state government when competitive bids are required by law is exempt from subdivision 1.*"

Page 28, line 12, delete "*carry in the vehicle a bill of lading which conforms*" and insert "*conform*"

Page 28, line 14, delete everything before the period and insert "*with respect to shipping documents*"

Page 28, line 15, delete "*MATERIAL*" and insert "*WASTE*"



Page 28, line 20, delete "*this section*" and insert "*subdivision 2*"

Page 29, lines 14 and 18, after "*fees*" insert "*or renew permits*"

Page 29, line 31, after "*registration*" insert "*or permit renewal*"

Page 31, lines 20 and 21, reinstate "(OR UNDER OTHER APPROPRIATE CIRCUMSTANCES)"

Page 31, lines 25 to 36, delete the new language

Page 34, line 16, delete "*gross*"

Page 34, line 17, delete "\$600" and insert "*the maximum fine which may be imposed for a misdemeanor*"

Page 34, line 21, delete "*gross*"

Page 34, line 22, delete "\$600" and insert "*the maximum fine which may be imposed for a misdemeanor*"

Page 35, line 30, delete "33" and insert "35"

Amend the title as follows:

Page 1, line 20, delete "delaying transfer of" and insert "assigning"

Page 1, line 21, delete "from" and insert "to" and delete "to" and insert "until"

Page 1, line 22, delete "until" and insert "is"

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. 1029, A bill for an act relating to transportation; modifying the definition of truck-tractor to include the power unit of automobile carriers; adjusting the motor vehicle registration tax on certain trailers; requiring proof of payment of the federal heavy use tax on heavy trucks; increasing the maximum allowable width on vehicles from 8 to 8-1/2 feet; modifying vehicle length requirements to allow longer semitrailers and vehicle combinations; modifying the gross weight seasonal increase to

include all axle combinations; modifying the distance a peace officer may require a vehicle to travel to a scale; increasing width requirement on loads of baled hay before flashing amber lights are required; amending Minnesota Statutes 1982, sections 168.011, subdivision 12; 168.013, subdivision 1d, and by adding a subdivision; 169.01, subdivision 7; 169.80, subdivision 2; 169.81, subdivisions 2 and 3; 169.825, subdivision 11; 169.85; and 169.862; repealing Minnesota Statutes 1982, sections 169.80, subdivision 2a; and 169.81, subdivisions 3a, 3b, and 7.

Reported the same back with the following amendments:

Page 1, line 33, delete "not" and "more than four"

Page 2, line 36, delete "not" and "more than four"

Page 7, line 23, after "carriers" insert ", or livestock carriers"

Page 9, after line 15, delete Sec. 9. and insert:

"Sec. 9. Minnesota Statutes 1982, section 169.85, is amended to read:

169.85 [WEIGHING; PENALTY.]

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 by means of portable or stationary scales, and the peace officer may require that the vehicle be driven to the nearest available scales in the event 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 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 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 section 169.825. A *suitable place* is a location where loading or tampering with the load is not prohibited by federal, state, or local law, rule or ordinance. 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 169.825, the weight on any axle exceeds the lawful gross weight prescribed by section 169.825, 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 169.825, by 4,000 pounds or more; or (b) on routes designated by the commissioner in section 169.832, subdivision 11, 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 169.825; 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 the vehicle at the risk of 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 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, is guilty of a misdemeanor."

Page 11, after line 31, insert:

"Sec. 11. Minnesota Statutes 1982, section 169.871, subdivision 1, is amended to read:

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 169.825 and 169.832 to *169.851 and* 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 169.825 and 169.832 to *169.851 and* 169.87 is liable for a civil penalty as follows:

(a) If the total gross excess weight is not more than (3,000) *1,000* pounds, one cent per pound for each pound in excess of the legal limit;

(b) If the total gross excess weight is more than (3,000) *1,000* pounds but not more than (4,000) *3,000* pounds, \$10 *plus* five cents per pound for each pound in excess of (THE LEGAL LIMIT) *1,000 pounds*;

(c) If the total gross excess weight is more than (4,000) *3,000* pounds but not more than (6,000) *5,000* pounds, (15) *\$110 plus* ten cents per pound for each pound in excess of (THE LEGAL LIMIT) *3,000 pounds*; (OR)

(d) If the total gross excess weight is more than (6,000) *5,000* pounds, (30) *but not more than 7,000 pounds, \$310 plus* 15 cents per pound for each pound in excess of (THE LEGAL LIMIT) *7,000 pounds*;

(e) *If the total gross excess weight is more than 7,000 pounds, \$610 plus 20 cents per pound for each pound in excess of 7,000 pounds.*

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 to 169.851 and 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.

Sec. 12. Minnesota Statutes 1982, section 169.872, is amended by adding a subdivision to read:

*Subd. 1a. The owner or lessee of a vehicle that is operated with a gross weight in excess of a weight limit imposed by permit under sections 169.86 and 169.862 and a shipper who ships or tenders goods for shipment in a single truck or combination vehicle that exceeds a weight limit permitted under sections 169.86 or 169.862 is liable for a civil penalty at a rate of five cents per pound for each pound in excess of the weight permitted under section 169.86 or 169.862, or \$100, whichever is greater.*

*Any penalty imposed upon a defendant under this section shall not exceed the penalty prescribed by this subdivision. Any fine paid by the defendant in a criminal overweight action that arose from the same overweight violation may not be applied toward payment of the civil penalty. A peace officer who cites a driver for a violation of the weight limitations established by permit pursuant to section 169.86 or 169.862 shall give written notice to the driver that the driver or another may also be liable for the civil penalty provided in this subdivision in the same or separate proceedings."*

Page 11, line 36, delete "and" and after "11" insert ", 12 and 13"

Renumber the sections accordingly

Amend the title as follows:

Page 1, line 20, delete "and" and after "169.862;" insert "169.871, subdivision 1; and 169.872, by adding a subdivision;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1046, A bill for an act relating to the city of Baxter; authorizing the city to employ a full-time police officer; providing exception to peace officer licensing requirement.

Reported the same back with the following amendments:

Page 1, after line 11, insert *"The person employed by the city of Baxter police department under this section shall, as a condition of retention of his position as a full-time police officer after October 31, 1985, successfully complete all academic and basic skills training requirements for transition from part-time to full-time peace officer status and successfully complete the peace officer licensing examination by September 1, 1985. The exemption from peace officer licensure established under this section expires on November 1, 1985."*

Page 1, line 13, delete *"without local approval"*

Page 1, line 14, delete everything after *"1983"* and insert a period

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1058, A bill for an act relating to limited partnerships; providing for withdrawals of certain partners; providing for liabilities of partners; amending Minnesota Statutes 1982, sections 322A.27; and 322A.33.

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. 1092, A bill for an act relating to motor vehicles; allowing the holder of personalized license plates to retain the same number after the personalized plates have been damaged, lost, or stolen; amending Minnesota Statutes 1982, section 168.12, subdivision 2a.

Reported the same back with the following amendments:

Page 2, line 14, 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 Judiciary to which was referred:

H. F. No. 1105, A bill for an act relating to crimes; prohibiting fingerprinting or thumbprinting as a condition of negotiation of a check; providing penalties; proposing new law coded in Minnesota Statutes, chapter 609.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1124, A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted, and obsolete references and text; eliminating certain redundant, conflicting, and superseded provisions; providing instructions to the revisor; amending Minnesota Statutes 1982, sections 10A.275; 10A.31, subdivision 2; 10A.32, subdivision 3b; 10A.335; 11A.24, subdivision 6; 15.06, subdivision 1; 16.861, subdivision 3; 17A.06, subdivision 3; 32.212; 32.213; 35.251; 43A.18, subdivision 5; 45.16, subdivision 2; 48.605, subdivision 1; 60A.07, subdivision 8; 60A.17, subdivision 7a; 93.20, subdivision 9; 98.46, subdivision 16; 100.27, subdivision 9; 112.85, subdivision 2; 116D.05; 116G.03, subdivision 5; 116J.70, subdivision 2a; 120.80, subdivision 1; 120.81, subdivision 1; 121.904, subdivision 11b; 168.021, subdivision 2; 169.451; 169.974, subdivision 2; 169.974, subdivision 6; 169.99, subdivision 1; 171.131, subdivision 2; 179.70, subdivision 1; 238.04, subdivision 2; 244.09, subdivision 1; 252A.13, subdivision 2; 253B.19, subdivision 5; 256.871, subdivision 7; 256.976, subdivision 4; 260.185, subdivision 1; 260.193, subdivision 6; 268.18, subdivision 2; 273.13, subdivisions 6 and 7d; 275.125, subdivision 1; 282.38, subdivisions 1 and 2; 290.012, subdivision 2; 297.02, subdivision 5; 298.28, subdivision 1; 326.241, subdivision 1; 327B.01, subdivisions 11 and 14; 327B.04, subdivision 4; 327B.05, subdivision 1; 327B.09, subdivision 1; 340.069; 354.532, subdivision 4; 363.03, subdivision 10; 367.41, subdivisions 1 and 5; 367.42, subdivision 1; 375B.01; 381.12, subdivision 2; 383A.35; 398A.01, subdivision 8; 462.355, subdivision 4; 462.36, subdivision 1; 462.445, subdivision 14; 462C.04, subdivision 2; 474.03; 508A.46; 515A.1-102; 518.24; and 525.619; amending Laws 1982, chapter 581, section 18, sub-

division 4; and Laws 1982, Third Special Session chapter 1, article II, section 7; repealing Minnesota Statutes 1982, section 609.01, subdivision 2; repealing Laws 1976, chapters 2, section 62; and 173, section 53; Laws 1981, chapter 224, section 18; Laws 1982, chapters 416, section 1; 424, sections 3 and 8; and 642, section 8.

Reported the same back with the following amendments:

Page 24, line 2, strike "Not later than January 1, 1975"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 1171, A bill for an act relating to taxation; clarifying the income tax treatment of certain debt obligations of state and local governments; amending Minnesota Statutes 1982, sections 80A.09, subdivision 1; 115A.69, subdivision 6; 116A.25; 116J.89, subdivision 6; 136.32; 136A.179; 136A.39; 193.146, subdivision 4; 272.02, subdivision 1; 362A.07; 447.35; 447.49; 458A.05, subdivision 6; 462.551; 462A.19, subdivision 1; 472.09, subdivision 4; 473.448; and 473.545; repealing Minnesota Statutes 1982, sections 116J.89, subdivision 7; 462A.19, subdivision 2; and 474.12.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1172, A bill for an act relating to statutes; conforming certain laws to judicial decisions of unconstitutionality; amending Minnesota Statutes 1982, sections 65B.51, subdivision 1; 154.03; and 573.01.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 115, A bill for an act relating to local government; providing for the budget date for the city of Minneapolis and Hennepin county municipal building commission; amending Laws 1903, chapter 247, section 5.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 161, A bill for an act relating to the city of Minneapolis; changing the position of cable communications officer to the unclassified service; amending Laws 1969, chapter 937, section 1, subdivision 9; as amended.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Laws 1969, chapter 937, section 1, subdivision 9, as added by Laws 1982, chapter 491, section 2, is amended to read:

Subd. 9. The city coordinator of the city of Minneapolis may appoint a person to the following positions to perform the duties and services he may direct:

- (a) Purchasing agent;
- (b) Management information services director;
- (c) Director of labor relations;
- (d) Director of affirmative action;
- (e) Manager of auditorium;
- (f) Director of federal programs;
- (g) Legislative liaison;
- (h) Director of energy programs;
- (i) Manager of licenses and consumer services;
- (j) Manager, finance—city council;



(k) *Officer, cable communications.*

Sec. 2. Laws 1969, chapter 937, section 1, subdivision 17, as added by Laws 1982, chapter 491, section 2, is amended to read:

Subd. 17. *A person may be appointed to the following positions by a majority vote (,) of the city council, upon the approval of the mayor of the city of Minneapolis (MAY APPOINT A PERSON TO THE FOLLOWING POSITIONS), to perform the duties and services they may direct:*

(a) Chief engineer of the fire department. Laws 1969, chapter 937, section 2 shall only apply to a chief engineer appointed pursuant to this subdivision.

(b) Executive secretary, capital long range improvement committee.

Sec. 3. Laws 1969, chapter 937, is amended by adding a section to read:

Sec. 2a. [RIGHT TO RETAIN CERTAIN BENEFITS.]

*Subdivision 1. Notwithstanding any provision of the Minneapolis city charter, Veterans' Preference Act, or civil service rule, law, or regulation to the contrary, any employee in the classified service of the city, holding or who shall hereinafter be appointed to an unclassified service position described in the city charter, but which is not listed in Laws 1969, chapter 937, section 1, as amended, shall be deemed to be on leave of absence during his tenure in an appointive position, and upon the termination of his service shall be returned to his permanent civil service classification. If no vacancy is available in his permanent civil service classified position, seniority shall prevail and the person most recently certified to the position shall be returned to the permanent civil service classification held by him prior to the certification.*

*Subd. 2. Except for any incumbent holding a position under Laws 1969, chapter 937, section 1, subdivision 17, clause (a) who has not been formally appointed to that position, all classified employees described in Laws 1969, chapter 937, sections 1 and 2a, as amended shall continue to accrue seniority in their former position and as city employees while serving in their appointive position.*

*Subd. 3. Elected officials shall have only the leave of absence benefits provided under state law.*

Sec. 4. [EFFECTIVE DATE.]

*This act is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the Minneapolis city council."*

Delete the title and insert:

"A bill for an act relating to the city of Minneapolis; changing the position of cable communications officer to the unclassified service; changing procedures for the appointment of certain positions; providing for the right to retain certain benefits for employees; amending Laws 1969, chapter 937, section 1, subdivisions 9, as amended, and 17, and by adding a 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:

S. F. No. 337, A bill for an act relating to drivers' licenses; requiring licenses of a distinguishing color for persons under 19 years of age; amending Minnesota Statutes 1982, section 171.07, 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. 45, 315, 429, 435, 495, 532, 547, 622, 735, 737, 744, 774, 782, 795, 802, 813, 814, 855, 874, 886, 894, 898, 899, 918, 938, 960, 1011, 1020, 1029, 1046, 1058, 1092, 1105, 1124, 1171 and 1172 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 530, 568, 115, 161 and 337 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Nelson, D.; Jensen and Kalis introduced:

H. F. No. 1194, A bill for an act relating to local and urban government; providing for the inventory, classification, and protection of aggregate deposits or resources within the state; proposing new law coded in Minnesota Statutes, chapter 84.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Eken, Evans and Valan introduced:

H. F. No. 1195, A bill for an act relating to loan guarantees for persons obtaining loans on farm land within the White Earth Indian Reservation; proposing new law coded as Minnesota Statutes, chapter 41A.

The bill was read for the first time and referred to the Committee on Judiciary.

Marsh, Findlay, McKasy, Omann and Gutknecht introduced:

H. F. No. 1196, A bill for an act relating to taxation; changing terminology, eligibility, and procedures relating to enterprise zones; exempting certain property from the sales tax and property tax; exempting certain corporate income from the income tax; amending Minnesota Statutes 1982, sections 273.1312; and 273.1313.

The bill was read for the first time and referred to the Committee on Taxes.

Clawson and Kalis introduced:

H. F. No. 1197, A bill for an act relating to traffic regulations; providing for limitations on persons who must be brought to detoxification centers; providing for commitment of certain driving-while-intoxicated offenders; providing for withholding of driving privileges until detoxification costs are paid; amending Minnesota Statutes 1982, section 169.1231.

The bill was read for the first time and referred to the Committee on Judiciary.

Jennings, Johnson, Waltman, Frerichs and Redalen introduced:

H. F. No. 1198, A bill for an act relating to taxation; property; providing for the valuation of agricultural land; amending Minnesota Statutes 1982, sections 124.2131, subdivision 1; and 273.11, subdivision 7.

The bill was read for the first time and referred to the Committee on Taxes.

Jennings, Johnson, Waltman, Pauly and Burger introduced:

H. F. No. 1199, A bill for an act proposing an amendment to the Minnesota Constitution, article X, by adding a section providing that homestead property taxes may not exceed a percentage of market value.

The bill was read for the first time and referred to the Committee on Taxes.

Clawson and Kalis introduced:

H. F. No. 1200, A bill for an act relating to traffic regulations; providing for a mandatory alcohol problem assessment; amending Minnesota Statutes 1982, section 169.121, subdivision 8.

The bill was read for the first time and referred to the Committee on Judiciary.

Hoffman; Kostohryz; Price; Rodriguez, F., and O'Connor introduced:

H. F. No. 1201, A bill for an act relating to local government; permitting Ramsey and Washington counties to provide interim and long term financing of solid waste and related facilities; providing for a waste management district.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Shea and Ogren introduced:

H. F. No. 1202, A bill for an act relating to agriculture; providing an additional tax on certain capital gains from the sale of agricultural land; limiting certain tax reductions; amending Minnesota Statutes 1982, sections 124.2137, subdivision 1; 290.01, subdivisions 20a, as amended, and 20b, as amended; and 290.091; proposing new law coded in Minnesota Statutes, chapter 290.

The bill was read for the first time and referred to the Committee on Taxes.

Norton, Blatz, Coleman and Vellenga introduced:

H. F. No. 1203, A bill for an act relating to landlords and tenants; requiring landlords of residential rental units to notify tenants of their rights and duties under state law; providing a penalty; proposing new law coded in Minnesota Statutes, chapter 504.

The bill was read for the first time and referred to the Committee on Judiciary.

St. Onge; Berkelman; Carlson, D.; Elioff and Sparby introduced:

H. F. No. 1204, A bill for an act relating to public welfare; clarifying the commissioner of public welfare's authority to close state institutions; amending Minnesota Statutes 1982, section 246.01.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Ellingson, Coleman, Seaberg, Dempsey and Kelly introduced:

H. F. No. 1205, A bill for an act relating to liens on personal property; adopting the Council of State Government Model Act; 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.

Kelly, Osthoff and Clawson introduced:

H. F. No. 1206, A bill for an act relating to judges; providing for the election of incumbent judges by submitting to the voters whether they should succeed themselves; amending Minnesota Statutes 1982, sections 204B.06, subdivision 6, and by adding a subdivision; 204B.34, subdivision 3; 204B.36, subdivisions 4 and 5; 204D.08, subdivision 6; proposing new law coded in Minnesota Statutes, chapter 204C.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Kelly introduced:

H. F. No. 1207, A bill for an act relating to crimes; prohibiting tampering with a witness; establishing degrees of burglary; increasing penalties; amending Minnesota Statutes 1982, section 609.498; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, section 609.58.

The bill was read for the first time and referred to the Committee on Judiciary.

Ellingson introduced:

H. F. No. 1208, A bill for an act relating to commerce; mechanics' liens; providing notice requirements for certain contractors; increasing the time periods relating to an owner's obligation to pay a contractor and the duration of the lien; amending Minnesota Statutes 1982, sections 514.011, subdivisions 1 and 2; 514.07; and 514.08, subdivision 1.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Munger introduced:

H. F. No. 1209, A bill for an act relating to the environment; transferring the functions of the environmental quality board under the environmental coordination procedures act to the commissioner of energy, planning and development and the business licensing bureau; amending Minnesota Statutes 1982, sections 116C.24, subdivision 3, and by adding a subdivision; 116C.25; 116C.32; 116C.33, subdivision 2; and 116C.34.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Osthoff, Onnen, Gruenes and Kostohryz introduced:

H. F. No. 1210, A bill for an act relating to education; establishing a demonstration grant program for elementary pupils; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

McDonald, Schoenfeld, Gutknecht and Fjoslien introduced:

H. F. No. 1211, A resolution memorializing the United States Congress to support Beam-Weapon Missile Defense Development.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Carlson, L.; Clawson; Metzen; Wigley and Rodriguez, F., introduced:

H. F. No. 1212, A bill for an act relating to retirement; post retirement adjustments payable by the Minneapolis Teachers' Retirement Fund Association.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Norton, by request, introduced:

H. F. No. 1213, A bill for an act relating to welfare; requiring parents of children on probation or parole to pay the costs of foster care; providing for payment of costs of care for emotionally handicapped children; amending Minnesota Statutes 1982, sections 242.19, subdivision 2; 252.27, subdivision 1; and 260.251, subdivision 1; and proposing new law coded in chapter 260.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Schoenfeld, Wigley, Kalis, Eken and Rice introduced:

H. F. No. 1214, A bill for an act relating to the agriculture interpretive center at Waseca; providing for construction of improvements; providing for the sale of state building bonds.

The bill was read for the first time and referred to the Committee on Appropriations.

Fjoslien, Mann, Welker and Valento introduced:

H. F. No. 1215, A bill for an act relating to insurance; allowing certain aircraft owners to elect not to carry passenger seat liability coverage if they will not be carrying passengers; amending Minnesota Statutes 1982, sections 60A.081, subdivision 2; and 360.59, subdivision 10.

The bill was read for the first time and referred to the Committee on Judiciary.

Kalis; Schoenfeld; Kvam; Anderson, G., and Redalen introduced:

H. F. No. 1216, A bill for an act relating to taxation; clarifying the term agricultural production for purposes of the sales tax; prohibiting certain retroactive imposition of tax, penalty, and interest; amending Minnesota Statutes 1982, section 297A.25, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Kelly introduced:

H. F. No. 1217, A bill for an act relating to crimes; requiring joint trials for defendants charged with the same offense; providing an exception to the joint trial requirement; proposing new law coded in Minnesota Statutes, chapter 631.

The bill was read for the first time and referred to the Committee on Judiciary.

Kelly, Brinkman, Jacobs, Dempsey and Kvam introduced:

H. F. No. 1218, A bill for an act relating to taxation; allowing certain dealers to be licensed as distributors for purpose of payment of the gasoline excise tax; amending Minnesota Statutes 1982, section 296.06, subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.



Anderson, G., introduced:

H. F. No. 1219, A bill for an act relating to appropriations; changing membership in the transportation regulation board and public utilities commission; appropriating money; amending Minnesota Statutes 1982, sections 174A.01, subdivision 2; and 216A.03, subdivision 1.

The bill was read for the first time and referred to the Committee on Appropriations.

Staten; Greenfield; Clark, K., and Kahn introduced:

H. F. No. 1220, A bill for an act relating to state investment policy; prohibiting certain investments in countries not following human rights standards; proposing new law coded in Minnesota Statutes, chapter 11A.

The bill was read for the first time and referred to the Committee on Governmental Operations.

#### HOUSE ADVISORIES

The following House Advisories were introduced:

Sparby introduced:

H. A. No. 10, A proposal to examine the need for a chemical dependency awareness program in non-urban Minnesota.

The advisory was referred to the Committee on Health and Welfare.

Blatz, Swanson, McEachern, Elioff and Hokr introduced:

H. A. No. 11, A proposal to study quality control review and fraud investigations in Minnesota welfare programs.

The advisory was referred to the Committee on Health and Welfare.

Clark, J.; Begich; Rice; Simoneau and Heap introduced:

H. A. No. 12, A proposal for a House study of long term sheltered workshops.

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 House File, herewith returned:

H. F. No. 413, A bill for an act relating to the city of Edina; allowing the city to make special assessments against certain benefited property.

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. 25, A bill for an act relating to the city of Lake Park; authorizing the issuance of general obligation bonds to finance construction of municipal facilities.

H. F. No. 171, A bill for an act relating to public cemeteries; providing for simplified reinvestment in the cemetery association of certain unused cemetery land; amending Minnesota Statutes 1982, section 306.241; proposing new law coded in Minnesota Statutes, chapter 306.

H. F. No. 552, A bill for an act relating to elections; recodifying the municipal elections law; amending Minnesota Statutes 1982, sections 205.02; 205.07, subdivision 1; 205.10; 205.13; 205.16; 205.17; and 205.20; and 205.84; proposing new law coded in Minnesota Statutes, chapter 205; repealing Minnesota Statutes 1982, sections 205.03; 205.04; 205.11; 205.14; 205.15; 205.19; and 205.21.

H. F. No. 576, A bill for an act relating to insurance; health and accident; providing coverage for adopted children from the date of placement for adoption; proposing new law coded in Minnesota Statutes, chapter 62A.

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. 396, A bill for an act relating to retirement; authorizing benefit increases for retired Eveleth police officers, firefighters, and surviving spouses.

H. F. No. 430, A bill for an act relating to retirement; authorizing the purchase of annuity contracts for retiring Tracy firefighters.

H. F. No. 573, A bill for an act relating to retirement; Brooklyn Park volunteer firefighters relief association; repealing Laws 1975, chapter 237, as amended.

H. F. No. 597, A bill for an act relating to retirement; adding a correctional employees plan member to the state retirement system board; consolidating and eliminating obsolete language; amending Minnesota Statutes 1982, sections 352.03, subdivision 1; and 352B.29.

H. F. No. 706, A bill for an act relating to retirement; public employees retirement association; providing for refund of contributions after a layoff of 120 calendar days; amending Minnesota Statutes 1982, section 353.34, subdivision 1.

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. 609, A bill for an act relating to commerce; motor vehicle sales and distribution; requiring certain payments to be made upon termination of motor vehicle franchises; amending Minnesota Statutes 1982, section 80E.09, subdivision 1.

H. F. No. 633, A bill for an act relating to commerce; uniform commercial code; extending the time period for the perfection of or priority over certain security interests; amending Minnesota Statutes 1982, sections 336.9-301; 336.9-302; 336.9-306; and 336.9-312.

PATRICK E. FLAHAVEN, Secretary of 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. 26, A bill for an act relating to commerce; consumer protection; requiring the repair, refund, or replacement of new motor vehicles under certain circumstances; proposing new law coded in Minnesota Statutes, chapter 325F.

The Senate has appointed as such committee Mr. Dahl, Ms. Reichgott and Ms. Olson.

Said House File is herewith returned to the House.

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. 164, A bill for an act relating to state government; removing the requirement of senate confirmation for appointment to certain state agencies; limiting terms of certain hold-over appointees; formulating a procedure for senate and house confirmations; changing a time requirement for filing a statement of economic interest in certain cases; amending Minnesota Statutes 1982, sections 1.33; 3.9223, subdivision 1; 10A.09, subdivisions 1 and 3; 14.48; 15.0575, subdivision 2; 15.0597, subdivision 6; 15.06, subdivisions 2 and 5; 15.50, subdivision 1; 40.03, subdivision 1; 85A.01, subdivision 1; 105.401, subdivision 1; 115A.05, subdivision 2; 116E.02, subdivision 1; 116J.04; 121.82, subdivision 1; 121.844, subdivision 1; 182.664, subdivision 1; 250.05, subdivision 2; 299B.05, subdivision 1; 414.01, subdivision 2; 473.123, subdivision 4; 473.141, subdivision 3; 490.15, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 15; repealing Minnesota Statutes 1982, section 11A.07, subdivision 3.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Moe, D. M.; Merriam and Ulland.

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

Norton 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. 164. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 7, 148, 280 and 282.

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. 332, 338, 339 and 358.

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. 598, 621, 627 and 639.

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. 645, 673 and 723.

PATRICK E. FLAHAVEN, Secretary of the Senate

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 92, 204, 234, 238, 263, 402 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. 147, 659, 767, 827, 833, 855 and 936.

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. 346, 591 and 684.

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. 403, 746, 844 and 1104.

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. 551, 948 and 1083.

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. 597, 653 and 681.

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. 603, 705 and 972.

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. 611.

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. 34, 175, 529 and 606.

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. 734 and 784.

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. 967 and 1009.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 7, A bill for an act relating to St. Louis County; providing for the tort liability of the St. Louis County Promotional Bureau.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 148, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to extend timber permits; amending Laws 1981, chapter 305, section 11, as amended.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 280, A bill for an act relating to data privacy; establishing standards and procedures for the release of financial

information; proposing new law coded as Minnesota Statutes, chapter 13A.

The bill was read for the first time.

Quinn moved that S. F. No. 280 and H. F. No. 332, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 282, A bill for an act relating to housing and redevelopment authorities; increasing the per diem compensation for attendance of commissioners at meetings; amending Minnesota Statutes 1982, section 462.441.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 332, A bill for an act relating to financial institutions; banks; authorizing the leasing of personal property to employees, stockholders, directors, or officers; amending Minnesota Statutes 1982, section 48.152, subdivision 8; repealing Minnesota Statutes 1982, section 48.152, subdivision 9.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

S. F. No. 338, A bill for an act relating to motor vehicles; maintaining the maximum interest rate on certain loans under the Motor Vehicle Retail Installment Sales Act at the current rate; amending Minnesota Statutes 1982, section 168.72, subdivision 2.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

S. F. No. 339, A bill for an act relating to taxation; real property; extending the homestead credit to certain noncontiguous property; amending Minnesota Statutes 1982, 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.

S. F. No. 358, A bill for an act relating to counties; permitting changes to appointed coroners, medical examiners, and death investigations in certain conditions; amending Minnesota Statutes 1982, sections 390.005, by adding a subdivision; and 390.35.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.



S. F. No. 598, A bill for an act relating to insurance premium finance companies; authorizing finance charges based on the federal discount rate; amending Minnesota Statutes 1982, sections 59A.09, subdivisions 3, 4 and 6; and 59A.12, subdivisions 1 and 4.

The bill was read for the first time.

Kelly moved that S. F. No. 598 and H. F. No. 161, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 621, A bill for an act relating to state government; allowing the acceptance of gifts to the state without the governor's approval; authorizing the commissioner of administration to rent state property without the governor's approval; authorizing the state to transfer surplus state property to local units of government; allowing the governor and lieutenant governor to use unmarked state cars; regulating the state building code's application to hospitals; amending Minnesota Statutes 1982, sections 7.09, subdivision 1; 16.02, subdivisions 14 and 18; 16.75, subdivision 7; 16.753, subdivision 5; and 16.851, subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 627, A bill for an act relating to the Minnesota humane society; providing for appointment of the executive director by the governor; amending Minnesota Statutes 1982, section 343.01, subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 639, A bill for an act relating to energy; changing a cross-reference for nonpublic data reporting; amending the definition of "earth sheltered"; changing the due date of biennial energy reports; amending Minnesota Statutes 1982, sections 13.68, subdivision 1; 116J.06, subdivision 2; and 116J.18, subdivision 1.

The bill was read for the first time.

Piper moved that S. F. No. 639 and H. F. No. 1154, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 645, A resolution memorializing the President and Congress to authorize the issuance of qualified mortgage bonds beyond the current expiration date of December 31, 1983.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

S. F. No. 673, A bill for an act relating to motor vehicles; providing for handicapped persons to obtain special plates for recreational vehicles; amending Minnesota Statutes 1982, section 168.021, subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation.

S. F. No. 723, A bill for an act relating to public welfare; providing guidelines for considering race and ethnic origin in foster care and adoption placement; requiring recruitment, periodic review, reporting, and recordkeeping; providing for a voluntary task force; amending Minnesota Statutes 1982, sections 257.01; 257.071, subdivision 2, and by adding subdivisions; 259.27, subdivisions 1 and 2; 259.28; 260.181, subdivision 3; 260.191, subdivision 1; 260.192; and 260.242, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 257 and 259.

The bill was read for the first time and referred to the Committee on Health and Welfare.

S. F. No. 92, A bill for an act relating to towns, cities, and counties; requiring other government units to give notice to towns, cities, and counties of actions that affect land use or taxation; proposing new law coded in Minnesota Statutes, chapter 471.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 204, A bill for an act relating to taxation; defining "isolated or occasional sales" for purposes of the sales tax exemption; amending Minnesota Statutes 1982, section 297A.25, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 234, A bill for an act relating to the town of Windemere; permitting the town to have the powers of a metropolitan area town.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 238, A bill for an act relating to mining; including peat within the provisions of mineland reclamation laws; requiring adoption of certain reclamation rules prior to issuance of

metallic mining permits; amending Minnesota Statutes 1982, sections 93.44; 93.46, subdivisions 2 and 6; and 93.481, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 93.

The bill was read for the first time.

Munger moved that S. F. No. 238 and H. F. No. 733, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 263, A bill for an act relating to insurance; health and accident; providing reimbursement for the services of certain licensed and certified registered nurses on an equal basis with other licensed health professional services; amending Minnesota Statutes 1982, sections 62A.03, subdivision 1; and 62A.15.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

S. F. No. 402, A bill for an act relating to state government; implementing an executive order transferring the state soil and water conservation board from the department of natural resources to the department of agriculture; amending Minnesota Statutes 1982, section 40.03.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 416, A bill for an act relating to certain towns in Goodhue County; authorizing the town board to set the hours the polling places will be open in town elections.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

S. F. No. 147, A bill for an act relating to retirement; employee and employer contributions to the Minnesota state retirement system; amending Minnesota Statutes 1982, section 352.92, subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 659, A bill for an act relating to the city of Crookston; providing for membership in the public employees police and fire fund by a certain police officer.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 767, A bill for an act relating to retirement; authorizing the purchase of prior service credit in the Minnesota state retirement system by certain employees or former employees of the legislature or joint legislative agencies or commissions; proposing new law coded in Minnesota Statutes, chapter 352D.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 827, A bill for an act relating to retirement; public employees retirement association; removing a waiting period prior to the effect of an optional annuity for disabled persons; amending Minnesota Statutes 1982, sections 353.33, subdivision 3a; and 353.656, subdivision 1a.

The bill was read for the first time.

Schreiber moved that S. F. No. 827 and H. F. No. 793, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 833, A bill for an act relating to retirement; White Bear Lake volunteer firefighters; providing for incentive benefit amounts, validating prior actions; repealing Laws 1971, chapter 214; Laws 1979, chapter 201, sections 30 and 31; Laws 1981, chapter 224, section 257.

The bill was read for the first time.

Reif moved that S. F. No. 833 and H. F. No. 907, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 855, A bill for an act relating to motor vehicles; exempting certain vehicles from license fees; authorizing the use of certain state department vehicles without uniform coloring or marking; amending Minnesota Statutes 1982, sections 16.75, subdivision 7; and 168.012, subdivision 1.

The bill was read for the first time.

Neuenschwander moved that S. F. No. 855 and H. F. No. 960, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 936, A bill for an act relating to retirement; the Minneapolis police relief association; board membership; sources and uses of funds; member contributions; amending Laws 1949, Chapter 406, Sections 1, Subdivision 1, as amended; 3, as amended; 4, Subdivisions 2 and 3, as amended; 5, Subdivisions 1, 3,

and 5, as amended; and 6, Subdivision 3, as amended; Laws 1953, Chapter 127, Sections 1, Subdivisions 1, as amended, and 4, and by adding a subdivision; and Laws 1965, Chapter 493, Section 5.

The bill was read for the first time.

Sarna moved that S. F. No. 936 and H. F. No. 911, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 346, A bill for an act relating to agriculture; granting the commissioner powers relating to agricultural promotion; changing certain procedures related to fees; redefining certain terms; changing the coverage of the consolidated food licensing law; permitting the sale of certain eggs for human consumption; updating certain provisions; specifying certain plumbing and sewage disposal requirements; changing the coverage of certain animal processing laws; prohibiting sale or possession of certain meat; changing certain fees; changing the dates of reports from and payments to certain agricultural societies; eliminating certain duties of the commissioner of agriculture and county agricultural agents; eliminating the prohibition on manufacture or use of certain preservative compounds; eliminating provisions relating to the dairy industry; adjusting fees for inspection of warehouses; directing the commissioner of agriculture to adopt a mandatory collective ratemaking procedure for warehousemen; amending Minnesota Statutes 1982, sections 17.101; 17B.15, subdivision 1; 28A.03; 29.235; 31.01, subdivision 20; 31.10; 31.101, subdivisions 3, 4, 5, 6, 7, and 8; 31.51, subdivision 2; 31.56, subdivision 1; 31A.02, subdivision 5; 31A.10; 31A.15; 32.394, subdivision 8; 34.05, subdivision 1; 38.02, subdivisions 1 and 3; 231.11; 231.12; 231.16; 232.22, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 31; repealing Minnesota Statutes 1982, sections 17.031; 17.032; 17B.15, subdivision 2; 31.401 to 31.406; 32.472; and 32.473.

The bill was read for the first time and referred to the Committee on Agriculture.

S. F. No. 591, A bill for an act relating to insurance; health and accident; prohibiting provider discrimination in insurance policies covering mental health services; amending Minnesota Statutes 1982, section 62A.152, 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. 684, A bill for an act relating to mortgage registry tax; providing for a valid and recordable security in a variable debt instrument; waiving mortgage registry tax for marriage dissolution instruments; amending Minnesota Statutes 1982, sections 287.01, subdivision 3; 287.03; and 287.04.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 403, A bill for an act relating to agriculture; making certain changes in the family farm security loan program; amending Minnesota Statutes 1982, sections 15.38, by adding a subdivision; 16.02, subdivision 14; 41.52, by adding a subdivision; 41.53, subdivision 2; 41.54, subdivision 2; 41.55; 41.56, subdivisions 4, 5, and by adding subdivisions; 41.57, subdivision 2, and by adding a subdivision; 41.58, subdivision 1; 41.59, subdivisions 1, 2, and 3; and 41.61, subdivision 1.

The bill was read for the first time and referred to the Committee on Appropriations.

S. F. No. 746, A bill for an act relating to counties; permitting counties to issue notes to finance purchase of necessary capital equipment; amending Minnesota Statutes 1982, section 373.01, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 844, A bill for an act relating to crimes; changing the penalty for the theft of controlled substances; amending Minnesota Statutes 1982, section 609.52, subdivision 3.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 1104, A bill for an act relating to motor vehicles; clarifying requirements for issuance of a Minnesota identification card; amending Minnesota Statutes 1982, section 171.07, subdivision 3.

The bill was read for the first time and referred to the Committee on Transportation.

S. F. No. 551, A bill for an act relating to waters; requiring legislative approval for diversion of water outside the state; amending Minnesota Statutes 1982, section 105.405, subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 948, A bill for an act relating to metropolitan government; providing for the term of the chairman of the metropolitan airports commission; amending Minnesota Statutes 1982, section 473.604, subdivision 1.

The bill was read for the first time.

Nelson, D., moved that S. F. No. 948 and H. F. No. 1161, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1083, A bill for an act relating to transportation; authorizing placement of vending machines in highway rest areas, tourist information centers, and weigh stations; amending Minnesota Statutes 1982, sections 160.08, subdivision 7; and 160.28.

The bill was read for the first time and referred to the Committee on Transportation.

S. F. No. 597, A bill for an act relating to financial institutions; credit unions; requiring applicants to form a credit union to submit certain information to the commissioner of banks; expanding the class of persons who may become members; allowing certain small groups to join an existing credit union or form a separate credit union; amending Minnesota Statutes 1982, sections 52.01; 52.05; and 168.67.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

S. F. No. 653, A bill for an act relating to natural resources; authorizing the marking of canoe and boating routes on the Pine river; amending Minnesota Statutes 1982, section 85.32, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 681, A bill for an act relating to taxation; increasing the fee for issuance of a petroleum products distributors license; increasing the fee for issuance of special fuel dealers or bulk purchasers licenses; increasing the fee for issuance of a motor carrier license; increasing the fee for issuance of a temporary trip permit; amending Minnesota Statutes 1982, sections 296.06, subdivision 2; 296.12, subdivisions 1 and 2; and 296.17, subdivisions 10 and 17.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

S. F. No. 603, A bill for an act relating to elections; providing for the preparation and availability of correct precinct lists; amending Minnesota Statutes 1982, section 201.091, subdivision 2.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

S. F. No. 705, A bill for an act relating to Blue Earth County; providing for the taxation of the Rapidan Dam power generating facility.

The bill was read for the first time.

Wigley moved that S. F. No. 705 and H. F. No. 835, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 972, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to sell certain lands in St. Louis County; appropriating money.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 611, A bill for an act relating to occupations and professions; limiting municipal regulation of tow truck operators; limiting removal by tow trucks from private property; proposing new law coded in Minnesota Statutes, chapter 465.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

S. F. No. 34, A bill for an act relating to elections; requiring representation of unorganized townships in appointment of election judges by certain county boards; amending Minnesota Statutes 1982, section 204B.21.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

S. F. No. 175, A bill for an act relating to elections; including certain transportation expenses in the list of noncampaign disbursements; amending Minnesota Statutes 1982, section 10A.01, subdivision 10c.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

S. F. No. 529, A bill for an act relating to human rights; prohibiting discrimination because of disability; providing penalties; amending Minnesota Statutes 1982, sections 363.01, subdivision 25, and by adding subdivisions; 363.02, subdivisions 1 and 5; 363.03, subdivisions 1, 3, 4, and 7; and repealing Minnesota Statutes 1982, section 363.03, subdivision 4a.

The bill was read for the first time and referred to the Committee on Judiciary.



S. F. No. 606, A bill for an act relating to retirement; public employees funds generally; increasing interest rates paid on refunds and rates required for repayment of refunds and other payments to the funds; amending Minnesota Statutes 1982, sections 3A.03, subdivision 2; 352.029, subdivision 4; 352.04, subdivision 8; 352.12, subdivision 1; 352.22, subdivision 2; 352.23; 352.27; 352.271; 352B.11, subdivisions 1, 3, and 4; 352C.09, subdivision 2; 353.01, subdivision 16; 353.27, subdivision 12; 353.28, subdivision 5; 353.32, subdivision 1; 353.34, subdivision 2; 353.35; 353.36, subdivision 2; 354.47, subdivision 1; 354.49, subdivision 2; 354.50, subdivision 2; 354.51, subdivisions 4 and 5; 354.52, subdivision 4; 354.53, subdivision 1; 354.532, subdivision 3; 354A.093; 354A.32; 354A.35, subdivisions 1 and 2; 354A.37, subdivisions 3 and 4; 354A.38, subdivision 3; 422A.09, subdivision 3; 422A.11, subdivision 2; 422A.16, subdivision 5; 422A.22, subdivisions 1, 4 and 5; 422A.221, subdivision 2; and 490.124, subdivision 12; repealing Minnesota Statutes 1982, section 354.49, subdivision 3.

The bill was read for the first time and referred to the Committee on Appropriations.

S. F. No. 734, A bill for an act relating to public welfare; modifying the procedure by which a vendor of care in the medical assistance program may seek review of proposed action on the part of the commissioner to make monetary recoveries or impose sanctions; permitting the commissioner to limit or suspend the eligibility of persons for medical assistance upon conviction of a criminal offense; allowing the commissioner access to medical records of medical assistance recipients without written authorization; amending Minnesota Statutes 1982, sections 256.045, subdivision 3; 256B.061; and 256B.27, subdivisions 3 and 4.

The bill was read for the first time and referred to the Committee on Health and Welfare.

S. F. No. 784, A bill for an act relating to public welfare; setting eligibility criteria for community social services; requiring information from users to be included in the planning process; prescribing duties of the commissioner; amending Minnesota Statutes 1982, sections 256E.03, subdivision 2; 256E.05, subdivision 3; and 256E.09, subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Health and Welfare.

S. F. No. 967, A bill for an act relating to real property; requiring 60 days notice of default on a farm real estate mortgage, notice of termination of a farm real estate contract for deed, and notice of commencement of a sale and foreclosure proceeding; providing that a mortgage on farm real estate is rein-

stated during the redemption period upon payment of installments in default and due during the period of redemption; authorizing farm working capital loan guarantees until June 1, 1983; amending Minnesota Statutes 1982, sections 47.20, subdivision 8; 550.18; 559.21, subdivisions 1, 1a, and 2; 580.09; 580.28, subdivision 1; 580.30; and 581.10.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 1009, A bill for an act relating to transportation; defining certain terms relating to motor vehicle carriers; delineating exemptions; prescribing rules for operation of carriers; providing for investigation of carriers; providing for regulation of carriers of hazardous materials; providing for granting of certificates for operation; setting procedures for establishing rate schedules; providing for fees; providing for annual registration; requiring certificates of insurance; allowing permits to be assigned or transferred under certain conditions; providing hearing procedures regarding rate schedules; requiring shipping documents; providing for regulation of interstate carriers; authorizing suspension of operating authority under certain conditions; requiring refunds for overcharges; providing enforcement powers; providing penalties; providing for annual renewal of identification stamps; regulating local cartage carriers; assigning duties, functions, and powers to the public utilities commission until the transportation regulation board is established and appointed; amending Minnesota Statutes 1982, sections 168.013, subdivision 1e; 174.22, subdivision 2; 221.011, subdivisions 3, 9, 11, 12, 14, 15, 16, 19, 21, and 24, and by adding subdivisions; 221.021; 221.031; 221.041; 221.071; 221.111; 221.121; 221.131; 221.141, subdivision 1, and by adding a subdivision; 221.151; 221.161; 221.171; 221.181; 221.221; 221.251; 221.291; 221.296, subdivisions 2, 3, and 4; and 221.64; proposing new law coded in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1982, sections 221.011, subdivisions 4 and 22; 221.032; 221.141, subdivision 2; 221.292; 221.294; and 221.296, subdivision 1.

The bill was read for the first time.

Dempsey moved that S. F. No. 1009 and H. F. No. 1020, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

### CONSENT CALENDAR

S. F. No. 369, A bill for an act relating to local government; providing for the investment of debt service funds; amending Minnesota Statutes 1982, section 475.66, 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 106 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Kvam	Piper	Solberg
Anderson, G.	Erickson	Larsen	Price	Sparby
Battaglia	Evans	Levi	Quinn	Stadum
Begich	Findlay	Long	Quist	Sviggum
Bennett	Fjoslien	Ludeman	Redalen	Thiede
Bergstrom	Forsythe	Mann	Reif	Tomlinson
Berkelman	Frerichs	Marsh	Rice	Uphus
Blatz	Graba	McEachern	Rodosovich	Valan
Brandl	Greenfield	Metzen	Rodriguez, F.	Valento
Brinkman	Gruenes	Munger	Rose	Voss
Burger	Gustafson	Murphy	St. Onge	Waltman
Carlson, D.	Cutknecht	Nelson, D.	Sarna	Welch
Carlson, L.	Haukoos	Neuenschwander	Schafer	Welker
Clark, J.	Heap	Norton	Schoenfeld	Welle
Clark, K.	Himle	Ogren	Schreiber	Wenzel
Cohen	Jacobs	Olsen	Seaberg	Wigley
Coleman	Jennings	Omann	Segal	Wynia
Dempsey	Johnson	Onnen	Shaver	Zaffke
DenOuden	Kahn	Osthoff	Shea	
Dimler	Kalis	Otis	Sherman	
Eken	Kelly	Pauly	Simoneau	
Elioff	Knuth	Piepho	Skoglund	

The bill was passed and its title agreed to.

S. F. No. 356, A bill for an act relating to driver's licenses; requiring examination of applicants' knowledge of the effects of alcohol and drugs on drivers; amending Minnesota Statutes 1982, section 171.13, 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 107 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Coleman	Cutknecht	Mann	Piepho
Anderson, G.	Dempsey	Haukoos	Marsh	Piper
Battaglia	DenOuden	Heap	McEachern	Price
Begich	Dimler	Himle	Metzen	Quinn
Bennett	Elioff	Jacobs	Munger	Quist
Bergstrom	Ellingson	Jennings	Murphy	Redalen
Berkelman	Erickson	Johnson	Nelson, D.	Reif
Blatz	Evans	Kahn	Neuenschwander	Rice
Brandl	Findlay	Kalis	Norton	Rodosovich
Brinkman	Fjoslien	Kelly	Ogren	Rodriguez, F.
Burger	Forsythe	Knuth	Olsen	Rose
Carlson, D.	Frerichs	Kvam	Omann	St. Onge
Carlson, L.	Graba	Larsen	Onnen	Sarna
Clark, J.	Greenfield	Levi	Osthoff	Schafer
Clark, K.	Gruenes	Long	Otis	Scheid
Cohen	Gustafson	Ludeman	Pauly	Schoenfeld

Schreiber	Simoneau	Thiede	Voss	Wigley
Seaberg	Skoglund	Tomlinson	Waltman	Wynia
Segal	Solberg	Uphus	Welch	Zaffke
Shaver	Sparby	Valan	Welker	
Shea	Stadum	Valento	Welle	
Sherman	Sviggum	Vellenga	Wenzel	

The bill was passed and its title agreed to.

S. F. No. 708 was reported to the House.

There being no objection S. F. No. 708 was continued one day.

H. F. No. 859 was reported to the House.

There being no objection H. F. No. 859 was continued one day.

H. F. No. 259, A bill for an act relating to watercraft safety; requirement for rear view mirrors while towing skiers; amending Minnesota Statutes 1982, section 361.09, 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 98 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Kvam	Piepho	Simoneau
Battaglia	Erickson	Larsen	Piper	Skoglund
Begich	Evans	Levi	Price	Solberg
Bennett	Findlay	Long	Quinn	Stadum
Bergstrom	Fjoslien	Ludeman	Quist	Thiede
Berkelman	Forsythe	Marsh	Redalen	Tomlinson
Bishop	Frerichs	McEachern	Reif	Uphus
Blatz	Graba	Metzen	Rodosovich	Valan
Brandl	Greenfield	Munger	Rodriguez, F.	Valento
Burger	Gruenes	Murphy	Rose	Vellenga
Carlson, D.	Gustafson	Nelson, D.	St. Onge	Voss
Carlson, L.	Gutknecht	Neuenschwander	Sarna	Waltman
Clark, J.	Heap	Norton	Schafer	Welker
Clark, K.	Himle	Ogren	Scheid	Welle
Cohen	Jacobs	Olsen	Schoenfeld	Wenzel
Coleman	Johnson	Omman	Schreiber	Wigley
Dempsey	Kahn	Onnen	Seaberg	Wynia
DenOuden	Kalis	Osthoff	Segal	Zaffke
Dimler	Kelly	Otis	Shea	
Elioff	Knuth	Pauly	Sherman	

Those who voted in the negative were:

Anderson, B.	Haukoos	Jennings	Sviggum
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The bill was passed and its title agreed to.

H. F. No. 426, A bill for an act relating to child support enforcement; amending Minnesota Statutes 1982, section 256.87, subdivision 1a, 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 108 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Knuth	Piepho	Simoneau
Anderson, G.	Ellingson	Kvam	Piper	Skoglund
Battaglia	Erickson	Larsen	Price	Solberg
Begich	Evans	Levi	Quinn	Sparby
Bennett	Findlay	Long	Quist	Stadum
Bergstrom	Fjoslien	Ludeman	Redalen	Sviggum
Berkelman	Forsythe	Mann	Reif	Thiede
Bishop	Frerichs	Marsh	Rice	Tomlinson
Blatz	Graba	McEachern	Rodosovich	Valan
Brandl	Greenfield	Metzen	Rodriguez, F.	Valento
Brinkman	Gruenes	Munger	Rose	Vellenga
Burger	Gustafson	Murphy	St. Onge	Voss
Carlson, D.	Gutknecht	Nelson, D.	Sarna	Waltman
Carlson, L.	Haukoos	Neuenschwander	Schafer	Welch
Clark, J.	Heap	Norton	Scheid	Welker
Clark, K.	Himle	Ogren	Schoenfeld	Welle
Cohen	Jacobs	Olsen	Schreiber	Wenzel
Coleman	Jennings	Omann	Seaberg	Wigley
Dempsey	Johnson	Onnen	Segal	Wynia
DenOuden	Kahn	Osthoff	Shaver	Zaffke
Dimler	Kalis	Otis	Shea	
Eken	Kelly	Pauly	Sherman	

The bill was passed and its title agreed to.

H. F. No. 516, A bill for an act relating to the city of Montevideo; giving it certain powers of a statutory city.

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 104 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Carlson, L.	Evans	Heap	Levi
Anderson, G.	Clark, J.	Findlay	Himle	Long
Battaglia	Clark, K.	Fjoslien	Jacobs	Ludeman
Begich	Cohen	Forsythe	Jennings	Marsh
Bennett	Dempsey	Frerichs	Johnson	McEachern
Bergstrom	DenOuden	Graba	Kahn	Metzen
Berkelman	Dimler	Greenfield	Kalis	Munger
Blatz	Eken	Gruenes	Kelly	Murphy
Brandl	Elioff	Gustafson	Knuth	Nelson, K.
Burger	Ellingson	Gutknecht	Kvam	Neuenschwander
Carlson, D.	Erickson	Haukoos	Larsen	Norton

Ogren	Quinn	Scheid	Solberg	Voss
Olsen	Quist	Schoenfeld	Sparby	Waltman
Omann	Redalen	Schreiber	Stadum	Welch
Onnen	Reif	Seaberg	Sviggum	Welker
Osthoff	Rice	Segal	Thiede	Welle
Otis	Rodriguez, F.	Shaver	Tomlinson	Wenzel
Pauly	Rose	Shea	Uphus	Wigley
Piepho	St. Onge	Sherman	Valan	Wynia
Piper	Sarna	Simoneau	Valento	Zaifke
Price	Schafer	Skoglund	Vallenga	

The bill was passed and its title agreed to.

The Speaker assumed the Chair.

H. F. No. 584 was reported to the House.

Murphy moved to amend H. F. No. 584, the first engrossment, as follows:

Page 2, line 32, delete "*price is paid in full by the*" and after "*consignor*" insert "*has been paid in full*"

The motion prevailed and the amendment was adopted.

H. F. No. 584, A bill for an act relating to commerce; regulating the consignment of works of art; specifying the rights and duties of consignors and consignees; defining terms; proposing new law coded as Minnesota Statutes, chapter 324.

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 105 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dimler	Jennings	Neuenschwander	Rose
Anderson, G.	Eken	Johnson	Norton	St. Onge
Battaglia	Elioff	Kahn	Ogren	Schafer
Begich	Ellingson	Kalis	Olsen	Scheid
Bennett	Erickson	Kelly	Omann	Schoenfeld
Bergstrom	Evans	Knuth	Onnen	Schreiber
Berkelman	Findlay	Kvam	Osthoff	Shaver
Bishop	Fjoslien	Larsen	Otis	Shea
Blatz	Forsythe	Levi	Pauly	Sherman
Brandl	Frerichs	Long	Piepho	Simoneau
Brinkman	Graba	Ludeman	Piper	Skoglund
Burger	Greenfield	Mann	Price	Solberg
Carlson, D.	Gruenes	Marsh	Quinn	Stadum
Carlson, L.	Gustafson	McEachern	Quist	Sviggum
Clark, J.	Gutknecht	Metzen	Redalen	Thiede
Clark, K.	Hankooos	Munger	Reif	Tomlinson
Cohen	Heap	Murphy	Rice	Uphus
Coleman	Himle	Nelson, D.	Rodosovich	Valan
Dempsey	Jacobs	Nelson, K.	Rodriguez, F.	Valento

Vellenga  
VossWaltman  
WelchWelker  
WenzelWigley  
WyniaZaffke  
Speaker Sieben

Those who voted in the negative were:

DenOuden

Seaberg

Sparby

Welle

The bill was passed, as amended, and its title agreed to.

H. F. No. 741, A bill for an act relating to real estate; regulating the duties of a county recorder; amending Minnesota Statutes 1982, sections 386.31; 386.36; 580.24; 580.25; 582.03; 582.04; repealing Minnesota Statutes 1982, section 357.181.

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 111 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Kvam	Piper	Sparby
Anderson, G.	Erickson	Larsen	Price	Stadum
Battaglia	Evans	Levi	Quinn	Sviggum
Begich	Findlay	Long	Quist	Thiede
Bennett	Fjoslien	Ludeman	Redalen	Tomlinson
Bergstrom	Forsythe	Mann	Reif	Uphus
Berkelman	Frerichs	Marsh	Rice	Valan
Bishop	Graba	McEachern	Rodosovich	Valento
Blatz	Greenfield	Metzen	Rodriguez, F.	Vellenga
Brandl	Grüenes	Munger	Rose	Voss
Brinkman	Gustafson	Murphy	St. Onge	Waltman
Burger	Gutknecht	Nelson, D.	Sarna	Welch
Carlson, D.	Haukoos	Nelson, K.	Schafer	Welker
Carlson, L.	Heap	Neuenschwander	Scheid	Welle
Clark, J.	Himle	Norton	Schoenfeld	Wenzel
Clark, K.	Jacobs	Ogren	Schreiber	Wigley
Cohen	Jennings	Olsen	Seaberg	Wynia
Coleman	Johnson	Omann	Shaver	Zaffke
Dempsey	Kahn	Onnen	Shea	Speaker Sieben
DenOuden	Kalis	Osthoff	Sherman	
Dimler	Kelly	Otis	Simoneau	
Eken	Knuth	Pauly	Skoglund	
Elioff	Krueger	Piepho	Solberg	

The bill was passed and its title agreed to.

H. F. No. 764, A bill for an act relating to retirement; qualifying park district police for certain pension aids; amending Minnesota Statutes 1982, section 69.011, 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 110 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Krueger	Pauly	Sherman
Anderson, G.	Erickson	Kvam	Piepho	Simoneau
Battaglia	Evans	Larsen	Piper	Skoglund
Begich	Findlay	Levi	Price	Solberg
Bennett	Fjoslien	Long	Quinn	Sparby
Bergstrom	Forsythe	Ludeman	Quist	Stadum
Berkelman	Frerichs	Mann	Redalen	Sviggum
Bishop	Graba	Marsh	Reif	Thiede
Blatz	Greenfield	McEachern	Rice	Tomlinson
Brandl	Gruenes	Metzen	Rodosovich	Uphus
Brinkman	Gustafson	Munger	Rodriguez, F.	Valan
Burger	Gutknecht	Murphy	Rose	Valento
Carlson, L.	Haukoos	Nelson, D.	St. Onge	Voss
Clark, J.	Heap	Nelson, K.	Sarna	Waltman
Clark, K.	Himle	Neuenschwander	Schafer	Welch
Cohen	Jacobs	Norton	Scheid	Welker
Coleman	Jennings	Ogren	Schoenfeld	Welle
Dempsey	Johnson	Olsen	Schreiber	Wenzel
DenOuden	Kahn	Omamn	Seaberg	Wigley
Dimler	Kalis	Onnen	Segal	Wynia
Eken	Kelly	Osthoff	Shaver	Zaffke
Elioff	Knuth	Otis	Shea	Speaker Sieben

The bill was passed and its title agreed to.

H. F. No. 798, A bill for an act relating to tax-forfeited land; authorizing the sale of a certain tract within the city of Orono.

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 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Kvam	Piper	Sparby
Anderson, G.	Erickson	Larsen	Price	Stadum
Battaglia	Evans	Levi	Quinn	Sviggum
Begich	Findlay	Long	Quist	Thiede
Bennett	Fjoslien	Ludeman	Redalen	Tomlinson
Bergstrom	Forsythe	Mann	Reif	Uphus
Berkelman	Frerichs	Marsh	Rice	Valan
Bishop	Graba	McEachern	Rodosovich	Valento
Blatz	Greenfield	Metzen	Rodriguez, F.	Vellenga
Brandl	Gruenes	Munger	Rose	Voss
Brinkman	Gustafson	Murphy	St. Onge	Waltman
Burger	Gutknecht	Nelson, D.	Sarna	Welch
Carlson, D.	Haukoos	Nelson, K.	Scheid	Welker
Carlson, L.	Heap	Neuenschwander	Schoenfeld	Welle
Clark, J.	Himle	Norton	Schreiber	Wenzel
Clark, K.	Jacobs	Ogren	Seaberg	Wigley
Cohen	Jennings	Olsen	Segal	Wynia
Coleman	Johnson	Omamn	Shaver	Zaffke
Dempsey	Kahn	Onnen	Shea	Speaker Sieben
DenOuden	Kalis	Osthoff	Sherman	
Dimler	Kelly	Otis	Simoneau	
Eken	Knuth	Pauly	Skoglund	
Elioff	Krueger	Piepho	Solberg	

The bill was passed and its title agreed to.



H. F. No. 849, A bill for an act relating to state lands; authorizing the sale of a certain lakeshore lot in Douglas 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 111 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Larsen	Price	Sparby
Anderson, G.	Erickson	Levi	Quinn	Stadum
Battaglia	Evans	Long	Quist	Swiggum
Begich	Findlay	Ludeman	Redalen	Thiede
Bennett	Fjoslien	Mann	Reif	Tomlinson
Bergstrom	Forsythe	Marsh	Rice	Uphus
Berkelman	Frerichs	McEachern	Rodosovich	Valan
Bishop	Graba	Metzen	Rodriguez, F.	Valento
Blatz	Greenfield	Munger	Rose	Vellenga
Brandl	Gruenes	Murphy	St. Onge	Voss
Brinkman	Gustafson	Nelson, D.	Sarna	Waltman
Burger	Gütnecht	Nelson, K.	Schafer	Welch
Carlson, D.	Haukoos	Neuenschwander	Scheid	Welker
Carlson, L.	Heap	Norton	Schoenfeld	Welle
Clark, J.	Himle	Ogren	Schreiber	Wenzel
Clark, K.	Jacobs	Olsen	Seaberg	Wigley
Cohen	Johnson	Omann	Segal	Wynia
Coleman	Kahn	Onnen	Shaver	Zaffke
Dempsey	Kalis	Osthoff	Shea	Speaker Sieben
DenOuden	Kelly	Otis	Sherman	
Dimler	Knuth	Pauly	Simoneau	
Eken	Krueger	Piepho	Skoglund	
Elioff	Kvam	Piper	Solberg	

The bill was passed and its title agreed to.

H. F. No. 914, A bill for an act relating to Ramsey County; reinstating a provision relating to mandatory retirement age for military veterans; amending Minnesota Statutes 1982, section 383A.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 111 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Bergstrom	Brinkman	Clark, K.	Dimler
Anderson, G.	Berkelman	Burger	Cohen	Eken
Battaglia	Bishop	Carlson, D.	Coleman	Elioff
Begich	Blatz	Carlson, L.	Dempsey	Ellingson
Bennett	Brandl	Clark, J.	DenOuden	Erickson

Evans	Knuth	Olsen	Sarna	Uphus
Findlay	Krueger	Omamm	Schafer	Valan
Fjoslien	Kvam	Onnen	Scheid	Valento
Forsythe	Larsen	Osthoff	Schoenfeld	Vellenga
Frerichs	Levi	Otis	Schreiber	Voss
Graba	Long	Pauly	Seaberg	Waltman
Greenfield	Ludeman	Piepho	Segal	Welch
Gruenes	Mann	Piper	Shaver	Welker
Gustafson	Marsh	Price	Shea	Welle
Gutknecht	McEachern	Quinn	Sherman	Wenzel
Haukoos	Metzen	Quist	Simoneau	Wigley
Heap	Munger	Redalen	Skoglund	Wynia
Himle	Murphy	Reif	Solberg	Zaffke
Jacobs	Nelson, D.	Rice	Sparby	Speaker Sieben
Johnson	Nelson, K.	Rodosovich	Stadum	
Kahn	Neuenschwander	Rodriguez, F.	Sviggum	
Kalis	Norton	Rose	Thiede	
Kelly	Ogren	St. Onge	Tomlinson	

The bill was passed and its title agreed to.

H. F. No. 946, A bill for an act relating to state government; implementing an executive order transferring the state soil and water conservation board from the department of natural resources to the department of agriculture; amending Minnesota Statutes 1982, section 40.03.

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 111 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Kvam	Price	Sparby
Anderson, C.	Erickson	Larsen	Quinn	Stadum
Battaglia	Evans	Levi	Quist	Sviggum
Begich	Findlay	Long	Redalen	Thiede
Bennett	Fjoslien	Ludeman	Reif	Tomlinson
Bergstrom	Forsythe	Mann	Rice	Uphus
Berkelman	Frerichs	Marsh	Rodosovich	Valan
Bishop	Graba	McEachern	Rodriguez, F.	Valento
Blatz	Greenfield	Metzen	Rose	Vellenga
Brandl	Gruenes	Murphy	St. Onge	Voss
Brinkman	Gustafson	Nelson, D.	Sarna	Waltman
Burger	Gutknecht	Nelson, K.	Schafer	Welch
Carlson, D.	Haukoos	Neuenschwander	Scheid	Welker
Carlson, L.	Heap	Norton	Schoenfeld	Welle
Clark, J.	Himle	Ogren	Schreiber	Wenzel
Clark, K.	Jacobs	Olsen	Seaberg	Wigley
Cohen	Jennings	Omamm	Segal	Wynia
Coleman	Johnson	Onnen	Shaver	Zaffke
Dempsey	Kahn	Osthoff	Shea	Speaker Sieben
DenOuden	Kalis	Otis	Sherman	
Dimler	Kelly	Pauly	Simoneau	
Eken	Knuth	Piepho	Skoglund	
Elioff	Krueger	Piper	Solberg	

Those who voted in the negative were:

Munger

The bill was passed and its title agreed to.

H. F. No. 954, A bill for an act relating to the Minneapolis park and recreation board; providing for the appointment of various employees; amending Laws 1969, chapter 1024, sections 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 112 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Kvam	Piper	Soiberg
Anderson, G.	Erickson	Larsen	Price	Sparby
Battaglia	Evans	Levi	Quinn	Stadum
Begich	Findlay	Long	Quist	Sviggum
Bennett	Fjoslien	Ludeman	Redalen	Thiede
Bergstrom	Forsythe	Mann	Reif	Tomlinson
Berkelman	Frerichs	Marsh	Rice	Uphus
Bishop	Graba	McEachern	Rodosovich	Valan
Blatz	Greenfield	Metzen	Rodriguez, F.	Valento
Brandl	Gruenes	Munger	Rose	Vellenga
Brinkman	Gustafson	Murphy	St. Onge	Voss
Burger	Gutknecht	Nelson, D.	Sarna	Waltman
Carlson, D.	Haukoos	Nelson, K.	Schafer	Welch
Carlson, L.	Heap	Neuenschwander	Scheid	Welker
Clark, J.	Himle	Norton	Schoenfeld	Welle
Clark, K.	Jacobs	Ogren	Schreiber	Wenzel
Cohen	Jennings	Olsen	Seaberg	Wigley
Coleman	Johnson	Omann	Segal	Wynia
Dempsey	Kahn	Onnen	Shaver	Zaffke
DenOuden	Kalis	Osthoff	Shea	Speaker Sieben
Dimler	Kelly	Otis	Sherman	
Eken	Knuth	Pauly	Simoneau	
Elioff	Krueger	Piepho	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 958, A bill for an act relating to long term care; requiring the commissioners of health and public welfare to prepare a report to the legislature.

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 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Knuth	Pauly	Simoneau
Anderson, C.	Ellingson	Krueger	Piepho	Skoglund
Battaglia	Erickson	Kvam	Piper	Solberg
Begich	Evans	Levi	Quinn	Sparby
Bennett	Findlay	Long	Quist	Stadum
Bergstrom	Fjoslien	Ludeman	Redalen	Sviggum
Berkelman	Forsythe	Mann	Reif	Thiede
Bishop	Frerichs	Marsh	Rice	Tomlinson
Blatz	Graba	McEachern	Rodosovich	Uphus
Brandl	Greenfield	Metzen	Rodriguez, F.	Valan
Brinkman	Gruenes	Munger	Rose	Valento
Burger	Gustafson	Murphy	St. Onge	Vellenga
Carlson, D.	Gutknecht	Nelson, D.	Sarna	Voss
Carlson, L.	Haukoos	Nelson, K.	Schafer	Waltman
Clark, J.	Heap	Neuenschwander	Scheid	Welch
Clark, K.	Himle	Norton	Schoenfeld	Welker
Cohen	Jacobs	Ogren	Schreiber	Welle
Coleman	Jennings	Olsen	Seaberg	Wenzel
Dempsey	Johnson	Omann	Segal	Wigley
DenOuden	Kahn	Onnen	Shaver	Wynia
Dimler	Kalis	Osthoff	Shea	Zaffke
Eken	Kelly	Otis	Sherman	Speaker Sieben

The bill was passed and its title agreed to.

H. F. No. 959 was reported to the House.

Quist moved to amend H. F. No. 959, as follows:

Page 1, line 10, delete "100,000" insert "50,000"

The motion prevailed and the amendment was adopted.

H. F. No. 959, A bill for an act relating to commerce; authorizing certain retailers of motor vehicle fuel to compute sales by the half-gallon; proposing new law coded in Minnesota Statutes 1982, section 325E.095.

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 110 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Burger	Ellingson	Gutknecht	Krueger
Anderson, C.	Carlson, D.	Erickson	Haukoos	Kvam
Battaglia	Carlson, L.	Evans	Heap	Larsen
Begich	Clark, K.	Findlay	Himle	Levi
Bennett	Cohen	Fjoslien	Jacobs	Long
Bergstrom	Coleman	Forsythe	Jennings	Ludeman
Berkelman	Dempsey	Frerichs	Johnson	Mann
Bishop	DenOuden	Graba	Kahn	Marsh
Blatz	Dimler	Greenfield	Kalis	McEachern
Brandl	Eken	Gruenes	Kelly	Metzen
Brinkman	Elioff	Gustafson	Knuth	Munger

Murphy	Piepho	St. Onge	Simoneau	Vellenga
Nelson, D.	Piper	Sarna	Skoglund	Voss
Neuenschwander	Price	Schafer	Solberg	Waltman
Norton	Quinn	Scheid	Sparby	Welch
Ogren	Quist	Schoenfeld	Stadum	Welker
Olsen	Redalen	Schreiber	Sviggum	Welle
Omann	Reif	Seaberg	Thiede	Wenzel
Onnen	Rice	Segal	Tomlinson	Wigley
Osthoff	Rodosovich	Shaver	Uphus	Wynia
Otis	Rodriguez, F.	Shea	Valan	Zaffke
Pauly	Rose	Sherman	Valento	Speaker Sieben

The bill was passed, as amended, and its title agreed to.

**H. F. No. 1062, A bill for an act relating to port authorities; providing for the term of service of certain members of port authorities; amending Minnesota Statutes 1982, section 458.10, 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 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Krueger	Pauly	Simoneau
Anderson, G.	Ellingson	Kvam	Piepho	Skoglund
Battaglia	Erickson	Larsen	Piper	Solberg
Begich	Findlay	Levi	Price	Sparby
Bennett	Fjoslien	Long	Quist	Stadum
Bergstrom	Forsythe	Ludeman	Redalen	Sviggum
Berkelman	Frericha	Mann	Reif	Thiede
Bishop	Graba	Marsh	Rice	Tomlinson
Blatz	Greenfield	McEachern	Rodosovich	Uphus
Brandl	Gruenes	Metzen	Rodriguez, F.	Valan
Brinkman	Gustafson	Munger	Rose	Valento
Burger	Gutknecht	Murphy	St. Onge	Vellenga
Carlson, D.	Haukoos	Nelson, D.	Sarna	Voss
Carlson, L.	Heap	Nelson, K.	Schafer	Waltman
Clark, J.	Himle	Neuenschwander	Scheid	Welch
Clark, K.	Jacobs	Norton	Schoenfeld	Welker
Cohen	Jennings	Ogren	Schreiber	Welle
Coleman	Johnson	Olsen	Seaberg	Wenzel
Dempsey	Kahn	Omann	Segal	Wigley
DenOuden	Kalis	Onnen	Shaver	Wynia
Dimler	Kelly	Osthoff	Shea	Zaffke
Eken	Knuth	Otis	Sherman	Speaker Sieben

The bill was passed and its title agreed to.

**H. F. No. 1079, A bill for an act relating to social and charitable organizations; including planning and developing costs as fundraising costs; amending Minnesota Statutes 1982, section 309.50, 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 110 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Knuth	Pauly	Sherman
Anderson, G.	Ellingson	Krueger	Piepho	Simoneau
Battaglia	Erickson	Kvam	Piper	Skoglund
Begich	Evans	Larsen	Price	Solberg
Bennett	Findlay	Levi	Quinn	Sparby
Bergstrom	Fjoslien	Long	Quist	Stadum
Berkelman	Forsythe	Ludeman	Redalen	Sviggum
Bishop	Frerichs	Mann	Reif	Thiede
Blatz	Graba	Marsh	Rice	Tomlinson
Brandl	Greenfield	McEachern	Rodosovich	Uphus
Brinkman	Gruenes	Metzen	Rodriguez, F.	Valan
Burger	Gustafson	Munger	Rose	Valento
Carlson, D.	Cutknecht	Murphy	St. Ongé	Voss
Carlson, L.	Haukoos	Nelson, K.	Sarna	Walman
Clark, J.	Heap	Neuenschwander	Schafer	Welch
Clark, K.	Himle	Norton	Scheid	Welker
Cohen	Jacobs	Ogren	Schoenfeld	Welle
Coleman	Jennings	Olsen	Schreiber	Wenzel
Dempsey	Johnson	Omann	Seaberg	Wigley
DenOuden	Kahn	Onnen	Segal	Wynia
Dimler	Kalis	Osthoff	Shaver	Zaffke
Eken	Kelly	Otis	Shea	Speaker Sieben

The bill was passed and its title agreed to.

H. F. No. 1081 was reported to the House.

Quinn moved that H. F. No. 1081 be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

H. F. No. 1107 was reported to the House.

There being no objection H. F. No. 1107 was continued one day.

H. F. No. 1108, A bill for an act relating to drainage; permitting certain towns to appeal from certain orders of county boards assessing damages or benefits in ditch proceedings.

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 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Bergstrom	Brinkman	Clark, K.	Dimler
Anderson, G.	Berkelman	Burger	Cohen	Eken
Battaglia	Bishop	Carlson, D.	Coleman	Elioff
Begich	Blatz	Carlson, L.	Dempsey	Ellingson
Bennett	Brandl	Clark, J.	DenOuden	Erickson

Evans	Kalis	Neuenschwander	Rodosovich	Sparby
Findlay	Kelly	Norton	Rodriguez, F.	Stadum
Fjoslien	Knuth	Ogren	Rose	Swiggum
Forsythe	Krueger	Olsen	St. Onge	Thiede
Frerichs	Kvam	Omann	Sarna	Tomlinson
Graba	Larsen	Onnen	Schafer	Uphus
Greenfield	Levi	Osthoff	Scheid	Valan
Gruenes	Long	Otis	Schoenfeld	Valento
Gustafson	Ludeman	Pauly	Schreiber	Voss
Gutknecht	Mann	Piepho	Seaberg	Waltman
Haukoos	Marsh	Piper	Segal	Welch
Heap	McEachern	Price	Shaver	Welker
Himle	Metzen	Quinn	Shea	Welle
Jacobs	Munger	Quist	Sherman	Wenzel
Jennings	Murphy	Redalen	Simoneau	Wigley
Johnson	Nelson, D.	Reif	Skoglund	Wynia
Kahn	Nelson, K.	Rice	Solberg	Zaffke
				Speaker Sieben

The bill was passed and its title agreed to.

H. F. No. 1111, A bill for an act relating to local government; regulating town levies in Crow Wing County; repealing Laws 1941, chapter 451.

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 1 nay as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Krueger	Piper	Skoglund
Anderson, C.	Erickson	Kvam	Price	Solberg
Battaglia	Evans	Larsen	Quinn	Sparby
Begich	Findlay	Levi	Quist	Stadum
Bennett	Fjoslien	Long	Redalen	Swiggum
Bergstrom	Forsythe	Mann	Reif	Thiede
Berkelman	Frerichs	Marsh	Rice	Tomlinson
Bishop	Graba	Metzen	Rodosovich	Uphus
Blatz	Greenfield	Munger	Rodriguez, F.	Valan
Brandl	Gruenes	Murphy	Rose	Valento
Brinkman	Gustafson	Nelson, D.	St. Onge	Vellenga
Burger	Gutknecht	Nelson, K.	Sarna	Voss
Carlson, D.	Haukoos	Neuenschwander	Schafer	Waltman
Carlson, L.	Heap	Norton	Scheid	Welch
Clark, J.	Himle	Ogren	Schoenfeld	Welker
Clark, K.	Jacobs	Olsen	Schreiber	Welle
Cohen	Jennings	Omann	Seaberg	Wenzel
Coleman	Johnson	Onnen	Segal	Wigley
Dempsey	Kahn	Osthoff	Shaver	Wynia
Dimler	Kalis	Otis	Shea	Zaffke
Eken	Kelly	Pauly	Sherman	Speaker Sieben
Elioff	Knuth	Piepho	Simoneau	

Those who voted in the negative were:

McEachern

The bill was passed and its title agreed to.

H. F. No. 1122 was reported to the House.

Valan moved to amend H. F. No. 1122, as follows:

Page 1, line 9, after the period insert *"The town may use the town hall as a polling place for all elections notwithstanding the requirements for the location of a polling place as provided in Minnesota Statutes, section 204B.16, subdivision 1."*

Further, amend the title as follows:

Page 1, line 3, after "conduct" insert "elections and"

The motion prevailed and the amendment was adopted.

H. F. No. 1122, A bill for an act relating to the town of Flowing; permitting the town to conduct town business in a nearby city.

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 108 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Krueger	Piper	Skoglund
Anderson, G.	Erickson	Kvam	Price	Solberg
Battaglia	Evans	Larsen	Quinn	Sparby
Begich	Findlay	Levi	Quist	Stadum
Bennett	Fjoslien	Long	Redalen	Sviggum
Bergstrom	Forsythe	Ludeman	Reif	Thiede
Berkelman	Frerichs	Mann	Rice	Tomlinson
Bishop	Graba	Marsh	Rodosovich	Uphus
Blatz	Greenfield	Metzen	Rodriguez, F.	Valan
Brandl	Gruenes	Munger	Rose	Valento
Brinkman	Gustafson	Murphy	St. Onge	Vellenga
Burger	Gutknecht	Nelson, D.	Sarna	Voss
Carlson, D.	Haukoos	Nelson, K.	Schafer	Waltman
Carlson, L.	Heap	Neuenschwander	Scheid	Welch
Clark, J.	Himle	Norton	Schoenfeld	Welker
Clark, K.	Jacobs	Ogren	Schreiber	Wenzel
Cohen	Jennings	Olsen	Seaberg	Wigley
Coleman	Johnson	Omamn	Segal	Wynia
Dempsey	Kahn	Onnen	Shaver	Zaffke
DenOuden	Kalis	Otis	Shea	Speaker Sieben
Dimler	Kelly	Pauly	Sherman	
Elioff	Knuth	Piepho	Simoneau	

Those who voted in the negative were:

Osthoff

The bill was passed, as amended, and its title agreed to.



H. F. No. 1147 was reported to the House.

There being no objection H. F. No. 1147 was continued one day.

### CALENDAR

H. F. No. 250, 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 1932, section 61A.03; proposing new law coded in Minnesota Statutes, chapter 72A.

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 35 nays as follows:

Those who voted in the affirmative were:

Bennett	Forsythe	Marsh	Quist	Swiggum
Bergstrom	Frerichs	Munger	Redalen	Thiede
Berkelman	Graba	Murphy	Reif	Tomlinson
Blatz	Gruenes	Nelson, D.	Rodosovich	Uphus
Brandl	Gutknecht	Neuenschwander	St. Onge	Valan
Brinkman	Heap	Norton	Schafer	Valento
Cohen	Himle	Olsen	Scheid	Voss
Dempsey	Jennings	Osthoff	Schreiber	Welker
DenOuden	Knuth	Otis	Seaberg	Welle
Dimler	Kvam	Pauly	Segal	Wenzel
Eken	Larsen	Piepho	Shaver	Wigley
Elioff	Levi	Piper	Sherman	Wynia
Erickson	Ludeman	Price	Sparby	Zaffke
Evans	Mann	Quinn	Stadum	

Those who voted in the negative were:

Anderson, B.	Clark, K.	Johnson	Metzen	Schoenfeld
Anderson, C.	Coleman	Kahn	Ogren	Shea
Battaglia	Ellingson	Kalis	Omann	Simoneau
Begich	Findlay	Kelly	Onnen	Skoglund
Bishop	Fjoslien	Krueger	Rice	Solberg
Burger	Greenfield	Long	Rose	Waltman
Clark, J.	Haukoos	McEachern	Sarna	Welch

The bill was passed and its title agreed to.

Rose was excused for the remainder of today's session.

H. F. No. 605 was reported to the House and given its third reading.

## UNANIMOUS CONSENT

Piepho requested unanimous consent to offer an amendment. The request was granted.

Piepho moved to amend H. F. No. 605, the first engrossment, as follows:

Page 2, delete lines 5 to 9 and insert:

*"A student shall be entitled to complete a program of two years or less in duration according to the requirements in effect at the point of admission to the program for a period of 12 months beyond the time required to complete that program. For programs more than two years in length, a student shall be entitled to complete the program according to the requirements of the program in effect at the point of admission for a period of 36 months beyond the time required to complete that program. The provisions of this section do not apply to programs terminated by an institution."*

The motion prevailed and the amendment was adopted.

H. F. No. 605, A bill for an act relating to education; requiring the higher education coordinating board to report its recommendations concerning credit transferability and institutional and program requirements; requiring reports to the legislature; providing that students shall be entitled to complete programs according to requirements as of the time the student began the program; amending Minnesota Statutes 1982, section 136A.042; proposing new law coded in Minnesota Statutes, chapter 136A.

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 2 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Clark, K.	Graba	Knuth	Nelson, K.
Anderson, G.	Cohen	Greenfield	Krueger	Neuenschwander
Battaglia	Coleman	Gruenes	Kvam	Norton
Begich	Dempsey	Gustafson	Larsen	Ogren
Bennett	DenOuden	Gutknecht	Levi	Olsen
Bergstrom	Eken	Haukoos	Long	Omann
Berkelman	Elioff	Heap	Ludeman	Onnen
Bishop	Ellingson	Himic	Mann	Osthoff
Blatz	Erickson	Jacobs	Marsh	Otis
Brandl	Evans	Jennings	McEachern	Pauly
Brinkman	Findlay	Johnson	Metzen	Piepho
Burger	Fjoslien	Kahn	Munger	Piper
Carlson, L.	Forsythe	Kalis	Murphy	Price
Clark, J.	Frerichs	Kelly	Nelson, D.	Quinn

Quist	Schafer	Sherman	Uphus	Wigley
Redalen	Scheid	Simoneau	Valan	Wynia
Reif	Schoenfeld	Skoglund	Valento	Zaffke
Rice	Schreiber	Solberg	Vellenga	Speaker Sieben
Rodosovich	Seaberg	Sparby	Voss	
Rodriguez, F.	Segal	Stadum	Waltman	
St. Onge	Shaver	Sviggum	Welle	
Sarna	Shea	Thiede	Wenzel	

Those who voted in the negative were:

Carlson, D.      Welker

The bill was passed, as amended, and its title agreed to.

H. F. No. 91 was reported to the House and given its third reading.

There being no objection H. F. No. 91 was continued one day.

H. F. No. 412, A bill for an act relating to education; requiring the development of proposals for new admission requirements in all public systems of higher education.

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 94 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Krueger	Osthoff	Shaver
Anderson, G.	Ellingson	Kvam	Otis	Shea
Battaglia	Evans	Larsen	Pauly	Simoneau
Begich	Fjoslien	Levi	Piepho	Skoglund
Bennett	Forsythe	Long	Piper	Solberg
Berkelman	Frerichs	Mann	Price	Sparby
Bishop	Graba	Marsh	Quinn	Sviggum
Blatz	Greenfield	McEachern	Quist	Thiede
Brandl	Gruenes	Metzen	Redalen	Valan
Brinkman	Gustafson	Munger	Reif	Vellenga
Burger	Haukoos	Murphy	Rice	Waltman
Carlson, D.	Heap	Nelson, D.	Rodosovich	Welch
Carlson, L.	Himle	Nelson, K.	Rodriguez, F.	Welle
Clark, J.	Jacobs	Neuenschwander	Sarna	Wenzel
Clark, K.	Johnson	Norton	Schafer	Wigley
Cohen	Kahn	Ogren	Schoenfeld	Wynia
Coleman	Kalis	Olsen	Schreiber	Zaffke
Dempsey	Kelly	Omann	Seaberg	Speaker Sieben
Eken	Knuth	Onnen	Segal	

Those who voted in the negative were:

DenOuden	Jennings	Scheid	Uphus	Welker
Erickson	Ludeman	Sherman	Voss	
Findlay	St. Onge	Stadum		

The bill was passed and its title agreed to.

H. F. No. 745 was reported to the House and given its third reading.

UNANIMOUS CONSENT

Berkelman requested unanimous consent to offer an amendment. The request was granted.

Berkelman moved to amend H. F. No. 745, the second engrossment, as follows:

Page 11, line 17, after the period insert "*An agency may re-submit at any time before the expiration of the 180-day period.*"

The motion prevailed and the amendment was adopted.

H. F. No. 745, A bill for an act relating to the administrative procedure act; requiring certain notices to be sent to the legislative commission to review administrative rules; clarifying the duties of the revisor of statutes with respect to approving the form of administrative rules; increasing the time period for adopting a rule when reviews by other agencies are necessary; establishing a deadline for agency action with respect to rules adopted without public hearing; clarifying other provisions of the act; amending Minnesota Statutes 1982, sections 14.07; 14.08; 14.12; 14.14, subdivision 1; 14.15, subdivisions 1, 3, and 4; 14.17; 14.18; 14.19; 14.21; 14.22; 14.26; 14.32; 14.47, subdivisions 1, 5 and 8; and 14.52.

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 107 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Coleman	Gutknecht	Mann	Pauly
Battaglia	Dempsey	Haukoos	Marsh	Piepho
Begich	DenOuden	Himle	McEachern	Piper
Bennett	Eken	Jacobs	Metzen	Price
Bergstrom	Elioff	Jennings	Munger	Quinn
Berkelman	Ellingson	Johnson	Murphy	Quist
Bishop	Erickson	Kahn	Nelson, D.	Redalen
Blatz	Evans	Kalis	Nelson, K.	Reif
Brandl	Findlay	Kelly	Neuenschwander	Rice
Brinkman	Fjoslien	Knuth	Norton	Rodosovich
Burger	Forsythe	Krueger	Ogren	Rodriguez, F.
Carlson, D.	Frerichs	Kvam	Olsen	St. Onge
Carlson, L.	Graba	Larsen	Omann	Sarna
Clark, J.	Greenfield	Levi	Onnen	Schafer
Clark, K.	Gruenes	Long	Osthoff	Scheid
Cohen	Gustafson	Ludeman	Otis	Schoenfeld

Schreiber	Skoglund	Tomlinson	Waltman	Wynia
Seaberg	Solberg	Uphus	Welch	Zaffke
Shaver	Sparby	Valan	Welker	Speaker Sieben
Shea	Stadum	Valento	Welle	
Sherman	Sviggum	Vellenga	Wenzel	
Simoneau	Thiede	Voss	Wigley	

The bill was passed, as amended, and its title agreed to.

### GENERAL ORDERS

Eken moved that the bills on General Orders for today be continued one day. The motion prevailed.

### MOTIONS AND RESOLUTIONS

Ellingson moved that the name of Olsen be added as an author on H. F. No. 315. The motion prevailed.

Reif moved that the name of Blatz be added as an author on H. F. No. 805. The motion prevailed.

Ogren moved that the name of Thiede be added as an author on H. F. No. 809. The motion prevailed.

Kelly moved that the name of Bishop be added as an author on H. F. No. 999. The motion prevailed.

Norton moved that the name of Clark, K., be added as an author on H. F. No. 1203. The motion prevailed.

Gruenes, Omann and Brinkman introduced:

House Resolution No. 9, A house resolution congratulating John Gagliardi for 30 years of successful football coaching, without the trappings of a machine program, at St. John's University.

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 18, 1983. 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 18, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives